CENTER TOWNSHIP
BEAVER COUNTY

ZONING ORDINANCE

Ordinance No. 5-2012

Adopted December 12, 2012

TOWNSHIP OF CENTER

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ZONING ORDINANCE
TOWNSHIP OF CENTER
BEAVER COUNTY, PENNSYLVANIA

ORDINANCE NO. 5-2012

AN ORDINANCE AMENDING AND REPLACING ORDINANCE NO. 1-2002, AS AMENDED, REGULATING THE LOCATION AND THE USE OF STRUCTURES AND LAND FOR RESIDENCES, BUSINESS, INDUSTRY AND OTHER PURPOSES; REGULATE THE HEIGHT OF STRUCTURES, THE PERCENTAGE OF LOT AREA COVERED THEREBY, THE SIZE OF LOTS, THE SIZE OF YARDS AND OTHER OPEN SPACES; SPECIFY STANDARDS AND CRITERIA FOR CONDITIONAL USES AND USES BY SPECIAL EXCEPTION; ESTABLISH REQUIREMENTS FOR OFF-STREET PARKING AND LOADING, SIGNAGE, LANDSCAPING AND OTHER LOT IMPROVEMENTS; ESTABLISH STANDARDS FOR PLANNED RESIDENTIAL DEVELOPMENTS; REGULATE NONCONFORMING USES, STRUCTURES AND LOTS; ESTABLISH PROVISIONS FOR THE ADMINISTRATION AND ENFORCEMENT OF THE ORDINANCE; PRESCRIBE POWERS AND DUTIES OF THE ZONING HEARING BOARD; ESTABLISH PROCEDURES FOR ORDINANCE AMENDMENTS; AND DEFINE TERMS USED IN THE ORDINANCE.

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

ARTICLE I

BASIC PROVISIONS

SECTION 100 TITLE

The official title of this Ordinance is: "Center Township Zoning Ordinance."

SECTION 101 REPEALER CLAUSE

This Ordinance hereby repeals and replaces Ordinance No. 1-2002, adopted March 4, 2002.

SECTION 102 EFFECTIVE DATE

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

SECTION 103 AUTHORITY

This Ordinance is adopted by virtue of the authority granted to the Township by the Commonwealth in the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1988 (P.S. 10101 et Seq., as may be amended from time to time).

SECTION 104 INTERPRETATION

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

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

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

SECTION 105 COMMUNITY DEVELOPMENT OBJECTIVES

Community Development Objectives are set forth in the 2010 Center Township Comprehensive Plan Update adopted by the Board of Supervisors on November 21, 2011. In addition to the specific objectives stated in the 2010 Comprehensive Plan Update, the general Community Development Objectives on which this Ordinance is based are:

A. To promote and protect the public health, safety and welfare of the residents of the Township and of the public, generally;

B. To encourage and facilitate orderly community growth and development;

C. To protect the character and maintain the stability of the residential, commercial and industrial areas within the Township;

D. To provide adequate light, air, amenities and access to properties;

E. To guide development in order to provide adequate and economical community facilities and utilities;

F. To divide the Township into various Zoning Districts restricting and regulating therein the location, construction, alteration and use of buildings, structures and land;

G. To prevent the incompatible development or use of land and to prevent blighting conditions and hazards in travel and transportation;

H. To conserve and stabilize property values through encouragement of the most appropriate use of land in relation to adjacent land uses;

I. To promote conservation of the environment and other natural and historic features; and

J. To implement the 2010 Center Township Comprehensive Plan Update.

SECTION 106 COMPLIANCE

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

SECTION 107 SEVERABILITY

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

ARTICLE II

DEFINITIONS

SECTION 200 GENERAL RULES OF INTERPRETATION

All words used in this Ordinance shall carry their customary meanings except where specifically defined herein. Words used in the present tense shall include the future. The singular number shall include the plural, and the plural the singular. The word "shall" is always mandatory and not permissive; the word "may" is permissive. The words "used" or "occupied" as applied to any land or structures, shall be construed to include the words "intended, arranged, designed to be used or occupied." The word "person" shall include an individual, corporation, partnership, incorporated association or any other legally authorized entity. Words in the masculine gender shall include the feminine gender.

SECTION 201 SPECIFIC MEANING

The following words and phrases shall have the particular meaning specified for the purpose of this Ordinance.

ACCESS: See DIRECT VEHICULAR ACCESS.

ACCESSORY BUILDING: A building which is on the same lot with, but detached from, the principal building and which is customarily incidental and subordinate to the principal building, including, but not limited to: private garages, storage sheds and the like.

ACCESSORY STORAGE BUILDING: An accessory structure on a residential lot used for the storage of personal property owned by the residents of the dwelling to which it is accessory or an accessory structure on a lot devoted to a nonresidential use that is used for the storage of vehicles, equipment, materials or other property that is directly related to and is used in the conduct of the principal use of the property.

ACCESSORY USE OR STRUCTURE: A use or structure, located on the same lot with the principal use or structure, that is subordinate and incidental to the principal structure or use of the property and which may occupy a separate structure and/or area on or in the ground.

ADULT ARCADE: Any place where the public is permitted or invited wherein coin-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 displayed depict nudity or sexual conduct, as defined herein.

ADULT BOOKSTORE STORE: An establishment having more than five percent (5%) of the inventory offered for sale or rental to the public, including, but not limited to: video cassettes, movies, books, magazines, periodicals or other electronic media which is distinguished or characterized by its emphasis on matters depicting, describing or relating to nudity or sexual conduct, as defined herein, or an establishment with a segment or section devoted to the sale or display of such material. (See also ADULT VIDEO STORE.)

ADULT BUSINESS: Any of the following uses, as defined herein: adult arcade, adult bookstore or video store, adult novelty store, adult live theater, adult massage parlor, adult mini-motion picture theater, adult motion picture theater, adult motel, adult newsrack, adult nightclub, bathhouse, body painting studio, escort service, nude model studio or sexual encounter or meditation center, and any other use of a premises, not specifically defined herein, that includes or primarily offers to its patrons or members retail goods, commercial services or entertainment that is characterized by an emphasis on matter or activities depicting, describing or relating to nudity or sexual conduct, as defined herein.

ADULT ENTERTAINMENT: Movies, videos, still or motion pictures, photographs, slides, films or other visual representation, books, magazines or other printed material or live dramatic, musical or dance performances that are sexually explicit or depict nudity or sexual conduct, as defined herein.

ADULT LIVE THEATER: Any commercial establishment, including, but not limited to, a tavern, banquet hall, party room, conference center, restaurant, nightclub, auditorium, club, recreation center, indoor entertainment center or other commercial establishment, which features, on a regular basis, live shows for public viewing in which all or some of the performers are displaying nudity or engaging in sexual conduct, as defined herein.

ADULT MINI-MOTION PICTURE THEATER: A completely enclosed building, as defined herein, with a capacity for accommodating fewer than fifty (50) persons, used for presenting reproduced, reproducible or downloadable recordings of sound, images (still or motion) utilizing mechanical, chemical or electronic media which material is distinguished or characterized by an emphasis on matter depicting, describing or relating to nudity or sexual conduct, as defined herein.

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

ADULT MOTION PICTURE THEATER: A completely enclosed building, as defined herein, with a capacity for accommodating fifty (50) or more persons used for presenting on a regular, continuing basis, reproduced, reproducible or downloadable recordings of sound, images (still or motion) utilizing mechanical, chemical or electronic media which

material distinguished or characterized by an emphasis on matter depicting, describing or relating to nudity or sexual conduct, as defined herein, for observation by patrons therein.

ADULT NEWSRACK: Any coin-operated machine or device that dispenses printed material substantially devoted to the depiction of nudity or sexual conduct, as defined herein.

ADULT NIGHTCLUB: Any nightclub, as defined herein, that offers adult entertainment, as defined herein.

ADULT NOVELTY STORE: Any commercial establishment offering one (1) or more of the following items for sale to the general public: apparel, accessories and performance aids used to enhance or participate in sexual conduct.

ADULT THEATER, LIVE: See ADULT LIVE THEATER

ADULT VIDEO STORE: Any commercial establishment where more than five percent (5%) of the inventory offered for sale or rental to the public consists of films, tapes, DVDs or other electronic media that depict nudity or sexual conduct, as defined herein.

AGRICULTURE: Any use of land or structures for farming, dairying, pasturage, agronomy, horticulture, floriculture, arboriculture, or animal or poultry husbandry. Accessory uses permitted in conjunction with an agricultural use may include barns, stables, corn cribs, silos and any other use or structure that is clearly related to an agricultural operation.

AIR AMBULANCE: A rotorcraft licensed by the Pennsylvania Department of Health for use as an Emergency Medical Service (EMS) vehicle.

ALTERATION, STRUCTURE: See Structural Alteration

AMBULATORY SURGICAL FACILITY: A facility licensed by the Commonwealth, which provides outpatient surgical treatment and is not located on the premises of a hospital, but not including the office of an individual or group practice physician or dentist, unless the office has a distinct part used solely for outpatient surgical treatment on a regular and organized basis.

ANCILLARY COMMERCIAL USE: Commercial establishments located within a Planned Residential Development (PRD) whose only purpose is to supply services and/or products to the residents of the immediate developed area.

ANIMAL SHELTER: Any premises operated by a non-profit organization used for the care and protection of homeless domestic pets, whether on a permanent basis or

temporarily until the animals can be relocated or euthanized which may include indoor kennel facilities, an outdoor exercise area and a veterinary clinic.

APPLICANT: A landowner or developer who has filed an application for development, including his heirs, successors and assigns, as the case may be.

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

AREA, LOT: See LOT AREA.

ART STUDIO: See STUDIO, ART, MUSIC OR PHOTOGRAPHY.

ARTERIAL STREET: See STREET, ARTERIAL.

ASSISTED LIVING FACILITY: A residential building or group of buildings licensed by the Commonwealth and designed to provide multifamily dwelling units for elderly or physically or mentally disabled persons who are independently mobile and are not in need of the level of service provided by a personal care boarding home, but that provides on-site supervision and assistance available to the residents on an occasional, "as-needed" basis, and where at least one (1) meal each day is provided in a common dining area and that includes certain design features associated with the needs of the elderly that are not customary in the construction of conventional dwelling units, such as emergency call systems, handicapped facilities, common dining facilities, common laundry facilities, minimal housekeeping services, common leisure and recreational facilities, transportation services and similar supporting services for the convenience of the residents.

BAKERY, RETAIL: A retail establishment that sells baked goods, including the baking of goods when prepared for retail sales on the premises only and not for distribution to another retail outlet.

BAKERY, COMMERCIAL: A retail or wholesale establishment which sells baked goods to businesses and which may sell to the general public and which involves on-site processing of baked goods, either for sale on the premises and/or for delivery to other retail or wholesale outlets.

BASEMENT: A story which has more than fifty percent (50%) of its floor to ceiling height below finished grade.

BATH HOUSE: An establishment that provides baths of all kinds, including methods of hydrotherapy involving nudity or sexual conduct, as defined herein, but not including hydrotherapy treatment practiced by or under the supervision of a medical practitioner,

such as a medical doctor, physician, chiropractor, physical therapist or similar professional licensed by the Commonwealth of Pennsylvania.

BED AND BREAKFAST: A single family dwelling where sleeping rooms are offered to transient overnight guests for compensation and where the only meal included with the overnight accommodations is breakfast.

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

BIRTH CENTER: A facility licensed by the Commonwealth which is not part of a hospital and which provides a home-like atmosphere for maternity care, including prenatal labor, delivery and post-partum care to childbearing families for medically uncomplicated pregnancies not requiring hospitalization.

BLOOD BANK: An establishment operated wholly, or in part, for the purpose of obtaining, collecting, storing, processing, preparing for transfusing or selling human blood or parts or fractions of single blood units or products derived from single blood units, including pools of such single units, whether such procedures are done for direct therapeutic use or for storage for future therapeutic or diagnostic use of such products and where such establishment is operated on a charitable, commercial or non-profit basis.

BOARD: The Zoning Hearing Board established by this Ordinance.

BOARD OF SUPERVISORS: The Board of Supervisors of the Township of Center, Beaver County, Pennsylvania.

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

BODY PAINTING STUDIO: Any establishment that provides the service of applying paint, or other substance, whether transparent or nontransparent, and whether permanent or non-permanent, to or on the human body in a state of nudity, as defined herein, but not including a tattoo parlor.

BUFFERYARD: A landscaped area of a certain depth specified by this Ordinance which shall be planted and maintained in trees, grass, ground cover, shrubs, bushes or other natural landscaping material or an existing natural or constructed natural barrier which duplicates the effect of the required Bufferyard.

BUILDING: A roofed structure, whether or not enclosed by walls, to be used for shelter, enclosure or protection of persons, goods, materials, vehicles, equipment or animals.

BUILDING FOOTPRINT: The area of the lot, expressed in square feet, which is covered by the ground floor of a building, measured between exterior faces of walls. If the floor area of an upper floor exceeds the ground floor by more than ten percent (10%), the upper floor shall be used to determine the building footprint.

BUILDING, FRONT LINE OF: The line of that face of the building nearest the front line of the lot. This face includes sun parlors, covered porches and covered patios, whether enclosed or unenclosed, but does not include steps.

BUILDING HEIGHT: The vertical distance from the average elevation at finished grade level at the front line of the building to the highest point of the roof.

BUILDING INSPECTOR: The person or agency appointed by the Board of Supervisors to administer and enforce the Uniform Construction Code in the Township.

BUILDING PERMIT: A permit issued by the Township Building Inspector pursuant to the authority granted by and in conformance with the requirements of the Uniform Construction Code (UCC).

BUILDING SETBACK LINE: A line parallel to, or concentric with the front lot line, the measurement of which is the front yard depth.

BUILDING, PRINCIPAL: See Principal Building

BULK: The size of buildings or other structures and their relationship to each other, to open areas such as yards and to lot lines, including the size, height and floor area of buildings or other structures; the relation of the number of dwelling units in a residential building to the area of the lot (usually called density); and, all open areas in yard space relating to buildings and other structures.

BUSINESS ESTABLISHMENT: Any premises operated for profit by a single legal entity for an authorized use separate and independent from any other authorized use operated by that legal entity or any other legal entity.

BUSINESS OFFICE: See OFFICES, BUSINESS.

BUSINESS OR PROFESSIONAL OFFICES: See OFFICES, BUSINESS; OFFICES, MEDICAL; and OFFICES, PROFESSIONAL.

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

CANDY OR ICE CREAM STORE: See STORE, CANDY OR ICE CREAM.

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

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

CATERING SERVICE: A business that provides the preparation and serving of food for businesses, groups or individuals for special occasions, usually delivered for consumption off the premises, but which may include a rental hall, if specifically authorized by this Ordinance in the list of authorized uses.

CEMETERY: Property used for interring of dead persons or domestic pets, including mausoleums, columbariums, a crematorium and a funeral home when operated in conjunction with and within the boundaries of the cemetery.

CENTERLINE OF A STREET: A line that is usually at an equal distance from both edges of the cartway or established right-of-way.

CHURCH: A building, other than a dwelling, used primarily as a place of worship for a religious denomination, which may also include as accessory uses, rooms for religious education, social and recreational activities and administrative offices.

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

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

CLINIC, VETERINARY: An establishment where animals are examined and treated by veterinarians and which may include kennels for temporary boarding of animals during treatment.

COIN-OPERATED LAUNDRY: A retail business equipped with a number of individual clothes washing machines, clothes dryers and that may include individual dry cleaning machines for use by the general public, excluding laundry facilities provided as an accessory use in a multifamily residential building.

COLLECTION AND RECYCLING FACILITY: A center for the acceptance and processing of recyclable materials from the public. Recyclable materials shall be limited to glass containers, plastic containers, aluminum beverage cans, steel/bi-metal

containers, newsprint, high grade office paper, corrugated paper and household hazardous waste, excluding petroleum products and paint. Processing of recyclable materials shall be limited to: crushing, baling, chipping, shredding or other operations which physically reduce the mass of the materials, but which do not alter their composition in any way.

COLLECTION AND RECYCLING FACILITY, MINOR: A collection and recycling facility, as defined herein, accessible to the general public which occupies an area of not more than five hundred (500) square feet and which may include one (1) or more of the following:

a. a mobile recycling unit, including an automobile, truck, trailer or van licensed by the Pennsylvania Department of Transportation and the bins, boxes or containers transported by such automobiles, trucks, trailers or vans used for collection of recyclable materials;

b. one (1) or more bulk reverse vending machines for the deposit of empty recyclable beverage containers which issues a cash refund or credit slip;

c. one (1) or more unattended containers placed for the donation of recyclable materials; and/or

d. any part of a permanent structure not exceeding five hundred (500) square feet which is devoted to the collection of recyclable materials in small quantities from the general public.

COLLECTOR STREET: See STREET, COLLECTOR.

COMMERCIAL GREENHOUSE: See GREENHOUSE, COMMERCIAL.

COMMERCIAL SCHOOL: See SCHOOL, COMMERCIAL.

COMMERCIAL RECREATION: See RECREATION, COMMERCIAL.

COMMERCIAL VEHICLE: See COMMERCIAL VEHICLE, LARGE and COMMERCIAL VEHICLE, SMALL.

COMMERCIAL VEHICLE, LARGE: Any motorized or non-motorized vehicle having more than two (2) axles; any vehicle having a manufacturer's gross vehicle weight rating (GVWR) of twenty-six thousand (26,000) pounds or more, excluding recreational vehicles, as defined herein; any vehicle designed to transport eleven (11) or more persons, including the driver; and any vehicle placarded under PennDOT regulations for transporting hazardous materials.

COMMERCIAL VEHICLE, SMALL: Any motorized or non-motorized vehicle having only two (2) axles and having a manufacturer's gross vehicle weight rating (GVWR) of less than 26,000 pounds, excluding recreational vehicles, as defined herein; or any vehicle designed to transport fewer than eleven (11) persons, including the driver, provided those vehicles either: (1) bear commercial advertising or (2) are used by it's owner, lessee or authorized employee primarily in the conduct of his or her gainful employment.

COMMON OPEN SPACE: A lot or portion thereof or body of water or a combination thereof within a development site for the use and enjoyment of the residents of a Planned Residential Development (PRD), not including streets, off-street parking areas and areas set aside for facilities for the general public.

COMMONWEALTH: The Commonwealth of Pennsylvania

COMMUNICATION ANTENNA: Any structure, licensed by the Federal Communications Commission (FCC), designed for transmitting or receiving wireless communications of video, voice, data and similar transmissions, including, but not limited to: omni-directional or whip antennas, directional or panel antennas and satellite or microwave dish antennas, except for transmitting and receiving devices maintained exclusively by private citizens for personal use only, including, but not limited to: amateur radio stations, citizen band base stations and satellite dish antennas for television reception.

COMMUNICATION EQUIPMENT BUILDING: A manned or unmanned structure which contains the equipment necessary to maintain and operate communications antennas which covers an area of more than two hundred (200) square feet.

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

COMMUNICATION TOWER: Any structure, whether freestanding or attached to a building, including monopole, self-supporting and guyed towers which provides one (1) or more of the following types of mounts for communications antennas: rotatable platform, multi-point or side-arm mounts or pipe mounts for microwave dish antennas.

COMPARABLE USES NOT SPECIFICALLY LISTED: A use which is not specifically listed in a particular zoning district, but which is determined by the Zoning Hearing Board in accordance with the express standards and criteria set forth in Article XVII of this Ordinance to be similar in characteristics and impacts to another use which is specifically listed in the same Zoning District as a permitted use, conditional use or use by special exception.

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

COMPREHENSIVE PLAN: The Comprehensive Plan of the Township of Center which guides the physical development of the Township and which consists of maps, charts and textual matter in accordance with the provisions of the Pennsylvania Municipalities Planning Code (MPC).

CONDITIONAL USE: An authorized use which may be granted only by the Board of Supervisors pursuant to express standards and criteria prescribed in Article XVII of this Ordinance, after review and recommendation by the Township Planning Commission and public hearing by the Board of Supervisors.

CONFERENCE OR TRAINING CENTER: A facility used for corporate or professional meetings, seminars and/or employee training, and which may include supporting dining and lodging facilities and related recreational facilities as accessory uses.

CONSTRUCTION EQUIPMENT: Back hoes, high lifts, graders, bull dozers, loaders, excavators, pavers, compressors, generators, utility vehicles, tractors (not including those used solely for agricultural purposes), skid steers, trenchers, chipper shredders, stump grinders and similar equipment used in site preparation, landscaping, road construction and similar activities.

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

CONTRACTING BUSINESS: The administrative offices of a business, other than a landscaping contractor, that provides construction, remodeling, home improvement, land development and related services on a contractual basis and that may include the storage of materials, equipment and vehicles, provided all materials, equipment and vehicles are stored within a completely enclosed building, as defined herein. (This definition excludes LANDSCAPING CONTRACTOR which is separately defined and regulated.)

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

CONVENIENCE STORE: See STORE, CONVENIENCE.

CONVERSION APARTMENT: A dwelling unit created within an existing single family dwelling in accordance with all applicable requirements of this Ordinance.

CORNER LOT: See LOT, CORNER.

CORRECTIONAL FACILITY: Any governmental, whether Federal, State, County or local; quasi-governmental; or private institution or facility organized and designed to confine, house, hold or otherwise engaged in the act of confining, housing or holding inmates accused or convicted of criminal activity assigned and/or committed by any Court and who are housed, held or confined in lawful custody, including, but not limited to, the detention, treatment, rehabilitation or execution of offenders through a program involving penal custody, parole and probation.

COUNTY: County of Beaver, Pennsylvania

CREMATORIUM: An establishment having the license required by the Commonwealth to perform cremation, whether as a principal use or accessory use, that has a furnace to reduce deceased human remains or remains of deceased domestic pets to ashes by burning.

CUT-OFF ANGLE: The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source, above which no light is emitted. (See Appendix B.)

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

DAY SPA: A business establishment which provides one (1) or more of the following services to customers who do not stay overnight on the premises: massage therapy, facials, body wraps, tanning, steam or sauna baths, herbal treatments, hair styling, manicure, pedicure, nutritional counseling, Yoga, exercise, aromatherapy and reflexology and relaxation therapy.

DELICATESSEN: A retail establishment, other than a restaurant, that sells ready-to-eat food products such as cooked meats, sandwiches and prepared salads, primarily for consumption off the premises, but which may provide a few tables or a counter for on-premises consumption as an accessory use and that may include off-premises catering.

DEVELOPER: Any landowner or agent of such landowner who makes or causes to be made an application for development.

DEVELOPMENT PLAN: A graphic and written presentation of a Planned Residential Development (PRD), including a plat of subdivision and all provisions relating to use,

location and bulk of buildings and other structures, intensity of use or density of development, streets, parking facilities, common open space and public facilities.

DIRECT VEHICULAR ACCESS: A curb cut onto a public street right-of-way or a private driveway on a development site that connects directly with a public street right-of-way. In the case of the requirement for direct vehicular access to an arterial or collector street, the point of access shall be a curb cut onto or driveway intersection with the arterial or collector street without traversing any existing local public street right-of-way.

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

DOMESTIC PETS: Animals, fish or birds customarily found in a dwelling and kept for company or pleasure, including dogs and cats, provided that there is not a sufficient number to constitute a kennel, as defined herein, hamsters, rabbits, gerbils, parakeets, canaries and similar small animals or birds. This definition shall not include any exotic animals, including, but not limited to: llamas, lions, tigers, bears, ocelots or other feral cats, large, venomous or constricting snakes, alligators, monkeys; nor any animals normally found in a zoo; nor any horses, pigs (excluding Vietnamese pot-bellied pigs) or other fowl or livestock customarily found on a farm.

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

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

DRUGSTORE: A retail establishment with a gross floor area in excess of 10,000 square feet licensed by the Commonwealth which sells prescription drugs, patent medicines, surgical and sickroom supplies and which also may sell cosmetics, household goods and a limited selection of food products.

DRY CLEANING OR LAUNDRY PICK-UP STORE: A retail store where customers drop off and pick up clothing and household items for dry cleaning or laundering that does not involve any dry cleaning on the premises, but that may include tailoring or pressing on the premises.

DRY CLEANING, ON-SITE: A business establishment where dry cleaning is performed on the premises and where items are either dropped off and picked up by customers or are picked up and delivered to customers' homes or businesses or to a dry cleaning or laundry pick-up store.

DWELLING: Any building designed or used as permanent living quarters for one (1) or more families, but not including hotels, motels or boarding houses.

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

A. **SINGLE FAMILY DWELLING:** A residential building containing one (1) dwelling unit and which is the only principal building on the lot.

B. **TWO FAMILY DWELLING:** A residential building containing two (2) independent dwelling units, each having a separate entrance.

C. **MULTIFAMILY DWELLING:** A residential building or portion thereof containing three (3) or more dwelling units, including triplexes, fourplexes, garden apartments, mid-rise apartments, high-rise apartments and townhouses.

D. **GARDEN APARTMENT:** A multifamily residential building no more than three (3) stories in height containing five (5) or more dwelling units which share a common entrance to the outside, usually through a common corridor, and which dwelling units may have other dwelling units either above or below them.

E. **MID-RISE APARTMENT:** A multi-family residential building containing four (4) or five (5) stories.

F. **HIGH-RISE APARTMENT:** A multifamily residential building containing six (6) or more stories.

G. **TOWNHOUSE:** A multifamily residential building no more than two and one-half (2½) stories in height which contains at least three (3), but no more than six (6) dwelling units, each of which are separated from the adjoining unit or units by a continuous, unpierced vertical wall extending from the basement to the roof, each unit having independent access directly to the outside and having no other units above or below.

H. **TRIPLEX:** A multifamily residential building containing three (3) attached dwelling units in one (1) structure in which each unit has at least two (2) walls exposed to the outside and each unit shares one (1) or two (2) common walls or floors/ceilings with an adjoining unit or units and which units may be above or below each other or side by side.

I. **FOURPLEX:** A multifamily residential building containing four (4) attached dwelling units in one (1) structure in which each unit has at least two (2) walls

exposed to the outside and each unit shares one (1) or two (2) common walls or floors/ceilings with an adjoining unit or units and which units may be above or below each other or side by side.

DWELLING UNIT: One (1) or more rooms which are used as living quarters for one (1) family and which have permanent facilities for sleeping, cooking and eating, as well as sanitary facilities.

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

EATING AND DRINKING ESTABLISHMENTS: An establishment whose principal business is the sale of foods, desserts or beverages to customers in a ready-to-eat state, including, but not limited to: restaurants (conventional or fast food), bars, and nightclubs.

EDUCATIONAL STUDIO: A business establishment that provides training to individuals or groups in specialized recreational activities or avocations, including, but not limited to: dance, gymnastics, martial arts, photography, music, arts and crafts and similar pursuits.

EMPLOYEE CAFETERIA/DINING ROOM: An eating establishment located within a business establishment which is restricted to employees of the business establishment and their invited guests.

EQUIPMENT STORAGE YARD: An area of land devoted to the storage, whether temporary or permanent, of construction equipment, farm equipment or other heavy equipment or vehicles in excess of 26,000 pounds gross vehicle weight (GVW).

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 or similar performance for another person.

ESCORT AGENCY: A person or business association who furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.

ESCORT SERVICE: A business that provides a service by appointment or upon request where individuals leave one premises and go to another premises for a specified period of time for the purpose of engaging in nudity or sexual conduct, as defined herein.

ESSENTIAL SERVICES: The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, including poles, boxes, police call boxes, traffic signals, hydrants, street signs, and other similar

equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings or treatment facilities.

FAMILY: An individual, or two (2) or more persons related by blood, marriage, adoption or foster child care, including domestic servants or gratuitous guests, thereof; or a group of not more than three (3) unrelated persons living together without supervision in a dwelling unit, or not more than eight (8) persons living together in a group living arrangement with supervision, provided that the group living arrangement meets all of the following criteria:

A. It provides non-routing support services, including supervision, personal care, social or counseling services, and transportation, to persons who need such assistance in order to use and enjoy a dwelling or to avoid being placed within an institution, because of physical disability, old age, mental retardation, or other "handicap" or "disability" as defined by the Fair Housing Amendments Act or the Americans with Disabilities Act;

B. It provides for the joint occupancy of a dwelling unit where the residents maintain a common household and practice, on a permanent or long-term basis, a joint economic, social and cultural life;

C. It does not involve the housing of persons on a transient basis;

D. It does not involve the housing or treatment of persons accepted for residence in the group living arrangement on the basis of their status as criminal offenders, juvenile offenders or delinquents, or who would otherwise qualify for residence by virtue of having been found by any governmental tribunal, court or agency to be a danger to society or are on release or under the jurisdiction of the criminal justice system, a government bureau of corrections or similar institution.

Family shall not include persons living together in a Group Care Facility, Personal Care Boarding Home or Transitional Dwelling, as defined herein, or any other supervised group living arrangement for persons not protected by the Fair Housing Act or for any persons who constitute a direct threat to others or their physical property.

FAMILY DAY CARE HOME: A facility, licensed or registered by the Commonwealth of Pennsylvania, located within a dwelling, in which out-of-home care is provided, at any one time, for part of a 24-hour day to four, five or six children who are not related to the operator and who are 15 years of age or younger. Such use shall be secondary to the use of the dwelling for living purposes and persons who do not reside in the dwelling shall not be employed by the facility.

FARM: Any lot or group of contiguous lots under single ownership containing at least ten (10) acres which is used for agriculture, as defined by this Ordinance.

FENCE: An artificially constructed barrier of wood, masonry, stone, wire, metal or any other manufactured or natural material or combination of materials erected for the enclosure of land and/or dividing one area of land from another. This definition shall not include agricultural fences erected for the purpose of enclosing livestock in areas properly used for agricultural purposes, nor shall it include retaining walls that are designed and approved in accordance with the Township Grading Ordinance.

FINAL APPROVAL: The ultimate approval of a Planned Residential Development (PRD) granted by the Board of Supervisors which follows Tentative Approval and filing of an application for Final Approval, all granted in accordance with Article XVI of this Ordinance.

FINANCIAL INSTITUTIONS: Federally or State depository institutions, including, but not limited to: banks, savings and loan associations, credit unions, check cashing facilities, mortgage brokers, investment brokers and similar institutions that lend money or are engaged in a finance-related business.

FINISHED GRADE: The elevation of the surface of the ground on a lot after grading and/or construction is complete.

FIRE AND EMERGENCY MEDICAL SERVICES: Facilities owned and operated by a public agency or nonprofit corporation used for the storage of fire trucks, fire-fighting equipment, ambulances and other emergency medical equipment and for the training of firefighters, paramedics and other medical rescue personnel and that may or may not include offices, meeting rooms, exercise rooms, sleeping quarters for the employees and volunteers, kitchen facilities and a social hall.

FITNESS CENTER: See HEALTH CLUB; FITNESS CENTER.

FLEX SPACE: Any building that is designed to accommodate a combination of office and warehousing or office and manufacturing or assembly.

FLOOD PLAIN: Areas adjoining any rivers, streams, ponds or lakes subject to the 100-year-recurrence-interval flood as delineated by the U.S. Army Corps of Engineers or subject to erosion caused by a 100-year-recurrence-interval flood, as well as any areas identified in the future by anyone else expert and experienced in the preparation of hydrological studies and the determination of flood lines subject to the review and approval of a professional engineer selected by the Township.

FLOOR AREA, GROSS: The sum of the horizontal areas of the several floors of a principal building or buildings on the same lot. All dimensions shall be measured between exterior faces of walls.

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

FOOD STORE: See STORE, FOOD.

FORESTRY: The management of forests and timberlands when practiced in accordance with accepted silviculture principals, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes that does not involve any land development.

FOURPLEX: See "I" under DWELLING TYPE.

FREIGHT TERMINAL: A building and adjacent loading area where cargo is stored and where commercial vehicles load and unload cargo on a regular basis which may or may not include facilities for maintenance, fueling, storage, or dispatching of the vehicles.

FRONT LINE OF BUILDING: See BUILDING, FRONT LINE OF.

FRONT LOT LINE: See LOT LINE, FRONT.

FRONT WALL OF THE BUILDING: That building wall that is most nearly parallel to the front lot line, or if the building is not located on a separate lot, that building wall that faces the building's main vehicular entrance from the interior circulation system. In the case of a corner lot, the front wall of the building shall be the wall that faces the front lot line that adjoins the street that is the building's mailing address.

FRONT WALL OF BUILDING, SURFACE AREA OF: The number of square feet calculated by multiplying the number of lineal feet of the length of the front wall of the building by the building height.

FRONT YARD: See YARD, FRONT.

FUNERAL HOME: A building used for the embalming of deceased human beings for burial, but not including cremation, and for the display of the deceased and ceremonies connected therewith before burial or cremation.

GARAGE, PRIVATE: An accessory building for the storage of motor vehicles owned and used by the owners or tenants of the lot for a purpose accessory to the principal use of the lot and, in the case of a principal use which is a single family or two family dwelling, shall be designed to store no more than three (3) motor vehicles per dwelling unit.

GARAGE, PUBLIC PARKING: A parking area that is located in a building or parking structure that is the principal use on the lot and that may be operated by either a public agency or private entity, whether for profit or not, and that is available for use by the general public, usually for a fee.

GARDEN APARTMENT: See "D" under DWELLING TYPES.

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

GENERAL MERCHANDISE STORE: See STORE, GENERAL MERCHANDISE.

GOLF COURSE; GOLF OR COUNTRY CLUB: A recreational facility operated by a public or private entity that has as its principal use, a course, with a minimum of nine (9) regulation size holes for playing golf and that may include one (1) or more of the following accessory uses: a clubhouse and/or restaurant, locker rooms, pro shop, swimming pool, facilities for racquet sports and maintenance facilities.

GREENHOUSE: Structures in excess of two hundred (200) square feet used for the growing of flowers, plants, shrubs, trees and other natural flora for the personal use and enjoyment of the owners not involving the sale of any product on the premises, but which may involve the sale of products grown in the greenhouse off the premises.

GROCERY STORE: See STORE, GROCERY.

GROSS FLOOR AREA: See FLOOR AREA, GROSS.

GROUP CARE FACILITY: Any supervised long-term group living arrangement licensed by the Commonwealth for any of the following:

A. Persons who do not meet the definition of mentally or physically handicapped provided in the Fair Housing Amendments Act or the Americans with Disabilities Act, excluding those regulated by the definition of TRANSITIONAL DWELLING;

B. More than eight (8) persons who do meet the definition of mentally or physically handicapped provided in the Fair Housing Amendments Act or the Americans with Disabilities Act or any number of such persons living in an institutional setting and not maintaining a common household;

C. Any number of persons who, whether handicapped or not, are criminal offenders, juvenile offenders or delinquents or who have been found by any governmental tribunal, court or agency to be a danger to society or who are under the jurisdiction of the criminal justice system, a governmental bureau of corrections or similar agency or institution.

HARDWARE STORE: See STORE, HARDWARE.

HAZARDOUS WASTE: Any substance which is classified and regulated as hazardous waste by the Pennsylvania Department of Environmental Protection (PA DEP) or the U.S. Environmental Protection Agency (EPA) or any successor agency mandated by Federal Law or the laws of the Commonwealth to regulate hazardous waste.

HAZARDOUS WASTE HANDLING: The disposal, removal, transportation or storage of hazardous waste, as defined herein.

HEALTH CLUB; FITNESS CENTER: A commercial recreational enterprise or private club that has as a principal use a gymnasium, swimming pool or other sports facility and that may offer massages, whirlpool baths, steam rooms, saunas and/or medical facilities as accessory uses to the principal use, excluding any activities that are defined herein as an adult business.

HEAVY MANUFACTURING: See MANUFACTURING, HEAVY.

HEIGHT OF SIGN: The vertical distance measured from the average elevation of the finished grade around the sign to the highest point on the sign and its supporting structure, including the foundation of the sign, if it is elevated above the ground level.

HEIGHT OF STRUCTURE: For structures other than buildings or signs, the vertical distance measured from the average elevation of the finished grade around the structure to the highest point on the structure.

HELIPAD: See PRIVATE USE HELIPAD.

HIGH-RISE APARTMENT: See "F" under DWELLING TYPES.

HIGH TECHNOLOGY INDUSTRIES: The assembly of component parts or the production of finished products, including computer and electronic components and accessories; electrical parts, accessories and equipment; laboratory apparatus; robotics; optical instruments; precision instruments; surgical, medical and dental instruments and supplies; timers and timepieces; search, detection and navigational equipment; musical instruments and photographic equipment and accessories, but excluding any process that involves toxic or highly volatile substances.

HOBBY FARM: A lot with a minimum area of five (5) acres where agricultural activities are conducted by the residents thereof, but where such activities are not the principal source of employment or income.

HOME-BASED BUSINESS, NO IMPACT: A business or commercial activity administered or conducted as an accessory use that is clearly secondary to the use of a dwelling for residential purposes and that involves no customer, client or patient traffic,

whether vehicular or pedestrian, and no pick-up, delivery or removal functions to or from the premises in excess of those normally associated with residential use.

HOME FURNISHING STORE: See STORE, HOME FURNISHING.

HOME GARDENING: The cultivation of produce, fruits or flowers as an avocation accessory to a dwelling, other than on a hobby farm.

HOME HEALTH CARE AGENCY: An organization or part thereof staffed and equipped to provide skilled nursing and at least one (1) therapeutic service, such as physical therapy, occupational therapy, speech pathology, medical social services or home health aides, to disabled, aged, injured or sick persons on a part-time, intermittent basis in their own homes.

HOME HEALTH CARE AGENCY BRANCH OFFICE: A location or site from which a home health care agency provides services within a portion of the total geographic area served by the parent agency, including an office that provides administration, supervision or services as part of the home health care agency.

HOME IMPROVEMENTS STORE: See STORE, HOME IMPROVEMENTS.

HOME OCCUPATION: An accessory use of a service character carried on entirely within a dwelling unit by the residents thereof which is clearly incidental and secondary to the use of the building for dwelling purposes, and which does not change the residential character thereof.

HORSE BOARDING: See BOARDING STABLE; RIDING ACADEMY.

HOSPITAL: An institution licensed by the Commonwealth primarily for inpatient care for more than twenty-four (24) hours of human patients suffering from physical or mental illnesses, that may or may not include facilities for major surgery, that may include emergency and outpatient services and that may be publicly or privately operated .

HOTEL: See MOTEL; HOTEL.

IMMINENT DEVELOPMENT: Development which is reasonably expected to commence, and for which there are realistic plans to commence, on a minimum eight (8) hours per day, forty (40) hours per week basis, utilizing a five (5) on, two (2) off standard work week basis within thirty (30) days of the completed cutting activities and for which a development plan has been submitted and approved by the Township.

INCINERATOR: An enclosed device licensed by the Pennsylvania Department of Environmental Protection (DEP), or its successor agency, which uses controlled combustion for the primary purpose of breaking down solid waste.

INDEPENDENT LIVING FACILITY: A residential building or group of buildings designed to provide housing for elderly or senior citizens, who are independently mobile and not in need of supervision, but that includes certain design features associated with the needs of elderly or senior citizens not customary in the construction of conventional multifamily dwellings, such as emergency call systems, handicapped facilities, minimal housekeeping and laundry services, common leisure and recreational services, personal services (beauty or barber shop or cleaner's valet), transportation services and similar support services for the convenience of the residents.

INDOOR ENTERTAINMENT: A commercial establishment located within a completely enclosed building, as defined by this Ordinance, where customers or patrons engage in non-athletic leisure activities as spectators or participants, including, but not limited to: theaters (live and motion picture), arenas, pool halls, virtual reality and simulation gaming parlors, video arcades, dance halls and similar facilities, but excluding any adult business, as defined herein. (See also COMMERCIAL RECREATION)

INMATE: Any individual, whether in pre-trial, unsentenced or sentenced status, who is housed, held or confined in a correctional facility.

INSTITUTIONAL BUFFER: That area between the perimeter security, as defined herein, which is required for a correctional facility and the property line of the site on which a correctional facility is located.

INTERMEDIATE CARE FACILITY: A facility licensed by the Commonwealth to provide health related care and services, above the level of room and board, on a regular basis to resident individuals who do not require hospital or skilled nursing care, but who, because of behavioral or physical condition, require services under a plan of care supervised by licensed and qualified personnel which services may or may not require overnight stay.

JUNK YARD; SALVAGE YARD: Land or structure used for the collection, storage, processing and/or sale of scrap metal, scrapped, abandoned, or junked motor vehicles, machinery, equipment, waste paper, glass, rags, containers, and other discarded materials. Under this Ordinance, two (2) or more scrapped, abandoned or junked motor vehicles shall constitute a junk yard. Refuse or garbage kept in a proper container for prompt disposal shall not be regarded as a junk yard.

JUNK VEHICLE: A vehicle which is inoperative or unable to meet the vehicle registration and inspection standards under Part IV (Section 3101 et. seq.) of the Pennsylvania Motor Vehicle Code. The term does not include a vehicle which would qualify as an antique or classic vehicle except for its lack of restoration or maintenance.

KENNEL: Any household or establishment where more than four (4) dogs or more than six (6) cats who are more than six (6) months old are kept, bred, trained and/or boarded at any one time, whether for profit or not.

LAND DEVELOPMENT: The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:

A. A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or

B. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

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

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

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

LANDSCAPING CONTRACTOR: A retail business which includes the growing and/or selling of flowers, plants, trees, shrubs and other natural flora and the products which aid their growth and care and which may include one (1) or more of the following activities as accessory uses only: storage of small amounts of decorative landscaping materials such as landscaping ties, decorative rocks, marble chips, sandstone or limestone chips; and/or the storage of small amounts of reddog, slag, sand or gravel to be used in landscaping or preparation of driveways; and/or shredding or screening of topsoil; however, in no case shall any amount of asphalt or cold patch be permitted to be stored or prepared on the site.

LANDSCAPING PLAN: A plan prepared by a registered landscape architect identifying each tree and shrub by size, type and scientific name, the location of each, including a planting diagram and such other diagrams or reports as are necessary to show the method of planting, staking and mulching, grass seeding specifications and fixtures and existing trees to be preserved.

LARGE COMMERCIAL VEHICLE: See COMMERCIAL VEHICLE, LARGE.

LEVEL OF CUSTODY: Categories of security and supervision established by the Pennsylvania Department of Corrections and recommended by the American Correctional Association (ACA) document entitled "Standards for Adult Correctional

Facilities" which standards are based on inmate history and behavior, the length of sentence and the nature of risk posed to the general public and other inmates. In the event of a conflict in the application of this Ordinance between the respective definitions of Levels of Custody specified by the Pennsylvania Department of Corrections and the Levels of Security specified by the American Correctional Association (ACA), the more restrictive requirements for security shall apply.

LIGHT MANUFACTURING: See MANUFACTURING, LIGHT.

LINE OF SIGHT: A line drawn between the elevation of the first (1st) floor windows in a residential structure on adjoining property and the elevation of the ceiling of the highest story of the proposed building for which the Bufferyard is required.

LOADING BERTH: An area within a principal building or on the same lot with the principal building designed in accordance with the requirements of this Ordinance and used for the standing, loading or unloading of tractor-trailer trucks and other vehicles.

LOADING SPACE: A portion of a lot used for the standing, loading, or unloading of motor vehicles.

LOCAL STREET: See STREET, LOCAL.

LOT: A tract of land in a plan of subdivision or any other parcel of land described in a deed or legal instrument pursuant to the laws of the Commonwealth of Pennsylvania intended to be used as a unit for development, lease or transfer of ownership.

LOT AREA: That area measured on a horizontal plane bounded by the front, rear and side lot lines, exclusive of any area within a street right-of-way.

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

LOT, PUBLIC PARKING: See PUBLIC PARKING LOT.

LOT, THROUGH: A lot that fronts on two (2) parallel streets or that fronts on two (2) streets that do not intersect at the boundaries of the lot.

LOT COVERAGE: That portion of the lot area covered by all principal and accessory structures, expressed as a percentage.

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

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

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

LOT LINE, FRONT: That line which bounds the lot contiguous with the public or private street right-of-way line.

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

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

LOT, NONCONFORMING: See NONCONFORMING LOT.

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

MANUFACTURING: The processing and fabrication of any article, substance or commodity.

MANUFACTURING, HEAVY: The mechanical or chemical transformation of raw materials or substances into new products or other raw materials or any manufacturing process not included in the definition of "Light Manufacturing" or "High Technology Industries".

MANUFACTURING, LIGHT: The processing and fabrication of certain materials and products where no process involved will produce noise, vibration, air pollution, fire hazard, or noxious emission which will disturb or endanger neighboring properties. Light manufacturing includes the production of the following goods: home appliances, electrical instruments, office machines, precision instruments, electronic devices, timepieces, jewelry, optical goods, musical instruments, novelties, wood products, printed material, lithographic plates, type composition, machine tools, dies and gauges, ceramics, apparel, lightweight nonferrous metal castings, film processing, light sheet metal products, plastic goods, pharmaceutical goods and food products, but no animal slaughtering, curing nor rendering of fats.

MASSAGE PARLOR, ADULT: Any establishment that provides services of massage or body manipulation, including exercises, heat and light treatments of the body, and all forms of physiotherapy, other than therapeutic massage.

MASSAGE, THERAPEUTIC: Massage or body manipulation, including exercises, heat and light treatment of the body and all forms of physiotherapy operated by a medical practitioner, chiropractor, physical therapist or professional massage therapist licensed by the Commonwealth, including any medical office, physical therapy facility, athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where therapeutic massage is offered as a principal use or as an incidental service or accessory use to the principal use.

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

MEDICAL CLINIC: See CLINIC, MEDICAL.

MEDICAL OFFICES: See OFFICES, MEDICAL.

MID-RISE APARTMENT: See "E" under DWELLING TYPES.

MINERAL REMOVAL: Any extraction of any mineral for sale or other commercial purposes which involves removal of the surface of the earth or exposure of the mineral or subsurface of the earth to wind, rain, sun or other elements of nature. The term "mineral" includes, but is not limited to: anthracite and bituminous coal, lignite, limestone and dolomite, sand, gravel, rock, stone, earth, slag, ore, vermiculite, clay and other mineral resources. Mining activities carried out beneath the surface of the earth by means of shafts, tunnels or other underground mine openings and oil and gas drilling are not included in this definition.

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

MINOR COLLECTION AND RECYCLING FACILITY: See COLLECTION AND RECYCLING FACILITY, MINOR.

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

A mobile home which is utilized without a permanent foundation shall be located only in a mobile home park, as defined and regulated herein; however, a mobile home which is rendered immobile by permanent placement on a continuous masonry foundation or at least two (2) concrete footers which project at least three (3) feet below finished grade and are placed along the longer dimension of the mobile home and which mobile home is skirted and tied to its foundation in accordance with the requirements of the American National Installation of Mobile Homes Requirements (NFPA No. 501-A974, ANSI A119.3 – 1975), as amended and which is connected to all available utilities shall be regarded as a single family dwellings in the district in which it is proposed to be located.

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

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

MODEL HOME: The temporary use of a dwelling unit for the purpose of marketing dwelling units to be constructed in an approved plan that is under construction.

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

MUNICIPALITIES PLANNING CODE (MPC): The Pennsylvania Municipalities Planning Code, Act 247 of 1968, 53 P.S., 10101 et. seq., as amended.

MUSIC STUDIO: See STUDIO, ART, MUSIC OR PHOTOGRAPHY.

NET LEASABLE FLOOR AREA: The total floor area of a building designed for tenant occupancy, excluding halls, corridors, stairwells, elevator shafts, equipment rooms, restrooms, interior vehicular parking and loading areas and other areas used in common by tenants of the building, expressed in square feet and measured from the centerline of joint partitions and exteriors of outside walls.

NIGHTCLUB: A restaurant, or portion thereof, or any other establishment serving food and/or drink, whether or not the consumption of alcoholic beverages is permitted or allowed on the premises that offers on a monthly or more frequent basis live entertainment on a stage or bandstand and/or dancing to music, either live or recorded, and that has a maximum permitted occupancy authorized by the Uniform Construction Code (UCC) of fifty (50) or more persons.

NO IMPACT HOME-BASED BUSINESS: See HOME-BASED BUSINESS, NO IMPACT.

NONCOMMERCIAL RECREATION: See RECREATION, NONCOMMERCIAL.

NONCONFORMING LOT: Any lot which does not comply with the applicable area and bulk provisions of this Ordinance or an amendment hereafter enacted, which lawfully existed prior to the enactment of this Ordinance or any subsequent amendment.

NONCONFORMING SIGN: Any sign that was lawfully erected and maintained prior to the adoption or amendment of this Ordinance, that fails to conform to all applicable regulations and restrictions of this Ordinance.

NONCONFORMING STRUCTURE: A structure, or part of a structure, manifestly not designed to comply with the applicable area, bulk or other provisions in this Ordinance or an amendment hereafter enacted, which lawfully existed prior to the enactment of this Ordinance or any subsequent amendment. 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 of this Ordinance or an amendment hereafter enacted, which lawfully existed prior to the enactment of this Ordinance or any subsequent amendment.

NON-PROFIT: Not conducted or maintained for the purpose of making a profit.

NUDE MODEL STUDIO: Any place where a person who appears in a state of nudity, or who displays sexual conduct and is provided to be observed, sketched, drawn, painted, sculpted, photographed or similarly depicted by other persons who pay money or any form of consideration. Nude Model Studio shall not include a proprietary school licensed by the State of Pennsylvania or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates education programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation; or in a structure:

a. that 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.

NUDITY OR STATE OF NUDITY: Being completely without clothing or 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 of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.

NURSING HOME: A facility licensed to operate as such by the Commonwealth of Pennsylvania for the purpose of providing skilled or intermediate nursing care or both levels of care to two (2) or more patients who are unrelated to the nursing home administrator for a period exceeding twenty-four (24) hours. (See also SKILLED CARE and INTERMEDIATE CARE.)

OCCUPANCY PERMIT: A document issued by the Zoning Officer indicating that a premises for which a Zoning Certificate has been issued is ready for occupancy and is in compliance with the provisions of this Ordinance.

OFF-STREET PARKING: Parking spaces required by this Ordinance to be located on private property in accordance with the requirements of Article XIX.

OFFICES, BUSINESS: Offices of a sole proprietorship, partnership, corporation or other statutory or otherwise legally authorized entity used primarily for the conduct of the business, including accounting, corresponding, research, editing or other administrative functions, but not including any manufacturing or processing or storage of machinery or heavy equipment. (This definition does not include FINANCIAL INSTITUTIONS which are separately defined and regulated by this Ordinance.)

OFFICES, MEDICAL: One (1) or more administrative offices of individual doctors, dentists, chiropractors or other medical practitioners and their supporting staffs where human patients receive diagnosis, treatment and counseling.

OFFICES, PROFESSIONAL: Any office of recognized professions, other than medical, such as lawyers, architects, engineers, real estate brokers, insurance agents, and others who, through training, are qualified to perform services of a professional nature.

OIL AND GAS OPERATIONS: Well location assessment, including seismic testing; well site preparation, construction, drilling, hydraulic fracturing and site restoration; water and fluid storage or impoundment areas used exclusively for oil and gas drilling; natural gas compressor stations; natural gas processing plants; and construction, installation, use, maintenance and repair of all equipment directly associated with these oil and gas activities.

PA DEP: The Pennsylvania Department of Environmental Protection or any successor agency or agencies.

PARKING AREA: A paved, open, off-street area, accessory to the principal use of the lot containing two (2) or more parking spaces, including the aisles and/or driveways which provide access to the parking spaces.

PARKING LOT, PUBLIC: See PUBLIC PARKING LOT.

PERIMETER SECURITY: A system that controls ingress and egress to the interior of a correctional facility and which may include one (1) or more of the following features: electronic devices, walls, fences, patrols and/or towers.

PERMITTED USE: An authorized use specifically allowed as a matter of right upon review and approval by the Zoning Officer subject to compliance with all applicable requirements of this Ordinance and land development plan approval, if applicable.

PERSONAL CARE BOARDING HOME: A facility licensed by the Commonwealth located within a dwelling where room and board is provided to more than three (3) permanent residents who are not relatives of the operator and who are mobile or semi-mobile and require specialized services in such matters as bathing, dressing, diet and medication prescribed for self-administration for a period exceeding twenty-four (24) hours, but who are not in need of hospitalization or skilled or intermediate nursing care.

PERSONAL SERVICES: Any enterprise providing services pertaining to the person, their apparel, or personal effects commonly carried on or about the person, including, but not limited to: shoe repair, tailoring, clothes cleaning, watch repairing, barber shops, beauty parlors, tanning salons, tattoo parlors and similar services, but excluding any adult business as defined herein.

PET GROOMING: Any establishment that offers services for domestic pets, including, but not limited to: bathing, trimming, manicuring, massaging or other services to maintain the animals' well-being and which may sell pet care products and pet supplies as an accessory use, but not including a veterinary clinic or kennel, as defined herein.

PET SERVICES: A business establishment that sells pet food and other pet care products to the general public and that may offer pet grooming, a boarding kennel and/or limited veterinary services as accessory uses; or a business establishment that offers services for the care during part of a twenty-four (24) hour day of domestic pets as a principal use and which may sell food or other pet care products as an accessory use.

PHARMACY: A retail establishment licensed by the Commonwealth with a gross floor area not exceeding 10,000 square feet that primarily sells prescription drugs, patent medicines, surgical and sickroom supplies.

PHOTOGRAPHY STUDIO: See STUDIO, ART, MUSIC OR PHOTOGRAPHY.

PILOT MANUFACTURING: An establishment or part thereof used to test concepts and ideas, determine physical layouts, material flows and processes, types of equipment required, costs and other information necessary prior to undertaking full-scale production.

PLACE OF ASSEMBLY: An indoor or outdoor space with or without fixed seating used for public gatherings for religious, recreational, educational, cultural, political, social or entertainment purposes.

PLANNED INDUSTRIAL PARK: An industrial development which is under single ownership and control at the time of an application for development and which is planned and developed as a single unit wherein several buildings or lots utilize a

common means of access and may share other common facilities such as parking and signs.

PLANNED OFFICE PARK: A site under single ownership and control that is developed as a unit for two (2) or more buildings containing medical offices or clinics or professional or business offices in a campus environment utilizing common means of access, parking and loading facilities and uniform signage and that may include other shared features.

PLANNED RESIDENTIAL DEVELOPMENT (PRD): An area of land controlled by a single landowner and developed as a single entity for a number of dwellings or a combination of residential and nonresidential uses, the plan for which does not necessarily correspond in lot size, bulk, type of dwelling unit or use, density or intensity, lot coverage or required open space to any one district in this Ordinance.

PLANNED SHOPPING CENTER: A site under single ownership and control which is developed as a unit for two (2) or more retail establishments in one (1) or more buildings and designed so that parking, loading and access facilities are shared.

PLANNING COMMISSION: The Center Township Planning Commission, Beaver County, Pennsylvania.

PORCH: A roofed or uncovered accessory structure without enclosing walls with an area of more than twenty-four (24) square feet that is attached to or part of the principal building and which has direct access to and from the principal building.

POST SECONDARY SCHOOL: See SCHOOL, POST SECONDARY.

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

PRINCIPAL BUILDING: The building or buildings on a lot in which the principal use or uses are conducted.

PRINCIPAL STRUCTURE: The structure or structures in which the principal use or uses are conducted.

PRINCIPAL USE: The primary or predominant use of any lot or structure.

PRINTING ESTABLISHMENT: An establishment engaged in commercial or job printing, including offset printing, engraving, photographing, and publishing and binding books, newspapers, pamphlets and other printed materials.

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

PRIVATE CLUB: Any establishment operated by a legally chartered organization for social, recreational, educational, fraternal or sororal purposes, that is open only to members and their guests and not to the general public. (This definition does not include GOLF OR COUNTRY CLUB or SPORTSMEN'S CLUB which are separately defined and regulated by this Ordinance.)

PRIVATE GARAGE: See GARAGE, PRIVATE.

PRIVATE SCHOOL: See SCHOOL, PRIVATE.

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

PRIVATE STREET: See STREET, PRIVATE

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

PROFESSIONAL OFFICES: See OFFICES, PROFESSIONAL.

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

PUBLIC BUILDING: Any building owned or operated by a government agency, Federal, State, County or local, used to provide services to the public, including administrative offices, public works buildings and storage yards, libraries, museums, senior centers, recreation buildings, government service centers and similar facilities.

PUBLIC GARAGE: See GARAGE, PUBLIC PARKING.

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

PUBLIC MEETING: A forum held pursuant to notice under the act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act."

PUBLIC NOTICE: Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the 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 (1st) publication shall not be more than thirty (30) days and the second (2nd) publication shall not be less than seven (7) days from the date of the hearing.

PUBLIC OR PRIVATE SCHOOL: See SCHOOL, PUBLIC OR PRIVATE.

PUBLIC PARKING GARAGE: See GARAGE, PUBLIC PARKING.

PUBLIC PARKING LOT: A parking area on the surface of the ground that is the principal use on the lot, that may be operated by either a public agency or private entity, whether for profit or not, and that is available for use by the general public, usually for a fee.

PUBLIC RECREATION: See RECREATION, PUBLIC

PUBLIC SCHOOL: See SCHOOL, PUBLIC OR PRIVATE.

PUBLIC STREET: See STREET, PUBLIC.

PUBLIC UTILITY BUILDING OR STRUCTURE: Any administrative building, maintenance building, garage or other building intended for human occupancy or storage of movable equipment owned or operated by a utility company regulated by the Public Utility Commission (PUC); or any building or structure owned or operated by a utility company regulated by the Public Utilities Commission (PUC) or by any governmental agency or municipal authority that is necessary for the generation, treatment, regulation or inter-municipal distribution of essential services, as defined herein, including, but not limited to, long distance transmission facilities such as electrical power lines or high pressure natural gas or petroleum lines, switching facilities, substations, treatment plants, reservoirs, water towers, transmission towers and similar facilities.

PUBLIC UTILITY STORAGE OR TRANSMISSION FACILITY: A public utility structure, as defined herein, used to store or transmit the utility's product, including but not limited to water towers, transmission towers and similar structures.

RADIO OR TELEVISION BROADCAST STUDIO: An establishment where programming is produced by a facility, licensed by the Federal Communications Commission (FCC), for the transmission of signals to receivers.

REAR LOT LINE: See LOT LINE, REAR.

REAR YARD: See YARD, REAR.

RECOMMENDATION: The position taken by the Township Planning Commission on any matter brought before it for consideration, including, but not limited to: approval, approval with conditions, denial or no position.

RECREATION, COMMERCIAL: An enterprise operated for profit by an entity other than a public agency for the indoor or outdoor pursuit of sports, recreation and leisure activities, including, but not limited to, such establishments as miniature golf, golf or

batting practice facilities, driving ranges, ice or roller rinks, playing fields, racquet clubs, swimming pools, fitness clubs or centers, bowling alleys, amusement parks, arenas, stadiums, amphitheaters and similar facilities, but not including any adult business, as defined herein. (This definition does not include GOLF COURSE OR COUNTRY CLUB or SPORTSMEN'S CLUB which are separately defined and regulated by this Ordinance.)

RECREATION, NONCOMMERCIAL: An enterprise operated by an individual or a statutory or otherwise legally authorized entity, other than a public or governmental agency or authority, whether or not for profit and whether or not the facilities are advertised to the general public, including either indoor or outdoor facilities for the pursuit of sports, recreation and leisure activities, the use of which is limited to members and their guests, including, but not limited to, such establishments as sportsmen's clubs, golf practice facilities, playing fields, tennis or racquet clubs, fitness clubs, swimming pools and similar facilities. (This definition does not include GOLF COURSE OR COUNTRY CLUB or SPORTSMEN'S CLUB which are separately defined and regulated by this Ordinance.)

RECREATION, PUBLIC: An enterprise operated by a public entity, available to the general public, whether or not an admission fee is charged, including either indoor or outdoor facilities for the pursuit of sports, recreation or leisure activities, including, but not limited to: parks, playgrounds, playing fields, golf or batting practice facilities, ice rinks, tennis courts, swimming pools, and similar facilities. (This definition does not include GOLF COURSE OR COUNTRY CLUB or SPORTSMEN'S CLUB which are separately defined and regulated by this Ordinance.)

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

REPAIR SHOP: A service establishment providing maintenance and repairs of items that can be carried in by hand, including personal effects (such as jewelry, watches, bicycles), small household appliances, office equipment, small gasoline engines and similar items, but not including repair of large appliances, motorized vehicles or heavy equipment.

RESEARCH AND DEVELOPMENT: Any establishment which carries on investigation in the natural, physical or social sciences or engineering and development as an extension of such investigation with the objective of creating end products and which may include Pilot Manufacturing, as defined by this Ordinance, as an accessory use.

RESIDENCE IN COMBINATION WITH A RETAIL STORE OR A BUSINESS OR PROFESSIONAL OFFICE: A dwelling unit in the same building with one (1) or more retail stores and/or one (1) or more professional offices or business offices.

RESOURCE RECOVERY FACILITY: A processing facility that provides for the extraction and utilization of materials or energy from municipal waste which is generated off-site, including, but not limited to: a facility that mechanically extracts materials from municipal waste, a combustion facility that converts organic fraction of municipal waste to usable energy and any chemical or biological process that converts municipal waste into a fuel product.

RETAIL STORE: See STORE, RETAIL.

RIDING ACADEMY: An establishment where instruction in riding, jumping and showing is offered for a fee and where horses may be hired for riding. A riding academy may also include a boarding stable, as defined herein.

RIGHT-OF-WAY: Land reserved or dedicated for use as a street, crosswalk or other means of travel, or other public or private purposes, including existing and future rights-of-way.

SALLY PORT: An enclosure located in the perimeter security wall or fence surrounding a correctional facility which contains gates or doors at both ends, only one end of which opens at a time, ensuring that there will be no breach in perimeter security and which may handle pedestrian or vehicular travel.

SALVAGE YARD: See JUNK YARD; SALVAGE YARD.

SCHOOL, COMMERCIAL: A privately operated, for profit establishment providing technical or skilled training, vocational or trade educational courses and programs.

SCHOOL, POST SECONDARY: An educational institution that provides training beyond the secondary school curriculum and which is authorized by the Commonwealth to award associate, baccalaureate or higher degrees.

SCHOOL, PUBLIC OR PRIVATE: An accredited institution of learning that offers elementary and secondary level instruction required by the Commonwealth of Pennsylvania.

SEAT: The area required for one (1) individual to sit on as regulated by the Uniform Construction Code (UCC).

SERVICE STATION: A retail business establishment, engaged primarily in the sale of vehicle fuels or supplying goods and services generally required in the operation and maintenance of vehicles and fulfilling of motorist's needs, including one or more of the following: the sale of fuel and petroleum products; sale and service of tires, batteries,

vehicle accessories and replacement items; washing and lubrication services; the supplying of other incidental vehicle customer services and products; and performing maintenance and repair of personal vehicles and small commercial vehicles as defined herein, excluding such repairs as spray painting, body, fender, axle, frame, major engine overhaul or recapping/retreading of tires. A service station may also include the operation of a convenience food store.

SEXUAL CONDUCT: Patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated, and patently offensive representations, descriptions or acts of masturbation, excretory functions, sodomy, sexual intercourse or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or, if such person be female, breasts which the average adult person, applying contemporary community standards, would find, when considered as a whole, appeals to the prurient interest and lacks serious literary, artistic, political, educational or scientific value.

SEXUAL ENCOUNTER OR MEDITATION CENTER: A business establishment, agency or person which, for consideration, provides for commercial purposes a place where persons, not all members of the same family, may congregate, assemble or associate for the purpose of engaging in nudity or sexual conduct, as defined herein.

SIDE LOT LINE: See LOT LINE, SIDE.

SIDE YARD: See YARD, SIDE.

SIGN: Any structure or device used to attract attention by word or graphic display.

SIGN FACE: The entire area upon which graphic or written material or information is placed for viewing from a single direction.

SIGHT TRIANGLE: See CLEAR SIGHT TRIANGLE.

SIGN, NONCONFORMING: See NONCONFORMING SIGN.

SIGN, SURFACE AREA OF: See SURFACE AREA OF SIGN.

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

SITE: The original tract of land which exists prior to any subdivision of the property or an unsubdivided tract of land or recorded lot on which a land development is proposed and which is the subject of a preliminary application for development, as defined by the Township Subdivision and Land Development Ordinance.

SITE AREA: The total area of all lots, rights-of-way, easements, open space and other features contained within the boundaries of a site.

SKILLED CARE: Professionally supervised nursing care and related medical or other health services provided for a period exceeding twenty-four (24) hours to an individual who is not in need of hospitalization, but whose needs are such that they can only be met in a nursing home on an inpatient basis, and who needs the care because of age, illness, disease, injury, convalescence or physical or mental infirmity. This term includes the provision of daily inpatient services that are needed on a daily basis by the patient, ordered by a physician, which require the skills of, and are furnished directly by or under the supervision of, technical or professional personnel, including, but not limited to, registered nurses, licensed practical nurses, physical therapists, occupational therapists, speech pathologists or audiologists.

SMALL COMMERCIAL VEHICLE: See COMMERCIAL VEHICLE, SMALL.

SPECIAL EXCEPTION: See, USE BY SPECIAL EXCEPTION

SPORTS COURT: An accessory use designed for active recreation including, but not limited to: basketball and tennis courts; baseball batting cages; skateboard ramps; trampolines; inflatable structures and other private recreation structures.

SPORTSMEN'S CLUB: A legally chartered organization for the pursuit of hunting, fishing, marksmanship and related activities that may or may not include a clubhouse and that has a roster of membership and a regular calendar of activities limited to members and their guests.

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

STORE, CANDY OR ICE CREAM: A retail establishment which sells candy and/or ice cream and which may include on-site processing of the products sold on the premises, but which shall not include on-site processing of products for delivery off the premises.

STORE, CONVENIENCE: A retail establishment which does not exceed five thousand (5,000) square feet in gross floor area and which offers a limited selection of grocery, household and personal items for quick purchase and which may include the dispensing of gasoline.

STORE, FOOD: A retail establishment which has a gross floor area of no more than ten thousand (10,000) square feet and which offers for sale specialty or gourmet food items or meats and groceries which are packaged for sale and which are not offered for consumption on the premises.

STORE, GENERAL MERCHANDISE: A retail business that offers a sampling of a wide variety of merchandise categories, including, but not limited to: automotive, apparel, garden center, cards and gifts, crafts, groceries, drugs and sundries, jewelry, hardware, household, home decorating items, furnishings, pet supplies, small appliances, sporting goods, toys and similar products.

STORE, GROCERY: A retail establishment in excess of ten thousand (10,000) square feet of gross floor area which primarily sells meat and food products, but which may also include as accessory uses, a pharmacy, a florist, a travel agency, video rental (excluding an adult video store), banking and copy/fax services.

STORE, HARDWARE: A retail store that primarily sells tools and supplies for plumbing, carpentry, electrical, heating, ventilating and air conditioning maintenance and repairs and that may also offer the sale of lawn and garden maintenance and other household products.

STORE, HOME FURNISHING: A retail store that sells one (1) or more of the following items: furniture, lighting, linens, window coverings, floor coverings, interior decorating items and similar products used to decorate the interior of a dwelling.

STORE, HOME IMPROVEMENTS: A retail store that maintains a large inventory of supplies and tools for construction, remodeling, decorating and maintenance of residences and small businesses and that sells directly to consumers and contractors.

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

STORY: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between any floor and the ceiling next above it.

STREET: All land between right-of-way lines, whether public or private and whether improved or unimproved, which is intended to accommodate vehicular traffic, including an avenue, drive, boulevard, highway, road, freeway, parkway, lane, viaduct or other vehicular way.

STREET, ARTERIAL: A public street which serves large volumes of high speed and long distance traffic. Roads classified as arterial in the Township are: Beaver Valley Expressway (PA Route 60), the Monaca By-Pass (PA Route 18), Constitution Boulevard (PA Route 51), Brodhead Road, Old Brodhead Road between Wilhelm and Route 18 and Pleasant Drive from the Beaver Valley Expressway Center Interchange to Brodhead Road.

STREET, COLLECTOR: A public street which, in addition to giving access to abutting lots, intercepts local streets and provides a route for carrying considerable volumes of local traffic to community facilities and arterial roads. Streets classified as collector streets in the Township for the purposes of interpreting this Ordinance are: Center Grange Road, Chapel Road, Main Street, Monaca Road, Old Brodhead Road between Wilhelm and the Monaca boundary and Shaffer Road (East and West).

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

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

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

STRUCTURAL ALTERATION: Any change in the support members of a building such as bearing walls, columns, beams, or girders; changes in the means of ingress and/or egress; enlargement of floor area or height of a structure; or relocation of a structure from one position to another.

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

STRUCTURE, NONCONFORMING: See NONCONFORMING STRUCTURE.

STRUCTURE, PRINCIPAL: See PRINCIPAL STRUCTURE.

STUDIO, ART, MUSIC OR PHOTOGRAPHY: Establishments engaged in the display and sale of art, music or photography products and supplies. (See also EDUCATIONAL STUDIO.)

SUBDIVISION REGULATIONS: The Center Township Subdivision and Land Development Ordinance.

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

SURFACE AREA OF FRONT WALL OF BUILDING: See FRONT WALL OF BUILDING, SURFACE AREA OF.

SURFACE AREA OF SIGN: That area enclosed by one (1) continuous line, connecting the extreme points or edges of a sign. The area shall be determined using the largest sign area or silhouette visible at any one time from any one point. This area shall not include the main supporting sign structure, but all other ornamental attachments, inner connecting links, etc., which are not part of the main supports of the sign shall be included in determining the surface area of a sign. For two sided signs, only one face is counted in computing the surface area. For signs which have poster panels mounted on a supporting structure with space between the poster panels, the area of each panel shall be computed as surface area of the sign, not including the space between the panels.

SWIMMING POOL: A body of water in an artificial or semi-artificial receptacle or other container, whether located in or out of doors, inground or above ground, used as a recreational facility for swimming, bathing or wading and having a depth at any point of more than eighteen (18) inches or a surface area of more than one hundred (100) square feet, including the equipment necessary to maintain the swimming pool and the healthful condition of the water.

TEMPORARY CONSTRUCTION TRAILER: See CONSTRUCTION TRAILER, TEMPORARY.

TEMPORARY USE OR STRUCTURE: Any use or structure that is intended to be used either on a seasonal basis, during the time of construction and completion of an approved development or for any other period of time that is six (6) months or less.

TENTATIVE APPROVAL: Approval prerequisite to Final Approval of a Planned Residential Development (PRD) granted by the Board of Supervisors in accordance with Article XVI of this Ordinance.

THEATER: An establishment inside a completely enclosed building, as defined herein, devoted to showing motion pictures and/or live dramatic, dance, musical or other artistic performances, but not including an ADULT LIVE THEATER, ADULT MINI-MOTION PICTURE THEATER or ADULT MOTION PICTURE THEATER.

THEATER, DRIVE-IN: An outdoor facility with a screen for showing motion pictures to patrons while they remain in their vehicles.

THROUGH LOT: See LOT, THROUGH.

TOWNHOUSE: See "G" under DWELLING TYPES.

TOWNSHIP: The Township of Center, Beaver County, Pennsylvania.

TRANSFER FACILITY: A facility licensed by the Pennsylvania Department of Environmental Protection (PA DEP) which receives and temporarily stores solid waste at a location other than the generation site, and which facilitates the bulk transfer of accumulated solid waste to a facility for further processing and disposal.

TRANSIT SHELTER: A structure with three (3) sides, a roof and seating erected at an established transit stop, either on private property or within the public street right-of-way, to protect passengers from the elements while they wait for public transportation.

TRANSIT SHELTER SIGN: A sign erected on the side panel of a transit shelter at a transit stop along an established route of the Beaver County Transit Authority (BCTA) or other carrier licensed by the Public Utility Commission (PUC) which advertises a product, business or service or carries a public service announcement.

TRANSITIONAL COMMERCIAL DEVELOPMENT: A development proposed in the C-3 Transitional Commercial District on a site of a minimum required size that is under single ownership and control at the time of an application for conditional use approval and which is planned and developed as an integrated unit wherein several buildings and/or lots utilize a common means of access and may share other common facilities such as parking, loading and signs.

TRANSITIONAL DWELLING: A dwelling unit occupied on a short term basis by persons assigned by a Court of Law, or public or non-profit agency responsible for the occupants' care, safety, conduct, counseling and supervision for a specified period of time, including drug and alcoholic recovery, shelters for battered persons and their children, community re-entry services following incarceration or other Court ordered treatment, and other such short-term supervised assignments, including the staff necessary for supervision of the residents.

TREE NURSERY: An open area where trees are grown for transplanting, for use as stocks for budding and grafting or for sale to wholesalers, retailers, landscaping contractors or the general public.

TRIPLEX: See "H" under DWELLING TYPES.

TRUCK AND HEAVY EQUIPMENT RENTAL, SALES AND SERVICE: An establishment engaged in the rental, sale and/or service of vehicles in excess of 26,000 pounds Gross Vehicle Weight (GVW) and/or any other heavy equipment, including, but not limited to, construction or farm equipment, whether or not the equipment is classified as a motor vehicle.

TRUCK TERMINAL: A facility to accommodate the service, repair and storage of trucks and other motorized equipment and trailers, and which may incidentally provide warehousing activities and transfer facilities.

TWO FAMILY DWELLING: See "B" under DWELLING TYPES.

USE: Any activity, business or purpose for which any lot or structure is utilized.

USE BY SPECIAL EXCEPTION: An authorized use which may be granted only by the Zoning Hearing Board in accordance with express standards and criteria specified in Article XVII of this Ordinance after public hearing.

USE, NONCONFORMING: See NONCONFORMING USE.

USE, PRINCIPAL: See PRINCIPAL USE.

VARIANCE: A departure from the strict letter of the Zoning Ordinance, as it applies to specific properties, as authorized by the Zoning Hearing Board in accordance with the terms of this Ordinance and the Pennsylvania Municipalities Planning Code (MPC).

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

VEHICLE RENTAL, SALES AND SERVICE: The rental, sales and service of automobiles, motorcycles and trucks under 26,000 pounds Gross Vehicle Weight (GVW), but not including any heavy equipment or any other vehicle or equipment that is not classified as a "motor vehicle" under the Pennsylvania Motor Vehicle Code.

VEHICLE REPAIR GARAGE: A building, or part thereof, used for the servicing and repair of motor vehicles, including engine overhaul, body work and repairing/retreading of tires and where all storage of parts and dismantled vehicles and all repair work are conducted entirely inside a completely enclosed building, as defined herein.

VETERINARY CLINIC: See CLINIC, VETERINARY.

VIDEO STORE: A retail establishment offering video cassettes, DVD's, Blue Ray discs or other prerecorded movies or video games for sale or rent and that may offer as an accessory use, the sale of related snack items, but not including an ADULT VIDEO STORE.

VIEWING BOOTHS: Booths, stalls, partitioned portions of a room, cubicles, compartments, rooms or other enclosures which are available to members of the public, patrons or members for viewing (1) films, movies, videos or visual reproduction of any kind depicting or describing "nudity" or "sexual conduct," or (2) persons who appear in a state of nudity or who offer performances or presentations characterized by the exposure of "nudity" or by "sexual conduct," as defined herein.

WAREHOUSE CLUB: A membership club that sells a variety of food, automotive, household and other retail products in bulk to individuals and business members and which may include the dispensing of gasoline or other petroleum products.

WAREHOUSING: The storage and handling of freight or merchandise, but not including the maintenance or fueling of commercial vehicles.

WHOLESALE BUSINESS: A business primarily engaged in selling merchandise to retailers, institutional, commercial or professional business customers or other wholesalers, rather than to the general public which includes the warehousing of merchandise and which may include distribution of such merchandise on the site of the principal business.

WIND ENERGY SYSTEM, PRIVATE: A wind energy conversion system that has a rated capacity of not more than 60 kW that converts wind energy into electricity, consisting of a wind turbine, a tower and associated control or conversion electronics, including collection, distribution and storage equipment, intended for private use to reduce on-site consumption of utility power.

WIND ENERGY SYSTEM, RATED CAPACITY OF: The maximum rated output of electric power production equipment specified by the manufacturer and typically found on a nameplate on the equipment.

WIND ENERGY SYSTEM, HEIGHT OF: The distance measured from the natural grade to the tip of the rotor blade at its highest point.

WIND FARM: An area of land containing a cluster of wind turbines used for generating power for distribution to or by a public utility or for private commercial or industrial purposes.

WIND TURBINE: A device consisting of a rotor with two (2) or more blades or a helical device that converts kinetic wind energy into rotational energy that drives an electrical generator.

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

YARD, FRONT: A yard extending across the full lot width and abutting the front lot line. The depth measurement required by this Ordinance for the front yard shall be the horizontal distance between the front lot line and a line parallel or concentric thereto known as the building line.

YARD, REAR: A yard extending across the width of the lot between the side yards and adjoining the rear lot line. The minimum depth measurement required by this Ordinance shall be the horizontal distance between the rear lot line and a line parallel thereto.

YARD, SIDE: A yard extending between the building line and the rear yard line parallel to the side lot line. The minimum width measurement required by this Ordinance shall be the horizontal distance between the side lot line and a line parallel thereto.

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

ZONING CERTIFICATE: A document issued by the Township Zoning Officer stating that the proposed use of a particular structure, building or lot conforms to the requirements of this Ordinance and any conditions attached to the approval in the case of a conditional use or use by special exception.

ZONING DISTRICT: A geographic area within the Township in which the uses to which land can legally be utilized are designated and for which the boundaries are shown on the Zoning Map which is part of this Ordinance.

ZONING DISTRICT MAP: The official map delineating the Zoning Districts of Center Township, Beaver County, Pennsylvania, together with all amendments subsequently adopted.

ZONING HEARING BOARD: The Zoning Hearing Board of Center Township, Beaver County, Pennsylvania. (See also BOARD.)

ZONING OFFICER: The designated official or an authorized representative appointed by the Board of Supervisors whose duty it shall be to administer and enforce this Ordinance.

ZOO: A place where a variety of animals are kept, either indoors and/or outdoors, for viewing by the public, and which may include a petting zoo comprised in whole, or in part, of farm animals.

ARTICLE III

DISTRICT REGULATIONS

SECTION 300 ZONING DISTRICT MAP

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

The Official Zoning District Map shall be identified by the signature of the Chairman of the Board of Supervisors, attested to by the Township Secretary and certified by the Township Engineer, and shall bear the seal of the Township under the following words: "This is to certify that this is the Official Zoning District Map referred to in Article III of Ordinance Number 5-2012, as amended, of Center Township, Beaver County, Pennsylvania," together with the date of adoption of this Ordinance.

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

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

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

SECTION 301 ZONING DISTRICTS

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

R-R Rural Residential District
R-1 Low Density Residential District
R-2 Suburban Residential District
R-3 Urban Residential District
R-4 Multifamily Residential District

E-C Educational Campus District

C-1 Limited Commercial District
C-2 General Commercial District
C-3 Transitional Commercial District
C-4 Mixed Use Commercial District
O-P Office Park District
I-1 Industrial District

SECTION 302 DISTRICT BOUNDARIES

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

A. District boundaries indicated as appearing to follow the centerlines of streets, highways or alleys shall be construed to follow such centerlines.

B. District boundaries indicated as appearing to follow platted lot lines shall be construed as following such lot lines;

C. District boundaries indicated as appearing to follow municipal boundaries shall be construed as following municipal boundaries;

D. District boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;

E. District boundaries indicated as approximately following the centerlines of streams, rivers or other bodies of water shall be construed to follow centerlines, and in the event of change in the location of streams, rivers and other bodies of water, shall be construed as moving with the actual body of water and following the centerline;

F. Distances not specifically indicated on the Official Zoning District Map shall be determined by the scale of the map.

SECTION 303 DISTRICT REGULATIONS

The following regulations shall apply in all Zoning Districts:

A. In the R-1, R-2, R-3, R-4 and E-C Districts, any use not specifically listed as an Authorized Use in the Zoning District shall not be permitted in that Zoning District.

B. In the R-R, C-1, C-2, C-3, C-4, O-P and I-1 Districts, any use not specifically listed in the Authorized Uses for the Zoning District shall not be permitted in that Zoning District, unless such use is authorized by the Zoning Hearing Board as a use by special exception in accordance with the applicable express standards and criteria for "Comparable Uses Not Specifically Listed" in §1703.16 of this Ordinance.

C. In all Zoning Districts where single family dwellings or two family dwellings are an authorized use or are a legally nonconforming use, the single family dwelling or two family dwelling shall be the only principal structure on the lot, except in an approved Planned Residential Development where single family dwellings or two family dwellings may be authorized on the same lot with other single family dwellings or two family dwellings.

D. In the Zoning Districts where such uses are authorized by this Ordinance, two (2) or more multifamily or nonresidential buildings may occupy the same lot, provided each building can independently meet the applicable area and bulk regulations and parking requirements to accommodate the possibility of subdivision of the property in the future to separate the buildings.

E. In the E-C, C-1, C-2, C-3, C-4, O-P and I-1 Districts, two (2) or more authorized uses may occupy the same building, provided all applicable area and bulk regulations and parking requirements for each of the uses can be met on the lot.

F. In all Zoning Districts, all accessory structures shall be located on the same lot with the principal structure to which they are accessory. Any accessory structure shall not be built unless or until the principal structure it serves exists on the lot.

SECTION 304 AIRPORT ZONING REGULATIONS

The Model Airport Zoning Regulations issued by the Southwestern Pennsylvania Regional Planning Commission (SPRPC) for the Greater Pittsburgh International Airport and the Beaver County Airport are hereby adopted by reference and shall be applicable to all uses in all Zoning Districts. Whenever there is a conflict between the requirements of the Airport Zoning Regulations and the provisions of this Ordinance, the more restrictive provision shall apply.

ARTICLE IV

R-R, RURAL RESIDENTIAL DISTRICT

SECTION 400 PURPOSE

The purpose of this District is to preserve existing agricultural uses and to provide for compatible low density residential development in an area where public water and sewers are not available and where access to the regional transportation system is not readily available.

SECTION 401 AUTHORIZED USES

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

A. PERMITTED USES

1. Principal Uses

- **a.** Agriculture
- **b.** Communications Antenna Mounted on an Approved Communications Tower, subject to Section 1814
- **c.** Communications Antenna Mounted on an Existing Building or Public Utility Storage or Transmission Facility, subject to Section 1814
- **d.** Essential Services
- **e.** Farm
- **f.** Forestry, subject to Section 1803
- **g.** Single Family Dwellings

2. Accessory Uses

- **a.** Fences, subject to Section 1804
- **b.** Hobby Farm, subject to Section 1808
- **c.** Home Gardening
- **d.** Keeping of Domestic Pets
- **e.** No Impact Home Based Business, subject to Section 1814
- **f.** Off-Street Parking and Loading, subject to Article XIX
- **g.** Private Garage or Accessory Storage Building, subject to Section 1804
- **h.** Private Residential Swimming Pool or Sports Court, subject to Section 1804
- **i.** Private Stable, subject to Section 1808
- **j.** Signs, subject to Article XX

2. **Accessory Uses** (cont'd.)

k. Other Accessory Uses customarily incidental to and on the same lot with any permitted use, conditional use or use by special exception authorized in this District.

B. CONDITIONAL USES

1. Principal Uses

a. Communications Tower, subject to §1703.15
b. Mobile Home Park, subject to §1703.36
c. Noncommercial Recreation, subject to §1703.43
d. Public Utility Building or Structure, subject to §1703.44
e. Sportsmen's Club, subject to §1703.50

2. Accessory Uses

a. Bed and Breakfast, subject to §1703.4

C. USES BY SPECIAL EXCEPTION

1. Principal Uses

a. Boarding Stable, subject to §1703.6
b. Cemetery, subject to §1703.10
c. Comparable Uses Not Specifically Listed, subject to §1703.16
d. Greenhouse, subject to §1703.26
e. Kennel, subject to §1703.32
f. Riding Academy, subject to §1703.6
g. Temporary Use or Structure, other than a Temporary Construction Trailer, Model Home or Sales Office, subject to §1703.53
h. Tree Nursery, subject to §1703.26
i. Veterinary Clinic, subject to §1703.32

2. Accessory Uses

a. Boarding Stable, subject to §1703.6
b. Family Day Care Home, subject to §1703.21
c. Home Occupation, subject to §1703.29
d. Kennel, subject to §1703.32
e. Pet Grooming as a Home Occupation, subject to §1703.29
f. Riding Academy, subject to §1703.6
g. Temporary Use or Structure, other than a Temporary Construction Trailer, Model Home or Sales Office, subject to §1703.53
h. Veterinary Clinic, subject to §1703.32
i. Wind Energy System, Private, subject to §1703.60

SECTION 402 AREA AND BULK REGULATIONS

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

A. MINIMUM LOT AREA:

Agriculture; Farms:	10 acres
Boarding Stable:	10 acres
Hobby Farm:	5 acres
Kennel:	5 acres
Private Stable:	5 acres
Riding Academy:	10 acres
Single Family Dwelling:	
Without Public Sewers:	2 acres
With Public Sewers:	1 acre
Veterinary Clinic:	5 acres
All Other Principal Uses:	1 acre
(Except as may be modified by Article XVII)	

B. MINIMUM LOT WIDTH:

Farms:	200 feet
Single Family Dwelling:	200 feet
All Other Principal Uses:	150 feet

C. MAXIMUM LOT COVERAGE: 5%

D. MINIMUM FRONT YARD:

Principal and Accessory Structures:	50 feet

E. MINIMUM REAR YARD:

Principal Structures:	50 feet
Accessory Structures:	See §1804.3

F. MINIMUM SIDE YARD:

Principal Structures:	
Dwellings:	15 feet each side
All Other Principal Structures	20 feet each side
Accessory Structures:	See §1804.3

G.	**SPECIAL YARD REQUIREMENTS:**	See Section 1804
H.	**PERMITTED PROJECTIONS INTO REQUIRED YARDS:**	See Section 1805
I.	**MAXIMUM HEIGHT:**	
	All Principal Structures:	2½ stories, but no more than 35 feet
	Accessory Farm Structures:	50 feet
	All Other Accessory Structures:	1 story, but no more than 20 feet
J.	**HEIGHT EXCEPTIONS:**	See Section 1806
SECTION 403	**OFF-STREET PARKING & LOADING**	See Article XIX
SECTION 404	**SIGNS**	See Article XX
SECTION 405	**SCREENING & LANDSCAPING**	See Section 1802
SECTION 406	**STORAGE**	See Section 1811

ARTICLE V

R-1, LOW DENSITY RESIDENTIAL DISTRICT

SECTION 500 PURPOSE

The purpose of this District is to provide for low density residential development in suburban and rural areas where public sewer and/or water facilities may or may not be immediately available and to provide for compatible public, semi-public and accessory uses as conditional uses or uses by special exception.

SECTION 501 AUTHORIZED USES

In the R-1, Low Density Residential, District, the following uses are authorized:

A. PERMITTED USES

1. Principal Uses

- **a.** Communications Antenna Mounted on an Approved Communications Tower, subject to Section 1814
- **b.** Communications Antenna Mounted on an Existing Building or Public Utility Storage or Transmission Facility, subject to Section 1814
- **c.** Essential Services
- **d.** Forestry, subject to Section 1803
- **e.** Single Family Dwelling

2. Accessory Uses

- **a.** Fences, subject to §1804.3
- **b.** Home Gardening
- **c.** Keeping of Domestic Pets
- **d.** No Impact Home-Based Business, subject to Section 1814
- **e.** Off-Street Parking and Loading, subject to Article XIX
- **f.** Private Garage or Accessory Storage Buildings, subject to §1804.3
- **g.** Private Residential Swimming Pools or Sports Courts, subject to §1804.3
- **h.** Signs, subject to Article XX
- **i.** Temporary Construction Trailer, Model Home or Sales Office, subject to Section 1809
- **j.** Other Accessory Uses customarily incidental to and on the same lot with any permitted use, conditional use or use by special exception authorized in this District.

B. CONDITIONAL USES

1. Principal Uses

- **a.** Communications Tower, subject to §1703.15
- **b.** Fire and Emergency Medical Services, subject to §1703.22
- **c.** Golf Course, Golf or Country Club, subject to §1703.25
- **d.** Noncommercial Recreation, subject to §1703.43
- **e.** Planned Residential Development, subject to Article XVI
- **f.** Public Buildings, subject to §1703.11
- **g.** Public Recreation, subject to §1703.43
- **h.** Public Utility Building or Structure, subject to §1703.44
- **i.** Schools, Public or Private, subject to §1703.11

2. Accessory Uses

None

C. USES BY SPECIAL EXCEPTION

1. Principal Uses

- **a.** Cemetery, subject to §1703.10
- **b.** Churches, subject to §1703.11
- **c.** Day Care Center or Pre-School Facility in a Church or School, subject to §1703.19
- **d.** Temporary Use or Structure, other than a Temporary Construction Trailer, Model Home or Sales Office, subject to §1703.53

2. Accessory Uses

- **a.** Family Day Care Home, subject to §1703.21
- **b.** Home Occupations, subject to §1703.29
- **c.** Temporary Use or Structure, other than a Temporary Construction Trailer, Model Home or Sales Office, subject to §1703.53
- **d.** Wind Energy System, Private, subject to §1703.60

SECTION 502 AREA AND BULK REGULATIONS

In the R-1, Low Density Residential, District, all uses shall be subject to the following regulations except as they may be modified by Article XVI governing Planned Residential Development or the express standards and criteria for the specific conditional uses and uses by special exceptions contained in Article XVII.

A.	**MINIMUM LOT AREA:**	
	Single Family Dwellings:	
	Without Public Sewers:	1 acre
	With Public Sewers:	13,500 sq. ft
	All Other Uses	1 acre
	(Except as may be modified by Articles XVI or XVII)	
B.	**MINIMUM LOT WIDTH:**	
	Single Family Dwellings:	90 feet
	All Other Uses:	150 feet
C.	**MAXIMUM LOT COVERAGE:**	20%
D.	**MINIMUM FRONT YARD:**	40 feet
E.	**MINIMUM REAR YARD:**	
	Principal Structures:	30 feet
	Accessory Structures:	10 feet
F.	**MINIMUM SIDE YARD:**	
	Residential Uses:	10 feet each side
	All Other Uses:	20 feet each side
G.	**SPECIAL YARD REQUIREMENTS:**	See Section 1804
H.	**PERMITTED PROJECTIONS INTO REQUIRED YARDS:**	See Section 1805
I.	**MAXIMUM HEIGHT:**	
	All Principal Structures:	2½ stories, but no more than 35 feet
	All Other Accessory Uses	1 story, but no more than 20 feet

J.	**HEIGHT EXCEPTIONS:**	See Section 1806
SECTION 503	**OFF-STREET PARKING & LOADING**	See Article XIX
SECTION 504	**SIGNS**	See Article XX
SECTION 505	**SCREENING & LANDSCAPING**	See Section 1802
SECTION 506	**STORAGE**	See Section 1811

ARTICLE VI

R-2, SUBURBAN RESIDENTIAL, DISTRICT

SECTION 600 PURPOSE

The purpose of this District is to provide for medium density residential development in areas which have public water and sewer facilities available; to allow compatible Planned Residential Developments on selected sites; and to authorize compatible public, semi-public and accessory uses as conditional uses or uses by special exception to complement the residential development.

SECTION 601 AUTHORIZED USES

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

A. PERMITTED USES

1. Principal Uses

- **a.** Communications Antenna Mounted on an Approved Communications Tower, subject to Section 1814
- **b.** Communications Antenna Mounted on an Existing Building or Public Utility Storage or Transmission Facility, subject to Section 1814
- **c.** Essential Services
- **d.** Forestry, subject to Section 1803
- **e.** Single Family Dwellings

2. Accessory Uses

- **a.** Fences, subject to §1804.3
- **b.** Home Gardening
- **c.** Keeping of Domestic Pets
- **d.** No Impact Home-Based Business, subject to Section 1814
- **e.** Off-Street Parking and Loading, subject to Article XIX
- **f.** Private Garage or Accessory Storage Building, subject to §1804.3
- **g.** Private Residential Swimming Pools or Sports Courts, subject to §1804.3
- **h.** Signs, subject to Article XX
- **i.** Temporary Construction Trailer, Model Home or Sales Office, subject to Section 1809
- **j.** Other Accessory Uses customarily incidental to and on the same lot with any permitted use, conditional use or use by special exception authorized in this District.

B. CONDITIONAL USES

1. Principal Uses

a. Communications Tower, subject to §1703.15
b. Fire and Emergency Medical Services, subject to §1703.22
c. Fourplexes, subject to §1703.56
d. Golf Course; Golf or Country Club, subject to §1703.25
e. Noncommercial Recreation, subject to §1703.43
f. Planned Residential Development, subject to Article XVI
g. Public Buildings, subject to §1703.11
h. Public Recreation, subject to §1703.43
i. Public Utility Building or Structure, subject to §103.44
j. Schools, Public or Private, subject to §1703.11
k. Triplexes, subject to §1703.56
l. Two Family Dwellings, subject to §1703.56

2. Accessory Uses

None

C. USES BY SPECIAL EXCEPTION

1. Principal Uses

a. Cemetery, subject to §1703.10
b. Churches, subject to §1703.11
c. Day Care Center or Pre-School Facility in a Church or School, subject to §1703.19
d. Nursing Home, subject to §1703.30
e. Temporary Use or Structure, other than a Temporary Construction Trailer, Model Home or Sales Office, subject to §1703.53

2. Accessory Uses

a. Family Day Care Home, subject to §1703.21
b. Home Occupations, subject to §1703.29
c. Temporary Use or Structure, other than a Temporary Construction Trailer, Model Home or Sales Office, subject to §1703.53
d. Wind Energy System, Private, subject to §1703.60

SECTION 602 AREA AND BULK REGULATIONS

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

A.	**MINIMUM LOT SIZE:**	
	Single Family Dwellings:	
	With Public Sewers:	12,000 sq. ft.
	Without Public Sewers:	1 acre
	All Other Uses:	1 acre
	(Except as may be modified by Articles XVI or XVII)	
B.	**MINIMUM LOT WIDTH:**	
	Single Family Dwellings:	80 feet
	All Other Uses:	150 feet
C.	**MAXIMUM LOT COVERAGE:**	35%
D.	**MINIMUM FRONT YARD:**	40 feet
E.	**MINIMUM REAR YARD:**	
	Principal Structures:	30 feet
	Accessory Structures:	10 feet
F.	**MINIMUM SIDE YARD:**	
	Residential Uses:	10 feet each side
	All Other Uses:	20 feet each side
G.	**SPECIAL YARD REQUIREMENTS:**	See Section 1804
H.	**PERMITTED PROJECTIONS INTO REQUIRED YARDS:**	See Section 1805
I.	**MAXIMUM HEIGHT:**	
	All Principal Structures:	2½ stories, but no more than 35 feet
	All Other Accessory Uses:	1 story, but no more than 20 feet

J.	**HEIGHT EXCEPTIONS:**	See Section 1806
SECTION 603	**OFF-STREET PARKING AND LOADING**	See Article XIX
SECTION 604	**SIGNS**	See Article XX
SECTION 605	**SCREENING AND LANDSCAPING**	See Section 1802
SECTION 606	**STORAGE**	See Section 1811

ARTICLE VII

R-3, URBAN RESIDENTIAL, DISTRICT

SECTION 700 PURPOSE

The purpose of this District is to preserve existing residential neighborhoods which have been developed with smaller lot sizes and which have public water and sewer facilities available; and to authorize compatible public, semi-public and accessory uses as conditional uses or uses by special exception to complement the residential development.

SECTION 701 AUTHORIZED USES

A. PERMITTED USES

1. Principal Uses

- **a.** Communications Antenna Mounted on an Existing Building or Public Utility Storage or Transmission Facility, subject to Section 1814
- **b.** Essential Services
- **c.** Forestry, subject to Section 1803
- **d.** Single Family Dwelling

2. Accessory Uses

- **a.** Fences, subject to §1804.3
- **b.** Home Gardening
- **c.** Keeping of Domestic Pets
- **d.** No Impact Home-Based Business, subject to Section 1814
- **e.** Off-Street Parking and Loading, subject to Article XIX
- **f.** Private Garage or Accessory Storage Building, subject to §1804.3
- **g.** Private Residential Swimming Pools or Sports Courts, subject to §1804.3
- **h.** Signs, subject to Article XIX
- **i.** Temporary Construction Trailer, Model Home or Sales Office, subject to Section 1809
- **j.** Other Accessory Uses customarily incidental to and on the same lot with any permitted use, conditional use or use by special exception authorized in this District.

B. CONDITIONAL USES

1. Principal Uses

a. Fire and Emergency Medical Services, subject to §1703.22
b. Fourplexes, subject to §1703.56
c. Golf Course; Golf or Country Club, subject to §1703.25
d. Noncommercial Recreation, subject to §1703.43
e. Planned Residential Development, subject to Article XVI
f. Public Buildings, subject to §1703.11
g. Public Recreation, subject to §1703.43
h. Public Utility Building or Structure, subject to §1703.44
i. Schools, Public or Private, subject to §1703.11
j. Triplexes, subject to §1703.56
k. Two Family Dwellings, subject to §1703.56

2. Accessory Uses

None

C. USES BY SPECIAL EXCEPTION

1. Principal Uses

a. Cemetery, subject to §1703.10
b. Churches, subject to §1703.11
c. Day Care Center or Pre-School Facility, subject to §1703.19
d. Nursing Homes, subject to §1703.30
e. Temporary Use or Structure, other than a Temporary Construction Trailer, Model Home or Sales Office, subject to §1703.53

2. Accessory Uses

a. Family Day Care Home, subject to §1703.21
b. Home Occupations, subject to §1703.29
c. Temporary Use or Structure, other than a Temporary Construction Trailer, Model Home or Sales Office, subject to §1703.53
d. Wind Energy System, Private, subject to §1703.60

SECTION 702 AREA AND BULK REGULATIONS

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

A.	**MINIMUM LOT SIZE:**	
	Single Family Dwellings:	10,000 sq. ft.
	All Other Uses:	1 acre
	(Except as may be modified by Articles XVI and XVII)	
B.	**MINIMUM LOT WIDTH:**	
	Single Family Dwellings:	70 feet
	All Other Uses:	150 feet
C.	**MAXIMUM LOT COVERAGE:**	35%
D.	**MINIMUM FRONT YARD:**	40 feet
E.	**MINIMUM REAR YARD:**	
	Principal Structures:	30 feet
	Accessory Structures:	10 feet
F.	**MINIMUM SIDE YARD:**	
	Residential Uses:	10 feet each side
	All Other Uses:	20 feet each side
G.	**SPECIAL YARD REQUIREMENTS:**	See Section 1804
H.	**PERMITTED PROJECTIONS INTO REQUIRED YARDS:**	See Section 1805
I.	**MAXIMUM HEIGHT:**	
	All Principal Structures:	2½ stories, but no more than 35 feet
	All Other Accessory Uses:	1 story, but no more than 20 feet
J.	**HEIGHT EXCEPTIONS:**	See Section 1806

SECTION 703	**OFF-STREET PARKING AND LOADING**	See Article XIX
SECTION 704	**SIGNS**	See Article XX
SECTION 705	**SCREENING AND LANDSCAPING**	See Section 1802
SECTION 706	**STORAGE**	See Section 1811

ARTICLE VIII

R-4, MULTIFAMILY RESIDENTIAL, DISTRICT

SECTION 800 PURPOSE

The purpose of this District is to provide opportunities for higher density multifamily development in locations which are served by public water and sewage and are located on the regional transportation network close to shopping and community services while protecting the Township from congestion and uncoordinated growth.

SECTION 801 AUTHORIZED USES

In the R-4, Multifamily Residential, District, the following uses are authorized:

A. PERMITTED USES

1. Principal Uses

- **a.** Communications Antenna Mounted on an Existing Building or Public Utility Storage or Transmission Facility, subject to Section 1814
- **b.** Essential Services
- **c.** Forestry, subject to Section 1803
- **d.** Fourplexes
- **e.** Garden Apartments
- **f.** Single Family Dwellings
- **g.** Townhouses
- **h.** Transit Shelter, subject to Section 1812
- **i.** Triplexes
- **j.** Two Family Dwellings

2. Accessory Uses

- **a.** Fences, subject to §1804.3
- **b.** Home Gardening
- **c.** Keeping of Domestic Pets
- **d.** No Impact Home-Based Business, subject to Section 1814
- **e.** Off-Street Parking and Loading, subject to Article XIX
- **f.** Private Garage or Accessory Storage Building, subject to §1804.3
- **g.** Private Residential Swimming Pools or Sports Courts, subject to §1804.3
- **h.** Signs, subject to Article XX
- **i.** Temporary Construction Trailer, Model Home or Sales Office, subject to Section 1809
- **j.** Transit Shelter Sign, subject to Section 2007

2. **Accessory Uses** (Cont'd.)

k. Other Accessory Uses customarily incidental to and on the same lot with any permitted use, conditional use or use by special exception authorized in this District.

B. CONDITIONAL USES

1. Principal Uses

a. Assisted Living Facility, subject to §1703.3
b. Fire and Emergency Medical Services, subject to §1703.22
c. Independent Living Facility, subject to §1703.3
d. Noncommercial Recreation, subject to §1703.43
e. Planned Residential Development, subject to Article XVI
f. Public Buildings, subject to §1703.11
g. Public Recreation, subject to §1703.43
h. Public Utility Building or Structure, subject to §1703.44
i. Schools, Public or Private, subject to §1703.11

2. Accessory Uses

a. Bed and Breakfast, subject to §1703.4

C. USES BY SPECIAL EXCEPTION

1. Principal Uses

a. Churches, subject to §1703.11
b. Conversion Apartments, subject to §1703.17
c. Day Care Center or Pre-School Facility, subject to §1703.19
d. Group Care Facility, subject to §1703.27
e. Nursing Home, subject to §1703.30
f. Personal Care Boarding Home, subject to §1703.27
g. Temporary Use or Structure, other than a Temporary Construction Trailer, Model Home or Sales Office, subject to §1703.53

2. Accessory Uses

a. Family Day Care Home, subject to §1703.21
b. Home Occupations, subject to §1703.29
c. Temporary Use or Structure, other than a Temporary Construction Trailer, Model Home or Sales Office, subject to §1703.53
d. Wind Energy System, Private, subject to §1703.60

SECTION 802 AREA AND BULK REGULATIONS

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

A. MINIMUM LOT SIZE:

Single Family Dwellings:	7,500 sq. ft.
Two Family Dwellings:	15,000 sq. ft.
Triplex:	20,000 sq. ft.
Fourplex:	30,000 sq. ft.
All Other Uses (Except as may be modified by Articles XVI or XVII)	1 acre

B. MINIMUM LOT WIDTH:

Single Family Dwellings:	70 feet
Two Family Dwellings:	85 feet
All Other Uses:	150 feet

C. MAXIMUM LOT COVERAGE: 35%

D. MINIMUM FRONT YARD: 40 feet

E. MINIMUM REAR YARD:

Principal Structures:	
Garden Apartments adjoining Single Family Use or Zoning District:	75 feet
Townhouses adjoining Single Family Use or Zoning District:	50 feet
All Others:	30 feet
Residential Accessory Structures:	10 feet
All Other Accessory Structures:	20 feet

F. MINIMUM SIDE YARD:

Single Family Dwellings:	10 feet each side
Two Family Dwellings:	10 feet each side
Triplexes or Fourplexes:	15 feet each side
Garden Apartments adjoining Single Family Use or Zoning District	75 feet
Townhouses adjoining Single Family Use or Zoning District	50 feet
All Other Uses:	15 feet each side

G.	**SPECIAL YARD REQUIREMENTS:**	See Section 1804
H.	**PERMITTED PROJECTIONS INTO REQUIRED YARDS:**	See Section 1805
I.	**MAXIMUM LENGTH OF RESIDENTIAL BUILDINGS:**	120 feet
J.	**MAXIMUM NUMBER OF DWELLING UNITS PER BUILDING:**	
	Townhouses:	6 dwelling units
	Garden Apartments:	18 dwelling units
K.	**MAXIMUM DWELLING UNIT DENSITY:**	
	Townhouses:	10 units per acre
	Garden Apartments:	12 units per acre
L.	**MINIMUM DISTANCE BETWEEN BUILDINGS:** (Where two (2) or more buildings are on the same lot)	20 feet
M.	**MAXIMUM HEIGHT:**	
	All Principal Structures:	3 stories, but no more than 45 feet
	All Accessory Structures:	1 story, but no more than 20 feet
N.	**HEIGHT EXCEPTIONS:**	See Section 1806

SECTION 803	**OFF-STREET PARKING AND LOADING**	See Article XIX
SECTION 804	**SIGNS**	See Article XX
SECTION 805	**SCREENING AND LANDSCAPING**	See Section 1802
SECTION 806	**STORAGE**	See Section 1811

ARTICLE IX

E-C, EDUCATIONAL CAMPUS, DISTRICT

SECTION 900 PURPOSE

The purpose of this District is to provide flexibility in the development of future facilities at the educational campuses in the Township while minimizing impacts on surrounding residential neighborhoods; and to authorize compatible accessory uses as conditional uses or uses by special exception.

SECTION 901 AUTHORIZED USES

In the E-C, Educational Campus, District, only the following uses are authorized:

A. PERMITTED USES

1. Principal Uses

a. Communications Antenna Mounted on an Existing Building or Public Utility Storage or Transmission Facility, subject to Section 1814

b. Essential Services

c. Forestry, subject to Section 1803

d. Post Secondary School Campus, including one (1) or more of the following principal uses:

[1] Classrooms, offices and laboratories for teaching and research
[2] Conference or Training Center
[3] Day Care Center
[4] Delicatessen
[5] Faculty Housing
[6] Student Health Center
[7] Health Club or Fitness Center
[8] Indoor Athletic Facilities
[9] Library
[10] Medical Clinic
[11] Outdoor Athletic Facilities
[12] Student Housing
[13] Student Union
[14] Theater; Amphitheater

e. Transit Shelter, subject to Section 1812

f. Supporting Uses on a Post Secondary School Campus, including , but not limited to one (1) or more of the following uses, whether operated by the school or leased to a private business:

[1] Apparel and Accessories
[2] Art, Book or Stationery Store
[3] Art, Music or Photography Studio
[4] Bakery, Retail
[5] Business Services
[6] Candy or Ice Cream Store
[7] Card and Gift Shop, including Memorabilia
[8] Catering Service, including Rental Hall
[9] Campus Bookstore
[10] Coin-operated Laundry
[11] Demonstration Projects Related to Curriculum
[12] Dining Hall; Cafeteria
[13] Eating and Drinking Establishments
[14] Financial Institution
[15] Newsstands
[16] Personal Services
[17] Post Office/ Mail Center

2. Accessory Uses

a. Fences, subject to §1804.3
b. Off-Street Parking and Loading, subject to Article XIX
c. Private Garage or Accessory Storage Building, subject to §1804.3
d. Signs, subject to Article XX
e. Temporary Construction Trailer, Model Home or Sales Office, subject to Section 1809
f. Transit Shelter Signs, subject to Section 2007
g. Other Accessory Uses customarily incidental to and on the same lot with any permitted use, conditional use or use by special exception authorized in this District.

B. CONDITIONAL USES

1. Principal Uses

a. Buildings containing any use authorized in this Zoning District by this Article which exceed three (3) stories or which are more than thirty-five (35) feet in height, subject to §1703.7
b. Public Utility Building or Structure, subject to §1703.44

2. Accessory Uses

None

C. USES BY SPECIAL EXCEPTION

1. Principal Uses

a. Comparable Uses Not Specifically Listed, subject to §1703.16
b. Temporary Use or Structure, other than a Temporary Construction Trailer, Model Home or Sales Office, subject to §1703.53

2. Accessory Uses

a. Wind Energy System, Private, subject to §1703.60

SECTION 902 AREA AND BULK REGULATIONS

In the E-C, Educational Campus, District, all uses shall be subject to the following regulations, except as they may be modified by the express standards and criteria for the specific conditional uses or uses by special exception contained in Article XVII.

A.	**MINIMUM SITE SIZE FOR A POST SECONDARY SCHOOL CAMPUS:**	50 acres
B.	**MINIMUM LOT SIZE WITHIN THE CAMPUS:** (If any property is proposed to be subdivided)	21,780 Sq. ft.
C.	**MINIMUM LOT WIDTH:**	150 feet
D.	**MAXIMUM LOT COVERAGE:**	35%
E.	**MINIMUM FRONT YARD:**	50 feet
F.	**PERIMETER SETBACK:**	
	Principal Structures:	
	Student Housing Adjoining any "R" District	200 feet
	All Other Principal Structures Adjoining any "R" District	100 feet
	All Others:	50 feet
	All Accessory Structures:	20 feet

G.	**INTERIOR SETBACKS:**	None required, provided a minimum distance of 25 feet between buildings is maintained
H.	**SPECIAL YARD REQUIREMENTS:**	See Section 1804
I.	**PERMITTED PROJECTIONS INTO REQUIRED YARDS:**	See Section 1805
J.	**MAXIMUM HEIGHT:**	
	All Principal Structures:	4 stories, but no more than 60 feet
	All Other Accessory Uses:	1 story, but no more than 20 feet
K.	**HEIGHT EXCEPTIONS:**	See Section 1806

SECTION 903	**OFF-STREET PARKING AND LOADING**	See Article XIX
SECTION 904	**SIGNS**	See Article XX
SECTION 905	**SCREENING AND LANDSCAPING**	See Section 1802
SECTION 906	**STORAGE**	See Section 1811

ARTICLE X

C-1, LIMITED COMMERCIAL, DISTRICT

SECTION 1000 PURPOSE

The purpose of this District is to provide retail shopping and service facilities to serve immediate household needs which are of a limited type and size appropriate to smaller properties, which do not generate large amounts of traffic and which do not adversely impact neighboring residential uses.

SECTION 1001 AUTHORIZED USES

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

A. PERMITTED USES

1. Principal Uses

a. Antiques, Interior Decorating
b. Apparel and Accessories Store
c. Art, Book, Stationery Store
d. Art, Music or Photography Studio
e. Bakery, Retail
f. Bed and Breakfast
g. Business Offices
h. Business Services
i. Candy or Ice Cream Store
j. Card and Gift Shop
k. Catering Service, excluding rental hall
l. Church
m. Coin-operated Laundry
n. Communications Antenna Mounted on an Existing Building or Public Utility Storage or Transmission Facility, subject to Section 1814
o. Contracting Business
p. Convenience Store
q. Day Spa
r. Delicatessen
s. Dry Cleaning Pick-up Store
t. Eating and Drinking Establishments
u. Educational Studio
v. Essential Services
w. Financial Institution
x. Florist Shop, excluding greenhouse
y. Food Store

z. Forestry, subject to Section 1803
aa. Garden Apartments
bb. Home Health Care Agency or Branch Office
cc. Indoor Entertainment
dd. Medical Offices
ee. Newsstand
ff. Personal Services
gg. Pet Grooming
hh. Pharmacy
ii. Professional Offices
jj. Public Buildings
kk. Sale of Hobby Supplies
ll. Therapeutic Massage
mm. Townhouses
nn. Transit Shelter, subject to Section 1812
oo. Video Store, excluding Adult Video Store

2. Accessory Uses

a. Fences, subject to §1804.3
b. Off-Street Parking and Loading, subject to Article XIX
c. Private Garage or Accessory Storage Building, subject to §1804.3
d. Signs, subject to Article XX
e. Temporary Construction Trailer, Model Home or Sales Office, subject to Section 1809
f. Transit Shelter Sign, subject to Section 2007
g. Other Accessory Uses customarily incidental to and on the same lot with any permitted use, conditional use or use by special exception authorized in this District.

B. CONDITIONAL USES

1. Principal Uses

a. Animal Shelter, subject to §1703.2
b. Car Wash, subject to §1703.8
c. Catering Service, including Rental Hall, subject to §1703.9
d. Day Care Center, subject to §1703.19
e. Drive-through Facilities, subject to §1703.20
f. Funeral Home, subject to §1703.24
g. Public Utility Building or Structure, subject to §1703.44
h. Vehicle Repair Garage, subject to §1703.58

2. Accessory Uses

None

C. USES BY SPECIAL EXCEPTION

1. Principal Uses

a. Comparable Uses Not Specifically Listed, subject to §1703.16
b. Group Care Facility, subject to §1703.27
c. Nursing Home, subject to §1703.30
d. Personal Care Boarding Home, subject to §1703.27
e. Residence in Combination with Retail Business or Professional or Business Office, subject to §1703.47
f. Temporary Use or Structure, other than a Temporary Construction Trailer, Model Home or Sales Office, subject to §1703.53
g. Transitional Dwelling, subject to §1703.27

2. Accessory Uses

a. Home Occupation in an Existing Single Family Dwelling, subject to §1703.29
b. Minor Collection and Recycling Facility, subject to §1703.12
c. Temporary Use or Structure, other than a Temporary Construction Trailer, Model Home or Sales Office, subject to §1703.53
d. Wind Energy System, Private, subject to §1703.60

SECTION 1002 AREA AND BULK REGULATIONS

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

A.	**MINIMUM LOT SIZE:**	
	Multifamily Dwellings:	1 acre
	All Other Uses:	21,780 sq. ft.
	(Except as may be modified by Article XVII)	
B.	**MINIMUM LOT WIDTH:**	100 feet
C.	**MAXIMUM GROSS FLOOR AREA PER BUSINESS ESTABLISHMENT:**	5,000 sq. ft.
	(Excluding dwellings)	
D.	**MAXIMUM DWELLING UNIT DENSITY:**	12 units per acre
E.	**MAXIMUM LOT COVERAGE:**	35%

F.	**MINIMUM FRONT YARD:**	50 feet
G.	**MINIMUM REAR YARD:**	
	Adjoining any R-R, R-1, R-2, R-3 or R-4 Zoning District:	75 feet
	Accessory Structures:	20 feet
	All Others:	25 feet
H.	**MINIMUM SIDE YARD:**	
	Adjoining any R-R, R-1, R-2, R-3 or R-4 Zoning District:	75 feet
	Accessory Structures:	10 feet each side
	All Others:	10 feet each side
I.	**SPECIAL YARD REQUIREMENTS:**	See Section 1804
J.	**PERMITTED PROJECTIONS INTO REQUIRED YARDS:**	See Section 1805
K.	**MINIMUM DISTANCE BETWEEN BUILDINGS:** (Where two (2) or more buildings are on the same lot)	20 feet
L.	**MAXIMUM HEIGHT:**	
	All Principal Structures:	3 stories, but no more than 35 feet
	All Other Accessory Uses:	1 story but no more than 20 feet
M.	**HEIGHT EXCEPTIONS:**	See Section 1806

SECTION 1003	**OFF-STREET PARKING AND LOADING**	See Article XIX
SECTION 1004	**SIGNS**	See Article XX
SECTION 1005	**PERFORMANCE STANDARDS**	See Section 1801
SECTION 1006	**SCREENING AND LANDSCAPING**	See Section 1802
SECTION 1007	**STORAGE**	See Section 1811

ARTICLE XI

C-2, GENERAL COMMERCIAL DISTRICT

SECTION 1100 PURPOSE

The purpose of this District is to provide for retail and service facilities which serve the needs of the general community and which are located in high volume traffic corridors to allow convenient access and to minimize the traffic impact on neighborhoods and local roads.

SECTION 1101 AUTHORIZED USES

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

A. PERMITTED USES

1. Principal Uses

a. Ambulatory Surgical Facility
b. Antiques, Interior Decorating
c. Apparel and Accessories Store
d. Appliance Store
e. Art, Book, Stationery Store
f. Art, Music or Photography Studio
g. Bakery, Retail or Commercial
h. Bed and Breakfast
i. Birth Center
j. Blood Bank
k. Business Offices
l. Business Services
m. Candy or Ice Cream Store
n. Card and Gift Shop
o. Catering Service, including rental hall
p. Church
q. Coin-operated Laundry
r. Commercial School
s. Communications Antenna Mounted on an Approved Communications Tower, subject to Section 1814
t. Communications Antenna Mounted on an Existing Building or Public Utility Storage or Transmission Facility, subject to Section 1814
u. Contracting Business
v. Convenience Store
w. Day Spa

x. Delicatessen
y. Drugstore
z. Dry Cleaning Pick-up Store
aa. Dry Cleaning, On-Site
bb. Eating and Drinking Establishments
cc. Educational Studio
dd. Essential Services
ee. Financial Institution
ff. Florist Shop, excluding Greenhouse
gg. Food Store
hh. Forestry, subject to Section 1803
ii. Funeral Home
jj. Garden Apartments
kk. Garden Center
ll. General Merchandise Store
mm. Grocery Store
nn. Hardware Store
oo. Health Club or Fitness Center
pp. High-Rise Apartments
qq. Home Health Care Agency or Branch Office
rr. Home Furnishing Store
ss. Home Improvements Store
tt. Indoor Entertainment
uu. Medical Clinic
vv. Medical Offices
ww. Mid-Rise Apartments
xx. Motel; Hotel
yy. Newsstand
zz. Nightclub
aaa. Personal Services
bbb. Pet Grooming
ccc. Pet Services
ddd. Pharmacy
eee. Private Club
fff. Professional Offices
ggg. Public Buildings
hhh. Radio or Television Broadcast Studio
iii. Retail Stores, not specifically listed in this Section 1101
jjj. Sale of Hobby Supplies
kkk. Theaters, excluding Adult Theaters
lll. Therapeutic Massage
mmm. Townhouses
nnn. Transit Shelter, subject to Section 1812
ooo. Vehicle Accessories Sales and Installation
ppp. Video Store, excluding Adult Video Store
qqq. Warehouse Club

2. Accessory Uses

a. Fences, subject to §1804.3
b. Off-Street Parking and Loading, subject to Article XIX
c. Private Garage or Accessory Storage Building, subject to §1803.4
d. Signs, subject to Article XX
e. Temporary Construction Trailer, Model Home or Sales Office, subject to Section 1809
f. Transit Shelter Sign, subject to Section 2007
g. Other Accessory Uses customarily incidental to and on the same lot with any permitted use, conditional use or use by special exception authorized in this District.

B. CONDITIONAL USES

1. Principal Uses

a. Buildings containing any use authorized in this Zoning District by this Article which exceed three (3) stories or which are more than thirty-five (35) feet in height, subject to §1703.7
b. Car Wash, subject to §1703.8
c. Commercial Recreation (indoor or outdoor), subject to §1703.13
d. Communications Tower, subject to §1703.15
e. Day Care Center, subject to §1703.19
f. Drive-through Facilities, subject to §1703.20
g. Mini-Warehouses or Self Storage Buildings, subject to §1703.35
h. Planned Shopping Center, subject to §1703.40
i. Public Parking Garage, subject to §1703.42
j. Public Parking Lot, subject to §1703.42
k. Public Utility Building or Structure, subject to §1703.44
l. Repair Shop, subject to §1703.45
m. Service Station, subject to §1703.49
n. Vehicle Rental, Sales and Service, subject to §1703.57
o. Wholesale Sales in conjunction with Retail Business, subject to §1703.59

2. Accessory Uses

a. Private Use Helipad, accessory to a Hospital, subject to §1703.41

C. USES BY SPECIAL EXCEPTION

1. Principal Uses

a. Comparable Uses Not Specifically Listed, subject to §1703.16
b. Group Care Facility, subject to §1703.27
c. Hospital, subject to §1703.30
d. Nursing Home, subject to §1703.30
e. Personal Care Boarding Home, subject to §1703.27
f. Temporary Use or Structure, other than a Temporary Construction Trailer, Model Home or Sales Office, subject to §1703.53
g. Transitional Dwelling, subject to §1703.27
h. Veterinary Clinics, subject to §1703.32

2. Accessory Uses

a. Home Occupations in an Existing Single Family Dwelling, subject to §1703.29
b. Minor Collection and Recycling Facility, subject to §1703.12
c. Temporary Use or Structure, other than a Temporary Construction Trailer, Model Home or Sales Office, subject to §1703.53
d. Wind Energy System, Private, subject to §1703.60

SECTION 1102 AREA AND BULK REGULATIONS

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

A. MINIMUM LOT SIZE:

Multifamily Dwellings:	1 acre
All Other Uses:	21,780 sq. ft.
(Except as may be modified by Article XVII)	

B. MINIMUM LOT WIDTH: 100 feet

C. MAXIMUM DWELLING UNIT DENSITY:

Garden Apartments and Townhouses:	16 units per acre
Mid-Rise Apartments:	24 units per acre
High-Rise Apartments:	32 units per acre

D. MAXIMUM LOT COVERAGE: 35%

E.	**MINIMUM FRONT YARD:**	50 feet
F.	**MINIMUM REAR YARD:**	
	Adjoining any R-R, R-1, R-2, R-3 or R-4 District:	100 feet
	Accessory Structures:	20 feet
	All Other Uses:	25 feet
G.	**MINIMUM SIDE YARD:**	
	Adjoining any R-R, R-1, R-2, R-3 or R-4 District:	100 feet
	Accessory Structures:	10 feet
	All Other Uses:	20 feet each side
H.	**MINIMUM DISTANCE BETWEEN BUILDINGS:** (Where two or more buildings are on the same lot)	20 feet
I.	**SPECIAL YARD REQUIREMENTS:**	See Section 1804
J.	**PERMITTED PROJECTIONS INTO REQUIRED YARDS:**	See Section 1805
K.	**MAXIMUM HEIGHT:**	
	All Principal Structures:	3 stories, but no more than 35 feet*
	All Accessory Structures	1 story, but no more than 20 feet
	* See §1703.7	
L.	**HEIGHT EXCEPTIONS:**	See Section 1804

SECTION 1103	**OFF-STREET PARKING AND LOADING**	See Article XIX
SECTION 1104	**SIGNS**	See Article XX
SECTION 1105	**PERFORMANCE STANDARDS**	See Section 1801
SECTION 1106	**SCREENING AND LANDSCAPING**	See Section 1802
SECTION 1107	**STORAGE**	See Section 1811

ARTICLE XII

C-3, TRANSITIONAL COMMERCIAL DISTRICT

SECTION 1200 PURPOSE

The purpose of this District is to allow for the transition of older residential neighborhoods that are being impacted by surrounding large-scale commercial development by encouraging the consolidation of small lots into a larger site to accommodate well-planned, unified commercial development that minimizes environmental impacts on adjacent, as well as remaining, residential properties and mitigates traffic impact on local and collector streets.

SECTION 1201 AUTHORIZED USES

In the C-3, Transitional Commercial District, the following uses are authorized:

A. PERMITTED USES

1. Principal Uses

a. Communications Antenna Mounted on an Approved Communications Tower, subject to Section 1814
b. Communications Antenna Mounted on an Existing Building or Public Utility Storage or Transmission Facility, subject to Section 1814
c. Essential Services
d. Forestry, subject to Section 1803
e. Single Family Dwellings existing on the date of adoption of this Ordinance
f. Transit Shelter, subject to Section 1812
g. Conversion of an existing Single Family Dwelling to any of the following commercial uses shall not be permitted; however, any of the following uses may be established as permitted uses by right within newly constructed buildings in a Transitional Commercial Development that has been granted conditional use approval and land development plan approval or on individual lots within an approved Transitional Commercial Development, provided the lot has, or will be, subdivided and land development plan approval for the individual lot has, or will be, granted.

1. Ambulatory Surgical Facility
2. Antiques, Interior Decorating
3. Apparel and Accessories Store
4. Appliance Store
5. Art, Book, Stationery Store

ARTICLE XIII

C-4, MIXED USE COMMERCIAL DISTRICT

SECTION 1300 PURPOSE

The purpose of this District is to allow for the private redevelopment of properties formerly used for industrial purposes that are in key locations in the commercial corridor and that are of sufficient size to provide a mix of retail, service and educational uses accessible to the regional highway network, while allowing the less accessible property to be developed for compatible research, development and high technology industries that benefit from close proximity to the retail, service and educational uses authorized.

SECTION 1301 AUTHORIZED USES

In the C-4, Mixed Use Commercial, District, the following uses are authorized:

A. PERMITTED USES

1. Principal Uses

a. Ambulatory Surgical Facility
b. Apparel and Accessories Store
c. Art, Book, Stationery Store
d. Art, Music or Photography Studio
e. Bakery, Retail or Commercial
f. Birth Center
g. Blood Bank
h. Business Offices
i. Business Services
j. Candy or Ice Cream Store
k. Card and Gift Shop
l. Catering Service, excluding rental hall
m. Catering Service, including rental hall
n. Commercial School
o. Communications Antenna Mounted on an Approved Communications Tower, subject to Section 1814
p. Communications Antenna Mounted on an Existing Building or Public Utility Storage or Transmission Facility, subject to Section 1814
q. Conference or Training Center
r. Convenience Store
s. Day Spa
t. Drugstore
u. Dry Cleaning Pick-Up Store
v. Dry Cleaning, On-Site

w. Eating and Drinking Establishments
x. Educational Studio
y. Essential Services
z. Financial Institutions
aa. Florist Shop, excluding Greenhouse
bb. Food Store
cc. Forestry, subject to Section 1803
dd. General Merchandise Store
ee. Grocery Store
ff. Health Club or Fitness Center
gg. Home Health Care Agency or Branch Office
hh. Indoor Entertainment
ii. Medical Clinic
jj. Medical Offices
kk. Motel; Hotel
ll. Newsstand
mm. Personal Services
nn. Pharmacy
oo. Post Secondary School
pp. Private Club
qq. Professional Offices
rr. Public Buildings
ss. Research and Development
tt. Retail Stores not specifically listed in this Section 1301
uu. Theater, excluding Adult Theater
vv. Therapeutic Massage
ww. Transit Shelter, subject to Section 1812
xx. Video Store, excluding Adult Video Store

2. Accessory Uses

a. Fences, subject to §1804.3
b. Off-street Parking and Loading, subject to Article XIX
c. Private Garage or Accessory Storage Building, subject to §1804.3
d. Signs, subject to Article XX
e. Temporary Construction Trailer or Sales Office, subject to Section 1809
f. Transit Shelter Signs, subject to Section 2007
g. Other Accessory Uses customarily incidental to and on the same lot with any permitted use, conditional use or use by special exception authorized in this District.

B. CONDITIONAL USES

1. Principal Uses

- **a.** Buildings containing any use authorized in this Zoning District by this Article which exceed three (3) stories or which are more than thirty-five (35) feet in height, subject to §1703.7
- **b.** Commercial Recreation (indoor or outdoor), subject to §1703.13
- **c.** Communications Tower, subject to §1703.15
- **d.** Day Care Center, subject to §1703.19
- **e.** Drive-Through Facilities, subject to §1703.20
- **f.** Flex Space, subject to §1703.23
- **g.** High Technology Industries, subject to §1703.23
- **h.** Hospital, subject to §1703.30
- **i.** Light Manufacturing, other than High Technology Industries, subject to §1703.23
- **j.** Nursing Home, subject to §1703.30
- **k.** Pilot Manufacturing, subject to §1703.23
- **l.** Planned Residential Development, subject to Article XVI
- **m.** Planned Shopping Center, subject to §1703.40
- **n.** Public Parking Garage, subject to §1703.42
- **o.** Public Utility Building or Structure, subject to §1703.44
- **p.** Service Station, subject to §1703.49
- **q.** Vehicle Rental, Sales and Service, subject to §1703.57

2. Accessory Uses

- **a.** Private Use Helipad, subject to §1703.41

C. USES BY SPECIAL EXCEPTION

1. Principal Uses

- **a.** Comparable Uses Not Specifically Listed, subject to §1703.16
- **b.** Personal Care Boarding Home, subject to §1703.27
- **c.** Temporary Use or Structure, other than a Temporary Construction Trailer or Sales Office, subject to §1703.53

2. Accessory Uses

- **a.** Temporary Use or Structure, other than a Temporary Construction Trailer or Sales Office, subject to §1703.53
- **b.** Wind Energy System, Private, subject to §1703.60

SECTION 1302 AREA AND BULK REGULATIONS

In the C-4, Mixed Use Commercial, District, all uses shall be subject to the following regulations, except as they may be modified by Article XVI governing Planned Residential Development or by the express standards and criteria for the specific conditional uses or uses by special exception contained in Article XVII.

A.	**MINIMUM LOT AREA:**	40,000 sq. ft.
B.	**MINIMUM LOT WIDTH:**	100 feet
C.	**MAXIMUM LOT COVERAGE:**	40%
D.	**MINIMUM FRONT YARD:**	50 feet
E.	**MINIMUM REAR YARD:**	
	Adjoining any R-R, R-1, R-2, R-3 or R-4 District:	75 feet
	Accessory Structures:	20 feet
	All Others:	40 feet
F.	**MINIMUM SIDE YARD:**	
	Adjoining any R-R, R-1, R-2, R-3 or R-4 District:	75 feet
	Accessory Structures:	20 feet
	All Others	40 feet each side
G.	**MINIMUM DISTANCE BETWEEN BUILDINGS:** (Where two (2) or more buildings are on the same lot)	20 feet
H.	**SPECIAL YARD REQUIREMENTS:**	See Section 1804
I.	**PERMITTED PROJECTIONS INTO REQUIRED YARDS:**	See Section 1805
J.	**MAXIMUM HEIGHT:**	
	All Principal Structures:	3 stories, but no more than 35 feet *
	All Accessory Structures:	1 story, but no more than 20 feet
	* See §1703.7	
K.	**HEIGHT EXCEPTIONS:**	See Section 1806

SECTION 1303	**OFF-STREET PARKING AND LOADING**	See Article XIX
SECTION 1304	**SIGNS**	See Article XX
SECTION 1305	**PERFORMANCE STANDARDS**	See Section 1801
SECTION 1306	**SCREENING AND LANDSCAPING**	See Section 1802
SECTION 1307	**STORAGE**	See Section 1811

ARTICLE XIV

O-P, OFFICE PARK, DISTRICT

SECTION 1400 PURPOSE

The purpose of this District is to encourage the development of large sites in key locations on the regional transportation network into office parks which promote coordinated, campus-type development, including supporting business services, limited commercial services and research and development activities that contribute to an integrated working environment. It is intended that this District provide an environmentally protected atmosphere for development and this District is not intended to develop a predominantly industrial character.

SECTION 1401 AUTHORIZED USES

In the O-P, Office Park, District, only the following uses are authorized:

A. PERMITTED USES

1. Principal Uses

- **a.** Business Offices
- **b.** Business Services
- **c.** Commercial School
- **d.** Communications Antenna Mounted on an Approved Communications Tower, subject to Section 1814
- **e.** Communication Antenna Mounted on an Existing Building or Public Utility Storage or Transmission Facility, subject to Section 1814
- **f.** Conference or Training Center
- **g.** Essential Services
- **h.** Financial Institutions
- **i.** Forestry, subject to Section 1803
- **j.** Health Club or Fitness Center
- **k.** Hospital
- **l.** Medical Clinic
- **m.** Medical Offices
- **n.** Motel; Hotel
- **o.** Post Secondary School
- **p.** Professional Offices
- **q.** Therapeutic Massage

2. **Accessory Uses**
   a. Employee Cafeteria or Dining Room
   b. Fences, subject to §1804.3
   c. Off-Street Parking and Loading, subject to Article XIX
   d. Private Garage or Accessory Storage Building, subject to §1804.3
   e. Signs, subject to Article XX
   f. Temporary Construction Trailer or Sales Office, subject to Section 1809
   g. Other Accessory Uses customarily incidental to and on the same lot with any permitted use, conditional use or use by special exception authorized in this District

B. CONDITIONAL USES

1. Principal Uses

   a. Buildings containing any use authorized in this Zoning District by this Article which exceed three (3) stories or which are more than thirty-five (35) feet in height, subject to §1703.7
   b. Communications Tower, subject to §1703.15
   c. Day Care Center, subject to §1703.19
   d. Planned Office Park, subject to §1703.39
   e. Public Parking Garage, subject to §1703.42
   f. Public Utility Building or Structure, subject to §1703.44
   g. Research and Development, subject to §1703.46

2. Accessory Uses

   a. Day Care Center in a Planned Office Park, subject to §1703.19
   b. Restaurant in a Planned Office Park, subject to §1703.48
   c. Supporting Commercial Uses in a Planned Office Park, subject to §1703.52

C. USES BY SPECIAL EXCEPTION

1. Principal Uses

   a. Comparable Uses Not Specifically Listed, subject to §1703.16
   b. Temporary Use or Structure other than a Temporary Construction Trailer or Sales Office, subject to §1703.53

2. Accessory Uses

   a. Home Occupation in an Existing Single Family Dwelling, subject to §1703.29
   b. Wind Energy System, Private, subject to §1703.60

SECTION 1402 AREA AND BULK REGULATIONS

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

A.	**MINIMUM SITE AREA:**	
	Planned Office Park:	10 acres
B.	**MINIMUM LOT SIZE:**	
	Lot in an approved Planned Office Park:	40,000 sq. ft.
C.	**MINIMUM LOT WIDTH:**	100 feet
D.	**MAXIMUM LOT COVERAGE:**	40%
E.	**MINIMUM FRONT YARD:**	50 feet
F.	**MINIMUM REAR YARD:**	
	Adjoining any R-R, R-1, R-2, R-3 or R-4 District:	75 feet
	All Others:	40 feet
G.	**MINIMUM SIDE YARD:**	
	Adjoining any R-R, R-1, R-2, R-3 or R-4 District:	75 feet
	All Others:	40 feet
H.	**SPECIAL YARD REQUIREMENTS:**	See Section 1804
I.	**PERMITTED PROJECTIONS INTO REQUIRED YARDS:**	See Section 1805
J.	**MINIMUM DISTANCE BETWEEN BUILDINGS:** (Where two or more buildings are on the same lot)	20 feet
K.	**MAXIMUM HEIGHT:**	
	All Principal Structures:	3 stories, but no more than 35 feet *
	All Accessory Structures:	1 story, but no more than 20 feet
	*See §1703.7	

L.	**HEIGHT EXCEPTIONS:**	See Section 1806
SECTION 1403	**OFF-STREET PARKING AND LOADING**	See Article XIX
SECTION 1404	**SIGNS**	See Article XX
SECTION 1405	**PERFORMANCE STANDARDS**	See Section 1801
SECTION 1406	**SCREENING AND LANDSCAPING**	See Section 1802
SECTION 1407	**STORAGE**	See Section 1811

ARTICLE XV

I-1, INDUSTRIAL, DISTRICT

SECTION 1500 PURPOSE

The purpose of this District is to provide for industrial uses in appropriate locations consistent with sound planning and environmental controls.

SECTION 1501 AUTHORIZED USES

In the I-1, Industrial, District, the following uses are authorized:

A. PERMITTED USES

1. Principal Uses

a. Animal Shelter
b. Bakery, Commercial
c. Business Offices
d. Communications Antenna Mounted on an Approved Communications Tower, subject to Section 1814
e. Communications Antenna Mounted on an Existing Building or Public Utility Storage or Transmission Facility, subject to Section 1814
f. Contracting Business
g. Contractor's Yard
h. Crematorium
i. Equipment Storage Yard
j. Essential Services
k. Flex Space
l. Forestry, subject to Section 1803
m. Freight Terminal
n. High Technology Industries
o. Landscaping Contractor
p. Light Manufacturing
q. Mini-Warehouses or Self-Storage Buildings
r. Oil and Gas Operations
s. Pilot Manufacturing
t. Printing Establishment
u. Professional Offices
v. Public Utility Building or Structure
w. Repair Shop
x. Research and Development
y. Truck Terminal
z. Vehicle Accessories Sales and Installation

aa. Vehicle Repair Garage
bb. Warehousing and Distribution
cc. Wholesale Business
dd. Wind Farm
ee. Zoo

2. Accessory Uses

a. Employee Cafeteria or Dining Room
b. Fences, subject to §1803.4
c. Off-Street Parking and Loading, subject to Article XIX
d. Private Garage or Accessory Storage Building, subject to §1804.3
e. Signs, subject to Article XX
f. Temporary Construction Trailer or Sales Office, subject to Section 1809
g. Other Accessory Uses customarily incidental to and on the same lot with any permitted use, conditional use or use by special exception authorized in this District.

B. CONDITIONAL USES

1. Principal Uses

a. Billboards, subject to §1703.5
b. Buildings containing any use authorized in this Zoning District by this Article which exceed three (3) stories or which are more than thirty-five (35) feet in height, subject to §1703.7
c. Collection and Recycling Facility, subject to §1703.12
d. Commercial Recreation (indoor or outdoor), subject to §1703.13
e. Communications Tower, subject to §1703.15
f. Correctional Facility, subject to §1703.18
g. Planned Industrial Park, subject to §1703.38
h. Public Parking Garage, subject to §1703.42
i. Service Station, subject to §1703.49
j. Supply Yard, subject to §1703.51
k. Truck and Heavy Equipment Rental, Sales and Service, subject to §1703.55

2. Accessory Uses

None

C. USES BY SPECIAL EXCEPTION

1. Principal Uses

- **a.** Adult Businesses, subject to §1703.1
- **b.** Comparable Uses Not Specifically Listed, subject to §1703.16
- **c.** Hazardous Waste Disposal, Treatment, Transportation or Storage, subject to §1703.28
- **d.** Incinerator, subject to §1703.33
- **e.** Junk Yard; Salvage Yard, subject to §1703.31
- **f.** Landfill, subject to §1703.33
- **g.** Mineral Removal, subject to §1703.34
- **h.** Resource Recovery Facility, subject to §1703.33
- **i.** Temporary Use or Structure, other than a Temporary Construction Trailer or Sales Office, subject to §1703.53
- **j.** Transfer Facility, subject to §1703.33

2. Accessory Uses

- **a.** Home Occupation in an Existing Single Family Dwelling, subject to §1703.29
- **b.** Minor Collection and Recycling Facility, subject to §1703.12
- **c.** Wind Energy System, Private, subject to §1703.60

SECTION 1502 AREA AND BULK REGULATIONS

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

A.	**MINIMUM LOT SIZE:** (Except as may be modified by Article XVII)	21.780 sq. ft.
B.	**MINIMUM LOT WIDTH:**	100 feet
C.	**MAXIMUM LOT COVERAGE:**	50%
D.	**MAXIMUM PAVED AREA:**	40%
E.	**MINIMUM FRONT YARD:**	50 feet
F.	**MINIMUM REAR YARD:**	
	Adjoining any R-R, R-1, R-2, R-3 or R-4 District:	150 feet
	Accessory Structures:	25 feet
	All Others:	40 feet

G.	**MINIMUM SIDE YARD:**	
	Adjoining any R-R, R-1, R-2, R-3 or R-4 District:	150 feet
	Accessory Structures:	25 feet
	All Others:	40 feet
H.	**MINIMUM DISTANCE BETWEEN BUILDINGS:** (Where two or more buildings are on the same lot)	20 feet
I.	**SPECIAL YARD REQUIREMENTS:**	See Section 1804
J.	**PERMITTED PROJECTIONS INTO REQUIRED YARDS:**	See Section 1805
K.	**MAXIMUM BUILDING LENGTH:**	400 feet
L.	**MAXIMUM HEIGHT:**	
	All Principal Structures:	3 stories, but no more than 35 feet*
	All Accessory Structures:	1 story, but no more than 35 feet
	*See §1703.7	
M.	**HEIGHT EXCEPTIONS:**	See Section 1806

SECTION 1503	**OFF-STREET PARKING AND LOADING**	See Article XIX
SECTION 1504	**SIGNS**	See Article XX
SECTION 1505	**PERFORMANCE STANDARDS**	See Section 1801
SECTION 1506	**SCREENING AND LANDSCAPING**	See Section 1802
SECTION 1507	**STORAGE**	See Section 1811

ARTICLE XVI

PLANNED RESIDENTIAL DEVELOPMENT

SECTION 1600 PURPOSE

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

Each Planned Residential Development (PRD) should be designed to accomplish the following:

a. A maximum choice in the types of living environments.

b. Open space and recreation areas directly related to the intended users.

c. A pattern of development that preserves trees, outstanding natural topography and geological features and prevents soil erosion.

d. A creative approach to the use of land and related physical development.

e. An efficient use of land, resulting in smaller networks of utilities and streets and lower housing costs.

f. An environment of stable character in harmony with surrounding development.

g. A more desirable environment that would be possible through the strict application of other Articles of this Zoning Ordinance.

SECTION 1601 COMPLIANCE

No Planned Residential Development (PRD) may be approved or recorded, no lot shall be sold or any structure built, altered, moved or enlarged in any Planned Residential Development (PRD), unless and until a development plan has been approved and recorded and until the improvements required in connection therewith have either been constructed or guaranteed, as herein provided.

SECTION 1602 APPLICABILITY AND RELATIONSHIP TO OTHER ORDINANCES

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

SECTION 1603 SITE AREA, OWNERSHIP, USE AND DENSITY REQUIREMENTS

1603.1 Site Area

In all cases, the minimum site required for a Planned Residential Development (PRD) shall be ten (10) contiguous acres. Sites that are divided by a public or private street right-of-way shall not be construed as contiguous for the purposes of a Planned Residential Development (PRD).

1603.2 Site Ownership

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

1603.3 Permitted Uses

The following uses may be permitted in a Development Plan provided their design, arrangement, landscaping and construction meet the requirements set forth in this Article:

a. In the R-1 District: Single family dwellings, two family dwellings, triplexes, fourplexes, townhouses, recreational facilities and accessory uses.

b. In the R-2 District: Single family dwellings, two family dwellings, triplexes, fourplexes, townhouses and garden apartments, ancillary commercial uses, recreational facilities and accessory uses

c. In the R-3 District: Single family dwellings, two family dwellings, triplexes, fourplexes, townhouses and garden apartments, ancillary commercial uses, recreational facilities and accessory uses.

d. In the R-4 District: Single family dwellings, two family dwellings, triplexes, fourplexes, townhouses and garden apartments, ancillary commercial uses, recreational facilities and accessory uses.

e. In the C-4 District: Townhouses, garden apartments, mid-rise apartments, high-rise apartments, ancillary commercial uses, recreational facilities and accessory uses.

f. A Community Water Distribution System or a Community Sewage Treatment System approved by the Pennsylvania Department of Environmental Protection (PA DEP).

g. Ancillary commercial uses, as defined by this Ordinance, shall be permitted in a Planned Residential Development (PRD) only if all of the following criteria are met:

1. The Planned Residential Development (PRD) shall contain a minimum of one hundred (100) multifamily dwelling units.

2. The Planned Residential Development (PRD) site shall have frontage on an arterial or collector street, as defined herein, or shall be located within five hundred (500) feet of the intersection of two (2) arterial or collector streets, unless the Planned Residential Development (PRD) is located in the C-4 District where this requirement shall not apply.

3. Construction of the ancillary commercial uses shall not be permitted until eighty percent (80%) of all proposed dwelling units in the Planned Residential Development (PRD) are constructed and occupied or ready for occupancy.

4. The ancillary commercial uses shall be designed primarily to serve the residents of the Planned Residential Development (PRD).

5. The ancillary commercial uses shall be limited to the ground or street floors of a residential building containing multifamily dwelling units or to a single freestanding building on the site of the Planned Residential Development (PRD).

6. The total floor area devoted to the ancillary commercial uses shall not exceed fifteen percent (15%) of the total floor area of all buildings devoted to residential use in the Planned Residential Development (PRD).

7. Any freestanding building proposed to contain ancillary commercial uses shall not be located within one hundred (100) feet of any existing or proposed single family dwelling within the Planned Residential

Development (PRD) or outside the boundaries of the Planned Residential Development (PRD).

8. The maximum surface area of any business identification sign for any ancillary commercial use shall not exceed twelve (12) square feet. Such signs shall not be illuminated.

9. Off-street parking for the proposed ancillary commercial uses shall be provided in accordance with the requirements of Section XIX for these uses.

1603.4 Permitted Density:

a. **Exclusion of Steep Slope Areas:** In computing total dwelling units permitted per lot area in accordance with the requirements of only that portion of the lot with natural slopes of less than twenty-five percent (25%) shall be included in the computation.

b. **Density:** The overall density of development for the Planned Residential Development (PRD) shall not exceed the following:

Zoning District	Maximum Density
R-1	4 units per acre
R-2	6 units per acre
R-3	8 units per acre
R-4	12 units per acre
C-4	
Garden Apartments	18 units per acre
Townhouses	18 units per acre
Mid-rise Apartments	24 units per acre
High-rise Apartments	32 units per acre
Garden Apartments or Townhouses mixed with Mid-rise or High-rise	24 units per acre

c. **Minimum Lot Area for Single Family Dwellings:** The following minimum lot areas for single family dwellings in a Planned Residential Development shall be maintained:

Zoning District	Minimum Lot Area
R-1	12,000 sq. ft.
R-2	10,000 sq. ft.
R-3	8,500 sq. ft.
R-4	7,500 sq. ft.

d. **Minimum Lot Area for Two Family Dwellings:** The following minimum lot areas for two family dwellings in a Planned Residential Development shall be maintained:

Zoning District	Minimum Lot Area
R-1	20,000 sq. ft.
R-2	15,000 sq. ft.
R-3	13,500 sq. ft.
R-4	12,000 sq. ft.

1603.5 Yard and Open Space Requirements

No Development Plan shall be approved unless the following requirements for yards and open space are met:

a. **Bufferyards**: Bufferyards shall be provided in accordance with the requirements of Section 1802 of this Ordinance.

b. **Open Space**: Not less than fifteen percent (15%) of the total site area shall be set aside for common open space, and not less than fifty percent (50%) of the identified open space shall be developed as a distinct and usable recreation area.

c. **Minimum Building Setback on the Perimeter of the PRD Site**: No mid-rise apartment, garden apartment, townhouse or ancillary commercial structure shall be located closer to any boundary of the Planned Residential Development (PRD) site than seventy-five (75) feet. All other structures shall be located at least fifty (50) feet from the boundary of the Planned Residential Development (PRD) site. Any structure exceeding thirty-five (35) feet in height shall be set back one (1) additional foot for every foot of height exceeding thirty-five (35) feet. No accessory structure and no off-street parking shall be located in this required setback area.

d. **Minimum Lot Width and Yard Requirements**: There shall be no minimum lot width, front yard, side yard or rear yard requirements in a Planned Residential Development (PRD), provided the minimum lot area and dwelling unit density requirements of this Article are met. In approving an application for Tentative Approval of a Planned Residential Development, the Board of Supervisors may modify the lot width and yard requirements of the underlying Zoning District for the Planned Residential Development (PRD), provided the Board of Supervisors determines that the modifications requested in the application will contribute to a more beneficial use of the site and will make for a more efficient, attractive and harmonious Planned Residential Development (PRD), and further provided, that the approved plan or recording contains a notation regarding the approved requirements for each lot in the Planned Residential Development (PRD).

e. **Building Coverage**: The total building coverage for dwelling purposes, shall not exceed twenty-five percent (25%) of the total site area.

f. **Space Between Buildings**: Where two (2) principal structures exist on the same lot, each structure shall be separated by not less than thirty (30) feet from any other principal structure on the lot.

1603.6 Maximum Bulk and Height of Structures:

No structure shall have a maximum dimension greater than two hundred fifty (250) feet. Maximum height of structures shall be as follows:

a. No townhouse shall have a height greater than two and one-half (2 ½) stories not to exceed thirty-five (35) feet in height.

b. No garden apartment shall have a height greater than three (3) stories not to exceed thirty-five (35) feet.

c. No mid-rise apartment shall have a height greater than five (5) stories not to exceed sixty (60) feet.

d. Chimneys, spires, towers, tanks or similar projections may exceed the prescribed height limitation by not more than twenty-five percent (25%).

1603.7 Building Groupings:

Structures used for dwelling units shall be oriented so as to ensure adequate light and air exposures for walls containing main window exposures or main entrances. Each structure shall be so arranged so as to avoid undue exposure to concentrated loading or parking facilities.

1603.8 Off-Street Parking:

Off-street parking spaces shall be provided in accordance with Section XIX of this Ordinance.

1603.9 Recreational and Other Common Facilities for the Residents

In addition to the residential uses permitted in a Planned Residential Development (PRD), recreation facilities designed for the use of the residents of the Planned Residential Development (PRD) shall be permitted, including, but not limited to: hiking, biking or exercise trails; tennis, paddle tennis, basketball, volleyball or other playing courts; swimming pool and related facilities; picnic pavilions; other passive and low impact active recreational uses deemed appropriate to the needs and interests of the proposed residents of the Planned Residential Development (PRD) by the Board of Supervisors.

Passive recreation facilities may be provided within the common open space. The area proposed for low impact active recreation shall be provided based on the ratio of five hundred (500) square feet per dwelling unit. The total area devoted to low impact active recreation shall be located within the common open space. The specific facilities proposed shall be subject to approval by the Township based on the anticipated needs of the residents.

SECTION 1604 ACCESS AND AVAILABILITY OF PUBLIC SERVICES

1604.1 Access and Traffic Control

If a Planned Residential Development (PRD) contains triplexes, quadruplexes, townhouses or garden apartments, the site of a Planned Residential Development (PRD) shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Ordinance. The projected traffic volumes associated with the proposed Planned Residential Development (PRD) shall be capable of being accommodated by the adjacent street network. The site proposed for a Planned Residential Development (PRD) shall have a minimum of two (2) means of ingress and egress from the existing street network.

1604.2 Traffic Impact Study

The developer shall submit a Traffic Impact Study prepared in accordance with the requirements specified in the Township Subdivision and Land Development Ordinance. The Traffic Impact Study shall identify the traffic impact of the proposed Planned Residential Development (PRD) and the recommendations to mitigate those impacts, as warranted. Ingress and egress to and from the site shall be designed to comply with the design standards of the Township Subdivision and Land Development Ordinance.

1604.3 Sidewalks

Sidewalks shall be provided on at least one (1) side of every street in the Planned Residential Development (PRD). Sidewalks shall be constructed in accordance with the requirements of the Township Subdivision and Land Development Ordinance and Township Construction Specifications.

1604.4 Public Water and Sewer Service

All dwelling units and other principal structures in a Planned Residential Development (PRD) shall be connected to a public water supply and public sanitary sewer service.

1604.5 Storm Drainage

The developer shall provide a storm drainage system within a Planned Residential Development (PRD) that shall be of sufficient size and design to collect, carry off and

dispose of all predictable surface water runoff within the Planned Residential Development (PRD) and shall be so constructed to conform with the statutes, ordinances and regulations of the Commonwealth of Pennsylvania and the Township Stormwater Management Ordinance, as now or hereafter adopted or amended.

SECTION 1605 COMMON OPEN SPACE

In every Planned Residential Development, common open space shall be provided in accordance with the following requirements.

1605.1 Preservation of Common Open Space

The common open space required in a Planned Residential Development shall be so dedicated or otherwise preserved and maintained so as to always remain open and available for use by the occupants of the Planned Residential Development. The land and facilities proposed as common open space shall be acceptable, if either of the following conditions are met:

a. The land and facilities shall be dedicated for public use, with the accepting public body agreeing to operate and maintain the dedicated land and facilities for the originally intended use.

b. The land and facilities shall be deeded to an organization representing the property owners of the development. The organization shall covenant to operate and maintain the land and facilities for their originally intended use. The organization shall not be dissolved nor shall it dispose of the common open space, by sale or otherwise without guaranteeing to the Township's satisfaction, the maintenance of the common open space and first (1st) offering to dedicate the common open space to the public. The public body is under no obligation to accept dedication of this common open space for public use.

1605.2 Areas to be Included

a. Open space may be provided in excess of the minimum fifteen percent (15%) of the gross site area required by §1603.5b.

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

c. Required bufferyards shall be included in the common open space and shall be maintained in perpetuity by the organization created to own and maintain the common open space. Restrictive covenants and/or provisions in the organization's by-laws shall specify this responsibility and restrictions on disturbing the bufferyards.

d. Common open space may be developed to include recreational facilities appropriate to the needs of the residents of the Planned Residential development. Common open space may be developed to the degree commensurate with its location and probable usage.

1605.3 Protection of Common Open Space

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

1605.4 Continued Maintenance of Common Open Space

In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after establishment of the Planned Residential Development (PRD) fail to maintain the common open space in reasonable order and condition in accordance with the Development Plan, the Township may serve written notice upon such organization or upon the residents of the Planned Residential Development (PRD) setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be corrected within thirty (30) days thereof, and shall state the date and place of hearing thereon which shall be held within fourteen (14) days of the notice. At such hearing, the Township may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be corrected. If the deficiencies set forth in the original notice or in the modifications thereof shall not be corrected within said thirty (30) days or any extension thereof, the Township, on order to preserve the taxable values of the properties within the Planned Residential Development (PRD) and to prevent the common open space from becoming a public nuisance, may enter upon said common open space and maintain the same for a period of one (1) year. Said maintenance by the Township shall not constitute a taking of said common open space, nor vest in the public any rights to use the same.

Before the expiration of said year, the Township shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common open space, call a public hearing upon notice to such organization, or to the residents of the Planned Residential Development (PRD), to be held by the Board of Supervisors or

its designated agency, at which hearing such organization or the residents of the Planned Residential Development (PRD) shall show cause why such maintenance by the Township shall not, at the option of the Township, continue for a succeeding year.

If the Board of Supervisors or its designated agency, shall determine that such organization is ready and able to maintain said common open space in reasonable condition, the Township shall cease to maintain said common open space at the end of said year. If the Board of Supervisors or its designated agency shall determine that such organization is not ready and able to maintain said common open space in a reasonable condition, the Township may, in its discretion, continue to maintain said common open space during the next succeeding year and, subject to a similar hearing and determination, in each year thereafter.

The decision of the governing body or its designated agency shall be subject to appeal to court in the same manner, and within the same time limitation, as is provided for zoning appeals by this Ordinance. The cost of such maintenance by the Township shall be assessed ratably against the properties within the Planned Residential Development (PRD) that have a right of enjoyment of the common open space, and shall become a lien on said properties. The Township, at the time of entering upon said common open space for the purpose of maintenance, shall file a notice of lien in the Office of the Prothonotary of Beaver County, upon the properties affected by the lien within the Planned Residential Development (PRD).

SECTION 1606 ADMINISTRATION AND PROCEDURE

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

1606.1 Pre-Application Conference

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

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

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

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

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

1606.2 Application for Tentative Approval

At least ten (10) working days prior to the regular meeting of the Planning Commission, thirteen (13) copies of an Application for Tentative Approval shall be submitted to the Zoning Officer. The application shall be in sufficient detail for the Planning Commission to determine compliance with the standards of this Article and shall contain, at a minimum, the following information:

a. A legal description of the total tract proposed for development, including a statement of present and proposed ownership.

b. A written statement of planning objectives to be achieved by the Planned Residential Development (PRD) through the particular approach proposed by the developer. The statement shall include a description of the character of the proposed development and its relationship to the immediate area in which it is to be located.

c. A written statement setting forth the reasons why the proposed Planned Residential Development (PRD) would be in the public interest and would be consistent with the Township's Comprehensive Plan.

d. A written statement of the requested modifications to the Township Zoning Ordinance and the Township Subdivision and Land Development Ordinance otherwise applicable to the property, if any.

e. A check made payable to the Beaver County Planning Commission for the fee required to cover the costs of reviewing the application.

f. A location map that clearly shows the location and area of the site proposed for development with relation to all lands, buildings and structures within one thousand (1,000) feet of the development site showing North direction, all public roads, property lines as appropriate, rivers, adjacent municipalities, with the subject property clearly marked.

g. A copy of the Beaver County Tax Assessment Map clearly identifying the Tax Parcel Number for the proposed development site.

h. A Traffic Study, meeting the requirements of the Township Subdivision and Land Development Ordinance.

i. Property Map at a minimum scale 1"=200', indicating subject site, and all abutting properties within five hundred (500) feet of subject property along with the names of all such property owners of record.

j. Zoning Map at a minimum scale 1"=200', similar to that specified in §1606.2a above, but including the zoning classification of all properties indicated on said map.

k. Topography Map at a minimum scale 1"=200', similar to that specified in §1606.2h above, but indicating topography as would appear on the United States Geologic Survey indicating all man-made improvements thereon, including, but not limited to buildings existing on any properties thereon.

l. Soil Classification Map at a minimum scale 1"=200', identifying soils and listing limiting factors of applicable soils.

m. A Development Plan prepared at a scale no smaller than one inch equals fifty feet (1"=50') showing the following information:

1. The name of the proposed development and names and addresses of the landowner, the Developer and the persons who prepared the Plan;

2. The proposed street pattern, including the names, paving widths, and rights-of-way of all streets, and the widths and locations of easements;

3. The layout of lots or parcels, where appropriate, including dimensions, lot area, number and building lines;

4. The location, use, height, bulk and number of families to be housed for every structure proposed;

5. The location and design of all landscaping, screening and bufferyards proposed showing the height and type of screening;

6. The location, size and kind of improvements proposed for all common open space and recreation facilities, together with proposed ownership and maintenance arrangements for such open space.

7. The substance of covenants, grants, easements or other restrictions proposed;

8. A legend with notes documenting applicable zoning requirements and the way in which the plan does or does not comply, including area in steep slopes, density calculation, setbacks, distance between buildings, percentage of open space and other applicable requirements of this Article.

9. For all buildings other than single family dwellings, proposed floor plans, elevations, building siting, typical cross section, rendering of front elevations of proposed buildings at a minimum scale 1/8"=1';

10. Evidence from the Center Township Water Authority and Center Township Sewer Authority demonstrating the availability of utilities to serve the development site.

11. Existing contours at intervals of five (5) feet; watercourses; floodplains; wetlands; woodlands; soils; steep slopes; and other natural features.

12. Proposed lot lines and subdivision plat, if any.

13. The location of all existing and proposed buildings, structures and other improvements, including maximum height, dwelling unit types and dwelling unit density.

14. The location and size in acres or square feet of all areas to be conveyed, dedicated or reserved as common open space.

15. The existing and proposed vehicular circulation system of local and collector streets within the Development Plan and major points of access from the Planned Residential Development (PRD) to public rights-of-way.

16. The location of vehicular entrances and exits from the site, including sight distances at those entrances and exits.

17. The existing and proposed pedestrian circulation system showing, at a minimum, sidewalks on one (1) side of each street, including the relationship between the pedestrian and vehicular circulation systems and proposed treatment for any points of conflict between the two (2) systems.

18. The location of all off-street parking spaces and the total number of spaces to be provided in accordance with the requirements of Article XIX of this Ordinance.

19. The location and width of all pedestrian walkways and trails and their proposed use, if not limited to pedestrian use;

20. Street lighting plan, as required by the Township Subdivision and Land Development Ordinance.

21. The existing and proposed utility systems, including sanitary sewers, storm sewers and water, electric, gas and telephone lines.

22. Subsurface conditions, including stability.

23. A minimum of three (3) cross-sections showing existing and proposed contours and their relationship to proposed buildings, structures, highways, streets, parking areas, walkways and existing woodlands.

24. A general landscaping plan indicating the treatment and materials proposed to be used in Buffer Areas and common areas on the site.

25. Information required by the Township Subdivision and Land Development Ordinance including application filing and application review fees.

26. An Engineering Report shall comply with the provisions for an Engineering Report as specified in the Subdivision and Land Development Ordinance.

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

1606.3 Review of Application

The Township Secretary shall forward one (1) copy of the application for Tentative Approval to each member of the Planning Commission, the Township Engineer, the Board of Supervisors and the Beaver County Planning Commission. The Board of Supervisors shall not approve the application for Tentative Approval until reports from each of these agencies have been received, or until the expiration of thirty (30) days

from the date of copies of the application for development were forwarded to said agencies.

The Township Engineer and Township Planning Consultant shall review the application to determine whether it is complete and properly filed in accordance with all requirements of this Ordinance. If the Township Engineer and Township Planning Consultant determine that the application is not complete and properly filed, written notice shall be provided to the applicant. The Township Planning Consultant shall provide a written review to the Township Planning Commission.

After reviewing the application at a public meeting, the Planning Commission shall forward a written recommendation on the application for Tentative Approval to the Board of Supervisors in time for the Board of Supervisors' public hearing required by §1606.4 of this Ordinance.

1606.4 Public Hearing

Within sixty (60) days following the Date of filing of an application for Tentative Approval of a Planned Residential Development (PRD) that contains all of the required documentation, a public hearing pursuant to public notice shall be held by the Board of Supervisors. At least fourteen (14) days prior to the hearing, the Zoning Officer shall mail a copy of the notice by first (1st) class mail to each property owner within three hundred (300) feet of the entire perimeter of the property, including those located across a street right-of-way. The cost of mailing the notices shall be paid by the applicant.

The public hearing shall be conducted in the manner prescribed in Article IX of the Pennsylvania Municipalities Planning Code and all references to the Zoning Hearing Board in Article IX shall apply to the Board of Supervisors. The public hearing or hearings shall be concluded within sixty (60) days of the first (1st) hearing.

The Township may offer mediation as an aid in completing these proceedings, provided that, in exercising such an option, the Township and the mediating parties shall meet the stipulations and follow the procedures set forth in Section 2210 of this Ordinance.

1606.5 Tentative Approval

Within sixty (60) days following the conclusion of the public hearing, or within one hundred eighty (180) days after the Date of filing, whichever occurs first (1st), the Board of Supervisors shall, by official written communication, either:

a. Grant Tentative Approval of the Development Plan, as submitted;

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

c. Deny Tentative Approval.

The decision of the Board of Supervisors shall be in writing and shall be given to the developer personally, or mailed to him at his last known address, not later than five (5) days following the date of the decision. In addition, the Board of Supervisors shall provide a copy of the decision, including Findings of Fact and Conclusions of Law within thirty (30) days following the decision.

Failure of the Board of Supervisors to render a decision and to communicate it to the applicant in the time and manner required shall be deemed an approval of the application and terms as presented, unless the applicant has agreed, in writing, to an extension of time or change in the prescribed manner of presentation or of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation and communication shall have like effect.

1606.6 Tentative Approval Subject to Conditions

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

SECTION 1607 CRITERIA FOR TENTATIVE APPROVAL

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

1607.1

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

1607.2

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

1607.3

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

1607.4

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

1607.5

The total environment of the proposed Development Plan is harmonious and consistent with the neighborhood in which it is proposed to be located.

1607.6

The proposed Development Plan will afford a greater degree of protection of natural watercourses, wetlands, topsoil, trees, steep slopes and other natural features and will prevent erosion, landslides, siltation and flooding than if the property were developed in accordance with the provisions of the Zoning and Subdivision Ordinances which otherwise apply.

1607.7

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

1607.8

The grant or denial of tentative approval shall include findings of fact related to the proposed Development Plan as submitted for approval, and the reasons for the decisions shall be set forth with particularity in what respect the proposed Development Plan would or would not be in the public interest including, but not limited to, each of the above criteria.

SECTION 1608 MODIFICATIONS TO OTHERWISE APPLICABLE ZONING AND SUBDIVISION REGULATIONS

In reviewing an application for Tentative or Final Approval of a Planned Residential Development, requests for modifications to otherwise applicable regulations of the Township Zoning Ordinance or Township Subdivision and Land Development Ordinance may be considered in accordance with the following provisions.

1608.1 Design and Construction Standards

The Design and Construction Standards of the Township Subdivision and Land Development Ordinance shall apply to all public and private improvements proposed in a Planned Residential Development (PRD) unless a waiver or modification is granted by the Board of Supervisors in accordance with the procedure for granting waivers and modifications specified in the Township Subdivision and Land Development Ordinance.

1608.2 Modifications to this Article

The Board of Supervisors may also consider modifications to any provision of this Article, except density and perimeter setback. The Board of Supervisors, in considering such modifications shall determine whether the proposed modification contributes to a more beneficial use of the site, preserves natural features and is necessitated by physical hardships related to the site characteristics.

1608.3 Procedure for Requesting Modifications

If the applicant proposes any modifications to the provisions of this Article, such request for modification shall be in writing and shall accompany and be a part of the application for tentative and/or final approval. Such written request shall specify the Ordinance Section from which a modification is requested and shall state the grounds for the request, the unreasonable hardship on which the request is based and the minimum modification necessary to relieve the hardship.

Whenever a request for modification is granted or denied, the reasons for such grant or denial shall be stated within the official written communication to the landowner. The grant of a modification request may be subject to reasonable conditions designed to promote the purpose set forth in this Article.

SECTION 1609 STAGING DEVELOPMENT

In the case where a Development Plan is projected over a period of years, the Township authorizes submission of Final Applications in phases, subject to such requirements or guarantees for public improvements or private improvements in future phases of the Planned Residential Development that are essential for the protection of the public welfare and integrity of any existing or proposed phase of the Development Plan.

The density of development within various portions of the Planned Residential Development (PRD) may vary, provided each such area or portion of the Development Plan meets all requirements of this Article. It is further required that programs for the construction of areas of greater density concentration than permitted on the entire tract will be offset by site improvements which, because of their size or cost, are in proportion to the number of dwelling units to be constructed in each stage. As an alternative to part or all of the site improvements required to offset development densities in excess of the overall permitted density, the Township may require the reservation of open space by grant, easement or covenant in favor of the Township in an amount and location necessary to balance the excess development density of each stage.

SECTION 1610 APPLICATION FOR FINAL APPROVAL

After the Development Plan is granted Tentative Approval by the Board of Supervisors, the developer shall submit seven (7) copies of the application for Final Approval at least ten (10) working days prior to the regular meeting of the Planning Commission. The Final Application shall consist of detailed plans for any phase or section of the Development Plan. No Building Permit shall be issued until Final Approval has been granted by the Board of Supervisors for the phase or section in which the proposed development is located. Final Approval for any phase or section shall expire if construction is not initiated for the phase or section within one (1) year of the date of Final Approval of the phase or section by the Board of Supervisors.

1610.1 Deadline for Filing Application for Final Approval

In the event a Development Plan is granted tentative approval, with or without conditions, the Board of Supervisors may set forth in the official written communication the time within which an application for final approval for the Development Plan shall be filed or, in the case of a Development Plan which provides for development over a period of years and/or in phases, the periods of time within which applications for final approval of each phase thereof shall be filed. Except upon the consent of the landowner, the time so established between grant of tentative approval and an application for final approval shall not be less than three (3) months and, in the case of developments over a period of years, the time between applications for final approval of each phase of a plan shall be not less than twelve (12) months. In the event that the applicant goes beyond the time specified through no fault of his own, the Board of Supervisors, may, in their sole discretion, grant an extension of time to the applicant to file the application for final approval.

An application for Final Approval of each phase shall be filed with the Board of Supervisors not later than twelve (12) months following the grant of Tentative Approval, unless otherwise specified by the Board of Supervisors. The application shall be submitted at least ten (10) working days prior to the regular meeting of the Planning Commission. The application shall be comprised of one (1) reproducible mylar and thirteen (13) prints of the Final Development Plan containing all the information required

by §1609.7, including a Certificate of Completion of Improvements or a Performance Guarantee, as required by the Township Subdivision Ordinance.

The grant of Tentative Approval shall be deemed to be revoked if the developer does not submit an application for Final Approval within the time required by this Ordinance or the time specified in the decision of the Board of Supervisors.

1610.2 Content of Application for Final Approval

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

a. All data required by the Township Subdivision and Land Development Ordinance for a Final Plan, including application filing, application review and inspection fees.

b. Accurately dimensioned locations for all proposed buildings, structures, parking areas and common open space.

c. The number of families to be housed in each residential building or structure and the intended use of each non-residential building or structure.

d. Building elevation drawings for all principal structures, other than single family dwellings.

e. A lighting plan, showing the location, height and type of any exterior lighting fixtures proposed and a photometric plan for all lighting other than street lights or yard post lamps showing the distribution of lighting on the site and at the site boundaries.

f. A Landscaping Plan, as defined by this Ordinance, including the location and types of plant materials, sidewalks, trails and recreation facilities authorized by this Ordinance.

g. Supplementary data, including any covenants, grants of easements or other restrictions to be imposed on the use of the land, building and structures and the organization proposed to own, maintain and operate the common open space facilities.

h. An engineering report that shall include the following data, wherever applicable:

1. Profiles, cross-sections and specifications for proposed public and private streets.

2. Profiles and other explanatory data concerning installation of water distribution systems, storm sewers and sanitary sewers.

3. Evidence from the Center Township Water Authority and Center Township Sewer Authority that utility service is available to the development site and that adequate capacity exists to serve the proposed development.

i. A Grading Plan prepared in compliance with the requirements of the Township Grading Ordinance.

j. Evidence that the applicant has submitted plans to the Beaver County Conservation District for review and approval.

k. An Erosion and Sedimentation Control Plan that shall specifically indicate all erosion and sedimentation control measures to be utilized on the site. The Erosion and Sedimentation Control Plan shall be designed to prevent accelerated erosion and sedimentation. The Plan shall include, but not be limited to, the following:

1. The topographic features of the site;

2. The types, depth, slope and extent of the soils by area;

3. The proposed alterations to the site;

4. The amount of runoff from the site area and the upstream watershed;

5. The staging of earthmoving activities;

6. Temporary control measures and facilities during earthmoving;

7. Permanent control measures and facilities for long-term protection;

8. A maintenance program for the control facilities, including disposal of materials removed from the control facilities or site area.

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

m. Performance Bond and Development Agreement as required by the Township Subdivision and Land Development Ordinance.

1610.3 Review of Application

The Township Secretary shall forward one (1) copy of the application for final approval to each member of the Planning Commission, the Township Planning Consultant, the Township Engineer and the County Planning Commission. Review by the County Planning commission shall be subject to payment of the required fee by the applicant. The Board of Supervisors shall not approve the final application until reports from each of these agencies have been received, or until the expiration of thirty (30) days from the date the copies of the final application were forwarded to said agencies.

The Township Engineer and Township Planning Consultant shall review the application to determine whether it is complete and properly filed in accordance with all requirements of this Ordinance. If the Township Engineer and Township Planning Consultant determine that the application is not complete and properly filed, written notice shall be provided to the applicant specifying the defects in the application and the application shall be returned to the applicant for resubmission.

If the Township Engineer and Township Planning Consultant determine that the application is complete and properly filed, the date that the application is received by the Zoning Officer shall constitute the Date of filing. Within five (5) days of receipt of a complete and properly filed application, the Zoning Officer or his/her designated representative shall refer the application to the Township Planning Commission for review and recommendation.

Within thirty (30) days of receipt of a complete and properly filed application for Final Approval, the Planning Commission shall forward a written recommendation to the Board of Supervisors.

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

1610.4 Action by the Board of Supervisors

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

When a proposed Development Plan has been granted Tentative Approval, the applicant shall be entitled to Final Approval in accordance with the terms of the grant of Tentative Approval.

1610.5 Variations from the Plan Granted Tentative Approval

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

a. Refile the Application for Final Approval without the variations objected to; or

b. File a written request with the Board of Supervisors that it hold a public hearing on the Application for Final Approval.

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

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

1610.6 Variations in Approved Plan Requiring Public Hearing

Changes in the location and siting of buildings and structures deemed minor by the Board of Supervisors may be authorized without additional public hearings, if required by engineering or other circumstances not foreseen at the time of Tentative Approval. However, gross density and/or any increase in the total number of townhouses or garden apartments or any major change in the points of ingress and egress to the development site or the internal traffic circulation pattern established at the time of Tentative Approval shall not be changed without a public hearing.

1610.7 Public Hearing for Plans Containing Variations in Approved Plan

When a Final Application contains substantive variations from the Development Plan granted Tentative Approval, any public hearing held on an Application for Final Approval shall be held pursuant to public notice within thirty (30) days after the request for the hearing is made by the landowner and the hearing shall be conducted in the manner prescribed in this Article for public hearings on an application for Tentative Approval. At least fourteen (14) days prior to the hearing, the Zoning Officer shall mail a copy of the notice by first (1st) class mail to each property owner within three hundred (300) feet of the entire perimeter of the property, including, those located across a street right-of-way. The cost of mailing the notices shall be paid by the applicant.

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

SECTION 1611 MEDIATION

The Board of Supervisors may offer mediation as an aid in completing the proceedings authorized by this Article prior to Final Approval of an application by the Board of Supervisors. The Township and the mediating parties shall meet the stipulations of Section of this Ordinance governing mediation.

SECTION 1612 RECORDING

A Final Development Plan, or any part thereof, that has been granted Final Approval shall be so certified without delay by the Board of Supervisors and shall be filed of record in the Office of the Beaver County Recorder of Deeds before any development shall take place in accordance therewith. Approval for recording shall be subject to execution of the Developer's Agreement and posting of the Performance Guarantee required by the Township Subdivision and Land Development Ordinance for public and private improvements in the Development Plan.

Upon filing of record of the Development Plan, the Zoning and Subdivision Regulations otherwise applicable to the land included in such plan which have been superseded by the approved Development Plan shall cease to apply thereto.

SECTION 1613 REVOCATION OF FINAL APPROVAL

In the event that a Development Plan, or section thereof, is given Final Approval and thereafter the landowner shall abandon such plan, or section thereof, that has been finally approved, and shall so notify the Board of Supervisors, in writing; or in the event that the landowner shall fail to commence and carry out the Planned Residential Development (PRD) in accordance with the time provisions stated in Section 508 of the Pennsylvania Municipalities Planning Code after Final Approval has been granted, no further development shall take place on the property included in the Development Plan until a new application for Tentative Approval of a Planned Residential Development (PRD) is submitted for said property or the property is developed in accordance with the then applicable Zoning District regulations. If the Planned Residential Development has been recorded on the Township's Zoning District Map, said property shall be reclassified by enactment of an amendment to the Zoning District Map in the manner prescribed for zoning amendments in Section 2307 of this Ordinance.

SECTION 1614 ENFORCEMENT

To ensure the integrity of the Development Plan and to guarantee that modifications in the Plan do not adversely affect the public interest, the enforcement and modification of the provisions of the Development Plan as finally approved, whether they are recorded by plat, covenant, easement or otherwise, shall be subject to the following provisions:

1614.1 Provisions in Favor of the Township

The provisions of the Development Plan relating to the use, bulk and location of buildings and structures; the quantity and location of common open space, except as otherwise provided in this Article; and the intensity of use or the density of residential units, shall run in favor of the Township. As provided by law, these provisions shall be enforceable in law or in equity by the Township without limitation on any powers of regulation otherwise granted the Township by law.

1614.2 Provisions in Favor of Residents

All provisions of the Development Plan shall run in favor of the residents of the Planned Residential Development (PRD), but only to the extent expressly provided in the Development Plan. Also, provided these provisions, whether recorded by plat, covenant, easement or otherwise, may be enforced by law or equity by said residents acting individually, jointly or through an organization designated in the Development Plan to act on their behalf. No provisions of the Development Plan shall, however, be implied to exist in favor of residents of the Planned Residential Development (PRD) except as to those portions of the Development Plan which have been finally approved, and have been recorded.

1614.3 Modifications

All those provisions of the Development Plan authorized to be enforced by the Township under this Section may be modified, removed or released by the Township, except grants or easements relating to the service or equipment of a public utility, subject to the following conditions:

a. No such modification, removal or release of the provisions of the Development Plan by the Township shall affect the rights of the residents of the Planned Residential Development (PRD) to maintain and enforce those provisions, at law or equity, as provided in this Ordinance.

b. No modification, removal or release of the provisions of the Development Plan by the Township shall be permitted except upon the findings by the Board of Supervisors or its designated agency, following a public hearing thereon pursuant to public notice called and held in accordance with the provisions of the "Pennsylvania Municipalities Planning Code (MPC)". These findings must indicate that the changes are consistent with the efficient development and

preservation of the entire Planned Residential Development (PRD), does not adversely affect the enjoyment of land abutting upon or across the street from the Planned Residential Development (PRD) or the public interest, and is not granted solely to confer a special benefit upon any person.

1614.4 Release of Rights

Residents of the Planned Residential Development (PRD) may, to the extent and in the manner expressly authorized by the provisions of the Development Plan, modify, remove or release their rights to enforce the provisions of the Development Plan, but no such action shall affect the right of the Township to enforce the provisions of this Ordinance.

ARTICLE XVII

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

SECTION 1700 APPLICABILITY

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

SECTION 1701 PROCEDURE FOR APPROVAL

1701.1 Approval of Conditional Uses

The Board of Supervisors shall hear and decide requests for conditional uses within ninety (90) days from the date of submission of a complete and properly filed application. However, the Board of Supervisors shall not approval a conditional use application unless and until:

a. A written application for conditional use approval is submitted to the Zoning Officer no less than ten (10) working days prior to the regular meeting of the Planning Commission. The application shall indicate the Section of this Ordinance under which conditional use approval is sought and shall state the grounds upon which it is requested. The application shall include the following:

1. A Land Development Plan, as defined herein;

2. A written statement showing compliance with the applicable express standards and criteria of this Article for the proposed use.

3. Identification of the Tax Parcel Numbers for the property or properties included in the application.

4. A map showing and identifying all lots within two hundred (200) feet of the property for which conditional use approval is requested and a list of the names and addresses of the owners of these lots from the most recent records of the Beaver County Tax Assessors Office.

5. A Traffic Report, if required by the Township Subdivision and Land Development Ordinance.

6. The application fee required by Section 2308 of this Ordinance.

b. A written recommendation is received from the Planning Commission or thirty (30) days has passed from the date of the Planning Commission meeting at which the application is first (1st) considered for approval.

c. A public hearing is held by the Board of Supervisors pursuant to public notice.

d. In considering an application for conditional use approval, the Board of Supervisors may prescribe appropriate conditions and safeguards in conformity with the spirit and intent of this Article. A violation of such conditions and safeguards, when made part of the terms and conditions under which conditional use approval is granted, shall be deemed a violation of this Ordinance and shall be subject to the enforcement provisions of Section 2301 of this Ordinance.

1701.2 Expiration of Conditional Use Approval

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

1701.3 Approval of Uses by Special Exception

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

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

1. A Land Development Plan, as defined herein;

2. A written statement showing compliance with the applicable express standards and criteria of this Article for the proposed use.

3. Identification of the Tax Parcel Numbers for the property or properties included in the application.

4. A map showing and identifying all lots within two hundred (200) feet of the property for which approval of the use by special exception is requested and a list of the names and addresses of the owners of these lots from the most recent records of the Beaver County Tax Assessors Office.

5. A Traffic Report, if required by the Township Subdivision and Land Development Ordinance.
6. The application fee required by Section 2308 of this Ordinance.

b. A public hearing pursuant to public notice is held by the Zoning Hearing Board within sixty (60) days of the date of submission of a complete and properly filed application. Said hearing shall be conducted in accordance with the procedures specified by Section 2208 of this Ordinance.

c. In considering an application for approval of a use by special exception, the Zoning Hearing Board may prescribe appropriate conditions and safeguards in conformity with the spirit and intent of this Article. A violation of such conditions and safeguards, when made part of the terms and conditions under which approval of a use by special exception is granted, shall be deemed a violation of this Ordinance and shall be subject to the enforcement provisions of Section 2301 of this Ordinance.

1701.4 Expiration of Use By Special Exception

Approval of a use by special exception shall expire automatically without written notice to the applicant if no application for a Grading Permit, Building Permit or Zoning Certificate to undertake the construction or authorize the occupancy described in the application for approval of the use by special exception is submitted within twelve (12) months of the effective date of this Ordinance, unless the Zoning Hearing Board, in its sole discretion, extends approval of the use by special exception upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be one (1) twelve (12) month extension.

SECTION 1702 GENERAL STANDARDS

In addition to the specific standards and criteria listed for each use in Section 1702, below, all applications for conditional uses and uses by special exception listed in each Zoning District shall demonstrate compliance with all of the following general standards and criteria:

1702.1 The use shall not endanger the public health, safety or welfare nor deteriorate the environment, if it is located on the site where it is proposed.

1702.2 The use shall comply with the Performance Standards specified in Section 1801 of this Ordinance.

1702.3 The use shall comply with all applicable requirements of Article XIX governing parking and loading, Article XX governing signs, Section 1802 governing screening and landscaping, and Section 1811 governing storage.

1702.4 Ingress, egress and traffic circulation on the site shall be designed to ensure safety and minimize congestion and the impact on local streets.

1702.5 Site lighting, if proposed, shall be shielded and reflected away from adjacent residential properties and public streets.

SECTION 1703 STANDARDS FOR SPECIFIC USES

In addition to the general standards and criteria for conditional uses and uses by special exception listed in Section 1702, above, an application for any of the following uses which are listed in any Zoning District as a conditional use or use by special exception shall comply with the applicable standards and criteria specified below.

1703.1 **Adult Businesses**, subject to:

a. Adult businesses shall include adult arcade, adult bookstore, adult live theaters, adult mini-motion picture theater, adult motion picture theater, adult motel, adult newsrack, adult nightclub, adult novelty store, adult video store, bathhouse, body painting studio, escort service, massage parlor, nude model studio or sexual encounter or meditation center, as defined herein.

b. All adult businesses shall comply with the requirements of Township Ordinance No. 271, as now or hereafter amended. If Township Ordinance No. 271 is repealed by a later ordinance or is found to be invalid by a Court of competent jurisdiction, adult businesses, as described herein, shall be permitted only in the I-1, Industrial Zoning District.

c. Adult businesses shall not be located within one thousand (1,000) feet of any property located in an R-R, R-1, R-2, R-3 or R-4 District.

d. Adult businesses shall not be located within five hundred (500) feet of the property boundary of any existing public or private pre-elementary, elementary or secondary school, daycare center, hospital, group care facility, personal care boarding home, group home, transitional dwelling, public park or playground, church or establishment which is licensed to serve and/or sell alcoholic beverages. The distance shall be measured in a straight line from the nearest portion of the building or structure containing the adult business to the nearest property line of the premises of any of the above listed uses.

e. No adult business shall be located within five hundred (500) feet of any other existing or proposed adult business.

f. Any adult business, other than an adult motel, that exhibits on the premises in a viewing booth, as defined herein, of less than one hundred fifty (150) square feet

of floor space, a film or video cassette or other video or image production or reproduction that depicts nudity or sexual conduct shall comply with the following:

1. At least one (1) employee shall be on duty and shall be situated in each manager's station at all times that any patron is present inside the premises.

2. The interior of the premises shall be configured in such a manner that there is an unobstructed view from the manager's station of every area of the premises to which any patron is permitted access for any purpose excluding restrooms. Restrooms shall not contain video reproduction or viewing equipment.

   If the premises has two (2) or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is unobstructed view of each area of the premises to which any person is permitted access for any purpose from at least one (1) of the manager's stations. The view required by this Subparagraph shall be by direct line of sight from the manager's station.

3. It shall be the duty of the owners and operators and any agents and employees present on the premises to ensure that the line of sight to the viewing booth remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times and to insure that no patron is permitted access to any area of the premises that has been designated in the application submitted to the Township as an area in which patrons will not be permitted.

4. No viewing booth shall be occupied by more than one (1) person at a time. No connections or openings to an adjoining viewing booth shall be permitted.

g. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place in which patrons are permitted access at an illumination of not less than one (1) footcandle as measured at the floor level. It shall be the duty of the owners and operators and any agents and employees present on the premises to ensure that the illumination is maintained at all times that any patron is present on the premises.

h. If live performances are to be given, the premises in which such live performances are to be offered shall contain a stage separated from the viewing area and the viewing area shall not be accessible to the performers.

i. If the adult business involves live performances, the performers shall not have easy access to the viewers present.

j. The owner and operator of any adult nightclub shall provide security officers, licensed under the laws of the Commonwealth, if the maximum permitted occupancy exceeds fifty (50) persons.

k. No stock in trade that depicts nudity or sexual conduct shall be permitted to be viewed from the sidewalk, street or highway.

l. No signs or other displays of products, entertainment or services shall be permitted in any window or other area that is visible from the street or sidewalk.

m. Windows shall not be covered or made opaque in any way.

n. Notice shall be given at the entrance stating the hours of operation and restricting admittance to adults only. The term adult shall have the meaning provided by applicable statutory law.

o. Persons or owners who intend to operate an adult business shall obtain a license to operate from the Township and shall pay a $1,000 investigation fee to the Township. In addition, such persons or owners shall supply to the Township detailed information regarding the ownership and financing of the proposed business as required on the licensing application. Applications for licensing shall be filed with the Township Zoning Officer.

p. An adult business shall be initially licensed when it has met the requirements of this Section. The license shall be valid through December 31st of the year in which the license is initially issued. For each year thereafter that the business intends to continue, the owner or operator shall seek a renewal of the license. The application for renewal shall be submitted to the Township Zoning Officer by November 1st of the year preceding the year for which the license renewal is sought. The lack of a license or failure to renew such license in a timely fashion shall be grounds for the Township to deny or revoke a Occupancy Permit for an adult business.

1703.2 **Animal Shelter**, subject to:

a. The minimum site required shall be three (3) acres.

b. The design of the building shall incorporate noise attenuation features. The applicant shall submit a plan for noise control for any outdoor facilities.

c. The applicant shall submit a plan for odor control.

d. All property lines adjoining a single family dwelling in any Zoning District or any property located in an R-R, R-1, R-2, R-3 or R-4 District shall be screened by Bufferyard A, as defined in §1802.2 of this Ordinance.

e. Outdoor kennels shall not be permitted.

f. Outdoor exercise areas shall be located at least two hundred (200) feet from any property line adjoining any lot containing a single family dwelling in any Zoning District or any property located in an R-R, R-1, R-2, R-3 or R-4 District.

g. Outdoor exercise areas shall be adequately secured by a minimum six (6) foot high fence with self-latching gate.

h. After hours drop off facilities shall be located at least two hundred (200) feet from any property line adjoining any lot containing a single family dwelling in any Zoning District or any property located in an R-R, R-1, R-2, R-3 or R-4 District and shall be screened from view from such residential property by a minimum six (6) foot high compact evergreen hedge.

i. An animal crematorium may be proposed as an accessory use, provided the facility shall comply with all applicable State regulations and shall be for the cremation of domestic pets only.

1703.3 **Assisted Living Facility; Independent Living Facility**, subject to:

a. The minimum site required shall be five (5) acres.

b. The maximum dwelling unit density shall be twelve (12) units per acre.

c. An assisted living facility shall include the following supporting uses:

1. Common leisure and/or recreational areas

2. Common dining room

d. In addition, an assisted living facility may include one (1) or more of the following supporting uses, subject to approval by the Township:

1. Postal station for use of the residents and staff only;

2. Banking facility for use of the residents and staff only;

3. Pharmacy and/or medical offices for use of the residents only;

4. Personal services for the use of the residents only, including beauty shop, barber shop, common laundry facilities, dry cleaning valet;

5. Ice cream parlor and/or florist/gift shop for the use of residents and their invited guests only;

6. Adult day care center licensed by the Commonwealth;

7. Taxi, van or similar transportation services for the residents.

e. Bufferyard B, as described in §1802.2 of this Ordinance, shall be provided along all property lines adjacent to property in an R-R, R-1, R-2, R-3 or R-4 District.

f. Parking shall be provided in accordance with the requirements of Section 1902 except that additional parking for the supporting uses intended for the residents and their invited guests shall not be required.

1703.4 **Bed and Breakfast**, subject to:

a. The operator of the bed and breakfast shall be a fulltime resident of the dwelling in which the bed and breakfast is located.

b. The lot shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Ordinance.

c. The property shall be served by public water and public sewers.

d. Excluding the bedroom used by the owner of the dwelling, the maximum number of sleeping rooms shall be related to the size of the lot as follows:

Under 20,000 s.f.	4 sleeping rooms, maximum
20,000 – 40,000 s.f.	6 sleeping rooms, maximum
Over 40,000 s.f.	6 sleeping rooms, plus 1 additional sleeping room for each 20,000 s.f. up to a maximum of 12 sleeping rooms

e. No meals, other than breakfast shall be served on the premises. Food may be prepared on the premises for consumption off the premises by overnight guests. Food shall not be served to any customers who are not overnight guests.

f. In addition to the parking required for the dwelling, one (1) parking space shall be provided for each sleeping room offered to overnight guests.

g. Off-street parking shall not be located in any required front or side yard. Parking located in the rear yard shall be screened from adjoining residential properties by a compact six (6) foot high evergreen hedge.

h. One (1) identification sign shall be permitted and such sign shall either be attached to the wall of the building or freestanding in the front yard, provided the surface area of the sign shall not exceed six (6) square feet, the height of the freestanding sign shall not exceed four (4) feet and the freestanding sign shall be located at least five (5) feet from any property line.

i. The identification sign shall contain no information other than one (1) or more of the following items:

[1] Street address;
[2] Name of establishment;
[3] Small logo or other decorative symbol;
[4] Name of the proprietor.

1703.5 **Billboards**, subject to:

a. All billboards shall be subject to the express standards and criteria contained in Section 2006 of this Ordinance.

1703.6 **Boarding Stable; Riding Academy**, subject to:

a. The minimum site shall be ten (10) acres.

b. The site proposed for a boarding stable or riding academy that accommodates more than fifty (50) horses shall have frontage on an arterial or collector street or shall have direct vehicular access to an arterial or collector street within two thousand (2,000) feet of a property boundary.

c. The applicant for a boarding stable or riding academy that accommodates more than fifty (50) horses shall submit a Traffic Report, as required by the Township Subdivision and Land Development Ordinance.

d. Adequate parking areas with a dust-free, all-weather surface shall be provided to accommodate vehicles and horse trailers anticipated during peak use of the facility.

e. Parking areas shall be located at least fifty (50) feet from any property line.

f. Outdoor lighting, if any, shall be limited to security lighting for the parking areas and the building perimeter.

g. Indoor riding arenas and outdoor riding rings or riding arenas shall be located at least three hundred (300) feet from any property line.

h. Bridle paths shall be located at least fifty (50) feet from any property line.

i. No camping or other overnight accommodations shall be permitted on the site.

j. There shall be no retail sales area on the site and no display of merchandise offered for sale on the premises; however, retail sales of riding equipment and

clothing may be offered to participants using catalogs or samples, provided orders are delivered direct to the purchaser.

k. The use shall be subject to the Performance Standards of Section 1801 of this Ordinance.

1703.7 **Buildings Exceeding Three (3) Stories that are more than thirty-five (35) feet in height**, subject to:

a. In the C-2 District, maximum building height may be increased for a high-rise apartment building or a hotel to no more than eight (8) stories and no more than one hundred (100) feet, provided all of the requirements of this §1703.7 are met.

b. In the C-2 District, maximum building height may be increased for a mid-rise apartment building, an office building, a medical clinic or a hospital to no more than five (5) stories and no more than sixty (60) feet, provided all of the requirements of this §1703.7 are met.

c. In the C-3 and C-4 Districts, wherever the following uses are authorized office building, a medical clinic, hospital, motel, hotel or public parking garage, the maximum building height may be increased to no more than five (5) stories and no more than sixty (60) feet, provided all the requirements of this §1703.7 are met.

d. In the O-P District, a maximum building height may be increased to no more than forty (40) feet for a public parking garage and to no more than five (5) stories and no more than sixty (60) feet for all other principal structures, provided all of the requirements of this §1703.7 are met.

e. In the I-1 District, maximum building height may be increased to no more than three (3) stories and no more than forty-five (45) feet for any authorized use which requires additional building height to accommodate vehicles, machinery or other equipment incidental to the proposed use, provided all of the requirements of this §1703.7 are met.

f. In the I-1 District, maximum building height for a correctional facility may be increased to no more than ten (10) stories and no more than one hundred twenty (120) feet, provided all of the requirements of this §1703.7 are met.

g. Any required front, side or rear yard adjoining an R-R, R-1, R-2, R-3 or R-4 Zoning District or any residential use regardless of the property's zoning classification, shall be increased by one (1) foot for each foot of building height in excess of thirty-five (35) feet which is proposed.

h. The applicant shall demonstrate, in writing, that design of the building includes adequate fire suppression and fire protection systems appropriate to its height

and that Township or private fire-fighting equipment and/or equipment available through mutual aid pacts with adjacent municipalities is adequate to service the building.

1703.8 **Car Wash**, subject to:

a. All automated washing facilities shall be in a completely enclosed building, as defined herein. All other car washing facilities shall be under a roofed structure which has at least two (2) walls.

b. Drainage water from the washing operation shall be controlled so that it does not flow or drain onto berms, streets or other property.

c. Standing spaces shall be provided in accordance with the requirements specified in §1703.20 for drive through facilities.

d. The facility shall be connected to public sewers.

e. Driveway entrances shall be located at least thirty (30) feet from the right-of-way line of the intersection of any public streets.

f. Any car wash which also dispenses gasoline shall meet all applicable requirements of §1703.51 governing service stations.

1703.9 **Catering Service, including Rental Hall in the C-1 District**, subject to:

a. The site shall be designed to accommodate the free flow of traffic on the site and convenient access for deliveries and emergency vehicles.

b. Convenient pedestrian access from the parking area to the main entrance to the building shall be provided.

c. The operations shall demonstrate continuing compliance with the Performance Standards of Section 1801 of this Ordinance, particularly the standards regarding noise.

d. Bufferyard A shall be provided in accordance with the requirements of Section 1802 of this Ordinance along all property lines adjoining a single family dwelling in any Zoning District or any property located in an R-R, R-1, R-2, R-3 or R-4 District.

1703.10 **Cemeteries**, subject to:

a. A minimum site of ten (10) acres shall be required.

b. A drainage plan shall be submitted with the application for the use to show existing and proposed runoff characteristics.

c. A ground water study prepared by an hydrologist or registered professional engineer qualified to perform such studies shall be submitted with the application.

d. Plans for ingress/egress shall be referred to local police officials for comments regarding public safety.

e. All property lines adjoining a single family dwelling in any Zoning District or any property located in an R-R, R-1, R-2, R-3 or R-4 District shall be screened by Bufferyard D as defined by §1802.2 of this Ordinance.

f. Parking for principal structures such as chapels or mausoleums shall be provided in accordance with the requirements of Article XIX.

g. All maintenance equipment shall be properly stored in a completely enclosed building, as defined herein, when not in use.

h. Inground burial sites shall comply with the setbacks required for principal structures in the Zoning District. All mausoleums, chapels and other structures shall not be located within one hundred (100) feet from any adjacent property line.

1703.11 **Churches, Schools (Public or Private), Post Secondary Schools and Public Buildings**, subject to:

a. The minimum site required for a Post Secondary School shall be ten (10) acres. The minimum site required for all other uses shall be one (1) acre.

b. If a residential facility (such as a convent or monastery) is proposed as part of a church, no more than ten (10) persons shall be housed.

c. A dwelling (such as a manse or parsonage) may be located on the same lot with a church provided all requirements of the Zoning Ordinance for single family dwellings in the District can be met in addition to the minimum lot area, lot width and yard requirements applicable to the church.

d. If the school includes dormitories, the dormitories shall be screened along any property line adjoining a single family dwelling in any Zoning District or any property located in an R-R, R-1, R-2, R-3 or R-4 District by Bufferyard C, as defined by §1802.2 of this Ordinance.

e. Ingress and egress for police and fire stations shall be located so as to maximize sight distance along adjacent public streets and enhance safety for vehicles exiting the property.

f. Fire stations, police stations and municipal maintenance facilities shall be located on the site so that vehicles and equipment can be maneuvered on the site without interrupting traffic flow or blocking public streets.

g. All schools shall be designed to provide convenient access for emergency vehicles and access to all sides of the building by fire-fighting equipment.

h. All outside storage shall be screened by a six (6) foot high hedge or opaque fence.

i. The proposed use shall have direct vehicular access to a public street with sufficient capacity to accommodate the traffic generated by the proposed use.

1703.12 **Collection and Recycling Facilities, including Minor Collection and Recycling Facilities,** subject to:

a. Operations shall be regulated so that nuisances such as visual blight, noise, odors, blowing debris and dust shall not be created.

b. Materials shall be stored in such a manner as to discourage the presence of rodents and other disease carrying animals. If after operations commence, the Zoning Officer determines that a vector problem exists, the operator shall be responsible for taking whatever measures are necessary to rid the premises of said nuisances.

c. Adequate off-street loading areas shall be provided for loading and unloading of recyclable materials. Under no circumstances shall loading vehicles or other business vehicles be parked on a public right-of-way.

d. All materials shall be stored within a completely enclosed building, as defined herein, or screened from adjacent properties and public rights-of-way with an eight (8) foot high opaque fence.

e. Access shall be directly onto a collector or arterial street with sufficient capacity to handle traffic generated by the facility.

f. The Board of Supervisors may impose restrictions on access to the facility, hours of operation or other such matters as they deem necessary to insure that there is no adverse impact upon the functioning of the district or adjacent parcels.

g. Minor collection and recycling facilities proposed for use by the general public shall be clearly identified to include the type of material to be deposited, the name and telephone number of the operator of the facility and the hours of operation and a display notice that no materials may be left outside the recycling enclosure or containers.

h. Containers for the 24-hour donation of materials shall be located at least fifty (50) feet from any property line adjoining an existing single family dwelling in any Zoning District or property located in an R-R, R-1, R-2, R-3 or R-4 Zoning District.

i. All containers shall be of durable construction and shall be waterproof and rustproof. All containers shall be properly maintained and shall be covered and secured when the facility is not in operation. All containers shall be of sufficient size to accommodate the materials collected based on the collection schedule established.

j. Minor collection and recycling facilities shall not utilize any power-driven processing equipment, other than reverse vending machines.

k. Minor collection and recycling facilities which are accessory to commercial establishments shall provide a minimum of five (5) parking spaces for the minor collection and recycling facility in addition to the parking required by Article XIX for the commercial establishment which shall be located within one hundred (100) feet of the facility and shall be clearly marked for use by visitors to the collection and recycling facility during its hours of operation.

l. Adequate loading area shall be provided for the periodic removal of materials or exchange of containers.

1703.13 **Commercial Recreation**, subject to:

a. In the C-3, Transitional Commercial, District, no outdoor commercial recreation facilities shall be permitted.

b. The minimum site area for stadia, arenas, amphitheaters, racetracks and similar large facilities which propose maximum occupancy for five thousand (5,000) or more persons shall be twenty-five (25) acres. Other outdoor recreation facilities shall have a minimum site of one (1) acre. Indoor facilities shall meet the minimum lot area required for the zoning district in which the site is located.

c. Unless the proposed use is part of a Planned Shopping Center or a Transitional Commercial Development, the site shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Ordinance.

d. Public water and public sewers shall be required on the site.

e. Adequate sanitary facilities available to the public shall be provided.

f. Outdoor speakers shall not be permitted if there are dwellings within five hundred (500) feet of the site in any direction. If outdoor speakers are allowed, the

volume and direction shall be regulated to minimize the impact on adjoining properties.

g. Location of buildings and facilities, traffic circulation and parking areas shall be designed to provide adequate access for emergency medical vehicles and fire-fighting equipment.

h. Any outdoor facility shall be completely enclosed by a fence at least six (6) feet in height with one (1) or more locking gates which shall remain secured when the facility is not in use.

i. Any outdoor facility located within two hundred (200) feet of an existing dwelling shall cease operations no later than 12:00 midnight.

j. Any use which includes a golf course or country club shall be further subject to §1703.26.

k. Any use that includes eating or drinking establishments shall be subject to the parking requirements for that use in addition to the parking requirements for the recreational use.

1703.14 [Reserved for Future Use]

1703.15 <u>Communications Tower</u>, subject to:

a. The applicant shall demonstrate that the equipment proposed to be mounted on the communications tower is licensed by the Federal Communications Commission (FCC) and that the proposed communications tower meets all applicable regulations of the Federal Communications Commission (FCC).

b. The applicant shall demonstrate that the proposed communications tower and the electromagnetic fields associated with the antennas proposed to be mounted thereon comply with safety standards now or hereafter established by the Federal Communications Commission (FCC).

c. The applicant proposing the communications tower shall demonstrate compliance with all applicable Federal Aviation (FAA) and any applicable Airport Zoning regulations.

d. Any applicant proposing a new freestanding communications tower shall demonstrate, in writing, that a good faith effort has been made to obtain permission to mount the antenna or antennas on an existing building, an existing public utility storage or transmission structure or an existing communications tower.

A good faith effort shall require that all owners of potentially suitable structures within a one-quarter (1/4) mile radius of the proposed communications tower shall be contacted and that one (1) or more of the following reasons for not selecting an alternative existing building, existing public utility storage or transmission structure or existing communications tower apply:

e. The proposed equipment would exceed the structural capacity of the existing building, existing public utility storage or transmission structure or existing communications tower ad reinforcement of the structure cannot be accomplished at a reasonable cost.

f. The proposed equipment would cause RF (Radio Frequency) interference with other existing and proposed equipment for that existing building, existing public utility storage or transmission structure or existing communications tower and the interference cannot be prevented at a reasonable cost.

g. Existing buildings, existing public utility storage or transmission structures or existing communication towers do not have adequate space, access or height to accommodate the proposed equipment.

h. Additional of the proposed equipment would result in NIER (Non-ionizing Electromagnetic Radiation) levels which exceed adopted Federal or State emission standards.

i. The applicant shall demonstrate that the proposed communications tower and the electromagnetic fields associated with the antennas proposed to be mounted thereon comply with safety standards now or hereafter established by the Federal Communications Commission.

j. The applicant for the communications tower shall demonstrate compliance with all applicable Federal Aviation Administration (FAA) and any applicable Airport Zoning regulations.

k. In the R-1 and R-2 Districts, the maximum height of a communications tower shall be one hundred (100) feet.

l. In the O-P, C-1 and I-1 Districts, the maximum height of a communications tower shall be two hundred (200) feet.

m. Tower height shall be measured from the ground level to the top point of the tower or top point of the highest communications antenna, whichever is higher.

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

o. In the R-1 and R-2 Districts, guyed communications towers, including all guy wires, shall be set back a distance equal to the height of the communications tower, plus twenty (20) feet. All parts of a communications tower, other than a guyed tower, shall be set back from any adjoining property line at least one hundred (100) feet.

Where the communications tower is located on a leased parcel within a larger tract, the setback shall be measured from the property line which separates the adjoining property in an R-R, R-1, R-2, R-3 or R-4 Zoning District from the larger tract controlled by the lessor, rather than from the boundaries of the leased parcel, provided the larger tract is either vacant or developed for a use other than single family dwellings.

In the event that the larger tract is developed after the construction of the communications tower, the required setback shall be maintained.

p. In the O-P, C-2 and I-1 Districts, guyed communications towers, including all guy wires, shall be set back from all property lines a distance which is equal to the height of the communications tower, plus twenty (20) feet. All parts of a communications tower, other than a guyed tower, shall be set back from any adjoining property line at least two hundred (200) feet.

Where the communications tower is located on a leased parcel within a larger tract, the setback shall be measured from the property line which separates the adjoining property in an R-R, R-1, R-2, R-3 or R-4 Zoning District from the larger tract controlled by the lessor, rather than from the boundaries of the leased parcel, provided the larger tract is either vacant or developed for a use other than single family dwellings.

In the event that the larger tract is developed after the construction of the communications tower, the required setback shall be maintained.

q. The communications tower and all appurtenances, including guy wires, if any, and the equipment cabinet or equipment building shall be enclosed by a minimum ten (10) foot high chain link security fence with locking gate.

r. Communications towers shall be set back from all overhead electrical transmission or other above ground lines a distance equal to the height of the tower.

s. The communications tower shall be designed and constructed to all applicable standards of the American National Standards Institute, ANSI/EIA-22-Manual, as amended.

t. The applicant shall submit evidence that the tower and its method of installation has been designed by a registered engineer and is certified by that registered

engineer to be structurally sound and able to withstand wind and other loads in accordance with the current edition of the Uniform Construction Code (UCC).

u. The communications tower shall be equipped with anti-climbing devices as approved by the manufacturer for the type of installation proposed.

v. At least one (1) off-street parking space measuring twelve feet by twenty-five feet (12' x 25') shall be provided on the site to facilitate parking of maintenance vehicles during periodic visits by maintenance workers. Manned equipment buildings shall provide one (1) parking space measuring nine feet by twenty feet (9' x 20') for each employee working on the site.

w. Equipment cabinets and equipment buildings shall comply with the height and yard requirements for accessory structures in the Zoning District in which they are located.

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

y. Recording of a plat of subdivision shall be required which includes the lease parcel on which the communications tower is proposed to be constructed and the remaining lot or parcel.

z. Approval of a land development plan, prepared in accordance with the requirements of the Township Subdivision and Land Development Ordinance, shall be required for all communications towers.

aa. The owner of the communications tower shall be responsible for maintaining the parcel on which the tower is located, as well as the means of access to the tower, including clearing and cutting of vegetation, snow removal and maintenance of the access driveway surface.

bb. The exterior finish of the tower shall be compatible with the immediate surroundings. The communications tower, the equipment cabinet or equipment building and the immediate surroundings shall be properly maintained.

cc. The owner of any communications tower which exceeds fifty (50) feet in height shall submit to the Township proof of an annual inspection conducted by a structural engineer at the owner's expense and an updated tower maintenance program based on the results of the inspection. Any structural faults shall be corrected immediately and reinspected and certified to the Township by a structural engineer at the owner's expense.

dd. The owner of the communications tower shall notify the Township immediately upon cessation or abandonment of the operation. The owner shall dismantle and remove the communications tower within six (6) months of the cessation of operations, if there is no intention to continue operations, evidenced by the lack of an application to the Township to install antennas on the existing tower, removal of all antennas from the existing tower and/or the lack of operating antennas for a period of twelve (12) months or more. If the surety required by this Ordinance to guarantee removal of the communications tower has lapsed prior to the expiration of the twelve (12) month period, the township may, upon notice to the landowner and lessee, contract to have the communications tower removed and shall assess the cost of removal to the landowner or lessee. Failure of the landowner or lessee to pay for the cost of removal shall result in a lien on the property to recover the cost of removal.

At the time of approval of the application for a communications tower, the applicant shall submit surety, in a form acceptable to the Township, in the form of cash, a certified check, a letter of credit, a corporate performance bond or a labor and material payment bond from a surety company licensed to do business in the Commonwealth of Pennsylvania and approved by the Township Solicitor, in an amount determined by the Township Engineer, which shall be renewed annually, subject to an annual increase in the amount of the prior year's surety of three percent (3%), to guarantee the removal of an abandoned communications tower. In addition, the Township Supervisors, in their sole discretion, may require a personal guarantee.

ee. All tower structures shall be fitted with anti-climbing devices as approved by the manufacturer for the type of installation proposed.

ff. All antennas and tower structures shall be subject to all applicable Federal Aviation Administration (FAA) and Airport Zoning Regulations.

gg. The base of the tower shall be landscaped suitable to the proposed location of the tower, if the base of the tower is visible from adjoining streets or properties in an R-R, R-1, R-2, R-3 or R-4 District.

hh. There shall be no lighting, signs or other advertising on the communications tower, other than that required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA).

ii. In January of each year, the owner of the communications tower shall submit written verification to the Township Zoning Officer that there have been no changes in the operating characteristics of the communications tower as approved by the Township, including, at a minimum:

1. Copy of the current FCC license;

2. Name, address and emergency telephone number for the operator of the communications tower;
3. Copy of Certificate of Insurance at a level of coverage acceptable to the Township Solicitor, naming the Township as additional insured on the policy;
4. Copy of the Annual Inspection Report and updated maintenance program;
5. Evidence of annual renewal of the surety and any personal guarantee required to guarantee removal of an abandoned communications tower.

jj. At any time during the calendar year, if an amendment to the Federal Communications Commission (FCC) license is issued, a copy of the amended license shall be submitted to the Township Zoning Officer.

1703.16 **Comparable Uses not Specifically Listed**, subject to:

a. Uses of the same general character as any of the uses authorized as permitted uses by right, conditional uses or uses by special exception in the Zoning District shall be allowed, if the Zoning Hearing Board determines that the impact of the proposed use on the environment and adjacent streets and properties is equal to or less than any use specifically listed in the Zoning District. In making such determination, the Board shall consider the following characteristics of the proposed use.

1. The number of employees

2. The floor area of the building or gross area of the lot devoted to the proposed use

3. The type of products, materials, equipment and/or processes involved I the proposed use

4. The magnitude of walk-in trade

5. Hours of operation

6. The traffic and environmental impacts and the ability of the proposed use to comply with the Performance Standards of Section 1801.

7. For those uses included in the most recent edition of the Standard Industrial Classification Manual published by the Office of Management and Budget, whether the proposed use shares the same SIC Code or Major Group number as one (1) or more uses that are specifically listed in the Zoning District.

b. The proposed use shall comply with all applicable area and bulk regulations of the Zoning District in which it is located.

c. The proposed use shall comply with any applicable express standards and criteria specified in this Article for the most nearly comparable use by special exception specifically listed in the Zoning District in which it is proposed.

d. The proposed use shall be consistent with the purpose statement of the Zoning District in which it is proposed and shall be consistent with the Community Development Objectives of this Ordinance.

1703.17 Conversion Apartments, subject to:

a. Each dwelling unit shall contain a minimum of six hundred (600) square feet of gross floor area.

b. Each dwelling unit shall have separate living, sleeping, kitchen and sanitary facilities.

c. The maximum number of dwelling units shall be four (4) units in the same building.

d. Conversion of detached garages or other accessory structures to dwelling units shall not be permitted.

e. Safe ingress and egress and adequate turnaround areas shall be provided on the lot for circulation of automobiles owned by the residents.

f. In addition to the off-street parking spaces required for the existing dwelling, one (1) off-street parking space shall be provided for each dwelling unit.

g. All units shall comply with all applicable requirements of the Pennsylvania Department of Labor and Industry and the Uniform Construction Code (UCC).

1703.18 Correctional Facility, subject to:

a. Any new construction, expansion or change of use or change in the Level of Custody within the correctional facility which was not approved as part of the original conditional use application shall be subject to resubmission and approval of a revised conditional use application to determine continued compliance with these criteria.

b. The site shall have frontage on a street defined by this Ordinance as an arterial street or on a public or private street located entirely within the I-1 District. Vehicular access shall be directly to the arterial street or, if direct vehicular access to the arterial street is not feasible or practical, vehicular access to the

site shall be limited to a public or private street located entirely within the I-1, Light Industrial, District.

c. In the event that the site has frontage on more than one (1) arterial street, the vehicular access to the site shall be provided only from the street which has the higher volume of traffic.

d. The conditional use application shall include a traffic study prepared by a qualified traffic engineer which details the nature and extent of trip generation expected to result from the proposed development based on the ratios and methodology contained in the current edition of the Manuals of the Institute of Transportation Engineers (ITT). The report shall include current and projected capacities and levels of services of all streets and intersections within one thousand (1,000) feet of the entire perimeter of the site proposed for development and recommendations for improvements to streets and/or traffic control devices within the site or immediately adjacent to the site.

e. Perimeter security, as defined herein, shall be provided appropriate to secure the highest Level of Custody, as defined herein, to be provided at the correctional facility.

f. All outdoor activity areas shall be located inside the required perimeter security.

g. The maximum height of the correctional facility shall be five (5) stories and no more than sixty (60) feet. Any request for an increase in building height beyond sixty (60) feet shall be subject to §1703.7 of this Ordinance.

h. The minimum institutional buffer, as defined herein, required for all correctional facilities, regardless of Level of Custody provided within the correctional facility, shall be two hundred fifty (250) yards.

i. Off-street parking for correctional institutions which do not house any inmates with a Level of Custody of 3 or greater may be located within the institutional buffer. Off-street parking for Levels of Custody 3 through 5 shall be located outside the institutional buffer.

The off-street parking required shall be based on the ratio of one (1) parking space for each employee working on peak shift. Additionally, in the case of a State or Federal correctional facility or a private facility which is operated under contract with the State or Federal government, one (1) space for each ten (10) inmates housed shall be provided for visitors, including family, friends, counselors, attorneys, medical personnel and others who visit the site, but do not work on the site on a daily basis. In the case of County correctional facilities or private facilities operated under contract with the County, one (1) space for each four (4) inmates housed shall be provided for visitors, including family, friends,

counselors, attorneys, medical personnel and others who visit the site, but do not work on the site on a daily basis.

The parking ratio for offices and other administrative facilities, including court rooms, shall be determined by the ratios required by Section XIX for "professional and business offices" and "indoor places of assembly" and shall be in addition to the spaces required by this Subparagraph for employees and visitors.

j. Any property lines of the site of the correctional facility which fronts on a public street or is visible from an adjacent property containing a residential or commercial use shall be screened by Bufferyard A, as defined by §1802.2 of this Ordinance.

k. All other property lines of the site of the correctional facility shall be screened by Bufferyard C, as defined by §1802.2 of this Ordinance, except where the property line adjoins the bank of a river.

l. The required plantings shall be located beyond the limits of the required institutional buffer in a location which maximizes their effectiveness while not compromising the security of the correctional facility.

m. The Chief Administrator of the facility shall file an Emergency Management Plan, including the planned response to fire, security and medical emergencies, with the Board of Supervisors, Township Police Department, Emergency Medical Service and the Township Fire Department for review and comment as part of the conditional use application and shall file an updated Plan with each of these agencies annually by January 31st of each year after the facility is occupied.

The Emergency Management Plan shall include a proposal to provide an automatic alarm to the Township Police Department and a unique audible warning signal acceptable to the Township to warn the community in the event of a breach of security. Such warning signal shall be differentiated from other warning signals used by public safety and other public or private facilities in the area and the design and intensity of the warning signal shall be based on the location of the correctional facility, characteristics of the surrounding physical environment and the proximity of commercial and residential uses. Failure to timely file an Emergency Management Plan or an updated Plan or to properly maintain in working order the audible warning signal may be treated by the Township as a violation of this Zoning Ordinance and each day that a violation occurs shall be subject to the enforcement remedies contained in Article XXIII of this Ordinance.

n. Fire alarm and fire suppression systems shall be provided in accordance with the requirements of the Township Fire Prevention Code and the most recent edition of the Uniform Construction Code (UCC).

o. The applicant shall provide evidence of all required Federal, State or County permits prior to issuance of the Building Permit and shall maintain valid permits throughout the operation of the facility. Any suspension or revocation of the permits required to operate the facility shall result in automatic revocation of the Occupancy Permit by the Township. Reinstatement of the Occupancy Permit shall be subject to submission of all valid permits and a certification by the Zoning Officer regarding continued compliance with all conditions attached to approval of the conditional use.

Failure to maintain valid permits as required throughout the operation of the facility may be treated by the Township as a violation of this Zoning Ordinance and each day that a violation occurs shall be subject to the enforcement remedies contained in Section 2301 of this Ordinance.

p. The Chief Administrator shall supply an Annual Report to the Zoning Officer by January 31st of each year which indicates the peak prisoner population on any given day in the previous calendar year as a basis for the Zoning Officer to determine continued compliance with parking requirements and other conditions of approval.

Failure to file the required Annual Report may be treated by the Township as a violation of this Zoning Ordinance and each day that a violation occurs shall be subject to the enforcement remedies contained in Section 2301 of this Ordinance.

q. All correctional facilities, whether governmental, quasi-governmental or private, shall be designed to meet the current performance criteria of the American Correctional Association (ACA) and the Pennsylvania Department of Corrections. In the event of a conflict between these criteria, the more restrictive shall apply.

r. In correctional facilities which contain several Levels of Custody, the design of the facility shall be such that there shall be no commingling of Levels of Custody and that sally ports or other entrances used by inmates, including work release inmates, are separate from entrances used by the general public.

1703.19 **Day Care Center or Pre-School Facility**, subject to:

a. The facility shall be registered with or licensed by the Commonwealth of Pennsylvania.

b. In the R-1, R-2 or R-3 Zoning Districts, the facility shall be permitted to be located only in a church or school. In the R-4 District, this restriction shall not apply.

c. Ingress and egress to the site shall be designed to assure safety and safe areas for discharging and picking up children shall be provided which do not interfere with the free flow of traffic on adjacent streets.

d. Outdoor play areas shall be provided which shall have a minimum area of sixty-five (65) square feet per child and shall be secured by a fence with a self-latching gate. The location of the outdoor play area shall take into account the relationship of the play area to adjoining properties.

e. Outdoor play areas which adjoin lots containing a single family dwelling shall be screened by a Bufferyard D as defined by §1802.2 of this Ordinance.

f. The general safety of the site proposed for a day care center or pre-school facility shall be evaluated as it relates to the needs of small children. There shall be no potential hazards in the outdoor play area and a safe area for dropping off and picking up children shall be provided.

g. Off-street parking shall be provided in accordance with the requirements of Article XIX of this Ordinance.

1703.20 Drive-Through Facilities, subject to:

a. Unless the drive-through facility is part of a Planned Shopping Center or Transitional Commercial Development, the site shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Ordinance.

b. In addition to the parking spaces required for the principal use, a minimum of five (5) standing spaces, in tandem, with a total length of one hundred (100) feet, in direct line with each window or stall shall be provided for vehicles to wait in line. The standing spaces shall not interfere with the use of any required parking spaces and shall not inhibit the free flow of traffic on the site. The standing spaces shall be designed so that waiting vehicles shall not stand in any right-of-way or overflow onto adjacent properties, streets or berms.

c. Entrances, exits and standing spaces shall be adequately indicated with pavement markings and/or directional signs.

d. Parking areas and circulation patterns shall be adequately striped and marked to facilitate traffic circulation on the site.

1703.21 Family Day Care Home, subject to:

a. All of the applicable criteria for a home occupation specified in §1703.28 shall be met.

b. Evidence shall be submitted that all applicable requirements of the Pennsylvania Department of Public Welfare have been met and continuing compliance shall be maintained.

c. An adequate and safe off-street area shall be provided for dropping off and picking up children.

d. An adequate outdoor play area shall be provided and shall be secured by a fence with self-latching gate. Such play area shall be screened from adjoining properties located in an R-R, R-1, R-2, R-3 or R-4 District by a minimum four (4) foot high compact, dense evergreen hedge or opaque fence.

e. Outdoor play areas shall have a minimum area of four hundred (400) square feet.

1703.22 Fire and Emergency Medical Services

a. The site shall have frontage on and direct vehicular access to an arterial or collector street, as defined herein.

b. The minimum lot area required shall be one (1) acre.

c. Ingress and egress from the site shall be designed so as to maximize sight distance along the adjacent public streets and enhance safety for vehicles exiting the site, as well as those traveling on the streets.

d. Buildings shall be located so that vehicles and equipment can be maneuvered on the property without interrupting traffic flow on or blocking any public street.

e. If a fire service building includes a rental hall or banquet facilities, the following criteria shall be met:

1. Any rental of the facility to non-members shall require on-site management and/or security personnel during the event.

2. Off-street parking for the facility or rental hall shall be provided in accordance with the requirements of Section 1902 for eating and drinking establishments.

3. Activities on the site and within the building shall comply with the noise standards specified in Section 1801.

4. If entertainment is presented, doors and windows shall remain closed during any entertainment involving a speaker system and/or amplification.

5. Parking areas adjoining property in an R-R, R-1, R-2, R-3 or R-4 District shall be screened by Bufferyard C, as described in §1802.2.

1703.23 **Flex Space, High Technology Industries, Light Manufacturing or Pilot Manufacturing in the C-4 District**, subject to:

a. The minimum site required to establish one (1) or more of the uses authorized by this §1703.23 shall be five (5) acres. The site may be devoted to a single business establishment or to a combination of business establishments.

b. Bufferyard "B", as defined by §1802.2 of this Ordinance, shall be provided along all property lines of any site devoted to these uses that adjoin property in the C-4 District that is developed for any other permitted use, conditional use or use by special exception authorized in the C-4 District.

c. Access to the sites developed for any of these uses shall be from an existing public street outside the C-4 District or from a proposed public or private street within the C-4 District, provided truck traffic is separated from vehicular traffic visiting other commercial, educational and service establishments existing or proposed in the C-4 District.

d. As part of the application for conditional use approval, documentation shall be provided by the applicant indicating the way in which the proposed use will comply with the Performance Standards of Section 1801 of this Ordinance.

e. Off-street loading areas shall be located to the rear or side of the building and shall be screened from view from the adjacent street by a six (6) foot hedge, wall or opaque fence.

f. Trucks in excess of 26,000 GVW shall not be parked between the front wall of the building and the front lot line.

g. The maximum height of lighting standards shall be twenty (20) feet. Lighting fixtures shall be designed with full cut-off luminaires. Spillover lighting at any property line adjoining property in an R-1, R-2, R-3 or R-4 District shall not exceed 0.2 footcandle.

1703.24 **Funeral Home in the C-1 District**, subject to:

a. The minimum site required shall be one (1) acre.

b. The property shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Ordinance.

c. Traffic circulation on the site shall be designed to minimize congestion and to provide for the lining up of vehicles on the property without obstructing the free flow of traffic on adjoining streets.

d. Proposals for traffic circulation from the site during processions shall be submitted to the Township Police Chief for review and comment.

e. The funeral home shall be operated by a funeral director licensed by the State Board of Funeral Directors signed by the Commissioner of Professional and Occupational Affairs and registered with the Bureau of Vital Statistics.

f. The funeral home shall include a preparation room containing instruments and supplies necessary for the preparation and embalming of deceased human bodies and shall be constructed in accordance with sanitary standards prescribed by the State Board of Funeral Directors.

1703.25 <u>Golf Course; Golf or Country Club</u>, subject to:

a. Golf courses and country clubs shall have a minimum site of ten (10) acres.

b. Clubhouses shall be located at least one hundred (100) feet from any property line adjoining property located in an R-R, R-1, R-2, R-3 or R-4 District and at least fifty (50) feet from all other property lines.

c. The clubhouse and all parking areas shall be screened from any adjoining property in an R-R, R-1, R-2, R-3 or R-4 District by Buffer Area "B", as described in §1802.2 of this Ordinance.

d. Where eating and/or drinking facilities are provided, parking requirements for eating and drinking establishments shall apply in addition to the parking requirements for golf courses.

e. Where a swimming pool is provided, parking requirements for swimming pools shall apply in addition to the parking requirements for golf courses.

f. Outdoor operations shall be discontinued between the hours of 11:00 P.M. and 6:00 A.M.

g. Any driving range that is proposed to be illuminated shall provide a photometric plan and cross-sections showing impacts on adjoining properties and shall be subject to testing after installation to show compliance with §1801.7.

h. The backstop for any driving range shall be buffered from adjacent single family dwellings in any Zoning District or property located in an R-R, R-1, R-2, R-3 or R-4 District using a combination of landscaping, earthen mounding and natural materials to minimize the visual impact.

1703.26 **Greenhouse or Tree Nursery**, subject to:

a. On-site sales shall be conducted within a completely enclosed building, as defined herein.

b. If the greenhouse or tree nursery is open to the public, off-street parking shall be provided based on one (1) space for each five hundred (500) square feet of display and/or growing area.

c. Inventory of landscaping materials shall be stored within a completely enclosed building, as defined herein or shall be screened from public view by a six (6) foot high hedge or opaque fence. Small quantities of landscaping materials offered for sale may be displayed outside a completely enclosed building.

1703.27 **Group Care Facility, Personal Care Boarding Home or Transitional Dwelling**, subject to:

a. The minimum area and bulk regulations for a Group Care Facility, Personal Care Boarding Home or Transitional Dwelling shall be the same as those required for principal uses, other than dwellings in the District in which the facility is located.

b. In the R-4 District, a Personal Care Boarding Home shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Ordinance.

c. In the R-4 District, the maximum number of residents housed in a Personal Care Boarding Home shall be ten (10).

d. No Group Care Facility, Personal Care Boarding Home or Transitional Dwelling shall be located within five hundred (500) feet of another existing or proposed Group Care Facility, Personal Care Boarding Home or Transitional Dwelling.

e. Adequate provisions shall be made for access for emergency medical and fire vehicles.

f. Twenty-four (24) hour supervision shall be provided by staff qualified by the sponsoring agency.

g. Adequate open space opportunities for recreation shall be provided on the lot for the residents consistent with their needs and the area shall be secured by a fence with a self-latching gate.

h. Where applicable, certification or licensing by the sponsoring agency shall be prerequisite to obtaining a Occupancy Permit and a copy of an annual report with evidence of continuing certification shall be submitted to the Zoning Officer in January of each year.

1703.28 **Hazardous Waste Disposal, Treatment, Transportation or Storage,** subject to:

a. The applicant shall present evidence of valid licenses and/or permits from the Pennsylvania Department of Environmental Protection (PA DEP) for the disposal of hazardous waste.

b. Valid licenses and/or permits from the Pennsylvania Department of Environmental Protection (PA DEP) shall be maintained continuously throughout the operation of any transportation, storage, treatment or disposal of hazardous waste. Any suspension or revocation of the valid Pennsylvania Department of Environmental Protection (PA DEP) licenses and/or permits shall result in revocation of Township zoning approval and shall represent a violation of this Ordinance which shall be subject to the penalty provisions of this Ordinance.

c. The applicant shall demonstrate that the proposed transportation, storage, treatment or disposal of hazardous waste shall not adversely affect any lawful or existing permitted uses of adjacent property.

d. The applicant shall demonstrate that the proposed transportation, storage, treatment or disposal of hazardous waste shall not adversely affect any stream or ground water supply.

e. The applicant shall show the proposed routes of all trucks to be utilized for hauling, if any; the estimated weights of the trucks; and the types of hazardous waste to be hauled in those trucks. The applicant shall comply with all weight limits on Township roads and shall design the hauling routes to minimize the impact on local streets.

f. The applicant shall post a bond in an amount determined by the Township Engineer to guarantee restoration of Township streets used for hauling, if any, and to guarantee compensation of Township employees and/or emergency medical and fire services for clean-up or abatement of any hazardous waste spilled or otherwise deposited on streets or properties within the limits of the Township.

Any person who intentionally, accidentally or negligently causes any such spill or deposit shall be liable for all costs incurred by the Township, including, but not limited to: traffic control, evacuation, relocation, substance monitoring, establishment of medical care facilities and repair or restoration of Township streets. The applicant shall certify that an ordinary public liability insurance policy in an amount determined by the Township to cover these potential costs either is or shall be in effect during the operation.

g. Storage areas shall not be outside a completely enclosed building. The completely enclosed building shall be constructed of brick or concrete block and shall contain protective separations between different types of hazardous wastes stored and between the storage area and areas devoted to other activities in the building.

h. The hazardous waste storage area shall be visibly posted with warning notices and shall be adequately secured at all times to protect public safety.

i. The minimum site required for storage of hazardous waste when it is the principal use on a site shall be twenty-five (25) acres. The minimum site required for storage of hazardous waste as an accessory use to another principal use on a site shall be one (1) acre.

j. The minimum site required for treatment and/or disposal sites shall be one hundred (100) acres.

k. Treatment and disposal facilities shall not be located within one (1) mile of any airport, church, school, public park, hospital, nursing home, personal care boarding home, public building or retail store.

l. Storage sites, other than those which include treatment or disposal, shall not be permitted within five hundred (500) feet of any dwelling or within one quarter (1/4) mile of any church, school, hospital, nursing home, personal care boarding home, public building, public park or retail store.

m. Treatment and/or disposal sites shall be adequately secured and shall be visibly posted to protect the public safety. Treatment and/or disposal areas shall be located no closer than one hundred (100) feet to any property line and shall be adequately screened by an opaque fence or earthen mound at least eight (8) feet in height or landscaped with a dense, compact year-'round vegetative screen which attains at least eight (8) feet in height within three (3) years of planting.

n. Any change or expansion of the activity on a site which includes transportation, storage, treatment or disposal of hazardous waste which is not authorized by the original conditional use approval shall require submission of a new use by special exception application for the changed or expanded activity.

o. The application for the use by special exception shall include written and graphic materials and a boundary and topographic survey of the property and shall contain the following information:

1. The location of all existing and proposed buildings and structures on the site.

2. The proposed location of the hazardous waste storage area on the site and the distance from all dwellings located within five hundred (500) feet

of the proposed storage area and all schools, churches, hospitals, nursing homes, personal care boarding homes, public buildings, public parks, retail stores, streams, floodplains and protected watersheds within one quarter (1/4) mile of the proposed storage area.

3. The location of any proposed treatment or disposal facility and the distance from all dwellings within five hundred (500) feet and the distance from any airport, school, church, public park, hospital, nursing home, personal care boarding home, public building or retail store within one (1) mile.

4. The uses of all adjacent properties within five hundred (500) feet of the entire perimeter of the property. The names and addresses of all property owners within five hundred (500) feet of the entire perimeter of the property.

5. The location of all access and haulage roads and their intersection with all existing public roads.

6. A statement from a registered professional engineer certifying that the proposed storage, treatment or disposal of hazardous waste shall not have a deleterious effect on adjacent land uses, surface water, ground water or floodplains, if any.

7. A copy of all applicable Pennsylvania Department of Environmental Protection (PA DEP) permits or licenses or a copy of the application for such permits or licenses.

8. The amount and type of performance bond to be posted and the amount and type of liability insurance required in accordance with the requirements of Pennsylvania Department of Environmental Protection (PA DEP) permits or licenses, if any.

9. The duration of the proposed transportation, storage, treatment or disposal activity and whether temporary or permanent.

10. The type and amount of hazardous waste to be stored, the proposed method of storage and the proposed method of treatment or disposal of hazardous waste at the site, if any.

p. The applicant shall present evidence from a registered professional engineer or other qualified expert whose credentials are acceptable to the Township to document compliance with these express standards and criteria and whose fee shall be paid by the applicant.

1703.29 **Home Occupation**, subject to:

a. The home occupation shall be carried on by a member of the family residing in the dwelling unit and no one shall be employed who is not a resident of the dwelling.

b. The home occupation shall be carried on wholly within the principal dwelling. The home occupation shall not be conducted in any accessory structure.

c. No more than fifteen percent (15%) of the total floor area of the principal dwelling shall be devoted to the conduct of the home occupation.

d. No more than twenty percent (20%) of all sales shall be articles not produced on the premises.

e. There shall be no display of merchandise available for sale on the premises; however, merchandise may be stored on the premises for delivery off the premises.

f. There shall be no display on the premises of merchandise available for sale that has been produced off the premises; however, merchandise may be stored on the premises for delivery off the premises, such as Amway, Tupperware or similar products stored for distribution to customers or salespersons at their residence or place of business. In addition, small amounts of products may be sold as an accessory use to the principal use, such as sale of beauty products accessory to a beauty shop and similar situations.

g. There shall be no mass production of products that involves processing of raw materials on the premises of the home occupation. Assembly of products from finished materials may be accomplished on the premises.

h. A limited number of samples of articles produced on the premises may be displayed for the purposes of accepting orders. Articles produced on the premises shall be displayed in quantity only off the premises at a retail outlet, consignment shop or product or craft show.

i. Exterior displays or signs other than those permitted in §2003.6 shall not be permitted.

j. Exterior storage of material or any other exterior indication of the home occupation or variation from the residential character of the principal structure shall not be permitted.

k. Objectionable noise, vibration, smoke, dust, electrical disturbance, odors, heat, or glare shall not be produced. The use shall comply with the Performance Standards of Section 1801 of this Ordinance.

l. The use shall not significantly intensity vehicular or pedestrian traffic which is normal for the residences in the neighborhood.

m. The use shall not require internal or external alterations or construction features which are not customary to a dwelling or which change the fire rating of the structure.

n. There shall be no use of materials or equipment except that of similar power and type normally used in a residential dwelling or which change the fire rating of the structure.

o. The home occupation shall not involve the use of commercial vehicles for regular delivery of materials to or from the premises and commercial vehicles shall not be parked on the premises.

p. Any home occupation where clients or customers routinely visit the premises shall provide a paved off-street parking area in accordance with the requirements of Article XIX for the specific use in addition to the spaces required for the dwelling.

q. The following are examples of permitted home occupations, provided all of the foregoing criteria are met:

1. Artist, photographer or handicrafts studio;
2. Beauty or barber shop containing no more than two (2) chairs;
3. Catering off the premises;
4. Contracting business, as defined herein, excluding landscaping contractor;
5. Computer programmer, data processor, writer;
6. Consultant, clergy, counselor, bookkeeping, graphics or drafting services;
7. Dressmaker, tailor;
8. Professional offices that involve routine visitation by customers or clients;
9. Housekeeping or custodial services;
10. Interior designer
11. Jeweler and/or watch repair, not including wholesale or retail sales;
12. Locksmith;
13. Mail order business;
14. Manufacturer's representative;
15. Pet grooming, as defined herein, only in the R-R District;
16. Repair shop, as defined herein, only in the R-R District
17. Telemarketing;
18. Travel agent;
19. Tutoring or any other instruction to no more than five (5) students at any one time;
20. Word processing, typing, secretarial services.

r. The following uses shall not be considered home occupations and shall be restricted to the districts in which they are specifically authorized as permitted uses or uses by special exception, including, but not limited to:

1. Beauty shops or barber shops containing more than two (2) chairs;
2. Blacksmith or metal working;
3. Boarding stables or riding academies;
4. Clinics, hospital or nursing homes;
5. Contractor's Yard;
6. Eating or Drinking Establishments;
7. Funeral homes; mortuaries;
8. Group Care Facility, Personal Care Boarding Home or Transitional Dwelling;
9. Kennels, veterinary offices and clinics;
10. Landscaping contractor;
11. Medical clinics, hospitals or nursing homes;
12. Private clubs;
13. Tutoring or any other instruction to more than three (3) students at a time;
14. Retail or wholesale sales; flea markets;
15. Sale of guns, firearms and ammunition;
16. Tanning or massage salon;
17. Tourist or boarding homes, other than a bed and breakfast;
18. Vehicle or equipment rental, repair or sales;
19. Vehicle repair garages, as defined by this Ordinance.

s. Acceptability of any proposed home occupation not specifically listed above shall be determined by the Zoning Hearing Board in accordance with the standards of this §1703.29 and the applicable criteria for Comparable Uses Not Specifically Listed in §1703.16.

t. Family Day Care Homes, as defined by this Ordinance, shall meet all of the foregoing requirements for a home occupation, as well as the criteria specified in §1703.21.

1703.30 **Hospital, Medical Clinic or Nursing Home**, subject to:

a. The minimum site are required for a hospital shall be five (5) acres. The minimum site area required for a medical clinic or nursing home shall be one (1) acre.

b. In the O-P District, a hospital, medical clinic or nursing home shall be permitted only if the Business Park is developed for medical offices and one (1) or more other such medical related uses.

c. The site shall be served by public water and public storm and sanitary sewers.

d. All hospitals and nursing homes shall be licensed by the Commonwealth.

e. Water pressure and volume shall be adequate for fire protection.

f. Ingress, egress and internal traffic circulation shall be designed to ensure access by emergency vehicles.

g. The parking and circulation plan shall be referred to the Volunteer Fire Company for comments regarding traffic safety and emergency access.

h. Nursing homes shall have a bed capacity of at least twenty (20) beds but no more than two hundred (200) beds.

i. All property lines adjoining a lot containing a single family dwelling or any property in an R-R, R-1, R-2, R-3 or R-4 Zoning District shall be screened by Bufferyard B, as defined by §1802.2 of this Ordinance.

j. A private use helipad, if proposed as part of a hospital, for air ambulances shall meet the standards of §1703.41 of this Ordinance.

k. Disposal of medical waste shall be in accordance with all applicable permits and handling requirements of the Pennsylvania Department of Environmental Protection (PA DEP) and the U.S. Environmental Protection Agency (EPA).

1703.31 **Junkyard; Salvage Yard**, subject to:

a. The minimum site size shall be twenty (20) acres.

b. The premises shall be maintained so as to not constitute a nuisance or a menace to public health and safety.

c. No garbage, hazardous materials or hazardous waste, as defined by Federal Statute, or other organic waste shall be stored on the premises.

d. The handling and disposal of motor oil, battery acid and any other substance regulated by Federal Statute and the Department of Environmental Resources (PA DER) Protection (PA DEP) shall be in accordance with all permits and requirements of that agency or its successor agency. Any suspension, revocation or violation of the Pennsylvania Department of Environmental Protection (PA DEP) permits shall be a violation of this Ordinance and shall be subject to the enforcement provisions of Section 2301 of this Ordinance.

e. The manner of storage of junk or other materials shall facilitate access for firefighting, shall prevent hazards from fire or explosion and shall prevent accumulation of stagnant water.

f. Junk yards shall comply with the Performance Standards of Section 1801.

g. No junk shall be stored or accumulated and no structure shall be constructed within one hundred (100) feet of any dwelling unit or within forty (40) feet of any property line or public street.

h. The premises shall be enclosed by a metal chain link fence not less than eight (8) feet in height supported on steel posts with self-latching gate. The fence shall be located on the inside of the Bufferyard required by Subparagraph k, below and shall be maintained in good condition.

i. The fence shall be supplemented with screening material which creates a visual barrier that is at least eighty percent (80%) opaque.

j. All property lines adjoining a lot containing a single family dwelling in any Zoning District or any property in an R-R, R-1, R-2, R-3 or R-4 District shall be screened by Bufferyard A, as defined by §1802.2 of this Ordinance.

k. The site shall be designed utilizing natural topography and/or constructed earthen mounds so as to not be visible from the adjoining public streets and properties.

l. The operator shall submit a stormwater management plan to control runoff for review and approval by the Township Engineer.

m. The operator shall obtain a license from the Township prior to initiating operations which shall be renewable annually upon payment of a license fee established by Resolution of the Board of Supervisors and subject to inspection by the Zoning Officer to determine continuing compliance with these standards.

1703.32 **Kennel or Veterinary Clinic**, subject to:

a. In the R-R District, kennels and veterinary clinics shall be accessory to a farm or, when proposed as a principal use, shall have a minimum site area of five (5) acres. Veterinary clinics in the R-R District without outdoor kennels shall have a minimum site area of two (2) acres. In the C-2 District, the minimum lot area required for a veterinary clinic shall be 21,780 square feet and no outdoor runs or kennels shall be permitted.

b. Overnight boarding of animals, other than for medical supervision, shall be permitted, if the animals are housed overnight within a completely enclosed building, as defined herein.

c. Kennels associated with veterinary clinics shall be licensed by the Commonwealth of Pennsylvania and shall continue to maintain a valid license throughout their operation. Any suspension of the license shall be a violation of this Ordinance and shall be subject to the enforcement provisions of Section 2301 of this Ordinance.

d. Outdoor kennels shall be located at least two hundred (200) feet from a lot line adjoining a lot containing a single family dwelling in any Zoning District or from any property in an R-R, R-1, R-2, R-3 or R-4 District and at least fifty (50) feet from any other property line.

e. Odors shall be controlled so as to comply with the Performance Standards of Section 1801 of this Ordinance.

f. Veterinary clinics with indoor kennels shall not be located within three hundred (300) feet of an occupied dwelling on adjacent property unless the portion of the building devoted to the kennel is sound-proofed.

g. Outdoor runs and similar facilities shall be constructed for easy cleaning, shall be adequately secured by a fence with self-latching gate and shall be screened by Bufferyard D, as defined by §1802.2 of this Ordinance.

h. The operator shall submit an animal waste management and disposal plan to the Township.

i. Domestic pets kept in an outdoor kennel shall be limited to a maximum of ten (10) animals on the first five (5) acres, plus two (2) animals for each additional acre or portion thereof, up to ten (10) acres or more. There shall be no limit on the number of animals kept on properties of ten (10) acres or more.

1703.33 **Landfill, Transfer Facility, Incinerator or Resource Recovery Facility,** subject to:

a. The minimum site area shall be one hundred (100) acres for a landfill and fifty (50) acres for a transfer facility, incinerator or resource recovery facility.

b. The site shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Ordinance.

c. All landfill operations shall be located at least one thousand two hundred (1,200) feet from any occupied dwelling.

d. The driveway or haul road entering the site from a public street shall be paved for a distance of five hundred (500) feet from the public street.

e. A tire washing station shall be located on the site to service trucks exiting the facility.

f. The operator shall post a bond in favor of the Township and in a form acceptable to the Township prior to beginning operations in the amount of one hundred thousand dollars ($100,000) for each mile of Township street or portion thereof proposed to be traversed by vehicles traveling to the site. The term of the bond shall begin on the date that the Zoning Certificate is issued. The bond shall be returned to the operator upon completion of all operations and any backfilling or reconstruction of a damaged street due to weight in excess of the posted weight limits for the street. Any failure to complete the reconstruction required by this Ordinance shall result in forfeiture of the required bond. Those portions of the Township street which have been damaged shall be determined by inspection of the Township Engineer and shall be reconstructed to current Township specifications for street construction.

g. Landfill or transfer station operations shall not be conducted within two hundred (200) feet of any property lines adjoining a lot containing a single family dwelling in any Zoning District or any property in an R-R, R-1, R-2, R-3 or R-4 District.

h. All property lines adjoining a lot containing a single family dwelling in any Zoning District or any property in an R-R, R-1, R-2, R-3 or R-4 District shall be screened by Bufferyard A, as defined by §1802.2 of this Ordinance. The Bufferyard shall be comprised of a combination of earthen mounding and the required plantings.

i. Fencing at least six (6) feet in height shall be provided around any work area for security and to control windblown refuse.

j. The applicant shall show compliance with applicable State and Federal laws regulating landfills, transfer facilities, incinerators and recovery facilities.

k. The applicant shall obtain the required permits from the Pennsylvania Department of Environmental Protection (DEP) and/or the U.S. Environmental Protection Agency prior to initiating any operation.

l. The required State or Federal permits shall be maintained throughout the duration of all operations. The applicant shall notify the Zoning Officer of any suspension or revocation of the required State or Federal permits.

m. Any suspension or revocation of the required State or Federal permits shall constitute a violation of this Ordinance and will result in the suspension or revocation of the Zoning Certificate or enforcement of the penalty provisions of this Ordinance or both.

n. In January of each year, the operator shall apply to the Zoning Officer for renewal of the Zoning Certificate and shall present evidence of continuing compliance with all conditions of approval and required State or Federal permits.

1703.34 Mineral Removal, subject to:

a. Removal of minerals encountered during the routine grading of a site for the purposes of an approved land development or for the construction of public improvements shall be excluded from these regulations and from the requirement to obtain approval of a conditional use application, provided evidence is presented to the Township that all applicable requirements of the Pennsylvania Department of Environmental Protection (PA DEP) are met.

b. There shall be no removal of minerals or vegetative cover within one hundred (100) feet of the bank of any stream or natural watercourse identified on maps prepared by the United States Geologic Survey (USGS).

c. Mineral removal shall be prohibited in watersheds of rivers or streams now or hereafter designated by the Pennsylvania Fish Commission as a Wilderness Trout Stream, by the Pennsylvania Department of Environmental Protection (PA DEP) as part of the Scenic Rivers System or designated under the Federal Wild and Scenic Rivers Act.

d. No mineral removal shall be conducted within three hundred (300) feet of any public building, school, church, hospital, nursing home, personal care boarding home, commercial building, public park or noncommercial recreation area.

e. No mineral removal shall be conducted within one hundred (100) feet of the outside right-of-way line of any public street, except where access roads or haulage roads join the right-of-way line and where the appropriate State or Federal agency having jurisdiction over the conduct of mineral removal operations shall permit it in accordance with the law.

f. No mineral removal shall be conducted which will adversely affect any publicly owned park or any places included in the National Register of Historic Sites, unless approved by the governmental agency with jurisdiction over the park or historic site.

g. No mineral removal shall be conducted within one hundred (100) feet of a cemetery.

h. No mineral removal shall be conducted within three hundred (300) feet of any occupied dwelling, unless the consent of the owner of the dwelling has been obtained in advance of the filing of the application for zoning approval.

i. The applicant shall submit to the Township a copy of all materials provided to the Pennsylvania Department of Environmental Protection (PA DEP) with the permit application.

j. The applicant shall present expert testimony to demonstrate that the proposed mineral removal operation will not adversely affect any of the following:

1. Lawful existing or permitted use of adjacent properties.

2. The quality or adequacy of any public or private water supply source.

3. Any flood-prone or landslide prone areas within the Township.

k. The applicant shall present expert testimony to demonstrate that the use of explosives, if proposed, shall not cause injury to any adjacent structures or shall not substantially diminish underground water resources.

l. If blasting is to be undertaken, a seismograph shall be placed on the site of the operation during all times when blasting is performed which shall be monitored by an independent engineering consultant whose credentials are acceptable to the Township and whose fee is paid by the applicant.

m. The applicant shall provide reclamation plans for the site which demonstrate that the condition of the land after the operation is completed will allow economically and ecologically productive uses of the type permitted in the Zoning District in which the site is located. Acceptance of the reclamation plan shall not constitute approval of any aspect of any future development plan.

n. The applicant shall show the proposed routes of all trucks to be utilized for hauling and the estimated weights of those trucks. The applicant shall show evidence of compliance with designated weight limits on State, County and Township streets and shall design the hauling routes for the mineral removal operation to minimize the impact on local streets with the Township.

o. The operator shall post a bond in favor of the Township and in a form acceptable to the Township prior to beginning operations in the amount of one hundred thousand dollars ($100,000) for each mile of Township street or portion thereof proposed to be traversed for removing minerals from the site. The term of the bond shall begin on the date the Zoning Certificate is issued. The bond shall be returned to the operator upon completion of all operations, any backfilling and any reconstruction of a damaged roadway due to excess weight in excess of the posted weight for the street. Any failure to complete the reconstruction required by this Ordinance shall result in forfeiture of the required bond. Those portions of the Township streets which have been damaged shall be determined by inspection of the Township Engineer and shall be reconstructed to current Township specifications for street construction.

p. Portions of the site where mineral removal operations are conducted may be required to be fenced or screened, as necessary, to provide security and protect adjacent properties.

q. No top-of-slope or quarry wall shall be located closer than one hundred (100) feet to any property or street line. The perimeter surrounding the area of operation shall be fenced with a chain link fence of a minimum height of six (6) feet to prevent access by both animals and children.

r. No rock crusher, cement plant or other crushing, grinding, polishing or cutting machinery or other physical or chemical process for treating such products shall be permitted.

s. The applicant shall comply with all applicable State and Federal regulations and shall show evidence of obtaining the required State or Federal permits, including proof of insurability, before initiating any work and of maintaining the required permits throughout the duration of all operations. Any suspension or revocation of the required State or Federal permits shall constitute a violation of zoning approval and will result in the suspension or revocation of zoning approval and/or enforcement of the penalty provisions of this Ordinance.

t. Approval of the conditional use shall expire if work authorized in the application for the conditional use is not commenced within ninety (90) days of the date of approval of the application by the Board of Supervisors unless the applicant submits a written request for an extension to the Board of Supervisors prior to the expiration of the ninety (90) days explaining the reason for the delay in initiating the work and the Board of Supervisors approves the request.

u. If blasting is proposed, it shall be subject to approval by the Board of Supervisors. Applications for approval of blasting shall include the following information:

1. A site survey documenting the land uses on the perimeter of the site;

2. Photographs of pre-existing conditions on immediately adjacent properties;

3. Credentials, certifications and experience of the contractor selected to perform the blasting;

4. References from previous projects of similar size and nature;

5. A geotechnical report prepared by a qualified geotechnical engineer documenting subsurface conditions on the site and the potential impacts

on adjoining properties and recommendations to mitigate negative impacts.

v. If blasting is approved, a seismograph shall be placed on the site during all times when blasting is performed. Seismograph readings shall be monitored by an independent engineering consultant whose credentials are acceptable to the Township and whose fee is paid by the applicant.

w. Once work is initiated under an approved application for a conditional use, zoning approval shall be valid for a period of one (1) year from the date of conditional use approval by the Board of Supervisors. An application for renewal of zoning approval must be submitted prior to the date of expiration of zoning approval and can be granted by the Zoning Officer upon demonstration by the applicant that all conditions of approval of the conditional use and the required Federal and State permits remain in full force and effect and that the applicant is diligently pursuing the completion of the mineral removal operation. Upon expiration or revocation of zoning approval for the conditional use, the applicant may reapply for approval of the conditional use.

x. During the mineral removal operation, the Township Engineer may inspect the site at the request of the Township to determine continuing compliance with these standards and criteria and any conditions of approval. The cost of inspection by the Township Engineer shall be borne by the operator.

1703.35 **Mini-Warehouses or Self Storage Buildings**, subject to:

a. The minimum site required shall be two (2) acres.

b. The site shall have direct vehicular access to an arterial or collector street, as defined by this Ordinance; however, the street which provides access to the site shall not have a majority of the lots fronting on the street developed for existing single family dwellings.

c. Vehicular access to the site shall be limited to one (1) two-way or two (2) one-way driveways from each arterial or collector street on which the site has frontage and which meets the requirements of Subparagraph b, above.

d. All one-way driveways shall have a minimum of one (1) 10-foot parking lane, plus one (1) 18-foot travel lane.

e. All two-way driveways shall provide a minimum of one (1) 10-foot parking lane, plus two (2) 12-foot travel lanes. Parking lanes may be eliminated where the driveway does not serve storage units.

f. All interior driveways shall be paved with an asphalt or similar surface sufficient for the loads the driveways are expected to bear.

g. Parking shall be provided in accordance with the following requirements:

One (1) space for each ten (10) storage units equally distributed throughout the storage area

Two (2) spaces for manager's quarters, if manager's quarters are proposed

If manager's quarters or a leasing office is proposed, one (1) space for each twenty-five (25) storage units which spaces shall be located near the manager's quarters or leasing office, to be used by prospective clients.

h. Bufferyard A shall be provided in accordance with the requirements of §1802.2 of this Ordinance along all property lines which adjoin a lot containing a single family dwelling in any Zoning District or any property in an R-R, R-1, R-2, R-3 or R-4 District.

i. The perimeter of the site shall be fenced with a minimum eight (8) foot high fence with self-latching gate. The fence shall be supplemented with screening material which creates a visual barrier that is at least eighty percent (80%) opaque. The Bufferyard, if required by Subparagraph "h" above, shall be located outside the perimeter fence.

j. Maximum building height shall be twenty (20) feet.

k. The minimum distance from the face of any storage building to the face of any adjacent storage building shall be twenty-eight (28) feet for storage units which are less than fifteen (15) feet in depth and forty-two (42) feet for storage units which are more than fifteen (15) feet in depth.

l. The minimum distance from the end of any storage building to the end of any adjacent storage building shall be twenty (20) feet.

m. The maximum length of any storage building shall be two hundred (200) feet.

n. The maximum size of any storage unit shall be fourteen (14) feet wide, forty (40) feet deep and one (1) story and no more than twenty (20) feet in height. If storage units are placed back-to-back, the maximum width of the building shall not exceed forty (40) feet.

o. Maximum lot coverage by all buildings shall be forty percent (40%).

p. Office space may be provided which shall not exceed five percent (5%) of the total area devoted to storage.

q. No storage shall take place outside of a completely enclosed building, as defined herein.

r. Storage units shall not be equipped with water or sanitary sewer service.

s. No business activity other than rental of storage units shall be conducted on the premises.

t. Operations shall be regulated so that nuisances such as visual blight, glare, noise, blowing debris and dust shall not be created.

u. Exterior finishes of the storage units shall be compatible with the character of development on adjoining properties.

v. The design of the storage buildings shall be sealed by a Pennsylvania registered architect.

w. No sign shall be placed on the buildings or on their rooftops. One (1) freestanding business identification sign shall be permitted which complies with the requirements of Article XX of this Ordinance for the Zoning District in which the use is located.

x. No hazardous materials or substances shall be permitted to be stored in the storage buildings other than those permitted by the Township Fire Code. Both the landlord and the tenants of the storage buildings shall be responsible for the prevention of the storage of hazardous materials or substances in the storage buildings that would be beyond that allowed by the Township Fire Code.

y. A minimum of one (1) fire hydrant shall be provided on the site subject to the approval of the number and location of hydrants by the Township Fire Marshal. The facility shall comply with all local fire codes.

1703.36 **Mobile Home Park**, subject to:

a. The application shall comply with all applicable requirements of the Township Subdivision and Land Development Ordinance governing mobile home parks.

b. The site of a mobile home park shall be serviced by public water or Pennsylvania Department of Environmental Protection (PA DEP) approved private water system and public sewers or Pennsylvania Department of Environmental Protection (PA DEP) approved private sewage disposal system.

c. The site of a mobile home park shall have frontage on and direct vehicular access to an arterial or collector street, as defined herein.

d. The minimum site required for a mobile home park shall be ten (10) contiguous acres.

e. **Support and Anchoring:** Individual mobile homes shall be placed upon suitable supports to insure that the unit will remain level and free from structural damage. Each mobile home shall be provided with an anchoring system to prevent and resist overturning or lateral movement caused by wind forces. Such anchoring shall be equivalent to or exceed NFPA Standard No. 501A-1974 (ANSI A129.3-1975).

f. **Skirting:** Each mobile home shall be skirted with an enclosure of compatible design and material. Such skirting shall provide adequate ventilation to inhibit the formation of moisture and decay.

g. **Common Facilities:** No less than ten percent (10%) of the mobile home park site shall be devoted to common facilities for passive and active recreation limited to use by the residents of the mobile home park. Such common facilities may include, but shall not be limited to: community clubs, swimming pools, tennis courts, parks, playgrounds, shelters, hiking trails, hobby areas, laundries and service buildings for resident use.

h. **Screening:** All property lines adjoining a lot containing a single family dwelling in any Zoning District or any property in an R-R, R-1, R-2, R-3 or R-4 District shall be screened by Bufferyard A, as defined by §1802.2 of this Ordinance.

i. The minimum mobile home lot shall be six thousand (6,000) square feet in area. The minimum lot width shall be sixty (60) feet.

j. Minimum setbacks and distances between mobile homes shall comply with the requirements of the Township Subdivision and Land Development Ordinance.

k. Every mobile home slab shall have access to a public or private street constructed in accordance with the requirements of the Township Subdivision and Land Development Ordinance.

l. Sidewalks at least three (3) feet in width shall be provided along both sides of all interior streets.

m. Parking shall be provided based on the ratio of two (2) parking spaces per mobile home, one (1) of which shall be required to be on the mobile home lot and one (1) of which may be located in a common parking area which shall be located within three hundred (300) feet of the mobile home it is intended to serve.

n. Interior streets shall be lighted in accordance with the requirements of the Township Subdivision and Land Development Ordinance.

o. All interior streets, whether privately maintained or proposed to be dedicated to the Township shall be constructed in accordance with the design standards of the Township Subdivision and Land Development Ordinance for public streets.

p. The mobile home park shall comply with all other requirements of the Township Subdivision and Land Development Ordinance.

1703.37 [Reserved for Future Use]

1703.38 <u>Planned Industrial Park</u>, subject to:

a. The minimum site area required shall be ten (10) acres.

b. Once the improvements are completed in an approved Planned Industrial Park, lots within an approved and recorded Planned Industrial Park may be sold and developed as independent entities for any authorized use in the Zoning District in which the site is located.

c. The site shall be designed so that properties adjacent to the Planned Industrial Park shall not be adversely affected.

d. Only the uses permitted by right or authorized as conditional uses or uses by special exception in the Zoning District in which the Planned Industrial Park is located shall be permitted in the Planned Industrial Park.

e. The Planned Industrial Park shall be consistent with the stated purposes of this Ordinance and the Zoning District in which it is located.

f. The site plan shall be designed to minimize points of access to the public street. Shared driveways shall be utilized where feasible and cross-easements shall be dedicated for common access, where necessary.

g. The site shall be planned as a unit and uniform signage and landscaping and common parking and loading areas shall be proposed to promote efficiency and preserve a common design theme.

h. Bufferyard A, as defined by §1802.2 of this Ordinance, shall be provided along all property lines adjoining a lot containing a single family dwelling in any Zoning District or any property in an R-R, R-1, R-2, R-3 or R-4 District.

i. The handling and disposal of any hazardous substance regulated by Federal Statute and the Department of Environmental Protection (PA DEP) shall be in accordance with all permits and requirements of that agency or its successor

agency. Any suspension, revocation or violation of the Pennsylvania Department of Environmental Protection (PA DEP) permits shall be a violation of this Ordinance and shall be subject to the enforcement provisions of Section 2301 of this Ordinance.

j. All proposed uses shall comply with the Performance Standards of Section 1801 of this Ordinance.

1703.39 **Planned Office Park**, subject to:

a. The site shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Ordinance.

b. The minimum site area required for a Planned Office Park shall be five (5) acres.

c. Once the improvements are completed in an approved Planned Office Park, lots within an approved and recorded Planned Office Park may be sold and developed as independent entities for any authorized use in the Zoning District in which the site is located.

d. Only the uses permitted by right or authorized as conditional uses or uses by special exception in the Zoning District in which the Planned Office Park is located shall be permitted in the Planned Office Park.

e. The site plan shall be designed to minimize points of access to the public street. Shared driveways shall be utilized where feasible and cross-easements shall be dedicated for common access, where necessary.

f. The site shall be designed so that properties adjacent to the Planned Office Park shall not be adversely affected.

g. The site shall be planned as a unit and uniform signage and landscaping and common parking and loading areas shall be proposed to promote efficiency and preserve a common design theme.

h. Bufferyard A, as defined by §1802.2 of this Ordinance, shall be provided along all property lines adjoining a lot containing a single family dwelling in any Zoning District or any property in an R-R, R-1, R-2, R-3 or R-4 District.

1703.40 **Planned Shopping Center**, subject to:

a. The site shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Ordinance.

b. The minimum site area required shall be five (5) acres.

c. Once the improvements are completed in an approved Planned Shopping Center, lots within an approved and recorded Planned Shopping Center may be sold and developed as independent entities for any authorized use in the Zoning District in which the site is located.

d. Private streets may serve lots that are subdivided within an approved Planned Shopping Center, provided the Planned Shopping Center has frontage on a public street. Outparcels created within the Planned Shopping Center shall meet the minimum lot area requirements of the Zoning District. Subdivisions along building walls within the Planned Shopping Center shall not be required to meet minimum lot area, lot width or yard requirements, provided the Planned Shopping Center site complies.

e. Only the uses permitted by right or authorized as conditional uses or uses by special exception in the Zoning District in which the Planned Shopping Center is located shall be permitted in the Planned Shopping Center.

f. The entire perimeter of a Planned Shopping Center site shall be screened by the Bufferyards specified by §1802.1 of this Ordinance to provide the separation required between the adjoining uses.

g. Sidewalks shall be installed in front of all stores.

h. The site plan shall be designed to minimize points of access to the public street. Shared driveways shall be utilized where feasible and cross-easements dedicated for common access, where necessary.

i. The site shall be planned as a unit and uniform signage and landscaping and common parking and loading areas shall be proposed to promote efficiency and preserve a common design theme.

j. Site lighting, if proposed, shall be designed with cut-off luminaires with a maximum cut-off angle of sixty degrees (60°). (See illustration in Appendix B.) The maximum illumination at any property line adjoining property in any R-R, R-1, R-2, R-3 or R-4 District shall be 0.2 footcandle.

1703.41 **Private Use Helipad**, subject to:

a. Helipads shall be located at least two hundred fifty (250) feet from any property line or public street, except for helipads accessory to hospitals which may be located to maximize accessibility to the existing emergency facilities.

b. Helipads accessory to a hospital shall be limited to use by emergency vehicles and health system personnel.

c. Only one (1) private use helipad shall be authorized for each fifty (50) acre site, regardless of the number of businesses located on the fifty (50) acre site.

d. Evidence of compliance with all applicable regulations of the Federal Aviation Administration and Pennsylvania Department of Transportation, Bureau of Aviation shall be submitted.

e. The helicopter land pad shall be clearly marked with the insignia commonly recognized to indicate a private use helipad.

f. The helicopter landing pad shall be paved, level and maintained dirt free. Rooftop pads shall be free of all loose stone and aggregate.

g. An application for a helipad on a roof shall be accompanied by a certification by a registered engineer that the loads imposed by the helicopter will be supported by the structure.

h. Lighting shall be shielded away from adjacent properties.

i. Maintenance of aircraft shall be prohibited, except for maintenance of an emergency nature.

j. There shall be no storage of fuel at the helipad.

k. There shall be no basing of aircraft at the helipad.

l. The helipad shall be fenced and secured at all times to preclude access by the general public.

m. Clear areas for emergency landings of the helicopter in the event of mechanical failure shall be provided. These emergency landing areas shall be located within the normal glide range of the helicopter with one (1) engine off when operating in the approved takeoff or landing lane from the helipad.

1703.42 **Public Parking Garage; Public Parking Lot**, subject to:

a. All public parking garages or public parking lots shall be designed to have direct vehicular access to an arterial or collector street, as defined by this Ordinance, unless they are located within the site of an approved Planned Shopping Center, Planned Industrial Park or Planned Office Park.

b. All public parking garages or public parking lots shall be designed to minimize traffic congestion on the site or within the garage and for traffic entering or leaving the site or parking garage or lot.

c. The design of any parking garage proposed to be located on property that adjoins an R-R, R-1, R-2, R-3 or R-4 District shall take into account the height, visual, light and air impacts on adjoining residences and shall utilize architectural materials for the exterior walls facing those residential areas that are compatible with the residential character of adjoining properties.

d. Any public parking garage structure, whether proposed as a principal structure or an accessory structure, shall comply with the yard requirements for a principal structure.

e. Any public parking lot that is reserved, in part, for the customers or employees of a specific use shall be located within five hundred (500) feet of the specific use that it is intended to serve.

1703.43 **Public Recreation; Noncommercial Recreation**, subject to:

a. A minimum site of one (1) acre shall be required; however, the minimum lot area required may be reduced to not less than twelve thousand (12,000) square feet for public recreation facilities that are located in established neighborhoods within walking distance of the residents they are intended to serve and where no off-street parking is proposed for the facility.

b. All principal structures shall be located at least forty (40) feet from any property line.

c. Parking shall be provided in accordance with the requirements of Article XIX.

d. Screening by Bufferyard B, as defined by §1802.2 of this Ordinance shall be provided where parking for the public or noncommercial recreation use or where intensively used recreation facilities such as ballfields, tennis courts, shelters and the like are proposed adjacent to any property line adjoining property in an R-R, R-1, R-2, R-3 or R-4 District. Open space and passive recreation, as well as undeveloped portions of the property held for future development, shall not be required to be buffered from adjoining property in an R-R, R-1, R-2, R-3 or R-4 District.

e. All lighting shall be shielded from adjacent streets and properties.

f. The use shall comply with the Performance Standards of Section 1801.

g. Any facility located within two hundred (200) feet of a property line adjoining property in an R-R, R-1, R-2, R-3 or R-4 District shall cease operations at 12:00 Midnight.

1703.44 **Public Utility Buildings or Structures**, subject to:

a. The minimum site required shall be one (1) acre.

b. Maintenance vehicles shall be stored within a completely enclosed building, as defined herein.

c. Outdoor storage of materials or equipment, other than maintenance vehicles, shall be permitted only if the storage area is completely enclosed by an eight (8) foot high fence with locking gate and is screened by one hundred percent (100%) opaque screening material placed in the fencing or by a six (6) foot high compact evergreen hedge.

d. Any area of the building which is utilized for business offices shall comply with the parking requirements of Section 1902 for that use. Any area of the building which is used for storage of materials, vehicles or other equipment shall meet the parking requirements of Section 1902 specified for warehousing.

1703.45 **Repair Shop in the C-2 District**, subject to:

a. All activities shall be conducted within a completely enclosed building and there shall be no storage of materials or equipment outside a completely enclosed building.

b. All activities shall comply with the Performance Standards of Section 1801 of this Ordinance.

c. A repair shop may be located in the same building with a retail store that sells the products being repaired provided the public does not have access to the area of the building devoted to the repair shop.

d. Where a repair shop is not part of a retail store, an area separate from the area where repairs are performed shall be provided where the public can carry in items for repair and pick-up and pay for completed items.

1703.46 **Research and Development**, subject to:

a. The applicant shall provide a written report prepared by a registered engineer certifying compliance with the Performance Standards specified in Section 1801 of this Ordinance.

b. Research and development activities shall not involve the full-scale manufacturing of any product being tested or engineered.

c. Pilot manufacturing associated with research and development shall not be permitted as an accessory use to research and development.

d. All research and development activities shall be conducted entirely within a completely enclosed building, as defined herein, or, if the nature of the research activity requires that the facility be located outdoors, it shall be screened from view from any public street or any lot containing a single family dwelling in any Zoning District or any property in an R-R, R-1, R-2, R-3 or R-4 Zoning District by Bufferyard C, as defined by §1802.2 of this Ordinance.

e. All materials and equipment shall be stored within a completely enclosed building.

f. The storage or use of any hazardous or potentially hazardous materials shall be limited to those materials required to be used by, or produced in connection with, the research and development activity. The transportation, handling, use and disposal of such materials shall conform with all applicable Federal Environmental Protection Agency (EPA) and Pennsylvania Department of Environmental Protection (PA DEP) regulations and permit requirements.

g. The use shall comply with all Performance Standards specified in Section 1801 of this Ordinance.

h. The storage or manufacture of hazardous or potentially hazardous materials shall not be permitted.

1703.47 **Residence in Combination with a Retail Store, Professional Office or Business Office**, subject to:

a. A residence in combination with one (1) or more retail stores and/or business offices or professional offices shall be located on the upper floors above the business use or, if located on the first (1st) floor, shall be in a separate unit from the business use.

b. The lot shall meet the minimum lot area requirements of the district, and in addition, shall provide a minimum of fifteen hundred (1,500) square feet of lot area per dwelling unit.

c. Dwelling units shall have a minimum habitable floor area of eight hundred (800) square feet.

d. Dwelling units in basements or garages shall not be permitted.

e. Off-street parking shall be provided on the lot in accordance with the ratios for each use specified in Article XIX of this Ordinance. Shared parking for residential and commercial uses shall not be permitted.

f. A minimum of five hundred (500) square feet of usable yard area shall be provided for the enjoyment of the residents of the dwelling unit. The usable yard

area shall be screened from adjacent commercial uses or parking areas by Bufferyard D, as defined by §1802.2 of this Ordinance.

1703.48 Restaurant in a Planned Office Park, subject to:

a. Restaurants shall be permitted only in an office building or in a motel or hotel authorized as a principal use in a Planned Office Park. Restaurants shall not be permitted in any other freestanding principal or accessory structure.

b. The maximum gross floor area devoted to any single restaurant establishment in an office building which is open to the general public shall be ten thousand (10,000) square feet.

c. Off-street parking for the restaurant shall be provided in accordance with the requirements of Article XIX of this Ordinance for the use. Off-street parking for the restaurant shall be clearly designated and shall be located within three hundred (300) feet of the entrance to the restaurant.

d. A separate business sign provided for by Article XX of this Ordinance shall be permitted for the restaurant, provided that it does not exceed thirty-two (32) square feet of gross surface area.

1703.49 Service Station, subject to:

a. All minor repair work, vehicle washing, waxing, detailing, lubrication and installation of parts and accessories shall be performed within a completely enclosed building, as defined herein.

b. All discharges into public sanitary sewers shall comply with all applicable regulations of the U.S. Environmental Protection Agency (EPA) and the Pennsylvania Department of Environmental Protection (PA DEP).

c. All automobile parts, dismantled vehicles and similar materials shall be stored within a completely enclosed building or totally screened from view by a solid or privacy fence.

d. All vehicles awaiting repair shall be stored on site in approved parking spaces and, under no circumstances, shall said vehicles be stored on or obstruct access to a public right-of-way.

e. Canopies over gasoline pumps shall be subject to the requirements of §1804.3h.

f. Gasoline pumps shall be located at least thirty (30) feet from the edge of the right-of-way of a public street.

g. All fuel, oil or similar substances shall be stored at least twenty-five (25) feet from any property line.

h. The handling and disposal of motor oil, battery acid and any other substance regulated by Federal Statute and the Pennsylvania Department of Environmental Protection (PA DEP) shall be in accordance with all permits and requirements of that agency or its successor agency. Any suspension, revocation or violation of the PA DEP permits shall be a violation of this Ordinance and shall be subject to the enforcement provisions of Section 2301 of this Ordinance.

i. All lighting shall be shielded and reflected away from adjacent properties and streets.

j. Bufferyard A, as described in §1802.2 of this Ordinance, shall be provided along all property lines adjoining a lot containing a single family dwelling in any Zoning District or property in an R-R, R-1, R-2, R-3 or R-4 District.

1703.50 Sportsmen's Club, subject to:

a. The minimum site required shall be ten (10) acres.

b. Any outdoor lighting shall be shielded and reflected away from streets and adjoining properties.

c. If an outdoor shooting range is proposed, the use shall comply with all of the following requirements:

1. Discharging of firearms and archery shall not be permitted within one thousand (1,000) feet of any existing residence.

2. Outdoor discharging of firearms shall not be permitted between the hours of dusk and 8:00 A.M.

3. An adequate backstop shall be provided to prevent bullets and arrows from ricocheting.

4. Firing of weapons shall be under the supervision of a qualified range officer and in conformance with regulations recommended by the National Rifle Association (NRA).

5. All shooting areas shall be enclosed with a fence to keep people out of the line of fire and the target area.

6. Sound levels at the property lines shall not exceed one hundred (100) decibels.

7. Liability insurance must be maintained and proof of insurance shall be submitted to the Township with a minimum of $1,000,000.00 liability coverage.

d. All outdoor activities, other than an outdoor shooting range, shall be located at least five hundred (500) feet from any existing residence and shall cease operations at sunset.

e. Except for the noise limits authorized in Subparagraph c-6, above, for an outdoor shooting range, the use shall comply with the Performance Standards of Section 1801 of this Ordinance.

f. All properties adjoining property in an R-R, R-1, R-2, R-3 or R-4 District shall be screened by Bufferyard B, as described in §1802.2 of this Ordinance.

1703.51 **Supply Yard**, subject to:

a. The minimum site required shall be two (2) acres.

b. Outdoor display and equipment storage areas shall be secured by a fence that is a minimum of eight (8) feet in height which shall be screened from any adjoining residential property by a six (6) foot compact hedge.

c. All outdoor display area and equipment storage areas shall be located a minimum of fifty (50) feet from any property line adjoining a lot containing a single family dwelling in any Zoning District or property in an R-R, R-1, R-2, R-3 or R-4 District.

d. Contractor's supply yards may also include an office for the conduct of the business. Builders' or other supply yards involving retail or wholesale sales shall include a completely enclosed building, as defined herein, for the conduct of the business.

e. Adequate paved access and maneuvering facilities for loading and unloading trucks shall be provided so that trucks shall not back onto or stand on the public right-of-way and dirt, debris or excess materials shall not be deposited on any public right-of-way.

f. Bufferyard A, as defined by §1802.2 of this Ordinance shall be provided along all property lines adjoining a lot containing a single family dwelling in any Zoning District or any property in an R-R, R-1, R-2, R-3 or R-4 District.

1703.52 **Supporting Commercial Uses in a Principal Building in a Planned Office Park**, subject to:

a. Supporting commercial uses in a principal building in a Planned Office Park shall be limited to the following uses:

1. Business services
2. Travel agency
3. Pharmacies, if related to medical offices or medical clinics
4. Sale of medical supplies and equipment, if related to medical offices or medical clinics
5. Newsstand or tobacco shop
6. Card and gift shop or stationery store
7. Florist
8. Delicatessen or sandwich shop providing either sit-down or take-out service, primarily for the convenience of the employees in the Planned Office Park.

b. Supporting retail businesses shall be limited to the ground or first floor of any office building in the Planned Office Park and shall not be permitted in any other freestanding principal or accessory building.

c. The total floor area devoted to supporting retail businesses shall not exceed twenty-five percent (25%) of the total floor area devoted to office use in the business park.

d. Off-street parking shall be provided for the supporting retail businesses in accordance with the following ratio: one (1) space for each three hundred (300) square feet of gross floor area.

e. A separate business identification sign provided for by Article XX of this Ordinance shall be permitted for each supporting commercial use, provided that the sign shall be wall mounted and shall comply with the provisions of §2005.3 for Wall Signs in the O-P District.

1703.53 **Temporary Uses or Structures Other than a Temporary Construction Trailer, Model Home or Sales Office**, subject to:

a. Temporary uses such as festivals or fairs or other similar activities sponsored by a local nonprofit, community or charitable organization shall be exempt from obtaining approval from the Zoning Hearing board, provided the Zoning Officer determines compliance with the standards of this §1703.54 as a condition of issuing a Occupancy Permit.

b. Sidewalk sales, carload sales and other special promotions conducted on the site of an existing retail establishment with the permission of the landowner for a period not exceeding seventy-two (72) hours shall not be subject to the provisions of this §1703.54. Any such activity exceeding seventy-two (72) hours in duration shall be subject to approval under this §1703.54.

c. Approval for temporary uses or structures shall be granted for a specific time period not to exceed six (6) months. If continued need for the temporary use or structure on an annual basis is demonstrated by the applicant, approval may be granted for annual renewal by the Zoning Officer of the permit for the temporary use or structure, provided all conditions of the original approval are maintained.

d. All temporary uses or structures shall be removed within ten (10) days of the expiration of the specific period for which the structure or use is approved.

e. All temporary uses or structures which are proposed to be accessible to the public shall provide parking in accordance with the requirements of Article XIX for the proposed use.

f. Vehicular access for all temporary uses or structures which are proposed to be accessible to the public shall be designed to minimize congestion on the site and not impede the free flow of traffic for any other permanent use or structure on the site.

g. All temporary uses or structures proposed to be used as principal uses or structures shall comply with all applicable area and bulk regulations for the Zoning District in which they are located. All temporary uses or structures which are proposed to be used as accessory uses or structures shall comply with the requirements of the Zoning District for accessory structures.

h. Temporary uses or structures which are authorized for a particular event shall be removed within forty-eight (48) hours after the completion of the event.

i. Temporary uses or structures which are proposed as principal uses or structures and which are accessible to the public shall provide sanitary facilities, unless such facilities already exist on the site.

1703.54 **Transitional Commercial Development**, subject to:

a. The minimum site required to establish a Transitional Commercial Development shall be ten (10) acres.

After one (1) or more Transitional Commercial Developments have been granted final approval and a Developer's Agreement has been executed by the developer and the Township, the Board of Supervisors may waive the ten (10) acre minimum site requirement to accommodate the reasonable development of

remaining acreage in the C-3 District that comprises less than ten (10) acres, provided that it is contiguous with an approved Transitional Commercial Development and it cannot be consolidated with other property in the C-3 District to meet the minimum site area required for Transitional Commercial Development. In considering the waiver, the Board of Supervisors shall consider whether the requested reduction in site area is the minimum reduction that will afford relief and whether the reduced acreage proposed for a Transitional Commercial Development will result in a coordinated and well-planned site development.

b. If the Transitional Commercial Development site is subdivided, the minimum lot area shall be twenty-one thousand seven hundred eighty (21,780) square feet. Lots that meet the minimum lot area requirements, but that are not located within an approved Transitional Commercial Development shall not be utilized for any of the authorized permitted uses in the C-3 District, other than an existing single family dwelling.

c. The site proposed for a Transitional Commercial Development shall be comprised of lots that are contiguous. Residential lots may remain around the perimeter of the site; however, no residential lots may be left within the boundaries of the site.

d. The site proposed for a Transitional Commercial Development shall be created from the consolidation of any individual lots previously recorded in a residential plan of subdivision or in a separate deed in the Recorder of Deeds Office. A consolidation plat shall be recorded prior to, or concurrent with, filing an application for Transitional Commercial Development.

e. Any public street right-of-way located within the boundaries of the Transitional Commercial Development shall be vacated, unless lots within the Transitional Commercial Development are proposed to have access from the entire right-of-way or any portion thereof. Said public street right-of-way shall not be vacated if the public street is the only means of access to lots located outside the boundaries of the Transitional Commercial Development.

f. Any Transitional Commercial Development that proposes a gross floor area of one hundred thousand (100,000) square feet or more devoted to retail use in one (1) or more buildings shall provide direct vehicular access from the development site to an arterial street, as defined herein.

g. Any new public street right-of-way or private driveway proposed to provide access from an existing public street to the Transitional Commercial Development site shall be designed to meet the following criteria:

1. The clear sight triangle required by §1804.4 of this Ordinance shall be applicable to the intersection of two (2) public street rights-of-way, as well as to the intersection of a private driveway with an existing public street.

2. The clear sight triangle required by §1804.4 of this Ordinance shall be met entirely within the boundaries of the Transitional Commercial Development site.

3. All acceleration, deceleration and turning lanes required at any proposed entrance to a Transitional Commercial Development site shall be located entirely within the public street frontage of the Transitional Commercial Development site and shall not encroach on the frontage of any property outside the Transitional Commercial Development site.

4. In the event that property immediately adjacent to the proposed entrance to a Transitional Commercial Development site and on the same side of the public street as the proposed entrance contains a single family or two family dwelling in any Zoning District, the nearest right-of-way line for a public street or the nearest edge of the curb for a private driveway creating the proposed entrance to the Transitional Commercial Development site shall be located at least fifty (50) feet from the common property line. Bufferyard "A" shall be provided within this fifty (50) foot setback, subject to compliance with the clear sight triangle requirements of §1804.4 of this Ordinance.

5. In no case shall any existing public or private street right-of-way on which any existing single family dwellings or two family dwellings front be used to access a Transitional Commercial Development site.

h. The perimeter of the Transitional Commercial Development shall be screened by Bufferyard "A", as described in §1802.2 of this Ordinance, along all property lines that adjoin property in an R-R, R-1, R-2, R-3 or R-4 District or any property within the C-3 District that contains an existing single family dwelling or two family dwelling.

i. The perimeter of the Transitional Commercial Development shall be screened by Bufferyard "C", as described in §1802.2 of this Ordinance, along all property lines adjoining property in a C-1, C-2, O-P or I-1 District or any property in the C-3 District that does not contain a single family dwelling or two family dwelling.

j. The maximum height of lighting standards shall be twenty (20) feet. Lighting fixtures shall be designed with full cut-off luminaires. Spillover lighting at any property line adjoining property in an R-R, R-1, R-2, R-3 or R-4 District shall not exceed 0.2 footcandle.

k. Signs authorized in a Transitional Commercial Development shall include all signs authorized by Section XX of this Ordinance for uses in the C-2 District.

l. For any use that dispenses gasoline or other petroleum products, all pump islands or above ground tanks shall be located at least one hundred (100) feet from any property line adjoining property in any Zoning District that contains an existing single family dwelling or two family dwelling.

1703.55 Truck and Heavy Equipment Rental, Sales and Service, subject to:

a. The minimum site required shall be five (5) acres.

b. The site shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Ordinance.

c. No part of any truck or heavy equipment or their accessories displayed outdoors shall be located less than thirty-five (35) feet from the property line adjoining any property located in an R-R, R-1, R-2, R-3 or R-4 District nor less than twenty (20) feet from any other property line.

d. No vehicle or equipment shall be parked on adjacent property or in any public street right-of-way.

e. No vehicle shall be displayed or offered for sale that does not have all of the mechanical and body components necessary for its safe and lawful operation.

f. A permanent structure for office administration, sales, rental and/or servicing shall be provided.

g. All property lines adjoining property located in an R-R, R-1, R-2, R-3 or R-4 District shall be screened by Bufferyard A, as described in §1802.2 of this Ordinance.

1703.56 Two Family Dwellings, Triplexes and Fourplexes in the R-2 and R-3 Districts, subject to:

a. The site proposed for two family dwellings, triplexes or fourplexes shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Ordinance or shall be in the same block with at least one (1) other existing dwelling unit of the same type as is proposed, regardless of whether the street is an arterial or collector street, as defined herein.

b. In the R-2 District, the minimum lot area required for a two family dwelling shall be twenty thousand (20,000) square feet; the minimum lot area required for a

triplex shall be thirty thousand (30,000) square feet; and the minimum lot area required for a fourplex shall be forty thousand (40,000) square feet.

c. In the R-3 District, the minimum lot area required for a two family dwelling shall be fifteen thousand (15,000) square feet; the minimum lot area required for a triplex shall be twenty-five thousand (25,000) square feet; and the minimum lot area required for a fourplex shall be thirty-five thousand (35,000) square feet.

d. If the lot is located in the R-2 District, the minimum lot width, lot coverage, height and yard requirements of the R-2 District shall apply.

e. If the lot is located in the R-3 District, the minimum lot width, lot coverage, height and yard requirements of the R-3 District shall apply.

f. No more than one (1) two family dwelling shall be permitted on a lot, unless the dwellings are proposed to be sold as condominiums.

g. If two (2) or more triplexes or fourplexes are located on the same lot, agreements for shared parking and shared access shall be provided to the Township and shall be recorded in the Recorder of Deeds Office of Beaver County.

1703.57 **Vehicle Rental, Sales and Service**, subject to:

a. Vehicle sales and service establishments shall be limited to those establishments that are factory authorized dealerships or that have obtained a license from the Commonwealth of Pennsylvania to operate a used vehicle dealership.

b. The minimum lot area required for vehicle, rental, sales and service shall be two (2) acres.

c. The site shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Ordinance.

d. The area used for display of merchandise offered for sale and the area used for parking of customer and employee vehicles shall be continuously paved and maintained in either concrete over a base of crushed stone compacted to not less than six (6) inches in depth or other surfacing of equivalent or superior character as approved by the Township Engineer.

e. The handling and disposal of motor oil, battery acid and any other substances regulated by Federal Statute and the Pennsylvania Department of Environmental Protection (PA DEP) shall be in accordance with all permits and requirements of that agency or its successor agency. Any suspension, revocation or violation of the Pennsylvania Department of Environmental Protection (PA DEP) permits shall be a violation of this Ordinance and shall be subject to the enforcement provisions of Section 2301 of this Ordinance.

f. All lots used for the outdoor display of vehicles shall have a completely enclosed building, as defined herein, on the same lot which lot has not less than two thousand (2,000) square feet of gross floor area where all repair, servicing, sales and customer car washing shall be performed.

g. No vehicle or other merchandise displayed outdoors shall be less than five (5) feet from any property line. No vehicle shall be parked on adjacent property or in any public street right-of-way.

h. No vehicle shall be displayed or offered for sale that has a registration with an expiration date of more than one (1) year and that does not have all of the mechanical and body components necessary for the safe and lawful operation thereof on the streets and highways of the Commonwealth of Pennsylvania.

i. All lights and light poles shall be located at least ten (10) feet form any street right-of-way or property line and all lighting shall be shielded and reflected away form adjacent streets and properties.

j. No oscillating or flashing lights shall be permitted on the lot, on any of the structures or poles on the lot or on any merchandise displayed outdoors.

k. No strings of lights or flags, flashers or other display paraphernalia shall be permitted on the lot, on any of the structures or poles or on merchandise displayed outdoors, except for such signs as may be otherwise allowed by Article XX of this Ordinance.

l. All required off-street parking spaces shall be reserved exclusively for the parking of customer and employee vehicles and shall not be used for the display of merchandise.

m. Storage of parts, dismantled vehicles or customer vehicles with external damage awaiting repairs shall be located either inside a building or in an outdoor area which is screened by a six (6) foot high hedge or opaque fence.

n. Bufferyard A, as defined by §1802.2 of this Ordinance, shall be provided along all property lines adjoining a lot containing a single family dwelling located in any Zoning District or any property an R-R, R-1, R-2, R-3 or R-4 District.

1703.58 **Vehicle Repair Garage**, subject to:

a. Such use shall not be located within one hundred (100) feet of any property line adjoining a lot containing a single family dwelling located in any Zoning district or any property in an R-R, R-1, R-2, R-3 or R-4 District.

b. Bufferyard A, as defined by §1802.2 of this Ordinance, shall be provided along all property lines adjoining a lot containing a single family dwelling located in any Zoning District or any property in an R-R, R-1, R-2, R-3 or R-4 District.

c. Storage of parts, dismantled vehicles and vehicles or equipment awaiting repair shall be kept in a completely enclosed building or in an outdoor area which is screened by a six (6) foot high hedge or opaque fence.

d. There shall be no more than four (4) vehicles displayed for sale on the premises at any one time.

e. All repair work shall be performed within a completely enclosed building which has adequate ventilation and fire protection provisions.

f. All towed vehicles shall be stored on the premises and no vehicle shall be stored or dismantled on any public street.

g. The premises shall be kept clean and shall be maintained so as to not constitute a nuisance or menace to public health and safety.

h. Storage, handling and disposal of hazardous materials, as defined by Federal or State statute, shall comply with the current requirements of the Pennsylvania Department of Environmental Protection (PA DEP) and the U.S. Environmental Protection Agency (EPA).

1703.59 **Wholesale Sales in Conjunction with Retail Business**, subject to:

a. Any site which involves wholesale distribution shall have direct vehicular access to an arterial or collector street, as defined by this Ordinance.

b. All materials and equipment shall be stored within a completely enclosed building, as defined herein or shall be limited to storage in the rear or side yard if screened from view from the street or adjacent properties located in an R-R, R-1, R-2, R-3 or R-4 District by a six (6) foot high hedge or opaque fence.

c. No shipping or receiving shall be permitted within three hundred (300) feet of a property in an R-R, R-1, R-2, R-3 or R-4 District between the hours of 7:00 P.M. and 7:00 A.M.

d. All shipping or receiving located within three hundred (300) feet of property containing a single family dwelling in any Zoning District or any property in an R-R, R-1, R-2, R-3 or R-4 District shall be screened by Bufferyard A, as described in §1802.2 of this Ordinance.

e. Wholesale sales shall not exceed twenty-five percent (25%) of the gross sales of the retail business.

f. The gross floor area devoted to wholesale warehousing shall not exceed the gross floor area devoted to the retail business.

g. The storage or handling of hazardous or potentially hazardous materials shall not be permitted.

1703.60 Wind Energy System, Private, subject to:

a. The private wind energy system shall be accessory to an existing principal structure located on the same lot.

b. Only one (1) private wind energy system shall be permitted on a lot.

c. The minimum lot area required in an R-R, R-1, R-2, R-3 or R-4 District to install a private wind energy system shall be one (1) acre.

d. All private wind energy systems shall be located within the rear yard.

e. The private wind energy system shall be set back from all property lines a distance equal to one hundred percent (100%) of the height of the tower plus the blade length.

f. All private wind energy systems shall be self-supporting. No guy wire supported structures shall be permitted. No roof-mounted structures shall be permitted.

g. The maximum height of a private wind energy system, as defined by this Ordinance, shall be sixty (60) feet.

h. The applicant shall provide evidence that the proposed height of the private wind energy system does not exceed the height recommended by the manufacturer or distributor of the system.

i. Standard installation drawings shall be submitted showing the wind turbine structure, including the tower, the base and the footings. An engineering analysis of the tower showing compliance with the Uniform Construction Code and certified by a licensed professional engineer shall be provided.

j. The application shall be accompanied by a line drawing of the electrical components in sufficient detail to determine compliance with the National Electrical Code.

k. The applicant shall comply with all applicable regulations of the Pennsylvania Public Utility Commission governing generation of electricity for private use and

shall provide evidence that they have notified the applicable utility company of their intent to install a private wind energy system.

l. The private wind energy system generators and alternators shall be constructed so as to prevent the emission of radio and television signals. The applicant shall correct any signal disturbance problem identified after initiation of the operation within ninety (90) days of identification.

m. The minimum distance between the ground and any protruding blades utilized on a private wind energy system shall be fifteen (15) feet measured at the lowest point of the arc of the blades.

n. The lowest point of the arc of the blades utilized on a private wind energy system shall be ten (10) feet above the height of any structure located within one hundred fifty (150) feet of the base of the private wind energy system.

o. The private wind energy system supporting tower and any related equipment shall be enclosed by an eight (8) foot high fence. Fencing of the entire property on which the private wind energy system is located shall not be acceptable to demonstrate compliance with this requirement.

p. The applicant shall submit evidence from the manufacturer regarding the structural integrity of the tower, base and footings and the installation's ability to withstand expected wind loads.

q. Private wind energy systems shall comply with all applicable requirements of the Federal Aviation Administration (FAA).

r. Private wind energy systems shall not be artificially lighted unless required by the Federal Aviation Administration (FAA).

s. No tower shall have any sign, writing or picture that may be construed as advertising.

t. Private wind energy systems shall have a non-reflective, painted steel finish in a neutral color to reduce the visual impact.

u. Private wind energy system towers shall not be climbable for a distance up to fifteen (15) feet above the ground level.

v. All wiring shall be underground.

w. Private wind energy systems shall not exceed fifty decibels (50 dBA) between the hours of 7:00 A.M. and 10:00 P.M. nor shall the noise level exceed thirty-five decibels (35 dBA) between the hours of 10:00 P.M. and 7:00 A.M. as measured

from the property line closest to the private wind energy system, except during short term emergencies such as utility outages and/or severe windstorms.

x. A private wind energy system that is not used for twelve (12) successive months shall be deemed abandoned and shall be dismantled and removed from the property at the expense of the property owner pursuant to an enforcement notice issued by the Zoning Officer in accordance with Section 2301 of this Ordinance.

On lots in the E-C, O-P, C-1, C-2, C-3, C-4 and I-1 Districts where the depth of the lot exceeds two hundred and fifty (250) feet, the Board of Supervisors may waive the requirement to provide plantings along the entire depth of the property line, provided plantings are installed for a distance of at least twenty-five (25) feet beyond the rear wall of the building or beyond the rear limit of the edge of paving of any parking area and provided that the applicant demonstrates that the line of sight from adjoining properties containing residential uses in any Zoning District or any property in an R-R, R-1, R-2, R-3 or R-4 District is adequately screened. In waiving the Bufferyard requirement along a portion of the property line, the Board of Supervisors may require the clustering of required plantings to protect the lines of sight.

1802.4 Authorized Uses in Bufferyards

Stormwater management facilities, active or passive recreation facilities not involving any buildings, openings for driveways and rights-of-way for public streets or utilities may be located within a required Bufferyard; however, the existence of these facilities shall not eliminate the need to meet the planting requirements within the required Bufferyard, except within the width of the easement, right-of-way or driveway opening.

1802.5 Effect of Public Street Right-Of-Way

In the event that a public street right-of-way, dedicated and accepted by the Township, constitutes the boundary line between two (2) properties where a Bufferyard is required, the Bufferyard shall not be required along the front lot line, provided the width of the right-of-way equals or exceeds the width of the required Bufferyard and the low level screen or earthen mound required to screen headlights in any parking area facing the street is provided, if required.

1802.6 Location of Plantings with Respect to Property Lines

None of the plantings in any Bufferyard shall encroach across any property line. All plantings shall be located a minimum of two and one-half (2½) feet from any property line which constitutes the exterior boundary of the Bufferyard.

1802.7 Fill Slopes in Excess of Fifty (50) Feet in Height in a Required Bufferyard

In order to reduce the impact of fill slopes in excess of fifty (50) feet in height which are located in whole, or in part, in a required Bufferyard, one (1) ten (10) foot bench shall be provided for each twenty-five (25) feet of height and Bufferyard D shall be required to be installed in each benched area.

1802.8 Substituting a Landscaped Slope for the Required Bufferyard

In the event that proposed construction is at a higher elevation than adjoining existing uses and the slope interrupts the line of sight between the existing uses and the

proposed building, the Board of Supervisors may authorize that the slope separating the uses be landscaped as an alternative to providing the required Bufferyard at the top of the slope, provided the line of sight is protected and the result is an improved finished slope facing the existing uses. The number and types of planting on the slope shall be subject to approval by the Township. The number of trees otherwise required in the applicable Bufferyard shall be used in determining the adequacy of the alternative landscaping.

1802.9 Conflict Between Bufferyard and Yard Requirements

When the width of a required Bufferyard is in conflict with the minimum yard requirements of Articles IV through XV, the greater distance shall apply. The Bufferyard planting requirements shall be adhered to regardless of what the yard requirement is.

1802.10 Existing Structures in Bufferyards

In instances where an existing structure houses the principal use of the property, and is located within any required Bufferyard, a Bufferyard of not less than the minimum distance from the existing structure to the property line shall be required. This reduced Bufferyard width shall apply only to the yard area which the existing structure encroaches upon. If the existing structure is located within the required Bufferyard on one (1) side of the building, the required Bufferyard as determined by §1802.1 shall apply on all other yard areas. All planting requirements shall be adhered to regardless of the Bufferyard width.

1802.11 Existing Trees in Bufferyards

Where trees already exist within the required Bufferyard, these trees shall remain undisturbed, except that diseased or dead material may be removed. If it is determined that some healthy trees must be removed in conjunction with development, a written request to remove such trees shall be submitted to the Township, along with an explanation detailing the rationale for the request. These trees shall not be removed until the Township has given written authorization permitting this. This permission will not be unreasonably denied; however, those who violate this Section shall be subject to the maximum penalties authorized by this Ordinance.

When any trees, regardless of their physical condition, are removed, they shall be replaced by trees suitable to the environment. All such replacement plantings shall be in accordance with accepted conservation practices.

Where existing trees are accepted by the Township in lieu of Bufferyard plantings, a conservation easement shall be recorded in perpetuity, guaranteeing the preservation of the existing trees or their replacement with similar size and species in event they must be removed.

1802.12 Size of Trees in Required Bufferyards

Any existing trees within the required Bufferyard which are a minimum of four (4) inches in diameter at a point one (1) foot above the ground shall be preserved and shall count as a required tree within the Bufferyard. At no point, however, shall any existing trees and required trees be separated at a distance greater than the distance specified in the required Bufferyard.

All trees required to be planted within the Bufferyard shall be a minimum of two (2) inches in diameter at a point one (1) foot above the ground measured along the trunk of the planted tree which tree shall be planted in accordance with accepted conservation practices. All required trees shall be a minimum of six (6) feet in height at time of planting measured from the ground adjacent to the planted tree to the top of the tree.

1802.13 Responsibility for Maintenance

It shall be the responsibility of the owner/applicant to assure the continued growth of all required landscaping and/or to replace the same in the event of fronts, vandalism, disease or other reasons for the discontinued growth of the required trees, shrubs and bushes.

1802.14 Stormwater Management Facilities in Bufferyards

Stormwater management facilities and structures may be maintained within a Bufferyard, but the existence of such facilities or structures shall not be a basis for a failure to meet the planting requirements.

1802.15 Landscaping of Open Areas

All yard areas not utilized for parking facilities, driveways, gardens, the planting of trees or shrubs, flower, vegetable or herb beds or similar uses must be seeded, sodded or landscaped within a reasonable period of time. The phrase "a reasonable period of time" shall be interpreted to be within two (2) weeks after construction activities are completed, unless those activities are completed between November 1st and April 1st. In such case, the required sodding or seeding must occur by April 15th.

1802.16 Landscaping Specifications

Landscaping shall be provided in accordance with the following specifications:

a. Planting required in Bufferyards as outlined in §1802.2 cannot be substituted for any required planting mandated in this §1802.16.

b. A landscaping plan, with detailed drawings, shall be submitted prior to application for a Zoning Certificate and this landscaping plan must contain and show the following information:

1. All required Bufferyards with proposed plantings (identifying each proposed tree, bush or shrub) drawn to scale and identifying the height and width of any proposed mounds.

2. All required planting independent of any Bufferyard requirements (identifying each tree, bush, shrub, the use of sod or seeding, etc.) drawn to scale.

3. Any planting in excess of the requirements in §1802.1 and §1802.2 of this Ordinance.

4. Any existing trees or vegetation which are to be preserved, accurately identifying their relative location.

5. Any existing trees or vegetation which will be removed, accurately identifying their relative location.

c. In any nonresidential development, deciduous trees shall be planted in accordance with the following schedule, in addition to the trees provided in any required Bufferyard or parking area:

Building Footprint	**Requirement**
1,000 s.f. – 30,000 s.f.	1 tree for each 1,000 s. f. of building footprint
30,000 s.f. – 75,000 s.f.	A minimum of 30 trees, plus 1 tree for each 3,000 s.f. of building footprint in excess of 30,000 s.f.
Over 75,000 s.f.	A minimum of 45 trees, plus 1 tree for each 5,000 s.f. of building footprint over 75,000 s.f.

The required trees shall be planted in clusters on the site and shall be distributed throughout the site to enhance the green space on the site. The final location of the plantings shall be subject to approval by the Township depending on the size of the site, the magnitude of the required Bufferyard and the amount of paving and building coverage proposed.

d. In any development which contains multifamily dwellings, deciduous trees shall be planted in accordance with the following schedule, in addition to the trees provided in any required Bufferyard or parking area:

Number of Dwellings	Required Trees
First 25 dwelling units	1 tree for each dwelling unit
26 – 100 dwelling units	25 trees, plus 1 tree for each 2 dwelling units in excess of 25 dwelling units
101 – 200 dwelling units	63 trees, plus 1 tree for each 3 dwelling units in excess of 100 dwelling units
201+ dwelling units	96 trees, plus 1 tree for each 4 dwelling units in excess of 200 dwelling units

e. All trees which are required to be planted as per the regulations of this §1802.16 shall be a minimum of two (2) inches in diameter at a point one (1) foot above the ground at the time of planting measured along the trunk of the planted tree which tree shall be planted in accordance with accepted conservation practices.

f. In conjunction with the development of property for any use, the applicant shall show that the removal of any trees or natural vegetation is necessary for the imminent and orderly development of the property. Imminent development shall be considered to be development which is reasonably expected to commence, and for which there are realistic plans to commence, on a minimum eight (8) hours per day, forty (40) hours per week basis (utilizing a five (5) day on, two (2) day off, standard work week basis) within thirty (30) days of the removal of trees or vegetation and for which a land development plan and landscaping plan have been submitted and approved by the Township.

g. Any existing trees which are not disturbed and are not located within a required Bufferyard and are a minimum of four (4) inches in diameter at a point one (1) foot above the ground shall count towards the required number of trees to be planted outside of the Bufferyard.

h. In parking areas containing more than twenty (20) spaces, at least five percent (5%) of the interior parking area shall be landscaped with plantings and trees in accordance with the following schedule. The required trees in the parking area shall be in addition to the trees provided in any required Bufferyard or any requirement based on building footprint or number of dwelling units.

Number of Parking Spaces	Required Trees
21 – 100 parking spaces	1 tree for each 10 parking spaces or portions thereof
101 – 200 parking spaces	10 trees, plus 1 tree for each 20 parking spaces in excess of 100 spaces or portion thereof
201+ parking spaces	15 trees, plus 1 tree for each 25 parking spaces in excess of 200 spaces or portion thereof

i. Whenever an open parking area abuts a public street, a planting strip, at least five (5) feet in depth, planted and maintained with shrubbery, trees or other landscape or decorative materials, shall be installed across the entire frontage of the property in order to prohibit vehicles access, except at approved ingress and egress points. All such planting shall comply with the clear sight triangle required by §1804.4.

j. All areas not utilized for structures, driveways, planting strips or parking facilities shall be seeded, sodded or landscaped within a reasonable period of time. The phrase "a reasonable period of time" shall be given the same interpretation given that phrase in §1802.15 of this Ordinance.

1802.17 Posting of Bond for Landscaping

A maintenance bond in the form of cash, certified check or letter of credit shall be posted with the Township in the amount of fifteen percent (15%) of the total cost of landscaping shown on the approved landscaping plan for a period of two (2) years from the date of installation of the landscaping materials. The maintenance bond shall guarantee replacement of the required landscaping materials during the term of the bond.

SECTION 1803 FORESTRY

Forestry, as defined herein, shall be conducted in accordance with the following provisions. Proof of compliance with all requirements shall be submitted with the application for a Zoning Certificate.

1803.1 All operations shall be located at least three hundred (300) feet from any existing dwelling.

1803.2 All operations shall be discontinued between 7:00 P.M. and 7:00 A.M., except that such operations shall not take place during any hours on Sundays or legal government holidays.

1803.3 Routes to be used by the hauling trucks shall be approved by the Township and the operator shall demonstrate that there shall be no negative impact on Township streets from the proposed operation.

1803.4 The operator shall provide the Township with a copy of a video tape of the condition of all streets to be utilized in the forestry operation prior to commencing operations.

1803.5 A performance bond shall be posted in favor of and in the amount required by the Township to guarantee restoration of Township streets used as hauling routes.

1803.6 The operator shall be responsible for cleaning dirt and debris from public streets daily during the operation.

1803.7 The applicant shall submit a copy of the State and/or County permit for hauling on State and/or County roads, if applicable.

1803.8 The applicant shall supply the Township with the name of an on-site contact person.

1803.9 The applicant shall provide the Township with copies of the permits issued under the following laws and regulations of the Commonwealth, if applicable, and all necessary permits shall be maintained during the operation.

a. Erosion and sedimentation control regulations contained in Chapter 102, issued pursuant to the Pennsylvania Clean Streams Law;

b. Stream-crossing and wetlands protection regulations contained in Chapter 105, issued pursuant to the Pennsylvania Dam Safety and Encroachment Act;

c. Stormwater management plans and regulations issued pursuant to the Pennsylvania Stormwater Management Act.

Any suspension or revocation of a State permit shall constitute revocation of Zoning Approval and the operator shall be subject to the enforcement provisions of Section 2301 of this Ordinance.

1803.10 A logging plan prepared and sealed by a practicing, consulting forester who is a member of the Association of Consulting Foresters or the

Pennsylvania Council of Professional Foresters or a forester certified by the Society of American Foresters shall be submitted that shows, at a minimum:

a. The design, construction, maintenance and retirement of the access system, including haul roads, skid roads, skid trails and landings;

b. The design, construction, and maintenance of water-control measures and structures such as culverts, broad-based dips, filter strips and water bars;

c. The design, construction and maintenance of stream and wetland crossings, if any;

d. The general boundaries of the proposed operation in relation to streets maintained by the Township, the State or County, including any accesses to those streets;

e. The site location, including boundaries of the property and boundaries of the proposed harvest area;

f. Significant topographic features;

g. The location of all earth-disturbance activities, such as roads, landings and water control measures and structures; and

h. The location of all crossings of water of the Commonwealth, if any.

1803.11 Felling or skidding on or across any public street is prohibited without the express written consent of the Township, Beaver County or the Pennsylvania Department of Transportation (Penn DOT), whichever is responsible for maintenance of the street.

1803.12 During the operation, no remnants of trees or debris shall be left within twenty-five (25) feet of any public street or any private street providing access to adjoining residential property during the operation.

1803.13 During the operation, no remnants of trees or debris shall be left on any adjoining property or across any property line without the consent of the adjoining owner.

1803.14 Following completion of the forestry operation, all remnants of trees, stumps and debris within fifty (50) feet of a public street or residential property line shall be cut to a maximum of four (4) feet above the adjacent ground level following completion of the forestry operation.

1803.15 Upon completion of the forestry operation, haul roads shall be restored to their original condition.

SECTION 1804 SPECIAL YARD REQUIREMENTS

In addition to the yard requirements specified in each Zoning District, the following yard requirements shall apply in all Zoning Districts to the applicable circumstances described below:

1804.1 Corner Lots

Corner lots shall provide front yards on each street frontage. The remaining two (2) yards shall constitute side yards.

In the case of a double frontage lot that is not a corner lot, the front yard shall be required along the street that the principal structure faces. The opposite yard along the second street frontage shall be a rear yard. The remaining yards shall be side yards. On double frontage lots, no accessory structures shall be permitted in the minimum required rear yard.

1804.2 Nonconforming Lots of Record

See Section 2103.

1804.3 Accessory Structures

In all Zoning Districts the following regulations shall apply to accessory structures:

a. Private Swimming Pools Accessory to a Dwelling

Swimming pools accessory to a dwelling shall be located at least ten (10) feet from the dwelling or any property line. Swimming pools shall not be permitted in the front yard. All swimming pools and the equipment necessary for maintaining the pool shall be completely enclosed by a fence which is at least six (6) feet in height and which has a self-latching gate. The dwelling may constitute a part of the required enclosure.

For an above-ground swimming pool, the top of which is at least four (4) feet above the adjacent ground level on the entire perimeter and which has removable or retractable steps, the pool shall not be required to be fenced, provided the steps are removed or retracted when the pool is not in use. All other above-ground swimming pools shall be fenced in accordance with the requirements of this Subparagraph a.

b. Private Sports Courts Accessory to a Dwelling

Sports courts accessory to a dwelling shall be located only in a side or rear yard and shall be no closer to the side or rear property line than twenty (20) feet. If lighting is proposed, the lighting shall be shielded so that it does not reflect on any adjoining property. All sports courts shall be enclosed by a fence which is a minimum of ten (10) feet in height and a maximum of twelve (12) feet in height and which shall contain openings equal to fifty percent (50%) or more of the surface area of the fence.

c. Fences

In the R-R, R-1, R-2, R-3 or R-4 Districts, fences no greater than six (6) feet in height shall be permitted in the required rear or side yards.

In the R-R, R-1, R-2, R-3 and R-4 Districts, fences which contain openings equal to at least fifty percent (50%) of the surface area of the fence and which are not more than four (4) feet in height shall be permitted in the required front yard, provided they are decorative and do not enclose the entire front yard.

In E-C, Educational Campus District, the C-1, C-2, C-3 and C-4, Commercial Districts and the O-P, Office Park, District, the maximum height of a fence shall be eight (8) feet.

In the I-1, Industrial District, the maximum height of a fence shall be ten (10) feet.

d. Fences, Walls and Bufferyards

All walls, fences and Bufferyards or landscaping material shall be located so as to not obstruct pedestrian access, visibility for traffic on adjacent streets or traffic entering or leaving the property or adjacent properties and shall comply with the clear sight triangle required by §1804.4.

e. Satellite Dish Antennas

Satellite dish antennas that have a diameter of one (1) meter or less shall be exempt from these regulations. In the case of satellite dish antennas greater then one (1) meter in diameter, only one (1) satellite dish antenna shall be permitted on a residential lot. In all Zoning Districts, satellite dish antennas which exceed one (1) meter in diameter shall not be permitted in a required front yard. In all Zoning Districts, any satellite dish antenna which exceeds one (1) meter in diameter shall be located at least ten (10) feet from any property line.

In "R" Residential Zoning Districts, the maximum diameter of any satellite dish antenna installed on any lot or on any roof or above any building shall be twelve (12) feet.

In Zoning Districts other than "R" Residential, the maximum diameter of any satellite dish antenna installed on any lot or on any roof or above any building shall not exceed twenty (20) feet.

f. Radio or Television Antennas for Private Use

A radio or television antenna maintained by private citizens for personal or household use, including, but not limited to, amateur radio stations, citizen band base stations and television antennas (other than satellite dish antennas) shall be permitted as an accessory use, subject to the following requirements, except as these requirements may be superseded by any applicable Federal Communications Commission (FCC) ruling or Pennsylvania statute:

1. A radio or television antenna structure may be mounted on a roof or installed in a rear yard area only, provided that no such structure shall be located within twenty (20) feet of any property line.

2. The maximum height for such structure shall not exceed that otherwise allowed in the Zoning District in which it is located by more than twenty (20) feet. If placed on a roof, any antenna exceeding eight (8) feet shall be mounted with guyed wires.

3. Any such structure shall comply with applicable Airport Zoning and Federal Communications Commission (FCC) regulations.

4. Radio or television antenna structures located on the ground shall be screened from adjacent properties by evergreen trees or other suitable material, as approved by the Township.

g. Structures Accessory to Industrial Uses

In the I-1, Light Industrial District, no accessory structure to an industrial or warehousing use shall be permitted in a front yard. Accessory structures shall be permitted in a side or rear yard provided that they shall be located at least twenty (20) feet from the side or rear lot line.

h. Canopies and Similar Structures

Canopies and similar permanent freestanding roofed structures without walls shall be permitted to cover outdoor seasonal display and sales areas or fuel dispensing area accessory to authorized uses in the C-2, General Commercial, C-3, Transitional Commercial, C-4, Mixed Use Commercial and I-1, Light Industrial Districts, provided that:

1. Such structure shall not be attached to the principal building;

2. Such structure shall be located at least ten (10) feet form any property line or street right-of-way;

3. Such structure shall not be enclosed; and

4. Such structure shall be removed immediately, once the principal use or the use of the accessory structure is discontinued.

i. All Other Accessory Structures

All other accessory structures shall not be permitted in the required front yard or required side yards and shall be located at least ten (10) feet from the rear lot line. All other accessory structures shall be located at least ten (10) feet from the rear lot line. All other accessory structures shall be located at least ten (10) feet from any principal building, except that a detached private garage may be connected to the principal building by contiguous walls, breezeways or similar connections.

1804.4 Visibility at Intersections

No object, including without limitation, fences, hedges, trees and other plantings, buildings, structures, walls, signs and motor vehicles, exceeding a height of three (3) feet as measured from the lowest elevation of the centerline of any abutting street, shall be temporarily or permanently placed, erected, installed or parked within the clear sight triangle required on a corner lot. The required clear sight triangle on a corner lot shall be determined as follows:

a. Residential Districts

The street right-of-way lines abutting the corner lot shall form the legs of the clear sight triangle. Each of the legs shall extend a distance of thirty (30) feet from the point of intersection of the street right-of-way lines abutting the corner lot. The hypotenuse of the clear sight triangle shall be formed by drawing a straight line joining the legs at their farthest point from their intersection.

b. Educational Campus, Office Park, Commercial and Industrial Districts

The street right-of-way lines abutting the corner lot shall form the legs of the clear sight triangle. Each of the legs shall extend a distance of fifty (50) feet from the point of intersection of the street right-of-way lines abutting the corner lot. The hypotenuse of the clear sight triangle shall be formed by drawing a straight line joining the legs at their farthest point from their intersection.

For driveways intersecting with a public street, the street line right of way and the edge of paving of the driveway shall form the legs of the clear sight triangle. Each of the legs shall extend a distance of thirty (30) feet from the point of intersection of the street right-

of-way with the edge of paving of the driveway. The hypotenuse of the clear sight triangle shall be formed by drawing a straight line joining the legs at their farthest point from their point of intersection.

SECTION 1805 PERMITTED PROJECTIONS INTO REQUIRED YARDS

The following shall be permitted to project into any required yard in any Zoning District as follows:

Typical architectural features, including, but not limited to: bay windows, window sills, chimneys, cornices and eaves, shall be permitted to project into required yards no more than eighteen (18) inches.

Decks and their stairs and unenclosed porches without enclosed habitable foundation and without a roof shall be permitted to project into required front and side yards no more than three (3) feet and shall be no closer to the rear property line than twenty (20) feet.

Steps attached to the principal building and open fire escapes shall be permitted to project into required yards no more than thirty-six (36) inches.

SECTION 1806 HEIGHT EXCEPTIONS

1806.1 The height limitations specified in the Zoning Districts shall not apply to any structure where the express standards and criteria of Section 1703 of this Ordinance specifically authorize a height that exceeds the maximum height specified in the area and bulk regulations for the Zoning District in which it is located.

1806.2 The height limitations of this Ordinance shall not apply to the following structures: church spires, chimneys, elevator bulk heads and other mechanical equipment which is part of the principal structure, conveyors, flagpoles, silos, standpipes, elevated water tanks, derricks, public utility structures, and other structures not intended for human habitation which do not exceed the height limitations of the Zoning District by more than fifteen (15) feet.

1806.3 On lots that have an area of at least two (2) acres, the height of an accessory structure may be increased from twenty (20) feet to not more than twenty-five (25) feet, provided the side and rear setbacks for the accessory structure are at least equal to the height of the accessory structure.

SECTION 1807 AGRICULTURE

Agricultural uses shall comply with the following requirements:

1807.1 Farm buildings, other than a dwelling, shall not be erected within three hundred (300) feet of an adjoining property line.

1807.2 Feed lots, runs, pens and similar intensively used facilities for animal raising and care, excluding pasture and grazing areas, shall not be located within three hundred (300) feet of an adjoining property line.

1807.3 Animal holding areas for poultry and swine shall not be located within three hundred (300) feet of any property line.

SECTION 1808 PRIVATE STABLES OR HOBBY FARMS

In the R-R District, a private stable or hobby farm for personal use and enjoyment shall be permitted on a tract of land which does not meet the acreage requirements for a farm, as defined by this Ordinance, provided the tract shall contain at least five (5) acres and all of the following requirements are met:

1808.1 A tract of at least five (5) acres, but less than ten (10) acres, may be used for a private stable and/or a hobby farm.

1808.2 Hobby farms may include any of the activities encompassed by agriculture, as defined by this Ordinance. The hobby farm shall be restricted to personal use and enjoyment and any sale of animals or produce shall not constitute the principal economic activity of the residents of the hobby farm. Roadside stands for the sale of farm products shall not be permitted on hobby farms. Signs offering the sale of products raised on the hobby farm shall not be permitted.

1808.3 The number of animals maintained on a hobby farm, if any, shall be reasonably related to the size of the property, the area available for grazing and the capacity of the land to sustain the animals without creating a nuisance.

1808.4 On a tract utilized for a private stable, two (2) horses or ponies shall be permitted on the first five (5) acres of land. One (1) additional horse or pony shall be permitted for each additional acre over five (5) acres, but less than ten (10) acres.

Foals which are less than six (6) months old shall not be counted in the maximum number of horses or ponies permitted per acre. Foals which

are six (6) months or older shall be counted in the maximum number of horses or ponies permitted per acre.

1808.5 A private stable shall be for the personal use and enjoyment of the owner and shall not involve rental, boarding or any other profit-making activity.

1808.6 No stables or other buildings in which animals are kept or manure is stored shall be located within seventy-five (75) feet of any property line or within one hundred (100) feet of any occupied dwelling, other than the owner's dwelling.

1808.7 No grazing of any animals shall be permitted closer than one hundred (100) feet from any occupied dwelling, excluding the stable or hobby farm owner's dwelling.

1808.8 A stable or hobby farm owner shall not permit litter and droppings from the horses or other animals to collect so as to result in the presence of fly larvae or objectionable odors.

1808.9 The area of the property used for grazing shall be adequately fenced to properly enclose the animals and to protect adjacent properties.

SECTION 1809 TEMPORARY CONSTRUCTION TRAILERS OR SHEDS, MODEL HOMES OR SALES OFFICES

Temporary construction trailers or sheds or model homes or sales offices shall be permitted in any Zoning District subject to the following conditions:

1809.1 Temporary construction trailers or sheds shall be permitted only during the period that the construction work is in progress. Model homes or sales offices shall be permitted only until the last lot or dwelling unit in the final phase of the development is sold.

A permit for the temporary structure or use shall be obtained from the Zoning Officer prior to the commencement of construction and shall be renewed every six (6) months.

1809.2 Temporary construction trailers or sheds shall be located on the lot on which the construction is progressing and shall not be located within twenty-five (25) feet of any property line adjoining residential uses.

1809.3 Temporary construction trailers or sheds shall be used only as temporary field offices and for storage of incidental equipment and supplies and shall not be used for any dwelling use, whatsoever.

1809.4 No combustible materials shall be stored in temporary construction trailers or sheds.

1809.5 Model homes shall be located on a separate lot and shall meet all the requirements for permanent dwellings in the Zoning District in which they are located. Sales offices may be located in a model home or may be located in a trailer located on a vacant lot in the plan or on the site of construction. If the sales office is located in a trailer, the trailer shall not be located within twenty-five (25) feet of any property line adjoining a residential use.

1809.6 Model homes or sales offices located in a trailer shall not be utilized for any dwelling use, whatsoever, during the time they are approved as a temporary use or structure in accordance with the provisions of this Section.

1809.7 Model homes or sales offices shall be used primarily for sales associated with the development in which they are located and shall not be used as the only place of business for the listing realtor.

SECTION 1810 BASEMENT STRUCTURES

Occupancy of a basement or foundation structure prior to the completion of the total structure shall not be permitted. This provision shall not be interpreted to prohibit the construction of an earth sheltered dwelling.

SECTION 1811 STORAGE

1811.1 Outdoor Storage in Commercial and Industrial Districts

Except for nurseries, garden supply, building supply and similar businesses which require outside storage of materials, storage and display of materials outside a completely enclosed structure shall not be permitted. In the case of nurseries, garden supply, building supply and similar businesses, outside display and storage areas shall be completely enclosed by a security fence and shall be screened by an opaque fence or hedge which is at least six (6) feet in height if the display and storage area adjoins property in an R-R, R-1, R-2, R-3 or R-4 District.

In the I-1 District, any material or equipment stored outside a completely enclosed building shall be incidental to the principal use of the lot and shall be stored to the rear of the building or an alternative location which screens the storage area from public view from the street. If existing buildings do not screen the storage are from public view from the street, the area shall be screened by a hedge or opaque fence at least six (6) feet in height.

All organic rubbish and discarded materials shall be contained in tight, vermin-proof containers which shall be screened from public view by an opaque fence or hedge which is at least six (6) feet in height.

1811.2 Storage of Recreational Vehicles

The parking and storage of recreational vehicles, as defined herein, shall be prohibited within the right-of-way of any public street. At no time shall such parked or stored vehicle be occupied or used as a dwelling.

1811.3 Storage of Commercial Vehicles and Construction Equipment

a. Large Commercial Vehicles

Large commercial vehicles, as defined herein, shall not be parked or stored on any public or private street or on any lot in any R-1, R-2, R-3 or R-4 Zoning District, except for the following:

1. Large commercial vehicles making deliveries or providing services to properties within those Zoning Districts, provided posted weight limits on Township streets and State roads are not violated;

2. Large commercial vehicles making deliveries to or being utilized on construction sites within those Zoning Districts under a valid building permit or grading permit or an approved subdivision or land development plan, provided posted weight limits on Township streets and State roads are not violated.

3. Large commercial vehicles parked overnight by an owner or operator on the site of their personal residence, provided the lot has a minimum area of one (1) acre or more and the vehicle is parked in an area that is not visible from the public street or an adjacent residence because of existing topography, natural vegetation or vegetative screening installed by the property owner.

There shall be no restrictions on the parking or storage of large commercial vehicles in any R-R, E-C, C-1, C-2, C-3, C-4, O-P or I-1 Zoning District.

b. Small Commercial Vehicles

Small commercial vehicles, as defined herein, shall not be parked or stored on any lot in any R-1, R-2, R-3 or R-4 Zoning District, except for the following:

1. Small commercial vehicles making deliveries or providing services to properties within those Zoning Districts;

2. Small commercial vehicles making deliveries to or being utilized on construction sites within those Zoning Districts under a valid building permit or grading permit or an approved subdivision or land development plan;

3. No more than one (1) small commercial vehicle may be parked overnight on a lot which is the permanent residence of an individual who is the owner or lessee of the vehicle or is the authorized operator of a corporate, utility or government owned vehicle which vehicle is used in that individual's gainful employment, provided said vehicle is parked on a driveway or parking area on the lot; however, said vehicle shall not be stored on the lot outside an enclosed garage for any continuous period in excess of 72 hours in any 7-day period.

There shall be no restrictions on the parking or storage of small commercial vehicles in any R-R, E-C, C-1, C-2, C-3, C-4, O-P or I-1 Zoning District.

c. **Construction Equipment**

Construction equipment, as defined herein, shall not be parked or stored on any public or private street or on any lot in any R-1, R-2, R-3 or R-4 Zoning District, except for the following:

1. Construction equipment providing services to properties within those Zoning Districts, provided posted weight limits on Township streets and State roads are not violated;

2. Construction equipment being utilized on construction sites within those Zoning Districts under a valid building permit or grading permit or an approved subdivision or land development plan, provided posted weight limits on Township streets and State roads are not violated.

3. Construction equipment parked overnight or stored on the site of his personal residence by an owner or operator who operates the equipment in his gainful employment, provided the lot has a minimum area of one (1) acre or more and the construction equipment is parked or stored in an area that is not visible from the public street or an adjacent residence because of existing topography, natural vegetation or vegetative screening installed by the property owner.

Storage of the construction equipment shall not imply approval of a home occupation. If a home occupation is intended to be operated from the personal residence, the homeowner shall obtain conditional use approval in accordance with the requirements of §1703.29 of this Ordinance.

There shall be no restrictions on the parking or storage of construction equipment in any R-R, E-C, C-1, C-2, C-3, C-4, O-P or I-1 Zoning District.

SECTION 1812 TRANSIT SHELTERS

Transit shelters, as defined herein, are authorized as a permitted use in the R-4, C-1, C-2, C-3 and C-4 Districts subject to the following regulations:

1812.1 Transparency

The transit shelter shall be constructed of materials that are transparent so that the occupants of the shelter are fully visible from all directions.

1812.2 Location

A transit shelter may be located on private property or within the public street right-of-way provided evidence of an easement or lease agreement with the property owner and/or a permit from the owner of the street right-of-way is submitted to the Township.

1812.3 Visibility

The transit shelter shall be located in compliance with the clear sight triangle requirements of §1804.4 for corner lots. In the case of a transit shelter, the clear sight triangle calculation shall also apply to the intersection of the public street with the driveway or driveways providing access to the property on which the transit shelter is located.

The transit shelter shall be located such that visibility from any public street is not obstructed for any business identification sign located on the property on which the transit shelter is located or on any immediately adjacent property.

1812.4 Seating

If benches are provided within the transit shelter, the bench shall not be continuous, but shall be divided into individual seats.

SECTION 1813 NO IMPACT HOME BASED BUSINESS

All no impact home-based businesses, as defined herein, shall comply with the following:

1813.1 The business activity shall be compatible with the residential use of the property and surrounding residential uses.

1813.2 The business shall employ no employees other than family members residing in the dwelling.

1813.3 There shall be no display or sale of retail goods and no stockpiling of inventory of a substantial nature.

1813.4 There shall be no outside appearance of a business use, including, but not limited to: parking, signs or lights.

1813.5 No on-site parking of commercial vehicles, large or small, as defined herein, shall be permitted.

1813.6 The business activity shall not use any equipment or process that creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, that is detectable in the neighborhood.

1813.7 The business activity shall not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.

1813.8 The business activity shall be conducted only within the dwelling and shall not occupy more than twenty-five percent (25%) of the habitable floor area of the dwelling.

1813.9 The business shall not involve any illegal activity.

SECTION 1814 COMMUNICATIONS ANTENNAS

1814.1 Building mounted antennas shall not be permitted on any single family dwelling, two family dwelling or townhouse dwelling.

1814.2 Building mounted antennas shall be permitted to project beyond the height of the building by no more than twenty (20) feet.

1814.3 Building mounted antennas shall be permitted to exceed the height limitations of the district by no more than twenty (20) feet. Antennas mounted on existing public utility storage or transmission structures shall be permitted to project beyond the highest point of the structure by no more than twenty (20) feet.

1814.4 Omnidirectional or whip antennas shall not exceed twenty (20) feet in height or seven (7) inches in diameter.

1814.5 Directional or panel antennas shall not exceed five (5) feet in height or two (2) feet in width.

1814.6 Satellite and microwave dish antennas mounted on the roof of a building or on a self-supported communications tower shall not exceed six (6) feet in diameter.

1814.7 Satellite and microwave dish antennas mounted on a monopole communications tower or existing public utility storage or transmission structure shall not exceed two (2) feet in diameter.

1814.8 The applicant proposing a building mounted antenna shall submit evidence from a structural engineer certifying that the proposed installation will not exceed the structural capacity of the building considering wind and other loads associated with the antenna's location.

1814.9 Evidence of lease agreements and easements necessary to provide access to the building or structure for installation and maintenance of the antennas and placement of the equipment cabinet or equipment building shall be provided to the Township.

1814.10 The placement of the equipment cabinet or equipment building shall not obstruct the free flow of traffic on the site, shall not reduce any parking required or available for other uses on the site and shall not obstruct any right-of-way or easement without the permission of the owner or grantor of the right-of-way or easement.

1814.11 Unless located within a secured building, the equipment cabinet or equipment building shall be fenced by a ten (10) foot high chain link security fence with locking gate. If the equipment cabinet or equipment building is visible from any public street or a single family dwelling in any Zoning District or adjoining property in an R-R, R-1, R-2, R-3 or R-4 District, the equipment cabinet or equipment building shall be screened by a minimum six (6) foot high compact evergreen hedge.

1814.12 If vehicular access to the equipment cabinet or equipment building is not provided from a public street or paved driveway or parking area, an easement or right-of-way shall be provided which has a minimum width of twenty (20) feet and which shall be improved with a dust-free all-weather surface for its entire length.

1814.13 At least one (1) off-street parking space shall be provided on the site within a reasonable walking distance of the equipment cabinet or equipment building to facilitate periodic visits by maintenance workers.

ARTICLE XIX

OFF-STREET PARKING AND LOADING

SECTION 1900 OFF-STREET PARKING

Off-street parking spaces shall be provided in accordance with the specifications in this Article in any District whenever any new use is established or existing use is enlarged.

SECTION 1901 OFF-STREET PARKING DESIGN

Parking areas in all Zoning Districts shall comply with the following standards:

1901.1 Size

Each off-street parking space shall have an area of not less than one hundred eighty (180) square feet, exclusive of access drives or aisles, shall have minimum dimensions of nine (9) feet in width and twenty (20) feet in length and shall be maintained free from obstruction. Parking areas shall be designed to provide sufficient turnaround area so that vehicles are not required to back onto the cartway of any public street.

1901.2 Access

Access to parking areas shall be provided in accordance with the following requirements:

a. Where an existing lot does not adjoin a public or private street, alley or easement of access, an access drive shall be provided leading to the parking areas.

b. Access to off-street parking areas shall be limited to well defined locations, and in no case shall there be unrestricted access along the length of a street. In any District, other than an "R" Residential District, the street frontage shall be curbed to restrict access to the lot, except where access drives are proposed.

c. The number of access drives from a single lot or development to any public street shall not exceed two (2) for every four hundred (400) feet in street frontage.

d. Except on corner lots, access drives shall be located at least two hundred (200) feet from the intersection of any two (2) street right-of-way lines. Where a site has frontage on more than one (1) street, access shall be provided from the street with the lower traffic volume, if physically practical, unless the street with the lower traffic volume has lots containing single family dwellings fronting on it within three hundred (300) feet of the proposed access drive.

e. Access drives entering State highways are subject to a Highway Occupancy Permit issued by the Pennsylvania Department of Transportation (Penn DOT). Access drives entering County roads and Township streets shall be graded to conform to existing topography and shall be designed so that drainage will not adversely impact the street or adjoining properties.

f. Each parking space shall have access directly to a driveway. Interior circulation of traffic shall be designed so that no driveway providing access to parking spaces shall be used as a through street. Interior traffic circulation shall be designed to ensure safety and access by emergency vehicles.

1901.3 Safety Requirements

The Board of Supervisors shall consider whether safety requirements are warranted to reduce traffic hazards which endanger public safety. The developer shall be responsible for construction of any required islands, acceleration, deceleration or turning lanes and shall bear the cost of installing any required traffic control devices, signs or pavement markings within and adjoining the boundaries of the development site.

1901.4 Markings

In parking areas which contain five (5) or more spaces, all parking spaces shall be clearly delineated by painted lines or markers. Parking spaces shall be provided with bumper guards or wheel stops, where necessary, for safety or protection to adjacent structures or landscaped areas. All vehicular entrances and exits to parking areas shall be clearly marked for all conditions. Short-term visitor parking spaces shall be differentiated from long-term employee spaces by suitable markings. Handicapped parking shall be appropriately marked.

1901.5 Parking Areas Serving Residential Dwellings

Parking requirements for single family, two family and townhouse dwellings shall be met by providing the required spaces in an enclosed garage or in a private driveway on the lot. Parking for garden apartments shall be provided in a paved, striped and curbed off-street parking area.

1901.6 Parking Areas Serving Uses Other Than Residential Dwellings

Parking requirements for all uses other than residential dwellings shall be met by providing a paved, striped and curbed off-street parking area.

1901.7 Driveways Serving Nonresidential Uses

Single lane driveways which provide access to lots and parking areas shall be a minimum of ten (10) feet wide and a maximum of twelve (12) feet wide; two lane driveways shall be a minimum of twenty (20) feet wide and a maximum of twenty-four (24) feet wide.

If parking spaces are aligned at less than ninety degrees (90°), driveways shall be restricted to one-way traffic and head-in parking only.

There shall be at least fifteen (15) feet between driveways measured along the street right-of-way line and at least five (5) feet between a driveway and a fire hydrant, catch basin or property line. There shall be at least thirty (30) feet between a driveway and the right-of-way line of an intersecting street.

Adequate sight distance shall be provided, subject to review and approval by the Township Engineer. Driveways shall not exceed a slope of ten percent (10%) within twelve (12) feet of the street right-of-way line.

1901.8 Location of Parking Areas

Required parking spaces shall be located on the same lot with the principal use; however, parking on adjacent properties may be shared provided the total parking requirement for all uses on both properties is met and evidence of cross-easements for the shared parking is presented to the Township. In such cases, the cross-easements shall be noted on the land development plan.

No parking area containing more than five (5) parking spaces shall be located closer than ten (10) feet to any adjoining property line and parking authorized in front yards shall be located at least ten (10) feet from any adjoining property line, except in the case of a shopping center where shared parking is proposed which traverses a property line between lots within the shopping center site, parking spaces may be located on or across such property line, provided evidence of cross-easements for the shared parking is presented to the Township and the waiver of the required setback is noted on the land development plan.

Parking authorized in front yards shall be located at least ten (10) feet from the street right-of-way line.

1901.9 Screening and Landscaping

Parking areas containing more than five (5) parking spaces shall be effectively screened by a Bufferyard C, as defined by §1802.2 of this Ordinance, along any property line which adjoins property in an R-R, R-1, R-2, R-3 or R-4 District.

USE	PARKING SPACES REQUIRED
Boarding Stable	One (1) space for each employee, plus one (1) space for each horse stall and one (1) space for each three (3) seats in an arena or each five (5) feet of bleacher or bench seating, if any
Bowling Alleys	Five (5) spaces for each alley
Business and Professional Offices, other than Medical Offices	One (1) space for each 300 sq. ft. of net floor area
Business Services	One (1) space for each 300 sq. ft. of net floor area
Car Wash	One (1) space for each employee on peak shift, plus one (1) space for each bay in a self-serve car wash to allow for drying of vehicles, plus one (1) space for any additional service positions such as the dispensing of air, plus the standing spaces required by §1703.20
Catering Service with rental hall	One (1) space for each 75 sq. ft. of net floor area devoted to customer seating, plus one (1) space for each employee at maximum occupancy
Catering Service without rental hall	One (1) space for each 250 sq. ft. of gross floor area
Cemetery	One (1) space for each 40 sq. ft. of floor area accessible to the public in a chapel or mausoleum, plus one (1) space for each employee
Church	One (1) space for each 4 seats or 5 feet of pew or seats, or if there are no pews or seats, one (1) space for each 75 sq. ft. of net floor area used for assembly
Coin Operated Laundry	One (1) space for each machine
Collection and Recycling Facility	One (1) space for each collection container located adjacent to the container
Collection and Recycling Facility, Minor	One (1) space for each collection machine, container or mobile recycling unit
Commercial School	One (1) space for each faculty and employee, plus one (1) space for each 1.5 students
Communications Tower	One (1) space for periodic visits by maintenance workers

USE	PARKING SPACES REQUIRED
Community Building or Common Recreational Facilities in a Planned Residential Development or Subdivision	One (1) space for each 10 dwelling units in the development
Conference or Training Center	One (1) space for each three (3) seats in a meeting room or auditorium, plus one (1) space for each staff
Contracting Business	One (1) space for each business vehicle or equipment within an enclosed garage, plus one (1) space for each employee on site, plus one (1) space for each 250 sq. ft. of floor area devoted to product display and retail sales
Contractor's Yard	One (1) space for each employee on site, plus one (1) space for each 250 sq. ft. of floor area devoted to product display and retail sales, plus one (1) space for each business vehicle or equipment
Convenience Store	One (1) space for each 200 sq. ft. of gross floor area
Conversion Apartment	One (1) space for each apartment in addition to the two (2) spaces required for the existing single family dwelling
Correctional Facility	As required by §1703.18i
Dance Halls, Skating Rinks	One (1) space for each 100 sq. ft. of net floor area
Day Care Center or Pre-school Facility	One (1) space for each teacher and/or employee on largest shift, plus one (1) space for each 6 students
Day Spa	One (1) space for each staff on peak shift, plus one (1) space for each service position or treatment room
Delicatessen	One (1) space for each 75 sq. ft. of net floor area devoted to customer seating and/or service, plus one (1) space for each employee
Dormitories; Fraternity Houses; Sorority Houses	One (1) space for each bed at maximum capacity, plus one (1) space for each employee and 0.5 space per bed for guests
Drive-through Facility	As required by §1703.20

USE	PARKING SPACES REQUIRED
Outdoor Places of Assembly (With Fixed Seats)	One (1) space for each three (3) seats or five (5) feet of bench or bleacher seating
Outdoor Shooting Range	See Sportsmen's Club
Personal Care Boarding Home	One (1) space for each employee on peak shift, plus one (1) space for each resident authorized to drive, plus one (1) space for each 6 beds
Personal Service Establishments	One (1) space for each 250 sq. ft. of net floor area accessible to customers
Pet Grooming; Pet Services	One (1) space for each employee on peak shift, plus three (3) spaces for each service position, plus one (1) space for each 1,000 sq. ft. of net floor area devoted to display and sales
Places of Assembly	See Indoor Places of Assembly and Outdoor Places of Assembly
Planned Shopping Center	One (1) space for each 200 sq. ft. of gross floor area
Playing Fields; Play Courts	Two (2) spaces for each team member on the field or court during regulation play, plus one (1) space for each three (3) seats in viewing stands or for each five (5) feet of bench or bleacher seating
Printing Establishment	One (1) space for each 1,500 sq. ft. of gross floor area or one (1) space for each employee on the peak working shift, whichever is greater, plus one (1) space for each business vehicle kept on site
Private Club	One (1) space for each 100 sq. ft. of floor area accessible to the members
Professional Offices	See Business and Professional Offices
Public Buildings	One (1) space for each 300 sq. ft. of net floor area devoted to offices, plus one (1) space for each 40 sq. ft. of net floor area devoted to conference rooms or public meeting rooms

USE	PARKING SPACES REQUIRED
Public Utility Buildings	Any area of the building that is used for business offices shall comply with the parking requirements for that use, plus any area of the building used for storage of material, vehicles or other equipment shall provide one (1) space for each employee on peak shift, plus one (1) space for each service vehicle stored on the lot
Radio or TV Broadcasting Studio	One (1) space for each 500 sq. ft. of net floor area
Repair Shop	One (1) space for each employee, plus one (1) space for each 300 sq. ft. of floor area accessible to the public
Research and Development	One (1) space for each employee on peak shift, plus a minimum of five (5) spaces for each 10,000 sq. ft. of gross floor area reserved for visitors
Residence in Combination with Business	One and one-half (1½) spaces for each dwelling unit in addition to the spaces required for the business
Resource Recovery Facility	One (1) space for each employee on peak shift
Retail Businesses not otherwise listed in this Table	One (1) space for each 250 sq. ft. of gross floor area
Riding Academy	One (1) space for each employee, plus one (1) space for each horse stall, plus one (1) space fore each three (3) seats or each five (5) feet of bleachers in an arena if events are open to the public
Schools, Elementary and Intermediate (Public or Private)	One (1) space for each employee or faculty member
Schools, Secondary; Post Secondary (Public or Private)	One (1) space for each employee or faculty member, plus one (1) space for each five (5) students
Service Stations	One (1) space for each employee on peak shift, plus two (2) spaces for each service bay, plus one (1) space for each 200 sq. ft. of net floor area devoted to retail sales
Shooting Range	Two (2) spaces for each shooting position or station

USE	PARKING SPACES REQUIRED
Single Family Dwellings	Two (2) spaces per dwelling unit
Sportsmen's Club	One (1) space for each 75 sq. ft. of floor area devoted to meeting rooms or dining rooms, plus one (1) space for each employee, plus two (2) spaces for each shooting position or station on an outdoor shooting range
Stadium	One (1) space for each three (3) fixed seats or one (1) space for each five (5) feet of bleacher seating
Supply Yards	One (1) space for each employee on site, plus one (1) space for each 250 sq. ft. of floor area devoted to product display and retail sales, plus one (1) space for each business vehicle or equipment
Swimming Pools, Public or Commercial	One (1) space for each 50 sq. ft. of surface water area
Temporary Use or Structure	Parking shall be based on the requirement for the use listed in this Table that most closely conforms to the temporary use or structure proposed
Tennis, Racquetball and Handball Courts	One (1) space for each employee, plus four (4) spaces for each court
Theater; Auditorium	One (1) space for each 4 seats
Townhouses	Two (2) spaces per dwelling unit, plus 0.5 space per dwelling unit for visitors to be located within 300 feet of the units they are intended to serve
Transfer Facility	One (1) space for each employee, plus one (1) space for each business vehicle kept on site
Transitional Dwelling	One (1) space for each employee on peak shift, plus one (1) space for each resident authorized to drive, plus one (1) space for each six (6) beds
Tree Nursery	One (1) space for each employee, plus one (1) space for each 250 sq. ft. of retail sales area, plus one (1) space for each 1,500 sq. ft. of growing area that is accessible to the public

USE	PARKING SPACES REQUIRED
Triplexes	Two (2) spaces per dwelling unit, plus 0.5 space per dwelling unit for visitors to be located within 300 feet of the units they are intended to serve
Truck & Heavy Equipment Rental, Sales & Service	One (1) space for each employee, plus one (1) space for each 1,500 sq. ft. of indoor and outdoor display and sales area
Truck Terminal	One (1) space for each employee, plus one (1) space for each business vehicle kept on site
Two Family Dwellings	Two (2) spaces per dwelling unit
Vehicle Accessory Sales and Installation	One (1) space for each employee on peak shift, plus one (1) space for each 500 sq. ft. of indoor and outdoor display and sales area
Vehicle Rental, Sales and Service	One (1) space for each employee on peak shift, plus one (1) space for each 1,000 sq. ft. of indoor display and sales area
Vehicle Repair Garages	Four (4) spaces for each bay, plus one (1) space for each employee on peak shift, plus one (1) space for each business vehicle
Veterinary Clinic	One (1) space for each doctor and employee, plus two (2) spaces for each treatment room
Warehouse Club	One (1) space for each employee, plus one (1) space for each 1,500 sq. ft. of net floor area accessible to customer
Warehousing and Distribution	One (1) space for each 2 employees on peak working shift
Wholesaling	One (1) space for each 2 employees on peak working shift
Wind Farm	A minimum of five (5) spaces for visitors and/or maintenance workers
Zoo	One (1) space for each employee, plus one (1) space for each five (5) lineal feet of area
All Other Uses	One (1) space for each 3 occupants at maximum permitted occupancy or one (1) space for each 300 sq. ft. of gross floor area, whichever is greater

SECTION 1903 OFF-STREET LOADING

In all Zoning Districts, whenever a new use is established or an existing use is structurally altered, converted or enlarged, off-street loading spaces shall be provided in accordance with the requirements of this Section.

1903.1 Off-street Loading Design

a. Size

Each loading berth shall be at least sixty-five (65) feet in length and twelve (12) feet in width with an overhead clearance of fourteen (14) feet. The area used for loading berths shall not be used to satisfy off-street parking requirements and shall not block any driveway used for circulation through the site.

b. Access

Loading berths shall be designed to provide sufficient turnaround area so that vehicles are not required to back onto public streets and the design shall be subject to review and approval by the Township Engineer. Loading berths shall have direct vehicular access to a driveway and shall be maintained free from obstruction.

c. Location

All loading berths shall be located on the same lot with the principal use they are intended to serve. No loading berth shall be located in a required front yard. Loading berths shall be located at least thirty (30) feet from the nearest point of intersection of any two (2) public streets.

d. Screening

Loading berths shall be screened by a six (6) foot hedge, wall or opaque fence on all sides which face property in any Zoning District that contains a single family dwelling or any property located in an R-R, R-1, R-2, R-3 or R-4 District.

e. Surfacing

All loading berths shall have a paved concrete or bituminous surface, graded with positive drainage to dispose of surface water.

f. Lighting

Any lighting used to illuminate loading berths shall be designed to reflect away from property in any Zoning District that contains a single family dwelling or from property in an R-R, R-1, R-2, R-3 or R-4 District and away from any street or highway.

1903.2 Off-Street Loading Requirements

In all Zoning Districts, every use which requires the receipt or distribution, by tractor-trailer, of material or merchandise, shall provide off-street loading berths in accordance with the following requirements:

Uses: Department stores, freight terminals, industrial or manufacturing establishments, retail stores, wholesale businesses, personal services, business service establishments, storage warehouses or any similar uses which receive deliveries:

GROSS FLOOR AREA	NUMBER OF BERTHS REQUIRED
Under 10,000 sq. ft.	None
10,000 to 49,999 sq. ft.	1 berth
50,000 to 99,999 sq. ft.	2 berths
100,000 to 160,000 sq. ft.	3 berths
For each additional 80,000 sq. ft.	1 additional berth

Uses: Auditoriums, convention or exhibit halls, sports arenas, hotels, office buildings, restaurants, nursing homes, hospitals, schools, apartment buildings, public buildings and similar uses which receive deliveries:

GROSS FLOOR AREA	NUMBER OF BERTHS REQUIRED
Under 40,000 sq. ft.	None
40,000 to 69,999 sq. ft.	1 berth
70,000 to 99,999 sq. ft.	2 berths
100,000 to 160,000 sq. ft.	3 berths
For each additional 100,000 sq. ft.	4 berths

1903.2 In addition to required off-street parking and loading facilities, adequate storage areas for vehicles awaiting loading and unloading shall be provided. Under no circumstances shall vehicles be stored on or block access to a public right-of-way.

ARTICLE XX

SIGNS

SECTION 2000 SIGNS

The regulations contained in this Article shall apply to all signs in all Zoning Districts.

SECTION 2001 TYPES AND CLASSES

Signs in all Zoning Districts shall be categorized according to the types and classes described below and shall comply with the requirements for those types and classes described in this Section.

2001.1 Classes:

Signs are classified by physical attributes into the following categories:

a. <u>Freestanding</u>

A sign supported on a foundation or by one (1) or more uprights, poles or braces permanently affixed to the ground and not attached to any building or other structure, including:

i. Pole Sign:

A freestanding sign which is supported by one (1) or more poles, uprights or braces and which has a minimum clearance between the bottom edge of the sign and the adjacent ground level, as specified by this Ordinance.

ii. Ground Sign:

A freestanding sign which is affixed to the ground by means of a permanent foundation and which provides a maximum clearance of eighteen (18) inches between the bottom edge of the sign and the adjacent ground level.

3. <u>Monument Sign</u>

A sign supported between two (2) posts or uprights located at the entrance to a planned shopping center, planned office park, planned research or technology park or planned industrial park that identifies the name of the development and that may include the names of one (1) or more of the businesses in the development.

b. **Wall Sign**

A sign attached to and erected parallel to the face of an outside wall of a building, projecting outward no more than twelve (12) inches from the wall of the building.

c. **Canopy or Awning Sign**

A sign that also functions as a roof-like shelter, either permanent, retractable or removable, made of canvas or other durable material that is affixed to a building or is self-supporting and provides protection from sun, rain, snow and other elements.

d. **Arcade Signs**

A sign suspended beneath a ceiling of an arcade, a roof or marquee containing only the name of a business for the purpose of assisting pedestrian traffic traveling under the arcade, roof or marquee to identify the location of establishments within a shopping center or other multi-tenant building.

e. **Bulletin Sign**

A type of changeable copy sign constructed to allow letters or symbols to be changed periodically such as those used by churches and schools to announce events.

f. **Roof Sign**

A sign erected and maintained upon or above the roof of any building which projects no more than six (6) feet above the roof.

g. **Overhanging Sign**

A sign, other than a wall sign or arcade sign, affixed to a building or wall whose leading edge extends beyond such building or wall more than twelve (12) inches, including awnings, marquees or similar structures used for business identification.

h. **Billboard**

An off-premises sign which advertises an establishment, activity, person, product or service which is unrelated to or unavailable on the premises where the billboard is located.

i. **Changeable Copy Signs**

A sign that is designed so that characters, letters or illustrations can be changed or rearranged without altering the face or surface of the sign.

j. **Portable Sign**

A sign that is not permanently affixed to a building, a structure or the ground and which is designed to be moved from place to place, including, but not limited to, signs attached to wood or metal frames designed to be self-supporting and movable; A-frame or sandwich board signs; and wheeled or trailer mounted signs.

k. **Attention-Getting Device**

A pennant, flag, valance, banner, propeller, spinner, streamer, search light, balloon or other inflatable device, or similar object or representation of a product, vehicle, equipment or other advertising image or any ornamentation that is designed or used for the purpose of promoting, advertising or attracting attention.

l. **Indirectly Illuminated Signs**

A sign which is lighted by means of lamps or lighting devices external to, and reflected on, the sign, which lighting is stationary and constant in intensity and color at all times and which is shielded so that the illumination is concentrated on the face of the sign and there is no spillover of illumination or glare beyond the face of the sign.

m. **Internally Illuminated Signs**

A sign which is lighted by means of lamps or lighting devices internal to the sign, which lighting is either behind the face of the sign or is an integral part of the sign structure and the advertising effect.

n. **Festoon Lighting**

A group of two (2) or more light bulbs of more than twenty (20) watts each hung or strung overhead, not on a building or structure, that are exposed to view by persons on a public right-of-way, or that are not shaded or hooded to prevent the direct rays of light from being visible from the property line, but not including the temporary erection of lights as part of a holiday celebration, or small lights of less than twenty (20) watts each.

2001.2 Types:

Sings are categorized by use, function or purpose into the following types:

a. **Residential Identification Signs**

A sign containing only the name and address of the occupant of the premises.

b. **Home Occupation Identification Sign**

A sign containing only the name and address of the occupant of the premises and their occupation. No logos or other advertising shall be permitted.

c. **Residential Plan Identification Sign**

A permanent wall or freestanding ground sign containing only the name and address of a plan of subdivision or a multifamily building or development.

d. **Real Estate Sign**

A temporary sign advertising the sale or rental of premises. The sign may also bear the words "sold", "sale pending" or "rented" across its face.

e. **Development Signs**

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

f. **Contractor Signs**

A temporary sign announcing the name of contractors, mechanics or artisans engaged in performing work on the premises.

g. **Public Sign**

A sign of a non-commercial nature and in the public interest, erected by, or on the order of, a public officer in the performance of any public duty, such as official signs and notices of any public or governmental agency, or erected by or on the order of a court or public officer, including official traffic signs, public notices, government flags and other signs warning of hazardous or dangerous conditions.

h. **Notification Signs**

Signs bearing legal and/or property notices such as: no trespassing, private property, no turnaround, safety zone, no hunting and similar messages.

i. **Off-Premises Directional Signs**

A sign, other than a Billboard, which directs the public to an establishment, activity, person, product or service which is not sold, produced or available on the property on which the sign is located.

j. **On-Premises Directional Signs**

A sign which directs and/or instructs vehicular or pedestrian traffic relative to parking areas, proper exits, loading areas, entrance points and similar information on the premises on which it is located.

k. **Political Signs**

A temporary sign which indicates the name, cause or affiliation of anyone seeking public office or which refers to an issue concerning which a public election is scheduled to be held.

l. **Business Identification Signs**

A sign which contains the name, address and goods, services, facilities or events available on the premises.

m. **Temporary Special Event Display Signs**

A banner, flag, pennant or similar display constructed of durable material and affixed to the wall of a building erected for a period of not exceeding thirty (30) days whose sole purpose is to advertise a special event.

n. **Temporary Off-Premises Directional Signs**

A temporary sign located on property other than where a business or event is located to direct traffic to the site of the business or event, including, but not limited to, real estate open houses, garage sales, estate sales, weddings, showers, picnics, concerts, special promotions and similar events.

o. **Memorial/Historical Plaques**

Commemorative plaques placed by a recognized agency of the Township, County, State or Federal government.

p. **Window Display Signs**

A sign or group of signs affixed to the inside of a display window in a commercial establishment which advertises a product or service available on the premises or which announces or promotes a special sale or special event.

SECTION 2002 GENERAL REGULATIONS

The following regulations shall apply to signs in all Zoning Districts:

2002.1 Restricted Signs

The following signs shall not be permitted in any Zoning District:

a. Attention-Getting Devices, as defined in §2001.1;

b. Portable Signs, as defined in §2001.1, in all Districts, except where authorized as a Temporary Special Event Sign;

c. Festoon Lighting, as defined in §2001.1;

d. Banners and Pennants, other than Temporary Special Event Display Signs authorized by this Ordinance;

e. Inflatable structures of any kind;

f. Moving or Flashing Signs, except for that portion of a permitted sign which indicates time or temperature or an authorized electronic changeable copy sign;

g. Signs on trees, utility poles or official traffic control devices or signs within the public right-of-way;

h. Signs which imitate traffic control devices;

i. Signs painted on walls or chimneys of a building or on fences or walls;

j. Strings of lights, flashers, flags, pennants or other display paraphernalia, except those displays specifically authorized by this Article;

k. Overhanging Signs, as defined in §2001.1;

l. Roof Signs, as defined in §2001.1;

m. Signs on or affixed to vehicles and/or trailers which are parked on a public right-of-way, public property or private property in a C-1, C-2, C-3, C-3, O-P or I-1 District, other than temporarily for overnight storage on the site of a business or

for maintenance, repair, loading, unloading or rendering a service at any location, which are visible from the public right-of-way and where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby property.

2002.2 Exempt Signs

The following signs shall be except from these regulations:

a. Residential Identification Signs, as defined in §2001.2;

b. Holiday decorations displayed for recognized Federal or State holidays, provided they do not interfere with traffic safety or do not, in any other way, become a public safety hazard;

c. Memorial/Historical Plaques, as defined in §2001.2;

d. Window Displays, as defined in §2001.2, provided they shall not exceed twenty percent (20%) of the gross surface area of all windows in an establishment.

e. Public Signs and Off-Premises Directional Signs erected by a governmental agency, as defined in §2001.2.

2002.3 Lots with Multiple Street Frontage

In Commercial and Industrial Districts, lots fronting on more than one (1) street shall be permitted to have one (1) of each type of sign authorized for the lot at the entrance to the lot on each street frontage provided the entrances are not visible from one another.

In all other Zoning Districts, lots fronting on more than one (1) street shall be permitted to have one (1) of each type of sign which is authorized per lot only on the street address frontage.

2002.4 Temporary Signs

In all Zoning Districts where authorized by Section 2003, Real Estate, Temporary Off-Premises Signs, Contractor and Development Signs shall be considered Temporary Signs which shall be removed within thirty (30) days of the completion of sales or construction.

2002.5 Notification Signs

In all Zoning Districts, the number, location and size of legal Notification Signs erected by public agencies shall be in accordance with the laws of the Commonwealth. In all Zoning Districts, legal Notification Signs posted on private property by property owners

such as "no trespassing", "no hunting" and the like shall be limited to a surface area not exceeding two (2) square feet.

2002.6 Visibility

No sign shall be located in such a position that it will cause a hazard by obstructing visibility for traffic on a street or obscuring a traffic signal or other traffic control device. No sign, other than official traffic signs and off-premises directional signs, shall hang over or be erected within the right-of-way of any street. No sign shall be located within the clear sight triangle defined by §1804.4 of this Ordinance.

2002.7 Illumination

Illumination, when authorized by this Ordinance, shall be directed upon the sign face and not towards adjoining properties or streets. Flashing or oscillating signs shall not be permitted. Lighting shall be stationary and constant in intensity and color at all times. The intensity of any source of illumination of any sign, whether indirect or internal, shall be controlled so as to not create glare and to be compatible with the intensity of ambient light and illumination on surrounding properties.

2002.8 Maintenance and Inspection

All signs shall be designed to be compatible with the architecture of the principal use to which they are accessory. All signs must be constructed of a durable material and maintained in good condition. All freestanding signs shall be designed to withstand a sustained one hundred (100) MPH wind load. Any sign found to be in an unsafe condition upon inspection shall be declared to be a public nuisance and the Zoning Officer shall give notice to the owner, in writing, in accordance with §2301.2 of this Ordinance, to repair or remove the sign within ten (10) days. Upon failure of the owner to comply, the Township shall remove the sign at the owner's expense. The Township may lien the property for the cost of removing the sign and all legal fees and costs incurred with filing and enforcing the lien.

2002.9 Removal of Signs

Whenever any business is discontinued or vacated, all signs relating to the discontinued or vacated business shall be removed within thirty (30) days of the vacation or discontinuance of the business. Upon failure of the owner to comply, the Township shall remove the sign at the owner's expense. The Township may lien the property for the cost of removing the sign and all legal fees and costs incurred with filing and enforcing the lien.

2002.10 Permits Required

No permit shall be required for the exempt signs listed in §2002.2 or for the following types of signs as described in §2001.2 above: Notification, Real Estate, Political and Contractor Signs.

Permits shall be required in accordance with Section 2306 of this Ordinance for all other signs authorized by Section 2003 through Section 2007. The Zoning Officer shall issue the required permits upon submission of an application which complies with Section 2306 and all other applicable provisions of this Ordinance and payment of the required fee established, from time to time, by Resolution of the Board of Supervisors.

2002.11 Expiration of Permits

Any permit issued by the Zoning Officer for erection, alteration, replacement or relocation of any sign shall expire automatically within six (6) months of the date of issuance if work authorized by the permit has not been initiated and diligently pursued.

2002.12 Sign Location

Except for Billboards, Political Signs and Off-Premises Directional Signs, as defined herein, where authorized by this Ordinance, all signs shall be located on the premises which they are intended to serve.

SECTION 2003 SIGNS AUTHORIZED IN ALL ZONING DISTRICTS

In addition to the signs authorized by Sections 2004 through 2007 in specific Zoning Districts, the following signs are authorized in all Zoning Districts:

2003.1 Bulletin Signs

One (1) Bulletin Sign which is non-illuminated or indirectly or internally illuminated and which does not exceed twenty-four (24) square feet in surface area shall be permitted in connection with any church, school, library or similar public or semi-public building.

2003.2 Real Estate Signs

One (1) non-illuminated temporary Real Estate Sign shall be permitted on each lot provided the surface area of the sign shall not exceed six (6) feet in height. The Real Estate Sign shall not exceed twelve (12) square feet in surface area when located in any Residential Zoning District and shall not exceed thirty-two (32) square feet in any other Zoning District. Such sign shall be removed within thirty (30) days of the sale or rental of the property on which it is located.

2003.3 Development Signs

One (1) non-illuminated temporary Development Sign shall be permitted on each development site provided the surface area of the sign shall not exceed thirty-two (32) square feet in surface area. If the development is phased, the Development Sign shall be located in the phase that is currently under construction. A second non-illuminated temporary Development Sign shall be permitted at the entrance to the development, provided the surface area of the sign shall not exceed sixteen (16) square feet. The Development Sign shall not exceed six (6) feet in height when located in any Residential Zoning District and shall not exceed ten (10) feet in height in any other Zoning District. Such sign shall be removed within thirty (30) days of the sale or rental of the last lot or completion of the proposed construction in the development.

2003.4 Contractor Signs

One (1) non-illuminated temporary Contractor Sign announcing the names of contractors, mechanics or artisans engaged in performing work on the premises shall be permitted on a lot, provided the sign shall not exceed twelve (12) square feet in area nor six (6) feet in height and shall be removed within thirty (30) days of the completion of the work.

2003.5 Temporary Special Event Display Signs

One (1) non-illuminated Temporary Special Event Display Sign, as defined by this Ordinance, shall be permitted to be erected on the face of a public building, church or building housing a non-profit organization, provided that the area of the sign shall not exceed forty (40) square feet and provided the sign is displayed for a period no longer than thirty (30) days and is removed within five (5) days following the event that it is erected to promote. Each organization may display a Temporary Special Event Display Sign a maximum of three (3) times in any twelve (12) month period for a maximum of thirty (30) days each time.

2003.6 Home Occupation Identification Signs

One (1) non-illuminated Home Occupation Identification Sign shall be permitted for an approved home occupation, provided that the surface area of the sign does not exceed one (1) square foot and the sign shall contain only the name, address and occupation of the resident and shall not contain any logo or other advertising. The sign shall be wall mounted or affixed to the structure supporting the mailbox.

2003.7 Off-Premises Directional Signs

A maximum of four (4) Off-Premises Directional Signs shall be permitted to be erected by any agency or business other than a governmental agency. The Off-Premises Directional Signs shall be non-illuminated and shall not exceed twelve (12) square feet

in surface area. Such signs shall be permitted in the public right-of-way only if permission is granted by the owner of the right-of-way. Evidence of permission from the landowner shall be required for signs that are proposed to be erected on property owned by an owner other than the owner of the building or use the sign is intended to serve. Signs located outside the public right-of-way shall be located no more than ten (10) feet from the edge of the right-of-way or no more than fifteen (15) feet from the edge of the cartway, if the right-of-way is not contiguous with the front lot line.

2003.8 On-Premises Directional Signs

On any lot which contains two (2) or more multifamily or nonresidential buildings and/or on any lot which provides more than one hundred (100) parking spaces, On-Premises Directional Signs shall be permitted, provided that the surface area of any one (1) sign shall not exceed four (4) square feet.

On lots with areas less than one (1) acre, a maximum of four (4) non-illuminated or indirectly illuminated On-Premises Directional Signs shall be permitted. On lots with areas of one (1) acre or more, a maximum of six (6) non-illuminated or indirectly illuminated On-Premises Directional Signs shall be permitted on the first (1st) acre. For each additional acre or fraction thereof over one (1) acre, two (2) additional On-Premises Directional Signs shall be permitted.

SECTION 2004 SIGNS AUTHORIZED IN RESIDENTIAL ZONING DISTRICTS

The following signs shall be permitted in all "R" Residential Zoning Districts:

2004.1 Residential Plan Identification Sign

One (1) non-illuminated or indirectly illuminated permanent Wall or Freestanding Ground Residential Plan Identification Signs containing only the street address and/or name of a residential subdivision plan or multifamily building or development which shall not exceed twenty-four (24) square feet in area. A sign identifying the name of a residential subdivision may be affixed to a freestanding decorative wall, rather than to a building wall, provided that the decorative wall meets all applicable Ordinance requirements and does not obstruct visibility for traffic entering or leaving the plan in compliance with the clear sight triangle required by §1804.4. Such signs shall not be located in any public street right-of-way without the permission of the owner of the right-of-way and an agreement for maintenance of the sign by a homeowners' association or similar private organization.

2004.2 Business Identification Sign for Authorized Conditional Uses, Uses by Special Exception or Legal Nonconforming Uses

One (1) non-illuminated or indirectly illuminated Wall Sign or Ground Sign shall be permitted to identify a legal nonconforming use or a nonresidential use authorized as a conditional use or use by special exception provided the height of the sign shall not

exceed six (6) feet and the surface area of the sign shall not exceed twelve (12) square feet in area.

SECTION 2005 SIGNS AUTHORIZED IN EDUCATIONAL CAMPUS, OFFICE PARK, COMMERCIAL AND INDUSTRIAL DISTRICTS.

The following signs shall be permitted in all Educational Campus, Office Park, Commercial and Industrial Districts:

2005.1 Temporary Special Event Display

Temporary Special Event Displays, as defined by this Ordinance, shall be permitted provided that:

a. No more than two (2) signs or banners shall be permitted on any establishment at any one time;

b. The Temporary Special Event Display Signs shall be securely attached to the building or to the supporting structure of a Freestanding Pole Business Identification Sign;

c. Temporary Special Event Display Signs shall be displayed for a period not exceeding thirty (30) days, either consecutively or cumulatively, in any twelve (12) month period.

d. The aggregate surface area of all Temporary Special Event Display Signs shall not exceed forty (40) square feet per establishment. In the event that there is more than one (1) establishment on a site, the maximum aggregate surface area of all Temporary Special Event Display Signs on the site at any one time shall not exceed one hundred (100) square feet;

e. Portable Signs may be used as Temporary Special Event Display Signs, provided they are securely anchored, are located outside any public street right-of-way, do not obstruct any existing parking spaces and do not constitute a hazard for pedestrian or vehicular traffic.

f. Temporary Special Event Display Signs shall be non-illuminated.

2005.2 Changeable Copy Signs

In addition to the authorized Business Identification Signs, one (1) non-illuminated or internally illuminated Changeable Copy Sign shall be permitted per lot, regardless of the number of businesses on the lot, which shall not exceed thirty (30) square feet in area and which shall be permanently affixed to the wall of the building or to the supporting structure of an authorized freestanding sign on the lot, or in the case of an automobile service station, on the canopy over the gas pumps.

2005.3 Business Identification Signs

a. Wall Signs

Each business establishment shall be permitted to have Wall Signs which may be illuminated or non-illuminated. Except for buildings located in shopping centers in the C-2, C-3 and C-4 Districts, the aggregate area of all Wall Signs shall not exceed two (2) square feet for each lineal foot of width of the front wall of the building, or portion of the building, occupied by the business or a maximum of one hundred (100) square feet, whichever is less.

For buildings located in shopping centers in the C-2, C-3 and C-4 Districts, the aggregate area of all Wall Signs shall not exceed ten percent (10%) of the surface area of the front wall of the building.

Wall Identification Signs shall not be located on the roof nor extend above the height of the building.

b. Ground Signs

In addition to the Wall Signs, one (1) freestanding Ground Sign shall be permitted per lot, regardless of the number of businesses on the lot, provided that:

1. No freestanding Pole Sign exists or is proposed to be erected on the lot and the lot is not located in a Planned Shopping Center, Planned Industrial Park or Planned Office Park that has a Monument Sign.

2. The maximum surface area of the Ground Sign shall not exceed twenty-four (24) square feet in the E-C, C-1, C-2, C-3 and C-4 Districts and shall not exceed sixty-four (64) square feet in the O-P and I-1 Districts.

3. The height and location of the sign shall be designed so as to not interfere with visibility for vehicular traffic entering or leaving the lot or traveling on any street and in no case shall the total height exceed six (6) feet above the adjacent ground level on which it is located. The sign shall comply with the clear sight triangle requirements of §1804.4.

4. Ground Signs shall be non-illuminated or indirectly illuminated only. Internally illuminated Ground Signs shall not be permitted.

5. All freestanding Ground Signs shall be located at least ten (10) feet from any property line, except where property abuts on a public right-of-way the Ground Sign shall be set back at least ten (10) feet from the right-of-way

or at least fifteen (15) feet from the edge of the cartway if the right-of-way is not contiguous with the front lot line.

c. **Pole Signs**

In addition to the authorized Wall Signs, one (1) freestanding Pole Sign shall be permitted per lot, regardless of the number of businesses on the lot, provided that:

1. No freestanding Pole Sign shall be permitted on any property in the E-C, Educational Campus or O-P, Office Park District.

2. No freestanding Ground Sign exists or is proposed to be erected on the lot and the lot is not located in a Planned Shopping Center, Planned Industrial Park or Planned Office Park that has a Monument Sign.

3. The pole sign shall be non-illuminated, indirectly illuminated or internally illuminated.

4. The maximum height of the top of the Pole Sign with a surface area of sixty-four (64) square feet or less shall be twenty (20) feet. The maximum height of the top of a Pole Sign which has a surface area greater than sixty-four (64) square feet shall be thirty (30) feet.

5. The minimum height of the bottom edge of the sign shall be eight (8) feet. The minimum height of the bottom edge of the sign shall be fourteen (14) feet if traffic circulates under the sign.

6. The maximum surface area of the freestanding Pole Sign shall not exceed forty (40) square feet if there is only one (1) business on the lot and shall not exceed sixty-four (64) square feet if there is more than one (1) business on the lot. The longer dimension of the sign shall not be greater than 1.75 times the length of the shorter dimension of the sign.

   In the C-1, C-2, C-3 and C-4 Districts, the maximum surface area of the freestanding sign may be increased to no more than one hundred (100) square feet for shopping centers which have between one hundred (100) feet and two hundred (200) feet of highway frontage. For shopping centers in the C-2, C-3 and C-4 Districts which have more than two hundred (200) feet of highway frontage, the maximum surface area of the freestanding sign may be increased to no more than one hundred fifty (150) square feet.

7. No portion of any sign shall project over any public right-of-way nor shall it be located within the clear sight triangle of any street intersection as defined by §1804.4 of this Ordinance.

8. All freestanding Pole Signs shall be set back at least ten (10) feet from every property line, except where property abuts on a public right-of-way, the sign shall be set back at least ten (10) feet from the right-of-way or at least fifteen (15) feet from the edge of the cartway if the right-of-way is not contiguous with the front lot line.

d. Monument Signs

One (1) illuminated or non-illuminated Monument Sign shall be permitted at the main entrance to a Planned Shopping Center, Planned Industrial Park or Planned Office Park, provided a Ground Sign or Pole Sign does not exist and is not proposed at that entrance. Outparcels in a Planned Shopping Center and lots fronting on a public street in a Planned Office Center or Planned Industrial Park owned in fee simple may have a Ground Sign or Pole Sign authorized by subparagraphs "b" and "c" of this §2005.3. No other businesses within a Planned Shopping Center, Planned Industrial Park or Planned Office Park shall be permitted to have a Ground Sign or Pole Sign; however each business shall be permitted to have the Wall Signs authorized by Subparagraph "a" of this §2005.3.

The maximum surface area of a Monument Sign shall be one hundred fifty (150) square feet. The maximum height of the Monument Sign shall be twenty-five (25) feet. The Monument Sign shall be located at least ten (10) feet from any property line or street right-of-way line. The Monument Sign shall comply with the visibility requirements of §1804.4. The base of the sign shall be landscaped with shrubs, perennials and annuals for a minimum distance of three (3) feet from the base of the sign.

e. Roof Signs

Roof Signs shall be permitted only in the I-1, Industrial District. One (1) Roof Sign shall be permitted per building, regardless of the number of establishments in the building. Roof Signs may be illuminated or non-illuminated. Roof Signs shall be permitted only in place of a Wall Sign. The surface area of a Roof Sign shall not exceed two (2) square feet for each lineal foot of width of the front wall of the building or a maximum of two hundred (200) square feet, whichever is less. Roof Signs shall not project more than six (6) feet above the highest point of the roof on which they are erected.

f. Arcade Signs

In Planned Shopping Centers or Planned Office Centers which have pedestrian accessways covered by a roof, marquee or exterior arcade, one (1) Arcade Sign, as defined herein, shall be permitted for each business in the building, provided that the maximum surface area of each sign shall not exceed eight (8) square feet.

SECTION 2006 BILLBOARDS

Billboards shall not be permitted in an R-R, R-1, R-2, R-3 or R-4 Zoning District or in any E-C, O-P, C-1, C-2, C-3 or C-4 District. Billboards shall be permitted only as conditional uses on property located in the I-1 District following recommendation by the Planning Commission and a public hearing by the Board of Supervisors, provided all of the following requirements are met:

2006.1 Location

Billboards may be authorized as a conditional use only in the I-1 District, provided all of the following requirements are met:

a. Billboards shall not be erected within five hundred (500) feet of the boundary line of any R-R, R-1, R-2, R-3 or R-4 District or within five hundred (500) feet of any public or private school, church or cemetery, said five hundred (500) feet being measured along the radius of a circle from the center-most point of the billboard structure extending in all directions.

b. On interstate and limited access highways, billboards shall not be erected within five hundred (500) feet of any interchange or safety rest area measured along the interstate or limited access highway from the beginning or ending of the pavement widening at the exit from or entrance to the main-traveled way.

c. Billboards shall maintain a lateral minimum spacing between any existing or proposed billboard structure of one thousand (1,000) feet. Required spacing shall be measured along both sides of the same roadway frontage from the centermost point of the billboard structure along a line extending from the centermost point of the billboard which is parallel to the centerline of the roadway to which the billboard is oriented.

d. No billboard shall be located closer than ten (10) feet to any public street right-of-way.

e. The minimum side and rear yard requirements applying to a principal structure as set forth within the I-1 District shall apply to each billboard structure.

f. No billboard shall be constructed within the clear sight triangle, as defined by §1804.4, of the public street on which it is situated and shall not in any case obstruct or impede traffic safety.

g. No sign shall be erected over any sidewalk or public right-of-way.

h. Billboards shall not be part of a roof or wall nor shall they be mounted on the roof, wall or other part of a building or any other structure.

2006.2 Size and Height

A billboard shall have a maximum allowable gross surface area of four hundred fifty (450) square feet per sign face. This gross surface area shall be permitted, provided all of the following additional requirements are met:

a. A billboard shall have no more than two (2) sign faces per billboard structure which may be placed back to back or in a V-shaped configuration having an interior angle of 90° or less.

b. Neither dimension of the billboard's sign face shall be less than fifteen (15) feet , provided the total allowable gross surface area for the sign face is not exceeded.

c. A billboard structure shall have a maximum height above the curb of the roadway from which it is intended to be viewed of forty (40) feet.

2006.3 Construction Methods

Billboards shall be constructed in accordance with applicable provisions of the Uniform Construction Code, as now or hereafter adopted, and shall meet all of the following additional requirements:

a. A billboard structure shall have a maximum of one (1) vertical support being a maximum of three (3) feet in diameter or width and without additional bracing or vertical supports.

b. A billboard sign face shall be independently supported and have vertical supports of metal which are galvanized or constructed of approved corrosive-resistant, noncombustible materials. Structures constructed with galvanized metal shall be painted.

c. The one (1) vertical support shall be capable of enabling the entire sign face to be able to withstand a minimum 100 mile per hour wind load. Structural design computations shall be made and certified by a registered engineer and shall be submitted to the Township with the application for conditional use.

d. The base shall be installed using a foundation and footings approved by the Building Inspector for the type of construction proposed.

e. The entire base of the billboard structure parallel to the sign face shall be permanently landscaped with suitable shrubbery and/or bushes a minimum height of three (3) feet placed in such a manner as to screen the foundation of the structure.

f. Landscaping shall be maintained by the sign owner in an attractive and healthy manner in accordance with accepted conservation practices.

g. No bare cuts shall be permitted on a hillside.

h. All cuts or fills shall be permanently seeded or planted.

i. A billboard with display lighting shall be constructed so that it does not glare upon adjoining property and shall not exceed a maximum foot candle of 1.5 upon the adjoining property.

j. Display lighting shall not operate between 12:00 Midnight and 5:00 A.M., prevailing local time.

k. No billboard structure, sign face, or display lighting shall move, flash, or emit noise; however, this shall not preclude the use of rotating display panels or LED or similar technology.

l. No display lighting shall cause distractions, confusion, nuisance or hazard to traffic, aircraft or other properties.

m. The use of colored lighting shall not be permitted.

2006.4 Maintenance

a. A billboard structure shall be entirely painted every three (3) years, unless constructed of an approved corrosive-resistant material.

b. Every ten (10) years, the owner of the billboard shall have a structural inspection made of the billboard by a qualified Pennsylvania Registered Engineer and shall provide to the Township a certificate from the engineer certifying that the billboard is structurally sound.

c. Annual inspections of the billboard shall be conducted by the Township to determine compliance with this Ordinance. Upon such inspection, the owner shall pay an annual inspection fee, as established from time to time, by Resolution of the Board of Supervisors.

d. Billboards found to be in violation of this Ordinance shall be brought into compliance or removed within thirty (30) days upon proper notification by the Township.

e. Billboards using removable paper or other materials shall be maintained in such condition as to eliminate loose or frayed material protruding or hanging from the structure. All paper and other waste materials shall be removed from the site and disposed of properly whenever any sign face is changed.

2006.5 Liability Insurance

The applicant for a Sign Permit to erect a billboard shall provide a Certificate of Insurance for public liability and property damage which holds the Township harmless. The insurance certificate shall contain a clause stating that the insurance shall not be canceled or reduced without first giving ten (10) days notice to the Township.

2006.6 Permits

Prior to submission of an application for a Sign Permit, the applicant for a billboard shall obtain and submit with the application, approvals from the Allegheny county Department of Aviation or the United States Federal Aviation Administration (FAA), when applicable.

Approval of the conditional use shall be valid for six (6) months from the date of action by the Board of Supervisors granting the conditional use. If the applicant fails to obtain a Sign Permit for the approved billboard within the six (6) month period, approval of the conditional use shall expire automatically, without written notice to the applicant.

The issuance of a Sign Permit for a billboard which has been granted approval of a conditional use shall be conditioned upon the approval of the Pennsylvania Department of Transportation (Penn DOT) for billboards proposed to be located along State highways. If the applicant fails to submit evidence of the required approval by Penn DOT within thirty (30) days of the issuance of the conditional Sign Permit, the Sign Permit shall be revoked by the Township Zoning Officer who shall provide written notice to the applicant.

The applicant may reapply for the required Sign Permit, upon submission of evidence of Penn DOT approval, without payment of any additional Sign Permit fee, provided the application is filed within the six (6) month period during which the conditional use approval is valid.

2006.7 Application Fees

Said application shall be accompanied by an application fee in an amount equal to that set from time to time by Resolution of the Board of Supervisors.

2006.8 Nonconforming Billboards

Any billboard which does not conform to the requirements of this Section shall not be enlarged or moved unless the billboard complies with all provisions of this Section.

Any billboard which is damaged or destroyed by more than fifty-one percent (51%) of its replacement value at the time of damage or destruction shall be reconstructed only in compliance with all provisions of this Section.

SECTION 2007 TRANSIT SHELTER SIGNS

2007.1 Location

Transit shelter signs shall be located within the framework of the transit shelter and shall not project beyond the framework of the shelter. In no case shall a transit shelter sign be freestanding or detached from the transit shelter structure.

2007.2 Visibility

Transit shelter signs shall be placed within the transit shelter framework so that visibility is not obstructed for motorists traveling on any public street or entering or leaving any lot or driveway.

2007.3 Illumination

Transit shelter signs may be non-illuminated, indirectly illuminated or internally illuminated. Electronic changeable copy shall not be permitted as part of a transit shelter sign.

2007.4 Number and Surface Area of Signs

The maximum number of signs authorized for each transit shelter shall be one (1) sign with two (2) faces that are either back-to-back or in a V-shaped configuration having an angle of 90° or less.

The maximum surface are of each sign face shall not exceed twelve (12) square feet.

ARTICLE XXI

NONCONFORMING USES, STRUCTURES AND LOTS

SECTION 2100 APPLICABILITY

This Article shall apply to all nonconforming uses, structures and lots, as defined by this Ordinance. Nothing contained herein shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof for which official approval and required permits have been granted prior to the effective date of this Ordinance or any amendment thereto.

SECTION 2101 NONCONFORMING USES

These regulations shall apply to any use of a structure or lot in any Zoning District which is a nonconforming use, as defined by this Ordinance. Whenever the boundaries of a Zoning District shall be changed so as to transfer an area from one Zoning District to another of a different classification, these regulations shall also apply to any uses which thereby become nonconforming.

2101.1 Continuation and Sale

Where, at the effective date of adoption or amendment of this Ordinance, a lawful use of a lot or structure exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be sold or otherwise transferred to other owners and may be continued as long as it remains otherwise lawful in accordance with the provisions of this Article.

2101.2 Enlargement or Expansion

A single family dwelling that is a nonconforming use in a non-residential Zoning District classification may be enlarged or expanded to occupy a greater area of the lot or may be increased in height, provided all other applicable area and bulk regulations of the District in which the property is located are met.

No other nonconforming use of a lot or nonconforming use of a structure shall be enlarged or increased or extended to occupy a greater area of the lot or structure than was occupied at the effective date of adoption or amendment of this Ordinance which made the use nonconforming, unless the Zoning Hearing Board, after public hearing, shall interpret that the enlargement or expansion is necessitated by the natural expansion and growth of trade of the nonconforming use. Any such enlargement or expansion shall conform to the lot area, lot coverage, height and yard requirements of the Zoning District in which it is located.

No nonconforming use shall be moved in whole or in part to any other portion of the lot occupied by such use at the effective date of adoption or amendment of this Ordinance which made the use nonconforming.

Any nonconforming use may be extended throughout any part of a structure which was designed for such use at the time the use became nonconforming; however, a nonconforming use shall not be extended to occupy any structure, lot or portion of a lot that was not owned by the owner of the nonconforming use at the time the use became nonconforming.

2101.3 Change of Use

a. A nonconforming use shall not be changed to any use other than a conforming use, except as permitted as a use by special exception by the Zoning Hearing Board in accordance with the following:

1. The new nonconforming use will more closely correspond to the uses authorized in the District as permitted uses, conditional uses or uses by special exception.

2. The new nonconforming use will be in keeping with the character of the neighborhood in which it is located and will have an equal or lesser impact on the neighborhood than the existing nonconforming use.

3. The applicant clearly demonstrates a hardship in converting the use to a conforming use in accordance with the criteria of Section 2206 for obtaining a variance.

4. Any change from one nonconforming use to another shall comply with the parking requirements of Article XIX for the new use and shall be subject to the area, bulk and buffer area regulations for such use in the Zoning District where such use is authorized as a permitted use, conditional use or use by special exception.

b. When a nonconforming use is changed to a conforming use, the use thereafter shall not be changed to a nonconforming use.

c. Where a nonconforming use exists on a lot, a conforming use shall not be established on the same lot unless the nonconforming use is discontinued.

2101.4 Abandonment

When a nonconforming use of a structure and/or lot is discontinued or abandoned for twenty-four (24) consecutive months, the structure and/or lot shall not thereafter be used, except in conformance with the regulations of the Zoning District in which it is located.

2101.5 Damage or Destruction

Residential dwellings which are nonconforming uses in any Zoning District may be rebuilt on the existing foundation in the event of damage or destruction, provided the reconstruction is started within three (3) years of the date of destruction.

In the event that damage or destruction of a structure in which a nonconforming use, other than a dwelling, is conducted involves fifty percent (50%) or less of the gross floor area of the structure, repairs or reconstruction may be undertaken, provided that such restoration is started within eighteen (18) months of the date of destruction. No enlargement or expansion of the structure in which the nonconforming use is located shall be undertaken unless the provisions of §2101.2 are met.

In the event that a structure in which a nonconforming use, other than a dwelling, is conducted is damaged or destroyed by fire or other means to an extent of more than fifty percent (50%) of its total floor area, the structure shall be reconstructed only to house a conforming use.

SECTION 2102 NONCONFORMING STRUCTURES

The following regulations shall apply to all nonconforming structures, as defined by this Ordinance, in all Zoning Districts.

2102.1 Structural Alteration or Enlargement

Nonconforming accessory structures that are accessory to single family dwellings in an R-R, R-1, R-2, R-3 or R-4 District may be replaced or reconstructed without a variance, provided they are reconstructed so that the prior nonconformity is either maintained or reduced and all other applicable area and bulk regulations of the Zoning District in which the property is located are met.

Nonconforming accessory structures that are accessory to single family dwellings in an R-R, R-1, R-2, R-3 or R-4 District may be expanded or added to without a variance, provided the expansion or addition conforms to or reduces the nonconformity and all other applicable area and bulk regulations of the Zoning District in which the property is located are met.

In all other cases, a nonconforming accessory or principal structure may be enlarged or structurally altered without a variance provided the enlargement or alteration does not create any new nonconformities and the proposed enlargement or alteration does not increase the existing nonconformity by encroaching farther into a required setback, increasing the height or lot coverage or any other nonconforming condition of the existing structure. Any alterations or enlargements that create any new nonconformities or increase any existing nonconformities shall require review by the Zoning Hearing Board and, after public hearing, the Zoning Hearing Board may determine undue

hardship and may authorize a variance for the reasonable alteration or enlargement of such structure.

2102.2 Damage or Destruction

Any nonconforming structure which has been partially or completely damaged or destroyed by fire or other means may be rebuilt or repaired on its existing foundation even though such foundation may violate the setback requirements for the Zoning District in which the structure is located, provided that the repair or reconstruction and reoccupancy of the structure occurs within eighteen (18) months of the date that the original structure was damaged or destroyed. No enlargement or expansion of the nonconforming structure shall be undertaken unless the provisions of §2102.1 are met.

2102.3 Moving

Should such structure be moved for any reason for any distance whatever it shall thereafter conform to the requirements of the Zoning District in which it is located.

2102.4 Signs

Nonconforming signs may be repaired or reconstructed, provided that no structural alterations are made which increase the gross surface area of the sign; however, nonconforming signs which are damaged or destroyed to an extent of more than fifty percent (50%) of their replacement cost at the time of destruction shall not be reconstructed except in conformity with the provisions of this Ordinance. Replacement cost shall be determined by the Township Engineer upon request by the Township. The Township Engineer shall inspect the sign and submit a report to the Zoning Officer within five (5) working days of the Township's request. The cost of the services of the Township Engineer shall be borne by the applicant. Said cost shall not exceed the amount established from time to time by Resolution of the Board of Supervisors.

Nonconforming signs may not be enlarged, added to or replaced by another nonconforming sign, use or structure, except that the interchange of poster panels shall be permitted, subject to obtaining the Sign Permit required by Section 2306.

2102.5 Repair or Maintenance

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the safety of the public, provided all other requirements of this Section are met.

SECTION 2103 NONCONFORMING LOTS

The following regulations shall apply to nonconforming lots, as defined by this Ordinance.

2103.1 Lot Area or Lot Width

Any lot of record existing at the effective date of this Ordinance may be used for the erection of a single family dwelling without a lot area or lot width variance, even though its lot area and width are less than the minimum required by this Ordinance; however, such lot must comply with the front, rear and side yards, height and lot coverage standards of the Zoning District wherein it is located.

2103.2 Front Yard Setback

Where structures exist on adjacent nonconforming lots of record which have front yards that are less than the minimum depth required, the minimum front yard for an adjacent undeveloped nonconforming lot of record proposed to be built upon shall be the average depth of the nonconforming front yards for the existing structures on the adjacent nonconforming lots in the same block on the same side of the street, provided, however, that in no instance shall the front yard on the undeveloped lot be less than fifty (50) feet from the centerline of any public street.

SECTION 2104 REGISTRATION OF NONCONFORMITY

The owner of a nonconforming use shall make an application for registration of the nonconforming use and upon presentation of documentation acceptable to the Zoning Officer that the use was lawfully in existence prior to the effective date of this Ordinance or any amendment which created the nonconformity, the Zoning Officer shall register the same on a map and by Beaver County Assessor's Tax Parcel Number as a legal nonconforming use.

In the course of administering this Ordinance and reviewing applications for Zoning Certificates or variances, the Zoning Officer shall register all nonconforming structures and nonconforming lots as they become known through the application process.

ARTICLE XXII

ZONING HEARING BOARD

SECTION 2200 GENERAL

In accordance with law, the Board of Supervisors shall appoint a Zoning Hearing Board by Resolution, which Board shall organize in accordance with Section 2204. The Board shall hold meetings, keep minutes and, pursuant to public notice, shall conduct hearings, compel the attendance of witnesses, take testimony under oath, and render decisions in writing within forty-five (45) days after hearing or continued hearing, in accordance with the requirements of Article IX of the Pennsylvania Municipalities Planning Code, (Act 247 of 1968, 53 P.S., 10101 et seq., as amended). A fee shall be charged in accordance with a schedule affixed by Resolution for any appeal or proceeding filed with the Board.

SECTION 2201 MEMBERSHIP

The membership of the Zoning Hearing Board shall consist of five (5) residents of the Township appointed by Resolution of the Board of Supervisors. Their terms of office shall be five (5) years and shall be so fixed that the term of office of one (1) member shall expire each year. The Board shall promptly notify the Board of Supervisors when vacancies occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other elected or appointed office in the Township nor shall any member be an employee of the Township.

SECTION 2202 ALTERNATE MEMBERS

2202.1 Appointment of Alternate Members

The Board of Supervisors may appoint by Resolution, at least one (1), but no more than three (3), residents of the Township to serve as alternate members of the Zoning Hearing Board. The term of office of an alternate member shall be three (3) years. When seated pursuant to the provisions of §2202.2, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Zoning Hearing Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the power and duties set forth in this Ordinance and as otherwise provided by law. Alternates shall hold no other elected or appointed office in the Township, including membership on the Planning Commission and Zoning Officer, nor shall any alternate be an employee of the Township. Any alternate may participate in any proceeding or discussion of the Zoning Hearing Board, but shall not be entitled to vote as a member of the Zoning Hearing Board unless designated as a voting alternate member pursuant to §2202.2 of this Ordinance.

2202.2 Participation by Alternate Members

If, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Zoning Hearing Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this §2202.2 shall be made on a case by case basis in rotation according to declining seniority among all alternates.

SECTION 2203 REMOVAL OF MEMBERS

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

SECTION 2204 ORGANIZATION OF THE ZONING HEARING BOARD

2204.1 Officers

The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves.

2204.2 Quorum

For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the Zoning Hearing Board except when members of the Zoning Hearing Board are disqualified to act in a particular matter, alternate members shall be appointed to provide a quorum.

2204.3 Hearing Officer

The Zoning Hearing Board may appoint a Hearing Officer from its own membership or may appoint an independent attorney to conduct any hearing on its behalf, and the parties may waive further action by the Zoning Hearing Board and accept the findings or decision of the Hearing Officer as final.

2204.4 Procedures

The Zoning Hearing Board may make, alter and rescind rules and forms for its procedure, consistent with Ordinances of the Township and laws of the Commonwealth of Pennsylvania.

2204.5 Files and Annual Report

The Zoning Hearing Board shall keep full public records of its business and shall submit a report of its activities to the Board of Supervisors once a year.

SECTION 2205 JURISDICTION OF THE ZONING HEARING BOARD

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudication in the following matters:

2205.1 Substantive challenges to the validity of any land use ordinance, except curative amendments brought before the Board of Supervisors.

2205.2 Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.

2205.3 Appeals from a determination by the Township Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.

2205.4 Applications for variances from the terms of this Ordinance and flood hazard ordinance or such provisions within a land use ordinance pursuant to Section 2206.

2205.5 Applications for uses by special exception under this Ordinance or floodplain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to Article XVII and Section 2207.

2205.6 Appeals from the Zoning Officer's determination under Section 916.2 of the Pennsylvania Municipalities Planning Code, (Act 247, as amended).

2205.7 Appeals from the determination of the Zoning Officer or Township Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving subdivision and land development or planned residential development.

SECTION 2206 VARIANCES

The Board, upon appeal, shall have the power to authorize variances from the requirements of this Ordinance, and to attach such conditions to the variance as it deems necessary to assure compliance with the purposes of this Ordinance. A variance may be granted if all of the following findings are made where relevant in a given case:

2206.1 That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or district in which the property is located.

2206.2 That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a variance is therefor necessary to enable the reasonable use of the property.

2206.3 That such unnecessary hardship has not been created by the appellant.

2206.4 That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

2206.5 That the variance, if authorized, will represent the minimum variance necessary to afford relief and will represent the least modification possible of the regulation in issue.

In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance and protect the public health, safety and welfare.

SECTION 2207 USES BY SPECIAL EXCEPTION

The Board shall have the power to hear and decide on applications for uses by special exception as authorized by this Ordinance, in harmony with its general purpose and intent, and in accordance with the standards set forth in Article XVII. The Board shall approve a use by special exception only if it meets all applicable requirements of this Ordinance and the express standards and criteria set forth in Article XVII. In granting a use by special exception, the Board may attach such reasonable safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to properly implement this Ordinance and protect the public health, safety and welfare.

SECTION 2208 NOTICE AND CONDUCT OF HEARINGS

2208.1 Notice

Written notice of the hearing shall be given to the public, the applicant, the Zoning Officer, the Board of Supervisors, the Planning Commission and to any person who has made timely request for the same. A notice of the hearing shall be given to other persons at such a time and in such manner as the Board of Supervisors or the Zoning Hearing Board shall designate.

Public notice, as defined herein, shall be given for the public hearing. In addition, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the public hearing.

In addition, at least fourteen (14) days prior to the public hearing, written notices shall be sent by first class mail to the addresses to which real estate tax bills are sent for all real property located adjacent to the property for which the appeal is filed, including properties across any street right-of-way. The names and addresses shall be provided by the appellant and the cost of mailing the notices shall be borne by the applicant.

2208.2 Conduct of Hearings

The Zoning Hearing Board shall conduct hearings in accordance with the following:

a. The first (1st) hearing shall be commenced within sixty (60) days from the date of receipt of the applicant's application, unless the applicant has agreed, in writing, to an extension of time.

b. Each subsequent hearing before the Zoning Hearing Board or Hearing Officer shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to by the applicant, in writing or on the record. An applicant shall complete the presentation of his case-in-chief within one hundred (100) days of the first (1st) hearing. Upon the request of the applicant, the Zoning Hearing Board or Hearing Officer shall assure that the applicant receives at least seven (7) hours of hearings within the one hundred (100) days, including the first (1st) hearing held after the completion of the applicant's case-in-chief. And the applicant may, upon request, be granted additional hearings to complete his case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and the Township, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.

c. The hearings shall be conducted by the Zoning Hearing Board or the Zoning Hearing Board may appoint any member or an independent attorney as a Hearing Officer. The decision, or, where no decision is called for, the findings, shall be made by the Zoning Hearing Board; however, the appellant or the applicant, as the case may be, in addition to the Township, may, prior to the decision of the hearing, waive decision or findings by the Zoning Hearing Board and accept the decision or findings of the Hearing Officer as final.

d. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Zoning Hearing Board, and any other person including civic or community organizations permitted to appear by the Zoning Hearing Board. The Zoning Hearing Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Zoning Hearing Board for that purpose.

e. The Chairman or Acting Chairman of the Zoning Hearing 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.

f. 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.

g. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.

h. The Zoning Hearing Board or the Hearing Officer, as the case may be, shall keep a stenographic record of the proceedings. Fees for the stenographer and transcript are governed by §2211.2 of this Ordinance.

i. The Zoning Hearing Board or the Hearing Officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

j. The Zoning Hearing Board or the Hearing Officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Zoning Hearing 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 therefore. Conclusions based on any provisions of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a Hearing Officer, and there has been no stipulation that his decision or findings are final, the Zoning Hearing Board shall make his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Zoning Hearing Board prior to final decision or entry of findings, and the Zoning Hearing Board's decision shall be entered no later than thirty (30) days after the report of the Hearing Officer.

SECTION 2209 FAILURE TO RENDER A DECISION

Except for challenges filed under MPC §916.1, where the Zoning Hearing Board fails to render a decision within the required forty-five (45) day period or fails to commence, conduct or complete the required hearing as provided in §2208.2, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed, in writing or on the record, to an extension of time.

When a decision has been rendered in favor of the applicant because of failure of the Zoning Hearing Board to meet or render a decision, the Zoning Hearing 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 provided in §2208.1. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this Section shall prejudice the right of any party opposing the application to appeal the decision to the Court of Common Pleas.

A copy of the final decision, or where no decision is called for, a copy 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 Zoning Hearing Board not later than the last day of the hearing, the 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.

SECTION 2210 MEDIATION OPTION

Parties to proceedings authorized in this Article may utilize mediation as an aid in completing such proceedings. In proceedings before the Zoning Hearing Board, in no case shall the Zoning Hearing Board initiate mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures I this Article once they have been formally initiated. Nothing in this Subsection shall be interpreted as expanding or limiting municipal police powers or as modifying any principles of substantive law.

Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to

negotiate. Any municipality offering the mediation option shall assure that in each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:

a. Funding mediation.

b. Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation.

c. Completing mediation, including time limits for such completion.

d. Suspending time limits otherwise authorized in this Ordinance or in the Pennsylvania Municipalities Planning Code (Act 247, as amended), provided there is written consent by the mediating parties, and by an applicant or Township decision-making body, if either is not a party to the mediation.

e. Identifying all parties and affording them the opportunity to participate.

f. Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public.

g. Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the appropriate decision-making body pursuant to the authorized procedures set forth in this Ordinance.

No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

SECTION 2211 FEES AND EXPENDITURES

2211.1 Fees

The Board of Supervisors may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary, members and alternate members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.

2211.2 Stenographer's Appearance Fee and Transcripts

The appearance fee for a stenographer shall be shared equally by the applicant and the Zoning Hearing Board. The cost of the original transcript shall be paid by the Zoning

Hearing Board if the transcript is ordered by the Zoning Hearing Board or the Hearing Officer or shall be paid by the person appealing from the decision of the Zoning Hearing Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

2211.3 Expenditures

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

SECTION 2212 TIME LIMITATIONS

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

The failure of anyone, other than the landowner, to appeal from an adverse decision on an application for tentative approval of a Planned Residential Development or from an adverse decision by the Zoning Officer on a challenge to the validity of an ordinance or map filed pursuant to Section 916.2 of the Pennsylvania Municipalities Planning Code (Act 247, as amended) shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval. All appeals from determinations adverse to the landowner shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

SECTION 2213 STAY OF PROCEEDINGS

Upon filing of any proceeding and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Zoning Hearing Board, facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the Court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the

approval are filed with the Zoning Hearing 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. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the Court.

All appeals from decisions rendered by the Zoning Hearing Board shall be taken to the Beaver County Court of Common Pleas and shall be filed within thirty (30) days after the entry of the decision or, in the case of a deemed decision, within thirty (30) days after the date upon which notice of said deemed decision is given as required by Subsection 908(9) of the Pennsylvania Municipalities Planning Code (Act 247, as amended).

ARTICLE XXIII

ADMINISTRATION AND ENFORCEMENT

SECTION 2300 ZONING OFFICER POWER AND DUTIES

The provisions of this Ordinance shall be administered and enforced by a Zoning Officer who shall be appointed by the Board of Supervisors. The Zoning Officer shall hold no elective office in the Township. The Zoning Officer shall meet the qualifications established by the Township and shall be able to demonstrate, to the satisfaction of the Township, a working knowledge of municipal zoning.

The Zoning Officer shall have all the powers and duties conferred upon him by this Ordinance and the Pennsylvania Municipalities Planning Code. The Zoning Officer's duties shall include the following:

A. Administer and enforce the provisions of this Ordinance in accordance with its literal terms and shall not have the power to permit any construction, use or change of use which does not conform to this Ordinance.

B. Receive and examine all applications for Zoning Certificates, Certificates of Occupancy, Sign Permits and Temporary Use Permits;

C. Notify applicants of any deficiencies in applications and request additional information;

D. Process applications for Zoning Certificates, Certificates of Occupancy, Sign Permits and Temporary Use Permits;

E. Issue Zoning Certificates, Sign Permits, Temporary Use Permits or Occupancy Permits only where there is compliance with the provisions of this Ordinance, with other Township ordinances and the laws of the Commonwealth.

F. Issue denials of Zoning Certificates, Sign Permits, Temporary Use Permits or Occupancy Permits and refer any appeal of the denial to the Zoning Hearing Board for action thereon;

G. Receive and refer all applications for Building Permits to the Building Inspector;

H. Receive applications for uses by special exception and variances and forward these applications to the Zoning Hearing Board for action prior to considering issuance of Zoning Certificates or Certificates of Occupancy for the proposed use;

I. Receive applications for conditional uses and forward these applications to the Planning Commission and Board of Supervisors for recommendation and action prior to considering issuance of Zoning Certificates or Certificates of Occupancy;

J. Make all the inspections necessary to determine compliance or noncompliance with this Ordinance;

K. Issue notices of violation in accordance with the requirements of Section 2301, below;

L. With the approval of the Board of Supervisors, or when directed by the Board of Supervisors, institute, in the name of the Township, any appropriate action or proceeding to prevent unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct or abate such violation so as to prevent the occupancy or use of any building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises;

M. Revoke any order or permit issued under a mistake of fact or contrary to the law or the provisions of this Ordinance;

N. Record and maintain a permanent file of all applications for Zoning Certificates, Sign Permits, Temporary Use Permits and Occupancy Permits with accompanying plans and documents, and maintain those files as a public record;

O. Register nonconforming uses, structures and lots in accordance with Section 2104 of this Ordinance.

P. Submit a monthly written report to the Board of Supervisors of all Zoning Certificates, Occupancy Permits, Building Permits, Sign Permits, Temporary Use Permits and all notices of violations and orders issued;

Q. Meet with the Board of Supervisors and the Planning Commission as needed to keep the Board of Supervisors and Planning Commission informed concerning land development in the Township and to discuss problems in administering the Zoning Ordinance or recommend amendments to the Zoning Ordinance.

SECTION 2301 ENFORCEMENT

2301.1 Violations

Failure to comply with any provisions of this Ordinance; failure to secure a Zoning Certificate prior to erection, construction, extension, structural alteration, addition or occupancy of a building or structure; or failure to secure a Occupancy Permit for the use or change of use or occupancy of structures or land, shall be a violation of this Ordinance.

2301.2 Enforcement Notice

The enforcement Notice shall contain the following information:

a. The name of the owner of record and any other persons against whom the Township intends to take action.

b. The location of the property in violation.

c. The specific violation with a description of the requirements that have not been met, citing in each instance, the applicable provisions of this Ordinance.

d. The date before which steps for compliance must be commenced and the date before which the steps must be completed.

e. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with the procedures set forth in this Ordinance.

f. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

2301.3 Enforcement Remedies

Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars ($500.00) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure.

Each day that a violation continues shall constitute a separate violation, unless the District Justice, determining that there has been a violation, further determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth (5th) day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Ordinance shall be paid over to the Township.

The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

Nothing contained in this Subsection shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Subsection.

2301.4 Causes of Action

In case any building or structure is erected, constructed, reconstructed, structurally altered, repaired, converted or maintained or any building or structure or land is used in violation of this Ordinance or of any other ordinance or regulation made under authority conferred hereby, the Board of Supervisors or, with approval of the Board of Supervisors, the Zoning Officer or other proper official, in addition to other remedies, may institute in the name of the Township, any appropriate action or proceeding to: prevent, restrain, correct or abate such unlawful erection, construction, reconstruction, structural alteration, repair, conversion, maintenance or use; to prevent the occupancy of any building, structure or land; or to prevent any illegal act, conduct, business or use that constitutes a violation.

SECTION 2302 COORDINATION WITH OTHER TOWNSHIP REQUIREMENTS AND PERMITS, STATE AND FEDERAL REQUIREMENTS AND PERMITS

2302.1 Applications for Permits

In all cases, any application for a permit of any of the types described in this Ordinance shall be decided not only on the basis of compliance with this Zoning Ordinance, but also on the basis of compliance with all other applicable Township Ordinances and all other applicable rules and regulations of the various Township authorities and agencies that might be concerned, as well as State and Federal requirements and permits.

2302.2 Reasonable Accommodation Procedure and Criteria

a. Persons with a claim for a reasonable accommodation under the Fair Housing Amendments Act or the Americans with Disabilities Act shall submit their request, in writing, to the Zoning Officer on an application form which shall require that the following information, and such other information as may be reasonably needed to process the request, be provided:

1. Specific citation of the Zoning Ordinance provision from which reasonable accommodation is requested;

2. The name and address of the applicants;

3. The specific description of the reasonable accommodation sought and the particulars, including exact dimensions of any proposed structural or locational accommodation;

4. The condition of the applicants for which reasonable accommodation is sought;

5. A description of the hardship, if any, that the applicants will incur absent provision of the reasonable accommodation requested;

6. A description of any alternative methods of relieving the claimed hardship that have been considered and the reason, if any, why applicants have rejected such alternatives;

7. A statement describing why the requested accommodation is necessary to afford the applicants an opportunity equal to a non-handicapped or non-disabled person to use and enjoy the dwelling in question.

8. A description of the manner in which the accommodation, if granted, will be terminated or removed if no longer required to afford equal housing opportunity to handicapped or disabled persons; and

9. A statement of any facts indicating whether or not non-handicapped or non-disabled persons would be permitted to utilize the property in question in a manner similar to that sought by the applicants.

b. The Zoning Officer may hold any meetings and/or hearings necessary in his discretion to elicit information or argument pertinent to the request for accommodation.

c. The Zoning Officer's decision shall be in writing and shall state the reasons for the decision.

d. The Zoning Officer shall issue his written decision to the applicants and the Township within thirty (30) days of filing of the request for accommodation.

e. A request for reasonable accommodation should be directed in the first instance, to the Zoning Officer. In considering a request for reasonable accommodation, the Zoning Officer shall, with the advice and counsel of the Township Solicitor, apply the following criteria:

1. Whether the applicants are handicapped or disabled within the meaning of the Federal Fair Housing Act Amendments or the Americans with Disabilities Act;

2. The degree to which the accommodation sought is related to the handicap or disability of the applicants;

3. A description of the hardship, if any, that the applicants will incur absent provision of the reasonable accommodation requested;

4. The extent to which the requested accommodation is necessary to afford the applicants an opportunity equal to a non-handicapped or non-disabled person to use and enjoy the property in question.

5. The extent to which the proposed accommodation may impact other property owners in the immediate vicinity;

6. The extent to which the requested accommodation may be consistent with or contrary to the zoning purposes promoted by the Zoning Ordinance, the Comprehensive Plan and the Community Development Objectives set forth in the Zoning Ordinance;

7. The extent to which the requested accommodation would impose financial and administrative burdens on the Township;

8. The extent to which the requested accommodation would impose an undue hardship upon the Township;

9. The extent to which the requested accommodation would require a fundamental alteration I the nature of the Township's regulatory policies, objectives and regulations;

10. The extent to which the requested accommodation would result in a subsidy, privilege or benefit not available to non-handicapped or disabled persons;

11. The permanency of the requested accommodation and the conditions under which such accommodation will be removed, terminated or discontinued when no longer needed to provide handicapped or disabled persons with equal opportunity to use and enjoy the property in question; and

12. The extent to which the requested accommodation will increase the value of the property during and after its occupancy by the applicants.

SECTION 2303 ZONING CERTIFICATE REQUIRED

2303.1 When Required

a. No land use may be established or changed; no structure or building may be erected, constructed, reconstructed, structurally altered, razed or removed; and no building or structure may be used or occupied or the use changed until a Zoning Certificate has been obtained from the Zoning Officer.

b. In the instances where a Building Permit is required and applied for, a Zoning Certificate shall be prerequisite to issuance of the Building Permit. In those instances where no Building Permit is required, an application for an Occupancy Permit for a new or changed use of land or structure shall be accompanied by a Zoning Certificate.

c. In the case of a conditional use or use by special exception, the Zoning Officer shall refer the application to the Planning Commission and Board of Supervisors or to the Zoning Hearing Board, whichever is applicable, for a decision granting approval of the conditional use or use by special exception prerequisite to issuing a Zoning Certificate. Whenever the approval of a conditional use or use by special exception includes conditions attached to the approval, said conditions shall be incorporated into the Zoning Certificate.

d. In the case of a permitted use, the Zoning Officer shall not issue the Zoning Certificate unless and until all applicable regulations of this Ordinance have been met and, in the case of a use for which land development plan approval is required by the Township Subdivision and Land Development Ordinance, unless and until Final Approval of the Land Development Plan has been granted by the Board of Supervisors. Whenever final approval of a land development plan is subject to conditions, those conditions shall be incorporated into the Zoning Certificate.

2303.2 Application for Zoning Certificate

All applications for Zoning Certificates shall be made, in writing, by the owner or his authorized agent on a form furnished by the Township and shall include a statement of the intended use of the building and either a plot plan or a property survey prepared in duplicate and drawn to scale; and copies of all required County, State and/or Federal permits as approved by the appropriate agency and shall include the following information at a minimum:

a. All applications for a proposed use that does not involve construction, alteration or enlargement of a principal or accessory structure shall include a plot plan showing compliance with any applicable requirements for the proposed use such as signage, parking, buffer areas and the like, as well as a narrative describing the proposed use and demonstrating compliance with all applicable criteria for

approval, including, but not limited to, any express standards and criteria for a conditional use or use by special exception, if applicable.

b. All applications for a Zoning Certificate for a principal structure where construction is proposed shall be accompanied by two (2) copies of a property survey, drawn to scale, showing: key location map; graphic scale; North arrow; closest intersecting public street; exact dimensions and total acreage of the lot or parcel; zoning classification of the lot and zoning classification of all abutting properties; exact location and exterior dimensions of the existing and proposed building(s) or other structure(s); exact location and area of all existing and proposed watercourses; drainage ways, rights-of-way and easements; exact location of existing and proposed driveways, streets and roads within, adjacent and opposite to the lot or parcel; exact location of existing and proposed off-street parking, loading and pedestrian movement facilities; exact dimensions of front, side and rear yards for all principal and accessory uses; and any other additional data as may be deemed necessary and be requested by the Zoning Officer to determine compliance with this Ordinance.

c. All applications for construction, alteration or enlargement of any accessory structure shall be accompanied by two (2) copies of a plot plan showing the principal structure, the proposed location of the accessory structure, setbacks for the accessory structure, its relationship to the principal structure and all easements and rights-of-way on the property.

d. In lieu of the plot plan required by subparagraphs "a" and "c", above, the Zoning Officer may require an applicant to furnish a survey of the property by a Pennsylvania Registered Land Surveyor when complete and accurate information is not readily available from existing records.

e. The Zoning Officer may require additional data to determine compliance with this Ordinance.

It shall be the duty of the Zoning Officer to review the application to determine if all necessary information has been submitted or request more information of the applicant and officially receive the application for review by the appropriate Township agencies.

All applications for a Zoning Certificate shall be accompanied by a fee, to be based upon the fee schedule of the Township, as provided for in Section 2308 of this Ordinance.

2303.3 Approval of Zoning Certificate

Upon approval of the application for a Zoning Certificate, one (1) copy of the approved Zoning Certificate with the approved application attached shall be returned to the applicant. One (1) copy of such Zoning Certificate shall be kept on file in the Township office.

2303.4 Denial of Zoning Certificate

In the event of a denial, the Zoning Officer shall state, in writing, the reasons for such denial including the citation of the specific sections of this or other pertinent ordinances that have not been met.

2303.5 Expiration of Zoning Certificate

All Zoning Certificates shall expire if the use authorized therein is not commenced within one hundred eighty (180) days from the date of issuance thereof.

2303.6 Inspection

The Zoning Officer, or his duly appointed representative, may make inspections on the property for which an application for a Zoning Certificate has been submitted, issued or completed.

2303.7 Failure to Obtain Zoning Certificate

Failure to obtain a Zoning Certificate shall be a violation of this Ordinance and shall be subject to the enforcement remedies of Section 2301 of this Ordinance.

SECTION 2304 OCCUPANCY PERMIT

An Occupancy Permit indicating compliance with the provisions of this Ordinance shall be required prior to:

a. Occupancy of any structure following completion of construction, reconstruction or enlargement of the structure governed by an approved Zoning Certificate issued under this Ordinance and the Building Permit issued under the Uniform Construction Code (UCC).

b. Occupancy of any land or structure for which a Building Permit is not required by the Uniform Construction Code (UCC).

c. A change in the use of an existing building, structure, water body or land area.

d. A change of a nonconforming use, building or structure authorized by the Zoning Hearing Board.

2304.1 Application for Occupancy Permit

An Occupancy Permit shall only be required for the first (1st) occupancy following construction of any dwelling. Except for subsequent occupancies of dwellings, an Occupancy Permit shall be required prior to the use and occupancy of any structure,

building, water body or land area. An Occupancy Permit shall be required for the change of use of any structure, building, water body or land area, including dwellings.

All requests for an Occupancy Permit shall be made, in writing, on a form furnished by the Township, completed by the owner, or other authorized agent and shall include a statement that the use and/or construction authorized by the approved Zoning Certificate has been completed in compliance with all applicable requirements.

a. It shall be the duty of the Zoning Officer to review the application to determine if all necessary information has been submitted, to request more information from the applicant and officially receive the application.

b. All applications for an Occupancy Permit shall be accompanied by a fee to be based upon the fee schedule of the Township, as provided for in Section 2308 of this Ordinance.

2304.2 Issuance of Occupancy Permit

Applications for an Occupancy Permit shall be reviewed by the Zoning Officer. The Zoning Officer shall either issue findings as a basis for denial or shall approve the application.

Upon approval of the request for an Occupancy Permit, one (1) copy of the Occupancy Permit shall be given to the applicant, and one (1) copy of the Occupancy Permit shall be kept on file in the Township office.

2304.3 Denial of Occupancy Permit

In the event of denial, the Zoning Officer shall forward to the applicant, a written statement containing the reasons for such denial and shall cite the specific requirements of this Ordinance that have not been met.

2304.4 Time Limitations

An Occupancy Permit shall remain valid for as long as the structure, building, water body or land area is used in the manner for which the Occupancy Permit has been issued.

2304.5 Temporary Occupancy Permit

A temporary Occupancy Permit may be issued by the Zoning Officer for a period not exceeding six (6) months to permit partial occupancy of a building, structure, water body or land area while work is being completed, provided such temporary Occupancy Permit may require such conditions and safeguards as may be warranted, including posting of surety, to protect the health and safety of the occupants and the public and guarantee

compliance with the provisions of this Ordinance or any conditions attached to the Zoning Certificate.

2304.6 Failure to Obtain an Occupancy Permit

Failure to obtain an Occupancy Permit shall be a violation of this Ordinance and shall be subject to enforcement remedies as provided in Section 2301 of this Ordinance.

SECTION 2305 TEMPORARY USE PERMITS

A Temporary Use Permit shall be required prior to the initiation of an authorized temporary use of a structure, land or water body and shall meet the following requirements:

2305.1 Approvals Required

a. Temporary construction trailers, model homes or sales offices shall be subject to approval of a Temporary Use Permit by the Zoning Officer under this Section 2305 provided the Zoning Officer also determines compliance with Section 1809.

b. Sidewalk sales, carload sales and other special promotions conducted on the site of an existing retail business with the permission of the landowner for a period of not more than seventy-two (72) consecutive hours shall be exempt from obtaining a Temporary Use Permit. Any such activity that exceeds seventy-two (72) consecutive hours in duration shall be exempt from obtaining approval of a use by special exception from the Zoning Hearing Board, but shall be subject to approval by the Zoning Officer of a Temporary Use Permit provided the Zoning Officer determines compliance with all applicable standards of §1703.54 as a condition precedent to issuing the Temporary Use Permit under this Section.

c. Temporary uses such as festivals, fairs or other similar activities sponsored by a governmental, local non-profit, community or charitable organization shall be exempt from obtaining approval of a use by special exception from the Zoning Hearing Board, but shall be subject to approval by the Zoning Officer of a Temporary Use Permit provided the Zoning Officer determines compliance with all applicable standards of §1703.54 as a condition precedent to issuing the Temporary Use Permit under this Section.

d. All other temporary uses shall be subject to approval by the Zoning Hearing Board of a use by special exception in accordance with the criteria of §1703.54 as a condition precedent to obtaining a Temporary Use Permit from the Zoning Officer under this Section.

2305.2 Application for Temporary Use Permit

All requests for Temporary Use Permits shall be made in writing on a form furnished by the Township and shall include a full description of the type of use for which such permit is being sought and the dates during which this use is proposed to be in existence.

a. It shall be the duty of the Zoning Officer to review the application for compliance, request more information of the applicant, if necessary and officially receive the application.

b. All applications for a Temporary Use Permit shall be accompanied by a fee, to be based upon the fee schedule adopted by the Township, as provided for in Section 2308 of this Ordinance.

c. Any temporary use that requires approval of a use by special exception by the Zoning Hearing Board shall include the information required by §1701.3 for approval of an application for a use by special exception.

2305.3 Issuance of Permit

Any Temporary Use Permit that requires approval of a use by special exception in accordance with the express standards and criteria of §1703.54 shall not be issued until the favorable decision of the Zoning Hearing Board is received.

Applications for a Temporary Use Permit shall be reviewed by the Zoning Officer. The Zoning Officer shall either issue findings as a basis for denial or shall approve the Temporary Use Permit.

Upon approval of the application for a Temporary Use Permit, one (1) copy of the Permit shall be given to the applicant. The applicant's copy of the Permit must be publicly displayed as the site of the temporary use during the existence of the use. One (1) copy of the Permit shall be kept on file in the Township Office.

2305.4 Denial of Permit

In the event of denial, the Zoning Officer shall forward to the applicant a written statement containing the reasons for such denial and shall cite the specific requirements of this Ordinance that have not been met.

2305.5 Time Limitations

Temporary Use Permits are valid for the time period specified in the approval. Annual renewal may be granted subject to the Zoning Officer's determination that there is continuing compliance with §1703.54. All temporary uses shall be removed within ten (10) days of the expiration of the specific period for which the structure or use is approved.

2305.6 Inspections

The Zoning Officer, or his duly appointed representative, may make an inspection of the property on which such temporary use is to be located to determine the suitability of the site for the use. This inspection shall be made prior to issuing a permit, prior to initiation of the use or in the event a renewal of the permit is requested, during the time the use is in existence.

In the event of such inspection, a record shall be made indicating the time and date of the inspection; the findings of the Zoning Officer in regard to conformance with this Ordinance and other Township ordinances; and the opinion of the Zoning Officer with regard to the suitability of the site for this use.

2305.7 Failure to Obtain a Temporary Use Permit

Failure to obtain a Temporary Use Permit shall be a violation of this Ordinance and shall be subject to enforcement remedies as provided in Section 2301 of this Ordinance.

SECTION 2306 SIGN PERMITS

A Sign Permit shall be required in accordance with the provisions of §2002.10 of this Ordinance. It shall be unlawful for any person to commence work for the erection or alteration of any sign until a Sign Permit has been issued.

2306.1 Application for Permit

All requests for Sign Permits shall be made, in writing, on a form furnished by the Township, and shall include a full description of the proposed sign, a description of the lot upon which such proposed sign is to be located and a description of any other existing signs on the same lot.

a. All applications for a Sign Permit shall be accompanied by two (2) copies of a drawing showing: width of sign; height of sign; gross surface area of sign; total height of sign above adjacent ground level; clearance between bottommost part of sign and ground level; and, for freestanding signs, the distance between the front edge of the sign and adjacent street right-of-way and the distance between the side or rear edge of the sign and the side or rear property line; the proposed message; construction specifications; the type of foundation, structural integrity and ability to withstand wind loads; the form of illumination proposed, if any; and compliance with the visibility requirements of §1804.4 of this Ordinance and copies of any required Federal or State permits.

b. It shall be the duty of the Zoning Officer to review the application for completeness and compliance, request more information of the applicant or officially receive the application for the sign.

c. All applications for a Sign Permit shall be accompanied by a fee, to be based upon the fee schedule of the Township as provided for in Section 2308 of this Ordinance.

2306.2 Issuance of Permit

Applications for a Sign Permit shall be reviewed by the Zoning Officer. The Zoning Officer shall either issue findings as a basis for denial or shall approve the application.

Upon approval of the Sign Permit, one (1) copy of the Permit shall be given to the applicant, and one (1) copy of the Permit shall be kept on file in the Township office.

2306.3 Denial of Permit

In the event of denial, the Zoning Officer shall forward to the applicant, a written statement containing the reasons for such denial and shall cite the specific requirements of this Ordinance that have not been met.

2306.4 Inspections

For a Sign Permit, the Zoning Officer, or his duly appointed representative, may make the following inspections on property on which the permanent sign is to be located: prior to installation of the sign; following installation of the sign; occasionally to determine continued maintenance and compliance with this Ordinance; in response to any written complaint; whenever the sign is proposed to be replaced or modified; and upon cessation of the use for which the sign was erected.

2306.5 Expiration of Sign Permit

All Sign Permits shall expire upon completion of work authorized in the Permit or within one (1) year from the date of issuance, whichever occurs first. A sign Permit shall expire if the work authorized therein is not commenced within one hundred eighty (180) days from the date of issuance thereof.

2306.6 Failure to Obtain a Sign Permit

Failure to obtain a Sign Permit shall be a violation of this Ordinance and shall be subject to enforcement remedies as provided in Section 2301 of this Ordinance.

SECTION 2307 PROCEDURE FOR AMENDMENTS

The Board of Supervisors may introduce and/or consider amendments to this Ordinance and to the Zoning District Map. In addition, the Board of Supervisors may consider amendments to this Ordinance and to the Zoning District Map that are proposed by the Planning Commission or by a petition of landowners of property within the Township.

2307.1 Petitions

Petitions for amendments by landowners shall be filed with the Planning Commission at least twenty (20) calendar days prior to the meeting at which the petition is to be heard. In the case of a petition for reclassification of property, the petitioners, upon such filing, shall submit a legal description of the property proposed to be rezoned. All petitions shall include a statement justifying the request and documenting consistency with the Township's Comprehensive Plan and a filing fee, in accordance with the fee schedule fixed by Resolution of the Board of Supervisors as provided for in Section 2308. The Planning Commission shall review the proposed amendment and report its findings and recommendations, in writing, to the Board of Supervisors.

2307.2 Referral

Any proposed amendment presented to the Board of Supervisors without written findings and recommendations from the Township Planning Commission and the Beaver County Planning Commission shall be referred to these agencies for review at least thirty (30) days prior to the public hearing of the Board of Supervisors. The Board of Supervisors shall not hold a public hearing upon such amendments until the required reviews are received or the expiration of thirty (30) days from the date of referral, whichever comes first.

2307.3 Posting of Property

If the proposed amendment involves a change to the Zoning District Map, a minimum of five (5) notices of the public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township along the tract to notify potentially interested citizens at least seven (7) days prior to the date of the public hearing.

2307.4 Mailing of Notices

In addition to posting the property, if the proposed amendment involves a change to the Zoning District Map, notice of the public hearing shall be mailed by the Township at least thirty (30) days prior to the date of the hearing by first (1st) class mail to the addresses to which real estate tax bills are sent for all real property located within the area being rezoned, as evidenced by tax records within the possession of the Township. The notice shall include the location, date and time of the public hearing. A good faith effort and substantial compliance shall satisfy the requirements of this

Subsection. This Subsection shall not apply when the rezoning constitutes a comprehensive rezoning.

2307.5 Public Notice and Public Hearing

Before acting on a proposed amendment, the Board of Supervisors shall hold a public hearing thereon. Public notice, as defined by this Ordinance, shall be given containing a brief summary of the proposed amendment and reference to the place where copies of the same may be examined.

2307.6 Readvertisement

If, after any public hearing is held upon a proposed amendment, the amendment is substantially changed or revised to include land not previously affected by the amendment, the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

2307.7 Publication, Advertisement and Availability

Proposed amendments shall not be enacted unless the Board of Supervisors gives notice of the proposed enactment, including the time and place of the meeting at which passage will be considered and a reference to the place in the Township where copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the cost thereof.

The Board of Supervisors shall publish the proposed amendment once in a newspaper of general circulation in the Township not more than sixty (60) nor less than seven (7) days prior to passage. Publication of the proposed amendment shall include either the full text thereof or the title and a brief summary prepared by the Township Solicitor setting forth all the provisions in reasonable detail. If the full text is not included:

a. a copy thereof shall be provided to the newspaper at the time public notice is published; and

b. an attested copy of the proposed ordinance shall be filed in the County Law Library.

2307.8 Filing Amendment with County Planning Commission

Within thirty (30) days after enactment, a copy of the amendment to this Ordinance shall be forwarded to the Beaver County Planning Commission.

2307.9 Mediation Option

The Board of Supervisors may offer the mediation option as an aid in completing proceedings authorized by this Section 2307. The Township and the mediating parties shall meet the stipulations and follow the procedures set forth in Section 2210 of this Ordinance.

SECTION 2308 FEES

The Board of Supervisors shall establish and revise, from time to time, a schedule of fees by Resolution, as well as a collection procedure, for all applications submitted under the provisions of this Ordinance. The schedule of fees shall be available to the public from the Zoning Officer or Township Secretary.

SECTION 2309 LANDOWNER CURATIVE AMENDMENTS

A curative amendment may be filed by a landowner who desires to challenge, on substantive grounds, the validity of this Ordinance or the Zoning District Map or any provisions thereof, that prohibits or restricts the use or development of land in which he has an interest.

2309.1 Procedure

The landowner may submit a curative amendment to the Board of Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in Sections 609.1 and 1004 of the Pennsylvania Municipalities Planning Code, Act 247, as amended. As with other proposed amendments, the curative amendment shall be referred to the Township Planning Commission and the Beaver County Planning Commission at least thirty (30) days before the hearing is conducted by the Board of Supervisors. Public notice shall be given in accordance with Sections 610, 1004 and other applicable provisions of the Pennsylvania Municipalities Planning Code. The hearings shall be conducted in accordance with the provisions of Subsections (4) through (8) of Section 908 of the Pennsylvania Municipalities Planning Code and all references in that Section to the Zoning Hearing Board shall be references to the Board of Supervisors; provided, however, that the provisions of Section 908 (1.2) and (9) shall not apply and the provisions of Section 916.1 shall copntrol.

2309.2 Evaluation of Merits of Curative Amendment

If the Board of Supervisors determines that a validity challenge has merit, the Board of Supervisors may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment that will cure the alleged defects. The Board of Supervisors shall consider the curative amendments, plans and explanatory materials submitted by the landowner and shall also consider:

a. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;

b. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Ordinance or Zoning District Map;

c. The suitability of the site for the intensity of the use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features;

d. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and

e. The impact of the proposal on the preservation of agriculture and other land uses that are essential to public health and welfare.

2309.3 Declaration of Invalidity by Court

If the Township does not accept a landowner's curative amendment brought in accordance with this Section and a Court subsequently rules the challenge has merit, the Court's decision shall not result in a declaration of invalidity for this entire Ordinance, but only for those provisions that specifically relate to the landowner's curative amendment challenge.

ARTICLE XXIV

FLOODPLAIN REGULATIONS

SECTION 2400 INTENT

The purpose of these provisions is to prevent the loss of property and life, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

a. Regulating uses, activities and development which, acting alone or in combination with other existing or future uses, activities and development, will cause unacceptable increases in flood heights, velocities and frequencies.

b. Restricting or prohibiting certain uses, activities and development from location within areas subject to flooding.

c. Requiring all those uses activities and developments that do occur in flood-prone areas to be protected and/or flood-proofed against flooding and flood damage.

d. Protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.

SECTION 2401 APPLICABILITY

It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the Township unless a Building Permit has been obtained from the Building Inspector.

These provisions shall apply to all lands within the jurisdiction of the Center Township Zoning Ordinance which are located within any Floodplain Area.

SECTION 2402 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection sought by the provisions of this Ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside the identified Floodplain Areas or that land uses permitted within such districts will be free from flooding or flood damages.

This Ordinance shall not create liability on the part of the Township of Center or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

SECTION 2403 IDENTIFICATION

The Floodplain Area shall be any area within Center Township subject to the one hundred (100) year flood, which is identified as Zone A (Area of Special Flood Hazard) on the most current Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM) as issued by the Federal Emergency Management Agency (FEMA).

2403.1 Overlay Concept

The Floodplain Area shall be considered an overlay to the existing underlying Zoning Districts as shown on the Official Zoning District Map, and as such, the provisions for the Floodplain Area shall serve as a supplement to the underlying Zoning District provisions.

Where there happens to be any conflict between the provisions or requirements of the Floodplain Area and those of any underlying Zoning District, the more restrictive provisions shall apply.

2403.2 Changes in Identification of Area

The delineation of any identified Floodplain Area may be revised by the Center Township Board of Supervisors where natural or man-made changes have occurred and/or more detailed studies conducted or undertaken by the U.S. Army Corps of Engineers, River Basin Commission or other qualified agency or individual documents the justification for such changes. However, prior to any such change, approval shall be obtained from the Federal Insurance Administration (FIA).

2403.3 Boundary Disputes

Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Center Township Planning Commission, upon recommendation by the Township Engineer, and any party aggrieved by their determination may appeal to the Center Township Board of Supervisors. The burden of pro

SECTION 2404 DEFINITIONS

The following are special definitions which shall be used in making reasonable interpretations of the provisions contained in this Article:

COMPLETELY DRY SPACE: A space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

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

DESIGNATED FLOODPLAIN DISTRICTS: Those floodplain districts specifically designated by the Federal Emergency Management Agency (FEMA) as being inundated primarily by the one hundred (100) year flood. Included would be areas identified as Floodway District (FW), Flood-Fringe District (FF) and the Approximated Floodplain District.

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

ESSENTIALLY DRY SPACE: A space which will remain dry during flooding except for the passage of some water vapor or minor seepage; a structure that is substantially impermeable to the passage of water.

FLOOD-PROOFING: Any combination of structural or nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to the real estate or improved real property, water and sanitary facilities, structures and their contents.

MOBILE HOME: A transportable, single family dwelling intended for permanent occupancy, office, or place of assembly contained in one (1) or more sections, built on a permanent chassis, 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 with or without a permanent foundation. The term does not include recreational vehicles or travel trailers.

MOBILE HOME PARK: A parcel of land under single ownership which has been planned and improved for the placement of two (2) or more mobile homes for non-transient use.

MINOR REPAIR: The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change or any required means of egress or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electrical wiring or mechanical or other work affecting public health or general safety.

OBSTRUCTION: Any wall, dam, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse or flood-prone area which may impede, retard or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water or is placed where the flow of the water might carry the same downstream to the damage of life or property.

ONE HUNDRED YEAR FLOOD: A flood that, on the average, is likely to occur once every one hundred (100) years (i.e., that has a one percent (1%) chance of occurring each year, although the flood may occur in any year).

REGULATORY FLOOD ELEVATION: The one hundred (100) year flood elevation, plus a freeboard safety factor of one and one-half (1½) feet.

SPECIAL PERMIT: A special approval which is required for hospitals, nursing homes, jails and new mobile home parks and substantial improvements to such existing parks, when such development is located in all or a designated portion of a floodplain.

SECTION 2405 ISSUANCE OF A BUILDING PERMIT

2405.1 Building Permits Required

Building Permits shall be required before any construction or development is undertaken within any Floodplain Area within the Township of Center, Beaver County, Pennsylvania; however, a Building Permit shall not be required for minor repairs to existing buildings or structures.

The Building Inspector shall issue a permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.

Prior to the issuance of a permit, the Building Inspector shall review the application for permit to determine if all other necessary government permits required by State and Federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the U.S. Clean Water Act, Section 404,33, U.S.C. 1334. No permit shall be issued until this determination has been made.

2405.2 Notification

No encroachment or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Township and until all required permits or approvals have been first obtained from the Department of Environmental Resources, Bureau of Dams and Waterway Management.

In addition, the Federal Insurance Administrator and the Pennsylvania Department of Community and Economic Development (PA DECD), shall be notified by the Township prior to any alteration or relocation of any watercourse.

SECTION 2406 APPLICATION PROCEDURES

If any proposed construction or development is located entirely or partially within any Floodplain Area applicants for a Building Permit shall provide all the necessary information in sufficient detail and clarity to enable the Building Inspector to determine that:

a. All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;

b. All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and

c. Adequate drainage is provided so as to reduce exposure to flood hazards.

2406.1 Application Content

Applicants shall file the following minimum information plus any other pertinent information as may be required by the Building Inspector to make the determination required by Section 2407a, b and c above.

a. A completed Building Permit Application Form.

b. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:

1. North arrow, scale and date;

2. Topographic contour lines, if available;

3. All property and lot lines including dimension, and the size of the site expressed in acres or square feet;

4. The location of all existing and proposed buildings, structures, and other improvements including the location of any existing or proposed subdivision and land development;

5. The location of all existing streets, drives and other accessways; and

6. The location of any existing bodies of water or watercourses, identified Floodplain Areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.

c. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:

1. The proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1929;

2. The elevation of the one hundred (100) year flood;

3. If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with the one hundred (100) year flood; and

4. Detailed information concerning any proposed flood-proofing measures.

d. The following data and documents:

1. A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the one hundred (100) year flood elevations, pressures, velocities, impact and uplift forces associated with the one hundred (100) year flood.

2. Detailed information needed to determine compliance with Storage (§2412.5g) and Development Which May Endanger Human Life (Section 2410) including:

(a) The amount, location and purpose of any materials or substances referred to in Section §2412.5g and Section 2410 which are intended to be used, produced, stored or otherwise maintained on site.

(b) A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in Section 2410 during a one hundred (100) year flood.

3. The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development".

4. Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.

2406.2 Applications for Special Permits

Applicants for Special Permits shall provide five (5) copies of the following items:

a. A written request including a completed Building Permit Application Form;

b. A small scale map showing the vicinity in which the proposed site is located;

c. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:

1. North arrow, scale and date;

2. Topography based upon the National Geodetic Vertical Datum of 1929, showing existing and proposed contours at intervals of two (2) feet;

3. All property and lot lines including dimensions, and the size of the site expressed in acres or square feet;

4. The location of all existing streets, drives, other accessways and parking areas, with information concerning widths, pavement types and construction and elevations;

5. The location of any existing bodies of water or watercourse, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development;

6. The location of the flood plain boundary line, information and spot elevations concerning the one hundred (100) year flood elevations, and information concerning the flow of water including direction and velocities;

7. The location of all proposed buildings, structures, utilities and any other improvements; and

8. Any other information which the Township considers necessary for adequate review of the application.

d. Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:

1. Sufficiently detailed architectural or engineering drawings including floor plans, sections and exterior building elevations, as appropriate;

2. For any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor;
3. Complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the one hundred (100) year flood;

4. Detailed information concerning any proposed flood-proofing measures;

5. Cross-section drawings for all proposed streets, drives, other accessways and parking areas, showing all rights-of-way and pavement widths;

6. Profile drawings for all proposed streets, drives and vehicular accessways including existing and proposed grades; and

7. Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems and any other utilities and facilities.

e. The following data and documentation:

1. Certification from the applicant that the site upon which the activity of development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents;

2. Certification from a registered professional engineer, architect or landscape architect that the proposed construction has been adequately designed to protect against damage from the one hundred (100) year flood.

3. A statement, certified by a registered professional engineer, architect, landscape architect or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a one hundred (100) year flood, including a statement concerning the effects such pollution may have on human life.

4. A statement, certified by a registered professional engineer, architect or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on one hundred (100) year flood elevations and flows;

5. A statement, certified by a registered professional engineer, architect or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose, buoyant materials or debris that may possibly exist or be located on the site below the one hundred (100) year flood elevation and the effects such materials and debris may have on one hundred (100) year flood elevations and flows;

6. The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development";

7. Where any excavating or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control;

8. Any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Protection under Section 302 of Act 1978-166; and

9. An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a one hundred (100) year flood.

2406.3 Review by County Conservation District

A copy of all applications and plans for any proposed construction or development in any identified Flood Plain Area to be considered for approval shall be submitted by the Building Inspector to the County Conservation District for review and comment prior to issuance of a Building Permit. The recommendations of the County Conservation District shall be considered by the Building Inspector for possible incorporation into the proposed plan.

2406.4 Watercourse Alterations

Prior to the proposed alteration or relocation of a watercourse, the developer proposing such modification shall obtain a permit from the Pennsylvania Department of Environmental Protection, Bureau of Dams Safety, Obstruction and Stormwater Management. Furthermore, the developer shall notify the Pennsylvania Department of Community and Economic Development and all affected communities by certified mail prior to such proposed alterations and shall submit copies of such notification to the Township Building Inspector and the Federal Insurance Administration.

In addition, the developer shall assure the Center Township Board of Supervisors, in writing, that the flood carrying capacity within the altered or relocated portion of the watercourse will be maintained.

SECTION 2407 VARIANCES

Requests for variances in the Floodplain Districts shall be considered by the Center Township Zoning Hearing Board in accordance with the following procedures:

a. Except for a possible modification of the freeboard requirements involved, no variance shall be granted for any of the other requirements pertaining specifically

to development regulated by Special Permit (Section 2409) or to Development Which May Endanger Human Life (Section 2410).

b. If granted, a variance shall involve only the least modification necessary to provide relief.

c. In granting any variance, the Zoning Hearing Board may attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety and welfare, and to achieve the objectives of this Article.

d. Whenever a variance is granted, the Zoning Hearing Board shall notify the applicant, in writing, that:

1. The granting of the variance may result in increased premium rates for flood insurance.

2. Such variance may increase the risks to life and property.

e. In reviewing any request for a variance, the Zoning Hearing Board shall consider, but not be limited to, the following:

1. That there is good and sufficient cause.

2. That failure to grant the variance would result in exceptional hardship to the applicant.

3. That the granting of the variance will not result in any unacceptable or prohibited increase in flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on, or victimize the public or conflict with any other applicable local or State ordinances and regulations.

f. A complete record of all variance requests and related actions shall be maintained by the Township of Center. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration.

Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the hydrostatic and hydrodynamic loads and pressures and effects of buoyancy of the one hundred (100) year flood.

SECTION 2408 ACTIVITIES REQUIRING SPECIAL PERMITS

The provisions of this Section shall be applicable, in addition to any other applicable provisions of this Ordinance, or any other ordinance, code or regulation.

2408.1 Identification of Activities Requiring a Special Permit

In accordance with the Pennsylvania Flood Plain Management Act (Act 1978-166) and regulations adopted by the Department of Community and Economic Development (PA DCED) as required by the Act, the following obstructions and activities are permitted only by Special Permit, if located partially or entirely within any Floodplain District:

a. The commencement of any of the following activities; or the construction, enlargement or expansion of any structure used, or intended to be used, for any of the following activities:

1. Hospitals;

2. Nursing homes, personal care homes and other similar buildings wherein elderly or inform persons are housed or boarded;

3. Jails or prisons.

b. The commencement of, or any construction of, a new mobile home park or mobile home subdivision, or substantial improvement to an existing mobile home park or mobile home subdivision.

2408.2 Application Requirements

Applicants for Special Permits shall provide five (5) copies of the following items:

a. A written request including a completed Building Permit Application Form.

b. A small scale map showing the vicinity in which the proposed site is located.

c. A plan of the entire site, clearly and legibly drawn at a scale of one inch (1") being equal to one hundred feet (100') or less, showing the following:

1. North arrow, scale and date;

2. Topography based upon the National Geodetic Vertical Datum of 1929, showing existing and proposed contours at intervals of two (2) feet;

3. All property and lot lines including dimensions and the size of the site expressed in acres or square feet;

4. The location of all existing streets, drives, other accessways and parking areas, with information concerning widths, pavement types and construction and elevations;

5. The location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development;

6. The location of the floodplain boundary line, information and spot elevations concerning the one hundred (100) year flood elevations, and information concerning the flow of water including direction and velocities;

7. The location of all proposed buildings, structures, utilities and any other improvements; and

8. Any other information which the Township considers necessary for adequate review of the application.

d. Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:

1. Sufficiently detailed architectural or engineering drawings, including floor plans, sections and exterior building elevations, as appropriate;

2. For any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor;

3. Complete information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with the one hundred (100) year flood;

4. Detailed information concerning any proposed flood-proofing measures;

5. Cross-section drawings for all proposed streets, drives, other accessways and parking areas, showing all rights-of-way and pavement widths;

6. Profile drawings for all proposed streets, drives and vehicular accessways, including existing and proposed grades; and

7. Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems and any other utilities and facilities.

e. The following data and documentation:

1. Certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents;

2. Certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the one hundred (100) year flood;

3. A statement, certified by a registered professional engineer, architect, landscape architect or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a one hundred (100) year flood, including a statement concerning the effects such pollution may have on human life;

4. A statement certified by a registered professional engineer, architect or landscape architect, which contains a complete and accurate description of effects the proposed development will have on the one hundred (100) year flood elevations and flow;

5. A statement, certified by a registered professional engineer, architect or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the one hundred (100) year flood elevation and the effects such materials and debris may have on one hundred (100) year flood elevations and flows;

6. The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development";

7. Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control;

8. Any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Protection under Section 302 of Act 1978-166; and

9. An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a one hundred (100) year flood.

2408.3 Application Review Procedures

Upon receipt of an application for a Special Permit by the Township, the following procedures shall apply in addition to all other applicable permit procedures which are already established:

a. Within three (3) working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the Beaver County Planning Commission by registered or certified mail for its review and recommendations. Copies of the application also shall be forwarded to the Township Planning Commission and Township Engineer for review and comment.

b. If an application is received that is incomplete, the Township shall notify the applicant, in writing, stating in what respects the application is deficient.

c. If the Township decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.

d. If the Township approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community and Economic Development (DCED), by registered mail, within five (5) working days after the date of approval.

e. Before issuing the Special Permit, the Township shall allow the Department of Community and Economic Development (DCED) thirty (30) days after receipt of the notification by the Department to review the application and the decision made by the Township.

f. If the Township does not receive any communication from the Department of Community and Economic Development (DCED) during the thirty (30) day review period, it may issue a Special Permit to the applicant.

g. If the Department of Community and Economic Development (DCED) should decide to disapprove and application, it shall notify the Township and the applicant, in writing, of the reasons for the disapproval, and the Township shall not issue the Special Permit.

2408.4 Technical Requirements for Development Requiring a Special Permit

In addition to any other applicable requirements, the following provisions shall also apply to the activities requiring a Special Permit. If there is any conflict between any of the following requirements and any otherwise applicable provision, the more restrictive provision shall apply.

a. No application for a Special Permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:

1. Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located and constructed so that:

(a) The structure will survive inundation by waters of the one hundred (100) year flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the one hundred (100) year flood elevation;

(b) The first (1st) floor elevation will be at least one and one-half (1 ½) feet above the one hundred (100) year flood elevation;

(c) The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the one hundred (100) year flood.

2. Prevent any significant possibility of pollution, increased flood levels or flows or debris endangering life and property.

b. All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc. shall be submitted in sufficient detail to allow a thorough technical review by the Township and the Department of Community and Economic Development (DCED).

2408.5 Within any identified Floodplain District, any structure of the kind described in §2409.1, above, shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.

2408.6 Except for a possible modification of the freeboard requirements involved, no variance shall be granted for any of the other requirements of this Section.

SECTION 2409 DEVELOPMENT WHICH MAY ENDANGER HUMAN LIFE

The provisions of this Section shall be applicable, in addition to any other applicable provisions of this Ordinance, or any other ordinance, code or regulation.

2409.1

In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community and Economic Development (DCED) as required by the Act, any new or substantially improved structure which:

a. Will be used for the production or storage of any of the dangerous materials or substances listed below; or

b. Will be used for any activity requiring the maintenance of a supply on the premises of more than five hundred fifty (550) gallons, or other comparable volume, of any of the dangerous materials or substances listed below; or

c. Will involve the production, storage or use of any amount of radioactive substances;

Shall be subject to the provisions of this Section, in addition to all other applicable provisions of this Article.

2409.2

The following list of materials and substances are considered dangerous to human life:

a. Acetone
b. Ammonia
c. Benzene
d. Calcium Carbide
e. Carbon Disulfide
f. Celluloid
g. Chlorine
h. Hydrochloric Acid
i. Hydrocyanic Acid
j. Magnesium
k. Nitric Acid and Oxides of Nitrogen
l. Petroleum Products (Gasoline, Fuel Oil, etc.)
m. Phosphorus
n. Potassium
o. Sodium
p. Sulphur and Sulphur Products
q. Pesticides (including Insecticides, Fungicides and Rodenticides)
r. Radioactive Substances insofar as such substances are not otherwise regulated.

2409.3

Within any Floodway District any structure of the kind described in §2410.1, above, shall be prohibited.

2409.4

Where permitted within any Flood-Fringe District or General Floodplain District, any structure of the kind described in §2410.1, above, shall be:

a. Elevated or designed and constructed to remain completely dry up to at least one and one-half (1½) feet above the one hundred (100) year flood; and

b. Designed to prevent pollution from the structure or activity during the course of a one hundred (100) year flood.

Any such structure, or part thereof, that will be built below the Regulatory Flood Elevation shall be designed and constructed in accordance with the standards for completely dry flood-proofing contained in the publication "Flood-Proofing Regulations" (U.S. Army Corps of Engineers, June 1972) or with some other equivalent watertight standard.

2409.5

Within any general Floodplain Area (FA), any structure of the kind described in §2410.1, above, shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.

2409.6

Except for possible modification of the freeboard requirements involved, no variance shall be granted for any of the other requirements of this Section.

SECTION 2410 SPECIAL PROVISIONS FOR MOBILE HOMES

2410.1

No mobile home shall be placed in any designated Floodway District.

2410.2

Within any identified floodplain area, all mobile homes and any additions thereto shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.

2410.3

Where permitted within any identified floodplain area all mobile homes and any additions thereto shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors in accordance with the American National Standards as specified in the Standard for the Installation of Mobile Homes Including Mobile Home Park Requirements (NFPA No. 5001A-1974; ANSI A119.3-1975), as amended for Mobile Homes in Hurricane Zones or other appropriate standards such as the following:

a. Over-the-top ties shall be provided at each of the four (4) corners of the mobile home, with two (2) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and one (1) additional tie per side for units less than fifty (50) feet in length.

b. Frame ties shall be provided at each corner of the mobile home, with five (5) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and four (4) additional ties per side for units less than fifty (50) feet in length.

c. All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds.

2410.4

All mobile homes and additions thereto shall also be elevated in accordance with the following requirements:

a. The stands or lots shall be elevated on compacted fill, or on pilings so that the lowest floor of the mobile home will be at or above the elevation of the one hundred (100) year flood.

b. Adequate surface drainage is provided.

c. Adequate access for a hauler is provided.

d. Where pilings are used for elevation, the lots shall be large enough to permit steps; piling foundations shall be placed in stable soil no more than ten (10) feet apart; reinforcement shall be provided for pilings that will extend for six (6) feet or more above the ground level.

2410.5

An evacuation plan indicating alternative vehicular access and escape routes for mobile home parks shall be filed with the appropriate Township of Center, Beaver County, Pennsylvania officials.

SECTION 2411 TECHNICAL REQUIREMENTS

2411.1

In the identified Floodplain Area, the development and/or use of any land shall be permitted provided that the development and/or use adheres to the restrictions and requirements of this Ordinance and all other applicable codes and ordinances in force in the Township of Center.

2411.2

Within any identified Floodplain Area, no new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Pennsylvania Department of Environmental Protection, Bureau of Dams and Waterway Management.

2411.3

Within any identified Floodplain Area, the elevation of the lowest floor (including basement) of any new or improved residential structure shall be one and one-half (1½) feet above the one hundred (100) year flood elevation.

2411.4

Within any identified Floodplain Area, the elevation of the lowest floor (including basement) of non-residential structures shall be one and one-half (1½) feet or more above the one hundred (100) year flood elevation or be flood-proofed up to that height.

2411.5 Design and Construction Standards

The following minimum standards shall apply for all construction and development proposed within any Floodplain Area:

a. Fill

If fill is used, it shall:

1. Extend laterally at least fifteen (15) feet beyond the building line at all points;

2. Consist of soil or small rock materials only; – sanitary landfills shall not be permitted;

3. Be compacted to provide the necessary permeability and resistance to erosion, scouring or settling;

4. Be no steeper than one (1) vertical to two (2) horizontal, unless substantiated data, justifying steeper slopes are submitted to, and approved by the Building Inspector; and

5. Be used to the extent to which it does not adversely affect adjacent properties.

b. Drainage Facilities

Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall insure proper drainage along streets and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

c. Water and Sanitary Sewer Facilities

1. All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damage and the infiltration of flood waters.

2. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.

3. No part of any on-site sewage system shall be located within any Floodplain Area, except in strict compliance with all State and local regulations for such systems.

4. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.

e. Other Utilities

All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

f. **Streets**

The finished elevation of all new streets shall be no more than one (1) foot below the Regulatory Flood Elevation.

g. **Storage**

All materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal or plant life, and not listed in Section 2410, Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation and/or flood-proofed to the maximum extent possible.

h. **Placement of Buildings and Structures**

All buildings and structures shall be designed, located and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.

i. **Anchoring**

1. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse or lateral movement.

2. All air ducts, large pipes, storage tanks, or other similar objects or components located below the Regulatory Flood Elevation shall be securely anchored or affixed to prevent flotation.

j. **Floors, Walls and Ceilings**

1. Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain, without causing structural damage to the building.

2. Plywood used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.

3. Walls and ceilings at or below the Regulatory Flood Elevation shall be designed and constructed of materials that are water-resistant and will withstand inundation.

4. Windows, doors and other components at or below the Regulatory Flood Elevation shall be made of metal or other water-resistant material.

k. **Paints and Adhesives**

1. Paints or other finishes used at or below the Regulatory Flood Elevation shall be of "marine" or "water-resistant" quality.

2. Adhesives used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.

3. All wooden components (doors, trim, cabinets, etc.) shall be finished with a "marine" or "water-resistant" paint or other finishing material.

l. **Electrical Components**

1. Electrical distribution panels shall be at least three (3) feet above the one hundred (100) year flood elevation.

2. Separate electrical circuits shall serve lower levels and shall be dropped from above.

m. **Equipment**

Water heaters, furnaces, air conditioning and ventilating units, and other mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation.

n. **Fuel Supply Systems**

All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

SECTION 2412 EXISTING STRUCTURES IN IDENTIFIED FLOODPLAIN AREAS

Structures existing in any identified floodplain area prior to June, 1981, but which are not in compliance with these provisions, may continue to remain, provided that:

A. Any modification, alteration, reconstruction or improvement of any kind to an existing structure, to an extent or amount of fifty percent (50%) or more of its market value, shall be undertaken only in full compliance with the provisions of this Article.

B. Any modification, alteration, reconstruction or improvement of any kind to an existing structure to an extent or amount of less than fifty percent (50%) of its market value shall be elevated and/or flood-proofed to the greatest extent possible.

ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE ARE HEREBY REPEALED TO THE EXTENT OF SUCH CONFLICT IN ORDER TO GIVE THIS ORDINANCE FULL FORCE AND EFFECT.

ORDAINED AND ENACTED THIS 12th DAY OF December, 2012.

TOWNSHIP OF CENTER

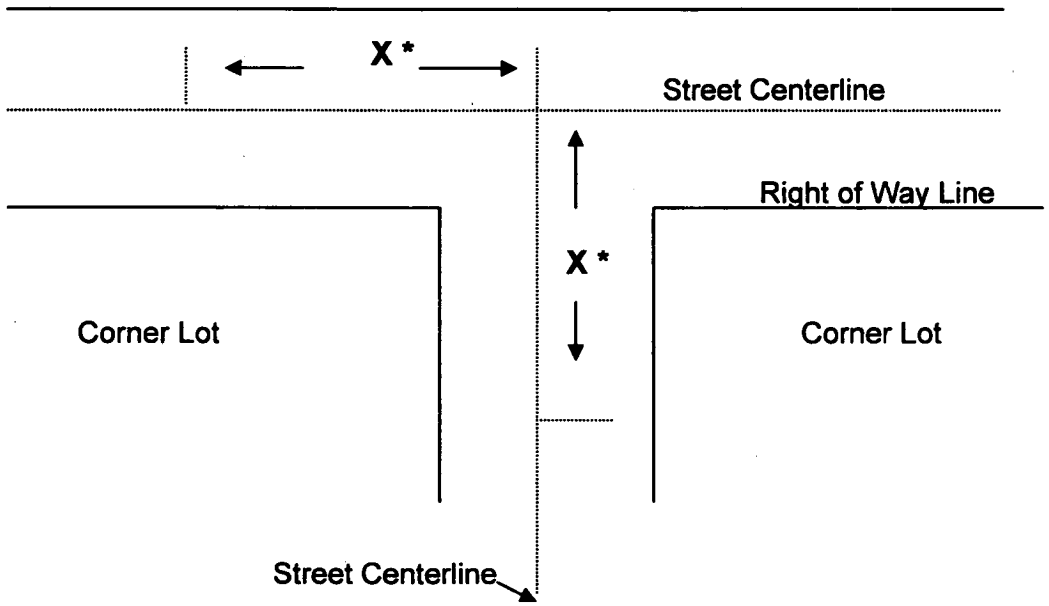
/s/ William DiCioccio
Chairman, Board of Supervisors

ATTEST:

/s/ Rachael Del Tondo
Township Secretary

APPENDIX A

ILLUSTRATION OF CLEAR SIGHT TRIANGLE

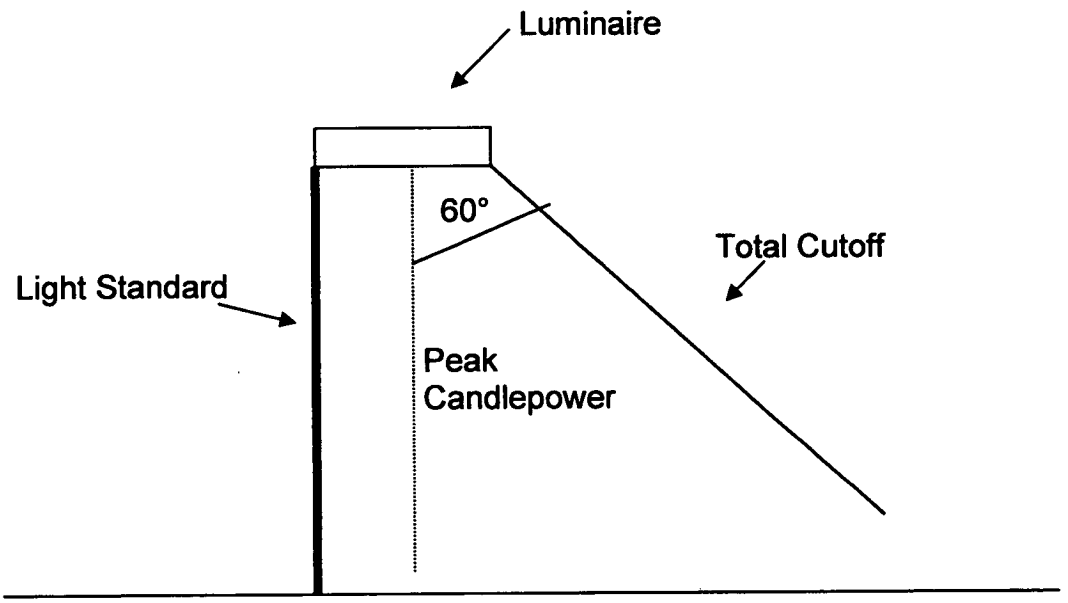


* X = The Distance Required By the Ordinance

VISIBILITY AT INTERSECTIONS

APPENDIX B

ILLUSTRATION OF CUT-OFF ANGLE



CUTOFF LUMINAIRE

APPENDIX C

TOWNSHIP OF CENTER
AUTHORIZED USES
RESIDENTIAL ZONING DISTRICTS

	R-R Rural Residential District	R-1 Low Density Residential District	R-2 Suburban Residential District	R-3 Urban Residential District	R-4 Multifamily Residential District
PRINCIPAL USES					
Agriculture	P	N	N	N	N
Assisted Living Facility	N	N	N	N	CU
Boarding Stable	SE	N	N	N	N
Cemetery	SE	SE	SE	SE	N
Churches	N	SE	SE	SE	SE
Communications Antenna Mounted on an Approved Communications Tower	P	P	P	N	N
Communications Antenna Mounted on an Existing Building or Public Utility Storage or Transmission Facility	P	P	P	P	P
Communications Tower	CU	CU	CU	N	N
Conversion Apartments	N	N	N	N	SE
Comparable Uses Not Specifically Listed	SE	N	N	N	N
Day Care Center or Pre-School Facility in a Church or School	N	SE	SE	SE	SE
Day Care Center or Pre-School Facility not restricted to a Church or School	N	N	N	N	SE
Essential Services	P	P	P	P	P
Farm	P	N	N	N	N
Fire and Emergency Medical Services	N	CU	CU	CU	CU
Forestry	P	P	P	P	P
Fourplexes	N	PRD	CU/ PRD	CU/ PRD	P

NOTE: This Table is not complete in every detail and must be used in conjunction with Articles IV through XVI. Where there is a conflict, Articles IV through XVI supersede this Table.

P = Permitted Use CU = Conditional Use SE = Special Exception N = Not Permitted PRD = Planned Residential Development

APPENDIX C

TOWNSHIP OF CENTER
AUTHORIZED USES
RESIDENTIAL ZONING DISTRICTS – Page 2

	R-R Rural Residential District	R-1 Low Density Residential District	R-2 Suburban Residential District	R-3 Urban Residential District	R-4 Multifamily Residential District
PRINCIPAL USES					
Garden Apartments	N	N	PRD	PRD	P/ PRD
Golf Courses; Golf or Country Clubs	N	CU	CU	CU	N
Greenhouse	SE	N	N	N	N
Group Care Facility	N	N	N	N	SE
Independent Living Facility	N	N	N	N	CU
Kennel	SE	N	N	N	N
Mobile Home Park	CU	N	N	N	N
Noncommercial Recreation	CU	CU	CU	CU	CU
Nursing Home	N	N	SE	SE	SE
Personal Care Boarding Home	N	N	N	N	SE
Planned Residential Development	N	CU	CU	CU	CU
Public Buildings	N	CU	CU	CU	CU
Public Recreation	N	CU	CU	CU	CU
Public Utility Building or Structure	CU	CU	CU	CU	CU
Riding Academy	SE	N	N	N	N
Schools, Public or Private	N	CU	CU	CU	CU
Schools, Post Secondary	N	N	N	N	N
Single Family Dwellings	P	P/ PRD	P/ PRD	P/ PRD	P/ PRD
Sportsmen's Club	CU	N	N	N	N
Temporary Use or Structure, other than a Temporary Construction Trailer, Model Home or Sales Office	SE	SE	SE	SE	SE

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APPENDIX C

TOWNSHIP OF CENTER
AUTHORIZED USES
RESIDENTIAL ZONING DISTRICTS – Page 3

	R-R Rural Residential District	R-1 Low Density Residential District	R-2 Suburban Residential District	R-3 Urban Residential District	R-4 Multifamily Residential District
PRINCIPAL USES					
Townhouses	N	PRD	PRD	PRD	P/ PRD
Transit Shelter	N	N	N	N	P
Tree Nursery	SE	N	N	N	N
Triplexes	N	PRD	CU/ PRD	CU/ PRD	P/ PRD
Two Family Dwellings	N	PRD	CU/ PRD	CU/ PRD	P/ PRD
Veterinary Clinics	SE	N	N	N	N
ACCESSORY USES					
Ancillary Commercial Uses	N	N	PRD	PRD	PRD
Bed and Breakfast	CU	N	N	N	CU
Boarding Stable	SE	N	N	N	N
Family Day Care Home	SE	SE	SE	SE	SE
Fences	P	P	P	P	P
Hobby Farm	P	N	N	N	N
Home Gardening	P	P	P	P	P
Home Occupation	SE	SE	SE	SE	SE
Keeping of Domestic Pets	P	P	P	P	P
Kennel	SE	N	N	N	N
No Impact Home-Based Business	P	P	P	P	P
Off-Street Parking and Loading	P	P	P	P	P
Pet Grooming as a Home Occupation	SE	N	N	N	N
Private Garages or Accessory Storage Buildings	P	P	P	P	P

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APPENDIX C

TOWNSHIP OF CENTER
AUTHORIZED USES
RESIDENTIAL ZONING DISTRICTS – Page 4

	R-R Rural Residential District	R-1 Low Density Residential District	R-2 Suburban Residential District	R-3 Urban Residential District	R-4 Multifamily Residential District
ACCESSORY USES					
Private Residential Swimming Pools or Sports Courts	P	P	P	P	P
Private Stable	P	N	N	N	N
Riding Academy	SE	N	N	N	N
Signs	P	P	P	P	P
Temporary Construction Trailer, Model Home or Sales Office	N	P	P	P	P
Temporary Use or Structure, other than a Temporary Construction Trailer, Model Home or Sales Office	SE	SE	SE	SE	SE
Transit Shelter Sign	N	N	N	N	P
Veterinary Clinic	SE	N	N	N	N
Wind Energy System, Private	SE	SE	SE	SE	SE
Other Accessory Uses customarily incidental to and on the same lot with any permitted use, conditional use or use by special exception authorized in the District	P	P	P	P	P

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APPENDIX D

TOWNSHIP OF CENTER
TABLE OF AUTHORIZED USES
EDUCATIONAL CAMPUS, COMMERCIAL, OFFICE AND INDUSTRIAL DISTRICTS

	E-C Educational Campus District	C-1 Limited Commercial District	C-2 General Commercial District	C-3 Transitional Commercial District	C-4 Mixed Use Commercial District	O-P Office Park District	I-1 Industrial District
PRINCIPAL USES							
Adult Businesses	N	N	N	N	N	N	SE
Ambulatory Surgical Facility	N	N	P	TCD	P	N	N
Animal Shelter	N	CU	N	N	N	N	P
Antiques, Interior Decorating	N	P	P	TCD	N	N	N
Apparel and Accessories Store	PSSC	P	P	TCD	P	N	N
Appliance Store	N	N	P	TCD	N	N	N
Art, Book, Stationery Store	PSSC	P	P	TCD	P	N	N
Art, Music, Photography Studio	PSSC	P	P	TCD	P	N	N
Bakery, Retail	PSSC	P	P	TCD	P	N	N
Bakery, Commercial	N	N	P	TCD	P	N	P
Bed and Breakfast	N	P	P	N	N	N	N
Billboard	N	N	N	N	N	N	CU
Birth Center	N	N	P	TCD	P	N	N
Blood Bank	N	N	P	TCD	P	N	N
Buildings exceeding 3 stories	CU	N	CU	CU	CU	CU	CU
Business Offices	N	P	P	TCD	P	P	P
Business Services	PSSC	P	P	TCD	P	P	N
Candy or Ice Cream Store	PSSC	P	P	TCD	P	N	N
Car Wash	N	CU	CU	N	N	N	N
Card and Gift Shop	PSSC	P	P	TCD	P	N	N

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P = Permitted Use CU = Conditional Use SE = Special Exception N = Not Permitted TCD = Transitional Commercial Development
PRD = Planned Residential Development PSSC = Post Secondary School Campus

APPENDIX D

TOWNSHIP OF CENTER
TABLE OF AUTHORIZED USES
EDUCATIONAL CAMPUS, COMMERCIAL, OFFICE AND INDUSTRIAL DISTRICTS

	E-C Educational Campus District	C-1 Limited Commercial District	C-2 General Commercial District	C-3 Transitional Commercial District	C-4 Mixed Use Commercial District	O-P Office Park District	I-1 Industrial District
PRINCIPAL USES							
Catering Service, excluding Rental Hall	PSSC	P	P	TCD	P	N	N
Catering Service, including Rental Hall	PSSC	CU	P	TCD	P	N	N
Church	N	P	P	N	N	N	N
Coin-operated Laundry	PSSC	P	P	TCD	N	N	N
Collection and Recycling Facilities	N	N	N	N	N	N	CU
Commercial Recreation *(Indoor/ Outdoor)*	N	N	CU	N	CU	N	CU
Commercial Recreation *(Indoor only)*	N	N	CU	CU	CU	N	CU
Commercial School	N	N	P	TCD	P	P	N
Communications Antenna Mounted on an Approved Communications Tower	N	N	P	P	P	P	P
Communications Antenna Mounted on Existing Building or on Public Utility Storage or Transmission Facility	P	P	P	P	P	P	P
Communications Tower	N	N	CU	CU	CU	CU	CU
Comparable Use Not Specifically Listed	SE	SE	SE	SE	SE	SE	SE
Conference or Training Center	PSSC	N	N	N	P	P	N
Contracting Business	N	P	P	N	N	N	P
Contractor's Yard	N	N	N	N	N	N	P

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APPENDIX D

TOWNSHIP OF CENTER
TABLE OF AUTHORIZED USES
EDUCATIONAL CAMPUS, COMMERCIAL, OFFICE AND INDUSTRIAL DISTRICTS

	E-C Educational Campus District	C-1 Limited Commercial District	C-2 General Commercial District	C-3 Transitional Commercial District	C-4 Mixed Use Commercial District	O-P Office Park District	I-1 Industrial District
PRINCIPAL USES							
Convenience Store	N	P	P	TCD	P	N	N
Correctional Facility	N	N	N	N	N	N	CU
Crematorium	N	N	N	N	N	N	P
Day Care Center	PSSC	CU	CU	TCD	CU	CU	N
Day Spa	N	P	P	TCD	P	N	N
Delicatessen	PSSC	P	P	N	N	N	N
Drive-Through Facility	N	CU	CU	CU	CU	N	N
Drugstore	N	N	P	TCD	P	N	N
Dry Cleaning Pick-up Store	N	P	P	TCD	P	N	N
Dry Cleaning, On-site	N	N	P	N	P	N	N
Eating and Drinking Establishments	PSSC	P	P	TCD	P	N	N
Educational Studio	N	P	P	TCD	P	N	N
Equipment Storage Yard	N	N	N	N	N	N	P
Essential Services	P	P	P	P	P	P	P
Financial Institutions	PSSC	P	P	TCD	P	P	N
Flex Space	N	N	N	N	CU	N	P
Florist Shop, excluding Greenhouse	N	P	P	TCD	P	N	N
Food Store	N	P	P	TCD	P	N	N
Forestry	P	P	P	P	P	P	P
Freight Terminal	N	N	N	N	N	N	P
Funeral Home	N	CU	P	N	N	N	N

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APPENDIX D

TOWNSHIP OF CENTER
TABLE OF AUTHORIZED USES
EDUCATIONAL CAMPUS, COMMERCIAL, OFFICE AND INDUSTRIAL DISTRICTS

	E-C Educational Campus District	C-1 Limited Commercial District	C-2 General Commercial District	C-3 Transitional Commercial District	C-4 Mixed Use Commercial District	O-P Office Park District	I-1 Industrial District
PRINCIPAL USES							
Garden Apartments	N	P	P	N	PRD	N	N
Garden Center	N	N	P	N	N	N	N
General Merchandise Store	N	N	P	TCD	P	N	N
Grocery Store	N	N	P	TCD	P	N	N
Group Care Facility	N	SE	SE	N	N	N	N
Hardware Store	N	N	P	TCD	N	N	N
Hazardous Waste Transportation and Storage	N	N	N	N	N	N	SE
Health Club or Fitness Center	PSSC	N	P	N	P	P	N
High-Rise Apartments	N	N	P	N	PRD	N	N
High Technology Industries	N	N	N	N	CU	N	P
Home Furnishing Store	N	N	P	TCD	N	N	N
Home Health Care Agency or Branch Office	N	P	P	TCD	P	N	N
Home Improvements Store	N	N	P	TCD	N	N	N
Hospital	N	N	SE	N	CU	P	N
Incinerator	N	N	N	N	N	N	SE
Indoor Entertainment	N	P	P	TCD	P	N	N
Junk Yard; Salvage Yard	N	N	N	N	N	N	SE
Landfill	N	N	N	N	N	N	SE

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APPENDIX D

TOWNSHIP OF CENTER
TABLE OF AUTHORIZED USES
EDUCATIONAL CAMPUS, COMMERCIAL, OFFICE AND INDUSTRIAL DISTRICTS

	E-C Educational Campus District	C-1 Limited Commercial District	C-2 General Commercial District	C-3 Transitional Commercial District	C-4 Mixed Use Commercial District	O-P Office Park District	I-1 Industrial District
PRINCIPAL USES							
Landscaping Contractor	N	N	N	N	N	N	P
Light Manufacturing	N	N	N	N	CU	N	P
Medical Clinic	PSSC	N	P	N	P	P	N
Medical Offices	N	P	P	TCD	P	P	N
Mid-Rise Apartments	N	N	P	N	PRD	N	N
Mineral Removal	N	N	N	N	N	N	SE
Mini-Warehouse or Self-Storage Building	N	N	CU	N	N	N	P
Motel; Hotel	N	N	P	TCD	P	P	N
Newsstand	PSSC	P	P	TCD	P	N	N
Nightclub	N	N	P	N	N	N	N
Nursing Home	N	SE	SE	N	CU	N	N
Oil and Gas Operations	N	N	N	N	N	N	P
Personal Care Boarding Home	N	SE	SE	N	SE	N	N
Personal Services	PSSC	P	P	TCD	P	N	N
Pet Grooming	N	P	P	N	N	N	N
Pet Services	N	N	P	N	N	N	N
Pharmacy	N	P	P	TCD	P	N	N

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P = Permitted Use CU = Conditional Use SE = Special Exception N = Not Permitted TCD = Transitional Commercial Development
PRD = Planned Residential Development PSSC = Post Secondary School Campus

APPENDIX D

TOWNSHIP OF CENTER
TABLE OF AUTHORIZED USES
EDUCATIONAL CAMPUS, COMMERCIAL, OFFICE AND INDUSTRIAL DISTRICTS

	E-C Educational Campus District	C-1 Limited Commercial District	C-2 General Commercial District	C-3 Transitional Commercial District	C-4 Mixed Use Commercial District	O-P Office Park District	I-1 Industrial District
PRINCIPAL USES							
Pilot Manufacturing	N	N	N	N	CU	N	P
Planned Industrial Park	N	N	N	N	N	N	CU
Planned Office Park	N	N	N	N	N	CU	N
Planned Residential Development	N	N	N	N	CU	N	N
Planned Shopping Center	N	N	CU	N	CU	N	N
Post Secondary School	P	N	N	N	P	P	N
Post Secondary School Campus *(See §901-A-1-d for specific uses)*	P	N	N	N	N	N	N
Printing Establishment	N	N	N	N	N	N	P
Private Club	N	N	P	TCD	P	N	N
Professional Offices	N	P	P	TCD	P	P	P
Public Buildings	N	P	P	TCD	P	N	N
Public Parking Garage	N	N	CU	N	CU	CU	CU
Public Parking Lot	N	N	CU	N	N	N	N
Public Utility Building or Structure	CU	CU	CU	CU	CU	CU	P
Radio/ Television Broadcast Studio	N	N	P	N	N	N	N
Repair Shop	N	N	CU	N	N	N	P
Resource Recovery Facility	N	N	N	N	N	N	SE
Research and Development	N	N	N	N	P	CU	P

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APPENDIX D

TOWNSHIP OF CENTER
TABLE OF AUTHORIZED USES
EDUCATIONAL CAMPUS, COMMERCIAL, OFFICE AND INDUSTRIAL DISTRICTS

	E-C Educational Campus District	C-1 Limited Commercial District	C-2 General Commercial District	C-3 Transitional Commercial District	C-4 Mixed Use Commercial District	O-P Office Park District	I-1 Industrial District
PRINCIPAL USES							
Residence in Combination with Retail Store or Professional or Business Office	N	SE	N	N	N	N	N
Retail Stores not Specifically Listed in the Zoning District	N	N	P	TCD	P	N	N
Sale of Hobby Supplies	N	P	P	TCD	N	N	N
Service Station	N	N	CU	N	CU	N	CU
Single Family Dwellings existing on date of adoption of this Ordinance	NC	NC	NC	P	NC	NC	NC
Supplemental Uses on Post Secondary School Campus *(See §901-A-1-f for specific uses)*	P	N	N	N	N	N	N
Supply Yard	N	N	N	N	N	N	CU
Temporary Use or Structure Other Than a Construction Trailer, Model Home or Sales Office	SE	SE	SE	SE	SE	SE	SE
Theaters, excluding Adult Theaters	PSSC	N	P	TCD	P	N	N
Therapeutic Massage	N	P	P	TCD	P	P	N
Townhouses	N	P	P	N	PRD	N	N
Transfer Facility	N	N	N	N	N	N	SE
Transit Shelter	P	P	P	P	P	N	N

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APPENDIX D

TOWNSHIP OF CENTER
TABLE OF AUTHORIZED USES
EDUCATIONAL CAMPUS, COMMERCIAL, OFFICE AND INDUSTRIAL DISTRICTS

	E-C Educational Campus District	C-1 Limited Commercial District	C-2 General Commercial District	C-3 Transitional Commercial District	C-4 Mixed Use Commercial District	O-P Office Park District	I-1 Industrial District
PRINCIPAL USES							
Transitional Commercial Development	N	N	N	CU	N	N	N
Transitional Dwelling	N	SE	SE	N	N	N	N
Truck and Heavy Equipment Rental, Sales and Service	N	N	N	N	N	N	CU
Truck Terminal	N	N	N	N	N	N	P
Vehicle Accessories Sales and Installation	N	N	P	N	N	N	P
Vehicle Rental, Sales and Service	N	N	CU	N	CU	N	N
Vehicle Repair Garage	N	CU	N	N	N	N	P
Veterinary Clinic	N	N	SE	N	N	N	N
Video Store, excluding Adult Video Store	N	P	P	TCD	P	N	N
Warehousing and Distribution	N	N	N	N	N	N	P
Warehouse Club	N	N	P	TCD	N	N	N
Wholesale Sales in Conjunction with Retail Business	N	N	CU	N	N	N	N
Wholesale Business	N	N	N	N	N	N	P
Wind Farm	N	N	N	N	N	N	P
Zoo	N	N	N	N	N	N	P

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APPENDIX D

TOWNSHIP OF CENTER
TABLE OF AUTHORIZED USES
EDUCATIONAL CAMPUS, COMMERCIAL, OFFICE AND INDUSTRIAL DISTRICTS

	E-C Educational Campus District	C-1 Limited Commercial District	C-2 General Commercial District	C-3 Transitional Commercial District	C-4 Mixed Use Commercial District	O-P Office Park District	I-1 Industrial District
ACCESSORY USES							
Employee Cafeteria or Dining Room	N	N	N	N	N	P	P
Fences	P	P	P	P	P	P	P
Home Occupation in Existing Single Family Dwelling	N	SE	SE	SE	N	SE	SE
Minor Collection and Recycling Facility	N	SE	SE	N	N	N	SE
Off-Street Parking and Loading	P	P	P	P	P	P	P
Private Garages or Accessory Storage Buildings	P	P	P	P	P	P	P
Private Use Helipad	N	N	CU	N	CU	N	N
Restaurant in Planned Office Park	N	N	N	N	N	CU	N
Signs	P	P	P	P	P	P	P
Supporting Commercial Uses in Planned Office Park	N	N	N	N	N	CU	N
Temporary Construction Trailer, Model Home or Sales Office	P	P	P	P	P	P	P
Temporary Use or Structure, Other Than a Temporary Construction Trailer, Model Home or Sales Office	SE	SE	SE	N	SE	N	N
Transit Shelter Sign	P	P	P	P	P	N	N
Wind Energy System, Private	SE	SE	SE	SE	SE	SE	SE
Other Accessory Uses	P	P	P	P	P	P	P

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PRD = Planned Residential Development PSSC = Post Secondary School Campus

McMILLEN, URICK,
TOCCI, FOUSE AND JONES
ATTORNEYS AT LAW

RECEIVED
MAY - 9 2012
BCPC

Keith R. McMillen
Richard Urick
Laura J. Tocci
Dale M. Fouse
Kelly M. Tocci
Michael B. Jones
Chad F. McMillen
Nicholas Urick

Edward J. Tocci
Retired

May 7, 2012

Beaver County Planning Commission
Frank Mancini
Beaver County Courthouse
810 Third Street
Beaver, PA 15009

RE: Notice of Ordinance 2-2012
Township of Center

TAKE NOTICE that the Supervisors of the Township of Center, Beaver County and Commonwealth of Pennsylvania, will conduct a Public Hearing on March 19, 2012 at 6:00 p.m. at Center Township Municipal Building, 224 Center Grange Road, Center Township, Beaver County, Pennsylvania to consider the adoption of an Amendment to the Commercial Vehicle Parking provision of the Center Township Zoning Ordinance.

The full text of the Ordinance Amendment is enclosed.

Dear Mr. Mancini:

Enclosed please find the attested copy of Ordinance No.2- 2012 of the Township of Center. This attested copy replaces and supersedes the proposed Ordinance previously sent to you on March 6, 2012.

If you have any questions or need additional information, please feel free to contact our office.

Very truly yours,

McMILLEN, URICK, TOCCI, FOUSE & JONES

Dale M. Fouse

DMF:clw
Enclosure (1)

ORDINANCE AMENDMENT NO. 2 of 2012

AN AMENDMENT TO THE TOWNSHIP OF CENTER,
COMMERCIAL VEHICLE PARKING ORDINANCE

The following Amendment replaces Section 1511.3 of the Center Township Zoning Ordinance No 1-2002 in its entirety:

DEFINITIONS:

LARGE COMMERCIAL VEHICLE: Any motorized or non-motorized vehicle having more than two (2) axles; any vehicle having a manufacturer's gross vehicle weight rating (GVWR) of twenty-six thousand (26,000) pounds or more, excluding recreational vehicles, as defined herein; any vehicle designed to transport eleven (11) or more persons, including the driver; and any vehicle placarded under PennDOT regulations for transporting hazardous materials.

SMALL COMMERCIAL VEHICLE: Any motorized or non-motorized vehicle having only two (2) axles and having a manufacturer's gross vehicle weight rating (GVWR) of less than 26,000 pounds, excluding recreational vehicles, as defined herein; or any vehicle designed to transport fewer than eleven (11) persons, including the driver, provided those vehicles either: (1) bear commercial advertising or (2) are used by it's owner, lessee or authorized employee primarily in the conduct of his or her gainful employment.

CONSTRUCTION EQUIPMENT: Back hoes, high lifts, graders, bull dozers, loaders, excavators, pavers, compressors, generators, utility vehicles, tractors (not including those used solely for agricultural purposes), skid steers, trenchers, chipper shredders, stump grinders and similar equipment used in site preparation, landscaping, road construction and similar activities.

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

PARKING AND STORAGE OF COMMERCIAL VEHICLES AND CONSTRUCTION EQUIPMENT

A. LARGE COMMERCIAL VEHICLES

Large commercial vehicles, as defined herein, shall not be parked or stored on any public or private street or on any lot in any R-1, R-2, R-3, R-4 or R-5 Zoning District, except for the following:

1. Large commercial vehicles making deliveries or providing services to properties within those Zoning Districts, provided posted weight limits on Township streets and State roads are not violated;

2. Large commercial vehicles making deliveries to or being utilized on construction sites within those Zoning Districts under a valid building permit or grading permit or an approved subdivision or land development plan, provided posted weight limits on Township streets and State roads are not violated.

3. Large commercial vehicles parked overnight by an owner or operator on the site of their personal residence, provided the lot has a minimum area of one (1) acre or more and the vehicle is parked in an area that is not visible from the public street or an adjacent residence because of existing topography, natural vegetation or vegetative screening installed by the property owner.

There shall be no restrictions on the parking or storage of large commercial vehicles in any (R-A)*, C-1, C-2, C-3, C-4, B-P or I-1 Zoning District.

B. SMALL COMMERCIAL VEHICLES

Small commercial vehicles, as defined herein, shall not be parked or stored on any lot in any R-1, R-2, R-3, R-4 or R-5 Zoning District, except for the following:

1. Small commercial vehicles making deliveries or providing services to properties within those Zoning Districts;

2. Small commercial vehicles making deliveries to or being utilized on construction sites within those Zoning Districts under a valid building permit or grading permit or an approved subdivision or land development plan;

3. No more than one (1) small commercial vehicle may be parked overnight on a lot which is the permanent residence of an individual who is the owner or lessee of the vehicle or is the authorized operator of a corporate, utility or government owned vehicle which vehicle is used in that individual's gainful employment, provided said vehicle is parked on a driveway or parking area on the lot; however, said vehicle shall not be stored on the lot outside an enclosed garage for any continuous period in excess of 72 hours in any 7-day period.

There shall be no restrictions on the parking or storage of small commercial vehicles in any (R-A)*, C-1, C-2, C-3, C-4, B-P or I-1 Zoning District.

C. CONSTRUCTION EQUIPMENT

Construction equipment, as defined herein, shall not be parked or stored on any public or private street or on any lot in any R-1, R-2, R-3, R-4 or R-5 Zoning District, except for the following:

1. Construction equipment providing services to properties within those Zoning Districts, provided posted weight limits on Township streets and State roads are not violated;

2. Construction equipment being utilized on construction sites within those Zoning Districts under a valid building permit or grading permit of an approved subdivision or land development plan, provided posted weight limits on Township streets and State roads are not violated.

3. Construction equipment parked overnight or stored on the site of his personal residence by an owner or operator who operates the equipment in his gainful employment, provided the lot has a minimum area of one (1) acre or more and the construction equipment is parked or stored in an area that is not visible from the public street or an adjacent residence because of existing topography, natural vegetation or vegetative screening installed by the property owner.

   Storage of the construction equipment shall not imply approval of a home occupation. If a home occupation is intended to be operated from the personal residence, the homeowner shall obtain conditional use approval in accordance with the requirements of §1402.16 of the Township Zoning Ordinance.

There shall be no restrictions on the parking or storage of construction equipment in any (R-A)*, C-1, C-2, C-3, C-4, B-P or I-1 Zoning District.

Ordained and enacted this 16th day of April, 2012.

TOWNSHIP OF CENTER

Chairman, Board of Supervisors

ATTEST:

Township Secretary

CENTER TOWNSHIP
BEAVER COUNTY, PENNSYLVANIA

AUG 29 2003

ZONING ORDINANCE
NO. 1-2002

Adopted March 4, 2002

(Incorporates amendments adopted by
Ordinance 1-2003 on July 7, 2003)

CENTER TOWNSHIP MUNICIPAL CENTER
224 Center Grange Road
Aliquippa, Pennsylvania 15001
(724) 774-0271

Linda Wales

CENTER TOWNSHIP ZONING ORDINANCE

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SECTION 103 EFFECTIVE DATE

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

SECTION 104 AUTHORITY

This Ordinance is adopted by virtue of the authority granted to the Township by the Commonwealth in the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1988 (P.S. 10101 et. Seq., as may be amended from time to time).

SECTION 105 INTERPRETATION

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

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

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

SECTION 106 COMMUNITY DEVELOPMENT OBJECTIVES

Community Development Objectives are set forth in the Center Township Comprehensive Plan Update adopted by the Board of Supervisors on September 22, 1993. In addition to the specific objectives stated in the 1993 Comprehensive Plan Update, the general Community Development Objectives on which this Ordinance is based are:

A. To promote and protect the public health, safety and welfare of the residents of the Township and of the public, generally;

B. To encourage and facilitate orderly community growth and development;

C. To protect the character and maintain the stability of the residential, commercial and industrial areas within the Township;

D. To provide adequate light, air, amenities and access to properties;

E. To guide development in order to provide adequate and economical community facilities and utilities;

F. To divide the Township into various Zoning Districts restricting and regulating therein the location, construction, alteration and use of buildings, structures and land;

G. To prevent the incompatible development or use of land and to prevent blighting conditions and hazards in travel and transportation;

H. To conserve and stabilize property values through encouragement of the most appropriate use of land in relation to adjacent land uses;

I. To promote conservation of the environment and other natural and historic features; and

J. To implement the 1993 Center Township Comprehensive Plan Update.

SECTION 107 COMPLIANCE

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

SECTION 108 SEVERABILITY

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

ARTICLE II

DEFINITIONS

SECTION 200 GENERAL RULES OF INTERPRETATION

All words used in this Ordinance shall carry their customary meanings except where specifically defined herein. Words used in the present tense shall include the future. The singular number shall include the plural, and the plural the singular. The word "shall" is always mandatory and not permissive; the word "may" is permissive. The words "used" or "occupied" as applied to any land or structures, shall be construed to include the words "intended, arranged, designed to be used or occupied." The word "person" shall include an individual, corporation, partnership, incorporated association or any other entity. Words in the masculine gender shall include the feminine gender.

SECTION 201 SPECIFIC MEANINGS

The following words and phrases shall have the particular meaning specified for the purpose of this Ordinance.

ACCESSORY BUILDING - A building which is on the same lot with, but detached from, the principal building and which is customarily incidental and subordinate to the principal building, including, but not limited to, private garages, storage sheds and the like.

ACCESSORY USE - A use customarily incidental and subordinate to the principal use and located on the same lot as the principal use.

ADULT BUSINESS - An adult bookstore/video store, adult live theater, movie theater or moviehouse, as defined herein.

ADULT BOOKSTORE/VIDEO STORE - Any commercial establishment in which more than five (5) percent of the inventory offered for sale or rental to the public consists of books, publications, films or other media which depict nudity or sexual conduct.

ADULT MOVIE THEATER OR MOVIEHOUSE - Any movie theater, including mini-theaters, which on a regular, continuing basis shows films rated "X" by the Motion Picture Coding Association of America, or any movie theater which presents for public viewing on a regular, continuing basis so-called "adult films" depicting sexual conduct.

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

AGRICULTURE - Any use of land or structures for farming, dairying, pasturage, agronomy, horticulture, floriculture, arboriculture, or animal or poultry husbandry. Accessory uses permitted in conjunction with an agricultural use may include barns, stables, corn cribs, silos and any other use or structure that is clearly related to an agricultural operation.

AIR AMBULANCE - A rotorcraft licensed by the Pennsylvania Department of Health for use as an Emergency Medical Service (EMS) vehicle.

ALTERATION, STRUCTURE - See Structural Alteration

AMBULATORY SURGICAL FACILITY - A facility licensed by the Commonwealth, which provides outpatient surgical treatment and is not located on the premises of a hospital, but not including the office of an individual or group practice physician or dentist, unless the office has a distinct part used solely for outpatient surgical treatment on a regular and organized basis.

ANCILLARY COMMERCIAL USE - Commercial establishments located within a Planned Residential Development whose only purpose is to supply services and/or products to the residents of the immediate developed area.

APPLICANT - A landowner or developer who has filed an application for development, including his heirs, successors and assigns, as the case may be.

AREA, LOT - See Lot Area

ARTERIAL STREET - A public street which serves large volumes of high speed and long distance traffic. Roads classified as arterial in the Township are: Beaver Valley Expressway (PA Route 60), the Monaca By-Pass (PA Route 18), Constitution Boulevard (PA Route 51), Brodhead Road, Old Broadhead Road between Wilhelm and Route 18 and Pleasant Drive from the Beaver Valley Expressway Center Interchange to Brodhead Road.

BASEMENT - A story which has more than fifty percent (50%) of its floor to ceiling height below finished grade.

BED AND BREAKFAST - A single family dwelling where sleeping rooms are offered to transient overnight guests for compensation and where the only meal included with the overnight accommodations is breakfast.

BIRTH CENTER - A facility licensed by the Commonwealth which is not part of a hospital and which provides a home-like atmosphere for maternity care, including prenatal labor, delivery and post-partum care to childbearing families for medically uncomplicated pregnancies not requiring hospitalization.

BLOOD BANK - An establishment operated wholly, or in part, for the purpose of obtaining, collecting, storing, processing, preparing for transfusing or selling human blood or parts or fractions of single blood units or products derived from single blood units, including pools of such single units, whether such procedures are done for direct therapeutic use or for storage for future therapeutic or diagnostic use of such products and where such establishment is operated on a charitable, commercial or non-profit basis.

BOARD - The Zoning Hearing Board established by this Ordinance.

BOARD OF SUPERVISORS - The Board of Supervisors of the Township of Center, Beaver County, Pennsylvania.

BOARDING HOUSE - Any dwelling in which three (3) or more sleeping units are rented for compensation and where meals may or may not be provided. The term "boarding house" shall include a rooming house or lodging house, but shall not include any group living arrangements otherwise defined by this Ordinance such as a Group Residence, Group Care Facility, Transitional Dwelling or Personal Care Boarding Home.

BUFFERYARD - A landscaped area of a certain depth specified by this Ordinance which shall be planted and maintained in trees, grass, ground cover, shrubs, bushes or other natural landscaping material or an existing natural or constructed natural barrier which duplicates the effect of the required bufferyard.

BUILDING - A roofed structure, whether or not enclosed by walls, to be used for shelter, enclosure or protection of persons, goods materials, vehicles, equipment or animals.

BUILDING FOOTPRINT - The area of the lot, expressed in square feet, which is covered by the ground floor of a building, measured between exterior faces of walls. If the floor area of an upper floor exceeds the ground floor by more than ten percent (10%), the upper floor shall be used to determine the building footprint.

BUILDING, FRONT LINE OF - The line of that face of the building nearest the front line of the lot. This face includes sun parlors, covered porches and covered patios, whether enclosed or unenclosed, but does not include steps.

BUILDING HEIGHT - The vertical distance from the average elevation at finished grade level at the front line of the building to the highest point of the roof.

BUILDING LINE (SETBACK) - A line parallel to, or concentric with the front lot line, the measurement of which is the front yard depth.

BUILDING, PRINCIPAL - See Principal Building

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

CHURCH - A building, other than a dwelling, used primarily as a place of worship for a religious denomination which may also include as accessory uses rooms for religious education, social and recreational activities and administrative offices.

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

CLINIC, VETERINARY - An establishment where animals are examined and treated by veterinarians and which may include kennels for temporary boarding of animals during treatment.

COLLECTION AND RECYCLING FACILITY - A center for the acceptance and processing of recyclable materials from the public. Recyclable materials shall be limited to glass containers, plastic containers, aluminum beverage cans, steel/bi-metal containers, newsprint, high grade office paper and corrugated paper. Processing of recyclable materials shall be limited to crushing, baling, chipping, shredding or other operations which physically reduce the mass of the materials but which do not alter their composition in any way.

COLLECTION AND RECYCLING FACILITY, MINOR - A collection and recycling facility, as defined herein, accessible to the general public which occupies an area of not more than five hundred (500) square feet and which may include one (1) or more of the following:

1. a mobile recycling unit, including an automobile, truck, trailer or van licensed by the Pennsylvania Department of Transportation and the bins, boxes or containers transported by such automobiles, trucks, trailers or vans used for collection of recyclable materials;

2. one (1) or more bulk reverse vending machines for the deposit of empty recyclable beverage containers which issues a cash refund or credit slip;

3. one (1) or more unattended containers placed for the donation of recyclable materials; and/or

4. any part of a permanent structure not exceeding five hundred (500) square feet which is devoted to the collection of recyclable materials in small quantities from the general public.

COLLECTOR STREET - A public street which, in addition to giving access to abutting lots intercepts local streets and provides a route for carrying considerable volumes of local traffic to community facilities and arterial roads. Streets classified as collector roads in the Township for the purposes of interpreting this Ordinance are: Center Grange Road, Chapel Road, Main Street, Monaca Road, Old Brodhead Road between Wilhelm and the Monaca boundary and Shaffer Road (East and West).

COMMERCIAL SCHOOL - A privately operated, for-profit establishment providing technical or skilled training, vocational or trade educational courses and programs.

COMMERCIAL RECREATION - See Recreation, Commercial

COMMON OPEN SPACE - A lot or portion thereof or body of water or a combination thereof within a development site for the use and enjoyment of the residents of a Planned Residential Development, not including streets, offstreet parking areas and areas set aside for facilities for the general public.

COMMONWEALTH - The Commonwealth of Pennsylvania

COMMUNICATION ANTENNA - Any structure, licensed by the Federal Communications Commission (FCC), designed for transmitting or receiving wireless communications of video, voice, data and similar transmissions, including, but not limited to, omni-directional or whip antennas, directional or panel antennas and satellite or microwave dish antennas, except for transmitting and receiving devices maintained exclusively by private citizens for personal use only, including, but not limited to, amateur radio stations, citizen band base stations and satellite dish antennas for television reception.

COMMUNICATION EQUIPMENT BUILDING - A manned or unmanned structure which contains the equipment necessary to maintain and operate communications antennas which covers an area of more than two hundred (200) square feet.

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

COMMUNICATION TOWER - Any structure, whether freestanding or attached to a building, including monopole, self-supporting and guyed towers which provides one (1) or more of the following types of mounts for communications antennas: rotatable platform, multi-point or side-arm mounts or pipe mounts for microwave dish antennas.

COMPREHENSIVE PLAN - The Comprehensive Plan of the Township which guides the physical development of the Township and which consists of maps, charts and textual matter in accordance with the provisions of the Pennsylvania Municipalities Planning Code.

CONDITIONAL USE - An authorized use which may be granted only by the Board of Supervisors pursuant to express standards and criteria prescribed in this Ordinance, after review and recommendation by the Township Planning Commission and public hearing by the Board of Supervisors.

CONFERENCE OR TRAINING CENTER - A facility used for corporate or professional meetings, seminars and/or employee training, and which may include supporting dining and lodging facilities and related recreational facilities as accessory uses.

CONVENIENCE STORE - A retail establishment which does not exceed 5,000 square feet in gross floor area and which offers a limited selection of grocery, household and personal items for quick purchase and which may include the dispensing of gasoline.

CONVERSION APARTMENT - A dwelling unit created within an existing single family dwelling in accordance with all applicable requirements of this Ordinance.

CORRECTIONAL FACILITY - Any governmental, whether Federal, State, County or local; quasi-governmental; or private institution or facility organized and designed to confine, house, hold or otherwise engaged in the act of confining, housing or holding inmates accused or convicted of criminal activity assigned and/or committed by any Court and who are housed, held or confined in lawful custody, including, but not limited to, the detention, treatment, rehabilitation or execution of offenders through a program involving penal custody, parole and probation.

COUNTY - County of Beaver, Pennsylvania

COUNTRY CLUB/GOLF COURSE - A recreational facility operated by a public or private entity which has as its principal use, facilities for playing golf and which may include one (1) or more of the following accessory uses: a clubhouse and/or restaurant, locker rooms, pro shop, swimming pool and facilities for racquet sports.

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

DAY CARE HOME - A facility, licensed by the Commonwealth, located within a dwelling, for the care on a regular basis during part of a twenty-four (24) hour day of not more than six (6) children under sixteen (16) years of age, excluding care provided to children who are relatives of the provider. Such use shall be secondary to the use of the dwelling for living purposes and persons who do not reside in the dwelling shall not be employed by the facility.

DAY SPA - A business establishment which provides one (1) or more of the following services to customers who do not stay overnight on the premises: massage therapy, facials, body wraps, tanning, stream or sauna baths, herbal treatments, hair styling, manicure, pedicure, nutritional counseling, exercise, aromatherapy and relasx

DEVELOPER - Any landowner or agent of such landowner who makes or causes to be made an application for development.

DEVELOPMENT PLAN - A graphic and written presentation of a Planned Residential Development, including a plat of subdivision and all provisions relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, parking facilities, common open space and public facilities.

DOMESTIC PETS - Animals, fish or birds customarily found in a dwelling and kept for company or pleasure, including dogs and cats, provided that there is not a sufficient number to constitute a kennel, as defined herein, hamsters, rabbits, gerbils, parakeets, canaries and similar small animals or birds, excluding exotic animals, including but not limited to llamas, lions, tigers, bears, ocelots or other feral cats, large or poisonous snakes, alligators, monkeys or other animals normally found in a zoo, nor any horses, pigs (excluding Vietnamese pot-bellied pigs) or other fowl or livestock customarily found on a farm.

DRUGSTORE - A retail establishment which sells prescription drugs, patent medicines, surgical and sickroom supplies and which also may sell cosmetics, household goods and a limited selection of food products.

DWELLING - Any building designed or used as permanent living quarters for one (1) or more families, but not including hotels, motels or boarding houses.

a. **Dwelling, Single Family** - A residential building containing one (1) dwelling unit and which is the only principal building on the lot.

b. **Two Family Dwelling** - A residential building containing two (2) independent dwelling units, each having a separate entrance.

c. **Multifamily Dwelling** - A residential building or portion thereof containing three (3) or more dwelling units, including triplexes, fourplexes, garden apartments, mid-rise apartments, highrise apartments and townhouses.

d. **Garden Apartment** - A multifamily residential building no more than three (3) stories in height containing five (5) or more dwelling units which share a common entrance to the outside, usually through a common corridor, and which dwelling units may have other dwelling units either above or below them.

e. **Mid-Rise Apartment** - A multi-family residential building containing four (4) or five (5) stories.

f. **High Rise Apartment** - A multifamily residential building containing six (6) or more stories.

g. **Townhouse** - A multifamily residential building no more than two and one-half (2½) stories in height which contains at least three (3), but no more than six (6) dwelling units, each of which are separated from the adjoining unit or units by a continuous, unpierced vertical wall extending from the basement to the roof, each unit having independent access directly to the outside and having no other units above or below.

h. **Triplex** - A multifamily residential building containing three (3) attached dwelling units in one (1) structure in which each unit has at least two (2) walls exposed to the outside and each unit shares one (1) or two (2) common walls or floors/ceilings with an adjoining unit or units and which units may be above or below each other or side by side.

I. **Fourplex** - A multifamily residential building containing four (4) attached dwelling units in one (1) structure in which each unit has at least two (2) walls exposed to the outside and each unit shares one (1) or two (2) common walls or floors/ceilings with an adjoining unit or units and which units may be above or below each other or side by side.

DWELLING UNIT - One (1) or more rooms which are used as living quarters for one (1) family and which have permanent facilities for sleeping, cooking and eating, as well as sanitary facilities.

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

EATING AND DRINKING ESTABLISHMENTS - An establishment whose principal business is the sale of foods, desserts or beverages to customers in a ready-to-eat state, including but not limited to restaurants (conventional or fast food), bars, and nightclubs.

EMPLOYEE CAFETERIA/DINING ROOM - An eating establishment located within a business establishment which is restricted to employees of the business establishment and their invited guests.

ESSENTIAL SERVICES - The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, including poles, boxes, police call boxes, traffic signals, hydrants, street signs, and other similar equipment and

accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings or treatment facilities.

FAMILY - One (1) or more persons related by blood, marriage or adoption or foster placement, including not more than two (2) boarders, roomers or lodgers and any domestic servants or a group of not more than three (3) unrelated persons living together in a dwelling unit and maintaining a common household.

FARM - Any lot or group of contiguous lots under single ownership containing at least ten (10) acres which is used for agriculture, as defined by this Ordinance.

FINAL APPROVAL - The ultimate approval of a Planned Residential Development granted by the Board of Supervisors which follows Tentative Approval and filing of an application for Final Approval, all granted in accordance with Article XI of this Ordinance.

FINANCIAL INSTITUTIONS - Banks, Savings and Loan Associations and similar institutions that lend money or are engaged in a finance-related business.

FINISHED GRADE - The elevation of the surface of the ground on a lot after grading and/or construction is complete.

FLEX SPACE - Any building which is designed to accommodate a combination of office and warehousing or office and manufacturing or assembly.

FOOD STORE - A retail establishment which has a gross floor area of no more than 10,000 square feet of gross floor area and which offers for sale specialty or gourmet food items or meats and groceries which are packaged and which are not available for consumption on the premises.

FREIGHT TERMINAL - A building and adjacent loading area where cargo is stored and where commercial vehicles load and unload cargo on a regular basis which may or may not include facilities for maintenance, fueling, storage, or dispatching of the vehicles.

FUNERAL HOME - A building used for the embalming of deceased human beings for burial, but not including cremation, and for the display of the deceased and ceremonies connected therewith before burial or cremation.

GARDEN APARTMENT - See Dwelling Types

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

GROCERY STORE - A retail establishment in excess of 10,000 square feet of gross floor area which primarily sells meat and food products, but which may also include as accessory uses a pharmacy, a florist, a travel agency, video rental (excluding an adult video store), banking and copy/fax services.

GROSS FLOOR AREA - The sum of the horizontal areas of the several floors of a principal building or buildings on the same lot. All dimensions shall be measured between exterior faces of walls.

GROUP HOME - A dwelling unit where room and board is provided to not more than six (6) permanent residents who are mentally or physically handicapped persons of any age, excluding any adult or juvenile assigned by Order of Juvenile or Criminal Court, who are in need of supervision and specialized services and no more than two (2) supervisors on any shift who may or may not reside in the dwelling and who provide health, social and/or rehabilitative services to the residents. The services shall be provided only by a governmental agency, its licensed or certified agents, or any licensed or certified nonprofit social services corporation and the facility shall meet all minimum requirements of the sponsoring agency.

A group home, as defined herein, shall be considered a single family dwelling and shall be authorized wherever a single family dwelling is permitted subject to the requirements of the District applicable to single family dwellings.

GROUP CARE FACILITY - A facility which provides room and board and specialized services for more than eight (8) residents who are mentally or physically handicapped or any number of permanent residents who are dependent and/or delinquent children under the age of eighteen (18) adjudicated by the Court system, or mentally disturbed persons of any age who are in need of supervision and staff qualified by the sponsoring agency who may or may not reside at the facility who provide health, social and/or rehabilitative services to the residents. The services shall be provided only by a governmental agency, its licensed or certified agents or any other responsible nonprofit social services corporation and the facility shall meet all minimum requirements of the sponsoring agency.

HAZARDOUS WASTE - Any substance which is classified and regulated as hazardous waste by the Pennsylvania Department of Environmental Resources (PA DER) or the U.S. Environmental Protection Agency (EPA) or any successor agency mandated by Federal Law or the laws of the Commonwealth to regulate hazardous waste.

HELIPORT - An area for the landing of and a base for helicopters, fueling helicopters and providing helicopter maintenance and repair.

HOBBY FARM - A lot with a minimum area of five (5) acres where agricultural activities are conducted by the residents thereof, but where such activities are not the principal source of employment or income.

HOME GARDENING - The cultivation of produce, fruits or flowers as an avocation accessory to a dwelling, other than on a hobby farm.

HOME HEALTH CARE AGENCY - An organization or part thereof staffed and equipped to provide skilled nursing and at least one (1) therapeutic service, such as physical therapy, occupational therapy, speech pathology, medical social services or home health aides, to disabled, aged, injured or sick persons on a part-time, intermittent basis in their own homes.

HOME HEALTH CARE AGENCY BRANCH OFFICE - A location or site from which a home health care agency provides services within a portion of the total geographic area served by the parent agency, including an office that provides administration, supervision or services as part of the home health care agency.

HOME OCCUPATION - An accessory use of a service character carried on entirely within a dwelling unit by the residents thereof which is clearly incidental and secondary to the use of the building for dwelling purposes, and which does not change the residential character thereof.

HOSPITAL - An establishment which has an organized medical staff and provides equipment and services primarily for inpatient care to persons who require definitive diagnosis or treatment, or both, for injury, illness, pregnancy or other disability, but not including narcotics addiction or those found to be criminally insane.

HOSPITAL, GENERAL - A hospital which is equipped and staffed for the treatment of medical or surgical conditions, or both, in the acute and chronic stages on an inpatient basis for twenty-four (24) hours or more.

HOSPITAL, SPECIAL - A hospital which is equipped and staffed for the treatment of disorders which are within the scope of specific medical specialties or for the treatment of limited classifications of diseases in their acute or chronic stages on an inpatient basis for twenty-four (24) or more hours.

HOUSING WITH SPECIAL ACCOMMODATIONS - A residential building containing three (3) or more dwelling units where each dwelling unit is designed to be occupied by at least one (1) person who requires special accommodations because of age, infirmity or physical handicap and which may contain special accessory features associated with the needs of the elderly which are not usual in the construction of multifamily dwellings, including, but not limited to, common dining facilities, a branch post office, personal services, gift shops, pharmacies, medical offices and similar facilities.

IMMINENT DEVELOPMENT - Development which is reasonably expected to commence, and for which there are realistic plans to commence, on a minimum eight (8) hours per day, forty (40) hours per week basis, utilizing a five (5) on, two (2) off standard work week basis within thirty (30) days of the completed cutting activities and for which a development plan has been submitted and approved by the Township.

INCINERATOR - An enclosed device licensed by the Pennsylvania Department of Environmental Resources (DER), or its successor agency, which uses controlled combustion for the primary purpose of breaking down solid waste.

INMATE - Any individual, whether in pre-trial, unsentenced or sentenced status, who is housed, held or confined in a correctional facility.

INSTITUTIONAL BUFFER - That area between the perimeter security, as defined herein, which is required for a correctional facility and the property line of the site on which a correctional facility is located.

INTERMEDIATE CARE - Health related care and services, above the level of room and board, provided on a regular basis to resident individuals who do not require hospital or skilled nursing care, but who, because of mental or physical condition, require services under a plan of care supervised by licensed and qualified personnel.

JUNK YARD - Land or structure used for the collection, storage, processing and/or sale of scrap metal, scrapped, abandoned, or junked motor vehicles, machinery, equipment, waste paper, glass, rags, containers, and other discarded materials. Under this Ordinance, two (2) or more scrapped, abandoned or junked motor vehicles shall constitute a junk yard. Refuse or garbage kept in a proper container for prompt disposal shall not be regarded as a junk yard.

JUNK VEHICLE - A vehicle which is inoperative or unable to meet the vehicle registration and inspection standards under Part IV (Section 4101 et seq.) Of the Pennsylvania Motor Vehicle Code. The term does not include a vehicle which would qualify as an antique or classic vehicle except for its lack of restoration or maintenance.

KENNEL - Any household or establishment where more than four (4) dogs or more than six (6) cats who are more than six (6) months old are kept, bred, trained and/or boarded at any one time, whether for profit or not.

LAND DEVELOPMENT - The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:

A. A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or

B. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

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

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

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

LANDSCAPING PLAN - A plan prepared by a registered landscape architect identifying each tree and shrub by size, type and scientific name, the location of each, including a planting diagram and such other diagrams or reports as are necessary to show the method of planting, staking and mulching, grass seeding specifications and fixtures and existing trees to be preserved.

LEVEL OF CUSTODY - Categories of security and supervision established by the Pennsylvania Department of Corrections and recommended by the American Correctional Association (ACA) document entitled "Standards for Adult Correctional Facilities" which standards are based on inmate history and behavior, the length of sentence and the nature of risk posed to the general public and other inmates. In the event of a conflict in the application of this Ordinance between the respective definitions of Levels of Custody specified by the Pennsylvania Department of Corrections and the Levels of Security specified by the American Correctional Association (ACA), the more restrictive requirements for security shall apply.

LIGHT MANUFACTURING - The processing and fabrication of certain materials and products where no process involved will produce noises, vibration, air pollution, fire hazard, or noxious emission which will disturb or endanger neighboring properties. Light manufacturing includes the production of the following goods: Home appliances, electrical instruments, office machines, precision instruments, electronic devices, timepieces, jewelry, optical goods, musical instruments, novelties, wood products, printed material, lithographic plates, type composition, machine tools, dies and gauges, ceramics, apparel, lightweight nonferrous metal castings, film processing, light sheet metal products, plastic goods, pharmaceutical goods and food products, but no animal slaughtering, curing nor rendering of fats.

LINE OF SIGHT - A line drawn between the elevation of the first floor windows in a residential structure on adjoining property and the elevation of the ceiling of the highest story of the proposed building for which the Bufferyard is required.

LOADING SPACE - A portion of a lot used for the standing, loading, or unloading of motor vehicles.

LOT - A tract of land in a plan of subdivision or any other parcel of land described in a deed or legal instrument pursuant to the laws of the Commonwealth of Pennsylvania intended to be used as a unit for development, lease or transfer of ownership.

LOT AREA - That area measured on a horizontal plane bounded by the front, rear and side lot lines, exclusive of any area within a street right-of-way.

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

LOT COVERAGE - That coverage of the lot area covered by all principal and accessory structures.

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

LOT LINE, FRONT - That line which bounds the lot contiguous with the public or private street right-of-way line.

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

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

LOT WIDTH - The straight line distance between the points of intersection of the building line with the side lot lines.

MANUFACTURING - The processing and fabrication of any article, substance or commodity.

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

MINERAL REMOVAL - Any extraction of any mineral for sale or other commercial purposes which involves removal of the surface of the earth or exposure of the mineral or subsurface of the earth to wind, rain, sun or other elements of nature. The term "mineral"

includes, but is not limited to, anthracite and bituminous coal, lignite, limestone and dolomite, sand, gravel, rock, stone, earth, slag, ore, vermiculite, clay and other mineral resources. Mining activities carried out beneath the surface of the earth by means of shafts, tunnels or other underground mine openings are not included in this definition.

MINI-WAREHOUSE/SELF-STORAGE BUILDING - A building or group of buildings in a controlled access and fenced compound that contains various sizes of individualized, compartmentalized and controlled access stalls and/or lockers leased by the general public for a specified period of time for the dead storage of personal property.

MINOR COLLECTION AND RECYCLING FACILITY - See COLLECTION AND RECYCLING FACILITY, MINOR.

MOBILE HOME - A transportable, single family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined into one 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.

A mobile home which is utilized without a permanent foundation shall be located only in a mobile home park, as defined and regulated herein; however, a mobile home which is rendered immobile by permanent placement on a continuous masonry foundation or at least two (2) concrete footers which project at least three (3) feet below finished grade and are placed along the longer dimension of the mobile home and which mobile home is skirted and tied to its foundation in accordance with the requirements of the American National Installation of Mobile Homes Requirements (NFPA No. 501-A1974, ANSI A119.3-1975), as amended and which is connected to all available utilities shall be regarded as a single family dwelling and shall be subject to the requirements of this Ordinance for single family dwellings in the District in which it is proposed to be located.

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.

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

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

MUNICIPALITIES PLANNING CODE - The Pennsylvania Municipalities Planning Code, Act 247 of 1968, 53 P.S., 10101 et seq., as amended.

NET LEASABLE FLOOR AREA - The total floor area of a building designed for tenant occupancy, excluding halls, corridors, stairwells, elevator shafts, equipment rooms, restrooms, interior vehicular parking and loading areas and other areas used in common by tenants of the building, expressed in square feet and measured from the centerline of joint partitions and exteriors of outside walls.

NONCOMMERCIAL RECREATION - See RECREATION, NONCOMMERCIAL

NONCONFORMING LOT - Any lot which does not comply with the applicable area and bulk provisions of this Ordinance or an amendment hereafter enacted, which lawfully existed prior to the enactment of this Ordinance or any subsequent amendment.

NONCONFORMING STRUCTURE - A structure, or part of a structure, manifestly not designed to comply with the applicable area, bulk or other provisions in this Ordinance or an amendment hereafter enacted, which lawfully existed prior to the enactment of this Ordinance or any subsequent amendment. 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 this Ordinance or an amendment hereafter enacted, which lawfully existed prior to the enactment of this Ordinance or any subsequent amendment.

NON-PROFIT - Not conducted or maintained for the purpose of making a profit.

NUDITY - Being completely without clothing or showing of the human male or female genitals, pubic areas, or buttocks with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.

NURSING HOME - A facility licensed to operate as such by the Commonwealth of Pennsylvania for the purpose of providing skilled or intermediate nursing care or both levels of care to two (2) or more patients who are unrelated to the nursing home administrator for a period exceeding twenty-four (24) hours. (See also SKILLED CARE and INTERMEDIATE CARE.)

NURSERY SCHOOL - A facility licensed by the Commonwealth of Pennsylvania designed to provide daytime care and educational instruction for compensation to children who are not related to the operator.

OCCUPANCY PERMIT - A permit for the use or occupancy of a building, structure or lot indicating compliance with all provisions of this Ordinance.

OFFICES, BUSINESS - Offices of a corporation, partnership or sole proprietorship used primarily for the conduct of the business, including accounting, corresponding, research, editing or other administrative functions, but not including banks or other financial institutions and not including any manufacturing or processing or storage of machinery or heavy equipment.

OFFICES, PROFESSIONAL - Any office of recognized professions such as doctors, lawyers, architects, engineers, real estate brokers, insurance agents, and others who, through training, are qualified to perform services of a professional nature.

OFFICIALLY RECEIVED APPLICATION - An application which has been submitted along with all the required exhibits and plans, including the required fee, which has been reviewed by the Zoning Officer or Township Secretary for completeness and has been declared by said official to be complete and officially received for review.

PA DER - The Pennsylvania Department of Environmental Resources or any successor agency or agencies.

PERIMETER SECURITY - A system that controls ingress and egress to the interior of a correctional facility and which may include one (1) or more of the following features: electronic devices, walls, fences, patrols and/or towers.

PERSONAL CARE BOARDING HOME - A facility licensed by the Commonwealth located within a dwelling where room and board is provided to more than three (3) permanent residents who are not relatives of the operator and who are mobile or semi-mobile and require specialized services in such matters as bathing, dressing, diet and medication prescribed for self-administration for a period exceeding twenty-four (24) hours, but who are not in need of hospitalization or skilled or intermediate nursing care.

PERSONAL SERVICES - Any enterprise providing services pertaining to the person, their apparel, or personal effects commonly carried on or about the person, including, but not limited to, shoe repair, tailoring, clothes cleaning, watch repairing, barber shops, beauty parlors and related activities.

PHARMACY - A retail establishment which does not exceed 10,000 square feet of gross floor area and which primarily sells prescription drugs, patent medicines, surgical and sickroom supplies.

PILOT MANUFACTURING - An establishment or part thereof used to test concepts and ideas, determine physical layouts, material flows and processes, types of equipment required, costs and other information necessary prior to undertaking full-scale production.

PLANNED INDUSTRIAL DEVELOPMENT - An industrial development which is under single ownership and control at the time of an application for development and which is planned and developed as a single unit wherein several buildings or lots utilize a common means of access and may share other common facilities such as parking and signs.

PLANNED RESIDENTIAL DEVELOPMENT - An area of land controlled by a single landowner and developed as a single entity for a number of dwellings or a combination of residential and nonresidential uses, the plan for which does not necessarily correspond in lot size, bulk, type of dwelling unit or use, density or intensity, lot coverage or required open space to any one district in this Ordinance.

PLANNED SHOPPING CENTER - A site under single ownership and control which is developed as a unit for two (2) or more retail establishments in one (1) or more buildings and designed so that parking, loading and access facilities are shared.

PLANNING COMMISSION - The Center Township Planning Commission, Beaver County, Pennsylvania.

PRINCIPAL BUILDING - The building or buildings on a lot in which the principal use or uses are conducted.

PRINCIPAL STRUCTURE - The structure or structures in which the principal use or uses are conducted.

PRINCIPAL USE - The primary or predominant use of any lot or structure.

PRIVATE GARAGE - An accessory building for the storage of motor vehicles owned and used by the owners or tenants of the lot for a purpose accessory to the principal use of the lot and, in the case of a principal use which is a single family or two family dwelling, shall be designed to store no more than three (3) motor vehicles per dwelling unit.

PRIVATE STABLE - The keeping of horses and/or ponies for the personal use of the residents of a lot, not including any profit-making activities.

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

PUBLIC GARAGE - A building, other than a private garage, available to the general public and used for storage of motor vehicles, but which is not used for repair or maintenance of motor vehicles.

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

PUBLIC MEETING - A forum held pursuant to notice under the act of July 3, 1986 (P.L.388, No. 84), known as the "Sunshine Act."

PUBLIC NOTICE - Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the 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 not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

PUBLIC RECREATION - See RECREATION, PUBLIC

PUBLIC UTILITY BUILDING OR TRANSMISSION FACILITY - Any administrative or service building operated by a public utility or any transmission facility of a public utility which does not meet the definition of an essential service.

RECOMMENDATION - The position taken by the Township Planning Commission on any matter brought before it for consideration, including, but not limited to, approval, approval with conditions, denial or no position.

RECREATION, COMMERCIAL - An enterprise operated by other than a public entity for profit for the outdoor pursuit of sports, recreation and leisure activities, including, but not limited to, such establishments as miniature golf, golf or batting practice facilities, ice or roller rinks, playing fields, racquet clubs, swimming pools, amusement parks, arenas, stadia, amphitheaters, racetracks and similar facilities.

RECREATION, NONCOMMERCIAL - An enterprise operated by an individual, association or corporation, other than a public entity, whether or not for profit and whether or not the facilities are advertised to the general public, including either indoor or outdoor facilities for the pursuit of sports, recreation and leisure activities, the use of which is limited to members and their guests, including, but not limited to, such establishments as country clubs, golf courses, sportsmen's clubs, golf practice facilities, playing fields, tennis or racquet clubs, fitness clubs, swimming pools and similar facilities.

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

RESEARCH AND DEVELOPMENT - Any establishment which carries on investigation in the natural, physical or social sciences or engineering and development as an extension of such investigation with the objective of creating end products and which may include Pilot Manufacturing, as defined by this Ordinance, as an accessory use.

RESOURCE RECOVERY FACILITY - A processing facility that provides for the extraction and utilization of materials or energy from municipal waste which is generated off-site, including, but not limited to, a facility that mechanically extracts materials from municipal waste, a combustion facility that converts organic fraction of municipal waste to usable energy and any chemical or biological process that converts municipal waste into a fuel product.

SALLY PORT - An enclosure located in the perimeter security wall or fence surrounding a correctional facility which contains gates or doors at both ends, only one end of which opens at a time, ensuring that there will be no breach in perimeter security and which may handle pedestrian or vehicular traffic.

SCHOOL - A place of instruction operated by a public or religious organization, having regular sessions, with regularly employed instructors and meeting all of the requirements of the Pennsylvania Department of Education for providing primary, secondary, vocational or post-secondary education. This definition shall not include privately operated, for-profit schools of trade, vocation, avocation or business.

SERVICE STATION - A retail place of business, engaged primarily in the sale of motor fuels or supplying goods and services generally required in the operation and maintenance of motor vehicles and fulfilling of motorist's needs, including one or more of the following: the sale of petroleum products; sale and service of tires, batteries, automotive accessories and replacement items; washing and lubrication services; the supplying of other incidental automotive customer services and products; and the performing of automotive maintenance and repair, excluding such repair as spray painting, body, fender, axle, frame, major engine overhaul or recapping/retreading of tires. A service station may also include the operation of a convenience food store.

SEXUAL CONDUCT - Representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated, and representations, descriptions or acts of masturbation, excretory functions, homosexuality, sodomy, sexual intercourse or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or, if such person be female, breasts which the average adult person, applying contemporary community standards, would find, when considered as a whole, appeals to the prurient interest and lacks serious literary, artistic, political, education or scientific value.

SIGN - Any structure or device used to attract attention by word or graphic display.

SIGHT TRIANGLE - The area of a corner lot abutting the intersection of two (2) streets required for unobstructed vision by operators of motor vehicles in order to avoid hazard and congestion in travel and transportation.

SIGN, SURFACE AREA OF - See SURFACE AREA OF SIGN

SITE - The original tract of land which exists prior to any subdivision of the property or an unsubdivided tract of land or recorded lot on which a land development is proposed and which is the subject of a preliminary application for development, as defined by the Township Subdivision and Land Development Ordinance.

SITE AREA - The total area of all lots, rights-of-way, easements, open space and other features contained within the boundaries of a site.

SKILLED CARE - Professionally supervised nursing care and related medical or other health services provided for a period exceeding twenty-four (24) hours to an individual who is not in need of hospitalization, but whose needs are such that they can only be met in a nursing home on an inpatient basis, and who needs the care because of age, illness, disease, injury, convalescence or physical or mental infirmity. This term includes the provision of daily inpatient services that are needed on a daily basis by the patient, ordered by a physician, which require the skills of, and are furnished directly by or under the supervision of, technical or professional personnel, including, but not limited to, registered nurses, licensed practical nurses, physical therapists, occupational therapists, speech pathologists or audiologists.

SPECIAL EXCEPTION - See, USE BY SPECIAL EXCEPTION

STORY - That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between any floor and the ceiling next above it.

STREET - All land between right-of-way lines, whether public or private and whether improved or unimproved, which is intended to accommodate vehicular traffic, including an avenue, drive, boulevard, highway, road, freeway, parkway, lane, viaduct or other vehicular way.

STRUCTURAL ALTERATION - Any change in the support members of a building such as bearing walls, columns, beams, or girders; changes in the means of ingress and/or egress; enlargement of floor area or height of a structure; or relocation of a structure from one position to another.

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

SUBDIVISION REGULATIONS - The Center Township Subdivision and Land Development Ordinance.

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

SURFACE AREA OF SIGN - That area enclosed bye one (1) continuous line, connecting the extreme points or edges of a sign. The area shall be determined using the largest sign area or silhouette visible at any one time from any one point. This area shall not include the main supporting sign structure, but all other ornamental attachments, inner connecting links, etc., which are not part of the main supports of the sign shall be included in determining the surface area of a sign. For two sided signs, only one face is counted in computing the surface area. For signs which have poster panels mounted on a supporting structure with space between the poster panels, the area of each panel shall be computed as surface area of the sign, not including the space between the panels.

SWIMMING POOL - A body of water in an artificial or semi-artificial receptacle or other container, whether located in or out of doors, inground or above ground, used as a recreational facility for swimming, bathing or wading and having a depth at any point of more than eighteen (18) inches or a surface area of more than one hundred (100) square feet, including the equipment necessary to maintain the swimming pool and the healthful condition of the water.

TENTATIVE APPROVAL - Approval prerequisite to Final Approval of a Planned Residential Development granted by the Board of Supervisors in accordance with Article XI of this Ordinance.

THEATER - An establishment, other than an adult movie theater or movie house, inside a completely enclosed building devoted to showing pictures and/or live dramatic or musical performances.

TOWNSHIP - The Township of Center, Beaver County, Pennsylvania.

TRANSFER FACILITY - A facility licensed by the Pennsylvania Department of Environmental Resources (PA DER) which receives and temporarily stores solid waste at a location other than the generation site, and which facilitates the bulk transfer of accumulated solid waste to a facility for further processing and disposal.

TRANSITIONAL DWELLING - A dwelling unit occupied on a short term basis by persons assigned by a Court of Law, or public or non-profit agency responsible for the occupants' care, safety, conduct, counseling and supervision for a specified period of time, including alcoholic recovery, shelters for battered persons and their children, community re-entry services following incarceration or other Court ordered treatment, and other such short-term supervised assignments.

TRUCK TERMINAL - A facility to accommodate the service, repair and storage of trucks and other motorized equipment and trailers, and which may incidentally provide warehousing activities and transfer facilities.

USE - Any activity, business or purpose for which any lot or structure is utilized.

USE BY SPECIAL EXCEPTION - An authorized use which may be granted only by the Zoning Hearing Board in accordance with express standards and criteria specified in this Ordinance after public hearing.

VARIANCE - A departure from the strict letter of the Zoning Ordinance, as it applies to specific properties, as authorized by the Zoning Hearing Board in accordance with the terms of this Ordinance and the Pennsylvania Municipalities Planning Code.

VEHICLE REPAIR GARAGE - A building, or part thereof, used for the servicing and repair of motor vehicles, including engine overhaul, body work and repairing/retreading of tires and where all storage of parts and dismantled vehicles and all repair work are conducted entirely inside and enclosed building.

WAREHOUSING - The storage and handling of freight or merchandise, but not including the maintenance or fueling of commercial vehicles.

WHOLESALE BUSINESS - A business primarily engaged in selling merchandise to retailers, institutional, commercial or professional business customers or other wholesalers, rather than to the general public which includes the warehousing of merchandise and which may include distribution of such merchandise on the site of the principal business.

WIND FARM - An area of land containing a cluster of wind turbines used for generating power for distribution to or by a public utility or for private commercial or industrial purposes.

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

YARD, FRONT - A yard extending across the full lot width and abutting the front lot line. The depth measurement required by this Ordinance for the front yard shall be the horizontal distance between the front lot line and a line parallel or concentric thereto known as the building line.

YARD, REAR - A yard extending across the width of the lot between the side yards and adjoining the rear lot line. The minimum depth measurement required by this Ordinance shall be the horizontal distance between the rear lot line and a line parallel thereto.

YARD, SIDE - A yard extending between the building line and the rear yard line parallel to the side lot line. The minimum width measurement required by this Ordinance shall be the horizontal distance between the side lot line and a line parallel thereto.

ZONING DISTRICT - Geographic areas within the Township in which the uses to which land can legally be utilized are designated and for which the boundaries are shown on the Zoning Map which is part of this Ordinance.

ZONING HEARING BOARD - The Zoning Hearing Board of Center Township, Beaver County, Pennsylvania. (See also "Board")

ZONING MAP - The official map delineating the Zoning Districts of Center Township, Beaver County, Pennsylvania, together with all amendments subsequently adopted.

ZONING OFFICER - The designated official or an authorized representative appointed by the Board of Supervisors whose duty it shall be to administer and enforce this Ordinance.

ZOO - A place where a variety of wild or exotic animals are kept, either indoors and/or outdoors, for viewing by the public, including a petting zoo comprised in whole, or in part, of farm animals.

ARTICLE III

DISTRICT REGULATIONS

SECTION 301 ZONING MAP

A map entitled "Center Township Zoning Map" is hereby adopted as part of this Ordinance. The Zoning Map shall be kept on file available for examination at the office of the Township Secretary. The map shall be signed and attested by the Township Secretary and shall bear the seal of the Township. All amendments affecting district boundaries shall be noted on the map by the Township Engineer, including date of adoption, and shall be attested to by the Township Secretary.

SECTION 302 ZONING DISTRICTS

The Township is divided into the districts stated in this Ordinance as shown by the district boundaries on the Zoning Map. The Districts are:

"R-1"	Low Density Residential District
"R-2"	Suburban Residential District
"R-3"	Urban Residential District
"R-4"	Multifamily Residential District
"R-5"	Mobile Home Park District
"B-P"	Business Park District
"C-1"	Limited Commercial District
"C-2"	General Commercial District
"I-1"	Industrial District

SECTION 303 DISTRICT BOUNDARIES

District boundaries shown within the lines of roads, streams and transportation rights-of-way shall be deemed to follow the centerlines. The vacation of roads shall not affect the location of such district boundaries.

When the Zoning Officer cannot definitely determine the location of a district boundary by such centerlines, by the scale or dimension stated on the Zoning Map, or by the fact that it clearly coincides with a property line, he shall refuse action, and the Zoning Hearing Board upon appeal shall interpret the location of the district boundary with reference to the scale of the Zoning Map and the purposes set forth in all relevant provisions of this Ordinance.

SECTION 304 DISTRICT REGULATIONS

These general regulations shall apply in all zoning districts.

304.1 Any use not specifically listed in the Authorized Uses for a Zoning District shall not be permitted in that Zoning District, unless such use is authorized by the Zoning Hearing Board as a Use By Special Exception. The authorization for the Zoning Hearing Board to grant approval of a use which is not specifically listed in the Authorized Uses for a Zoning District shall be limited to those Zoning Districts where "Comparable Uses Not Specifically Listed" is expressly stated as a Use By Special Exception in that Zoning District and such approval shall be granted only in accordance with the express standards and criteria contained in Section 1402.42 of this Ordinance.

304.2 Accessory structures which are customarily accessory to principal structures or uses authorized as uses by special exception shall be permitted as accessory uses by right.

304.3 On farms, principal farm buildings and structures may occupy the same lot as a single family dwelling; however two (2) or more single family dwellings shall not occupy the same lot.

304.4 In the R-1, R-2 and R-3 Districts, a single family dwelling shall be the only principal structure on the lot. When authorized as a conditional use in the R-2 and R-3 Districts or as a permitted use in the R-4 District, a two family dwelling, triplex or fourplex shall be the only principal structure on the lot and all dwelling units shall be located within the same principal structure.

304.5 In the R-4 District and in Planned Residential Developments which contain townhouses or other multifamily dwellings, two (2) or more townhouse or multifamily structures may occupy the same lot, if approved by the Township, subject to all applicable requirements of this Ordinance.

304.6 In the R-5 District, a mobile home shall be the only principal structure on a mobile home lot.

304.7 In all districts, a mobile home shall be the only principal structure on a mobile home lot.

304.8 In the B-P, C-1, C-2 and I-1 Districts, several authorized uses may occupy the same lot or structure, provided all applicable requirements for each of the uses can be met on the lot.

SECTION 305 AIRPORT ZONING REGULATIONS

The Model Airport Zoning Regulations issued by the Southwestern Pennsylvania Regional Planning Commission (SPRPC) for the Greater Pittsburgh International Airport and the Beaver County Airport are hereby adopted by reference and shall be applicable to all uses in all Zoning Districts. Whenever there is a conflict between the requirements of the Airport Zoning Regulations and the provisions of this Ordinance, the more restrictive provision shall apply.

ARTICLE IV

R-1 LOW DENSITY RESIDENTIAL DISTRICT

SECTION 400 PURPOSE

The purpose of this District is to provide for low density residential development in suburban and rural areas where public sewer and/or water facilities may or may not be immediately available and to provide for compatible public, semi-public and accessory uses as conditional uses or uses by special exception.

SECTION 401 AUTHORIZED USES

In the R-1, Low Density Residential District, the following uses are authorized:

A. PERMITTED USES

1. Principal Uses

- **a.** Farm
- **b.** Single Family Dwelling
- **c.** Essential Services

2. Accessory Uses

- **a.** Signs, subject to Article XVII
- **b.** Off-street Parking and Loading, subject to Article XVI
- **c.** Accessory Uses customarily incidental to and on the same lot with any permitted use, conditional use or use by special exception authorized in this District.
- **d.** Private Residential Swimming Pools or Tennis Courts, subject to §1504.3
- **e.** Private Garages, subject to §1504.3
- **f.** Fences, subject to §1504.3
- **g.** Home Gardening
- **h.** Keeping of Domestic Pets
- **i.** Private Stables or Hobby Farms, subject to §1508

B. CONDITIONAL USES

1. Principal Uses

a. Planned Residential Development, subject to Article XIII
b. Golf Courses and Country Clubs, subject to §1402.12
c. Public Recreation, subject to §1402.30
d. Noncommercial Recreation, subject to §1402.30
e. Public Buildings, subject to §1402.5
f. Municipal Fire Houses, subject to §1402.5
g. Schools, subject to §1402.5
h. Public Utility Buildings, subject to §1402.31
i. Communications Tower, subject to §1402.45
j. Communications antenna mounted on an existing building or public utility storage or transmission facility, subject to §1402.49.
k. Communications antenna mounted on an approved communications tower, subject to §1402.49.

C. USES BY SPECIAL EXCEPTION

1. Principal Uses

a. Kennels and Veterinary Clinics, subject to §1402.20
b. Horse Boarding & Riding Academies, subject to §1402.17
c. Greenhouses and Tree Nurseries, subject to §1402.14
d. Churches, subject to §1402.5
e. Cemeteries, subject to §1402.4
f. Day Care Center or Nursery School in a Church or School, subject to §1402.9
g. Temporary Use or Structure, subject to §1402.38

2. Accessory Uses

a. Kennels and Veterinary Clinics, subject to §1402.20
b. Horse Boarding & Riding Academies, subject to §1402.17
c. Home Occupations, subject to §1402.16

SECTION 402 AREA AND BULK REGULATIONS

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

A. MINIMUM LOT SIZE:

Farms	10 acres
Single Family Lots:	
With Municipal Sewage	13,500 square feet
All Others	1 acre
All Other Uses	1 acre

(Except as may be modified by Articles XIII or XIV)

B. MINIMUM LOT WIDTH:

Farms	150 feet
Single Family Lots	90 feet
All Other Uses	150 feet

C. MAXIMUM LOT COVERAGE:

Farms	5%
All Others	20%

D. MINIMUM FRONT YARD 40 feet

E. MINIMUM REAR YARD:

Principal Structures	30 feet
Accessory Structures	10 feet

F. MINIMUM SIDE YARD:

Residential Uses	10 feet each side
All Other Uses	20 feet each side

G. SPECIAL YARD REQUIREMENTS See Section 1504

H. PERMITTED PROJECTIONS INTO REQUIRED YARDS See Section 1505

I. MAXIMUM HEIGHT:

All Principal Structures	2½ stories, but no more than 35 feet
All Other Accessory Uses	1 story, but no more than 20 feet

J. HEIGHT EXCEPTIONS See Section 1506

SECTION 403	**PARKING AND LOADING**	See Article XVI
SECTION 404	**SIGNS**	See Article XVII
SECTION 405	**SCREENING AND LANDSCAPING**	See Section 1502
SECTION 406	**STORAGE**	See Section 1511

ARTICLE V

R-2 SUBURBAN RESIDENTIAL DISTRICT

SECTION 500 PURPOSE

The purpose of this District is to provide for higher density residential development in areas which have public water and sewer facilities available; to allow compatible Planned Residential Developments on selected sites; and to authorize compatible public, semi-public and accessory uses as conditional uses or uses by special exception to complement the residential development.

SECTION 501 AUTHORIZED USES

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

A. PERMITTED USES

1. Principal Uses

- **a.** Single Family Dwelling
- **b.** Essential Services

2. Accessory Uses

- **a.** Signs, subject to Article XVII
- **b.** Offstreet Parking and Loading, subject to Article XVI
- **c.** Accessory Uses customarily incidental to and on the same lot with any permitted use, conditional use or use by special exception authorized in this District.
- **d.** Private Residential Swimming Pools or Tennis Courts, subject to §1504.3
- **e.** Private garages, subject to §1504.3
- **f.** Fences, subject to §1504.3
- **g.** Home Gardening
- **h.** Keeping of Domestic Pets

B. CONDITIONAL USES

1. Principal Uses

- **a.** Two Family Dwellings, subject to §1402.39
- **b.** Triplexes and Fourplexes, subject to §1402.39
- **c.** Planned Residential Development, subject to Article XIII

d. Golf Courses and Country Clubs, subject to §1402.12
e. Public Recreation Facilities, subject to §1402.30
f. Noncommercial Recreation, subject to §1402.30
g. Public Buildings, subject to §1402.5
h. Municipal Fire Houses, subject to §1402.5
i. Schools, including Post Secondary Schools, subject to §1402.5
j. Public Utility Buildings, subject to §1402.31
k. Communications Tower, subject to §1402.45
l. Communications antenna mounted on an existing building or public utility storage or transmission facility, subject to §1402.49.
m. Communications antenna mounted on an approved communications tower, subject to §1402.49.

C. USES BY SPECIAL EXCEPTION

1. Principal Uses

a. Churches, subject to §1402.5
b. Cemeteries, subject to §1402.4
c. Nursing Homes, subject to §1402.18
d. Day Care Center or Nursery School in a Church or Schools, subject to §1402.9
e. Temporary Use or Structure, other than a Construction Trailer, subject to §1402.38

2. Accessory Uses

a. Home Occupations, subject to §1402.16

SECTION 502 AREA AND BULK REGULATIONS

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

A. MINIMUM LOT SIZE:

Single Family Lots:	
With Municipal Sewage	12,000 square feet
All Others	1 acre
All Other Uses	1 acre

(Except as may be modified by Articles XIII or XIV)

B.	**MINIMUM LOT WIDTH:**	
	Single Family Lots	80 feet
	All Other Uses	150 feet
C.	**MAXIMUM LOT COVERAGE**	35%
D.	**MINIMUM FRONT YARD**	40 feet
E.	**MINIMUM REAR YARD:**	
	Principal Structures	30 feet
	Accessory Structures	10 feet
F.	**MINIMUM SIDE YARD:**	
	Residential Uses	10 feet each side
	All Other Uses	20 feet each side
G.	**SPECIAL YARD REQUIREMENTS**	See Section 1504
H.	**PERMITTED PROJECTIONS INTO REQUIRED YARDS**	See Section 1505
I.	**MAXIMUM HEIGHT:**	
	All Principal Structures	2½ stories, but no more than 35 feet
	All Other Accessory Uses	1 story, but no more than 20 feet
J.	**HEIGHT EXCEPTIONS**	See Section 1506
SECTION 503	**PARKING AND LOADING**	See Article XVI
SECTION 504	**SIGNS**	See Article XVII
SECTION 505	**SCREENING AND LANDSCAPING**	See Section 1502
SECTION 506	**STORAGE**	See Section 1511

ARTICLE VI

R-3 URBAN RESIDENTIAL DISTRICT

SECTION 600 PURPOSE

The purpose of this District is to zone existing residential neighborhoods which have been developed with smaller lot sizes and which have public water and sewer facilities available; and to authorize compatible public, semi-public and accessory uses as conditional uses or uses by special exception to complement the residential development.

SECTION 601 AUTHORIZED USES

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

A. PERMITTED USES

1. Principal Uses

a. Single Family Dwelling
b. Essential Services

2. Accessory Uses

a. Signs, subject to Article XVII
b. Offstreet Parking and Loading, subject to Article XVI
c. Accessory Uses customarily incidental to and on the same lot with any permitted use, conditional use or use by special exception authorized in this District.
d. Private Residential Swimming Pools or Tennis Courts, subject to §1504.3
e. Private garages, subject to §1504.3
f. Fences, subject to §1504.3
g. Home Gardening
h. Keeping of Domestic Pets

B. CONDITIONAL USES

1. Principal Uses

a. Two Family Dwellings, subject to §1402.39
b. Triplexes and Fourplexes, subject to §1402.39
c. Planned Residential Development, subject to Article XIII
d. Golf Courses and Country Clubs, subject to §1402.12

e. Public Recreation Facilities, subject to §1402.30
f. Noncommercial Recreation, subject to §1402.30
g. Public Buildings, subject to §1402.5
h. Municipal Fire Houses, subject to §1402.5
i. Schools, including Post Secondary Schools, subject to §1402.5
j. Public Utility Buildings, subject to §1402.31
k. Communications antenna mounted on an existing building or public utility storage or transmission facility, subject to §1402.49.

C. USES BY SPECIAL EXCEPTION

1. Principal Uses

a. Churches, subject to §1402.5
b. Cemeteries, subject to §1402.4
c. Nursing Homes, subject to §1402.18
d. Day Care Center or Nursery School in a Church or Schools, subject to §1402.9
e. Temporary Use or Structure, other than a Construction Trailer, subject to §1402.38

2. Accessory Uses

a. Home Occupations, subject to §1402.16

SECTION 602 AREA AND BULK REGULATIONS

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

A. MINIMUM LOT SIZE:

Single Family Lots:	10,000 square feet
All Other Uses	1 acre

(Except as may be modified by Articles XIII or XIV)

B. MINIMUM LOT WIDTH:

Single Family Lots	70 feet
All Other Uses	150 feet

C.	**MAXIMUM LOT COVERAGE**	35%
D.	**MINIMUM FRONT YARD**	40 feet
E.	**MINIMUM REAR YARD:**	
	Principal Structures	30 feet
	Accessory Structures	10 feet
F.	**MINIMUM SIDE YARD:**	
	Residential Uses	10 feet each side
	All Other Uses	20 feet each side
G.	**SPECIAL YARD REQUIREMENTS**	See Section 1504
H.	**PERMITTED PROJECTIONS INTO REQUIRED YARDS**	See Section 1505
I.	**MAXIMUM HEIGHT:**	
	All Principal Structures	2½ stories, but no more than 35 feet
	All Other Accessory Uses	1 story, but no more than 20 feet
J.	**HEIGHT EXCEPTIONS**	See Section 1506

SECTION 603	**PARKING AND LOADING**	See Article XVI
SECTION 604	**SIGNS**	See Article XVII
SECTION 605	**SCREENING AND LANDSCAPING**	See Section 1502
SECTION 606	**STORAGE**	See Section 1511

ARTICLE VII

R-4 MULTIFAMILY RESIDENTIAL DISTRICT

SECTION 700 PURPOSE

The purpose of this District is to provide opportunities for higher density multifamily development in locations which are served by public water and sewage and are located on the regional transportation network close to shopping and community services while protecting the Township from congestion and uncoordinated growth.

SECTION 701 AUTHORIZED USES

In the R-4, Multifamily Residential District, the following uses are authorized:

A. PERMITTED USES

1. Principal Uses

- **a.** Single Family Dwelling
- **b.** Two Family Dwellings
- **c.** Triplexes and Fourplexes
- **d.** Townhouses
- **e.** Garden Apartments
- **f.** Housing with Special Accommodations
- **g.** Essential Services

2. Accessory Uses

- **a.** Signs, subject to Article XVII
- **b.** Offstreet Parking and Loading, subject to Article XVI
- **c.** Accessory Uses customarily incidental to and on the same lot with any permitted use, conditional use or use by special exception authorized in this District.
- **d.** Private Residential Swimming Pools or Tennis Courts, subject to §1504.3
- **e.** Private garages, subject to §1504.3
- **f.** Fences, subject to §1504.3
- **g.** Home Gardening
- **h.** Keeping of Domestic Pets

B. CONDITIONAL USES

1. Principal Uses

a. Public Recreation Facilities, subject to §1402.30
b. Noncommercial Recreation, subject to §1402.30
c. Schools, subject to §1402.5
d. Public Buildings, subject to §1402.5
e. Municipal Fire Houses, subject to §1402.5
f. Planned Residential Development, subject to Article XIII
g. Public Utility Buildings, subject to §1402.31
h. Communications antenna mounted on an existing building or public utility storage or transmission facility, subject to §1402.49.
i. Bed and Breakfast, subject to §1402.48

C. USES BY SPECIAL EXCEPTION

1. Principal Uses

a. Conversion Apartments, subject to §1402.8
b. Churches, subject to §1402.5
c. Day Care Center or Nursery School in a Church or Schools, subject to §1402.9
d. Nursing Homes, subject to §1402.18
e. Group Care Facility, Personal Care Boarding Home, subject to §1402.13
f. Temporary Use or Structure, other than a Construction Trailer, subject to §1402.38

2. Accessory Uses

a. Home Occupations, subject to §1402.16

SECTION 702 AREA AND BULK REGULATIONS

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

A. MINIMUM LOT SIZE:

Single Family Dwelling	7,500 square feet
Two Family Dwelling	15,000 square feet
Triplex	20,000 square feet
Fourplex	30,000 square feet
All Other Uses	1 acre

(Except as may be modified by Articles XIII or XIV)

B. MINIMUM LOT WIDTH:

Single Family Dwelling	70 feet
Two Family Dwelling	85 feet
All Other Uses	150 feet

C. MAXIMUM LOT COVERAGE 35%

D. MINIMUM FRONT YARD 40 feet

E. MINIMUM REAR YARD:

Principal Structures:

Garden Apartments adjoining Single Family Use or Zoning District	75 feet
Townhouses adjoining Single Family Use or Zoning District	50 feet
All Others	30 feet
Residential Accessory Structures	10 feet
All Other Accessory Structures	20 feet

F. MINIMUM SIDE YARD:

Single Family Dwellings	10 feet each side
Two Family Dwellings	10 feet each side
Triplexes or Fourplexes	15 feet each side
Garden Apartments adjoining Single Family Use or Zoning District	75 feet
Townhouses adjoining Single Family Use or Zoning District	50 feet
All Others	15 feet each side

G.	**SPECIAL YARD REQUIREMENTS**	See Section 1504
H.	**PERMITTED PROJECTIONS INTO REQUIRED YARDS**	See Section 1505
I.	**MAXIMUM LENGTH OF RESIDENTIAL BUILDING**	120 feet
J.	**MAXIMUM NUMBER OF DWELLING UNITS PER BUILDING:**	
	Townhouses	6 dwelling units
	Garden Apartments	18 dwelling units
K.	**MAXIMUM DWELLING UNIT DENSITY:**	
	Townhouses	10 units per acre
	Garden Apartments	12 units per acre
L.	**MINIMUM DISTANCE BETWEEN BUILDINGS** (Where two or more buildings are on the same lot)	20 feet
M.	**MAXIMUM HEIGHT:**	
	All Principal Structures	3 stories, but no more than 35 feet
	All Accessory Structures	1 story, but no more than 20 feet
N.	**HEIGHT EXCEPTIONS**	See Section 1506
SECTION 703	**PARKING AND LOADING**	See Article XVI
SECTION 704	**SIGNS**	See Article XVII
SECTION 705	**SCREENING AND LANDSCAPING**	See Section 1502
SECTION 706	**STORAGE**	See Section 1511

ARTICLE VIII

R-5 MOBILE HOME PARK DISTRICT

SECTION 800 PURPOSE

The purpose of this District is to regulate existing mobile home parks and to provide for mobile home park development in areas which have public water and sewer facilities available or on selected sites in rural areas where community water distribution and community sewage treatment systems are feasible; and to authorize compatible public, semi-public and accessory uses as conditional uses or uses by special exception to complement the residential development.

SECTION 801 AUTHORIZED USES

In the R-5, Mobile Home Park District, the following uses are authorized:

A. PERMITTED USES

1. Principal Uses

- **a.** Mobile Home on Permanent Foundation Used as a Single Family Dwelling
- **b.** Essential Services

2. Accessory Uses

- **a.** Signs, subject to Article XVII
- **b.** Offstreet Parking and Loading, subject to Article XVI
- **c.** Accessory Uses customarily incidental to and on the same lot with any permitted use, conditional use or use by special exception authorized in this District.
- **d.** Private Residential Swimming Pools or Tennis Courts, subject to §1504.3
- **e.** Private garages, subject to §1504.3
- **f.** Fences, subject to §1504.3
- **g.** Home Gardening
- **h.** Keeping of Domestic Pets

B. CONDITIONAL USES

1. Principal Uses

- **a.** Mobile Home Parks, subject to §1402.23

b. Public Recreation Facilities, subject to §1402.30
c. Noncommercial Recreation, subject to §1402.30
d. Public Buildings, subject to §1402.5

C. USES BY SPECIAL EXCEPTION

1. Principal Uses

a. Day Care Center or Nursery School in a Church or Schools, subject to §1402.9
b. Temporary Use or Structure, other than a Construction Trailer, subject to §1402.38

2. Accessory Uses

a. Home Occupations, subject to §1402.16

SECTION 802 AREA AND BULK REGULATIONS

In the R-5, Mobile Home Park District, all uses shall be subject to the following regulations, except as they may be modified by the express standards and criteria for the specific conditional uses or uses by special exception contained in Article XIV.

A.	**MINIMUM SITE SIZE FOR A MOBILE HOME PARK**	10 acres
B.	**MINIMUM LOT SIZE:**	
	Mobile Home Lots:	
	With Municipal Sewage	7,200 square feet
	All Others	1 acre
	All Other Uses (Except as may be modified by Article XIV)	1 acre
C.	**MINIMUM LOT WIDTH:**	
	Single Family Lots	60 feet
	All Other Uses	150 feet
D.	**MAXIMUM LOT COVERAGE**	35%
E.	**MINIMUM FRONT YARD**	10 feet

F.	**MINIMUM REAR YARD:**	
	Principal Structures	10 feet
	Accessory Structures	5 feet
G.	**MINIMUM SIDE YARD:**	
	Residential Uses	10 feet each side
	All Other Uses	20 feet each side
H.	**SPECIAL YARD REQUIREMENTS**	See Section 1504
I.	**PERMITTED PROJECTIONS INTO REQUIRED YARDS**	See Section 1505
J.	**MAXIMUM HEIGHT:**	
	All Principal Structures	2½ stories, but no more than 35 feet
	All Other Accessory Uses	1 story, but no more than 20 feet
K.	**HEIGHT EXCEPTIONS**	See Section 1506

SECTION 803	**PARKING AND LOADING**	See Article XVI
SECTION 804	**SIGNS**	See Article XVII
SECTION 805	**SCREENING AND LANDSCAPING**	See Section 1502
SECTION 806	**STORAGE**	See Section 1511

ARTICLE IX

C-1 LIMITED COMMERCIAL DISTRICT

SECTION 900 PURPOSE

The purpose of this District is to provide retail shopping and service facilities to serve immediate household needs which are of a limited type and size appropriate to smaller properties, which do not generate large amounts of traffic and which do not adversely impact neighboring residential uses.

SECTION 901 AUTHORIZED USES

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

A. PERMITTED USES

1. Principal Uses

a. Townhouses or Garden Apartments
b. Antiques, Interior Decorating
c. Art, Book, Stationery Store
d. Art, Music or Photography Studios
e. Bakery Shop, including processing primarily for on-site sale
f. Candy or Ice Cream Store, including processing primarily for on-site sale
g. Card and Gift Shop
h. Catering Service, excluding rental hall
i. Church
j. Coin-operated Laundry
k. Convenience Store
l. Day Care Center
m. Dry Cleaning Pick-up Store
n. Eating and Drinking Establishments
o. Financial Institution
p. Florist Shop, excluding greenhouse
q. Food Store
r. Home Health Care Agency or Home Health Care Agency Branch Office
s. Medical Offices
t. Newsstand
u. Personal Services
v. Pharmacy
w. Professional Offices

x. Public Buildings
y. Retail Shops
z. Sale of Hobby Supplies
aa. Video Store, excluding Adult Video Store
bb. Essential Services
cc. Bed and Breakfast
dd. Day Spa

2. Accessory Uses

a. Signs, subject to Article XVII
b. Offstreet Parking and Loading, subject to Article XVI
c. Private Garages, subject to §1504.3
d. Accessory Uses customarily incidental to and on the same lot with any permitted use, conditional use or use by special exception authorized in this District.

B. CONDITIONAL USES

1. Principal Uses

a. Drive-in Facilities, subject to §1402.10
b. Car Wash, subject to §1402.3
c. Catering Halls, subject to §1402.43
d. Vehicle Repair Garages, subject to §1402.40
e. Communications antenna mounted on an existing building or public utility storage or transmission facility, subject to §1404.49.

C. USES BY SPECIAL EXCEPTION

1. Principal Uses

a. Group Care Facility, Transitional Dwelling or Personal Care Boarding Home, subject to §1402.13
b. Nursing Home, subject to §1402.18
c. Comparable Uses Not Specifically Listed, subject to §1402.42
d. Temporary Use or Structure, other than a Construction Trailer, subject to §1402.38

2. Accessory Uses

a. Home Occupations in a single family dwelling which is a nonconforming use, subject to §1402.16
b. Minor Collection and Recycling Facility, subject to §1402.6

SECTION 902 AREA AND BULK REGULATIONS

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

A.	**MINIMUM LOT SIZE:**	
	Multifamily Dwellings	1 acre
	All Other Uses	21,780 square feet
	(Except as may be modified by Articles XIII or XIV)	
B.	**MINIMUM LOT WIDTH**	100 feet
C.	**MAXIMUM GROSS FLOOR AREA PER BUSINESS ESTABLISHMENT** (Excluding dwellings)	5,000 Square Feet
D.	**MAXIMUM DWELLING UNIT DENSITY**	12 units per acre
E.	**MAXIMUM LOT COVERAGE**	35%
F.	**MINIMUM FRONT YARD**	50 feet
G.	**MINIMUM REAR YARD:**	
	Adjoining any R-1, R-2 or R-3 Zoning District	75 feet
	Accessory Structures	20 feet
	All Others	25 feet
H.	**MINIMUM SIDE YARD:**	
	Adjoining any R-1, R-2 or R-3 Zoning District	75 feet
	Accessory Structure	10 feet each side
	All Others	10 feet each side
I.	**SPECIAL YARD REQUIREMENTS**	See Section 1504
J.	**PERMITTED PROJECTIONS INTO REQUIRED YARDS**	See Section 1505

K.	**MINIMUM DISTANCE BETWEEN BUILDINGS** (Where two or more buildings are on the same lot)	20 feet
L.	**MAXIMUM HEIGHT:**	
	All Principal Structures	3 stories, but no more than 35 feet
	All Other Accessory Uses	1 story, but no more than 20 feet
M.	**HEIGHT EXCEPTIONS**	See Section 1506
SECTION 903	**PARKING AND LOADING**	See Article XVI
SECTION 904	**SIGNS**	See Article XVII
SECTION 905	**PERFORMANCE STANDARDS**	See Section 1501
SECTION 906	**STORAGE**	See Section 1511
SECTION 907	**SCREENING AND LANDSCAPING**	See Section 1502

ARTICLE X

C-2 GENERAL COMMERCIAL DISTRICT

SECTION 1000 PURPOSE

The purpose of this District is to provide for retail and service facilities which serve the needs of the general community and which are located in high volume traffic corridors to allow convenient access and to minimize the traffic impact on neighborhoods and local roads.

SECTION 1001 AUTHORIZED USES

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

A. PERMITTED USES

1. Principal Uses

- **a.** Any permitted use specifically listed in the C-1 District
- **b.** Mid-rise and High-Rise Apartments
- **c.** Ambulatory Surgical Facility
- **d.** Apparel and Accessories Store
- **e.** Appliance, Home Furnishing Store
- **f.** Bakery, including processing
- **g.** Birth Center
- **h.** Blood Bank
- **i.** Catering Service, including rental hall
- **j.** Candy or Ice Cream Store, including processing
- **k.** Day Spa
- **l.** Drugstore
- **m.** Grocery Store
- **n.** General Merchandise Store
- **o.** Home Health Care Agency or Home Health Care Agency Branch Office
- **p.** Hotels and Motels
- **q.** Other Retail Stores
- **r.** Business Offices
- **s.** Business Services
- **t.** Garden Center
- **u.** Funeral Home
- **v.** Commercial School
- **w.** Private Club

x. Theaters, excluding Adult Theaters
y. Radio or Television Broadcast Studio
z. Essential Services

2. Accessory Uses

a. Signs, subject to Article XVII
b. Offstreet Parking and Loading, subject to Article XVI
c. Private or Public Garages, subject to §1504.3
d. Accessory Uses customarily incidental to and on the same lot with any permitted use, conditional use or use by special exception authorized in this District.

B. CONDITIONAL USES

1. Principal Uses

a. Car Wash, subject to §1402.3
b. Commercial Recreation, subject to §1402.7
c. Drive-in Facilities, subject to §1402.10
d. Communications Tower, subject to §1402.45
e. Communications antenna mounted on an existing building or public utility storage or transmission facility, subject to §1402.49.
f. Communications antenna mounted on an approved communications tower §1402.49.
g. Mini-Warehouses and Self Storage Buildings, subject to §1402.44
h. New and Used Vehicle Sales, subject to §1402.24
i. Planned Shopping Center, subject to §1402.28
j. Service Station, subject to §1402.35
k. Wholesale Sales in conjunction with Retail Business, subject to §1402.41
l. Buildings containing any use authorized in this Zoning District by this Article which exceed three (3) stories or which are more than thirty-five feet in height, subject to §1402.47

2. Accessory Uses

a. Private Use Helipad, accessory to a Hospital, subject to §1402.29

C. USES BY SPECIAL EXCEPTION

1. Principal Uses

a. Clinic, Hospital or Nursing Home, subject to §1402.18
b. Comparable Uses Not Specifically Listed, subject to §1402.42
c. Group Care Facility, Personal Care Boarding Home or Transitional Dwelling, subject to §1402.13
d. Residence in Combination with Retail Business or Office, subject to §1402.33
e. Veterinary Clinics, subject to §1402.20
d. Temporary Use or Structure, other than a Construction Trailer, subject to §1402.38

2. Accessory Uses

a. Home Occupations in a single family dwelling which is a nonconforming use, subject to §1402.16
b. Minor Collection and Recycling Facility, subject to §1402.6

SECTION 1002 AREA AND BULK REGULATIONS

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

A. MINIMUM LOT SIZE:

Multifamily Dwellings	1 acre
All Other Uses	21,780 square feet

(Except as may be modified by Articles XIII or XIV)

B. MINIMUM LOT WIDTH 100 feet

C. MAXIMUM DWELLING UNIT DENSITY

Garden Apartments & Townhouses	16 units per acre
Mid-Rise & High-Rise Apartments	24 units per acre

E. MAXIMUM LOT COVERAGE 35%

D. MINIMUM FRONT YARD 50 feet

E.	**MINIMUM REAR YARD:**	
	Adjoining any R-1, R-2 or R-3 Zoning District	100 feet
	Accessory Structures	20 feet
	All Others	25 feet
F.	**MINIMUM SIDE YARD:**	
	Adjoining any R-1, R-2 or R-3 Zoning District	100 feet
	Accessory Structure	10 feet
	All Others	20 feet each side
G.	**MINIMUM DISTANCE BETWEEN BUILDINGS** (Where two or more buildings are on the same lot)	20 feet
H.	**SPECIAL YARD REQUIREMENTS**	See Section 1504
I.	**PERMITTED PROJECTIONS INTO REQUIRED YARDS**	See Section 1505
J.	**MAXIMUM HEIGHT:**	
	All Principal Structures	3 stories, but no more than 35 feet*
	All Accessory Structures	1 story, but no more than 20 feet
	* See §1402.46	
J.	**HEIGHT EXCEPTIONS**	See Section 1506
SECTION 1003	**PARKING AND LOADING**	See Article XVI
SECTION 1004	**SIGNS**	See Article XVII
SECTION 1005	**PERFORMANCE STANDARDS**	See Section 1501
SECTION 1006	**STORAGE**	See Section 1511
SECTION 1007	**SCREENING AND LANDSCAPING**	See Section 1502

ARTICLE XI

BP, BUSINESS PARK, DISTRICT

SECTION 1100 PURPOSE

The purpose of this District is to encourage the development of large sites in key locations on the regional transportation network into business parks which promote coordinated, campus-type development, including supporting business services, limited commercial services and research and development activities that contribute to an integrated working environment. It is intended that this District provide an environmentally protected atmosphere for development and this District is not intended to develop a predominantly industrial character.

SECTION 1101 AUTHORIZED USES

In the B-P, Business Park District, only the following uses are authorized:

A. PERMITTED USES

1. Principal Uses

- **a.** Business and Professional Offices
- **b.** Business Services
- **c.** Clinic or Hospital
- **d.** Conference or Training Center
- **e.** Financial Institutions
- **f.** Post Secondary or Commercial School
- **g.** Motel or Hotel
- **h.** Essential Services

2. Accessory Uses

- **a.** Signs, subject to Article XVII
- **b.** Offstreet Parking and Loading, subject to Article XVI
- **c.** Private or Public Garages, subject to §1504.3
- **d.** Accessory Uses customarily incidental to and on the same lot with any permitted use authorized in this District
- **e.** Employee Cafeteria or Dining Room

B. CONDITIONAL USES

1. Principal Uses

- **a.** Planned Office Park, subject to §1402.27
- **b.** Research and Development, subject to §1402.32

c. Flex Space, subject to §1402.11
d. Day Care Center, subject to §1402.9
e. Public Utility Buildings, subject to §1402.31
f. Communications Tower, subject to §1402.45
g. Communications antenna mounted on an existing building or public utility storage or transmission facility, subject to §1402.49
h. Communications antenna mounted on an approved communications tower, subject to §1402.49
i. Buildings containing any use authorized in this Zoning District by this Article which exceed three (3) stories or which are more than thirty-five (35) feet in height, subject to §1402.47

2. Accessory Uses

a. Day Care Center, subject to §1402.9
b. Pilot Manufacturing, subject to §1402.25
c. Private Use Helipad, subject to §1402.29
d. Restaurant in a Business Park, subject to §1402.34
e. Supporting Commercial in a Business Park, subject to §1402.37

C. USES BY SPECIAL EXCEPTION

1. Principal Uses

a. Temporary Use or Structure, other than a Construction Trailer, subject to §1402.38

2. Accessory Uses

a. Home Occupation in a Nonconforming Dwelling, subject to §1402.16

SECTION 1102 AREA AND BULK REGULATIONS

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

A. MINIMUM SITE AREA

Planned Business Park	10 acres

B. MINIMUM LOT SIZE

Lot in an approved Business Park	40,000 square feet

C.	**MINIMUM LOT WIDTH**	100 feet
D.	**MAXIMUM LOT COVERAGE**	40%
E.	**MINIMUM FRONT YARD**	50 feet
F.	**MINIMUM REAR YARD:**	
	Adjoining any R-1, R-2 or R-3 Zoning District	75 feet
	All Others	40 feet
G.	**MINIMUM SIDE YARD:**	
	Adjoining any R-1, R-2 or R-3 Zoning District	75 feet
	All Others	40 feet
H.	**SPECIAL YARD REQUIREMENTS**	See Section 1504
I.	**PERMITTED PROJECTIONS INTO REQUIRED YARDS**	See Section 1505
J.	**MINIMUM DISTANCE BETWEEN BUILDINGS** (Where two or more buildings are on the same lot)	20 feet
K.	**MAXIMUM HEIGHT:**	
	All Principal Structures	3 stories, but no more than 35 feet*
	All Accessory Structures	1 story, but no more than 20 feet
	*See §1402.47	
L.	**HEIGHT EXCEPTIONS**	See Section 1506

SECTION 1103	**PARKING AND LOADING**	See Article XVI
SECTION 1104	**SIGNS**	See Article XVII
SECTION 1105	**SCREENING AND LANDSCAPING**	See Section 1502
SECTION 1106	**STEEP SLOPE CONTROLS**	See Section 1503

ARTICLE XII

I-1 INDUSTRIAL DISTRICT

SECTION 1200 PURPOSE

The purpose of this District is to provide for industrial uses in appropriate locations consistent with sound planning and environmental controls

SECTION 1201 AUTHORIZED USES

In the I-1 Industrial District, the following uses are authorized:

A. PERMITTED USES

1. Principal Uses

- **a.** Business and Professional Offices
- **b.** Freight and Truck Terminals
- **c.** Light Manufacturing
- **d.** Mini-Warehouses
- **e.** Public Utility Buildings
- **f.** Research and Development, including Pilot Manufacturing
- **g.** Warehousing and Distribution
- **h.** Wholesaling
- **i.** Essential Services
- **j.** Zoo
- **k.** Wind Farm

2. Accessory Uses

- **a.** Signs, subject to Article XVII
- **b.** Offstreet Parking and Loading, subject to Article XVI
- **c.** Private or Public Garages, subject to §1504.3
- **d.** Employee Cafeteria or Dining Room
- **e.** Accessory Uses customarily incidental to and on the same lot with any permitted use, conditional use or use by special exception authorized in this District.

B. CONDITIONAL USES

1. Principal Uses

- **a.** Billboards, subject to §1402.2
- **b.** Collection and Recycling Facility, subject to §1402.6
- **c.** Commercial Recreation, subject to §1402.7

d. Correctional Facility, subject to §1402.46
e. Planned Industrial Park, subject to §1402.26
f. Service Station, subject to §1402.35
g. Supply Yard, subject to §1402.36
h. Vehicular and Heavy Equipment Repair Garage, subject to §1402.40
i. Communications Tower, subject to §1402.45
j. Communications antenna mounted on an existing building or public utility storage or transmission facility, subject to §1402.49
k. Communications antenna mounted on an approved communications tower, subject to §1402.49
l. Buildings containing any use authorized in this Zoning District by this Article which exceed three (3) stories or which are more than thirty-five (35) feet in height, subject to §1402.47

C. USES BY SPECIAL EXCEPTION

1. Principal Uses

a. Adult Business, subject to §1402.1
b. Comparable Uses Not Specifically Listed, subject to §1402.42
c. Hazardous Waste Transportation and Storage, subject to §1402.15
d. Incinerator, subject to §1402.21
e. Junk Yard, subject to §1402.19
f. Landfill, subject to §1402.21
g. Mineral Removal, subject to §1402.22
h. Resource Recovery Facility, subject to §1402.21
i. Temporary Use or Structure, other than a Construction Trailer, subject to §1402.38

2. Accessory Uses

a. Home Occupation in a single family dwelling which is a nonconforming use, subject to §1402.16
b. Minor Collection and Recycling Facility, subject to §1402.6

SECTION 1202 AREA AND BULK REGULATIONS

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

A. MINIMUM LOT SIZE 21,780 square feet
(Except as may be modified by Article XIV)

B.	**MINIMUM LOT WIDTH**	100 feet
C.	**MAXIMUM LOT COVERAGE**	50%
D.	**MAXIMUM PAVED AREA**	40%
E.	**MINIMUM FRONT YARD**	50 feet
F.	**MINIMUM REAR YARD:**	
	Adjoining any "R" Zoning District	150 feet
	Accessory Structures	25 feet
	All Others	40 feet
G.	**MINIMUM SIDE YARD:**	
	Adjoining any "R" Zoning District	150 feet
	Accessory Structures	25 feet
	All Others	40 feet
H.	**MINIMUM DISTANCE BETWEEN BUILDINGS** (Where two or more buildings are on the same lot)	20 feet
I.	**SPECIAL YARD REQUIREMENTS**	See Section 1504
J.	**PERMITTED PROJECTIONS INTO REQUIRED YARDS**	See Section 1505
K.	**MAXIMUM BUILDING LENGTH**	400 feet
L.	**MAXIMUM HEIGHT:**	
	All Principal Structures	3 stories, but no more than 35 feet*
	All Accessory Structures	1 story, but no more than 35 feet
	*See §1402.47	
M.	**HEIGHT EXCEPTIONS**	See Section 1506
SECTION 1203	**PARKING AND LOADING**	See Article XVI
SECTION 1204	**SIGNS**	See Article XVII

SECTION 1205	**PERFORMANCE STANDARDS**	See Section 1501
SECTION 1206	**STORAGE**	See Section 1511
SECTION 1207	**SCREENING AND LANDSCAPING**	See Section 1502

ARTICLE XIII

PLANNED RESIDENTIAL DEVELOPMENT

SECTION 1301 COMPLIANCE

No Planned Residential Development may be approved or recorded, no lot shall be sold or any structure built, altered, moved or enlarged in any Planned Residential Development, unless and until a Development Plan has been approved and recorded and until the improvements required in connection therewith have either been constructed or guaranteed, as herein provided.

SECTION 1302 RELATIONSHIP TO OTHERWISE APPLICABLE ZONING AND SUBDIVISION REGULATIONS

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

SECTION 1303 APPLICATION AND REVIEW PROCEDURES

1303.1 Application for Tentative Approval

The application for Tentative Approval shall include a Site Location Map, Proposed Development Plan and Engineering Report. The application shall be submitted to the Township Secretary at least ten (10) working days prior to the regular meeting of the Planning Commission. Not less than fifteen (15) copies shall be submitted and the application shall be accompanied by the required application filing fee.

1303.2 The location map shall indicate the area within 1,000 feet of the development site showing North direction, all public roads, property lines as appropriate, rive, adjacent municipalities, with the subject property clearly marked. A copy of the Beaver County Tax Assessment Map clearly identifying the Tax Parcel Number or Numbers for the proposed development site.

1303.3 The application shall include the following:

a. **Property Map** - Minimum scale 1"=200', indicating subject site, and all abutting properties within 500 feet of subject property along with the names of all such property owners of record.

b. **Zoning Map** - Minimum scale 1"=2000, similar to that specified in §1303.3(a) above, but including the zoning classification of all properties indicated on said map.

c. **Topography Map** - Minimum scale 1"=200', similar to that specified in §1303.3(a) above, but indicating topography as would appear on the United States Geologic Survey indicating all man-made improvements thereon, including but not limited to buildings existing on any properties thereon.

d. **Soil Classification Map** - Minimum scale 1"=200', identifying soils and listing limiting factors of applicable soils.

e. **Traffic Study** - A traffic Study, as required by the Township Subdivision and Land Development Ordinance.

1303.4 The Proposed Development Plan shall comprise such maps at a scale no smaller than 1"=100' and text needed to clearly show the following:

a. The name of the proposed development and names and addresses of the landowner, the Developer and the persons who prepared the Plan;

b. The proposed street pattern, including the names, paving widths, and rights-of-way of all streets, and the widths and locations of easements;

c. The layout of lots or parcels, where appropriate, including dimensions, lot areas, number and building lines;

d. The location, use, height, bulk and number of families to be housed for every structure proposed;

e. The location of all off-street parking spaces and the total number of spaces to be provided, in accordance with the requirements of Article XVI of this Ordinance.

f. The location of all vehicular entrances and exits to and from the site, including sight distances at those entrances and exits and the pattern of traffic circulation within the site;

g. The location, size and kind of improvements proposed for all common open space and recreation facilities, together with proposed ownership and maintenance arrangements for such open space;

h. The location and design for all landscaping, screening and bufferyards proposed showing the height and type of screening;

i. The location and width of walks, sidewalks and trails, and the use of trails where they are not limited to pedestrian use;

j. The substance of covenants, grants, easements or other restrictions proposed;

k. A legend with notes documenting applicable Zoning requirements and the way in which the plan does or does not comply;

l. The extent to which the proposed Development Plan varies from land use and other Zoning and Subdivision regulations otherwise applicable to the subject property;

m. A schedule, where development is to be phased over a period of years, showing proposed times for the filing of applications for final approval for each phase of the proposed Development Plan;

n. A statement of public interest submitted in writing by the Developer setting forth the reasons why the proposed Development Plan is in the public interest and is consistent with the Comprehensive Plan;

o. Proposed floor plans, elevations, building siting, typical cross section, rendering of front elevations of proposed buildings at a minimum scale 1/8"=1'; and

p. Evidence from the Center Township Water Authority and Center Township Sewer Authority demonstrating the availability of utilities to serve the development site.

1303.5 The Engineering Report shall comply with the provisions for an Engineering Report as specified in the Subdivision Ordinance.

SECTION 1304 TENTATIVE APPROVAL

The Township Secretary shall forward one (1) copy of the application for Tentative Approval to each member of the Planning Commission, the Township Engineer, the Board of Supervisors and the Beaver County Planning Commission. The Board of Supervisors shall not approve the application for Tentative Approval until reports from each of these agencies have been received, or until the expiration of thirty (30) days from the date of copies of the application for development were forwarded to said agencies.

SECTION 1305 PUBLIC HEARING

The Board of Supervisors shall hold a public hearing as required by law within sixty (60) days of the filing of the application for Tentative Approval of a Development Plan. The Board of Supervisors shall conduct the public hearing in accordance with the procedures specified by Section 908 of the Pennsylvania Municipalities Planning Code governing the conduct of hearings by the Zoning Hearing Board and all references in that section to the Zoning Hearing Board shall apply to the Board of Supervisors. The public hearing or hearings shall be concluded within sixty (60) days of the first public hearing.

SECTION 1306 CRITERIA FOR TENTATIVE APPROVAL

The Board of Supervisors shall give tentative approval to a proposed Development Plan if and only if it is found to meet the following criteria:

1306.1 The proposed Development Plan complies with all applicable standards and conditions of this Ordinance, preserves the community development objectives of this Ordinance, and is found by the Board of Supervisors to be consistent with the Comprehensive Plan.

1306.2 Where the proposed Development Plan departs from Zoning and Subdivision Regulations otherwise applicable to the subject property such departures are in the public interest and promote the health, safety and general welfare of the public.

1306.3 The proposals for the maintenance and conservation of any proposed common open space are reliable, and the amount and extent of improvements of such open space are adequate with respect to the purpose, use and type of residential development proposed.

1306.4 The physical design of the proposed Development Plan adequately provides for public services, traffic facilities and parking, light, air, recreation and visual enjoyment.

1306.5 The total environment of the proposed Development Plan is harmonious and consistent with the neighborhood in which it is located.

1306.6 The proposed Development Plan will afford a greater degree of protection of natural watercourses, topsoil, trees and other features of the natural environment, and the prevention of erosion, landslides, siltation and flooding than if the subject property were developed in accordance with the provisions of the Zoning and Subdivision Ordinances which otherwise apply.

1306.7 In the case of a Development Plan which proposes development over a period of years and/or phases, the terms and conditions shall be sufficient to protect the interests of the public and of the residents of the planned residential development in the integrity of the Development Plan.

1306.8 The grant or denial of tentative approval shall include findings of fact related to the proposed Development Plan as submitted for approval, and the reasons for the decisions shall be set forth with particularity in what respect the proposed Development Plan would or would not be in the public interest including, but not limited to, each of the above criteria.

1306.9 In the event a Development Plan is granted tentative approval, with or without conditions, the Board of Supervisors may set forth in the official written communication the time within which an application for final approval of the Development Plan shall be filed or, in the case of a Development Plan which provides for development over a period of years and/or in phases, the periods of time within which applications for final approval of each phase thereof shall be filed. Except upon the consent of the landowner, the time so established between grant of tentative approval and an application for final approval shall not be less than three (3) months and, in the case of developments over a period of years, the time between applications for final approval of each phase of a plan shall be not less than twelve (12) months. In the event that the applicant goes beyond the time specified through no fault of his own, the Board of Supervisors, may, in their sole discretion, grant an extension of time to the applicant to file the application for final approval.

SECTION 1307 GRANT OR DENIAL OF TENTATIVE APPROVAL

The Board of Supervisors shall render their decision not later than thirty (30) days after the conclusion of the public hearing.

1307.1 The decision of the Board of Supervisors shall be in writing and shall be given to the Developer personally, or mailed to him at his last known address, not later than five (5) days following the decision. In addition, the Board of Supervisors shall provide a copy of the decision, including Findings of Fact and conclusions of Law within thirty (30) days following the decision.

1307.2 Failure of the Board of Supervisors to render a decision and to communicate it to the Applicant in the time and in the manner required, shall be deemed an approval of the application and terms as presented, unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation or of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation and communication shall have like effect.

1307.3 The Board of Supervisors may:

a. Grant tentative approval of the subject Development Plan as submitted;

b. Grant tentative approval subject to specified conditions not included in the Development Plan as submitted; or

c. Deny approval of the Development Plan.

1307.4 If the Developer chooses to reject any conditions attached to the grant of tentative approval, he may void such tentative approval by notifying the Board of Supervisors within thirty (30) days of the decision of the Board of Supervisors.

1307.5 The grant of tentative approval may be revoked by the Board of Supervisors if they are notified by the Developer of his intention to abandon the proposed Development Plan. The grant of tentative approval shall be deemed to be revoked if the Developer does not submit an application for final approval within the time limits required by law.

SECTION 1308 APPLICATION FOR FINAL APPROVAL

Application for final approval of each phase shall be filed with the Board of Supervisors not later than twelve (12) months following the grant of tentative approval, unless otherwise specified by the Board of Supervisors. The application shall be submitted at least ten (10) working days prior to the regular meeting of the Planning Commission. The application shall be comprised of one (1) reproducible mylar and thirteen (13) prints of the Development Plan, including a Land Development Plan and supplementary date, and a Certificate of Completion of Improvements or a Completion Bond, as required by the Township Subdivision Ordinance.

1308.1 The Land Development Plan shall include:

a. All data required for a final plat as specified in the Subdivision Ordinance shown on a scaled drawing;

b. Accurately dimensioned locations of all proposed structures, parking areas and common open spaces;

c. The use and number of families to be housed in each structure; and

d. The Landscaping Plan, including the location of sidewalks, trails and screening.

1308.2 The Supplementary Data shall include:

a. Any covenants, grants of easements or other restrictions to be imposed on the use of land and structures;

b. Provision for the maintenance, ownership and operation of common open spaces and common recreation facilities; and

c. Evidence from the Center Township Water Authority and the Center Township Sewer Authority that utility service is available to the development site.

SECTION 1309 IMPROVEMENTS

No Development Plan shall be finally approved unless all improvements required by this Article have been installed in strict conformance with this Article, or guarantee that the improvements will subsequently be installed by the Developer in the form of a bond or deposit of funds or securities in escrow which are acceptable to the Board of Supervisors and are in amounts sufficient to cover the cost of the improvements which may be required in accordance with the requirements of the Township Subdivision and Land Development Ordinance for posting surety. Such guarantee shall provide for, and secure to the public, the completion of all declared improvements for the phase within a period of one (1) year from the date of the final approval of the Development Plan.

SECTION 1310 FINAL REVIEW

The Township Secretary shall forward one (1) copy of the application for final approval to each member of the Planning Commission, the Township Engineer and the County Planning Commission. The Board of Supervisors shall not approve the final application until reports from each of these agencies has been received, or until the expiration of thirty (30) days from the date the copies of the final application were forwarded to said agencies.

SECTION 1311 FINAL APPROVAL

The Board of Supervisors shall render their decision and communicate it to the Developer no later than forty-five (45) days after the application is filed.

1311.1 When an application for a proposed Development Plan has been granted tentative approval, the applicant shall be entitled to final approval in accordance with the terms of the grant of tentative approval.

1311.2 The Board of Supervisors may deny approval of any Development Plan which varies from the plan granted tentative approval. The Board of Supervisors must forward the written notice of such denial to the Developer

within forty-five (45) days, setting forth the reasons that one (1) or more variations are not in the public interest. In the event of such refusal, the landowner may either:

a. Refile the application for Final Approval without the variations objected; or

b. File a written request with the Board of Supervisors to hold a public hearing on the application for Final Approval. The hearing shall be held within thirty (30) days of the request and the hearing shall be conducted in accordance with the procedure for hearings on an application for Tentative Approval. Within thirty (30) days after the conclusion of the hearing, the Board of Supervisors shall issue a written decision either granting or denying Final Approval in the form required for Tentative Approval.

Either of these actions shall be taken at any time during which the applicant is entitled to apply for Final Approval or shall be taken within thirty (30) days of notice of refusal, if the time for filing the final Application is already passed. In the event that the Developer fails to take either of these actions within the time specified, he shall be deemed to have abandoned the Development Plan.

SECTION 1312 MEDIATION

The Board of Supervisors may offer mediation as an aid in completing the proceedings authorized by this Article prior to Final Approval of an application by the Board of Supervisors. The Township and the mediating parties shall meet the stipulations of Section 1708 of this Ordinance governing mediation.

SECTION 1313 RECORDING

The Developer shall record the approved Development Plan in the office of the County Recorder of Deeds within ninety (90) days of the final approval or Final Approval shall expire automatically. The Developer shall file one (1) copy of the recorded plan with the Township Secretary.

Upon filing of record of the Development Plan, the zoning and subdivision regulations otherwise applicable to the land included in such plan which have been superseded by the approved Development Plan shall cease to apply thereto.

SECTION 1314 REVOCATION

In the event that a development plan or phase thereof is given final approval and thereafter the landowner shall abandon such plan or phase thereof that has been finally approved, and shall notify the Board of Supervisors in writing; or, in the event that the landowner shall fail to commence and carry out the Planned Residential Development in accordance with the time provisions stated in Section 508 of the Pennsylvania Municipalities Planning Code after final approval has been granted, Final Approval of the Planned Residential Development shall take place on the property included in the development plan until a new application for Tentative Approval of a Planned Residential Development is submitted for said property or the property is developed in accordance with the then applicable Zoning District regulations.

SECTION 1315 STANDARDS FOR PLANNED RESIDENTIAL DEVELOPMENTS

1315.1 **Site Requirements** - The site for any Development Plan shall meet the following requirements:

a. Ownership - The entire site for the Development Plan shall be under ownership and control of the applicant.

b. Minimum Site - The site shall not be less than ten (10) acres.

c. Access - Any site proposed for multifamily dwellings shall provide direct access from arterial or collector streets as defined by this Ordinance to assure convenient and safe access which will not cause undue congestion or hazard on local streets.

d. Ingress and egress to and from the site shall be designed to comply with the minimum requirements of the Township Subdivision and Land Development Ordinance.

1315.2 **Permitted Uses** - The following uses may be permitted in a Development Plan provided their design, arrangement, landscaping and construction meet the requirements set forth in this Article:

a. In the R-1 Districts: Single family dwellings, two family dwellings, townhouses, recreational facilities and accessory uses.

b. In the R-2 Districts: Single family dwellings, two family dwellings, townhouses and garden apartments, ancillary commercial uses, recreational facilities and accessory uses.

c. In the R-3 Districts: Single family dwellings, two family dwellings, townhouses and garden apartments, ancillary commercial uses, recreational facilities and accessory uses.

d. In the R-4 Districts: Single Family dwellings, two family dwellings, townhouses and garden apartments, ancillary commercial uses, recreational facilities and accessory uses.

e. A Community Water Distribution System or a Community Sewage Treatment System approved by the Pennsylvania Department of Environmental Resources (PA DER).

f. Ancillary commercial uses, as defined by this Ordinance, shall be permitted in a Planned Residential Development only if all of the following criteria are met:

1. The Planned Residential Development shall contain a minimum of one hundred (100) multifamily dwelling units.

2. The Planned Residential Development site shall have frontage on an arterial or collector street, as defined herein, or shall be located within five hundred (500) feet of the intersection of two (2) arterial or collector streets.

3. Construction of the ancillary commercial uses shall not be permitted until eighty percent (80%) of all proposed dwelling units in the Planned Residential Development are constructed and occupied or ready for occupancy.

4. The ancillary commercial uses shall be designed primarily to serve the residents of the Planned Residential Development.

5. The ancillary commercial uses shall be limited to the ground or street floors of a residential building containing multifamily dwelling units or to a single freestanding building on the site of the Planned Residential Development.

6. The total floor area devoted to the ancillary commercial uses shall not exceed fifteen percent (15%) of the total floor area of all buildings devoted to residential use in the Planned Residential Development.

7. Any freestanding building proposed to contain ancillary commercial uses shall not be located within one hundred (100) feet of any existing or proposed single family dwelling within the Planned Residential Development or outside the boundaries of the Planned Residential Development site.

8. The maximum surface area of any business identification sign for any ancillary commercial use shall not exceed twelve (12) square feet. Such signs shall not be illuminated.

9. Off-street parking for the proposed ancillary commercial uses shall be provided in accordance with the requirements of Section 1602 for the uses.

1315.3 Permitted Density

a. **Exclusion of Steep Slope Areas** - In computing total dwelling units permitted per lot area in accordance with the requirements of only that portion of the lot with natural slopes of less than twenty-five percent (25%) shall be included in the computation.

b. **Density** - The overall density of development for the Planned Residential Development shall not exceed the following:

Zoning District	Maximum Density
R-1	4 units per acre
R-2	6 units per acre
R-3	8 units per acre
R-4	12 units per acre

c. **Minimum Lot Area for Single Family Dwellings** - The following minimum lot areas for single family dwellings in a Planned Residential Development shall be maintained:

Zoning District	Minimum Lot Area
R-1	12,000 sq. ft.
R-2	10,000 sq. ft.
R-3	8,500 sq. ft.
R-4	7,500 sq. ft.

d. **Minimum Lot Area for Two Family Dwellings** - The following minimum lot areas for two family dwellings in a Planned Residential Development shall be maintained:

Zoning District	Minimum Lot Area
R-1	20,000 sq. ft.
R-2	15,000 sq. ft.
R-3	13,500 sq. ft.
R-4	12,000 sq. ft.

1315.4 **Yard and Open Space Requirements** - No Development Plan shall be approved unless the following requirements for yards and open space are met:

a. **Bufferyards** - Bufferyard shall be provided in accordance with the requirements of Section 1502 of this Ordinance.

b. **Open Space** - Not less than fifteen percent (15%) of the total site area shall be set aside for common open space, and not less than fifty percent (50%) of the identified open space shall be developed as a distinct and usable recreation area(s).

c. **Minimum Building Setback on the Perimeter of the PRD Site** - No garden apartment or townhouse or ancillary commercial structure shall be located closer to any boundary of the PRD site than seventy-five (75) feet. All other structures shall be located at least fifty (50) feet from the boundary of the PRD site. Any structure exceeding thirty-five (35) feet in height shall be set back one (1) additional foot for every foot of height exceeding thirty-five (35) feet. No accessory structure and no off-street parking shall be located in this required setback area.

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

e. **Building Coverage** - The total building coverage for dwelling purposes, shall not exceed twenty-five percent (25%) of the total site area.

f. **Space Between Buildings** - Where two (2) principal structures exist on the same lot, each structure shall be separated by not less than thirty (30) feet from any other principal structure on the lot.

1315.5 **Maximum Bulk and Height of Structures** - No structure shall have a maximum dimension greater than two hundred fifty (250) feet. Maximum height of structures shall be as follows:

a. No townhouse shall have a height greater than two and one-half (2½) stories not to exceed thirty-five (35) feet.

b. No garden apartment shall have a height greater than three (3) habitable stories not to exceed thirty-five (35) feet.

c. Chimneys, spires, towers, tanks or similar projections may exceed the prescribed height limitation by not more than twenty-five percent (25%).

1315.6 **Building Groupings** - Structures used for dwelling units shall be oriented so as to ensure adequate light and air exposures for walls containing main window exposures or main entrances. Each structure shall be so arranged so as to avoid undue exposure to concentrated loading or parking facilities.

1315.7 **Off-Street Parking** - Off-street parking spaces shall be provided in accordance with Section 1602 of this Ordinance.

SECTION 1316 COMMON OPEN SPACE RESERVATION

Common open space generated by the application of the provisions of this Article shall be developed to a degree commensurate with its location and probable usage. The common open space shall be so dedicated or otherwise preserved and maintained so as to always remain open and available for use by the occupants of the development area. The land and facilities to be used for common open space may be acceptable, if either of the following conditions are met:

1316.1 The land and facilities shall be dedicated for public use, with the accepting public body agreeing to operate and maintain the dedicated land and facilities for the originally intended use.

1316.2 The land and facilities shall be deeded to an organization representing the property owners of the development. The organization shall covenant to operate and maintain the land and facilities for their originally intended use. The organization shall not be dissolved nor shall it dispose of the common open space, by sale or otherwise without guaranteeing to the Township's satisfaction, the maintenance of the common open space and first offering to dedicate the common open space to the public. The public body is under no obligation to accept dedication of this common open space for public use.

SECTION 1317 COMMON OPEN SPACE MAINTENANCE

In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after establishment of the planned residential development fail to maintain the common open space in reasonable order and condition in accordance with the Development Plan, the Township may serve written notice upon such organization or upon the residents of the planned residential development setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be corrected within thirty (30) days thereof, and shall state the date and place of hearing thereon which shall be held within fourteen (14) days of the notice. At such hearing the Township may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be corrected. If the deficiencies set forth in the original notice or in the modifications thereof shall not be corrected within said thirty (30) days or any extension thereof, the Township, in order to preserve the taxable values of the properties within the planned residential development and to prevent the common open space from becoming a public nuisance, may enter upon said common open space and maintain the same for a period of one (1) year. Said maintenance by the Township shall not constitute a taking of said common open space, nor vest in the public any rights to use the same.

Before the expiration of said year, the Township shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common open space, call a public hearing upon notice to such organization, or to the residents of the planned residential development, to be held by the Board of Supervisors or its designated agency, at which hearing such organization or the residents of the planned residential development shall show cause why such maintenance by the Township shall not, at the option of the Township, continue for a succeeding year.

If the Board of Supervisors or its designated agency, shall determine that such organization is ready and able to maintain said common open space in reasonable condition, the Township shall cease to maintain said common open space at the end of said year. IF the Board of Supervisors or its designated agency shall determine that such organization is not ready and able to maintain said common open space in a reasonable condition, the Township may, in its discretion, continue to maintain said common open space during the next succeeding year and, subject to a similar hearing and determination, in each year thereafter.

The decision of the governing body or its designated agency shall be subject to appeal to court in the same manner, and within the same time limitation, as is provided for zoning appeals by this Ordinance.

The cost of such maintenance by the Township shall be assessed ratably against the properties within the planned residential development that have a right of enjoyment of the common open space, and shall become a lien on said properties. The Township at the time of entering upon said common open space for the purpose of maintenance shall file a notice of lien in the office of the prothonotary of the County, upon the properties affected by the lien within the planned residential development.

SECTION 1318 STAGING DEVELOPMENT

The density of development within various portions of the Planned Residential Development may vary, provided each such area or portion of the Development Plan meets all requirements of this Article. It is further required that programs for the construction of areas of greater density concentration than permitted on the entire tract will be offset by site improvements which, because of their size or cost, are in proportion to the number of dwelling units to be constructed in each stage. As an alternative to part or all of the site improvements required to offset development densities in excess of the overall permitted density, the Township may require the reservation of open space by grant, easement or covenant in favor of the Township in an amount and location necessary to balance the excess development density of each stage.

SECTION 1319 PUBLIC IMPROVEMENTS

All streets, sidewalks, lighting and drainage facilities therewith, shall be designed and constructed in keeping with the requirements of the Subdivision Ordinance of the Township.

SECTION 1320 MODIFICATIONS

When owing to special circumstances and conditions, compliance with the provisions of this Article would result in unnecessary hardship, the Board of Supervisors may make special, reasonable modifications thereto, as will not be contrary to the public interest. Where a special, reasonable modification is requested, the procedure outlined by the Subdivision Ordinance for granting modifications shall be strictly adhered to and followed.

SECTION 1321 ENFORCEMENT

To ensure the integrity of the Development Plan and to guarantee that modifications in the Plan do not adversely affect the public interest, the enforcement and modification of the provisions of the Development Plan as finally approved, whether they are recorded by plat, covenant, easement or otherwise, shall be subject to the following provisions:

1321.1 **Provisions in Favor of Township** - The provisions of the Development Plan relating to the use, bulk and location of buildings and structures; the quantity and location of common open space, except as otherwise provided

in this Article, and the intensity of use or the density of residential units, shall run in favor of the Township. As provided by law, these provisions shall be enforceable in law or in equity by the Township without limitation on any powers of regulation otherwise granted the Township by law.

1321.2 **Provisions in Favor of Residents** - All provisions of the Development Plan shall run in favor of the residents of the Planned Residential Development but only to the extent expressly provided in the Development Plan. Also, provided these provisions, whether recorded by plat, covenant, easement or otherwise, may be enforced by law or equity by said residents acting individually, jointly or through an organization designated in the Development Plan to act on their behalf. No provisions of the Development Plan shall, however, be implied to exist in favor of residents of the Planned Residential Development except as to those portions of the Development Plan which have been finally approved, and have been recorded.

1321.3 **Modifications** - All those provisions of the Development Plan authorized to be enforced by the Township under this Section may be modified, removed or released by the Township, except grants or easements relating to the service or equipment of a public utility, subject to the following conditions:

a. No such modification, removal or release of the provisions of the Development Plan by the Township shall affect the rights of the residents of the Planned Residential Development to maintain and enforce those provisions, at law or equity, as provided in this Ordinance.

b. No modification, removal or release of the provisions of the Development Plan by the Township shall be permitted except upon the findings by the Board of Supervisors or its designated agency, following a public hearing thereon pursuant to public notice called and held in accordance with the provisions of the "Pennsylvania Municipalities Planning Code." These findings must indicate that the changes are consistent with the efficient development and preservation of the entire Planned Residential Development, does not adversely affect the enjoyment of land abutting upon or across the street from the Planned Residential Development or the public interest, and is not granted solely to confer a special benefit upon any person.

1321.4 **Release of Rights** - Residents of the Planned Residential Development may, to the extent and in the manner expressly authorized by the provisions of the Development Plan, modify, remove or release their rights to enforce the provisions of the Development Plan, but no such action shall affect the right of the Township to enforce the provisions of the Development Plan in accordance with the provisions of this Ordinance.

ARTICLE XIV

STANDARDS AND CRITERIA FOR CONDITIONAL USES AND USES BY SPECIAL EXCEPTION

SECTION 1400 PROCEDURE FOR APPROVAL

1400.1 **Approval of Conditional Uses** - The Board of Supervisors shall hear and decide requests for conditional uses within ninety (90) days from the date of submission of a complete and properly filed application. However, the Board of Supervisors shall not approve a conditional use application unless and until:

a. A written application for conditional use approval is submitted to the Zoning Officer no less than ten (10) working days prior to the regular meeting of the Planning Commission. The application shall indicate the Section of this Ordinance under which conditional use approval is sought and shall state the grounds upon which it is requested. The application shall include the following:

1. A Land Development Plan, as defined herein;

2. A written statement showing compliance with the applicable express standards and criteria of this Article for the proposed use.

3. Identification of the Tax Parcel Numbers for the property or properties included in the application.

4. A map showing and identifying all lots within two hundred (200) feet of the property for which conditional use approval is requested and a list of the names and addresses of the owners of these lots from the most recent records of the Beaver County Tax Assessors Office.

5. A traffic impact analysis, if required by the Township Subdivision and Land Development Ordinance.

6. The application fee required by Section 2009 of this Ordinance.

b. A written recommendation is received from the Planning Commission or thirty (30) days has passed from the date of the Planning Commission meeting at which the application is first considered for approval.

c. A public hearing is held by the Board of Supervisors pursuant to public notice.

d. In considering an application for conditional use approval, the Board of Supervisors may prescribe appropriate conditions and safeguards in conformity with the spirit and intent of this Article. A violation of such conditions and safeguards, when made part of the terms and conditions under which conditional use approval is granted, shall be deemed a violation of this Ordinance and shall be subject to the enforcement provisions of Section 2001 of this Ordinance.

1400.2 **Expiration of Conditional Use Approval** - Conditional use approval shall expire automatically without written notice to the applicant if no application for a grading permit, building permit or zoning certificate to undertake the construction or authorize the occupancy described in the application for conditional use approval is submitted within twelve (12) months of said approval, unless the Board of Supervisors, in their sole discretion, extends conditional use approval upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be one (1) twelve-month extension.

1400.3 **Approval of Uses by Special Exception** - The Zoning Hearing Board shall hear and decide requests for uses by special exception. The Zoning Hearing Board shall not approval an application for a use by special exception unless and until:

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

1. A Land Development Plan, as defined herein;

2. A written statement showing compliance with the applicable express standards and criteria of this Article for the proposed use.

3. Identification of the Tax Parcel Numbers for the property or properties included in the application.

4. A map showing and identifying all lots within two hundred (200) feet of the property for which use by special exception approval is requested and a list of the names and addresses of the owners of these lots from the most recent records of the Beaver County Tax Assessors Office.

5. A traffic impact analysis, if required by the Township Subdivision and Land Development Ordinance.

6. The application fee required by Section 2009 of this Ordinance.

b. A public hearing pursuant to public notice is held by the Zoning Hearing Board within sixty (60) days of the date of submission of a complete and properly filed application. Said hearing shall be conducted in accordance with the procedures specified by Section 1906 of this Ordinance.

c. In considering an application for approval of a use by special exception, the Zoning Hearing Board may prescribe appropriate conditions and safeguards in conformity with the spirit and intent of this Article. A violation of such conditions and safeguards, when made part of the terms and conditions under which approval of a use by special exception is granted, shall be deemed a violation of this Ordinance and shall be subject to the enforcement provisions of Section 2001 of this Ordinance.

1400.4 **Expiration of Approval of Use By Special Exception** - Approval of a use by special exception shall expire automatically without written notice to the applicant if no application for a grading permit, building permit or zoning certificate to undertake the construction or authorize the occupancy described in the application for approval of the use by special exception is submitted within twelve (12) months of the effective date of this Ordinance, unless the Zoning Hearing Board, in its sole discretion, extends approval of the use by special exception upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be one (1) twelve-month extension.

SECTION 1401 GENERAL STANDARDS

In addition to the specific standards and criteria listed for each use in Section 1402, below, all applications for conditional uses and uses by special exception listed in each Zoning District shall demonstrate compliance with all of the following general standards and criteria:

1401.1 The use shall not endanger the public health, safety or welfare nor deteriorate the environment, if it is located on the site where it is proposed.

1401.2 The use shall comply with the Performance Standards specified in Section 1501 of this Ordinance.

1401.3 The use shall comply with all applicable requirements of Article XVI governing parking and loading, Article XVII governing signs, Section 1502 governing screening and landscaping, Section 1503 governing steep slopes and Section 1511 governing storage.

1401.4 Ingress, egress and traffic circulation on the site shall be designed to ensure safety and minimize congestion and the impact on local streets.

1401.5 Site lighting, if proposed, shall be shielded and reflected away from adjacent residential properties and public streets.

SECTION 1402 STANDARDS FOR SPECIFIC USES

In addition to the general standards and criteria for conditional uses and uses by special exception listed in Section 1401, above, an application for any of the following uses which are listed in any Zoning District as a conditional use or use by special exception shall comply with the applicable standards and criteria specified below.

1402.1 **Adult Businesses**, subject to:

a. Adult businesses shall include adult bookstore/video stores, adult movie theaters or movie houses and adult live theaters, as defined herein.

b. If Township Ordinance No. 271 is repealed by a later ordinance or is found to be invalid by a court of competent jurisdiction, adult businesses, as described herein, shall be permitted only in the I-1 Zoning District.

c. Adult businesses, shall not be located within 1,000 feet of any property which is zoned residential.

d. Adult businesses shall not be located within five hundred (500) feet of the property boundary of any existing school, daycare center, hospital, group care facility, personal care boarding home, group home, transitional dwelling, public park or playground, church or establishment which is licensed to serve and/or sell alcoholic beverages.

e. No adult business shall be located within five hundred (500) feet of any other existing or proposed adult business.

f. Persons or owners who intend to operate an adult business shall obtain a license to operate from the Township and shall pay a $1,000 investigation fee to the Township. In addition, such persons or owners shall supply to the Township detailed information regarding the ownership and financing of the proposed business as required on the licensing application. Applications for licensing shall be filed with the Township Zoning Officer.

g. An adult business shall be initially licensed when it has met the requirements of this Section. The license shall be valid through December 31st of the year in which the license is initially issued. For each year thereafter that the business intends to continue, the owner or operator shall seek a renewal of the license. The application for renewal shall be submitted to the Township Zoning Office by November 1st of the year preceding the year for which the license renewal is sought. The lack of a license or failure to renew such license in a timely fashion shall be grounds for the Township to deny or revoke an occupancy permit for an adult business.

1402.2 **Billboards**, subject to:

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

1402.3 **Car Wash**, subject to:

a. All automated washing facilities shall be in a completely enclosed building. All other car washing facilities shall be under a roofed structure which has at least two (2) walls.

b. Drainage water from the washing operation shall be controlled so that it does not flow or drain onto berms, streets or other property.

c. Standing spaces shall be provided in accordance with the requirements specified in §1402.10 for drive-in facilities.

d. The facility shall be connected to public sewers.

e. Driveway entrances shall be located at least thirty (30) feet from the right-of-way line of the intersection of any public streets.

f. Any car wash which also dispenses gasoline shall meet all applicable requirements of §1402.35 governing service stations.

1402.4 **Cemeteries**, subject to:

a. A minimum site of ten (10) acres shall be required.

b. A drainage plan shall be submitted with the application for the use to show existing and proposed runoff characteristics.

c. A ground water study prepared by an hydrologist or registered professional engineer qualified to perform such studies shall be submitted with the application.

d. Plans for ingress/egress shall be referred to local police officials for comments regarding public safety.

e. All property lines adjoining residential use or zoning classification shall be screened by Bufferyard D as defined by Section 1502.2 of this Ordinance.

f. Parking for principal structures such as chapels or mausoleums shall be provided in accordance with the requirements of Article XVI.

g. All equipment shall be properly stored in an enclosed building when not in use.

h. No burial sites or structures shall be located within one hundred (100) feet from any adjacent property line.

1402.5 **Churches, Schools, including Post Secondary Schools and Public Buildings**, subject to:

a. The minimum site required for a Post Secondary School shall be ten (10) acres. The minimum site required for all other uses shall be one (1) acre.

b. If a residential facility (such as a convent or monastery) is proposed as part of a church, no more than ten (10) persons shall be housed.

c. A dwelling (such as a manse or parsonage) may be located on the same lot with a church provided all requirements of the Zoning Ordinance for single family dwellings in the District can be met in addition to the minimum lot area, lot width and yard requirements applicable to the church.

d. If the school includes dormitories, the dormitories shall be screened along any property line adjoining single family use or zoning classification by Bufferyard C, as defined by Section 1502.2 of this Ordinance.

e. Ingress and egress for police and fire stations shall be located so as to maximize sight distance along adjacent public streets.

f. Fire stations, police stations and municipal maintenance facilities shall be located on the site so that vehicles and equipment can be maneuvered on the site without interrupting traffic flow or blocking public streets.

g. All outside storage shall be screened by a six (6) foot hedge or opaque fence.

h. The proposed use shall have direct access to a public street with sufficient capacity to accommodate the traffic generated by the proposed use.

1402.6 Collection and Recycling Facilities, subject to:

a. Operations shall be regulated so that nuisances such as visual blight, noise, odors, blowing debris and dust shall not be created.

b. Materials shall be stored in such a manner as to discourage the presence of rodents and other disease carrying animals. If after operations commence, the Zoning Officer determines that a vector problem exists, the operator shall be responsible for taking whatever measures are necessary to rid the premises of said nuisances.

c. Adequate off-street loading areas shall be provided for loading and unloading of recyclable materials. Under no circumstances shall loading vehicles or other business vehicles be parked on a public right-of-way.

d. All materials shall be stored within a completely enclosed building or screened from adjacent properties and public rights-of-way with an eight (8) foot high opaque fence.

e. Access shall be directly onto a collector or arterial road with sufficient capacity to handle traffic generated by the facility.

f. The Board of Supervisors may impose restrictions on access to the facility, hours of operation or other such matters as they deem necessary to insure that there is no adverse impact upon the functioning of the district or adjacent parcels.

g. Minor collection and recycling facilities proposed for use by the general public shall be clearly identified to include the type of material to be deposited, the name and telephone number of the operator of the facility and the hours of operation and a display notice that no materials may be left outside the recycling enclosure or containers.

h. Containers for the 24-hour donation of materials shall be located at least fifty (50) feet from any property line adjoining an existing single family dwelling or residential zoning district.

i. All containers shall be of durable construction and shall be waterproof and rustproof. All containers shall be properly maintained and shall be covered and secured when the facility is not in operation. All containers shall be of sufficient size to accommodate the materials collected based on the collection schedule established.

j. Minor collection and recycling facilities shall not utilize any power-driven processing equipment, other than reverse vending machines.

k. Minor collection and recycling facilities which are accessory to commercial establishments shall provide a minimum of five (5) parking spaces for the minor collection and recycling facility in addition to the parking required by Article XVI for the commercial establishment which shall be located within one hundred (100) feet of the facility and shall be clearly marked for use by visitors to the collection and recycling facility during its hours of operation.

l. Adequate loading area shall be provided for the periodic removal of materials or exchange of containers.

1402.7 **Commercial Recreation**, subject to:

a. The minimum site area for stadia, arenas, amphitheaters, racetracks and similar large facilities which propose maximum occupancy for five thousand (5,000) or more persons shall be twenty-five (25) acres. Other outdoor recreation facilities shall have a minimum site of one (1) acre. Indoor facilities shall meet the minimum lot area required for the Zoning District in which the site is located.

b. The site shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Ordinance.

c. Public water and public sewers shall be required on the site.

d. Adequate sanitary facilities available to the public shall be provided.

e. Outdoor speakers shall not be permitted if there are dwellings within five hundred (500) feet of the site in any direction. If outdoor speakers are allowed, the volume and direction shall be regulated to minimize the impact on adjoining properties.

f. Location of buildings and facilities, traffic circulation and parking areas shall be designed to provide adequate access for emergency medical vehicles and fire-fighting equipment.

g. Any outdoor facility shall be completely enclosed by a fence at least six (6) feet in height with one (1) or more locking gates which shall remain secured when the facility is not in use.

h. Any outdoor facility located within two hundred (200) feet of an existing dwelling shall cease operations no later than 12:00 midnight.

i. Any use which includes a golf course or country club shall be further subject to §1402.12.

1402.8 **Conversion Apartments**, subject to:

a. Each dwelling unit shall contain a minimum of six hundred (600) square feet of gross floor area.

b. Each dwelling unit shall have separate living, sleeping, kitchen and sanitary facilities.

c. The maximum number of dwelling units shall be four (4) units in the same building.

d. Conversion of detached garages or other accessory structures to dwelling units shall not be permitted.

e. Safe ingress and egress and adequate turnaround areas shall be provided on the lot for circulation of automobiles owned by the residents.

f. One (1) offstreet parking space shall be provided for each dwelling unit.

g. All units shall comply with all applicable requirements of the Pennsylvania Department of Labor and Industry.

1402.9 Day Care Center or Nursery School, subject to:

a. The facility shall be licensed by the Commonwealth.

b. Ingress and egress to the site shall be designed to assure safety and safe areas for discharging and picking up children shall be provided which do not interfere with the free flow of traffic on adjacent streets.

c. Outdoor play areas shall be provided and shall be secured by a fence with a self-latching gate.

d. Outdoor play areas which adjoin residential lots shall be screened by a Bufferyard D as defined by Section 1502.2 of this Ordinance.

e. The general safety of the site proposed for a day care center or nursery school shall be evaluated as it relates to the needs of small children.

f. Offstreet parking shall be provided in accordance with the requirements of Article XVI of this Ordinance.

1402.10 Drive-in Facilities, subject to:

a. The site shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Ordinance.

b. In addition to the parking spaces required for the principal use, a minimum of five (5) standing spaces, in tandem, with a total length of one hundred (100) feet, in direct line with each window or stall shall be provided for vehicles to wait in line. The standing spaces shall not interfere with the use of any required parking spaces and shall not inhibit the free flow of traffic on the site. The standing spaces shall be designed so that waiting vehicles shall not stand in any right-of-way or overflow onto adjacent properties, streets or berms.

c. Entrances, exits and standing spaces shall be adequately indicated with pavement markings and/or directional signs.

d. Parking areas and circulation patterns shall be adequately striped and marked to facilitate traffic circulation on the site.

1402.11 **Flex Space**, subject to:

a. Offstreet parking shall be provided for each of the uses in accordance with the requirements of Article XVI of this Ordinance.

b. Offstreet parking for offices shall be located within three hundred (300) feet of the entrance to the offices.

c. All materials and equipment shall be stored within a completely enclosed building.

d. The transformation or compounding of raw materials in a manufacturing process shall not be permitted. Assembly or processing of previously manufactured components into finished products, not involving the chemical transformation of the components shall be permitted.

e. Storage, handling or processing of volatile, explosive or hazardous materials shall be prohibited.

f. The total floor area devoted to warehousing and/or manufacturing shall not exceed fifty thousand (50,000) square feet.

g. Any site which involves wholesale distribution shall have access to an arterial or collector street, as defined by this Ordinance.

h. All property lines adjoining residential use or zoning classification shall be screened by Bufferyard A, as defined by §1502.2 of this Ordinance.

1402.12 **Golf Course or Country Club**, subject to:

a. Golf courses and country clubs shall have a minimum site of ten (10) acres.

b. Clubhouses shall be located at least one hundred (100) feet from any property line adjoining a Residential Zoning District and at least fifty (50) feet from all other property lines.

c. Where eating and/or drinking facilities are provided, parking requirements for restaurants shall apply in addition to the parking requirements for golf courses.

1402.13 Group Care Facility, Personal Care Boarding Home or Transitional Dwelling, subject to:

a. The minimum area and bulk regulations for a Group Care Facility, Personal Care Boarding Home or Transitional Dwelling shall be the same as those required for all uses in the District in which the facility is located.

b. Adequate provisions shall be made for access for emergency medical and fire vehicles.

c. Twenty-four (24) hour supervision shall be provided by staff qualified by the sponsoring agency.

d. Adequate open space opportunities for recreation shall be provided on the lot for the residents consistent with their needs and the area shall be secured by a fence with a self-latching gate.

e. Where applicable, certification or licensing by the sponsoring agency shall be prerequisite to obtaining a certificate of occupancy and a copy of an annual report with evidence of continuing certification shall be submitted to the Zoning Officer in January of each year.

1402.14 Greenhouse or Tree Nursery, subject to:

a. On-site sales shall be conducted within a completely enclosed building.

b. If the greenhouse or tree nursery is open to the public, offstreet parking shall be provided based on one (1) space for each five hundred (500) square feet of display or growing area.

c. Inventory of landscaping materials shall be stored within a completely enclosed building or shall be screened from public view by a six (6) foot hedge or opaque fence. Small quantities of landscaping materials offered for sale may be displayed outside an enclosed building.

1402.15 Hazardous Waste Disposal, Treatment, Transportation or Storage, subject to:

a. The applicant shall present evidence of valid licenses and/or permits from the Pennsylvania Department of Environmental Resources (PA DER) for the disposal of hazardous waste.

b. Valid licenses and/or permits from PA DER shall be maintained continuously throughout the operation of any transportation, storage, treatment or disposal of hazardous waste. Any suspension or revocation of the valid PA DER licenses and/or permits shall result in revocation of Township Zoning approval and shall represent a violation of this Ordinance which shall be subject to the penalty provisions of this Ordinance.

c. The applicant shall demonstrate that the proposed transportation, storage, treatment or disposal of hazardous waste shall not adversely affect any lawful or existing permitted uses of adjacent property.

d. The applicant shall demonstrate that the proposed transportation, storage, treatment or disposal of hazardous waste shall not adversely affect any stream or ground water supply.

e. The applicant shall show the proposed routes of all trucks to be utilized for hauling, if any; the estimated weights of the trucks; and the types of hazardous waste to be hauled in those trucks. The applicant shall comply with all weight limits on Township roads and shall design the hauling routes to minimize the impact on local roads.

f. The applicant shall post a bond in an amount determined by the Township Engineer to guarantee restoration of Township roads used for hauling, if any, and to guarantee compensation of Township employees and/or emergency medical and fire services for clean-up or abatement of any hazardous waste spilled or otherwise deposited on roads or properties within the limits of the Township.

Any person who intentionally, accidentally or negligently causes any such spill or deposit shall be liable for all costs incurred by the Township, including, but not limited to: traffic control, evacuation, relocation, substance monitoring, establishment of medical care facilities and repair or restoration of Township roads. The applicant shall certify that an ordinary public liability insurance policy in an amount determined by the Township to cover these potential costs either is or shall be in effect during the operation.

g. Storage areas shall not be outside an enclosed building. The enclosed building shall be constructed of brick or concrete block and shall contain protective separations between different types of hazardous wastes stored and between the storage area and areas devoted to other activities in the building.

h. The hazardous waste storage area shall be visibly posted with warning notices and shall be adequately secured at all times to protect public safety.

i. The minimum site required for storage of hazardous waste when it is the principal use on a site shall be twenty-five (25) acres. The minimum site required for storage of hazardous waste as an accessory use to another principal use on a site shall be one (1) acre.

j. The minimum site required for treatment and/or disposal sites shall be one hundred (100) acres.

k. Treatment and disposal facilities shall not be located within one (1) mile of any airport, school, community park, hospital, nursing home, church or retail center.

l. Storage sites, other than those which include treatment or disposal, shall not be permitted within five hundred (500) feet of any residence or within one quarter (1/4) mile of any church, school, hospital, nursing home, public building, historic structure or municipal park.

m. Treatment and/or disposal sites shall be adequately secured and shall be visibly posted to protect the public safety. Treatment and/or disposal areas shall be located no closer than one hundred (100) feet to any property line and shall be adequately screened by an opaque fence or earthen mound at least eight (8) feet in height or landscaped with a dense, compact year-'round vegetative screen which attains at least eight (8) feet in height within three (3) years of planting.

n. Any change or expansion of the activity on a site which includes transportation, storage, treatment or disposal of hazardous waste which is not authorized by the original conditional use approval shall require submission of a new use by special exception application for the changed or expanded activity.

o. The application for the use by special exception shall include written and graphic materials and a boundary and topographic survey of the property and shall contain the following information:

1. The location of all existing and proposed buildings and structures on the site.

2. The proposed location of the hazardous waste storage area on the site and the distance from all residences located within five hundred (500) feet of the proposed storage area and all schools, churches, hospitals, public buildings, historic structures, municipal parks, streams, floodplains and protected watersheds within one quarter (1/4) mile of the proposed storage area.

3. The location of any proposed treatment or disposal facility and the distance from all residences within five hundred (500) feet and the distance from any airport, school, community park, hospital, nursing home, church or retail center within one (1) mile.

4. The uses of all adjacent properties within five hundred (500) feet of the entire perimeter of the property. The names and addresses of all property owners within five hundred (500) feet of the entire perimeter of the property.

5. The location of all access and haulage roads and their intersection with all existing public roads.

6. A statement from a registered professional engineer certifying that the proposed storage, treatment or disposal of hazardous waste shall not have a deleterious effect on adjacent land uses, surface water, ground water or floodplains, if any.

7. A copy of all applicable PA DER permits or licenses or a copy of the application for such permits or licenses.

8. The amount and type of performance bond to be posted and the amount and type of liability insurance required in accordance with the requirements of PA DER permits or licenses, if any.

9. The duration of the proposed transportation, storage, treatment or disposal activity and whether temporary or permanent.

10. The type and amount of hazardous waste to be stored, the proposed method of storage and the proposed method of treatment or disposal of hazardous waste at the site, if any.

p. The applicant shall present evidence from a registered professional engineer or other qualified expert whose credentials are acceptable to the Township to document compliance with these express standards and criteria and whose fee shall be paid by the applicant.

1402.16 **Home Occupation**, subject to:

a. The home occupation shall be carried on by a member of the family residing in the dwelling unit and no one shall be employed who is not a resident of the dwelling.

b. The home occupation shall be carried on wholly within the principal dwelling. The home occupation shall not be conducted in any accessory structure.

c. No more than fifteen percent (15%) of the total floor area of the principal dwelling shall be devoted to the conduct of the home occupation.

d. No more than twenty percent (20%) of all sales shall be articles not produced on the premises.

e. There shall be no display of merchandise available for sale on the premises; however, merchandise may be stored on the premises for delivery off the premises.

f. Exterior displays or signs other than those permitted in Article XVII, exterior storage of material and exterior indication of the home occupation or variation from the residential character of the principal structure shall not be permitted.

g. Objectionable noise, vibration, smoke, dust, electrical disturbance, odors, heat, or glare shall not be produced. The use shall comply with the Performance Standards of Section 1501 of this Ordinance.

h. The use shall not significantly intensify vehicular or pedestrian traffic which is normal for the residences in the neighborhood.

i. The use shall not require internal or external alterations or construction features which are not customary to a dwelling or which change the fire rating of the structure.

j. There shall be no use of materials or equipment except that of similar power and type normally used in a residential dwelling for domestic or household purposes.

k. The home occupation shall not involve the use of commercial vehicles for regular delivery of materials to or from the premises and commercial vehicles shall not be parked on the premises.

l. Any home occupation where clients or customers routinely visit the premises shall provide a paved offstreet parking area in accordance with the requirements of Article XVI for the specific use.

m. The following uses shall not be considered home occupations and shall be restricted to the districts in which they are specifically authorized as permitted uses or uses by special exception, including, but not limited to:

1. Beauty shops or barber shops containing more than two (2) chairs;
2. Clinics, hospitals or nursing homes;
3. Kennels, veterinary offices and clinics;
4. Funeral homes or mortuaries;
5. Private clubs;
6. Private instruction to more than three (3) students at a time;
7. Restaurants or tearooms;
8. Stables;
9. Tourist or boarding homes;
10. Vehicle or equipment rental, repair or sales;
11. Vehicle repair garages, as defined by this Ordinance.

n. Day Care Homes, as defined by this Ordinance, shall meet all of the foregoing requirements for a home occupation, as well as the following additional requirements:

1. Adequate areas for outdoor recreation shall be provided and shall be secured by a fence with self-latching gate.

2. A safe area shall be provided for dropping off and picking up children which does not obstruct the free flow of traffic on any public street.

3. Offstreet parking shall be provided in accordance with the requirements of Article XVI.

1402.17 Horse Boarding or Riding Academies, subject to:

a. Such use shall be accessory to a farm, as defined by this Ordinance, or, when proposed as a principal use, shall have a minimum site of ten (10) acres.

b. No building housing animals shall be closer than three hundred (300) feet to any property line.

c. All property lines adjoining a single family dwelling on a lot which is less than two (2) acres or any property which is zoned R-1, R-2, R-3 or R-4 shall be screened by Bufferyard D, as defined by Section 1502.2 of this Ordinance.

d. All training areas and bridal paths shall be adequately fenced to protect adjoining properties.

1402.18 Hospital, Clinic or Nursing Home, subject to:

a. The minimum site area required for a hospital shall be five (5) acres. The minimum site area required for a clinic or nursing home shall be one (1) acre.

b. The site shall be served by public water and public sewers.

c. All hospitals and nursing homes shall be licensed by the Commonwealth.

d. Water pressure and volume shall be adequate for fire protection.

e. Ingress, egress and internal traffic circulation shall be designed to ensure access by emergency vehicles.

f. The parking and circulation plan shall be referred to the Volunteer Fire Company for comments regarding traffic safety and emergency access.

g. Nursing homes shall have a bed capacity of at least twenty (20) beds but no more than two hundred (200) beds.

h. All property lines adjoining residential use or zoning classification shall be screened by Bufferyard B as defined by Section 1502.2 of this Ordinance.

i. A private use helipad, if proposed as part of a hospital, for air ambulances shall meet standards of Section 1402.29 of this Ordinance.

j. Disposal of medical waste shall be in accordance with all applicable permits and handling requirements of the Pennsylvania Department of Environmental Resources (PA DER) and the U. S. Environmental Protection Agency (EPA).

1402.19 **Junkyard**, subject to:

a. The minimum site size shall be twenty (20) acres.

b. The premises shall be maintained so as to not constitute a nuisance or a menace to public health and safety.

c. No garbage, hazardous materials or hazardous waste as defined by Federal Statute, or other organic waste shall be stored on the premises.

d. The handling and disposal of motor oil, battery acid and any other substance regulated by Federal Statute and the Department of Environmental Resources (PA DER) shall be in accordance with all permits and requirements of that agency or its successor agency. Any suspension, revocation or violation of the PA DER permits shall be a violation of this Ordinance and shall be subject to the enforcement provisions of Section 2001 of this Ordinance.

e. The manner of storage of junk or other materials shall facilitate access for fire fighting, shall prevent hazards from fire or explosion and shall prevent accumulation of stagnant water.

f. Junk yards shall comply with the Performance Standards of Section 1501.

g. No junk shall be stored or accumulated and no structure shall be constructed within one hundred (100) feet of any dwelling unit or within forty (40) feet of any property line or public street.

h. The premises shall be enclosed by a metal chainlink fence not less than eight (8) feet in height supported on steel posts with self-latching gate. The fence shall be located on the inside of the Bufferyard required by Subparagraph j, below.

i. The fence shall be supplemented with screening material which creates a visual barrier that is at least eighty percent (80%) opaque.

j. All property lines adjoining residential use or zoning district classification shall be screened by Bufferyard A, as defined by Section 1502.2 of this Ordinance.

k. The site shall be designed utilizing natural topography and/or constructed earthen mounds so as to not be visible from the adjoining public streets.

l. The operator shall obtain a license from the Township prior to initiating operations which shall be renewable annually upon payment of a license fee established by Resolution of the Board of Supervisors an subject to inspection by the Zoning Officer to determine continuing compliance with these standards.

1402.20 Kennel or Veterinary Clinic, subject to:

a. In the R-1 District, kennels and veterinary clinics shall be accessory to a farm or, when proposed as a principal use, shall have a minimum site area of five (5) acres. Veterinary Clinics in the R-1 District without outdoor kennels shall have a minimum site area of two (2) acres. In the C-2 District, the minimum lot area required for a Veterinary Clinic shall be 21,780 square feet and no outdoor runs or kennels shall be permitted.

b. Outdoor kennels shall be located at least two hundred (200) feet from any property line adjoining residential use or zoning classification and at least fifty (50) feet from any other property line.

c. Outdoor runs and similar facilities shall be constructed for easy cleaning, shall be adequately secured by a fence with self-latching gate and shall be screened by Bufferyard D, as defined by Section 1502.2 of this Ordinance.

1402.21 Landfill, Transfer Station, Incinerator or Resource Recovery Facility, subject to:

a. The minimum site area shall be one hundred (100) acres for a landfill and fifty (50) acres for a transfer facility, incinerator or resource recovery facility.

b. The site shall have frontage on and direct vehicular access to an arterial or collector road, as defined by this Ordinance.

c. The driveway or haul road entering the site from a public street shall be paved for a distance of five hundred (500) feet from the public street.

d. A tire washing station shall be located on the site to service trucks exiting the facility.

e. The operator shall post a bond in favor of the Township and in a form acceptable to the Township prior to beginning operations in the amount of one hundred thousand dollars ($100,000) for each mile of Township road or portion thereof proposed to be traversed by vehicles traveling to the site. The term of the bond shall begin on the date that the Zoning Certificate is issued. The bond shall be returned to the operator upon completion of all operations and any backfilling or reconstruction of a damaged roadway due to weight in excess of the posted weight limits for the road. Any failure to complete the reconstruction required by this Ordinance shall result in forfeiture of the required bond. Those portions of the Township roads which have been damaged shall be determined by inspection of the Township Engineer and shall be reconstructed to current Township Specifications for Street Construction.

f. Landfill or transfer station operations shall not be conducted within two hundred (200) feet of any property lines adjoining residential use or zoning district classification. Incinerator and resource recovery facilities shall not be located within five hundred (500) feet of any property lines adjoining a residential use or zoning district classification.

g. All property lines adjoining residential use or zoning district classification shall be screened by Bufferyard A as defined by Section 1502.2 of this Ordinance. The bufferyard shall be comprised of a combination of earthen mounding and the required plantings.

h. Fencing at least six (6) feet in height shall be provided around any work area for security and to control windblown refuse.

i. The applicant shall show compliance with applicable State and Federal laws regulating landfills, transfer facilities, incinerators and recovery facilities.

j. The applicant shall obtain the required permits from the Pennsylvania Department of Environmental Resources (PA DER) and/or the U.S. Environmental Protection Agency prior to initiating any operation.

k. The required State or Federal permits shall be maintained throughout the duration of all operations.

l. Any suspension or revocation of the required State or Federal permits shall constitute a violation of this Ordinance and will result in the suspension or revocation of the Zoning Certificate or enforcement of the penalty provisions of this Ordinance or both.

m. In January of each year, the operator shall apply to the Zoning Officer for renewal of the Zoning Certificate and shall present evidence of continuing compliance with all conditions of approval and required State or Federal permits.

1402.22 Mineral Removal, subject to:

a. There shall be no removal of minerals or vegetative cover within one hundred (100) feet of the bank of any stream or natural watercourse identified on maps prepared by the United States Geologic Survey (USGS).

b. Mineral removal shall be prohibited in watersheds of rivers or streams now or hereafter designated by the Pennsylvania Fish Commission as a Wilderness Trout Stream, by the Pennsylvania Department of Environmental Resources as part of the Scenic Rivers System or designated under the Federal Wild and Scenic Rivers Act.

c. No mineral removal shall be conducted within three hundred (300) feet of any public building, school, church, community or institutional building, commercial building, public park or private recreational area.

d. No mineral removal shall be conducted within one hundred (100) feet of the outside right-of-way line of any public road, except where access roads or haulage roads join the right-of-way line and where

the appropriate State or Federal agency having jurisdiction over the conduct of mineral removal operations shall permit it in accordance with the law.

e. No mineral removal shall be conducted which will adversely affect any publicly owned park or places included in the National Register of Historic Sites, unless approved by the governmental agency with jurisdiction over the park or historic site.

f. No mineral removal shall be conducted within one hundred (100) feet of a cemetery.

g. No mineral removal shall be conducted within three hundred (300) feet of any occupied dwelling, unless the consent of the owner of the dwelling has been obtained in advance of the filing of the application for zoning approval.

h. The applicant shall present expert testimony to demonstrate that the proposed mineral removal operation will not adversely affect any of the following:

1. Lawful existing or permitted use of adjacent properties.

2. The quality or adequacy of any public or private water supply source.

3. Any flood-prone or landslide prone areas within the Township.

i. The applicant shall present expert testimony to demonstrate that the use of explosives, if proposed, shall not cause injury to any adjacent structures or shall not substantially diminish underground water resources.

j. If blasting is to be undertaken, a seismograph shall be placed on the site of the operation during all times when blasting is performed which shall be monitored by an independent engineering consultant whose credentials are acceptable to the Township and whose fee is paid by the applicant.

k. The applicant shall provide reclamation plans for the site which demonstrate that the condition of the land after the operation is completed will allow economically and ecologically productive uses of the type permitted in the district in which the site is located. Acceptance of the reclamation plan shall not constitute approval of any aspect of any future development plan.

l. The applicant shall show the proposed routes of all trucks to be utilized for hauling and the estimated weights of those trucks. The applicant shall show evidence of compliance with designated weight limits on State, County and Township roads and shall design the hauling routes for the mineral removal operation to minimize the impact on local roads with the Township.

m. The operator shall post a bond in favor of the Township and in a form acceptable to the Township prior to beginning operations in the amount of one hundred thousand dollars ($100,000) for each mile of Township road or portion thereof proposed to be traversed for removing minerals from the site. The term of the bond shall begin on the date the Zoning Certificate is issued. The bond shall be returned to the operator upon completion of all operations, any backfilling and any reconstruction of a damaged roadway due to excess weight in excess of the posted weight for the road. Any failure to complete the reconstruction required by this Ordinance shall result in forfeiture of the required bond. Those portions of the Township roads which have been damaged shall be determined by inspection of the Township Engineer and shall be reconstructed to current Township Specifications for Street Construction.

n. Portions of the site where mineral removal operations are conducted may be required to be fenced or screened, as necessary, to provide security and protect adjacent properties.

o. The applicant shall comply with all applicable State and Federal regulations and shall show evidence of obtaining the required State or Federal permits, including proof of insurability, before initiating any work and of maintaining the required permits throughout the duration of all operations. Any suspension or revocation of the required State or Federal permits shall constitute a violation of zoning approval and will result in the suspension or revocation of zoning approval and/or enforcement of the penalty provisions of this Ordinance.

p. Approval of the conditional use shall expire if work authorized in the application for the conditional use is not commenced within ninety (90) days of the date of approval of the application by the Board of Supervisors unless the applicant submits a written request for an extension to the Board of Supervisors prior to the expiration of the ninety (90) days explaining the reason for the delay in initiating the work and the Board of Supervisors approves the request.

q. Once work is initiated under an approved application for a conditional use, zoning approval shall be valid for a period of one (1) year from the date of conditional use approval by the Board of Supervisors. An application for renewal of zoning approval must be submitted prior to the date of expiration of zoning approval and can be granted by the Zoning Officer upon demonstration by the applicant that all conditions of approval of the conditional use and the required Federal and State permits remain in full force and effect and that the applicant is diligently pursuing the completion of the mineral removal operation. Upon expiration or revocation of zoning approval for the conditional use, the applicant may reapply for approval of the conditional use.

r. During the mineral removal operation, the Township Engineer may inspect the site at the request of the Township to determine continuing compliance with these standards and criteria and any conditions of approval. The cost of inspection by the Township Engineer shall be borne by the operator.

1402.23 **Mobile Home Park**, subject to:

a. The site of a mobile home park shall be serviced by public water or PA DER approved private water system and public sewers or PA DER approved private sewage disposal system.

b. The site of a mobile home park shall have frontage on and direct vehicular access to an arterial or collector street.

c. Support and Anchoring: Individual mobile homes shall be placed upon suitable supports to insure that the unit will remain level and free from structural damage. Each mobile home shall be provided with an anchoring system to prevent and resist overturning or lateral movement caused by wind forces. Such anchoring shall be equivalent to or exceed NFPA Standard No. 501A-1974 (ANSI A129.3-1975).

d. Skirting: Each mobile home shall be skirted with an enclosure of compatible design and material. Such skirting shall provide adequate ventilation to inhibit the formation of moisture and decay.

e. Common Facilities: No less than ten percent (10%) of the mobile home park site shall be devoted to common facilities for passive and active recreation limited to use by the residents of the mobile home park. Such common facilities may include, but shall not be limited to, community clubs, swimming pools, tennis courts, parks, playgrounds, shelter, hiking trails, hobby areas, laundries and service buildings for resident use.

f. Screening: All property lines adjoining residential use or zoning district classification shall be screened by Bufferyard A, as defined by Section 1502.2 of this Ordinance.

g. Sidewalks at least three (3) feet in width shall be provided along both sides of all interior streets.

h. Parking shall be provided based on the ratio of two (2) parking spaces per mobile home, one (1) of which shall be required to be on the mobile home lot and one (1) of which may be located in a common parking area which shall be located within three hundred (300) feet of the mobile home it is intended to serve.

i. Interior streets shall be lighted in accordance with the requirements of the Township Subdivision and Land Development Ordinance.

j. All interior streets, whether privately maintained or proposed to be dedicated to the Township shall be constructed in accordance with the design standards of the Township Subdivision and Land Development Ordinance for public streets.

k. The Mobile Home Park shall comply with all other requirements of the Township Subdivision and Land Development Ordinance.

1402.24 New and Used Vehicle Sales and Service, subject to:

a. New and used vehicle sales and service establishments shall be limited to those establishments which are factory authorized dealerships or which have obtained a license from the Commonwealth of Pennsylvania to operate a used car dealership.

b. The minimum site area required shall be two (2) acres.

c. The site shall have frontage on and direct vehicular access to an arterial or collector street.

d. The area used for display of merchandise offered for sale and the area used for the parking of customer and employee automobiles shall be continuously paved and maintained in either concrete over a base of crushed stone compacted to not less than six (6) inches in depth or other surfacing of an equivalent or superior character, approved by the Township Engineer.

e. The handling and disposal of motor oil, battery acid and any other substance regulated by Federal Statute and the Department of Environmental Resources (PA DER) shall be in accordance with all permits and requirements of that agency or its successor agency. Any suspension, revocation or violation of the PA DER permits shall be a violation of this Ordinance and shall be subject to the enforcement provisions of Section 2001 of this Ordinance.

f. All lots used for the outdoor display of automobiles shall have a completely enclosed building on the same lot which has not less than two thousand (2,000) square feet of gross floor area where all repair, servicing, sales and customer car washing shall be performed.

g. No vehicle or other merchandise displayed outdoors shall be less than five (5) feet from any property line. No vehicle shall be parked on adjacent property or in any public street right-of-way.

h. No vehicle shall be displayed or offered for sale which does not have all of the mechanical and body components necessary for the safe and lawful operation thereof on the streets and highways of the Commonwealth of Pennsylvania.

i. All lights and light poles shall be located at least ten (10) feet from any street right-of-way or property line and all lighting shall be shielded and reflected away from adjacent streets and properties.

j. No oscillating or flashing lights shall be permitted on the lot, on any of the structures or poles on the lot or on any merchandise displayed outdoors.

k. No strings of lights or flags, flashers or other display paraphernalia shall be permitted on the lot, on any of the structures or poles or on merchandise displayed outdoors, except for such signs as may be otherwise allowed by Article XVII of this Ordinance.

l. All required offstreet parking spaces shall be reserved exclusively for the parking of customer and employee vehicles and shall not be used for the display of merchandise.

m. Customer vehicles with external damage awaiting repairs shall be located either inside a building or in an outdoor area which is screened by a six (6) foot hedge or opaque fence.

n. Bufferyard A, as defined by Section 1502.2 of this Ordinance, shall be provided along all property lines adjoining residential use or zoning classification.

1402.25 Pilot Manufacturing, subject to:

a. Pilot manufacturing shall be permitted only as an accessory use when it is directly related to research and development activities authorized as a principal use in a Business Park.

b. The floor area devoted to pilot manufacturing shall not exceed twenty-five percent (25%) of the total floor area of all buildings devoted to research and development.

c. All materials and equipment shall be stored within a completely enclosed building.

d. The use shall comply with all Performance Standards specified in Section 1501 of this Ordinance.

e. The storage or manufacture of hazardous or potentially hazardous materials shall not be permitted.

1402.26 Planned Industrial Park, subject to:

a. The minimum site area required shall be ten (10) acres.

b. Once the improvements are completed in an approved Planned Industrial Park, lots within an approved and recorded Planned Industrial Park may be sold and developed as independent entities for any authorized use in the District.

c. The site shall be designed so that properties adjacent to the Planned Industrial Park shall not be adversely affected.

d. Only the uses permitted by right or authorized as conditional uses or uses by special exception in the district in which the Planned Industrial Park is located shall be permitted in the Planned Industrial Park.

e. The Planned Industrial Park shall be consistent with the purpose of this Ordinance and the Zoning District in which it is located.

f. The site plan shall be designed to minimize points of access to the public street. Shared driveways shall be utilized where feasible and cross-easements dedicated for common access, where necessary.

g. The site shall be planned as a unit and uniform signage and landscaping and common parking and loading areas shall be proposed to promote efficiency and preserve a common design theme.

h. Bufferyard A, as defined by §1502.2 of this Ordinance, shall be provided along all property lines adjoining residential use or zoning classification.

i. The handling and disposal of any hazardous substance regulated by Federal Statute and the Department of Environmental Resources (PA DER) shall be in accordance with all permits and requirements of that agency or its successor agency. Any suspension, revocation or violation of the PA DER permits shall be a violation of this Ordinance and shall be subject to the enforcement provisions of Section 2001 of this Ordinance.

1402.27 Planned Office Park, subject to:

a. The site shall have frontage on and direct vehicular access to an arterial or collector street as defined by this Ordinance.

b. The minimum site area required shall be five (5) acres.

c. Once the improvements are completed in an approved Planned Office Park, lots within an approved and recorded Planned Office Park may be sold and developed as independent entities for any authorized use in the District.

d. Only the uses permitted by right or authorized as conditional uses or uses by special exception in the district in which the Planned Office Park is located shall be permitted in the Planned Office Park.

e. The site plan shall be designed to minimize points of access to the public street. Shared driveways shall be utilized where feasible and cross-easements dedicated for common access, where necessary.

f. The site shall be planned as a unit and uniform signage and landscaping and common parking and loading areas shall be proposed to promote efficiency and preserve a common design theme.

g. The entire perimeter of a Planned Office Center site shall be screened by the Bufferyards specified by §1502 of this Ordinance to provide the separation required between the adjoining uses.

1402.28 Planned Shopping Center, subject to:

a. The site shall have frontage on and direct vehicular access to an arterial or collector street as defined by this Ordinance.

b. The minimum site area required shall be five (5) acres.

c. Once the improvements are completed in an approved Planned Shopping Center, lots within an approved and recorded Planned Shopping Center may be sold and developed as independent entities for any authorized use in the District.

d. Only the uses permitted by right or authorized as conditional uses or uses by special exception in the district in which the Planned Shopping Center is located shall be permitted in the Planned Shopping Center.

e. The entire perimeter of a Planned Shopping Center site shall be screened by the Bufferyards specified by §1502 of this Ordinance to provide the separation required between the adjoining uses.

f. The site plan shall be designed to minimize points of access to the public street. Shared driveways shall be utilized where feasible and cross-easements dedicated for common access, where necessary.

g. The site shall be planned as a unit and uniform signage and landscaping and common parking and loading areas shall be proposed to promote efficiency and preserve a common design theme.

1402.29 Private Use Helipad, subject to:

a. Helipads shall be located at least two hundred and fifty (250) feet from any property line or public street, except for helipads accessory to hospitals which may be located to maximize accessibility to the existing emergency facilities.

b. Helipads accessory to a hospital shall be limited to use by emergency vehicles and health system personnel.

c. Only one (1) private use helipad shall be authorized for each business park, regardless of the number of businesses located in the business park.

d. Evidence of compliance with all applicable regulations of the Federal Aviation Administration and Pennsylvania Department of Transportation Bureau of Aviation shall be submitted.

e. The helicopter landing pad shall be clearly marked with the insignia commonly recognized to indicate a private use helipad.

f. The helicopter landing pad shall be paved, level and maintained dirt free. Rooftop pads shall be free of all loose stone and aggregate.

g. An application for a helipad on a roof shall be accompanied by a certification by a registered engineer that the loads imposed by the helicopter will be supported by the structure.

h. Lighting shall be shielded away from adjacent properties.

1402.30 **Public and Noncommercial Recreation**, subject to:

a. A minimum site of one (1) acre shall be required.

b. All principal structures shall be located at least forty (40) feet from any property line.

c. Parking shall be provided in accordance with Article XVI.

d. Screening by Bufferyard B, as defined by Section 1502.2 of this Ordinance, shall be provided along all property lines adjoining residential use or zoning district classification.

e. All lighting shall be shielded from adjacent streets and properties.

f. The use shall comply with the Performance Standards of Section 1501.

g. Any facility located within two hundred (200) feet of a property line adjoining a residential use or zoning classification shall cease operations at 12:00 Midnight.

1402.31 **Public Utility Buildings**, subject to:

a. The minimum site required shall be one (1) acre.

b. Maintenance vehicles shall be stored within a completely enclosed building.

c. Outdoor storage of materials or equipment, other than maintenance vehicles, shall be permitted only if the storage area is completely enclosed by a six (6) foot fence with locking gate and is screened by opaque screening material placed in the fencing or by a six (6) foot compact hedge.

d. Any area of the building which is utilized for business offices shall comply with the parking requirements of Section 1602 for that use. Any area of the building which is used for storage of materials, vehicles or other equipment shall meet the parking requirements of Section 1602 specified for warehousing.

1402.32 **Research and Development**, subject to:

a. The applicant shall provide a written report prepared by a registered engineer certifying compliance with the Performance Standards specified in §1501 of this Ordinance.

b. Research and development activities shall not involve the full-scale manufacturing of any product being tested or engineered. Pilot manufacturing associated with research and development shall be subject to the requirements of §1402.25.

c. All research and development activities shall be conducted entirely within an enclosed building or, if the nature of the research activity requires that the facility be located outdoors, it shall be screened from view from any adjoining residential property or public street by Bufferyard C, as defined by Section 1502.2 of this Ordinance.

d. All materials and equipment shall be stored within a completely enclosed building.

e. The storage or use of any hazardous or potentially hazardous materials shall be limited to those materials required to be used by, or produced in connection with, the research and development activity. The transportation, handling, use and disposal of such materials shall conform with all applicable Federal Environmental

Protection Agency (EPA) and Pennsylvania Department of Environmental Resources (PA DER) regulations and permit requirements.

1402.33 Residence in Combination with Business, subject to:

a. The lot shall meet the minimum lot are requirements of the district, and in addition, shall provide a minimum of fifteen hundred (1,500) square feet of lot area per dwelling unit.

b. Dwelling units shall have a minimum habitable floor area of eight hundred (800) square feet.

c. Dwelling units in basements or garages shall not be permitted.

d. Offstreet parking shall be provided on the lot in accordance with the ratios for each use specified in Article XVI of this Ordinance. Shared parking for residential and commercial uses shall not be permitted.

e. A minimum of five hundred (500) square feet of usable yard area shall be provided for the enjoyment of the residents of the dwelling unit. The usable yard area shall be screened from adjacent commercial uses or parking areas by Bufferyard D, as defined by Section 1502.2 of this Ordinance.

1402.34 Restaurant in a Business Park, subject to:

a. Restaurants shall be permitted only in an office building or in a motel or hotel authorized as a principal use in a Business Park. Restaurants shall not be permitted in any other freestanding principal or accessory building.

b. The maximum gross floor area devoted to any single restaurant establishment in an office building which is open to the general public shall be ten thousand (10,000) square feet.

c. Offstreet parking for the restaurant shall be provided in accordance with the requirements of Article XVI of this Ordinance for the use. Offstreet parking for the restaurant shall be clearly designated and shall be located within three hundred (300) feet of the entrance to the restaurant.

d. A separate Business Sign provided for by Article XVII of this Ordinance shall be permitted for the restaurant, provided that it does not exceed thirty-two (32) square feet of gross surface area.

1402.35 **Service Station**, subject to:

a. All minor repair work, vehicle washing, waxing, detailing, lubrication and installation of parts and accessories shall be performed within an enclosed building.

b. All automobile parts, dismantled vehicles and similar materials shall be stored within an enclosed building or totally screened from view by a solid or privacy fence.

c. All vehicles awaiting repair shall be stored on site in approved parking spaces and, under no circumstances, shall said vehicles be stored on or obstruct access to a public right-of-way.

d. Canopies over gasoline pumps shall be subject to the requirements of §1504.3h.

e. Gasoline pumps shall be located at least thirty (30) feet from the edge of the right-of-way of a public street.

f. All fuel, oil or similar substances shall be stored at least twenty-five (25) feet from any property line.

g. All lighting shall be shielded and reflected away from adjacent properties and streets.

h. Bufferyard A, as defined by §1502.2 of this Ordinance, shall be provided along all property lines adjoining residential use or zoning classification.

1402.36 **Supply Yard**, subject to:

a. The minimum site required shall be two (2) acres.

b. Outdoor display and equipment storage areas shall be secured by a fence that is a minimum of eight (8) feet in height which shall be screened from any adjoining residential property by a six (6) foot compact hedge.

c. All outdoor display areas and equipment storage areas shall be located a minimum of fifty (50) feet from any property line adjoining residential use or zoning classification.

d. Contractor's supply yards may also include an office for the conduct of the business. Builders' or other supply yards involving retail or wholesale sales shall include a completely enclosed building for the conduct of the business.

e. Adequate paved access and maneuvering facilities for loading and unloading trucks shall be provided so that trucks shall not back onto or stand on the public right-of-way and dirt, debris or excess materials shall not be deposited on any public right-of-way.

f. Bufferyard A, as defined by Section 1502.2 of this Ordinance shall be provided along all property lines adjoining residential use or zoning classification.

1402.37 **Supporting Commercial Uses in a Principal Building in a Business Park**, subject to:

a. Supporting commercial uses in a principal building in a Business Park shall be limited to the following uses:

1. Sale of office supplies and equipment
2. Travel agency
3. Pharmacies, if related to medical offices or clinics
4. Sale of medical supplies and equipment, if related to medical offices or clinics
5. Newsstand or tobacco shop
6. Card and gift shop or stationery store
7. Florist
8. Delicatessen or sandwich shop providing either sit-down or take-out service, primarily for the convenience of the employees in the Business Park

b. Supporting retail businesses shall be limited to the ground or first floor of any office building in the Business Park and shall not be permitted in any other freestanding principal or accessory building.

c. The total floor area devoted to supporting retail businesses shall not exceed fifteen percent (15%) of the total floor area devoted to office use in the Business Park.

d. The maximum net floor area devoted to any single supporting retail establishment shall be five thousand (5,000) square feet.

e. Off-street parking shall be provided for the supporting retail businesses in accordance with the following ratio: one (1) space for each 300 square feet of gross floor area.

f. A separate Business Identification Sign provided for by Article XVII of this Ordinance shall be permitted for the supporting commercial uses, provided that the sign shall be wall mounted and shall not exceed thirty-two (32) square feet of gross surface area.

1402.38 **Temporary Uses or Structures Other Than Construction Trailers**, subject to:

a. Temporary uses such as festivals or fairs or other similar activities sponsored by a local nonprofit, community or charitable organization shall be exempt from obtaining approval from the Zoning Hearing Board, provided the Zoning Officer determines compliance with the standards of this Section 1402.38 as a condition of issuing a Certificate of Occupancy.

b. Sidewalk sales, carload sales and other special promotions conducted on the site of an existing retail establishment with the permission of the landowner for a period not exceeding seventy-two (72) hours shall not be subject to the provisions of this §1402.38. Any such activity exceeding seventy-two (72) hours in duration shall be subject to approval under this §1402.38

c. Approval for temporary uses or structures shall be granted for a specific time period not to exceed six (6) months. If continued need for the temporary use or structure on an annual basis is demonstrated by the applicant, approval may be granted for annual renewal by the Zoning Officer of the permit for the temporary use or structure, provided all conditions of the original approval are maintained.

d. All temporary uses or structures shall be removed within ten (10) days of the expiration of the specific period for which the structure or use is approved.

e. All temporary uses or structures which are proposed to be accessible to the public shall provide parking in accordance with the requirements of Article XVI for the proposed use.

f. Vehicular access for all temporary uses or structures which are proposed to be accessible to the public shall be designed to minimize congestion on the site and not impede the free flow of traffic for any other permanent use or structure on the site.

g. All temporary uses or structures proposed to be used as principal uses or structures shall comply with all applicable area and bulk regulations for the Zoning District in which they are located. All temporary uses or structures which are proposed to be used as accessory uses or structures shall comply with the requirements of the Zoning District for accessory structures.

h. Temporary uses or structures which are authorized for a particular event shall be removed within forty-eight (48) hours after the completion of the event.

i. Temporary uses or structures which are proposed as principal uses or structures and which are accessible to the public shall provide sanitary facilities, unless such facilities already exist on the site.

1402.39 **Two Family Dwellings, Triplexes and Fourplexes in the R-2 and R-3 Districts**, subject to:

a. The site proposed for two family dwellings, triplexes or fourplexes shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Ordinance or shall be in the same block with at least one (1) other existing dwelling unit of the same type as is proposed, regardless of whether the street is an arterial or collector street, as defined herein.

b. In the R-2 District, the minimum lot area required for a two family dwelling shall be 20,000 square feet; the minimum lot area required for a triplex shall be 30,000 square feet; and the minimum lot area required for a fourplex shall be 40,000 square feet.

c. In the R-3 District, the minimum lot area required for a two family dwelling shall be 15,000 square feet; the minimum lot area required for a triplex shall be 25,000 square feet; and the minimum lot area required for a fourplex shall be 35,000 square feet.

d. If the lot is located in the R-2 District, the minimum lot width, lot coverage, height and yard requirements of the R-2 District shall apply.

e. If the lot is located in the R-3 District, the minimum lot width, lot coverage, height and yard requirements of the R-3 District shall apply.

f. No more than one (1) two family dwelling shall be permitted on a lot.

g. If two (2) or more triplexes or fourplexes are located on the same lot, agreements for shared parking and shared access shall be provided to the Township and shall be recorded in the Recorder of Deeds Office.

1402.40 Vehicle Repair Garage or Heavy Equipment Repair, subject to:

a. Such use shall not be located within one hundred (100) feet of any property line adjoining residential use or zoning classification.

b. Bufferyard A, as defined by Section 1502.2 of this Ordinance, shall be provided along all property lines adjoining residential use or zoning classification.

c. Storage of parts, dismantled vehicles and vehicles or equipment awaiting repair shall be kept in an enclosed building or in an outdoor area which is screened by a six (6) foot high hedge or opaque fence.

d. There shall be no more than four (4) vehicles displayed for sale on the premises at any one (1) time.

e. All repair work shall be performed within an enclosed building which has adequate ventilation and fire protection provisions.

f. All towed vehicles shall be stored on the premises and no vehicle shall be stored or dismantled on any public street.

g. The premises shall be kept clean and shall be maintained so as to not constitute a nuisance or menace to public health and safety.

h. Storage, handling and disposal of hazardous materials, as defined by Federal or State statute, shall comply with the current requirements of the Pennsylvania Department of Environmental Resources (PA DER) and the U.S. Environmental Protection Agency (EPA).

1402.41 Wholesale Sales in Conjunction with Retail Business, subject to:

a. Any site which involves wholesale distribution shall have direct access to an arterial or collector street, as defined by this Ordinance.

b. All materials and equipment shall be stored within a completely enclosed structure or shall be limited to storage in the rear or side yard if screened from view from the street or adjacent residential properties by a six (6) foot hedge or opaque fence.

c. No shipping or receiving shall be permitted within three hundred (300) feet of property in a residential zoning district between the hours of 7 P.M. and 7 A.M.

d. All shipping and receiving facilities adjoining residential use or zoning classification shall be screened by Bufferyard A, as defined by Section 1502.2 of this Ordinance.

e. Wholesale sales shall not exceed twenty-five percent (25%) of the gross sales of the retail business.

f. The gross floor area devoted to wholesale warehousing shall not exceed the gross floor area devoted to the retail business.

g. The storage or handling of hazardous or potentially hazardous materials shall not be permitted.

1402.42 Comparable Uses Not Specifically Listed, subject to:

a. Uses of the same general character as any of the uses authorized as permitted uses by right, conditional uses or uses by special exception in the Zoning District shall be allowed, if the Zoning Hearing Board determines that the impact of the proposed use on the environment and adjacent streets and properties is equal to or less than any use specifically listed in the Zoning District. In making such determination, the Board shall consider the following characteristics of the proposed use:

1. The number of employees.
2. The floor area of the building or gross area of the lot devoted to the proposed use.
3. The type of products, materials, equipment and/or processes involved in the proposed use.
4. The magnitude of walk-in trade.
5. The traffic and environmental impacts and the ability of the proposed use to comply with the Performance Standards of Section 1501.

b. The proposed use shall comply with all applicable area and bulk regulations of the Zoning District in which it is located.

c. The proposed use shall comply with any applicable express standards and criteria specified in this Article for the most nearly comparable use by special exception specifically listed in the Zoning District in which it is proposed.

d. The proposed use shall be consistent with the Purpose Statement of the Zoning District in which it is proposed and shall be consistent with the Community Development Objectives of this Ordinance.

1402.43 Catering Halls, subject to:

a. The site shall be designed to accommodate the free flow of traffic on the site and convenient access for deliveries and emergency vehicles.

b. Convenient pedestrian access from the parking lot to the main entrance to the building shall be provided.

c. The operations shall demonstrate continuing compliance with the Performance Standards of Section 1501 of this Ordinance, particularly the standards regarding noise.

d. Bufferyard A shall be provided in accordance with the requirements of Section 1502 of this Ordinance along all property lines adjoining residential use or zoning classification.

1402.44 Mini-Warehouses and Self Storage Buildings, subject to:

a. The minimum site area required shall be two (2) acres.

b. The site shall have direct vehicular access to an arterial or collector road, as defined by this Ordinance; however, the street which provides access to the site shall not have a majority of the lots fronting on the street developed for existing single family dwellings.

c. Vehicular access to the site shall be limited to one (1) two-way or two (2) one-way driveways from each arterial or collector street on which the site has frontage and which meets the requirements of §1402.44b, above.

d. All one-way driveways shall have a minimum of one (1) 10-foot parking lane plus one (1) 18-foot travel lane.

e. All two-way driveways shall provide a minimum of one (1) 10-foot parking lane plus two (2) 12-foot travel lanes. Parking lanes may be eliminated where the driveway does not serve storage units.

f. All interior driveways shall be paved with an asphalt or similar surface sufficient for the loads the driveways are expected to bear.

g. Parking shall be provided in accordance with the following requirements:

Two (2) spaces for manager's quarters.

One (1) space for each ten (10) storage units equally distributed throughout the storage area.

One (1) space for each twenty-five (25) storage units which spaces shall be located near the manager's quarters to be used by prospective clients.

h. Bufferyard A shall be provided in accordance with the requirements of Section 1502 of this Ordinance along all property lines which adjoin residential use or zoning classification.

i. The perimeter of the site shall be fenced with a minimum eight (8) foot fence with self-latching gate. The fence shall be supplemented with screening material which creates a visual barrier that is at least 80% opaque.

j. Maximum building height shall be twenty (20) feet.

k. The minimum distance from the face of any storage building to the face of any adjacent storage building shall be twenty-eight (28) feet for storage units which are less than fifteen (15) feet in depth and forty-two feet for storage units which are more than fifteen (15) feet in depth.

l. The minimum distance from the end of any storage building to the end of any adjacent storage building shall be twenty (20) feet.

m. The maximum length of any storage building shall be two hundred (200) feet.

n. The maximum size of any storage unit shall be fourteen (14) feet wide, forty (40) feet deep and one (1) story and no more than twenty (20) feet in height. If storage units are placed back-to-back, the maximum width of the building shall not exceed forty (40) feet.

o. Maximum lot coverage by all buildings shall be forty percent (40%).

p. Office space may be provided which shall not exceed five percent (5%) of the total area devoted to storage.

q. No storage shall take place outside of an enclosed building.

r. Storage units shall not be equipped with water or sanitary sewer service.

s. No business activity other than rental of storage units shall be conducted on the premises.

t. Operations shall be regulated so that nuisances such as visual blight, glare, noise, blowing debris and dust shall not be created.

u. Exterior finishes of the storage units shall be compatible with the character of development on adjoining properties.

v. The design of the storage buildings shall be sealed by a Pennsylvania registered architect.

w. No sign shall be placed on the buildings or on their rooftops. One (1) freestanding business identification sign shall be permitted which complies with the requirements of Article XVII of this Ordinance for the Zoning District in which the use is located.

x. No hazardous materials or substances shall be permitted to be stored in the storage buildings other than those permitted by the Township Fire Code. Both the landlord and the tenants of the storage buildings shall be responsible for the prevention of the storage of hazardous materials or substances in the storage buildings that would be beyond the allowance of the Township Fire Code.

y. A minimum of one (1) fire hydrant shall be provided on the site subject to the approval of the number and location of hydrants by the Township Fire Marshal. The facility shall comply with all local Fire Codes.

1402.45 Communications Tower, subject to:

a. The applicant shall demonstrate that the equipment proposed to be mounted on the communications tower is licensed by the Federal Communications Commission (FCC) and that the proposed communications tower meets all applicable regulations of the FCC.

b. The applicant shall demonstrate that the proposed communications tower and the electromagnetic fields associated with the antennas proposed to be mounted thereon comply with safety standards now or hereafter established by the Federal Communications Commission (FCC).

c. The applicant proposing the communications tower shall demonstrate compliance with all applicable Federal Aviation Administration (FAA) and any applicable Airport Zoning regulations.

d. Any applicant proposing a new communications tower shall demonstrate, in writing, that a good faith effort has been made to obtain permission to mount the antenna or antennas on an existing building, an existing public utility storage or transmission structure or an existing communications tower.

A good faith effort shall require that all owners of potentially suitable structures whithin a one-quarter (1/4) mile radius of the proposed communications tower shall be contacted and that one (1) or more of the following reasons for not selecting an alternative existing building, existing public utility storage or transmission structure or existing communications tower apply:

1. The proposed equipment would exceed the structural capacity of the existing building, existing public utility storage or transmission structure or existing communications tower and reinforcement of the structure cannot be accomplished at a reasonable cost.

2. The proposed equipment would cause RF (Radio Frequency) interference with other existing and proposed equipment for that existing building, existing public utility storage or transmission structure or existing communications tower and the interference cannot be prevented at a reasonable cost.

3. Existing buildings, existing public utility storage or transmission structures or existing communications towers do not have adequate space, access or height to accommodate the proposed equipment.

4. Addition of the proposed equipment would result in NIER (Non-ionizing Electromagnetic Radiation) levels which exceed adopted Federal or State emission standards.

e. In the R-1 and R-2 Districts, the maximum height of a communications tower shall be one hundred (100) feet.

f. In the B-P, C-2 and I-1 Districts, the maximum height of a communications tower shall be two hundred (200) feet.

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

h. In the R-1 and R-2 Districts, guyed communications towers, including all guy wires, shall be set back a distance equal to the height of the communications tower plus twenty (20) feet. All parts of a communications tower, other than a guyed tower, shall be set back from any adjoining property line at least one hundred (100) feet.

Where the communications tower is located on a leased parcel within a larger tract, the setback shall be measured from the property line which separates the adjoining property in a residential zoning district from the larger tract controlled by the lessor, rather than from the boundaries of the leased parcel, provided the larger tract is either vacant or developed for a use other than single family dwellings.

In the event that the larger tract is developed after the construction of the communications tower, the required setback shall be maintained.

i. In the B-P, C-2 and I-1 Districts, guyed communications towers, including all guy wires, shall be set back from all property lines a distance which is equal to the height of the communications tower plus twenty (20) feet. All parts of a communications tower, other than a guyed tower, shall be set back from any adjoining property line at least two hundred (200) feet.

Where the communications tower is located on a leased parcel within a larger tract, the setback shall be measured from the property line which separates the adjoining property in a residential zoning district from the larger tract controlled by the lessor, rather than from the boundaries of the leased parcel, provided the larger tract is either vacant or developed for a use other than single family dwellings.

In the event that the larger tract is developed after the construction of the communications tower, the required setback shall be maintained.

j. The communications tower and all appurtenances, including guy wires, if any, and the equipment cabinet or equipment building shall be enclosed by a minimum ten (10) foot high chain link security fence with locking gate.

k. The applicant shall submit evidence that the tower and its method of installation has been designed by a registered engineer and is certified by that registered engineer to be structurally sound and able to withstand wind and other loads in accordance with the current edition of the BOCA Basic Building Code.

l. The communications tower shall be equipped with anticlimbing devices as approved by the manufacturer for the type of installation proposed.

m. At least one (1) off-street parking space measuring twelve feet by twenty-five feet (12' x 25') shall be provided on the site to facilitate parking of maintenance vehicles during periodic visits by maintenance workers. Manned equipment buildings shall provide one (1) parking space measuring nine feet by twenty feet (9' x 20') for each employee working on the site.

n. Equipment cabinets and equipment buildings shall comply with the height and yard requirements for accessory structures in the Zoning District in which they are located.

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

p. Recording of a plat of subdivision shall be required which includes the lease parcel on which the communications tower is proposed to be constructed and the remaining lot or parcel.

q. The exterior finish of the tower shall be compatible with the immediate surroundings. The communications tower, the equipment cabinet or equipment building and the immediate surroundings shall be properly maintained.

r. The owner of any communications tower which exceeds fifty (50) feet in height shall submit to the Township proof of an annual inspection conducted by a structural engineer at the owner's expense and an updated tower maintenance program based on the results of the inspection. Any structural faults shall be corrected immediately and reinspected and certified to the Township by a structural engineer at the owner's expense.

s. The owner of the communications tower shall notify the Township immediately upon cessation or abandonment of the operation. The owner shall dismantle and remove the communications tower within six (6) months of the cessation of operations, if there is no intention to continue operations, evidenced by the lack of an application to the Township to install antennas on the existing tower, removal of all antennas from the existing tower and/or the lack of operating antennas for a period of twelve (12) months or more. If the surety required by this Ordinance to guarantee removal of the communications tower has lapsed prior to the expiration of the twelve (12) month period, the Township may, upon notice to the landowner and lessee, contract to have the communications tower removed and shall assess the cost of removal to the landowner or lessee. Failure of the landowner or lessee to pay for the cost of removal shall result in a lien on the property to recover the cost of removal.

At the time of approval of the application for a communications tower, the applicant shall submit surety, in a form acceptable to the Township, in the form of cash, a certified check, a letter of credit, a corporate performance bond or a labor and material payment bond from a surety company licensed to do business in the Commonwealth of Pennsylvania and approved by the Township Solicitor, in an amount determined by the Township Engineer, which shall be renewed annually, subject to an annual increase in the amount of the prior year's surety of three percent (3%), to guarantee the removal of an abandoned communications tower. In addition, the Township Supervisors, in their sole discretion, may require a personal guarantee.

t. There shall be no lighting, signs or other advertising on the communications tower, other than that required by the FCC or FAA.

u. In January of each year, the owner of the communications tower shall submit written verification to the Township Zoning Officer that there have been no changes in the operating characteristics of the communications tower as approved by the township, including, at a minimum:

1. Copy of the current FCC license;
2. Name, address and emergency telephone number for the operator of the communications tower;
3. Copy of Certificate of Insurance at a level of coverage acceptable to the Township Solicitor, naming the township as an additional insured on the policy.
4. Copy of the Annual Inspection Report and updated maintenance program.
5. Evidence of annual renewal of the surety and any personal guarantee required to guarantee removal of an abandoned communications tower.

v. At any time during the calendar year, if an amendment to the FCC license is issued, a copy of the amended license shall be submitted to the Township Zoning Officer

1402.46 Correctional Facility, as defined herein, subject to:

a. Any new construction, expansion or change of use or change in the Level of Custody within the correctional facility which was not approved as part of the original conditional use application shall be subject to resubmission and approval of a revised conditional use application to determine continued compliance with these criteria.

b. The site shall have frontage on a street defined by this Ordinance as an arterial street or on a public or private street located entirely within the I-1 District. Vehicular access shall be directly to the arterial street or, if direct access to the arterial street is not feasible or practical, vehicular access to the site shall be limited to a public or private street located entirely within the I-1, Light Industrial District.

c. In the event that the site has frontage on more than one (1) arterial street, the vehicular access to the site shall be provided only from the street which has the higher volume of traffic.

d. The conditional use application shall include a Traffic Study prepared by a qualified traffic engineer which details the nature and extent of trip generation expected to result from the proposed development based on the ratios and methodology contained in the current edition of the Manuals of the Institute of Transportation Engineers. The report shall include current and projected capacities and levels of services of all streets and intersections within one thousand (1,000) feet of the entire perimeter of the site proposed for development and recommendations for improvements to streets and/or traffic control devices within the site or immediately adjacent to the site.

e. Perimeter security, as defined herein, shall be provided appropriate to secure the highest Level of Custody, as defined herein, to be provided at the correctional facility.

f. All outdoor activity areas shall be locate inside the required perimeter security.

g. The maximum height of the correctional facility shall be five (5) stories and no more than sixty (60) feet. Any request for an increase in building height beyond sixty (60) feet shall be conditioned upon demonstration by the applicant that fire-fighting equipment and fire suppression and protection systems necessary to service the building or buildings are available and accessible to the satisfaction of the Township. In any event, the maximum building height shall not exceed ten (10) stories and no more than one hundred twenty (120) feet.

h. The minimum institutional buffer, as defined herein, required for all correctional facilities, regardless of Level of Custody provided within the correctional facility, shall be 250 yards.

i. Off-street parking for correctional institutions which do not house any inmates with a Level of Custody of 3 or greater may be located within the institutional buffer. Off-street parking for Levels of Custody 3 through 5 shall be located outside the institutional buffer.

The off-street parking required shall be based on the ratio of one (1) parking space for each employee working on peak shift. Additionally, in the case of a State or Federal correctional facility or a private facility which is operated under contract with the State or Federal government, one (1) space for each ten (10) inmates housed shall be provided for visitors, including family, friends, counselors, attorneys, medical personnel and others who visit the site, but do not work onthe

site on a daily basis. In the case of County correctional facilities or private facilities operated under contract with the County, one (1) space for each four (4) inmates housed shall be provided for visitors, including family, friends, counselors, attorneys, medical personnel and others who visit the site, but do not work on the site on a daily basis.

The parking ratio for offices and other administrative facilities, including court rooms, shall be determined by the ratios required by Section 1602.3 for "professional and business offices" and "indoor places of assembly" and shall be in addition to the spaces required by this Subparagraph for employees and visitors.

j. Any property line of the site of the correctional facility which fronts on a public street or is visible from an adjacent residential or commercial use shall be screened by Bufferyard A, as defined by Section 1502 of this Ordinance.

k. All other property lines of the site of the correctional facility shall be screened by Bufferyard C, as defined by Section 1502 of this Ordinance, except where the property line adjoins the bank of a river.

l. The required plantings shall be located beyond the limits of the required institutional buffer in a location which maximizes their effectiveness while not compromising the security of the correctional facility.

m. The Chief Administrator of the facility shall file an Emergency Management Plan, including the planned response to fire, security and medical emergencies, with the Board of Supervisors, Township Police Department, Emergency Medical Service and the Township Fire Department for review and comment as part of the conditional use application and shall file an updated Plan with each of these agencies annually by January 31st of each year after the facility is occupied.

The Emergency Management Plan shall include a proposal to provide an automatic alarm to the Township Police Department and a unique audible warning signal acceptable to the Township to warn the community in the event of a breach of security. Such warning signal shall be differentiated from other warning signals used by public safety and other public or private facilities in the area and the design and intensity of the warning signal shall be based on the located of the correctional facility, characteristics of the surrounding physical

environment and the proximity of commercial and residential uses. Failure to timely file an Emergency Management Plan or an updated Plan or to properly maintain in working order the audible warning signal may be treated by the Township as a violation of this Zoning Ordinance and each day that a violation occurs shall be subject to the enforcement remedies contained in Article XX of this Ordinance.

n. Fire alarm and fire suppression systems shall be provided in accordance with the requirements of the Township Fire Prevention Code and the most recent edition of the Building Officials Conference of America (BOCA) Basic Building Code.

o. The applicant shall provide evidence of all required Federal, State or County permits prior to issuance of the Building Permit and shall maintain valid permits throughout the operation of the facility. Any suspension or revocation of the permits required to operate the facility shall result in automatic revocation of the Certificate of Occupancy by the Township. Reinstatement of the Certificate of Occupancy shall be subject to submission of all valid permits and a certification by the Zoning Officer regarding continued compliance with all conditions attached to approval of the conditional use.

Failure to maintain valid permits as required throughout the operation of the facility may be treated by the Township as a violation of this Zoning Ordinance and each day that a violation occurs shall be subject to the enforcement remedies contained in Article XX of this Ordinance.

p. The Chief Administrator shall supply an Annual Report to the Zoning Officer by January 31st of each year which indicates the peak prisoner population on any given day in the previous calendar year as a basis for the Zoning Officer to determine continued compliance with parking requirements and other conditions of approval.

Failure to file the required Annual Report may be treated by the Township as a violation of this Zoning Ordinance and each day that a violation occurs shall be subject to the enforcement remedies contained in Article XX of this Ordinance.

q. All correctional facilities, whether governmental, quasi-governmental or private, shall be designed to meet the current performance criteria of the American Correctional Association (ACA) and the Pennsylvania Department of Corrections. In the event of a conflict between these criteria, the more restrictive shall apply.

r. In correctional facilities which contain several Levels of Custody, the design of the facility shall be such that there shall be no commingling of Levels of Custody and that sally ports or other entrances used by inmates, including work release inmates, are separate from entrances used by the general public.

1402.47 **Buildings Exceeding Three (3) Stories That Are More Than Thirty-five (35) Feet in Height,** subject to:

a. In the C-2 District, maximum building height may be increased for a high-rise apartment building or a hotel to no more than eight (8) stories and no more than one hundred (100) feet, provided all of the requirements of this §1402.47 are met.

b. In the C-2 District, maximum building height may be increased for a mid-rise apartment building, an office building, a clinic or a hospital to no more than five (5) stories and no more than sixty (60) feet, provided all of the requirements of this §1402.47 are met.

c. In the B-P District, a maximum building height may be increased to no more than forty (40) feet for an accessory parking structure and to no more than five (5) stories and no more than sixty (60) feet for all other principal structures, provided all of the requirements of this §1402.47 are met.

d. In the I-1 District, maximum building height may be increased to no more than three (3) stories and no more than forty-five (45) feet for any authorized use which requires additional building height to accommodate vehicles, machinery or other equipment incidental to the proposed use, provided all of the requirements of this §1402.47 are met.

e. In the I-1 District, maximum building height for a correctional facility may be increased to no more than ten (10) stories and no more than one hundred twenty (120) feet, provided all of the requirements of this §1402.46 are met.

f. Any required front, side or rear yard adjoining an R-1, R-2 or R-3 Zoning District or any residential use, regardless of the property's zoning classification, shall be increased by one (1) foot for each foot of building height in excess of thirty-five (35) feet which is proposed.

g. The applicant shall demonstrate, in writing, that design of the building includes adequate fire suppression and fire protection systems appropriate to its height and that Township or private fire-fighting equipment and/or equipment available through mutual aid pacts with adjacent municipalities is adequate to service the building.

1402.48 **Bed and Breakfast,** subject to:

a. The lot shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Ordinance.

b. The property shall be served by public water and public sewers.

c. Excluding the bedroom used by the owner of the dwelling, the maximum number of sleeping rooms shall be related to the size of the lot as follows:

Under 20,000 s.f.	4 sleeping rooms, maximum
20,000 - 40,000 s.f.	6 sleeping rooms, maximum
Over 40,000 s.f.	6 sleeping rooms plus 1 additional sleeping room for each 20,000 s.f. up to a maximum of 12 sleeping rooms.

d. The operator shall be a full-time resident of the dwelling.

e. No meals, other than breakfast shall be served on the premises. Food may be prepared on the premises for consumption off the premises by overnight guests. Food shall not be served to any customers who are not overnight guests.

f. In addition to the parking required for the dwelling, one (1) parking space shall be provided for each sleeping room offered to overnight guests.

g. Off-street parking shall not be located in any required front or side yard. Parking located in the rear yard shall be screened from adjoining residential properties by a compact six (6) foot evergreen hedge.

h. One (1) identification sign shall be permitted and such sign shall either be attached to the wall of the building or freestanding in the front yard, provided the surface area of the sign shall not exceed six (6) square feet, the height of the freestanding sign shall not exceed four (4) feet and the freestanding sign shall be located at least five (5) feet from any property line.

i. The identification sign shall contain no information other than one (1) or more of the following items:

1. Street address
2. Name of establishment
3. Small logo or other decorative symbol
4. Name of the proprietor

1402.49 Communications Antennas, subject to:

a. Building mounted antennas shall not be permitted on any single family dwelling, two family dwelling or townhouse dwelling.

b. Building mounted antennas shall be permitted to project beyond the height of the building by no more than twenty (20) feet.

c. Antennas mounted on public utility storage or transmission structures shall be permitted to project beyond the highest point of the structure by no more than twenty (20) feet.

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

e. Directional or panel antennas shall not exceed five (5) feet in height or two (2) feet in width.

f. Satellite and microwave dish antennas mounted on the roof of a building or on a self-supported communications tower shall not exceed six (6) feet in diameter.

g. Satellite and microwave dish antennas mounted on a monopole communications tower or existing public utility storage or transmission structure shall not exceed two (2) feet in diameter.

h. The applicant proposing a building mounted antenna shall submit evidence from a structural engineer certifying that the proposed installation will not exceed the structural capacity of the building considering wind and other loads associated with the antenna's location.

i. Evidence of lease agreements and easements necessary to provide access to the building or structure for installation and maintenance of the antennas and placement of the equipment cabinet or equipment building shall be provided to the Township.

j. The placement of the equipment cabinet or equipment building shall not obstruct the free flow of traffic on the site, shall not reduce any parking required or available for other uses on the site and shall not obstruct any right-of-way or easement without the permission of the owner or grantor of the right-of-way or easement.

k. Unless located within a secured building, the equipment cabinet or equipment building shall be fenced by a ten (10) foot high chain link security fence with locking gate.

l. If vehicular access to the equipment cabinet or equipment building is not provided from a public street or paved driveway or parking area, an easement or right-of-way shall be provided which has a minimum width of twenty (20) feet and which shall be improved with a dust-free all-weather surface for its entire length.

m. At least one (1) off-street parking space shall be provided on the site within a reasonable walking distance of the equipment cabinet or equipment building to facilitate periodic visits by maintenance workers.

ARTICLE XV

SUPPLEMENTARY REGULATIONS

SECTION 1500 GENERAL

The supplementary regulations in this Article supplement the requirements of Articles IV through XII governing each Zoning District and shall apply to all uses in all Zoning Districts.

SECTION 1501 PERFORMANCE STANDARDS

The following standards shall apply to all permitted uses, conditional uses and uses by special exception in the B-P, C-1, C-2 and I-1 Districts. All conditional uses and uses by special exception in all Districts shall comply with the requirements of this Section. In order to determine whether a proposed use will conform to the requirements of this Ordinance, the Board of Supervisors or Zoning Hearing Board may require a qualified consultant to testify, whose cost for services shall be borne by the applicant.

1501.1 **Fire Protection:** Fire prevention and fighting equipment acceptable to the Board of Fire Underwriters shall be readily available when any activity involving the handling or storage of flammable or explosive materials is carried on.

1501.2 **Electrical Disturbance:** No activity shall cause electrical disturbance adversely affecting radio or other equipment in the vicinity.

1501.3 **Noise:** No operation or activity shall cause or create noise in excess of the sound levels prescribed below:

a. Residential Districts: At no point beyond the boundary of any lot within these districts shall the exterior noise level resulting from any use or activity located on such lot exceed a maximum of sixty (60) dBA for more than four (4) hours during a twenty-four (24) hour equivalent period.

b. Commercial/Business Park Districts: At no point on or beyond the boundary of any lot within these districts shall the exterior noise level resulting from any use or activity located on such lot exceed a maximum of sixty-five (65) dBA for more than eight (8) hours during a twenty-four (24) hour equivalent period.

c. Industrial Districts: At no point on or beyond the boundary of any lot within these districts shall the exterior noise level resulting from any use or activity located on such lot exceed a maximum of seventy-five (75) dBA for more than eight (8) hours during a twenty-four (24) hour equivalent period.

d. Where two (2) or more zoning districts in which different noise levels are prescribed share a common boundary, the most restrictive noise level standards shall govern.

e. The following uses or activities shall be exempted from the noise regulations:

1. Noises emanating from construction or maintenance activities between 7:00 A.M. and 9:00 P.M.;

2. Noises caused by safety signals, warning devices and other emergency-related activities or uses;

3. Noises emanating from public or private recreational uses between 7:00 A.M. and Midnight.

f. In addition to the above regulations, all uses and activities within the Township shall conform to all applicable County, State and Federal regulations. Whenever the regulations contained herein are at variance with any other lawfully adopted rules or requirements, the more restrictive shall govern.

1501.4 **Vibrations:** Vibrations detectable without instruments on neighboring property in any districts shall be prohibited.

1501.5 **Odors:** No malodorous gas or matter shall be permitted which is discernable on any adjoining lot or property.

1501.6 **Smoke, Ash, Dust, Fumes, Vapors and Gases:** There shall be no emission of smoke, ash, dust, fumes, vapors or gases which violates applicable Federal, State or County laws or regulations.

1501.7 **Glare:** Lighting devices which produce objectionable direct or reflected glare on adjoining properties or public streets shall not be permitted.

1501.8 **Erosion:** No erosion by wind or water shall be permitted which will carry objectionable substances onto neighboring properties.

1501.9 **Water Pollution:** Water pollution shall be subject to the standards established by the PA DER.

1501.10 **Determination of Compliance with Performance Standards:** During the review of an application for zoning approval, the applicant may be required to submit data and evidence documenting that the proposed activity, facility or use will comply with the provisions of this Section. In reviewing such documentation, the Township may seek the assistance of any public agency having jurisdiction or interest in the particular issues and the Township may seek advice from a qualified technical expert. All costs of the expert's review and report shall be paid by the applicant. A negative report by the technical expert and the applicant's refusal or inability to make alterations to ensure compliance with this Section shall be a basis for denying approval of the application.

1501.11 **Continuing Enforcement:** The Zoning Officer shall investigate any purported violation of the performance standards and, subject to the approval of the Board of Supervisors, may employ qualified technical experts to assist in the determination of a violation. Costs of the services of such experts shall be paid by the owner or operator of the facility or use accused of the violation if the facility or use is found to be in violation. If the facility or use is found to be in compliance with the performance standards, said costs shall be borne by the Township.

If the facility or use is found to be in violation, the owner or operator shall be given written notice of violation in accordance with Section 2001 of this Ordinance and a reasonable length of time to correct the violation. Failure to correct the violation shall be subject to the penalty provisions of this Ordinance and shall result in the revocation of the occupancy permit for the facility or use.

SECTION 1502 SCREENING AND LANDSCAPING

1502.1 **Bufferyards:** Bufferyards shall be required in conjunction with the development of any property, except with the development of property for single family residential dwellings, as shown on the following schedule:

REQUIRED DEVELOPMENT PROPOSED	BUFFERYARD A	B	C	D
MULTIFAMILY				
Adjoining Single or Two Family		X		
Adjoining Multifamily			X	
Adjoining Undeveloped R		X		
Adjoining Any B-P, C-1 or C-2			X	
Adjoining Any I-1			X	
ALL USES IN B-P, C-1 OR C-2				
Adjoining Single or Two Family	X			
Adjoining Multifamily			X	
Adjoining Undeveloped R	X			
Adjoining Any B-P, C-1 or C-2				X
Adjoining Any I-1			X	
ALL USES IN I-1				
Adjoining Any R	X			
Adjoining Any Undeveloped R	X			
Adjoining Any B-P, C-2 or C-2			X	
Adjoining Any I-1			X	

NOTE: In the event that a nonconforming use is proposed to be changed or expanded, the Bufferyard required for the most restrictive Zoning District classification in which the use is listed as an authorized use shall be provided.

1502.2 **Bufferyards Defined:** Bufferyards A, B, C and D listed in the Table in Section 1502.1 above are defined as follows:

a. **Bufferyard A** - No structures or uses, including but not limited to, buildings, accessory structures, parking spaces, access driveways and lighting devices, may be located closer than thirty-five (35) feet to any side or rear lot line, provided, however, that if the width of any such bufferyard would exceed more than ten percent (10%) of the width or depth of the subject lot as it existed as of the effective date of this Ordinance, measured along a perpendicular line running from the relevant side or rear lot line, then the size of the bufferyard shall be established through the following formula:

On a lot or property with a width or depth of greater than two hundred fifty (250) feet, but less than three hundred fifty (350) feet, the bufferyard required shall be ten percent (10%) of that minimum dimension on that particular side of the property. For example, on lots

with a width greater than three hundred fifty (350) feet, but a depth of less than three hundred fifty (350) feet, the bufferyard for the rear yard shall be ten percent (10%) of the dept of the property. The bufferyards for the side yards shall remain the minimum requirement of thirty-five (35) feet. On a lot with a width of less than three hundred fifty (350) feet and a depth greater than three hundred fifty (350) feet, the bufferyards on the side yards shall be ten percent (10%) of the width of the property. The bufferyard for the rear yard shall remain the minimum requirement of thirty-five (35) feet. In no event, however, shall the side or rear bufferyard be less than twenty-five (25) feet.

This bufferyard shall contain two (2) rows of planting. Each row shall consist of a mixture of deciduous (30%) and evergreen (70%) trees spaced within the row ten (10) feet apart, measured from the vertical centerlines of adjacent trees. The two (2) rows shall be staggered in the manner shown on the drawings in Appendix A which shall result in adjacent trees in the two (2) different rows being no more than five (5) feet apart, measured from the vertical centerline of the trees.

In addition to the above noted required trees, a row of low level evergreen shrubs or hedges shall be planted, or earthen mounding shall be constructed in the bufferyard which shall provide a year-'round visual screen capable of acting as a barrier to light beams emanating from the headlights of passenger cars. These low level shrubs, hedges or mounds shall be of such height that a person facing a passenger car with the shrubs, hedges or mounds between him/her and the car, could observe the car's low beam lights only as a result of the diffused or reflected light from the headlights and not because the main, direct beam from those lights was observable.

b. **Bufferyard B** - No structures or uses, including, but not limited to, buildings, accessory structures, parking spaces, access driveways and lighting devices, may be located any closer than twenty-five (25) feet to any side or rear lot line.

This twenty-five (25) foot bufferyard shall contain a row of planting which shall be comprised of a mixture of deciduous (30%) and evergreen (70%) trees. These trees shall be spaced ten (10) feet apart measured from the center of the trees.

In addition to the above noted required trees, a row of low level evergreen shrubs or hedges shall be planted, or earthen mounding shall be constructed in the bufferyard which shall provide a year-'round visual screen capable of acting as a barrier to light beams

emanating from the headlights of passenger cards. These low level shrubs, hedges or mounds shall be of such height that a person facing a passenger car with the shrubs, hedges or mounds between him/her and the car, could observe the car's low beam lights only as a result of the diffused or reflected light from the headlights and not because the main, direct beam from those lights was observable.

c. **Bufferyard C** - No structures or uses, including, but not limited to, buildings, accessory structures, parking spaces, access drives and lighting devices, may be located any closer than ten (10) feet to any side or rear lot line.

This ten (10) foot bufferyard shall contain a row of planting which shall be comprised of a mixture of deciduous (30%) and evergreen (70%) trees. These trees shall be spaced ten (10) feet apart measured from the center of the trees.

In addition to the above noted required trees, a row of low level evergreen shrubs or hedges shall be planted, or earthen mounding shall be constructed in the bufferyard which shall provide a year-'round visual screen capable of acting as a barrier to light beams emanating from the headlights of passenger cars. These low level shrubs, hedges or mounds shall be of such height that a person facing a passenger car with the shrubs, hedges or mounds between him/her and the car, could observe the car's low beam lights only as a result of the diffused or reflected light from the headlights and not because the main, direct beam from those lights was observable.

d. **Bufferyard D** - No structures or uses, including, but not limited to, buildings, accessory structures, parking spaces, access drives and lighting devices, may be located any closer than five (5) feet to any side or rear lot line.

This five (5) foot bufferyard shall contain a row of planting which shall be comprised of either a mixture of deciduous (30%) and evergreen (70%) trees spaced no more than fifteen (15) feet apart measured from the center of the trees or, in specific locations where line of sight must be protected, a continuous compact evergreen hedge that is a minimum of six (6) feet in height.

1502.3 **Waiver or Modification of Bufferyard Requirements:** If a Bufferyard has been provided on adjoining property, the Board of Supervisors may waive the requirement to provide a Bufferyard along those property lines where plantings already exist on the adjoining property, provided the Board of

Supervisors, upon recommendation by the Planning Commission, determines that the intent of the required Bufferyard has been met by the existing plantings.

On lots in the B-P, C-1, C-2, I-1 and I-2 Districts where the depth of the lot exceeds two hundred and fifty (250) feet, the Board of Supervisors may waive the requirement to provide plantings along the entire depth of the property line, provided plantings are installed for a distance of at least twenty-five (25) feet beyond the rear wall of the building and provided that the applicant demonstrates that the line of sight from adjoining properties containing residential uses or residential zoning classification is adequately screened. In waiving the Bufferyard requirement along a portion of the property line, the Board of Supervisors may require the clustering of required plantings to protect the lines of sight.

1502.4 **Authorized Uses in Bufferyards:** Stormwater management facilities, active or passive recreation facilities not involving any buildings, opening for driveways and rights-of-way for public streets or utilities may be located within a required bufferyard; however, the existence of these facilities shall not eliminate the need to meet the planting requirements within the required bufferyard, except within the width of the easement, right-of-way or driveway opening.

1502.5 **Effect of Public Street Right-of-Way:** In the event that a public street right-of-way, dedicated and accepted by the Township, constitutes the boundary line between two (2) properties where a Bufferyard is required, the Bufferyard shall not be required, provided the width of the right-of-way equals or exceeds the width of the required Bufferyard and the low level screen or earthen mound required to screen headlights in any parking area facing the street is provided, if required.

1502.6 **Location of Plantings with Respect to Property Lines:** None of the plantings in any Bufferyard shall encroach across any property line. All plantings shall be located a minimum of two and one-half (2 ½) feet from any property line which constitutes the exterior boundary of the Bufferyard.

1502.7 **Fill Slopes in Excess of Fifty (50) Feet in Height in a Required Bufferyard:** In order to reduce the impact of fill slopes in excess of fifty (50) feet in height which are located in whole, or in part, in a required Bufferyard, one (1) ten (10) foot bench shall be provided for each twenty-five (25) feet of height and Bufferyard D shall be required to be installed in each benched area.

1502.8 **Substituting a Landscaped Slope for the Required Bufferyard:** In the event that proposed construction is at a higher elevation than adjoining existing uses and the slope interrupts the line of sight between the existing uses and the proposed building, the Board of Supervisors may authorize that the slope separating the uses be landscaped as an alternative to providing the required Bufferyard at the top of the slope, provided the line of sight is protected and the result is an improved finished slope facing the existing uses. The number and types of planting on the slope shall be subject to approval by the Township. The number of trees otherwise required in the applicable Bufferyard shall be used in determining the adequacy of the alternative landscaping.

1502.9 **Conflict Between Bufferyard and Yard Requirements:** When the width of a required bufferyard is in conflict with the minimum yard requirements of Articles IV through XII, the greater distance shall apply. The bufferyard planting requirement shall be adhered to regardless of what the yard requirement is.

1502.10 **Existing Structures in Bufferyards:** In instances where an existing structure houses the principal use of the property, and is located within any required bufferyard, a bufferyard of not less than the minimum distance from the existing structure to the property line shall be required. This reduced bufferyard width shall apply only to the yard area which the existing structure encroaches upon. If the existing structure is located within the required bufferyard on one (1) side of the building, the required bufferyard as determined by Section 1502.1 shall apply on all other yard areas. All planting requirements shall be adhered to regardless of the bufferyard width.

1502.11 **Existing Trees in Bufferyards:** - Where trees already exist within the required bufferyard, these trees shall remain undisturbed, except that diseased or dead material may be removed. If it is determined that some healthy trees must be removed in conjunction with development, a written request to remove such trees must be submitted to the Township, along with an explanation detailing the rationale for the request. These trees shall not be removed until the Township has given written authorization permitting this. This permission will not be unreasonably denied; however, those who violate this Section shall be subject to the maximum penalties authorized by this Ordinance.

When any trees, regardless of their physical condition, are removed, they shall be replaced by trees suitable to the environment. All such replacement planting shall be in accordance with accepted conservation practices.

Where existing trees are accepted by the Township in lieu of Bufferyard plantings, a conservation easement shall be recorded in perpetuity, guaranteeing the preservation of the existing trees or their replacement with similar size and species in event they must be removed.

1502.12 **Size of Trees in Required Bufferyards:** Any existing trees within the required bufferyard which are a minimum of four (4) inches in diameter at a point one (1) foot above the ground shall be preserved and shall count as a required tree within the bufferyard. At no point, however, shall any existing trees and required trees be separated at a distance greater than the distance specified in the required bufferyard.

All trees required to be planted within the bufferyard shall be a minimum of two (2) inches in diameter at a point one (1) foot above the ground measured along the trunk of the planted tree which tree shall be planted in accordance with accepted conservation practices. All required trees shall be a minimum of six (6) feet in height at time of planting measured from the ground adjacent to the planting measured from the ground adjacent to the planted tree to the top of the tree.

1502.13 **Responsibility for Maintenance:** It shall be the responsibility of the owner/applicant to assure the continued growth of all required landscaping and/or to replace the same in the event of frost, vandalism, disease or other reasons for the discontinued growth of the required trees, shrubs and bushes.

1502.14 **Stormwater Management Facilities in Bufferyards:** Stormwater management facilities and structures may be maintained within a bufferyard, but the existence of such facilities or structures shall not be a basis for a failure to meet the planting requirements.

1502.15 **Landscaping of Open Areas:** All yard areas not utilized for parking facilities, driveways, gardens, the planting of trees or shrubs, flower, vegetable or herb beds or similar uses must be seeded, sodded or landscaped within a reasonable period of time. The phrase "a reasonable period of time" shall be interpreted to be within two (2) weeks after construction activities are completed, unless those activities are completed between a November 1 through April 1 time period. In such case, the required sodding or seeding must occur within two (2) weeks of April 1.

1502.16 **Landscaping Specifications:** Landscaping shall be provided in accordance with the following specifications:

a. Planting required in bufferyards as outlined in Section 1502.2 cannot be substituted for any required planting mandated in this Section.

b. A landscaping plan, with detailed drawings, must be submitted prior to building permit application and this landscaping plan must contain and show the following information:

1. All required bufferyards with proposed plantings (identifying each proposed tree, bush or shrub) drawn to scale and identifying the height and width of any proposed mounds.

2. All required planting independent of any bufferyard requirements (identifying each tree, bush, shrub, the use of sod or seeding, etc.) drawn to scale.

3. Any planting in excess of the requirements in Sections 1502.1 and 1502.2 of this Ordinance.

4. Any existing trees or vegetation which are to be preserved, accurately identifying their relative location.

5. Any existing trees or vegetation which will be removed, accurately identifying their relative location.

c. In any nonresidential development, deciduous trees shall be planted in accordance with the following schedule, in addition to the trees provided in any required Bufferyard or parking area:

Building Footprint	**Requirement**
1,000 - 30,000 s.f.	1 tree for each 1,000 s.f. of building footprint
30,001 - 75,000 s.f.	A minimum of 30 trees plus 1 tree for each 3,000 s.f. of building footprint in excess of 30,000 s.f.
Over 75,000 s.f.	A minimum of 45 trees plus 1 tree for each 5,000 s.f. of building footprint over 75,000 s.f.

The required trees shall be planted in clusters on the site and shall be distributed throughout the site to enhance the green space on the site. The final location of the plantings shall be subject to approval by the Township depending on the size of the site, the magnitude of the required Bufferyard and the amount of paving and building coverage proposed.

d. In any development which contains multifamily dwellings, deciduous trees shall be planted in accordance with the following schedule, in addition to the trees provided in any required Bufferyard or parking area.

Number of Dwellings	**Required Trees**
First 25 dwelling units	1 tree for each dwelling unit
26-100 dwelling units	25 trees plus 1 tree for each 2 dwelling units in excess of 25 dwelling units.
101-200 dwelling units	63 trees plus 1 tree for each 3 dwelling units in excess of 100 dwelling units.
201+ dwelling units	96 trees plus 1 tree for each 4 dwelling units in excess of 200 dwelling units.

e. All trees which are required to be planted as per the regulations of this Section shall be a minimum of two (2) inches in diameter at a point one (1) foot above the ground at the time of planting measured along the trunk of the planted tree which tree shall be planted in accordance with accepted conservation practices.

f. In conjunction with the development of property for any use, the applicant shall show that the removal of any trees or natural vegetation is necessary for the imminent and orderly development of the property. Imminent development shall be considered to be development which is reasonably expected to commence, and for which there are realistic plans to commence, on a minimum eight (8) hours per day, forty (40) hours per week basis (utilizing a five (5) day on, two (2) day off, standard work week basis) within thirty (30) days of the removal of trees or vegetation and for which a land development plant and landscaping plan have been submitted and approved by the Township.

g. Any existing trees which are not disturbed and are not located within a required bufferyard and are a minimum of four (4) inches in diameter at a point one (1) foot above the ground shall count towards the required number of trees to be planted outside of the bufferyard.

h. In parking areas containing more than twenty (20) spaces, at least five percent (5%) of the interior parking area shall be landscaped with plantings and trees shall be planted in the interior of the parking area in accordance with the following schedule. The required trees in the parking area shall be in addition to the trees provided in any required Bufferyard or any requirement based on building footprint or number of dwelling units.

Number of Parking Spaces	Required Trees
21-100 parking spaces	1 tree for each 10 parking spaces or portion thereof
101-200 parking spaces	10 trees plus 1 tree for each 20 parking spaces in excess of 100 spaces or portion thereof
201+ parking spaces	20 trees plus 1 tree for each 25 parking spaces in excess of 200 spaces or portion thereof

i. Whenever an open parking area abuts a public street, a planting strip, at least five (5) feet in depth, planted and maintained with shrubbery, trees or other landscape or decorative materials, shall be installed across the entire frontage of the property in order to prohibit vehicles access, except at approved ingress and egress points.

j. All areas not utilized for structures, driveways, planting strips or parking facilities must be seeded, sodded or landscaped within a reasonable period of time. The phrase "a reasonable period of time" shall be given the same interpretation given that phrase as it is used in Section 1502.9 of this Ordinance.

1502.17 **Posting of Bond for Landscaping:** A Maintenance Bond in the form of cash, certified check or letter of credit shall be posted with the Township in the amount of fifteen percent (15%) of the total cost of landscaping shown on the approved landscaping plan for a period of two (2) years from the date

of installation of the landscaping materials. The Maintenance Bond shall guarantee replacement of the required landscaping materials during the term of the Bond.

SECTION 1503 (RESERVED FOR FUTURE USE)

SECTION 1504 SPECIAL YARD REQUIREMENTS

In addition to the yard requirements specified in each Zoning District, the following yard requirements shall apply in all Zoning Districts to the applicable circumstances described below:

1504.1 **Corner Lots:** Corner lots shall provide front yards on each street frontage. The remaining two (2) yards shall constitute side yards.

In the case of a double frontage lot that is not a corner lot, the front yard shall be required along the street that the principal structure faces. The opposite yard along the second street frontage shall be a rear yard. The remaining yards shall be side yards.

1504.2 **Nonconforming Lots of Record:** See Section 1803.

1504.3 **Accessory Structures:** In all Zoning Districts the following regulations shall apply to accessory structures.

a. **Private Swimming Pools Accessory to a Dwelling:** Swimming pools accessory to a dwelling shall be located at least ten (10) feet from the dwelling or any property line. Swimming pools shall not be permitted in the front yard. All swimming pools and the equipment necessary for maintaining the pool shall be completely enclosed by a fence which is at least six (6) feet in height and which has a self-latching gate. The dwelling may constitute a part of the required enclosure.

For an above-ground swimming pool, the top of which is at least four (4) feet above the adjacent ground level on the entire perimeter and which has removable or retractable steps, the pool shall not be required to be fenced, provided the steps are removed or retracted when the pool is not in use. All other above-ground swimming pools shall be fenced in accordance with the requirements of this Subparagraph a.

b. **Private Tennis Courts Accessory to a Dwelling:** Tennis courts accessory to a dwelling shall be located only in a side or rear yard and shall be no closer to the side or rear property line than twenty (20) feet. If lighting is proposed, the lighting shall be shielded so that it does not reflect on any adjoining property. All tennis courts shall be enclosed by a fence which is a minimum of ten (10) feet in height and a maximum of twelve (12) feet in height and which shall contain openings equal to fifty percent (50%) or more of the surface area of the fence.

c. **Fences:** In Residential Zoning Districts, fences no greater than six (6) feet in height shall be permitted in the required rear or side yards.

In Residential Zoning Districts, fences which contain openings equal to at least fifty percent (50%) of the surface area of the fence and which are not more than four (4) feet in height shall be permitted in the required front yard, provided they are decorative and do not enclose the entire front yard.

In C, Commercial and B-P, Business Park, Districts, the maximum height of a fence shall be eight (8) feet.

In the I, Industrial District, the maximum height of a fence shall be ten (10) feet.

d. **Fences, Walls and Buffer Areas:** All walls, fences and buffer areas or landscaping material shall be located so as to not obstruct pedestrian access, visibility for traffic on adjacent streets or traffic entering or leaving the property or adjacent properties.

e. **Satellite Dish Antennas:** Only one (1) satellite dish antenna shall be permitted on a residential lot. In all Zoning Districts, satellite dish antennas which exceed one (1) meter in diameter shall not be permitted in a required front yard. In Residential Zoning Districts, the maximum diameter of any satellite dish antenna installed on any lot or on any roof or above any building shall be twelve (12) feet.

In Zoning Districts other than Residential, the maximum diameter of any satellite dish antenna installed on any lot or on any roof or above any building shall not exceed twenty (20) feet. In all Zoning Districts, any satellite dish antenna which exceeds one (1) meter in diameter shall be located at least ten (10) feet from any property line.

f. **Radio or Television Antennas for Private Use:** A radio or television antenna maintained by private citizens for personal or household use, including, but not limited to, amateur radio stations, citizen band base stations and television antennas (other than satellite dish antennas) shall be permitted as an accessory use, subject to the following requirements:

1. A radio or television antenna structure may be mounted on a roof or installed in a rear yard area only, provided that no such structure shall be located within twenty (20) feet of any property line.

2. The maximum height for such structure shall not exceed that otherwise allowed in the zoning district in which it is located by more than twenty (20) feet. If placed on a roof, any antenna exceeding eight (8) feet shall be mounted with guide wires.

3. Any such structure shall comply with applicable Airport Zoning and Federal Communications Commission regulations.

4. Radio or television antenna structures located on the ground shall be screened from adjacent properties by evergreen trees or other suitable material, as approved by the Township.

g. **Structures Accessory to Industrial Uses:** In the I-1, Light Industrial District, no accessory structure to an industrial or warehousing use shall be permitted in a front yard. Accessory structures shall be permitted in a side or rear yard provided that they shall be located at least twenty (20) feet from the side or rear lot line.

h. **Canopies and Similar Structures:** Canopies and similar permanent freestanding roofed structures without walls shall be permitted to cover outdoor seasonal display and sales areas or fuel dispensing area accessory to authorized uses in the C-2, General Commercial and I-1, Light Industrial Districts, provided that:

1. Such structure shall not be attached to the principal building;

2. Such structure shall be located at least ten (10) feet from any property line or street right-of-way;

3. Such structure shall not be enclosed; and

4. Such structure shall be removed immediately, once the principal use or the use of the accessory structure is discontinued.

i. **All Other Accessory Structures:** All other accessory structures shall not be permitted in the required front yard or required side yards and shall be located at least ten (10) feet from the rear lot line. All other accessory structures shall be located at least ten (10) feet from the rear lot line. All other accessory structures shall be located at least ten (10) feet from any principal building, except that a detached private garage may be connected to the principal building by contiguous walls, breezeways or similar connections.

1504.4 **Visibility at Intersections:** No object, including without limitation, fences, hedges, trees and other plantings, buildings, structures, walls, signs and motor vehicles, exceeding a height of three (3) feet as measured from the lowest elevation of the centerline of any abutting street, shall be temporarily or permanently placed, erected, installed or parked within the clear sight triangle required on a corner lot. The required clear sight triangle on a corner lot shall be determined as follows:

a. **Residential Districts:** The street lines abutting the corner lot shall form the legs of the clear sight triangle. Each of the legs shall extend a distance of thirty (30) feet from the point of intersection of the street lines abutting the corner lot. The hypotenuse of the clear sight triangle shall be formed by drawing a straight line joining the legs at their farthest point from the vertex of the triangle.

b. **Business Park, Commercial and Industrial Districts:** The street lines abutting the corner lot shall form the legs of the clear sight triangle. Each of the legs shall extend a distance of thirty (30) feet from the point of intersection of the street lines abutting the corner lot. The hypotenuse of the clear sight triangle shall be formed by drawing a straight line joining the legs at their farthest point from the vertex of the triangle.

SECTION 1505 PERMITTED PROJECTIONS INTO REQUIRED YARDS

The following shall be permitted to project into any required yard in any Zoning District as follows:

Typical architectural features, including, but not limited to, bay windows, window sills, chimneys, cornices and eaves, shall be permitted to project into required yards no more than eighteen (18) inches.

Decks and their stairs and unenclosed porches without enclosed habitable foundation and without a roof shall be permitted to project into required front and side yards no more than three (3) feet and shall be no closer to the rear property line than twenty (20) feet.

Steps attached to the principal building and open fire escapes shall be permitted to project into required yards no more than thirty-six (36) inches.

SECTION 1506 HEIGHT EXCEPTIONS

The height limitations of this Ordinance shall not apply to the following structures: Church spires, chimneys, elevator bulk heads and other mechanical equipment which is part of the principal structure, conveyors, flagpoles, silos, standpipes, elevated water tanks, derricks, public utility structures, and other structures not intended for human habitation which do not exceed the height limitations of the Zoning District by more than fifteen (15) feet.

On lots that have an area of at least two (2) acres, the height of an accessory structure may be increased from twenty (20) feet to not more than twenty-five (25) feet, provided the side and rear setbacks for the accessory structure are at least equal to the height of the accessory structure.

SECTION 1507 AGRICULTURE

Agricultural uses shall comply with the following requirements:

1507.1 Farm buildings, other than a dwelling, shall not be erected within three hundred (300) feet of an adjoining property line.

1507.2 Feed lots, runs, pens, and similar intensively used facilities for animal raising and care, excluding pasture and grazing areas, shall not be located within three hundred (300) feet of an adjoining property line.

1507.3 Animal holding areas for poultry and swine shall not be located within three hundred (300) feet of any property line.

SECTION 1508 PRIVATE STABLES OR HOBBY FARMS

In the R-1 District, a private stable or hobby farm for personal use and enjoyment shall be permitted on a tract of land which does not meet the acreage requirements for a farm, as defined by this Ordinance, provided the tract shall contain at least five (5) acres and all of the following requirements are met:

1508.1 A tract of at least five (5) acres, but less than ten (10) acres, may be used for a private stable and/or a hobby farm.

1508.2 Hobby farms may include any of the activities encompassed by agriculture, as defined by this Ordinance. The hobby farm shall be restricted to personal use and enjoyment and any sale of animals or produce shall not constitute the principal economic activity of the residents of the hobby farm. Roadside stands for the sale of farm products shall not be permitted on hobby farms. Signs offering the sale of products raised on the hobby farm shall not be permitted.

1508.3 The number of animals maintained on a hobby farm, if any, shall be reasonably related to the size of the property, the area available for grazing and the capacity of the land to sustain the animals without creating a nuisance.

1508.4 On a tract utilized for a private stable, two (2) horses or ponies shall be permitted on the first five (5) acres of land. One (1) additional horse or pony shall be permitted for each additional acre over five (5) acres, but less than ten (10) acres.

Foals which are less than six (6) months old shall not be counted in the maximum number of horses or ponies permitted per acre. Foals which are six (6) months or older shall be counted in the maximum number of horses or ponies permitted per acre.

1508.5 A private stable shall be for the personal use and enjoyment of the owner and shall not involve rental, boarding or any other profit-making activity.

1508.6 No stables or other buildings in which animals are kept or manure is stored shall be located within seventy-five (75) feet of any property line or within one hundred (100) feet of any occupied dwelling, other than the owner's dwelling.

1508.7 No grazing of any animals shall be permitted closer than one hundred (100) feet from any occupied dwelling, excluding the stable or hobby farm owner's dwelling.

1508.8 A stable or hobby farm owner shall not permit litter and droppings from the horses or other animals to collect so as to result in the presence of fly larvae or objectionable odors.

1508.9 The area of the property used for grazing shall be adequately fenced to properly enclose the animals and to protect adjacent properties.

SECTION 1509 TEMPORARY CONSTRUCTION TRAILERS OR SHEDS, MODEL HOMES OR SALES OFFICES

Temporary construction trailers or sheds or model homes or sales offices shall be permitted in any Zoning District subject to the following conditions:

1509.1 Temporary construction trailers or sheds shall be permitted only during the period that the construction work is in progress. Model homes or sales offices shall be permitted only until the last lot or dwelling unit in the final phase of the development is sold.

A permit for the temporary structure or use shall be obtained from the Zoning Officer prior to the commencement of construction and shall be renewed every six (6) months.

1509.2 Temporary construction trailers or sheds shall be located on the lot on which the construction is progressing and shall not be located within twenty-five (25) feet of any property line adjoining residential uses.

1509.3 Temporary construction trailers or sheds shall be used only as temporary field offices and for storage of incidental equipment and supplies and shall not be used for any dwelling use, whatsoever.

1509.4 No combustible materials shall be stored in temporary construction trailers or sheds.

1509.5 Model homes shall be located on a separate lot and shall meet all the requirements for permanent dwellings in the Zoning District in which they are located. Sales offices may be located in a model home or may be located in a trailer located on a vacant lot in the plan or on the site of construction. If the sales office is located in a trailer, the trailer shall not be located within twenty-five (25) feet of any property line adjoining a residential use.

1509.6 Model homes or sales offices located in a trailer shall not be utilized for any dwelling use, whatsoever, during the time they are approved as a temporary use or structure in accordance with the provisions of this Section.

1509.7 Model homes or sales offices shall be used primarily for sales associated with the development in which they are located and shall not be used as the only place of business for the listing realtor.

SECTION 1510 BASEMENT STRUCTURES

Occupancy of a basement or foundation structure prior to the completion of the total structure shall not be permitted. This provision shall not be interpreted to prohibit the construction of an earth sheltered dwelling.

SECTION 1511 STORAGE

1511.1 **Outdoor Storage in Commercial and Industrial Districts:** Except for nurseries, garden supply, building supply and similar businesses which require outside storage of materials, storage and display of materials outside a completely enclosed structure shall not be permitted. In the case of nurseries, garden supply, building supply and similar businesses, outside display and storage areas shall be completely enclosed by a security fence and shall be screened by an opaque fence or hedge which is at least six (6) feet in height.

In the I-1 District, any material or equipment stored outside an enclosed building shall be incidental to the principal use of the lot and shall be stored to the rear of the building or an alternative location which screens the storage area from public view from the street. If existing buildings do not screen the storage area from public view from the street, the area shall be screened by a hedge or opaque fence at least six (6) feet in height.

All organic rubbish and discarded materials shall be contained in tight, vermin-proof containers which shall be screened from public view by an opaque fence or hedge which is at least six (6) feet in height.

1511.2 **Storage of Travel Trailers and Mobile Homes:** The parking and storage of travel trailers, mobile homes, motor homes, campers and similar recreational vehicles shall be prohibited within the right-of-way of any public street. At no time shall such parked or stored vehicle be occupied or used as a dwelling.

1511.3 **Storage of Commercial and Construction Equipment:** Commercial and construction equipment or vehicles, including without limitation trucks of one-ton capacity or greater, tractors of forty (40) horsepower or larger, tandems, tractor-trailers, cargo-moving equipment and construction equipment or vehicles, shall not be stored or parked temporarily or permanently in any Residential Zoning District, except within a completely enclosed building.

ARTICLE XVI

OFFSTREET PARKING AND LOADING

SECTION 1600 OFFSTREET PARKING

Offstreet parking spaces shall be provided in accordance with the specifications in this Article in any District whenever any new use is established or existing use is enlarged.

SECTION 1601 OFFSTREET PARKING DESIGN

Parking areas in all Zoning Districts shall comply with the following standards:

1601.1 **Size:** Each off-street parking space shall have an area of not less than 180 square feet, exclusive of access drives or aisles, shall have minimum dimensions of nine (9) feet in width and twenty (20) feet in length and shall be maintained free from obstruction. Parking areas shall be designed to provide sufficient turnaround area so that vehicles are not required to back onto the cartway of any public street.

1601.2 **Access:** Access to parking areas shall be provided in accordance with the following requirements:

a. Where an existing lot does not adjoin a public or private street, alley or easement of access, an access drive shall be provided leading to the parking areas.

b. Access to offstreet parking areas shall be limited to well defined locations, and in no case shall there be unrestricted access along the length of a street. In any District, other than a Residential District, the street frontage shall be curbed to restrict access to the lot, except where access drives are proposed.

c. The number of access drives from a single lot or development to any public street shall not exceed two (2) for every four hundred (400) feet of street frontage.

d. Except on corner lots, access drives shall be located at least two hundred (200) feet from the intersection of any two (2) street right-of-way lines. Where a site has frontage on more than one (1) street, access shall be provided from the street with the lower traffic volume, if physically practical.

e. Access drives entering State highways are subject to a Highway Occupancy Permit issued by the Pennsylvania Department of Transportation (PennDOT). Access drives entering County roads and Township streets shall be graded to conform to existing topography and shall be designed so that drainage will not adversely impact the street or adjoining properties.

f. Each parking space shall have access directly to a driveway. Interior circulation of traffic shall be designed so that no driveway providing access to parking spaces shall be used as a through street. Interior traffic circulation shall be designed to ensure safety and access by emergency vehicles.

1601.3 **Safety Requirements:** The Board of Supervisors shall consider whether safety requirements are warranted to reduce traffic hazards which endanger public safety. The developer shall be responsible for construction of any required islands, acceleration, deceleration or turning lanes and shall bear the cost of installing any required traffic control devices, signs or pavement markings within and adjoining the boundaries of the development site.

1601.4 **Markings:** In parking areas which contain five (5) or more spaces, all parking spaces shall be clearly delineated by painted lines or markers. Parking spaces shall be provided with bumper guards or wheel stops, where necessary, for safety or protection to adjacent structures or landscaped areas. All vehicular entrances and exits to parking areas shall be clearly marked for all conditions. Short-term visitor parking spaces shall be differentiated from long-term employee spaces by suitable markings. Handicapped parking shall be appropriately marked.

1601.5 **Parking Areas Serving Residential Dwellings:** Parking requirements for single family, two family and townhouse dwellings shall be met by providing the required spaces in an enclosed garage or in a private driveway on the lot. Parking for garden apartments shall be provided in a paved, striped and curbed off-street parking area.

1601.6 **Parking Areas Serving Uses Other Than Residential Dwellings:** Parking requirements for all uses other than residential dwellings shall be met by providing a paved, striped and curbed off-street parking area.

1601.7 **Driveways Serving Nonresidential Uses:** Single lane driveways which provide access to lots and parking areas shall be a minimum of ten (10) feet wide and a maximum of twelve (12) feet wide; two lane driveways shall be a minimum of twenty (20) feet wide and a maximum of twenty-four (24) feet wide.

If parking spaces are aligned at less than ninety degrees (90°), driveways shall be restricted to one-way traffic and head-in parking only.

There shall be at least fifteen (15) feet between driveways at the street line and at least five (5) feet between a driveway and a fire hydrant, catch basin or property line. There shall be at least thirty (30) feet between a driveway and the right-of-way line of an intersecting street.

Adequate sight distance shall be provided, subject to review and approval by the Township Engineer. Driveways shall not exceed a slope of ten percent (10%) within twelve (12) feet of the street right-of-way line.

1601.8 **Location of Parking Areas:** Required parking spaces shall be located on the same lot with the principal use.

No parking area containing more than five (5) parking spaces shall be located closer than ten (10) feet to any adjoining property line and parking authorized in front yards shall be located at least ten (10) feet from the street right-of-way line.

1601.9 **Screening and Landscaping:** Parking areas containing more than five (5) parking spaces shall be effectively screened by a Bufferyard C, as defined by §1502.2 of this Ordinance, along any property line which adjoins a residential use or Residential Zoning District classification.

In addition, a planting strip at least five (5) feet wide shall be provided between the edge of the right-of-way and any parking area authorized in any yard which fronts on a street. Planting strips between the right-of-way and the parking area shall be suitably landscaped and maintained in grass, ground cover or other landscaping material not in excess of three (3) feet in height which shall not obstruct visibility for traffic entering or leaving the lot or traveling on the public street.

1601.10 **Surfacing:** With the exception of parking areas serving single family dwellings and two family dwellings, all parking areas and access drives shall have a paved concrete, interlocking brick or stone or bituminous surface, graded with positive drainage to dispose of surface water.

1601.11 **Lighting:** Any lighting used to illuminate off-street parking areas shall be designed to reflect the light away from the adjoining premises of any Residential Zoning District or residential use and away from any streets or highways. Lighting units shall be located not more than eighty (80) feet apart and the lighting system shall furnish an average minimum of 2.0 foot candles during hours of operation.

1601.12 **Stormwater Management:** All paved parking areas shall be designed so that stormwater runoff shall not adversely affect adjacent properties. The method of stormwater management and the design of the proposed facilities shall be subject to the requirements of the Township Subdivision and Land Development Ordinance and to review and recommendation by the Township Engineer.

SECTION 1602 OFFSTREET PARKING REQUIREMENTS

Any new use or change of use in any Zoning District shall comply with the following minimum requirements for the provision of offstreet parking spaces.

1602.1 When the calculation of required parking spaces results in a requirement of a fractional parking space, any fraction shall be counted as one (1) parking space.

1602.2 Where more than one (1) use exists on a lot, parking requirements for each use shall be provided.

1602.3 The following table of parking requirements specifies the number of spaces required for various categories of uses in any Zoning District:

USE	PARKING SPACES REQUIRED
Single Family and Two Family Dwellings; Triplexes and Fourplexes	Two (2) parking spaces per dwelling unit
Garden Apartments and Townhouses	Two (2) parking spaces per dwelling unit plus 0.5 spaces per dwelling unit for visitors located within 300 feet of the units they are intended to serve.
High-rise Apartments	One and one-half (1 ½) spaces per dwelling unit provided indoors
Housing with Special Accommodations	One and one-half (1 ½) spaces per dwelling unit.
Church	One (1) per four (4) seats or 80 lineal inches of pew, or if there are no pews or seats, one (1) per 15 sq. ft. of floor area used for assembly.
Day Care Center Nursery School	One (1) for each teacher and/or employee on largest shift plus one (1) space per each six (6) students.

USE	PARKING SPACES REQUIRED
Public Utility Building	One (1) per employee on peak shift plus one (1) for each service vehicle stored on lot.
Schools, Elementary and Junior High	One (1) for each employee or faculty member.
Schools, Secondary and Post Secondary	One (1) for each employee or faculty member plus one (1) for each ten (10) students.
Theater, Auditorium, or Gymnasium	One (1) per four (4) seats.
Hospitals and Nursing Homes	One (1) per three (3) beds and one (1) for each employee on the peak working shift.
Hotel/Motel	One (1) per employee on peak shift plus one (1) per sleeping unit.
Professional & Business Offices, Business Services	One (1) for every three hundred (300) square feet of net floor area.
Banks and Financial Institutions	One (1) per 300 square feet of gross floor area plus one (1) per employee on peak shift plus five (5) offstreet waiting spaces per drive-in window.
Clinics	One (1) for each staff plus three (3) for each examining or treatment room or other patient service position.
Group Care Facility, Personal Care Boarding Home or Transitional Dwelling	One (1) for each employee on peak shift plus one (1) for each resident authorized to drive plus one (1) for each six (6) beds.
Retail Businesses, Personal Service Establishments	One (1) for each two hundred fifty (250) square feet of gross floor area.
Fast Food Establishments	One (1) per fifty (50) square feet of gross floor area plus one (1) per employee on peak shift.
Other Eating and Drinking Establishments, including Catering Halls	One (1) for each seventy-five (75) square feet of gross floor area plus one (1) for each employee on peak working shift.

USE	PARKING SPACES REQUIRED
Bowling Alleys	Five (5) for each alley.
Tennis, Racquetball and Handball Courts	One (1) per employee plus four (4) for each court.
Golf Courses	Eight (8) for each hole plus one (1) for each employee.
Swimming Pools, Public or Commercial	One (1) for each fifty (50) square feet of surface water area.
Funeral Homes	Twenty-five (25) for the first parlor plus ten (10) for each additional parlor.
Indoor Places of Assembly	One (1) for each seventy-five (75) square feet of net floor area.
Libraries/Museums	One (1) for each two hundred fifty (250) square feet of gross floor area.
Service Stations/Vehicle Repair Garages	Four (4) for each bay plus one (1) for each employee on peak shift plus one (1) for each business vehicle.
Manufacturing	One (1) for each fifteen hundred (1500) square feet of gross floor area or one (1) for each employee on the peak working shift, whichever is greater.
Warehousing, Freight Terminals, Wholesaling	One (1) for each two (2) employees on peak working shift.
Flex Space	Each portion of the floor area used for Office, Manufacturing and/or Warehousing shall meet the minimum requirements of this Subsection for that specific use.
All Other Uses	One (1) for each three (3) occupants at maximum permitted occupancy or one (1) for each three hundred (300) square feet of gross floor area whichever is greater.

SECTION 1603 OFFSTREET LOADING

In all Zoning Districts, whenever a new use is established or an existing use is structurally altered, converted or enlarged, offstreet loading spaces shall be provided in accordance with the requirements of this Section.

1603.1 Offstreet Loading Design

a. **Size:** Each loading berth shall be at least sixty-five (65) feet in length and twelve (12) feet in width with an overhead clearance of fourteen (14) feet. The area used for loading berths shall not be used to satisfy parking area requirements and shall not block any driveway used for circulation through the site.

b. **Access:** Loading berths shall be designed to provide sufficient turnaround area so that vehicles are not required to back onto public streets and the design shall be subject to review and approval by the Township Engineer. Loading berths shall have direct access to a driveway and shall be maintained free from obstruction.

c. **Location:** All loading berths shall be located on the same lot with the principal use they are intended to serve. No loading berth shall be located in a required front yard. Loading berths shall be located at least thirty (30) feet from the nearest point of intersection of any two (2) streets.

d. **Screening:** Loading berths shall be screened by a six (6) foot hedge, wall or opaque fence on all sides which face residential use or zoning district classification.

e. **Surfacing:** All loading berths shall have a paved concrete or bituminous surface, graded with positive drainage to dispose of surface water.

f. **Lighting:** Any lighting used to illuminate loading berths shall be designed to reflect from any adjoining residential use or zoning classification and away from any street or highway.

1603.2 Offstreet Loading Requirements: In all Zoning Districts, every use which requires the receipt or distribution, by vehicle, of material or merchandise, shall provide offstreet loading berths in accordance with the following requirements:

Uses: Department stores, freight terminals, industrial or manufacturing establishments, retail or wholesale stores, personal or business service establishments, storage warehouses or any similar uses which receive deliveries:

GROSS FLOOR AREA	NUMBER OF BERTHS REQUIRED
Under 10,000 sq. ft.	None
10,000 to 19,999 sq. ft.	1 berth
20,000 to 39,999 sq. ft.	2 berths
40,000 to 65,000 sq. ft.	3 berths
For each add'l 20,000 sq. ft.	1 add'l berth

Uses: Auditoriums, convention or exhibit halls, sports arenas, hotels, office buildings, restaurants, nursing homes, hospitals, schools, apartment buildings, public buildings and similar uses which receive deliveries:

GROSS FLOOR AREA	NUMBER OF BERTHS REQUIRED
Under 40,000 sq. ft.	None
40,000 to 59,999 sq. ft.	1 berth
60,000 to 99,999 sq. ft.	2 berths
100,000 to 160,000 sq. ft.	3 berths
Over 160,000 sq. ft.	4 berths

1603.3 In addition to required offstreet parking and loading facilities, adequate storage areas for vehicles awaiting loading and unloading shall be provided. Under no circumstances shall vehicles be stored on or block access to a public right-of-way.

ARTICLE XVII

SIGNS

SECTION 1700 SIGNS

The regulations contained in this Article shall apply to all signs in all zoning districts.

SECTION 1701 TYPES AND CLASSES

Signs in all Zoning Districts shall be categorized according to the types and classes described below and shall comply with the requirements for those types and classes described in this Section.

1701.1 **Classes:** Signs are classified by physical attributes into the following categories.

a. **Freestanding:** A sign supported on a foundation or by one (1) or more uprights, poles or braces permanently affixed to the ground and not attached to any building or other structure, including:

1. **Pole Sign:** A freestanding sign which is supported by one (1) or more poles, uprights or braces and which has a minimum clearance between the bottom edge of the sign and the adjacent ground level, as specified by this Ordinance.

2. **Ground Sign:** A freestanding sign which is affixed to the ground by means of a permanent foundation and which provides a maximum clearance of eighteen inches (18") between the bottom edge of the sign and the adjacent ground level.

b. **Wall:** A sign attached to and erected parallel to the face of an outside wall of a building, projecting outward no more than twelve (12) inches from the wall of the building.

c. **Arcade Sign:** A sign suspended beneath a ceiling of an arcade, a roof or marquee containing only the name of a business for the purpose of assisting pedestrian traffic traveling under the arcade, roof or marquee to identify the location of establishments within a shopping center or similar building.

d. **Bulletin:** A type of changeable copy sign constructed to allow letters or symbols to be changed periodically such as those used by churches and schools to announce events.

e. **Roof Sign:** A sign erected and maintained upon or above the roof of any building which projects no more than six (6) feet above the roof.

f. **Overhanging:** A sign, other than a wall sign or arcade sign, affixed to a building or wall whose leading edge extends beyond such building or wall more than six inches (6"), including awnings, marquees or similar structures used for business identification.

g. **Billboard:** An off-premises sign which advertises an establishment, activity, person, product or service which is unrelated to or unavailable on the premises where the billboard is located.

h. **Changeable Copy:** A sign that is designed so that characters, letters or illustrations can be changed or rearranged without altering the face or surface of the sign.

i. **Indirectly Illuminated:** A sign which is lighted by means of lamps or lighting devices external to, and reflected on, the sign, which lighting is stationary and constant in intensity and color at all times and which is shielded so that the illumination is concentrated on the face of the sign and there is no spillover of illumination or glare beyond the face of the sign.

j. **Internally Illuminated:** A sign which is lighted by means of lamps or lighting devices internal to the sign, which lighting is either behind the face of the sign or is an integral part of the sign structure and the advertising effect.

1701.2 **Types:** Signs are categorized by use, function or purpose into the following types:

a. **Residential Identification:** A sign containing only the name and address of the occupant of the premises.

b. **Home Occupation or Home Office Identification:** A sign containing only the name and address of the occupant of the premises and their occupation. No logos or other advertising shall be permitted.

c. **Residential Plan Identification Sign:** A permanent wall or freestanding ground sign containing only the name and address of a plan of subdivision or a multifamily building or development.

d. **Real Estate:** A temporary sign advertising the sale or rental of premises. The signs may also bear the words "sold", "sale pending" or "rented" across their face.

e. **Development:** A temporary sign erected during the period of construction and/or development of a property by the contractor and developer or their agent.

f. **Construction:** A temporary sign announcing the name of contractors, mechanics or artisans engaged in performing work on the premises.

g. **Notification:** Signs bearing legal and/or property notices such as: no trespassing, private property, no turnaround, safety zone, no hunting and similar messages and signs posted by a governmental agency for traffic control or the safety of the general public.

h. **Off-Premises Directional:** A sign, other than a Billboard, which directs the public to an establishment, activity, person, product or service which is not sold, produced or available on the property on which the sign is located.

i. **On-Premises Directional:** A sign which directs and/or instructs vehicular or pedestrian traffic relative to parking areas, proper exits, loading areas, entrance points and similar information on the premises on which it is located.

j. **Political Sign:** A temporary sign which indicates the name, cause or affiliation of anyone seeking public office or which refers to an issue concerning which a public election is scheduled to be held.

k. **Business Identification Sign:** A sign which contains the name, address and goods, services, facilities or events available on the premises.

l. **Temporary Special Event Display:** A banner, flag, pennant or similar display constructed of durable material and affixed to the wall of a building erected for a period of not exceeding thirty (30) days whose sole purpose is to advertise a special event.

m. **Memorial/Historical Plaques:** Commemorative plaques placed by a recognized agency of the Township, County, State or Federal government.

n. **Window Display:** A sign or group of signs affixed to the inside of a display window in a commercial establishment which advertises a product or service available on the premises or which announces or promotes a special sale or special event.

SECTION 1702 GENERAL REGULATIONS

The following regulations shall apply to signs in all Zoning Districts:

1702.1 Restricted Signs: The following signs shall not be permitted in any Zoning District:

a. "A-Frame" or sandwich board signs;

b. Portable or Wheeled Signs;

c. Banners and Pennants, other than Temporary Special Event Displays authorized by this Ordinance;

d. Inflatable structures of any kind;

e. Moving or Flashing Signs, except for that portion of a permitted sign which indicates time or temperature;

f. Signs on trees, utility poles or official traffic control devices or signs;

g. Signs which imitate traffic control devices;

h. Signs painted on walls or chimneys of a building or on fences or walls;

i. Strings of lights, flashers, flags, pennants or other display paraphernalia, except those displays specifically authorized by this Article;

j. Overhanging Signs, as defined herein;

k. Signs on or affixed to vehicles and/or trailers which are parked on a public right-of-way, public property or private property, other than temporarily for overnight storage on the site of a business or for maintenance, repair, loading, unloading or rendering a service at any

location, which are visible from the public right-of-way and where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby property.

1702.2 **Exempt Signs:** The following signs shall be exempt from these regulations:

a. Residential Identification Signs, as defined herein;

b. Holiday decorations displayed for recognized Federal or State holidays, provided they do not interfere with traffic safety or do not, in any other way, become a public safety hazard;

c. Memorial/Historical Plaques, ad defined herein;

d. Window Displays, as defined herein, provided they shall not exceed twenty percent (20%) of the gross surface area of all windows in an establishment;

e. Signs erected by a governmental agency, including street signs and official traffic signs, but not including Off-Premises Directional Signs regulated by §1703.8.

1702.3 **Lots with Multiple Street Frontage:** In all Zoning Districts, lots fronting on more than one (1) street shall be permitted to have one (1) sign which is authorized per lot on each street frontage.

1702.4 **Temporary Signs:** In all Zoning Districts where authorized by Section 1703, real estate, construction and development signs shall be considered temporary signs which shall be removed within thirty (30) days of the completion of sales or construction.

1702.5 **Notification Signs:** In all Zoning Districts, the number, location and size of legal notification signs erected by public agencies shall be in accordance with the laws of the Commonwealth. In all Zoning Districts, legal notification signs posted on private property by property owners such as "no trespassing", "no hunting" and the like shall be limited to a surface area not exceeding two (2) square feet. The placement and maximum number of signs permitted along road frontages shall be one (1) sign for every one hundred (100) feet of road frontage.

1702.6 **Visibility:** No sign shall be located in such a position that it will cause a hazard by obstructing visibility for traffic on a street or obscuring a traffic signal or other traffic control device. No sign, other than official traffic signs and off-premises directional signs, shall hang over or be erected within the right-of-way of any street. No sign shall be located within the clear sight triangle defined by Section 1504.4 of this Ordinance.

1702.7 **Illumination:** Illumination, when authorized by this Ordinance, shall be directed upon the sign face and not towards adjoining properties or streets. Flashing or oscillating signs shall not be permitted. Lighting shall be stationary and constant in intensity and color at all times. The intensity of any source of illumination of any sign, whether indirect or internal, shall be controlled so as to not create glare and to be compatible with the intensity of ambient light and illumination on surrounding properties.

1702.8 **Maintenance and Inspection:** All signs must be constructed of a durable material and maintained in good condition. Any sign found to be in an unsafe condition upon inspection shall be declared to be a public nuisance and the Zoning Officer shall give notice to the owner in writing to repair or remove the sign within ten (10) days. Upon failure of the owner to comply, the Township shall remove the sign at the owner's expense.

1702.9 **Removal of Signs:** Whenever any business is discontinued or vacated, all signs relating to the discontinued or vacated business shall be removed within thirty (30) days of the vacation or discontinuance of the business. Upon failure of the owner to comply, the Township shall remove the sign at the owner's expense.

1702.10 **Permits Required:** No permit shall be required for the following types of signs as described in Section 1701.2 above: Notification, Real Estate, Political and Construction Signs and Off-Premises Directional Signs erected by a governmental agency. Permits shall be required for all other signs authorized by §1703 through §1706. The Zoning Officer shall issue the required permits upon submission of an application which complies with Section 2006 and all other applicable provisions of this Ordinance and payment of the required fee established from time to time by Resolution of the Board of Supervisors.

1702.11 **Expiration of Permits:** Any permit issued by the Zoning Officer for erection, alteration, replacement or relocation of any sign shall expire automatically within six (6) months of the date of issuance if work authorized by the permit has not been initiated and diligently pursued.

1702.12 **Sign Location:** Except for Billboards, Political Signs and Off-Premises Directional Signs, as defined herein, where authorized by this Ordinance, all signs shall be located on the premises which they are intended to serve.

SECTION 1703 SIGNS AUTHORIZED IN ALL ZONING DISTRICTS

The following signs are authorized in all Zoning Districts:

1703.1 **Bulletin Sign:** One (1) Bulletin Sign which is non-illuminated or indirectly or internally illuminated and which does not exceed twenty-four (24) square feet in surface area, shall be permitted in connection with any church, school, library or similar public or semi-public building.

1703.2 **Real Estate Sign:** One (1) non-illuminated temporary Real Estate Sign shall be permitted on each lot provided the surface area of the sign shall not exceed six (6) feet in height. The Real Estate Sign shall not exceed twelve (12) square feet in surface area when located in any Residential Zoning District and shall not exceed thirty-two (32) square feet in any other Zoning District. Such sign shall be removed within thirty (30) days of the sale or rental of the property on which it is located.

1703.3 **Development Sign:** One (1) non-illuminated temporary Development Sign shall be permitted on each lot provided the surface area of the sign shall not exceed thirty-two (32) square feet in surface area. The Development Sign shall not exceed six (6) feet in height when located in any Residential Zoning District and shall not exceed ten (10) feet in height in any other Zoning District. Such sign shall be removed within thirty (30) days of the sale or rental of the last lot or completion of the proposed construction in the development.

1703.4 **Construction Sign:** One (1) non-illuminated temporary Construction Sign announcing the names of contractors, mechanics or artisans engaged in performing work on the premises shall be permitted on a lot, provided the sign shall not exceed twelve (12) square feet in area and shall be removed within thirty (30) days of the completion of the work.

1703.5 **Temporary Special Event Sign:** One (1) non-illuminated Temporary Special Event Display Sign, as defined by this Ordinance, shall be permitted to be erected on the face of a public building, church or building housing a non-profit organization, provided that the area of the signs shall not exceed forty (40) square feet and provided the sign is displayed for a period no longer than thirty (30) days and is removed within five (5) days following the event that it is erected to promote.

1703.6 Home Occupation Identification Sign:

One (1) non-illuminated Home Occupation Identification Sign shall be permitted for an approved home occupation, provided that the surface area of the sign does not exceed one (1) square foot and the sign shall contain only the name, address and occupation of the resident and shall not contain any logo or other advertising.

1703.7 Political Signs:

Non-illuminated temporary Political Signs erected during a political campaign shall be permitted, provided that they are not of a type restricted by Section 1702.1(a) of this Ordinance and provided that the surface area of such signs shall not exceed six (6) square feet. The signs shall not be erected before twenty (20) days prior to the election and shall be removed within five (5) days after the election for which they were erected.

1703.8 Off-Premises Directional Signs:

A maximum of four (4) Off-Premises Directional Signs shall be permitted to be erected by any agency or business other than a governmental agency. The Off-Premises Directional Signs shall be non-illuminated and shall not exceed twelve (12) square feet in surface area. Such signs shall be permitted in the public right-of-way only if permission is granted by the owner of the right-of-way. Evidence of permission from the landowner shall be required for signs that are proposed to be erected on property owned by an owner other than the owner of the building or use the sign is intended to serve. Signs located outside the public right-of-way shall be located no more than ten (10) feet from the edge of the right-of-way or no more than fifteen (15) feet from the edge of the cartway, if the right-of-way is not contiguous with the front lot line.

1703.9 On-Premises Directional Signs:

On any lot which contains two (2) or more multifamily or nonresidential buildings and/or on any lot which provides more than one hundred (100) parking spaces, On-Premises Directional Signs shall be permitted, provided that the surface area of any one (1) sign shall not exceed four (4) square feet.

On lots with areas less than one (1) acre, a maximum of four (4) non-illuminated or indirectly illuminated On-Premises Directional Signs shall be permitted. On lots with areas of one (1) acre or more, a maximum of six (6) non-illuminated or indirectly illuminated On-Premises Directional Signs shall

be permitted on the first acre. For each additional acre or fraction thereof over one (1) acre, two (2) additional On-Premises Directional Signs shall be permitted.

SECTION 1704 SIGNS AUTHORIZED IN RESIDENTIAL ZONING DISTRICTS

The following signs shall be permitted in all Residential Zoning Districts:

1704.1 Residential Plan Identification Sign:

One (1) non-illuminated or indirectly illuminated permanent wall or freestanding ground Residential Plan Identification Sign containing only the street address and/or name of a residential subdivision plan or multifamily building or development which shall not exceed twenty-four (24) square feet in area. A sign identifying the name of a residential subdivision may be affixed to a freestanding decorative wall, rather than to a building wall, provided that the decorative wall meets all applicable ordinance requirements and does not obstruct visibility for traffic entering or leaving the plan.

1704.2 Business Identification Sign:

One (1) non-illuminated or indirectly illuminated wall or freestanding ground identification sign for any business use, other than a home occupation, which is a legal nonconforming use or which is authorized as a conditional use or use by special exception in a Residential Zoning District which shall not exceed twelve (12) square feet in area.

SECTION 1705 SIGNS AUTHORIZED IN BUSINESS PARK, COMMERCIAL AND INDUSTRIAL DISTRICTS

The following signs shall be permitted in all Business Park, Commercial and Industrial Districts:

1705.1 Temporary Special Event Display:

Temporary Special Event Displays, as defined by this Ordinance, shall be permitted provided that:

a. No more than two (2) signs or banners shall be permitted on any establishment at any one time;

b. The Temporary Special Event Display signs shall be securely attached to the building or to the supporting structure of a free-standing pole business identification sign;

c. Temporary Special Event Display signs shall be displayed for a period not exceeding thirty (30) days, either consecutively or cumulatively, in any twelve (12) month period;

d. The aggregate surface area of all Temporary Special Event Display signs shall not exceed forty (40) square feet per establishment. In the event that there is more than one (1) establishment on a site, the maximum aggregate surface area of all Temporary Special Event Display signs on the site at any one time shall not exceed one hundred (100) square feet;

e. Portable signs shall not be considered Temporary Special Event Display signs; and

f. Temporary Special Event Display Signs shall be non-illuminated.

1705.2 Changeable Copy Signs:

In addition to the authorized business identification signs, one (1) non-illuminated or internally illuminated changeable copy sign shall be permitted per lot, regardless of the number of businesses on the lot, which shall not exceed thirty (30) square feet in area and which shall be permanently affixed to the wall of the building or to the supporting structure of an authorized freestanding sign on the lot.

1705.3 Business Identification Signs:

a. **Wall Signs:** Each business establishment shall be permitted to have wall signs which may be illuminated or non-illuminated. The aggregate area of all wall signs shall not exceed two (2) square feet for each lineal foot of width of the front wall of the building, or portion of the building, occupied by the business or a maximum of one hundred (100) square feet, whichever is less.

In the C-2 District, if the lineal measurement of the front wall of the building is between fifty (50) and one hundred (100) feet, the maximum aggregate area of all wall signs shall be one hundred fifty (150) square feet. If the lineal measurement of the front wall of the building is over one hundred (100) feet, the maximum aggregate area of all wall signs shall be two hundred (200) square feet.

In the C-2 District, if a building is set back more than two hundred (200) feet from the street right-of-way, the maximum aggregate area of all wall signs may be increased to a maximum of two hundred (200) square feet, provided the lineal measurement of the front wall of the building is more than fifty (50) feet.

The wall identification sign shall not be located on the roof nor extend above the height of the building.

b. **Ground Signs:** In addition to the wall signs, one (1) freestanding ground sign shall be permitted per lot, regardless of the number of businesses on the lot, provided that:

1. No freestanding pole sign exists or is proposed to be erected on the lot.

2. The maximum surface area of the ground sign shall not exceed twenty-four (24) square feet in the C-1 and C-2 Districts and shall not exceed sixty-four (64) square feet in the B-P and I-1 Districts.

3. The height and location of the sign shall be designed so as to not interfere with visibility for vehicular traffic entering or leaving the lot or traveling on any street and in no case shall the total height exceed six (6) feet.

4. Ground signs shall be non-illuminated or indirectly illuminated only. Internally illuminated ground signs shall not be permitted.

5. All freestanding ground signs shall be located at least ten (10) feet from any property line, except where property abuts on a public right-of-way, the ground sign shall be set back at least ten (10) feet from the right -of-way or at least fifteen (15) feet from the edge of the cartway if the right-of-way is not contiguous with the front lot line.

c. **Pole Signs:** In addition to the authorized wall signs, one (1) freestanding pole sign shall be permitted per lot, regardless of the number of businesses on the lot, provided that:

1. No freestanding pole sign shall be permitted on any property in the B-P, Business Park District.

2. No freestanding ground sign exists or is proposed to be erected on the lot.

3. The pole sign shall be non-illuminated, indirectly illuminated or internally illuminated.

4. The maximum height of the top of the pole sign with a surface area of sixty-four (64) square feet or less shall be twenty (20) feet. The maximum height of the top of a pole sign which has a surface area greater than sixty-four (64) square feet shall be thirty (30) feet.

5. The minimum height of the bottom edge of the sign shall be eight (8) feet.

6. The maximum surface area of the freestanding pole sign shall not exceed forty (40) square feet if there is only one (1) business on the lot and shall not exceed sixty-four (64) square feet if there is more than one (1) business on the lot. The longer dimension of the sign shall not be greater than 1.75 times the length of the shorter dimension of the sign.

   In the C-2 District, the maximum surface area of the freestanding sign may be increased to no more than one hundred (100) feet for shopping centers which have between one hundred (100) feet and two hundred (200) feet of highway frontage. For shopping centers in the C-2 District which have more than one hundred (100) feet of highway frontage, the maximum surface area of the freestanding sign may be increased to no more than one hundred fifty (150) feet.

7. No portion of any sign shall project over any public right-of-way nor shall it be located within the clear sight triangle of any street intersection as defined by Section 1504.4 of this Ordinance.

8. All freestanding pole signs shall be set back at least ten (10) feet from every property line, except where property abuts on a public right-of-way, the sign shall be set back at least ten (10) feet from the right-of-way or at least fifteen (15) feet from the edge of the cartway if the right-of-way is not contiguous with the front lot line.

d. **Roof Signs:** Roof signs shall be permitted only in the I-1, Industrial District. One (1) roof sign shall be permitted per building, regardless of the number of establishments in the building. Roof signs may be illuminated or non-illuminated. Roof signs shall be permitted only in place of a wall sign. The surface area of a roof sign shall not exceed two (2) square foot for each lineal foot of width of the front wall of the building or a maximum of two hundred (200) square feet, whichever is less. Roof signs shall not project more than six (6) feet above the highest point of the roof on which they are erected.

e. **Arcade Signs:** In shopping centers or office complexes which have pedestrian accessways covered by a roof, marquee or exterior arcade, one (1) Arcade Sign, as defined herein, shall be permitted for each business in the building, provided that the maximum surface area of each sign shall not exceed eight (8) square feet.

SECTION 1706 BILLBOARDS

Billboards shall not be permitted in any "R" Zoning Districts or in any B-P, C-2 or C-2 Districts. Billboards shall be permitted only as conditional uses on property located in the I-1 District following recommendation by the Planning Commission and a public hearing by the Board of Supervisors, provided all of the following requirements are met:

1706.1 Location:

Billboards may be authorized as a conditional use only in the I-1 District, provided all of the following requirements are met:

a. Billboards shall not be erected within five hundred (500) feet of the boundary line of any "R" District or within five hundred (500) feet of any public or private school, church or cemetery, said five hundred (500) feet being measured along the radius of a circle from the center-most point of the billboard structure extending in all directions.

b. On interstate and limited access highways, billboards shall not be erected within five hundred (500) feet of any interchange or safety rest area measured along the interstate or limited access highway from the beginning or ending of the pavement widening at the exit from or entrance to the main-traveled way.

c. Billboards shall maintain a lateral minimum spacing between any existing or proposed billboard structure of 1,000 feet. Required spacing shall be measured along both sides of the same roadway frontage from the center-most point of the billboard structure along a

line extending from the centermost point of the billboard which is parallel to the centerline of the roadway to which the billboard is oriented.

d. No billboard shall be located closer than ten (10) feet to any public street right-of-way.

e. The minimum side and rear yard requirements applying to a principal structure as set forth within the Zoning District in which the billboard is to be located shall apply to each billboard structure.

f. No billboard shall be constructed within the clear sight triangle of the public street or road on which it is situated and shall not in any case obstruct or impede traffic safety.

g. No sign shall be erected over any sidewalk or public right-of-way.

h. Billboards shall not be part of a roof or wall nor shall they be mounted on the roof, wall, or other part of a building or any other structure.

1706.2 Size and Height:

A billboard shall have a maximum allowable Gross Surface Area of 450 square feet per sign face. This Gross Surface Area shall be permitted, provided all of the following additional requirements are met:

a. A billboard shall have no more than two (2) sign faces per billboard structure which may be placed back to back or in a V-shaped configuration having an interior angle of 90° or less.

b. The dimensions of the gross surface are of the billboard's sign face shall not exceed twenty (20) feet in total length, provided the total allowable Gross Surface Area for the sign face is not exceeded.

c. A billboard structure shall have a maximum height above the curb of the roadway from which it is intended to be viewed of forty (40) feet.

1706.3 Construction Methods:

Billboards shall be constructed in accordance with applicable provisions of the Center Township Building Code, as now or hereafter adopted, and shall meet all of the following additional requirements:

a. A billboard structure shall have a maximum of one vertical support being a maximum of three (3) feet in diameter or width and without additional bracing or vertical supports.

b. A billboard sign face shall be independently supported and have vertical supports of metal which are galvanized or constructed of approved corrosive-resistant, noncombustible materials. Structures constructed with galvanized metal shall be painted.

c. The one (1) vertical support shall be capable of enabling the entire sign face to be able to withstand a minimum 100 mile per hour wind load. Structural design computations shall be made and certified by a Registered Engineer and shall be submitted to the Township with the application for conditional use.

d. The base shall be installed using a foundation and footings approved by the Township Engineer for the type of construction proposed.

e. The entire base of the billboard structure parallel to the sign face shall be permanently landscaped with suitable shrubbery and/or bushes of minimum height of three (3) feet placed in such manner as to screen the foundation of the structure.

f. Landscaping shall be maintained by the sign owner in an attractive and healthy manner in accordance with accepted conservation practices.

g. No bare cuts shall be permitted on a hillside.

h. All cuts or fills shall be permanently seeded or planted.

i. A billboard with display lighting shall be constructed so that it does not glare upon adjoining property and shall not exceed a maximum foot candle of 1.5 upon the adjoining property.

j. Display lighting shall not operate between 12:00 Midnight and 5:00 A.M., prevailing local time.

k. No billboard structure, sign face, or display lighting shall move, flash, or emit noise. No display lighting shall cause distractions, confusion, nuisance, or hazard to traffic, aircraft or other properties.

l. The use of colored lighting shall not be permitted.

1706.4 Maintenance:

a. A billboard structure shall be entirely painted every three (3) years, unless constructed of an approved corrosive-resistant material.

b. Every ten (10) years, the owner of the billboard shall have a structural inspection made of the billboard by a qualified Pennsylvania Registered Engineer and shall provide to the Township a certificate from the Engineer certifying that the billboard is structurally sound.

c. Annual inspections of the billboard shall be conducted by the Township to determine compliance with this Ordinance.

d. Billboards found to be in violation of this Ordinance shall be brought into compliance or removed within thirty (30) days upon proper notification by the Township.

e. Billboards using removable paper or other materials shall be maintained in such condition as to eliminate loose or frayed material protruding or hanging from the structure. All paper and other waste materials shall be removed from the site and disposed of properly whenever any sign face is changed.

1706.5 Liability Insurance:

The applicant for a Sign Permit to erect a billboard shall provide a Certificate of Insurance for public liability and property damage which holds the Township harmless. The amount of insurance to be maintained shall be determined and adjusted from time to time by Resolution of the Board of Supervisors. The insurance certificate shall contain a clause stating that the insurance shall not be canceled or reduced without first giving ten (10) days notice to the Township.

1706.6 Permits:

Prior to submission of an application for a Sign Permit, the applicant for a billboard shall obtain and submit with the application, approvals from the Allegheny County Department of Aviation or the United States Federal Aviation Administration (FAA), when applicable.

Approval of the conditional use shall be valid for six (6) months from the date of action by the Board of Supervisors granting the conditional use. If the applicant fails to obtain a Sign Permit for the approved billboard within the six (6) month period, approval of the conditional use shall expire automatically, without written notice to the applicant.

The issuance of a Sign Permit for a billboard which has been granted approval of a conditional use shall be conditioned upon the approval of the Pennsylvania Department of Transportation (Penn DOT) for billboards along State Highways. If the applicant fails to submit evidence of the required approval by PennDOT within thirty (30) days of the issuance of the conditional Sign Permit, the Sign Permit shall be revoked by the Township Zoning Officer who shall provide written notice to the applicant.

The applicant may reapply for the required Sign Permit, upon submission of evidence of PennDOT approval, without payment of any additional Sign Permit Fee, provided the application is filed within the six (6) month period during which the conditional use approval is valid.

1706.7 Application Fees:

Said application shall be accompanied by an Application Fee in an amount equal to that set from time to time by Resolution of the Board of Supervisors.

1706.8 Nonconforming Billboards:

Any billboard which does not conform to the requirements of this Section shall not be enlarged or moved unless the billboard complies with all provisions of this Section.

Any billboard which is damaged or destroyed by more than fifty-one percent (51%) of its replacement value at the time of damage or destruction shall be reconstructed only in compliance with all provisions of this Section.

ARTICLE XVIII

NONCONFORMING USES, STRUCTURES AND LOTS

SECTION 1800 APPLICABILITY

This Article shall apply to all nonconforming uses, structures, and lots ad defined by this Ordinance. Nothing contained herein shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof for which official approval and required permits have been granted prior to the effective date of this Ordinance or any amendment thereto.

SECTION 1801 NONCONFORMING USES

These regulations shall apply to any use of a structure or lot in any Zoning District which is a nonconforming use as defined by this Ordinance. Whenever the boundaries of a Zoning District shall be changed so as to transfer an area from one Zoning District to another of a different classification, these regulations shall also apply to any uses which thereby become nonconforming.

1801.1 Continuation:

Where, at the effective date of adoption or amendment of this Ordinance, a lawful use of a lot or structure exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be sold or otherwise transferred to other owners and may be continued as long as it remains otherwise lawful.

1801.2 Enlargement or Expansion:

A single family dwelling that is a nonconforming use in a non-residential Zoning District classification may be enlarged or expanded to occupy a greater area of the lot or may be increased in height, provided all other applicable area and bulk regulations of the District in which the property is located are met.

No other nonconforming use of a lot or structure shall be enlarged or increased or extended to occupy a greater area than was occupied at the effective date of adoption or amendment of this Ordinance, unless the Zoning Hearing Board, after public hearing, shall interpret that the enlargement or extension is necessary by the natural expansion and growth of trade of the nonconforming use. Any such enlargement or expansion shall conform to the area, height and yard requirements of the Zoning District in which it is located.

A nonconforming use shall not be enlarged, expanded or extended onto any lot or portion of a lot that was not owned at the time the use became nonconforming.

No nonconforming use shall be moved in whole or in part to any other portion of the lot occupied by such use at the effective date of adoption or amendment of this Ordinance which made the use nonconforming.

Any nonconforming use may be extended throughout any part of a structure which was designed for such use at the time the use became nonconforming, provided the structure is located on a lot owned at the time the use became nonconforming.

1801.3 Change of Use:

A nonconforming use shall not be changed to any use other than a conforming use, except as permitted by the Zoning Hearing Board in accordance with the following:

a. The new use will more closely correspond to the uses permitted in the district.

b. The changed use will be in keeping with the character of the neighborhood in which it is located.

c. The applicant clearly demonstrates a hardship in converting the use to a conforming use in accordance with the criteria of Section 1904 for obtaining a variance.

When a nonconforming use is changed to a conforming use, the use thereafter shall not be changed to a nonconforming use. Any change from one nonconforming use to another shall comply with the parking requirements of Article XVI for the use and shall be subject to the area, bulk and bufferyard regulations for such use in the district where such use is authorized.

Where a nonconforming use exists on a lot, a conforming use shall not be established on the same lot unless the nonconforming use is discontinued.

1801.4 Abandonment:

When a nonconforming use of a structure and/or lot is discontinued or abandoned for twenty-four (24) consecutive months, the structure and/or lot shall not thereafter be used, except in conformance with the regulations of the Zoning District in which it is located.

1801.5 Damage or Destruction:

Residential dwellings which are nonconforming uses in any Zoning District may be rebuilt on the existing foundation in the event of damage or destruction, provided the reconstruction is started within three (3) years of the date of destruction.
In the event that damage or destruction of a structure in which a nonconforming use, other than a dwelling, is conducted involves fifty percent (50%) or less of the total floor area of the structure, repairs or reconstruction may be undertaken, provided that such restoration is started within eighteen (18) months of the date of destruction.

In the event that a structure in which a nonconforming use, other than a dwelling, is conducted is damaged or destroyed by fire or other means to an extent of more than fifty percent (50%) of its total floor area, the structure shall be reconstructed only to house a conforming use.

SECTION 1802 NONCONFORMING STRUCTURES

These regulations shall apply to all nonconforming structures as defined by this Ordinance in all Zoning Districts.

1802.1 Structural Alteration:

Nonconforming accessory structures that are accessory to single family dwellings in residential zoning districts may be replaced or reconstructed without a variance, provided they are reconstructed so that the prior nonconformity is either maintained or reduced and all other applicable area and bul regulations of the zoning district in which the property is located are met.

Nonconforming accessory structures that are accessory to single family dwellings in residential zoning districts may be expanded or added to without a variance, provided the expansion or addition conforms to or reduces the nonconformity and all other applicable area and bulk regulations of the zoning district in which the property is located are met.

All other nonconforming structures shall not be enlarged or structurally altered in any way which increases the nonconformity, except when the Zoning Hearing Board, after public hearing, may determine undue hardship and may authorize a reasonable modification of such structure.

1802.2 Damage or Destruction:

Any nonconforming structure which has been partially or completely damaged or destroyed by fire or other means may be rebuilt or repaired on its existing foundation even though such foundation may violate the setback requirements for the Zoning District in which the structure is located, provided that the repair or reconstruction and reoccupancy of the structure occurs within eighteen (18) months of the date that the original structure was damaged or destroyed.

1802.3 Moving:

Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the requirements of the zoning district in which it is located.

1802.4 Signs:

Nonconforming signs may be repaired or reconstructed, provided that no structural alterations are made which increase the gross surface area of the sign; however, nonconforming signs which are damaged or destroyed to an extent of more than fifty percent (50%) of their replacement cost at the time of destruction shall not be reconstructed except in conformity with the provisions of this Ordinance.

Nonconforming signs may not be enlarged, added to or replaced by another nonconforming sign, use or structure, except that the interchange of poster panels shall be permitted.

1802.5 Repair or Maintenance:

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the safety of the public.

SECTION 1803 NONCONFORMING LOTS

Any lot of record existing at the effective date of this Ordinance may be used for the erection of a single family dwelling without a lot area or lot width variance, even though its lot area and width are less than the minimum required by this Ordinance; however, such lot must comply with the front, rear and side yards, height and lot coverage standards of the Zoning District wherein it is located.

Where structures exist on adjacent nonconforming lots of record which have front yards less than the minimum depth required, the minimum front yard for an adjacent undeveloped nonconforming lot of record shall be the average depth of the nonconforming front yards on the immediately adjacent developed nonconforming lots on either side of the undeveloped lot, provided, however, that in no instance shall the front yard on the undeveloped lot be less than fifty (50) feet from the centerline of any public street.

SECTION 1804 REGISTRATION OF NONCONFORMITY

The owner of a nonconforming use shall make an application for registration of the nonconforming use and upon presentation of documentation acceptable to the Zoning Officer that the use was lawfully in existence prior to the effective date of this Ordinance or any amendment which created the nonconformity, the Zoning Officer shall register the same on a map and by Beaver County Assessor's Tax Parcel Number as a legal nonconforming use.

In the course of administering this Ordinance and reviewing applications for Zoning Certificates or variances, the Zoning Officer shall register all nonconforming structures and nonconforming lots as they become known through the application process.

ARTICLE XIX

ZONING HEARING BOARD

SECTION 1900 GENERAL

In accordance with law, the Board of Supervisors shall appoint and organize a Zoning Hearing Board, which Board may adopt rules to govern its procedure. The Board shall hold meetings, keep minutes and, pursuant to public notice, shall conduct hearings, compel the attendance of witnesses, take testimony under oath, and render decisions in writing within forty-five (45) days after hearing or continued hearing, in accordance with the requirements of Article IX of the Pennsylvania Municipalities Planning Code. A fee shall be charged in accordance with a schedule affixed by Resolution for any appeal or proceeding filed with the Board.

SECTION 1901 MEMBERSHIP

The membership of the Zoning Hearing Board shall consist of five (5) residents of the Township appointed by the Board of Supervisors. Their terms of office shall be five (5) years and shall be so fixed that the term of office of one (1) member shall expire each year. The Board shall promptly notify the Board of Supervisors when vacancies occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Township.

SECTION 1902 ALTERNATE MEMBERS

1902.1 Appointment of Alternate Members:

The Board of Supervisors may appoint by Resolution at least one (1), but no more than three (3), residents of the Township to serve as alternate members of the Board. The term of office of an alternate member shall be three (3) years. When seated pursuant to the provisions of Subsection 1902.2, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the power and duties set forth in this Ordinance and as otherwise provided by law. Alternates shall hold no other office in the Township, including membership on the Planning Commission and Zoning Officer. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the Board unless designated as a voting alternate member pursuant to Subsection 1902.2 of this Ordinance.

1902.2 Participation by Alternate Members:

If, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this Subsection shall be made on a case by case basis in rotation according to declining seniority among all alternates.

SECTION 1903 JURISDICTION OF THE BOARD

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudication in the following matters:

1903.1 Substantive challenges to the validity of any land use ordinance, except curative amendments brought before the Board of Supervisors.

1903.2 Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken with thirty (30) days after the effective date of the Ordinance.

1903.3 Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.

1903.4 Appeals from a determination by the Township Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.

1903.5 Applications for variances from the terms of this Ordinance and flood hazard ordinance or such provisions within a land use ordinance pursuant to Section 1904.

1903.6 Applications for special exceptions under this Ordinance or floodplain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to Article XIV and Section 1905.

1903.7 Appeals from the Zoning Officer's determination under Section 916.2 of the Pennsylvania Municipalities Planning Code. (Act 247, as amended.)

1903.8 Appeals from the determination of the Zoning Officer or Township Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving subdivision and land development or planned residential development.

SECTION 1904 VARIANCES

The Board, upon appeal, shall have the power to authorize variances from the requirements of this Ordinance, and to attach such conditions to the variance as it deems necessary to assure compliance with the purposes of this Ordinance. A variance may be granted if all of the following findings are made where relevant in a given case:

1904.1 That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or district in which the property is located.

1904.2 That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a variance is therefor necessary to enable the reasonable use of the property.

1904.3 That such unnecessary hardship has not been created by the appellant.

1904.4 That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

1904.5 That the variance, if authorized, will represent the minimum variance necessary to afford relief and will represent the least modification possible of the regulation in issue.

In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance and protect the public health, safety and welfare.

SECTION 1905 USES BY SPECIAL EXCEPTION

The Board shall have the power to hear and decide on applications for uses by special exception as authorized by this Ordinance, in harmony with its general purpose and intent,

and in accordance with the standards set forth in Article XIV. The Board shall approve a use by special exception only if it meets all applicable requirements of this Ordinance and the express standards and criteria set forth in Article XIV. In granting a use by special exception, the Board may attach such reasonable safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to properly implement this Ordinance and protect the public health, safety and welfare.

SECTION 1906 CONDUCT OF HEARINGS

A public hearing shall be held on any appeal filed under Section 1903 of this Ordinance within sixty (60) days of filing of a complete application. The public hearing shall be held pursuant to public notice, as defined by this Ordinance. In addition to the public notice, at least one week prior to the hearing, the Board shall post at least one (1) copy of the notice on the affected property and shall mail a copy of the notice by regular mail to each adjoining property owner, including those located across a street right-of-way. The Board shall comply with all requirements of the Pennsylvania Municipalities Planning Code (Act 247, as amended) regarding conduct of the public hearing and rendering a decision.

SECTION 1907 FAILURE TO RENDER DECISION

Where the Board fails to render a decision within the required forty-five (45) day period or fails to hold the required hearing within sixty (60) days of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing or on the record to an extension of time.

When a decision has been rendered in favor of the applicant because of failure of the Board to meet or render a decision, the Board shall give public notice of the decision within ten (10) days from the last day it could have met to render a decision. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this Section shall prejudice the right of any party opposing the application to appeal the decision to the Court of Common Pleas.

SECTION 1908 MEDIATION OPTION

Parties to proceedings authorized in this Article may utilize mediation as an aid in completing such proceedings. In proceedings before the Zoning Hearing Board, in no case shall the Zoning Hearing Board initiate mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this Article once they have been formally initiated. Nothing in this Subsection shall be interpreted as expanding or limiting municipal police powers or as modifying any principles of substantive law.

Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. Any municipality offering the mediation option shall assure that in each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:

a. Funding mediation.

b. Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation.

c. Completing mediation, including time limits for such completion.

d. Suspending time limits otherwise authorized in this Ordinance or in the Pennsylvania Municipalities Planning Code (Act 247, as amended), provided there is written consent by the mediating parties, and by an applicant or Township decision-making body, if either is not a party to the mediation.

e. Identifying all parties and affording them the opportunity to participate.

f. Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public.

g. Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the appropriate decision-making body pursuant to the authorized procedures set forth in this Ordinance.

No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

SECTION 1901 FEES AND EXPENDITURES

1909.1 Fees:

The Board of Supervisors may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.

1909.2 Stenographer's Appearance Fee and Transcripts:

The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

1909.3 Expenditures:

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

SECTION 1910 TIME LIMITATIONS

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

The failure of anyone, other than the landowner, to appeal from an adverse decision on an application for tentative approval of a Planned Residential Development or from an adverse decision by a Zoning Officer on a challenge to the validity of an ordinance or map filed pursuant to Section 916.2 of the Pennsylvania Municipalities Planning Code shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.

All appeals from determinations adverse to the landowner shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

SECTION 1911 STAY OF PROCEEDINGS

Upon filing of any proceeding and during its pendence before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder shall be stayed unless the

Zoning Officer or any other appropriate agency or body certifies to the Board, facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the Court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court.

All appeals from decisions rendered by the Zoning Hearing Board shall be taken to the Beaver County Court of Common Pleas and shall be filed within thirty (30) days after the entry of the decision or, in the case of a deemed decision, within thirty (30) days after the date upon which notice of said deemed decision is given as required by Subsection 908(9) of the Pennsylvania Municipalities Planning Code (Act 247, as amended).

ARTICLE XX

ADMINISTRATION AND ENFORCEMENT

SECTION 2000 ZONING OFFICER

The Zoning Officer shall be appointed by the Board of Supervisors and shall hold no elective office in the Township. The Board of Supervisors may, from time to time, appoint a Deputy Zoning Officer(s) who shall serve under the supervision of the Zoning Officer. The Board of Supervisors shall fix the compensation may be appointed to assist the Zoning Officer. The Zoning Officer and the Deputy Zoning Officer(s) shall serve at the pleasure of the Board of Supervisors.

The Zoning Officer and the Deputy Zoning Officer(s) shall meet the qualifications established by the Township and shall be able to demonstrate, to the satisfaction of the Township, a working knowledge of municipal zoning. The duties of the Zoning Officer shall include the following:

2000.1 Administer and enforce the provisions of this Ordinance in accordance with its literal terms and shall not have the power to permit any construction or any use or change of use which does not conform to this Ordinance.

2000.2 Institute Civil enforcement proceedings as a means of enforcement when acting within the scope of his/her employment.

2000.3 Issue Zoning Certificates, Building Permits, Certificates of Occupancy and Sign Permits upon or after:

1. Receiving the application
2. Reviewing the application for completeness and compliance.
3. Notifying the applicant of deficiencies in the application or requesting additional information.
4. Distributing the officially filed applications to the various Township agencies and Boards for review and/or approval.
5. Receiving review comments and approvals from the various Township agencies, authorities and Boards.
6. Making the necessary inspections to determine compliance with this Ordinance.

2000.4 Maintain a permanent file of all Zoning Certificates, Occupancy Permits, Sign Permits, Building Permits and applications as public records.

2000.5 Register and record nonconforming uses.

2000.6 Make all the inspections necessary to enforce the provisions of this Ordinance.

2000.7 Submit a written report to the Board of Supervisors once a month of all Zoning Certificates, Building Permits, Occupancy Permits, Sign Permits and notices and orders issued.

2000.8 Meet each month with the Board of Supervisors and attend the Planning Commission's regularly scheduled monthly meeting to keep the Board of Supervisors and Planning Commission informed concerning land development in the Township and to discuss problems in administering the Zoning Ordinance or recommend changes to the Zoning Ordinance.

SECTION 2001 ENFORCEMENT

2001.1 Enforcement Notice:

The Enforcement Notice shall contain the following information:

a. The name of the owner of record and any other person against whom the municipality intends to take action.

b. The location of the property in violation.

c. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Ordinance.

d. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

e. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this Ordinance.

f. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

2001.2 Enforcement Remedies:

Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the

Township, pay a judgment of not more than five hundred dollars ($500) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice, determining that there has been a violation, further determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth (5th) day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Ordinance shall be paid over to the Township.

The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

Nothing contained in this Subsection shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Subsection.

2001.3 Other Remedies

In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, the Board of Supervisors, or with the approval of the Board of Supervisors, an officer of the Township, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping, or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation.

SECTION 2002 ZONING CERTIFICATES

2002.1 A Zoning Certificate shall be obtained before any person may:

a. Occupy or use any vacant land except for agricultural purposes; or

b. Occupy or use any structure hereafter constructed, reconstructed, moved, altered or enlarged; or

c. Change the use of a structure or land to a different use; or

d. Change a nonconforming use; or

e. Construct, reconstruct, move, structurally alter or enlarge any structure or building; or

f. Demolish or remove any structure.

2002.2 Application for a Zoning Certificate for all uses other than a single family or two family dwelling, shall be accompanied by a land development plan, as defined herein, together with a filing fee in accordance with a schedule affixed from time to time by a Resolution of the Board of Supervisors.

Any proposed use or expansion or change of an existing use which is authorized in a zoning district as a conditional use or use by special exception shall require approval of the conditional use or use by special exception in accordance with the procedures specified in Section 1400 of this Ordinance as a prerequisite to issuance of a Zoning Certificate by the Zoning Officer.

2002.3 An application for a Zoning Certificate shall include the following:

a. A land development plan, if required by this Ordinance or the Township Subdivision and Land Development Ordinance;

b. A copy of the Building Permit application, if required by this Ordinance;

c. The application form supplied by the Township;

d. The required fee.

2002.4 In the event of denial of an application for a Zoning Certificate, the Zoning Officer shall state in writing the reasons for such denial, including a citation of the specific ordinance provisions which have not been met.

2002.5 Upon approval, one (1) copy of the Zoning Certificate shall be returned to the applicant. One (1) copy of the Zoning Certificate shall be kept on file at the Township Office.

2002.6 All Zoning Certificates shall expire if the use authorized therein is not commenced within one hundred eighty (180) days from the date of issuance thereof.

SECTION 2003 BUILDING PERMITS

2003.1 A Building Permit shall be required prior to:

a. Placing, erecting or constructing any building or structure:

b. Any structural alteration or reconstruction;

c. An addition or enlargement of any structure or building.

2003.2 A Building Permit shall not be required in the following cases:

a. Normal maintenance activities;

b. Alterations which do not constitute structural alterations, as defined by this Ordinance.

2003.3 A Building Permit shall not be issued unless and until all of the following have been obtained, if applicable:

a. Pennsylvania Department of Labor and Industry Approval required by the Pennsylvania Fire and Panic Act of 1927;

b. A Township Grading Permit required by Ordinance No. 245, as amended;

c. A Zoning Certificate required by this Ordinance;

d. Township Fire Marshal approval required by Ordinance No. 229, as amended;

e. Township Water Authority approval, including payment of all fees, or approval of a safe, potable water supply by the PA Department of Environmental Resources (DER);

f. Township Sewer Authority approval, including payment of all Tapping Fees and Supplemental Fees, or approval by the Township Sewage Enforcement Officer of an on-site sewage disposal system in conformance with the requirements of the PA Department of Environmental Resources (DER);

g. A Township Excavation Permit required by Ordinance No. 174 and a Township Driveway Permit required by Ordinance No. 173 to authorize encroachment on a Township right-of-way;

h. Evidence of approval of all applicable Federal, State, County or local permits.

2003.4 An application for a Building Permit shall include the following:

a. The application form supplied by the Township;

b. The required fee;

c. One (1) copy of a plan drawn to scale which shows:

1. The exact dimensions and total acreage of the property;

2. The exact dimensions, height and location of all buildings and structures;

3. The exact location and areas of water courses, drainage ways, rights-of-way and easements, if any;

4. Existing and proposed driveways and streets within and adjacent to the lot or parcel;

5. Existing and proposed offstreet parking and loading, if any;

6. Existing and proposed building lines and the exact dimensions of all side and rear yards for principal and accessory structures;

7. Elevation above sea level of the lowest floor and basement for all buildings and structures within an identified Federal Flood Boundary according to the Federal Insurance Administration (FIA) Flood Maps for the Township, if applicable;

8. Type of construction for each building or structure, including foundation, interior and exterior walls, roof, electrical, plumbing, heating, number of rooms, use of rooms and square footage of interior floor areas;

9. Any other data necessary to determine compliance with the requirements of this Ordinance.

2003.5 All applications shall be reviewed by the Zoning Officer and Fire Marshal. The Zoning Officer and Fire Marshal shall issue their findings within thirty (30) days of receipt of an officially filed application.

All applications for approval of a land development, conditional use or use by special exception which require approval by the Planning Commission and Board of Supervisors or Zoning Hearing Board, as the case may be, shall not be approved by the Zoning Officer until such approval is granted and the thirty (30) day period for review and approval of the application by the Zoning Officer and Fire Marshal shall begin from the date of approval of the land development, conditional use or use by special exception by the Board of Supervisors or Zoning Hearing Board, as the case may be.

2003.6 In the event of denial of an application for a Building Permit, the Zoning Officer shall state in writing the reasons for such denial, including a citation of the specific ordinance provisions which have not been met.

2003.7 Upon approval, one (1) copy of the Building Permit shall be returned to the applicant and shall be publicly displayed on the site during the course of construction. Failure to maintain the Building Permit on the site during construction shall be a violation of this Ordinance. One (1) copy of the Building Permit shall be kept on file at the Township Office.

2003.8 All Building Permits shall expire upon completion of the work authorized in the permit or within one (1) year from the date of issuance, whichever occurs first. Building Permits may be issued for periods in excess of one (1) year upon cause shown. A Building Permit shall expire if the work authorized therein is not commenced within one hundred eighty (180) days from the date of issuance thereof.

SECTION 2004 INSPECTIONS

The Zoning Officer or his duly authorized representative, shall make the following minimum inspections on property for which a permit has been issued in accordance with the requirements of this Article.

2004.1 When a Building Permit has been issued in accordance with Section 2003, all construction shall comply with the terms and specifications of the approved Building Permit and the following requirements:

a. Within seventy-two (72) hours of pouring the footer for any principal building or structure, the applicant shall provide to the Zoning Officer a surveyor's certification of the location of the footer. Within three (3) business days after the date of submission of the certification, the Zoning Officer shall notify the applicant whether the survey is in compliance with the approved Building Permit. Failure of the Zoning Officer to act within the time specified shall result in deemed approval of the footer location.

Failure to submit the surveyor's certification shall result in the Zoning Officer issuing an order to cease and desist from any further construction.

If the Zoning Officer determines from the surveyor's certification that the footer is not in conformance with the approved Building Permit, the Zoning Officer shall issue an Enforcement Notice in accordance with Section 2001 ordering removal of the footer within seven (7) days. Failure to remove the footer within the time specified shall result in revocation of the Building Permit.

b. Upon completion of construction, the applicant shall notify the Zoning Officer and make an application for an Occupancy Permit. The Zoning Officer shall inspect the site, shall record the time and date of inspection and shall record his/her findings regarding compliance of the completed construction with the approved Building Permit, the surveyor's certification and this Ordinance.

c. Any completed construction that does not conform to the approved Building Permit, the approved surveyor's certification or any provision of this Ordinance, shall be subject to a written Enforcement Notice issued by the Zoning Officer in accordance with the requirements of Section 2001 of this Ordinance.

d. If the completed construction conforms to the approved Building Permit, the approved surveyor's certification and this Ordinance, the Zoning Officer shall issue the Occupancy Permit, provided all requirements of Section 2005 of this Ordinance have been met.

2004.2 In the case of an application for a Zoning Certificate, Occupancy Permit or Sign Permit, the Zoning Officer shall inspect the site at least once to determine compliance with the approved permit and this Ordinance. Any violation of this Ordinance or the conditions of the approved permit shall result in issuance by the Zoning Officer of a written Enforcement Notice in accordance with Section 2001 of this Ordinance. Additional inspections may be made at the discretion of the Zoning Officer.

SECTION 2005 OCCUPANCY PERMITS

2005.1 No person or corporation shall be permitted to occupy any newly constructed or renovated structure without securing an Occupancy Permit from the Township Zoning Officer.

2005.2 Applications for said Occupancy Permit shall be made to the Zoning Officer and upon the payment of the required fee established from time to time by Resolution of the Board of Supervisors and inspection of the premises by the Zoning Officer, said permit shall be issued if said premises meet the requirements of this Ordinance.

SECTION 2006 SIGN PERMITS

A Sign Permit shall be required prior to the erection or structural alteration of any sign, subject to the requirements of Article XVII of this Ordinance.

2006.1 All applications for Sign Permits shall contain the following information:

a. The form supplied by the Township;

b. The required fee;

c. A description of the Tax Parcel on which the sign is to be located;

d. A description of the proposed sign and any other existing signs on the same Tax Parcel;

e. Copies of any required Federal or State permits;

f. One (1) copy of a plan drawn to scale which shows:

1. The width, height and surface area of the sign;

2. The total height of the sign above adjacent ground level;

3. Clearance between bottom of sign and adjacent ground level;

4. Distance between front edge of sign and adjacent street right-of-way;

5. Distance between front edge of sign and inside edge of adjacent sidewalk, if any.

2006.2 In the event of denial of an application for a Sign Permit, the Zoning Officer shall state in writing the reasons for such denial, including a citation of the specific ordinance provisions which have not been met.

2006.3 Upon approval, one (1) copy of the Sign Permit shall be returned to the applicant and shall be publicly displayed on the site during the course of construction. Failure to maintain the Sign Permit on the site during construction shall be a violation of this Ordinance. One (1) copy of the Sign Permit shall be kept on file at the Township Office.

2006.4 All Sign Permits shall expire upon completion of the work authorized in the permit or within one (1) year from the date of issuance, whichever occurs first. A Sign Permit shall expire if the work authorized therein is not commenced within one hundred eighty (180) days from the date of issuance thereof.

SECTION 2007 COORDINATION WITH OTHER PERMITS

Any application for a permit described in this Article shall be decided not only on the basis of compliance with this Zoning Ordinance, but also on the basis of compliance with all other applicable Township Ordinances and all other applicable rules and regulations of the various municipal authorities and agencies which might be concerned, as well as all applicable State and Federal requirements and permits.

SECTION 2008 TEMPORARY PERMITS

The Zoning Officer shall have the power to issue a Temporary Permit for a Construction Trailer or Shed, a Model Home or Sales Office, provided the standards of Section 1509 of this Ordinance are met. The Zoning Officer shall have the power to issue a Temporary Permit for a temporary use proposed by a local non-profit, community or charitable organization, provided all applicable standards of Section 1402.38 of this Ordinance are met.

SECTION 2009 FEES

The Board of Supervisors shall establish and revise, from time to time, a schedule of fees by Resolution, as well as a collection procedure, for all applications submitted under the provisions of this Ordinance. The schedule of fees shall be available to the public from the Zoning Officer or the Township Secretary.

SECTION 2010 METHOD OF APPEAL

Any person or Township Official aggrieved or affected by any provision of this Ordinance, or by any decision of the Zoning Officer may appeal to the Zoning Hearing Board by filing a notice of appeal specifying the grounds thereof in accordance with the provisions of Section 1903 of this Ordinance.

ARTICLE XXI

AMENDMENTS

SECTION 2100 GENERAL

The Board of Supervisors may introduce and consider amendments to this Ordinance and to the Zoning Map as proposed by the Board of Supervisors, by the Planning Commission or by a petition of a landowner within the Township.

SECTION 2101 PETITIONS

Petitions for amendment shall be filed with the Planning Commission, and the petitioner, upon such filing, shall pay an advertising deposit and a filing fee in accordance with a schedule affixed from time to time by Resolution of the Board of Supervisors. The Planning Commission shall review the proposed amendment and report its findings and recommendations in writing to the Board of Supervisors and to the petitioner.

SECTION 2102 REFERRAL

2102.1 Referral to Township Planning Commission:

Any proposed amendment introduced by a Supervisor without written findings and recommendations from the Planning Commission shall be referred to the Planning Commission for review at least thirty (30) days prior to public hearing by the Township. The Planning Commission shall report its findings and recommendations in writing to the Board of Supervisors within such reasonable time prior to the public hearing as the Board of Supervisors may specify in the referring action.

2102.2 Referral to County Planning Commission:

The proposed amendment shall be submitted to the Beaver County Planning Commission for recommendations at least thirty (30) days prior to the public hearing on the amendment by the Board of Supervisors.

SECTION 2103 POSTING OF PROPERTY

In the case where a proposed amendment involves the rezoning of property, five (5) public notices shall be posted on and around the affected property for a minimum of seven (7) days prior to the date of the public hearing.

SECTION 2104 ACTION

Before acting upon a proposed amendment, the Board of Supervisors shall hold a public hearing thereon. Notice of such public hearing, containing a brief summary of the proposed amendment and a reference to the place where copies of the same may be examined, shall be published once each week for two (2) successive weeks in a newspaper of general circulation in the Township. The first publication shall be no more than thirty (30) days and the second notice shall be not less than seven (7) days prior to the date of hearing.

If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

SECTION 2105 MEDIATION

The Township may offer a mediation option as an aid in completing proceedings authorized by this Article. In exercising such an option, the Township and the mediating parties shall meet the stipulations and follow the procedures set forth in Section 1908 of this Ordinance.

SECTION 2106 FILING AMENDMENT WITH COUNTY PLANNING COMMISSION

Within thirty (30) days after enactment, a copy of the amendment to this Ordinance shall be forwarded to the Beaver County Planning Commission.

SECTION 2107 LANDOWNER CURATIVE AMENDMENTS

Any landowner who wishes to challenge, on substantive grounds, the validity of this Ordinance or Map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest, may prepare and submit a curative amendment to the Board of Supervisors, in the form he proposes it be adopted, together with a written request that his challenge and proposed amendment be heard. The Board of Supervisors shall hold a public hearing, pursuant to public notice, on the matter within sixty (60) days of receiving the request at a regular monthly meeting.

2107.1 Referral to Planning Commission:

The curative amendment and challenge shall be referred to the Township Planning Commission and County Planning Commission at least thirty (30) days prior to the public hearing for review and comment.

2107.2 Public Hearing:

The Board of Supervisors shall conduct a public hearing in accordance with procedures governing a hearing before the Zoning Hearing Board as stipulated by Section 908 of the Pennsylvania Municipalities Planning Code.

2107.3 Evaluation of Merits of Curative Amendment:

If the Board of Supervisors determine that a validity challenge has merit, the Board of Supervisors may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. The Board of Supervisors shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:

a. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;

b. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Ordinance or Map;

c. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, flood plains, aquifers, natural resources and other natural features;

d. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and

e. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

2107.4 Declaration of Invalidity by the Court:

If the Township does not accept a landowner's curative amendment brought in accordance with this Section and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for this entire Ordinance, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.

ARTICLE XXII

FLOODPLAIN REGULATIONS

SECTION 2201 INTENT

The purpose of these provisions is to prevent the loss of property and life, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

a. Regulating uses, activities and development which, acting alone or in combination with other existing or future uses, activities and development, will cause unacceptable increases in flood heights, velocities and frequencies.

b. Restricting or prohibiting certain uses, activities and development from location within areas subject to flooding.

c. Requiring all those uses, activities and developments that do occur in flood-prone areas to be protected and/or flood-proofed against flooding and flood damage.

d. Protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.

SECTION 2202 APPLICABILITY

It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the Township unless a Building Permit has been obtained from the Zoning Officer.

These provisions shall apply to all lands within the jurisdiction of the Center Township Zoning Ordinance which are located within any Floodplain Area.

SECTION 2203 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection sought by the provisions of this Ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside the identified Floodplain Areas or that land uses permitted within such districts will be free from flooding or flood damages.

This Ordinance shall not create liability on the part of the Township of Center or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

SECTION 2204 IDENTIFICATION

The Floodplain Area shall be any area within Center Township subject to the one hundred (100) year flood, which is identified as Zone A (Area of Special Flood Hazard) on the most current Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM) as issued by the Federal Emergency Management Agency (FEMA).

2204.1 Overlay Concept:

The Floodplain Area shall be considered an overlay to the existing underlying districts as shown on the Official Zoning Ordinance Map, and as such, the provisions for the Floodplain Area shall serve as a supplement to the underlying district provisions.

Where there happens to be any conflict between the provisions or requirements of the Floodplain Area and those of any underlying district, the more restrictive provisions shall apply.

2204.2 Changes in Identification of Area:

The delineation of any identified Floodplain Area may be revised by the Center Township Board of Supervisors where natural or man-made changes have occurred and/or more detailed studies conducted or undertaken by the U.S. Army Corps of Engineers, River Basin Commission or other qualified agency or individual documents the justification for such changes. However, prior to any such change, approval shall be obtained from the Federal Insurance Administration (FIA).

2204.3 Boundary Disputes:

Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Center Township Planning Commission, upon recommendation by the Township Engineer, and any party aggrieved by their determination may appeal to the Center Township Board of Supervisors. The burden of proof shall be on the appellant.

SECTION 2205 DEFINITIONS

The following are special definitions which shall be used in making reasonable interpretations of the provisions contained in this Article:

Completely Dry Space - A space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

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

Designated Floodplain Districts - Those floodplain districts specifically designated in the Zoning Ordinance as being inundated primarily by the one hundred (100) year flood. Included would be areas identified as Floodway District (FW), Flood-Fridge District (FF) and the Approximated Floodplain District.

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

Essentially Dry Space - A space which will remain dry during flooding except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

Floodproofing - Any combination of structural or nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to the real estate or improved real property, water and sanitary facilities, structures and their contents.

Mobile Home - A transportable, single family dwelling intended for permanent occupancy, office, or place of assembly, contained in one or more sections, built on a permanent chassis, 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 with or without a permanent foundation. The term does not include recreational vehicles or travel trailers.

Mobile Home Park - A parcel of land under single ownership which has been planned and improved for the placement of two (2) or more mobile homes for nontransient use.

Minor Repair - The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change or any required means of egress or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include

addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electrical wiring or mechanical or other work affecting public health or general safety.

Obstruction - Any wall, dam, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse or flood-prone area which may impede, retard or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water or is placed where the flow of the water might carry the same downstream to the damage of life or property.

One Hundred Year Flood - A flood that, on the average, is likely to occur once every one hundred (100) years (i.e., that has a one percent (1%) chance of occurring each year, although the flood may occur in any year.)

Regulatory Flood Elevation - The one hundred (100) year flood elevation plus a freeboard safety factor of one and one-half (1½) feet.

Special Permit - A special approval which is required for hospitals, nursing homes, jails and new mobile home parks and substantial improvements to such existing parks, when such development is located in all or a designated portion of a floodplain.

SECTION 2206 ISSUANCE OF A BUILDING PERMIT

2206.1 Building Permits Required:

Building Permits shall be required before any construction or development is undertaken within any Floodplain Area within the Township of Center, Beaver County, Pennsylvania; however, a Building Permit shall not be required for minor repairs to existing buildings or structures.

The Zoning Officer shall issue a permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.

Prior to the issuance of a permit, the Zoning Officer shall review the application for permit to determine if all other necessary government permits required by State and Federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the U.S. Clean Water Act, Section 404,33, U.S.C. 1334. No permit shall be issued until this determination has been made.

2206.2 Notification:

No encroachment or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Township and until all required permits or approvals have been first obtained from the Department of Environmental Resources, Bureau of Dams and Waterway Management.

In addition, the Federal Insurance Administrator and the Pennsylvania Department of Community Affairs, Bureau of Community Planning, shall be notified by the Township prior to any alteration or relocation of any watercourse.

SECTION 2207 APPLICATION PROCEDURES

If any proposed construction or development is located entirely or partially within any Floodplain Area, applicants for a Building Permit shall provide all the necessary information in sufficient detail and clarity to enable the zoning Officer to determine that:

a. All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;

b. All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and

c. Adequate drainage is provided so as to reduce exposure to flood hazards.

2207.1 Application Content:

Applicants shall file the following minimum information plus any other pertinent information as may be required by the Zoning Officer to make the determination required by Section 2207a, b and c above.

a. A completed Permit Application Form.

b. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:

1. North arrow, scale and date;

2. Topographic contour lines, if available;

3. All property and lot lines including dimension, and the size of the site expressed in acres or square feet;

4. The location of all existing and proposed buildings, structures, and other improvements including the location of any existing or proposed subdivision and land development;

5. The location of all existing streets, drives, and other accessways; and

6. The location of any existing bodies of water or watercourses, identified Floodplain Areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.

c. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:

1. The proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1929;

2. The elevation of the one hundred (100) year flood;

3. If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with the one hundred (100) year flood; and

4. Detailed information concerning any proposed flood-proofing measures.

d. The following data and documentation:

1. A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the one hundred (100) year flood elevations, pressures, velocities, impact and uplift forces associated with the one hundred (100) year flood.

   Such statement shall include a description of the type and extent of flood-proofing measures which have been incorporated into the design of the structure and/or the development.

2. Detailed information needed to determine compliance with Storage (Section 2209) and Development Which May Endanger Human Life (Section 2210) including:

a. The amount, location and purpose of any materials or substances referred to in Section 2209 and Section 2210 which are intended to be used, produced, stored or otherwise maintained on site.

b. A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in Section 2209 during a one hundred (100) year flood.

3. The appropriate component of the Department of Environmental Resources' "Planning Module for Land Development."

4. Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Resources, to implement and maintain erosion and sedimentation control.

2207.2 Applications for Special Permits:

Applicants for Special Permits shall provide five (5) copies of the following items:

a. A written request including a completed Building Permit Application Form;

b. A small scale map showing the vicinity in which the proposed site is located;

c. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:

1. North arrow, scale and date;

2. Topography based upon the National Geodetic Vertical Datum of 1929, showing existing and proposed contours at intervals of two (2) feet;

3. All property and lot lines including dimensions, and the size of the site expressed in acres or square feet;

4. The location of all existing streets, drives, other accessways and parking areas, with information concerning widths, pavement types and construction, and elevations;

5. The location of any existing bodies of water or watercourse, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development.

6. The location of the flood plain boundary line, information and spot elevations concerning the one hundred (100) year flood elevations, and information concerning the flow of water including direction and velocities;

7. The location of all proposed buildings, structures, utilities and any other improvements; and

8. Any other information which the municipality considers necessary for adequate review of the application.

d. Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:

1. Sufficiently detailed architectural or engineering drawings including floor plans, sections and exterior building elevations, as appropriate;

2. For any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor;

3. Complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the one hundred (100) year flood;

4. Detailed information concerning any proposed flood-proofing measures;

5. Cross-section drawings for all proposed streets, drives, other accessways and parking areas, showing all rights-of-way and pavement widths;

6. Profile drawings for all proposed streets, drives and vehicular accessways including existing and proposed grades; and

7. Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems and any other utilities and facilities.

e. The following data and documentation:

1. Certification from the applicant that the site upon which the activity of development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents;

2. Certification from a registered professional engineer, architect or landscape architect that the proposed construction has been adequately designed to protect against damage from the one hundred (100) year flood.

3. A statement, certified by a registered professional engineer, architect, landscape architect or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a one hundred (100) year flood, including a statement concerning the effects such pollution may have on human life;

4. A statement certified by a registered professional engineer, architect or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on one hundred (100) year flood elevations and flows;

5. A statement, certified by a registered professional engineer, architect or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the one hundred (100) year flood elevation and the effects such materials and debris may have on one hundred (100) year flood elevations and flows;

6. The appropriate component of the Department of Environmental Resources' "Planning Module for Land Development";

7. Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Resources to implement and maintain erosion and sedimentation control;

8. Any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Resources under Section 302 of Act 1978-166; and

9. An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a one hundred (100) year flood.

2207.3 Review by County Conservation District:

A copy of all applications and plans for any proposed construction or development in any identified Floodplain Area to be considered for approval shall be submitted by the Zoning Officer to the County Conservation District for review and comment prior to issuance of a Building Permit. The recommendations of the County Conservation District shall be considered by the Zoning Officer for possible incorporation into the proposed plan.

2207.4 Watercourse Alterations:

Prior to the proposed alteration or relocation of a watercourse, the developer proposing such modification shall obtain a permit from the Pennsylvania Department of Environmental Resources, Bureau of Dams Safety, Obstruction and Stormwater Management. Furthermore, the developer shall notify the Pennsylvania Department of Community Affairs and all affected communities by certified mail prior to such proposed alterations and shall submit copies of such notification to the Township Zoning Officer and the Federal Insurance Administration.

In addition, the developer shall assure the Center Township Board of Supervisors, in writing, that the flood carrying capacity within the altered or relocated portion of the watercourse will be maintained.

SECTION 2208 VARIANCES

Requests for variances in the Floodplain Districts shall be considered by the Center Township Zoning Hearing Board in accordance with the following procedures:

a. Except for a possible modification of the freeboard requirements involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by Special Permit (Section 2209) or to Development Which May Endanger Human Life (Section 2210).

b. If granted, a variance shall involve only the least modification necessary to provide relief.

c. In granting any variance, the Zoning Hearing Board may attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety and welfare, and to achieve the objectives of the Ordinance.

d. Whenever a variance is granted, the Zoning Hearing Board shall notify the applicant in writing that:

   1. The granting of the variance may result in increased premium rates for flood insurance.

   2. Such variances may increase the risks to life and property.

e. In reviewing any request for a variance, the Zoning Hearing Board shall consider, but not be limited to, the following:

   1. That there is good and sufficient cause.

   2. That failure to grant the variance would result in exceptional hardship to the applicant.

   3. That the granting of the variance will not result in any unacceptable or prohibited increase in flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on, or victimize the public or conflict with any other applicable local or State ordinances and regulations.

f. A complete record of all variance requests and related actions shall be maintained by the Township of Center. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration.

Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the hydrostatic and hydrodynamic loads and pressures and effects of buoyancy of the one hundred (100) year flood.

SECTION 2209 ACTIVITIES REQUIRING SPECIAL PERMITS

The provisions of this Section shall be applicable, in addition to any other applicable provisions of this Ordinance, or any other ordinance, code or regulation.

2209.1 Identification of Activities Requiring a Special Permit:

In accordance with the Pennsylvania Flood Plain Management Act (Act 1978-166) and regulations adopted by the Department of Community Affairs as required by the Act, the following obstructions and activities are permitted only by Special Permit, if located partially or entirely within any Floodplain District:

a. The commencement of any of the following activities; or the construction, enlargement or expansion of any structure used, or intended to be used, for any of the following activities:

1. Hospitals

2. Nursing homes, personal care homes and other similar buildings wherein elderly or infirm persons are housed or boarded.

3. Jails or prisons

b. The commencement of, or any construction of, a new mobile home park or mobile home subdivision, or substantial improvement to an existing mobile home park or mobile home subdivision.

2209.2 Application Requirements:

Applicants for Special Permits shall provide five (5) copies of the following items:

a. A written request including a completed Building Permit Application Form.

b. A small scale map showing the vicinity in which the proposed site is located.

c. A plan of the entire site, clearly and legibly drawn at a scale of one inch (1") being equal to one hundred feet (100') or less, showing the following:

1. North arrow, scale and date;

2. Topography based upon the National Geodetic Vertical datum of 1929, showing existing and proposed contours at intervals of two (2) feet;

3. All property and lot lines including dimensions and the size of the site expressed in acres or square feet.

4. The location of all existing streets, drives, other accessways, and parking areas, with information concerning widths, pavement types and construction and elevations;

5. The location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development;

6. The location of the floodplain boundary line, information and spot elevations concerning the one hundred (100) year flood elevations, and information concerning the flow of water including direction and velocities;

7. The location of all proposed buildings, structures, utilities, and any other improvements; and

8. Any other information which the Municipality considers necessary for adequate review of the application.

d. Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:

1. Sufficiently detailed architectural or engineering drawings, including floor plans, sections, and exterior building elevations, as appropriate;

2. For any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor;

3. Complete information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with the one hundred (100) year flood;

4. Detailed information concerning any proposed flood-proofing measures;

5. Cross-section drawings for all proposed streets, drives, other accessways, and parking areas, showing all rights-of-way and pavement widths;

6. Profile drawings for all proposed streets, drives, and vehicular accessways, including existing and proposed grades; and

7. Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems and any other utilities and facilities.

e. The following data and documentation:

1. Certification from the application that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents;

2. Certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the one hundred (100) year flood;

3. A statement, certified by a registered professional engineer, architect, landscape architect or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a one hundred (100) year flood, including a statement concerning the effects such pollution may have on human life;

4. A statement certified by a registered professional engineer, architect or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on the one hundred (100) year flood elevations and flow;

5. A statement, certified by a registered professional engineer, architect or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the one hundred (100) year flood elevation and the effects such materials and debris may have on one hundred (100) year flood elevations and flows;

6. The appropriate component of the Department of Environmental Resources' "Planning Module for Land Development";

7. Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Resources to implement and maintain erosion and sedimentation control;

8. Any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Resources under Section 302 of Act 1978-166; and

9. An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a one hundred (100) year flood.

2209.3 Application Review Procedures:

Upon receipt of an application for a Special Permit by the Township, the following procedures shall apply in addition to all other applicable permit procedures which are already established:

a. Within three (3) working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the Beaver County Planning Commission by registered or certified mail for its review and recommendations. Copies of the application also shall be forwarded to the Township Planning Commission and Township Engineer for review and comment.

b. If an application is received that is incomplete, the Township shall notify the applicant in writing, stating in what respects the application is deficient.

c. If the Township decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.

d. If the Township approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community Affairs, by registered mail, within five (5) working days after the date of approval.

e. Before issuing the Special Permit, the Township shall allow the Department of Community Affairs thirty (30) days after receipt of the notification by the Department to review the application and the decision made by the Township.

f. If the Township does not receive any communication from the Department of Community Affairs during the thirty (30) day review period, it may issue a Special Permit to the applicant.

g. If the Department of Community Affairs should decide to disapprove an application, it shall notify the Township and the applicant, in writing, of the reasons for the disapproval, and the Township shall not issue the Special Permit.

2209.4 Technical Requirements for Development Requiring a Special Permit:

In addition to any other applicable requirements, the following provisions shall also apply to the activities requiring a Special Permit. If there is any conflict between any of the following requirements and any otherwise applicable provision, the more restrictive provision shall apply.

a. No application for a Special Permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:

1. Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located and constructed so that:

(a) The structure will survive inundation by waters of the one hundred (100) year flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the one hundred (100) year flood elevation;

(b) The first floor elevation will be at least one and one-half (1½) feet above the one hundred (100) year flood elevation;

(c) The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the one hundred (100) year flood.

2. Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.

b. All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc. shall be submitted in sufficient detail to allow a thorough technical review by the Township and the Department of Community Affairs.

2209.5 Within any identified Floodplain District, any structure of the kind described in Subsection 2209.1 above shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.

2209.6 Except for a possible modification of the freeboard requirements involved, no variance shall be granted for any of the other requirements of this Section.

SECTION 2210 DEVELOPMENT WHICH MAY ENDANGER HUMAN LIFE

The provisions of this Section shall be applicable, in addition to any other applicable provisions of this Ordinance, or any other ordinance, code or regulation.

2210.1 In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community Affairs as required by the Act, any new or substantially improved structure which:

a. Will be used for the production or storage of any of the dangerous materials or substances listed below; or

b. Will be used for any activity requiring the maintenance of a supply on the premises of more than 550 gallons, or other comparable volume, of any of the dangerous materials or substances listed below; or

c. Will involve the production, storage or use of any amount of radioactive substances;

shall be subject to the provisions of this Section, in addition to all other applicable provisions of this Article.

2210.2 The following list of materials and substances are considered dangerous to human life:

a. Acetone
b. Ammonia
c. Benzene
d. Calcium Carbide
e. Carbon Disulfide
f. Celluloid
g. Chlorine
h. Hydrochloric Acid
i. Hydrocyanic Acid
j. Magnesium
k. Nitric Acid and Oxides of Nitrogen
l. Petroleum Products (Gasoline, Fuel Oil, etc.)
m. Phosphorus
n. Potassium
o. Sodium
p. Sulphur and Sulphur Products
q. Pesticides (including Insecticides, Fungicides and Rodenticides)
r. Radioactive Substances, insofar as such substances are not otherwise regulated.

2210.3 Within any Floodway District any structure of the kind described in Subsection 2210.1, above, shall be prohibited.

2210.4 Where permitted within any Flood-Fringe District or General Floodplain District, any structure of the kind described in Subsection 2210.1, above, shall be:

a. Elevated or designed and constructed to remain completely dry up to at least one and one-half (1½) feet above the one hundred (100) year flood; and

b. Designed to prevent pollution from the structure or activity during the course of a one hundred (100) year flood.

Any such structure, or part thereof, that will be built below the Regulatory Flood Elevation shall be designed and constructed in accordance with the standards for completely dry flood-proofing contained in the publication "Flood-Proofing Regulations" (U.S. Army Corps of Engineers, June 1972) or with some other equivalent watertight standard.

2210.5 Within any general Floodplain Area (FA), any structure of the kind described in Subsection 2210.1, above, shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.

2210.6 Except for a possible modification of the freeboard requirements involved, no variance shall be granted for any of the other requirements of this Section.

SECTION 2211 SPECIAL PROVISIONS FOR MOBILE HOMES

2211.1 No mobile homes shall be placed in any designated Floodway District.

2211.2 Within any identified floodplain area, all mobile homes and any additions thereto shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.

2211.3 Where permitted within any identified floodplain area, all mobile homes and any additions thereto shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors in accordance with the American National Standards as specified in the Standard for the Installation of Mobile Homes Including Mobile Home Park Requirements (NFPA No. 501A-1974; ANSI A119.3-1975), as amended for Mobile Homes in Hurricane Zones or other appropriate standards such as the following:

a. Over-the-top ties shall be provided at each of the four (4) corners of the mobile home, with two (2) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and one (1) additional tie per side for units less than fifty (50) feet in length.

b. Frame ties shall be provided at each corner of the mobile home, with five (5) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and four (4) additional ties per side for units less than fifty (50) feet in length.

c. All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds.

2211.4 All mobile homes and additions thereto shall also be elevated in accordance with the following requirements:

a. The stands or lots shall be elevated on compacted fill, or on pilings so that the lowest floor of the mobile home will be at or above the elevation of the one hundred (100) year flood.

b. Adequate surface drainage is provided.

c. Adequate access for a hauler is provided.

d. Where pilings are used for elevation, the lots shall be large enough to permit steps; piling foundations shall be placed in stable soil no more than ten (10) feet apart; reinforcement shall be provided for pilings that will extend for six (6) feet or more above the ground level.

2211.5 An evacuation plan indicating alternative vehicular access and escape routes for mobile home parks shall be filed with the appropriate Township of Center, Beaver County, Pennsylvania officials.

SECTION 2212 TECHNICAL REQUIREMENTS

2212.1 In the identified Floodplain Area, the development and/or use of any land shall be permitted provided that the development and/or use adheres to the restrictions and requirements of this and all other applicable codes and ordinances in force in the Township of Center.

2212.2 Within any identified Floodplain Area, no new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Pennsylvania Department of Environmental Resources, Bureau of Dams and Waterway Management.

2212.3 Within any identified Floodplain Area, the elevation of the lowest floor (including basement) of any new or improved residential structure shall be one and one-half (1½) feet or more above the one-hundred (100) year flood elevation.

2212.4 Within any identified Floodplain Area, the elevation of the lowest floor (including basement) of non-residential structures shall be one and one-half (1½) feet or more above the one-hundred year flood elevation or be floodproofed up to that height.

Any structure, or part thereof, which will not be completely dry, as defined herein, or adequately elevated, shall be floodproofed in accordance with the provisions of this Article. Additional information may be obtained from the publication entitled "Flood-proofing Regulations" (U.S. Army Corps of Engineers, June, 1972).

2212.5 Design and Construction Standards:

The following minimum standards shall apply for all construction and development proposed within any Floodplain Area:

a. Fill: If fill is used, it shall:

1. Extend laterally at least fifteen (15) feet beyond the building line at all points;

2. Consist of soil or small rock materials only - Sanitary Landfills shall not be permitted;

3. Be compacted to provide the necessary permeability and resistance to erosion, scouring or settling;

4. Be no steeper than one (1) vertical to two (2) horizontal, unless substantiated date, justifying steeper slopes are submitted to, and approved by the Zoning Officer; and

5. Be used to the extent to which it does not adversely affect adjacent properties.

b. Drainage Facilities:

Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall insure proper drainage along streets and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

c. Water and Sanitary Sewer Facilities:

1. All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damage and the infiltration of flood waters.

2. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.

3. No part of any on-site sewage system shall be located within any Floodplain Area, except in strict compliance with all State and local regulations for such systems.

   If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.

d. Other Utilities:

All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

e. Streets:

The finished elevation of all new streets shall be no more than one (1) foot below the Regulatory Flood Elevation.

f. Storage:

All materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal or plant life, and not listed in Section 2210, Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation and/or floodproofed to the maximum extent possible.

g. Placement of Buildings and Structures:

All buildings and structures shall be designed, located and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.

h. Anchoring:

1. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.

2. All air ducts, large pipes, storage tanks, or other similar objects or components located below the Regulatory Flood Elevation shall be securely anchored or affixed to prevent flotation.

i. **Floors, Walls and Ceilings:**

1. Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain, without causing structural damage to the building.

2. Plywood used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.

3. Walls and ceilings at or below the Regulatory Flood Elevation shall be designed and constructed of materials that are water-resistant and will withstand inundation.

4. Windows, doors and other components at or below the Regulatory Flood Elevation shall be made of metal or other water-resistant material.

j. **Paints and Adhesives:**

1. Paints or other finishes used at or below the Regulatory Flood Elevation shall be of "marine" or "water-resistant" quality.

2. Adhesives used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.

3. All wooden components (doors, trim, cabinets, etc.) Shall be finished with a "marine" or "water-resistant" paint or other finishing material.

k. **Electrical Components:**

1. Electrical distribution panels shall be at least three (3) feet above the one hundred (100) year flood elevation.

2. Separate electrical circuits shall serve lower levels and shall be dropped from above.

l. **Equipment:**

Water heaters, furnaces, air conditioning and ventilating units, and other mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation.

m. Fuel Supply Systems:

All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

SECTION 2213 EXISTING STRUCTURES IN IDENTIFIED FLOODPLAIN AREAS

Structures existing in any identified floodplain area prior to June, 1981, but which are not in compliance with these provisions, may continue to remain, provided that:

a. Any modification, alteration, reconstruction or improvement of any kind to an existing structure, to an extent or amount of fifty percent (50%) or more of its market value, shall be undertaken only in full compliance with the provisions of this Article.

b. Any modification, alteration, reconstruction or improvement of any kind to an existing structure to an extent or amount of less than fifty percent (50%) of its market value shall be elevated and/or floodproofed to the greatest extent possible.

ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE ARE HEREBY REPEALED TO THE EXTENT OF SUCH CONFLICT IN ORDER TO GIVE THIS ORDINANCE FULL FORCE AND EFFECT.

ORDAINED AND ENACTED THIS 4TH DAY OF MARCH, 2002.

TOWNSHIP OF CENTER

/s/ Carl E. Naggy
Chairman, Board of Supervisors

ATTEST:

/s/ Rachael Del Tondo
Township Secretary

RECEIVED
SEP 29 2006
BCPC

TOWNSHIP OF CENTER

ORDINANCE NO. 1-2006

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF CENTER, BEAVER COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 1-2002, CENTER TOWNSHIP ZONING ORDINANCE, AS AMENDED TO: (1) INSERT FUNERAL HOME AS A CONDITIONAL USE IN THE C-1, LIMITED COMMERCIAL DISTRICT; AND (2) ESTABLISH STANDARDS AND CRITERIA FOR GRANTING THE CONDITIONAL USE.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of Center, and it is hereby ordained and enacted by and with the authority of the same as follows:

SECTION 1. In Article IX, Section 901-B, Subsection 1, the following new subparagraph "f" is hereby inserted:

i. Funeral Home, subject to §1402.50

SECTION 2. In Article XIV, Section 1402, the following new §1402.50 is hereby inserted:

1402.51 Funeral Home subject to:

a. The minimum site required shall be one (1) acre.
b. The property shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Ordinance.
c. Traffic circulation on the site shall be designed to minimize congestion and to provide for the lining up of vehicles on the property without obstructing the free flow of traffic on adjoining streets.
e. Proposals for traffic circulation from the site during processions shall be submitted to the Township Police Chief for review and comment.

SECTION 3. All ordinances or parts of ordinances in conflict with the provision of this Ordinance are hereby repealed to the extent of such conflict.

ORDAINED AND ENACTED THIS 17TH DAY OF April, 2006.

TOWNSHIP OF CENTER

Chairman, Board of Supervisors

ATTEST:

Township Secretary

TOWNSHIP OF CENTER

ORDINANCE NO. 4-2008

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF CENTER, BEAVER COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 1-2002, CENTER TOWNSHIP ZONING ORDINANCE, AS AMENDED, TO: (1) ADD DEFINITIONS FOR TRANSIT SHELTER AND TRANSIT SHELTER SIGN; (2) AUTHORIZE TRANSIT SHELTERS AND TRANSIT SHELTER SIGNS AS A PERMITTED USE IN THE R-4, C-1 AND C-2 DISTRICTS; (3) ADD SUPPLEMENTAL REGULATIONS GOVERNING TRANSIT SHELTERS; (4) ADD A DESCRIPTION OF TRANSIT SHELTER SIGN IN THE CLASSES OF SIGNS; AND (5) ADD REGULATIONS GOVERNING TRANSIT SHELTER SIGNS.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of Center, and it is hereby ordained and enacted by and with the authority of the same as follows:

SECTION 1. In Article II, Section 201, the following new definitions are hereby inserted in alphabetical order:

TRANSIT SHELTER: A structure with three (3) sides and a roof with seating erected at an established transit stop, either on private property or within a public street right of way, to protect passengers from the elements while they wait for public transportation.

TRANSIT SHELTER SIGN: A sign erected on the side panel of a transit shelter at a transit stop along an established route of the Beaver County Transit Authority (BCTA) or other carrier licensed by the Public Utilities Commission (PUC) which advertises a product, business or service or carries a public service announcement.

SECTION 2. In Article VII, Section 701-A-1, the following new Subparagraphs "h" and "i" are hereby inserted:

h. Transit Shelter, subject to Section 1512
i. Transit Shelter Sign, subject to Section 1707

SECTION 3. In Article IX, Section 901-A-1, the following new Subparagraphs "ee" and "ff" are hereby inserted:

ee. Transit Shelter, subject to Section 1512
ff. Transit Shelter Sign, subject to Section 1707

SECTION 4. In Article X, Section 1001-A-1, the following new Subparagraphs "aa" and "bb" are hereby inserted:

aa. Transit Shelter, subject to Section 1512
bb. Transit Shelter Sign, subject to Section 1707

SECTION 5. In Article XV, the following new Section 1512 is hereby inserted:

SECTION 1512 TRANSIT SHELTERS

Transit shelters, as defined herein, are authorized as a permitted use in the R-4, C-1 and C-2 Districts subject to the following regulations:

1512.1 Transparency

The transit shelter shall be constructed of materials that are transparent so that the occupants of the shelter are fully visible from all directions.

1512.2 Location

A transit shelter may be located on private property or within the public street right of way provided evidence of an easement or lease agreement with the property owner and/or a permit from the owner of the street right of way is submitted to the Township.

The transit shelter shall be located a minimum of five (5) feet from the edge of the cartway of any public street or the curb of any driveway providing access to property adjacent to or on which the transit shelter is located.

1512.3 Visibility

The transit shelter shall be located in compliance with the clear sight triangle requirements of §1504.4 for corner lots. In the case of a transit shelter, the clear sight triangle calculation shall also apply to the intersection of the public street with the driveway or driveways providing access to the property on which the transit shelter is located.

The transit shelter shall be located such that visibility from any public street is not obstructed for any business identification sign located on the property on which the transit shelter is located or on any immediately adjacent property.

1512.4 Seating

If benches are provided within the transit shelter, the bench shall not be continuous, but shall be divided into individual seats.

SECTION 6. In Article XVII, the following new Section 1707 is hereby inserted:

1707 TRANSIT SHELTER SIGNS

1707.1 Location

Transit shelter signs shall be located within the framework of the transit shelter and shall not project beyond the framework of the shelter. In no case shall a transit shelter sign be freestanding or detached from the transit shelter structure.

1707.2 Visibility

Transit shelter signs shall be placed within the transit shelter framework so that visibility is not obstructed for motorists traveling on any public street or entering or leaving any lot or driveway.

1707.3 Illumination

Transit shelter signs may be non-illuminated, indirectly illuminated or internally illuminated. Electronic changeable copy shall not be permitted as part of a transit shelter sign.

1707.4 Number and Surface Area of Signs

The maximum number of signs authorized for each transit shelter shall be one sign with two faces that are either back-to-back or in a V-shaped configuration having an angle of 90° or less.

The maximum surface area of each sign face shall not exceed twelve (12) square feet.

SECTION 7. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

ORDAINED AND ENACTED THIS 16th **DAY OF** June **, 2008.**

TOWNSHIP OF CENTER

Chairman, Board of Supervisors

ATTEST:

Township Secretary