

TOWNSHIP OF ELIZABETH

ZONING ORDINANCE

ORDINANCE NO. 820

As amended by Ordinance No. 874

AN ORDINANCE REPEALING AND REPLACING CHAPTER 27 OF THE CODE OF THE TOWNSHIP, ENTITLED “ELIZABETH TOWNSHIP ZONING ORDINANCE,” as amended, to: define terms used in the Ordinance; to regulate the location and use of structures and land for residences, business, industry and other purposes; to regulate the height of structures, the percentage of lot covered by structures, the size of lots, the size of yards and other open space; to specify standards and criteria for conditional uses and uses by special exception; to establish requirements for off-street parking and loading, signage, landscaping and other lot improvements; to establish standards for Planned Residential Development; to regulate nonconforming uses, structures and lots; to establish provisions for the administration and enforcement of the Ordinance; to prescribe powers and duties of the Zoning Hearing Board; and to establish procedures for amending the Ordinance.

BE IT HEREBY ORDAINED AND ENACTED by the Board of Commissioners of the Township of Elizabeth, Allegheny County, Pennsylvania, as follows:

ARTICLE I

BASIC PROVISIONS

SECTION 100 TITLE

The official title of this Ordinance is “Elizabeth Township Zoning Ordinance.”

SECTION 101 EFFECTIVE DATE

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

SECTION 102 AUTHORITY

This Ordinance is adopted by virtue of the authority granted to the Township by the Commonwealth of Pennsylvania 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 103 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 Commissioners, in favor of the property owner and against any implied extension of the restriction.

SECTION 104 COMMUNITY DEVELOPMENT OBJECTIVES

Community Development Objectives are set forth in the Twin Rivers Council of Governments (COG) Comprehensive Plan Update adopted by the Board of Commissioners. In addition to the specific objectives stated in the Twin Rivers Council of Governments (COG) Comprehensive Plan Update, the general community development objectives on which this Ordinance is based are:

- A.** To promote the interest of public health, safety, morals and the general welfare;
- B.** To secure safety from fire and to provide adequate open spaces for light and air;
- C.** To conserve and stabilize property values;
- D.** To preserve woodlands, open space, recreational, agricultural and environmental sensitive lands from conflict with urban development;
- E.** To facilitate the economic provision of adequate transportation, water, sewage, schools, parks and other public requirements;
- F.** To prevent the overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers;
- G.** To promote stormwater management, soil and water conservation;
- H.** To set forth population density controls;
- I.** To promote coordinated and practical community development; and
- J.** To promote the utilization of renewable energy sources.

SECTION 105 COMPLIANCE

No structure shall be located, erected, constructed, reconstructed, moved, altered, converted or enlarged; nor shall any structure or land be used or 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 106 SEVERABILITY

If any portion of the provisions of this Ordinance or the application of any provision to particular circumstances is held to be 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 INTERPETATIONS

All words used in this Ordinance shall carry their customary dictionary definitions as provided in the most recent edition of Webster's Collegiate Dictionary, 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 or designed to be used or occupied." The word "person" shall include the individual, corporation, partnership, incorporated association or any other entity. Words in the masculine gender shall include the feminine gender. The words "includes" and "including" shall not limit the defined term to the specific examples, but are intended to extend the terms meaning to other instances of like kind and character.

SECTION 201 PARTICULAR MEANINGS

The following words and phrases shall have the particular meaning specified in the purpose of interpreting this Ordinance:

ACCESS: A means of providing vehicular or pedestrian entrance to a 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 that may occupy a separate structure and/or area on or in the ground, including, but not limited to storage sheds or other storage structures, off-street parking, signs, off-street loading, gazebos, children's playhouses, greenhouses for personal use, garages, carports, swimming pools, decks, fences, patios, walls, antennas and similar structures.

ADULT ARCADE: Any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players or other image-producing devices are maintained, not located within viewing booths, to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

ADULT BOOKSTORE OR ADULT NOVELTY STORE: An establishment having a substantial or significant portion of its stock and trade in, or an establishment that as one of its principal business purposes offers for sale or rental, any of the following:

- A. books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, CD ROM discs or other computer software, and other visual representations that are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, and in conjunction therewith may have viewing booths or other facilities for the presentation of adult entertainment for observation by patrons; or
- B. instruments, devices, or paraphernalia that are designed for use in connection with “specified sexual activities.”

ADULT BUSINESS: Any of the following described uses: adult arcade, adult bookstore, adult novelty store, adult theater, escort agency, massage establishment, nude model studio or sexual encounter or meditation center, as described herein, 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 specified sexual activities or specified anatomical areas.

ADULT CABARET: See ADULT THEATER.

ADULT ENTERTAINMENT: One (1) or more of the following:

- A. An exhibition of any adult oriented motion pictures, meaning those distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas; or
- B. An activity, live performance, display or dance of any type, that has as a significant or substantial portion of the performance any actual or simulated performance of specified sexual activities or exhibition and viewing of specified anatomical areas or persons in a state of nudity; or
- C. Films, motion pictures, video cassettes, slides or other photographic reproductions or visual presentations of any other kind that are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”

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

ADULT THEATER: A theater (live, motion picture or mini-motion picture), tavern, banquet hall, party room, conference center, restaurant, nightclub, hall, auditorium, club, recreation center, indoor entertainment center or other commercial establishment that, as one of its principal business purposes, offers adult entertainment.

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 visual media that depict nudity or sexual conduct.

AGRICULTURE: Any principal or accessory use of land or structures for farming, dairying, pasturage, agriculture, horticulture, floriculture, arboriculture, or animal or poultry husbandry. Accessory uses permitted in conjunction with agriculture may include barns, stables, corncribs, silos and other uses or structures that are clearly related to an agricultural operation.

AGRICULTURE SALES: The selling of crops and related products raised on a farm to the general public.

AISLE: A paved area of a minimum width specified by this Ordinance that provides direct access to one (1) or two (2) rows of parking spaces and connects those parking spaces with the driveways that provide circulation through a parking area.

ALTERNATIVE HOUSING AND EDUCATIONAL FACILITY FOR NON-VIOLENT OFFENDERS: A facility comprised of one (1) or more buildings, licensed by the appropriate governmental authorities, to provide housing, security and education/training programs for non-violent offenders sentenced to penal institutions with or without work release privileges.

AMENDMENT: See ZONING AMENDMENT.

ANIMAL HOSPITAL: An establishment for the medical or surgical treatment of animals, including the boarding of hospitalized animals.

ANIMAL SHELTER: Any premises used for the care and protection of domestic pets rescued by humane officers or volunteers whether on a permanent basis or temporarily until the animals can be relocated and that may or may not include a kennel.

APPLICANT: A landowner or developer, as hereinafter defined, who has filed an application for development, including his heirs, successors and assigns.

ARBORETUM; CONSERVATORY: A place where trees, shrubs and plants are cultivated for scientific, educational or display purposes, including outdoor gardens and greenhouses.

ARTERIAL STREET: A public street that serves large volumes of high speed and long distance traffic. Streets classified as arterial in the Township for the purposes of interpreting this Ordinance are: PA Route 48, PA Route 51 and PA Route 136.

ASSEMBLY: See PLACE OF ASSEMBLY.

AUTOMOBILE SERVICE STATION: A retail establishment that provides for one (1) or more of the following:

- A. The servicing of motor vehicles and operations incidental thereto and limited to the retail sale of petroleum products, and that may include one (1) or more of the following activities: retail sales and installation of automotive accessories; automobile washing by hand; undercoating and rustproofing; waxing and polishing of automobiles; tire changing and repairing (excluding recapping); battery service, changing and replacement, excluding repair and rebuilding; radiator cleaning and flushing, excluding steam cleaning and repair; installation of accessories; and State Inspection; and/or
- B. The following operations, if conducted within a “Completely Enclosed Building” as defined by this Ordinance: lubrication of motor vehicles; replacement of exhaust systems; brake servicing limited to servicing and replacement of brake cylinders, lines and brake shoes; wheel balancing; the testing, adjustment and replacement of servicing of carburetors, filters, generators, points, rotors, spark plugs, voltage regulators, water and fuel pumps, water hoses and wiring; and/or
- C. The operation of a convenience food store, provided retail sale of petroleum products is a part of the operation.

BAR OR TAVERN: A business that sells alcoholic beverages for consumption on the premises as the principal use and that may offer food for consumption on the premises as an accessory use.

BASEMENT: That portion of the foundation of a building between the floor of the foundation and the floor of the first story of the building having a portion of its height below grade, but at least one-half (1/2) of its height above the average grade of the adjoining ground.

BED AND BREAKFAST: A dwelling that is the principal residence of the operator where no more than four (4) sleeping rooms are offered to transient overnight guests for compensation and where the only meal served and included with the overnight accommodations is breakfast.

BIKING/HIKING TRAIL: A paved or unpaved pathway used for walking or travelling by bicycle for exercise or recreation where motorized vehicles are prohibited except for emergency vehicles or maintenance vehicles.

BILLBOARD: Any off-premises sign with a changeable or permanent advertising face 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.

BOARD OF COMMISSIONERS: The Board of Commissioners of the Township of Elizabeth, Allegheny 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, that may include training of horses, riding lessons and riding facilities.

BOAT LAUNCH: A public or private area at the shoreline with direct vehicular access utilized for unloading boats and setting them afloat in the water.

BOAT SALES AND SERVICE: A retail business devoted to the selling and servicing of motorized and non-motorized pleasure craft, including the equipment and accessories necessary to the towing, use and operation of the boat.

BOTTLE CLUB: An establishment where customers, patrons or members bring or provide their own alcoholic beverages.

BRIDLE TRAIL: An unpaved pathway for riding horses for recreational purposes.

BUFFER AREA: A landscaped area of a certain depth specified by this Ordinance that shall be planted and maintained in trees, grass, ground cover, shrubs, bushes or other natural landscaping material and shall consist of a mix of types and sizes of plant material which, within three (3) years of planting, meets the standard of providing a compact year-round visual screen at least six (6) feet in height or an existing natural barrier, such as vegetation and/or topography, that duplicates the effect of the required buffer area, provided the natural barrier is maintained with vegetation or landscaping at all times.

BUILDING: A roofed structure, enclosed by walls to be used for shelter, enclosure or protection of persons, goods, materials and animals. (See also COMPLETELY ENCLOSED BUILDING)

BUILDING HEIGHT: The vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck lines of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

BUILDING LINE, FRONT: A line parallel to or concentric with the front lot line, the minimum measurement of which is the front yard depth required by this Ordinance.

BUILDING SPACING: The minimum distance 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.

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 maintenance services; equipment servicing, rental/leasing 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, sale or repair of vehicles or heavy equipment.

BUSINESS OR PROFESSIONAL OFFICES: 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 and other offices used primarily for accounting, corresponding, research, editing or other administrative functions, but not including banks or other financial institutions.

CAMPGROUND: A parcel of land used or intended to be used, let or rented for occupancy by campers or trailers or providing cabins, tent spaces or sleeping quarters of any kind.

CAR WASH: A facility, whether automatic, semi-automatic or manual, where the principal use is washing and polishing vehicles.

CARPORT: An attached or detached structure to house or protect motor vehicles, that is open to the weather for at least forty percent (40%) of the total area of its sides.

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

CEMETERY: Property used for interring of dead persons or domestic pets, including mausoleums, columbariums, crematories and funeral homes 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.

CERTIFICATE OF OCCUPANCY: 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.

CHANGE IN USE OR OCCUPANCY: The discontinuance of a use of a building or lot followed by the establishment of a different use whether by the same owner or tenant or by a new owner or tenant.

CHURCH: A building or buildings, other than a dwelling, used primarily as a place of worship on a regular basis by a religious denomination that may also include, as accessory uses, rooms for religious education, social and recreational activities and administrative offices, rectories, parsonages, convents, pre-school programs and elderly or child day care centers.

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: See MEDICAL CLINIC.

CLINIC, VETERINARY: See VETERINARY CLINIC.

CLUB, PRIVATE: See PRIVATE CLUB.

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 streets in the Township for the purposes of interpreting this Ordinance are: Blythedale Road, Boyds Hollow Road, Broadlawn Drive, Constitution Boulevard, Fallen Timber Road, Greenock – Buena Vista Road, Industry Road, Lovedale Road, Renzie Road, Ridge Road, Rock Run Road, Round Hill Road, Simpson Howell Road, Smithfield Street and Weigles Hill Road.

COMMERCIAL INDOOR RECREATION: An establishment operated by a profit-making corporation, partnership or other business entity for the pursuit of sports, amusement and recreational activities, available to the general public for a fee, where the principal use is conducted entirely within a completely enclosed building, including but not limited to such principal uses as health or racquet and/or swim clubs, fitness centers, roller or ice rinks, karate schools, gymnasiums, arenas, sports courts or playing fields, bowling alleys, amusement arcades, virtual reality and simulation gaming parlors, billiard parlors, shooting ranges, dance halls, live or motion picture theaters, but not including any adult business.

COMMERCIAL OUTDOOR RECREATION: An establishment operated by a profit-making corporation, partnership or other business entity for the pursuit of sports, amusement and recreational activities, available to the general public for a fee, where the principal use is outdoors, but which may include accessory uses that are indoors, including, but not limited to such principal uses as miniature golf course, golf or batting practice facilities, ice rinks, roller blade parks, swimming pools, sports playing fields, ball parks, stadiums, amphitheaters, drive-in theaters, amusement parks, racetracks and similar facilities.

COMMERCIAL RECREATION: See RECREATION, COMMERCIAL.

COMMERCIAL SCHOOL: See SCHOOL, COMMERCIAL.

COMMON OPEN SPACE: A parcel or parcels of land or an area of water, or a combination of land and water within a development site designed and intended for the use or enjoyment of the occupants or residents of a development, not including streets, parking areas or areas set aside for public facilities.

COMMUNICATIONS ANTENNA: Any structure 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 that may be mounted on an existing building, an existing public utility storage or transmission structure or an existing communications tower, excluding transmission and receiving devices licensed by the Federal Communications Commission (FCC) exclusively for private use by citizens.

COMMUNICATIONS EQUIPMENT BUILDING: A manned or unmanned structure that contains the equipment necessary to maintain and operate communications antennas and that covers an area on the ground in excess of two hundred (200) square feet.

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

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

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 which are designed so that they may be closed and any other small openings required for the ventilation system.

CONDITIONAL USE: A use authorized by this Ordinance that may be granted only by the Board of Commissioners following review by the Planning Commission and a public hearing subject to express standards and criteria contained in this Ordinance.

CONSERVATORY: See ARBORETUM; CONSERVATORY.

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

CONSTRUCTION/DEMOLITION WASTE: Solid waste resulting from the construction or demolition of buildings and other structures, including but not limited to wood, plaster, metals, asphaltic substances, bricks, block and unsegregated concrete. The term also includes dredging waste. The term does not include the following if they are separate from other waste and are used as clean fill:

- A. Uncontaminated dredging waste, soil, rock, stone, gravel, unused brick and block and concrete.
- B. Waste from land clearing, grubbing and excavation, including trees, brush, stumps and vegetative materials.

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 that provides landscaping, 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.

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 which involves the outdoor storage of all or part of the materials, equipment or vehicles used in the business.

CONVENIENCE STORE: A retail store with a gross floor area of 7,500 square feet or less, offering a limited selection of grocery, household and personal items for quick purchase and that may include the dispensing of gasoline.

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

COVERAGE: See LOT COVERAGE.

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, located within a building that is not used as a dwelling unit, for the care, on a regular basis, 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: See FAMILY DAY CARE HOME.

DECK OR PATIO: Any uncovered outdoor living area, without a roof, in excess of twenty-four (24) square feet constructed on or above the surface of the ground.

DENSITY, DWELLING UNIT: See DWELLING UNIT DENSITY.

DEVELOPER: Any landowner, or agent of such landowner, or tenant, with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

DEVELOPMENT: Any man-made change to an improved or unimproved land or water area, including, but not limited to, construction of buildings or structures or additions thereto, mining, dredging, filling, grading, paving, excavation or drilling operations.

DEVELOPMENT PLAN: The written and graphic materials describing a development, including a plat of subdivision, a planned residential development, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways, parking facilities, common open space and public facilities.

DIRECT VEHICULAR ACCESS: A curb cut on a private driveway leading directly to 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 onto the arterial or collector street without traversing any other public street right-of-way.

DISTRICT: See ZONING DISTRICT.

DOMESTIC PETS: Animals, fish or fowl customarily found in a dwelling and kept for company or pleasure, including, but not limited to dogs and cats, provided there is not a sufficient number to constitute a kennel, as herein defined; hamsters, parakeets or canaries and similar small animals or birds, but not including any exotic animals such as lions, tigers, bears, ocelots or other feral cats or poisonous snakes, alligators, monkeys or other animals normally found in a zoo; nor any horses, pigs or other fowl or livestock customarily found on a farm.

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

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, banks or other businesses, exterior automated teller machines (ATM’s), quick oil change facilities, car washes and similar automotive services and other such facilities.

DWELLING: A building designed exclusively as living quarters for one (1) or more families, including single family, two-family, triplex, fourplex, modular and multifamily dwellings, group care facilities, personal care boarding homes and transitional dwellings, but not including hotels, motels or boarding houses.

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

- A. **SINGLE FAMILY DWELLING**: A detached residential building that is the only principal structure on the lot, designed exclusively for occupancy by one (1) family, as defined herein, and containing one (1) dwelling unit.
- B. **TWO FAMILY DWELLING**: A residential building that is the only principal structure on the lot, designed exclusively for occupancy by two (2) families living independently of each other, and containing two (2) dwelling units, each with a separate entrance directly to the outside, including double houses and duplexes.
- C. **TRIPLEX**: A residential building designed exclusively for occupancy by three (3) families living independently of each other, containing three (3) dwelling units, each having independent access directly to the outside and having no other units above or below, which units are attached at right angles to one another with the entrance to each unit facing a different direction.
- D. **FOURPLEX**: A residential building designed exclusively for occupancy by four (4) families living independently of each other, containing four (4) dwelling units, each having independent access directly to the outside and having no other units above or below, which units are attached at right angles to one another with the entrance to each unit facing a different direction.
- E. **MULTIFAMILY DWELLING**: A residential building designed exclusively for occupancy by three (3) or more families living independently of each other and containing three (3) or more dwelling units, including triplexes, fourplexes, townhouses, garden apartments, mid-rise apartments and high-rise apartments.
- F. **GARDEN APARTMENT**: A multifamily residential building no more than three (3) stories in height containing three (3) or more dwelling units that 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.
- G. **MID-RISE APARTMENT**: A multifamily residential building containing at least four (4), but no more than six (6) stories.
- H. **HIGH-RISE APARTMENT**: A multifamily residential building containing at least seven (7), but no more than ten (10) stories.

- I. **GROUP CARE FACILITY:** A group living arrangement licensed by the Commonwealth that provides room and board and specialized services to permanent residents that exceed the number authorized in the definition of family or that fail to meet the criteria for the group living arrangement established in the definition of family, including residents adjudicated by the Court system, but not including any short term or transient residents as regulated by the definition of transitional dwelling or alternative housing and education facility for non-violent offenders.
- J. **MODULAR DWELLING:** A single family dwelling that is delivered to its site in at least two (2) sections that are set upon a permanent foundation and the sections joined together. Such dwellings shall be certified as meeting the minimum standards for manufactured housing in Pennsylvania. Modular dwellings shall be permitted wherever single family dwellings are allowed, provided they are installed on a permanent foundation and connected to all available utilities.
- K. **PERSONAL CARE BOARDING HOME:** A dwelling licensed by the Commonwealth where room and board is provided to more than three (3), permanent residents, who are not relatives of the operator, excluding any residents adjudicated by the Court system, and who are mobile or semi-mobile and require specialized services for a period exceeding twenty-four (24) consecutive hours in such matters as bathing, dressing, diet and medication prescribed for self-administration, but who are not in need of hospitalization or skilled nursing or intermediate nursing care.
- L. **TOWNHOUSE:** A multifamily residential building, other than a triplex or fourplex, no more than two and one-half (2 ½) stories in height that contains at least three (3), but no more than eight (8) 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.
- M. **TRANSITIONAL DWELLING:** A dwelling unit occupied on a short term basis by persons other than those assigned by a Court of Law, who are referred by a public, semi-public or non-profit agency, and managed by a public, semi-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, maternity homes, community re-entry services following incarceration, and other such short-term supervised assignments, but not including correctional facilities or alternative housing and educational facilities for non-violent offenders, as defined herein.

DWELLING UNIT: Two (2) or more rooms designed for or occupied by one (1) family only and containing sleeping facilities, cooking and food storage facilities, and, in a separate room, toilet, and tub or shower, with hot and cold water supply, all for the exclusive use of the family occupying the dwelling unit.

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

EASEMENT: A right-of-way or other right to use property granted by the property owner to another, such as for access, drainage, utility lines, slope or other purposes.

EATING AND DRINKING ESTABLISHMENT: Retail businesses selling food and drink for consumption on the premises, including bars or taverns, fast service restaurants and full service restaurants.

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

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 GVW, all of which are operable.

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

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

ESSENTIAL SERVICES: The provision of distribution and collection systems by public utilities, regulated by the Public Utilities Commission (PUC) or any agency, franchisee or authority of Elizabeth Township of underground or overhead gas, electrical, telephone, steam, or water lines, sewers, fire alarm boxes, traffic signals, hydrants, cable TV (not including towers) and accessories in connection therewith, reasonably necessary to furnish adequate services within Elizabeth Township to the general public.

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 five (5) 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 approved by the Commonwealth, as required by the laws of the Commonwealth, located within a dwelling in which the operator resides, 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, including care provided to children who are relatives of the provider, where such use shall be secondary to the use of the dwelling for living purposes and shall meet all applicable requirements for home occupation.

FARM: Any lot or group of contiguous lots under single ownership on which agriculture is carried on as defined by this Ordinance, and shall include the residence or residences of owners, occupants or employees and any accessory farm buildings located on such land.

FENCE OR WALL: A structure designed for the purpose of enclosing space or separating parcels of land. The term “fence or wall” shall not include retaining walls that are designed and approved in accordance with the Township Grading Ordinance.

FINANCIAL INSTITUTION: A bank, savings and loan association or similar institution that lends money or is engaged in a finance-related business.

FIRE AND EMERGENCY MEDICAL FACILITIES: A building owned and operated by a public agency or a nonprofit corporation used for the storage of fire trucks, fire-fighting equipment, ambulances and other emergency medical equipment and 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 or volunteers, kitchen facilities and a social hall.

FITNESS CENTER: See HEALTH CLUB OR FITNESS CENTER.

FLOOR AREA, GROSS: The sum of all the horizontal floor areas of a building, measured between exterior faces of walls.

FLOOR AREA, NET: The total floor area of a building designed for tenant occupancy or accessible to the customers, clients or general public, excluding storage areas, equipment rooms 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.

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

FOURPLEX: See "D" under DWELLING TYPES.

FRONT BUILDING LINE: See BUILDING LINE, FRONT.

FRONT LOT LINE: See LOT LINE, FRONT.

FUNERAL HOME: A building used for the embalming of deceased human beings for burial and for the display of the deceased and ceremonies connected therewith before burial or cremation and which may include a crematory as an accessory use.

GARAGE, PRIVATE: An accessory building or a portion of the principal building, not accessible to the general public and designed or used for shelter or storage of private vehicles and personal property of the occupants of the principal building.

GARAGE, PUBLIC: A building, other than a private garage, containing two (2) or more parking spaces accessible to the general public used for the storage or parking of motor vehicles, or where such vehicles are kept for remuneration, hire or sale, but not including the repair of vehicles or the storage of dismantled or wrecked motor vehicles.

GARAGE, REPAIR: See VEHICLE REPAIR GARAGE.

GARDEN APARTMENT: See "F" under DWELLING TYPES.

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

GENERAL MERCHANDISE STORE: 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.

GOLF COURSE: A recreational facility that has a course, with a minimum of nine (9) regulation size holes for playing golf as its principal use and that may have a clubhouse, locker rooms, restaurant, swimming pool, pro shop, facilities for racquet sports, maintenance facilities and similar facilities as accessory uses.

GROSS FLOOR AREA: The sum of the gross horizontal areas of the several floors of a building measured between exterior faces of walls.

GROUP CARE FACILITY: See “I” under DWELLING TYPES.

HABITABLE FLOOR AREA: Total floor area of all rooms in a dwelling excluding laundry, kitchen, bathrooms, closets, pantries or other storage areas, hallways, garage and basement recreation areas.

HAZARDOUS MATERIALS: Any of the following materials or substances: acetone, ammonia, benzene, calcium carbide, carbon disulfide, celluloid, chlorine, hydrochloric acid, hydrocyanic acid, magnesium, nitric acid, nitric oxides, petroleum products, phosphorus, potassium, sodium, sulphur, sulphur products, pesticides, insecticides, fungicides and all poisons, flammable gases and radioactive substances.

HEALTH CLUB OR 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.

HEAVY MANUFACTURING: 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.”

HEIGHT OF BUILDING: See BUILDING HEIGHT.

HEIGHT OF STRUCTURE: The vertical distance measured from the average elevation of the finished grade around the structure to the highest point on the structure.

HIGH-RISE APARTMENT: See “H” under DWELLING TYPES.

HIGH TECHNOLOGY INDUSTRIES: The assembly of component parts or the production of finished products, excluding any process that involves toxic or highly volatile substances, including computer 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.

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

HOME OCCUPATION: An accessory use of a service character other than a no impact home based business, conducted entirely within a dwelling by the residents thereof, which use is clearly secondary to the use of the dwelling for living purposes and does not, in any way, change the character of the dwelling.

HORTICULTURE: The science and art of growing fruits, vegetables, flowers and ornamental plants.

HOSPITAL: An establishment licensed by the Commonwealth for the care of human patients suffering from physical or mental illnesses, and that may or may not include facilities for major surgery and that may be publicly or privately owned.

HOSPITAL, ANIMAL: See ANIMAL HOSPITAL.

HOTEL: See MOTEL/HOTEL.

IMPERVIOUS SURFACE: Surfaces with a coefficient of runoff greater than 0.85, including all buildings, roofed areas, parking areas, driveways, streets, sidewalks and areas paved in concrete and asphalt and any other areas determined by the Township Engineer to be impervious within the meaning of this definition.

IMPERVIOUS SURFACE COVERAGE: The percentage of the total lot area covered by impervious surfaces, as defined herein.

IMPROVEMENT: See DEVELOPMENT.

JUNK YARD: Any premises devoted wholly or in part to the storage, buying or selling, salvaging, recycling or otherwise handling or dealing in scrap metals, building materials, scrapped or used appliances or other household goods, fixtures, vehicles and vehicle parts, machinery and machinery parts or other forms of discarded materials.

KENNEL: A structure and/or premises where dogs and/or cats are kept, bred, trained or boarded for profit.

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

- A. A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively; or
- B. A single nonresidential building on a lot or lots regardless of the number of occupants or tenure, including any change of use or structural alteration that results in an increase in total lot coverage by structures and/or paving of 5,000 square feet or more; or
- C. 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: A construction/demolition waste landfill or a municipal waste landfill.

LANDFILL, CONSTRUCTION/DEMOLITION WASTE: A facility using land exclusively for the disposal of construction/demolition waste. The term includes land affected during the lifetime of the operations, including, but not limited to, areas where disposal activities actually occur, support facilities, borrow pits, offices, equipment sheds, air and water pollution control and treatment systems, access roads, associated onsite contiguous collection, transportation and storage facilities, closure and post-closure care and maintenance activities and other activities in which the natural land surface has been disturbed as a result of or incidental to the operation of the facility.

LANDFILL, MUNICIPAL WASTE: A facility using land for disposing of municipal waste. The facility includes land affected during the lifetime of the operations including, but not limited to, areas where disposal or processing activities actually occur, support facilities, borrow areas, offices, equipment sheds, air and water pollution control and treatment systems, access roads, associated onsite and contiguous collection, transportation and storage facilities, closure and post-closure care and maintenance activities and other activities in which the natural land surface has been disturbed as a result of or incidental to operation of the facility. This term does not include a construction/demolition waste landfill.

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

LANDSCAPING PLAN: A plan prepared by a person knowledgeable in the characteristics of plant materials and the proper techniques for installing and maintaining them, including a registered architect or landscape architect or a member of the American Nurserymen's Association, 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 mixtures and existing trees to be preserved, if any.

LIGHT MANUFACTURING: The processing and fabrication of certain materials and products where no process involved will produce noise, vibration, water pollution, fire hazard or noxious emissions which will disturb or endanger neighboring properties. Light manufacturing includes, but is not limited to, 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 non-ferrous metal castings, film processing, light sheet metal products, plastic goods, pharmaceutical goods, food products, not including animal slaughtering, curing or rendering of fats, and similar activities.

LOADING SPACE: 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.

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

LOT: A designated parcel, tract or area of land established by a plat or otherwise as permitted by law to be used, developed or built upon as a unit.

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

LOT, CORNER: See CORNER LOT.

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

LOT AREA: The total area within the lot lines, excluding the area within any street right-of-way.

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 which divides one lot from another lot or from a public or private street or other public space.

LOT LINE, FRONT: That lot line which is contiguous with the street right-of-way line or in the case where the lot line is contiguous with the street centerline, the front lot line shall be considered to be coterminous with the street right-of-way line. In the case of a lot which has no frontage on a street, the front lot line shall be the lot line through which vehicular access is provided, regardless of which way the dwelling faces.

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

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

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

MANUFACTURED HOME: A factory built single family dwelling that meets the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. Sec. 5401) of 1976 intended for permanent occupancy and having a minimum floor area of seven hundred twenty (720) square feet.

MANUFACTURING: The mechanical or chemical transformation of raw materials or substances into new products or other raw materials, including the assembling of component parts, the manufacturing of products and the blending of materials into finished or semi-finished products.

MANUFACTURING, HEAVY: See HEAVY MANUFACTURING.

MANUFACTURING, LIGHT: See LIGHT MANUFACTURING.

MARINA: A facility for the storing, servicing, fueling, berthing and securing of boats that may or may not include eating, sleeping and convenience retail facilities for boat owners, crew and guests.

MASSAGE ESTABLISHMENT: Any establishment or business which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, unless operated by a medical practitioner, chiropractor or professional physical therapist licensed by the Commonwealth. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

MEDIATION: A voluntary negotiating process in which parties to 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: Any establishment, including mobile diagnostic units, where human patients receive medical, dental, chiropractic, psychological and surgical diagnosis, treatment and counseling under the care of a group of licensed medical doctors and dentists and their supporting staff, where said patients are not provided with board or room or kept overnight on the premises.

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

METHADONE CLINIC: A facility licensed by the Pennsylvania Department of Health to use the drug methadone in the treatment, maintenance and detoxification of persons.

MID-RISE APARTMENT: See G under DWELLING TYPES.

MINERAL REMOVAL: Any extraction of any mineral for sale or other commercial purpose 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, excluding mining activities carried out beneath the surface of the earth by means of shafts, tunnels or other underground mine openings.

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

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.

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 of mobile homes.

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

MODULAR DWELLING: See J under DWELLING TYPES.

MOTEL/HOTEL: An establishment which offers transient overnight lodging accommodations, including extended stays, to the general public and which also may provide additional supporting services such as restaurants, meeting rooms, recreation facilities and living quarters for a resident manager or proprietor.

MULTIFAMILY DWELLING: See E under DWELLING TYPES.

MUSEUM: An establishment operated by a public agency or a non-profit organization devoted to the procurement, preservation, study and display of documents, artifacts, memorabilia or other objects of social, historical or cultural significance.

NATURE CENTER: An indoor or outdoor place devoted to the study of the history and sciences related to the physical environment.

NATURE PRESERVE: An area of land protected either by governmental ownership or by conservation easements where human activities are limited and the existing natural habitats and environment are protected from man-made changes.

NATURE TRAIL: A paved or unpaved pathway through a natural area used for observing birds, animals and plant materials in their natural habitat or environment.

NET FLOOR AREA: See FLOOR AREA, NET.

NO IMPACT HOME BASED BUSINESS: A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic (whether vehicular or pedestrian), nor any pick-up, delivery or removal functions to or from the premises in excess of those normally associated with residential use.

NONCONFORMING LOT: Any lot, the area or dimension of which was lawful prior to the adoption or amendment of this Ordinance, but which fails to conform to the requirements of the Zoning District in which it is located by reasons of such adoption or amendment.

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

NONCONFORMING STRUCTURE: A structure or part of a structure which does not comply with the applicable area and bulk provisions of this Ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this Ordinance or an amendment thereto, or prior to the application of this Ordinance or amendment to its location by reason of annexation. Nonconforming signs are included in this definition.

NONCONFORMING USE: A use, whether of land or of a structure which does not comply with the applicable use provisions in this Ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Ordinance or an amendment thereto, or prior to the application of this Ordinance or amendment to its location by reason of annexation.

NUDE MODEL STUDIO: Any place where a person who appears in a state of nudity, or who displays “specified anatomical areas” and is provided to be observed, sketched, drawn, painted, sculptured, 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 A STATE OF NUDITY: The showing of any part of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernible turgid state.

NURSING HOME: An institution licensed by the Commonwealth for the care of human patients requiring skilled nursing or intermediate nursing care, but not including facilities for major surgery or care and treatment of drug or alcohol addiction.

OFFICES, BUSINESS OR PROFESSIONAL: See BUSINESS OR PROFESSIONAL OFFICES.

OFFICES, MEDICAL: See MEDICAL OFFICES.

OIL AND GAS DRILLING: The removal of oil and natural gas resources for sale or other commercial purposes, including the structures and equipment necessary to accomplish the removal.

OPEN SPACE, COMMON: See COMMON OPEN SPACE.

OUTDOOR SALES: Any display of merchandise outside an enclosed building which is offered for sale, regardless of whether the purchase is completed indoors or outdoors.

OWNER: See LANDOWNER.

PARKING AREA: A portion of a lot designated for the parking of motor vehicles in accordance with the requirements of this Ordinance.

PARKING SPACE: A portion of a garage or parking area designated for the parking of one (1) motor vehicle in accordance with the requirements of this Ordinance.

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

PERSON: An individual, proprietorship, partnership, corporation, association or other legal entity.

PERSONAL CARE BOARDING HOME: See K under DWELLING TYPES.

PERSONAL SERVICES: Any enterprise providing services to a person, their apparel or personal effects commonly carried on or about their person, including, but not limited to, shoe repair, tailoring, clothes cleaning, watch repair, beauty shops, barber shops, tanning and nail salons and the like.

PET SERVICES: A business establishment that sells pet food and other pet care products to the general public and that may offer pet grooming and limited veterinary services as accessory uses; or a business establishment that offers services for the bathing and conditioning of domestic pets or 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; provided the uses shall not include an animal hospital or kennel, as otherwise regulated by this Ordinance.

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

PLANNED RESIDENTIAL DEVELOPMENT: An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and non-residential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, use, intensity, lot coverage and required open space to the otherwise applicable Zoning District regulations.

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

PLANNING COMMISSION: The Planning Commission of Elizabeth Township, Allegheny 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.

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

PRINCIPAL BUILDING OR STRUCTURE: The building structure in which the principal use is conducted.

PRINCIPAL USE: The primary or predominant use to which the property is or may be devoted, and to which all other uses on the premises are accessory.

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

PRIVATE: Owned, operated and 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 private organization for social, recreational, educational, fraternal or sororal purposes, which is open only to members and their guests and not to the general public.

PRIVATE GARAGE: See GARAGE, PRIVATE.

PRIVATE RECREATION: See RECREATION, PRIVATE.

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

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

PROFESSIONAL OFFICES: See BUSINESS OR PROFESSIONAL OFFICES.

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

PUBLIC GARAGE: See GARAGE, PUBLIC.

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

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

PUBLIC RECREATION: See RECREATION, PUBLIC.

PUBLIC UTILITY BUILDING OR STRUCTURE: Any administrative building, maintenance building, garage or other structure intended for human occupancy or storage of movable equipment or any part of the essential public utility installation, as defined herein, other than the general transmission distribution system provided by public utilities regulated by the Public Utilities Commission (PUC) or any agency, franchisee or authority of Elizabeth Township which is reasonably necessary to furnish adequate services to the general public both within Elizabeth Township and outside the Township, 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.

RECREATION, COMMERCIAL INDOOR: See COMMERCIAL INDOOR RECREATION.

RECREATION, COMMERCIAL OUTDOOR: See COMMERCIAL OUTDOOR RECREATION.

RECREATION, PRIVATE: An enterprise operated by an individual or non-profit association or corporation, other than a public entity, for the pursuit of sports and recreational activities, which may be advertised to the general public, but the use of which is limited to members and their guests including, but not limited to, such establishments as country clubs, golf courses, sportsman's club, golf practice facilities, playing fields, tennis or racquet clubs, swimming pools and similar facilities.

RECREATION, PUBLIC: An enterprise owned and 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.

RECREATION-RELATED COMMERCIAL USES: Retail stores and services that are directly related to the needs of persons using the recreational facilities on public hiking or biking trails, Round Hill Regional Park or similar public recreation facilities, including, but not limited to: concession stands, ice cream stores, delicatessens or other food services, bicycle rental, bicycle repair, pro shops, sporting goods rental or sales and similar uses.

REPAIR SHOP: A service establishment providing maintenance and repairs of personal and household 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, including laboratories, 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 supporting storage and transportation facilities.

RESTAURANT, FAST SERVICE: An establishment where food and beverages are served for consumption either on or off the premises and where the primary method of operation involves the serving of food in edible or disposable containers.

RESTAURANT, FULL SERVICE: An establishment where food and beverages are served to customers at a table or counter by a restaurant employee and where customers are given an individual menu and/or are offered buffet service which includes a complete meal. Full service restaurants may also offer take-out service as a secondary and minor portion of their operations.

RETAIL BUSINESS: 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.

RETIREMENT COMMUNITY: A residential development designed primarily or exclusively for occupancy by elderly or retired persons and that features one (1) or more of the following special services associated with the needs of elderly or retired persons such as transportation, limited nursing facilities, dispensaries, common dining facilities, minimum maintenance, laundry service, recreation programs, personal services (such as beauty and barber shops, or cleaner's valet service), florist and/or gift shop, doctor's offices, branch bank, postal service and similar services or facilities.

RIDING ACADEMY: An establishment where horses are boarded and cared for and where instruction in riding, jumping and showing is offered for a fee and where horses may be hired for riding.

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.

SALES OFFICE: A temporary use for the purpose of marketing the dwelling units in a residential development or the leasable space or other occupancy in a non-residential development.

SALVAGE YARD: Any premises devoted to the dismantling or wrecking of used motor vehicles, trucks, trailers, farm equipment or mobile homes or the storage, sale, crushing or dumping of dismantled or partially dismantled, obsolete or wrecked vehicles or their parts, but not including the re-assembly of any vehicles or equipment for resale.

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

SCHOOL, PUBLIC OR PRIVATE: An accredited institution of learning which offers elementary and secondary level instruction or which offers associate, bachelor or higher degrees in the several branches of learning required by the Commonwealth of Pennsylvania.

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

SELF-STORAGE FACILITY: See MINI-WAREHOUSE OR SELF-STORAGE FACILITY.

SERVICE STATION, AUTOMOBILE: See AUTOMOBILE SERVICE STATION.

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, homosexuality, sodomy, sexual intercourse or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person be female, breast.

SEXUAL ENCOUNTER OR MEDITATION CENTER: A business, 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 sexual conduct or exposing specified anatomical areas as defined herein.

SHOPPING CENTER: See PLANNED SHOPPING CENTER.

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

SIGN, SURFACE AREA OF: The area enclosed by one (1) continuous line, connecting the extreme points or edges of an advertising panel containing letters; or the sum of the areas of each letter, in the case of freestanding letters which are mounted on a building wall, rather than painted on or affixed to an advertising panel. In the case of freestanding pole or ground signs, this area shall not include the main supporting sign structure, but shall include all other ornamental attachments and connecting features which are not part of the main supports of the sign. In the case of letters which are painted on or affixed to an awning or canopy, rather than mounted on a wall or affixed to an advertising panel, the area of the signs shall be the area of the geometric shape formed by outlining the height and width of all of the letters, including the space between the individual letters. For two-sided signs, only one (1) face is counted in computing the surface area.

SIGN TYPES: See definitions for various types of signs in Article XVII.

SINGLE FAMILY DWELLING: See A under DWELLING TYPES.

SITE: A tract of land or one (1) or more contiguous lots proposed for development.

SITE AREA: The total area within the boundary lines of a site proposed for development, expressed in acres or square feet.

SLOPE: The degree of rise or descent of the land surface calculated by dividing the number of feet of vertical rise/descent in elevation by the number of feet of horizontal distance, expressed as a percentage.

SPECIAL EXCEPTION: See USE BY SPECIAL EXCEPTION.

SPECIFIED ANATOMICAL AREAS: Human genitals, pubic region, anus, buttocks, female breast(s) below a point immediately above the top of the areola, or human male genitals in a discernibly turgid state even if completely covered.

SPECIFIED SEXUAL ACTIVITIES: Any of the following:

- A. the fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;

- B. sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation or sodomy; or
- C. human genitals in a state of sexual stimulation or arousal.

SPORTS COURT: A surfaced outdoor area accessory to a dwelling or dwellings, used for playing sports, including, but not limited to, tennis, handball, basketball and similar sports.

STABLE, BOARDING: See BOARDING STABLE.

STABLE, PRIVATE: See PRIVATE STABLE.

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.

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, excluding cellars.

STREET: A public or private recorded right-of-way which affords primary means of vehicular access to abutting property, but not including alleys.

STREET LINE: The legal right-of-way line which forms the dividing line between the street and the lot.

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

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

STRUCTURE, HEIGHT OF: See HEIGHT OF STRUCTURE.

STRUCTURAL ALTERATIONS: A change or re-arrangement of the structural parts or in the exit facilities, or an enlargement or diminution of the structure, whether by extending on the side or increasing the height or depth, or the moving from one location or position to another.

SUBDIVISION: The division of a lot, tract or parcel of land by any means into two (2) or more lots, tracts or parcels or other division of land including any changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the Court for distribution to heirs or devisees, transfer of ownership or building or lot development, provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

SUPPLY YARD: A commercial establishment engaged in storing and selling building supplies, industrial supplies or feed and grain primarily to businesses, rather than the general public.

SWIMMING POOL: Any body of water or receptacle for water having a depth at any point greater than two (2) feet and a surface area greater than one hundred (100) square feet, used or intended to be used for swimming or bathing and constructed, installed or maintained outside any building.

TAVERN: See BAR OR TAVERN.

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.

TOWNHOUSE: See L under DWELLING TYPES.

TOWNSHIP: The Township of Elizabeth, Allegheny County, Pennsylvania.

TRAFFIC IMPACT ANALYSIS: A study prepared by a qualified traffic engineer, in accordance with the technical requirements specified in the Township Subdivision and Land Development Ordinance analyzing the expected trip generation from a proposed development using the Institute of Transportation Engineers (ITE) current standards and the impact of the traffic generated by the proposed development on the capacities and levels of service of all streets and intersections in the vicinity of the site.

TRAIL: See BIKING/HIKING TRAIL, BRIDLE TRAIL, NATURE TRAIL.

TRANSITIONAL DWELLING: See M under DWELLING TYPES.

TRIPLEX: See C 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 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 fueling, routine maintenance and storage of trucks and other motorized equipment and trailers and which may provide warehousing and transfer facilities, as accessory uses.

TWO FAMILY DWELLING: See B under DWELLING TYPES.

USE: The purpose, business or activity for which any land or structure is utilized.

USE BY SPECIAL EXCEPTION: A use authorized by this Ordinance which may be granted only by the Zoning Hearing Board following a public hearing subject to express standards and criteria contained in this Ordinance.

VARIANCE: A departure from the specific regulations of this Ordinance which may be granted by the Zoning Hearing Board in accordance with the criteria established by the Pennsylvania Municipalities Planning Code (Act 247, as amended) for a particular piece of property which because of special circumstances applicable to it, cannot be developed in compliance with the literal terms of this Ordinance without undue physical hardship.

VEHICLE ACCESSORIES SALES AND INSTALLATION: An 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 GVW, but not including any heavy equipment or any other vehicle or equipment which 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 recapping/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 by this Ordinance.

VENTILATING SHAFTS: Structures and appurtenant facilities to permit the introduction of air, or evacuation of air and other gases, from underground coal mines, and whether or not there shall be incorporated in said structures and appurtenant facilities emergency escape facilities for men, and also whether or not certain of the functions permitted for bore holes shall also be incorporated.

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

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 "specified sexual activities" or "specified anatomical areas," or (2) persons who appear in a state of nudity or who offer performances or presentations characterized by the exposure of "specified anatomical areas" or by "specified sexual activities," as defined by this Ordinance.

WAREHOUSING AND DISTRIBUTION: A building used for the storage and handling of freight or merchandise, but not including the maintenance or fueling of commercial vehicles. Warehousing which is incidental to retail sales and which does not constitute in excess of thirty percent (30%) of the total floor area of the retail establishment shall be excluded from this definition.

WHOLESALE BUSINESS: An establishment engaged in selling merchandise to retailers, institutional, commercial or professional business customers or other wholesalers, rather than to the general public, or acting as a broker for such merchandise sales.

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 between the side lot lines across the full lot width from the front lot line to a line parallel to the front lot line known as the front building line, the minimum horizontal distance required by this Ordinance.

YARD, SIDE: A yard extending from the required front building line to the rear lot line parallel to the side lot line, the minimum horizontal distance required by this Ordinance.

YARD, REAR: A yard extending across the rear of the lot between the required side yard lines parallel to the rear lot line, the minimum horizontal distance required by this Ordinance.

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

ZONING CERTIFICATE: A document issued by the Zoning Officer indicating that approval of a conditional use has been granted by the Board of Commissioners, or approval of a use by special exception has been granted by the Zoning Hearing Board or approval has been granted by the Zoning Officer for a permitted use by right, pursuant to the procedures of this Ordinance indicating compliance with all applicable requirements of this Ordinance, which approval is prerequisite to the issuance of a building permit and/or Certificate of Occupancy, but which does not include approval of the structural integrity of the proposed construction or the materials or methods of construction proposed.

ZONING DISTRICT: An area accurately defined as to boundaries and location on the Zoning District Map and within which area only certain types of land uses are permitted and within which other types of land uses are excluded, as set forth in this Ordinance.

ZONING DISTRICT MAP: The official map delineating the Zoning Districts of Elizabeth Township, Allegheny County, Pennsylvania, together with all amendments subsequently adopted which is incorporated in and made a part of this Ordinance by reference thereto.

ZONING HEARING BOARD: The Zoning Hearing Board of the Township of Elizabeth, Allegheny County, Pennsylvania.

ZONING OFFICER: That person appointed by the Elizabeth Township Board of Commissioners and charged with the responsibility of administering and enforcing this Ordinance.

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 which, 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 Commissioners, attested 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 820, as amended, of Elizabeth Township, Allegheny 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 under Section 2001 of this Ordinance.

The Official Zoning District Map, which 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:

S-C	Special Conservation District
R-C	Riverfront Conservation District
R-1	Rural Residential District
R-2	Suburban Residential District
R-3	Medium Density Residential District
R-4	Multifamily Residential District
B-1	Local Commercial District
B-2	Highway Commercial District
M-1	Light Industrial District

SECTION 302 DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of zoning 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 GENERAL DISTRICT REGULATIONS

The following regulations shall apply in all Zoning Districts:

- A.** In the S-C, R-C, R-1, R-2, R-3 and R-4 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 B-1, B-2 and M-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" specified in §1403.12 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.

- D.** In all Zoning Districts where authorized by this Ordinance, two (2) or more multifamily dwellings may occupy the same lot; two (2) or more nonresidential buildings may occupy the same lot; and two (2) or more nonresidential uses may occupy the same building, provided, in all cases, that all applicable requirements for each of the structures or uses can be met on the lot.

- E.** 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.

ARTICLE IV

S-C SPECIAL CONSERVATION DISTRICT

SECTION 400 PURPOSE

The purpose of this District is to preserve natural features and resources and to protect key Township and regional recreational facilities and to provide for accessory uses and compatible supporting uses as conditional uses or uses by special exception.

SECTION 401 AUTHORIZED USES

In the S-C, Special Conservation District, only the following uses are authorized.

A. PERMITTED USES

1. Principal Uses

- a. Agriculture, subject to Section 1508
- b. Arboretum; Conservatory
- c. Essential Services
- d. Forestry, subject to Section 1511
- e. Historical Site
- f. Horticulture, subject to Section 1508
- g. Museum
- h. Nature Center
- i. Nature Trail; Bicycle or Hiking Trail; Bridle Trail
- j. Open Space, Public or Private
- k. Private Recreation
- l. Public Recreation

2. Accessory Uses

- a. Agricultural Sales, subject to Section 1508
- b. Fences, subject to Section 1503
- c. Keeping of Domestic Pets
- d. No Impact Home Based Business, subject to Section 1510
- e. Off-street Parking and Loading, subject to Article XVI
- f. 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
- g. Private Garages and Storage Buildings, subject to Section 1503
- h. Private Residential Swimming Pools or Sports Courts, subject to Section 1503
- i. Private Stable, subject to Section 1508
- j. Signs, subject to Article XVII

- k. Temporary Construction Trailer, Model Home or Sales Office, subject to Section 1507

B. CONDITIONAL USES

1. Principal Uses

- a. Single Family Dwelling, subject to §1403.44
- b. Bed and Breakfast, subject to §1403.3
- c. Boarding Stable or Riding Academy, subject to §1403.5
- d. Commercial Outdoor Recreation, subject to §1403.9
- e. Fire and Emergency Medical Facilities, subject to §1403.8
- f. Golf Course; Golf or Country Club, subject to §1403.19
- g. Golf Course Development, subject to §1403.20
- h. Kennel; Animal Shelter, subject to §1403.26
- i. Nature Preserve, subject to §1403.35
- j. Oil and Gas Drilling, subject to §1403.36
- k. Public Buildings, subject to §1403.8
- l. Public Utility Building or Structure, subject to §1403.41
- m. Recreation-related Commercial Uses, subject to §1403.42
- n. Schools (Public or Private), subject to §1403.8

2. Accessory Uses

None

C. USES BY SPECIAL EXCEPTION

1. Principal Uses

- a. Communications Tower, subject to §1403.11

2. Accessory Uses

- a. Communications Antenna Mounted on an Existing Building or on an Existing Public Utility Storage or Transmission Structure, subject to §1403.10
- b. Family Day Care Home, subject to §1403.17
- c. Home Occupation, subject to §1403.23

SECTION 402 AREA AND BULK REGULATIONS

In the S-C, Special Conservation 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 AREA:	
Agriculture:	10 acres
Boarding Stable or Riding Academy:	10 acres
Regulation Golf Course; Country Club:	40 acres
Recreation-related Commercial Uses:	20,000 sq. ft.
Single Family Dwelling:	1 acre
All Other Principal Uses:	1 acre
B. MINIMUM LOT WIDTH:	100 feet
C. MAXIMUM IMPERVIOUS SURFACE COVERAGE:	15%
D. MINIMUM FRONT YARD:	35 feet
E. MINIMUM REAR YARD:	
Principal Structures	40 feet
Accessory Structures:	See §1503.3
F. MINIMUM SIDE YARD:	
Principal Structures:	25 feet
Accessory Structures:	See §1503.3
G. SPECIAL YARD REQUIREMENTS:	See Section 1503
H. PERMITTED PROJECTIONS INTO REQUIRED YARDS:	See Section 1504
I. MAXIMUM HEIGHT:	
All Principal Structures:	2 ½ stories but no more than 35 feet
All Accessory Structures:	1 story but no more than 15 feet
J. HEIGHT EXCEPTIONS:	See Section 1505

SECTION 403	PARKING AND LOADING	See Article XVI
SECTION 404	SIGNS	See Article XVII
SECTION 405	BUFFER AREAS AND LANDSCAPING	See Section 1502
SECTION 406	STORAGE	See Section 1509

ARTICLE V

R-C RIVERFRONT CONSERVATION DISTRICT

SECTION 500 PURPOSE

The purpose of this District is to preserve natural features and resources along the riverfronts and to provide opportunities for local and regional recreational facilities and to provide for accessory uses and compatible supporting uses as conditional uses or uses by special exception.

SECTION 501 AUTHORIZED USES

In the R-C Riverfront Conservation District, only the following uses are authorized:

A. PERMITTED USES

1. Principal Uses

- a. Essential Services
- b. Forestry, subject to Section 1511
- c. Historical Site
- d. Horticulture, subject to Section 1508
- e. Nature Center
- f. Nature Trail; Bicycle or Hiking Trail; Bridle Trail
- g. Open Space, Public or Private
- h. Private Recreation
- i. Public Recreation

2. Accessory Uses

- a. Fences, subject to Section 1503
- b. Keeping of Domestic Pets
- c. No Impact Home Based Business, subject to Section 1510
- d. Off-street Parking and Loading, subject to Article XVI
- e. 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.
- f. Private Garages and Storage Buildings, subject to Section 1503
- g. Private Residential Swimming Pools or Sports Courts, subject to Section 1503
- h. Signs, subject to Article XVII
- i. Temporary construction Trailer, Model Home or Sales Office, subject to Section 1507

B. CONDITIONAL USES

1. Principal Uses

- a. Bed & Breakfast, subject to §1403.3
- b. Fire and Emergency Medical Facilities, subject to §1403.8
- c. Marina, Boat Launch, Boat Sales & Service, subject to §1403.28
- d. Nature Preserve, subject to §1403.35
- e. Oil and Gas Drilling, subject to §1403.36
- f. Public Buildings, subject to §1403.8
- g. Public Utility Building or Structure, subject to §1403.41
- h. Recreation-related Commercial Uses, subject to §1403.42
- i. Schools (Public or Private), subject to §1403.8
- k. Single Family Dwelling, subject to §1403.44

2. Accessory Uses

None

C. USES BY SPECIAL EXCEPTION

1. Principal Uses

None

2. Accessory Uses

- a. Family Day Care Home, subject to §1403.17
- b. Home Occupation, subject to §1403.23

SECTION 502 AREA AND BULK REGULATIONS

In the R-C, Riverfront Conservation 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 AREA:

Recreation-related Commercial Uses:	20,000 sq. ft.
Single Family Dwelling:	20,000 sq. ft.
All Other Principal Uses:	1 acre

B. MINIMUM LOT WIDTH: 100 feet

C. MAXIMUM IMPERVIOUS SURFACE COVERAGE: 15%

D.	MINIMUM FRONT YARD:	35 feet
E.	MINIMUM REAR YARD:	
	Principal Structures:	40 feet
	Accessory Structures:	See §1503.3
F.	MINIMUM SIDE YARD:	
	Principal Structures:	20 feet
	Accessory Structures:	See §1503.3
G.	SPECIAL YARD REQUIREMENTS:	See Section 1503
H.	PERMITTED PROJECTIONS INTO REQUIRED YARDS:	See Section 1504
I.	MAXIMUM HEIGHT:	
	All Principal Structures:	2 ½ stories but no more than 35 feet
	All Accessory Structures:	1 story but no more than 15 feet
J.	HEIGHT EXCEPTIONS:	See Section 1505
SECTION 503	PARKING AND LOADING	See Article XVI
SECTION 504	SIGNS	See Article XVII
SECTION 505	BUFFER AREAS AND LANDSCAPING	See Section 1502
SECTION 506	STORAGE	See Section 1509

ARTICLE VI

R-1 RURAL RESIDENTIAL DISTRICT

SECTION 600 PURPOSE

The purpose of this District is to protect agricultural uses and preserve natural features and resources while encouraging low density single family residential development suited to the natural conditions and to provide for accessory uses and compatible public and semi-public uses as conditional uses or uses by special exception.

SECTION 601 AUTHORIZED USES

In the R-1, Rural Residential District, only the following uses are authorized:

A. PERMITTED USES

1. Principal Uses

- a. Agriculture, subject to Section 1508
- b. Essential Services
- c. Forestry, subject to Section 1511
- d. Public Recreation
- e. Single Family Dwelling

2. Accessory Uses

- a. Agricultural Sales, subject to Section 1508
- b. Fences, subject to Section 1503
- c. Keeping of Domestic Pets
- d. No Impact Home Based Business, subject to Section 1510
- e. Off-street Parking and Loading, subject to Article XVI
- f. 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.
- g. Private Garages and Storage Buildings, subject to Section 1503
- h. Private Residential Swimming Pools or Sports Courts, subject to Section 1503
- i. Private Stable, subject to Section 1508
- j. Signs, subject to Article XVII
- k. Temporary Construction Trailer, Model Home or Sales Office, subject to Section 1507

B. CONDITIONAL USES

1. Principal Uses

- a. Animal Shelter, subject to §1403.26
- b. Boarding Stable or Riding Academy, subject to §1403.5
- c. Cemetery, subject to §1403.7
- d. Churches, subject to §1403.8
- e. Fire and Emergency Medical Facilities, subject to §1403.8
- f. Garden Center, subject to §1403.18
- g. Golf Course; Golf or Country Club, subject to §1403.19
- h. Kennel, subject to §1403.26
- i. Oil and Gas Drilling, subject to §1403.36
- j. Public Buildings, subject to §1403.8
- k. Public Utility Building or Structure, subject to §1403.41
- l. Schools (Public or Private), subject to §1403.8

2. Accessory Uses

None

C. USES BY SPECIAL EXCEPTION

1. Principal Uses

- a. Day Care Center or Pre-School Facility in a Church or School, subject to §1403.14
- b. Mineral Removal, subject to §1403.31
- c. Temporary Use or Structure, other than a Construction Trailer, Model Home or Sales Office, subject to §1403.45

2. Accessory Uses

- a. Communications Antenna Mounted on an Existing Building or Existing Public Utility Storage or Transmission Structure, subject to §1403.10
- b. Family Day Care Home, subject to §1403.17
- c. Home Occupation, subject to §1403.23

SECTION 602 AREA AND BULK REGULATIONS

In the R-1, 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 XIV.

A. MINIMUM LOT AREA:	
Agriculture:	10 acres
Boarding Stable or Riding Academy:	10 acres
Private Stable:	3 acres
Single Family Dwelling:	
Without public sewers:	1 acre
With public sewers:	20,000 sq. ft.
All Other Principal Uses:	1 acre
B. MINIMUM LOT WIDTH:	100 feet
C. MAXIMUM IMPERVIOUS SURFACE COVERAGE:	35%
D. MINIMUM FRONT YARD:	
Principal and Accessory Structures:	35 feet
E. MINIMUM REAR YARD:	
Principal Structures:	40 feet
Accessory Structures:	See §1503.3
F. MINIMUM SIDE YARD:	
Principal Structures:	25 feet
Accessory Structures:	See §1503.3
G. SPECIAL YARD REQUIREMENTS:	See Section 1503
H. PERMITTED PROJECTIONS INTO REQUIRED YARDS:	See Section 1504
I. MAXIMUM HEIGHT:	
All Principal Structures:	2 ½ stories but no more than 35 feet
All Accessory Structures:	1 story but no more than 15 feet
J. HEIGHT EXCEPTIONS:	See Section 1505

SECTION 603	PARKING AND LOADING	See Article XVI
SECTION 604	SIGNS	See Article XVII
SECTION 605	BUFFER AREAS AND LANDSCAPING	See Section 1502
SECTION 606	STORAGE	See Section 1509

ARTICLE VII

R-2 SUBURBAN RESIDENTIAL DISTRICT

SECTION 700 PURPOSE

The purpose of this District is to encourage single family developments at suburban densities in locations in the Township where utilities and transportation facilities exist or are anticipated in the future; and to provide for accessory uses and compatible public and semi-public uses as conditional uses or uses by special exception.

SECTION 701 AUTHORIZED USES

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

A. PERMITTED USES

1. Principal Uses

- a. Essential Services
- b. Forestry, subject to Section 1511
- c. Public Recreation
- d. Single Family Dwelling

2. Accessory Uses

- a. Fences, subject to Section 1503
- b. Keeping of Domestic Pets
- c. No Impact Home Based Business, subject to Section 1510
- d. Off-street Parking and Loading, subject to Article XVI
- e. 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.
- f. Private Garages and Storage Buildings, subject to Section 1503
- g. Private Residential Swimming Pools or Sports Courts, subject to Section 1503
- h. Signs, subject to Article XVII
- i. Temporary Construction Trailer, Model Home or Sales Office, subject to Section 1507

B. CONDITIONAL USES

1. Principal Uses

- a. Churches, subject to §1403.8
- b. Fire and Emergency Medical Facilities, subject to §1403.8

- c. Hospitals, subject to §1403.24
- d. Oil and Gas Drilling, subject to §1403.36
- e. Planned Residential Development, subject to Article XIII
- f. Public Buildings, subject to §1403.8
- g. Public Utility Building or Structure, subject to §1403.41
- h. Schools (Public or Private), subject to §1403.8

2. Accessory Uses

None

C. USES BY SPECIAL EXCEPTION

1. Principal Uses

- a. Day Care Center or Pre-School Facility in a Church or School, subject to §1403.14
- b. Temporary Use or Structure, other than a Construction Trailer, Model Home or Sales Office, subject to §1403.45

2. Accessory Uses

- a. Communications Antenna Mounted on an Existing Building or on an Existing Public Utility Storage or Transmission Structure, subject to §1403.10
- b. Family Day Care Home, subject to §1403.17
- c. Home Occupation, subject to §1403.23

SECTION 702 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 the express standards and criteria for the specific conditional uses and uses by special exception contained in Article XIV.

A. MINIMUM LOT AREA:

Hospital:	5 acres
Single Family Dwelling:	
Without public sewers:	1 acre
With public sewers:	10,500 sq. ft.
All Other Principal Structures:	1 acre

B. MINIMUM LOT WIDTH:

Single Family Dwelling:		
Without public sewers:		100 feet
With public sewers:		70 feet
All Other Principal Structures:		100 feet
C.	MAXIMUM IMPERVIOUS SURFACE COVERAGE:	35%
D.	MINIMUM FRONT YARD:	35 feet
E.	MINIMUM REAR YARD:	
	Principal Structures:	40 feet
	Accessory Structures:	See §1503.3
F.	MINIMUM SIDE YARD:	
	Single Family Dwellings:	10 feet
	All Other Principal Structures:	20 feet
	Accessory Structures:	See §1503.3
G.	SPECIAL YARD REQUIREMENTS:	See Section 1503
H.	PERMITTED PROJECTIONS INTO REQUIRED YARDS:	See Section 1504
I.	MAXIMUM HEIGHT:	
	Hospitals:	5 stories but no more than 60 feet
	All Other Principal Structures:	2 ½ stories but no more than 35 feet
	All Accessory Structures:	1 story but no more than 15 feet
J.	HEIGHT EXCEPTIONS:	See Section 1505
SECTION 703	PARKING AND LOADING	See Article XVI
SECTION 704	SIGNS	See Article XVII
SECTION 705	BUFFER AREAS AND LANDSCAPING	See Section 1502
SECTION 706	STORAGE	See Section 1509

ARTICLE VIII

R-3 MEDIUM DENSITY RESIDENTIAL DISTRICT

SECTION 800 PURPOSE

The purpose of this District is to provide for medium density single family development; to provide opportunities for two family dwellings in appropriate locations; and to provide for compatible public, semi-public and accessory uses as conditional uses or uses by special exception.

SECTION 801 AUTHORIZED USES

In the R-3, Medium Density Residential District, only the following uses are authorized:

A. PERMITTED USES

1. Principal Uses

- a. Essential Services
- b. Forestry, subject to Section 1511
- c. Public Recreation
- d. Single Family Dwelling

2. Accessory Uses

- a. Fences, subject to Section 1503
- b. Keeping of Domestic Pets
- c. No Impact Home Based Business, subject to Section 1510
- d. Off-street Parking and Loading, subject to Article XVI
- e. 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.
- f. Private Garages and Storage Buildings, subject to Section 1503
- g. Private Residential Swimming Pools or Sports Courts, subject to Section 1503
- h. Signs, subject to Article XVII
- i. Temporary Construction Trailer, Model Home or Sales Office, subject to Section 1507

B. CONDITIONAL USES

1. Principal Uses

- a. Churches, subject to §1403.8
- b. Fire and Emergency Medical Facilities, subject to §1403.8
- c. Mobile Home Park, subject to §1403.33
- d. Museum, subject to §1403.8
- e. Nursing Home, subject to §1403.24
- f. Oil and Gas Drilling, subject to §1403.36
- g. Personal Care Boarding Home, subject to §1403.21
- h. Planned Residential Development, subject to Article XIII

- i. Public Buildings, subject to §1403.8
- j. Public Utility Building or Structure, subject to §1403.41
- k. Schools (Public or Private), subject to §1403.8
- l. Two Family Dwellings, subject to §1403.48

2. Accessory Uses

None

C. USES BY SPECIAL EXCEPTION

1. Principal Uses

- a. Day Care Center or Pre-School Facility in a Church or School, subject to §1403.14
- b. Temporary Use or Structure, other than a Construction Trailer, Model Home or Sales Office, subject to §1403.45

2. Accessory Uses

- a. Family Day Care Home subject to §1403.17
- b. Home Occupation, subject to §1403.23

SECTION 802 AREA AND BULK REGULATIONS

In the R-3, Medium Density 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 XIV.

A. MINIMUM LOT AREA:

Two Family Dwelling:	12,000 sq. ft. (6,000 sq. ft. per family)
Single Family Dwelling:	7,800 sq. ft.
All Other Principal Uses:	1 acre

B. MINIMUM LOT WIDTH:

Single Family and Two Family Dwellings:	60 feet
All Other Principal Uses:	100 feet

C. MAXIMUM IMPERVIOUS SURFACE COVERAGE:

40%

D. MINIMUM FRONT YARD:

35 feet

E. MINIMUM REAR YARD:

Principal Structures:	40 feet
Accessory Structures:	See §1503.3

F. MINIMUM SIDE YARD:		
	Single Family and Two Family Dwelling:	10 feet
	All Other Principal Structures:	20 feet
	Accessory Structures:	See §1503.3
G. SPECIAL YARD REQUIREMENTS:		See Section 1503
H. PERMITTED PROJECTIONS INTO REQUIRED YARDS:		See Section 1504
I. MAXIMUM HEIGHT:		
	All Principal Structures:	3 stories but no more than 45 feet
	All Accessory Structures:	1 story but no more than 15 feet
J. HEIGHT EXCEPTIONS:		See Section 1505
SECTION 803	PARKING AND LOADING	See Article XVI
SECTION 804	SIGNS	See Article XVII
SECTION 805	BUFFER AREAS AND LANDSCAPING	See Section 1502
SECTION 806	STORAGE	See Section 1509

ARTICLE IX

R-4 MULTIFAMILY RESIDENTIAL DISTRICT

SECTION 900 PURPOSE

The purpose of this District is to reserve appropriate areas within the Township for multifamily development in locations easily accessible to transportation, shopping and community facilities and services; and to provide for compatible public, semi-public and accessory uses as conditional uses or uses by special exception.

SECTION 901 AUTHORIZED USES

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

A. PERMITTED USES

1. Principal Uses

- a. Essential Services
- b. Forestry, subject to Section 1511
- c. Garden Apartments
- d. Public Recreation
- e. Townhouses
- f. Triplexes, Fourplexes

2. Accessory Uses

- a. Fences, subject to Section 1503
- b. Keeping of Domestic Pets
- c. No Impact Home Based Business, subject to Section 1510
- d. Off-street Parking and Loading, subject to Article XVI
- e. 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.
- f. Private Garages and Storage Buildings, subject to Section 1503
- g. Private Residential Swimming Pools or Sports Courts, subject to Section 1503
- h. Signs, subject to Article XVII
- i. Temporary Construction Trailer, Model Home or Sales Office, subject to Section 1507

B. CONDITIONAL USES

1. Principal Uses

- a. Church, subject to §1403.8
- b. Fire and Emergency Medical Facilities, subject to §1403.8
- c. Mobile Home Park, subject to §1403.33
- d. Nursing Home, subject to §1403.24
- e. Oil and Gas Drilling, subject to §1403.36
- f. Personal Care Boarding Home, subject to §1403.21
- g. Planned Residential Development, subject to Article XIII
- h. Private Recreation, subject to §1403.40

- i. Public Buildings, subject to §1403.8
- j. Public Utility Building or Structure, subject to §1403.41
- k. Schools (Public or Private), subject to §1403.8

2. Accessory Uses

None

C. USES BY SPECIAL EXCEPTION

1. Principal Uses

- a. Day Care Center, subject to §1403.14
- b. Temporary Use or Structure, other than a Construction Trailer, Model Home or Sales Office, subject to §1403.45

2. Accessory Uses

- a. Family Day Care Home, subject to §1403.17
- b. Home Occupation, subject to §1403.23

SECTION 902 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 the express standards and criteria for the specific conditional uses and uses by special exception contained in Article XIV.

- A. MINIMUM LOT AREA:** 1 acre
- B. MINIMUM LOT WIDTH:** 100 feet
- C. MAXIMUM IMPERVIOUS SURFACE COVERAGE:** 40%
- D. MINIMUM FRONT YARD:** 35 feet
- E. MINIMUM REAR YARD:**
 - Principal Structures:
 - Adjoining Any S-C, R-C, R-1, R-2 or R-3 District: 75 feet
 - All Other Rear Yards: 40 feet
 - Accessory Structures: See §1503.3
- F. MINIMUM SIDE YARD:**
 - Principal Structures:
 - Adjoining Any S-C, R-C, R-1, R-2 or R-3 District: 75 feet
 - All Other Side Yards: 20 feet
 - Accessory Structures: See §1503.3

G. SPECIAL YARD REQUIREMENTS:		See Section 1503
H. PERMITTED PROJECTIONS INTO REQUIRED YARDS:		See Section 1504
I. MAXIMUM HEIGHT:		
All Principal Structures:		3 stories but no more than 45 feet
All Accessory Structures:		1 story but no more than 15 feet
J. HEIGHT EXCEPTIONS:		See Section 1505
SECTION 903	PARKING AND LOADING	See Article XVI
SECTION 904	SIGNS	See Article XVII
SECTION 905	BUFFER AREAS AND LANDSCAPING	See Section 1502
SECTION 906	STORAGE	See Section 1509

ARTICLE X

B-1 LOCAL COMMERCIAL DISTRICT

SECTION 1000 PURPOSE

The purpose of this District is to provide for limited commercial use in locations easily accessible to the residents of the Township; to provide opportunities for higher density housing and specialized group living arrangements; and to provide for accessory uses and compatible supporting uses as conditional uses or uses by special exception.

SECTION 1001 AUTHORIZED USES

In the B-1, Local Commercial District, only the following uses are authorized:

A. PERMITTED USES

1. Principal Uses

- a. Antiques, Interior Decorating
- b. Art, Book, Stationery Store
- c. Art, Music or Photography Studios
- d. Automobile Service Station
- e. Bakery Shop, including processing primarily for on-site sale
- f. Business or Professional Offices
- g. Candy or Ice Cream Store, including processing primarily for on-site sale
- h. Card and Gift Shop
- i. Catering Service
- j. Church
- k. Coin-operated Laundry
- l. Convenience Store
- m. Day Care Center
- n. Drugstore
- o. Dry Cleaning Pick-up Store
- p. Essential Services
- q. Financial Institution
- r. Florist Shop, excluding greenhouse
- s. Food Store
- t. Forestry, subject to Section 1511
- u. Medical Offices, Medical Clinic
- v. Museums
- w. Newsstand
- x. Personal Services
- y. Pet Services
- z. Private Recreation
- aa. Public Buildings
- bb. Public Recreation
- cc. Public Utility Building or Structure
- dd. Retail Business, but not including those specifically listed as Permitted Uses in the B-2 District
- ee. Sale of Hobby Supplies
- ff. Veterinary Clinic
- gg. Video Store, excluding Adult Video Store

2. Accessory Uses

- a. Drive-through Facilities, subject to Section 1506
- b. Fences, subject to Section 1503
- c. No Impact Home Based Business or Home Occupation
- d. Off-street Parking and Loading, subject to Article XVI

- e. 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.
- f. Signs, subject to Article XVII
- g. Temporary Construction Trailer or Sales Office, subject to Section 1507

B. CONDITIONAL USES

1. Principal Uses

- a. Car Wash, subject to §1403.6
- b. Commercial Indoor Recreation, subject to §1403.9
- c. Commercial Outdoor Recreation, subject to §1403.9
- d. Eating and Drinking Establishments, subject to §1403.15
- e. Fire and Emergency Medical Facilities, subject to §1403.8
- f. Mid-rise or High-rise Apartments, subject to §1403.30
- g. Mini-Warehouse or Self Storage Facility, subject to §1403.32
- h. Oil and Gas Drilling, subject to §1403.36
- i. Private Club, subject to §1403.39
- j. Vehicle Repair Garages, subject to §1403.49

2. Accessory Uses

None

C. USES BY SPECIAL EXCEPTION

1. Principal Uses

- a. Comparable Uses Not Specifically Listed, subject to §1403.12
- b. Group Care Facility, subject to §1403.21
- c. Nursing Home, subject to §1403.24
- d. Personal Care Boarding Home, subject to §1403.21
- e. Temporary Use or Structure, other than a Construction Trailer or Sales Office, subject to §1403.45
- f. Transitional Dwelling, subject to §1403.21

2. Accessory Uses

- a. Communications Antenna Mounted on an Existing Building or Existing Public Utility Storage or Transmission Structure, subject to §1403.10

SECTION 1002 AREA AND BULK REGULATIONS

In the B-1, Local 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 and uses by special exception contained in Article XIV.

A. MINIMUM LOT AREA: 20,000 sq. ft.

B. MINIMUM LOT WIDTH: 100 feet

C. MAXIMUM IMPERVIOUS SURFACE COVERAGE: 65%

D. MINIMUM FRONT YARD: 50 feet

E. MINIMUM REAR YARD:

All Principal Structures:

 Adjoining any S-C, R-C or "R" District: 75 feet

 Adjoining All Other Districts: 50 feet

Accessory Structures: 20 feet

F. MINIMUM SIDE YARD:

All Principal Structures:

 Adjoining any S-C, R-C, or "R" District: 75 feet

 Adjoining All Other Districts: 20 feet

Accessory Structures: 20 feet

G. SPECIAL YARD REQUIREMENTS: See Section 1503

H. PERMITTED PROJECTIONS INTO REQUIRED YARDS: See Section 1504

I. MAXIMUM HEIGHT:

All Principal Structures: 3 stories but no more than 45 feet

All Accessory Structures: 1 story but no more than 20 feet

J. HEIGHT EXCEPTIONS: See Section 1505

SECTION 1003 PARKING AND LOADING See Article XVI

SECTION 1004 SIGNS See Article XVII

SECTION 1005 BUFFER AREAS AND LANDSCAPING See Section 1502

SECTION 1006 STORAGE

See Section 1509

ARTICLE XI

B-2 HIGHWAY COMMERCIAL DISTRICT

SECTION 1100 PURPOSE

The purpose of this District is to provide for commercial uses that depend on access to an arterial highway, that may generate truck and significant vehicular traffic and that may not be compatible with residential neighborhoods.

SECTION 1101 AUTHORIZED USES

In the B-2, Highway Commercial District, only the following uses are authorized:

A. PERMITTED USES

1. Principal Uses

- a. Any Permitted Principal Use Authorized in the B-1 District
- b. Apparel and Accessories
- c. Appliance, Home Furnishing Store
- d. Commercial School
- e. Funeral Home
- f. Garden Center
- g. General Merchandise Store
- h. High Technology Industries
- i. Light Manufacturing
- j. Motel or Hotel
- k. Public Utility Building or Structure
- l. Research and Development
- m. Vehicle Accessories Sales and Installation
- n. Vehicle Rental, Sales and Service

2. Accessory Uses

- a. Drive-through Facilities, subject to Section 1506
- b. Fences, subject to Section 1503
- c. No Impact Home Based Business or Home Occupation in a Dwelling which is a Nonconforming Use
- d. Off-street Parking and Loading, subject to Article XVI
- e. 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.
- f. Signs, subject to Article XVII
- g. Temporary Construction Trailer or Sales Office, subject to Section 1507

B. CONDITIONAL USES

1. Principal Uses

- a. Adult Business, subject to §1403.1
- b. Alternative Housing and Educational Facilities for Non Violent Offenders, subject to §1403.2
- c. Billboards, subject to §1403.4
- d. Car Wash, subject to §1403.6
- e. Commercial Indoor Recreation, subject to §1403.9
- f. Commercial Outdoor Recreation, subject to §1403.9
- g. Eating and Drinking Establishments, subject to §1403.15
- h. Fire and Emergency Medical Facilities, subject to §1403.8
- i. Methadone Clinic, subject to §1403.29
- j. Mini-Warehouses or Self-Storage Facilities, subject to §1403.32
- k. Oil and Gas Drilling, subject to §1403.36
- l. Planned Shopping Center, subject to §1403.38
- m. Private Club, subject to §1403.39
- n. Vehicle Repair Garage, subject to §1403.49

2. Accessory Uses

None

C. USES BY SPECIAL EXCEPTION

1. Principal Uses

- a. Communications Tower, subject to §1403.11
- b. Comparable Uses Not Specifically Listed, subject to §1403.12
- c. Temporary Use or Structure, other than a Construction Trailer or Sales Office, subject to §1403.45

2. Accessory Uses

- a. Communications Antenna Mounted on an Existing Building or on an Existing Public Utility Storage or Transmission Structure, subject to §1403.10
- b. Crematory, accessory to a Funeral Home, subject to §1403.13
- c. Wholesale Business in Conjunction with Retail Business, subject to §1403.50

SECTION 1102 AREA AND BULK REGULATIONS

In the B-2, Highway 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 and uses by special exception contained in Article XIV.

A. MINIMUM LOT AREA: 20,000 sq. ft.

B. MINIMUM LOT WIDTH: 100 feet

C.	MAXIMUM IMPERVIOUS SURFACE COVERAGE:	75%
D.	MINIMUM FRONT YARD:	50 feet
E.	MINIMUM REAR YARD:	
	All Principal Structures:	
	Adjoining Any S-C, R-C or "R" District:	75 feet
	Adjoining All Other Districts:	50 feet
	Accessory Structures:	20 feet
F.	MINIMUM SIDE YARD:	
	All Principal Structures:	
	Adjoining Any S-C, R-C or "R" District:	75 feet
	Adjoining Any S-C, R-C or "R" District:	20 feet
	Accessory Structures:	20 feet
G.	SPECIAL YARD REQUIREMENTS:	See Section 1503
H.	PERMITTED PROJECTIONS INTO REQUIRED YARDS:	See Section 1504
I.	MAXIMUM HEIGHT:	
	All Principal Structures:	4 stories but no more than 50 feet
	All Accessory Structures:	1 story but no more than 20 feet
J.	HEIGHT EXCEPTIONS:	See Section 1505
SECTION 1103	PARKING AND LOADING	See Article XVI
SECTION 1104	SIGNS	See Article XVII
SECTION 1105	BUFFER AREAS AND LANDSCAPING	See Section 1502
SECTION 1106	STORAGE	See Section 1509

ARTICLE XII

M-1 LIGHT INDUSTRIAL DISTRICT

SECTION 1200	PURPOSE
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The purpose of this District is to encourage the continuation and revitalization of general industrial uses in those areas of the Township which have already been established for these uses.

SECTION 1201 AUTHORIZED USES

In the M-1, Light Industrial District, only the following uses are authorized:

A. PERMITTED USES

1. Principal Uses

- a. Automobile Service Station
- b. Business or Professional Offices
- c. Commercial School
- d. Contracting Business and Contractor's Yard
- e. Essential Services
- f. Forestry, subject to Section 1511
- g. Funeral Home, including Crematory
- h. Garden Center
- i. High Technology Industries
- j. Light Manufacturing
- k. Mini-Warehouse or Self-Storage Facilities
- l. Printing Establishment
- m. Private Recreation
- n. Public Recreation
- o. Public Utility Building or Structure
- p. Repair Shop
- q. Research and Development
- r. Supply Yard
- s. Vehicle Accessories Sales and Installation
- t. Vehicle Rental, Sales and Service
- u. Vehicle Repair Garage
- v. Warehousing and Distribution
- w. Wholesale Business

2. Accessory Uses

- a. Fences, subject to Section 1503
- b. No Impact Home Based Business or Home Occupation in a Dwelling which is a Nonconforming Use
- c. Off-street Parking and Loading, subject to Article XVI
- d. Other Accessory Uses customarily incidental to and on the same lot with any permitted use authorized in this District

- e. Retail Sales of Products Produced On-Site
- f. Signs, subject to Article XVII
- g. Temporary Construction Trailer or Sales Office, subject to Section 1507

B. CONDITIONAL USES

1. Principal Uses

- a. Commercial Indoor Recreation, subject to §1403.9
- b. Commercial Outdoor Recreation, subject to §1403.9
- c. Eating & Drinking Establishments, including Bottle Clubs, subject to §1403.15
- d. Fire and Emergency Medical Facilities, subject to §1408.8
- e. Heavy Manufacturing, subject to §1403.22
- f. Landfill, subject to §1403.27
- g. Motel or Hotel, subject to §1403.34
- h. Oil and Gas Drilling, subject to §1403.36
- i. Planned Industrial Park, subject to §1403.37
- j. Truck and Heavy Equipment Rental, Sales and Service, subject to §1403.46
- k. Truck Terminal, subject to §1403.47

2. Accessory Uses

None

C. USES BY SPECIAL EXCEPTION

1. Principal Uses

- a. Communications Tower, subject to §1403.11
- b. Comparable Uses Not Specifically Listed, subject to §1403.12
- c. Equipment Storage Yard, subject to §1403.16
- d. Junk Yard; Salvage Yard, subject to §1403.25
- e. Temporary Use or Structure, other than a Construction Trailer or Sales Office, subject to §1403.45

2. Accessory Uses

- a. Communications Antenna Mounted on an Existing Building or Existing Public Utility Storage or Transmission Structure, subject to §1403.10

SECTION 1202 AREA AND BULK REGULATIONS

In the M-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 AREA:**
 - Planned Industrial Park: 5 acres
 - Planned Shopping Center: 5 acres
 - All Other Uses: 20,000 sq. ft.
 - B. MINIMUM LOT WIDTH:** 100 feet
 - C. MAXIMUM IMPERVIOUS SURFACE COVERAGE:** 65%
 - D. MINIMUM FRONT YARD:**
 - Facing any S-C, R-C or "R" District: 100 feet
 - Facing all Other Districts: 50 feet
 - E. MINIMUM REAR YARD:**
 - Principal Structures:
 - Adjoining any S-C, R-C or "R" District: 100 feet
 - Adjoining All Other Districts: 50 feet
 - Accessory Structures: 50 feet
 - F. MINIMUM SIDE YARD:**
 - Principal Structures:
 - Adjoining any S-C, R-C or "R" District: 100 feet
 - Adjoining All Other Districts: 20 feet
 - Accessory Structures: 20 feet
 - G. SPECIAL YARD REQUIREMENTS:** See Section 1503
 - H. PERMITTED PROJECTIONS INTO REQUIRED YARDS:** See Section 1504
 - I. MAXIMUM HEIGHT:**
 - All Principal Structures: 3 stories but no more than 45 feet
 - All Accessory Structures: 1 story but no more than 20 feet
 - J. HEIGHT EXCEPTIONS:** See Section 1505
- SECTION 1203 PARKING AND LOADING** See Article XVI

SECTION 1204	SIGNS	See Article XVII
SECTION 1205	BUFFER AREAS AND LANDSCAPING	See Section 1502
SECTION 1206	STORAGE	See Section 1509

ARTICLE XIII

PLANNED RESIDENTIAL DEVELOPMENT

SECTION 1300 PURPOSE

The purpose of these Planned Residential Development (PRD) regulations is to permit residential development which 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.

SECTION 1301 APPLICABILITY AND RELATIONSHIP TO OTHER ORDINANCES

The provisions of this Article for approval of a Planned Residential Development shall be a modification to and in lieu of procedures and criteria for approvals otherwise required by 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 1302 SITE AREA, OWNERSHIP, USE AND DENSITY REQUIREMENTS

1302.1 Site Area

In all cases, the minimum site required for a Planned Residential Development shall be thirty (30) contiguous acres. Public easements or rights-of-way and public or private streets shall not be construed as an interruption or division of a site proposed for a Planned Residential Development.

1302.2 Site Ownership

The site proposed for a Planned Residential Development 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. Evidence of legal, as well as equitable, ownership shall be provided as a condition of Final Approval.

1302.3 Authorized Uses

a. Dwelling Units Authorized

Depending on the Zoning District in which the Planned Residential Development is located, only the following dwelling units may be included in a Planned Residential Development in each of the Districts where PRDs are authorized.

R-2 and R-3 Districts

Single Family Dwelling
Two Family Dwelling
Triplex

R-4 Districts

Two Family Dwelling
Triplex, Fourplex
Townhouse
Garden Apartment

In the R-2 District, at least thirty percent (30%) of the dwelling units in the PRD shall be detached single family dwellings. The PRD shall be designed so that the detached single family dwellings are adjacent to the boundary between the PRD site and any R-1 or R-2 properties outside the PRD. The perimeter setback shall be maintained within the boundaries of the lots proposed for detached single family dwellings.

b. Recreational and Other Common Facilities for the Residents

In addition to the residential uses permitted in a Planned Residential Development, recreation facilities designed for the use of the residents of the Planned Residential Development 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; golf course or putting green; community building for meetings and social activities; picnic pavilions; other active and passive recreational uses deemed appropriate to the proposed residents of the Planned Residential Development by the Board of Commissioners.

1302.4 Maximum Dwelling Unit Density

Regardless of whether a Planned Residential Development is comprised of a mix of dwelling unit types or a single type of dwelling unit, the maximum dwelling unit density shall be four (4) units per acre in the R-2 District, six (6) units per acre in the R-3 District and ten (10) units per acre in the R-4 District.

1302.5 Minimum Lot Area

In no case shall the minimum lot area required for a single family detached dwelling or two family dwelling be reduced to less than the following minimum lot area in a Planned Residential Development, in the R-2 and R-3 Districts:

<u>Dwelling Type</u>	<u>Minimum Lot Area</u>
Single Family Dwelling	8,000 square feet
Two Family Dwelling	12,000 square feet (6,000 square feet per dwelling unit)

In the R-3 and R-4 Districts, the minimum lot area required for a two family dwelling in a PRD shall not be reduced to less than 10,000 square feet (5,000 square feet per dwelling unit).

There shall be no minimum lot area required for triplex, fourplex, townhouse and garden apartment dwellings in a PRD, provided dwelling unit density and all other applicable requirements of this Article are met.

1302.6 Minimum Building Setback on the Perimeter of the Planned Residential Development Site

In all Zoning Districts where Planned Residential Development is authorized, no garden apartment, townhouse, triplex or fourplex shall be located closer to any boundary of the Planned Residential Development 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 site. No accessory structure and no off-street parking shall be located in this required perimeter setback area.

1302.7 Distance Between Buildings

Where two (2) or more principal multifamily buildings are proposed on one (1) lot in a PRD, the minimum distance between the buildings shall be forty (40) feet.

1302.8 Modifications to Otherwise Applicable Zoning and Subdivision Regulations

- a. The Design and Construction Standards of the Township Subdivision and Land Development Ordinance shall apply to all public improvements proposed in a Planned Residential Development unless a waiver or modification is granted by the Board of Commissioners in accordance with the procedures specified in the Township Subdivision and Land Development Ordinance.
- b. Except for maximum dwelling unit density and maximum building height, any of the other requirements of the underlying Zoning District classification may be modified by the Board of Commissioners in granting Tentative Approval to a Planned Residential Development, if the Board determines that the requested modification or modifications will contribute to a more beneficial use of the site, will not be contrary to the public interest and may be warranted owing to unique physical circumstances or conditions unique to the particular property.

- c. All requests for modification shall be in writing. Requests for modifications to zoning requirements and subdivision design shall accompany and be a part of the application for Tentative Approval. Requests for modifications to construction specifications may be submitted with the application for Final Approval if the modification relates to engineering specifications in final construction drawings rather than to plan design. Such written requests 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 was based, if applicable, and the minimum modification necessary to relieve the hardship or to promote more efficient use of the site.
- d. 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 purposes set forth in this Article.
- e. If approved by the Township, the plat for recording shall include a listing of the specific modifications granted and the date of approval.

SECTION 1303 ACCESS AND AVAILABILITY OF PUBLIC SERVICES

1303.1 Access and Traffic Control

The site of a Planned Residential Development 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 shall be capable of being accommodated by the adjacent street network. The developer shall demonstrate, by submission of a Traffic Study, as defined herein, that the projected traffic from the Planned Residential Development shall not materially increase congestion and impair safety on adjacent public streets. 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.

1303.2 Public Water and Sewer Service

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

1303.3 Storm Drainage

The developer shall provide a storm drainage system within a Planned Residential Development 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 and shall be so constructed to conform with the statutes, ordinances and regulations of the Commonwealth of Pennsylvania and the Township's Stormwater Management regulations.

SECTION 1304 COMMON OPEN SPACE

1304.1 Areas Required

- a. Common open space shall comprise at least twenty percent (20%) of the total gross site area of the PRD.
- b. Of the required open space area, not more than fifty percent (50%) may be covered by water.
- c. Recreational facilities or structures and their accessory uses located in common open space areas shall be considered improved open space as long as the total impervious surface area constitutes no more than five percent (5%) of the total common open space.
- d. To the extent feasible, steep slopes, streams, lakes, ponds, woodlands and other environmentally sensitive areas shall be incorporated into the common open space.
- e. No less than thirty-five percent (35%) of the required open space area shall have slopes of fifteen percent (15%) or less and shall be suitable for development of active recreation facilities such as walking trails, ballfields, picnic areas, tennis courts, swimming pools and similar facilities.
- f. The active recreation proposed by the applicant shall be appropriate to the needs of the anticipated residents of the PRD and shall be subject to approval by the Board of Commissioners, upon recommendation by the Planning Commission.

1304.2 Protection of Common Open Space

Common open space in a Planned Residential Development shall be protected by adequate covenants running with the land or by conveyances or dedications. A Planned Residential Development 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. No such instrument shall be acceptable until approved by the Board of Commissioners 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 provide for an organization or trust for ownership and maintenance of the common open space and common facilities.

1304.3 Common Open Space Maintenance

In the event that the organization established to own and maintain the common open space, or any successor thereto, shall at any time after establishment of the Final Development Plan fail to maintain the common open space, including all streets, driveways and recreational facilities, in reasonable order and condition in accordance with the Development Plan granted Final Approval, the Township may take remedial

action to cause the common open space and common facilities to be properly maintained, as provided for in Section 705(f) of the Pennsylvania Municipalities Planning Code.

SECTION 1305 BUFFER AREAS

In the R-3 and R-4 Districts, Buffer Area “A”, as defined in §1502.1 of this Ordinance shall be provided along all property lines on the perimeter of a Planned Residential Development site adjoining an S-C, R-C, R-1 or R-2 District.

In the R-2 District, Buffer Area “C”, as defined in §1502.1 of this Ordinance shall be provided along all property lines on the perimeter of a Planned Residential Development.

SECTION 1306 ADMINISTRATION AND PROCEDURE

The Planned Residential Development provisions of this Ordinance shall be administered by the Board of Commissioners. 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 Commissioners. The Board of Commissioners 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.

1306.1 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 applicant 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 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 applicant to obtain information and guidance before entering into binding commitments or incurring substantial expenses for plan preparation.

While no formal application is required for 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 which may be used include

the deed for the property, a property survey, the Lot and Block Maps prepared by the Allegheny 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, 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 that may affect the proposed development between the pre-application conference and the official date of filing of an application for Tentative Approval of a Planned Residential Development under the terms of this Ordinance.

1306.2 Application for Tentative Approval

At least twenty-eight (28) calendar days prior to the regular meeting of the Planning Commission, fifteen (15) copies of an Application for Tentative Approval shall be submitted. 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. If the applicant is not the landowner, evidence of equitable interest in the property shall be submitted.
- b. A written statement of planning objectives to be achieved by the Planned Residential Development 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 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 Township Zoning and Subdivision regulations otherwise applicable to the property, if any.
- e. A location map which clearly shows the location and area of the site proposed for development with relation to all lands, buildings and structures within two hundred (200) feet of its boundaries, the location and distance to existing streets and highways and the names of landowners of adjacent properties.
- f. A Development Plan prepared at a scale no smaller than one inch equals fifty feet (1"=50') showing the following information:

1. Existing contours at intervals of five (5) feet; watercourses; floodplains; wetlands; woodlands; soils; steep slopes; and other natural features.
 2. Proposed lot lines and preliminary subdivision plat, if any.
 3. The location of all existing and proposed buildings, structures and other improvements, including maximum heights, types of dwelling units and dwelling unit density. Preliminary building elevations and architectural renderings shall be provided for all structures other than single family dwellings.
 4. The location and size in acres or square feet of all areas to be conveyed, dedicated or reserved as common open space.
 5. The proposals for active recreation and a written statement indicating how the proposals address the needs of the anticipated residents of the PRD, considering age, household size and family composition.
 6. The existing and proposed vehicular circulation system of local and collector streets, including off-street parking areas, service areas, loading areas and major points of access from the Planned Residential Development to public rights-of-way.
 7. The existing and proposed pedestrian circulation system, including its interrelationship with the vehicular circulation system and proposed treatment for any points of conflict between the two (2) systems.
 8. The existing and proposed utility systems, including sanitary sewers, storm sewers and water, electric, gas and telephone lines.
 9. Subsurface conditions, including slope stability.
 10. 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.
 11. A general landscaping plan indicating the treatment and materials proposed to be used in Buffer Areas and common areas on the site.
 12. Evidence of compliance with the Environmental Performance Standards of §1501.1 of this Ordinance.
 13. Any other information required by the Township Subdivision and Land Development Ordinance for a Preliminary Plan.
- g.** In the case of development plans which call for development over a period of years, a schedule for phasing the development shall be provided. This phasing schedule shall be reviewed annually by the Board of Commissioners on the

anniversary of Tentative Approval or as each phase is completed, whichever occurs first.

- h. The application fee and application review fee.

1306.3 Review of Application

The Zoning Officer shall review the application to determine whether it is complete and properly filed in accordance with all requirements of this Ordinance. If the Zoning Officer determines that the application is not complete and properly filed, written notice shall be provided to the applicant specifying the defects in the application and returning the application for resubmission. If a revised application is resubmitted within sixty (60) days of the date of the written notice from the Zoning Officer, an application filing fee shall not be required. Any application submitted after sixty (60) days shall be considered a new application and shall be accompanied by the required application filing fee.

If the Zoning Officer determines that the application is complete and properly filed, the date that the application is received by the Zoning Officer shall constitute the Official Date of Filing. Within five (5) days of receipt of a complete and properly filed application, the Zoning Officer shall transmit a copy to the Allegheny County Department of Economic Development for review and comment and shall refer the application to the Township Engineer and the Township Planning Commission for review and recommendation.

If, during review by the Planning Commission, the applicant revises the application to address comments from the Planning Commission or to demonstrate compliance with this Ordinance, a new application shall not be required. If, during review by the Planning Commission, the applicant initiates revisions to the application which are not the result of Planning Commission comments and which are not mandated to demonstrate compliance with this Ordinance, the applicant shall withdraw the application and submit a new application which shall be subject to the payment of the required application filing fee.

The Planning Commission shall forward a written recommendation on the application for Tentative Approval to the Board of Commissioners in time for the Board of Commissioners public hearing required by §1306.4 of this Ordinance.

1306.4 Public Hearing

Within sixty (60) days following the Official Date of Filing of an application for Tentative Approval of a Planned Residential Development that contains all of the required documentation, a public hearing pursuant to public notice shall be held by the Board of Commissioners. At least fourteen (14) days prior to the hearing, the Zoning Officer shall mail a copy of the notice by certified 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 certified 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 reference to the Zoning Hearing Board in Article IX shall apply to the Board of Commissioners. The public hearing or hearings shall be concluded within sixty (60) days of the first 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 1907 of this Ordinance.

1306.5 Tentative Approval

Within sixty (60) days following the conclusion of the public hearings, or within one hundred eighty (180) days after the Official Date of Filing, whichever occurs first, the Board of Commissioners 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 official written communication granting or denying Tentative Approval shall be certified by the Township Secretary. One (1) certified copy shall be kept in the Secretary's Office and one (1) certified copy shall be mailed to the landowner.

Failure to act within said period shall be deemed to be a grant of Tentative Approval of the Development Plan as submitted. In the event, however, 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 Commissioners, notify the Board of Commissioners of his refusal to accept all said conditions, in which case, the Board of Commissioners 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 Commissioners of his refusal to accept all said conditions, Tentative Approval of the Development Plan, with all said conditions, shall stand as granted.

1306.6 Revocation of Tentative Approval

In the event that a development plan is given Tentative Approval and thereafter, but prior to Final Approval, the landowner shall elect to abandon said development plan and shall so notify the Board of Commissioners in writing, or in the event the landowner shall fail to file application or applications for Final Approval within the required period of time or times, as the case may be, the Tentative Approval shall be deemed to be revoked and all that portion of the area included in the development plan for which Final Approval has not been given shall be subject to those Township ordinances otherwise applicable thereto as they may be amended from time to time, and the same shall be noted on the zoning map and in the records of the Township Secretary.

1306.7 Status of Plan After Tentative Approval

Where Tentative Approval has been granted, it shall be deemed an amendment to the Zoning Map, effective upon final approval and shall be noted on the Zoning Map.

Tentative Approval shall not qualify a plat of the Planned Residential Development for recording, nor authorize development or the issuance of building permits. A development plan that has been granted Tentative Approval as submitted or with conditions that have been accepted by the landowner, shall not be modified or revoked nor otherwise impaired by action of the Township pending an application or applications for Final Approval, without consent of the landowner, provided an application or applications for final approval have been filed within the time periods specified in the official written communication granting Tentative Approval or in the applicant's phasing schedule pursuant to Section 508(4) of the Pennsylvania Municipalities Planning Code.

SECTION 1307 CRITERIA FOR TENTATIVE APPROVAL

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

1307.1

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

1307.2

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.

1307.3

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

1307.4

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

1307.5

The proposed Development Plan is beneficially related to the immediate area in which it is proposed to be located.

1307.6

The proposed Development Plan will afford adequate protection of natural watercourses, wetlands, topsoil, woodlands, steep slopes and other natural features and will prevent erosion, landslides, siltation and flooding.

1307.7

In the case of a Development Plan which 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 Planned Residential Development in the integrity of the Final Development Plan.

SECTION 1308 APPLICATION FOR FINAL APPROVAL

After the Development Plan is granted Tentative Approval by the Board of Commissioners, the developer shall submit fifteen (15) copies of the application for Final Approval that 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 Commissioners 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 Commissioners.

1308.1 Review of Application

The Zoning Officer shall review the application to determine whether it is complete and properly filed in accordance with all requirements of this Ordinance. If the Zoning Officer determines 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 for resubmission.

If the Zoning Officer determines that the application is complete and properly filed, the date that the application is received by the Zoning Officer shall constitute the Official Date of Filing. Within five (5) days of receipt of a complete and properly filed application, the Zoning Officer shall refer the application to the Planning Commission for review and comment.

Within thirty-five (35) 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 Commissioners.

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.

1308.2 Action by Board of Commissioners

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 Commissioners shall, within forty-five (45) days of the Official Date of Filing, grant Final Approval to the Development Plan.

1308.3 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 Commissioners may refuse to grant Final Approval and may, within forty-five (45) days of the Official 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:

1. Refile the Application for Final Approval without the variations objected; or
2. File a written request with the Board of Commissioners 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.

1308.4 Public Hearing Required

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 public hearing, the Zoning Officer shall mail a copy of the notice by certified 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 certified notices shall be paid by the applicant.

Within thirty (30) days after the conclusion of the public hearing, the Board of Commissioners shall, by official 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.

1308.5 Failure to Render a Decision

Failure of the Board of Commissioners to render a decision on an application for Final Approval and communicate it to the applicant within the time and in the manner required by this Section 1308 shall be deemed an approval of the application for Final Approval, as presented, unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner or presentation of communication shall have like effect.

1308.6 Changes in the Approved Plan

Changes in the location and siting of buildings and structures deemed minor by the Board of Commissioners may be authorized without additional public hearings, if required by engineering or other circumstances not foreseen at the time of Tentative Approval. However, gross and net density established at the time of Tentative Approval shall not be changed without a public hearing.

1308.7 Application for Final Approval

The application for Final Approval shall comply with all applicable ordinance provisions and the Development Plan shall include, at a minimum, the following information:

- a. All data required by the Township Subdivision and Land Development Ordinance for a Final Plan.
- b. Application filing, application review and inspection fees.
- c. Accurately dimensioned locations for all proposed buildings, structures, parking areas and common open space.
- d. The number of dwelling units in each residential building or structure and the intended use of each non-residential building or structure.
- e. Building elevation drawings prepared by a registered architect for all principal structures, other than single family dwellings.

- f. A lighting plan, showing the location, height and type of any exterior lighting fixtures proposed and a photometric plan showing the distribution of lighting on the site and at the site boundaries.
- g. A Landscaping Plan, as defined by this Ordinance, prepared by a registered landscape architect including the location and types of plant materials, sidewalks, trails and recreation facilities authorized by this Ordinance.
- h. Supplementary data, including any covenants, grants of easements or other restrictions to be imposed on the use of the land, buildings and structures and for the organization proposed to own, maintain and operate the common open space facilities.
- i. Final drawings prepared by a registered engineer for all public and private improvements:
 - 1. Profiles, cross-sections and specifications for proposed public and private streets.
 - 2. Profiles and other explanatory data concerning installation of storm sewers and sanitary sewers.
 - 3. Feasibility of the sanitary sewerage system in terms of capacity to serve the proposed development.
- j. A final grading plan prepared in compliance with the requirements of the Township Grading Ordinance.
- k. An Erosion and Sedimentation Control Plan which 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. A development schedule showing the order of construction of each phase in the plan granted Tentative Approval, the proposed dates for beginning and completing construction in each phase and the proposed schedule for providing access to and improvements on the common areas.
- n. Deed restrictions to preserve the character of the common areas.
- o. The proposed bylaws of the association or certificate of incorporation and incorporated bylaws of the nonprofit corporation established to administer the common areas, if applicable. If the applicant elects the condominium method of ownership of the common areas, the proposed declaration of condominium bylaws and related documents shall be submitted.
- p. Instruments dedicating all public rights-of-way, easements or encumbrances shown on the final plan.
- q. A title insurance policy or an attorney's certificate of title showing the status of the title to the site encompassed by the final plan and all liens, encumbrances and defects, if any.
- r. Tax receipts from all taxing bodies indicating taxes have been paid in full up to and including the current period.
- s. Performance Bond and Development Agreement as required by the Township Subdivision and Land Development Ordinance.

1308.8 Recording

A Final Development Plan, or any part thereof, which has been granted Final Approval shall be so certified without delay by the Board of Commissioners and shall be filed of record in the Office of the Recorder of Deeds before any development shall take place in accordance therewith. Upon approval of a final plat, the developer shall record the plat in accordance with the provisions of Section 513(a) of the Pennsylvania Municipalities Planning Code and shall post the financial security required by the Township Subdivision and Land Development Ordinance for public and private improvements in the Development Plan.

1308.9 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 Commissioners 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, 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 is submitted for said property or the property is developed in accordance with the then applicable Zoning District regulations or the property is reclassified by enactment of an amendment to the Zoning District Map.

ARTICLE XIV

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

SECTION 1400 APPLICABILITY

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

SECTION 1401 PROCEDURE FOR APPROVAL

1401.1 Approval of Conditional Uses

The Board of Commissioners shall hear and decide requests for conditional uses; however, the Board of Commissioners 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 preliminary land development plan, if required by the Township Subdivision and Land Development Ordinance or, if a land development plan is not required, a current property survey indicating all existing and proposed structures and all proposed construction, additions or alterations on the site in sufficient detail to determine the feasibility of the proposed development and compliance with all applicable requirements of this Ordinance.
 2. A written statement showing compliance with the applicable express standards and criteria of this Article for the proposed use.
 3. A Traffic Impact Analysis, as defined by this Ordinance, prepared by a registered traffic engineer for the following proposed conditional uses:
 - [a] Any proposed use which involves the construction of fifty (50) or more multifamily dwellings.
 - [b] Any proposed use in the B-1, B-2 or I-1 District which involves the construction of a new building or remodeling for a change of use of an existing building having a gross floor area of 10,000 square feet or more.

4. The application fee required by Section 2009 of this Ordinance.
- b. A written recommendation is received from the Township Planning Commission or forty-five (45) days has passed from the date of the Planning Commission meeting at which the application is first considered as complete and properly filed for approval.
 - c. A public hearing is conducted by the Board of Commissioners pursuant to public notice and said hearing is scheduled no more than sixty (60) days following the date of submission of a complete and properly filed application, unless the applicant has agreed in writing to an extension of time.
 - d. Each subsequent hearing before the 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 hearing. Upon the request of the applicant, the Board or hearing officer shall assure that the applicant receives at least seven (7) hours of hearings within the one hundred (100) days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within one hundred (100) days of the first hearing held after the completion of the applicant's case-in-chief. 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.
 - e. The Board of Commissioners shall render a written decision within forty-five (45) days after the last public hearing. Where the application is contested or denied, the decision shall be accompanied by findings of fact and conclusions based thereon. Conclusions based on any provision of this Ordinance or any other applicable rule or regulation shall contain a reference to the provision relied upon and the reasons why the conclusion is deemed appropriate in light of the facts found.
 - f. Where the Board of Commissioners fails to render a decision within the required forty-five (45) days or fails to commence, conduct or complete the required hearing as specified in Subparagraphs "c" and "d", above, 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. The Board of Commissioners shall give public notice, as defined herein, of said deemed approval within ten (10) days from the last day it could have met to render a decision. If the Board of Commissioners shall fail to provide such notice, the applicant may do so. Nothing in this Subsection shall prejudice the right of any party opposing the application to appeal the decision to a Court of competent jurisdiction.

- g.** In allowing a conditional use, the Board of Commissioners may attach such reasonable conditions and safeguards, other than those related to off-site transportation or road improvement, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance. A violation of such conditions and safeguards, when made a 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.

1401.2 Expiration of Conditional Use Approval

Conditional use approval shall expire if no application for a grading permit, a building permit or an occupancy permit 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 Commissioners, in its 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. Upon expiration of conditional use approval, the Zoning Officer shall provide written notice of the expiration to the applicant.

1401.3 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 current property survey indicating all existing and proposed structures and all proposed construction, additions or alterations on the site in sufficient detail to determine the feasibility of the proposed development and compliance with all applicable requirements of this Ordinance.
 - 2.** A written statement showing compliance with the applicable express standards and criteria of this Article for the proposed use.
 - 3.** A Traffic Impact Analysis, as defined by this Ordinance, prepared by a registered traffic engineer for the following proposed uses by special exception:
 - [a]** Any proposed use which involves the construction of fifty (50) or more multifamily dwellings.

[b] Any proposed use in the B-1, B-2 or I-1 District that involves the construction of any new building or remodeling for a change of use of an existing building having a gross floor area of 10,000 square feet or more.

4. The application fee required by Section 2009 of this Ordinance.
- b. A public hearing pursuant to public notice is conducted by the Zoning Hearing Board within sixty (60) days of submission of a complete and properly filed application. Said hearing shall be conducted in accordance with the procedures specified by Section 1907 of this Ordinance.
- c. In proceedings involving a request for a use by special exception, both the duty of initially presenting evidence and the burden of persuading the Zoning Hearing Board that the proposed use is available by special exception and satisfies the specific or objective requirements for the grant of a use by special exception as set forth in this Ordinance rest upon the applicant. The burden of persuading the Zoning Hearing Board that the proposed use will not offend general public interest such as the health, safety and welfare of the neighborhood rests upon the applicant.
- d. 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 a 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.
- e. If land development approval is required for the use by special exception, the application for approval of a land development required by the Township Subdivision and Land Development Ordinance shall be submitted to the Township Planning Commission following approval of the use by special exception by the Zoning Hearing Board.

1401.4 Expiration of Approval of a 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 land development plan, a grading permit, a building permit or an occupancy permit 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 said approval, 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 1402 GENERAL STANDARDS

In addition to the specific standards and criteria listed for each use in Section 1403, 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:

- a. The use shall not endanger the public health, safety or welfare nor deteriorate the environment, as a result of being located on the property where it is proposed.
- b. The use shall comply with the Performance Standards of Section 1501 of this Ordinance.
- c. 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 and Section 1509 governing storage.
- d. Ingress, egress and traffic circulation on the property shall be designed to ensure safety and access by emergency vehicles and to minimize congestion and the impact on local streets.
- e. Outdoor lighting, if proposed, shall be designed with cutoff luminaires that direct and cut off the light at a cutoff angle of sixty degrees (60°) or less. (See illustration in Appendix B) Illumination shall not exceed 0.2 footcandle at the property line.
- f. For all uses which are subject to the requirements of the Americans with Disabilities Act (ADA), the applicant shall certify that all applicable ADA requirements have been met in the design.

SECTION 1403 STANDARDS FOR SPECIFIC USES

In addition to the general standards and criteria for all conditional uses and uses by special exception listed in Section 1402 , 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 for that use.

1403.1 Adult Businesses, subject to:

- a. Adult businesses shall not be permitted in any Zoning District other than the B-2, Highway Commercial District.
- b. The site proposed for an adult business shall have frontage on and direct vehicular access to Route 51.

- c. No portion of any building housing an adult business shall be located within five hundred (500) feet of any single family dwelling or any "R" Residential Zoning District boundary.
- d. An adult business shall not be located within one thousand (1,000) feet of a church; public or private pre-elementary, elementary or secondary school; public library; day care center or nursery school; or public park adjacent to any residential district 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. An adult business shall not be located within one thousand (1,000) feet of any other adult business measured in a straight line from the closest exterior wall of the building or structure in which each adult business is located.
- f. No more than one (1) adult business shall be located in the same building, structure or portion thereof, nor shall any adult business increase its floor area into any building, structure or portion thereof containing another adult business.
- g. An adult business lawfully operating as a conforming use shall not be rendered a nonconforming use by the location, subsequent to the grant or renewal of the adult business permit of a church, public or private pre-elementary, elementary or secondary school, public library, day care center or pre-school facility or public park within one thousand (1,000) feet. This provision applies only to the renewal of a valid permit and shall not apply when an application for a permit is submitted after a permit has expired or has been revoked.
- h. The design of the interior of the premises and the operation of the facility shall comply with all applicable provisions of the Township's licensing regulations contained in Chapter 13 of the Code of the Township
- i. Liquor or intoxicating beverages shall not be sold on the premises for which the permit is sought.
- j. The applicant shall obtain and continue to maintain all valid licenses required by Chapter 13 of the Code of the Township.
- k. There shall be no display of adult oriented materials that can be seen from the exterior of the building.

1403.2 Alternative Housing and Educational Facilities for Non-Violent Offenders, subject to:

- a. The site shall have frontage on and direct vehicular access to Route 51.

- b.** No portion of any building housing such facility shall be located within five hundred (500) feet of any single family dwelling or any "R" Residential Zoning District boundary.
- c.** No portion of any lot or property line of any lot containing such facility shall be located within five hundred (500) feet of a lot or property line of any religious structure, school facility or public library.
- d.** The applicant shall demonstrate that the proposed facility is in general harmony with the immediate neighborhood and does not create an atmosphere of enticement for minors.
- e.** The applicant shall provide proof of all necessary governmental permits and requirements in operation of such a facility.
- f.** The applicant shall demonstrate compliance with all other Ordinances of this Township, Statutes of the Commonwealth and Federal Regulations and Laws in the operation of such facility.
- g.** 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 Commissioners, 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.
- h.** 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.
- i.** Buffer Area "A" shall be provided along side and rear property lines.
- j.** 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.

1403.3 Bed and Breakfast, subject to:

- a. The operator 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 herein.
- c. The minimum lot area required shall be 30,000 square feet.
- d. 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.
- e. The maximum length of stay for any guest shall be fourteen (14) days in any calendar year.
- f. One (1) identification sign shall be permitted and such sign may either be attached to the wall of the building or may be 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 is located at least five (5) feet from any property line.
- g. The identification sign shall contain no information other than one (1) or more of the following items:
 - 1. The street address
 - 2. The name of the establishment
 - 3. The name of the proprietor
 - 4. A small logo or other decorative symbol
- h. In addition to the parking required for the dwelling, one (1) parking space shall be provided for each sleeping room offered to overnight guests.
- i. 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.

1403.4 Billboards, subject to:

- a. All billboards shall be subject to the express standards and criteria contained in Section 1706 of this Ordinance.

1403.5 Boarding Stable; Riding Academy, subject to

- a. The minimum site shall be ten (10) acres.
- b. If horses are pastured, a minimum of one (1) acre per horse shall be provided, if horses are stabled and provided with grain, an adequate area for exercising the horses shall be provided.
- c. All animals shall be housed in a completely enclosed nonresidential structure and the animals shall be humanely kept.
- d. All stables and other buildings in which animals are kept shall be located at least three hundred (300) feet from any occupied dwelling, other than the stable owner's dwelling, and in no case, shall the storage of manure or the stable or other building in which animals are kept be located closer than two hundred (200) feet to any property line.
- e. No grazing of animals shall be permitted closer than one hundred (100) feet from any occupied dwelling, other than the stable owner's dwelling.
- f. The area of the property used for grazing shall be adequately fenced to properly enclose the animals and to protect adjacent properties.
- g. The stable owner shall not permit litter and droppings from the horses to collect so as to result in the presence of fly larvae or objectionable odors.
- h. If there is no occupied dwelling on the site of the boarding stable or riding academy, twenty-four (24) hour security and supervision shall be provided.

1403.6 Car Wash, subject to:

- a. All automated washing facilities shall be in a completely enclosed building, as defined by this Ordinance. 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 Section 1506 for drive-through facilities.
- d. The facility shall be connected to public sanitary and storm 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.

1403.7 Cemetery, subject to:

- a. A minimum site of ten (10) acres is required.
- b. A drainage plan shall be submitted with the application for the use showing existing and proposed runoff characteristics.
- c. A ground water study prepared by a hydrologist or registered engineer qualified to perform such studies shall be submitted with the application.
- d. Plans for ingress/egress to the site shall be referred to the Township Police Department for comments regarding public safety.
- e. All property lines adjoining residential use or zoning classification shall be screened by Buffer Area "B" as defined by §1502.1 of this Ordinance.
- f. All maintenance equipment shall be properly stored in an enclosed building when not in use.
- g. Burial sites shall comply with the setbacks required for principal structures in the Zoning District and burial structures shall not be located within one hundred (100) feet of any property lines adjoining residential use or Zoning District classification.

1403.8 Churches, Schools (Public or Private), Museums, Fire and Emergency Medical Facilities and Public Buildings, subject to:

- a. The minimum lot area required for a Post Secondary School shall be ten (10) acres. The minimum lot area 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 this Ordinance for single family dwellings in the Zoning 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 landscaped along any property line adjoining single family use or Zoning District classification by Buffer Area "B", as defined by §1502.1 of this Ordinance.
- e. Ingress and egress to and from 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 property so that vehicles and equipment can be maneuvered on the property 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 completely enclosed by a six (6) foot high hedge or solid fence.
- i. The proposed use shall have direct access to a public street with sufficient capacity to accommodate the traffic generated by the proposed use.

1403.9 Commercial Recreation (Indoor and Outdoor), subject to:

- a. The minimum lot area required for outdoor recreation facilities shall be one (1) acre. All indoor facilities shall meet the minimum lot area required for the Zoning District in which the property is located.
- b. The property shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Ordinance.
- c. Adequate sanitary facilities available to the public shall be provided.
- d. Outdoor speakers shall not be permitted if there are dwellings within one thousand (1,000) feet of the property in any direction. If outdoor speakers are allowed, the volume and direction shall be regulated to minimize impact on adjoining properties.
- e. Location of buildings and facilities, traffic circulation on the property and parking areas shall be designed to provide adequate access for emergency medical vehicles and fire-fighting equipment.
- f. Any outdoor facility shall be completely enclosed by a fence which is 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.
- g. Any outdoor facility located within two hundred (200) feet of an existing dwelling shall cease operations no later than 10:00 P.M.
- h. Any use which 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.

1403.10 Communications Antennas Mounted on an Existing Building or Existing Public Utility Storage or Transmission Structure, subject to:

- a. Building mounted antennas shall not be permitted on any single family or two family dwellings.
- b. The applicant shall demonstrate that the electromagnetic fields associated with the proposed antennas comply with safety standards now or hereafter established by the Federal Communications Commission (FCC).
- c. The applicant shall demonstrate compliance with all applicable Federal Aviation Administration (FAA) and any applicable Airport Zoning Regulations.
- d. Building mounted antennas shall be permitted to exceed the height limitations of the District by no more than twenty (20) feet. Antennas mounted on an existing public utility storage or transmission structure shall not project more than twenty (20) feet above the height of the tower.
- e. Omnidirectional or whip antennas shall not exceed twenty (20) feet in height or seven (7) inches in diameter.
- f. Directional or panel antennas shall not exceed five (5) feet in height or two (2) feet in width.
- g. Satellite and microwave dish antennas mounted on the roof of a building or on an existing public utility storage or transmission structure shall not exceed six (6) feet in diameter.
- h. Satellite and microwave dish antennas mounted on an existing building or existing public utility storage or transmission structure shall not exceed two (2) feet in diameter.
- i. 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.
- j. 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.
- k. 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.

- l.** 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 adjoining residential property, the equipment cabinet or equipment building shall be screened by a minimum six (6) foot high compact evergreen hedge.
- m.** 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.
- n.** 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.

1403.11 Communications Tower, subject to:

- a.** The applicant shall demonstrate that it is licensed by the Federal Communications Commission (FCC) to operate a communications tower.
- b.** Any applicant proposing a new freestanding communications tower shall demonstrate that a good faith effort has been made to obtain permission to mount the antenna on an existing building or other structure or an existing communications tower. A good faith effort shall require that all owners within a one-quarter (1/4) mile radius of the proposed site be contacted and that one (1) or more of the following reasons for not selecting an alternative existing building or communications tower or other structure apply:

 - 1.** The proposed equipment would exceed the structural capacity of the existing building, communications tower or other structure and reinforcement of the existing building, tower or other structure cannot be accomplished at a reasonable cost.
 - 2.** The proposed equipment would cause RF (Radio Frequency) interference with other existing or proposed equipment for that building, tower or other structure and the interference cannot be prevented at a reasonable cost.
 - 3.** Existing buildings, communications towers or other structures do not have adequate space to accommodate the proposed equipment.
 - 4.** Addition of the proposed equipment would result in NIER (Non-ionizing Electromagnetic Radiation) levels which exceed any adopted local, Federal or State emission standards.

5. An economically reasonable agreement could not be reached with owners of such towers or structures.
- c. 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).
- d. The applicant for the communications tower shall demonstrate compliance with all applicable Federal Aviation Administration (FAA) and any applicable Airport Zoning regulations.
- e. The maximum height of a communications tower shall be one hundred fifty (150) feet.
- f. The applicant shall demonstrate that the proposed height of the communications tower is the minimum height necessary to function effectively.
- g. All parts of the communications tower, including guy wires, if any, shall be set back from the property line at least one hundred (100) feet, except for guyed towers which shall be set back a distance equal to the height of the tower. If the tower is located on property which adjoins property in any R-C, S-C or "R" Zoning District, the setback shall be 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 residentially zoned property from the larger tract controlled by the lessor, rather than from the boundaries of the leased parcel.
- h. The tower shall not be located within two hundred fifty (250) feet of an existing dwelling nor within five hundred (500) feet of an existing hospital or school.
- i. The 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.
- j. 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 Township Building Code and accepted engineering practice.
- k. Equipment cabinets and equipment buildings shall comply with the height and yard requirements of the Zoning District for accessory structures.

- l.** Access shall be provided to the 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.
- m.** Recording of a plat of subdivision shall not be required for the lease parcel on which the tower is proposed to be constructed provided the equipment building is proposed to be unmanned and the required easement agreement for access is submitted for approval by the Township.
- n.** 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 towers.
- o.** 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.
- p.** 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.
- q.** The owner of the communications tower shall notify the Township immediately upon cessation or abandonment of the operation. The owner of the communications tower shall dismantle and remove the communications tower within six (6) months of the cessation of operations, if there is no intention to continue operations, evidence by the lack of an application to the Township to install antennas on the existing tower. If the owner of the communications tower fails to remove the tower, then, the landowner shall be responsible for its immediate removal. Failure to remove an abandoned communications tower shall be subject to the enforcement provisions of Section 2001 of this Ordinance.
- r.** All tower structures shall be fitted with anti-climbing devices as approved by the manufacturer for the type of installation proposed.
- s.** All antennas and tower structures shall be subject to all applicable Federal Aviation Administration (FAA) and Airport Zoning regulations.
- t.** No sign or other structure shall be mounted on the tower structure, except as may be required or approved by the FCC, FAA or other governmental agency.

- u. The exterior finish of the tower shall be compatible with the immediate surroundings. The tower, the equipment cabinet or equipment building and the immediate surroundings shall be properly maintained.
- v. 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 residential properties.
- w. At least one (1) off-street parking space shall be provided on the site to facilitate periodic visits by maintenance workers. Manned equipment buildings shall provide one (1) parking space for each employee working on the site.
- x. No antenna or tower structure shall be illuminated, except as may be required by the Federal Aviation Administration (FAA) or the Federal Communications Commission (FCC).

1403.12 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 in which the property is located 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 and equipment and/or processes involved in the proposed use;
 4. The magnitude of walk-in trade; and
 5. The traffic and environmental impacts and the ability of the proposed use to comply with the Performance Standards of Section 1501 of this Ordinance.
 6. 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 or conditional use listed in the Zoning District in which the comparable use is proposed.
- d. The proposed use shall be consistent with the Purpose Statement for the Zoning District in which it is proposed and shall be consistent with the Community Development Objectives of this Ordinance.

1403.13 Crematory Accessory to a Funeral Home, subject to:

- a. The minimum site required shall be two (2) acres.
- b. The portion of the building devoted to the crematory shall not be located within three hundred (300) feet of any existing dwelling.
- c. The use shall comply with all applicable regulations of the Commonwealth of Pennsylvania.
- d. The use shall conform to the Air Quality regulations of the Allegheny County Health Department.

1403.14 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 S-C, R-C, R-1, R-2, R-3 and R-4 Zoning Districts, the facility shall be permitted to be located only in a church or school.
- c. Outdoor play areas shall be provided which shall have a minimum area of sixty-five (65) square feet per child and which shall be secured by a fence with self-latching gate. The location of the outdoor play area shall take into account the relationship to adjoining properties.
- d. Outdoor play areas which adjoin residential lots shall be screened by Buffer Area "C", as defined by §1502.1 of this Ordinance.
- e. The general safety of the property proposed for a day care center or pre-school facility shall meet 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.
- f. Off-street parking shall be provided in accordance with the requirements of Article XVI of this Ordinance.

1403.15 Eating and Drinking Establishment including Bottle Clubs, subject to:

- a.** Eating and drinking establishments in the M-1 District may be located in a building devoted to an authorized principal use or may be located in a freestanding building in a Planned Industrial Park.
- b.** Off-street parking shall be provided in accordance with the requirements of §1602.3 for eating and drinking establishments, except for employee cafeterias or dining rooms that are not open to the general public.
- c.** Buffer Area “B” shall be provided along any property line that adjoins any of the following authorized uses in the M-1 District:
 - 1.** Heavy Manufacturing
 - 2.** Light Manufacturing
 - 3.** Equipment Storage Yard
 - 4.** Junk Yard
 - 5.** Contractor’s Yard
 - 6.** Supply Yard
 - 7.** Truck and Heavy Equipment Rental, Sales and Service
 - 8.** Truck Terminal
 - 9.** Warehousing and Distribution
 - 10.** Repair Shop
 - 11.** Vehicle Repair Garage
 - 12.** Landfill
- d.** Parking areas and ingress, egress and traffic circulation for eating and drinking establishments within a Planned Industrial Park shall be designed to minimize conflicts between automobile and truck traffic in the Park.
- e.** In the case of Bottle Clubs, only when authorized on property zoned M-1, the following additional criteria shall be met:
 - 1.** No portion of the lot or property line of any lot containing such facility shall be located within one thousand (1,000) feet of any residence or residential Zoning District.
 - 2.** No portion of the lot or property line of any lot containing such facility shall be located within five hundred (500) feet of a lot or property line of any religious structure, school facility or public library.
 - 3.** The applicant shall demonstrate that the proposed facility is in general harmony with the immediate neighborhood and does not create an atmosphere of enticement for minors.

- 4. The applicant shall provide proof of all necessary governmental permits and requirements in operation of such facility.
- 5. The applicant shall demonstrate compliance with all other Ordinances of the Township, Statutes of the Commonwealth and Federal Regulations and Laws in the operation of such facility.
- f. Eating and drinking establishments in any District must be located in a single building devoted solely to that use.
- g. Eating and drinking establishments in any district shall not be located within five hundred (500) feet of any single family dwellings, churches, schools (public or private), day care centers or other pre-school facilities or any use primarily involving children or minors.

1403.16 Equipment Storage Yard, subject to:

- a. The minimum site required for an equipment storage yard shall be two (2) acres.
- b. The site shall have frontage on and direct vehicular access to an arterial or collector street as defined by this Ordinance.
- c. Buffer Area "B", as defined by §1502.1 of this Ordinance shall be provided along all property lines adjoining an S-C, R-C or "R" Zoning District.
- d. No repair of vehicles or equipment shall be permitted outside a completely enclosed structure.
- e. All operations shall comply with the Performance Standards of Section 1501 of this Ordinance.
- f. Engines shall not be started or kept running before 6:30 A.M. or after 8:00 P.M. if the site is located within five hundred (500) feet of an existing dwelling.
- g. All lighting shall be shielded and reflected away from streets and any adjoining residential properties.

1403.17 Family Day Care Home, subject to:

- a. All of the applicable criteria for a home occupation specified in §1403.21 shall be met.
- b. All applicable requirements of the PA Department of Public Welfare shall be met and continuing compliance shall be maintained.

- c. 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 residential properties by a minimum four (4) foot high compact, dense evergreen hedge or opaque fence.
- d. Outdoor play areas shall have a minimum area of four hundred (400) square feet.

1403.18 Garden Center, subject to:

- a. The minimum site required for a garden center shall be five (5) acres.
- b. The site shall have frontage on and direct vehicular access to a street classified as an arterial or collector.
- c. Principal structures devoted to retail sales and storage shall be located at least five hundred (500) feet from any single family dwelling on an adjacent lot.
- d. Outdoor growing areas that are not accessible to the public shall not be included in the parking calculations. Outdoor growing areas that are accessible to the public shall be included in the calculation of required parking in accordance with §1602.3.
- e. Off-street parking areas shall not be required to be paved, but shall have a dust-free, all-weather surface, provided the entire length of the driveway connecting the parking areas with the public street are paved with asphalt or concrete.
- f. Garden centers in the R-1 District shall cease operations at dusk. There shall be no exterior illumination of the buildings or parking areas for night-time use, other than minimal security lighting.
- g. In the R-1 District, Buffer Area "A", as defined by this Ordinance, shall be provided along all property lines adjoining single family dwellings.

1403.19 Golf Course; Golf or Country Club, subject to:

- a. Golf courses and golf or country clubs shall have a minimum site of sixty (60) acres; driving ranges and putting courses shall have a minimum site of five (5) acres.
- b. Clubhouses shall be located at least one hundred (100) feet from any property line adjoining property in an S-C, R-C, R-1, R-2, R-3 or R-4 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.

- d. Where a swimming pool is provided, parking requirements for swimming pools shall apply in addition to the parking requirements for golf courses.
- e. Outdoor operations shall be discontinued between the hours of 11:00 P.M. and 6:00 A.M.

1403.20 Golf Course Development, subject to:

- a. The minimum site required to undertake a golf course development shall be fifteen (15) acres, excluding the acreage devoted to the existing or proposed golf course.
- b. The site shall be part of an existing or former golf course or shall be immediately adjacent to property formerly used or currently being used as a golf course.
- c. The site shall have frontage on and direct vehicular access to an arterial street or collector street, as defined by this Ordinance.
- d. The proposed development shall be designed around an existing or proposed regulation golf course containing a minimum of nine (9) holes.
- e. The golf course development shall be limited to one (1) or more of the following uses:
 - 1. Single family dwellings
 - 2. Two family dwellings
 - 3. Triplexes
 - 4. Fourplexes
 - 5. Townhouses containing no more than four (4) units in each building
 - 6. Community building
 - 7. Common recreation facilities
- f. The maximum dwelling unit density shall be four (4) units per acre.
- g. If lots are proposed for fee simple ownership, the minimum lot area for single family dwellings shall be fifteen thousand (15,000) square feet.
- h. If lots are proposed for fee simple ownership, the minimum lot area for two family dwellings shall be twenty thousand (20,000) square feet or ten thousand (10,000) square feet per dwelling unit.
- i. There shall be no minimum lot area required for triplexes, fourplexes and townhouses, provided the maximum dwelling unit density is not exceeded and all other setback and lot coverage requirements are met.
- j. The applicable front and rear yard requirements of the S-C District shall apply.

- k. The otherwise applicable side yard requirement of the S-C District may be reduced, provided each side yard shall not be less than fifteen (15) feet.

1403.21 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 a principal use in the Zoning District in which the facility is located.
- b. In the R-3 and R-4 Districts, 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-3 and R-4 Districts the maximum number of residents housed in a Personal Care Boarding Home shall be twelve (12).
- 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-fighting 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 self-latching gate.
- h. Where applicable, licensing or certification by the sponsoring agency shall be prerequisite to obtaining a Certificate of Occupancy and a copy of the annual report with evidence of continuing certification shall be submitted to the Zoning Officer in January of each year.

1403.22 Heavy Manufacturing, subject to:

- a. The minimum site required shall be thirty (30) acres.
- b. The site shall have frontage on and direct vehicular access to an arterial or collector street.

- c. The site shall not be located within one thousand (1,000) feet of any residential dwelling, measured from any property boundary of the site in a straight line along a public street right-of-way to the nearest wall of a residential dwelling.
- d. All activities shall comply with the Performance Standards specified in Section 1501 of this Ordinance.
- e. All materials, equipment and processes shall be contained within a completely enclosed building and windows and doors shall remain closed during manufacturing processes.
- f. Adequate public utilities shall be available to meet the demands of the proposed manufacturing processes.
- g. Adjacent public streets shall be adequate to accommodate traffic volumes and weight limits associated with truck traffic to and from the site.
- h. The storage, handling, transportation and disposal of hazardous or potentially hazardous materials shall be in accordance with all applicable permits and requirements of the Pennsylvania Department of Environmental Protection (PA DEP) and the U.S. Environmental Protection Agency (EPA).

1403.23 Home Occupation, subject to:

- a. The home occupation shall be carried on by a member of the family residing in the dwelling unit. No more than one (1) person who is not a resident of the dwelling unit shall be employed in the dwelling unit.
- b. In the R-2, R-3 and R-4 Districts, the home occupation shall be carried on wholly within the principal dwelling. The home occupation shall not be conducted in any accessory structure. In the R-1 District, the home occupation may be carried on in an accessory structure, provided the gross floor area of the accessory structure shall not exceed twenty-five percent (25%) of the gross floor area of the principal dwelling.
- c. No more than twenty-five percent (25%) of the gross floor area of the principal dwelling shall be devoted to the conduct of the home occupation.
- d. There shall be no on-site production of articles for sale in the home occupation, other than customary handicrafts made by the resident which may be produced for sale off the premises. Such articles shall not be displayed in quantity for sale on the premises, except that samples may be kept for the purpose of accepting orders.
- e. There shall be no display on the premises of merchandise available for sale which 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.

- f.** There shall be no exterior displays or signs, either on or off the premises, other than a small identification sign no more than one (1) square foot in surface area containing only the name of the resident and the nature of the home occupation which may be attached to the wall of the dwelling or to the mailbox.
- g.** 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.
- h.** 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.
- i.** The use shall not significantly intensify vehicular or pedestrian traffic beyond that which is normal for the residences in the neighborhood.
- 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 use shall not cause an increase in the use of water, sewage, electricity, garbage, public safety or any other municipal services beyond that which is normal for the residences in the neighborhood.
- l.** In the R-2, R-3 and R-4 Districts, 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.
- m.** There shall be no storage of materials or equipment used in the home occupation outside a completely enclosed building.
- n.** Any home occupation where customers, clients or students routinely visit the premises shall provide a paved off-street parking area in accordance with the requirements of Article XVI for the specific use in addition to the spaces required for the dwelling.
- o.** The following uses shall not be considered home occupations and shall be restricted to the Zoning Districts in which they are specifically authorized as permitted uses, conditional 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. Funeral homes;
 6. Group Care Facility, Personal Care Boarding Home or Transitional Dwelling;
 7. Kennels, veterinary offices and clinics;
 8. Private clubs;
 9. Private instruction to more than five (5) students at a time;
 10. Restaurants or tea rooms;
 11. Retail or wholesale sales; flea markets;
 12. Tanning or massage salon;
 13. Tourist or boarding home, other than Bed and Breakfast;
 14. Vehicle or equipment rental, repair or sales; Vehicle repair garages;
- p. The following are examples of permitted home occupations, provided all of the foregoing criteria are met:
1. Artist, photographer or handicrafts studio;
 2. Bed and Breakfast, subject to §1403.3;
 3. Catering off the premises;
 4. Contracting business, excluding on-site storage of equipment;
 5. Computer programmer, data processor, writer;
 6. Consultant, clergy, counselor, bookkeeping, graphics or drafting services;
 7. Dressmaker, tailor;
 8. Professional offices which involve routine visitation by customers or clients;
 9. Housekeeping or custodial services;
 10. Interior designer;
 11. Jewelry and/or watch repair, not including wholesale or retail sales;
 12. Lawnmower and small engine repair in the R-1 District only;
 13. Locksmith;
 14. Mail order business;
 15. Manufacturer's representative;
 16. Repair of small household appliances that can be hand carried in the R-1 District only;
 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.
- q. The 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 §1403.21 and the applicable criteria for Comparable Uses Not Specifically Listed in §1403.12.

1403.24 Hospital or Nursing Home, subject to:

- a. The minimum lot area required for a hospital shall be ten (10) acres. The minimum lot area required for a nursing home shall be two (2) acres.
- b. The property shall be served by public water and public sewers.
- c. All hospitals and nursing homes shall be licensed by the Commonwealth and the license shall be maintained throughout the occupancy. Failure to maintain the license shall be grounds for revocation of the Certificate of Occupancy.
- 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 Township police department and 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 Buffer Area "B", as defined by §1502.1 of this Ordinance.
- i. 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).
- j. A private use helipad for air ambulances shall be permitted as part of a hospital, provided all of the following criteria are met:
 - 1. Helipads accessory to a hospital shall be limited to use by emergency vehicles and health system personnel.
 - 2. The helipad shall be located at least two hundred fifty (250) feet from any property line or public street.
 - 3. Evidence of compliance with all applicable regulations of the Federal Aviation Administration (FAA) and the Pennsylvania Department of Transportation Bureau of Aviation shall be submitted.
 - 4. The helicopter landing pad shall be clearly marked with the insignia commonly recognized to indicate a private use helipad.

5. The helicopter landing pad shall be paved, level and maintained dirt free. Rooftop pads shall be free of all loose stone and aggregate.
6. 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.
7. Lighting shall be shielded away from adjacent properties and streets.
8. The applicant shall submit a report from a reputable acoustic or aviation consultant showing the computer prediction model developed by the FAA referred to in 14 C.F.R., Part 150, §A150.103.
9. The applicant shall submit proof of ownership of helicopter liability insurance in an amount not less than five million dollars (\$5,000,000.00) for any one (1) accident or occurrence.

1403.25 Junk Yard; Salvage Yard, subject to:

- a. The minimum site required shall be twenty (20) acres.
- b. The site shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Ordinance.
- c. The premises shall be maintained so as to not constitute a nuisance or menace to public health and safety.
- d. No garbage, hazardous materials or hazardous waste as defined by Federal statute, or other organic waste shall be stored on the premises.
- e. The handling and disposal of motor oil, battery acid and 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. 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 2001 of this Ordinance.
- f. The manner of storage of junk or other materials or equipment on the site shall facilitate access for fire-fighting, shall prevent hazards from fire or explosion and shall prevent the accumulation of stagnant water.
- g. The junk yard or salvage yard operation shall comply with the Performance Standards of Section 1502 of this Ordinance.

- h. No junk shall be stored or accumulated and no structure shall be located within three hundred (300) feet of any dwelling or within one hundred (100) feet of any property line or public street.
- i. The premises shall be enclosed by a metal chain link fence not less than eight (8) feet in height supported on steel posts with a self-latching gate. The fence shall be located on the inside of the Buffer Area required by Subparagraph “k”, below and shall be maintained in good condition.
- j. The fence shall be supplemented with screening material which creates a visual barrier that is at least eighty percent (80%) opaque.
- k. Buffer Area “A”, as defined by §1502.1 of this Ordinance, shall be provided along all property lines adjoining residential use or zoning classification.
- l. The site shall be designed utilizing natural topography and/or constructed earthen mounds so as to obstruct visibility from adjacent public streets and properties.
- m. The operator shall obtain a license from the Township prior to initiating operations which shall be renewable annually upon payment of the required license fee established from time to time by Resolution of the Board of Commissioners and subject to inspection by the Zoning Officer to determine continuing compliance with these standards.

1403.26 Kennel; Animal Shelter, subject to:

- a. The minimum site required shall be five (5) acres.
- b. Kennels shall be licensed when required by the Commonwealth.
- c. Outdoor runs, fenced enclosures and kennels that are not within a completely enclosed building shall be located at least two hundred (200) feet from any existing dwelling on an adjacent lot.
- d. Buffer Area “C” shall be provided along that portion of a side or rear property line adjacent to or directly opposite a parking area or outdoor run, fenced enclosure or kennel that is not within a completely enclosed building.
- e. Odors and noise shall be controlled so as to comply with the Performance Standards of Section 1501 of this Ordinance.

1403.27 Landfill, subject to:

- a. The minimum site area shall be fifty (50) acres.

- 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 (1,000) 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 six hundred (600) 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 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 conditional use approval 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 of a damaged roadway due to weight in excess of the posted weight limits for the road 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.
- g.** Landfill operations shall not be conducted within three hundred (300) feet of any property line adjoining residential use or Zoning District classification.
- h.** All property lines adjoining any existing residential use or any S-C, R-C or "R" Zoning District classification shall be screened by Buffer Area "A", as defined by §1502.1 of this Ordinance. The Buffer Area shall be comprised of a combination of earthen mounding and the required plantings.
- i.** Fencing at least eight (8) 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.
- k.** The applicant shall obtain the required permits from the Pennsylvania Department of Environmental Protection (PA DEP) and/or the U.S. Environmental Protection Agency (EPA) prior to initiating any operation.

- l.** The required State and 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 Certificate of Occupancy 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 Certificate of Occupancy in accordance with §2005.1 and shall present evidence of continuing compliance with all conditions of approval and required State or Federal permits.

1403.28 Marina; Boat Launch; Boat Sales, subject to:

- a.** The minimum site required for a marina or boat sales shall be one (1) acre. The minimum site required for a boat launch shall be 20,000 square feet.
- b.** Adequate area for vehicle turnaround shall be provided for boat launches.
- c.** Principal structures shall be at least seventy-five (75) feet from any lot line adjoining a residential dwelling.
- d.** Buffer Area “B”, as defined in §1502.1 shall be provided along all property lines adjoining an existing residential dwelling.
- e.** Seasonal outdoor dining facilities shall be further subject to the requirements of §1403.41.

1403.29 Methadone Clinic, subject to:

- a.** The site shall have frontage on and direct vehicular access to Route 51.
- b.** The clinic shall not be located within five hundred (500) feet of any of the following uses that existed prior to the establishment of the clinic: school, public playground, public park, residential housing area, day care center or church or other place of regularly stated religious worship. The five hundred (500) feet shall be measured by the straight line distance between the nearest property line of the property on which the clinic is proposed and the nearest property line of the property on which the above listed use is located.

- c. The Board of Commissioners, by majority vote, may reduce the five hundred (500) feet required by Subparagraph (b), above, provided notices are sent to every property owner located within five hundred (500) feet of the perimeter of the property proposed for the clinic at least thirty (30) days prior to the public hearing held pursuant to public notice on the conditional use application.
- d. Overnight boarding of patients shall not be permitted.
- e. Public transportation shall be available within reasonable walking distance of the proposed clinic.
- f. Off-street parking shall be provided in accordance with the requirements for medical offices/clinics in §1602.3.
- g. Along all property lines that adjoin undeveloped, residential zoned land, a buffer area shall be provided which is at least twenty (20) feet in depth as measured from the property line and which shall be comprised of two (2) rows of plantings creating a high level and low level screen, consisting of a mix of at least sixty-five percent (65%) evergreen and thirty-five percent (35%) deciduous plant materials.
- h. The low level screen shall be a minimum of three (3) feet in height at the time of planting and the high level screen shall be a minimum of six (6) feet in height at the time of planting. Plant materials shall be staggered in a manner so as to provide a minimum sixty percent (60%) opaque visual barrier.

1403.30 Mid-rise or High-rise Apartments, subject to:

- a. The property proposed for mid-rise or high-rise apartments shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Ordinance.
- b. The minimum lot area required to construct mid-rise or high-rise apartments shall be two (2) acres.
- c. The maximum dwelling unit density for mid-rise or high-rise apartments shall be fifteen (15) units per acre.
- d. The setback from any property line adjoining a single family dwelling shall be seventy-five (75) feet.
- e. All other minimum requirements of the Zoning District shall apply to mid-rise or high-rise apartments.
- f. The maximum number of dwelling units in any mid-rise apartment building shall be sixty (60). The maximum number of dwelling units in any high-rise apartment shall be one hundred (100).

- g. The maximum length of any building shall not exceed two hundred fifty (250) feet.
- h. Where two (2) or more buildings exist on the same lot, the minimum distance between buildings shall be twenty (20) feet or fifty percent (50%) of the height of the taller building, whichever is greater.
- i. All property lines adjoining single family use or zoning classification shall be screened by Buffer Area "B", as defined by §1502.1 of this Ordinance.
- j. All parking areas adjoining single family use or zoning classification which are not screened by a Buffer Area shall be screened by a minimum six (6) foot high compact evergreen hedge.
- k. All portions of the property not covered by buildings, driveways, parking, pools, shelters, gazebos or other paved areas shall be suitably landscaped with grass, ground cover and decorative shrubs or trees.
- l. The design and orientation of the buildings on the property shall take into account compatibility with the visual impact on adjoining single family residential properties. The building and the property shall be effectively landscaped to minimize such impacts on adjoining residential properties.
- m. On lots containing more than fifty (50) dwelling units, indoor or outdoor recreational facilities appropriate to the needs of the prospective residents shall be provided subject to approval by the Board of Commissioners.

1403.31 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 exempt from these regulations and 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 or rivers or streams now or hereafter designated by the Pennsylvania Fish Commission as a Wilderness Trout Stream, by the Pennsylvania Department of Environmental Protection 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 the property line of any public building, school, church, community or institutional building, commercial building, public park or private recreational 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 law.
- f.** No mineral removal shall be conducted that 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.
- g.** No mineral removal shall be conducted within one hundred (100) feet of the property line of a cemetery.
- h.** No mineral removal shall be conducted within three hundred (300) feet of the property line of an occupied dwelling, unless the consent of the owner 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 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 Township streets and shall design the hauling routes for the mineral removal operation to minimize the impact on local streets within the Township.
- k.** The operator shall post a bond in favor of the Township and in a form acceptable to the Township prior to beginning operations to guarantee restoration of Township streets which may be damaged during the mineral removal operations.
- l.** 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.
- m.** The applicant shall comply with all applicable State and Federal regulations and shall show evidence of obtaining the required State and Federal permits, including proof of insurability, before initiating any work and shall maintain 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.

- n. The term of the approval of the use by special exception shall be set by the Zoning Hearing Board for a period of no more than one (1) year, however, the term of the approval may be extended upon application for renewal filed with the Zoning Hearing Board.
- o. Approval of the use by special exception shall expire if work authorized in the application for the use by special exception is not commenced within six (6) months of the date of approval of the use by special exception application by the Zoning Hearing Board, unless the applicant submits a written request for an extension prior to the expiration of the six (6) months after the date of approval.
- p. Once work is initiated under an approved application for use by special exception, zoning approval shall be valid for a period of one (1) year from the date of approval of the use by special exception by the Zoning Hearing Board. An application for renewal of zoning approval shall be submitted prior to the expiration of zoning approval and shall be approved by the Zoning Officer upon demonstration by the applicant that all conditions of approval of the use by special exception 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.
- q. 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.

1403.32 Mini-Warehouses or Self-Storage Buildings, subject to:

- a. The minimum site area required shall be two (2) acres.
- b. The site shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Ordinance.
- c. Vehicular access to the site shall be limited to one (1) two-way or two (2) one-way driveways connecting to the nearest public street.
- d. All interior driveways shall be paved with an impervious surface sufficient for the loads the driveways are expected to bear.
- e. Within the site all driveways shall be a minimum of twenty-five (25) feet wide. Traffic circulation shall be subject to review and approval by the Board of Commissioners upon the recommendation of its Traffic Engineer.

- f. Parking shall be provided in accordance with the requirements of §1602.3 and shall be located near the office.
- g. Buffer Area "A" shall be provided in accordance with the requirements of §1502.1 of this Ordinance along all property lines which adjoin residential use or zoning classification.
- h. The perimeter of the site shall be fenced with a minimum eight (8) foot high chain link fence with self-latching gate. Where outside storage is authorized, the fence around the outside storage area shall be supplemented with screening material which creates a visual barrier that is at least eighty percent (80%) opaque.
- i. No rooftop HVAC units shall be permitted.
- j. The maximum size of any storage unit shall be fifteen (15) feet wide, forty (40) feet deep and one (1) story but no more than twenty (20) feet in height.
- k. The maximum lot coverage by all buildings shall not exceed fifty percent (50%), unless the developer provides additional landscaping and planting as may be approved by the Board of Commissioners.
- l. Office space may be provided which shall not exceed five percent (5%) of the total floor area devoted to storage.
- m. No storage shall take place outside of a completely enclosed building.
- n. Storage units shall not be equipped with water or sanitary sewer service.
- o. No business activity other than rental of storage units shall be conducted on the premises, except for services and/or items ancillary to the provision of storage services.
- p. Operations shall be regulated so that nuisances such as visual blight, trash, glare, noise, blowing debris and dust shall not be created or maintained.
- q. Exterior finishes of the storage units shall be compatible with the material comprising the exterior finish of buildings on adjoining properties.
- r. No sign shall be placed on the buildings except for informational and directional signs and one (1) business identification sign on the office building portion of the facility. No signs shall be placed on rooftops.
- s. No hazardous materials or substances shall be permitted to be stored in the storage buildings other than those permitted by the Township Building or Fire Prevention Codes. Both the landlord and the tenants shall be responsible for prevention of the storage of hazardous materials or substances in the storage

buildings that are not in compliance with the Township Building or Fire Prevention Codes. Written notice shall be given to all prospective tenants of this restriction on materials and substances permitted to be stored.

- t. A minimum of one (1) fire hydrant shall be provided on the site, subject to approval by the Township Zoning Officer after consultation with the Fire Chief.

1403.33 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 minimum site required for a mobile home park shall be five (5) acres.
- c. The site shall be served by public sewers.
- d. The minimum mobile home lot shall be six thousand (6,000) square feet.
- e. The minimum yard requirements for each mobile home lot shall be twenty-five (25) feet for front yards, twenty (20) feet for rear yards and ten (10) feet for side yards. Such yards shall be measured from the perimeter of the mobile home slab. Carports or parking pads may be located in the required side yard.
- f. Every mobile home slab shall have access to a public or private street in accordance with the requirements of the Township Subdivision and Land Development Ordinance.
- g. Each mobile home lot shall provide two (2) off-street parking spaces. Visitor parking shall be provided in accordance with the requirements of §1602.3

1403.34 Motel or Hotel, subject to:

- a. The minimum site required shall be three (3) acres.
- b. The site shall have vehicular access to an arterial or collector street, as defined by this Ordinance, by means of a driveway entrance intersecting such a street or by means of an interior road system within a Planned Industrial Park that leads directly to and intersects with such a street. In no case shall traffic from a motel site exit onto or enter from a local street, as defined by this Ordinance.
- c. The motel or hotel shall be located a minimum of three hundred (300) feet from any property line adjoining an S-C, R-C or "R" Zoning District.
- d. Buffer Area "A", as defined in §1502.1 of this Ordinance, shall be provided along all property lines adjoining an S-C, R-C or "R" Zoning District.

- e. Rooftop mechanicals shall be screened from public view.
- f. Dumpsters shall be completely enclosed by a wall or solid fence at least six (6) feet in height.

1403.35 Nature Preserve, subject to:

- a. Flora and fauna maintained in a nature preserve shall be limited to those species that are indigenous to the region.
- b. The minimum site required for a nature preserve shall be ten (10) acres.
- c. There shall be no other use of the property, other than a landowner's or caretaker's dwelling.
- d. The landowner shall present evidence of registration or participation in a preservation program of the National Wildlife Association, Audubon Society or similar environmental organization.

1403.36 Oil and Gas Drilling, subject to:

- a. A copy of the permit application submitted to the PA Department of Environmental Protection (PA DEP) shall be submitted with the application for conditional use approval.
- b. A property survey shall be submitted demonstrating the following information:
 - 1. the proposed location of the well or wells
 - 2. the proposed means of access to the well or wells
 - 3. the proposed gathering or transmission lines
 - 4. the distance from any existing structures on the subject property or the immediately adjacent properties
 - 5. location of local water supply wells or systems
- c. The applicant shall provide logs or other documentation showing the estimated deepest fresh groundwater.
- d. Information shall be provided regarding the estimated depths of the proposed wells and the expected surface pressure and measures to be taken to control the expected pressure.
- e. The applicant shall indicate whether a pre-alteration or pre-drilling survey is to be conducted.
- f. A site specific erosion and sedimentation control plan shall be submitted.

- g.** As part of the emergency response plan required by Subparagraph “h”, below, the applicant shall provide the Township with a copy of the control and disposal plan for any expected fluids or solids encountered during the drilling and production stages indicating the following:
1. The size and location of a storage pit for any material emanating from the well during drilling and site restoration
 2. The size and location of any tankage designed for the site, as well as dikes for spill containment of said tank during well production
 3. Methods of oil separation and removal of all solids or liquid byproducts, including oil, from the site during production, if applicable

Any information that is not available at the time of application shall be submitted as an addendum to the emergency response plan.

- h.** The applicant shall submit an emergency response plan to the Township and the local fire companies, providing, at a minimum, the recommended first response by fire companies to address the following:
1. well leakage
 2. spill containment
 3. vandalism creating unknown conditions
 4. defective casing or cementing
 5. potential communication between the well and the public water supply
 6. control and disposal plan required by Subparagraph “g”, above
- i.** The applicant shall provide certification that a bond is held by the Pennsylvania Department of Environmental Protection (PA DEP) to ensure proper plugging when the well is classified as inactive by PA DEP.
- j.** The applicant shall provide a schedule indicating the following dates:
1. Site preparation begins and ends
 2. Anticipated drilling activity begins and ends
 3. Anticipated completion (perforating) work to begin and end
 4. Anticipated stimulation (fracturing) work to begin and end
 5. Anticipated production work to begin and end
 6. Anticipated plugging date
- k.** Adequate security measures shall be proposed, if warranted by the character of surrounding development.

- l.** The access road to the well site shall be secured by a locked gate and means of access shall be provided to Township Police and Fire Departments for emergency response.
- m.** The access road to the well site shall be improved with a dust-free, all weather surface in such a manner that no water, sediment or debris will be carried onto any public street.
- n.** An off-street area for maintenance vehicles to stand while gaining entrance to the access road shall be provided that does not disrupt the normal flow of traffic on the public street.
- o.** All piping for transportation from the well to the transmission lines shall be placed underground to a minimum depth of three (3) feet, except for fixtures and appurtenances.
- p.** The Board of Commissioners shall require a performance bond in the amount of \$5,000 to guarantee installation of the access road, fencing, gate and any other features not otherwise bonded by the PA Department of Environmental Protection (DEP) required by the Township Zoning Ordinance or as a condition of conditional use approval.

1403.37 Planned Industrial 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 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.
- 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 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 Industrial Park site shall be screened by Buffer Area "A" as defined by §1502.1 of this Ordinance.

1403.38 Planned Shopping Center, 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. Once the improvements are completed in an approved shopping center, lots within the approved and recorded shopping center may be sold and developed as independent entities for any authorized use in the District.
- d. Only uses permitted by right or authorized as conditional uses or uses by special exception in the District in which the shopping center is located shall be permitted in the shopping center.
- e. Buffer Area "A", as defined by §1502.1 of this Ordinance shall be provided along all property lines which adjoin the S-C, R-C, R-1, R-2, R-3 or R-4 Zoning Districts.
- f. Sidewalks shall be installed in front of all stores.
- g. 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.
- h. 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.
- i. 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 an S-C, R-C, R-1, R-2, R-3 or R-4 Zoning District shall be 0.2 footcandle.

1403.39 Private Club, subject to:

- a. Any private club that includes a restaurant or bar shall meet the off-street parking requirements of Article XVI for eating and drinking establishments for the portion of the building devoted to the restaurant or bar in addition to the parking required for a private club.

- b. All operations shall be conducted within a completely enclosed building and doors and windows shall remain closed during any hours when entertainment is presented.
- c. Any rental of the facility to non-members shall require on-site management and/or security personnel during the event.
- d. All off-street parking which adjoins an S-C, R-C or “R” Zoning District shall be screened by a minimum six (6) foot high compact dense evergreen hedge.

1403.40 Private Recreation, subject to:

- a. A minimum lot area of one (1) acre shall be required.
- b. All principal structures shall be located at least fifty (50) feet from any property line.
- c. Buffer Area “C”, as defined by §1502.1 of this Ordinance shall be provided where parking or intensively used facilities such as ballfields, tennis courts, shelters and the like are proposed adjacent to any property line adjoining residential use or zoning classification. Open space and passive recreation areas, as well as undeveloped portions of the property held for future development, shall not be required to be buffered from adjoining residential use or zoning classification.
- d. The use shall comply with the Performance Standards of Section 1501 of this Ordinance.
- e. All lighting shall be shielded away from adjoining streets and properties.
- f. Any outdoor facility located within two hundred (200) feet of an existing dwelling shall cease operations at 10:00 P.M.

1403.41 Public Utility Building or Structure, subject to:

- a. The minimum lot area required shall be 20,000 square feet.
- 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 minimum 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 dense, compact evergreen hedge.

- d. Any area of the building which is used for business offices shall comply with the parking requirements of Article XVI of this Ordinance for that use. Any area of the building which is used for storage of material, vehicles or other equipment shall provide one (1) parking space for each one thousand five hundred (1,500) square feet of gross floor area devoted to that use.

1403.42 Recreation-related Commercial Uses, subject to:

- a. Recreation-related commercial uses shall include, and are limited to: a concession stand, ice cream store, delicatessen, cafeteria or restaurant, bicycle rental, bicycle repair, bait shops, pro shops, gift shops, retail sales of sporting goods and other similar retail or service uses which are directly related to the existing recreational or historic sites in the S-C or R-C Zoning Districts.
- b. The proposed recreational or commercial structures shall be designed to preserve natural features and oriented to the walking, hiking or bridle trails or other related recreational or historic sites nearby. Grading and vegetation removal shall be minimized.
- c. Lighting or other features which encourage use of outdoor areas after dusk shall not be permitted.
- d. The design of the proposed recreational facilities and any proposed recreational or commercial structures shall comply with all applicable requirements governing flood plains and wetlands.
- e. The maximum floor area of any recreational or commercial building shall be two thousand five hundred (2,500) square feet.
- f. In addition to the required parking spaces for vehicles required by this Ordinance for the proposed uses, parking areas for bicycles shall be provided.
- g. No storage of equipment or materials shall be permitted outside a completely enclosed structure.
- h. Dumpsters shall be completely enclosed by a wall or solid fence and shall be landscaped to complement the natural environment. Trash receptacles shall be provided and shall be designed of natural materials or a design compatible with the natural environment.
- i. All areas which are not used for active recreational facilities, structures or parking areas shall be maintained in a natural state or attractively landscaped. Areas kept in a natural state shall be adequately maintained to eliminate the accumulation of litter and growth of weeds and tall grass.

1403.43 Retirement Community, subject to:

- a. The minimum site required for a Retirement Community shall be twenty (20) acres.
- b. The site proposed for a Retirement Community, as defined herein, shall have frontage on and direct vehicular access to a street classified by this Ordinance as an arterial or collector street. Access to local Township streets shall not be permitted, except that a secondary controlled “emergency only” access may be provided from a local Township street, if approved by the Township.
- c. A Retirement Community may include one (1) or more of the following dwelling types:
 - 1. Single family dwellings
 - 2. Two family dwellings
 - 3. Townhouse buildings containing no more than six (6) dwelling units per building.
 - 4. Garden apartment buildings containing no more than fifty (50) dwelling units per building.
- d. In addition to the foregoing dwelling types, a Retirement Community shall include the following supporting uses:
 - 1. Common leisure and/or recreational areas
 - 2. Common dining area
- e. In addition, a Retirement Community 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 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. Personal care boarding home licensed by the Commonwealth;
 - 7. Nursing home licensed by the Commonwealth;
 - 8. Elderly day care center licensed by the Commonwealth;
 - 9. Taxi, van or similar transportation services for the residents.
- f. The maximum dwelling unit density permitted in a Retirement Community shall be twelve (12) dwelling units per acre.

- g. No principal structure shall be less than fifty (50) feet from any property line adjoining property in an S-C, R-C, R-1, R-2, R-3 or R-4 Zoning District. Along all other property lines, no principal structure shall be less than twenty (20) feet from any property line of the development site.
- h. Buffer Area "B", as defined by §1502.1 of this Ordinance shall be provided along all property lines adjoining property in an S-C, R-C, R-1, R-2, R-3 or R-4 Zoning District.
- i. There shall be a minimum of one (1) parking space for each dwelling unit plus one (1) parking space for each employee on peak shift. In the event that a nursing home or personal care boarding home is proposed, parking shall be provided in accordance with the requirements of §1602.3 of this Ordinance for those uses. Additional parking for the supporting uses intended for the residents and their invited guests shall not be required.
- j. Sidewalks shall be provided to connect buildings, common outdoor areas and parking areas.
- k. The site design shall include outdoor common areas, gathering places and passive or active recreation facilities appropriate to the needs of the residents. Common outdoor areas shall be attractively landscaped.

1403.44 Single Family Dwelling, subject to:

- a. Single family dwellings may be constructed on any lot of record in an established residential subdivision.
- b. If a single family dwelling is proposed on property that is not in an established residential subdivision, the impact of any existing nonresidential use on adjoining properties on the proposed dwelling shall be evaluated.
- c. If warranted to screen the proposed dwelling from existing active recreational uses or nonresidential uses on adjoining properties, Buffer Area "C" shall be provided along the side and/or rear lot lines of the property for the single family dwelling.
- d. Impervious surface coverage may be increased to thirty-five percent (35%) on property proposed for single family dwellings.

1403.45 Temporary Uses or Structures, other than Construction Trailers, Model Homes or Sales Offices, subject to :

- a. A transient merchant license if required by Township Ordinance shall be obtained.

- b.** The proposed temporary use or structure shall be limited to those uses or structures otherwise authorized in the Zoning District.
- c.** In the B-1 and B-2 Districts, preparation and/or serving of food in an outdoor setting shall be permitted only if all of the following requirements are met:
 - 1.** The preparation and serving of food which is part of a special event that does not exceed seventy-two (72) consecutive hours in duration shall be exempt from the requirement to obtain approval of a use by special exception under this Section; however, an occupancy permit shall be obtained from the Township Zoning Officer subject to the applicant demonstrating compliance with the standards and criteria of this §1403.41.
 - 2.** Evidence of an approved permit from the Allegheny County Health Department or its successor agency.
 - 3.** The preparation and serving of food shall not be permitted on any vacant lot and shall only be permitted on the site of an existing business.
 - 4.** The area used for preparing and serving the food shall not obstruct any sidewalk or public right-of-way nor shall it obstruct the free flow of pedestrian or vehicular traffic on the site or adjoining the site. On any sidewalk, there shall be maintained a minimum of five (5) feet unobstructed width for the passage of pedestrians and in the case where there is parallel parking permitted along such sidewalk, a minimum of four (4) feet adjacent to the curb to permit the discharging of passengers shall be provided. These required unobstructed areas on the sidewalk may be combined into one (1) area at least five (5) feet wide along the curb.
 - 5.** No noise or odor shall emanate from such outdoor area where food is prepared and/or served which adversely affects any adjoining residentially zoned property within three hundred (300) feet of the outdoor area.
 - 6.** The area used for preparing and serving food shall not eliminate the availability of any existing parking spaces on the site.
 - 7.** The activity shall comply with all applicable Township Codes and Ordinances.
 - 8.** The site intended to be used for the preparation and/or serving of food shall provide restroom facilities available to the public, unless the existing business on the site has restroom facilities which will be available to the public visiting the temporary use.

9. The owner of the existing business or the operator of the temporary use involving the preparation and/or serving of food in an outdoor setting shall provide the Township with a Certificate of Insurance, in an amount at least equal to \$2,000,000 per occurrence and \$3,000,000 aggregate, indemnifying the Township against any liability resulting from such use.
- d. Approval of 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.
- e. 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.
- f. All temporary uses or structures which are proposed to be accessible to the public shall provide off-street parking in accordance with the requirements of §1602.3 for the proposed use.
- g. 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 lot and not impede the free flow of traffic for any other permanent use or structure on the lot.
- h. All temporary uses or structures proposed to be used as principal uses or structures shall comply with all area and bulk regulations of 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 uses.
- i. 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.
- j. 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 lot.

1403.46 Truck and Heavy Equipment Rental, Sales and Service, subject to:

- a. The minimum site required shall be one (1) acre.
- b. The site shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Ordinance.

- c. No vehicle or other merchandise displayed outdoors shall be less than ten (10) feet from any property line. No vehicle or equipment shall be parked on adjacent property or in any public street right-of-way.
- d. No vehicle shall be displayed or offered for sale which does not have all of the mechanical and body components necessary for its safe and lawful operation.

1403.47 Truck Terminal, 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 site shall not be located within one thousand (1,000) feet of any occupied dwelling measured in a straight line along a public street from any site boundary to the nearest wall of any dwelling.
- c. Ingress, egress and internal traffic circulation shall be designed to ensure safety and minimize congestion.
- d. Site lighting shall be designed with cut off luminaires that have a maximum cut off angle of sixty degrees (60°). (See illustration in Appendix B) The maximum illumination at any property line shall be 0.2 footcandle.
- e. All property lines adjoining residential use or zoning classification shall be screened by Buffer Area "A" as defined by §1502.1 of this Ordinance.
- f. Off-street parking and loading shall be provided in accordance with the requirements of Article XVI of this Ordinance.
- g. All materials and equipment shall be stored within a completely enclosed structure.
- h. No repair of vehicles shall be permitted.
- i. No shipping or receiving shall be permitted within three hundred (300) feet of a property in a residential zoning district between the hours of 6:00 P.M. and 7:00 A.M.
- j. All operations shall comply with the Performance Standards of Section 1501 of this Ordinance.

1403.48 Two Family Dwellings, subject to:

- a. The minimum site required to develop two family dwellings shall be three (3) contiguous acres.

- b. The site shall have frontage on and direct vehicular access to a street defined by this Ordinance as an arterial or collector street.
- c. If the properties are proposed to be subdivided for fee simple ownership of each dwelling unit, the units may be divided along the common walls without a variance for the side yard required in the R-3 District, provided the minimum lot area of six thousand (6,000) square feet per dwelling unit is provided and the minimum lot width of sixty (60) feet is provided for each dwelling lot and all other applicable area and bulk regulations are met for each lot.
- d. The design of the two family dwellings shall be compatible with the style of the single family dwellings on adjoining properties, if any. The orientation of the garages and entries to the two family dwellings shall be designed to maximize the appearance of a large single family dwelling.
- e. On corner lots, the two family dwelling shall be designed so that each dwelling unit faces on a different street frontage.
- f. At least one (1) integral parking space shall be provided for each dwelling unit.
- g. The two family dwellings shall be designed to incorporate privacy patios or interior courtyards for each dwelling unit, where feasible.

1403.49 Vehicle Repair Garage, 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. Buffer Area "A", as defined by §1502.1 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 or 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).

1403.50 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 high 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 7:00 P.M. and 7:00 A.M.
- d.** All shipping and receiving facilities adjoining residential use or zoning classification shall be screened by Buffer Area "B", as defined by 1502.1 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.

ARTICLE XV

SUPPLEMENTAL REGULATIONS

SECTION 1500 APPLICABILITY

The supplemental 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 performance standards shall apply to all permitted uses, conditional uses and uses by special exception in the B-1, B-2 and M-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 Commissioners 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 fire 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 Disturbances

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 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 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 9:00 P.M.
- 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 Zoning District shall be prohibited.

1501.5 Odors

No use shall emit odorous gas or other odorous matter in such quantities as to be offensive at any point on or beyond the lot lines. The guide for determining such quantities shall be the fifty percent (50%) response level of Table I (Odor Thresholds in Air), "Research on Chemical Odors: Part I – Odor Thresholds for 53 Commercial Chemicals" October, 1968, Manufacturing Chemists Association, Inc., Washington, D.C.

1501.6 Smoke, Ash, Dust, Fumes, Vapors and Gases

There shall be no emission at any point for longer than five (5) minutes in any hour of visible gray or other color smoke, ash, dust, fumes, vapors or gases with a shade darker than No. 3 on the Standard Ringlemann Chart issued by the U.S. Bureau of Mines; nor shall there be any emission at any point from any source which can cause damage to health, to animals or vegetation or other forms of property or which can cause excessive soiling at any point.

1501.7 Glare

All lighting devices shall be designed with shields, reflectors or refractor panels which direct and cut off light at a cut-off angle that is less than sixty degrees (60°). (See illustration in Appendix B)

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 Pennsylvania Department of Environmental Protection (PA DEP).

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 Commissioners, 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.

SECTION 1502 BUFFER AREAS AND LANDSCAPING

1502.1 Buffer Areas Described

Buffer Areas, as defined by this Ordinance and required by §1502.2, shall meet all of the following criteria: (See Appendix C for illustrations of Buffer Areas)

- a. Buffer Area "A" shall contain two (2) rows of plantings. Each row shall consist of a mixture of thirty percent (30%) deciduous and seventy percent (70%) evergreen plantings spaced within the row a minimum of fifteen (15) feet apart, measured from the vertical centerlines of adjacent trees. The two (2) rows shall be staggered in a manner which shall result in adjacent trees on two (2) different rows being no more than ten (10) feet apart, measured from the vertical centerlines of the trees. The depth of Buffer Area "A" shall be thirty-five (35) feet as measured from the property line.
- b. Buffer Area "B" shall contain one (1) row of plantings which shall consist of a mixture of thirty percent (30%) deciduous and seventy percent (70%) evergreen spaced within the row a minimum of ten (10) feet apart, measured from the vertical centerlines of adjacent trees. The depth of Buffer Area "B" shall be twenty-five (25) feet as measured from the property line.
- c. Buffer Area "C" shall be comprised of a continuous, compact evergreen hedge or line of evergreen trees that will grow together when mature and that are a minimum of six (6) feet in height at the time of planting. The depth of Buffer Area "C" shall be fifteen (15) feet as measured from the property line.
- d. None of the required plantings shall encroach across any property line. All plantings shall be located so that, at maturity, all parts of the tree shall be a minimum of two and one-half (2 ½) feet from any public street right-of-way or any property line which constitutes the exterior boundary of the Buffer Area.
- e. In the event that existing vegetation and/or existing topography provides screening which is adequate to meet the intent of the required Buffer Area to screen the buildings, activities and parking areas from adjoining residential properties, the Board of Commissioners, upon recommendation by the Planning Commission, may determine that the existing topography and/or vegetation constitutes all or part of the required Buffer Area. If such a determination is made, the applicant may be required to record a conservation easement of the depth specified by the Board of Commissioners to guarantee that the existing topography and/or vegetation will not be disturbed or removed from the approved Buffer Area.
- f. In the event that a public street right-of-way, dedicated and accepted by the Township separates the two (2) dissimilar uses specified, the Buffer Area shall not be required.
- g. Openings for driveways shall be permitted to cross a required Buffer Area. Plantings in required Buffer Areas shall be located so as to not obstruct visibility for traffic entering or leaving the site and shall be subject to the clear sight triangle requirements of §1503.4 of this Ordinance.

- h.** No structures or uses shall be permitted in the required Buffer Area, other than active or passive recreation facilities and stormwater management facilities, provided the structures or uses do not interfere with the required plantings in the Buffer Area and provided all plantings are located outside any stormwater management structure. Structures or uses not permitted within the required Buffer Area include, but are not limited to, buildings, accessory structures, parking spaces, access driveways and lighting devices.

1502.2 Buffer Areas Required

Buffer Areas “A”, “B” and “C” listed in §1502.1 above shall be required under the following circumstances:

a. Buffer Area “A”

Buffer Area “A” shall be required:

- 1. Along all property lines where any development in the B-2 or M-1 District adjoins property in an S-C, R-C, R-1, R-2, R-3 or R-4 District.
- 2. Where the express standards and criteria for a conditional use or use by special exception in Section 1403 of this Ordinance specify that Buffer Area “A” is required.
- 3. Along all property lines where a Planned Residential Development adjoins property in an S-C, R-C, R-1, R-2 or R-3 District.
- 4. Along all property lines where multifamily dwellings adjoin property in an R-1, R-2 or R-4 District.

b. Buffer Area “B”

- 1. Along all property lines where any development in the B-1 District or any legal nonconforming nonresidential use in an S-C, R-C or “R” Zoning District adjoins property in an S-C, R-C, R-1, R-2, R-3 or R-4 District.
- 2. Where the express standards and criteria for a conditional use or use by special exception in Section 1403 of this Ordinance specify that Buffer Area “B” is required.
- 3. Along all property lines where a Planned Shopping Center adjoins property in an M-1 District.
- 4. Along all property lines where a Planned Industrial Park adjoins property in a B-1 or B-2 District.

c. Buffer Area “C”

1. Where the express standards and criteria for a conditional use or use by special exception in Section 1403 of this Ordinance specify that Buffer Area “C” is required.
2. On developed nonresidential properties in the B-1 or B-2 District where existing conditions such as building location and existing paving of the parking lot make it impossible to meet the requirements for Buffer Area “B” along a property line which adjoins property in an S-C, R-C, R-1, R-2, R-3 or R-4 District.

1502.3 Conflict Between Buffer Area and Yard Requirements

When the width of a required Buffer Area is in conflict with the minimum yard requirements of Articles IV through XII, the greater distance shall apply. The Buffer Area planting requirement shall be adhered to regardless of the yard requirement.

1502.4 Existing Structures in Buffer Areas

In instances where an existing structure is located within any required Buffer Area, the Buffer Area may be reduced, provided the Buffer Area is not less than the minimum distance between the existing structure and the property line. This reduced Buffer Area width shall apply only to the side of the existing structure which encroaches on the required Buffer Area. The required Buffer Area, as determined by §1502.2, shall apply on all other sides of the existing structure.

1502.5 Existing Trees in Buffer Areas

Where trees already exist within the required Buffer Area, 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 said removal. 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. (See Appendix D for a suggested list of plant materials) All such replacement planting shall be in accordance with accepted conservation practices.

1502.6 Size of Trees in Required Buffer Areas

Any existing trees within the required Buffer Area 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 Buffer Area. At no point, however, shall any existing trees and required trees be separated at a distance greater than the distance specified in the required Buffer Area.

All trees required to be planted within the Buffer Area 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.

1502.7 Responsibility for Maintenance

It shall be the responsibility of the landowner or lessee 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.

1502.8 Stormwater Management Facilities in Buffer Areas

Stormwater management facilities and structures may be maintained within a Buffer Area, but the existence of such facilities or structures shall not be a basis for failure to meet the planting requirements.

1502.9 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 shall be seeded, sodded or landscaped within a reasonable period of time. The phrase "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 shall occur by April 15th.

1502.10 Additional Landscaping Specifications

Landscaping shall be provided in accordance with the following specifications:

- a. Planting required in Buffer Areas as outlined in §1502.2 shall not be substituted for any required planting mandated in this Section.

b. A landscaping plan, with detailed drawings, shall be submitted with the final application for approval of the land development plan required by the Township Subdivision and Land Development Ordinance and this landscaping plan shall contain and show the following information:

1. All required Buffer Areas 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 Buffer Area 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 §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. Parking areas shall be landscaped in accordance with the following requirements:

In the event that a parking area containing twenty (20) or more spaces is not already separated from property in an S-C, R-C or “R” Zoning District by a Buffer Area, then Buffer Area C, as defined by §1502.1 shall be provided along any property line where the parking area adjoins property in an S-C, R-C or “R” Zoning District.

If parking is located in a required front yard, the parking area shall be located at least ten (10) feet from the public street right-of-way and the area between the street right-of-way and the parking area shall be landscaped with a mix of landscaping materials from the List of Suggested Plant Materials in Appendix D, including ground cover, trees and shrubs. The location of these landscaping materials shall not obstruct visibility for traffic entering or leaving the site and shall comply with the clear sight triangle requirements of §1503.4.

In parking areas containing one hundred (100) or more parking spaces, one (1) deciduous tree shall be planted for each twenty (20) parking spaces or portion thereof. The trees shall be located within the paved area and shall be selected from the List of Suggested Plant Materials in Appendix D.

- d. In any nonresidential development, deciduous trees shall be planted in accordance with the following schedule. These trees shall be in addition to the trees provided in any required Buffer Area or parking area:

<u>Building Footprint</u>	<u>Requirement</u>
1,000 s.f. – 30,000 s.f.	1 tree for each 1,000 s.f. of building footprint
30,001 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 Buffer Area and the amount of paving and building coverage proposed.

- e. In any development which contains multifamily dwellings, deciduous trees shall be planted in accordance with the following schedule. These trees shall be in addition to the trees provided in any required Buffer Area or parking area:

<u>Number of Dwellings</u>	<u>Required Trees</u>
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	62 trees plus 1 tree for each 3 dwelling units in excess of 100 dwelling units
201 + dwelling units	95 trees plus 1 tree for each 4 dwelling units in excess of 200 dwelling units

The required trees shall be planted as front yard trees or may be clustered in groups around the dwelling units and shall not be located within any public street right-of-way.

- f. All trees which are required to be planted as per the regulations of this §1502.10 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.
- g. 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 pay, 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
- h. Any existing trees which are not disturbed and are not located within a required Buffer Area 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 Buffer Area.
- i. Following the completion of construction in any Zoning District, all yard areas, including those on single family lots, not utilized for structures, driveways, planting strips or parking facilities shall be seeded, sodded or landscaped within a reasonable period of time. The phrase "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 cases, the required seeding or sodding shall occur by April 15th.

1502.11 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 eighteen (18) months 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 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:

1503.1 Corner Lots

Corner lots shall provide front yards on each street frontage. The remaining two (2) yards shall constitute side yards. There shall be no rear yard required on a corner lot.

1503.2 Nonconforming Lots of Record

See Section 1803 of this Ordinance.

1503.3 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 any property line. Swimming pools shall not be permitted in the front yard.

Pools shall be fenced and secured in accordance with the requirements of the Uniform Construction Code (UCC). The minimum height of the fence shall be four (4) feet and the maximum height shall be six (6) feet.

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. Lighting of the sports court shall be permitted, provided the lighting is shielded and there shall be no spillover lighting on any adjacent residential 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. The area of the sports court shall not exceed fifty percent (50%) of the total area of the yard behind the dwelling bounded by the side and rear lot lines and the rear wall of the dwelling.

c. Fences and Walls

In Residential Zoning Districts, fences and walls no greater than six (6) feet in height shall be permitted in the required rear or side yards, provided they are located at least one (1) foot off the property lines.

In Residential Zoning Districts, fences shall not be erected between the minimum required front yard setback and the public street right-of-way.

In the S-C and R-C, Special Conservation Districts, and the B-1 and B-2, Commercial Districts, the maximum height of a fence or wall shall be eight (8) feet.

In the M-1, Industrial District, the maximum height of a fence or wall 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 or 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 §1503.4 of this Ordinance.

e. Satellite Dish Antennas

Satellite Dish Antennas, for personal use by private citizens, not including communications antennas, as defined by this Ordinance, shall be permitted as an accessory use subject to the following requirements:

1. Satellite dish antennas that have a diameter of one (1) meter or less shall be exempt from these regulations.
2. Only one (1) satellite dish antenna with a diameter in excess of one (1) meter shall be permitted on a residential lot. In all Zoning Districts, such satellite dish antennas shall not be permitted in front yards. 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.
3. In Zoning Districts other than Residential, the maximum diameter of any satellite dish antenna with a diameter in excess of one (1) meter installed on any lot or on any roof or above any building shall not exceed twenty (20) feet. In all Zoning Districts, the maximum height of any such freestanding satellite dish antenna shall be twenty (20) feet.
4. In all Zoning Districts, no part of any satellite dish antenna with a diameter in excess of one (1) meter shall be located closer than ten (10) feet to any property line.

f. Radio or Television Antennas

A radio or television antenna for personal use by private citizens shall be permitted as an accessory use, subject to the following requirements, except as these provisions may be superceded by any applicable Federal Communication Commission (FCC) ruling:

1. A radio or television antenna structure may be mounted on a roof or installed in a rear yard 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 in height shall be mounted with guide 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. 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 areas accessory to authorized uses in the B-1, and B-2, Commercial 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.

h. Residential Accessory Storage Structures and Detached Garages

No detached garage or storage structure accessory to a dwelling shall be located in the minimum required front yard. The maximum gross floor area of a detached garage or storage structure shall be seven hundred fifty (750) square feet.

In all "R" Zoning Districts and in S-C and R-C Districts, storage structures accessory to a dwelling shall be located at least five (5) feet from the rear property line and at least ten (10) feet from the side property lines.

i. Structures Accessory to Non-Residential Structures and Buildings

No structure accessory to a non-residential building or structure, other than a fence, sign or off-street parking area, shall be located in the front yard. Signs and off-street parking areas shall be subject to the requirements of Articles XVI and XVII. Fences shall be subject to the requirements of §1503.3(c).

Structures accessory to non-residential buildings or structures shall not be located within any required Buffer Area.

Where a Buffer Area is not required, all structures accessory to non-residential buildings or structures shall be located at least ten (10) feet from the rear property line and at least twenty (20) feet from the side property line.

j. Distance from Principal Building

All accessory storage structures and garages shall be located at least ten (10) feet from any principal building; however, a detached garage may be connected to the principal building by contiguous side walls, breezeways or similar connections that enclose the minimum required spacing between the structures.

1503.4 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 at the intersection of two (2) streets or the intersection of a nonresidential driveway with a public street. The required clear sight triangle is illustrated in Appendix A.

SECTION 1504 PERMITTED PROJECTIONS INTO REQUIRED YARDS

The following shall be permitted to project into the required yards in any Zoning District as described:

Typical architectural features, including, but not limited to, bay windows, window sills, chimneys, cornices and eaves, shall be permitted to project into required front, side or rear yards no more than eighteen (18) inches.

Decks and their stairs, stoops 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. Porches that have a roof or that are enclosed or have enclosed habitable foundations shall be subject to the yard requirements for the principal structure.

Steps attached to the principal building and open fire escapes shall be permitted to project into required front, side or rear yards no more than three (3) feet.

SECTION 1505 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 that are 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.

SECTION 1506 DRIVE-THROUGH FACILITIES

All businesses that propose drive-through facilities, as defined by this Ordinance, as accessory uses or principal uses shall meet all of the following requirements:

1506.1 Drive-through facilities proposed on parcels within a planned shopping center shall have access only from the interior circulation system within the planned shopping center site. All other properties proposing drive-through facilities shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Ordinance.

1506.2 In addition to the parking spaces required for the principal use, a minimum of five (5) standing spaces, in one (1) lane, 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 space shall not interfere with the use of any required parking spaces and shall not inhibit the free flow of traffic on the property. 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.

1506.3 Entrances, exits and standing spaces shall be adequately indicated with pavement markings and/or directional signs.

1506.4 Parking areas and circulation patterns shall be adequately striped and marked to facilitate traffic circulation on the property.

SECTION 1507 TEMPORARY CONSTRUCTION TRAILERS, MODEL HOMES OR SALES OFFICES

Temporary construction trailers, model homes or sales offices shall be permitted in any Zoning District subject to the following conditions:

1507.1

Temporary construction trailers shall be permitted only during the period that the construction work is in progress under a valid building permit or under Township approval to install public improvements. The temporary construction trailer shall be removed upon completion of the construction authorized under a building permit or upon completion of the installation of the public improvements in a plan of subdivision. In the event that construction is phased, the temporary construction trailer shall be moved from the completed phase to the next phase when ninety percent (90%) of the required improvements in the completed phase have been installed as determined by the Township Engineer.

1507.2

Model homes or sales offices shall be permitted only until ninety percent (90%) of the lots or dwelling units in the development are sold. In the case of a phased development, the use of a model home or sales office shall be permitted to continue only if the subsequent phase is initiated within six (6) months of the completion of ninety percent (90%) of the lots or dwelling units in the prior phase. The use of the model home or sales office shall be discontinued within ninety (90) days of the sale of the last unit.

1507.3

A temporary use permit for the temporary structure or use shall be obtained from the Zoning Officer in accordance with the requirements of Section 2006 prior to the commencement of construction and shall be renewed every six (6) months, if necessary, until the project is completed.

1507.4

Temporary construction trailers 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 use.

1507.5

Temporary construction trailers 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.

1507.6

No signs or other advertising materials for the project shall be attached to the temporary construction trailer; however, the name of the construction company may appear on the trailer.

1507.7

“Class 3” materials as classified by the National Fire Protection Association (NFPA) shall not be stored in temporary construction trailers.

1507.8

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 residential use. No signs or other advertising information shall be located on the outside of the trailer or sales office.

1507.9

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.

1507.10

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 1508 AGRICULTURE

In the S-C and R-1 Districts, agricultural activities, including greenhouses, stables, kennels and animal husbandry, where authorized by this Ordinance, shall be subject to the following requirements:

1508.1

Storage of manure, odor or dust producing substances shall be located at least two hundred (200) feet from any property line.

1508.2

Any building used for the keeping, raising or feeding of livestock and poultry shall be located at least two hundred (200) feet from any street line and from any adjacent landowner’s well or dwelling and not less than one hundred (100) feet from the landowner’s well or property line.

1508.3

Animal shelters, including indoor kennels, shall be located no closer than two hundred (200) feet to any property line.

1508.4

Outdoor kennels shall be located at least three hundred (300) feet from any occupied dwelling on an adjacent lot and at least two hundred (200) feet from any property line which adjoins an R-1, R-2, R-3 or R-4 District.

1508.5

Commercial greenhouses heating plants shall be at least one hundred (100) feet from any property line. The retail sales area for a greenhouse shall not exceed twelve hundred (1,200) square feet. The growing area shall not be considered sales area.

1508.6

The minimum lot area for a private stable shall be three (3) acres. On properties that are ten (10) acres or less, the minimum lot area required for each horse or pony shall be two (2) acres per animal. For farms over ten (10) acres there shall be no minimum lot area per horse or pony.

1508.7

No stable shall be located within two hundred (200) feet of any property line or occupied dwelling, other than the stable owner's dwelling.

1508.8

All grazing and pasture areas shall be adequately fenced.

1508.9

Retail sales of agricultural products, including garden nursery or greenhouse sales, shall be permitted accessory to a farm, subject to the following regulations:

- a.** All sales shall be conducted on the premises of a farm, as defined and regulated by this Ordinance.
- b.** Products sold shall include products raised, grown or produced on the farm.
- c.** All permanent structures shall comply with the yard requirements for principal structures in the District in which the property is located.

- d. Seasonal roadside stands shall be located no closer than fifteen (15) feet to any street right-of-way or property line, and shall be removed at the end of each growing season.
- e. Buildings used for retail sales of agricultural products shall not exceed one thousand (1,000) square feet of sales floor area for every ten (10) acres of land farmed. No building used for agricultural products shall exceed five thousand (5,000) square feet of sales area.
- f. Off-street parking for permanent structures shall be provided in accordance with the requirements of Section 1602 for retail businesses. Off-street parking for permanent structures shall be designed in accordance with the requirements of Section 1601.
- g. Off-street parking for seasonal roadside stands shall be designed in accordance with Section 1601, however, the requirements for surfacing, marking, screening and landscaping shall not apply.
- h. Off-street parking for seasonal roadside stands shall be provided in accordance with the requirements of Section 1602 for retail businesses, however, in no case shall less than ten (10) spaces be provided.
- i. Adequate ingress, egress and traffic circulation shall be provided so that vehicles do not back onto the street right-of-way and do not park or stand on any street or berm.
- j. One (1) non-illuminated freestanding sign shall be permitted to announce the agricultural sales, provided the maximum surface area of the sign shall not exceed twenty-four (24) square feet, the height of the sign shall not exceed eight (8) feet and the sign shall be located no closer than ten (10) feet to any property line or street right-of-way.

1508.10

Seasonal activities such as hay rides, Spring and Fall festivals and similar activities related to the farm shall be subject to all applicable requirements of §1403.41 for temporary uses, provided adequate parking is provided in a temporary parking area based on the ratio specified in §1602.3 for “all other uses”

SECTION 1509 STORAGE

1509.1 Outdoor Storage in Commercial and Industrial Districts

Except for nurseries, garden supply, building supply, custom crafting and similar businesses which require outside storage of products offered for sale, storage and display of materials outside a completely enclosed structure shall not be permitted. In

the case of nurseries, garden supply, building supply, custom crafting 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 along any property line that adjoins residential use or zoning classification.

In the M-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 or adjacent residential property located at similar elevations within five hundred (500) feet of the property. If existing buildings do not screen the storage area from public view from the street or adjacent residential property located at similar elevations within five hundred (500) feet of the property, the area shall be screened by a hedge or opaque fence at least six (6) feet in height.

1509.2 Refuse Collection and Waste Disposal

All organic rubbish and discarded materials shall be placed in tight vermin-proof containers on the property and shall be secured in side or rear yards screened from public view by means of a solid-face fence or wall at least six (6) feet in height. Containers shall be emptied not less frequently than once a week. On properties where food is served in paper containers, covered waste receptacles shall be conspicuously located on the premises for use by patrons. The management shall be responsible for maintaining the property free of litter.

SECTION 1510 NO IMPACT HOME BASED BUSINESS

No impact home based businesses, as defined herein, shall comply with the following:

1510.1

The business activity shall be compatible with the residential use of the property and surrounding residential uses.

1510.2

The business shall employ no employees other than family members residing in the dwelling.

1510.3

There shall be no display or sale of retail goods and no stockpiling of inventory of a substantial nature.

1510.4

There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.

1510.5

No on-site parking of commercially identified vehicles shall be permitted.

1510.6

The business activity shall not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

1510.7

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.

1510.8

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.

1510.9

The business shall not involve any illegal activity.

SECTION 1511 FORESTRY

Forestry, as defined herein, shall be conducted in accordance with the following provisions:

1511.1

The minimum site shall be five (5) acres

1511.2

All operations shall be located at least three hundred (300) feet from any existing dwelling.

1511.3

All operations shall be discontinued between 7:00 P.M. and 7:00 A.M., provided further that such operations shall not take place during any hours on Sundays or legal bank holidays.

1511.4

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 roads from the proposed operation.

1511.5

A performance bond shall be posted in favor of and in the amount required by the Township to guarantee restoration of Township roads used as hauling routes.

1511.6

The applicant shall submit a copy of the State and/or County permit for hauling on State and/or County roads.

1511.7

The applicant shall show compliance with the following laws and regulations of the Commonwealth 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 Encroachments 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 2001 of this Ordinance.

1511.8

A logging plan shall be submitted which 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 Township and State or County roads, including any accesses to those roads;
- 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;
- h. The location of all crossings of waters of the Commonwealth.

1511.9

Felling or skidding on or across any public street is prohibited without the express written consent of the Township, Allegheny County or the Pennsylvania Department of Transportation (Penn DOT), whichever is responsible for maintenance of the street.

1511.10

No tops of trees or debris shall be left within twenty-five (25) feet of any public street or any private road providing access to adjoining residential property.

1511.11

All tops of trees 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.

1511.12

No tops of trees or debris shall be left on any adjoining property or across any property line without the consent of the adjoining owner.

1511.13

Upon completion of the timber removal, haul roads shall be restored to their original condition.

ARTICLE XVI

OFF-STREET PARKING AND LOADING

SECTION 1600 APPLICABILITY

1600.1

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 any existing use is enlarged.

1600.2

All parking areas established prior to the effective date of this Ordinance that are not in conformance with all provisions of this Article shall be allowed to continue as previously laid out. Any change or alteration to these existing nonconforming parking areas shall require that the area proposed to be altered shall be constructed in accordance with all provisions of this Article.

1600.3

Accessory off-street parking spaces in existence on the effective date of this Ordinance shall not be reduced in number unless the remaining off-street parking equals or exceeds all provisions of this Article for equivalent new construction for the current use of the building.

SECTION 1601 OFF-STREET 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 two hundred (200) square feet, exclusive of access driveways or aisles, shall have minimum dimensions of ten (10) 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 Design

The minimum dimensions of aisles and driveways shall be as follows:

- a. Minimum width of aisles providing two-way travel shall be twenty-two (22) feet.

- b. One-way aisles shall not be dead-ended. A functional exit or turnaround shall be provided. Minimum width of aisles providing one-way travel shall vary with the angle of parking, as follows:

Parallel	12 feet
30 degree	14 feet
45 degree	16 feet
60 degree	20 feet
90 degree	22 feet

- c. The minimum width of entrance and exit drives shall be:
 1. For one-way travel, a minimum of twelve (12) feet.
 2. For two-way travel, a minimum of twenty-two (22) feet.
 3. A maximum of thirty-five (35) feet at the street line and fifty-four (54) feet at the curb line.
 4. 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.
- d. Fire lanes shall be provided in accordance with the requirements of the Township Fire Code and the Township Fire Department.
- e. Dead-end aisles in off-street parking areas shall be designed according to the following minimum standards:

Depth of turnaround area	13 feet
Width of turnaround area	25 feet

1601.3 Handicapped Parking Spaces

Handicapped accessible parking spaces marked in accordance with Commonwealth of Pennsylvania regulations and measuring twelve feet by eighteen feet (12'x18') must be provided for all buildings designed for public occupancy in accordance with the following table:

**Total Parking Spaces
Required by 1602.3**

**Number of Required Spaces
That Must Be Accessible
Spaces**

Up to 25	1
26 – 50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301 – 400	8
401 – 500	9
501 – 1000	2% of total spaces
Over 1000	20 plus 1 for each 100 spaces over 1000

1601.4 Access

Access to parking areas shall be provided in accordance with the following requirements:

- a. When an existing lot does not adjoin a public or private street, an easement of access and 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 a Residential District, the street frontage shall be curbed to restrict access to the lot, except where the 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 (Penn DOT). Access drives entering County roads are subject to a permit issued by the Allegheny County Department of Public Works. Access drives entering Township streets shall comply with the requirements of the Pennsylvania Code, Title 67, Chapter 441, "Access to and Occupancy of Highways, By Ways and Local Roads."

- 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.

1601.5 Safety Requirements

The Board of Commissioners 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.

1601.6 Marking

In parking areas which contain five (5) or more spaces, all parking spaces shall be clearly delineated by painted lines marked with durable white or yellow paint in stripes a minimum of four (4) inches wide extending the length of the parking space. 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.

1601.7 Curbs and Wheelstops

All outdoor hard surfaced off-street parking areas shall be curbed unless sheet drainage of surface water can be achieved subject to approval by the Township Engineer.

Wheelstops shall be provided along boundaries of adjoining properties, public rights-of-way, sidewalks or landscaped areas unless curbs are provided in that portion of the parking lot.

1601.8 Surfacing

All driveways and outdoor off-street parking areas, except those accessory to single-family dwellings and within the rear yards in the M-1 Light Industrial District, shall be paved with asphalt, concrete or similar material of adequate thickness to support the weight of fully loaded vehicles which customarily park or travel on it. Parking areas in the rear yards in the M-1, Light Industrial District, shall at a minimum, have a dust-free slag or stone surface parking area.

In the case of driveways accessory to single family dwellings that exceed one hundred fifty (150) feet in length, only the first fifty (50) feet of the driveway measured from the right-of-way for the public street shall be paved.

Paving shall be completed as a condition of obtaining a Certificate of Occupancy, unless a bond or other surety is posted with the Township to guarantee the installation of the paving within a specific period of time.

1601.9 Location of Parking Areas

Required parking spaces shall be located on the same lot with the principal use. In the case where adequate lot area does not exist on the same lot to meet the parking requirements, the Board of Commissioners may approve off-site parking, provided it is located no more than four hundred (400) feet from the principal entrance to the building it is intended to serve and evidence of a lease agreement or cross-easement is submitted for any property under different ownership proposed to be used for off-site parking.

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.

1601.10 Landscaping

Parking areas containing more than twenty (20) spaces shall provide the landscaping required by §1502.10(c). In addition, a landscaped area shall be provided between the edge of the right-of-way and any parking area authorized in any yard which fronts on a street in accordance with §1502.10(c).

1601.11 Shopping Cart Return Areas

One (1) shopping cart return area shall be provided for each ten thousand (10,000) square feet of gross floor area in retail stores that provide shopping carts. Shopping cart return areas shall measure nine (9) feet by eighteen (18) feet (9' x 18') and shall provide containment on three (3) sides and shall be identified by an above-grade sign secured to the containment structure. The surface area of the sign shall not exceed four (4) square feet.

1601.12 Lighting

Any lighting used to illuminate off-street parking areas shall be designed to reflect the light away from any adjoining Residential Zoning District or residential use and away from any streets or highways. Spillover lighting on adjoining residential properties shall not exceed 0.2 footcandle. The lighting system shall furnish an average minimum of 1.0 footcandle during hours of operation and shall be designed with cut-off luminaires that have a cut-off angle of sixty degrees (60°) or less. (See Illustration in Appendix B)

1601.13 Stormwater Management

All paved 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 Stormwater Management Ordinance and to review and recommendation by the Township Engineer.

SECTION 1602 OFF-STREET PARKING REQUIREMENTS

Any new use or change of use in any Zoning District shall comply with the following minimum requirements for the provision of off-street 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 Dwelling	Two (2) spaces per dwelling unit.
Garden Apartments, Mid-rise Apartments, High-rise Apartments, Triplex, Fourplex, Townhouse or Mobile Home Park	Two (2) spaces per dwelling unit plus 0.5 spaces per dwelling unit for visitors located within three hundred (300) feet of the units they are intended to serve.
Community Centers in a Planned Residential Development or Subdivision	One (1) space for each ten (10) dwelling units in the development.
Agriculture	One (1) space per employee.

USE	PARKING SPACES REQUIRED
Agriculture, Nursery or Greenhouse Sales	One (1) space per employee plus one (1) space for each 400 sq. ft. of growing and display area accessible to the public.
Mineral Removal	One (1) space for each employee on the two (2) largest shifts, combined.
Churches	One (1) space per four (4) seats or eighty (80) lineal inches of pew, or if there are no pews or seats, one (1) per fifteen (15) sq. ft. of floor area used for assembly.
Cemetery	One (1) space for each 50 sq. ft. of gross floor area in a chapel or assembly area in a mausoleum plus one (1) space for each 300 sq. ft. of net floor area devoted to office and/or product display accessible to the public
Day Care Center; Nursery School	One (1) space for each teacher and/or employee on largest shift plus one (1) space per each six (6) students
Public Utility Building or Structure	One (1) space per employee on peak shift plus one (1) space for each service vehicle stored on the lot.
Schools, Secondary and Post Secondary	One (1) space for each employee or faculty member plus one (1) space for each ten (10) students or one (1) space for each three (3) seats in the principal place of assembly, whichever is greater.
Dormitories, Fraternity Houses, Sorority Houses	One (1) space for each bed at maximum capacity
Theater, Auditorium or Gymnasium	One (1) space per four (4) seats
Hospitals and Nursing Homes	One (1) space per three (3) beds and one (1) space for each employee on the peak working shift.
Public Buildings/Firehouses	One (1) space for each 300 sq. ft. of net floor area devoted to office plus one (1) space for each 75 sq. ft. of net floor area devoted to assembly
Hotel/Motel	One (1) space per employee on peak shift plus one (1) space per sleeping unit

USE	PARKING SPACES REQUIRED
Professional Office (Other than Medical), Business Office, Business Services	One (1) space for every 300 sq. ft. of net floor area
Medical Offices, Clinics	One (1) space for each 175 sq. ft. of gross floor area
Financial Institutions	One (1) space per 300 sq. ft. of gross floor area plus one (1) space per employee on peak shift plus five (5) off-street waiting spaces per drive-in window
Group Care, Personal Care, 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
Retail Business, Personal Service Establishment	One (1) space for each 250 sq. ft of gross floor area
Recreation-related Commercial Uses	One (1) space for each 500 sq. ft. of gross floor area
Eating and Drinking Establishments	One (1) space for each 75 sq. ft. of net floor area plus one (1) space for each employee on peak working shift.
Bowling Alleys	Five (5) spaces for each alley
Tennis, Racquetball and Handball Courts	One (1) space per employee plus four (4) spaces for each court
Golf Courses	Eight (8) spaces for each hole plus one (1) space for each employee
Marina, Boat Launch, Boat Sales	One (1) space for each 1,200 sq. ft. of gross floor area of building or one (1) space for each boat slip, whichever is greater
Fitness Center, Health Club, Educational Studio	One (1) space for each employee plus one (1) space for each 75 sq. ft. of gross floor area in a studio or exercise room plus one (1) space for each three (3) lockers in each locker room
Playing Fields, Play Courts	Two (2) parking spaces for each team member on the field or court during regulation play plus one (1) space for each three (3) seats in bleachers or viewing stands

USE	PARKING SPACES REQUIRED
Swimming Pools, Public/Commercial	One (1) space for each 50 sq. ft. of surface water area
Amusement or Video Arcade	One (1) space for each 100 sq. ft. of net floor area
Billiard Parlors	Three (3) spaces for each table
Dance Halls, Skating Rinks	One (1) space for each 100 sq. ft. of net floor area
Amusement Park	One (1) space for each 1,500 sq. ft. of gross lot area
Private Clubs	One (1) space for each 100 sq. ft. of net floor area
Funeral Homes	One (1) space for each 50 sq. ft. of floor area in the parlors plus one (1) space for each 300 sq. ft. of remaining gross floor area
Garden Center	One (1) space for each employee on peak shift plus one (1) space for each 250 sq. ft. of indoor sales area plus one (1) space for each 1,000 sq. ft. of outdoor growing and display area accessible to the public
Indoor Places of Assembly (Without Fixed Seats)	One (1) space for each 75 sq. ft. of net floor area
Indoor Places of Assembly (With Fixed Seats)	One (1) space for each three (3) seats
Outdoor Places of Assembly (Without Fixed Seats)	One (1) space for each 1,500 sq. ft. of gross lot area
Outdoor Places of Assembly (With Fixed Seats)	One (1) space for each three (3) seats
Libraries/Museums/Nature Center/Conservatories	One (1) space for each 500 sq. ft. of gross floor area
Arboretum, Bird Sanctuary, Trails	Five (5) spaces for each acre of land

USE	PARKING SPACES REQUIRED
Automobile Service Stations/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 stored on the lot
Contracting Business	One (1) space for each employee plus one (1) space for each business vehicle stored on the lot plus one (1) space for each 250 sq. ft. of floor area devoted to product display that is accessible to the public
Contractor's Yard, Supply Yard	One (1) space for each employee on peak shift plus one (1) space for each 1,500 sq. ft. of indoor or outdoor product storage or display area
Repair Shops	One (1) space for each 350 sq. ft. of gross floor area
Manufacturing, Production or Research Development	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
Warehousing, Truck Terminals, Wholesaling	One (1) space for each two (2) employees on peak working shift or one (1) space for each 2,000 sq. ft. of gross floor area, whichever is greater
Mini-Warehouse Self-Storage Facility	One (1) space for each employee plus one (1) space for each 300 sq. ft. devoted to office
Flex Space	Each portion of the floor area used for office, manufacturing and/or warehousing shall meet the minimum requirements of this Section for that specific use
All Other Uses	One (1) space for each three (3) occupants at maximum permitted occupancy or one (1) space for each 300 sq. ft. of gross floor area whichever is greater

SECTION 1603 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.

1603.1 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 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 twenty-five (25) feet from the nearest point of intersection of any two (2) streets.

d. Screening

Loading berths shall be screened by a six (6) foot high 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, with adequate thickness to support the weight of a fully loaded vehicle and 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 any adjoining residential use or zoning classification and away from any street or highway.

1603.2 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:

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
For each additional 80,000 sq. ft.	1 additional berth

1603.3

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 XVII

SIGNS

SECTION 1700 APPLICABILITY

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

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, braces or pylons 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 (18) inches 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. Canopy or Awning Sign

A sign that functions as a roof-like shelter, either permanent, retractable or removable, made of canvas or other material that is affixed to a building or is self-supporting and provides protection from sun, rain, snow and other elements.

d. **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 travelling under the arcade, roof or marquee to identify the location of establishments within a shopping center or similar multi-tenant building.

e. **Bulletin**

A type of manual 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**

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 signs perpendicular to the wall of a building, awnings, marquees, canopies 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 sign is located.

i. **Changeable Copy**

A sign that is designed so that characters letters or illustrations can be changed or rearranged either manually or electronically without altering the face or surface of the sign.

j. **Portable Sign**

A sign that is not permanently affixed to a building, or a structure or the ground 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; paper, cardboard or canvas signs wrapped around supporting poles; sandwich board signs; and trailer or boat-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 which is designed or used for the purpose of promoting, advertising or attracting attention.

l. 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.

m. 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.

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, which are exposed to view by persons on a public right-of-way, or which 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.

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 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 sign 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. 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 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.

i. Off-Premises Directional

A sign, other than a Billboard, erected by a business, agency or organization located within the Township, that directs vehicular traffic to an establishment, event, activity, person, product or service not sold, produced or available on the property on which the sign is located, but not including any directional signs erected by a governmental agency.

j. 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.

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 erected for a period not exceeding thirty (30) days whose sole purpose is to advertise a special event.

m. Window 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 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. Attention-Getting Devices;
- b. Portable Signs;
- c. Festoon Lighting;
- d. Moving or Flashing Signs, except for that portion of a permitted sign which indicates time or temperature or an authorized electronic Changeable Copy Sign;
- e. Signs on trees, utility poles or official traffic control devices or signs;
- f. Signs which imitate traffic control devices;
- g. Signs painted on walls or chimneys of a building or on fences or walls;
- h. Overhanging Signs, as defined herein;
- i. 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 are exempt from these regulations and the requirements to obtain a permit:

- a. Residential Identification Signs, as defined herein, provided they do not exceed one (1) square foot in surface area;
- 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 herein;
- d. Public 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) of each type of sign which is authorized for the 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 street frontages shall be one (1) sign for every thirty (30) feet of street 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 §1503.4 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 exceed a maximum of 0.2 footcandle at the property line.

1702.8 Maintenance and Inspection

All signs shall 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, in accordance with §2001.2 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.

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 may 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.

1702.10 Permits Required

No permit shall be required for the following types of signs as described in §1701.2 above: Notification, Real Estate, Construction Signs and Off-Premises Directional Signs erected by a governmental agency.

Permits shall be required for all other signs authorized by Section 1703 through Section 1706. The Zoning Officer shall issue the required permits upon submission of an application which complies with all applicable provisions of this Ordinance and payment of the required fee established from time to time by Resolution of the Board of Commissioners.

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 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 shall be permitted in connection with any church, school, library or similar public or semi-public building. The surface area of the Bulletin Sign shall not exceed twenty-four (24) square feet.

1703.2 Real Estate Sign

One (1) non-illuminated temporary Real Estate Sign shall be permitted on each lot provided 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 development site provided the surface area of the sign shall not exceed thirty-two (32) square feet in surface area. The Development Sign shall not exceed eight (8) feet in height. 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, or over a public street right-of-way with the

permission of the owner of the right-of-way. The area of the sign shall not exceed forty (40) square feet. The sign shall be displayed for a period no longer than thirty (30) days and shall be 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 and one-half (1 ½) square feet 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.

1703.7 On-Premises Directional Signs

On any lot which contains two (2) or more multifamily or non-residential 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.

1703.8 Off-Premises Directional Signs

A maximum of four (4) Off-Premises Directional Signs shall be permitted to be erected by a single agency, organization or business. The Off-Premises Directional Signs shall be non-illuminated and shall not exceed six (6) square feet in surface area. Off-Premises Directional Signs shall be permitted only along an arterial or collector street, as defined by this Ordinance.

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 use the sign is intended to serve. Signs located outside the public right-of-way shall be located no more than five (5) feet from the edge of the right-of-way.

SECTION 1704 SIGNS AUTHORIZED IN RESIDENTIAL ZONING DISTRICTS

The following signs shall be permitted in all Residential 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 shall be permitted provided the sign 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 §1503.4. Such signs shall not be permitted within any public street right-of-way.

1704.2 Nonresidential Identification Sign

For any nonresidential use which is a legal non-conforming use or which is authorized as a conditional use or use by special exception in a Residential Zoning District, one (1) non-illuminated or indirectly illuminated wall or freestanding ground identification sign shall be permitted, provided the sign shall not exceed twelve (12) square feet in area.

SECTION 1705 SIGNS AUTHORIZED IN COMMERCIAL AND INDUSTRIAL DISTRICTS

The following signs shall be permitted in all B-1, B-2 and M-1 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 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. None of the restricted signs listed in §1702.1 shall be used as Temporary Special Event Display Signs; and
- f. Temporary Special Event Display Signs shall be non-illuminated.

1705.2 Changeable Copy Sign

- a. One (1) non-illuminated or internally illuminated manual or electronic changeable copy sign shall be permitted per lot, regardless of the number of businesses on the lot. The changeable copy sign shall be permanently affixed to the wall of the building or to the supporting structure of an authorized freestanding sign on the lot. The combined surface area of the changeable copy sign and the business identification sign shall not exceed forty (40) square feet.
- b. Automobile service stations may erect changeable copy signs advertising the prices of gasoline or other fuels, provided that:
 - 1. Such signs are permanently mounted whether to the fuel pumps or to the supports of a canopy covering the fuel pumps;
 - 2. Such signs shall not be erected higher than twelve (12) feet above the ground;
 - 3. There shall be no more than four (4) sign faces per pump island;
 - 4. The combined surface area of all such signs at each pump island does not exceed twenty-four (24) square feet; and
 - 5. Such signs may be non-illuminated or internally illuminated.

1705.3 Business Identification Sign

a. Wall Signs

In the B-1, B-2 and M-1 Districts, each business establishment shall be permitted to have wall signs which may be illuminated or non-illuminated. The aggregate surface area of all wall signs for each business shall not exceed one (1) square foot 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.

The wall 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. In Planned Shopping Centers in the B-2 and M-1 Districts, the ground sign may contain the name of the shopping center and the names of several individual businesses in the shopping center provided the total surface area of the ground sign shall not exceed sixty (60) square feet.
3. In land developments, other than Planned Shopping Centers, the maximum surface area of the ground sign shall not exceed thirty-two (32) square feet in the B-1 and B-2 Districts and shall not exceed sixty-four (64) square feet in the M-1 District.
4. 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 eight (8) feet.
5. Ground signs shall be non-illuminated or indirectly illuminated only. Internally illuminated ground signs shall not be permitted.
6. 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 ground sign exists or is proposed to be erected on the lot.
2. The pole sign shall be non-illuminated, indirectly illuminated or internally illuminated.
3. The maximum height of the top of the pole sign shall be twenty (20) feet.

4. The minimum height of the bottom edge of the sign shall be eight (8) feet.
5. In Planned Shopping Centers in the B-1 and M-1 Districts, the pole sign may contain the name of the shopping center and the names of several individual businesses in the shopping center, provided the total surface area of the pole sign shall not exceed one hundred (100) square feet.
6. In land developments, other than Planned Shopping Centers, in the B-1, B-2 and M-1 Districts, the maximum surface area of the freestanding pole sign shall not exceed forty (40) square feet if there are fewer than three (3) businesses on the lot and shall not exceed sixty-four (64) square feet if there are three (3) or more businesses on the lot. Neither dimension of such sign shall be less than five (5) 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 §1503.4 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 place of a wall sign in the M-1 District. The surface area of a roof sign shall not exceed one (1) square foot for each two (2) lineal feet of width of the front wall of the building or a maximum of one hundred (100) 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. Roof signs may be illuminated or non-illuminated.

e. Arcade Signs

In shopping centers or office complexes which have pedestrian access ways covered by a roof, marquee or exterior arcade, one (1) Arcade Sign, as defined herein, shall be permitted for each business in the building located on the street level, provided that the maximum surface area of each sign shall not exceed eight (8) square feet.

f. Canopy Signs

Canopy signs may be erected at the building entrance. Canopy signs shall not be illuminated. No more than one (1) Canopy Sign shall be permitted for each building. The maximum height of the letters on a Canopy Sign shall be six (6) inches.

g. Window Signs

The total area of all window signs on display at any one time including temporary window promotional signs, shall not exceed twenty-five percent (25%) of the total area of the display window in which they are located. A series of windows which are separated by frames less than six (6) inches in width shall be considered as a single window for the purpose of this computation.

SECTION 1706 BILLBOARDS

Billboards shall not be permitted in any S-C, R-C or "R" Zoning District or in any B-2 or M-1 District. Billboards shall be permitted only as conditional uses on property located in the B-1 District following recommendation by the Planning Commission and a public hearing by the Board of Commissioners, provided all of the following requirements are met:

1706.1 Location

Billboards may be authorized as a conditional use only in the B-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" Zoning 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 centermost 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 an 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 seven hundred fifty (750) 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 in the B-1 Zoning District shall apply to each billboard structure.
- f. No billboard shall be erected in such a manner as to block the view from the road or street, of any existing business identification sign, residential or non-residential structure, or limit or reduce the light and ventilation requirements.
- g. No billboard shall be constructed within the clear sight triangle of the public street or road on which it is situated, as defined by §1503.4, of this Ordinance, and shall not in any case obstruct or impede traffic safety.
- h. No sign shall be erected over any sidewalk or public right-of-way.
- i. 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 three hundred fifty (350) 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 ninety degrees (90°) or less.
- b. The dimensions of the gross surface area of the billboard's sign face shall not exceed ten (10) feet in total height or thirty-five (35) 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 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 (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, non-combustible 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 one hundred (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 of 1.0 footcandle 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. The owner shall pay an annual inspection fee, as established from time to time, by Resolution of the Board of Commissioners.
- 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 issued in accordance with §2001.2 of this Ordinance.
- 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 Commissioners. 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 Commissioners 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 Penn DOT within sixty (60) 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.

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 Commissioners.

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 1706.

SECTION 1707 SIGN PERMITS

No sign permit shall be required for real estate signs; nameplate signs; or official governmental street, road and traffic control signs. A Sign Permit shall be required prior to the erection or structural alteration of any other sign, either permanent or temporary. It shall be unlawful for any person to commence work for the erection or alteration of any sign until a permit has been issued.

1707.1 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 bottom most part of sign and ground level; distance between front edge of sign and adjacent street or road right-of-way; and distance between front edge of sign and inside edge of adjacent sidewalk, if applicable.
- 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 2009 of this Ordinance, unless such requirement is waived by the Board of Commissioners.

1707.2 Issuance of Permit

- a. Applications for a Sign Permit shall be reviewed by the Zoning Officer. The Zoning Officer shall issue findings or approve the application.
- b. 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.

1707.3 Denial of Permit

In the event of denial, the Zoning Officer shall forward to the applicant a written statement containing the reason(s) for such denial and shall cite the specific requirements of this Ordinance that have not been met.

1707.4 Inspections

- a. For a Permanent Sign Permit, the Zoning Officer, or his fully appointed representative, may make the following inspections on property 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.
- b. For a Temporary Sign Permit, the Zoning Officer, or his fully appointed representative, may make inspection(s) to determine conformance with this Ordinance and other applicable Township ordinances and the suitability of the site for this use.

1707.5 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 2001 of this Ordinance.

ARTICLE XVIII

NONCONFORMING USES, STRUCTURES AND LOTS

SECTION 1800 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 1801 NONCONFORMING USES

The 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 Zoning District of a different classification, these regulations shall apply to any uses which thereby become nonconforming.

1801.1 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 the use may continue as long as it remains otherwise lawful in accordance with the provisions of this Article.

1801.2 Enlargement or Expansion

No 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, unless the Zoning Hearing Board, after public hearing, shall interpret that the enlargement or extension is necessitated by the natural expansion and growth 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.

No nonconforming use shall be moved in whole or in part to any other portion of the lot that was not occupied by such use at the effective date of adoption or amendment of this Ordinance.

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.

1801.3 Change of Use

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 standards:

- a. The new use will more closely correspond to the uses authorized in the District as permitted uses, conditional uses or uses by special exception.
- b. The new 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.
- c. The applicant clearly demonstrates a hardship in converting the use to a conforming use in accordance with the criteria of Section 1905 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 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.

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 twelve (12) 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 the B-1, B-2 or M-1 Districts may be rebuilt on the existing foundation in the event of damage or destruction, provided the reconstruction is started within eighteen (18) months of the date of destruction.

In the case of nonconforming uses, other than dwellings, when damage or destruction of a structure in which the nonconforming use 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 case of nonconforming uses other than dwellings, when the structure in which the nonconforming use 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

A nonconforming structure may be enlarged or structurally altered, provided the enlargement or alteration does not encroach any further into a required yard than the existing nonconforming structure does and, further provided that no new nonconformities are created. All other alterations or enlargements shall require review by the Zoning Hearing Board and, after public hearing, the Board may determine undue hardship and may authorize a variance for the 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 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 a nonconforming 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 shall not be enlarged, added to or replaced by another nonconforming sign, use or structure, except that the replacement of advertising panels within the existing framework of the nonconforming sign 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, provided all other requirements of this Section are met.

SECTION 1803 NONCONFORMING LOTS

The following regulations shall apply to nonconforming lots, as defined by this Ordinance:

1803.1 Lot Area and 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 conforming to the use regulations of the Zoning District in which it is located, 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.

1803.2 Front Yard Setback

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 nonconforming lot of record shall be the average depth of the nonconforming front yards on the adjacent nonconforming lots in the same block on the same side of the 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 the Allegheny County Assessor's Lot and Block Number as a legal nonconforming use.

In the course of administering this Ordinance and reviewing applications for subdivision approval, zoning approval, building permits, Certificates of Occupancy 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 MEMBERSHIP

The membership of the Zoning Hearing Board shall consist of three (3) residents of the Township appointed by the Board of Commissioners. Their terms of office shall be three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. The Board shall promptly notify the Board of Commissioners 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. The membership of the Zoning Hearing Board may be increased to five (5) members in accordance with the provisions of Section 903(a) of the Pennsylvania Municipalities Planning Code.

SECTION 1901 ALTERNATE MEMBERS

1901.1 Appointment of Alternate Members

The Board of Commissioners 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 §1901.2, 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 elected or appointed office in the Township, including service as a member of the Planning Commission or as a Zoning Officer nor shall any alternate be an employee of the Township. Any alternate may participate in any proceedings 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 §1901.2 of this Ordinance.

1901.2 Participation by Alternate Members

The Chairman of the Board may designate alternate members of the Board to replace any absent or disqualified member and 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 1902 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 Commissioners 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 1903 ORGANIZATION OF THE BOARD

1903.1 Officers

The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves.

1903.2 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 member(s) of the Zoning Hearing Board are disqualified to act in a particular matter alternate members shall be appointed to provide a quorum.

1903.3 Hearing Officer

The Zoning Hearing Board may appoint a Hearing Officer from its own membership to conduct any hearing on its behalf, and the parties may waive further action by the Zoning Hearing Board and accept the findings or decision of the Hearing Officer as final.

1903.4 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.

1903.5 Files and Annual Report

The Zoning Hearing Board shall keep public records of its business, and shall submit a report of its activities to the Board of Commissioners once a year.

SECTION 1904 JURISDICTION OF THE BOARD

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudication in the following matters:

1904.1

Substantive challenges to the validity of any land use ordinance, except curative amendments brought before the Board of Commissioners.

1904.2

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 take within thirty (30) days after the effective date of the ordinance.

1904.3

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.

1904.4

Appeals from a determination by the Township Engineer or the Zoning Officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance.

1904.5

Applications for variances from the terms of this Ordinance and flood hazard ordinance or such provisions within a land use ordinance, pursuant to Section 1905 of this Ordinance.

1904.6

Applications for uses by special exception under this Ordinance or flood plain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to Article XIV and Section 1906 of this Ordinance.

1904.7

Appeals from the Zoning Officer's determination under Section 916.2 of the Pennsylvania Municipalities Planning Code (Act 247, as amended).

1904.8

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.

1904.9

Appeals from decisions of the Zoning Officer with respect to requests for reasonable accommodation under the Fair Housing Act Amendments or the Americans with Disabilities Act. In hearing such an appeal, the Board shall apply the criteria set forth in 2002.2 of this Ordinance. In granting a request for reasonable accommodation, the Board may attach such reasonable safeguards and/or limitations as it may deem necessary to properly implement this Ordinance and protect the public health, safety and welfare in a manner consistent with the requirements of the Fair Housing Amendments Act or the Americans with Disabilities Act.

In handling a request for reasonable accommodation, the Board shall be governed by the provisions of this Article to the fullest extent as may be consistent with the Fair Housing Act Amendments and the Americans with Disabilities Act.

SECTION 1905 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:

1905.1

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.

1905.2

That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

1905.3

That such unnecessary hardship has not been created by the applicant.

1905.4

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.

1905.5

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.

SECTION 1906 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 1907 NOTICE AND CONDUCT OF HEARINGS

1907.1 Notice

Written notice of the hearing shall be given to the public, the applicant, the Zoning Officer, the Board of Commissioners, 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 Commissioners 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 or tracts of land or water body at least one (1) week prior to the public hearing.

1907.2 Conduct of Hearings

The Board shall conduct hearings in accordance with the following requirements:

- a.** The first hearing shall be commenced within sixty (60) days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.
- b.** Each subsequent hearing before the 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 hearing. Upon the request of the applicant, the Board or hearing officer shall assure that the applicant receives at least seven (7) hours of hearings within the one hundred (100) days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within one hundred (100) days of the first hearing held after the completion of the applicant's case-in-chief. 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 Board or the Board may appoint any member or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings, shall be made by the Board; however, the appellant or the applicant, as the case may be, in addition to the Township, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.
- 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 Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
- e.** The chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

- 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 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 §1910.2 of this Ordinance.
- i. The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda or other materials, 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 Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer.

SECTION 1908 FAILURE TO RENDER A DECISION

Where the 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 for in §1907.2(a) and (b), 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 in the same

manner as provided in §1907.1. 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.

SECTION 1909 MEDIATION

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 Section 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. The municipality, in 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 skill 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 1910 FEES AND EXPENDITURES

1910.1 Fees

The Board of Commissioners 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.

1910.2 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.

1910.3 Expenditures

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

SECTION 1911 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 1912 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 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 the 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.

SECTION 1913 APPEALS

All appeals from decisions rendered by the Zoning Hearing Board shall be taken to the Allegheny 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 POWERS AND DUTIES

The provisions of this Ordinance shall be administered and enforced by a Zoning Officer who shall be appointed by the Board of Commissioners. 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. Receive and examine all applications for zoning certificates and certificates of occupancy.
- B. Notify applicants of any deficiencies in applications and request additional information.
- C. Process applications for zoning certificates and certificates of occupancy for all permitted uses.
- D. 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.
- E. Receive applications for conditional uses and forward these applications to the Planning Commission and Board of Commissioners for recommendation and action prior to considering issuance of zoning certificates or certificates of occupancy for the proposed use.
- F. Receive and process all requests for reasonable accommodation under the Fair Housing Act Amendments and the Americans with Disabilities Act (ADA).
- G. Issue permits only where there is compliance with the provisions of this Ordinance, with other Township ordinances and the laws of the Commonwealth.
- H. Issue denials of zoning certificates or certificates of occupancy and refer any appeal of the denial to the Zoning Hearing Board for action thereon.
- I. Conduct inspections and surveys to determine compliance or noncompliance with this Ordinance.

- J. Issue notices of violation in accordance with the requirements of Section 2001, below.
- K. With the approval of the Board of Commissioners, or when directed by the Board of Commissioners, 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.
- L. Revoke any order or permit issued under a mistake of fact or contrary to the law or the provisions of this Ordinance.
- M. Record and file all applications for zoning certificates and certificates of occupancy with accompanying plans and documents, and maintain those files as a public record.
- N. Maintain the official Zoning District Map for the Township.
- O. Register nonconforming uses, structures and lots in accordance with Section 1804 of this Ordinance.
- P. Submit a monthly written report to the Board of Commissioners of all Zoning Certificates, Certificates of Occupancy, Sign Permits, Temporary Use Permits and all notices of violation and orders issued.
- Q. Meet with the Planning Commission monthly to advise the Commission regarding potential developments and to discuss any problems in administering this Ordinance and/or recommend amendments to this Ordinance.

SECTION 2001 ENFORCEMENT

2001.1 Violations

Failure to comply with any provisions of this Ordinance; failure to secure a zoning certificate prior to the erection, construction, extension, structural alteration, addition or occupancy of a building or structure; or failure to secure a Certificate of Occupancy for the use or change of use or occupancy of structures or land, shall be a violation of this Ordinance.

2001.2 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 Township intends to take action.
- b. The location of the property in violation.
- c. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of 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 for 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.

2001.3 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 therefor 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.

2001.4 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 Commissioners or, with approval of the Board of Commissioners, 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 which constitutes a violation.

**SECTION 2002 COORDINATION WITH OTHER TOWNSHIP REQUIREMENTS
AND PERMITS, STATE AND FEDERAL REQUIREMENTS AND
PERMITS**

2002.1 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 which might be concerned, as well as State and Federal requirements and permits.

2002.2 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 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 in 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 applicants.

SECTION 2003 ZONING CERTIFICATE REQUIRED

2003.1 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 the building permit. In those instances where no building permit is required, an application for a Certificate of Occupancy for a new or changed use of land or structure shall include an application for 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 Commissioners or to the Zoning Hearing Board, whichever is applicable, for a decision granting zoning approval, prior 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, the Zoning Certificate shall not be issued unless and until Final Approval of the Land Development Plan has been granted by the Board of Commissioners. Whenever final approval of a land development plan is subject to conditions, those conditions shall be incorporated into the Zoning Certificate.

2003.2 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 a property survey both 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 Zoning Certificate 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(s) or parcel; zoning of lots and zoning 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 water courses; drainage; ways, rights-of-way and easements; exact location of existing and proposed driveways, streets and roads within, adjacent and opposite to the lot(s) 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 may be requested by the Zoning Officer to determine compliance with this Ordinance.

- b. 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.
- c. 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 and request more information of the applicant or officially receive the application for review by the appropriate Township agencies.

Unless such requirement is waived by the Board of Commissioners, 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 2009 of this Ordinance.

2003.3 Zoning Certificate

Upon approval of the application for a Zoning Certificate, one (1) copy of the approved Zoning Certificate shall be returned to the applicant. One (1) copy of such Zoning Certificate shall be kept on file in the Township Office.

2003.4 Denial of Zoning Certificate

In the event of a denial, the Zoning Officer shall state in writing the reason(s) for such denial including the citation of the specific section(s) of this or other pertinent ordinances that have not been met.

2003.5 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 or issued.

2003.6 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 this Ordinance.

SECTION 2004 BUILDING PERMIT REQUIREMENTS

When a Building Permit is required under the requirements of the Township Building Code, a Zoning Certificate shall be prerequisite to obtaining a Building Permit.

SECTION 2005 CERTIFICATE OF OCCUPANCY

A Certificate of Occupancy 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 Building Permit.
- B.** A change in the use of an existing building, structure, water body or land area except for the same use operated by a different owner.
- C.** A change of a nonconforming use, building or structure authorized by the Zoning Hearing Board.

2005.1 Application for Permit

All requests for a Certificate of Occupancy 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 of the type of proposed use intended for the building, land or water body.

- a.** A Certificate of Occupancy for a change of use in an existing building shall be applied for and shall be issued before the new use is established.
- b.** 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 of the applicant or officially receive the application.
- c.** Unless such requirement is waived by the Board of Commissioners, all applications for a Certificate of Occupancy shall be accompanied by a fee to be based upon the fee schedule of the Township, as provided for in Section 2009 of this Ordinance.

2005.2 Issuance of Certificates of Occupancy

Applications for a Certificate of Occupancy shall be reviewed by the Zoning Officer. The Zoning Officer shall issue the findings or approval of the application.

- a.** Upon approval of the request for a Certificate of Occupancy, one (1) copy of the Certificate of Occupancy shall be given to the applicant, and one (1) copy of the Certificate of Occupancy shall be kept on file in the Township Office.

2005.3 Denial of Certificate of Occupancy

In the event of denial, the Zoning Officer shall forward to the applicant, a written statement containing the reason(s) for such denial and shall cite the specific requirements of this Ordinance that have not been met.

2005.4 Time Limitations

A Certificate of Occupancy shall remain valid for as long as the structure or building is used in the manner the Certificate of Occupancy has been issued for.

2005.5 Temporary Certificate of Occupancy

A temporary Certificate of Occupancy may be issued by the Zoning Officer for a period not exceeding six (6) months to permit partial occupancy of a building while work is being completed, provided such temporary Certificate of Occupancy 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.

2005.6 Failure to Obtain a Certificate of Occupancy

Failure to obtain a Certificate of Occupancy shall be a violation of this Ordinance and shall be subject to enforcement remedies as provided in this Ordinance.

SECTION 2006 TEMPORARY USE PERMITS

A Temporary Use Permit shall be required prior to the initiation of an authorized temporary use or structure, land or water body and shall meet the following requirements:

2006.1 Approvals Required

- a. Temporary uses such as festivals, fairs or other similar activities sponsored by a governmental, local nonprofit, community or charitable organization shall be exempt from obtaining approval of a use by special exception from the Zoning Hearing Board, provided the Zoning Officer determines compliance with the standards of §1403.41 as a condition precedent to obtaining the Temporary Use Permit under this Section.
- 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 which exceeds seventy-two

(72) consecutive hours in duration shall be subject to approval by the Zoning Officer of a Temporary Use Permit under this Section provided the Zoning Officer also determines compliance with all applicable standards of §1403.41.

- c. 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, provided the Zoning Officer determines compliance with Section 1507.
- 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 §1403.41 as a condition precedent to obtaining a Temporary Use Permit from the Zoning Officer under this Section.

2006.2 Application for 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 shall 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 or officially receive the application.
- b. Unless such requirement is waived by the Board of Commissioners, 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 2009 of this Ordinance.
- c. Any Temporary Use Permit that requires approval of a use by special exception by the Zoning Hearing Board in accordance with the express standards and criteria of §1403.41 shall not be issued until the favorable decision of the Zoning Hearing Board is received.

2006.3 Issuance of Permit

Applications for a Temporary Use Permit shall be reviewed by the Zoning Officer. The Zoning Officer shall issue approval or denial of the Temporary Use Permit.

- a. Upon approval of the request for a Temporary Use Permit, one (1) copy of the permit shall be given to the applicant. The copy of the permit must be publicly displayed at 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.

2006.4 Denial of Permit

In the event of denial, the Zoning Officer shall forward to the applicant a written statement containing the reason(s) for such denial and shall cite the specific requirements of this Ordinance that have not been met.

2006.5 Time Limitations

Temporary Use Permits are valid for the time period(s) specified in this Ordinance or in the decision of the Zoning Hearing Board, if approved under §1403.41.

2006.6 Inspections

The Zoning Officer, or his fully 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 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 in regard to the suitability of the site for this use.

2006.7 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 this Ordinance.

SECTION 2007 SIGN PERMITS

Sign Permits shall conform to the requirements of Section 1707 of this Ordinance.

SECTION 2008 PROCEDURE FOR AMENDMENTS

The Board of Commissioners may introduce and/or consider amendments to this Ordinance and to the Zoning Map, as proposed by the Board of Commissioners or by the Planning Commission or by a petition of landowners of property within the Township.

2008.1 Petitions

Petitions for amendments submitted by landowners shall be filed with the Planning Commission at least fifteen (15) 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 Commissioners. The Planning Commission shall review the proposed amendment and report its findings and recommendations in writing to the Board of Commissioners.

2008.2 Referral

Any proposed amendment presented to the Board of Commissioners without written findings and recommendations from the Township Planning Commission and the Allegheny County Department of Economic Development shall be referred to these agencies for review at least thirty (30) days prior to the public hearing of the Board of Commissioners. The Board of Commissioners 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.

2008.3 Posting of Property

If the proposed amendment involves a change to the Zoning District Map, notice 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.

2008.4 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 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.

2008.5 Public Notice and Public Hearing

Before acting on a proposed amendment, the Board of Commissioners 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.

2008.6 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 Commissioners shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

2008.7 Publication, Advertisement and Availability

Proposed amendments shall not be enacted unless the Board of Commissioners 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 Commissioners 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.
- b. An attested copy of the proposed ordinance shall be filed in the County Law Library.

2008.8 Action

Within ninety (90) days of the date when the public hearing on the proposed amendment is officially closed, the Board of Commissioners shall vote on the proposed amendment. In the event substantial changes are made to the proposed amendment, the Board of Commissioners shall readvertise in one (1) newspaper of general circulation in the Township a brief summary of the amendments at least ten (10) days prior to enactment.

2008.9 Filing Amendment with County Planning Agency

Within thirty (30) days after enactment, a copy of the amendment to this Ordinance shall be forwarded to the Allegheny County Department of Economic Development.

2008.10 Mediation Option

The Board of Commissioners may offer the mediation option as an aid in completing proceedings authorized by Section 2008. The Township and the mediating parties shall meet the stipulations and follow the procedures set forth in Section 1909 of this Ordinance.

SECTION 2009 FEES

The Board of Commissioners 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 2010 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 provision thereof, which prohibits or restricts the use or development of land in which he has an interest.

2010.1 Procedure

The landowner may submit a curative amendment to the Board of Commissioners 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 Allegheny County Department of Economic Development at least thirty (30) days before the hearing is conducted by the Board of Commissioners. 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 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 Commissioners, provided, however, that deemed approval provisions of Section 908 shall not apply and the provisions of Section 916.1 of the Pennsylvania Municipalities Planning Code shall control.

2010.2 Evaluation of Merits of Curative Amendment

If the Board of Commissioners determines that a validity challenge has merit, the Board of Commissioners may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the alleged defects. The Board of Commissioners 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 Zoning Map;
- c. The suitability of the site for the intensity of the 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, flood plains, 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.

2010.3 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 which specifically relate to the landowner's curative amendment challenge.

ARTICLE XXI

AIRPORT ZONING REGULATIONS

SECTION 2100 PURPOSE

The purpose of this Article is to regulate the height of structures and use of land within the approaches to the Rostraver Airport located in Rostraver Township on property that adjoins the municipal boundary between Elizabeth Township and Rostraver Township.

SECTION 2101 DEFINITIONS

The following words and phrases, when used in this Article, shall have the meanings given to them in this Section.

AIRCRAFT: Any contrivance, except an unpowered hang glider or parachute, used for manned ascent into or flight through the air.

AIRPORT: Any area of land or water which is used, or intended to be used, for the landing and takeoff of aircraft and any appurtenant areas which are used, or intended to be used, for airport buildings or air navigation facilities or rights-of-way, together with all airport buildings and facilities thereon. As used herein, the term "Airport" includes public airports but excludes private airports and heliports. Public and private airports are defined separately in this Section.

AIRPORT ELEVATION: The highest point of an airport's usable landing area measured in feet above sea level.

AIRPORT HAZARD: Any structure or object, natural or manmade, or use of land which obstructs the airspace required for flight or aircraft in landing or taking off at an airport or is otherwise hazardous as defined by "Airport Hazard" in 74 Pa. Cons. Stat. §5102.

AIRPORT HAZARD AREA: Any area of land or water upon which an airport hazard might be established if not prevented as provided for in this Ordinance and the Act 164 of 1984 (Pennsylvania Laws Relating to Aviation).

APPROACH SURFACE: A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach surface zone height limitation slope set forth in Section 2104 of this Article. In plan the perimeter of the approach surface coincides with the perimeter of the approach surface zone.

APPROACH, TRANSITIONAL, HORIZONTAL AND CONICAL SURFACE ZONES: These zones are set forth in Section 2102 of this Article.

CONICAL SURFACE: A surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty to one (20 to 1) for a horizontal distance of four thousand (4,000) feet.

DEPARTMENT: Pennsylvania Department of Transportation.

FAA: Federal Aviation Administration of the United States Department of Transportation.

HEIGHT: For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

HORIZONTAL SURFACE: A horizontal plane one hundred fifty (150) feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal surface zone.

LARGER THAN UTILITY RUNWAY: A runway that is constructed for an intended to be used by propeller driven aircraft of greater than twelve thousand five hundred (12,500) pounds maximum gross weight and jet powered aircraft.

NONCONFORMING USE: Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Ordinance or any amendment thereto.

NONPRECISION INSTRUMENT RUNWAY: A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in-nonprecision instrument approach procedure has been approved or planned.

OBSTRUCTION: Any structure, growth or other object, including a mobile object, which exceeds a limiting height set forth in Section 2101 of this Article.

PERSON: An individual, firm partnership, corporation, company, association, joint stock association, or governmental entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.

PRECISION INSTRUMENT RUNWAY: A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR) – It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

PRIMARY SURFACE: A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred (200) feet beyond each end of that runway. For military runways or when the runway

has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in Section 2104 of this Article. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

PRIVATE AIRPORT: An airport which is privately owned and which is not open or intended to be open to the public as defined in 74 Pa. Cons. Stat. §5102.

PUBLIC AIRPORT: An airport which is either publicly or privately owned and which is open to the public as defined in 74 Pa. Cons. Stat. §5102.

RUNWAY: A defined area on an airport prepared for landing and takeoff of aircraft along its length.

STRUCTURE: An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation and overhead transmission lines.

TRANSITIONAL SURFACES: These surfaces extend outward at ninety (90) degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of five thousand (5,000) feet measured horizontally from the edge of the approach surface and at ninety (90) degree angles to the extended runway centerline.

TREE: Any object of natural growth.

UTILITY RUNWAY: A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.

VISUAL RUNWAY: A runway intended solely for the operation of aircraft using visual approach procedures.

SECTION 2102 AIRPORT SURFACE ZONES

In order to carry out the provisions of this Ordinance, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces as they apply to the Rostraver Airport. Such zones are shown on the Rostraver Airport Height Limitation and Zoning District Map prepared by the Pennsylvania Department of Transportation, Bureau of Aviation, and dated Spring, 1989, which is attached to this Ordinance and made a part hereof. An area locate din more than one (1) of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

2102.1 Utility Runway Visual Approach Surface Zone

Established beneath the visual approach surface. The inner edge of this zone coincides with the width of the primary surface and is two hundred fifty (250) feet wide. The zone expands outward uniformly to a width of one thousand two hundred (1,200) feet at a horizontal distance of five thousand (5,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

2102.2 Utility Runway Nonprecision Instrument Approach Surface Zone

Established beneath the nonprecision instrument approach surface. The inner edge of this zone coincides with the width of the primary surface and is five hundred (500) feet wide. The zone expands outward uniformly to a width of two thousand (2,000) feet at a horizontal distance of five thousand (5,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

2102.3 Runway Larger than Utility Visual Approach Surface Zone

Established beneath the visual approach surface. The inner edge of this zone coincides with the width of the primary surface and is five hundred (500) feet wide. The zone expands outward uniformly to a width of one thousand five hundred (1,500) feet at a horizontal distance of five thousand (5,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

2102.4 Runway Larger than Utility with a Visibility Minimum Greater than ¼ Mile Nonprecision Instrument Approach Surface Zone

Established beneath the nonprecision instrument approach surface. The inner edge of this zone coincides with the width of the primary surface and is five hundred (500) feet wide. The zone expands outward uniformly to a width of three thousand five hundred (3,500) feet at a horizontal distance of ten thousand (10,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

2102.5 Runway Larger Than Utility with a Visibility Minimum as Low as ¾ Mile

Established beneath the nonprecision instrument approach surface. The inner edge of this zone coincides with the width of the primary surface and is one thousand (1,000) feet wide. The zone expands outward uniformly to a width of four thousand (4,000) feet at a horizontal distance of ten thousand (10,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

2102.6 Precision Instrument Runway Approach Surface Zone

Established beneath the precision instrument approach surface. The inner edge of this zone coincides with the width of the primary surface and is one thousand (1,000) feet

wide. The zone expands outward uniformly to a width of sixteen thousand (16,000) feet at a horizontal distance of fifty thousand (50,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

2102.7 Transitional Surface Zones

Established beneath the transitional surfaces adjacent to each runway and approach surface as indicated on the Height Limitation and Zoning District Map.

2102.8 Horizontal Surface Zone

Established beneath the horizontal surface, one hundred fifty (150) feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of six (6) feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal surface zone does not include the approach surface and transitional surface zones.

2102.9 Conical Surface Zone

Established beneath the conical surface. This zone commences at the periphery of the horizontal surface and extends outward there from a horizontal distance of four thousand (4,000) feet.

SECTION 2103 AIRPORT SURFACE ZONE HEIGHT LIMITATIONS

Except as otherwise provided in this Ordinance, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone defined by this Article to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

2103.1 Utility Runway Visual Surface Zone

Slopes twenty (20) feet outward for each foot upward, beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand (5,000) feet along the extended runway centerline.

2103.2 Utility Runway Nonprecision Instrument Approach Surface Zone

Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand (5,000) feet along the extended runway centerline.

2103.3 Runway Larger than Utility Visual Approach Surface Zone

Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand (5,000) feet along the extended runway centerline.

2103.4 Runway Larger than Utility with a Visibility Minimum Greater than $\frac{3}{4}$ Mile Nonprecision Instrument Approach Surface Zone

Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand (10,000) feet along the extended runway centerline.

2103.5 Runway Larger than Utility with a Visibility Minimum as Low as $\frac{3}{4}$ Mile Nonprecision Instrument Approach Surface Zone

Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand (10,000) feet along the extended runway centerline.

2103.6 Precision Instrument Approach Surface Zone

Slopes fifty (50) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand (10,000) feet along the extended runway centerline; thence slopes upward forty (40) feet horizontally for each foot vertically to an additional horizontal distance of forty thousand (40,000) feet along the extended runway centerline.

2103.7 Transitional Surface Zones

Slopes seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of one hundred fifty (150) feet above the airport elevation. In addition to the foregoing when an airport has a precision instrument runway approach zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of five thousand (5,000) feet measured at ninety (90) degree angles to the extended runway centerline.

2103.8 Horizontal Surface Zone

Established at one hundred fifty (150) feet above the established airport elevation.

2103.9 Conical Surface Zone

Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal surface and at one hundred fifty (150) feet above the established airport elevation and extending to a height of three hundred fifty (350) feet above the established airport elevation.

2103.10 Excepted Height Limitations

Nothing in this Ordinance shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to thirty-five (35) feet above the surface of the land.

SECTION 2104 AIRPORT ZONING REQUIREMENTS

2104.1 Use Restrictions

Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within any zone established by this Article in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport.

2104.2 Nonconforming Uses:

a. Regulations Not Retroactive

The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of any nonconforming use, except as provided in Section 2105 relating to permits and variances. Nothing contained herein shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Ordinance, and is diligently executed.

b. Marking and Lighting

Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation,

operation and maintenance thereon or nearby of such markers and lights as shall be deemed necessary by the Township to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the landowner.

SECTION 2105 PERMITS AND VARIANCES

2105.1 Future Uses

Except as specifically provided in a., b. or c. hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this Ordinance shall be granted unless a variance has been approved in accordance with this Section 2105.

- a.** In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when, because of terrain, land contour or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
- b.** In areas lying within the limits of the approach zones, but at a horizontal distance of not less than four thousand two hundred (4,200) feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when, because of terrain, land contour or topographic features, such tree or structure would extend above the height limit prescribed for such approach zones.
- c.** In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zones, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour or topographic feature, would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this Ordinance, except that no permit is required to make maintenance repairs to or to replace parts of existing structures which do not enlarge or increase the height of an existing structure.

2105.2 Existing Uses

Before any nonconforming structure may be replaced, substantially altered or rebuilt or tree allowed to grow higher or replanted, a permit must be secured from the municipality authorizing the replacement or change. No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure or tree to become a greater hazard to air navigation than it was on the effective date of this Ordinance or any amendments thereto or than it is when the application for a permit is made.

2105.3 Nonconforming Uses Abandoned or Destroyed

Whenever the Zoning Officer determines that a nonconforming tree or structure has been abandoned or more than eight percent (80%) torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from this Ordinance.

2105.4 Variance

Any person desiring to erect any structure or increase the height of any structure or permit the growth of any object of natural growth or otherwise use his property in violation of airport zoning regulations may apply to the Zoning Hearing Board for a variance for the zoning regulations in question. A variance may be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but would do substantial justice and would be in accordance with the spirit of the regulations and this Ordinance. Any variance may be granted subject to any reasonable conditions that the Zoning Hearing Board may deem necessary to effectuate the purposes of this Article.

The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Additionally, no application for variance to the requirements of this Ordinance may be considered by the Zoning Hearing Board unless a copy of the application has been furnished to the Airport Manager for advice as to the aeronautical effects of the variance. If the Airport Manager does not respond to the application within fifteen (15) days after receipt, the Zoning Hearing Board may act without such input to grant or deny said application.

2105.5 Hazard Marking and Lighting

In granting any permit or variance under this Article, the Zoning Hearing Board shall, if it deem the action advisable to effectuate the purpose of this Ordinance and reasonable under the circumstances, so condition the permit or variance as to require the owner of the structure or object of natural growth in questions to require the person or persons

requesting the permit or variance, to install, operate and maintain thereon such markers and lights as may be required by guidelines or regulations adopted by the FAA (Federal Aviation Administration).

2105.6 Notice to Department

Notwithstanding any other provision of law, the Zoning Officer or Zoning Hearing Board which is considering granting a permit or issuing a variance under this Article shall notify the Department of Transportation. This notice shall be in writing and shall be sent so as to reach the Department at least ten (10) days before the date upon which the decision is to be issued.

ORDAINED AND ENACTED THIS 11th DAY OF September, 2006.

TOWNSHIP OF ELIZABETH

/s/ Joanne Beckowitz

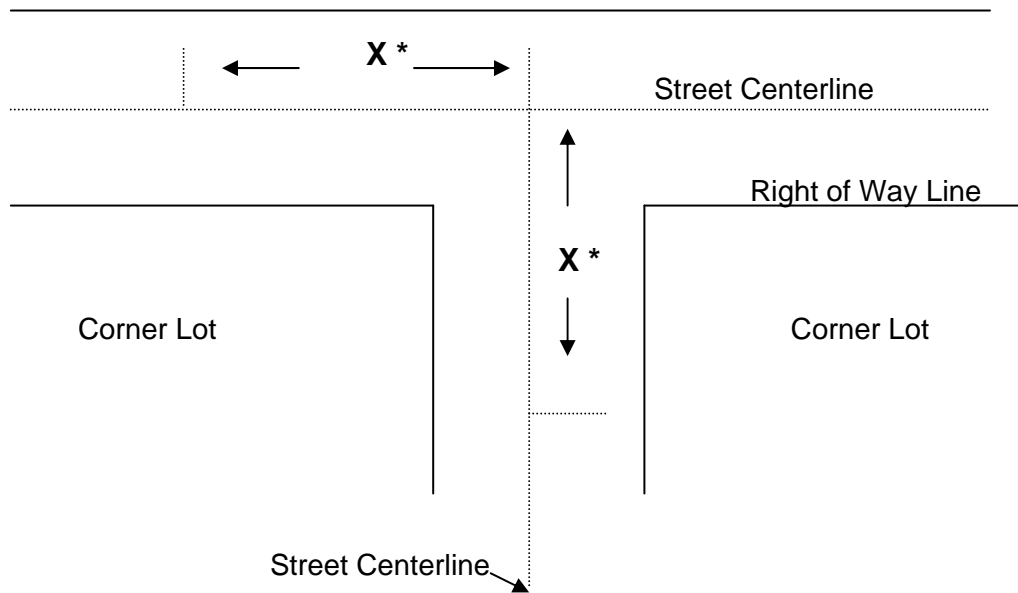
**_____
President, Board of Commissioners**

ATTEST:

/s/ Helen Kochan

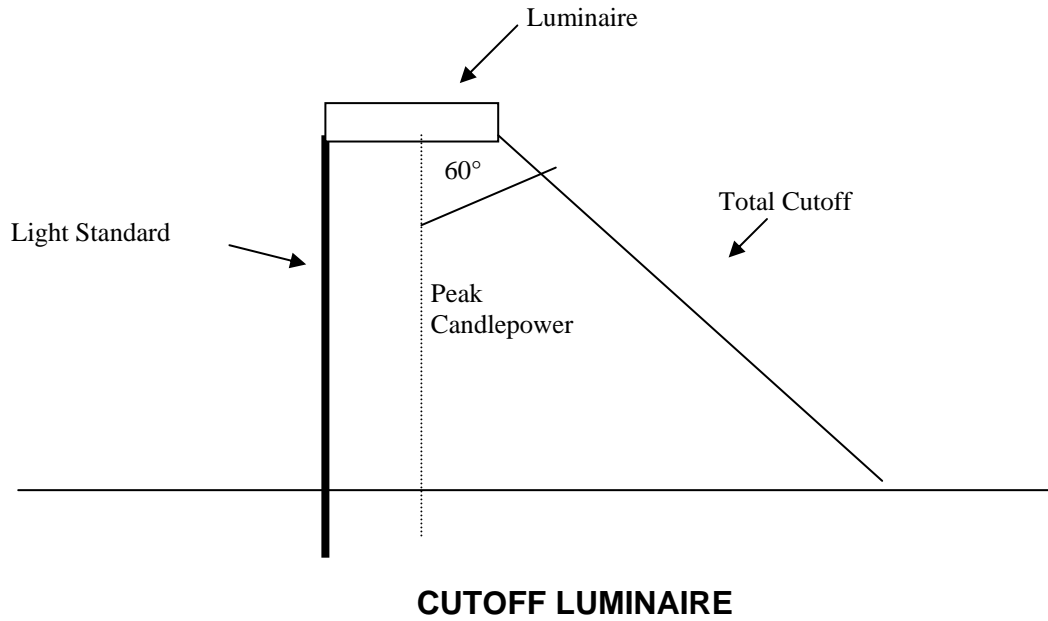
**_____
Township Secretary**

APPENDIX A
TOWNSHIP OF ELIZABETH
ILLUSTRATION OF CLEAR SIGHT TRIANGLE

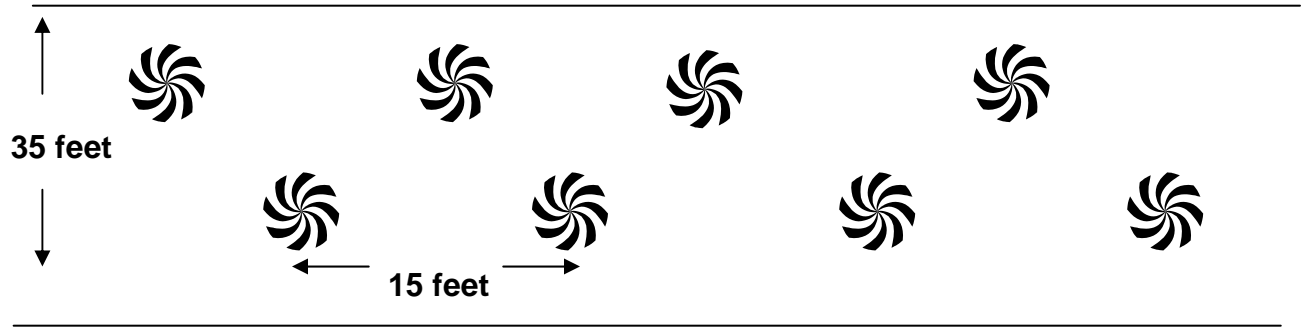


* X = The Distance Required By the Ordinance

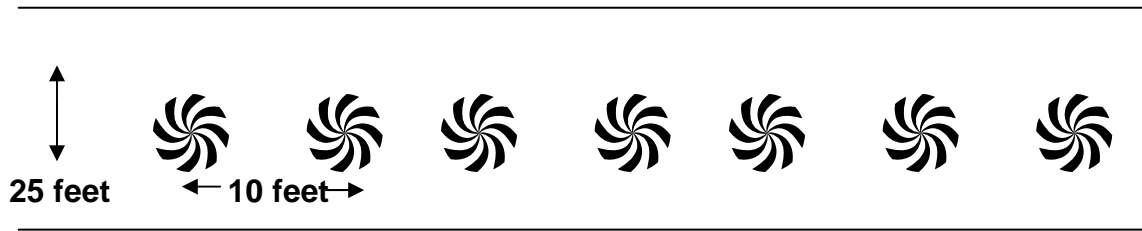
APPENDIX B
TOWNSHIP OF ELIZABETH
CUT-OFF ANGLE FOR ILLUMINATION DEVICES



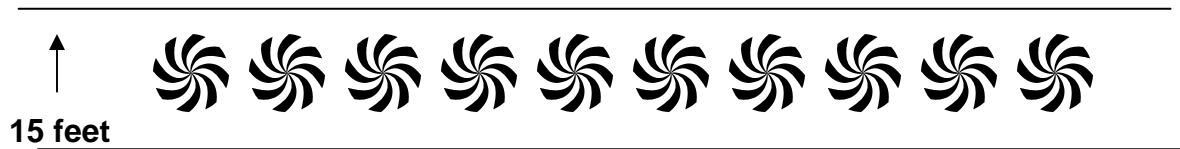
APPENDIX C
TOWNSHIP OF ELIZABETH
BUFFER AREAS REQUIRED



BUFFER AREA "A"



BUFFER AREA "B"



BUFFER AREA "C"

APPENDIX D

TOWNSHIP OF ELIZABETH

LIST OF SUGGESTED PLANT MATERIALS

Small shrubs for evergreen screening:

- (1) Glossy abelia
- (2) Warty barberry
- (3) Wintergreen barberry
- (4) Dwarf homed holly
- (5) Little holly
- (6) Convexa Japanese holly
- (7) India hawthorn
- (8) Azaleas/rhododendrons
- (9) Japanese yew

Large shrubs for evergreen screening:

- (1) Thorny elaeangus
- (2) Burford holly
- (3) Yaupon holly
- (4) Laurel or sweet bay
- (5) Japanese privet
- (6) Fortune tea olive
- (7) Red photinia
- (8) Leatherleaf viburnum

Assorted shrubs for broken screens:

- (1) Japanese barberry
- (2) Fringe-tree
- (3) Border forsythia
- (4) Vernal witch-hazel
- (5) Common witch-hazel
- (6) Pfitzer juniper
- (7) Drooping leucothoe
- (8) Winter honeysuckle
- (9) Star magnolia
- (10) Northern bayberry
- (11) Judd viburnum
- (12) Doublefile viburnum

Small trees for partial screening:

- (1) River birch
- (2) American hornbeam
- (3) Eastern redbud
- (4) Flowering dogwood
- (5) Washington hawthorn
- (6) Russian-olive
- (7) Mountain silverbell
- (8) American holly
- (9) Goldenrain tree
- (10) Grape myrtle
- (11) Sourwood
- (12) Caroline cherry laurel
- (13) Callery pear
- (14) Flowering cherry
- (15) Crabapple
- (16) Bradford pear
- (17) Japanese black pine

Large trees for evergreen screening:

- (1) Deodar cedar
- (2) Southern magnolia
- (3) Carolina hemlock
- (4) Austrian pine
- (5) Nellie Steers holly

Large trees for shading:

- (1) Norway maple
- (2) Red maple
- (3) Ginkgo
- (4) Honey locust (thornless)
- (5) Sweetgum
- (6) London plane-tree
- (7) Sycamore
- (8) Eastern red oak
- (9) Willow oak
- (10) Scarlet oak
- (11) Laurel Oak
- (12) Littleleaf linden
- (13) Green Ash
- (14) Zelk