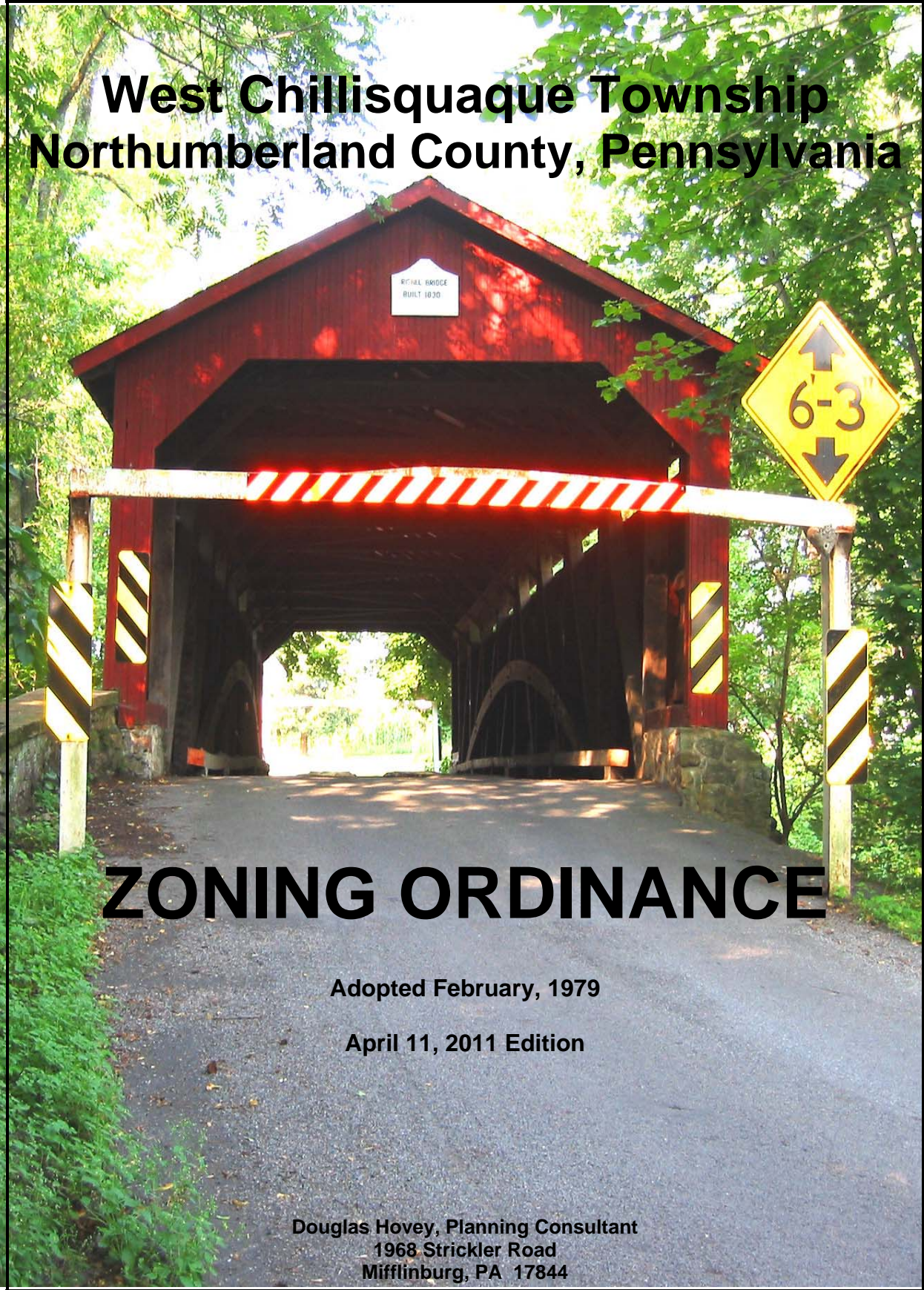


# **West Chillisquaque Township Northumberland County, Pennsylvania**



## **ZONING ORDINANCE**

**Adopted February, 1979**

**April 11, 2011 Edition**

**Douglas Hovey, Planning Consultant  
1968 Strickler Road  
Mifflinburg, PA 17844**

# ZONING ORDINANCE

for

## West Chillisquaque Township Northumberland County, Pennsylvania

prepared by a committee comprised of:

West Chillisquaque Township Planning Commission  
West Chillisquaque Township Zoning Hearing Board  
Lonnie C. Hill, Zoning Hearing Board Solicitor  
West Chillisquaque Township Supervisors  
Robert E. Benion, Township Solicitor  
Cummings & Smith, Inc., Consulting Engineers  
Douglas W. Hovey, Project Planner

Adopted - February, 1979

Amended:

December 28, 1992	September 14, 2009
May 2, 1994	April 5, 2010
November 9, 1998	July 13, 2010
November 8, 1999	October 4, 2010
December 3, 2001 (Ordinance #85)	April 11, 2011
October 3, 2005 (Ordinance #99)	
April 14, 2008 (Ordinance #106)	
July 7, 2008 (Ordinance #108)	

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**ORDINANCE NUMBER \_\_\_\_\_**

**PREAMBLE**

THIS ORDINANCE IS ADOPTED TO PROMOTE, PROTECT AND FACILITATE THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE; COORDINATED AND PRACTICAL COMMUNITY DEVELOPMENT AND PROPER DENSITY OF POPULATION; THE PROVISION OF ADEQUATE LIGHT AND AIR, VEHICLE PARKING, WATER, SEWAGE, AND RECREATION FACILITIES; AS WELL AS THE NATURAL, SCENIC AND HISTORIC VALUES OF THE ENVIRONMENT AND PRESERVATION OF AGRICULTURE, FORESTS, WETLANDS, AQUIFERS, AND FLOODPLAINS.

**ARTICLE I**

**General Provisions**

**1**

**1.1 Authority**

This Ordinance is adopted by authority of and pursuant to the provisions of the Pennsylvania Municipalities Planning Code, Act of the General Assembly No. 247 approved July 31, 1968, as re-enacted and amended December 21, 1988, by Act No. 170 (P.L. 1329).

**1.2 Title**

This Ordinance shall be know and may be cited as the West Chillisquaque Township Zoning Ordinance.

**1.3 Purpose**

The provisions of this Ordinance has been designed to:

**1.3.1** Promote, protect and facilitate any or all of the following: the public health, safety, morals, and the general welfare; coordinated and practical community development and proper density of population; emergency management preparedness and operations, airports, and national defense facilities, the provisions of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, public grounds, the provision of a safe, reliable and adequate water supply for domestic,

commercial, agricultural or industrial use, and other public requirements; as well as preservation of the natural, scenic and historic values in the environment and preservation of forest, wetlands, aquifers and floodplains, and natural drainage.

- 1.3.2** To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.
- 1.3.3** To preserve prime agriculture and farmland considering topography, soil type and classification, and present use.
- 1.3.4** To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.
- 1.3.5** Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
- 1.3.6** Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.
- 1.3.7** Comply with federal and state floodplain management requirements.

#### **1.4 Statement of Community Development Objectives**

This Ordinance has been prepared in accordance with the 1977 Comprehensive Plan for West Chillisquaque Township and the 1991 Comprehensive Plan Update including the statement of "Revised Goals For The Township" found in the 1991 document.

#### **1.5 Establishment of Controls**

##### **1.5.1 Minimum and Uniform Regulations**

The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land.

##### **1.5.2 For New Uses and Structures**

In all districts, after the effective date of this Ordinance, any new building or other structure or any tract of land shall be constructed, developed and used only in accordance with the regulations specified for each district.

### **1.5.3 For Existing Uses and Structures**

In all districts, after the effective date of this Ordinance, any existing building or other structure, or any tract of land which is not in conformity with the regulations for the district in which it is located shall be deemed as nonconforming and subject to the regulations of Article XII.

### **1.5.4 Types of Controls**

The following minimum and uniform regulations shall apply in the respective districts:

**1.5.4.1** Use regulations, including Permitted, Special Exception, and Conditional Uses;

**1.5.4.2** Density and Height Regulations and Minimum Areas and Dimensions including maximum density, building coverage, impervious surface, and building height; and minimum lot areas and width; and minimum front, side, and rear building lines in those districts in which they apply;

**1.5.4.3** Supplemental regulations for Accessory Structures; Driveways; Home Occupations; Nonconforming Lots, Structures, Buildings, and Uses; Off-street Parking and Loading; Projections Into Yards; Screening and Landscaping; Signs; and other unique conditions;

**1.5.4.4** Floodplain management provisions; and

**1.5.4.5** Criteria for the evaluation of Special Exception and Conditional Uses.

## **1.6 Establishment of Zoning Districts**

For the purposes of the Zoning Ordinance, the Township of West Chillisquaque is hereby divided into the following zoning districts:

- V - Village District
- SR - Suburban Residential
- RR - Rural Residential
- C - Commercial
- LI - Light Industry
- I - Industrial
- AP - Agricultural Preservation
- FC - Floodplain Conservation

## **1.7 Zoning District Maps**

### **1.7.1 Adoption Of Official Zoning Map**

The areas within the Township limits as assigned to each district and the location of boundaries of the districts established by this Ordinance are shown upon the Official Zoning Map, which together with all explanatory matter thereon is declared to be a part of this Ordinance and shall be kept on file with the Township Secretary. If, and whenever, changes are made in boundaries or other matter included on the Official Zoning Map, such changes in the map shall be made within five (5) days after the amendment has been approved by the Board of Supervisors.

### **1.7.2 Copies Of Zoning Map**

Regardless of the existence of copies of the Zoning Map which may from time to time be made, the Official Zoning Map shall be that map which is on file with the Township Secretary. The Official Zoning Map shall govern in all cases where conflicting map information is identified.

### **1.7.3 Zoning District Boundary Lines**

The zoning district boundary lines shall be as shown on the Official Zoning Map. District boundary lines are intended to coincide with lot lines, center lines and roadways and streams, the corporate boundary of the Township or as identified on the Map.

### **1.7.4 Interpretation Of Boundaries**

If uncertainty exists as to the boundary of any district shown on the Official Zoning Map, the Governing Body shall determine the location of such boundary. The Governing Body may request a recommendation from the Township Planning Commission prior to making such decision.

## **1.8 Severability**

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

**Legend**

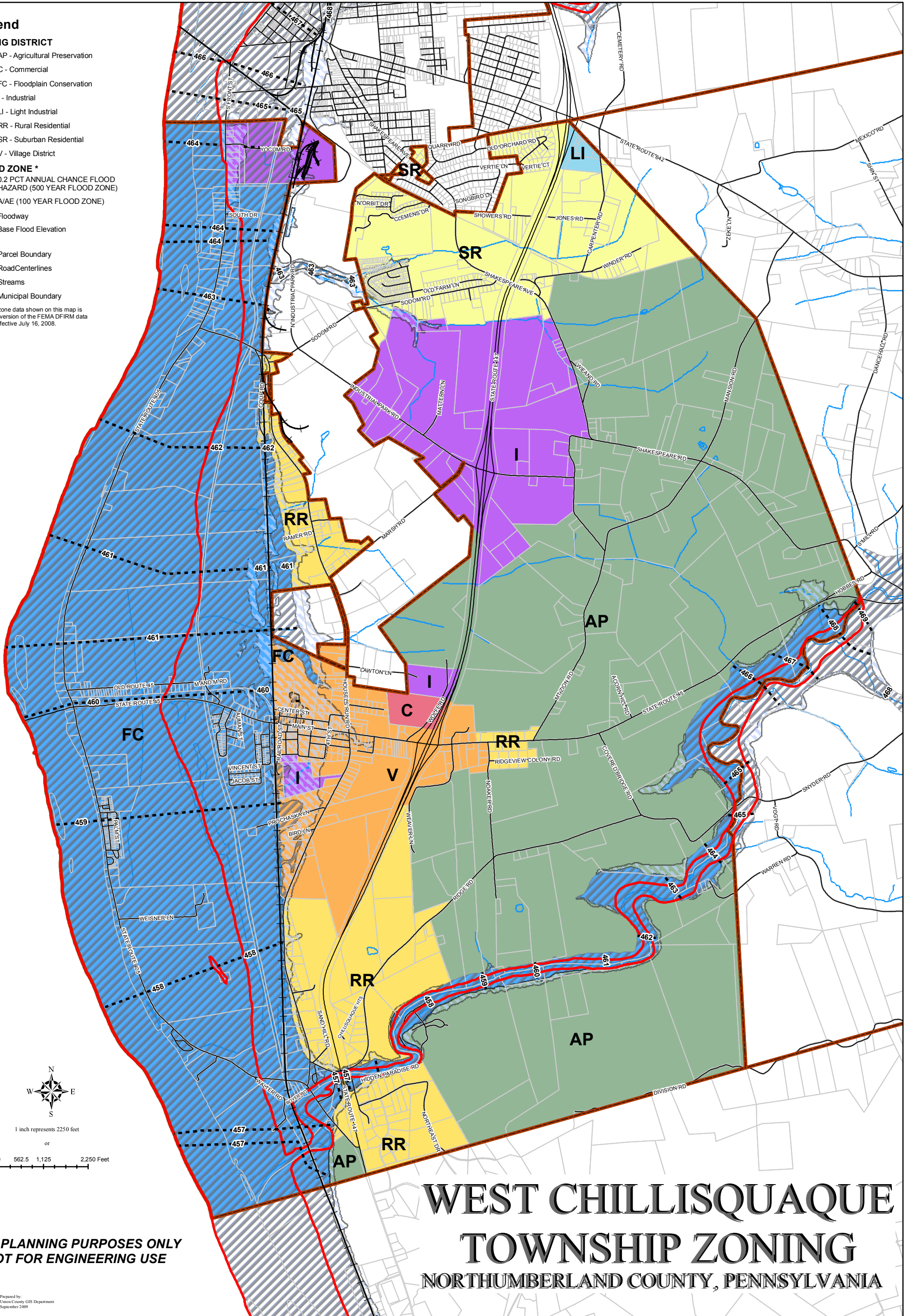
**ZONING DISTRICT**

- AP - Agricultural Preservation
- C - Commercial
- FC - Floodplain Conservation
- I - Industrial
- LI - Light Industrial
- RR - Rural Residential
- SR - Suburban Residential
- V - Village District

**FLOOD ZONE \***

- 0.2 PCT ANNUAL CHANCE FLOOD HAZARD (500 YEAR FLOOD ZONE)
- A/AE (100 YEAR FLOOD ZONE)
- Floodway
- Base Flood Elevation
- Parcel Boundary
- Road Centerlines
- Streams
- Municipal Boundary

\* Flood zone data shown on this map is a digital version of the FEMA DFIRM data that is effective July 16, 2008.



# WEST CHILLISQUAQUE TOWNSHIP ZONING

NORTHUMBERLAND COUNTY, PENNSYLVANIA

**FOR PLANNING PURPOSES ONLY  
NOT FOR ENGINEERING USE**

## **1.9 Conflicts**

### **1.9.1 Repeal**

All existing ordinances or parts of ordinances, which are contrary to the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

### **1.9.2 Relation to State Law**

In all matters that are regulated by the laws of the Commonwealth of Pennsylvania, such laws shall control where their requirements are in excess of this Ordinance. The Ordinance shall control in all cases where the State requirements are less than herein contained.

## **1.10 Disclaimer of Liability**

**1.10.1** This Ordinance shall not create liability on the part of West Chillisquaque Township or any officer or employee thereof for any fire or flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

**1.10.2** With regard to the floodplain management provisions of this Ordinance, the degree of flood protection sought by these provisions are considered reasonable for regulatory purposes and are based on acceptable engineering methods of study. Larger floods may occur. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside any identified floodplain areas, or that land uses permitted within such areas will be free from flooding or flood damages.

**1.10.3** Access to a public system (i.e. water or sewerage systems), when stipulated by this ordinance, can not be guaranteed by the Municipality. The conditions and terms of access shall be set by the receiving authority or utility company.

**1.11 Amendment to Prior Ordinance**

This Ordinance serves to amend under the terms of Section 609 of the Pennsylvania Municipalities Planning Code, Act of 1988, P.L. 805, No. 247, the prior West Chillisquaque Township Zoning Ordinance, Ordinance Number 22 enacted and ordained by the Supervisors of West Chillisquaque Township, Northumberland County, Pennsylvania, on February , 1979, and any subsequent amendments to that Ordinance including:

- December 28, 1992
- May 2, 1994
- November 9, 1998
- November 8, 1999
- December 3, 2001 (Ordinance #85)
- October 3, 2005
- July 7, 2008 (Ordinance #108)
- September 14, 2009
- April 5, 2010
- July 13, 2010
- October 4, 2010
- April 11, 2011

**1.12 Effective Date**

This Ordinance, as amended, shall be effective on April 11, 2011.

Adopted this 11<sup>th</sup> day of April, 2011.

Board of Supervisors

\_\_\_\_\_

\_\_\_\_\_

Attest:

\_\_\_\_\_

## 1.13 Definitions

### 1.13.1 General Interpretation

For the purpose of this Ordinance, the terms and words listed in the Section shall have the meaning herein defined. Words not herein defined shall have the meanings given in Webster's Unabridged Dictionary.

### 1.13.2 Rules of Interpretation

For the purpose of this Ordinance, the following rules of interpretation shall apply:

- 1.13.2.1 Words in the present tense include the future tense.
- 1.13.2.2 Words in the singular case include the plural and words in the plural case include the singular.
- 1.13.2.3 The words "used" and "occupied" shall be construed to include the words "or intended, arranged or designed to be used to be occupied, or offered for occupancy."
- 1.13.2.4 The term "such as" shall be considered as introducing a typical, or illustrative, designation of items, and shall not be interpreted as constituting a complete list.

### 1.13.3 Terms Defined

**Accessory Use Or Structure:** A use or structure subordinate to the principal use of a building on the same lot and serving a purpose customarily incidental to the use of the principal building or land use. An accessory structure over 2,000 sq. ft. will require a land development plan in accordance with the West Chillisquaque Township Subdivision and Land Development Ordinance, unless waived by the Township Supervisors.

**Adult Entertainment:** Adult book stores, theaters, dance clubs, massage parlors, and similar establishments providing entertainment and/or the retail sale of books, magazines, newspapers, movies, slides, films, devices or other photographic or written reproductions depicting nudity or sexual conduct.

**Addition:** Any construction which increases the size of a building or adds to the building.

**Agricultural Business:** Any business related to the processing and sale of agricultural products or supplies or the sale and/or repair of agricultural equipment.

**Agricultural Operation:** An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry. For the purpose of this ordinance, the word Agriculture shall not include "Kennels", but shall include the use of "Roadside Stand" as defined in this section.

**Alley:** A public or private way affording secondary means of access to abutting property.

**Alteration:** Construction which may change the structural parts, mechanical equipment or location of openings of a building but which does not increase the size of the building.

**Animal Hospital:** A facility operated by a Doctor of Veterinary Medicine for the treatment, housing or boarding of domestic animals.

**Animal Shelter:** A facility that houses homeless, lost or abandoned animals. The animal is kept at the shelter until it is either reclaimed by the owner, adopted by a new owner or placed with another organization.

**Apartment:** A living unit in a multiple family dwelling.

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

**Automobile Sales or Service:** An area of land or structure, other than a private garage, for the storage, sale, hire, care, repair or refinishing of self-propelled vehicles or trailers, or for the retail sale of gasoline, oil, other fuel, or accessory for motor vehicles. For the purpose of this ordinance Automobile Sales or Services are classified as Retail Services.

**Balcony:** An unroofed platform, enclosed by a railing or parapet, projecting from the wall of a building for the private use of tenants or for exterior access to the above grade living units. When a balcony is roofed and enclosed with operating windows, it is considered part of the room it serves.

**Basement:** Any area of a building having its floor below ground level on all sides. A basement shall not be considered in determining the permissible number of stories.

**Bed and Breakfast Inn:** A non-restaurant short-term transient lodging allowed in a residence that provides pre-arranged meals only to a limited number of lodgers, as qualified persons. It must be owner-occupied, with a minimum of signs, no special external appearance, with off-street parking required on the site screened from neighbors. Lodgers are limited to a 14 day stay to avoid becoming multi-family rental dwellings.

**Board:** The Zoning Hearing Board for West Chillisquaque Township, Northumberland County, Pennsylvania.

**Boarding or Rooming House:** A dwelling or part thereof where meals or lodgings are provided for compensation for at least three (3) but not more than fifteen (15) persons not transients. This use shall not include Family Based Group Home and Group Care Facility.

**Building:** Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals or property.

**Building Coverage:** The portion of a lot, expressed as a percentage, that may be covered by the total ground floor area of all principal and accessory buildings on a lot including covered porches, carports and breezeways.

**Building Height:** The vertical distance from the average finished grade at the building line to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the mean height level between eaves and ridge for gable, hip and gambrel roofs. In the floodway, the building height will be measured from 1.5 feet above the 100 year flood level as established by FEMA in Section 13.2.1.

**Building Line:** A line established by law or agreement, usually parallel to the property line, beyond which a structure may not extend. This generally does not apply to uncovered entrance platforms, terraces and steps.

**Front Building Line:** The line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of buildings and structures and the front lot line.

**Rear Building Line:** The line nearest the rear of and across a lot establishing the minimum open space to be provided between the rear line of buildings and structures and the rear lot line.

**Side Building Line:** The line nearest the side of and across a lot establishing the minimum open space to be provided between the side line of buildings and structures and the side lot line.

**Camp:** A part-time or seasonal dwelling.

**Campground:** A tract or tracts of land, or any portion thereof, used for the purpose of providing two or more spaces for travel trailers, cabins, or tents, and excluding mobile homes, with or without a fee charged for the leasing, renting or occupancy of such space. A campground may include the single family detached dwelling of the owner or operator of the facility. For the purpose of this ordinance a Campground is classified as a Outdoor Recreation Use.

**Cartway:** The surface of a street or alley available for vehicular traffic.

**Church:** A building used for public worship including separate buildings used for residential, educational, burial, recreational or other uses. For the purpose of this ordinance a church is classified as a Public or Quasi-Public Use.

**Clear Site Triangle:** An area of unobstructed vision at street intersections or street and driveway intersections defined by lines of sight between points at a given distance from the intersection of the street and/or driveway centerline. See Intersection Visibility in Article XII.

**Cluster Subdivision:** A large scale residential development of 10 acres or more, in which individual dwelling units or buildings are grouped together. Modification or reduction of the minimum yard and lot size requirements are permitted in exchange for an equivalent amount of land in open space to be preserved for scenic, recreation, or conservation purposes. The gross residential density of the underlying district cannot be exceeded in this type of development. See Cluster Subdivision in Article XIV.

**Commercial:** a non-manufacturing business entity established for the exchange of goods or services for monetary considerations.

**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 of enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.

**Communications Antenna:** Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communication signals, including without limitation omnidirectional or whip antennas and directional or panel antennas, owned or operated by any person

or entity licensed by the Federal Communication Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas.

**Communication Equipment Building:** An unmanned Building or cabinet containing communications equipment required for the operation of Communications Antennas and covering an area on the ground not greater than 250 square feet.

**Communications Tower:** A structure other than a Building such as a monopole, self-supporting or guyed tower, designed and used to support Communications Antennas.

**Community System:** A central water or sewerage system, the rates and service of which are not controlled by a government authority.

**Completely Dry Space:** A space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

**Comprehensive Plan:** A plan, prepared by the Planning Commission pursuant to Article III of the Municipalities Planning Code, Act of the General Assembly No. 247 approved July 31, 1968, as re-enacted and amended December 21, 1988, by Act No. 170 (P.L. 1329).

**Conditional Use:** A use which may not be appropriate in a particular zoning district as a whole but which may be suitable in certain locations within the district when specific conditions and factors prescribed within this Ordinance for such cases are met. "Conditional Uses" are allowed or denied by the Board of Supervisors after recommendation by the Planning Commission.

**Condominium:** A building, a group of buildings, in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.

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

**Correctional Facility:** A institution for the housing of persons accused of or having been convicted of committing criminal offenses of a serious nature.

**Cultivation Of Crops:** The use of land for raising of crops and excluding the

keeping of animals.

**Day Care Center:** A center which provides daytime care or instruction for 7 or more persons and operates on a regular basis. Day care service may include nursery schools and preschools, but shall not include services provided by a physician or nurse, or facilities operated primarily for education, or care classified as a Family Day Care Home.

**Decibel:** The unit of measurement for the relative loudness of sounds to each other, being approximately the smallest degree of difference detectable by the human ear.

**Density:** The average number of person, families or dwellings per unit of area (acre, square mile, etc.).

**Net Residential density.** Density of the building site.

**Gross residential density.** Density of the building site plus traversing streets, alleys and drives, open space and one-half of bounding streets.

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

**Development:** Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured (mobile) homes; streets, and other paving; utilities; filling, grading and excavation; drilling operations; storage of equipment or materials; and the subdivision of land.

**Driveway:** A vehicular way for entrance and exit to a property and circulation within the property.

**Dry Space:** See Completely Dry Space and Essentially Dry Space.

**Dwelling:** Any structure, or portion thereof, which is designed or used for residential purposes. The term dwelling shall not be deemed to include motel, boarding or rooming house, bed and breakfast inn, hotel, hospital, or nursing home.

**Dwelling, Farm:** A dwelling unit located on a farm which is used as the residence of the owner of that farm or of persons necessary for the operations of the farm.

**Dwelling, Mobile Home:** A single-family detached factory manufactured dwelling build on a chassis. A mobile home shall be constructed to remain a mobile home,

subject to all regulations applying thereto, whether or not wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

**Dwelling, Modular Home:** A structure intended for permanent occupancy as a dwelling consisting of prefabricated sections or components constructed according to nationally recognized building codes at another location and transported to the site for assembly, placement upon and attachment to a permanent foundation.

**Dwelling, Multiple Family:** A building designed for or containing two or more dwelling units, sharing access from a common hall, stair, or balcony.

**Dwelling, Single Family Attached:** See Townhouse.

**Dwelling, Single Family Detached:** A dwelling designed for and occupied by not more than one family and having no roof, wall, or floor in common with any other dwelling unit and having an additional lot with private yards on all four sides of the house.

**Dwelling, Two- Family:** Two dwelling units, each of which is attached side to side, or one above the other, each one sharing only one common wall with the other. Each unit shall have individual access to the outside.

**Dwelling Unit:** A residential unit providing complete, independent living facilities for one family including permanent provisions for living, sleeping, eating, cooking, and sanitation.

**Easement:** Authorization by a property owner for use by another of any designated part of his property for a specified purpose.

**Essentially Dry Space:** A space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

**Essential Services:** the erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies or lot owners, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems and their essential Buildings, excluding Communications Towers and Communication Antennas, as defined herein.

**Family:** An individual, or two (2) or more persons related by blood or marriage, or a group of not more than five (5) persons, excluding servants, who are not related by blood or marriage, living together as a single housekeeping unit in a dwelling.

**Family Based Group Home:** Is a public agency licensed, supervised, or operated facility which provides resident service in a private residence to 3 or fewer individuals who are not related to the resident householder. These individuals are handicapped, aged, disabled, or in need of adult supervision and are provided 24 hour service and supervision in accordance with their individual needs. This category includes foster homes for children and group homes for mentally retarded or developmentally disabled persons. This category does not include day care centers, nursing homes, hospitals, halfway houses, prisons, or jails. No Family Based Group Home shall be established within 500 ft. of another Family Based Group Home or a Group Care Facility.

**Family Day Care Home:** A residence offering baby-sitting services and child care services to a maximum of six children unrelated to the resident household. A family day care home is permitted as a home occupation in the residential district.

**Feed Lot:** A concentrated animal or poultry operation for meat, eggs, or milk production, or stabling in pens. Also housing where animals or poultry are fed in confinement.

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

**Floodplain** - A relatively flat or low land area adjoining a stream, river, or watercourse, which is subject to partial or complete inundation. The boundary of this area shall coincide with the boundary of the 100 year flood as defined in this Ordinance..

**Floodplain Area:** A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface water from any source.

**Floodproofing:** Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**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.

**Garage, Private:** A garage intended for and used for the storage of the private motor vehicles of the families resident upon the premises or by individuals residing in the immediate vicinity of the private garage.

**Governing Body:** The Board of Supervisors of West Chillisquaque Township, Northumberland County, Pennsylvania.

**Grade:**

**Finish:** The top surface elevation of lawns, drives, or other improved surfaces after completion of construction or grading operations.

**Natural:** The elevation of the original or undisturbed natural surface of the ground.

**Subgrade:** The elevation established to receive top surfacing or finishing materials.

**Group Care Facility:** Is a public agency licensed, supervised, or operated facility which provides resident services to 4 or more individuals of whom one or more are unrelated. These individuals are handicapped, aged, or disabled, are undergoing rehabilitation, and are provided 24 hour services to meet their needs. This category includes group homes (all ages), halfway houses, resident schools, resident facilities, and foster or boarding homes. This category does not include day care centers, family based group homes, nursing homes, hospitals, prisons, or jails. No Group Care Facility shall be established within 2,500 ft. of another Group Care Facility or Family Based Group Home.

**Habitable Floor Area:** Space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, attics, storage or utility spaces, and similar areas are not considered as a part of the habitable floor area.

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

**Historic Structure:** Any structure that is:

- (i) Listed in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (ii) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;

- (iii) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (iv) Individually listed on a local inventory of historic places in communities with historic preservation programs which have been certified either:
  - (1) By an approved state program as determined by the Secretary of the Interior or
  - (2) Directly by the Secretary of the Interior in states without approved programs.

**Home Based Business:** A business conducted on a lot in conjunction with a residential dwelling unit. Such uses are limited to lawn mower, or appliance repair shops; carpentry, woodworking, or metalworking shops. The repair of motor vehicles shall be excluded from this use.

**Home Occupation:** Any lawful activity limited to barber, hairdresser, seamstress, attorney, architect, engineer, accountant, physician, dentist, insurance agent, real estate appraiser, teacher, minister, municipal official, tailor, financial advisor, claims adjuster and family day care home conducted entirely within a dwelling, accessory structure, or on a farm which is clearly consistent and subordinate to the use of the premises for residential or agricultural purposes and providing that the exterior appearance of the buildings is maintained and there is no exterior evidence of the secondary activity other than the sign permitted herein.

**Homeowner's Association:** An incorporated, non-profit organization operating under recorded land agreements through which, (a) each lot and/or home owner in a Cluster Subdivision or other described land area is automatically a member and (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property and (c) the charge if unpaid becomes a lien against the property.

**Hotel:** A building used as the temporary abiding place of sixteen (16) or more individuals who are, for compensation, lodged, with or without meals and in which no provision is made for cooking in any individual room or suite. A hotel may include restaurants, newsstands and other accessory services primarily for serving its occupants and only incidentally the public.

**Identified Floodplain Area:** The floodplain area specifically identified in this Ordinance as being inundated by the one hundred (100) year flood.

**Impervious Surface:** That portion of a lot (expressed as a percentage) that does not

absorb precipitation. All buildings, structures, parking areas, driveways, roads, sidewalks, and any areas in concrete, asphalt, etc. materials shall be considered impervious surfaces.

**Industrial Park:** A tract of land developed for industrial and manufacturing uses on individual lots usually utilizing a common access road and utilities.

**Institution:** A public or private facility providing for extended care of inmates or residents.

**Junk Yard Or Salvage Yard:** Any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled, parked, stored, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards and places or yards for storage or salvaged house wrecking and structural steel materials and equipment, but not including areas where such uses are conducted entirely within a completely enclosed building and not including pawnshops and establishments for the sale, purchase or storage of used furniture and household machinery and the processing of used, discarded or salvaged materials as part of manufacturing operations.

**Kennel:** A lot or building in which four (4) or more dogs or cats at least four months of age are kept for commercial purposes while protecting the animals from injury, containing the animals, and restraining the entrance of other animals.

**Land Development:**

- (1) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
  - (i) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure: or
  - (ii) the division or allocation of land or space whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or, for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- (2) a subdivision of land.

**Light Industry:** A manufacturing activity in which the production process results in a finished product made from sem-finished materials, requires no outside materials storage, and does not generate noise or odors detectable outside of the building housing the light industry. See Section 9.5.

**Lot:** A piece or parcel of land undivided by any street or right-of-way and occupied or intended to be occupied by a principal building or use or a group of buildings conforming with the regulations of this Ordinance and its accessory buildings and uses, including all open spaces required by this Ordinance, and having frontage on a road.

**Lot Area:** The computed area contained within the lot lines exclusive of any street right-of-ways, but including the area of any easement.

**Lot, Corner:** A lot abutting upon two or more roads at their intersection or upon two parts of the same road and, in either case, forming an interior angle of less than one hundred thirty-five degrees.

**Lot Depth:** The mean horizontal distance between the front and the rear lot lines.

**Lot, Double Frontage:** A lot having frontage on two non-intersecting roads, as distinguished from a corner lot.

**Lot Line:** A legally defined line dividing one parcel of property from another.

**Lot Line, Front:** The line separating the lot from roads upon which it abuts.

**Lot Line, Rear:** The lot line opposite and most distant from the front lot line.

**Lot Line, Side:** Any lot line other than a front or rear lot line.

**Lot Width:** The width of the lot measured at right angles to its center line, at the front building line.

**Lowest Floor:** The lower floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area which is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this ordinance.

**Manufactured (Mobile) Home:** A transportable, single-family dwelling intended for permanent occupancy, office or place of assembly, contained in one or more sections, built on a permanent chassis, which arrives at a site completed and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation. The

term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

**Manufactured (Mobile) Home Park:** A parcel of land under single ownership, which has been planned and improved for the placement of two or more manufactured homes for non-transient use.

**Manufacturing:** The act of producing, preparing or assembling finished products or goods from raw materials or component parts through the repetitious use of an established or set process.

**Minerals:** The term minerals 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.

**Minor Repair:** The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

**Mixed Occupancy:** The use of a lot for more than one principal use.

**Mobile (Manufactured) Home:** See Dwelling, Mobile Home.

**Mobile (Manufactured) Home Park:** A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

**Motel Or Conference Center:** A building or group of buildings located on a lot, arranged and used for lodging of guests, including convenient parking space on the premises and facilities for service of food to lodgers and/or nonlodgers, and may include retail sale of commodities and services, and facilities for educational activities and recreation for lodgers and/or nonlodgers.

**Municipalities Planning Code:** Act of the Pennsylvania General Assembly No. 247 approved July 31, 1968, as re-enacted and amended December 21, 1988, by Act No. 170 (P.L. 1329).

**Municipality:** The municipal corporation known as the Township of West

Chillisquaque, Northumberland County, Pennsylvania.

**New Construction:** Structures for which the start of construction commenced on or after June 20, 1977, and includes any subsequent improvements thereto.

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

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

**Nonconforming Lot:** A lot the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

**Nonconforming Structure:** A sign or structure, the design or size of which does not conform to the regulations of this Ordinance for the district in which it is located.

**Nonconforming Use:** A building, structure, or premises legally existing and/or used at the time of adoption of this Ordinance, or any amendment thereto, which does not conform with the use regulations of the district in which located.

**Nursing Home or Retirement Village:** An institution providing for extended care of greater than three (3) residents, excluding a correction facility.

**One Hundred Year Flood:** A flood that, on the average, is likely to occur once every one hundred (100) years (i.e. that has one (1) percent chance of occurring each year, although the flood may occur in any year).

**Office:** A place where the affairs of a business or a profession are carried out, not including the manufacture or assembly of products or merchandise.

**Official Map:** A map established by the Board of Supervisors pursuant to Article IV of the Municipalities Planning Code, Act of the General Assembly No. 247 approved July 31, 1968, as re-enacted and amended December 21, 1988, by Act No. 170 (P.L. 1329).

**Open Space:** That portion of the land open to the sky and usually reserved in a natural state or for outdoor recreational use.

**Outdoor Recreation Use:** Public or private outdoor recreational uses and activities, including but not limited to: campgrounds; recreational vehicle parks; marinas; day camps; picnic grounds; golf courses; boat launching and swimming areas; hiking, bike, and horseback riding trails; wildlife and nature preserves; game farms; fish hatcheries; trap and skeet ranges; and hunting and fishing areas; and the maintenance of farm-type animals for non-commercial purposes provided that minimum acreage and other requirements contained in the Ordinance have been fulfilled.

**Parking Lot:** A permanently surfaced area of one or more parking spaces designed or used for the parking of self-propelled vehicles and available to the public, whether for a fee or as an accommodation to clients or customers.

**Parking Space:** A permanently surfaced area of not less than one hundred eighty square feet, either within a structure or in the open, exclusive of driveways or access drives, for the parking of a motor vehicle.

**Permanent Foundation:** A foundation when constructed using approved methods and/or standards and materials shall remain intact for an interminable amount of time, and shall not be moveable or relocateable.

**Permit:** A document issued by the Municipality, authorizing an applicant to undertake certain activities.

**Zoning Permit:** A permit issued indicating that a proposed use, building or structure is in accordance with the provisions of this Ordinance and authorizing an applicant to proceed with the construction or development of the use, building or structure.

**Occupancy Permit:** A permit issued upon completion of the construction of a structure, or change in use of structure or parcel of land indicating that the premises complies with the provisions of this Ordinance and may be used for the purposes set forth in the Occupancy Permit.

**Permitted Use:** Any use which does not require special action by the Zoning Hearing Board or by the Board of Supervisors before a zoning permit is granted by the Zoning Officer.

**Person:** An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

**Planning Commission:** The Planning Commission of West Chillisquaque Township, Northumberland County, Pennsylvania.

**Plan:** A map, plat or layout showing the subdivision of land and indicating the location and boundaries of individual lots or properties.

**Porch:** A roofed or unroofed structure projecting from the front, side, or rear wall of the building which shall have no wall more than 30 inches high and which shall be open on all sides, except the side adjoining the building.

**Principal Use Or Structure:** A building housing the main or principal use of the lot on which the building is located.

**Private Airport:** An airport, licensed by the Pennsylvania Department of Transportation, Bureau of Aviation, which is privately owned and which is not open or intended to be open to the public.

**Professional Office:** Professional offices shall include the office of a physician, dentist, optometrist, minister, architect, landscape architect, city planner, engineer, insurance agent, realtor, accountant, lawyer, author, or other similar professional occupations.

**Property Line:** See Lot Line.

**Public Hearing:** A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with the Municipalities Planning Code and this Ordinance.

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

**Public Notice;** Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

**Public or Quasi-Public Use:** Uses or structures designed, intended or arranged for the use or service of the general public, although the fees and conditions of such use may be determined and regulated by the operator thereof, e.g. Banks, Post Offices, Churches, Cemeteries, Schools, Recreation Areas, Community Centers, Firehalls, and other uses of the same general character.

**Public System:** A water or sewerage system which is owned and operated by a local government authority or by a local utility company adequately controlled by a governmental authority.

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

**Recreation Areas:** Areas for playgrounds, play fields, court games and/or swimming pools, but excluding social or fraternal clubs or clubhouses. For the purpose of this ordinance a Recreation Area is classified as a Public or Quasi-Public Use.

**Recreation Or Entertainment Facility:** A profit or non-profit business in which amusement, entertainment, cultural events, play or other exercise is offered or sold. This use shall not include the sale of products other than recreation. Such facilities may include but not be limited to theaters, clubs, lodges, social halls, indoor skating rinks, gymnasiums, and exercise centers.

**Recreational Vehicle:** A vehicle which is (i) built on a single chassis; (ii) not more than 400 square feet, measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light-duty truck; (iv) not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Recreational Vehicle Park:** Any site upon which two or more recreational vehicles are, or are intended to be located. This use may include the single family detached dwelling of the owner or operator of the facility. For the purpose of this ordinance a Recreational Vehicle Park is classified as an Outdoor Recreation Use.

**Residual Waste:** A nonhazardous waste that includes solid, liquid or gas waste material produced by industrial, mining or drilling operations.

**Right-Of-Way:** That portion of land dedicated to the public for use as a street, drain, ditch, stream, utility easement or cross walk.

**Regulatory Flood Elevation:** The one Hundred (100) year flood elevation.

**Road:** See Street.

**Roadside Stand:** A structure designed or used for the display or sale of neighborhood agricultural products or other goods produced on the premises upon which such a stand is located.

**Screen Planting:** A visual obstruction or suitable fence or wall at least six feet high or attractive, maintained shrubs or hedges a minimum of four feet high intended as a barrier to visibility, glare and noise between adjacent properties.

**Setback Lines:** See Building Lines.

**Shopping Center:** A land development involving a group of commercial establishments planned, constructed, and managed as a total entity, with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements, and landscaping and signs in accord with an approved plan.

**Sign:** Any exterior name, identification, description, display, or illustration exposed to public view which directs attention to an object, product, place, activity, person, institution, organization or business. A projecting or free-standing sign with two faces shall be considered as a single sign. All sign material and information contained within a single frame support shall be considered as one sign.

**Sign, Advertising:** A sign which directs attention to a business, commodity, service, or entertainment conducted, sold or offered elsewhere than upon the premises where such sign is located, or to which it is affixed.

**Sign, Area of:** (a) For a sign, either free-standing or attached, the area shall be considered to include all lettering, wording and accompanying designs and symbols, together with the background, whether open or enclosed on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself.

(b) For a sign painted upon or applied to a building, the area shall be considered

to include all lettering, wording and accompanying designs or symbols together with any background or a different color than the primary color of the building.  
(c) For a sign consisting of individual letters or symbols attached to or painted on a surface, building, wall or window, the area shall be considered to be that of the smallest rectangle or other geometric shape which encompasses all the letters and symbols.

**Sign, Business:** A sign which directs attention to a business or profession conducted, or to a commodity, service, or entertainment sold or offered upon the premises where such sign is located or to which it is affixed.

**Sign, Portable:** Any sign or structure which is not securely attached to the ground or other structure.

**Special Exception Use:** A use which by its unique characteristics requires individual consideration by the Zoning Hearing Board before a zoning permit may be decided upon.

**Special Permit:** A special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks and subdivisions and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain.

**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 be no floor above it, then the space between the floor and the ceiling next above it.

**Story, First:** The lowest story or the ground story of any building, the floor which is not more than 12 inches below the average contact ground level at the exterior walls of the building.

**Story, Half:** A partial story under the gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story.

**Street:** A public or private right-of-way of the required width which affords the principal means of access for vehicles and pedestrians to abutting property. The term "street" shall include street, avenue, drive, circle, highway or any similar term except an alley.

**Street, Arterial:** A street serving a large volume of comparatively high speed and long distance traffic, including all streets classified as arterial streets in the West Chillisquaque Township Comprehensive Plan.

**Street Collector:** A street which, in addition to providing access to abutting properties, intercepts minor streets to provide a route to arterial streets. Collector streets are so designated in the West Chillisquaque Township Comprehensive Plan.

**Street, Minor:** Streets within subdivisions and developments, including marginal access streets and cul-de-sac streets, which are designed to afford primary access to abutting property.

**Street, Public:** All streets and rights-of-way open to public use and maintained by, or dedicated to and accepted by the Township or PennDOT.

**Street, Private:** All streets and rights-of-way not dedicated, accepted, and maintained as public streets.

**Street Right-Of-Way Line:** An established line marking the extent of the road or street right-of-way regardless of whether or not such right-of-way is dedicated.

**Structure:** Anything constructed or erected on the ground or attached to the ground including, but not limited to buildings, sheds, mobile homes, recreational vehicles, and other similar items. Public utility and on-lot facilities that do not require enclosure in a building (see Essential Services) shall not be considered structures.

**Structural Alteration:** Any change in the structural members of a building, such as walls, columns, beams or girders, or an addition to any structure.

**Subdivision:** The division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including 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 development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new streets or easements of access or any residential dwelling, shall be exempted.

**Substantial Damage:** Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

**Substantial Improvement:** Any construction, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of

construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include either:

- (i) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (ii) Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure".

**Surface Mining:** Surface mining shall mean the extraction of minerals from the earth or from waste or stock piles or from pits or banks by removing the strata or material which overlies or is above or between them or otherwise exposing and retrieving them from the surface, including but not limited to strip, drift, and auger mining, dredging, quarrying, leaching and activities related thereto, but not including those mining operations carried out beneath the surface by means of shafts, tunnels, or other underground mine openings. "Surface mining" shall not include (i) the extraction of minerals (other than anthracite and bituminous coal) by a landowner for his own non-commercial use from land owned or leased by him; nor (ii) the extraction of sand, gravel, rock, stone, earth or fill from borrow pits for highway construction purposes, so long as such work is performed under a bond, contract and specifications which substantially provide for and require reclamation of the areas affected in accord with DEP requirements.

**Tent:** A collapsible shelter of canvas or other portable material used, when erected, for the temporary occupancy of one or more persons.

**Theater:** A building or part of a building devoted to the showing of moving picture or theatrical productions on a commercial basis. See Recreation or Entertainment Facility.

**Theater, Outdoor Drive-In** An open lot or part thereof with its appurtenant facilities devoted primarily to the showing of moving pictures or theatrical productions on a commercial basis to patrons seated in automobiles or on outdoor seats. See Recreation or Entertainment Facility.

**Tourist Home:** See Bed and Breakfast Inn.

**Townhouse:** A "single-family attached dwelling" of three or more adjoining dwelling units, each of which is separated from the other by one or more

unpierced firewalls from ground to roof, having individual outside access. Rows of attached townhouses shall not exceed eight dwelling units.

**Township** - West Chillisquaque Township, Northumberland County, Commonwealth of Pennsylvania.

**Tract Size:** The area of the entire development lot including all buildings, individual unit lots, open space, and required yards.

**Travel Trailer:** See Recreational Vehicle.

**Trucking Terminal:** Land and buildings used for the transfer of freight, trailers, tractors or drivers from one vehicle to another or one party to another. The trucking terminal may include storage areas for trucks and areas for the repair of trucks associated with the terminal, but does not include permanent or long term storage of merchandise.

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

**Variance:** The departure to a minor degree from the text of the Ordinance in direct regard to a hardship peculiar to an individual lot authorized by the Zoning Hearing Board in accordance with the procedures set forth in this Ordinance.

**Warehouse and Distribution Center:** A building where wares or goods are stored, as before distribution to retailers, or are kept in reserve or in bond.

**Waste:** A material whose original purpose has been completed and which is directed to a disposal or processing facility or as otherwise disposed in accord with PA Department of Environmental Protection definitions and regulations.

**Wastewater Processing Facility:** A facility that receives wastewater from industrial, mining or drilling operational sources and by a combination of physical, chemical or biological processes, treats the wastewater.

**Waste Storage or Processing Facility:** A facility where land, structures and other appurtenances or improvements are utilized for the processing or disposal of municipal, residual or hazardous waste.

**Yard:** The open, unoccupied space on the plot between the property line and the front, rear and side building lines (See Building Line).

**Yard Sale:** The occasional sale or offering for sale of new, used or secondhand items of personal property. Included are all sales titled “garage sale”, “yard sale”, “tag sale”, “porch sale”, “lawn sale”, “attic sale”, “basement sale”, “barn sale”, “rummage sale”, “flea market sale” or any similar sale of tangible personal property. Personal property is defined as property owned, utilized and maintained by an individual or members of his or her residence. It does not include merchandise which was purchased for resale or obtained on consignment.

**Zoning District:** A portion of the municipal area within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

**Zoning Hearing Board:** The Zoning Hearing Board for West Chillisquaque Township, Northumberland County, Pennsylvania.

**Zoning Map:** The Official Zoning Map of West Chillisquaque Township (see Section 1.7).

**Zoning Officer:** The administrative officer charged with the duty of enforcing the provisions of this Ordinance.

**Zoning Permit:** See Permit.

## **ARTICLE II**

### **Village District**

#### **2 2.1 Purpose of the Village District**

The purpose of the Village District is to maintain and improve the existing village community, including its' mixture of the various types of residential, public service, cultural, educational, and commercial uses.

New development of the uses noted above can be accommodated in the Village District provided that the village character is maintained, that the pertinent standards contained within this ordinance are met, and to the extent that land is available for its' use. Special attention shall be given to insure that compliance with flood plain regulations shall be achieved, that adequate and safe highway access is achieved, and that proper sewage facilities are provided.

#### **2.2 Use Regulations for the Village District**

##### **2.2.1 Permitted Uses**

- 2.2.1.1** Accessory Use or Structure (see supplemental regulation in Article XII);
- 2.2.1.2** Bed and Breakfast Inn (see supplemental regulations in Article XII);
- 2.2.1.3** Communication Antennas on an existing Public Utility Transmission Tower, Building or other Structure, and Communications Equipment Buildings (see Supplemental Regulations in Article XII);
- 2.2.1.4** Communications Towers (Height of 100 feet or less) - see Supplemental Regulations in Article XII;
- 2.2.1.5** Cultivation of Crops (no permit required);
- 2.2.1.6** Dwelling, Single Family Detached;
- 2.2.1.7** Dwelling, Two Family;
- 2.2.1.8** Essential Service (no permit required except when the proposed service includes a building or buildings);
- 2.2.1.9** Family Based Group Home (see supplemental regulation in Article XII);

- 2.2.1.10 Family Day Care Home (see supplemental regulations under Home Occupation in Article XII);
- 2.2.1.11 Forestry Activities;
- 2.2.1.12 Home Occupation (see supplemental regulation in Article XII);
- 2.2.1.13 No Impact Home Based Business; or
- 2.2.1.14 Townhouse.

**2.2.2 Special Exception Uses (criteria found in Article XIV)**

- 2.2.2.1 Animal Hospital;
- 2.2.2.2 Boarding or Rooming House;
- 2.2.2.3 Cluster Subdivision;
- 2.2.2.4 Day Care Center;
- 2.2.2.5 Dwelling, Multiple Family;
- 2.2.2.6 Home Based Business;
- 2.2.2.7 Hotel;
- 2.2.2.8 Motel or Conference Center;
- 2.2.2.9 Nursing Home or Retirement Village;
- 2.2.2.10 Parking Lot (see supplemental regulations found in Article XII);
- 2.2.2.11 Professional Office);
- 2.2.2.12 Public or Quasi-Public Use;
- 2.2.2.13 Recreation or Entertainment Facility);
- 2.2.2.14 Restaurant; or
- 2.2.2.15 Retail, Wholesale, Office, Service, Printing, or Repair Business);

**2.3 Density, Height, and Coverage Regulations**

**2.3.1 Maximum Gross Density:** 5 dwelling units per acre

**2.3.2 Maximum Building Coverage**

Residential: 30%  
Non-Residential: 50%

**2.3.3 Maximum Impervious Surface**

Residential: 50%  
Non-Residential: 70%

**2.3.4 Maximum Building Height:** 35 ft.

**2.4 Minimum Areas and Dimensions**

**2.4.1 Single Family Detached Dwelling and Family Based Group Home**

**2.4.1.1 Minimum Lot Area**

on-lot sewer and water: 43,560 sq. ft. (1 acre)  
central sewer or water: 20,000 sq. ft.  
central sewer and water: 10,000 sq. ft.

**2.4.1.2 Minimum Lot Width**

on-lot sewer and water: 100 ft.  
central sewer or water: 80 ft.  
central sewer and water: 65 ft.

**2.4.1.3 Minimum Building Lines**

front: 25 ft.  
side: 8 ft.  
rear - principal structure: 20 ft.  
rear - accessory structure: 8 ft.

## 2.4.2 Two Family Dwellings

### 2.4.2.1 Minimum Lot Area Per Family

on-lot sewer and water:	32,000 sq. ft.
central sewer or water:	16,000 sq. ft.
central sewer and water:	8,000 sq. ft.

### 2.4.2.2 Minimum Lot Width

on-lot sewer and water:	160 ft. or 85 ft. per family if the lot is divided.
central sewer and (or) water:	125 ft. or 70 ft. per family if the lot is divided.

### 2.4.2.3 Minimum Building Lines

no side Building Line required  
between the units if lot is divided

front:	25 ft.
side:	8 ft.
rear - principal structure:	20 ft.
rear - accessory structure	8 ft.

## 2.4.3 Townhouses

### 2.4.3.1 Minimum Lot Area and Width

Bedrooms	Minimum Lot Area Per Unit	Minimum Lot Width
1	1600 sq. ft.	18 ft.
2	1800 sq. ft.	20 ft.
3	2000 sq. ft.	22 ft.
4	2200 sq. ft.	24 ft.
5	2400 sq. ft.	26 ft.

### 2.4.3.2 Minimum Tract Size:

3 acres

### 2.4.3.3 Minimum Building Lines

front:	25 ft.
side - between units:	zero
side - between buildings:	40 ft.
rear:	30 ft.

**2.4.3.4 Water and Sewage Facilities:** Water and sewage facilities shall be provided by Public or Community Systems.

**2.4.4 Multiple Family Dwellings; Hotel; Motel or Conference Center; or Nursing Home or Retirement Village**

**2.4.4.1 Minimum Lot Area:** 3 acres

**2.4.4.2 Minimum Lot Width:** 300 ft.

**2.4.4.3 Minimum Building Lines:**

front: 50 ft.  
side: 20 ft.  
rear: 30 ft.

**2.4.4.4 Minimum Building Separation:** 30 ft.

**2.4.4.5 Water and Sewage Facilities:** Water and sewage facilities shall be provided by Public or Community Systems.

**2.4.5 Cluster Subdivision**

**2.4.5.1 Minimum Tract Size:** 10 acres

**2.4.5.2 Minimum Areas and Dimensions:**

See Cluster Subdivision regulations in Article XIV for permitted deviations from areas and dimensions for individual lots within the Cluster Subdivision.

**2.4.5.3 Water and Sewage Facilities:** Water and sewage facilities shall be provided by Public or Community Systems.

**2.4.6 Animal Hospital; Bed & Breakfast Inn; Boarding or Rooming House; Day Care Center; Parking Lot (as a principal use); Professional Office; Public or Quasi-Public Use; Recreation or Entertainment Facility; Restaurant; Retail, Wholesale, Office, Service, Printing, or Repair Business.**

**2.4.6.1 Minimum Lot Area:** 43,560 sq. ft. (1 acre)

**2.4.6.2 Minimum Lot Width:** 150 ft.

**2.4.6.3 Minimum Building Lines:**

front:	40 ft.
side:	20 ft.
rear:	20 ft.

**2.5 Special Building Line Considerations in the Village District**

- 2.5.1** The Side Building Line requirement may be waived where the ground floor uses on adjoining lots are of a non-residential type.
- 2.5.2** The Front Building Line requirement may be reduced to the average of the adjoining lots.

## **ARTICLE III**

### **Suburban Residential District**

**3**

#### **3.1 Purpose of the Suburban Residential District**

The purpose of the Suburban Residential District is to provide an area in the Township for primarily residential development that will be served by community water and sewer systems. A variety of residential types to serve a range of household size and income shall be encouraged provided that design considerations are made to enhance the compatibility of the different types. Nonresidential development shall be limited to types that are supportive and in harmony with the residential character of the neighborhood.

#### **3.2 Use Regulations for the Suburban Residential District**

##### **3.2.1 Permitted Uses**

- 3.2.1.1** Accessory Use or Structure (see supplemental regulation in Article XII);
- 3.2.1.2** Communication Antennas on an existing Public Utility Transmission Tower, Building or other Structure, and Communications Equipment Buildings (see Supplemental Regulations in Article XII);
- 3.2.1.3** Communications Towers (Height of 100 feet or less) - see Supplemental Regulations in Article XII;
- 3.2.1.4** Cultivation of Crops (no permit required);
- 3.2.1.5** Dwelling, Single Family Detached;
- 3.2.1.6** Dwelling, Two Family;
- 3.2.1.7** Essential Service (no permit required except when the proposed service includes a building or buildings);
- 3.2.1.8** Family Based Group Home (see supplemental regulations in Article XII);
- 3.2.1.9** Family Day Care Home (see supplemental regulation for Home Occupations in Article XII);
- 3.2.1.10** Forestry Activities;

- 3.2.1.11 Home Occupation (see supplemental regulations in Article XII);
- 3.2.1.12 No Impact Home Based Business; or
- 3.2.1.13 Townhouse.

**3.2.2 Special Exception Uses (criteria found in Article XIV)**

- 3.2.2.1 Boarding or Rooming House;
- 3.2.2.2 Cluster Subdivision;
- 3.2.2.3 Day Care Center;
- 3.2.2.4 Dwelling, Multiple Family;
- 3.2.2.5 Group Care Facility;
- 3.2.2.6 Home Based Business;
- 3.2.2.7 Mobile Home Park;
- 3.2.2.8 Nursing Home or Retirement Village;
- 3.2.2.9 Professional Office; or
- 3.2.2.10 Public or Quasi-Public Use.

**3.3 Density, Height and Coverage Regulations**

- 3.3.1 Maximum Gross Density: 5 dwelling units per acre, except Mobile Home Parks which shall not exceed 7 dwelling units per acre.
- 3.3.2 Maximum Building Coverage: 25%
- 3.3.3 Maximum Impervious Surface: 35%
- 3.3.4 Maximum Building Height: 35 ft.

### 3.4 Minimum Areas and Dimensions

#### 3.4.1 Single Family Detached Dwelling and Family Based Group Home

##### 3.4.1.1 Minimum Lot Area

on-lot sewer and water:	43,560 sq. ft. (1 acre)
central sewer or water:	20,000 sq. ft.
central sewer and water:	10,000 sq. ft.

##### 3.4.1.2 Minimum Lot Width

on-lot sewer and water:	100 ft.
central sewer or water:	80 ft.
central sewer and water:	65 ft.

##### 3.4.1.3 Minimum Building Lines

front:	25 ft.
side:	8 ft.
rear - principal structure:	20 ft.
rear - accessory structure:	8 ft.

#### 3.4.2 Two Family Dwellings

##### 3.4.2.1 Minimum Lot Area Per Family

on-lot sewer and water:	32,000 sq. ft.
central sewer or water:	16,000 sq. ft.
central sewer and water:	8,000 sq. ft.

##### 3.4.2.2 Minimum Lot Width

on-lot sewer and water:	160 ft. or 85 ft. per family if the lot is divided.
central sewer and (or) water:	125 ft. or 70 ft. per family if the lot is divided.

**3.4.2.3 Minimum Building Lines:** no side Building Line required between the units if lot is divided

front: 25 ft.  
side: 8 ft.  
rear - principal structure: 20 ft.  
rear - accessory structure: 8 ft.

**3.4.3 Townhouses**

**3.4.3.1 Minimum Lot Area and Width**

Bedrooms	Minimum Lot Area Per Unit	Minimum Lot Width
1	1600 sq. ft.	18 ft.
2	1800 sq. ft.	20 ft.
3	2000 sq. ft.	22 ft.
4	2200 sq. ft.	24 ft.
5	2400 sq. ft.	26 ft.

**3.4.3.2 Minimum Tract Size:** 3 acres

**3.4.3.3 Minimum Building Lines**

front: 25 ft.  
side - between units: zero  
side - between buildings: 40 ft.  
rear: 30 ft.

**3.4.3.4 Water and Sewage Facilities:** Water and sewage facilities shall be provided by Public or Community Systems.

**3.4.4 Group Care Facility, Multiple Family Dwelling, and Nursing Home or Retirement Home**

**3.4.4.1 Minimum Lot Area:** 3 acres

**3.4.4.2 Minimum Lot Width:** 300 ft.

**3.4.4.3 Minimum Building Lines:**

front:	50 ft.
side:	20 ft.
rear:	30 ft.

**3.4.4.4 Minimum Building Separation:** 30 ft.

**3.4.4.5 Water and Sewage Facilities:** Water and sewage facilities shall be provided by Public or Community Systems.

**3.4.5 Cluster Subdivision**

**3.4.5.1 Minimum Tract Size:** 10 acres

**3.4.5.2 Minimum Areas and Dimensions:**

See the Cluster Subdivision regulations in Article XIV for permitted deviations from areas and dimensions for individual lots within the Cluster Subdivision.

**3.4.5.3 Water and Sewage Facilities:** Water and sewage facilities shall be provided by Public or Community Systems.

**3.4.6 Boarding or Rooming House; Day Care Center; Professional Office; or Public or Quasi-Public Use.**

**3.4.6.1 Minimum Lot Area:** 43,560 sq. ft. (1 acre)

**3.4.6.2 Minimum Lot Width:** 150 ft.

**3.4.6.3 Minimum Building Lines:**

front:	40 ft.
side:	20 ft.
rear:	20 ft.

**3.4.7 Mobile Home Park:** See Mobile Home Park regulations in the Township Subdivision and Land Development Ordinance for additional requirements.

**3.4.7.1 Minimum Park Area:** 5 acres

**3.4.7.2 Minimum Park Lot Width:** 500 ft.

**3.4.7.3 Minimum Park Building Lines:**

front: 80 ft.

side: 40 ft.

rear: 40 ft.

**3.4.7.4 Minimum Mobile Home Lot Area:** 5,500 sq. ft.

**3.4.7.5 Minimum Mobile Home Lot Width:** 50 ft.

**3.4.7.6 Minimum Building Lines for Mobile Home Lot:**

front: 20 ft.

side: 5 ft.

rear: 5 ft.

**3.4.7.7 Water and Sewage Facilities:** Water and sewage facilities shall be provided by Public or Community Systems.

## **ARTICLE IV**

### **Rural Residential District**

#### **4 4.1 Purpose of the Rural Residential District**

The purpose of the Rural Residential District is to provide a transition zone between agricultural and development uses. This district is limited primarily to single and two family dwellings and compatible accessory uses. New agricultural operations may be considered for this district on a case by case basis. A determination shall be made that the newly proposed agricultural use shall have minimal impacts upon the existing development within close proximity to the proposed use. Community sewer systems are not projected for development in this district.

#### **4.2 Use Regulations for the Rural Residential District**

##### **4.2.1 Permitted Uses**

- 4.2.1.1** Accessory Use or Structure (see supplemental regulations in Article XII);
- 4.2.1.2** Communication Antennas on an existing Public Utility Transmission Tower, Building or other Structure, and Communications Equipment Buildings (see Supplemental Regulations in Article XII);
- 4.2.1.3** Communications Towers (Height of 100 feet or less) - see Supplemental Regulations in Article XII;
- 4.2.1.4** Cultivation of Crops (no permit required);
- 4.2.1.5** Dwelling, Single Family Detached;
- 4.2.1.6** Dwelling, Two Family;
- 4.2.1.7** Essential Service (no permit required except when the proposed service includes a building or buildings);
- 4.2.1.8** Family Based Group Home (see supplemental regulations in Article XII);
- 4.2.1.9** Family Day Care Home (see supplemental regulations under Home Occupation in Article XII); and
- 4.2.1.10** Forestry Activities;

4.2.1.11 Home Occupation (see supplemental regulations in Article XII); or

4.2.1.12 No Impact Home Based Business.

**4.2.2 Special Exception Uses**

4.2.2.1 Agricultural Operation (criteria found in Section 4.5);

4.2.2.2 Cluster Subdivision (criteria found in Article XIV);

4.2.2.3 Home Based Business (criteria found in Article XIV); or

4.2.2.4 Public or Quasi-Public Use (criteria found in Article XIV).

**4.3 Density, Height, and Coverage Regulations**

4.3.1 Maximum Gross Density: 5 dwelling units per acre

4.3.2 Maximum Building Coverage: 20%

4.3.3 Maximum Impervious Surface: 30%

4.3.4 Maximum Building Height: 35 ft.

**4.4 Minimum Areas and Dimensions**

**4.4.1 Single Family Detached Dwelling and Family Based Group Home**

**4.4.1.1 Minimum Lot Area:**

On-lot Sewer & Water: 43,560 sq. ft. (1 acre)

On-lot Sewer/Public or Community Water: 20,000 sq. ft.

**4.4.1.2 Minimum Lot Width:**

On-lot Sewer & Water: 100 ft.

On-lot Sewer/Public or Community Water: 80 ft.

**4.4.1.3 Minimum Building Lines**

front:	25 ft.
side - principal structure:	10 ft.
rear - principal structure:	20 ft.
rear - accessory structure:	8 ft.

**4.4.2 Two Family Dwellings**

**4.4.2.1 Minimum Lot Area Per Family**

On-lot Sewer & Water:	32,000 sq. ft.
On-lot Sewer/Public or Community Water:	16,000 sq. ft.

**4.4.2.2 Minimum Lot Width**

On-lot Sewer & Water: 160 ft. or 85 ft. per family  
if the lot is divided.

On-lot sewer/Public or Community Water: 125 ft. or 70 ft. per  
family if the lot is divided.

**4.4.2.3 Minimum Building Lines:** No side Building Line required between  
the units if lot is divided.

front:	25 ft.
side:	10 ft.
rear - principal structure:	20 ft.
rear - accessory structure:	8 ft.

**4.4.3 Cluster Subdivision**

**4.4.3.1 Minimum Tract Size:** 10 acres

**4.4.3.2 Minimum Areas and Dimensions:**

See Cluster Subdivision regulation in Article XIV for permitted  
deviations from areas and dimensions for individual lots within the  
Cluster Subdivision.

**4.4.4 Public or Quasi-Public Use.**

<b>4.4.4.1</b>	<b>Minimum Lot Area:</b>	43,560 sq. ft. (1 acre)
<b>4.4.4.2</b>	<b>Minimum Lot Width:</b>	150 ft.
<b>4.4.4.3</b>	<b>Minimum Building Lines:</b>	
	front:	40 ft.
	side:	20 ft.
	rear:	20 ft.

**4.4.5 Agriculture**

<b>4.4.5.1</b>	<b>Minimum Lot Area:</b>	10 acres
<b>4.4.5.2</b>	<b>Minimum Lot Width:</b>	400 ft.
<b>4.4.5.3</b>	<b>Minimum Building Lines:</b>	
	front:	100 ft.
	side:	50 ft.
	rear:	50 ft.

**4.5 Special Exception Criteria For Agriculture In The Rural Residential District**

Owners of suitable undeveloped lands in the Rural Residential district are encouraged to utilize such lands for agricultural pursuits, provided however that recognition is given to the potential conflicts inherent in mixing residential and agriculture uses. New Agricultural operations proposed shall be evaluated in terms of proximity to existing development, location of buildings, type of operation, noise, odor, dust, and access prior to the consideration for approval of an application for a special exception use permit. Agricultural use is a temporary holding action pending the development of a residential market.

## ARTICLE V

### Commercial District

5

#### 5.1 Purpose of the Commercial District

The purpose of the Commercial District is to permit the development of commercial centers consisting of one or more groups or establishments in buildings of integrated and harmonious design, together with adequate and properly arranged pedestrian and vehicular movement and parking, with landscaping which will provide an integrated, efficient, convenient, pleasant and safe area for shopping and which will fit harmoniously into and will have no adverse effect upon the adjoining or surrounding development.

#### 5.2 Use Regulations for the Commercial District

##### 5.2.1 Permitted Uses

- 5.2.1.1 Accessory Use or Structure (see supplemental regulation in Article XII);
- 5.2.1.2 Agricultural Business;
- 5.2.1.3 Communication Antennas on an existing Public Utility Transmission Tower, Building or other Structure, and Communications Equipment Buildings (see Supplemental Regulations in Article XII);
- 5.2.1.4 Communications Towers (Height of 100 feet or less) - see Supplemental Regulations in Article XII;
- 5.2.1.5 Cultivation of Crops (no permit required);
- 5.2.1.6 Essential Service (no permit required except when the proposed service includes a building or buildings);
- 5.2.1.7 Family Day Care Home (see supplemental regulations under Home Occupation in Article XII);
- 5.2.1.8 Forestry Activities;
- 5.2.1.9 Home Occupation (see supplemental regulations in Article XII);
- 5.2.1.10 Home Based Business (see supplemental regulations in Article XII);

- 5.2.1.11 No Impact Home Based Business;
- 5.2.1.12 Parking Lot (see supplemental regulations in Article XII);
- 5.2.1.13 Professional Office;
- 5.2.1.14 Recreation or Entertainment Facility;
- 5.2.1.15 Restaurant; or
- 5.2.1.16 Retail, Wholesale, Office, Printing, or Repair Business.

**5.2.2 Special Exception Uses (criteria found in Article XIV)**

- 5.2.2.1 Animal Hospital;
- 5.2.2.2 Motel or Conference Center;
- 5.2.2.3 Public or Quasi-Public Use; or
- 5.2.2.4 Shopping Center.

**5.2.3 Conditional Uses (criteria found in Article XIV)**

- 5.2.3.1 Communications Towers (Height greater than 100 feet).

**5.3 Height and Coverage Requirements**

- 5.3.1 **Maximum Building Coverage:** 40%
- 5.3.2 **Maximum Impervious Surface:** 60%
- 5.3.3 **Maximum Building Height:** 45 ft.

## **5.4 Minimum Areas and Dimensions**

### **5.4.1 Adult Entertainment, Agricultural Business, Animal Hospital, Parking Lot (as a principal use); Professional Office; Public or Quasi-Public Use; Recreation or Entertainment Facility; Restaurant; and Retail, Wholesale, Office, Service, Printing, or Repair Business**

<b>5.4.1.1</b>	<b>Minimum Lot Area:</b>	2 acres
<b>5.4.1.2</b>	<b>Minimum Lot Width:</b>	250 ft.
<b>5.4.1.3</b>	<b>Minimum Building Lines:</b>	
	front:	40 ft.
	side:	20 ft.
	rear:	20 ft.

### **5.4.2 Motel or Conference Center, or Shopping Center**

<b>5.4.2.1</b>	<b>Minimum Lot Area:</b>	5 acres
<b>5.4.2.2</b>	<b>Minimum Lot Width:</b>	400 ft.
<b>5.4.2.3</b>	<b>Minimum Building Lines:</b>	
	front:	40 ft.
	side:	20 ft.
	rear:	20 ft.

## ARTICLE VI

### Industrial District

6

#### 6.1 Purpose of the Industrial District

The purpose of the Industrial District is to permit the development of industrial uses on individual lots or within industrial parks, including buildings, roadways, storage yards, loading areas, parking facilities, open space, landscaping, utilities, and stormwater management facilities. Such uses shall ideally be planned as a unified development with individual buildings and lots integrated into an overall harmonious design. The industrial district shall also protect industrial development against intrusive uses which are incompatible with it.

Limited agricultural operations may be considered for this district as an accessory use to an industrial facility to maintain undeveloped or buffer areas. A determination shall be made that the proposed agricultural use shall have minimal impacts upon the existing development within close proximity to the proposed use.

#### 6.2 Use Regulations for the Industrial District

##### 6.2.1 Permitted Uses

- 6.2.1.1 Accessory Use or Structure (see supplemental regulations in Article XII);
- 6.2.1.2 Agricultural Business;
- 6.2.1.3 Communication Antennas on an existing Public Utility Transmission Tower, Building or other Structure, and Communications Equipment Buildings (see Supplemental Regulations in Article XII);
- 6.2.1.4 Communications Towers (Height of 100 feet or less) - see Supplemental Regulations in Article XII;
- 6.2.1.5 Cultivation of Crops (no permit required);
- 6.2.1.6 Essential Service (no permit required except when the proposed service includes a building or buildings);
- 6.2.1.7 Family Day Care Home (see supplemental regulations under Home Occupation in Article XII);

- 6.2.1.8 Forestry Activities;
- 6.2.1.9 Home Based Business (see supplemental regulations in Article XII);
- 6.2.1.10 Home Occupation (see supplemental regulations in Article XII);
- 6.2.1.11 Manufacturing, Warehousing, or Laboratory;
- 6.2.1.12 No Impact Home Based Business;
- 6.2.1.13 Parking Lot (see supplemental regulations in Article XII);
- 6.2.1.14 Restaurant; or
- 6.2.1.15 Retail, Wholesale, Office, Printing, or Repair Business.

**6.2.2 Special Exception Uses (criteria found in Article XIV)**

- 6.2.2.1 Industrial Park;
- 6.2.2.2 Junkyard or Salvage Yard;
- 6.2.2.3 Motel or Conference Center;
- 6.2.2.4 Public or Quasi-Public Use; or
- 6.2.2.5 Trucking Terminal;

**6.2.3 Conditional Uses (criteria found in Article XIV)**

- 6.2.3.1 Communications Towers (Height greater than 100 feet); or
- 6.2.3.2 Correctional Facility;
- 6.2.3.3 Waste Storage or Processing Facility; or
- 6.2.3.4 Wastewater Processing Facility.

**6.3 Height and Coverage Requirements**

- 6.3.1 **Maximum Building Coverage:** 40%
- 6.3.2 **Maximum Impervious Surface:** 60%

<b>6.3.3</b>	<b>Minimum Green Space:</b>	40%
<b>6.3.4</b>	<b>Maximum Building Height:</b>	45 ft.
<b>6.4</b>	<b>Minimum Areas and Dimensions</b>	
<b>6.4.1</b>	<b>Agricultural Business; Parking Lot (as a principal use); Public or Quasi-Public Use; Manufacturing, Warehousing, or Laboratory Use; Retail, Wholesale, Office, Service, Printing, or Repair Business; Restaurant; or Trucking Terminal.</b>	
<b>6.4.1.1</b>	<b>Minimum Lot Area:</b>	3 acres
<b>6.4.1.2</b>	<b>Minimum Lot Width:</b>	250 ft.
<b>6.4.1.3</b>	<b>Minimum Building Lines:</b>	
	front:	40 ft.
	side:	20 ft.
	rear:	20 ft.
<b>6.4.2</b>	<b>Industrial Park; Junkyard or Salvage Yard; or Motel or Conference Center.</b>	
<b>6.4.2.1</b>	<b>Minimum Lot Area:</b>	10 acres
<b>6.4.2.2</b>	<b>Minimum Lot Width:</b>	400 ft.
<b>6.4.2.3</b>	<b>Minimum Building Lines:</b>	
	front:	100 ft.
	side:	50 ft.
	rear:	50 ft.
<b>6.4.3</b>	<b>Correctional Facility or Waste Storage or Processing Facility</b>	
<b>6.4.3.1</b>	<b>Minimum Lot Area:</b>	
	200 acres (exclusive of floodplain areas, jurisdictional wetlands, SCS designated Class I & II prime agricultural soils, or steep slopes (in excess of 15% grade).	
<b>6.4.3.2</b>	<b>Minimum Lot Width:</b>	1000 ft.
<b>6.4.3.3</b>	<b>Minimum Building Lines:</b>	250 ft.

**6.4.4 Wastewater Processing Facility**

**6.4.4.1 Minimum Lot Area:** 3 acres

**6.4.4.2 Minimum Lot Width:** 250 ft.

**6.4.4.3 Minimum Building Lines:**

front:	40 ft.
side :	20 ft.
rear:	20 ft.

**6.4 Special Requirements for Industrial and Manufacturing Uses and Repair Businesses**

**6.4.1** At least 75% of all operations shall occur within an enclosed structure excepting necessary and required off-street parking and loading facilities. All such uses which may occur outside of an enclosed structure, except off-street parking and loading facilities, shall be enclosed in a permanent fence or wall at least six (6) feet in height. Such a fence shall not interfere with traffic safety or intersection visibility.

**6.4.2** Manufacturing uses generating noises and/or odors shall address such problems in building construction, screening for sound absorption, larger critical dimensions, or other methods as may be required by the municipality.

## **ARTICLE VII**

### **Agricultural Preservation District**

7

#### **7.1 Purpose of the Agricultural Preservation District**

The purpose of the Agricultural Preservation District is to protect and stabilize the existing agricultural lands and to protect and stabilize agriculture as an ongoing economic activity in the township. Agricultural business concerns and other uses supportive of the agricultural community are to be encouraged. It is also the intent of the Agricultural Preservation District to minimize conflicting land uses detrimental to agricultural enterprises, and to maintain agricultural lots or farms in sizes which will permit efficient agricultural operations.

#### **7.2 Use Regulations for the Agricultural Preservation District**

##### **7.2.1 Permitted Uses**

- 7.2.1.1** Accessory Use or Structure (see supplemental regulations in Article XII);
- 7.2.1.2** Agricultural Business;
- 7.2.1.3** Agricultural Operation;
- 7.2.1.4** Bed and Breakfast Inn (see supplemental regulations in Article XII)
- 7.2.1.5** Camp or Seasonal Residence (see supplemental regulations in Section 7.5);
- 7.2.1.6** Communication Antennas on an existing Public Utility Transmission Tower, Building or other Structure, and Communications Equipment Buildings (see Supplemental Regulations in Article XII);
- 7.2.1.7** Communications Towers (Height of 100 feet or less) - see Supplemental Regulations in Article XII;
- 7.2.1.8** Cultivation of Crops (no permit required);
- 7.2.1.9** Dwelling, Single Family Detached (see supplemental regulations in Section 7.5);

- 7.2.1.10 Dwelling, Two Family (see supplemental regulations in Section 7.5);
- 7.2.1.11 Essential Service (no permit required except when the proposed service includes a building or buildings);
- 7.2.1.12 Family Day Care Home (see supplemental regulations under Home Occupation in Article XII);
- 7.2.1.13 Forestry Activities;
- 7.2.1.14 Home Based Business (see supplemental regulations in Article XII);
- 7.2.1.15 Home Occupation (see supplemental regulations in Article XII); or
- 7.2.1.16 No Impact Home Based Business.

**7.2.2 Special Exception Uses (criteria found in Article XIV)**

- 7.2.2.1 Animal Shelter (see criteria under Animal Hospital in Article XIV);
- 7.2.2.2 Kennel (see criteria under Animal Hospital in Article XIV);
- 7.2.2.3 Outdoor Recreation Uses (also see standards under Section 6.4 of the Township Subdivision and Land Development Ordinance);
- 7.2.2.4 Private Airport; or
- 7.2.2.5 Public or Quasi-Public Use.

**7.2.3 Conditional Uses (criteria found in Article XIV)**

- 7.2.3.1 Communications Towers (Height greater than 100 feet); or
- 7.2.3.2 Surface Mining.

**7.3 Height and Coverage Requirements**

- 7.3.1 **Maximum Building Coverage:** 20%
- 7.3.2 **Maximum Impervious Surface:** 30%
- 7.3.3 **Maximum Building Height:** 45 ft.

**7.4 Minimum Areas and Dimensions**

**7.4.1 Agricultural Business; Animal Shelter; Bed and Breakfast Inn; Kennel; Public or Quasi-Public Use.**

**7.4.1.1 Minimum Lot Area:** 2 acres

**7.4.1.2 Minimum Lot Width:** 200 ft.

**7.4.1.3 Minimum Building Lines:**

front: 40 ft.

side: 20 ft.

rear: 20 ft.

**7.4.2 Agriculture; Outdoor Recreation Uses; or Surface Mining**

**7.4.2.1 Minimum Lot Area:** 5 acres

**7.4.2.2 Minimum Lot Width:** 400 ft.

**7.4.2.3 Minimum Building Lines:**

front: 100 ft.

side: 50 ft.

rear: 50 ft.

**7.4.3 Camp (Seasonal Residence); Single Family Detached Dwelling; or Two Family Dwelling.**

**7.4.3.1 Minimum Lot Area:** 3 acre

**7.4.3.2 Maximum Lot Area:** 5 acre

**7.4.3.3 Minimum Lot Width:** 150 ft.

**7.4.3.4 Minimum Building Lines:**

front:	25 ft.
side:	10 ft.
rear - principal structure:	20 ft.
rear - accessory structure:	8 ft.

**7.5 Special Provisions for Creating Lots in the Agricultural Preservation District**

All lots created in the Agricultural Preservation district after December 28, 1992 shall comply with the areas and dimensions noted above for the uses authorized in this district and with the following lot requirements:

**7.5.1 Total Number of New Lots Permitted**

<u>Lot Size (Acres) Existing In Parent Tract As of December 28, 1992</u>	<u>Total Number of New Lots Permitted</u>
0-20	2
20-50	3
50-110	4
110-180	5
180-260	6 plus one (1) dwelling for each 80 acres over 260 acres

**7.5.2** Lots created after December 28, 1992, if for non-agricultural uses, should be contiguous, use a common access, and be located on the least agriculturally productive land feasible, so as to minimize interference with agricultural operations.

**7.5.3** Each residence or dwelling existing on the parent tract shall be counted as a lot, and along with all lots created thereafter, be included when calculating the total number of lots permitted.

**7.5.4** Where an existing structure included more than one single family unit as of December 28, 1992, the existing structure shall be considered as one lot for purposes of this provision. Should said structure be converted to fewer dwelling units, the said (number of) dwelling units shall not thereafter be increased.

**7.5.5** As noted in Section 7.5.1 the lot size (acres) existing in the parent tract shall be the number of contiguous acres owned by the same person, persons or entity as of December 28, 1992. For purposes of this provision, roads, alleys, streets, highways, natural or manmade boundaries and tax map parcels shall be disregarded for the purpose of determining if acres are contiguous.

- 7.5.6** If lots created from the parent tract after December 28, 1992 are further subdivided, the total number of lots created shall not exceed the number authorized in Section 7.5.1.
- 7.5.7** No distinction or exception shall be made for residences or dwellings owned or occupied by person, persons, or entities owning, operating or working on a farm on which it is erected, commonly referred to as a farm dwelling. Farm dwellings shall be included in determining the number of lots permitted.
- 7.5.8** All dwellings or lots, existing or proposed under these provisions, shall be indicated on the subdivision & land development plan tract map, in order to aid in the determination of the total number of permitted lots which may be created from the parent tract.

## **ARTICLE VIII**

### **Floodplain Conservation District**

**8**

#### **8.1 Purpose of the Floodplain Conservation District**

The purpose of the Floodplain Conservation District is to achieve the following:

- 8.1.1** To preserve prime agricultural lands, open spaces, water supply sources, woodland, marshlands, wildlife, scenic areas and other natural resources.
- 8.1.2** To protect areas of the floodplain subject to and necessary for flood waters.
- 8.1.3** To reduce the hazards to public safety and health from floods, water pollution and soil erosion.
- 8.1.4** To protect the natural environment from ill-conceived development.
- 8.1.5** To permit and encourage private and public recreation development in locations and natural settings which will be most beneficial to the residents of West Chillisquaque Township and its immediate region.
- 8.1.6** To minimize future financial burdens imposed on the community, its governmental units and individuals by frequent and periodic floods and overflow of lands.

#### **8.2 Special Requirements**

All uses and structure shall conform to the requirements of the township floodplain regulations (see Article XIII of this Ordinance).

#### **8.3 Use Regulations for the Floodplain Conservation District**

##### **8.3.1 Permitted Uses**

**8.3.1.1** Accessory Use or Structure (see supplemental regulation in Article XII);

**8.3.1.2** Agricultural Operation;

- 8.3.1.3 Communication Antennas on an existing Public Utility Transmission Tower, Building or other Structure, and Communications Equipment Buildings (see Supplemental Regulations in Article XII);
- 8.3.1.4 Communications Towers (Height of 100 feet or less) - see Supplemental Regulations in Article XII;
- 8.3.1.5 Cultivation of Crops (no permit required);
- 8.3.1.6 Essential Service (no permit required except when the proposed service includes a building or buildings);
- 8.3.1.7 Family Day Care Home (see supplemental regulations under Home Occupation in Article XII);
- 8.3.1.8 Forestry Activities;
- 8.3.1.9 Home Based Business (see supplemental regulations in Article XII);
- 8.3.1.10 Home Occupation (see supplemental regulations in Article XII); or
- 8.3.1.11 No Impact Home Based Business.

**8.3.2 Special Exception Uses (criteria found in Article XIV)**

- 8.3.2.1 Agricultural Business;
- 8.3.2.2 Animal Shelter (see criteria under Animal Hospital in Article XIV);
- 8.3.2.3 Kennel (see criteria under Animal Hospital in Article XIV);
- 8.3.2.4 Outdoor Recreation Use (also see standards under Section 6.4 of the Township Subdivision and Land Development Ordinance); and
- 8.3.2.5 Public or Quasi-Public Use.

**8.3.3 Conditional Uses (criteria found in Article XIV)**

- 8.3.3.1 Communications Towers (Height greater than 100 feet); or
- 8.3.3.2 Surface Mining.

## **8.4 Height and Coverage Requirements**

**8.4.1 Maximum Building Coverage:** 20%

**8.4.2 Maximum Impervious Surface:** 30%

**8.4.3 Maximum Building Height:** 45 ft.

## **8.5 Minimum Areas and Dimensions**

### **8.5.1 Agriculture; Outdoor Recreation Uses; or Surface Mining**

**8.5.1.1 Minimum Lot Area:** 5 acres

**8.5.1.2 Minimum Lot Width:** 400 ft.

**8.5.1.3 Minimum Building Lines:**

front: 100 ft.

side: 50 ft.

rear: 50 ft.

### **8.5.2 Agricultural Business, Animal Shelter, Kennel or Public or Quasi-Public Use.**

**8.5.2.1 Minimum Lot Area:** 2 acres

**8.5.2.2 Minimum Lot Width:** 200 ft.

**8.5.2.3 Minimum Building Lines:**

front: 40 ft.

side: 20 ft.

rear: 20 ft.

## **ARTICLE IX**

### **Light Industry District**

#### **9.1 Purpose of the Light Industry District**

The purpose of the Light Industry District is to permit the development of commercial centers consisting of one or more groups or establishments in buildings of integrated and harmonious design, together with adequate and properly arranged pedestrian and vehicular movement and parking, with landscaping which will provide an integrated, efficient, convenient, pleasant and safe area for shopping and which will fit harmoniously into and will have no adverse effect upon the adjoining or surrounding development. Light industrial and warehousing uses whose characteristics generate a minimum of adverse impacts and hazards of industrial operations may also be considered.

#### **9.2 Use Regulations for the Light Industry District**

##### **9.2.1 Permitted Uses**

- 9.2.1.1** Accessory Use or Structure (see supplemental regulation in Article XII);
- 9.2.1.2** Agricultural Business;
- 9.2.1.3** Communication Antennas on an existing Public Utility Transmission Tower, Building or other Structure, and Communications Equipment Buildings (see Supplemental Regulations in Article XII);
- 9.2.1.4** Communications Towers (Height of 100 feet or less) - see Supplemental Regulations in Article XII;
- 9.2.1.5** Essential Service (no permit required except when the proposed service includes a building or buildings);
- 9.2.1.6** Forestry Activities;
- 9.2.1.7** Light Industry (see § 9.5);
- 9.2.1.8** Parking Lot (see supplemental regulations in Article XII);
- 9.2.1.9** Professional Office;

- 9.2.1.10 Recreation or Entertainment Facility;
- 9.2.1.11 Restaurant;
- 9.2.1.12 Retail, Wholesale, Office, Printing, or Repair Business; or
- 9.2.1.13 Warehouse and Distribution Center (see § 9.5).

**9.2.2 Special Exception Uses (criteria found in Article XIV)**

- 9.2.2.1 Adult Entertainment;
- 9.2.2.2 Animal Hospital;
- 9.2.2.3 Motel or Conference Center;
- 9.2.2.4 Public or Quasi-Public Use; or
- 9.2.2.5 Shopping Center.

**9.2.3 Conditional Uses (criteria found in Article XIV)**

- 9.2.3.1 Communications Towers (Height greater than 100 feet).

**9.3 Height and Coverage Requirements**

- 9.3.1 **Maximum Building Coverage:** 40%
- 9.3.2 **Maximum Impervious Surface:** 60%
- 9.3.3 **Maximum Building Height:** 45 ft.

**9.4 Minimum Areas and Dimensions**

**9.4.1 Adult Entertainment, Agricultural Business, Animal Hospital, Light Industry; Parking Lot (as a principal use); Professional Office; Public or Quasi-Public Use; Recreation or Entertainment Facility; Restaurant; Retail, Wholesale, Office, Service, Printing, or Repair Business; and Warehouse or Distribution Center.**

- 9.4.1.1 **Minimum Lot Area:** 2 acres
- 9.4.1.2 **Minimum Lot Width:** 250 ft.

**9.4.1.3 Minimum Building Lines:**

front:	40 ft.
side:	20 ft.
rear:	20 ft.

**9.4.2 Motel or Conference Center, or Shopping Center**

**9.4.2.1 Minimum Lot Area:** 5 acres

**9.4.2.2 Minimum Lot Width:** 400 ft.

**9.4.2.3 Minimum Building Lines:**

front:	40 ft.
side:	20 ft.
rear:	20 ft.

**9.5 Additional Requirements for Light Industry and Warehouse or Distribution Center Uses**

**9.5.1** Other than moderate levels of traffic, these uses must generate no adverse impacts upon the township or neighborhood. There shall be no noise or odor from any manufacturing process detectable outside of a building housing the industrial activity.

**9.5.2** All operations shall be conducted within a fully enclosed building, there shall be no outside storage other than parking and loading areas.

**9.5.3** Loading docks shall be fully screened from public view and from the view of adjoining properties using building or landscape features.

**ARTICLE X**

(reserved)

**ARTICLE XI**

(reserved)

## ARTICLE XII

### Supplemental Regulations

12

#### 12.1 Access To Structures

**12.1.1** Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access by a private street approved by the Board of Supervisors in accord with the township Subdivision and Land Development Ordinance. All structures shall be located on lots so as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

**12.1.2** Ingress and egress from buildings shall be placed in relation to the finished entrance floor levels and the natural terrain and in a safe manner which will minimize concentration of traffic.

**12.1.3** Pedestrian access to public buildings, open space and parking facilities shall include considerations for disabled and handicapped persons.

#### 12.2 Accessory Uses and Structures

Accessory structures shall comply with all requirements for the principal structure except where specifically modified by this Ordinance and shall comply with the following limitations:

**12.2.1** Fences, walls or planting may be constructed in required yards provided that:

**12.2.1.1** The vision of motor vehicle operators is not impeded at intersecting streets or driveways (See Intersection Visibility regulations found in this Article).

**12.2.1.2** The written consent of the adjacent property owners shall be provided to the zoning officer for property line fences for a residential use.

**12.2.1.3** The maximum height for residential fences shall be four (4) ft. if located in front yards and six (6) ft. if located in side or rear yards.

**12.2.1.4** If applicable, compliance with township floodplain regulations (see Article XIII) shall be maintained.

**12.2.1.5** A zoning permit is not required for any fence designated for non-residential purposes.

- 12.2.2** A greenhouse, storage, utility building or other accessory structures may be maintained accessory to a dwelling or other use. It shall not exceed a building height of 15 feet and shall not be located in front of the principal building. Accessory structures shall be located no closer than eight (8) feet from any property line. Accessory structures such as swing sets, play gyms, playhouses, doghouses, and dog runs shall comply with the above standards and shall be exempt from the zoning permit requirement provided that they do not occupy more than 144 sq. ft. of area.
- 12.2.3** Private non-commercial swimming pools which are designed to contain a water depth of twenty-four (24) inches or more shall be located only to the rear or side of the principal building. Pools shall not be less than ten (10) feet from side and rear property lines. There shall be a continuous child proof barrier or fence not less than four (4) feet in height above the ground or surrounding deck level.
- 12.2.4** Private tennis courts shall be permitted within required side or rear yard areas provided that such facility shall not be less than ten (10) feet from side or rear property lines, and shall comply with Floodplain regulations if appropriate.
- 12.2.5** Sidewalks and driveways shall be permitted within front, rear, and side yards.
- 12.2.6** Agricultural operations authorized as an accessory use in the Industrial District shall be limited to the housing and grazing of animals. The minimum building lines of an agricultural business use in the Industrial District shall apply to any building utilized for animal housing.
- 12.2.7** Canopies used to protect pump islands at gas stations or convenience marts shall be permitted in any yard provided that a 10 ft. minimum building setback line is maintained and the height of the canopy shall not exceed 18 ft.
- 12.2.8** An accessory structure over 2,000 sq. ft. will require a land development plan in accordance with the West Chillisquaque Township Subdivision and Land Development Ordinance, unless waived by the Township Supervisors.

## **12.3 Bed and Breakfast Inn**

### **12.3.1 Intent**

A Bed and Breakfast Inn shall provide temporary travelers' accommodations and breakfast in a single family residence for a fee, on a daily or weekly room rental basis.

### **12.3.2 Standards**

**12.3.2.1** Minimal outward modification of the structure or grounds may be made only if such changes are compatible with the character of the area or neighborhood and the intent of the zoning district in which it is located.

**12.3.2.2** Off-street parking shall be provided in accord with this article. The front yard shall not be for off-street parking for temporary guests unless the parking area is screened, not visible from the street, and found to be compatible with the neighborhood.

**12.3.2.3** The number of guests shall generally be limited to 6 persons at any one time, except where sanitation facilities would otherwise allow more.

**12.3.2.4** All necessary state and county permits, certifications, or requirements shall be obtained as a condition of approval of the bed and breakfast inn.

**12.3.2.5** Room rentals to families or individuals shall not exceed 14 consecutive days.

**12.3.2.6** Compliance with the sign regulations of this article shall be maintained.

## **12.4 Conversion of Buildings**

The conversion of any non-residential building into a dwelling, or the conversion of any dwelling so as to accommodate an increased number of dwelling units or households, shall be permitted only within a district in which a new building for a similar occupancy would be permitted under this Ordinance. The resulting dwelling(s) shall comply with all requirements governing new construction in such district.

## **12.5 Driveway Access to Streets**

### **12.5.1 Limited Access Highways**

Direct driveway access to limited access highways shall be prohibited. The entry/exit to limited access highways shall only be accomplished via grade separated interchanges which have been approved by PennDOT.

### **12.5.2 Driveway Access Points**

Driveway access points shall be developed in accord with Driveway Design Standards (Table 4-2) of the township Subdivision and Land Development Ordinance and in accord with Off-Street Parking and Loading regulations of this Article and shall be designed in a manner which will minimize their interference with any traffic movements on the street or highway.

Non-residential lots greater than 200 feet in width shall be limited to no more than two driveway access points from the street or highway from which they derive their principal access. For a non-residential lot at a corner location, the lot widths for both streets shall be totaled to determine the allowable number of driveway access points.

All residential lots and lots less than 200 feet wide shall only have one driveway access point.

### **12.5.3 Shared Access Considerations**

Where a number of individual parcels or buildings are being developed jointly, or where a parcel or building is being developed adjacent to another parcel used or suitable for non-residential development, the following shall apply:

- 12.5.3.1** Consideration shall be given to the location and planning of driveway access points in order to permit their joint use from adjoining parcels so as to minimize the number of intersections with the street or highway from which they derive their access.
- 12.5.3.2** The development of parking and loading areas shall permit convenient traffic circulation between adjoining parcels.
- 12.5.3.3** Safe pedestrian circulation between adjoining parking areas and buildings shall be provided.
- 12.5.3.4** Landscaping and other features which will enhance the usability, character, and attractiveness of the area shall be provided.

## **12.6 Exceptions to Height Regulations**

The height limitations of this Ordinance shall not apply to church spires, farm structures when permitted by other provisions of this Ordinance (i.e. silos, grain bins, elevator legs etc.), belfries, cupolas, mechanical penthouses, and domes not used for human occupancy, solar energy systems, nor to chimneys, ventilators, skylights, water tanks, utility poles, standards and necessary mechanical appurtenances usually carried above roof level. The height exceptions shall not apply to any Communications Antennas or Communications Towers.

## **12.7 Family Based Group Home**

**12.7.1** The Family Based Group Home shall be limited to residential uses only. Offices of public agencies, services to non-residents (e.g. counseling services), and other similar non-residential activities shall be excluded from this use.

**12.7.2** The Family Based Group Home shall be similar in appearance to a single-family dwelling in the neighborhood.

**12.7.3** The Family Based Group Home zoning approval shall not be transferrable from the original applicant to a new operator.

**12.7.4** The Family Based Group Home zoning approval shall be revoked if the group home fails to meet approved conditions at all times.

**12.7.5** Off-street parking spaces shall be provided for all vehicles associated with the Family Based Group Home including the householder, residents, attendant care givers, and visitors.

## **12.8 Home Based Business**

A Home Based Business is conducted on a lot in conjunction with a residential dwelling unit. Such uses are limited to lawn mower, or appliance repair shops; carpentry, woodworking, or metalworking shops. The repair of motor vehicles shall be excluded from this use.

**12.8.1** The Home Based Business shall be compatible with the residential character of the dwelling and/or the immediate vicinity. The Home Based Business shall not produce offensive noise, vibrations, dust, odors, pollution, interference with radio or television reception, traffic congestion, or other objectionable conditions which are audible, visible, or otherwise detectable by human senses at the property line.

**12.8.2** A Home Based Business may be conducted inside the dwelling or within an accessory building or garage, but in total shall not occupy an area exceeding 50 percent of the ground floor area of the dwelling.

**12.8.3** The business shall be conducted by a resident of the dwelling with no more than 4 (four) people involved in the business.

**12.8.4** All parking shall be off-street. A minimum of two (2) off-street spaces shall be provided in addition to that required of the residential use. One (1) additional off-street parking space shall be provided for each outside person involved in the business.

**12.8.5** The Home Based Business shall be carried out entirely within the dwelling or accessory structure. There shall be no outside storage or sales areas associated with the Home Based Business.

**12.8.6** No show windows or advertising outside of the premises shall be permitted other than one (1) sign or name plate which shall not exceed four (4) square feet in area.

## **12.9 Home Occupations (including Family Day Care Home)**

In any district, any lawful, gainful occupation conducted by a member of the immediate family owning and residing on the premises may use a portion of the dwelling for a home occupation provided that the following conditions are met and a permit is issued by the Zoning Officer.

**12.9.1** The term “Home Occupation” is defined in Article 1.

**12.9.2** The Home Occupation shall be clearly incidental or secondary to the use of the property as a residence and the use of the dwelling shall not change the character thereof or show any exterior evidence of such secondary use other than one (1) sign or name plate in accord with the Sign Regulations found in Article XII of this Ordinance.

**12.9.3** Home Occupations shall be limited to the employment of not more than one (1) assistant outside of the immediate family at any one time.

**12.9.4** The Home Occupation shall be conducted wholly within the dwelling and shall not occupy more than twenty-five (25%) percent of the area of the first floor of the dwelling, nor more than five-hundred (500) square feet. The floor area standards shall not apply to family day care homes. As a special exception a home occupation may be considered in a detached structure, provided that all other criteria specified in this section are met.

**12.9.5** All parking shall be off-street. Two (2) off-street spaces shall be provided in addition to that required of the residential use.

**12.9.6** Any home occupation which creates objectionable noise, fumes, odor, dust, electrical interference, or excessive traffic shall be prohibited.

**12.10 Intersection Visibility**

Clear site triangles shall be maintained at intersections in accord with the township Subdivision and Land Development Ordinance standards which are reprinted below. Depending upon the street classifications for the intersecting streets, a clear site triangle is drawn as measured along the centerline from the point of intersection. No significant obstructions or plantings higher than thirty (30) inches above the road surface or tree limbs lower than eight (8) feet shall be permitted within this area.

	<u>Arterial</u>	<u>Collector</u>	<u>Minor</u>
Arterial	150 feet	100 feet	100 feet
Collector	100 feet	75 feet	75 feet
Minor	100 feet	75 feet	75 feet

**12.11 Nonconforming Lots, Structures, Buildings, and Uses**

**12.11.1 Non-conforming Lots of Record**

A non-conforming lot may be used for a permitted use in the district in which it is located even though such a lot fails to meet the requirements for lot area or dimensions or both. However, all other applicable requirements including yards shall apply. The variance of yard requirements shall be obtained only through action of the Zoning Hearing Board. In the event that two (2) adjacent lots of record are held in single ownership, the lots shall be combined to be reapportioned into a conforming lot or lots.

**12.11.2 Nonconforming Mobile Home Lots**

The Minimum Building Line requirements for Mobile Home Lots which existed at the time of the enactment of the original Zoning Ordinance and did not have conforming building lines shall not apply to such non-conforming lots, provided they are not subsequently altered.

### **12.11.3 Non-conforming Structures or Buildings**

- 12.11.3.1** Any alteration, conversion, improvement, or enlargement of a non-conforming structure shall conform to the applicable requirements of this Ordinance, excepting that a structure non-conforming as to minimum yard or maximum height requirements may be extended where the extension does not project further into the yard or does not extend further in height than the existing structure.
- 12.11.3.2** Should a structure or building non-conforming as to minimum yards or maximum height requirements be destroyed by any means, it shall not be reconstructed in a manner which increases its non-conformity. If reconstruction has not commenced within one (1) year of the date of destruction, the destroyed non-conforming structure shall be reconstructed in full compliance with this Ordinance and any other applicable regulations. A one (1) year extension may be granted by the zoning officer provided that the owner shall file a notice of intent to reconstruct prior to the expiration of the initial one year period.
- 12.11.3.3** Should a non-conforming structure be moved or replaced for any reason, it shall thereafter conform to the regulations for the district in which it is to be located.

### **12.11.4 Non-conforming Use of Premises**

- 12.11.4.1** A new extension may be constructed to a structure housing a non-conforming use provided that the gross floor area of the extension shall not exceed fifty percent (50%) of the gross floor area of the existing structure and that other applicable requirements of this Ordinance shall be adhered to.
- 12.11.4.2** The area occupied by a nonconforming use situated outdoors may be expanded provided that the gross area of the expansion shall not exceed fifty percent (50%) of the gross area of the existing use and that other applicable requirements of this Ordinance shall be adhered to.
- 12.11.4.3** Any non-conforming use may be changed to another non-conforming use by Special Exception provided that the Zoning Hearing Board shall find the proposed use to be equally appropriate or more appropriate to the Zoning District in which it is located.

**12.11.4.4** A non-conforming use that is replaced by a permitted use shall not be allowed to revert to any non-conforming use.

**12.11.4.5** The removal or destruction of a structure housing a non-conforming use shall eliminate the non-conforming use status of the premises unless reconstruction shall have been initiated within one (1) year of the removal or destruction. Destruction for the purpose of this subsection is defined as damage to an extent of more than ninety (90%) of the replacement cost at the time of destruction.

**12.11.4.6** If a non-conforming use is abandoned or discontinued for a period of two (2) years, further use of the land or structure shall conform in all respects to this Chapter. A one (1) year extension may be granted by the zoning officer provided that the owner shall file a notice of intent to resume the use prior to the expiration of the initial two year period.

**12.11.5 Registration of Non-conforming Uses, Structures, and Lots**

To facilitate the administration of this Chapter, it shall be the duty of the Zoning Officer to develop and maintain an accurate listing of all non-conforming uses, structures, and lots identified during the performance of his duties as zoning officer. The listing shall identify the nonconforming aspect of the property.

**12.12 Off-Street Parking and Loading**

**12.12.1 Number of Off-Street Parking Spaces Required**

In all districts, the required number of off-street parking spaces shall be provided as set forth in the following table whenever any use or building is erected or enlarged.

**REGULATIONS FOR OFF-STREET PARKING SPACES (a)**

TYPE OF USE		ONE PARKING SPACE REQUIRED FOR EACH
1. Offices, Retail or Agr., Service, or Repair Business, and Day Care Center	300.0	sq. ft. of floor area
2. Restaurants, Recreation or Entertainment Facilities	2.5	seats
3. Professional Office or Animal Hospital	0.2	professional persons
4. Motel or Conference Center	0.75	sleeping rooms
5. Hotel	2.0	sleeping rooms
6. Churches, Theaters, Auditoriums and Places of Assembly	3.5	seats
7. Grade Schools	15.0	classroom seats
8. High Schools	10.0	classroom seats
9. Colleges, Universities and Commercial Schools	5.0	classroom seats
10. Outdoor Recreation Uses	3.0	users
11. Bowling Alleys	0.2	alleys
12. Hospitals	2.0	beds
13. Residential Dwellings	0.5	dwelling unit
14. Funeral Homes	5.0	seats
15. Boarding/Rooming Houses, Bed & Breakfast Inns, and Dormitories	2.0	beds
16. Manufacturing and Laboratories	3.0	employees (b)(c)
17. Wholesale Establishments, Warehouses, Truck Terminal, and Junkyard or Salvage Yard	2.0	employees (b)
18. Nursing Homes, Retirement Home, or Correctional Facility	4.0	beds

- (a) This table applies only to new construction and the enlarged section of any addition.
- (b) Plus one additional space for each 1,000 sq. ft. of floor area.
- (c) In no case shall the total parking area be less than 25 percent of the floor area.

**12.12.2 Handicapped Parking**

The parking lot design shall provide handicapped accessible parking spaces in accord with the following:

**12.12.2.1** Spaces shall be a minimum of 14' x 20' in size;

**12.12.2.2**

Total Parking In Lot	Required Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of total

**12.12.2.3** Such spaces shall be clearly marked on the pavement in standard blue marking, with a sign heading the space using the international wheelchair profile symbol; and

**12.12.2.4** Such spaces shall be located as close as possible to public entrances, drop curbs, and building ramps.

**12.12.3 Off-Street Loading**

Every commercial, industrial or other building which requires the receipt or distribution by vehicles of material or merchandise shall provide off-street loading space for each structure or part thereof as set forth in the accompanying table entitled, "Minimum Required Off-Street Loading Berths".

## MINIMUM REQUIRED OFF-STREET LOADING BERTHS

Use	Square Feet of Total Floor Area	Number of Berths
Offices; Motels	From 10,000-25,000	1
Retail Commercial, Wholesale, Manufacturing	From 25,000-40,000	2
Storage, and Miscellaneous Uses	From 40,000-60,000	3
and Miscellaneous Uses	From 60,000-100,000 For each additional 50,000 or fraction thereof	4  1 additional
Schools	10,000 or more	1
Hospitals (in addition to space for ambulances)	From 10,000-30,000 For each additional 30,000 or major fraction thereof	1  1 additional

### 12.12.4 Development and Maintenance of Parking Facilities

Whenever off-street parking is required, the parking area, turning aisle and space shall be designed, constructed and maintained in accordance with the following minimum standards.

**12.12.4.1** Parking facilities shall be located on the same lot as the use to which they are necessary unless alternate arrangements have been made to provide parking on an adjacent lot owned by the applicant, or that shared parking facilities are provided in accord with Section 12.11.4.11;

**12.12.4.2** All lots shall be clearly marked for ease of movement and efficient use of space and shall have clearly limited and defined driveway openings to the adjoining highway in accord with the Driveway Design Standards (Table 4-2) of the Municipal Subdivision and Land Development Ordinance (also see regulations found in this article under Driveway Access To Streets);

- 12.12.4.3** All parking spaces shall have access from an aisle in the parking area; under no circumstances shall direct access to the lot be allowed from a public street or private road serving three (3) or more dwelling units;
- 12.12.4.4** Parking areas shall be a minimum of ten (10) feet from a dwelling and five (5) feet from a public or private street right-of-way;
- 12.12.4.5** The parking area shall be constructed of a stabilized base with a suitable all weather surface. Special consideration should be given to utilizing the parking area as a component of the stormwater management facilities;
- 12.12.4.6** Parking spaces shall have dimensions of ten feet by twenty feet (10' x 20'), however lots of eight (8) spaces or more may designate a limited number of compact spaces (8' x 16'); parallel spaces shall be a minimum of nine feet by twenty-one feet (9' x 21');
- 12.12.4.7** Where parking areas for five (5) or more vehicles are adjacent to residential development, a solid screen of attractive fencing or evergreen vegetation shall be provided between the parking and the residential lots with a minimum height of four (4) feet. Care shall be taken in the location of driveway(s) to the parking lot to insure that intersection visibility is maintained in accord with the Driveway Design Standards (Table 4-2) of the Township Subdivision and Land Development Ordinance;
- 12.12.4.8** In all cases where curb and gutter or sidewalks are existing or are adjacent to the proposed parking area, these facilities shall be retained or extended;
- 12.12.4.9** Parking areas shall be illuminated as is necessary to protect the public safety; in all cases such illumination shall be designed to prevent glare or excessive brightness which may become a nuisance for traffic on adjacent roadways or for adjacent residential development;
- 12.12.4.10** All off-street parking areas for uses that are larger than five (5) spaces and are surfaced with an impervious material shall be designed to incorporate stormwater management. The stormwater management plans shall be reviewed by the Northumberland County Conservation District in accord with the Storm Water Management regulations of Section 4 of the Municipal Subdivision and Land Development Ordinance prior to the issuance of a zoning permit; and

**12.12.4.11** In accord with variance procedures the Zoning Hearing Board may require fewer total spaces under the following conditions:

**12.12.4.11.1** The peak usage hours of different uses vary to the extent that each use may share the same parking facilities while still providing adequate parking for each use; or

**12.12.4.11.2** The clientele of a given use could reasonably be expected to be pedestrians, or utilize shared-rides or public transit.

**12.12.4.11.3** Should the Zoning Hearing Board and developer agree to reduced parking requirements, the Zoning Hearing Board may require a written agreement which reserves sufficient open space to provide additional parking and turning area in the event of unanticipated growth or a miscalculation.

**12.12.4.11.4** Further, the Zoning Hearing Board may require the reservation of open space for additional parking which may be necessary in excess of the guidelines in the schedule of required spaces above.

### **12.13 Projections Into Required Yards**

The following projections shall be permitted into required yards and shall not be considered in the determination of minimum building lines or lot coverage:

**12.13.1** Projecting architectural features - bay windows, cornices, eaves, fireplaces, chimneys, window sills, or other architectural features, provided they do not extend more than three (3) feet into any required yard nor closer than five (5) feet to any adjacent property line.

**12.13.2** Uncovered stairs.

**12.13.3** Open balconies or fire escapes provided such balconies or fire escapes are not supported on the ground and do not project more than five (5) feet into any required yard nor closer than five (5) feet to any adjacent property line.

### **12.14 Regulations Governing Communications Antennas, Communication Equipment Buildings, and Communications Towers (Height of 100 feet or less)**

**12.14.1** Building mounted Communications Antennas shall not be permitted on any single family dwelling or two family dwelling.

- 12.14.2** Building mounted Communications Antennas shall be permitted to exceed the height limitations of the applicable Zoning District by no more than twenty (20) feet.
- 12.14.3** Omnidirectional or whip Communications Antennas shall not exceed twenty (20) feet in height and seven (7) inches in diameter.
- 12.14.4** Directional or panel Communication Antennas shall not exceed five (5) feet in height and three (3) feet in width.
- 12.14.5** Any applicant proposing Communications Antennas to be mounted on a Building or other Structure shall submit evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the Building or other Structure, considering wind and other loads associated with the antenna location.
- 12.14.6** Any applicant proposing Communication Antennas to be mounted on a Building or other Structure shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the Structure for determining compliance with this Ordinance and with any applicable Building Code or other law.
- 12.14.7** Any applicant proposing Communication Antennas to be mounted on a Building or other Structure shall submit evidence of agreements and/or easements necessary to provide access to the Building or Structure on which the antennas are to be mounted so that installation and maintenance of the antennas and Communication Equipment Building can be accomplished.
- 12.14.8** Communications Antennas shall comply with all applicable standards established by the Federal Communication Commission governing human exposure to electromagnetic radiation.
- 12.14.9** Communications Antennas shall not cause radio frequency interference with other communications facilities located in the Township.
- 12.14.10** A Communication Equipment Building shall be subject to the height and setback requirements of the applicable Zoning District for an accessory structure.
- 12.14.11** The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a Communications Tower, if applicable, and Communications Antennas.

- 12.14.12** The applicant shall demonstrate that the proposed Communications Tower and communications Antennas proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
- 12.14.13** Communications Towers shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation and applicable Airport Zoning Regulations.
- 12.14.14** Any applicant proposing construction of a new Communications Tower shall demonstrate that a good faith effort has been made to obtain permission to mount the Communications Antennas on an existing Building, Structure or Communications Tower. A good faith effort shall require that all owners of potentially suitable Structures within a one-quarter (1/4) mile radius of the proposed Communications Tower site be contacted and that one (1) or more of the following reasons for not selecting such Structure apply:
- 12.14.14.1** The proposed antennas and related equipment would exceed the structural capacity of the existing Structure and its reinforcement cannot be accomplished at a reasonable cost.
  - 12.14.14.2** The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for the existing Structure and the interference cannot be prevented at a reasonable cost.
  - 12.14.14.3** Such existing Structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.
  - 12.14.14.4** Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such Structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
  - 12.14.14.5** A commercially reasonable agreement could not be reached with the owners of such Structures.
- 12.14.15** Access shall be provided to the Communications Tower and Communications Equipment Building by means of a public street or easement to a public street. The easement shall be a minimum width of twenty (20) feet.

- 12.14.16** A Communications Tower may be located on a lot occupied by other principal Structures and may occupy a leased parcel within a lot meeting the minimum lot size requirements for the Zoning District.
- 12.14.17** Any applicant proposing a Communications Tower shall submit detailed construction, plan view and elevations drawings for determining compliance with all applicable provisions of this ordinance.
- 12.14.18** Recording of a plat of subdivision or land development shall not be required for a lease parcel on which a Communications Tower is proposed to be constructed, provided the Communications Equipment Building is unmanned.
- 12.14.19** The applicant shall demonstrate that the proposed height of the Communications Tower is the minimum height necessary to performs its function.
- 12.14.20** The foundation and base of any Communications Tower shall be set back from a property line (not lease line) when adjoining or located in any Residential District or the Village District at least one hundred (100) feet and shall be set back from property lines (not lease line) in all other districts at least fifty (50) feet.
- 12.14.21** The base of a Communications Tower shall be landscaped so as to screen the foundation and base and Communications Equipment Building from abutting properties.
- 12.14.22** T h e applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed Communications Tower will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/Telecommunications Industry Association and any applicable Building Code.
- 12.14.23** The applicant shall submit a copy of its current Federal Communications Commission license; the name, address and emergency telephone number for the operator of the Communications Tower; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the Communications Tower and Communications Antennas.

- 12.14.24** All guy wires associated with guyed Communications Towers shall be clearly marked for the first eight (8) feet from ground level so as to be visible at all times and shall be located within a fenced enclosure.
- 12.14.25** The site of a Communications Tower shall be secured by a fence with a height of eight feet to limit accessibility by the general public.
- 12.14.26** No signs or lights shall be mounted on a Communications Tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency which has jurisdiction. If lights are required, the use of white strobe lights shall be restricted to daylight hours only and shall be the minimum power necessary for the application. During nighttime hours only red lights may be utilized.
- 12.14.27** Communications Towers shall be protected and maintained in accordance with the requirements of any applicable Building Code.
- 12.14.28** If a Communications Tower remains unused for a period of twelve (12) consecutive months, the owner or operator of a Communications Tower or the property owner shall dismantle and remove the Communications Tower within six (6) months of the expiration of such twelve (12) month period. The property owner shall be responsible for removal of a Communications Tower in the event that the owner or operator fails to perform the removal.
- 12.14.29** One off street parking space shall be provided within the fenced area.

## **12.15 Screening and Landscaping**

### **12.15.1 Visual Screening of Storage and Equipment**

- 12.15.1.1** Storage, where permitted in the open, shall be completely screened from any public right-of-way or residential district.
- 12.15.1.2** Mechanical operations, equipment and other functional accessories such as power, heating, air conditioning, elevator, water, sewage and other physical plant shall be screened or built-in as an integral part of the building design.

### **12.15.2 Landscaping**

Paving and non-built areas of each site shall be fully landscaped according to a plan which shall integrate the land use, traffic movement and parking, natural features and surroundings.

**12.15.3 Residential and Non-residential Joint Boundary Requirements**

**12.15.3.1** Screen planting, walls, berms or fences shall be provided in a non-residential district adjacent to a residential district, except where separated by a public right-of-way.

**12.15.3.2** An additional landscaped buffer strip of not less than fifty feet (50') shall be provided in the form of increased residential lot width within a residential district, where adjacent to an existing non-residential activity.

**12.16 Signs**

**12.16.1 Sign Policies**

**12.16.1.1** It is the policy of West Chillisquaque Township to require strict limitation on the display of signs in order to protect the character of the Township, to encourage the sound development of the land, and to protect the public welfare.

**12.16.1.2** It is the purpose of these provisions to place such limitations on the display of signs as will assure that they will be appropriate to the land, building or use to which they are appurtenant and be adequate, but not excessive, for the intended purpose of identification, protection, or advertisement.

**12.16.1.3** The regulations of this Ordinance relating to signs shall be strictly construed, and signs not specifically permitted by the provision of this Ordinance shall be deemed to be prohibited. Signs shall only be erected and maintained when in compliance with the provisions contained herein.

**12.16.2 Maximum Sign Area**

A lot upon which a building(s) is situated regardless of the number of occupants therein shall be entitled to a maximum sign area of 1½ square feet for each lineal foot of building face parallel or substantial parallel to a street line. See Section 1.13 for definition of Sign, Area of.

**12.16.2.1** Where a lot fronts on more than one street the sign area allowed for the smaller building face shall be allowed for each frontage.

**12.16.2.2** A lot without a building situated thereon shall be entitled to a maximum sign area of 50 sq. ft..

**12.16.2.3** There shall be no limit on the total number or types of signs provided that the maximum sign area for the building shall not be exceeded and that the standards for the types of signs found in Section 12.16.3. below shall be met. Furthermore, compliance with the standards of Section 12.16.4, 5 and 6 shall be required.

**12.16.3** **\*Address Sign** - one sign displaying the street number or name of the occupant of the premises, or both.

**12.16.3.1.1** Such sign may include identification of a Professional Office or Home Occupation (as defined in Article I of this Ordinance).

**12.16.3.1.2** Such sign may be attached to the building or may be on a rod or post not more than six (6) feet high, and at least three (3) feet in from the right-of-way line.

**12.16.3.1.3** Such sign may not exceed two (2) square feet in area.

**12.16.3.1.4** Sign must be stationary and not contain any motorized moving parts.

**12.16.3.2** **Awning Sign** - a sign painted on or attached to a moveable metallic frame, of the hinged roll or folding type, which may have a covering either combustible or incombustible.

**12.16.3.2.1** Such sign must be painted on or attached flat against the surface of, but not extending beyond or attached to the underside.

**12.16.3.2.2** Letters shall not exceed ten (10) inches in height.

**12.16.3.2.3** There shall be a minimum clearance of 7 feet from the sidewalk to the lowest part of the framework or fixed portion of an awning except that the bottom of the valance of canvas shall always have a minimum clearance of 6 ft. 9 inches above the sidewalk.

**12.16.3.3** **Permanent Business Directory Sign** – is a freestanding sign stating the name(s) of a year round business located off premises.

**12.16.3.3.1** The sign area regardless of the number of businesses listed on the sign shall not exceed sixteen (16) square feet per face. Such sign shall have no more than two (2) faces.

- 12.16.3.3.2 Such signs are not included in computing total sign area allowed.
- 12.16.3.3.3 Such signs shall not be located upon a public right-of-way.
- 12.16.3.3.4 No more than three (3) permanent or seasonal business directory signs shall be erected on a lot at any time.
- 12.16.3.3.5 No more than three (3) permanent or seasonal business directory signs shall be erected in the Township by a business at any time.
- 12.16.3.3.6 Written permission from the lot owner to place the sign is required.
- 12.16.3.4 **Community Directory Sign** - an accessory bulletin or announcement board describing the location of an event of a community service organization, institution, or public facility.
  - 12.16.3.4.1 Such sign shall not exceed sixteen (16) square feet in total area.
  - 12.16.3.4.2 One such sign for each property street frontage is allowed.
  - 12.16.3.4.3 Such sign shall not be located upon a public right-of-way.
- 12.16.3.5 **\*Contractor Sign** - is an off premise sign identifying the contractor's name, address, and other pertinent information.
  - 12.16.3.5.1 Such sign may not exceed twelve (12) square feet.
  - 12.16.3.5.2 Such sign may be maintained on the lot, building or structure only for the interim of construction and not exceeding fifteen (15) days following the completion of said construction.
  - 12.16.3.5.3 Failure to remove said sign within time period stated shall authorize the zoning officer to remove the sign at the expense of the sign owner.
  - 12.16.3.5.4 Such signs shall not be located upon a public right-of-way.

**12.16.3.6      \*"For Sale" or "For Rent" Signs -** A sign advertising a property being sold or rented.

**12.16.3.6.1**    Such signs shall not exceed six (6) square feet.

**12.16.3.6.2**    A maximum of two (2) such signs may be maintained for the property being sold or rented.

**12.16.3.7      Free Standing Sign V/C/I/AP/FC/LI Districts -** is a self-supporting sign in a fixed location and not attached to any building or structure.

**12.16.3.7.1**    Such sign shall have no more than two (2) faces.

**12.16.3.7.2**    The area of each face shall not exceed thirty (30) square feet unless there are three (3) or more uses on the lot, then the area of each face shall not exceed fifty (50) square feet.

**12.16.3.7.3**    The top of such sign may not exceed a height of twenty (20) feet above grade.

**12.16.3.7.4**    A lot with a frontage of three hundred (300) feet or more may have two (2) such signs.

**12.16.3.7.5**    Such signs shall be erected so as to not obstruct free egress to or from any building, or public right-of-way. Such signs shall not be located upon a public right-of-way.

**12.16.3.7.6**    There must be no exposed connecting wires.

**12.16.3.8      Free Standing Sign - SR/RR Districts -** is a self-supporting sign in a fixed location and not attached to any building or structure.

**12.16.3.8.1**    Such sign shall have no more than two (2) faces.

**12.16.3.8.2**    The area if each sign face shall not exceed nine (9) square feet.

**12.16.3.8.3**    The top of such sign may not exceed nine (9) feet above grade.

**12.16.3.8.4**    Such signs shall be erected so as not to obstruct free egress to or from any building, or public right-of-way. Such signs shall not be located upon a public right-of-way.

**12.16.3.8.5** There must be no exposed connecting wires.

**12.16.3.9 Individual Letters or Symbols** - which are attached to an awning, marquee, a roof, building surface, wall, or signboard.

**12.16.3.9.1** The area to be computed is that of the smallest rectangle or other geometric shape which encompasses all of the letter or symbols.

**12.16.3.9.2** These letters or symbols shall not project more than nine (9) inches from the building surface.

**12.16.3.9.3** Letter and symbols shall not obscure architectural features of the building (including but not limited to cornices, lintels, transoms) to which the letters and symbols are attached.

**12.16.3.9.4** Such letters and symbols shall not extend above the lowest part of the roof, nor beyond the ends of the wall to which they are attached.

**12.16.3.10 \*Political Signs** - a sign designed to influence the action of votes for:  
1. the passage or defeat of a measure; or 2. the election of a candidate for nomination or election to public office at a national, state, or other local election

**12.16.3.10.1** Such signs are permitted in any land use district if it is stationary, unlighted, temporary, and is not:

- (1) Erected earlier than thirty (30) days prior to a primary or election;
- (2) Maintained for more than ten (10) days following the primary or election;
- (3) Attached to a utility pole, fence, tree or other vegetation;
- (4) Erected in such a manner that it will or reasonably may be expected to interfere with, obstruct, confuse, or mislead traffic; and
- (5) Attached to any structure (except that such sign may be displayed in a window).

**12.16.3.10.2** Such sign may not exceed four (4) square feet in area.

**12.16.3.10.3** A maximum of two (2) signs per lot is allowed.

**12.16.3.11** **Projecting Sign** - a permanent sign that is hung at a 90 degree angle from the face of and affixed to a building or structure and extends twelve (12) inches or beyond the building wall, structure or parts thereof.

**12.16.3.11.1** If flat, each face shall not exceed nine (9) square feet.

**12.16.3.11.2** The total area of a three-dimensional sign shall be determined by enclosing the largest cross section of the sign in an easily recognizable geometric shape (rectangle, triangle, parallelogram, circle, etc.) and computing its area which shall not exceed nine (9) square feet.

**12.16.3.11.3** Such sign must be hung at right angles, and shall not project beyond four (4) feet of the building face.

**12.16.3.11.4** The bottom of said sign shall have an eight (8) foot pedestrian clearance from sidewalk level.

**12.16.3.11.5** The top of the sign may be suspended in line with one of the following, whichever is the most successful application of scale, linear continuity and visibility as determined by the zoning officer:

(1) Suspended between the bottom of sills of the first level of windows of the first story; or

(2) The lowest point of the roof of one story building.

**12.16.3.12** **\*Public Service Sign** - is a sign located for the purpose of providing a public service message or directions towards or indication of a use not readily visible from a public street (e.g. rest rooms, telephone, parking, shopping district, etc.).

**12.16.3.12.1** Such signs that are necessary for public safety and convenience shall not exceed four (4) square feet.

**12.16.3.12.2** Such signs may bear no commercial advertising. Civic organization sponsored public service signs shall not be considered commercial advertising.

**12.16.3.12.3** Such signs are not included in computing total sign area allowed.

**12.16.3.13 Seasonal Business Directory Sign** – is a freestanding sign stating the name(s) of a business located off premises that may be erected for a maximum period of six months in a calendar year. It shall be removed by the business owner at the end of six (6) month period.

**12.16.3.13.1** The sign area regardless of the number of businesses listed on the sign shall not exceed sixteen (16) square feet per face. Such sign shall have no more than two (2) faces.

**12.16.3.13.2** Such signs are not included in computing total sign area allowed on the lot.

**12.16.3.13.3** Such signs shall not be located upon a public right-of-way.

**12.16.3.13.4** No more than three (3) permanent or seasonal business directory signs shall be erected on a lot at any time.

**12.16.3.13.5** No more than three (3) permanent or seasonal business directory signs shall be erected in the Township by a business at any time.

**12.16.3.13.6** A zoning permit for a seasonal business directory sign may be renewed annually by application to the zoning officer. All applications shall be accompanied by the written permission of the land owner where the sign is to be placed and the applicable zoning application fee.

**12.16.3.14 Temporary Sign** - is a sign intended to be used for a period of no more than thirty (30) days.

**12.16.3.14.1** \*Temporary signs pertaining to special sales or events may be displayed outdoors or in the window area.

**12.16.3.14.2** Temporary banner signs may overhang a public way.

**12.16.3.14.3** A maximum of one sidewalk advertising sign per business shall be allowed when such signs are intended to advertise specials or sales occurring on the same day as their placement provided that:

- (1) Such signs shall not impede pedestrian traffic or obstruct the vision of motorists.
- (2) Such signs shall be removed daily.
- (3) Such signs shall have a maximum sign face of six (6) sq. ft. in area if one sided or three (3) sq. ft. per face if two sided.

**12.16.3.15** Wall Sign - is a sign which is attached parallel on the exterior surface of a building or structure.

**12.16.3.15.1** A wall sign shall not project more than fifteen (15) inches from the building surface.

**12.16.3.15.2** The sign shall not obscure architectural features of the building (including but not limited to cornices, lintels, transoms) to which the sign is attached.

**12.16.3.15.3** Such signs shall not extend above the lowest point of the roof, nor beyond the ends of the wall to which it is attached.

**12.16.3.16** Window Sign - is a permanent non-illuminated sign painted on the inside or outside glass of a window.

**12.16.3.16.1** The total area of a window sign shall not exceed 30% of the total glass area of the ground floor facade of that commercial property.

**12.16.3.16.2** Contents of such sign shall advertise only an on-premise use.

**12.16.3.16.3** Window signs on ground floor levels shall be included in calculating the total area of signs on the building frontage.

**12.16.4 Table of Allowed Sign Uses By Zoning Districts**

SIGN TYPE	ZONING DISTRICT							
	V	SR	RR	C	I	AP	FC	LI
Address	Y	Y	Y	Y	Y	Y	Y	Y
Awning	Y	N	N	Y	Y	N	N	Y
Business Directory Sign	Y	N	N	Y	Y	N	N	Y
Community Directory Sign	Y	Y	Y	Y	Y	Y	Y	Y
Contractor Sign	Y	Y	Y	Y	Y	Y	Y	Y
For Sale/For Rent Sign	Y	Y	Y	Y	Y	Y	Y	Y
Free Standing Sign (V/C/I/AP/FC/LI Districts)	Y	N	N	Y	Y	Y	Y	Y
Free Standing Sign (SR/RR Dist.)	N	Y	Y	N	N	N	N	N
Individual Letters or Symbols	N	N	N	Y	Y	N	N	Y
Political Signs	Y	Y	Y	Y	Y	Y	Y	Y
Projecting Sign	Y	N	N	Y	Y	N	N	Y
Public Service Sign	Y	Y	Y	Y	Y	Y	Y	Y
Seasonal Business Directory Sign	N	N	N	N	N	Y	Y	N
Temporary Sign	Y	Y	Y	Y	Y	Y	Y	Y
Wall Sign	Y	N	N	Y	Y	N	N	Y
Window Sign	Y	N	N	Y	Y	N	N	Y

**Y - YES**  
**N - NO**

## **12.16.5 Regulations Applicable in All Zoning Districts**

### **12.16.5.1 Sign Application and Permit**

A sign permit shall be obtained from the Zoning Officer before any sign is erected, displayed or structurally altered so as to change its overall dimension. Every application for a sign permit shall be accompanied by payment of a permit fee required in accordance with a schedule of fees adopted by the Board of Supervisors and by plans showing: The area of the sign, the size, structure, character and design proposed; the method of illumination, if any, and the exact location proposed for the sign. In the case of a roof sign or outdoor advertising structure, complete specifications and method of anchoring and support are required. Each sign shall have the permit number and date of issuance affixed.

### **12.16.5.2 Illumination of Signs** - a sign may be illuminated artificially by means of electricity, gas, oil, or fluorescent paint.

**12.16.5.2.1** All electricity illuminated signs shall conform to the requirements of the BOCA National Building Code/1990 as amended.

**12.16.5.2.2** Any illumination must be non-glaring or shielded to prevent direct light from shining onto any street or adjacent property.

**12.16.5.2.3** No forms of illumination that is flashing, moving, animated or intermittent shall be allowed.

**12.16.5.2.4** There must be no exposed connecting wires.

**12.16.5.3 Setback Requirements** - unless otherwise specified in the Code, signs are exempt from setback requirements.

**12.16.5.4 Supports and Brackets** - for a sign shall not exceed needlessly above the cornice line of the building to which the sign is attached.

**12.16.5.5 Liability** - Any organization or individual erecting a sign in or over a public right-of-way shall agree to assume liability for an indemnify and hold harmless the Township from any and all damages resulting from the existence of this sign.

## **12.16.6 Prohibited Signs**

Prohibited Signs shall include:

- 12.16.6.1** Any sign which flashes, rotates, or has a motorized part that is visible from a public street.
- 12.16.6.2** Any sign which, by reason of its size, location, content, coloring or manner of illumination, constitutes a traffic hazard or a detriment to traffic safety in the opinion of the Zoning Officer by obstructing the vision of drivers, or detracting from the visibility of any traffic sign or control device on public streets and roads.
- 12.16.6.3** Any sign which obstructs free ingress to or egress from a required door, window, fire escape or other required exit way or which obstructs a window, door or other opening for providing light or air or interferes with proper function of the building.
- 12.16.6.4** Any sign or sign structure which:
- (1) Is structurally unsafe;
  - (2) Constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation or abandonment;
  - (3) Is not kept in good repair, or;
  - (4) Is capable of causing electrical shocks to persons likely to come in contact with it.
- 12.16.6.5** Signs which make use of words such as STOP, LOOK, DANGER, etc., or any phrases, symbols, or characters in such a manner as to interfere with, mislead, or confuse traffic.
- 12.16.6.6** String lights used in connection with commercial premises for commercial purposes other than Christmas decorations.
- 12.16.6.7** Spinners, and streamers except as specified in Temporary Sign section.
- 12.16.6.8** Any sign now or hereafter existing which no longer advertises a bona fide business conducted or product sold. To be removed at owner's expense.

**12.16.6.9** Any sign affixed to a fence, utility pole or structure, or tree, shrub, rock or other natural objects.

**12.16.6.10** Off premise signs in other than C & I Districts unless a Business Directory Sign.

**12.16.6.11** Portable signs other than sidewalk advertising signs. (See Section 12.14.3.13.3.).

**12.16.7 Variance**

An application for variance may be filed with the Zoning Hearing Board as allowed in Article XV of this Ordinance.

**12.16.8 Maintenance**

Each sign shall be maintained in a secure and safe condition. If the Zoning Officer is of the opinion that a sign is not secure, safe or in good state of repair, it shall give written notice of this fact to the person responsible for the maintenance of the sign. If the defect in the sign is not corrected within the time permitted by the Zoning Officer, the Zoning Officer may revoke the permit to maintain the sign and may remove the sign and keep possession of same until the owner pays the cost of removal.

**12.17 Unique Lots and Building Locations**

**12.17.1 Two or More Buildings on a Lot**

Two or more principal buildings located on a parcel in single ownership shall conform to all the requirements of this Ordinance which would normally apply to each building if each were on a separate lot.

**12.17.2 Side Yard of a Corner Lot**

The side yard of a corner lot which abuts a street, shall be equal to the required front yard for that street.

## **12.18 Yard and Garage Sales**

For the purposes of this ordinance, yard and garage sales shall be considered as an accessory use and shall not require a zoning permit, provided that:

**12.18.1** No more than 4 yard sales shall be conducted per year by a resident from the same lot; and

**12.18.2** The duration of one yard sale shall not exceed 3 consecutive days.

## **ARTICLE XIII**

### **Floodplain Management Provisions**

#### **13.1 Identification of Floodplain Area**

The identified floodplain area shall be any areas of West Chillisquaque Township, subject to the one hundred (100) year flood, which is identified as Zone A (Area of Special Flood Hazard) in the Flood Insurance Study (FIS) dated July 16, 2008 and the accompanying maps or the most recent revisions thereof as issued by the Federal Emergency Management Agency, including all digital data developed as part of the Flood Insurance Study.

#### **13.2 Description of Floodplain Area**

The identified floodplain area shall consist of the following specific areas:

##### **13.2.1 FW (Floodway Area)**

The area identified as "Floodway" in the Floodplain Insurance Study prepared by the FIA. The term shall also include floodway areas which have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study.

##### **13.2.2 FF (Flood-Fringe Area)**

The remaining portions of the one hundred (100) year floodplain lying beyond the floodway in those areas identified in the Flood Insurance Study, where a floodway has been delineated.

The basis for the outermost boundary of this area shall be the one hundred (100) year flood elevations as shown in the flood profiles contained in the Flood Insurance Study.

#### **13.3 Changes in Identification of Area**

The identified floodplain area may be revised or modified by the Board of Supervisors where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from the Federal Insurance Administration (FIA).

## **13.4 Boundary Disputes**

Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Zoning Officer, and any party aggrieved by this decision may appeal to the Zoning Hearing Board. The burden of proof shall be on the appellant.

## **13.5 Technical Provisions**

### **13.5.1 General**

**13.5.1.1** No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality, and until all required permits or approvals have been first obtained from the Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands.

In addition, the Federal Emergency Management Agency and Pennsylvania Department of Community and Economic Development, Bureau of Community Planning, shall be notified prior to any alteration or relocation of any watercourse.

**13.5.1.2** Any new construction, development, uses or activities allowed within any identified floodplain area, shall be undertaken in strict compliance with the provisions contained in this Ordinance and any other applicable codes, ordinances and regulations.

### **13.5.2 Special Requirements of FW**

Within any FW (Floodway Area), the following provisions apply:

**13.5.2.1** Any new construction, development, use, activity or encroachment that would cause any increase in flood heights shall be prohibited.

**13.5.2.2** No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands.

### **13.5.3 Elevation and Floodproofing Requirements**

#### **13.5.3.1 Residential Structures**

Within any identified floodplain area, any new construction or substantial improvement of a residential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation.

#### **13.5.3.2 Non-residential Structures**

**13.5.3.2.1** Within any identified floodplain area, any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation, or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height.

**13.5.3.2.2** Any non-residential structure, or part thereof, having a lowest floor which is not elevated to at least the one hundred (100) year flood elevation, shall be floodproofed in a completely or essentially dry manner in accordance with the W1 or W2 space classification standards contained in the publication titled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specification for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.

#### **13.5.3.3 Space Below the Lowest Floor**

Partially enclosed space below the lowest floor (including basement) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of floodwater for the purpose of equalizing hydrostatic forces on exterior walls. The term "partially enclosed space" also includes crawl spaces.

Designs for meeting this requirement must either be certified by a

registered professional engineer or architect, or meet or exceed the following minimum criteria:

- 13.5.3.3.1** a minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
- 13.5.3.3.2** the bottom of all openings shall be no higher than one (1) foot above grade.
- 13.5.3.3.3** openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

#### **13.5.3.4 Accessory Structures**

Structures accessory to a principal building need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:

- 13.5.3.4.1** the structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity.
- 13.5.3.4.2** floor area shall not exceed 600 square feet.
- 13.5.3.4.3** the structure will have a low damage potential.
- 13.5.3.4.4** the structure will be located on the site so as to cause the least obstruction to the flow of floodwater.
- 13.5.3.4.5** power lines, wiring, and outlets will be at least one and one-half (1 ½) feet above the one hundred (100) year flood elevation.
- 13.5.3.4.6** permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.
- 13.5.3.4.7** sanitary facilities are prohibited.
- 13.5.3.4.8** the structure should be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of

equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following criteria:

- 13.5.3.4.8.1** a minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
- 13.5.3.4.8.2** the bottom of all openings shall be no higher than one (1) foot above grade.
- 13.5.3.4.8.3** openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

#### **13.5.4 Design and Construction Standards**

The following minimum standards shall apply for all construction and development proposed within any identified floodplain area:

##### **13.5.4.1 Fill**

If fill is used, it shall:

- 13.5.4.1.1** extend laterally at least fifteen (15) feet beyond the building line from all points;
- 13.5.4.1.2** consist of soil or small rock materials only - Sanitary Landfills shall not be permitted;
- 13.5.4.1.3** be compacted to provide the necessary permeability and resistance to erosion, scouring or settling;
- 13.5.4.1.4** be no steeper than one (1) vertical to two (2) horizontal feet, unless substantiated data, justifying steeper slopes are submitted to, and approved by the Zoning Officer; and
- 13.5.4.1.5** be used to the extent to which it does not adversely affect adjacent properties.

#### **13.5.4.2 Drainage Facilities**

Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall insure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

#### **13.5.4.3 Water and Sanitary Facilities and Systems**

**13.5.4.3.1** All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damage and the infiltration of flood waters.

**13.5.4.3.2** Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.

**13.5.4.3.3** No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all state and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.

#### **13.5.4.4 Other Utilities**

All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

#### **13.5.4.5 Streets**

The finished elevation of all new streets shall be no more than one (1) foot below the Regulatory Flood Elevation.

#### **13.5.4.6 Storage**

All materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal, or plant life, and not listed in Section 13.5.5, Development Which May Endanger Human Life, shall be stored at least one and one-half (1½) feet above the Regulatory Flood Elevation and/or floodproofed to the maximum extent possible.

#### **13.5.4.7 Placement of Buildings and Structures**

**13.5.4.7.1** All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.

**13.5.4.7.2** No fences, except two-wire fences, or other structures which may impede, retard, or change the direction of the flow of flood waters or which will catch or collect debris carried by such waters shall be placed within a designated floodway, nor shall any such structure be placed where the natural flow of flood water could carry the same down stream to the damage or detriment of either public or private property adjacent to the floodplain. Split-rail, post-and-picket, chain-link, or other similar types of fencing with a minimum of 2:1 open space ratio may be permitted in a designated flood fringe, but not in the floodway area.

#### **13.5.4.8 Anchoring**

**13.5.4.8.1** All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent floatation, collapse, or lateral movement.

**13.5.4.8.2** All air ducts, large pipes, storage tanks, and other similar objects or components located below the Regulatory Flood Elevation shall be securely anchored or affixed to prevent floatation.

#### **13.5.4.9 Floors, Walls and Ceiling**

**13.5.4.9.1** Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.

**13.5.4.9.2** Plywood used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.

**13.5.4.9.3** Walls and ceilings at or below the Regulatory Flood Elevation shall be designed and constructed of materials that are "water-resistant" and will withstand inundation.

**13.5.4.9.4** Windows, doors, and other components at or below the Regulatory Flood Elevation shall be made of metal or other "water-resistant" material.

**13.5.4.10 Paints and Adhesives**

**13.5.4.10.1** Paints and other finishes used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.

**13.5.4.10.2** Adhesives used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.

**13.5.4.10.3** All wooden components (doors, trim, cabinets, etc.) shall be finished with a "marine" or "water-resistant" paint or other finishing material.

**13.5.4.11 Electrical Components**

**13.5.4.11.1** Electrical distribution panels shall be at least three (3) feet above the one hundred (100) year flood elevation.

**13.5.4.11.2** Separate electrical circuits shall serve lower levels and shall be dropped from above.

**13.5.4.12 Equipment**

Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical, or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation.

**13.5.4.13 Fuel Supply Systems**

All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

### 13.5.5 Development Which May Endanger Human Life

**13.5.5.1** In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community Affairs as required by the act, any new or substantially improved structure which:

- will be used for the production or storage of any of the following dangerous materials or substances; or,
- will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or,
- will involve the production, storage, or use of any amount of radioactive substances;

shall be subject to the provisions of this section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:

1. Acetone
2. Ammonia
3. Benzene
4. Calcium carbide
5. Carbon disulfide
6. Celluloid
7. Chloride
8. Hydrochloric acid
9. Hydrocyanic acid
10. Magnesium
11. Nitric acid and oxides of nitrogen
12. Petroleum products (gasoline, fuel oil, etc.)
13. Phosphorous
14. Potassium
15. Sodium
16. Sulphur and sulphur products
17. Pesticides (including insecticides, fungicides, and rodenticides)
18. Radioactive substances, insofar as such substances are not otherwise regulated.

**13.5.5.2** Within any FW (Floodway Area), any structure of the kind described in Subsection 13.5.5.1, above, shall be prohibited.

**13.5.5.3** Where permitted within any floodplain area, any new or substantially improved structure of the kind described in Subsection 13.5.5.1, above, shall be:

**13.5.5.3.1** elevated or designed and constructed to remain completely dry up to at least one and one half (1 ½) feet above the one hundred (100) year flood and,

**13.5.5.3.2** designed to prevent pollution from the structure or activity during the course of a one hundred (100) year flood.

Any such structure, or part thereof, that will be built below the Regulatory Flood Elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Flood-Proofing Regulations" (U.S. Army Corps of Engineers, June 1972 as amended March 1992), or with some other equivalent watertight standard.

### **13.5.6 Special Requirements for Mobile Homes**

**13.5.6.1** Where permitted within any floodplain area, all mobile homes, and any improvements thereto, shall be:

**13.5.6.1.1** placed on a permanent foundation.

**13.5.6.1.2** elevated so that the lowest floor of the mobile home is at or above the elevation of the one hundred (100) year flood.

**13.5.6.1.3** anchored to resist floatation, collapse, or lateral movement by providing over-the-top and frame ties to the ground anchors:

**13.5.6.1.3.1** over-the-top ties shall be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations, and mobile homes less than fifty (50) feet long requiring one additional ties per side, all over-the-top ties shall be attached to ground anchors;

- 13.5.6.1.3.2** frame ties shall be provided at each corner of the mobile home with five additional ties per side at intermediate points, with mobile homes less than fifty (50) feet long requiring four additional ties per side;
- 13.5.6.1.3.3** all components of the anchoring system shall be capable of carrying a force of 4,800 pounds;
- 13.5.6.1.3.4** any additions to the mobile home shall be similarly anchored.

### **13.5.7 Special Requirements for Campgrounds and Recreational Vehicles in Floodplain Areas**

- 13.5.7.1** Where campgrounds and recreational vehicles are located within a designated floodway, Zoning Permits will only be valid from April 1 through November 1 of each year. All camping units, recreation vehicles, and associated accessory structures or facilities must be removed from the Floodway during the remainder of the year.
- 13.5.7.2** Where campground and recreational vehicles are located within any designated floodplain area, a workable evacuation plan must be submitted by the owner as part of his application for a Zoning Permit. Said plan must insure that all units will be removed from the floodplain during flood events.
- 13.5.7.3** Anchoring may be required for units being placed permanently in campgrounds located outside of designated floodplain areas. However, units being placed in campgrounds located within a designated floodplain must remain on wheels and must be capable of being towed or transported from the site at all times. Such units may not be placed on blocks or similar supports.

### **13.6 Activities Prohibited Within Floodplain Areas**

In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act, the following activities shall be prohibited within any identified floodplain area:

- 13.6.1** The commencement of any of the following activities; or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:

- 13.6.1.1** hospitals
- 13.6.1.2** nursing homes
- 13.6.1.3** jails or prisons

**13.6.2** The commencement of, or any construction of, a new mobile home park or mobile home subdivision, or substantial improvement to an existing mobile home park or mobile home subdivision.

## **13.7 Existing Structures in Identified Floodplain Areas**

### **13.7.1 Existing Structures**

The provisions of this Ordinance do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of Section 13.7.2 shall apply.

### **13.7.2 Improvements**

The following provisions shall apply whenever any improvement is made to an existing structure located within any identified floodplain area:

- 13.7.2.1** No expansion or enlargement of an existing structure shall be allowed within any floodway area that would cause any increase in the elevation of the one hundred (100) year flood.
- 13.7.2.2** Any modification, alteration, construction, reconstruction, or improvement, of any kind to an existing structure, to an extent or amount of fifty (50) percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Ordinance.
- 13.7.2.3** Any modification, alteration, construction, reconstruction, or improvement, of any kind to an existing structure, to an extent or amount of fifty (50) percent or less than its market value, shall be elevated and/or floodproofed to the greatest extent possible.

## **13.8 Variance of Floodplain Management Provisions**

### **13.8.1 General**

If compliance with any of the floodplain management provisions of this Ordinance would result in an exceptional hardship to a prospective builder, developer or

landowner, the Zoning Hearing Board may, upon request, grant a relief from the strict application of these requirements.

### **13.8.2 Variance Procedures and Conditions**

Requests for variances shall be considered by the Zoning Hearing Board in accordance with the procedures contained in Section 15.9 and the following:

**13.8.2.1** No variance shall be granted for any construction, development, use, or activity within any floodway area that would cause any increase in the one hundred (100) year flood elevation.

**13.8.2.2** Except for a possible modification of the one and one half (1 ½) foot freeboard requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to Activities Prohibited Within Floodplain Areas (Section 13.6) or Development Which May Endanger Human Life (Section 13.5.5).

**13.8.2.3** Whenever a variance is granted, the Township shall notify the applicant in writing that:

**13.8.2.3.1** The granting of the variance may result in increased premium rates for flood insurance.

**13.8.2.3.2** Such variances may increase the risks to life and property.

**13.8.2.4** In reviewing any request for a variance, the Zoning Hearing Board shall consider, at a minimum, that the granting of the variance will (i) neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense, (ii) nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.

**13.8.3** A complete record of all variance requests and related actions shall be maintained by the Zoning Hearing Board. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration.

**13.8.4** Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one hundred (100) year flood.

## ARTICLE XIV

### Special Exception and Conditional Use Criteria

14

#### 14.1 Adult Entertainment

**14.1.1** Adult entertainment uses shall not be located within 1,000 feet of any residential structure or district; within 2,000 feet of any church, school, cemetery, park, or playground; or within 2,000 feet of any other adult entertainment use.

**14.1.2** No materials, displays, or advertisements for an adult entertainment use shall be visible from any window, door, or exterior of the building.

**14.1.3** In the case of an adult drive-in theater, viewing screens shall be situated and screened to prevent observation from any street or adjoining property.

**14.1.4** An adult entertainment use shall be limited to a wall mounted sign located on the premises which shall not exceed 20 ft<sup>2</sup> in size.

#### 14.2 Animal Hospital or Kennel

Animal Hospitals or Kennels, including treatment, breeding, boarding and grooming facilities, are to be conditioned upon, but not limited to, the following criteria:

**14.2.1** Demonstration that the facilities will not create nuisance conditions for adjoining properties due to noise or odor.

**14.2.2** Demonstration that all animals will be confined to the property.

**14.2.3** Demonstration of adequate methods for sanitation and sewage disposal.

**14.2.4** Outdoor runs shall be located at least 100 feet from any lot line.

**14.2.5** Outdoor runs shall be screened to reduce the potential for inciting dogs to bark due to external influences. If deemed necessary by the Zoning Hearing Board, fencing to attenuate sound shall be provided.

**14.2.6** A site plan drawn to scale shall accompany the application indicating parking facilities, screening and landscaping, driveways, sidewalks, buildings, runs, and other physical features, existing and proposed.

## **14.3 Cluster Subdivision**

### **14.3.1 Statement of Purpose**

Cluster subdivision is an optional form of development which allows the developer more choices of housing types, and enables him to develop lots smaller than otherwise specified in this Ordinance, provided the land saved is reserved for permanent common use, usually in the form of Open Space.

A cluster subdivision shall be designed in accord with the regulations contained in this section except that the maximum gross density of 5 dwelling units per acre for the Village, Suburban, and Rural Residential Districts shall not be exceeded.

All proposed Cluster Subdivision projects must be approved by submission of appropriate preliminary and final plans to the Township in compliance with the Township Subdivision and Land Development Ordinance, and shall be acted on within the time limits set forth in Article V of the Municipalities Planning Code. The approval by the Zoning Hearing Board for a Cluster Subdivision use for a tract of land shall in no way automatically guarantee preliminary or final plan approval without satisfactory compliance with all other applicable codes and regulations of the Township, State, or Federal Government.

### **14.3.2 Applications for Cluster Subdivision Development**

Any developer who desires to initiate a Cluster Subdivision shall submit an application to the Zoning Hearing Board through the Zoning Officer in accord with Special Exception Use procedure. The application shall be accompanied by:

- 14.3.2.1** Location map showing the project in relation to the surrounding area;
- 14.3.2.2** Sketch plan showing:
  - 14.3.2.2.1** Property lines and easements with dimensions and area;
  - 14.3.2.2.2** Location, size, spacing, setbacks and dimensions of all existing and proposed buildings and structures;
  - 14.3.2.2.3** The building types, sections, floor plan, and site sections to clearly define the character of the project; the Zoning Hearing Board may require a model if deemed necessary;
  - 14.3.2.2.4** Topographic information showing existing features, conditions, and proposed grading;

**14.3.2.2.5** Landscaping plans showing open spaces, planting, existing and proposed trees and recreational areas and facilities; and

**14.3.2.2.6** Existing streets, showing access to the project, proposed roads and parking layout with dimensions.

**14.3.2.3** Written information regarding land use designations, surrounding land uses, project design teams, development schedule, type, size, number and estimated selling price of units and density calculations; and

**14.3.2.4** Written information regarding the following:

**14.3.2.4.1** The nature and extent of the common open space in the project, the proposal for maintenance and conservation of the common open space, and the adequacy of the amount and function of the open space in terms of the densities and dwelling types proposed in the plan;

**14.3.2.4.2** Whenever applicable, documents indicating compliance and approval of mandated State statutes or other laws shall be obtained and submitted as part of the application.

### **14.3.3 Criteria for Granting Special Exception Approval for Cluster Subdivision**

A special exception approval for a cluster subdivision shall only be granted if evidence is presented that:

**14.3.3.1** The proposed cluster subdivision shall be in harmony with the general purpose, goals, objectives and standards of the Comprehensive Plan, this section and the Subdivision and Land Development regulations of the Township;

**14.3.3.2** The proposed cluster subdivision shall not have substantial or undue adverse effects, as compared to a standard development permitted by this Ordinance, upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety and general welfare;

**14.3.3.3** The proposed cluster subdivision shall be served adequately by essential public facilities and services such as highways, streets, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewers and schools;

**14.3.3.4** The proposed cluster subdivision shall not result in the destruction, loss or damage of any natural, scenic or historic feature of significant importance.

#### **14.3.4 General Qualifications**

##### **14.3.4.1 Tract Size**

Minimum development tract size shall be ten (10) contiguous acres. Excluded from the determination of development tract size are all lands situated in the floodway portion of the 100 year floodplain as defined by this Ordinance and as shown on the Flood Boundary and Floodway Maps prepared by the Federal Insurance Administration for West Chillisquaque Township.

##### **14.3.4.2 Density**

The gross density of a cluster subdivision shall not exceed five (5) dwelling units per acre. Determination of the number of units allowable on a tract for cluster subdivision is as follows:

Gross acreage of parcel, minus the acreage in floodway portion of the 100 year floodplain, times 5 units/acre, equals total number of dwelling units permitted.

##### **14.3.4.3 Types of Dwelling Units**

Single-family detached, double dwellings, townhouses, and multiple family dwellings may be permitted in a cluster subdivision pursuant to the requirements of this article. All units proposed shall be for sale only.

##### **14.3.4.4 Permitted Lot Area Reductions**

For cluster subdivisions single family detached may be reduced up to 50% from the minimum established in Section 2.4.1. Townhouse and multiple family dwelling lot size may be reduced to the area of the building unit. Double dwellings may be reduced up to 20% from the minimum established in Section 2.4.2.

**14.3.4.5 Yard Dimensions**

**14.3.4.5.1 Minimum Yards for Single Family Detached and Double Dwellings:**

Front:	25 ft.
Side:	0 ft.
Rear:	10 ft.

**14.3.4.5.2 Townhouses and Multi-Family Dwellings:** All townhouse units shall be a minimum of 20 ft. from driveways and parking lots.

**14.3.4.5.3** The cluster subdivision shall have a setback of 50 feet from the site perimeter for all buildings.

**14.3.4.6 Landscaped Buffer Areas**

Landscaped buffer areas shall be required along the exterior property lines of the proposed residential cluster development. Landscaped buffers shall consist of six feet or higher trees, shrubs, solid wood fencing or a combination thereof as approved by the Zoning Hearing Board. Also, refer to the Screening and Landscaping regulations found in Article XII.

**14.3.5 Special Housing Qualifications**

**14.3.5.1 Townhouse Group**

Not more than eight townhouses shall be attached in a single group, and no more than two contiguous townhouses in any building may be constructed in line.

**14.3.5.2 Spacing Of Structures**

Minimum distances between structures shall be:

Single Family Detached:	10 feet
Double Dwelling:	20 feet
Townhouse:	Forty (40) feet between buildings
Multi-Family Dwelling:	Forty (40) feet between buildings

### **14.3.6 Garages and Accessory Buildings**

Single Family Detached Units may have detached accessory buildings or garages provided that a ten (10) foot separation is maintained from the principle structure and that a minimum front building line of 25 ft. is maintained.

### **14.3.7 Impervious Coverage**

The maximum permitted impervious coverage shall be thirty percent (30%) and shall apply to the entire development, rather than to individual lots.

**14.3.8 Maximum Building Height:** Thirty-five (35) feet

### **14.3.9 Miscellaneous Regulations**

#### **14.3.9.1 Utilities**

Public or community sewer and water facilities shall be provided.

#### **14.3.9.2 Off-Street Parking**

See Off-Street Parking and Loading regulations in Article XII.

#### **14.3.9.3 Sign Regulations**

See the regulations for Signs in Article XII.

#### **14.3.9.4 Fence Regulations**

See the regulations for Accessory Structures in Article XII.

#### **14.3.9.5 Automobile Trailers and Mobile Homes**

Shall not be permitted in a Cluster Subdivision.

### **14.3.10 Open Space Requirements**

**14.3.10.1** Such areas specifically designed for open space shall be fully usable and suitable for that purpose and shall be set aside by deed restriction.

**14.3.10.2** Common open space may only be dedicated to public use as approved by the Township Supervisors upon favorable recommendation by the Planning Commission. The Township

Supervisors reserve the right to deny dedication of open space.

**14.3.10.3 Private Ownership.**

When common open space, private streets and parking areas, and utilities are not dedicated and accepted to public use, it shall be protected by legal arrangements, satisfactory to the Township, sufficient to assure its maintenance and preservation for whatever purpose it is intended. Covenants or other legal arrangements shall:

-Obligate purchasers to participate in a homeowners association and to support maintenance of the open areas by paying to the association assessments sufficient for such maintenance and subjecting their properties to a lien for enforcement of payment of the respective assessments.

-Obligate such an association to maintain the open areas and private streets and utilities.

-Empower the Township, as well as other purchasers in the development, to enforce the covenants in the event of failure of compliance.

-Provide for an agreement that, if the Township is required to perform any maintenance work pursuant to the item above, such purchasers would pay the cost thereof and that the same shall be a lien upon their properties until such a cost has been paid; provided that the developer shall be responsible for the formation of the homeowners association of which the developer, or if the developer is not the owner of the development, then such owner, shall be a member until all of the lots of record are sold. Other equivalent provisions to assure adequate perpetual maintenance may be permitted if approved by the Board of Supervisors. Assurance that such covenants or equivalent provisions will be included in the deeds or other instruments of conveyance shall be evidenced by the recordation in the Office of the Recorder of Deeds, of a perpetual maintenance of facilities as prescribed herein above and identifying the tract and each lot therein. The declaration shall be included in the deed or other instrument of conveyance of each lot of record and shall be made binding on all purchasers, provided that such declaration may, as to subsequent conveyances other than the initial conveyance of each lot of record, be incorporated by reference in the instrument of conveyance.

-Guarantee that any association formed to own and maintain common open space will not be dissolved without the consent of the Board of Supervisors and any other specifications deemed necessary by the Board of Supervisors.

#### **14.4 Communications Towers (Height Greater Than 100 ft.)**

**14.4.1** The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a Communications Tower, if applicable, and Communications Antennas.

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

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

**14.4.4** Any applicant proposing construction of a new Communications Tower shall demonstrate that a good faith effort has been made to obtain permission to mount the Communications Antennas on an existing Building, Structure or Communications Tower. A good faith effort shall require that all owners of potentially suitable Structures within a one-quarter (1/4) mile radius of the proposed Communications Tower site be contacted and that one (1) or more of the following reasons for not selecting such Structure apply:

**14.4.4.1** The proposed antennas and related equipment would exceed the structural capacity of the existing Structure and its reinforcement cannot be accomplished at a reasonable cost.

**14.4.4.2** The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for the existing Structure and the interference cannot be prevented at a reasonable cost.

**14.4.4.3** Such existing Structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.

**14.4.4.4** Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such Structure exceeding applicable standards established by the Federal Communications

Commission governing human exposure to electromagnetic radiation.

- 14.4.4.5** A commercially reasonable agreement could not be reached with the owners of such Structures.
- 14.4.5** Access shall be provided to the Communications Tower and Communications Equipment Building by means of a public street or easement to a public street. The easement shall be a minimum width of twenty (20) feet.
- 14.4.6** A Communications Tower may be located on a lot occupied by other principal Structures and may occupy a leased parcel within a lot meeting the minimum lot size requirements for the Zoning District.
- 14.4.7** Any applicant proposing a Communications Tower shall submit detailed construction, plan view and elevations drawings for determining compliance with all applicable provisions of this ordinance.
- 14.4.8** Recording of a plat of subdivision or land development shall not be required for a lease parcel on which a Communications Tower is proposed to be constructed, provided the Communications Equipment Building is unmanned.
- 14.4.9** The applicant shall demonstrate that the proposed height of the Communications Tower is the minimum height necessary to performs its function.
- 14.4.10** The foundation and base of any Communications Tower shall be set back from a property line (not lease line) when adjoining any Residential District or the Village District at least one hundred (100) feet and shall be set back from property lines (not lease line) in all other districts at least fifty (50) feet.
- 14.4.11** The base of a Communications Tower shall be landscaped so as to screen the foundation and base and Communications Equipment Building from abutting properties.
- 14.4.12** The Communications Equipment Building shall comply with the required yards and height requirements of the applicable Zoning District for an accessory structure.
- 14.4.13** T h e applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed Communications Tower will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/Telecommunications Industry Association and any applicable Building Code.

- 14.4.14** The applicant shall submit a copy of its current Federal Communications Commission license; the name, address and emergency telephone number for the operator of the Communications Tower; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the Communications Tower and Communications Antennas.
- 14.4.15** All guy wires associated with guyed Communications Towers shall be clearly marked for the first eight (8) feet from ground level so as to be visible at all times and shall be located within a fenced enclosure.
- 14.4.16** The site of a Communications Tower shall be secured by a fence with a height of eight feet to limit accessibility by the general public.
- 14.4.17** No signs or lights shall be mounted on a Communications Tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency which has jurisdiction.  
If lights are required, the use of white strobe lights shall be restricted to daylight hours only and shall be the minimum power necessary for the application. During nighttime hours only red lights may be utilized.
- 14.4.18** Communications Towers shall be protected and maintained in accordance with the requirements of any applicable Building Code.
- 14.4.19** If a Communications Tower remains unused for a period of twelve (12) consecutive months, the owner or operator of a Communications Tower or the property owner shall dismantle and remove the Communications Tower within six (6) months of the expiration of such twelve (12) month period. The property owner shall be responsible for removal of a Communications Tower in the event that the owner or operator fails to perform the removal.
- 14.4.20** One off street parking space shall be provided within the fenced area.

## **14.5 Criteria for a Variety of Uses**

- 14.5.1** The criteria presented in Section 14.5.2 below shall apply to the uses listed below when they are specified as a Special Exception or Conditional Use within a particular district:
- 14.5.1.1** Agricultural Business;
- 14.5.1.2** Boarding or Rooming House;

- 14.5.1.3** Correctional Facility;
- 14.5.1.4** Day Care Center;
- 14.5.1.5** Hotel;
- 14.5.1.6** Industrial Park;
- 14.5.1.7** Junkyard or Salvage Yard;
- 14.5.1.8** Mobile Home Park;
- 14.5.1.9** Motel or Conference Center;
- 14.5.1.10** Multiple Family Dwelling;
- 14.5.1.11** Nursing Home or Retirement Village;
- 14.5.1.12** Outdoor Recreation Uses (including public and private recreational uses and activities such as campgrounds, recreational vehicle parks, marinas, day camps, picnic grounds, golf courses, boat launching and swimming areas, hiking, bike, and horseback riding trails, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet ranges, and hunting and fishing areas);
- 14.5.1.13** Parking Lot;
- 14.5.1.14** Private Airport;
- 14.5.1.15** Professional Office;
- 14.5.1.16** Public or Quasi-Public Use;
- 14.5.1.17** Recreation or Entertainment Facility;
- 14.5.1.18** Restaurant;
- 14.5.1.19** Retail, Wholesale, Office, Service, Printing, or Repair Business;
- 14.5.1.20** Shopping Center; or
- 14.5.1.21** Trucking Terminal.

**14.5.2** The Special Exception or Conditional Use criteria for the uses outlined in Section 14.5.1 above shall include:

- 14.5.2.1** Adequate, safe, and convenient facilities for pedestrian and motor vehicles, including roadways, driveways, off-street parking and loading, sidewalks, malls, screening and landscaped areas to serve the project shall be provided. See Article XII for supplemental regulations which may apply;
- 14.5.2.2** The proposed use shall maintain or enhance the character of the area in which it is proposed to locate;
- 14.5.2.3** A proposed use shall be located so as not to hinder the natural or presumed development of the area, or detract from the value of existing development;
- 14.5.2.4** A proposed use shall not constitute a safety or health hazard, a nuisance, or have a noxious effect on the surrounding area either due to appearance or operations;
- 14.5.2.5** It shall be demonstrated that the operating requirements of the proposed use shall necessitate the location of such use or building within the vicinity served by the proposed location;
- 14.5.2.6** Special Exception uses proposed for the Village and Suburban Residential Districts are deemed most appropriate for prominent locations along collector streets, at corner locations and in areas of existing mixed residential and non-residential uses. Such use are not appropriate at locations in neighborhoods which are primarily residential in nature and where traffic impacts would be disruptive to the residential character;
- 14.5.2.7** The use or adaption of a structure or lot in the Village or Suburban Residential Districts for a Special Exception use shall not involve the destruction of open spaces, lawns, landscaping and trees except for changes made to meet parking, screening or other requirements set forth by this Ordinance or the Zoning Hearing Board;

- 14.5.2.8** In the event sewer and water facilities are required for the proposed use, Public or Community systems shall be provided; except that DEP approved on-lot facilities may be acceptable for the following uses: Junkyard or Salvage Yard; Outdoor Recreation Use (other than Recreation Vehicle Park, Marina, or Campground Uses); Professional Office; Public or Quasi-Public Use; Restaurant; Retail, Wholesale, Office, Printing, or Repair Business; or Trucking Terminal;
- 14.5.2.9** Stormwater management facilities shall be provided which shall be designed to create no increase in the rate of runoff of stormwater by providing controlled release and recharge area (see township Subdivision and Land Development Ordinance for standards); evidence of maintenance and liability responsibilities shall be demonstrated; and facilities shall not conflict with pedestrians, motor vehicles, and adjacent property owners;
- 14.5.2.10** Compliance with the floodplain regulations of the Township and the Commonwealth shall be demonstrated if applicable prior to granting the zoning approval;
- 14.5.2.11** Permanent screening and landscaping shall be provided in accord with Article IX to shield adjacent residential districts, or uses from parking lots, illumination and headlights, noise, and other objectionable influences and to enhance the overall appearance of the community;
- 14.5.2.12** Lighting facilities shall be designed to insure that glare and direct illumination does not occur onto adjacent properties and roadways;
- 14.5.2.13** Sites shall be designed and constructed in accord with the Municipal Subdivision and Land Development Ordinance.
- 14.5.2.14** Sites shall be designed as a unit for development in their entirety under single ownership and control; or satisfactory condominium arrangements shall be demonstrated; and
- 14.5.2.15** All lots and buildings shall have access by way of an internal street system and shall have convenient emergency vehicle and equipment access.

## **14.6 Group Care Facility**

- 14.6.1** The Group Care Facility shall be limited to residential uses only. Offices of public agencies, services to non-residents (e.g. counseling services), and other similar non-residential activities shall be excluded from this use.
- 14.6.2** The Group Care Facility shall maintain a residential neighborhood character.
- 14.6.3** The Group Care Facility zoning approval shall not be transferrable from the original applicant to a new operator.
- 14.6.4** The Group Care Facility zoning approval shall be revoked if the group home fails to meet approved conditions at all times.
- 14.6.5** Off-street parking spaces shall be provided for all vehicles associated with the Group Care Facility including the householder, residents, attendant care givers, and visitors.

## **14.7 Home Based Business**

A Home Based Business is conducted on a lot in conjunction with a residential dwelling unit. Such uses are limited to lawn mower, or appliance repair shops; carpentry, woodworking, or metalworking shops. The repair of motor vehicles shall be excluded from this use.

- 14.7.1** The Home Based Business shall be compatible with the residential character of the dwelling and/or the immediate vicinity. The Home Based Business shall not produce offensive noise, vibrations, dust, odors, pollution, interference with radio or television reception, traffic congestion, or other objectionable conditions which are audible, visible, or otherwise detectable by human senses at the property line.
- 14.7.2** A Home Based Business may be conducted inside the dwelling or within an accessory building or garage, but in total shall not occupy an area exceeding 50 percent of the ground floor area of the dwelling.
- 14.7.3** The business shall be conducted by a resident of the dwelling, with no more than 4 (four) people involved in the business.
- 14.7.4** All parking shall be off-street. A minimum of two (2) off-street spaces shall be provided in addition to that required of the residential use. One (1) additional off-street parking space shall be provided for each outside person involved in the business.

**14.7.5** The Home Based Business shall be carried out entirely within the dwelling or accessory structure. There shall be no outside storage or sales areas associated with the Home Based Business.

**14.7.6** No show windows or advertising outside of the premises shall be permitted other than one (1) sign or name plate which shall not exceed four (4) square feet in area.

## **14.8 Surface Mining**

The applicant shall submit a site plan indicating areas proposed for excavation, proposed quarry and spoil stockpiles, roadways, driveways, buildings and other structures, water bodies, and screening areas and materials.

**14.8.1** The applicant shall demonstrate compliance with all pertinent environmental requirements including floodplain, wetland, erosion and sedimentation control, and surface mining regulations.

**14.8.2** This use shall not be permitted within 100 ft. of the outside line of the right-of-way of any public highway or within three hundred (300) feet of any occupied dwelling, unless the consent to do so is released by the owner thereof, or any public building, school, park, or community or institutional building.

**14.8.3** This use shall not be permitted within one-hundred (100) feet of any cemetery or the bank of any stream.

**14.8.4** The applicant shall submit an appropriate screening plan which may make use of spoils material provided that it shall be neatly graded and vegetated. Screening may be located within the restricted zones noted above.

## **14.9 Waste Storage or Processing Facility**

**14.9.1** No application considered for Conditional Use under this section shall be processed unless fully permitted by the Pennsylvania Department of Environmental Protection, the United States Environmental Protection Agency, and such other federal or state agencies as required under the applicable enabling statutes.

**14.9.2** All facilities considered for Conditional Use under this section shall not be located in the following locations (as measured from the property line of the Waste Storage or Processing Facility):

- 14.9.2.1** Within ½ mile of a well or spring used for a community water supply;
- 14.9.2.2** Within ½ mile of a stream or impoundment for a distance of 5 stream miles upstream of a surface water intake for a community water supply;
- 14.9.2.3** Within any 100 year floodplain or a larger area that the flood of record has inundated;
- 14.9.2.4** Within any wetland area;
- 14.9.2.5** Over any active or inactive oil or gas wells or storage areas;
- 14.9.2.6** Over any formations of carbonate bedrock;
- 14.9.2.7** Within ½ mile of any National Landmark or historic site as listed on the National Register of Historic Places;
- 14.9.2.8** Within any Agricultural Security Area;
- 14.9.2.9** In farmlands classified as Class I by the U.S.D.A. Soil Conservation Service;
- 14.9.2.10** Within one (1) mile of any school, church, hospital, clinic, day care facility, prison, jail, halfway house, rehabilitation facility, airport, retail center, nursing home, or government building;
- 14.9.2.11** Within ½ mile of any designated Aquifer Protection Area or Well-head Protection Area; or

**14.9.3 Community and Environmental Impact Analysis**

Applicants shall submit a Community and Environmental Impact Analysis which shall consist of the following information;

- 14.9.3.1** Hydrologic analysis and information;
- 14.9.3.2** Information concerning geologic conditions;

- 14.9.3.3 SCS soils classification information;
- 14.9.3.4 Information on mineral bearing areas;
- 14.9.3.5 Land use analysis;
- 14.9.3.6 Information regarding transportation impacts;
- 14.9.3.7 Information regarding emergency and safety services;
- 14.9.3.8 Economic impact analysis; and
- 14.9.3.9 Air quality impact analysis.

**14.9.4 Application Requirements**

The Applicant shall submit the following information pertaining to the site or project:

- 14.9.4.1 A description of the specific types of wastes the applicant proposes to accept for treatment, processing, or disposal at the site;
- 14.9.4.2 A description of the specific technology and procedures the applicant proposes to use to treat, process, and dispose of the waste at the facility;
- 14.9.4.3 A preliminary site plan, preliminary facility specifications and architectural drawings of the proposed facility;
- 14.9.4.4 A statement of qualifications to operate a waste disposal facility;
- 14.9.4.5 A proposed siting agreement specifying the terms, conditions, and provisions under which the facility shall be constructed, maintained, and operated, including but not limited to the following:
  - Facility construction and maintenance procedures;
  - Operating procedures and practices, the design of the facility and its associated activities;
  - Monitoring procedures, practices and standards necessary to assure safe operation of the facility;
  - The services to be offered by the applicant to the community;

- The compensation, services and special benefits to be provided to the community by the applicant and the timing and conditions of their provision;
- Provisions for renegotiations of any term, condition or provision of the siting agreement;
- Provisions for resolving any disagreements in the construction and interpretation of the siting agreement that may arise between the parties;
- Provisions for compensation to be paid to abutting landowners, residents, occupants, or impacted communities for demonstrated adverse impacts;
- Provision for direct monetary payments to the township and special services to be provided for demonstrated adverse impacts;
- Provision to assure the health, safety, comfort, convenience and social and economic security of the township;
- Provision to assure the protection of environmental and natural resources;
- Provisions to compensate the township, the county and/or other agencies for the review costs incurred due to the applicants proposal, and to allow site access for review purposes.

## **14.10 Wastewater Processing Facility**

- 14.10.1** No application considered for a Conditional Use under this section shall be processed unless fully permitted by the Pennsylvania Department of Environmental Protection or the United States Environmental Protection Agency or such other federal or state agencies as required under the applicable enabling statutes.
- 14.10.2** All facilities considered for a Conditional Use under this section shall not be located in the following locations (as measured from the property line of the Wastewater Processing Facility):
  - 14.10.2.1** Within ¼ mile of a well or spring used for a community water supply;

- 14.10.2.2 Within any 100 year floodplain or a larger area that the flood of record has inundated unless the PA Department of Environmental Resources and the PA Emergency Management Agency approves in their permits methods for protecting the facility from a 100 year flood consistent with the Floodplain Management Act and the Dam Safety and Encroachment Act;
- 14.10.2.3 Within any wetland area;
- 14.10.2.4 Within ¼ mile of any designated Aquifer Protection Area or Wellhead Protection Area.

**14.10.3 Community and Environmental Impact Analysis**

Applicants shall submit a Community and Environmental Impact Analysis which shall consist of the following information:

- 14.10.3.1 Information regarding transportation impacts;
- 14.10.3.2 Information regarding emergency and safety services; and
- 14.10.3.3 Air quality impact analysis.

**14.10.4 Application Requirements**

The Applicant shall submit the following information pertaining to the site or project:

- 14.10.4.1 A description of the specific types or wastewater the applicant proposes to accept for processing at the site;
- 14.10.4.2 A description of the specific technology and procedures the applicant proposes to use to process the wastewater at the facility;
- 14.10.4.3 A preliminary site plan, preliminary facility specifications and architectural drawings of the proposed facility;
- 14.10.4.4 A statement of qualifications to operate a wastewater processing facility;

**14.10.4.5** A proposed siting agreement specifying the terms, conditions, and provisions under which the facility shall be constructed, maintained, and operated, including but not limited to the following:

- Facility construction and maintenance procedures;
- Operating procedures and practices, the design of the facility and its associated activities;
- Monitoring procedures, practices and standards necessary to assure safe operation of the facility;
- The services to be offered by the applicant to the community;
- Provision to assure the health, safety, comfort, convenience and social and economic security of the township;
- Provision to assure the protection of environmental and natural resources;
- Provisions to compensate the township for the review costs incurred due to the applicants proposal and to allow site access for review purposes.

## **ARTICLE XV**

### **Administration and Enforcement**

#### **15.1 Generally**

For the purposes of administering and enforcing this Ordinance, a Zoning Officer shall be appointed and the Zoning Hearing Board consisting of three (3) members shall be established. An alternate hearing board member may be appointed in accord with Section 903.(b) and 906(b) of Act 170. The Supervisors shall appoint persons to these positions in consideration of capability and willingness to serve the Township and in accordance with the provisions of the Municipalities Planning Code, Act 247 of 1968, as amended, and this Ordinance. The appointment of a Zoning Officer is generally governed by Section 614 of Act 247. The establishment of a zoning hearing board is generally governed by Sections 901, 903, 906, and 907 of Act 247.

#### **15.2 General Procedure: Zoning Permit Required**

Persons desiring to undertake the construction, alteration, or to change the use of any structure or lot shall apply to the Zoning Officer for a Zoning Permit by filing the appropriate form and by submitting the required fee. The Zoning Officer will then either issue or refuse the permit or refer the application to the Zoning Hearing Board. After the Zoning Permit has been issued to the applicant, he may proceed to undertake the action allowed by the permit. Upon completion of such action, the applicant shall apply to the Zoning Officer for an Occupancy Permit, if applicable. If the Zoning Officer finds that the action of the applicant has been in accordance with the permit and the provisions of this Ordinance and other applicable laws and regulations, the Zoning Officer may then issue an Occupancy Permit allowing the premises to be occupied and used.

#### **15.3 Application Requirements for Proposed Construction Within the 100 Year Flood Boundary**

**15.3.1** If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for Zoning Permits shall provide all the necessary information in sufficient detail and clarity to enable the Zoning Officer to determine that:

**15.3.1.1** all such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;

**15.3.1.2** all utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and

**15.3.1.3** adequate drainage is provided so as to reduce exposure to flood hazards.

**15.3.2** In addition to the filing of the Application for Zoning Permit, applicants shall file the following minimum information plus any other pertinent information (i.e., any or all of the technical information contained in Section 13.5) as may be required by the Zoning Officer to make the above determination:

**15.3.2.1** A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:

**15.3.2.1.1** north arrow, scale, and date;

**15.3.2.1.2** topographic contour lines, if applicable;

**15.3.2.1.3** all property and lot lines including dimensions, and the size of the site expressed in acres or square feet;

**15.3.2.1.4** the location of all existing and proposed buildings, structures and other improvements, including the location of any existing or proposed subdivision and land development;

**15.3.2.1.5** the location of all existing streets, drives, and other accessways; and

**15.3.2.1.6** the location of any existing bodies of water or watercourses, identified floodplain areas, and if available, information pertaining to the floodway, and the flow of water including direction and velocities.

**15.3.2.2** Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:

**15.3.2.2.1** the lowest floor elevation of any proposed building shall be based upon North American Vertical Datum of 1988;

**15.3.2.2.2** the elevation of the one hundred (100) year flood;

**15.3.2.2.3** if available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a one hundred (100) year flood; and

**15.3.2.2.4** detailed information concerning any proposed floodproofing measures.

**15.3.2.3** The following data and documentation:

**15.3.2.3.1** a document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the one hundred (100) year flood.

**15.3.2.3.2** Such statements shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or the development.

**15.3.2.3.3** detailed information needed to determine compliance with Section 13.5.4.6, Storage, and Section 13.5.5, Development Which May Endanger Human Life, including:

**15.3.2.3.3.1** the amount, location and purpose of any materials or substances referred to in Sections 13.5.4.6 and 13.5.5 which are intended to be used, produced, stored or otherwise maintained on site.

**15.3.2.3.3.2** a description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in Section 13.5.5 during a one hundred (100) year flood.

**15.3.2.3.4** the appropriate component of the Department of Environmental Protection's "Planning Module for Land Development".

**15.3.2.3.5** where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.

### **15.3.3 Review by County Conservation District**

A copy of all applications and plans for any proposed construction or development in any identified floodplain area to be considered for approval shall be submitted by

the Zoning Officer to the County Conservation District for review and comment prior to the issuance of a building permit. The recommendations of the Conservation District shall be considered by the for possible incorporation into the proposed plan.

#### **15.3.4 Review of Application by Others**

A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Zoning Officer to any other appropriate agencies and/or individuals (e.g. planning commission, municipal engineer, etc.) for review and comment.

### **15.4 Development Permits and Certificates**

**15.4.1** Under the terms of this Ordinance, the following classes of Zoning Permits may be issued:

**15.4.1.1 Permitted Use** - Issued by the Zoning Officer on the authority granted herein;

**15.4.1.2 Special Exception Use** - Issued by the Zoning Officer after review and upon the order of the Zoning Hearing Board;

**15.4.1.3 Conditional Use** - Issued by the Zoning Officer after review by the Planning Commission and upon the order of the Supervisors;

**15.4.1.4 Permit On Appeal or Variance** - Issued by the Zoning Officer upon the order of and following review and hearing by the Zoning Hearing Board.

#### **15.4.2 Changes**

After the issuance of a zoning permit by the Zoning Officer, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Zoning Officer. Requests for any such change shall be in writing, and shall be submitted by the applicant to the Zoning Officer for consideration.

**15.4.3** Zoning Permits shall be issued in duplicate and one (1) copy shall be retained by the applicant. No person shall perform building operations of any kind unless a Permit Placard issued by the Zoning Officer is displayed conspicuously on the premises. The Zoning Officer or Zoning Hearing Board may revoke a Zoning Permit at any time if it appears that the application is in any way false or misleading, or that work being done upon the premise differs from that specified in the application.

**15.4.4** An application for a permit for any proposed work shall be deemed to have been abandoned six months after the date of filing unless such application has been diligently pursued or a permit shall have been issued. Reasonable extensions of time not exceeding ninety (90) days may be granted at the discretion of the Zoning Officer.

**15.4.5 Expiration of Permit**

If the work approved by issuance of any Zoning Permit has not begun within one (1) year from the date of issuance, said permit shall expire. One (1) extension of up to six (6) months may be granted at the discretion of the Zoning Officer if requested in writing showing good cause by the applicant. If the work approved by issuance of any Zoning Permit has not been completed within three (3) years from the date of issuance, said permit shall expire. Further work on the premises shall not continue until a new Zoning permit has been obtained.

**15.4.6 Occupancy Permits**

Prior to the use or occupancy of any land or building for which a Zoning Permit is required or to any change of use of any existing structure or land, an occupancy permit shall be secured from the Zoning Officer. A copy of the Occupancy Permit shall be kept on the premises and shall be shown to any officer of the Township upon request. All applications for Occupancy Permits shall be in writing.

**15.5 Powers and Duties of the Zoning Officer**

The Zoning Officer shall administer this Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to the provisions herein. He shall have such duties and powers as are conferred on him by this Ordinance and as reasonably implied for those purposes. In addition, the Zoning Officer shall:

**15.5.1** Receive application for, evaluate, and issue Zoning Permits for uses and structures proposed within the terms of this Ordinance;

**15.5.2** Review the application for the permit to determine if all other necessary government permits required by State and Federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344, No permit shall be issued until this determination has been made.

No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Township, and until all required permits or approvals have been first obtained from the Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands.

In addition, the Federal Insurance Administrator and Pennsylvania Department of Community and Economic Development, Bureau of Community Planning, shall be notified by the Township prior to any alteration or relocation of any watercourse.

**15.5.3** Keep and maintain a permanent and public record and file of all activities undertaken by him in the performance of his official duties: including file copies of all applications received, permits issued, placards distributed, inspections and reports made in connection with any structure, dwelling, sign or land;

**15.5.4 Inspection and Revocation**

**15.5.4.1** During the construction period, the Zoning Officer or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. He shall make as many inspections during and upon completion of the work as are necessary.

**15.5.4.2** In the discharge of his duties, the Zoning Officer shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this Ordinance.

**15.5.4.3** In the event the Zoning Officer discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Zoning Officer shall revoke the zoning permit and report such fact to the Board of Supervisors for whatever action it considers necessary.

**15.5.4.4** A record of all such inspections and violations of this ordinance shall be maintained.

**15.5.5** Issue permits for uses by approved variance, special exception or conditional use on order by the appropriate body;

**15.5.6** Be responsible for maintaining a true and correct copy of this Ordinance and the Official Zoning Map with respect to any amendments thereto;

**15.5.7** Issue certificates of occupancy in accordance with the provisions herein; and

**15.5.8** Identify and register nonconforming premises in accord with the Nonconforming regulations of Article XII.

## **15.6 Temporary Use Permits**

It is recognized that from time to time it may contribute to the welfare of the Township and its residents to allow the occupancy of land or structure for a temporary time period by a use other than those normally permitted. In this case, the Zoning Officer may approve such a Temporary use, and issue a Temporary Use Permit for the time period not to exceed one (1) year, and under the conditions that will enhance the public health, safety and welfare.

## **15.7 Enforcement Notice**

If it appears to the municipality that a violation of the zoning ordinance has occurred, the municipality shall institute enforcement proceedings by sending an enforcement notice stating at least the following:

**15.7.1** The name of the owner of record and any other person against whom the municipality intends to take action.

**15.7.2** The location of the property in violation.

**15.7.3** The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the ordinance.

**15.7.4** The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

**15.7.5** That the recipient of the notice has the right to appeal to the zoning hearing board within a prescribed period of time in accordance with procedures set forth in the ordinance.

**15.7.6** 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.

## **15.8 Duties and Powers of the Zoning Hearing Board**

The Zoning Hearing Board shall be responsible for the interpretation of this Ordinance and shall adopt and make available to the public rules for the exercise of its functions. The Zoning Hearing Board shall hear and decide appeals where it is alleged that an error has been made in the administration or enforcement of this Ordinance, and shall hear and decide requests for special exceptions and variances. The Zoning Hearing Board shall perform such other duties as may be provided for or made necessary by the Code or this Ordinance, including the holding of public hearings, the referral of any pertinent matter to the Planning Commission for review and recommendations, and the maintenance of records on all hearings, decisions and findings. The Zoning Hearing Board jurisdiction is detailed in the Municipalities Planning Code in Section 909.1.

## **15.9 Variances**

The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of the zoning ordinance inflict unnecessary hardship upon the applicant. The Zoning Hearing Board may grant a variance provided that all the following findings are made where relevant in a given case:

- 15.9.1** 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 the zoning ordinance in the neighborhood or district in which the property is located;
- 15.9.2** 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 the zoning ordinance and the authorization of a variance is therefore necessary to enable the reasonable use of the property;
- 15.9.3** That such unnecessary hardship has not been created by the applicant.
- 15.9.4** 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.
- 15.9.5** That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as may seem necessary to implement the purposes of this Ordinance.

**Additional detailed information pertaining to "types of variances" may be found in the publication "Special Exceptions, Conditional Uses and Variances - Planning Series #7" by Stephen S. Fehr, Chief, Planning Services Division, Strategic Planning and Operations Office, Department of Community and Economic Development.**

#### **15.10 Special Exceptions**

The Zoning Hearing Board shall hear and decide Special Exceptions as may be provided in this Ordinance. The granting of a special exception shall be made when the Zoning Hearing Board makes a finding that the express standards and criteria of Article XIV and all other applicable requirements of this Ordinance (Articles I through XIII) have been met. In granting a special exception, the Zoning Hearing Board may attach reasonable conditions and safeguards, in addition to those otherwise expressed in this Ordinance, as it may deem necessary to implement the purposes of this act and the zoning ordinance.

#### **15.11 Conditional Uses**

The Board of Supervisors shall hear and decide Conditional Uses as may be provided in this Ordinance. The granting of a conditional use shall be made when the Board of Supervisors makes a finding that the express standards and criteria of Article XIV and all other applicable requirements of this Ordinance (Articles I through XIII) have been met. In granting a Conditional Use, the Board of Supervisors may attach reasonable conditions and safeguards, in addition to those otherwise expressed in this Ordinance, as it may deem necessary to implement the purposes of this act and the zoning ordinance.

#### **15.12 Appeals**

Appeals with respect to the provisions, administration, or enforcement of this Ordinance shall be governed by Articles IX and X-A of Act 247 of 1968, as amended and as follows:

**15.12.1** The Zoning Hearing Board shall hear 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.

**15.12.2** Appeals may be filed with the zoning hearing board in writing by the landowner affected, any officer or agency of the municipality, or any person aggrieved. Requests for a variance and for special exception may be filed with the Zoning Hearing Board by any landowner or any tenant with the permission of such landowner.

**15.12.3** All appeals from determination adverse to the landowners shall be filed by the landowner within 30 days after notice of the determination is issued.

**15.12.4** Upon filing of any proceeding and during its pendency before the zoning hearing board, all land development pursuant to any challenged ordinance, order or approval of the zoning officer or of any agency or body, and all official action thereunder, shall be stayed unless the zoning officer or any other appropriate agency or body certifies to the zoning hearing board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the zoning hearing board or by the court having jurisdiction of zoning appeals, on petition, after notice to the zoning officer or other appropriate agency or body.

**15.12.5** All appeals from all land use decisions rendered pursuant to Article IX of Act 247 of 1968 as amended shall be taken to the court of common pleas of the judicial district wherein the land is located and shall be filed within 30 days after entry of the decision as provided in 42 PA C.S. 5572 (relating to time of entry of order) or, in the case of a deemed decision, within 30 days after the date upon which notice of said deemed decision is given as set forth in section 909(1) of Act 247.

**15.12.6 Information Required On Petition To The Zoning Hearing Board**

All appeals from a decision of the Zoning Officer and applications for variance or special exception to the Zoning Hearing Board shall be in the form prescribed by the Zoning Hearing Board. Every appeal or application shall include the following:

- 15.12.6.1** The name and address of the applicant or appellant;
- 15.12.6.2** The name and address of the owner of the lot to be affected by the proposal;
- 15.12.6.3** A brief description and location of the lot to be affected;
- 15.12.6.4** A statement of the present zoning, improvements and present use of the lot or structure in question;
- 15.12.6.5** A statement of the provision of this Ordinance at question, and why the proposal should be granted, or of the error alleged and the relief being sought;
- 15.12.6.6** A reasonably accurate description of the present improvements and the additions or changes intended and a plot plan of the property affected.

### **15.13 Hearings**

The zoning hearing board (or the Board of Supervisors in the case of Conditional Use applications) shall conduct hearings in accordance with Section 908, of Act 247 of 1968, as amended.

- 15.13.1** Public notice shall be given and written notice shall be given to the applicant, the zoning officer, such other persons as the Board of Supervisors shall designate by ordinance and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by ordinance or, in the absence of ordinance provision, by rules of the zoning hearing board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing. See definition of Public Notice in Article I.
- 15.13.2** The hearing shall be held within 60 days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.
- 15.13.3** The zoning hearing board shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the zoning hearing board.
- 15.13.4** The zoning hearing board shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the zoning hearing board.
- 15.13.5** Where the zoning hearing board fails to render the decision within the period required or fails to hold the required hearing within 60 days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time.
- 15.13.6** A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date.

## **15.14 Amendments**

The Board of Supervisors may consider amendments to the provisions herein or the boundaries of the Official Zoning Map. In the case of an amendment prepared by other than the Planning Commission, the Board of Supervisors shall submit each amendment to the Planning Commission at least thirty (30) days prior to the hearing on such amendment for recommendations. If after public hearing the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the Supervisors shall hold another public hearing prior to proceeding to vote on a proposed amendment. In addition, a copy of the proposed amendment shall also be provided to the County Planning Commission for its review and comment at least thirty (30) days prior to hearing on the amendment.

### **15.14.1 Public Hearing**

Before voting on the enactment of an amendment, the Board of Supervisors shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the municipality at points deemed sufficient by the municipality along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing.

### **15.14.2 Landowner Curative Amendment**

A landowner who desires to challenge on substantive grounds the validity of a zoning ordinance or map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Board of Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in Section 609.1 of Act 247 of 1968, as amended.

### **15.14.3 Municipal Curative Amendment**

If a municipality determines that its zoning ordinance or any portion thereof is substantially invalid, it shall prepare a curative amendment to overcome such invalidity in accordance with Section 609.2 of Act 247 of 1968, as amended.

## **15.15 Violations, Jurisdiction, and Enforcement Remedies**

**15.15.1** In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of any ordinance enacted under this act or prior enabling laws, the Board of Supervisors, or with the approval of the Board of Supervisors, an

officer of the municipality, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the municipality at least 30 days prior to the time the action is begun by serving a copy of the complaint on the Board of Supervisors. No such action may be maintained until such notice has been given.

**15.15.2** District justices shall have initial jurisdiction over proceedings brought under Section 12.15.3.

**15.15.3** Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of any zoning ordinance enacted under this act or prior enabling laws shall, upon being found liable therefor in a civil enforcement proceeding commenced by a municipality, pay a judgement of not more than \$500 plus all court costs, including reasonable attorney fees incurred by a municipality as a result thereof. No judgement shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgement, the municipality may enforce the judgement 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 the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgements, costs and reasonable attorney fees collected for the violation of zoning ordinances shall be paid over to the municipality whose ordinance has been violated.

## **15.16 Filing Fees**

Filing fees shall be payable to the Municipality and shall be received by the zoning officer. Filing fee amounts shall be established by a resolution of the Township Board of Supervisors.