

MOUNT PLEASANT

Chapter 200

ZONING

MOUNT PLEASANT

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ARTICLE I

Basic Provisions

§ 200-101. Title.

The official title of this chapter is "Mount Pleasant Township Zoning Ordinance."

§ 200-102. Effective date.

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

§ 200-103. Authority.

This chapter is adopted by virtue of the authority granted to the Township by the Commonwealth of Pennsylvania in the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Action 170 of 1988 (53 P.S. § 10101 et seq., as may be amended from time to time).

§ 200-104. Interpretation.

- A. In the event of conflicts between the provisions of this chapter and any other ordinance or regulation, the more restrictive provisions shall apply.
- B. In their interpretation and application, the provisions of this chapter shall be considered minimum requirements adopted for the promotion of the health, safety and general welfare of the public.
- C. In interpreting the language of this chapter to determine the extent of the restriction upon the use of property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the Board of Supervisors, in favor of the property owner and against any implied extension of the restriction.

§ 200-105. Community development objectives.

Community development objectives are set forth in the Cross Creek Region Comprehensive Plan Update adopted by the Board of Supervisors on February 26, 2003. In addition to the specific objectives stated in the Cross Creek Region Comprehensive Plan Update, the general community development objectives on which this chapter are based are:

- A. To promote the interest of public health, safety, morals and the general welfare;
- B. To secure safety from fire and to provide adequate open spaces for light and air;
- C. To conserve and stabilize property values;
- D. To preserve woodlands, open space, recreational, agricultural and environmentally sensitive lands from conflict with urban development;
- E. To facilitate the economic provision of adequate transportation, water, sewage, schools, parks and other public requirements;
- F. To prevent the overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers;

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- G. To promote stormwater management, soil and water conservation;
- H. To set forth population density controls;
- I. To promote coordinated and practical community development; and
- J. To promote the utilization of renewable energy sources.

§ 200-106. Compliance.

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

§ 200-107. Severability.

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

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ARTICLE II

Definitions

§ 200-201. General interpretations.

All words used in this chapter shall carry their customary dictionary definitions as provided in the most recent edition of Webster's Collegiate Dictionary, except where specifically defined herein. Words used in the present tense shall include the future. The singular number shall include the plural, and the plural the singular. The word "shall" is always mandatory and not permissive; the word "may" is permissive. The words "used" or "occupied," as applied to any land or structures, shall be construed to include the words "intended, arranged or designed to be used or occupied." The word "person" shall include any individual, corporation, partnership, incorporated association or any other legal entity. Words in the masculine gender shall include the feminine gender. The words "includes" and "including" shall not limit the defined term to the specific examples, but are intended to extend the terms meaning to other instances of like kinds and character.

§ 200-202. Terms defined.

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

ACCESSORY USE OR STRUCTURE — A use or structure located on the same lot with the principal use or structure that is subordinate and incidental to the principal structure or use of the property and which may occupy a separate structure and/or area on or in the ground, including but not limited to storage sheds, garages, swimming pools, decks, fences, patios and similar structures.

ACCESS ROAD or ACCESSWAY — Any road or access way extending from a Township road, private road or state road.

ADULT ARCADE — Any place where the public is permitted or invited wherein coin-operated or electronically, electrically or mechanically controlled still- or motion-picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images displayed are sexually explicit or depict nudity or sexual conduct, as defined herein.

ADULT BOOKSTORE OR VIDEO STORE — An establishment having a substantial or significant portion of its stock-in-trade, including but not limited to video cassettes, movies, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing or relating to nudity or sexual conduct, as defined herein, or an establishment with a segment or section devoted to the sale or display of such material.

ADULT BUSINESS — An adult arcade, adult bookstore, adult motel, adult mini motion-picture theater, adult motion-picture theater, adult news rack, adult nightclub, body painting studio, bathhouse, escort service, massage parlor, or any other business establishment offering adult entertainment, as defined herein.

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

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ADULT MINI MOTION-PICTURE THEATER — An enclosed building with a capacity for accommodating fewer than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to nudity or sexual conduct, as defined herein, for observation by patrons therein.

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

ADULT MOTION-PICTURE THEATER — An enclosed building with a capacity for accommodating 50 or more persons used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing or relating to nudity or sexual conduct, as defined herein, for observation by patrons therein.

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

ADULT NIGHTCLUB — Any nightclub, as defined herein, which offers adult entertainment, as defined herein.

AGRIBUSINESS — The food and fiber system comprising the economic activities of the farms and the firms that assemble, process, and transform raw agricultural commodities into final products for distribution to United States and foreign consumers, including all economic activity that supports farm production and the conversion of raw farm products to consumable goods (for example, machinery repair, fertilizer production, farming itself, food processing and manufacturing, transportation, wholesale and retail trade, distribution of food and apparel, wineries and eating establishments).

AGRICULTURE — The science and art of farming, the work of cultivating the soil, producing crops and livestock.

ANIMAL HOSPITAL — An establishment for the medical or surgical treatment of animals, including the boarding of hospitalized animals. An animal hospital shall not board or treat exotic animals and shall be subject to all state and federal regulations.

APARTMENT IN COMBINATION WITH BUSINESS — A dwelling unit located in the same building with an office and/or retail business.

APPLICANT — Any person, partnership, operator, company, owner, corporation and its subcontractors and agents who have an interest in real estate for the purpose of exploring or drilling for, producing or transporting oil or gas.

ARTERIAL STREET — See "street, arterial."

AUTOMOBILE SERVICE STATION – Any establishment which provides for one or more of the following activities:

- A. The servicing of motor vehicles and operations incidental thereto and limited to one or more of the following activities: the retail sale of petroleum products; retail sales and installation of automobile accessories; automobile washing by hand; waxing and polishing of automobiles; tire changing and repairing (excluding recapping); battery service, changing and replacement,

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excluding repair and rebuilding; radiator cleaning and flushing, excluding steam clean and repair installation of accessories; and state inspection.

- B. The following operations, if conducted within a completely enclosed building: lubrication of motor vehicles; replacement of exhaust systems; brake servicing, limited to servicing and replacement of brake cylinders, lines and brake shoes; wheel balancing; the testing adjusting and replacement or servicing of carburetors, filters, generators, points, rotors, spark plugs, voltage regulators, water and fuel pumps, water hoses and wiring, provided the major repairs authorized only in a "vehicle repair garage" shall not be permitted.

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

BASEMENT — That portion of a building having at least 1/2 of its height above the average grade of the adjoining ground.

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

BEST MANAGEMENT PRACTICES — Practices that are designed to prevent or reduce impacts caused to air, water, soil, or biological resources, and to minimize the adverse impacts to public health, safety and welfare, including the environment and wildlife resources, utilizing the best available technology to the maximum extent possible.

BILLBOARD — Any off-premises sign with a changeable advertising face that advertises an establishment, person, activity, product or service that is unrelated to or not available on the premises on which the sign is located.

BOARD OF SUPERVISORS — The Board of Supervisors of Mount Pleasant Township, Washington County, Pennsylvania.

BOARDING STABLE — The keeping of horses and ponies owned by persons other than the owner of the stable, or the rental of horses owned by the owner of the stable for a fee or other form of compensation, that may include training of horses, riding lessons and riding facilities.

BORE HOLES — See "mine portals, ventilating shafts, bore holes and tipples."

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

BUILDING — Any structure having enclosed walls and roofs and having a permanent location on the land. (See also "completely enclosed building.")

BUILDING AREA — The total of areas taken on a horizontal plane at the finished grade level of the principal building and all accessory buildings, excluding one-story uncovered porches, bay windows, balconies, terraces and steps.

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

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

BUILDING SPACING — The minimum distance between two buildings on the same lot, measured from the outermost wall or projection, excluding bay windows, chimneys, flues, columns, ornamental features, cornices and gutters which project beyond the wall of the building no more than two feet.

BUSINESS OR PROFESSIONAL OFFICES — Any office of recognized professions such as doctors, lawyers, architects, engineers, real estate brokers, insurance agents and others who, through training, are qualified to perform services of a professional nature and other offices used primarily for accounting, corresponding, research, editing or other administrative functions, but not including banks or other financial institutions.

BUSINESS SERVICES — Establishments providing services primarily to business establishments on a fee or contract basis, such as advertising and public relations, management and consulting services, security and maintenance services, equipment rental/leasing, computer and data processing services.

CAR WASH — A facility, whether automatic, semiautomatic or manual, for washing and polishing of vehicles.

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

CELLAR — That portion of a building having 1/2 or more of its height below the average grade of the adjoining ground.

CEMETERY — Property used for interring of dead persons or domestic pets, including mausoleums, columbariums, crematoriums and family plots on private property.

PLACE OF WORSHIP — Any structure or structures used for worship or religious instruction, and which includes social and administrative rooms and day nurseries accessory thereto, but not including any activity conducted for profit, including, chapels cathedrals, temples, synagogues and the like.

CLINIC — Any establishment, including mobile diagnostic units, where human patients receive medical, dental, chiropractic, psychological and surgical diagnosis, treatment and counseling under the care of a group of licensed medical doctors and dentists and their supporting staff, where said patients are not provided with board or room or kept overnight on the premises.

CLUB, PRIVATE — See "private club."

COAL MINE CLEANING PLANT — A facility used for the washing of minerals removed from underground coal mines.

COLLECTOR STREET — See "street, collector."

COMMERCIAL RECREATION — See "recreation, commercial."

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COMMERCIAL SCHOOL — See "school, commercial."

COMMUNICATIONS ANTENNA — Any structure designed for transmitting or receiving wireless communications of video, voice, data and similar transmissions, including, but not limited to, omnidirectional or whip antennas, directional or panel antennas and satellite or microwave dish antennas which may be mounted on an existing building, an existing public utility storage or transmission structure or an existing communications tower, excluding transmission and receiving devices licensed by the Federal Communications Commission (FCC) exclusively for private use by citizens.

COMMUNICATIONS EQUIPMENT CABINET — An unmanned structure that contains the equipment necessary to maintain and operate communications antennas.

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

COMPARABLE USES NOT SPECIFICALLY LISTED – Any land use proposed in a Zoning District which is similar in function, nature and form of a use which is currently permitted by right or by conditional use in the same district.

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

COMPRESSOR — A device that raises the pressure of oil and natural gas and/or by-products. Compressors are any devices that create a pressure differential to move or compress a liquid, vapor, or a gas. Any such device used alone or in series to adequately move a liquid, vapor or a gas is considered a compressor.

CONCENTRATED FEED LOT — An agricultural operation where farm animals are kept at a much higher ratio of animals per acre than animals that are pastured and where animals are fed a regimented diet until ready for slaughter.

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

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

CONTRACTING BUSINESS — The administrative offices of a business that provides landscaping, construction, remodeling, home improvement, land development and related services on a contractual basis and that may include the storage of materials equipment and vehicles, provided that all materials, equipment and vehicles are stored within a completely enclosed building.

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CONTRACTOR'S YARD — An establishment that may or may not include administrative offices for a business that provides landscaping, construction, remodeling, home improvement, land development and related service on a contractual basis, but which involves the storage, either indoors or outdoors, of materials, equipment and vehicles used in the business.

CONVENIENCE STORE — A retail store selling food products and household supplies for the convenience of the neighboring population.

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

COVERAGE — See "lot coverage."

CRAFTSMAN — An artisan who practices a trade or handicraft that may involve the fabricating of finished products from raw materials on a small scale, not involving any automated production or a total floor area devoted to production of more than 5,000 square feet and not employing more than five persons.

CREMATORIUM — An establishment containing a furnace designed to cremate or reduce to ashes human or animal remains of the deceased.

DAY-CARE CENTER — A facility, licensed by the commonwealth, located within a building that is not used as a dwelling unit, for the care, on a regular basis, during part of a twenty-four- hour day of children under the age of 16 or handicapped or elderly persons.

DAY-CARE CENTER, INSTITUTIONAL – Any day-care center licensed by the Commonwealth of Pennsylvania that is located within a school, place of worship or other similar institutional facility.

DAY-CARE HOME — See family day-care home.

DENSITY, DWELLING UNIT — The number of dwelling units per acre of land area.

DISTRICT — See "zoning district."

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

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

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

DRY CLEANER – An establishment for the receiving, picking up and cleaning of clothing with the use of solvents rather than water.

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DWELLING — A building designed exclusively as living quarters for one or more families, including single-family, two-family and multifamily dwellings, but not including hotels, motels or boardinghouses.

DWELLING TYPES — The following dwelling types are included in this chapter:

- A. **SINGLE-FAMILY DWELLING** — A detached residential building that is the only principal structure on the lot, designed exclusively for occupancy by one family, as defined herein, and containing one dwelling unit.
- B. **TWO-FAMILY DWELLING** — A residential building that is the only principal structure on the lot, designed exclusively for occupancy by two families living independently of each other, and containing two dwelling units, each with a separate entrance directly to the outside, including double houses and duplexes.
- C. **MULTIFAMILY DWELLING** — A residential building designed exclusively for occupancy by three or more families living independently of each other and containing three or more dwelling units, including garden apartments and townhouses.
- D. **GARDEN APARTMENT** — A multifamily residential building no more than three stories in height containing three or more dwelling units that share a common entrance to the outside, usually through a common corridor, and which dwelling units may have other dwelling units either above or below them.
- E. **GROUP CARE FACILITY** — A facility licensed by the commonwealth that provides room and board and specialized services for any number of permanent residents who are not included in the protected classes covered by the Fair Housing Act (42 U.S.C. § 3601 et seq.) who are in need of supervision and specialized services on a twenty-four-hour basis, including staff qualified by the sponsoring agency who may or may not reside at the facility and who provide health, social and rehabilitative services to the residents. The services shall be provided only by a governmental agency, its licensed or certified agents or any other responsible nonprofit social services corporation and the facility shall meet all minimum requirements of the sponsoring agency.
- F. **PERSONAL CARE BOARDING HOME** — A dwelling licensed by the commonwealth where room and board is provided to more than three permanent residents, who are not relatives of the operator, and who are mobile or semimobile and require specialized services for a period exceeding 24 consecutive hours in such matters as bathing, dressing, diet and medication prescribed for self-administration, but who are not in need of hospitalization or skilled nursing care or intermediate nursing care.
- G. **TOWNHOUSE** — A multifamily residential building no more than 2 1/2 stories in height that contains at least three, but no more than eight dwelling units, each of which are separated from the adjoining unit or units by a continuous, unpierced vertical wall extending from the basement to the roof, each unit having independent access directly to the outside and having no other units above or below.
- H. **TRANSITIONAL DWELLING** — A dwelling unit occupied on a permanent basis by persons of any age or condition who have been adjudicated by the criminal court system or on a short-term basis by persons assigned by a court of law, or public, semipublic or nonprofit agency, and managed by a public, semipublic or nonprofit agency responsible for the occupants' care, safety,

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conduct, counseling and supervision for a specified period of time, including alcoholic recovery, shelters for battered persons and their children, community reentry services following incarceration, prison assignment, house arrest or other court-ordered treatment, and other such short-term supervised assignments.

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

DWELLING UNIT DENSITY — See "density, dwelling unit."

EASEMENT — A grant of the specified use of a parcel of land to the public, a corporation or person in which no permanent structures shall be permitted without the permission of all parties having rights to the easement.

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

EROSION — The removal of surface materials by the action of natural elements.

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

FAMILY — An individual, or two or more persons related by blood, marriage, adoption or foster child care, including domestic servants or gratuitous guests thereof; or a group of not more than three unrelated persons living together without supervision in a dwelling unit or a group of not more than eight persons protected by the provisions of the Fair Housing Act (42 U.S.C.

§ 3601 et seq., as now or hereafter amended) living together in a group living arrangement with supervision, provided that those persons do not have a criminal record. "Family" shall not include persons living together in a group care facility, personal care boarding home or transitional dwelling, as defined herein, or any other supervised group living arrangement for persons other than those protected by the Fair Housing Act or persons who constitute a direct threat to others or their physical property.

FAMILY DAY-CARE HOME — A facility licensed or approved by the commonwealth, as required by the laws of the commonwealth, located within a dwelling, for the care on a regular basis during part of a twenty-four-hour day of not more than six children under 16 years of age, including care provided to children who are relatives of the provider, where such use shall be secondary to the use of the dwelling for living purposes.

FAMILY PLOT — Any property used for interring dead persons or domestic pets, the use of which is restricted to the members of a family and which property is owned and operated by the members of that family.

FARM — A site of 10 acres or more used for the pursuit of agriculture, as defined herein.

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FEED LOT — See "concentrated feed lot."

FENCE OR WALL — A structure designed for the purpose of enclosing space or separating parcels of land. The term "fence or wall" shall not include retaining walls that are designed and approved in accordance with the Township Grading Ordinance.¹

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

FLOODPLAIN — Areas adjoining any rivers, streams, ponds or lakes subject to the one- hundred-year recurrence-interval flood as delineated by the United States Army Corps of Engineers or subject to erosion caused by a one-hundred-year recurrence-interval flood, as well as any areas identified in the future by anyone else expert and experienced in the preparation of hydrological studies and the determination of floodlines subject to the review and approval of a professional engineer selected by the Township.

FOOD STORE — A retail establishment that has a gross floor area of no more than 10,000 square feet and that offers for sale specialty or gourmet food items or meats and groceries that are packaged and that may or may not be available for consumption on the premises.

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

FRONT BUILDING LINE — See "building line, front."

FRONT LOT LINE — See "lot line, front."

FRONT YARD — See "yard, front."

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

GARAGE, PRIVATE — An accessory structure or a portion of the principal building, enclosed on not less than three sides, not being accessible to the general public and designed or used for shelter or storage of private vehicles and personal property of the occupants of the principal building.

GARAGE, PUBLIC PARKING — A building, other than a private garage, containing two or more parking spaces accessible to the general public used for the storage or parking of motor vehicles, or where such vehicles are kept for remuneration, hire or sale, but not including the repair of vehicles or the storage of dismantled or wrecked motor vehicles, or "junk," as defined by this chapter.

GARAGE, REPAIR — See "repair garage."

GARDEN APARTMENT — See Subsection D under the definition of "dwelling types."

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

¹ Editor's Note: See Ch. 178, Subdivision and Land Development, § 178-30, Grading

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GAS WELL — See "oil and gas wells."

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

GOLF OR COUNTRY CLUB — A recreational facility operated by a public or private entity that has as its principal use a golf course, as defined herein, and that may include one or more of the following accessory uses: a clubhouse and/or restaurant, locker rooms, pro shops, swimming pool and facilities for racquet sports.

GREENHOUSE — The indoor raising of plants, shrubs and trees for sale and transplantation.

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

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

GROUP-CARE FACILITY — See Subsection E under the definition of "dwelling types."

GROUP DAY-CARE HOME – The care and supervision, for payment and for a period less than twenty-four (24) consecutive hours, of up to eleven (11) children who are unrelated to the occupant of the dwelling. Such home shall be licensed by the Department of Public Welfare.

HAZARDOUS WASTE — The definition of hazardous waste contained in Pennsylvania Code Title 25, Chapter 261a, Identification and Listing of Hazardous Waste, is hereby adopted by reference.

HEIGHT OF BUILDING — See "building height."

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

HOME-BASED BUSINESS, NO-IMPACT — See "no-impact home-based business."

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

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

HOSPITAL, ANIMAL — See "animal hospital."

HOTEL or INN — An establishment, other than a bed-and-breakfast, as defined herein, that offers transient overnight lodging accommodations to the general public and that also may provide additional supporting services such as restaurants, meeting rooms, recreation facilities and living

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quarters for a resident manager or proprietor.

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

INDOOR AMUSEMENT — A theater, arena, bowling alley, pool hall, skating rink or similar cultural or recreational facility located within a completely enclosed building, excluding those facilities that are accessory to a church or school.

INDUSTRIAL, LIGHT — See "light industrial."

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

KENNEL — Any premises wherein dogs are kept for the purpose of breeding, hunting, training, renting, research or vivisection, buying, boarding, sale, show or any other similar purpose constructed so that dogs cannot stray therefrom subject to regulation by the Pennsylvania Department of Agriculture under PA Act No. 1996-151, as now or hereafter amended.

LAKES AND PONDS — Natural or artificial bodies of water that retain water year-round. Artificial ponds may be created by dams or result from excavation. The shoreline of such bodies of water shall be measured from the maximum condition rather than permanent pool if there is any difference. Lakes are bodies of water two or more acres in surface area; ponds are bodies of water less than two acres in surface area.

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

- A. A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively; or
- B. A single nonresidential building on a lot or lots regardless of the number of occupants or tenure, including any change of use or structural alteration that results in an increase in total lot coverage by structures and/or paving of 5,000 square feet or more; or
- C. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

LAND DEVELOPMENT PLAN — A plan prepared in accordance with the application requirements of Chapter 178, Subdivision and Land Development, for approval of a land development, as defined herein.

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

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

LANDSCAPING PLAN — A plan prepared by a person knowledgeable in the characteristics of plant materials and the proper techniques for installing and maintaining them, including a registered architect or landscape architect or a member of the American Nurserymen's Association, identifying each tree and shrub by size, type and scientific name; the location of each, including a planting diagram; and such other diagrams or reports as are necessary to show the method of planting, staking and mulching, grass seeding specifications and mixtures and existing trees to be preserved, if any.

LANDSLIDE SUSCEPTIBILITY — Areas of moderate to high susceptibility to landsliding produced by the influence of natural and/or man-made activity.²

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

LIGHT MANUFACTURING — The processing, fabrication, treatment, or assembly of materials, raw or otherwise, or manufacturing of products that may or may not require additional processing, fabrication, treatment, or assembly, whether or not for ultimate use by the consumer.

LIVESTOCK — Any member of the bovine or equine species, including but not limited to cows, steers, horses, ponies, llamas, alpacas, sheep, goats, pigs, chickens and other fowl customarily found on a farm.

LOCAL STREET — See "street, local."

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

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

LOT, CORNER — See "corner lot."

LOT COVERAGE — That percentage of the lot area covered by the principal building or buildings and all accessory buildings and structures, including but not limited to decks, swimming pools, storage sheds, garages and similar structures.

LOT, DEPTH OF — The average distance from the street right-of-way line to its opposite rear lot line, generally measured parallel to the side lot lines.

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

LOT LINE — A line of record bounding a lot that divides one lot from another lot or from a public

² Editor's Note: The former definition of "light manufacturing," which immediately followed this definition, was repealed 6-22-2011 by Ord. No. 122.

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or private street or other public space.

LOT LINE, FRONT — That lot line that is contiguous with the street center line or the street right-of-way line. In the case of a lot that has no frontage on a street, the front lot line shall be the lot line through which vehicular access is provided, regardless of which way the dwelling faces.

LOT LINE, REAR — That lot line that is generally opposite the front lot line.

LOT LINE, SIDE — Any lot line that is not a front lot line or rear lot line.

LOT OF RECORD — Any lot that, individually, or as part of a subdivision, has been recorded in the office of the Recorder of Deeds of Washington County.

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

MACHINE SHOP — A work shop where a machinist fabricates, assembles or repairs parts and/or equipment.³

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

MEDICAL MARIJUANA – Marijuana for certified medical use as legally permitted by the Commonwealth of Pennsylvania with Act 16.

MEDICAL MARIJUANA DISPENSARY – A business establishment, corporation, partnership, association, trust or other entity, or combination thereof, which holds a permit issued by the Pennsylvania Department of Health to dispense medical marijuana.

MEDICAL MARIJUANA GROWER/PROCESSOR – A business establishment, corporation, partnership, association, trust or other entity, or combination thereof, which holds a permit issued by the Pennsylvania Department of Health to grow and process medical marijuana.

MINE PORTALS, VENTILATING SHAFTS, BORE HOLES AND TIPPLES — Support facility required for and used only in connection with an underground coal mine to enter an underground coal mine; supply air or power to the underground coal mine; ventilate air or gas from the underground coal mine including the use of fans and fan buildings; remove water from the underground coal mine; and remove coal from the underground coal mine.

MINE WASTE DISPOSAL AREA — A facility permitted by the Pennsylvania Department of Environmental Protection (PA DEP) to receive materials remaining after underground mining activities.

MINERAL EXTRACTION — Any extraction of any mineral for sale or other commercial purpose that involves removal of the surface of the earth or exposure of the mineral or subsurface of the earth to wind, rain, sun or other elements of nature. The term "mineral" includes, but is not limited to, anthracite and bituminous coal, lignite, including mining activities carried out beneath the surface of the earth by means of shafts, tunnels or other underground mine openings, limestone and dolomite,

³ Editor's Note: The former definition of "manufacturing, light" which immediately followed this definition, was repealed 6-22-2011 by Ord. No. 122.

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sand, gravel, rock, stone, earth, slag, ore, vermiculite, clay and other mineral sources.

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

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

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

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

MULTIFAMILY DWELLING — See Subsection C under "dwelling types."

MUNICIPAL FACILITY — Buildings, structures and land uses owned and occupied by Mount Pleasant Township or any of its agencies and used to provide services to the residents of the Township. Municipal facilities may include, but not be limited to, Township administrative offices, public works buildings, storage yards, libraries, fire company buildings, senior centers and recreation facilities and buildings.

MUNICIPALITIES PLANNING CODE (MPC) — Act 247 of 1968, as amended by Action 170 of 1988 (53 P.S. § 10101 et seq., as may be amended from time to time.)

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

NO-IMPACT HOME-BASED BUSINESS — A business or commercial activity administered or conducted as an accessory use that is clearly secondary to the use as a residential dwelling and that 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.

NONCOMMERCIAL RECREATION — See "recreation, noncommercial."

NONCONFORMING LOT — Any lot, the area or dimension of which was lawful prior to the adoption or amendment of this chapter, but that 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 structure or part of a structure that does not comply with the applicable area and bulk provisions of this chapter or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this chapter or an amendment thereto, or prior to the application of this chapter or amendment to its location by reason of annexation.

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Such nonconforming structures include, but are not limited to, nonconforming signs.

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

NUDITY — The appearance of a human bare buttock, anus, male or female genitals or female breast.

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

OFFICES — See "business or professional offices."

OFFICIAL MAP — A map adopted by ordinance according to the procedures outlined in Article IV of the Pennsylvania Municipalities Planning Code (Act 247, as amended) reserving lands for future taking for public purposes.

OIL AND GAS COMPRESSOR STATION — A facility or location that contains a compressor, compressors and all related components to facilitate the movement of oil and/or natural gas and/ or its by-products through a pipeline.

OIL AND GAS METERING STATIONS/ABOVEGROUND GATHERING FACILITIES — A system used to measure all oil and/or natural gas entering or exiting the pipeline system to provide accurate and continuous gas measurements and/or regulate gas pressure and delivery volumes.

OIL AND GAS PIPELINES — All parts of those physical facilities through which oil and/or natural gas moves in transportation, including pipe, valves, and other appurtenances attached to pipes, compressor units, metering stations, regulator stations, delivery stations, holders, and fabricated assemblies.

OIL AND GAS PROCESSING FACILITY — A facility that receives oil and/or natural gas and associated hydrocarbons from a truck, railway car, or pipeline system serving one or more wells, which processes, compresses, condenses, pressurizes, deals with dew point control or gas quality related issues or otherwise treats oil and/or natural gas making it suitable for, among other things, pipeline transmission, or which removes and separates or adds other materials, products, and impurities to or from the oil or gas, and which may or may not include compressor stations, cooling facilities, storage tanks and related equipment and facilities.

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

ON-SITE SALES ACCESSORY TO A FARM — The sale of products raised, grown or produced on a farm, provided that the sales are conducted on the farm property where the products are raised, grown or produced and any products sold that are not, raised, grown or produced on the farm shall be less than 50% of the total sales.

OPEN SPACE — An area of land or water on a development site in which no structures are permitted and which is set aside for the use and enjoyment of the general public or the owners and tenants of property which adjoins the open space.

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OWNER — See "landowner."

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

PARKING GARAGE, PUBLIC — See "garage, public parking."

PARKING LOT, PUBLIC — See "public parking lot."

PARKING SPACE — A portion of a garage or parking area designated for the parking of one motor vehicle in accordance with the requirements of this chapter.

PERSONAL CARE BOARDING HOME — See Subsection F under "dwelling types."

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

PHARMACY — A retail business establishment which primarily sells prescription drugs, patent medicines and surgical and sickroom supplies.

PIPELINE CORRIDOR — The pathway in which the pipelines and facilities of a pipeline operator are located in the jurisdiction of Mount Pleasant Township, including public rights-of-way and easements over and through public or private property.

PLANNED RESIDENTIAL DEVELOPMENT — An area of land controlled by a landowner to be developed as a single entity for a number of dwelling units or a combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling unit or use, density, or intensity, lot coverage and required open space to the regulations otherwise applicable in the zoning district in which it is located.

PLANNING COMMISSION — The Planning Commission of Mount Pleasant Township, Washington County, Pennsylvania.

POLLUTION — Man-made or man-induced contamination or other degradation of the physical, chemical, biological, or radiological integrity of air, water, soil, or biological resource.

PRESCHOOL FACILITY — An establishment which offers private educational services to children who are under the minimum age for education in public schools.

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

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

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

PRIVATE CLUB — Any establishment, other than a sportsmen's club, operated by a legally chartered organization for social, recreational, educational, fraternal or sororal purposes, which is

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open only to members and their guests and not to the general public.

PRIVATE GARAGE — See "garage, private."

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

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

PROFESSIONAL OFFICES — See "business or professional offices."

PROTECTED USE or PROTECTED STRUCTURE — Any habitable structure, religious institution, public building, health care facility, school, camp, or public park. This term shall not apply to accessory buildings, garages, hangars, or storage buildings.

PUBLIC — Owned, operated or controlled by a government agency, federal, state, county or local.

PUBLIC BUILDING — Any building or habitable structure used or designed to and intended to be used for gathering purposes such as deliberation, entertainment, amusement, or health care. Public buildings include, but shall not be limited to, theaters, assembly halls, auditoriums, mortuary chapels, dance halls, exhibition halls, office buildings, government-use facilities, gymnasiums, libraries, restaurants, stores, and health care facilities.

PUBLIC PARKING GARAGE — See "garage, public parking."

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

PUBLIC MEETING — A forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act " (65 P.S. § 271 et seq.).

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

PUBLIC RECREATION — See "recreation, public."

PUBLIC STREET — See "street, public."

PUBLIC UTILITY INSTALLATION — Any administrative building, maintenance building, garage or other structure intended for human occupancy or storage of movable equipment or any part of the essential public utility installations, as defined herein, provided by public utilities, regulated by the Public Utilities Commission (PUC) or any agency, franchisee or authority of Mount Pleasant Township which is reasonably necessary to furnish adequate services to the general public both within Mount Pleasant Township and outside the Township, including, but not limited to, long distance transmission facilities such as electrical power lines or high-pressure natural gas or petroleum lines, switching facilities, substations and similar facilities.

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REAR LOT LINE — See "lot line, rear."

REAR YARD — See "yard, rear."

RECREATION, COMMERCIAL — An enterprise operated for profit by other than a public entity, either indoors or outdoors for the pursuit of sports, recreation or leisure activities, including, but not limited to, such establishments as miniature golf, golf or batting practice facilities, bowling alleys, ice or roller rinks, playing fields, racquet clubs, swimming pools, theaters, dance halls, amusement parks, amphitheaters and similar facilities.

RECREATION, NONCOMMERCIAL — An enterprise operated by an individual, association or corporation, other than a public entity, whether or not for profit, and whether or not the facilities are advertised to the general public, including sports, recreation or leisure activities, the use of which is limited to members and their guests, including, but not limited to, such establishments as country clubs, golf courses, sportsmen's clubs, golf practice facilities, playing fields, tennis or racquet clubs, swimming pools and similar facilities.

RECREATION, PUBLIC — An enterprise other than a municipal facility, as defined herein, operated by a public entity, available to the general public, whether or not an admission fee is charged, including either indoor or outdoor facilities for the pursuit of sports, recreation or leisure activities, including, but not limited to, parks, playgrounds, playing fields, golf courses, golf or batting practice facilities, ice rinks, tennis courts, swimming pools and similar facilities.

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

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

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

RESEARCH AND DEVELOPMENT — Any establishment, including laboratories, which carries on investigation in the natural, physical or social sciences or engineering and development as an extension of such investigation with the objective of creating end products and which may include supporting storage and transportation facilities.

RESIDENTIAL USE IN COMBINATION WITH AN AUTHORIZED NON-RESIDENTIAL USE — A building which contains both residential and non-residential uses authorized by the zoning district, in which the ground floor is exclusively non-residential and the non-ground floor is residential or a combination of residential and non-residential uses.

RESIDUAL WASTE — Garbage, refuse, other discarded material or other waste, including solid,

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liquid, semisolid or contained gaseous materials resulting from industrial, mining, drilling or agricultural operations and sludge from an industrial, mining or agricultural water supply treatment facility, wastewater treatment facility or air pollution control facility, if it is not hazardous.

RESTAURANT — An establishment that offers food and beverages for sale and consumption either on or on and off the premises as the principal use and may serve alcoholic beverages for consumption on the premises as an accessory use.

RETAIL BUSINESS — The sale on the premises of commodities and/or services directly to consumers, but not including the manufacturing or processing of any products.

RETAIL BUSINESS, SPECIALTY – A business establishment that primarily engages in the retail sale of goods and merchandise related to a specific type of product theme, such as cookware, fabric, books and stationary, jewelry, etc.

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

RIGHT-OF-WAY — An area of land reserved or dedicated for public purposes to provide access across private property.

SANITARY SEWER, PRIVATE — An on-lot disposal system providing for the disposal of effluent for one building and its accessory building on a single lot, subject to the approval of the Washington County Sewage Council.

SANITARY SEWER, PUBLIC — Any municipal or privately owned sewer system in which sewage is collected from more than one lot and piped to an approved sewage disposal plant or approved community treatment system, including capped sewers which are installed to Township specifications.

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

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

SEASONAL RESIDENCE – A dwelling with permanent foundation which is occupied by its owner for no more than six months of the calendar year.

SELF-STORAGE FACILITY — See "mini-warehouses/self-storage facility."

SERVICE STATION —

- A. The servicing of motor vehicles and operations incidental thereto and limited to one or more of the following activities: the retail sale of petroleum products; retail sales and installation of automotive accessories; automobile washing by hand; waxing and polishing of automobiles; tire changing and repairing (excluding recapping); battery service, changing and replacement, excluding repair and rebuilding; radiator cleaning and flushing, excluding steam cleaning and repair; installation of accessories; and state inspection; and/ or

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- B. The following operations, if conducted within a completely enclosed building as defined by this chapter: lubrication of motor vehicles; replacement of exhaust systems; brake servicing limited to servicing and replacement of brake cylinders, lines and brake shoes; wheel balancing; the testing, adjustment and replacement or servicing of carburetors, filters, generators, points, rotors, spark plugs, voltage regulators, water and fuel pumps, water hoses and wiring; and/or
- C. The operation of a convenience food store, provided retail sale of petroleum products is a part of the operation.

SEXUAL CONDUCT — Patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated, and patently offensive representations, descriptions or acts of masturbation, excretory functions, homosexuality, sodomy, sexual intercourse or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person be female, breast.

SHOPPING CENTER — A site under one ownership and control which is developed as a unit for two or more retail businesses in one or more buildings and designed with shared parking, loading and access facilities.

SIDE LOT LINE — See "lot line, side."

SIDE YARD — See "yard, side."

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

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

SINGLE-FAMILY DWELLING — See Subsection A under "dwelling types."

SITE — A tract of land or one or more contiguous lots proposed for development.

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

SLAUGHTERHOUSE — An establishment where animals are butchered for human consumption and where the meat is prepared and packaged for retail or wholesale sales, including seasonal processing of game animals.

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

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SMALL WIND-ENERGY SYSTEM — See "wind energy system, small."

SPECIAL EXCEPTION — See "use by special exception."

SPECIALTY RETAIL — A business located in an existing building that is devoted to the sale of a small inventory of distinctive, high quality merchandise, including one or more of the following: apparel and accessory boutique; art, music or photography studio or gallery; antique or interior design shop; custom bakery; bookstore; card, gift or stationery store; confectionery; florist; historic or museum shop; ice cream parlor; jeweler; kitchen accessory shop; optical shop; newsstand; tobacco shop; travel agency; wine shop; and similar specialty shops with small inventories of distinctive, high quality merchandise.

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

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

STABLE, BOARDING — See "boarding stable."

STABLE, PRIVATE — See "private stable."

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

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

STREET, ARTERIAL — A public street that serves large volumes of high speed and long-distance traffic. Streets classified as arterial in the Township for the purposes of interpreting this chapter are State Route 50, State Route 18 and State Route 519.

STREET, COLLECTOR — A public street that, in addition to giving access to abutting lots, intercepts local streets and provides a route for carrying considerable volumes of local traffic to community facilities and arterial streets. For the purpose of interpreting this chapter, streets classified as collector in the Township are Baker Road, Cherry Valley Road, Fort Cherry Road, Hornhead Road, McCarrell Road, Red Fox Road, Southview Road, Wabash Road, Walnut Road and Waterdam Road.

STREET, LOCAL — Any public street not defined herein as an arterial or a collector street.

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

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

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

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STRUCTURE, HEIGHT OF — See "height of structure."

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

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

SURFACE AREA OF SIGN — See "sign, surface area of."

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

TAVERN — See "bar or tavern."

TEMPORARY CONSTRUCTION TRAILER — See "construction trailer, temporary."

TEMPORARY USE OR STRUCTURE, OTHER THAN A CONSTRUCTION TRAILER, MODEL HOME OR SALES OFFICE — A use or structure, other than a construction trailer, model home or sales offices, established for a fixed period of time with the intent that such use will terminate automatically upon expiration of the fixed time period unless permission to maintain the use or structure is renewed.

TIPPLES — See "mine portals, ventilating shafts, bore holes and tipples."

TOURISM — An activity or business enterprise not otherwise defined and regulated by this chapter that attracts and serves people visiting the area for educational, leisure or vacation purposes directly related to the available historic, agricultural and recreational resources of the immediate area, including, but not limited to, bait and tackle shops, fishing and boating events, campgrounds, demonstration or exhibit farms, farm stays, nature, game or wildlife preserves, museums, military or cultural reenactments or encampments, fish hatcheries, worm farms, seasonal farm festivals, educational activities, country stores, hayrides, pick-your-own produce and similar activities or events that draw people from outside the immediate area. (See also "bed- and-breakfast," "sportsmen's club" and "commercial recreation" which are not included in the definition of "tourism" and are regulated separately.)

TOWNHOUSE — See Subsection G under "dwelling types."

TOWNSHIP — Mount Pleasant Township, Washington County, Pennsylvania.

TRANSITIONAL DWELLING — See Subsection H under "dwelling types."

TRUCK AND HEAVY EQUIPMENT RENTAL, SALES AND SERVICE — An establishment engaged in the rental, sale and/or service of vehicles in excess of 26,000 pounds gross vehicle weight (GVW) and/or any other heavy equipment, including but not limited to, construction or farm

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equipment, whether or not the equipment is classified as a motor vehicle.

TWO FAMILY DWELLING — See Subsection B under "dwelling types."

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

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

VARIANCE — A departure from the specific regulations of this chapter that may be granted by the Zoning Hearing Board in accordance with the criteria established by the Pennsylvania Municipalities Planning Code [Act 247 of 1968 (53 P.S. 10101 et seq.), as amended] for a particular piece of property that, because of special circumstances applicable to it, cannot be developed in compliance with the literal terms of this chapter without undue physical hardship.

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

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

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

VENTILATING SHAFTS — See "mine portals, ventilating shafts, bore holes and tipples."

WAREHOUSE — A building used for the storage and handling of freight or merchandise, but not including the maintenance or fueling of commercial vehicles. Warehousing that is incidental to retail sales and that does not constitute in excess of 30% of the total floor area of the retail establishment shall be excluded from this definition.

WATER IMPOUNDMENT, FRESH — A lined depression, excavation, pit, or facility situated in or upon the ground, whether natural or artificial, used to store freshwater.

WATER IMPOUNDMENT, WASTE — A lined depression, excavation, pit, or facility situated in or upon the ground, whether natural or artificial, used to store wastewater, including but not limited to brine, fracturing fluid or residual waste.

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

WIND-ENERGY SYSTEM, SMALL — A wind energy conversion system consisting of a wind turbine, a tower and associated control or conversion electronics primarily for private use to

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reduce on-site consumption of utility power.

WIND FARM — An area of land under common ownership and control containing one or more wind turbines used primarily for generating electricity to off-site customers, including substations, meteorological towers to measure wind speed, cables, wires and other accessory structures and buildings necessary to the operation of the facility.

WOODLANDS — Areas, groves or stands of mature or largely mature trees that are greater than six inches caliper (diameter) at a height of 14 inches above the ground that cover a land area greater than 0.25 acre; or any grove of more than 10 individual trees that are mature having a caliper (diameter) greater than 12 inches at a height of 14 inches above the ground.

YARD — A required open space located on a lot that is unobstructed by any portion of a principal structure, other than certain projections expressly permitted by this chapter.

YARD, FRONT — A yard extending between side lot lines across the full lot width from the street right-of-way line to a line parallel to the front lot line, the minimum horizontal distance required by this chapter.

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

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

ZONING CERTIFICATE — A document signed by the Township Zoning Officer which is required by this chapter prior to the commencement of a use or the erection, construction, reconstruction, alteration, conversion or installation of a structure or building.

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

ZONING DISTRICT MAP — The official map delineating the zoning districts of Mount Pleasant Township, Washington County, Pennsylvania, together with all amendments subsequently adopted which is incorporated in and made a part of this chapter by reference thereto.

ZONING HEARING BOARD — The Zoning Hearing Board of Mount Pleasant Township, Washington County, Pennsylvania.

ZONING OFFICER — That person appointed by the Mount Pleasant Township Board of Supervisors and charged with the responsibility of administering and enforcing this chapter.

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ARTICLE III

District Regulations

§ 200-301. Zoning District Map.

- A. The Township is hereby divided into Zoning Districts, as shown on the official Zoning District Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this chapter.⁴
- B. The Official Zoning District Map shall be identified by the signature of the Chairman of the Board of Supervisors, attested to by the Township Secretary/Treasurer and certified by the Township Engineer, and shall bear the Seal of the Township under the following words: "This is to certify that this is the Official Zoning District Map referred to in Article III of Ordinance Number 105, as amended, of Mount Pleasant Township, Washington County, Pennsylvania," together with the date of adoption of this chapter.
- C. All amendments affecting district boundaries shall be noted on the Official Zoning District Map by the Township Engineer, including the date of adoption, and shall be attested to by the Township Secretary/Treasurer.
- D. No changes of any nature shall be made in the Official Zoning District Map or matter shown thereof except in conformity with the procedure set forth in this chapter. Any unauthorized change of whatever kind by any person shall be considered a violation of this chapter and punishable as provided under § 200-1202 of this chapter.
- E. The Official Zoning District Map, which shall be located in the Township Municipal Building, shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in the Township.

§ 200-302. Zoning districts and Purposes.

The zoning districts shall be as follows:

- A. A-1 Agricultural District: The purpose of the A-1 Agricultural District is to provide for agriculture and low-density single-family residential development in the more remote rural areas of the Township where public sewers are not available and are not anticipated in the immediate future and to provide for accessory uses and compatible public and semipublic uses as conditional uses.
- B. R-1 Rural Residential District: The purpose of this District is to preserve natural resources and limited agricultural operations while encouraging low density single-family residential neighborhoods suited to the natural conditions and to provide for accessory uses and compatible public and semipublic uses as conditional uses.
- C. R-2 Suburban Residential District: The purpose of the R-2 Suburban Residential District is to encourage single-family developments at moderate densities in locations in the Township where utilities and transportation facilities exist or are anticipated in the future; and to provide for accessory uses and compatible public and semipublic uses as conditional uses.

⁴ Editor's Note: The Zoning District Map is on file in the office of the Secretary/Treasurer of Mount Pleasant Township.

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- D. R-3 Neighborhood Residential District: The purpose of the R-3 Neighborhood Residential District is to preserve established neighborhoods of higher density housing in the Township and provide for the expansion of this type of residential development in appropriate locations on the regional highway network that are or will be served by public water and sewage and to provide for compatible public, semipublic and accessory uses as conditional uses.
- E. MU Mixed-Use District: The purpose of the Mixed-Use District is to promote a mix of compatible land uses, both residential and non-residential, within the same Zoning District. Encouraging diverse but complementary land uses, while supporting a variety of densities, allows the district to function as a “work, live, play” area within the Township.
- F. B-1 Highway Commercial District: The purpose of this District is to provide opportunities for highway oriented commercial development that meets the general needs of the population within the market area for shopping and services on properties located on arterial streets and to provide for compatible public, semipublic and accessory uses as conditional uses.
- G. M-1 Light Industrial District: The purpose of the M-1 Light Industrial District is to encourage development of light industrial uses in appropriate locations in the Township, consistent with sound planning and environmental controls.

§ 200-303. District boundaries.

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

- A. Boundaries indicated as appearing to follow the center lines of streets, highways or alleys shall be construed to follow such center lines.
- B. Boundaries indicated as appearing to follow platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as appearing to follow municipal limits shall be construed as following municipal limits.
- D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- E. Boundaries indicated as approximately following the center lines of streams, rivers or other bodies of water shall be construed to follow center lines, and in the event of change in the location of streams, rivers and other bodies of water, shall be construed as moving with the actual body of water and following the center line.
- F. Distances not specifically indicated on the Official Zoning District Map shall be determined by the scale of the map.

§ 200-304. General district regulations.

The following regulations shall apply in all zoning districts:

- A. Whenever in any district established under this chapter, a use is neither specifically permitted nor

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denied and an application is made by a property owner to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Zoning Hearing Board which shall have the authority to permit the use. The use may be permitted as a special exception if it is similar to and compatible with permitted uses, conditional uses or uses by special exception in the district, and in no way is in conflict with the general purpose of this chapter.

- B. Accessory uses or structures that are customarily accessory to principal structures or uses that are authorized as conditional uses shall be permitted as accessory uses by right.
- C. In all zoning districts, where single-family dwellings either exist or are proposed, they shall be the only principal structure on a lot.
- D. In all zoning districts where authorized by this chapter, two or more nonresidential buildings may occupy the same lot; and two or more authorized nonresidential uses may occupy the same building, provided, in all cases, that all applicable requirements for each of the structures or uses can be met on the lot.
- E. In all zoning districts, all accessory structures shall be located on the same lot with the principal structure to which they are accessory.

§ 200-305. Authorized Land Uses.

- A. Table 1 identifies which principal land uses are permissible in each of the Township's Zoning Districts. After identifying the Zoning District in which the lot is located, use the listing of uses described in the table below to determine what uses are permissible by right or conditional use. If no letter denotation exists, the use is not permissible in that Zoning District.
- B. Table 2 identifies which accessory land uses are permissible in each of the Township's Zoning Districts. After identifying the Zoning District in which the lot is located, use the listing of uses described in the table below to determine what accessory uses are permissible by right or conditional use. If no letter denotation exists, the use is not permissible in that Zoning District.

§ 200-306. Area & Bulk Regulations.

- A. The area and bulk regulations which shall apply to permitted and conditional residential land uses within each zoning district are set forth in Table 3, "Area and Bulk Regulations – Residential Permitted Uses," which follows and is hereby adopted by reference and declared to be a part of this Chapter.
- B. The area and bulk regulations which shall apply to permitted and conditional non- residential land uses within each zoning district are set forth in Table 4, "Area and Bulk Regulations – Non-Residential Permitted Uses," which follows and is hereby adopted by reference and declared to be a part of this Chapter.

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ARTICLE IV

Planned Residential Development

§ 200-401. Purpose.

The purpose of these planned residential development (PRD) regulations is to permit residential development which is more creative and imaginative than is generally possible under conventional zoning district controls and subdivision requirements.⁵ Further, these regulations are intended to promote more economical and efficient use of the land while providing a compatible blend of housing types, amenities and community facilities of high quality, oriented to the specific development site and preserving the natural scenic qualities of open space.

§ 200-402. Applicability and relationship to other ordinances.

- A. A planned residential development (PRD) shall be permitted in the R-1, R-2 and R-3 Districts, subject to the standards, criteria, restrictions and procedures outlined in this Article.
- B. The provisions of this Article for approval of a planned residential development (PRD) shall be a modification to and in lieu of procedures and criteria for approvals otherwise required in this chapter and Chapter 178, Subdivision and Land Development. Failure to comply with the provisions of this Article with respect to a recorded development plan shall be deemed to constitute a violation of this chapter.

§ 200-403. Site ownership.

The site proposed for a planned residential development (PRD) shall be under single ownership and control. Prior to submitting an application for tentative approval, the applicant shall demonstrate that he is the landowner, as defined by this chapter. Legal, as well as equitable, ownership shall be demonstrated coincident with approval of the final development plan.

§ 200-404. Site area, use and density requirements.

- A. In all cases, the minimum site required for a planned residential development (PRD) shall be 10 contiguous acres. Public easements or rights-of-way and public or private streets shall not be construed as an interruption or division of a site proposed for a planned residential development (PRD). Permitted residential uses and dwelling unit densities in a planned residential development (PRD) shall be as follows in the Districts in which PRDs are authorized:

District	Permitted Uses	Dwelling Unit Density
R-1 and R-2	Single-family dwellings	4 units per acre
	Two-family dwellings	
	Townhouses garden apartments	
R-3	Single-family dwellings	6 units per acre
	Two-family dwellings	
	Townhouses	
	Garden apartments	

⁵ Editor's Note: See Ch. 178, Subdivision and Land Development.

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- B. In addition to the residential uses permitted in a planned residential development (PRD), recreation facilities designed for the use of the residents of the planned residential development (PRD) shall be permitted, including, but not limited to, hiking, biking or exercise trails; tennis, paddle tennis, basketball, volleyball or other playing courts; swimming pool and related facilities; golf course or putting green; community building for meetings and social activities; picnic pavilions; other active and passive recreational uses deemed appropriate to the proposed residents of the planned residential development (PRD) by the Board of Supervisors.

§ 200-405. Setbacks and lot areas.

- A. Minimum building setback on the perimeter of the planned residential development site. In all zoning districts where a planned residential development (PRD) is authorized, no garden apartment or townhouse shall be located closer to any boundary of the planned residential development (PRD) site than 75 feet. All other structures shall be located at least 50 feet from the boundary of the planned residential development (PRD) site. No accessory structure and no off-street parking shall be located in this required perimeter setback area.
- B. Internal setbacks and distance between buildings.
1. The minimum required front yard setback from a public or private street for all dwelling types shall be 25 feet. If individual lots are not proposed for fee simple ownership, there shall be no other required setback internal to the planned residential development (PRD), provided that where two or more principal residential buildings (regardless of dwelling type) are proposed on the same lot, the minimum distance between the buildings shall be 20 feet.
 2. In the case of lots proposed for fee simple ownership, all principal structures shall be set back a minimum of 15 feet from a rear property line. Decks or other structures attached to the principal building may encroach into the rear yard only if the rear lot line adjoins common open space. Attached units shall have a zero side yard along common walls. All other side yards shall be a minimum of 10 feet.
- C. Minimum lot area.
1. There shall be no minimum lot area for townhouses and garden apartments in a planned residential development (PRD) provided the density requirements of § 200-404 are met.
 2. The minimum lot area for single-family dwellings and two-family dwellings in a planned residential development (PRD) shall not be reduced to less than the following minimums:

Type of Dwelling	R-1 District (square feet)	R-2 and R-3 Districts (square feet)
Single-family	15,000	10,000
Two-family	20,000 (10,000 per unit)	15,000 (7,500 per unit)

§ 200-406. Access and availability of public services.

- A. The site of a planned residential development (PRD) that contains multifamily dwellings shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this chapter. The projected traffic volumes associated with the proposed planned residential development (PRD) shall be capable of being accommodated by the adjacent street network. The

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developer shall demonstrate that the projected traffic from the planned residential development (PRD) shall not materially increase congestion and impair safety on adjacent public streets.

- B. Any planned residential development (PRD) that contains multifamily dwellings shall be connected to public water and public sanitary sewer service.
- C. In any instance where the Township determines that public sewerage and water facilities are available and are capable of being extended to the development site, the developer shall connect the planned residential development (PRD) to such facilities.
- D. In the absence of public sewerage facilities, the developer shall provide a sanitary sewerage system within the planned residential development (PRD) that is approved by the Pennsylvania Department of Environmental Protection (PA DEP) or any successor agency.
- E. Central water service shall be supplied to each building or structure to be erected in a planned residential development (PRD).
- F. The developer shall provide a storm drainage system within a planned residential development (PRD) that shall be of sufficient size and design to collect, carry off and dispose of all predictable surface water runoff within the planned residential development (PRD) and shall be so constructed to conform with the statutes, ordinances and regulations of the Commonwealth of Pennsylvania and the stormwater management provisions (§ 178-40) in Chapter 178, Subdivision and Land Development, adopted May 1, 1998, as now or hereafter amended.

§ 200-407. Administration and procedure.

The planned residential development (PRD) provisions of this chapter shall be administered by the Board of Supervisors. The Planning Commission shall review all applications on the basis of the standards specified in this Article and make a recommendation to the Board of Supervisors. The Board of Supervisors shall conduct the public hearings required by the Pennsylvania Municipalities Planning Code (Act 247, as amended) and shall have the final authority to approve, approve with conditions or disapprove a planned residential development (PRD).

- A. Preapplication conference. Each applicant shall confer with the Zoning Officer to schedule a preapplication conference. Upon written request of the applicant, the Zoning Officer shall schedule a preapplication conference with Township officials. The conference shall include members or a designated representative of the Planning Commission and the Zoning Officer. The Township Solicitor, the Township Engineer, the Board of Supervisors or representatives thereof and local utility service representatives may be included, as deemed appropriate.
- B. Application for tentative approval. Within 120 days following the preapplication conference, three copies of an application for tentative approval shall be submitted. The application shall be in sufficient detail for the Planning Commission to determine compliance with the standards of this Article and shall contain, at a minimum, the following information:
 - 1. A legal description of the total tract proposed for development, including a statement of present and proposed ownership.
 - 2. A written statement of planning objectives to be achieved by the planned residential development (PRD) through the particular approach proposed by the developer. The statement shall include a description of the character of the proposed development and its relationship to the immediate area in which it is to be located.
 - 3. A written statement setting forth the reasons why the proposed planned residential

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development (PRD) would be in the public interest and would be consistent with the Township's Comprehensive Plan.

4. A written statement of the modifications to Township zoning and subdivision regulations otherwise applicable to the property.
5. A location map that clearly shows the location and area of the site proposed for development with relation to all lands, buildings and structures within 200 feet of its boundaries, the location and distance to existing streets and highways and the names of landowners of adjacent properties.
6. A development plan prepared at a scale no smaller than one inch equals 50 feet showing the following information:
 - a. Existing contours at intervals of five feet; watercourse; floodplains; wetlands;
 - b. woodlands; soils; steep slopes; and other natural features. Proposed lot lines and subdivision plat, if any.
 - c. The location of all existing and proposed buildings, structures and other improvements, including maximum heights, types of dwelling units and dwelling unit density. Preliminary elevations and architectural renderings shall be provided.
 - d. The location and size in acres or square feet of all areas to be conveyed, dedicated or reserved as common open space.
 - e. The existing and proposed vehicular circulation system of local and collector streets, including off-street parking areas, service areas, loading areas and major points of access from the planned residential development (PRD) to public rights-of-way.
 - f. The existing and proposed pedestrian circulation system, including its interrelationship with the vehicular circulation system and proposed treatment for any points of conflict between the two systems.
 - g. The existing and proposed utility systems, including sanitary sewers, storm sewers and water, electric, gas and telephone lines.
 - h. Subsurface conditions, including slope stability.
 - i. A minimum of three cross sections showing existing and proposed contours and their relationship to proposed buildings, structures, highways, streets, parking areas, walkways and existing woodlands.
 - j. A general landscaping plan indicating the treatment and materials proposed to be used in buffer areas and common areas on the site.
 - k. Evidence of compliance with the environmental performance standards of § 200-702A of this chapter.
 - l. Any additional information required to determine compliance with the requirements of this Article.
7. In the case of development plans that call for development over a period of years, a schedule for phasing the development shall be provided. This phasing schedule shall be reviewed annually with the Planning Commission on the anniversary of tentative approval or as each

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phase is completed, whichever occurs first.

C. Public hearing.

1. Within 60 days following the submission of an application for tentative approval of a planned residential development (PRD) which contains all of the required documentation, a public hearing pursuant to public notice shall be held by the Board of Supervisors. At least 14 days prior to the hearing, the Zoning Officer shall mail a copy of the notice by certified mail to each property owner within 300 feet of the entire perimeter of the property, including those located across a street right-of-way. The cost of mailing the certified notices shall be paid by the applicant.
2. The public hearing shall be conducted in the manner prescribed in Article IX of the Pennsylvania Municipalities Planning Code (Act 247, as amended, 53 P.S. § 10901 et seq.) and all references to the Zoning Hearing Board in Article IX shall apply to the Board of Supervisors.
3. The Township may offer mediation as an aid in completing these proceedings, provided that, in exercising such an option, the Township and the mediating parties shall meet the stipulations and follow the procedures set forth in § 200-1107 of this chapter.

D. Tentative approval.

1. Within 60 days following the conclusion of the public hearings, the Board of Supervisors shall, by written communication, either:
 - a. Grant tentative approval of the development plan, as submitted;
 - b. Grant tentative approval of the development plan, subject to specified conditions not included in the development plan as submitted; or
 - c. Deny tentative approval.
2. Failure to act within said period shall be deemed to be a grant of tentative approval of the development plan as submitted. In the event, however, that tentative approval is granted subject to conditions, the landowner may, within 30 days after receipt of the official written communication of the Board of Supervisors, notify the Board of Supervisors of his refusal to accept all said conditions, in which case, the Board of Supervisors shall be deemed to have denied tentative approval of the development plan. In the event that the landowner does not, within said period, notify the Board of Supervisors of his refusal to accept all said conditions, tentative approval of the development plan, with all said conditions, shall stand as granted.

§ 200-408. Criteria for tentative approval.

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

- A. The proposed application for tentative approval complies with all standards, restrictions, criteria, requirements, regulations and procedures of this chapter; preserves the community development objectives of this chapter; and is found by the Board of Supervisors to be compatible with the public interest and consistent with the Township's Comprehensive Plan.
- B. Where the proposed application for tentative approval provides standards that vary from this chapter and Chapter 178, Subdivision and Land Development, otherwise applicable to the

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subject property, such departure shall promote protection of the environment, and public health, safety and welfare and shall be in the public interest.

- C. The proposals for the maintenance and conservation of any proposed common open space are reliable and meet the standards of this chapter and the amount and extent of improvements within the common open space are appropriate with respect to the purpose, use and type of the residential development proposed.
- D. The physical design of the proposed development plan adequately provides for public services, traffic facilities and parking, light, air, recreation and visual enjoyment.
- E. The proposed development plan is beneficially related to the immediate area in which it is proposed to be located.
- F. The proposed development plan will afford adequate protection of natural watercourses, wetlands, topsoil, woodlands, steep slopes and other natural features and will prevent erosion, landslides, siltation and flooding.
- G. In the case of a development plan that proposes development over a period of years, the terms and conditions thereof are sufficient to protect the interests of the public and of the residents of the planned residential development (PRD) in the integrity of the final development plan.

§ 200-409. Application for final approval.

After the development plan is granted tentative approval by the Board of Supervisors, the developer shall submit the application for final approval which shall consist of detailed plans for any phase or section of the development plan. No building permit shall be issued until final approval has been granted by the Board of Supervisors for the phase or section in which the proposed development is located. Final approval for any phase or section shall expire if construction is not initiated for the phase or section within one year of the date of final approval of the phase or section by the Board of Supervisors.

- A. In the event that an application for final approval has been filed, together with all drawings, specifications and other documentation in support thereof, in accordance with the requirements of this chapter and the official written communication granting tentative approval, the Board of Supervisors shall, within 45 days of such filing, grant final approval to the development plan.
- B. Changes in the location and siting of buildings and structures deemed minor by the Board of Supervisors may be authorized without additional public hearings, if required by engineering or other circumstances not foreseen at the time of tentative approval. However, gross and net density established at the time of tentative approval shall not be changed without a public hearing.
- C. The application for final approval shall comply with all applicable ordinance provisions and the development plan shall include, at a minimum, the following information:
 - 1. All data required by Chapter 178, Subdivision and Land Development, for a final plan.
 - 2. Accurately dimensioned locations for all proposed buildings, structures, parking areas and common open space.
 - 3. The number of families to be housed in each building or structure and the intended use of each building or structure.
 - 4. A landscaping plan, as defined by this chapter, including the location and types of materials

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of sidewalks, trails and recreation facilities authorized by this chapter.

5. Supplementary data, including any covenants, grants of easements or other restrictions to be imposed on the use of the land, buildings and structures and provisions for the ownership maintenance and operation of common open space facilities.
6. An engineering report that shall include the following data, wherever applicable:
 - a. Profiles, cross sections and specifications for proposed public and private streets.
 - b. Profiles and other explanatory data concerning installation of water distribution systems, storm sewers and sanitary sewers.
 - c. Feasibility of the sanitary sewerage system in terms of capacity to serve the proposed development.
7. Erosion and sediment control plan.
 - a. An erosion and sedimentation control plan that shall specifically indicate all erosion and sedimentation control measures to be utilized on the site and evidence that the plan has been submitted to the Washington County Conservation District for review and approval. The erosion and sedimentation control plan shall be designed to prevent accelerated erosion and sedimentation, including but not limited to the following:
 - 1.) The topographic features of the site.
 - 2.) The types, depth, slope and extent of the soils by area.
 - 3.) The proposed alterations to the site.
 - 4.) The amount of runoff from the site area and the upstream watershed.
 - 5.) The staging of earthmoving activities.
 - 6.) Temporary control measures and facilities during earthmoving.
 - 7.) Permanent control measures and facilities for long-term protection.
 - 8.) A maintenance program for the control facilities, including disposal of materials removed from the control facilities or site area.
 - b. If the Washington County Conservation District has not approved the plan before the date on which the Board of Supervisors acts on the application for final approval, evidence of the County Conservation District's approval of the plan shall be made a condition of final approval.
8. Variations.
 - a. In the event that the final development plan as submitted contains variations from the plan granted tentative approval, the Board of Supervisors may refuse to grant final approval and shall, within 45 days from the filing of the application for final approval so advise the landowner, in writing, of such refusal. In the event of such refusal, the landowner may either:
 - 1.) Refile the application for final approval without the variations objected to; or

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- 2.) File a written request with the Board of Supervisors that it hold a public hearing on the application for final approval.
 - b. If the landowner wishes to take either alternate action, he may do so at any time within which he shall be entitled to apply for final approval, or within 30 additional days, if the time for applying for final approval shall have already passed at the time when the landowner was advised that the development plan was not in substantial compliance.
 - c. If the landowner fails to take either of these alternate actions within said time, he shall be deemed to have abandoned the development plan.
9. Public hearing.
 - a. Any public hearing held on an application for final approval shall be held pursuant to public notice within 30 days after the request for the hearing is made by the landowner and the hearing shall be conducted in the manner prescribed in this Article for public hearings on an application for tentative approval. At least 14 days prior to the hearing, the Zoning Officer shall mail a copy of the notice by certified mail to each property owner within 300 feet of the entire perimeter of the property, including those located across a street right-of-way. The cost of mailing the certified notices shall be paid by the applicant.
 - b. Within 30 days after the conclusion of the public hearing, the Board of Supervisors shall, by official written communication, either grant or deny final approval. The grant or denial of final approval of the development plan shall, in cases where a public hearing is required, be in the form and contain the findings required for an application for tentative approval.
- D. A final development plan, or any part thereof, which has been granted final approval shall be so certified without delay by the Board of Supervisors and shall be filed of record in the office of the Recorder of Deeds before any development shall take place in accordance therewith. Approval for recording shall be subject to posting of the financial security required by Chapter 178, Subdivision and Land Development, for public and private improvements in the development plan.
- E. In the event that a development plan, or section thereof, is given final approval and thereafter the landowner shall abandon such plan, or section thereof, that has been finally approved, and shall so notify the Board of Supervisors in writing; or, in the event that the landowner shall fail to commence and carry out the planned residential development (PRD) in accordance with the time provisions stated in 53 P.S. § 10508 of the Pennsylvania Municipalities Planning Code (Act 247, as amended) after final approval has been granted, no development or further development shall take place on the property included in the development plan until after said property is reclassified by enactment of an amendment to this chapter.

§ 200-410. Common open space.

- A. Areas required. Within a planned residential development (PRD), the following percentages of the total gross site area shall be devoted to the specified uses indicated:
 1. A minimum of 30% of the total site area shall be set aside and preserved for usable common open space. Where significant or unique natural amenities exist on the site, the Board of Supervisors shall have the authority to enforce the preservation of the amenities as part of the required common open space. These amenities may include, but are not limited to, natural features such as rock outcroppings, virgin timber, woodlands, ravines, ponds, stream

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beds and stream valleys.

2. No more than 70% of the total site area shall be devoted to residential use which shall include buildings, streets, driveways, parking areas, private yards and courts which abut and serve residences.
- B. Protection of common open space. Common open space in a planned residential development (PRD) shall be protected by adequate covenants running with the land or by conveyances or dedications. A planned residential development (PRD) shall be approved subject to the submission of a legal instrument or instruments setting forth a plan for the permanent care and maintenance of such common open space, recreational areas and other facilities owned in common. No such instrument shall be acceptable until approved by the Board of Supervisors as to legal form and effect. In cases where the Township will not be accepting dedications of streets, recreation areas or common open spaces, the developer shall provide for an organization or trust for ownership and maintenance of the common open space and common facilities.
- C. Common open space maintenance. In the event that the organization established to own and maintain the common open space, or any successor thereto, shall at any time after establishment of the final development plan fail to maintain the common open space, including all streets, driveways and recreational facilities, in reasonable order and condition in accordance with the development plan granted final approval, the Township may take remedial action to cause the common open space and common facilities to be properly maintained, as provided for in 53 P.S. § 10705(f) of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended).

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ARTICLE V

Express Standards and Criteria for Certain Permitted and Conditional Use

§ 200-501. Applicability.

The following procedures shall apply to all applications for approval of a conditional use in their applicably specified zoning districts.

§ 200-502. Procedure for approval.

- A. Approval of conditional uses. The Township Supervisors shall hear and decide requests for conditional uses; however, the Township Supervisors shall not approve a conditional use application unless and until:
 - 1. A written application for conditional use approval is submitted to the Zoning Officer no less than 10 working days prior to the regular meeting of the Planning Commission. The application shall indicate the section of this chapter under which conditional use approval is sought and shall state the grounds upon which it is requested. The application shall include the following:
 - a. A current property survey indicating all existing and proposed structures and all proposed construction, additions or alterations on the site in sufficient detail to determine the feasibility of the proposed development and compliance with all applicable requirements of this chapter.
 - b. A written statement showing compliance with the applicable express standards and criteria of this Article for the proposed use.
 - c. A list of the names and addresses of all property owners within 300 feet of the entire perimeter of the property for which conditional use approval is requested taken from the most recent records of the Washington County Tax Assessor's office. At least 14 days prior to the public hearing, the Zoning Officer shall mail a copy of the notice by certified mail to each property owner within 300 feet of the entire perimeter of the property, including those located across a street right-of-way. The cost of mailing the certified notices shall be paid by the applicant.
 - d. A traffic impact analysis prepared by a registered traffic engineer for the following proposed conditional uses:
 - 1.) Any proposed use that involves the construction of 50 or more multifamily dwellings.
 - 2.) Any proposed use in the B-1 or M-1 District that involves the construction of a new building or remodeling for a change of use of an existing building having a gross floor area of 10,000 square feet or more.
 - e. The application fee required by § 200-1208 of this chapter.
 - 2. A written recommendation is received from the Township Planning Commission or 45 days has passed from the date of the Planning Commission meeting at which the application is first considered as complete and properly filed for approval.
 - 3. A public hearing is commenced by the Township Supervisors pursuant to public notice and

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said hearing is scheduled no more than 60 days following the date of submission of a complete and properly filed application, unless the applicant has agreed in writing to an extension of time.

4. Each subsequent hearing before the Board or hearing officer shall be held within 45 days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within 100 days of the first hearing. Upon the request of the applicant, the Board or hearing officer shall assure that the applicant receives at least seven hours of hearings within the 100 days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within 100 days of the first hearing held after the completion of the applicant's case-in-chief. And the applicant may, upon request, be granted additional hearings to complete his case- in-chief, provided that the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and the Township, be granted additional hearings to complete their opposition to the application, provided that the applicant is granted an equal number of additional hearings for rebuttal.
 5. The Township Supervisors shall render a written decision within 45 days after the last public hearing. Where the application is contested or denied, the decision shall be accompanied by findings of fact and conclusions based thereon. Conclusions based on any provision of this chapter or any other applicable rule or regulation shall contain a reference to the provision relied upon and the reasons why the conclusion is deemed appropriate in light of the facts found.
 6. Where the Board of Supervisors fails to render a decision within the required 45 days or fails to commence, conduct or complete the required hearing as specified in Subsection A(3) and (4) above, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing or on the record to an extension of time. The Board of Supervisors shall give public notice, as defined herein, of said deemed approval 10 days from the last day it could have met to render a decision. If the Board of Supervisors shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.
 7. In considering an application for conditional use approval, the Township Supervisors may prescribe appropriate conditions and safeguards in conformity with the spirit and intent of this Article. A violation of such conditions and safeguards, when made a part of the terms and conditions under which conditional use approval is granted, shall be deemed a violation of this chapter and shall be subject to the enforcement provisions of § 200-1202 of this chapter.
 8. If land development approval is required for the conditional use, the application for conditional use approval and the application for approval of a land development required by Chapter 178, Subdivision and Land Development, may be processed concurrently, provided that all application requirements of both ordinances for a conditional use and a land development plan are met.
- B. Expiration of conditional use approval. Conditional use approval shall expire automatically without written notice to the applicant, if no application for a land development plan, a grading permit, a building permit or an occupancy permit to undertake the construction or authorize the occupancy described in the application for conditional use approval is

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submitted within 12 months of said approval, unless the Board of Supervisors, in its sole discretion, extends conditional use approval upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be one twelve- month extension.

§ 200-503. General standards.

In addition to the specific standards and criteria listed for each use below, all applications for conditional uses listed in each zoning district shall demonstrate compliance with all of the following general standards and criteria:

- A. The use shall not endanger the public health, safety or welfare nor deteriorate the environment, as a result of being located on the property where it is proposed.
- B. The use shall comply with the Performance Standards of § 200-702 of this chapter.
- C. The use shall comply with all applicable requirements of Article VIII governing parking and loading, Article IX governing signs, § 200-703 governing screening and landscaping and § 200-710 governing storage.
- D. Ingress, egress and traffic circulation on the property shall be designed to ensure safety and access by emergency vehicles and to minimize congestion and the impact on local streets.
- E. Outdoor lighting, if proposed, shall be shielded and reflected away from residential properties and public streets.
- F. For all uses that are subject to the requirements of the Americans with Disabilities (ADA) Act, the applicant shall certify that all applicable ADA requirements have been met in the design.

§ 200-504. Standards for specific uses.

In addition to the general standards and criteria for all conditional uses listed in § 200-503 above, an application for any of the following uses which are listed in any zoning district as a conditional use shall comply with the applicable standards and criteria specified below for that use.

§ 200-505. Adult businesses.

Adult businesses shall be subject to the following:

- A. Adult businesses shall not be permitted in any zoning district other than the M-1, Light Industrial, District.
- B. An adult business shall not be located within 1,000 feet of a church; public or private pre-elementary, elementary or secondary school; public library; day-care center or nursery school; or public park adjacent to any residential district measured in a straight line from the nearest portion of the building or structure containing the adult business to the nearest property line of the premises of any of the above-listed uses.
- C. An adult business shall not be located within 1,000 feet of any other adult business measured in a straight line from the closest exterior wall of the building or structure in which each adult business is located.
- D. No more than one adult business shall be located in the same building, structure or portion thereof, nor shall any adult business increase its floor area into any building, structure or

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portion thereof containing another adult business.

- E. An adult business lawfully operating as a conforming use shall not be rendered a nonconforming use by the location, subsequent to the grant or renewal of the adult business permit of a church, public or private pre-elementary, elementary or secondary school, public library, day-care center or nursery school or public park within 1,000 feet. This provision applies only to the renewal of a valid permit and shall not apply when an application for a permit is submitted after a permit has expired or has been revoked.
- F. Any adult business, other than an adult motel, which exhibits on the premises in a viewing room (a separate compartment or cubicle) of less than 150 square feet of floor space, a film or video cassette or other video or image production or reproduction that depicts nudity or sexual conduct, as defined herein, shall comply with the following:
 - 1. At least one employee shall be on duty and shall be situated in each manager's station at all times that any patron is present inside the premises.
 - 2. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding rest rooms. Rest rooms shall not contain video reproduction or viewing equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection shall be by direct line of sight from the manager's station.
 - 3. It shall be the duty of the owners and operators and any agents and employees present on the premises to ensure that the viewing area remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times and to ensure that no patron is permitted access to any area of the premises that has been designated in the application submitted to the Township as an area in which patrons will not be permitted.
 - 4. No viewing room shall be occupied by more than one person at any time. No connections or openings to an adjoining viewing room shall be permitted.
 - 5. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place in which patrons are permitted access at an illumination of not less than one footcandle as measured at the floor level. It shall be the duty of the owners and operators and any agent and employees present on the premises to ensure that the illumination is maintained at all times that any patron is present on the premises.
 - 6. If live performances are to be given, the premises in which such live performances are to be offered shall contain a stage separated from the viewing area and the viewing area shall not be accessible to the performers, nor shall the performers have easy access to the viewers present.
 - 7. Liquor or intoxicating beverages shall not be sold on the premises for which the permit is sought.
 - 8. The applicant shall agree to renew the certificate of occupancy annually in accordance with the requirements contained in § 200-1205 of this chapter.

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§ 200-506. Animal hospitals.

Animal hospitals shall be subject to the following:

- A. In the B-1 District, the minimum lot area required for an animal hospital shall be 20,000 square feet. In the A-1 District, the minimum lot area required for an animal hospital with an outdoor kennel or outdoor runs shall be two acres. In the A-1 District, the minimum lot area for an animal hospital without an outdoor kennel or outdoor runs shall
- B. All outdoor kennels or runs shall be constructed for easy cleaning and shall be adequately secured by a fence with self-latching gate.
- C. Outdoor kennels shall be located at least 200 feet from any property line adjoining any residential use or any A-1, R-1, R-2, R-3 or MU zoning classification and at least 50 feet from any other property line.
- D. In the B-1 District, overnight boarding of animals, other than for medical supervision, shall be permitted, if the animals are housed overnight within a completely enclosed building.
- E. Kennels associated with animal hospitals shall be licensed by the commonwealth and shall continue to maintain a valid license throughout their operation. Any suspension of the license shall be a violation of this chapter and shall be subject to the enforcement provisions of § 200-1202 of this chapter.
- F. Odors shall be controlled so as to comply with the performance standards of § 200-702 of this chapter.

§ 200-507. Bed-and-breakfasts.

Bed-and-breakfasts shall be subject to the following:

- A. The operator shall be a full-time resident of the dwelling in which the bed-and-breakfast is located.
- B. No meals, other than breakfast, shall be served on the premises. Food may be prepared on the premises for consumption off the premises by overnight guests. Food shall not be served to any customers who are not overnight guests.
- C. The maximum length of stay for any guest shall be 14 days in a calendar year.
- D. Evidence shall be submitted that the Pennsylvania Department of Environmental Protection (PA DEP) has approved the proposed system for sewage disposal as adequate for the proposed number of occupants.
- E. In addition to the parking required for the dwelling, one parking space shall be required for each sleeping room offered to overnight guests.
- F. Off-street parking shall not be located in any minimum required front or side yard. Parking shall be screened from adjoining properties in an R-1, R-2, R-3 or MU District by Buffer Area C as defined by § 200-703A of this chapter.
- G. One identification sign shall be permitted and such sign may either be attached to the wall of the dwelling or may be freestanding in the front yard, provided that the surface area of any sign shall not exceed six square feet, the height of any freestanding sign shall not exceed four feet and the freestanding sign shall be located at least 15 feet from any property line.

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H. The identification sign shall contain no information other than the following items:

1. The street address.
2. The name of the establishment.
3. The name of the proprietor.
4. A small logo or other decorative symbol.

§ 200-508. Billboards.

All billboards shall be subject to the express standards and criteria contained in § 200-907 of this chapter.

§ 200-509. Cemeteries.

Cemeteries shall be subject to the following:

- A. A cemetery shall not be established on any parcel of property that is less than 10 acres.
- B. A family plot shall be located on property that comprises at least 10 acres; however, there shall be no minimum lot area required for the family plot. The applicant shall submit a registered survey with the conditional use application indicating the boundaries of the family plot.
- C. A drainage plan shall be submitted with the application for the use showing existing and proposed runoff characteristics.
- D. Except for family plots, a groundwater study prepared by a hydrologist or registered engineer qualified to perform such studies shall be submitted with the application.
- E. Except for family plots, plans for ingress/egress to the site shall be referred to the Township Police Department for comments regarding public safety.
- F. Except for family plots, all property lines adjoining residential use or an R-1, R-2, R-3 or MU zoning classification shall be screened by Buffer Area B as defined by § 200-703A of this chapter.
- G. Parking for principal structures such as chapels or mausoleums shall be provided in accordance with the requirements for places of public assembly specified in Article VIII.
- H. All maintenance equipment shall be properly stored in an enclosed building when not in use.
- I. Burial sites or burial structures in cemeteries and family plots shall not be located within 100 feet of any property line adjoining residential use or zoning classification.

§ 200-510. Commercial recreation.

Commercial recreation shall be subject to the following:

- A. The minimum lot area required for outdoor recreation facilities shall be one acre. All indoor facilities shall meet the minimum lot area required for the zoning district in which the property is located.
- B. The property shall have frontage on and direct vehicular access to an arterial or collector

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street, as defined by this chapter.

- C. The property shall be served by public water and public sewers.
- D. Adequate sanitary facilities available to the public shall be provided.
- E. Outdoor speakers shall not be permitted if there are dwellings within 500 feet of the property in any direction. If outdoor speakers are allowed, the volume and direction shall be regulated to minimize impact on adjoining properties.
- F. Location of buildings and facilities, traffic circulation on the property and parking areas shall be designed to provide adequate access for emergency medical vehicles and fire-fighting equipment.
- G. Any outdoor facility shall be completely enclosed by a fence that is at least six feet in height with one or more locking gates which shall remain secured when the facility is not in use.
- H. Any outdoor facility located within 200 feet of an existing dwelling shall cease operations no later than 10:00 p.m.
- I. Any use that includes eating or drinking facilities shall be subject to the parking requirements for that use in addition to the parking requirements for the recreational use.

§ 200-511. Communications antennas.

Communications antennas mounted on an existing building or existing public utility storage or transmission structure shall be subject to the following:

- A. Building-mounted antennas shall not be permitted on any single-family dwelling or two-family dwelling.
- B. The applicant shall demonstrate that the electromagnetic fields associated with the proposed antennas comply with safety standards now or hereafter established by the Federal Communications Commission (FCC).
- C. The applicant shall demonstrate compliance with all applicable Federal Aviation Administration (FAA) and any applicable airport zoning regulations.
- D. Building-mounted antennas shall be permitted to exceed the height limitations of the district by no more than 20 feet. Antennas mounted on an existing public service corporation facility, storage or transmission tower shall not project more than 20 feet above the height of the tower.
- E. Omnidirectional or whip antennas shall not exceed 20 feet in height or seven inches in diameter.
- F. Directional or panel antennas shall not exceed five feet in height or two feet in width.
- G. Satellite and microwave dish antennas mounted on the roof of a building or on a self-supporting communications tower shall not exceed six feet in diameter.
- H. Satellite and microwave dish antennas mounted on a monopole communications tower or existing public service corporation facility, storage or transmission structure shall not exceed two feet in diameter.
- I. The applicant proposing a building-mounted antenna shall submit evidence from a structural

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engineer certifying that the proposed installation will not exceed the structural capacity of the building considering wind and other loads associated with the antenna's location.

- J. Evidence of lease agreements and easements necessary to provide access to the building or structure for installation and maintenance of the antennas and placement of the equipment cabinet or equipment building shall be provided to the Township.
- K. The placement of the equipment cabinet shall not obstruct the free flow of traffic on the site, shall not reduce any parking required or available for other uses on the site and shall not obstruct any right-of-way or easement.
- L. Unless located within a secured building, the equipment cabinet shall be fenced by a ten-foot high chain link security fence with locking gate. If the equipment cabinet is visible from any public street or adjoining residential property, the equipment cabinet shall be screened by a minimum six-foot high dense, compact evergreen hedge or opaque fence.
- M. If vehicular access to the equipment cabinet is not provided from a public street or paved driveway or parking area, an easement or right-of-way shall be provided which has a minimum width of 20 feet and which shall be improved with a dust-free all-weather surface for its entire length.
- N. At least one off-street parking space shall be provided on the site within a reasonable walking distance of the equipment cabinet to facilitate periodic visits by maintenance workers.

§ 200-512. Communications towers.

Communications towers shall be subject to the following:

- A. The applicant shall demonstrate that it is licensed or has made application to be licensed by the Federal Communications Commission (FCC) to operate a communications tower.
- B. Any applicant proposing a new freestanding communications tower shall demonstrate that a good faith effort has been made to obtain permission to mount the antenna on an existing building or other structure or an existing communications tower. A good faith effort shall require that all owners within a 1/4 mile radius of the proposed site be contacted and that one or more of the following reasons for not selecting an alternative existing building or communications tower or other structure apply:
 - 1. The proposed equipment would exceed the structural capacity of the existing building, communications tower or other structure and reinforcement of the existing building, tower or other structure cannot be accomplished at a reasonable cost.
 - 2. The proposed equipment would cause RF (radio frequency) interference with other existing or proposed equipment for that building, tower or other structure and the interference cannot be prevented at a reasonable cost.
 - 3. Existing buildings, communications towers or other structures do not have adequate space or height to accommodate the proposed equipment.
 - 4. Addition of the proposed equipment would result in NIER (nonionizing electromagnetic radiation) levels that exceed any adopted local, federal or state emission standards.
- C. The applicant shall demonstrate that the proposed height of the communications tower is the minimum height necessary to function effectively.

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- D. The base of the communications tower shall be set back from all property lines a minimum distance which represents 120% of the tower height measured from the base of the antenna support structure at grade to the highest point of the structure. [Amended 12-12-2007 by Ord. No. 111]
- E. An antenna which is proposed to be mounted on an existing building or structure, other than an existing communications tower, shall not exceed the height of the building or structure by more than 20 feet.
- F. The applicant shall submit certification from a structural engineer that the structural capacity of any existing building or structure on which an antenna is proposed to be mounted is adequate to withstand wind and other loads associated with the antenna's location.
- G. In the case of a freestanding communications tower, the applicant shall submit evidence that the tower structure and its method of installation have been designed by a registered engineer and is certified by that registered engineer to be structurally sound and able to withstand wind and other loads in accordance with accepted engineering practice.
- H. The applicant shall demonstrate that the proposed antenna and any tower structure are safe and that surrounding areas will not be negatively affected by tower structure failure, falling ice or other debris, electromagnetic fields or radio frequency interference.
- I. All guy wires and guyed towers shall be clearly marked and fenced in compliance with Subsection J below.
- J. Unless the communications tower is located on a building, the tower structure or the entire property on which the tower structure is located shall be completely enclosed by a six-foot high chain link fence with self-latching gate to limit accessibility to the general public.
- K. All tower structures shall be fitted with anticlimbing devices as approved by the manufacturer for the type of installation proposed.
- L. All antennas and tower structures shall be subject to all applicable Federal Aviation Administration (FAA) and airport zoning regulations.
- M. No sign or other structure shall be mounted on the tower structure, except as may be required or approved by the Federal Communications Commission (FCC), Federal Aviation Administration (FAA) or other governmental agency.
- N. Tower structure's supporting antennas shall be painted or finished in accordance with Federal Aviation Administration (FAA) regulations in order to reduce visual impact.
- O. If the communications tower is fully automated, adequate parking shall be provided for periodic visits by maintenance workers. If the commercial communications tower is not fully automated, one parking space shall be provided for each employee on peak shift.
- P. No antenna or tower structure shall be illuminated, except as may be required by the Federal Aviation Administration (FAA), PA Department of Aviation or the Federal Communications Commission (FCC).

§ 200-513. Comparable uses not specifically listed.

Comparable uses not specifically listed shall be subject to the following:

- A. Uses of the same general character as any of the uses authorized as permitted uses by right

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or conditional uses in the zoning district in which the property is located shall be allowed, if the Board of Supervisors determines that the impact of the proposed use on the environment and adjacent streets and properties is equal to or less than any use specifically listed in the zoning district. In making such determination, the Board of Supervisors shall consider the following characteristics of the proposed use:

1. The number of employees;
 2. The floor area of the building or gross area of the lot devoted to the proposed use;
 3. The type of products, materials and equipment and/or processes involved in the proposed use, if applicable;
 4. The magnitude of walk-in trade; and
 5. The traffic and environmental impacts and the ability of the proposed use to comply with the performance standards of § 200-702 of this chapter.
- B. The proposed use shall comply with all applicable area and bulk regulations for the zoning district in which it is located.
- C. The proposed use shall comply with any applicable express standards and criteria specified in this Article for the most nearly comparable conditional use listed in the zoning district in which the comparable use is proposed.
- D. The Board of Supervisors shall conduct a public hearing and act on the development plan in accordance with the requirements of § 200-502A of this chapter.
- E. The proposed use shall be consistent with the purpose statement for the zoning district in which it is proposed and shall be consistent with the community development objectives of this chapter.⁶

§ 200-514. Crematoriums.

Crematoriums shall be subject to the following:

- A. The minimum site required shall be five acres.
- B. The crematory shall not be located within 500 feet of any existing dwelling.
- C. The use shall comply with the performance standards of § 200-702 of this chapter.
- D. The use shall comply with all applicable regulations of the Commonwealth of Pennsylvania.

§ 200-515. Day-care centers, institutional day-care centers.

Day-care centers or preschool facilities shall be subject to the following:

- A. The facility shall be registered with or licensed by the Commonwealth of Pennsylvania, if applicable.
- B. In the A-1, R-1, R-2 and R-3 Districts, the day-care center or preschool facility shall only be located in an existing church or school.

⁶ Editor's Note: See § 200-5.

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- C. Outdoor play areas shall be provided which shall have a minimum area of 65 square feet per child and which shall be secured by a four-foot high fence with self-latching gate.
- D. The general safety of the property proposed for a day-care center, nursery school or preschool facility shall meet the needs of small children.
- E. Off-street parking shall be provided in accordance with the requirements of Article VIII of this chapter.

§ 200-516. Educational studios.

Educational studios shall be subject to the following:

- A. The minimum site required shall be 10 acres.
- B. The maximum number of students in any class at any one time shall be 20.
- C. Off-street parking shall be provided at the rate of one parking space for each student proposed to be accommodated in the largest class conducted at any one time.
- D. Off-street parking shall be improved with a dust-free, all-weather surface.
- E. The educational studio shall be established in an existing building. An addition to or renovation of an existing building shall be permitted, however, new construction of a freestanding building solely to house the educational studio shall not be permitted.
- F. The operator of the educational studio shall be a member of the family residing on the property; however, the operator need not reside on the property.
- G. In addition to the operator, no more than two nonresident employees shall be employed in the educational studio.
- H. Any family member residing on the property may be employed in the educational studio.

§ 200-517. Family day-care homes.

Family day-care homes shall be subject to the following:

- A. An adequate outdoor play area shall be provided and shall be secured by a fence with self-latching gate. Such play area shall be screened from adjoining residential properties by a minimum four-foot high opaque fence.
- B. Outdoor play areas shall have a minimum area of 400 square feet.
- C. A safe area shall be provided for dropping off and picking up children which does not obstruct the free flow of traffic on any public street.
- D. The family day-care home shall be licensed by, or approved by, the Commonwealth of Pennsylvania, as required by the laws of the commonwealth, and continued compliance with the license or approval and all applicable laws of the commonwealth shall be maintained throughout the operation of the family day-care home.
- E. All applicable criteria of § 200-520 governing home occupations shall be met.

§ 200-518. Golf courses; golf or country clubs.

Golf courses and golf or country clubs shall be subject to the following:

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- A. The minimum site required shall be 30 acres.
- B. Clubhouses shall be located at least 200 feet from any property line adjoining property in an R-1, R-2, R-3 or MU Zoning District and at least 50 feet from all other property lines.
- C. Where eating and/or drinking facilities are provided, off-street parking requirements of Article XIV for restaurants shall be met.
- D. Where a swimming pool is provided, parking requirements for swimming pools shall apply in addition to the parking requirements for golf courses.
- E. All off-street parking that adjoins any R-1, R-2, R-3 or MU Zoning District shall be screened by Buffer Area C as defined by § 200-703A of this chapter.
- F. The clubhouse and any other outdoor recreation facility, other than the golf course, such as a swimming pool or tennis courts shall be screened by Buffer Area B as defined by § 200-703A of this chapter along all property lines that adjoin property in any R-1, R-2, R-3 or MU Zoning District.
- G. Outdoor operations shall be discontinued between the hours of 11:00 p.m. and 6:00 a.m.

§ 200-519. Group care facilities; group day-care home; personal care boarding homes; transitional dwellings.

Group care facilities, personal care boarding homes and transitional dwellings shall be subject to the following:

- A. The minimum area and bulk regulations for a group care facility, personal care boarding home or transitional dwelling shall be the same as those required for a principal use in the district in which the facility is located.
- B. In the R-3 District, a group care facility or personal care boarding home shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this chapter.
- C. No group care facility, personal care boarding home or transitional dwelling shall be located within 500 feet of another existing or proposed group care facility, personal care boarding home or transitional dwelling.
- D. Adequate provisions shall be made for access by emergency medical and fire-fighting vehicles.
- E. Twenty-four-hour supervision shall be provided by staff qualified by the sponsoring agency.
- F. Adequate open space opportunities for recreation shall be provided on the lot for the residents consistent with their needs.
- G. Where applicable, licensing or certification by the sponsoring agency shall be prerequisite to obtaining a certificate of occupancy and a copy of the annual report with evidence of continuing certification shall be submitted to the Zoning Officer in January of each year.

§ 200-520. Home occupations.

Home occupations shall be subject to the following:

- A. The home occupation shall be carried on by a member of the family residing in the dwelling.

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No more than one person who is not a resident of the dwelling shall be employed in the dwelling.

- B. In the R-2 and R-3 Districts, the home occupation shall be conducted entirely within the principal dwelling and shall not be conducted in any accessory structure. No more than 25% of the gross floor area of the principal dwelling shall be devoted to the conduct of the home occupation.
- C. In the A-1 and R-1 Districts, the home occupation may be carried on in the principal dwelling or in an accessory structure, provided that the gross floor area devoted to the home occupation shall not exceed 25% of the gross floor area of the principal dwelling.
- D. Products shall be limited to handicrafts made by the residents produced on the site for sale off the premises. Such articles shall not be displayed on the premises, except that samples may be displayed for the purpose of accepting orders.
- E. There shall be no display on the premises of merchandise for sale which has been produced off the premises; however, merchandise may be stored on the premises for delivery off the premises, such as Amway, Tupperware or similar products stored for distribution to customers or salespersons at their residence or place of business.
- F. There shall be no exterior displays or signs, either on or off the premises, other than a small identification sign no more than one square foot in surface area containing only the name of the resident and the nature of the home occupation. Such sign may be attached to the mailbox or to the wall of the dwelling.
- G. The use shall not require internal or external alterations or construction features which are not customary to a dwelling or which change the fire rating of the structure.
- H. Objectionable noise, vibration, smoke, dust, electrical disturbance, odors, heat or glare shall not be produced. The use shall comply with the performance standards of § 200-702 of this chapter.
- I. The use shall not significantly intensify vehicular or pedestrian traffic beyond that which is normal for the residences in the immediate area.
- J. There shall be no use of materials or equipment except that of a similar power and type normally used in a residential dwelling for domestic or household purposes.
- K. The use shall not cause an increase in the use of water, sewage, electricity, garbage, public safety or any other municipal services beyond that which is normal for the residences in the immediate area.
- L. In the R-2 and R-3 Districts, commercial vehicles in excess of 8,000 pounds gross vehicle weight (GVW) shall not be parked on the premises.
- M. In the R-2 and R-3 Districts, there shall be no storage of materials or equipment used in the home occupation outside a completely enclosed building.
- N. Any home occupation where customers, clients or students routinely visit the premises shall provide an off-street parking area with a dust-free, all-weather surface in accordance with the requirements of Article VIII for the specific use in addition to the spaces required for the dwelling.
- O. The following are examples of permitted home occupations, provided that all of the

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foregoing criteria are met:

1. Artist, photographer or handicrafts studio.
 2. Catering off the premises.
 3. Contracting business, excluding on-site storage of equipment.
 4. Computer programmer, data processor, writer.
 5. Consultant, clergy, counselor, bookkeeping, drafting or graphics services;
 6. Dressmaker; tailor.
 7. Professional offices which involve routine visitation by customers or clients.
 8. Housekeeping or custodial services.
 9. Interior design.
 10. Jewelry or watch repair, not including wholesale or retail sales.
 11. Lawnmower or small engine repair in the A-1 and R-1 Districts only.
 12. Locksmith.
 13. Mail order business.
 14. Manufacturer's representative.
 15. Repair of small household appliances that can be hand carried.
 16. Telemarketing.
 17. Travel agent.
 18. Tutoring or any other instruction to no more than five students at a time.
 19. Word processing, typing, secretarial services.
- P. The following uses shall not be considered home occupations and shall be restricted to the zoning districts in which they are specifically authorized as permitted uses and conditional uses including, but not limited to:
1. Beauty shops and barbershops containing more than two chairs.
 2. Blacksmith and metal working.
 3. Boarding stable or riding academy.
 4. Clinic, hospital or nursing home.
 5. Funeral home.
 6. Group care facility, personal care boarding home or transitional dwelling.
 7. Kennel, veterinary clinic.
 8. Private club.

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9. Private instruction to more than five students at a time.
 10. Restaurants; tearooms.
 11. Retail or wholesale sales.
 12. Tanning, nail or massage salon.
 13. Tourist or boarding home, other than bed-and-breakfast.
 14. Vehicle or equipment rental, repair or sales.
 15. Vehicle repair garages.
- Q. The acceptability of any proposed home occupation not specifically listed above shall be determined by the Zoning Hearing Board in accordance with the standards of this § 200-520 and the applicable criteria for comparable uses not specifically listed in § 200-513.

§ 200-521. Hospitals, clinics or nursing homes.

Hospitals, clinics or nursing homes shall be subject to the following:

- A. The minimum lot area required for a hospital shall be five acres. The minimum lot area required for a clinic or nursing home shall be one acre.
- B. The property shall be served by public water and public sewers.
- C. All hospitals and nursing homes shall be licensed by the commonwealth.
- D. Water pressure and volume shall be adequate for fire protection.
- E. Ingress, egress and internal traffic circulation shall be designed to ensure access by emergency vehicles.
- F. The parking and circulation plan shall be referred to the Township Police Department and volunteer fire company for comments regarding traffic safety and emergency access.
- G. Nursing homes shall have a bed capacity of at least 20 beds, but no more than 200 beds.
- H. All property lines adjoining residential use or zoning classification shall be screened by Buffer Area B, as defined by § 200-703A of this chapter.
- I. A private use helipad for air ambulance shall be permitted as part of a hospital, provided all of the following criteria are met:
 1. Helipads shall be located at least 250 feet from any property line or public street.
 2. Helipads accessory to a hospital shall be limited to use by emergency vehicles and health system personnel.
 3. Evidence of compliance with all applicable regulations of the Federal Aviation Administration (FAA) and the Pennsylvania Department of Transportation, Bureau of Aviation shall be submitted.
 4. The helicopter landing pad shall be clearly marked with the insignia commonly recognized to indicate a private use helipad.

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5. The helicopter landing pad shall be paved, level and maintained dirt-free. Rooftop pads shall be free of all loose stone and aggregate.
 6. An application for a helipad on a roof shall be accompanied by a certification by a registered engineer that the loads imposed by the helicopter will be supported by the structure.
 7. Lighting shall be shielded away from adjacent properties and streets.
- J. Disposal of medical waste shall be in accordance with all applicable permits and handling requirements of the Pennsylvania Department of Environmental Protection (PA DEP) and the United States Environmental Protection Agency (EPA).

§ 200-522. Junkyards.

Junkyards shall be subject to the following:

- A. The minimum site required shall be 20 acres.
- B. The premises shall be maintained so as to not constitute a nuisance or menace to public health and safety.
- C. No garbage, hazardous materials or hazardous waste as defined by federal statute, or other organic waste shall be stored on the premises.
- D. The handling and disposal of motor oil, battery acid and other substances regulated by federal statute and the Pennsylvania Department of Environmental Protection (PA DEP) shall be in accordance with all permits and requirements of that agency. Any suspension, revocation or violation of the PA DEP permits shall be a violation of this chapter and shall be subject to the enforcement provisions of § 200-1202 of this chapter.
- E. The manner of storage of junk or other materials or equipment on the site shall facilitate access for fire fighting, shall prevent hazards from fire or explosion and shall prevent the accumulation of stagnant water.
- F. The junk or salvage yard operation shall comply with the performance standards of § 200-702 of this chapter.
- G. No junk shall be stored or accumulated and no structure shall be located within 100 feet of any dwelling or within 40 feet of any property line or public street.
- H. The premises shall be enclosed by a metal chain link fence not less than eight feet in height supported on steel posts with a self-latching gate. The fence shall be located on the inside of the buffer area required by Subsection J below.
- I. The fence shall be supplemented with screening material that creates a visual barrier that is at least 80% opaque.
- J. Buffer Area A, as defined by § 200-703A of this chapter, shall be provided along all property lines adjoining residential use or R-1, R-2, R-3 or MU Zoning District classification.
- K. The site shall be designed utilizing natural topography and/or constructed earthen mounds so as to obstruct visibility from adjacent public streets.
- L. In January of each year, the operator shall apply to the Zoning Officer for renewal of the

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zoning certificate and shall present evidence of continuing compliance with all conditions of approval and any required state permits.

§ 200-523. Kennels.

Kennels shall be subject to the following:

- A. If required by law, the facility shall be licensed by the commonwealth.
- B. The facility shall comply with the Pennsylvania Dog Law (PA 1996-1513; 3 P.S. § 459-101 et seq.), as now or hereafter amended, and all applicable rules and regulations of the Pennsylvania Department of Agriculture.
- C. The minimum site required to operate a kennel shall be five acres.
- D. Outdoor kennels shall be located at least 300 feet from any occupied dwelling on an adjacent lot and at least 200 feet from any property line adjoining property in an R-1, R-2, R-3 or MU Zoning District.
- E. Buffer Area C, as defined by § 200-703A, shall be installed along any property line adjoining an existing dwelling for the distance necessary to screen the adjacent dwelling and its rear yard from the kennel.
- F. Outdoor runs and similar facilities shall be constructed for easy cleaning, and shall be adequately secured by a minimum six-foot high fence with self-latching gate.
- G. The operator shall submit an animal waste management and disposal plan to the Township.
- H. Kennels shall comply with Chapter 52, Animals, as now or hereafter amended.

§ 200-524. Landfills.

Landfills shall be subject to the following:

- A. The minimum site required for a landfill shall be 200 acres.
- B. The site shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this chapter.
- C. The site shall not be located in the watershed of any high quality stream identified by the commonwealth.
- D. The driveway or haul road entering the site from a public street shall be paved for a distance of 500 feet from the public street.
- E. A tire washing station shall be located on the site to service trucks exiting the facility.
- F. Bond.
 - 1. Prior to beginning operations, the operator shall post a bond in favor of the Township and in a form acceptable to the Township Solicitor in the amount of \$100,000 for each mile of Township road or portion thereof proposed to be traversed by vehicles traveling to the site. The term of the bond shall begin on the date that the zoning certificate is issued. The bond shall be returned to the operator upon completion of all operations and any backfilling or reconstruction of a damaged roadway due to weight in excess of the posted weight limits for the road.

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2. Any failure to complete the reconstruction required by this chapter shall result in forfeiture of the required bond. Those portions of the Township roads that have been damaged shall be determined by inspection of the Township Engineer and shall be reconstructed to current Township specifications for street construction.
- G. Landfill operations shall not be conducted within 1,000 feet of any property lines adjoining residential use or zoning district classification.
- H. All property lines adjoining residential use or R-1, R-2, R-3 or MU Zoning District classification shall be screened by Buffer Area A, as defined by § 200-703A of this chapter.
- I. Fencing at least eight feet in height shall be provided around any work area for security and to control windblown refuse.
- J. The applicant shall show compliance with all applicable federal and state laws regulating landfills.
- K. The applicant shall obtain the required permits from the Pennsylvania Department of Environmental Protection (PA DEP) and/or the United States Environmental Protection Agency (EPA) prior to initiating any operation.
- L. The required federal or state permits shall be maintained throughout the duration of all operations.
- M. Any suspension or revocation of the required state or federal permits shall constitute a violation of this chapter and shall result in the suspension or revocation of the zoning certificate or enforcement of the penalty provisions of this chapter or both.
- N. In January of each year, the operator shall apply to the Zoning Officer for renewal of the zoning certificate and shall present evidence of continuing compliance with all conditions of approval and the required state or federal permits.

§ 200-525. Medical marijuana dispensary.

- A. A medical marijuana dispensary must be legally registered in the Commonwealth and possess a current valid medical marijuana permit from the Pennsylvania Department of Health.
- B. A medical marijuana dispensary may only dispense medical marijuana in an indoor, enclosed, permanent, and secure building and shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.
- C. A medical marijuana dispensary may not operate on the same site as a facility used for growing and processing medical marijuana.
- D. Medical marijuana dispensaries shall have a single secure public entrance and shall implement appropriate security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing medical marijuana.
- E. Permitted hours of operation of a medical marijuana dispensary shall be between the hours of 8:00 a.m. and 7:00 p.m. of any calendar day.
- F. A medical marijuana dispensary shall be a maximum of 3,000 gross square feet, of which no more than 500 square feet shall be used for secure storage of product, and shall have an interior customer waiting area equal to a minimum of twenty-five (25) percent of the gross

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floor area.

G. A medical marijuana dispensary shall:

1. Not have a drive-through service;
2. Not have outdoor seating areas;
3. Not have outdoor vending machines;
4. Prohibit the administering of, or the consumption of medical marijuana on the premises; and
5. Not offer direct or home delivery service.

H. A medical marijuana dispensary may dispense only medical marijuana to certified patients and caregivers and shall comply with all lawful, applicable health regulations.

I. A medical marijuana dispensary may not be located within 1,000 feet of the property line of a school or a day-care center. This distance shall be measured in a straight line from the closest exterior wall of the building or portion thereof in which the business is conducted or proposed to be conducted, to the closest property line of the protected use, regardless of municipality in which it is located.

J. A medical marijuana dispensary shall be a minimum distance of 1,000 feet from the next nearest medical marijuana dispensary. This distance shall be measured in a straight line from the closest exterior walls of the buildings or portions thereof in which the businesses are conducted or proposed to be conducted, regardless of municipality in which it is located.

K. All external lighting serving a medical marijuana dispensary must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties.

§ 200-526. Medical marijuana growing/processing facility.

A. A medical marijuana grower/processor shall only grow medical marijuana in an indoor, enclosed, and secure building which includes electronic locking systems, electronic surveillance and other features required by the Pennsylvania Department of Health. The grower/processor facility shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.

B. The floor area of a medical marijuana grower/processor shall include sufficient space for production, secure storage of marijuana seed, related finished product cultivation, and marijuana related materials and equipment used in production and cultivation or for required laboratory testing.

C. There shall be no emission of dust, fumes, vapors, odors, or waste into the environment from any facility where medical marijuana growing, processing or testing occurs.

D. Marijuana remnants and byproducts shall be secured and properly disposed of in accordance with the Pennsylvania Department of Health Policy and shall not be placed within any unsecure exterior refuse containers.

E. The grower/processor shall provide only wholesale products to other medical marijuana facilities. Retail sales and dispensing of medical marijuana and related products is prohibited at medical marijuana grower/processor facilities.

F. Grower/processors may not locate within 1,000 feet of the property line of a school or day-

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care center.

- G. All external lighting serving a medical marijuana grower/processor must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties.

§ 200-527. Mine portals, ventilating shafts, bore holes, tipples, cleaning plants and mine waste disposal areas.

Mine portals, ventilating shafts, bore holes, tipples, cleaning plants and mine waste disposal areas shall be subject to the following:

- A. The operator of the coal mine shall submit copies of plans showing the proposed location and/or type of structure to be erected.
- B. With the exceptions of coal tipples, cleaning plants and mine waste disposal areas, the structure of all buildings shall harmonize as far as reasonably possible with the character of the structures in the district in which they are located.
- C. Parking areas for mine portals, coal tipples and cleaning plants shall conform with the provisions of Article VIII.
- D. Areas around coal tipples, cleaning plants and mine waste disposal areas shall be appropriately landscaped and maintained in good condition so as to protect the adjacent properties. As a minimum, there shall be 200 square feet of landscaped area in the front and side yards for each 1,000 square feet of building, parking or roadway area.
- E. With the exception of the mine waste disposal areas, the site and areas used shall, upon completion or discontinuation of mining operations, be left in a manner making them usable in accordance with the regulations applicable to the district in which they are located.
- F. As part of the application for approval any proposed initiation or expansion of a coal extraction operation shall provide a report with the following information:
 - 1. An assessment of existing structural damage and glass breakage in any structure within 500 feet of the property lines.
 - 2. A report on the quality and quantity of any well in use within 500 feet of the property lines. Quantity shall be measured in gallons per minute. The report on quality shall include the results of tests for the following specific criteria: pH; dissolved oxygen (mg/l); iron (mg/l); dissolved solids (mg/l); turbidity (units); threshold odor number; alkalinity (mg/l); and hardness (mg/l).
- G. The following provisions shall apply to coal mining operations:
 - 1. Ventilating shafts. Ventilating shafts, including all structures intended to supply air or power to underground coal mines, shall comply with the general provisions set forth herein.
 - 2. Mechanical baffles supplemented by topography and/or landscaping shall be utilized to protect the adjacent properties from the noise level of exhaust fans.
- H. Mine portals, including structures, parking areas and other related facilities, shall comply with the requirements set forth in the general provisions.
- I. Coal tipples and cleaning plants, including structures, parking areas and other related facilities, shall comply with the requirements set forth in the general provisions as well as

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the following additional conditions and requirements:

1. Structures shall be located at a minimum distance of 500 feet from any other lot in any A, R, B or M-1 District to ensure adequate screening.
 2. The site of tipples or cleaning plants shall be appropriately screened by tree plantings, to supplement natural screening provided by the topography, and shall be maintained in good condition.
- J. Mine waste disposal areas including any related facilities, shall comply with the following additional conditions and requirements:
1. Mine waste shall be placed in a manner that will prevent combustion.
 2. Mine waste shall be deposited wherever possible in ravines or low areas and at a minimum distance of 100 feet from any other lot in any A, R, B or M-1 District to minimize their visibility. Where topographical conditions and natural vegetation do not afford adequate screening, a suitable landscape screen of trees and shrubs and a minimum setback distance of 250 feet from any other lot in any A, R, B or M-1 District shall be provided.

§ 200-528. Mineral extraction.

Mineral extraction shall be subject to the following:

- A. Removal of minerals encountered during the routine grading of a site for the purposes of an approved land development or for the construction of public improvements shall be excluded from these regulations and the requirement to obtain approval of a conditional use application, provided evidence is presented to the Township that all applicable requirements of the Pennsylvania Department of Environmental Protection (PA DEP) are met.
- B. There shall be no removal of minerals or vegetative cover within 100 feet of the bank of any stream or natural watercourse identified on maps prepared by the United States Geologic Survey (USGS).
- C. Mineral removal shall be prohibited in watersheds or rivers or streams now or hereafter designated by the Pennsylvania Fish Commission as a wilderness trout stream, by the Pennsylvania Department of Environmental Protection (PA DEP) as part of the scenic rivers system or designated under the Federal Wild and Scenic Rivers Act.
- D. No mineral removal shall be conducted within 300 feet of any public building, school, church, community or institutional building, commercial building, public park or recreational area.
- E. No mineral removal shall be conducted within 100 feet of the outside right-of-way line of any public street, except where access roads or haulage roads join the right-of-way line and where the appropriate state or federal agency having jurisdiction over the conduct of mineral removal operations shall permit it in accordance with law.
- F. No mineral removal shall be conducted that will adversely affect any publicly owned park or places included in the National Register of Historic Sites, unless approved by the governmental agency with jurisdiction over the park or historic sight.
- G. No mineral removal shall be conducted within 100 feet of a cemetery.
- H. No mineral removal shall be conducted within 300 feet of an occupied dwelling, unless the

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consent of the owner has been obtained in advance of the filing of the application for zoning approval.

- I. The applicant shall present expert testimony to demonstrate that the proposed mineral removal operation will not adversely affect any of the following:
 - 1. Lawful existing or permitted use of adjacent properties.
 - 2. The quality or adequacy of any public or private water supply source.
 - 3. Any flood-prone or landslide-prone areas within the Township.
- J. The applicant shall present expert testimony to demonstrate that the use of explosives, if proposed, shall not cause injury to any adjacent structures or shall not substantially diminish underground water resources.
- K. If blasting is to be undertaken, a seismograph shall be placed on the site of the operation during all times when blasting is performed which shall be monitored by an independent engineering consultant whose credentials are acceptable to the Township and whose fee is paid by the applicant.
- L. The applicant shall provide reclamation plans for the site that demonstrate that the condition of the land after the operation is completed will allow economically and ecologically productive uses of the type permitted in the district in which the site is located. Acceptance of the reclamation plan shall not constitute approval of any aspect of any future development plan.
- M. The applicant shall show the proposed routes of all trucks to be utilized for hauling and the estimated weights of those trucks. The applicant shall show evidence of compliance with designated weight limits on state, county and Township roads and shall design the hauling routes for the mineral removal operation to minimize the impact on local streets within the Township.
- N. The operator shall post a bond in favor of the Township and in a form acceptable to the Township prior to beginning operations to guarantee restoration of Township streets that may be damaged during the mineral removal operations.
- O. Portions of the site where mineral removal operations are conducted may be required to be fenced or screened, as necessary, to provide security and protect adjacent properties.
- P. The applicant shall comply with all applicable state and federal regulations and shall show evidence of obtaining the required state and federal permits, including proof of insurability, before initiating any work and shall maintain the required permits throughout the duration of all operations. Any suspension or revocation of the required state or federal permits shall constitute a violation of zoning approval and will result in the suspension or revocation of zoning approval and/or enforcement of the penalty provisions of this chapter.
- Q. Approval of the conditional use shall expire if work authorized in the application for the conditional use is not commenced within six months of the date of approval of the conditional use application by the Board of Supervisors, unless the applicant submits a written request for an extension prior to the expiration of the six months after the date of approval.
- R. Once work is initiated under an approved application for conditional use, zoning approval

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shall be valid for a period of one year from the date of conditional use approval by the Board of Supervisors. An application for renewal of zoning approval shall be submitted prior to the expiration of zoning approval and shall be approved by the Zoning Officer upon demonstration by the applicant that all conditions of approval of the conditional use and the required federal and state permits remain in full force and effect and that the applicant is diligently pursuing the completion of the mineral removal operation.

- S. During the mineral removal operation, the Township Engineer may inspect the site at the request of the Board of Supervisors to determine continuing compliance with these standards and criteria and any conditions of approval. The cost of inspection by the Township Engineer shall be borne by the operator.

§ 200-529. Mini-warehouse or self-storage building.

Mini-warehouses or self-storage buildings shall be subject to the following:

- A. The minimum lot area for a mini-warehouse or self-storage building shall be two (2) acres.
- B. Individual storage spaces within a mini-warehouse or self-storage building shall have a maximum gross floor area of five hundred (500) square feet.
- C. The proposed use shall not be visible from an Arterial Street.
- D. Walls. A six (6) foot high decorative masonry wall combined with an earthen berm or landscaping to provide an eight (8) foot high screen shall be provided around the entire mini-warehouse land use, unless otherwise approved by the Township. The rear and sides of mini-warehouse buildings may be used in place of portions of the required wall where no individual storage units are accessible from the building sides. The exterior side of all perimeter masonry walls and building sides (if used in place of portions of the walls), shall be coated with a protective coating that will facilitate the removal of graffiti.

§ 200-530. Mobile home parks.

Mobile home parks shall be subject to the following:

- A. The application shall comply with all applicable requirements of Chapter 178, Subdivision and Land Development, governing mobile home parks.
- B. The minimum site required for a mobile home park shall be 15 acres.
- C. The site shall have frontage on and direct vehicular access to a street defined by this chapter as arterial or collector.
- D. The site shall be served by public sewers or a community treatment system approved by the Pennsylvania Department of Environmental Protection (PA DEP).
- E. The minimum mobile home lot shall be 3,000 square feet.
- F. The minimum yard requirements for each mobile home lot shall be 25 feet for front yards, 20 feet for rear yards and 10 feet for side yards. Such yards shall be measured from the perimeter of the mobile home slab.
- G. A minimum 50-foot setback shall be provided around the entire perimeter of the mobile home park site.

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- H. Buffer Area B, as defined by § 200-703A of this chapter, shall be provided along all property lines adjoining property in an A-1, R-1, R-2, R-3 or MU Zoning District.
- I. Every mobile home slab shall have access to a public or private street paved in accordance with the requirements of Chapter 178, Subdivision and Land Development.
- J. Each mobile home lot shall provide two off-street parking spaces.

§ 200-531.1. Oil and gas compressor stations.
[Added 6-22-2011 by Ord. No. 122]

- A. A company desiring to operate a compressor station shall obtain the permits required by this section, which are in addition to, and are not in lieu of, any permit that may be required by any other governmental or regulating agency.
- B. The company must adhere to the following regulations:
 - 1. Building permits, zoning certificates, and certificates of occupancy. Building permits, zoning certificates, and certificates of occupancy, where applicable, shall be obtained from the Township Zoning Officer, and applications must include:
 - a. A description of proposed site or modification to an existing site with identification whether the site is in a wetland or floodplain;
 - b. Anticipated construction start and completion date;
 - c. A plot plan of the site showing a clearly marked scale, all property lines, all buildings, water wells, water sources and rights-of-way;
 - d. The applicant shall apply for a Township-assigned address at the time of building permit application;
 - e. All additional requirements that may be modified or added by subsequent ordinance or required by Pennsylvania law.
 - 2. Grading permit. A grading permit, if applicable, must be obtained per § 78-30 of the Subdivision and Land Development Ordinance prior to any grading or earth moving and must include evidence of an approved soil erosion and sedimentation control plan.
 - 3. State and federal compliance. The applicant shall comply with all applicable state and federal regulations and shall show evidence of obtaining the required state and/or federal permits, including proof of insurability, before initiating any work and maintaining the required permits throughout the duration of all operations. The applicant shall notify the Township immediately of any suspension or revocation of the required state and/or federal permits. Upon notification of said suspension or revocation, the Township-issued permits will hereby be deemed suspended or revoked until state and/or federal compliance is reached.
 - 4. Setbacks. The following minimum setback distances must be adhered to:
 - a. The minimum distance to any protected use shall be 1,000 feet;
 - b. The minimum distance to any public or private school shall be 2,500 feet;
 - c. A setback reduction approval may be authorized by the Mount Pleasant Township Board

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of Supervisors as part of the conditional use approval process, provided that the applicant can submit compelling evidence that such a reduction is necessary and will not be detrimental to the purposes of this ordinance;

- d. All aboveground equipment including compressor engines and any structure in which they are enclosed must be set back a minimum of 100 feet from any adjacent property lines or rights-of-way.
5. Screening and landscaping. The standards in § 200-703 shall be determined during the conditional use hearing.
6. Fence standards. A secured entrance gate on the access road shall be required and all gates are to be kept locked when the operator or its employees are not on the premises. All storage tanks, separation facilities, or other mechanical or production equipment on the operation site shall be completely enclosed by a permanent chain-link fence. Standards for the chain-link fence and secured gate are as follows:
 - a. The chain-link fence shall be at least eight feet in height;
 - b. Support posts shall be set in concrete and shall be imbedded into the ground to a depth sufficient to maintain the stability of the fence;
 - c. The chain-link shall be dark green or black steel wire;
 - d. The chain-link fence shall have, at a minimum, eleven-gauge thickness;
 - e. Posts and rails shall be black or dark green standard socket construction or similar design;
 - f. Tension rods shall be three-eighths-inch round steel bolt stock. Adjustable tighteners shall be turnbuckle or equivalent having a six-inch minimum take-up. Tension bars shall have minimum thickness of 1/4 inch by 3/4 inch;
 - g. All chain-link fences shall be equipped with at least two gates. At least one of the gates shall meet the following specifications:
 - 1.) The gates shall be of black or dark green chain-link construction that meets the applicable specifications or of other approved material that, for safety reasons, shall be at least as secure as the chain-link fence;
 - 2.) Fence screening. Fencing shall be equipped with interlocking opaque slats, mesh, or other screening material approved by the Township. Color of materials shall be uniform and complementary to the color of the fence and painted equipment. Approved colors shall include, but not be limited to, green, brown, tan, and black.
7. Engines. Compressors and other power-driven equipment shall utilize sparkless electric motors, when practicable, as an alternative to internal-combustion engines, unless the applicant can demonstrate that the alternative engines are consistent with the objectives of any Township ordinance. All electrical installations and equipment shall conform to Township ordinances and the applicable national codes.
8. Access roads. Access to any facility shall be arranged to minimize danger to traffic, nuisance to surrounding properties and to maintain the integrity of Township roads. The following standards apply:

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- a. Any newly established private easements/roadways constructed on the parcel containing the facility shall be located at least 50 feet from any property line unless written consent is obtained from the adjoining property owner(s);
 - b. The access road to the facility, beginning with its intersection with a Township road, shall be paved for the first 50 feet and be constructed with an additional 150 feet of limestone in a manner that would reasonably minimize water, sediment or debris carried onto any public road. If the access road or accessway is less than 200 feet in length, the entire access road or accessway shall meet these conditions. This shall be in place prior to the commencement of any facility operations;
 - c. All roads and accessways shall be constructed and maintained to prevent dust and mud from the surrounding area. A method of dust abatement shall be utilized during dry weather and under no circumstances shall brine water, sulphur water or water in mixture with any type of hydrocarbon be used for dust abatement.
9. Truck routes. The applicant shall submit a road use plan showing the proposed routes of all trucks to be utilized for hauling equipment, supplies and the like and the estimated weights of those trucks and the estimated number of trucks entering and exiting the facility daily, as well as keep a record/log of actual use which may be requested from time to time by the Board of Supervisors. In conjunction with the Township, the applicant shall design the hauling routes to and from the facility to minimize the impact on local roads. At no time shall any overweight vehicle travel upon any Township roads, or portion thereof, other than the specified portion of Township roads for which security has been provided.
10. Road use maintenance agreements required. The applicant shall apply for a road use maintenance agreement, pay the prescribed fee, and adhere to all conditions set forth in the agreement.
11. Fee reimbursement. For the period during which construction is taking place, the applicant agrees to reimburse the Township for all reasonable and direct professional consultant fees incurred by the Township related to the site inspection, including, but not limited to, the Township Engineer, Township Solicitor and any other reasonable and direct consultant fees incurred for the review and approval process, and for any specialized work called for in the permit.
12. Signage, site identification. The facility signage shall be clearly visible for all 911 Emergency Services, per Chapter 61 of the Township Code of Ordinances, at the location where the access road intersects with the Township- or State-owned road and at the entrance gate to each facility. In addition to the specifications of Chapter 61, the signage must include:
 - a. Applicant name.
 - b. Unit name.
 - c. Township-assigned address.
 - d. Emergency contact phone number.
13. Lights. No applicant shall permit any lights located on any operation site to be directed in such a manner so that they shine directly on a public road, protected use, adjacent property, or property in the general vicinity of the operation site. To the extent practicable, and taking into account safety considerations, site lighting shall be directed downward and internally so

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as to avoid glare on public roads, protected uses, and adjacent dwellings and buildings. Exterior lights shall be turned off except when personnel are working on site or motion sensors are activated.

14. Emergency response plan. Prior to development, the applicant shall provide to the Township Police Department, Fire Department and Zoning Officer a copy of its emergency response plan. Also, the applicant/operator shall, at its sole cost and expense, provide to Emergency Services appropriate site orientation with adequate information and ongoing training on dealing with any potential dangerous conditions that may result from development activities.
15. Enclosure. Noise-generating equipment, exceeding Township ordinance standards, shall be fully enclosed in a sound reduction structure that conforms to the character of the zone in which it exists. All applicable development plans, permits and regulations shall apply to the enclosure. During normal operations, the structure shall remain fully enclosed, with all doors and windows remaining closed unless during times of egress.
16. Supplemental regulations. The facility must meet all of the supplemental regulations of Chapter 200, Article VII, Supplemental Regulations, of the Township Code of Ordinances. Any and all uses categorized as conditional uses, shall, in addition to the specific conditions set forth herein and the supplemental regulations of Chapter 200, also be subject to additional applicable conditions and safeguards as set forth in Pleasant Township Zoning Ordinance.

§ 200-531.2. Oil and gas metering stations/aboveground gathering facilities.
[Added 6-22-2011 by Ord. No. 122]

- A. A company desiring to operate a metering station/aboveground gathering facility shall obtain the permits required by this section, which are in addition to, and are not in lieu of, any permit that may be required by any other governmental or regulating agency.
- B. The company must adhere to the following regulations:
 1. Building permits, zoning certificates and certificates of occupancy. Building permits, zoning certificates and certificates of occupancy, where applicable, shall be obtained from the Township Zoning Officer, and applications must include:
 - a. A description of proposed site or modification to an existing site with identification whether the site is located in a wetland or floodplain;
 - b. Anticipated construction start and completion date;
 - c. A plot plan of the site showing a clearly marked scale, all property lines, all buildings, water wells, water sources and rights-of-way;
 - d. The applicant shall apply for a Township-assigned address at the time of building permit application;
 - e. Any and all additional requirements that may be modified or added by subsequent ordinance or required by Pennsylvania law.
 2. Grading permit. A grading permit, if applicable, must be obtained per § 178-30 of the Subdivision and Land Development Ordinance prior to any grading or earth moving and must include evidence of an approved soil erosion and sedimentation control plan.

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3. State and federal compliance. The applicant shall comply with all applicable state and federal regulations and shall show evidence of obtaining the required state and/or federal permits, including proof of insurability, before initiating any work and maintaining the required permits throughout the duration of all operations. The applicant shall notify the Township immediately of any suspension or revocation of the required state and/or federal permits. Upon notification of said suspension or revocation, the Township-issued permits will hereby be deemed suspended or revoked until state and/or federal compliance is reached.
4. Setbacks. The following minimum setback distances must be adhered to:
 - a. The minimum distance to any protected use shall be 1,000 feet;
 - b. The minimum distance to any public or private school shall be 2,500 feet;
 - c. The aboveground equipment located within the facility must be set back a minimum of 100 feet from any adjacent property lines or rights-of-way.
5. Screening and landscaping. Metering stations/aboveground gathering facilities must, at a minimum, abide by the standards in § 200-703A(3), Buffer Area C.
6. Fence standards. A secured entrance gate shall be required and are to be kept locked when the operator or its employees are not on the premises. Standards for the chain-link fence and secured gate are as follows:
 - a. The chain-link fence shall be at least eight feet in height;
 - b. Support posts shall be set in concrete and shall be imbedded into the ground to a depth sufficient to maintain the stability of the fence;
 - c. The chain-link shall be dark green or black steel wire;
 - d. The chain-link fence shall have, at a minimum, eleven-gauge thickness;
 - e. Posts and rails shall be black or dark green standard socket construction or similar design;
 - f. Tension rods shall be three-eighths-inch round steel bolt stock. Adjustable tighteners shall be turnbuckle or equivalent having a six-inch minimum take-up. Tension bars shall have minimum thickness of 1/4 inch by 3/4 inch;
 - g. All chain-link fences shall be equipped with at least two gates. At least one of the gates shall meet the following specifications:
 - 1.) The gates shall be of black or dark green chain-link construction that meets the applicable specifications or of other approved material that, for safety reasons, shall be at least as secure as the chain-link fence;
 - 2.) Fence screening. Fencing shall be equipped with interlocking opaque slats, mesh, or other screening material approved by the Township. Color of materials shall be uniform and complementary to the color of the fence and painted equipment. Approved colors shall include, but not be limited to, green, brown, tan, and black.
7. Access roads. Access to the site shall be arranged to minimize danger to traffic, nuisance to surrounding properties and to maintain the integrity of Township roads. The following

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standards shall apply:

- a. Any newly established private easements/roadways constructed on the parcel containing the facility shall be located at least 50 feet from any property line unless written consent is obtained from the adjoining property owner(s);
 - b. The access road to the facility, beginning with its intersection with a Township road, shall be paved for the first 50 feet and be constructed with an additional 150 feet of limestone in a manner that would reasonably minimize water, sediment or debris carried onto any public road. If the access road or accessway is less than 200 feet in length, the entire access road or accessway shall meet these conditions. This shall be in place prior to the commencement of any facility operations;
 - c. All roads and accessways shall be constructed and maintained to prevent dust and mud from the surrounding area. A method of dust abatement shall be utilized during dry weather and under no circumstances shall brine water, sulphur water or water in mixture with any type of hydrocarbon be used for dust abatement.
8. Fee reimbursement. For the period during construction, the applicant agrees to reimburse the Township for all reasonable and direct professional consultant fees incurred by the Township related to the site inspection, including, but not limited to, the Township Engineer, Township Solicitor and any other reasonable and direct consultant fees incurred for the review and approval process, and for any specialized work called for in the permit and its conditions.
 9. Signage, site identification. The facility signage shall be clearly visible for all 911 Emergency Services, per Chapter 61 of the Township Code of Ordinances, at the location where the access road intersects with the Township- or State-owned road and at the entrance gate to each facility. In addition to the specifications of Chapter 61, the signage must include:
 - a. Applicant name.
 - b. Site name.
 - c. Township-assigned address.
 - d. Emergency contact phone number.
 10. Lights. No applicant shall permit any lights located on any operation site to be directed in such a manner so that they shine directly on a public road, protected use, adjacent property or property in the general vicinity of the operation site. To the extent practicable, and taking into account safety considerations, site lighting shall be directed downward and internally so as to avoid glare on public roads, protected uses, and adjacent dwellings and buildings. Exterior lights shall be turned off except when personnel are working on site or motion sensors are activated.
 11. Emergency response plan. Prior to development, the applicant shall provide to the Township Police Department, Fire Department and Zoning Officer a copy of its emergency response plan. Also, the applicant/operator shall, at its sole cost and expense, provide to Emergency Services appropriate site orientation with adequate information and ongoing training on dealing with any potential dangerous conditions that may result from development activities.
 12. Engine and motor enclosures. All engines and motors used to facilitate the movement of gas or regulate the pressure of gas must be enclosed in a permanent structure.

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13. Supplemental regulations. The facility must meet all of the supplemental regulations of Chapter 200. Article VII, Supplemental Regulations, of the Township Code of Ordinances. Any and all uses categorized as conditional uses, shall, in addition to the specific conditions set forth herein and the supplemental regulations of Chapter 200, also be subject to additional applicable conditions and safeguards as set forth in § 200-502A(7) (procedure for approval) and § 200-503, General standards, of the Mount Pleasant Township Zoning Ordinance.

§ 200-531.3. Oil and gas pipelines.

[Added 6-22-2011 by Ord. No. 122]

- A. A company desiring to construct oil and gas pipelines shall furnish to the Township copies showing evidence that it has obtained and maintains in good standing all required state and/or federal permits, including proof of bonding to operate pipelines, when such bonding is required. Any suspension or revocation of any required state or federal approvals or permits shall be reported to the Township immediately. Retail service lines from the main line to the residential or commercial structure are exempt from this section.
- B. The company must adhere to the following regulations:
 1. Pipeline information. The company shall submit to the Township, prior to construction, on a form provided by the Township, the following:
 - a. The origin point and the destination of the segment of the pipeline to be constructed;
 - b. A description of the substance to be transported through the pipeline and a copy of the material safety data sheet (MSDS);
 - c. As-built drawings of the segment of pipeline constructed;
 - d. Must meet all of the supplemental regulations of Article VII, Chapter 200, Zoning, where applicable;
 - e. A copy of the site reclamation plans;
 - f. The owner-operator must participate in PA One-Call;
 - g. The company shall exert reasonable efforts to maintain setbacks as indicated in this subsection. Setback requirements from gas pipelines for general residential, commercial, and industrial buildings shall be a minimum of 50 feet. The setback distance shall be measured from the nearest edge of the pipeline corridor. Setback distances shall be a minimum of 100 feet for all principal buildings used for community recreation services, private or public education, spectator entertainment or sports, exhibition and convention facilities, major health services, religious assemblies, or facilities used for public gatherings.
 2. Grading permit. A grading permit, if applicable, must be obtained per § 178-30 of the Subdivision and Land Development Ordinance, prior to any grading or earth moving and must include evidence of an approved soil erosion and sedimentation control plan.
 3. State and federal compliance. The applicant shall comply with all applicable state and federal regulations and shall show evidence of obtaining the required state and/or federal permits, including proof of insurability, before initiating any work and maintaining the required permits throughout the duration of all operations. The applicant shall notify the

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Township immediately of any suspension or revocation of the required state and/or federal permits. Upon notification of said suspension or revocation, the Township-issued permits will hereby be deemed suspended or revoked until state and/or federal compliance is reached.

4. Supplemental regulations. The facility must meet all of the supplemental regulations of Chapter 200, Zoning, Article VII, Supplemental Regulations, of the Township Code of Ordinances.

§ 200-531.4. Oil and gas processing facilities.

[Added 6-22-2011 by Ord. No. 122]

- A. A company desiring to operate an oil and gas processing facility shall obtain the permits required by this section, which are in addition to, and are not in lieu of, any permit that may be required by any other governmental or regulating agency.
- B. The company must adhere to the following regulations:
 1. Building permits, zoning certificates and certificates of occupancy. Building permits, zoning certificates and certificates of occupancy, where applicable, must be obtained from the Township Zoning Officer and applications must include:
 - a. A description of proposed site or modification to an existing site with identification whether the site is located in a wetland or floodplain;
 - b. Anticipated construction start and completion date;
 - c. A plot plan of the site showing a clearly marked scale, all property lines, all buildings, water wells, water sources, rights-of-way;
 - d. The applicant shall apply for a Township-assigned address at the time of building permit application;
 - e. Any and all additional requirements that may be modified or added by subsequent ordinance or required by Pennsylvania law.
 2. Grading permit. A grading permit, if applicable, must be obtained per § 178-30 of the Subdivision and Land Development Ordinance, prior to any grading or earth moving and must include evidence of an approved soil erosion and sedimentation control plan.
 3. State and federal compliance. The applicant shall comply with all applicable state and federal regulations and shall show evidence of obtaining the required state and/or federal permits, including proof of insurability, before initiating any work and maintaining the required permits throughout the duration of all operations. The applicant shall notify the Township immediately of any suspension or revocation of the required state and/or federal permits. Upon notification of said suspension or revocation, the Township-issued permits will hereby be deemed suspended or revoked until state and/or federal compliance is reached.
 4. Setbacks. The following minimum setback distances must be adhered to:
 - a. The minimum distance to any protected use shall be 1,000 feet;
 - b. The minimum distance to any public or private school shall be 2,500 feet;

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- c. A setback reduction approval may be authorized by the Mount Pleasant Township Board of Supervisors as part of the conditional use approval process, provided that the applicant can submit compelling evidence that such a reduction is absolutely necessary and will not be detrimental to the purposes of this ordinance;
 - d. All aboveground equipment including compressor engines and any structure in which they are enclosed must be set back a minimum of 100 feet from any adjacent property lines or rights-of-way.
- 5. Screening and landscaping: The standards in § 200-703 shall be determined during the conditional use hearing.
- 6. Fence standards. A secured entrance gate on the access road shall be required and all gates are to be kept locked when the operator or its employees are not on the premises. All storage tanks, separation facilities, or other mechanical or production equipment on the operation site shall be completely enclosed by a permanent chain-link fence. Standards for the chain-link fence and secured gate are as follows:
 - a. The chain-link fence shall be at least eight feet in height;
 - b. Support posts shall be set in concrete and shall be imbedded into the ground to a depth sufficient to maintain the stability of the fence;
 - c. The chain-link shall be dark green or black steel wire;
 - d. The chain-link fence shall have, at a minimum, eleven-gauge thickness;
 - e. Posts and rails shall be black or dark green standard socket construction or similar design;
 - f. Tension rods shall be three-eighths-inch round steel bolt stock. Adjustable tighteners shall be turnbuckle or equivalent having a six-inch minimum take-up. Tension bars shall have minimum thickness of 1/4 inch by 3/4 inch;
 - g. All chain-link fences shall be equipped with at least two gates. At least one of the gates shall meet the following specifications:
 - 1.) The gates shall be of black or dark green chain-link construction that meets the applicable specifications or of other approved material that, for safety reasons, shall be at least as secure as the chain-link fence;
 - 2.) Fence screening. Fencing shall be equipped with interlocking opaque slats, mesh, or other screening material approved by the Township. Color of materials shall be uniform and complementary to the color of the fence and painted equipment. Approved colors shall include, but not be limited to, green, brown, tan, and black.
- 7. Engines. Compressors and other power-driven equipment shall utilize sparkless electric motors, when practicable, as an alternative to internal-combustion engines, unless the applicant can demonstrate that the alternative engines are not inconsistent with the objectives of any Township ordinance. All electrical installations and equipment shall conform to Township ordinances and the applicable national codes.
- 8. Access roads. Access to any facility shall be arranged to minimize danger to traffic, nuisance to surrounding properties and to maintain the integrity of Township roads. The following

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standards shall apply:

- a. Any newly established private easements/roadways constructed on the parcel containing the facility shall be located at least 50 feet from any property line unless written consent is obtained from the adjoining property owner(s);
 - b. The access road to the facility, beginning with its intersection with a Township road, shall be paved for the first 50 feet and be constructed with an additional 150 feet of limestone in a manner that would reasonably minimize water, sediment or debris carried onto any public road. If the access road or accessway is less than 200 feet in length, the entire access road or accessway shall meet these conditions. This shall be in place prior to the commencement of any facility operations;
 - c. All roads and accessways shall be constructed and maintained to prevent dust and mud from the surrounding area. A method of dust abatement shall be utilized during dry weather and under no circumstances shall brine water, sulphur water or water in mixture with any type of hydrocarbon be used for dust abatement.
9. Truck routes. The applicant shall submit a road use plan showing the proposed routes of all trucks to be utilized for hauling equipment, supplies and the like and the estimated weights of those trucks and the estimated number of trucks entering and exiting the facility on a daily basis, as well as keep a record/log of actual use which may be requested from time to time by the Board of Supervisors. In conjunction with the Township, the applicant shall design the hauling routes to and from the facility to minimize the impact on local roads. At no time shall any overweight vehicle travel upon any Township roads, or portion thereof, other than the specified portion of Township roads for which security has been provided.
 10. Road use maintenance agreements required. The applicant shall apply for a road use maintenance agreement, pay the prescribed fee, and adhere to all conditions set forth.
 11. Fee reimbursement. For the period during which construction is taking place, the applicant agrees to reimburse the Township for all reasonable and direct professional consultant fees incurred by the Township related to the site inspection, including, but not limited to, the Township Engineer, Township Solicitor and any other reasonable and direct consultant fees incurred for the review and approval process, and for any specialized work called for in the permit and its conditions.
 12. Signage, site identification. The facility signage shall be clearly visible for all 911 Emergency Services, per Chapter 61 of the Township Code of Ordinances, at the location where the access road intersects with the Township- or State-owned road and at the entrance gate to each facility. In addition to the specifications of Chapter 61, the signage must include:
 - a. Applicant name.
 - b. Unit name.
 - c. Township-assigned address.
 - d. Emergency contact phone number.
 13. Lights. No applicant shall permit any lights located on any operation site to be directed in such a manner so that they shine directly on a public road, protected use, adjacent property or property in the general vicinity of the operation site. To the extent practicable, and taking

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into account safety considerations, site lighting shall be directed downward and internally so as to avoid glare on public roads, protected uses, and adjacent dwellings and buildings. Exterior lights shall be turned off except when personnel are working on site or motion sensors are activated.

14. Emergency response plan. Prior to development, the applicant shall provide to the Township Police Department, Fire Department and Zoning Officer a copy of its emergency response plan. Also, the applicant/operator shall, at its sole cost and expense, provide to Emergency Services appropriate site orientation with adequate information and ongoing training on dealing with any potential dangerous conditions that may result from development activities.
15. Enclosure. Noise-generating equipment, exceeding Township ordinance standards, shall be fully enclosed in a sound reduction structure that conforms to the character of the zone in which it exists. All applicable development plans, permits and regulations shall apply to the enclosure. During normal operations, the structure shall remain fully enclosed, with all doors and windows remaining closed unless during times of egress.
16. Supplemental regulations. The facility must meet all of the supplemental regulations of Chapter 200, Zoning, Article VII, Supplemental Regulations, of the Township Code of Ordinances. Any and all uses categorized as conditional uses, shall, in addition to the specific conditions set forth herein and the supplemental regulations of Chapter 200, also be subject to additional applicable conditions and safeguards as set forth in § 200-502A(7) (procedure for approval) and § 200-503, General standards, of the Mount Pleasant Township Zoning Ordinance.

§ 200-531.5. Oil and gas wells.

[Added 6-22-2011 by Ord. No. 122]

- A. A company desiring to engage in any oil and/or natural gas well site construction, drilling, hydraulic fracturing, and/or site restoration associated with a gas well of any depth; water impoundment and other fluid storage, and transportation used for such activities shall obtain a Zoning Certificate from the Township.
- B. The company must adhere to the following regulations:
 1. Zoning certificate. Zoning certificates must be obtained from the Township Zoning Officer prior to commencement of drilling and applications must include:
 - a. The name and address of the mineral and royalty owner(s), a copy of the oil and gas lease and any drilling permits issued by the Commonwealth of Pennsylvania, or the application, if a state permit has not yet been issued, shall be attached;
 - b. The name and address of the applicant, including the name and telephone number of a local representative;
 - c. The exact description of the location of the proposed well and verification that the site is not located in a wetland or floodplain;
 - d. The name and address of each property owner of all property within 1,000 feet of the proposed well, and verification that all above-referenced property owners have been notified in writing of the drilling activity;

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- e. Anticipated construction start and completion date;
 - f. A plot plan of the site showing a clearly marked scale, all property lines, all buildings, water wells, water sources and rights-of-way.
2. Grading permit. A grading permit, if applicable, must be obtained per § 178-30 of the Subdivision and Land Development Ordinance prior to any grading or earth moving and must include evidence of an approved soil erosion and sedimentation control plan.
 3. State and federal compliance. The applicant shall comply with all applicable state and federal regulations and shall show evidence of obtaining the required state and/or federal permits, including proof of insurability, before initiating any work and maintaining the required permits throughout the duration of all operations. The applicant shall notify the Township immediately of any suspension or revocation of the required state and/or federal permits. Upon notification of said suspension or revocation, the Township-issued permits will hereby be deemed suspended or revoked until state and/or federal compliance is reached.
 4. Setbacks. The following setbacks are to be addressed during the conditional use hearing process and shall include but not be limited to:
 - a. The distance to any protected use;
 - b. The distance to any public or private school;
 - c. The distance to any adjacent property lines or rights-of-way.
 5. Screening. Temporary screening panels, of a style and material used for noise abatement, shall be erected around the entire drilling site before commencement of the active drilling phase and shall remain in effect until the well is drilled and production has commenced. A waiver of the screening panels can be requested as part of the conditional use approval process, provided that the applicant can submit compelling evidence that such a waiver is absolutely necessary and will not be detrimental to the purposes of this ordinance.
 6. Access roads. Access to any well site shall be arranged to minimize danger to traffic, nuisance to surrounding properties and to maintain the integrity of Township roads. The following shall apply:
 - a. Any newly established private easements/roadways constructed on the parcel containing the well site shall be located at least 50 feet from any property line unless written consent is obtained from the adjoining property owner(s);
 - b. The access road to the well site, beginning with its intersection with a Township road, shall be paved for the first 50 feet and be constructed with an additional 150 feet of limestone in a manner that would reasonably minimize water, sediment or debris carried onto any public road. If the access road or accessway is less than 200 feet in length, the entire access road or accessway shall meet these conditions. This shall be in place prior to the commencement of drilling operations;
 - c. All roads and accessways shall be constructed and maintained to prevent dust and mud from the surrounding area. A method of dust abatement shall be utilized during dry weather and under no circumstances shall brine water, sulphur water or water in mixture with any type of hydrocarbon be used for dust abatement.

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7. Truck routes. The applicant shall submit a road use plan showing the proposed routes of all trucks to be utilized for hauling equipment, supplies and the like and the estimated weights of those trucks and the estimated number of trucks entering and exiting the facility on a daily basis, as well as keep a record/log of actual use which may be requested from time to time by the Board of Supervisors. In conjunction with the Township, the applicant shall design the hauling routes to and from the facility to minimize the impact on local roads. At no time shall any overweight vehicle travel upon any Township roads, or portion thereof, other than the specified portion of Township roads for which security has been provided.
8. Road use maintenance agreements required. The applicant shall apply for a road use maintenance agreement, pay the prescribed fee, and adhere to all conditions set forth.
9. Fee reimbursement. The applicant agrees to reimburse the Township for all reasonable and direct professional consultant fees incurred by the Township related to the site inspection, including, but not limited to, the Township Engineer, Township Solicitor and any other reasonable and direct consultant fees incurred for the review and approval process, and for any specialized work called for in the permit and its conditions.
10. Signage, site identification. The well site signage shall be clearly visible for all 911 Emergency Services, per Chapter 61 of the Township Code of Ordinances, at the location where the access road intersects with the Township- or State-owned road and at the entrance to each well site. In the event there are multiple well sites accessible from a single entrance point, this information must be clearly posted and visible as to abate possible confusion. In addition to the specifications of Chapter 61, the signage must include:
 - a. Applicant name.
 - b. Unit name.
 - c. Township-assigned address.
 - d. Emergency contact phone number.
11. Lights. No applicant shall permit any lights located on any operation site to be directed in such a manner so that they shine directly on public road, protected use, adjacent property or property in the general vicinity of the operation site. To the extent practicable, and taking into account safety considerations, site lighting shall be directed downward and internally so as to avoid glare on public roads, protected uses, and adjacent dwellings and buildings. Exterior lights shall be turned off except when personnel are working on site or motion sensors are activated.
12. Operating times. All site preparation and preproduction activities on the site, as well as access road maintenance, site reclamation activity and other ongoing ancillary activities shall be permissible Mondays through Saturdays (with the exception of federal and/or state holidays) between the hours of 7:00 a.m. and 7:00 p.m., or as otherwise authorized by the Board of Supervisors. The active drilling phase is exempt from this subsection.
13. Water impoundments, fresh/waste: The applicant shall register any freshwater or wastewater impoundment with the Township prior to the construction. The applicant shall adhere to the following:
 - a. Impoundment must be 500 feet from property lines;
 - b. A copy of the PA DEP impoundment permit, if applicable, must be provided at the time

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- of application or when available;
- c. Chain-link fencing must be installed around any impoundment and shall be at least eight feet in height;
 - d. Thirty-day advance written notice must be provided when transitioning from a freshwater to a wastewater impoundment and the applicant must:
 - 1.) Provide a copy of the revised PA DEP permit when available;
 - 2.) Adhere to Chapter 200, Zoning, Article VII, Supplemental Regulations, § 200-702, Performance standards;
 - e. Bird netting shall be utilized;
 - f. The applicant shall provide a copy of the final closure certificate;
 - g. Install hazardous waste warning signs around wastewater impoundments;
 - h. Any PA DEP-reportable spills, leaks, malfunctions or similar incidents must be reported immediately to the Township.
14. Emergency response plan. Prior to development, the applicant shall provide to the Township Police Department, Fire Department and Zoning Officer a copy of its emergency response plan. Also, the applicant/operator shall, at its sole cost and expense, provide to Emergency Services appropriate site orientation with adequate information and ongoing training on dealing with any potential dangerous conditions that may result from development activities and shall be made available at least annually during the period when the applicant/operator anticipates drilling activity within the Township.
15. Engine and motor enclosures. All engines and motors not involved in the active drilling/fracturing phase but used to facilitate the movement of gas or regulate the pressure of gas must be enclosed in a permanent structure.
16. Supervisory personnel. Bunk housing of site workers is not permitted at any well location or anywhere within the Township. In addition, bunk housing of site workers is not permitted by the Mount Pleasant Township Zoning Ordinance. The Township acknowledges that certain supervisory personnel (generally not to exceed six individuals at any one time) are required for reasons of safety to be present at the multi-well drilling pad on a continuous basis during certain operations, and resting accommodations for such supervisory personnel are not affected by the foregoing condition. Prior to utilizing any such accommodations, the applicant/driller shall complete a registration form provided by the Township, which shall include, but not be limited to, a list of the job titles which constitute supervisory personnel; the names and contact information of each supervisor to be on site, and pay a "temporary user fee," an amount as set from time to time by resolution, upon initial setup and each time the trailer is moved onto or off a site. The applicant/driller shall notify the Township not less than five business days prior to moving the supervisory trailers.
17. Supplemental regulations. Well sites must meet all of the supplemental regulations of Chapter 200, Zoning, Article VII, Supplemental Regulations, of the Township Code of Ordinances. Any and all uses categorized as conditional uses shall, in addition to the specific conditions set forth herein and the supplemental regulations of Chapter 200, also be subject to additional applicable conditions and safeguards as set forth in § 200-502A(7) (procedure for approval) and § 200-503, General standards, of the Mount Pleasant Township Zoning

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§ 200-532. Planned residential development.

Planned residential development shall comply with all requirements, standards and regulations set forth by Article IV of this Chapter.

§ 200-533. Place of worship; Schools, private or public.

Places of worship and private or public schools shall be subject to the following:

- A. The minimum lot area required for a postsecondary school shall be 10 acres. The minimum lot area required for all other uses shall be one acre.
- B. If a residential facility (such as a convent or monastery) is proposed as part of a place of worship, no more than 10 persons shall be housed.
- C. A dwelling (such as a manse or parsonage) may be located on the same lot with a place of worship, provided that all requirements of this chapter for single-family dwellings in the zoning district can be met in addition to the minimum lot area, lot width and yard requirements applicable to the church.
- D. If the school includes dormitories, the dormitories shall be screened along any property line adjoining single-family use or an R-1, R-2, R-3 or MU zoning classification by Buffer Area C, as defined by § 200-703A of this chapter.
- E. Ingress and egress to and from police and fire stations shall be located so as to maximize sight distance along adjacent public streets and enhance safety for vehicles exiting the property.
- F. Fire stations, police stations and municipal maintenance facilities shall be located on the property so that vehicles and equipment can be maneuvered on the property without interrupting traffic flow or blocking public streets.
- G. All schools shall be designed to provide convenient access for emergency vehicles and access to all sides of the building by fire-fighting equipment.
- H. All outside storage shall be screened from public view from streets and adjoining properties by a six-foot high dense, compact evergreen hedge or opaque fence.
- I. The proposed use shall have direct access to a public street with sufficient capacity to accommodate the traffic generated by the proposed use.

§ 200-534. Private clubs.

Private clubs shall be subject to the following:

- A. Any establishment that includes a restaurant or tavern shall be subject to the off-street parking requirements of Article VIII for the portion of the building devoted to the restaurant or tavern use, in addition to the parking required for the private club.
- B. Any rental of the facility to nonmembers shall require on-site management and/or security personnel during the event.
- C. Activities on the site and within the building shall comply with the noise standards specified in

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§ 200-702 of this chapter.

- D. All off-street parking that adjoins an R-1, R-2, R-3 or MU zoning classification shall be screened by Buffer Area C, as defined by § 200-703A of this chapter.

§ 200-535. Public parking lots or public parking garages.

Public parking lots or public parking garages shall be subject to the following:

- A. All public parking lots or public parking garages shall be designed to have direct vehicular access to an arterial or collector street, as defined by this chapter.
- B. All public parking lots or public parking garages shall be designed to minimize traffic congestion on the site or within the garage and for traffic entering or leaving the site or parking structure.
- C. The design of any public parking garage proposed to be located on property which adjoins a residential zoning district shall take into account the height, visual, light and air impacts on adjoining residences and shall utilize architectural materials for the exterior walls facing those residential areas that are compatible with the residential character of adjoining properties.
- D. Any public parking garage structure, whether proposed as a principal structure or an accessory structure, shall comply with the yard requirements for a principal structure.

§ 200-536. Public recreation; noncommercial recreation.

Public recreation and noncommercial recreation shall be subject to the following:

- A. A minimum lot area of one acre shall be required; however, the minimum lot area required may be reduced to not less than 12,000 square feet for public facilities which are located in established neighborhoods within walking distance of the residents they are intended to serve and where no off-street parking is proposed for the facility.
- B. All principal structures shall be located at least 30 feet from any property line.
- C. Buffer Area C, as defined by § 200-703A of this chapter, shall be provided where parking for the use or other intensively used facilities such as ball fields, tennis courts, shelters and the like are proposed adjacent to any property line adjoining residential use or zoning classification. Open space and passive recreation, as well as undeveloped portions of the property held for future development, shall not be required to be buffered from adjoining residential use or zoning classification.
- D. The use shall comply with the performance standards of § 200-702 of this chapter.
- E. All lighting shall be shielded away from adjoining streets and properties.
- F. Any outdoor facility located within 200 feet of an existing dwelling shall cease operations between 10:00 p.m. and 7:00 a.m.

§ 200-537. Public utility installations.

Public utility installations shall be subject to the following:

- A. The minimum lot area required shall be 20,000 square feet. In the case of unmanned accessory structures such as equipment cabinets and regulators, there shall be no minimum lot area required.

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- B. Outdoor storage of materials or equipment, including maintenance vehicles, shall be permitted only if the storage area is completely enclosed by a minimum six-foot high fence with locking gate.
- C. Any area of the building that is used for business offices shall comply with the parking requirements of Article VIII of this chapter for that use. Any area of the building that is used for storage of material, vehicles or other equipment shall provide one parking space for each 1,500 square feet of gross floor area devoted to that use.

§ 200-538. School, commercial.

Commercial schools shall be subject to the following:

- A. Required off-street parking for the school shall be clearly designed and shall be located within three-hundred (300) feet of the entrance to the school.
- B. All buildings shall be set back at least fifteen (15) feet from any adjoining residential uses.
- C. Enrollment shall be defined as the mlargest number of students of the site at any one time during a seven (7) day period.
- D. Access drives shall be located to take maximum advantage of sight distances for motorists.

§ 200-539. Single-family dwellings.

Single-family dwellings shall be subject to the following:

- E. The minimum lot area required for a single-family dwelling shall be two acres.
- F. All other area and bulk regulations applicable to a single-family dwelling in the A-1 District shall apply.
- G. A single-family dwelling may be located on a lot of record or on a newly created lot in a minor subdivision approved under the provisions of Chapter 178, Subdivision and Land Development.
- H. If a major subdivision, as defined and regulated by Chapter 178, Subdivision and Land Development, is proposed for conditional use approval, the Township shall consider the impact of the proposed development on the potential for future nonresidential development on adjacent properties.
- I. In considering the application for conditional use, the Township shall evaluate whether the public interest would be better served if the property were rezoned to a residential zoning classification.

§ 200-540. Slaughterhouses.

Slaughterhouses shall be subject to the following:

- A. The minimum site area required shall be 20 acres.
- B. The site shall be served by public water.
- C. The applicant shall present for approval and continuously implement a plan for waste disposal that minimizes the environmental impacts and protects adjacent properties from nuisances and health hazards.
- D. Adequate areas shall be provided on the site to maneuver, load and unload trucks.

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- E. Off-street parking shall be provided at the rate of 1 1/2 parking spaces for each employee working on peak shift.

§ 200-541. Sportsmen's clubs.

Sportsmen's clubs shall be subject to the following:

- A. The minimum site required shall be 10 acres.
- B. All buildings shall be set back at least 200 feet from any property line adjoining a residential dwelling.
- C. In the A-1 District, operating a firing range shall not be permitted within 1,000 feet of any existing residence.
- D. If the shooting area is on separate property, one parking space shall be provided for each shooting position or station.
- E. All activities on the site shall comply with the performance standards of § 200-702 of this chapter.
- F. All off-street parking that adjoins any R-1, R-2, R-3 or MU Zoning District shall be screened by Buffer Area C, as defined by § 200-703A of this chapter.
- G. Unless the perimeter of the site is densely wooded, all property lines that adjoin property in any R-1, R-2, R-3 or MU Zoning District shall be screened by Buffer Area B, as defined by § 200-703A of this chapter.
- H. Any club that includes a restaurant or tavern shall further be subject to the off-street parking requirements of Article VIII for the portion of the building devoted to restaurant or tavern use.
- I. Any use of the facility by nonmembers shall require on-site management and/or security personnel during the event.

§ 200-542. Temporary uses or structures, other than a construction trailers, model homes or sales offices.

A temporary uses or structures, other than a construction trailers, model homes or sales offices shall be subject to the following:

- A. Temporary uses such as festivals, fairs or other similar activities sponsored by a governmental, local nonprofit, community or charitable organization shall be exempt from obtaining zoning approval from the Zoning Hearing Board, provided the Zoning Officer determines compliance with the standards of this section as a condition of issuing a certificate of occupancy.
- B. Sidewalk sales, carload sales and other special promotions conducted on the site of an existing retail establishment with the permission of the landowner for a period of not more than 72 consecutive hours shall not be subject to the provisions of this section. Any such activity which exceeds 72 consecutive hours in duration shall be subject to approval under this section.
- C. A transient merchant license as may be required by Township ordinance shall be obtained.
- D. Approval of temporary uses or structures shall be granted for a specific time period not to exceed six months. If continued need for the temporary use or structure on an annual basis is demonstrated by the applicant, approval may be granted for annual renewal by the Zoning

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Officer of the permit for the temporary use or structure, provided that all conditions of the original approval are maintained.

- E. All temporary uses or structures shall be removed within 10 days of the expiration of the specific period for which the structure or use is approved.
- F. All temporary uses or structures that are proposed to be accessible to the public shall provide off-street parking in accordance with the requirements of § 200-803 for the proposed use.
- G. Vehicular access for all temporary uses or structures that are proposed to be accessible to the public shall be designed to minimize congestion on the lot and not impede the free flow of traffic for any other permanent use or structure on the lot.
- H. All temporary uses or structures proposed to be used as principal uses or structures shall comply with all area and bulk regulations of the zoning district in which they are located. All temporary uses or structures that are proposed to be used as accessory uses or structures shall comply with the requirements of the zoning district for accessory structures.
- I. Temporary uses or structures that are proposed as principal uses or structures and that are accessible to the public shall provide sanitary facilities, unless such facilities already exist on the lot.

§ 200-543. Tourism.

Tourism shall be subject to the following:

- A. In the R-3 District, the minimum lot area required for tourism shall be one acre.
- B. Minimum site area.
 - 1. In the A-1 District, the minimum site area required for tourism shall be based on the number of parking spaces required for the use, as follows:

Minimum Site Area

Number of Parking Spaces	(acres)
50 or fewer	10
51 to 75	25
76 to 100	50
More than 100	100

- 2. A tourism use shall not be expanded to provide additional parking unless the foregoing minimum site area requirements are met.
- C. When tourism is proposed on a farm, the farm shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this chapter, if more than 50 parking spaces are provided to support the proposed use. An existing tourism operation on a farm shall not be expanded to include more than 50 total parking spaces unless the farm has frontage on and direct vehicular access to an arterial or collector street as defined herein.
- D. Parking for the tourism use shall be based on the following ratios:
 - 1. One parking space for each guest room.

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2. One parking space for each 250 square feet of retail sales area.
3. One parking space for each 500 square feet of display or growing area accessible to the public, retail sales area, educational or recreational area located outdoors.
- E. Off-street parking accessory to tourism and the driveway leading to the parking spaces from the public street shall be improved with a gravel, slag or other aggregate surface.
- F. When tourism is proposed on a farm, the operator of the tourism use must be the owner, operator or occupant of the farm.
- G. When tourism that involves retail sales is proposed on a farm, 50% of the gross sales shall come from products grown, raised, produced or processed on the farm.
- H. If guest rooms are provided as part of the tourism use on a farm, the number of guest rooms shall be limited to one guest room for each two acres of the site area of the farm.
- I. Excluding seasonal workers and temporary workers hired for special events, the maximum number of employees employed in the tourism use shall be related to the size of the site devoted to tourism, as follows:

Site Size	
(acres)	Employees
10	5
11-25	10
26-50	15
51-99	20
100 or more	25 for each 100 acres

- J. All buildings and parking areas shall be screened by Buffer Area B, as defined by § 200-703A of this chapter, along any property line adjoining any A-1, R-1, R-2, R-3 or MU Zoning District for the distance necessary to minimize the visual impact of the buildings and parking areas.
- K. If the proposed use is a seasonal use, the use shall be further subject to all applicable criteria of § 200-717.
- L. Adequate sanitary facilities available to the public shall be provided. Evidence of PA DEP and local Sanitary Council approval of the proposed sanitary treatment system adequate to serve the proposed occupancy shall be submitted to the Township.

§ 200-544. Wind energy systems, small.

Small wind energy systems shall be subject to the following:

- A. The minimum site required to install a small wind energy system shall be 10 acres.
- B. The maximum height of a small wind energy system shall be 100 feet.
- C. The applicant shall provide evidence that the proposed height of the small wind energy system does not exceed the height recommended by the manufacturer or distributor of the system.
- D. The applicant shall comply with all applicable regulations of the Pennsylvania Public Utility

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Commission (PUC) governing generation of electricity for private use.

- E. The small wind energy system generators and alternators shall be constructed so as to prevent the emission of radio and television signals. The applicant shall correct any signal disturbance problem identified after initiation of the operation within 90 days of identification.
- F. The minimum distance between the ground and any protruding blades utilized on a small wind energy system shall be 15 feet measured at the lowest point of the arc of the blades.
- G. The lowest point of the arc of the blades utilized on a small wind energy system shall be 10 feet above the height of any structure located within 150 feet of the base of the small wind energy system.
- H. The supporting tower shall be enclosed by a six-foot high fence, unless the tower is fitted with anticlimbing devices for a distance of 12 feet above the ground.
- I. The applicant shall submit evidence from the manufacturer regarding the structural integrity of the tower, base and footings and the installation's ability to withstand expected wind loads.
- J. The small wind energy system shall be set back a distance of 150% of the tower height plus the blade length from any inhabited dwelling on adjacent property, unless notarized consent of the adjacent property owner is presented.
- K. The small wind energy system shall be set back a distance of 110% of the height of the tower plus the blade length, from all adjacent property lines.
- L. Small wind energy systems shall comply with all applicable requirements of the Federal Aviation Administration (FAA).
- M. Small wind energy systems shall not be artificially lighted unless required by the Federal Aviation Administration (FAA).
- N. No tower shall have any sign, writing or picture that may be construed as advertising.
- O. Small wind energy system towers shall maintain a galvanized steel finish, unless Federal Aviation Administration (FAA) standards require otherwise.
- P. Small wind energy systems shall not exceed 60 dBA, as measured at the closest property line, except during short-term emergencies such as utility outages and/or severe windstorms.
- Q. A small wind energy system that is not used for 12 successive months shall be deemed abandoned and shall be dismantled and removed from the property at the expense of the property owner pursuant to an enforcement notice issued in accordance with § 200-1202 of this chapter.

§ 200-545. Wind farms.

Wind farms shall be subject to the following:

- A. The minimum site required shall be 10 acres.
- B. Each wind turbine shall be set back from the nearest inhabited dwelling, school, hospital, church or public building a distance no less than two times the total height of the tower plus the length of the turbine blades or 1,000 feet, whichever is greater.
- C. Each wind turbine shall be set back from the nearest property line a distance no less than 1.1 times the total height of the tower plus the length of the turbine blades, unless easements are

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secured from adjacent property owners.

- D. Each wind turbine shall be set back from the nearest public street a distance no less than 1.1 times the height of the tower plus the length of the turbine blades measured from the nearest right-of-way of the public street.
- E. Each wind turbine shall be set back from the nearest aboveground public electric power line or telephone line a distance not less than 1.1 times the total height of the tower plus the length of the turbine blades measured from the existing power line or telephone line.
- F. The blade tip of any wind turbine shall have ground clearance at its lowest point of no less than 75 feet.
- G. Wind turbines shall be painted a nonreflective, nonobtrusive color.
- H. Wind turbines shall not be artificially lighted, except to the extent required by the Federal Aviation Administration (FAA) or other applicable authority.
- I. Wind turbines shall not be used for displaying any advertising except for the reasonable identification of the manufacturer or operator of the wind farm.
- J. Electrical controls, control wiring and power lines shall be wireless or not above ground, except where wind farm collector wiring is brought together for connection to the transmission or distribution network, adjacent to that network.
- K. The applicant shall minimize or mitigate any interference with electromagnetic communications such as radio, television or telephone signals caused by the wind farm.
- L. Audible noise due to wind farm operations shall not exceed 50 dBA for any period of time when measured at any residence, school, hospital, church or public building existing on the date of conditional use approval of the wind farm.
- M. In the event that audible noise due to a wind farm operation contains a steady pure tone, such as a whine, screech or hum, the above standards for audible noise shall be reduced by five dBA.
- N. Appropriate warning signage shall be placed on wind farm towers, electrical equipment and wind farm entrances.
- O. Wind turbine towers shall be equipped with anticleimbing devices for a distance of 15 feet above the ground.
- P. All access doors to wind turbine towers and electrical equipment shall be kept locked when the site is unattended.

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ARTICLE VI

Express Standards and Criteria for Special Exceptions

§ 200-601. Applicability.

The following procedures shall apply to all applications for approval of a special exception in all zoning districts.

§ 200-602. Granting and Evaluation of Special Exception Uses.

- A. In evaluating an application for a special exception use, the Township shall apply the guidelines and procedures set forth in the MPC.
- B. The consideration of a special exception use by the Zoning Hearing Board upon review of recommendations by the Planning Commission shall be predicated on the Applicant's submission of a written application containing all of the information required under Subsection C of this section, together with a site plan meeting the requirements of Subsection F of this section.
- C. The written submission shall demonstrate that the development for which the special exception use is sought will meet the primary criteria outlined below:
 - 1. Will not endanger the public health and safety if located where proposed and will not deteriorate the environment or generate nuisance conditions such as traffic congestion, noise, dust, smoke, glare or vibration as regulated by the Township.
 - 2. Meets all other requirements of this Ordinance in the zoning district where the use is proposed.
 - 3. Is in general conformity with the Comprehensive Plan and is attractive and in harmony with the area in which it is proposed.
 - 4. Is an appropriate use on the proposed lot as a use by special exception.
- D. If defined as part of any special exception approval, said special exception use shall be completed within the identified time frame. Also, the Zoning Hearing Board may grant an extension of time for any completion date if the Applicant or his agent requests such an extension and if good cause for the extension is shown. If, at the end of the identified time frame or extended completion period, the special exception use is not completed, and if no extension has been granted, the approval of the special exception use shall be null and void.
- E. Upon approval of any special exception by the Zoning Hearing Board, any prior approved special exception for the same tract of land shall become null and void.
- F. Information, including the address of the Applicant, the location of the site, a listing of lot owners who shall receive notice of such zoning application, the zoning district and other relevant information as defined by the Township, shall be submitted.
- G. In proceedings involving a request for a special exception, both the duty of initially presenting evidence and the burden of persuading the Zoning Hearing Board that the proposed use is available by special exception and satisfies the specific or objective requirements for the grant of a special exception as set forth in this Ordinance rest upon the Applicant.
- H. The site plan shall show to scale the entire lot to be ultimately developed and shall indicate the location, height, and use of structures, driveways, signs, parking areas and topographical and/or

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natural features of the lot. An architectural rendering of the structures proposed shall also be submitted.

- I. The Zoning Hearing Board may attach reasonable conditions in order to protect the public's health, safety, and welfare. These reasonable conditions may include but are not limited to increased screening.
- J. Approval of all uses by special exception contained in this Ordinance shall be subject to periodic inspections by the Zoning Officer to ensure compliance with the required conditions of approval. Such periodic inspections shall be conducted annually while the use is conducting active operations.

§200- 603. Requests for Reasonable Accommodations.

- A. Persons with a claim for reasonable accommodation under the Fair Housing Amendments Act or the Americans with Disabilities Act shall submit an application for a special exception to the Zoning Hearing Board. The Zoning Hearing Board shall require the information outlined on said application.
- B. The Zoning Hearing Board may hold any meeting(s) and/or hearing(s) necessary in its discretion to elicit information or argument pertinent to the request for accommodation.
- C. The Zoning Hearing Board's decision shall be in writing; the discussion shall be issued to the Applicant and the Board of Supervisors within thirty (30) days of filing of the request for accommodation or at the next regularly scheduled Zoning Hearing Board meeting, whichever is the later of the two (2).
- D. A request for reasonable accommodation should be directed to the Zoning Hearing Board. In considering a request for reasonable accommodation, the Zoning Hearing Board shall, with the advice of the appointed legal counsel, apply the following criteria:
 - 1. Whether the Applicant is handicapped or disabled within the meaning of the Federal Fair Housing Act Amendments or the Americans with Disabilities Act.
 - 2. The degree to which the accommodation sought is related to the handicap or disability of the Applicant.
 - 3. A description of hardship, if any, that the Applicant will incur absent provisions of the reasonable accommodation requested.
 - 4. The extent to which the requested accommodation is necessary to afford the Applicant an opportunity equal to a non-handicapped or non-disabled person to use and enjoy the dwelling in question.
 - 5. The extent to which the proposed accommodation may impact other landowners in the immediate vicinity.
 - 6. The extent to which the proposed accommodation may be consistent with or contrary to the zoning purposes promoted by the Comprehensive Plan and the community development objectives set forth in this Chapter.
 - 7. The extent to which the requested accommodation would impose financial and administrative burdens upon the Township.
 - 8. The extent to which the requested accommodation would impose an undue hardship upon

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the Township.

9. The extent to which the accommodation would require a fundamental alteration in the nature of the Township's regulatory policies, objectives and regulations.
10. The extent to which the requested accommodation would result in a subsidy, privilege, or benefit not available to non-handicapped or non-disabled persons.
11. The permanency of the requested accommodation and the conditions under which such accommodation will be removed, terminated or discontinued when they are no longer needed to provide handicapped or disabled persons equal opportunity to use and enjoy the dwelling in question.
12. The extent to which the requested accommodation will increase the value of the lot during and after its occupancy by Applicant.

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ARTICLE VII

Supplemental Regulations

§ 200-701. Applicability.

The supplementary regulations in this Article supplement the requirements governing each zoning district and shall apply to all uses in all zoning districts.

§ 200-702. Performance standards.

The following standards shall apply to all permitted uses and conditional uses in all zoning districts. In order to determine whether a proposed use will conform to the requirements of this chapter, the Board of Supervisors or Zoning Hearing Board may require a qualified consultant to testify, whose cost for services shall be borne by the applicant.

A. Environmental performance standards. All properties shall be subject to the following environmental performance standards.

1. Floodplains. All areas identified as flood-prone by the Federal Insurance Administration of the Department of Housing and Urban Development shall be subject to the regulations of Chapter 97, Floodplain Management, as now or hereafter amended.
2. Steep slopes. Steep slopes in excess of 25% may be disturbed by grading, alteration or removal of vegetation only if a geotechnical report prepared by a civil engineer registered in the Commonwealth of Pennsylvania with experience in geotechnical engineering is submitted that indicates the following:
 - a. The finished slopes after excavating or grading will be stable and will not create hazards for adjoining property from erosion, sedimentation or stormwater runoff.
 - b. The foundations of any structures proposed to be erected in any natural steep slope areas or any steep slope areas which have been disturbed will be structurally sound, including recommendations for special foundation design, if warranted.
 - c. Restoration of all slopes from which cover has been removed shall be finished and seeded within a reasonable time after such clearance activity. The phrase "a reasonable time" shall mean within 30 days after grading and/or construction activities are completed, unless those activities are completed between November 1 and April 1. In such cases, the required seeding or sodding shall occur by May. In all cases, erosion and sedimentation control measures shall be maintained on the site until replacement cover can be accomplished.
3. Areas with adverse subsurface conditions.
 - a. On sites where there is a history of adverse subsurface conditions or where available soils information or other geotechnical data indicates the potential for landslides, subsidence or other subsurface hazards, a geotechnical report by a qualified registered professional engineer shall be submitted regarding soil and subsurface conditions and the probable measures needed, if any, to be considered in the design of the development and its infrastructure, the location of structures and the design of foundations.

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- b. The geotechnical report shall provide, at a minimum, the following information. Any site-specific issues identified by the applicant's geotechnical engineer, not specifically listed below, shall be addressed in the geotechnical study:
 - 1.) Foundation bearing materials and associated settlement.
 - 2.) Fill embankment base preparations, support, maximum allowable slope, suitable borrow material and compaction requirements.
 - 3.) Maximum allowable slope and stability of cut slopes.
 - 4.) Coal mining below the site, mine location and amount of cover and measures to prevent mine subsidence, if required.
 - 5.) Presence and control of groundwater.
 - 6.) Identification of potentially expansive carbonaceous materials or slag to be encountered in excavations and measures to prevent their detrimental effects.
 - 7.) Delineation of on-site fill materials and their impact on site development.
 - 8.) All areas where public infrastructure is proposed.
 - c. Geotechnical engineering reports shall be signed and sealed by a professional engineer registered in the Commonwealth of Pennsylvania.
 - d. The Township Engineer may require that the geotechnical engineering report and site development drawings be reviewed by a separate geotechnical engineering consultant selected by the Township. The applicant required to submit the report shall be required to pay for the cost of the independent consultant review.
4. Debris. All operations shall be conducted in such a manner to minimize the accumulation of debris, pools of water or other liquids, contaminated soil, weeds, brush or other waste materials and shall be in accordance with the best management practices incident to the operations in urban/suburban/rural areas. All equipment used shall be constructed and operated so that dirt, dust, debris or other harmful or annoying effects are minimized by the operations carried on at these facilities to avoid injury to or annoyance to persons living in the vicinity. All applicants shall regularly monitor the site and adjacent properties for cleanliness and will remove debris and trash generated at the facility. When and if any construction activity or operation becomes inactive or abandoned for more than one month, the owner and/or operator shall immediately clean the site of all accumulated debris and trash, and complete the restoration of the site. **[Added 6-22-2011 by Ord. No. 122]**
- B. Noise. The ambient noise level of any operation, other than those exempted in Subsection B(4) below, shall not exceed the decibel levels prescribed. The sound pressure level or ambient level is the all-encompassing noise associated with a given environment, being a composite of sounds from any source, near and far. For the purpose of this chapter, ambient noise level is the average decibel level recorded during observations taken in accordance with the procedure specified below taken at any time when the alleged offensive noise is audible, including intermittent, but recurring, noise.
- 1. Averaging may be done by instrument analysis in accordance with American National Standard S. 13-1971, or may be done manually as follows:
 - a. Observe a sound level meter for five seconds and record the best estimate of central

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- tendency of the indicator needle, and the highest and lowest indications.
- b. Repeat the observations as many times as necessary to determine that there are decibels between the lowest low indication and the highest high indication.
 - c. Calculate the arithmetical average of the observed central tendency indications.
2. No operation or activity shall cause or create noise in excess of the sound levels prescribed below:
 - a. Residential districts. At no point beyond the boundary of any lot within these districts shall the exterior noise level resulting from any use or activity located on such lot exceed a maximum of 60 dBA.
 - b. Business districts. At no point on or beyond the boundary of any lot within these districts shall the exterior noise level resulting from any use or activity located on such lot exceed a maximum of 65 dBA.
 3. Where two or more zoning districts in which different noise levels are prescribed share a common boundary, the most restrictive noise level standards shall govern.
 4. The following uses or activities shall be exempted from the noise regulations:
 - a. Customary and usual farming activities in all zoning classifications. **[Amended 12-12-2007 by Ord. No. 111]**
 - b. Noises emanating from construction or maintenance activities between 7:00 a.m. and 9:00 p.m.
 - c. Noises caused by safety signals, warning devices and other emergency-related activities or uses.
 - d. Noises emanating from public recreational uses between 7:00 a.m. and 10:00 p.m.
 5. In addition to the above regulations, all uses and activities within the Township shall conform to all applicable county, state and federal regulations. Whenever the regulations contained herein are at variance with any other lawfully adopted rules or requirements, the more restrictive shall govern.
- C. Vibrations. Except for vibrations emanating from construction or maintenance activities between 7:00 a.m. and 9:00 p.m., vibrations detectable without instruments on neighboring property in any district shall be prohibited.
 - D. Glare. Lighting devices which produce objectionable direct or reflected glare greater than one footcandle on adjoining properties or public streets shall not be permitted.
 - E. Fire hazards. Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire-suppression equipment and by such safety devices as are normally used in the handling of any such material.
 - F. Radioactivity or electrical disturbance. No activity shall emit dangerous radioactivity or electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance.
 - G. Odors. No malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property.

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- H. Air pollution. No pollution by air by fly ash, dust, vapors or other substance shall be permitted which is harmful to health, animals, vegetation or other property, or which can cause excessive soiling.
- I. Erosion. No erosion, by water, shall be permitted which will carry objectionable substances onto neighboring properties.
- J. Water pollution. Pollution of water shall be subject to the requirements and regulations established by the State Environmental Quality Board.
- K. Determination of compliance with performance standards. During the review of an application for zoning approval, the applicant may be required to submit data and evidence documenting that the proposed activity, facility or use will comply with the provisions of this section. In reviewing such documentation, the Township may seek the assistance of any public agency having jurisdiction or interest in the particular issues and the Township may seek advice from a qualified technical expert. All costs of the expert's review and report shall be paid by the applicant. A negative report by the technical expert and the applicant's refusal or inability to make alterations to ensure compliance with this section shall be a basis for denying approval of the application.
- L. Continuing enforcement.
 - 1. The Zoning Officer shall investigate any purported violation of the performance standards and, subject to the approval of the Board of Supervisors, may employ qualified technical experts to assist in the determination of a violation. Costs of the services of such experts shall be paid by the owner or operator of the facility or use accused of the violation if the facility or use is found to be in violation. If the facility or use is found to be in compliance with the performance standards, said costs shall be borne by the Township.
 - 2. If the facility or use is found to be in violation, the owner or operator shall be given written notice of violation in accordance with § 200-1202 of this chapter and a reasonable length of time to correct the violation. Failure to correct the violation shall be subject to the penalty provisions of this chapter and shall result in the revocation of the occupancy permit for the facility or use.

§ 200-703. Screening and landscaping.

- A. Buffer areas described. Buffer areas, as defined by this chapter and required by § 200-703B, shall meet all of the following criteria:
 - 1. Buffer Area A shall contain two rows of plantings. Each row shall consist of a mixture of 30% deciduous and 70% evergreen spaced within the row a minimum of 15 feet apart, measured from the vertical center lines of adjacent trees. The two rows shall be staggered in a manner which shall result in adjacent trees on two different rows being no more than 10 feet apart, measured from the vertical center lines of the trees. The depth of Buffer Area A shall be 25 feet as measured from the property line. (See illustration in Appendix B.⁷)
 - 2. Buffer Area B shall contain one row of plantings which shall consist of a mixture of 30% deciduous and 70% evergreen spaced within the row a minimum of 10 feet apart, measured from the vertical center lines of adjacent trees. The depth of Buffer Area B shall be 15 feet as measured from the property line. (See illustration in Appendix B.)

⁷ Editor's Note: Appendix B is included at the end of this chapter.

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3. Buffer Area C shall be comprised of a continuous, compact evergreen hedge or line of evergreen trees that will grow together when mature which are a minimum of six feet in height at the time of planting. The depth of Buffer Area C shall be 10 feet as measured from the property line. (See illustration in Appendix B.)
 4. None of the required plantings shall encroach across any property line. All plantings shall be located a minimum of 2 1/2 feet from the property line which constitutes the exterior boundary of the buffer area.
 5. In the event that existing vegetation and/or existing topography provides screening which is adequate to meet the intent of the required buffer area to screen the buildings, activities and parking areas from adjoining residential properties, the Board of Supervisors, upon recommendation by the Planning Commission, may determine that the existing topography and/or vegetation constitutes all or part of the required buffer area. If such a determination is made, the applicant may be required to record a conservation easement of the depth specified by the Board of Supervisors to guarantee that the existing topography and/or vegetation will not be disturbed or removed from the approved buffer area.
 6. In the event that a public street right-of-way, dedicated and accepted by the Township separates the two dissimilar uses specified, the buffer area shall not be required, provided that the width of the right-of-way equals or exceeds the width of the required buffer area and one row of low level plantings or a landscaped earthen mound is provided on the property to screen headlights from view.
 7. Openings for driveways shall be permitted to cross a required buffer area. Plantings in required buffer areas shall be located so as to not obstruct visibility for traffic entering or leaving the site and shall be subject to the clear sight triangle requirements of § 200-704D of this chapter.
 8. No structures or uses shall be permitted in the required buffer area, other than active or passive recreation facilities and stormwater management facilities, provided that the structures or uses do not interfere with the required plantings in the buffer area and provided that all plantings are located outside any stormwater management structure. Structures or uses not permitted within the required buffer area include, but are not limited to, buildings, accessory structures, parking spaces, access drives and lighting devices.
- B. Buffer areas required. Buffer areas A, B, and C listed in § 200-703A above are required under the following circumstances:
1. Buffer Area A: Buffer Area A shall be required:
 - a. Along all property lines where any development in the B-1 District adjoins property in an A-1, R-1, R-2, R-3 or MU Zoning District.
 - b. Where the express standards and criteria for a conditional use in § 200-504 et seq. of this chapter specify that Buffer Area A is required.
 - c. Along all property lines where a planned residential development (PRD) which contains townhouses or garden apartments adjoins property in an A-1, R-1, R-2, R-3 or MU Zoning District.
 2. Buffer Area B: Buffer Area B shall be required:
 - a. Where the express standards and criteria for a conditional use in § 200-504 et seq. of this

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chapter specify that Buffer Area B is required.

- b. Along all property lines where a planned residential development (PRD) which contains single-family and two-family dwellings adjoins property in an A-1, R-1, R-2, R-3 or MU Zoning District.
 3. Buffer Area C: Buffer Area C shall be required:
 - a. Where the express standards and criteria for a conditional use in § 200-504 et seq. of this chapter specify that Buffer Area C is required.
 - b. On developed properties in the B-1 District where existing conditions such as building location and existing paving of the parking lot make it impossible to meet the requirements for Buffer Area B along a property line which adjoins property in the A-1, R-1, R-2, R-3 or MU Zoning District.
 - c. Along all property lines in the R-3 or MU District where townhouses and garden apartments adjoin R-3 or MU zoned property containing a single-family dwelling or two-family dwelling.
- C. Conflict between buffer areas and yard requirements. When the width of a required buffer area is in conflict with the minimum yard requirements set forth by this Chapter, the greater distance shall apply. The buffer area planting requirement shall be adhered to regardless of the yard requirement.
- D. Existing structure in buffer areas. In instances where an existing structure is located within any required buffer area, the buffer area may be reduced, provided that the buffer area is not less than the minimum distance between the existing structure and the property line. This reduced buffer area width shall apply only to the side of the existing structure which encroaches on the required buffer area. The required buffer area, as determined by § 200-703B, shall apply on all other sides of the existing structure.
- E. Existing trees in buffer areas.
 1. Where trees already exist within the required buffer area, these trees shall remain undisturbed, except that diseased or dead material may be removed. If it is determined that some healthy trees must be removed in conjunction with development, a written request to remove such trees must be submitted to the Township, along with an explanation detailing the rationale for the request. These trees shall not be removed until the Township has given written authorization permitting said removal. This permission will not be unreasonably denied; however, those who violate this section shall be subject to the maximum penalties authorized by this chapter.
 2. When any trees, regardless of their physical condition, are removed, they shall be replaced by trees suitable to the environment. All such replacement planting shall be in accordance with accepted conservation practices.
- F. Size of trees in required buffer areas.
 1. Any existing trees within the required buffer area which are a minimum of four inches in diameter at a point one foot above the ground shall be preserved and shall count as a required tree within the buffer area. At no point, however, shall any existing trees and required trees be separated at a distance greater than the distance specified in the required buffer area.

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2. All trees required to be planted within the buffer area shall be a minimum of two inches in diameter at a point one foot above the ground measured along the trunk of the planted tree which tree shall be planted in accordance with accepted conservation practices. All required trees shall be a minimum of six feet in height at time of planting measured from the ground adjacent to the planted tree to the top of the tree.
- G. Responsibility for maintenance. It shall be the responsibility of the owner/applicant to assure the continued growth of all required landscaping and/or to replace the same in the event of frost, vandalism, disease or other reasons for the discontinued growth of the required trees, shrubs and bushes.
- H. Stormwater management facilities in buffer areas. Stormwater management facilities and structures may be maintained within a buffer area, but the existence of such facilities or structures shall not be a basis for a failure to meet the planting requirements.
- I. Landscaping of open areas. All yard areas not utilized for parking facilities, driveways, gardens, the planting of trees or shrubs, flower, vegetable or herb beds or similar uses must be seeded, sodded or landscaped within a reasonable period of time. The phrase "a reasonable period of time" shall be interpreted to be within two weeks after construction activities are completed, unless those activities are completed between a November 1 through April 1 time period. In such case, the required sodding or seeding must occur within two weeks of April 1.
- J. Landscaping specifications. Landscaping shall be provided in accordance with the following specifications:
 1. Planting required in buffer areas as outlined in § 200-703B cannot be substituted for any required planting mandated in this section.
 2. A landscaping plan, with detailed drawings, must be submitted prior to building permit application and this landscaping plan must contain and show the following information:
 - a. All required buffer areas with proposed plantings (identifying each proposed tree, bush or shrub) drawn to scale and identifying the height and width of any proposed mounds.
 - b. All required planting independent of any buffer area requirements (identifying each tree, bush, shrub, the use of sod or seeding, etc.) drawn to scale.
 - c. Any planting in excess of the requirements in § 200-703A and B of this chapter. Any existing trees or vegetation which are to be preserved, accurately identifying their relative location.
 - d. Any existing trees or vegetation which will be removed, accurately identifying their relative location.
 3. At least one deciduous tree must be planted for each 1,000 square feet of lot area occupied by the building footprint in conjunction with any nonresidential development.
 4. At least one deciduous tree must be planted for each dwelling unit in conjunction with any multifamily development.
 5. All trees which are required to be planted as per the regulations of this section shall be a minimum of two inches in diameter at a point one foot above the ground at the time of

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planting measured along the trunk of the planted tree which tree shall be planted in accordance with accepted conservation practices.

6. In conjunction with the development of property for any use, the applicant shall show that the removal of any trees or natural vegetation is necessary for the imminent and orderly development of the property. Imminent development shall be considered to be development which is reasonably expected to commence, and for which there are realistic plans to commence, on a minimum eight hours per day, 40 hours per week basis (utilizing a five-day-on, two-day-off, standard-workweek basis) within 30 days of the removal of trees or vegetation and for which a land development plan and landscaping plan have been submitted and approved by the Township.
 7. Any existing trees which are not disturbed and are not located within a required buffer area and are a minimum of four inches in diameter at a point one foot above the ground shall count towards the required number of trees to be planted outside of the buffer area.
 8. Whenever an open parking area abuts a public street, a planting strip, at least five feet in depth, planted and maintained with shrubbery, trees or other landscape or decorative materials, shall be installed across the entire frontage of the property in order to prohibit vehicle access, except at approved ingress and egress points.
 9. All areas not utilized for structures, driveways, planting strips or parking facilities must be seeded, sodded or landscaped within a reasonable period of time. The phrase "a reasonable period of time" shall be given the same interpretation given that phrase as it is used in § 200-703I of this chapter.
- K. Posting of bond for landscaping. A maintenance bond in the form of cash, certified check or letter of credit shall be posted with the Township in the amount of 15% of the total cost of landscaping shown on the approved landscaping plan for a period of two years from the date of installation of the landscaping materials. The maintenance bond shall guarantee replacement of the required landscaping materials during the term of the bond.

§ 200-704. Special yard requirements.

In addition to the yard requirements specified in each zoning district, the following yard requirements shall apply in all zoning districts to the applicable circumstances described below:

- A. Corner lots. Corner lots shall provide front yards on each street frontage. The remaining two yards shall constitute side yards.
- B. Nonconforming lots of record. See § 200-1004.
- C. Accessory structures:
 1. Swimming pools.
 - a. Swimming pools accessory to a dwelling shall meet the following requirements:
 - 1.) The pool shall be used solely for the enjoyment of the occupants of the principal use of the property on which it is located.
 - 2.) The pool and any accessory walks, paved areas and structures shall be located no closer than 20 feet to any property line of the property on which it is located.
 - 3.) The swimming pool area, or the entire property on which it is located, shall be walled

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or fenced to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall to be not less than four feet in height and maintained in good condition.

- 4.) The wall or fence enclosing the pool shall be secured with a self-latching gate and shall be constructed in accordance with the requirements of the Uniform Construction Code (UCC).⁸
- b. Community or club swimming pools constructed by an association of property owners, or by a private club for use and enjoyment by members of the association or club and their families shall comply with the following conditions and requirements:
 - 1.) The pool shall be used solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated.
 - 2.) The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than 100 feet to any property line of the property on which it is located.
 - 3.) The swimming pool and all of the area by the bathers shall be so walled or fenced as to prevent uncontrolled access by children from the street or adjacent properties. Said fence or wall shall not be less than six feet in height and maintained in good condition. The area surrounding the enclosure, except for the parking spaces, shall be suitably landscaped with grass, hardy shrubs, and trees and maintained in good condition.
2. Other accessory structures.
 - a. In the A-1 District, storage structures and other accessory structures, including detached garages may be located in the minimum required front, side or rear yards, provided that they are at least 10 feet from any property line.
 - b. Storage structures accessory to a single-family dwelling which have a total floor area of 180 square feet or less shall be located at least five feet from the rear property line and shall be located at least 10 feet from a side property line, but shall not be located in any front yard. All storage structures accessory to a dwelling which have a total floor area of more than 180 square feet and all detached garages shall not be located in the minimum required front yard, minimum required rear yard or minimum required side yards.
 - c. Storage structures and other accessory structures in the B-1 District shall be located at least 20 feet from the side or rear property lines and shall not be located in any required front yard.
3. Exemption for lots of record. Lots of record in any R District in existence at the date of adoption of this chapter may be exempt from the requirements of this § 200-704C, provided that the standards specified in § 200-1003 are met.
- D. Visibility at intersections. No object, including without limitation, fences, hedges, trees and other plantings, buildings, structures, walls, signs and motor vehicles, exceeding a height of three feet as measured from the lowest elevation of the center line of any abutting street,

⁸ Editor's Note: See Ch. 78, Construction Codes, Uniform.

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shall be temporarily or permanently placed, erected, installed or parked within the clear sight triangle required on a corner lot. The required clear sight triangle on a corner lot shall be determined as follows: The street lines abutting the corner lot shall form the legs of the clear sight triangle. Each of the legs shall extend a distance of 30 feet from the point of intersection of the street lines abutting the corner lot. The hypotenuse of the clear sight triangle shall be formed by drawing a straight line joining the legs at their farthest point from the vertex of the triangle. (See illustration in Appendix A.⁹)

§ 200-705. Permitted projections into required yards.

The following shall be permitted to project into any required yard in any zoning district as follows:

- A. Typical architectural features, including, but not limited to, bay windows, window sills, chimneys, cornices and eaves, shall be permitted to project into required yards no more than 18 inches.
- B. Decks and their stairs and unenclosed porches without enclosed habitable foundation and without a roof shall be permitted to project into required front and side yards no more than three feet and shall be no closer to the rear property line than 20 feet.
- C. Steps attached to the principal building and open fire escapes shall be permitted to project into required yards no more than 36 inches.

§ 200-706. Height exceptions.

The height limitations of this chapter shall not apply to the following structures: church spires, chimneys, elevator bulk heads and other mechanical equipment which is part of the principal structure, conveyors, flagpoles, silos, standpipes, elevated water tanks, derricks, public utility structures, and other structures not intended for human habitation which do not exceed the height limitations of the zoning district by more than 15 feet.

§ 200-707. Drive-through facilities.

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

- A. The property shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this chapter.
- B. In addition to the parking spaces required for the principal use, a minimum of five standing spaces, in one lane, with a total length of 100 feet, in direct line with each window or stall shall be provided for vehicles to wait in line. The standing space shall not interfere with the use of any required parking spaces and shall not inhibit the free flow of traffic on the property. The standing spaces shall be designed so that waiting vehicles shall not stand in any right-of-way or overflow onto adjacent properties, streets, or berms.
- C. Entrances, exits and standing spaces shall be adequately indicated with pavements markings and/or directional signs.
- D. Parking areas and circulation patterns shall be adequately striped and marked to facilitate traffic circulation on the property.

⁹ Editor's Note: Appendix A is included at the end of this chapter.

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§ 200-708. Temporary construction trailers, model homes or sales offices.

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

- A. Temporary construction trailers shall be permitted only during the period that the construction work is in progress under a valid building permit or under Township approval to install public improvements. The temporary construction trailer shall be removed upon completion of the construction authorized under a building permit or upon completion of the installation of the public improvements in a plan of subdivision. In the event that construction is phased, the temporary construction trailer shall be moved from the completed phase to the next phase when 90% of the required improvements in the completed phase have been installed as determined by the Township Engineer.
- B. Model homes or sales offices shall be permitted only until 90% of the lots or dwelling units in the development are sold. In the case of a phased development, the use of a model home or sales office shall be permitted to continue only if the subsequent phase is initiated within six months of the completion of 90% of the lots or dwelling units in the prior phase.
- C. A permit for the temporary structure or use shall be obtained from the Zoning Officer prior to the commencement of construction and shall be renewed every six months.
- D. Temporary construction trailers shall be located on the lot on which the construction is progressing and shall not be located within 25 feet of any property line adjoining residential use.
- E. Temporary construction trailers shall be used only as temporary field offices and for storage of incidental equipment and supplies and shall not be used for any dwelling use, whatsoever.
- F. No combustible materials shall be stored in temporary construction trailers.
- G. Model homes shall be located on a separate lot and shall meet all the requirements for permanent dwellings in the zoning district in which they are located. Sales offices may be located in a model home or may be located in a trailer located on a vacant lot in the plan or on the site of construction. If the sales office is located in a trailer, the trailer shall not be located within 25 feet of any property line adjoining residential use.
- H. Model homes or sales offices located in a trailer shall not be utilized for any dwelling use, whatsoever, during the time they are approved as a temporary use or structure in accordance with the provisions of this section.
- I. Model homes or sales offices shall be used primarily for sales associated with the development in which they are located and shall not be used as the only place of business for the listing realtor.

§ 200-709. Agriculture.

Agriculture, as defined herein, greenhouses, boarding stables, private stables and kennels, where authorized by this chapter, shall be subject to the following requirements:

- A. Storage of manure shall be located at least 200 feet from any property line.
- B. All kennels and buildings used for the sheltering, raising or feeding of livestock and poultry shall be located at least 85 feet from any street line or property line or 300 feet from any adjacent landowner's dwelling, whichever is greater.

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- C. Concentrated animal operations shall be subject to compliance with the PA Nutrient Management Act (3 Pa.C.S.A. § 501 et seq.).
- D. Greenhouse heating plants shall be at least 100 feet from any property line. The retail sales area for a greenhouse shall not exceed 1,000 square feet for every 10 acres of land farmed. The growing area shall not be considered sales area.
- E. The minimum lot area for keeping horses shall be five acres. The maximum number of horses kept shall be no more than one horse per acre on properties of at least five acres, but less than 10 acres. On properties of 10 acres or more, the maximum number of horses kept shall be two horses per acre.
- F. All grazing and pasture areas shall be adequately fenced.

§ 200-710. Storage.

- A. Outdoor storage in the commercial district.
 - 1. Except for nurseries, garden supply, building supply, custom crafting and similar businesses which require outside storage of materials, storage and display of materials outside a completely enclosed structure shall not be permitted. In the case of nurseries, garden supply, building supply, custom crafting and similar businesses, outside display and storage areas shall be completely enclosed by a security fence and shall be screened by an opaque fence or dense, compact evergreen hedge which is at least six feet in height.
 - 2. In the B-1 District, any material or equipment stored outside an enclosed building shall be incidental to the principal use of the lot and shall be stored to the rear of the building or an alternative location which screens the storage area from public view from the street. If existing buildings do not screen the storage area from public view from the street, the area shall be screened by a dense, compact evergreen hedge or opaque fence at least six feet in height.
 - 3. All organic rubbish and discarded materials shall be contained in tight, verminproof containers which shall be screened from public view by an opaque fence or dense, compact evergreen hedge which is at least six feet in height.
- B. Storage of travel trailers and mobile homes. The parking and storage of travel trailers, mobile homes, motor homes, campers and similar recreational vehicles shall be prohibited within the right-of-way of any public street. At no time shall such parked or stored vehicle be occupied or used as a dwelling.
- C. Storage of commercial and construction equipment. Commercial and construction equipment or vehicles, including without limitation trucks of one-ton capacity or greater, tractors of 40 horsepower or larger, tandems, tractor-trailers, cargo-moving equipment and construction equipment or vehicles, shall not be stored or parked temporarily or permanently in any R-2, R-3 or MU Zoning District, except within a completely enclosed building.

§ 200-711. Americans with Disabilities Act (ADA) compliance.

When required, all new construction and additions or enlargements of existing structures or facilities shall comply with the most recent regulations for accessibility as specified in the Americans with Disabilities Act (ADA).

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§ 200-712. Mobile homes on individual lots.

A mobile home which is proposed to be used as a single-family dwelling and is to be erected on an individual lot of record outside a mobile home park shall meet the following requirements:

- A. The lot shall meet all applicable requirements for a single-family dwelling in the zoning district in which it is proposed to be located.
- B. The mobile home shall meet the specifications for manufacture of mobile homes as set forth in the United States Standards Institute, "Standards for Mobile Homes," USA Standard A119.1-1969, NFPA No. 501B-1968, and any subsequent modification or amendment of such standards.
- C. The mobile home shall bear the seal of the United States Department of Housing and Urban Development (HUD).
- D. The mobile home shall be installed upon, and securely fastened to, a frost-free foundation or footer, and, in no event, shall it be erected on jacks, loose blocks or other temporary materials.
- E. An enclosure of compatible design and material shall be erected around the entire base of the mobile home. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure.
- F. The mobile home shall be connected to public water and a public sewer system, if available. If not, the owner shall provide a potable water supply from his own, or an adjacent well, and shall provide an on-lot sewage disposal system that shall meet the standards of the Pennsylvania Department of Environmental Protection (DEP).
- G. Prior to occupancy, the mobile home shall be connected to available utilities in order to provide the dwelling unit with adequate heat and light.
- H. Any garage, utility shed or other outbuilding constructed on the lot shall conform with the standards applicable to such accessory structures provided in this chapter.

§ 200-713. On-site sales accessory to farm and greenhouses.

In the A-1, R-1 and B-1 Zoning Districts, greenhouses and retail sales of agricultural products accessory to a farm shall be permitted, subject to the following regulations:

- A. All sales shall be conducted on the premises of a farm or greenhouse, as defined and regulated by this chapter.
- B. At least 50% of the gross sales shall be from products raised, grown or produced on the farm or in the greenhouse. Products not produced on the farm or in the greenhouse shall be an incidental part of the business. Farm related equipment and supplies may be sold as incidental items to the business.
- C. All permanent structures shall comply with the yard requirements for principal structures in the A-1 or R-1 District.
- D. Seasonal roadside stands may be located no closer than 15 feet to any street right-of-way or property line, provided they are removed at the end of each growing season.
- E. Buildings used for retail sales of agricultural products shall not exceed 1,000 square feet of sales floor area for every 10 acres of land farmed. No building used for agricultural products shall exceed 5,000 square feet of sales area.

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- F. Off-street parking for permanent structures shall be provided in accordance with the requirements of § 200-803 for retail businesses. Off-street parking for permanent structures shall be designed in accordance with the requirements of § 200-802.
- G. Off-street parking for seasonal roadside stands shall be designed in accordance with § 200-802, however the requirements for surfacing, marking, screening and landscaping shall not apply.
- H. Off-street parking for seasonal roadside stands shall be provided in accordance with the requirements of § 200-803 for retail businesses, however, in no case shall less than 10 spaces be provided.
- I. Adequate ingress, egress and traffic circulation shall be provided so that vehicles do not back onto the street right-of-way and do not park or stand on any street or berm.
- J. One nonilluminated freestanding sign shall be permitted to announce the agricultural sales, provided that the maximum surface area of the sign shall not exceed 24 square feet, the height of the sign shall not exceed eight feet and the sign shall be located no closer than 10 feet to any property line or street right-of-way.

§ 200-714. No-impact home-based business.

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

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. The business shall employ no employees other than family members residing in the dwelling.
- C. There shall be no display or sale of retail goods and no stockpiling of inventory of a substantial nature.
- D. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- E. No on-site parking of commercially identified vehicles shall be permitted.
- F. The business activity shall not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- G. The business activity shall not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- H. The business activity shall be conducted only within the dwelling and shall not occupy more than 25% of the habitable floor area of the dwelling.
- I. The business shall not involve any illegal activity.

§ 200-715. Forestry.

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

- A. All operations shall be located at least 300 feet from any existing dwelling.
- B. All operations shall be discontinued between 7:00 p.m. and 7:00 a.m.; provided, further, that such operations shall not take place during any hours on Sundays or legal bank holidays.

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- C. Routes to be used by the hauling trucks shall be approved by the Township and the operator shall demonstrate that there shall be no negative impact on Township streets from the proposed operation.
- D. A performance bond shall be posted in favor of and in an amount required by the Township to guarantee restoration of Township streets used as hauling routes.
- E. The applicant shall submit a copy of the state permit for hauling on state roads.
- F. The operator shall be responsible for cleaning dirt and debris from public streets daily during the operation.
- G. The applicant shall supply the Township with the name of an on-site contact person.
- H. Compliance with state laws.
 - 1. The applicant shall show compliance with the following laws and regulations of the commonwealth and all necessary permits shall be maintained during the operation:
 - a. Erosion and sedimentation control regulations contained in Chapter 102, issued pursuant to the Pennsylvania Clean Streams Law (35 P.S. § 691.1 et seq.).
 - b. Stream crossing and wetlands protection regulations contained in Chapter 105, issued pursuant to the Pennsylvania Dam Safety and Encroachments Act (32 P.S. § 693.1 et seq.).
 - c. Stormwater management plans and regulations issued pursuant to the Pennsylvania Storm Water Management Act (32 P.S. § 680.1 et seq.).
 - 2. Any suspension or revocation of a state permit shall constitute revocation of the zoning certificate and the operator shall be subject to the enforcement provisions of § 200-1202 of this chapter.
- I. A logging plan prepared and sealed by a registered surveyor shall be submitted which shows at a minimum:
 - 1. The design, construction, maintenance and retirement of the access system, including haul roads, skid roads, skid trails and landings;
 - 2. The design, construction and maintenance of water control measures and structures such as culverts, broad based dips, filter strips and water;
 - 3. The design, construction and maintenance of stream and wetland crossings, if any; The general boundaries of the proposed operation in relation to Township and state
 - 4. streets, including any accesses to those streets.
 - 5. The site location, including boundaries of the property and boundaries of the proposed harvest area;
 - 6. Significant topographic features;
 - 7. The location of all earth-disturbance activities such as roads, landings and water control measures and structures;
 - 8. The location of all crossings of the waters of the commonwealth.

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- J. Felling or skidding on or across any public street is prohibited without the express written consent of the Township or the Pennsylvania Department of Transportation (PennDOT) whichever is responsible for maintenance of the street.
- K. No tops of trees or debris shall be left within 25 feet of any private street providing access to adjoining residential property or any public street.
- L. No tops of trees or debris shall be left on any adjoining property or across any property line without the consent of the adjoining owner.
- M. Upon completion of the forestry operation, haul roads shall be restored to their original condition.

6§ 200-717. Seasonal residence.

- A. Seasonal residences shall not be occupied for more than six months in a calendar year. Each seasonal residence shall have a minimum floor area of at least 400 square feet. Seasonal residences shall comply with the area and bulk regulations of the A-1 District applicable to single-family dwellings.
- B. The owner of the seasonal residence shall submit the recreational cabin affidavit required to determine applicability of the provisions of the Uniform Construction Code (UCC) to the proposed use.

§ 200-717. Agribusiness.

In the A-1 and R-1 Districts, agribusiness shall be subject to the following requirements:

- A. The minimum site required shall be 10 acres.
- B. The agribusiness shall be supplementary to the principal use of the property for agriculture.
- C. The operator of the agribusiness shall be a member of the family of the operator of the farm and shall be a resident of the farm.
- D. The agribusiness shall be conducted from one or more accessory farm structures unless the nature of the activity is that it is usually performed outdoors.
- E. The maximum floor area in all structures devoted to the agribusiness shall be 5,000 square feet.
- F. Excluding seasonal workers, no more than five persons who are not residents on the farm shall be employed in the agribusiness.
- G. If customers or clients routinely visit the agribusiness, a minimum of five parking spaces shall be provided adjacent to the farm structure in which the agribusiness is conducted. The parking spaces and driveway leading to them from the public street shall be improved with gravel, slag or other aggregate material.
- H. Bed-and-breakfast, commercial recreation, low-impact on-site sales accessory to a farm and tourism shall not be considered agribusinesses and shall only be authorized in accordance with the express standards and criteria for those specific uses.
- I. The annual income derived from the agribusiness shall not exceed the annual income derived from the agricultural operations on the farm.

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ARTICLE VIII

Off-Street Parking and Loading

§ 200-801. Applicability.

Off-street parking spaces shall be provided in accordance with the specifications in this Article in any District whenever any new use is established or existing use is enlarged.

§ 200-802. Off-street parking design.

Parking areas in all zoning districts shall comply with the following standards:

- A. Size. Each off-street parking space shall have an area of not less than 180 square feet, exclusive of access drives or aisles, shall have minimum dimensions of nine feet in width and 20 feet in length and shall be maintained free from obstruction. Parking areas shall be designed to provide sufficient turnaround area so that vehicles are not required to back onto the cartway of any public street.
- B. Design. The minimum dimensions of aisles and driveways shall be as follows:
 - 1. Minimum width of aisles providing two-way travel shall be 24 feet.
 - 2. Minimum width of aisles providing one-way travel shall vary with the angle of parking, as follows:

Angle	Aisle Width
Parallel	12 feet
30°	14 feet
45°	16 feet
60°	20 feet

- 3. The minimum width of entrance and exit drives shall be:
 - a. For one-way travel: a minimum of 12 feet.
 - b. For two-way travel: a minimum of 24 feet.
 - c. A maximum of 35 feet at the street right-of-way line and 54 feet at the inside edge of the curb.
 - 4. Adequate sight distance shall be provided, subject to review and approval by the Township Engineer. Driveways shall not exceed a slope of 10% within 12 feet of the street right-of-way line.
- C. Access. Access to parking areas shall be provided in accordance with the following requirements:
 - 1. Where an existing lot does not adjoin a public or private street, alley or easement of access, an access drive shall be provided leading to the parking area.

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2. Access to off-street parking areas shall be limited to well defined locations, and in no case shall there be unrestricted access along the length of a street. In any district, other than a residential district, the street frontage shall be curbed to restrict access to the lot, except where access drives are proposed.
 3. The number of access drives from a single lot or development to any public street shall not exceed two for every 400 feet of street frontage.
 4. Except on corner lots, access drives shall be located at least 200 feet from the intersection of any two street right-of-way lines. Where a site has frontage on more than one street, access shall be provided from the street with the lower traffic volume, if physically practical.
 5. Access drives entering state highways are subject to a highway occupancy permit issued by the Pennsylvania Department of Transportation (PennDOT). Access drives entering Township streets shall be subject to a driveway permit.
 6. Each parking space shall have access directly to a driveway. Interior circulation of traffic shall be designed so that no driveway providing access to parking spaces shall be used as a through street. Interior traffic circulation shall be designed to ensure safety and access by emergency vehicles.
- D. Joint use of facilities. Two or more uses may provide the required parking in a common parking lot, if the total spaces provided are not less than the sum of the spaces required for each use individually. However, the number of spaces required in a common parking facility may be reduced below the total as a use by special exception to be granted by the Zoning Hearing Board, provided that it can be demonstrated that the hours or days of operation or peak parking needed for the uses are so different that a lower total will provide adequately for all uses served by the facility.
- E. Safety requirements. The Board of Supervisors shall consider whether safety requirements are warranted to reduce traffic hazards which endanger public safety. The developer shall be responsible for construction of any required islands, acceleration, deceleration or turning lanes and shall bear the cost of installing any required traffic control devices, signs or pavement markings within and adjoining the boundaries of the development site.
- F. Marking. In paved parking areas which contain five or more spaces, all parking spaces shall be clearly delineated by painted lines or markers. All parking spaces shall be provided with bumper guards or wheel stops for safety or protection to adjacent structures or landscaped areas. All vehicular entrances and exits to parking areas shall be clearly marked for all conditions. Handicapped parking shall be appropriately marked by signage.
- G. Location of parking areas.
1. Required parking spaces shall be located on the same lot with the principal use.
 2. No parking area containing more than five parking spaces shall be located closer than 10 feet to any adjoining property line and parking authorized in front yards shall be located at least 10 feet from the street right-of-way line.
- H. Screening and landscaping.
1. Parking areas containing more than five parking spaces shall be effectively screened by Buffer Area C, as defined by § 200-703B of this chapter, along any property line that adjoins a residential use or residential zoning district classification.

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2. In addition, a planting strip at least five feet wide shall be provided between the edge of the right-of-way and any parking area authorized in any yard which fronts on a street. Planting strips between the right-of-way and the parking area shall be suitably landscaped and maintained in grass, ground cover or other landscaping material not in excess of three feet in height which shall not obstruct visibility for traffic entering or leaving the lot or traveling on the public street.
- I. Surfacing. All parking areas and access drives shall be improved with a dust-free, all- weather surface.
- J. Lighting. Any lighting used to illuminate off-street parking areas shall be designed to reflect the light away from the adjoining premises of any residential zoning district or residential use and away from any streets or highways. The lighting system shall furnish an average minimum of 2.0 footcandles during hours of operation.
- K. Stormwater management. All paved parking areas shall be designed so that stormwater runoff shall not adversely affect adjacent properties. The method of stormwater management and the design of the proposed facilities shall be subject to the requirements of Chapter 178, Subdivision and Land Development,¹⁰ and to review and recommendation by the Township Engineer.

§ 200-803. Off-street parking requirements.

Any new use or change of use in any zoning district shall comply with the following minimum requirements for the provision of off-street parking spaces:

- A. When the calculation of required parking spaces results in a requirement of a fractional parking space, any fraction shall be counted as one parking space.
- B. Where more than one use exists on a lot, parking requirements for each use shall be provided.
- C. The following table of parking requirements specifies the number of spaces required for various categories of uses in any zoning district.

Use	Parking Spaces Required
Animal hospital	1 space for each employee, plus 1 space for each treatment room
Banks and financial institutions	1 space per 300 square feet of gross floor area, plus 1 space per employee on peak shift, plus 5 off-street waiting spaces per drive-in window.
Bowling alleys	5 spaces for each alley
Business and professional offices	1 space for every 300 square feet of net floor area
Business services	1 space for every 300 square feet of net floor area
Clinics	1 space for each staff, plus three spaces for each examining or treatment room or other patient service position

¹⁰ Editor's Note: See § 178-40, Stormwater Management, of Ch. 178.

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Use	Parking Spaces Required
Day-care centers	1 space for each teacher and/or employee on largest shift, plus 1 space per each 6 students
Fast-food establishments	1 space per 50 square feet of gross floor area, plus 1 space per employee on peak shift
Flex space	Each portion of the floor area used for office, manufacturing and/or warehousing shall meet the minimum requirements of this section for that specific use.
Funeral homes	25 spaces for the first parlor, plus 10 spaces for each additional parlor
Garden apartments	Two spaces per dwelling unit, plus 0.5 spaces per dwelling unit for visitors to be located within 300 feet of the units they are intended to serve
Golf courses	8 spaces for each hole, plus 1 space for each employee
Group care facility	1 space for each employee on peak shift, plus 1 space for each resident authorized to drive, plus 1 space for each 6 beds
High-rise apartment	1 1/2 spaces per dwelling unit provided indoors
Hospitals and nursing homes	1 space per 3 beds, plus 1 space for each employee on the peak working shift
Hotel or inn; motel	1 space per employee on peak shift, plus 1 space per sleeping unit
Indoor amusement	1 space for each 100 square feet of gross floor area
Indoor places of assembly	1 space for each 75 square feet of net floor area
Libraries/museums	1 space for each 250 square feet of gross floor area
Manufacturing	1 space for each 1,500 square feet of gross floor area or 1 space for each employee on the peak working shift, whichever is greater
Mixed use building	1 space for each 75 square feet of net floor area
Nursery school	1 space for each teacher and/or employee on largest shift, plus 1 space per each 6 students
Personal care boarding home	1 space for each employee on peak shift, plus 1 space for each resident authorized to drive, plus 1 space for each 6 beds
Place of worship	1 space per 4 seats or 80 linear inches of pew, or if there are no pews or seats, 1 space per 15 square feet of floor area used for assembly
Private club	1 space for each 100 square feet of floor area accessible to the members

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Use	Parking Spaces Required
Public utility installation	1 space per employee on peak shift plus 1 space for each service vehicle stored on the lot
Restaurant	1 space for each 75 square feet of gross floor area, plus 1 space for each employee on peak working shift
Retail businesses, personal service establishments	1 space for each 250 square feet of gross floor area
Schools, elementary and junior high	1 space for each employee or faculty member
Schools, secondary and post secondary, commercial	1 space for each employee or faculty member, plus 1 space for each 10 students
Service station/vehicle repair garages	Four spaces for each bay, plus 1 space for each employee on peak shift, plus 1 space for each business vehicle
Single-family dwelling	Two spaces per dwelling unit
Swimming pools, public/commercial	1 space for each 50 square feet of surface water area
Tavern	1 space for each 75 square feet of gross floor area, plus 1 space for each employee on peak working shift
Tennis, racquetball and handball courts	1 space per employee plus 4 spaces for each court
Theater, auditorium or gymnasium	1 space per four seats
Townhouses	Two spaces per dwelling unit, plus 0.5 spaces per dwelling unit for visitors located within 300 feet of the units they are intended to serve
Transitional dwelling	1 space for each employee on peak shift, plus 1 space for each resident authorized to drive, plus 1 space for each six beds
Two-family dwelling	2 spaces per dwelling unit
Warehouses, freight terminals, wholesale businesses	1 space for each employee on peak working shift, plus 1 space for each 3,000 square feet of gross floor area

- D. All other uses shall provide one space for each three occupants at maximum permitted occupancy or one space for each 300 square feet of gross floor area, whichever is greater.

§ 200-804. Off-street loading.

In all zoning districts, whenever a new use is established or an existing use is structurally altered, converted or enlarged, off-street loading spaces shall be provided in accordance with the requirements of this section.

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A. Off-street loading design.

1. Size. Each loading berth shall be at least 65 feet in length and 12 feet in width with an overhead clearance of 14 feet. The area used for loading berths shall not be used to satisfy parking area requirements and shall not block any driveway used for circulation through the site.
2. Access. Loading berths shall be designed to provide sufficient turnaround area so that vehicles are not required to back onto public streets and the design shall be subject to review and approval by the Township Engineer. Loading berths shall have direct access to a driveway and shall be maintained free from obstruction.
3. Location. All loading berths shall be located on the same lot with the principal use they are intended to serve. No loading berth shall be located in a required front yard. Loading berths shall be located at least 30 feet from the nearest point of intersection of any two streets.
4. Screening. Loading berths shall be screened by a six-foot high dense, compact evergreen hedge, opaque fence or wall on all sides which face residential use or zoning district classification.
5. Surfacing. All loading berths shall have a paved, concrete or bituminous surface, graded with positive drainage to dispose of surface water.
6. Lighting. Any lighting used to illuminate loading berths shall be designed to reflect from any adjoining residential use or zoning classification and away from any street or highway.

B. Off-street loading requirements. In all zoning districts, every use which requires the receipt or distribution, by tractor-trailer, of material or merchandise, shall provide off-street loading berths in accordance with the following requirements:

1. Department stores, freight terminals, industrial or manufacturing establishments, retail or wholesale stores, personal or business service establishments, storage warehouses or any similar uses which receive deliveries:

Gross Floor Area

(square feet)	Number of Berths Required
Under 10,000	None
10,000 to 19,999	1
20,000 to 39,999	2
40,000 to 65,000	3
For each additional 20,000	1 additional

2. Auditoriums, convention or exhibit halls, sports arenas, hotels, office buildings, restaurants, nursing homes, hospitals, schools, apartment buildings, public buildings and similar uses which receive deliveries by tractor-trailer:

Gross Floor Area

(square feet)	Number of Berths Required
Under 40,000t	None

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40,000 to 59,999	1
60,000 to 99,999	2
100,000 to 160,000	3
Over 160,000	4

- C. In addition to required off-street parking and loading facilities, adequate storage areas for vehicles awaiting loading and unloading shall be provided. Under no circumstances shall vehicles be stored on or block access to a public right-of-way.

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ARTICLE IX

Signs

§ 200-901. Applicability.

The regulations contained in this Article shall apply to all signs in all zoning districts.

§ 200-902. Types and classes.

Signs in all zoning districts shall be categorized according to the types and classes described below and shall comply with the requirements for those types and classes described in this section.

A. Classes. Signs are classified by physical attributes into the following categories:

1. Freestanding: a sign supported on a foundation or by one or more uprights, poles or braces permanently affixed to the ground and not attached to any building.
 - a. Pole sign: a freestanding sign which is supported by one or more poles, uprights or braces and which has a minimum clearance between the bottom edge of the sign and the adjacent ground level, as specified by this chapter.
 - b. Ground sign: a freestanding sign which is affixed to the ground by means of a permanent foundation and which provides a maximum clearance of 18 inches between the bottom edge of the sign and the adjacent ground level.
2. Wall: a sign attached to and erected parallel to the face of an outside wall of a building, projecting outward no more than six inches from the wall of the building.
3. Arcade sign: a sign suspended beneath a ceiling of an arcade, a roof or marquee containing only the name of a business for the purpose of assisting pedestrian traffic traveling under the arcade, roof or marquee to identify the location of establishments within a shopping center or similar building.
4. Bulletin: a type of changeable copy sign constructed to allow letters or symbols to be changed periodically such as those used by churches and schools to announce events.
5. Roof sign: a sign erected and maintained upon or above the roof of any building which projects no more than six feet above the roof.
6. Overhanging: a sign, other than a wall sign or arcade sign, affixed to a building or wall whose leading edge extends beyond such building or wall more than six inches, including awnings, marquees or similar structures used for business identification.
7. Billboard: any off-premises sign with a changeable advertising face which advertises an establishment, person, activity, product or service which is unrelated to or unavailable on the premises on which the sign is located.
8. Changeable copy: a sign that is designed so that characters, letters or illustrations can be changed or rearranged without altering the face or surface of the sign.
9. Indirectly illuminated: a sign which is lighted by means of lamps or lighting devices external to, and reflected on, the sign, which lighting is stationary and constant in intensity and color at all times and which is shielded so that the illumination is concentrated on the face of the

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sign and there is no spillover of illumination or glare beyond the face of the sign.

10. Internally illuminated: a sign which is lighted by means of lamps or lighting devices internal to the sign, which lighting is either behind the face of the sign or is an integral part of the sign structure and the advertising effect.

B. Types. Signs are categorized by use, function or purpose into the following types:

1. Residential identification sign: a sign containing only the name and address of the occupant of the premises.
2. Home occupation identification sign: a sign containing only the name and address of the occupant of the premises and his or her occupation. No logos or other advertising shall be permitted.
3. Residential plan identification sign: a permanent wall or freestanding ground sign containing only the name and address of a plan of subdivision or a multifamily building or development.
4. Real estate sign: a temporary sign advertising the sale or rental of the premises. The signs may also bear the words "sold," "sale pending" or "rented" across their face.
5. Development sign: a temporary sign erected during the period of construction and/or development of a property by the contractor and developer or their agent.
6. Construction sign: a temporary sign announcing the name of contractors, mechanics or artisans engaged in performing work on the premises.
7. Notification sign: a sign bearing legal and/or property notices such as "no trespassing," "private property," "no turnaround," "safety zone," "no hunting" and similar messages and signs posted by a governmental agency for traffic control or the safety of the general public.
8. Off-premises directional sign: a sign, other than a billboard, which directs the public to an establishment, activity, person, product or service which is not sold, produced or available on the property on which the sign is located.
9. On-premises directional sign: a sign which directs and/or instructs vehicular or pedestrian traffic relative to parking areas, proper exits, loading areas, entrance points and similar information on the premises on which it is located.
10. Political sign: a temporary sign which indicates the name, cause or affiliation of anyone seeking public office or which refers to an issue concerning which a public election is scheduled to be held.
11. Business identification sign: a sign which contains the name, address and goods, services, facilities or events available on the premises.
12. Temporary special event display: a banner, flag, pennant or similar display constructed of durable material and affixed to the wall of a building erected for a period not exceeding 30 days whose sole purpose is to advertise a special event.
13. Window display: a sign or group of signs affixed to the inside of a display window in a commercial establishment which advertises a product or service available on the premises or which announces or promotes a special sale or special event.

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§ 200-903. General regulations.

The following regulations shall apply to signs in all zoning districts:

A. Restricted signs. The following signs shall not be permitted in any zoning district:

1. A-frame or sandwich board signs, other than temporary special event displays authorized by this chapter.
2. Portable or wheeled signs, other than temporary special event displays authorized by this chapter.
3. Banners and pennants, other than temporary special event displays authorized by this chapter.
4. Inflatable structures of any kind, other than temporary special event displays authorized by this chapter.
5. Moving or flashing signs, except for that portion of a permitted sign which indicates time or temperature.
6. Roof signs.
7. Signs on trees, utility poles or official traffic control devices or signs. Signs which imitate traffic control devices.
8. Signs painted on walls or chimneys of a building or on fences or walls.
9. Strings of lights, flashers, flags, pennants or other display paraphernalia except those displays specifically authorized by this Article.
10. Signs on or affixed to vehicles and/or trailers which are parked on a public right-of-way, public property or private property, other than temporarily for overnight storage on the site of a business or for maintenance, repair, loading, unloading or rendering a service at any location, which are visible from the public right-of-way and where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby property.

B. Exempt signs. The following signs shall be exempt from these regulations:

1. Political signs.
2. Residential identification signs, as defined herein.
3. Holiday decorations displayed for recognized federal or state holidays, provided that they do not interfere with traffic safety or do not, in any other way, become a public hazard.
4. Memorial/historical plaques, as defined herein.
5. Window displays, as defined herein, provided that they shall not exceed 20% of the gross surface area of all windows in an establishment.
6. Signs erected by a governmental agency, including street signs and official traffic signs, but not including off-premises directional signs regulated by § 200-904G.

C. Lots with multiple street frontage. In all zoning districts, lots fronting on more than one street

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shall be permitted to have one sign which is authorized per lot on each street frontage.

- D. Temporary signs. In all zoning districts where authorized by § 200-904, real estate, construction and development signs shall be considered temporary signs which shall be removed within 30 days of the completion of sales or construction. Temporary special event displays shall be regulated by § 200-904E.
- E. Notification signs. In all zoning districts, the number, location and size of legal notification signs erected by public agencies shall be in accordance with the laws of the commonwealth. In all zoning districts, legal notification signs posted on private property by property owners such as "no trespassing," "no hunting" and the like shall be limited to a surface area not exceeding two square feet. The placement and maximum number of signs permitted along road frontages shall be one sign for every 30 feet of road frontage.
- F. Visibility. No sign shall be located in such a position that it will cause a hazard by obstructing visibility for traffic on a street or obscuring a traffic signal or other traffic control device. No sign, other than official traffic signs and off-premises directional signs, shall hang over or be erected within the right-of-way of any street. No sign shall be located within the clear sight triangle defined by § 200-704D of this chapter.
- G. Illumination. Illumination, when authorized by this chapter, shall be directed upon the sign face and not towards adjoining properties or streets. Flashing or oscillating signs shall not be permitted. Lighting shall be stationary and constant in intensity and color at all times. The intensity of any source of illumination of any sign, whether indirect or internal, shall be controlled so as to not create glare and to be compatible with the intensity of ambient light and illumination on surrounding properties.
- H. Maintenance and inspection. All signs must be constructed of a durable material and maintained in good condition. Any sign found to be in an unsafe condition upon inspection shall be declared to be a public nuisance and the Zoning Officer shall give notice to the owner in writing to repair or remove the sign within 10 days. Upon failure of the owner to comply, the Township shall remove the sign at the owner's expense.
- I. Removal of signs. Whenever any business is discontinued or vacated, all signs relating to the discontinued or vacated business shall be removed within 30 days of the vacation or discontinuance of the business. Upon failure of the owner to comply, the Township shall remove the sign at the owner's expense.
- J. Permits required. No permit shall be required for the following types of signs as described in § 200-902B above: notification, real estate, political and construction signs and off- premises directional signs erected by a governmental agency. Permits shall be required for all other signs authorized by §§ 200-904 through 200-906. The Zoning Officer shall issue the required permits upon submission of an application which complies with all applicable provisions of this chapter and payment of the required fee established from time to time by resolution of the Board of Supervisors.
- K. Expiration of permits. Any permit issued by the Zoning Officer for erection, alteration, replacement or relocation of any sign shall expire automatically within six months of the date of issuance if work authorized by the permit has not been initiated and diligently pursued.
- L. Sign location. Except for billboards, political signs and off-premises directional signs, as defined herein, where authorized by this chapter, all signs shall be located on the premises which they are intended to serve.

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§ 200-904. Signs authorized in all zoning districts.

The following signs are authorized in all zoning districts:

- A. Bulletin sign. One bulletin sign which is nonilluminated or indirectly or internally illuminated and which does not exceed 24 square feet in surface area shall be permitted in connection with any church, school, library or similar public or semipublic building.
- B. Real estate sign. One nonilluminated temporary real estate sign shall be permitted on each lot, provided that the sign shall not exceed six feet in height. The real estate sign shall not exceed 12 square feet in surface area when located in any residential zoning district and shall not exceed 32 square feet in any other zoning district. Such sign shall be removed within 30 days of the sale or rental of the property on which it is located.
- C. Development sign. One nonilluminated temporary development sign shall be permitted on each lot, provided that the surface area of the sign shall not exceed 32 square feet in surface area. The development signs shall not exceed six feet in height when located in any residential zoning district and shall not exceed 10 feet in height in any other zoning district. Such sign shall be removed within 30 days of the sale or rental of the last lot or completion of the proposed construction in the development.
- D. Construction sign. One nonilluminated temporary construction sign announcing the names of contractors, mechanics or artisans engaged in performing work on the premises shall be permitted on a lot, provided that the sign shall not exceed 12 square feet in surface area and shall be removed within 30 days of the completion of the work.
- E. Temporary special event display. One nonilluminated temporary special event display sign, as defined by this chapter, shall be permitted to be erected on the face of a public building, church or building housing a nonprofit organization, provided that the surface area of the sign shall not exceed 40 square feet and provided that the sign is displayed for a period of no longer than 30 days and is removed within five days following the event that it is erected to promote.
- F. Home occupation identification sign. One nonilluminated home occupation identification sign shall be permitted for an approved home occupation, provided that the surface area of the sign does not exceed one square foot, and the sign shall contain only the name, address and occupation of the resident and shall not contain any logo or other advertising.
- G. Off-premises directional signs.
 - 1. A maximum of four off-premises directional signs shall be permitted to be erected along an arterial or collector street, as defined by this chapter by any agency or business other than a governmental agency, except that home occupations shall not be permitted to have any off-premises directional signs.
 - 2. The off-premises directional signs shall be located within 100 feet of an intersection of an arterial or collector street with any other arterial or collector street, and the maximum number of signs located at any intersection shall be four signs.
 - 3. The off-premises directional signs shall be nonilluminated and shall not exceed six square feet in surface area. Such signs shall be permitted in the public right-of-way only if permission is granted by the owner of the right-of-way. Evidence of permission from the landowner shall be required for signs that are proposed to be erected on property owned by an owner other than the owner of the building or use the sign is

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intended to serve. Signs located outside the public right-of-way shall be located no more than 10 feet from the edge of the right-of-way or no more than 15 feet from the edge of the cartway, if the right-of-way is not contiguous with the front lot line.

H. On-premises directional sign.

1. On any lot which contains two or more multifamily or nonresidential buildings and/ or on any lot which provides more than 100 parking spaces, on-premises directional signs shall be permitted, provided that the surface area of any one sign shall not exceed four square feet.
2. On lots with areas less than one acre, a maximum of four nonilluminated or indirectly illuminated on-premises directional signs shall be permitted. On lots with areas of one acre or more, a maximum of six nonilluminated or indirectly illuminated on-premises signs shall be permitted on the first acre. For each additional acre or fraction thereof over one acre, two additional on-premises directional signs shall be permitted.

§ 200-905. Signs authorized in agricultural and residential zoning districts.

The following signs shall be permitted in all A-1, R-1, R-2, R-3 and MU Zoning Districts:

- A. Farm identification sign. One nonilluminated freestanding ground identification sign shall be permitted for a farm, provided that the surface area of the sign shall not exceed 16 square feet, and the sign shall contain only the name of the farm, the operator, the address and/or phone number, the products produced or services available and shall not contain any other advertising.
- B. Residential plan identification sign. One nonilluminated or indirectly illuminated permanent wall or freestanding ground residential plan identification sign containing only the street address and/or name of a residential subdivision plan or multifamily building or development which shall not exceed 24 square feet in surface area. A sign identifying the name of a residential subdivision may be affixed to a freestanding decorative wall, rather than to a building wall, provided that the decorative wall meets all applicable ordinance requirements and does not obstruct visibility for traffic entering or leaving the plan.
- C. Authorized commercial uses in the MU District.
 1. Each business establishment shall be permitted to have one wall sign which may be illuminated or nonilluminated. The maximum surface area of the wall sign shall not exceed 24 square feet in area. In place of a wall sign, a business establishment shall be permitted to have one overhanging sign which may be illuminated or nonilluminated, provided that the surface area of the sign shall not exceed six square feet, and the sign shall be erected no higher than the top elevation of the first floor of the building.
 2. In addition to the wall sign or overhanging sign, one freestanding ground sign shall be permitted on the lot regardless of the number of businesses on the lot. The maximum surface area of the ground sign shall not exceed 24 square feet. The ground sign may be illuminated or nonilluminated. The ground sign shall be located at least 10 feet from any property line or street right-of-way. The maximum height of the ground sign shall not exceed four feet.
- D. Other business identification signs. One nonilluminated or indirectly illuminated wall or freestanding ground identification sign shall be permitted for any business use which is a legal nonconforming use or which is authorized as a conditional use in a residential zoning district, provided that the surface area of the sign shall not exceed 12 square feet.

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§ 200-906. Signs authorized in business districts.

The following signs shall be permitted in all business districts:

- A. Temporary special event display. Temporary special event displays, as defined by this chapter, shall be permitted, provided that:
 - 1. No more than two signs or banners shall be permitted on any establishment at any one time;
 - 2. The temporary special event display signs shall be securely attached to the building or to the supporting structure of a freestanding pole business identification sign;
 - 3. Temporary special event display signs shall be displayed for a period not exceeding 30 days, either consecutively or cumulatively, in any twelve-month period;
 - 4. The aggregate surface area of all temporary special event display signs shall not exceed 40 square feet per establishment. In the event that there is more than one establishment on a site, the maximum aggregate surface area of all temporary special event display signs on the site at any one time shall not exceed 100 square feet;
 - 5. Portable signs shall not be considered temporary special event display signs; and
 - 6. Temporary special event display signs shall be nonilluminated.
- B. Changeable copy signs. In addition to the authorized business identification signs, one nonilluminated or internally illuminated changeable copy sign shall be permitted per business which shall not exceed 30 square feet in area and which shall be permanently affixed to the wall of the building or to the supporting structure of an authorized freestanding business identification sign on the lot or, if freestanding, shall be permanently affixed to the ground, shall be maintained at least five feet from the edge of paving of a public street and shall not obstruct any parking space or driveway on the site.
- C. Business identification signs.
 - 1. Wall signs. Each business establishment shall be permitted to have wall signs which may be illuminated or nonilluminated. The aggregate area of all wall signs shall not exceed two square feet for each lineal foot of width of the front wall of the building, or portion of the building, occupied by the business or a maximum of 100 square feet, whichever is less. The wall identification sign shall not be located on the roof nor extend above the height of the building.
 - 2. Ground signs. In addition to the wall signs, one freestanding ground sign shall be permitted per lot, regardless of the number of businesses on the lot, provided that:
 - a. No freestanding pole sign exists or is proposed to be erected on the lot.
 - b. The maximum surface area of the ground sign shall not exceed 24 square feet in the B-1 District.
 - c. The height and location of the sign shall be designed so as to not interfere with visibility for vehicular traffic entering or leaving the lot or traveling on any street and in no case shall the total height exceed six feet.
 - d. Ground signs shall be nonilluminated or indirectly illuminated only. Internally illuminated ground signs shall not be permitted.

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- e. All freestanding ground signs shall be located at least 10 feet from any property line, except where property abuts on a public right-of-way, the ground sign shall be set back at least 10 feet from the right-of-way or at least 15 feet from the edge of the cartway if the right-of-way is not contiguous with the front lot line.
3. Pole signs. In addition to the authorized wall signs, one freestanding pole sign shall be permitted per lot, regardless of the number of businesses on the lot, provided that:
 - a. No freestanding ground sign exists or is proposed to be erected on the lot.
 - b. The pole sign shall be nonilluminated, indirectly illuminated or internally illuminated.
 - c. The maximum height of the top of the pole sign shall be 20 feet.
 - d. The minimum height of the bottom edge of the sign shall be eight feet.
 - e. The maximum surface area of the freestanding pole sign shall not exceed 40 square feet if there is only one business on the lot and shall not exceed 64 square feet if there is more than one business on the lot. Neither dimension of such sign shall be less than five feet.
 - f. No portion of any sign shall project over any public right-of-way nor shall it be located within the clear sight triangle of any street intersection.
 - g. All freestanding pole signs shall be set back at least 10 feet from every property line, except where property abuts on a public right-of-way, the sign shall be set back at least 10 feet from the right-of-way or at least 15 feet from the edge of the cartway if the right-of-way is not contiguous with the front lot line.
4. Arcade signs. In shopping centers or office complexes which have pedestrian accessways covered by a roof, marquee or exterior arcade, one arcade sign, as defined herein, shall be permitted for each business in the building, provided that the maximum surface area of each sign shall not exceed eight square feet.

§ 200-907. Billboards.

Billboards shall be permitted only as conditional uses on property located in the B-1 Highway Commercial District following recommendation by the Planning Commission and a public hearing by the Board of Supervisors, provided all of the following requirements are met:

- A. Location. Billboards may be authorized as a conditional use only in the B-1, Highway Commercial District, provided that all of the following requirements are met:
 1. Billboards shall not be erected within 500 feet of the boundary line of any R Zoning District or within 500 feet of any public or private school, church or cemetery, said 500 feet being measured along the radius of a circle from the centermost point of the billboard structure extending in all directions.
 2. On interstate and limited access highways, billboards shall not be erected within 500 feet of an interchange or safety rest area measured along the interstate or limited access highway from the beginning or ending of the pavement widening at the exit from or entrance to the main traveled way.
 3. Billboards shall maintain a lateral minimum spacing between any existing or proposed billboard structure of 1,000 feet. Required spacing shall be measured along both sides of the

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same roadway frontage from the centermost point of the billboard structure along a line extending from the centermost point of the billboard which is parallel to the center line of the roadway to which the billboard is oriented.

4. No billboard shall be located closer than 10 feet to any public street right-of-way.
 5. The minimum side and rear yard requirements applying to a principal structure as set forth within the zoning district in which the billboard is to be located shall apply to each billboard structure.
 6. No billboard shall be erected in such a manner as to block the view from the road or street of any existing business identification sign, residential or nonresidential structure, or limit or reduce the light and ventilation requirements.
 7. No billboard shall be constructed within the clear sight triangle of the public street or road on which it is situated and shall not in any case obstruct or impede traffic safety.
 8. No sign shall be erected over any sidewalk or public right-of-way.
 9. Billboards shall not be part of a roof or wall nor shall they be mounted on the roof, wall or other part of a building or any other structure.
- B. Size and height. A billboard shall have a maximum allowable gross surface area of 250 square feet per sign face. This gross surface area shall be permitted, provided that all of the following additional requirements are met:
1. A billboard shall have no more than two sign faces per billboard structure which may be placed back to back or in a V-shaped configuration having an interior angle of 90° or less.
 2. The dimensions of the gross surface area of the billboard's sign face shall not exceed 10 feet in total height or 25 feet in total length, provided that the total allowable gross surface area for the sign face is not exceeded.
 3. A billboard structure shall have a maximum height above the curb of the roadway from which it is intended to be viewed of 40 feet.
- C. Construction methods. Billboards shall be constructed in accordance with applicable provisions of the Township Building Code¹¹ and shall meet all of the following additional requirements:
1. A billboard structure shall have a maximum of one vertical support being a maximum of three feet in diameter or width and without additional bracing or vertical supports.
 2. A billboard sign face shall be independently supported and have vertical supports of metal which are galvanized or constructed of approved corrosive-resistant, noncombustible materials. Structures constructed with galvanized metal shall be painted.
 3. The one vertical support shall be capable of enabling the entire sign face to be able to withstand a minimum one-hundred-mile per hour wind load. Structural design computations shall be made and certified by a registered engineer and shall be submitted to the Township with the application for conditional use.
 4. The base shall be installed using a foundation and footings approved by the Township Engineer for the type of construction proposed.

¹¹ Editor's Note: See Ch. 78, Construction Codes, Uniform.

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5. The entire base of the billboard structure parallel to the sign face shall be permanently landscaped with suitable shrubbery and/or bushes of minimum height of three feet placed in such manner as to screen the foundation of the structure.
6. Landscaping shall be maintained by the sign owner in an attractive and healthy manner in accordance with accepted conservation practices.
7. No bare cuts shall be permitted on a hillside.
8. All cuts or fills shall be permanently seeded or planted.
9. A billboard with display lighting shall be constructed so that it does not glare upon adjoining property and shall not exceed a maximum footcandle of 1.5 upon the adjoining property.
10. Display lighting shall not operate between 12:00 midnight and 5:00 a.m., prevailing local time.
11. No billboard structure, sign face or display lighting shall move, flash or emit noise. No display lighting shall cause distractions, confusion, nuisance or hazard to traffic, aircraft or other properties.
12. The use of colored lighting shall not be permitted.

D. Maintenance.

1. A billboard structure shall be entirely painted every three years, unless construction of an approved corrosive-resistant material.
2. Every 10 years, the owner of the billboard shall have a structural inspection made of the billboard by a qualified Pennsylvania registered engineer and shall provide to the Township a certificate from the engineer certifying that the billboard is structurally sound.
3. Annual inspections of the billboard may be conducted by the Township to determine compliance with this chapter.
4. Billboards found to be in violation of this chapter shall be brought into compliance or removed within 30 days upon proper notification by the Township.
5. Billboards using removable paper or other materials shall be maintained in such condition as to eliminate loose or frayed material protruding or hanging from the structure. All paper and other waste materials shall be removed from the site and disposed of properly whenever any sign face is changed.

- E. Liability insurance. The applicant for a sign permit to erect a billboard shall provide a certificate of insurance for public liability and property damage which holds the Township harmless. The amount of insurance to be maintained shall be determined and adjusted from time to time by resolution of the Board of Supervisors. The insurance certificate shall contain a clause stating that the insurance shall not be canceled or reduced without first giving 10 days' notice to the Township.

F. Permits.

1. Prior to submission of an application for a sign permit, the applicant for a billboard shall obtain and submit with the application, approval from the Federal Aviation Administration (FAA), when applicable.

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2. Approval of the conditional use shall be valid for six months from the date of action by the Board of Supervisors granting the conditional use. If the applicant fails to obtain a sign permit for the approved billboard within the six-month period, approval of the conditional use shall expire automatically, without written notice to the applicant.
 3. The issuance of a sign permit for a billboard which has been granted approval of a conditional use shall be conditioned upon the approval of the Pennsylvania Department of Transportation (PennDOT) for billboards along state highways. If the applicant fails to submit evidence of the required approval by PennDOT within 30 days of the issuance of the conditional sign permit, the sign permit shall be revoked by the Township Zoning Officer who shall provide written notice to the applicant.
 4. The applicant may reapply for the required sign permit, upon submission of evidence of PennDOT approval, without payment of any additional sign permit fee, provided that the application is filed within the six-month period during which the conditional use approval is valid.
- G. Application fees. Said application shall be accompanied by an application fee in an amount equal to that set from time to time by resolution of the Board of Supervisors.
- H. Nonconforming billboards.
1. Any billboard which does not conform to the requirements of this section shall not be enlarged or moved unless the billboard complies with all provisions of this section.
 2. Any billboard which is damaged or destroyed by more than 51% of its replacement value at the time of damage or destruction shall be reconstructed only in compliance with all provisions of this section.

ARTICLE IX

Nonconforming Uses, Structures and Lots

§ 200-1001. Applicability.

This Article shall apply to all nonconforming uses, structures and lots as defined by this chapter. Nothing contained herein shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof for which official approval and required permits have been granted prior to the effective date of this chapter or any amendment thereto.

§ 200-1002. Nonconforming uses.

These regulations shall apply to any use of a structure or lot in any zoning district which is a nonconforming use as defined by this chapter. Whenever the boundaries of a zoning district shall be changed so as to transfer an area from one zoning district to another of a different classification, these regulations shall also apply to any uses which thereby become nonconforming.

- A. Continuation. Where, at the effective date of adoption or amendment of this chapter, a lawful use of a lot or structure exists that is made no longer permissible under the terms of this chapter as enacted or amended, such use may be sold or otherwise transferred to other owners and may be continued as long as it remains otherwise lawful in accordance with the provisions of this Article.
- B. Enlargement or expansion.
 - 1. No nonconforming use of a lot or structure shall be enlarged or increased or extended to occupy a greater area than was occupied at the effective date of adoption or amendment of this chapter, unless the Zoning Hearing Board, after public hearing, shall interpret that the enlargement or extension is necessary by the natural expansion and growth of the nonconforming use. Any such enlargement or expansion shall conform to the area, height and yard requirements of the zoning district in which it is located.
 - 2. No nonconforming use shall be moved in whole or in part to any other portion of the lot occupied by such use at the effective date of adoption or amendment of this chapter.
 - 3. Any nonconforming use may be extended throughout any part of a structure which was designed for such use at the time the use became nonconforming; however, a nonconforming use shall not be extended to occupy any structure, except on a lot or portion of a lot owned at the time the use became nonconforming.
- C. Change of use.
 - 1. A nonconforming use shall not be changed to any use other than a conforming use, except as permitted by the Zoning Hearing Board in accordance with the following:
 - a. The new use will more closely correspond to the uses permitted in the district.
 - b. The changed use will be in keeping with the character or the neighborhood in which it is located.
 - c. The applicant clearly demonstrates a hardship in converting the use to a conforming use

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in accordance with the criteria of § 200-1104 for obtaining a variance.

2. When a nonconforming use is changed to a conforming use, the use thereafter shall not be changed to a nonconforming use. Any change from one nonconforming use to another shall comply with the parking requirements of Article VIII for the use and shall be subject to the area, bulk and buffer area regulations for such use in the district where such use is authorized.
3. Where a nonconforming use exists on a lot, a conforming use shall not be established on the same lot unless the nonconforming use is discontinued.

D. Abandonment.

1. This abandonment provision shall not apply to any farm legally existing on the date of adoption of this chapter which was made nonconforming by virtue of the fact that agriculture is no longer an authorized use in the district in which the farm is located.
2. When any other nonconforming use of a structure and/or lot is discontinued or abandoned for 12 consecutive months, the structure and/or lot shall not thereafter be used, except in conformance with the regulations of the zoning district in which it is located.

E. Damage or destruction.

1. Residential dwellings which are nonconforming uses in the B-1 or M-1 District may be rebuilt on the existing foundation in the event of damage or destruction, provided that the reconstruction is started within three years of the date of destruction.
2. In the event that damage or destruction of a structure in which a nonconforming use, other than a dwelling, is conducted involves 50% or less of the total floor area of the structure, repairs or reconstruction may be undertaken, provided that such restoration is started within 18 months of the date of destruction.
3. In the event that a structure in which a nonconforming use, other than a dwelling, is conducted is damaged or destroyed by fire or other means to an extent of more than 50% of its total floor area, the structure shall be reconstructed only to house a conforming use.

§ 200-1003. Nonconforming structures.

These regulations shall apply to all nonconforming structures as defined by this chapter in all zoning districts.

- A. Structural alteration. No such structure may be enlarged or structurally altered in a way which increases its nonconformity, except when the Zoning Hearing Board, after public hearing, may determine undue hardship and may authorize a reasonable modification of such structure.
- B. Damage or destruction. Any nonconforming structure which has been partially or completely damaged or destroyed by fire or other means may be rebuilt or repaired on its existing foundation even though such foundation may violate the setback requirements for the zoning district in which the structure is located, provided that the repair or reconstruction and reoccupancy of the structure occurs within 18 months of the date that the original structure was damaged or destroyed.
- C. Moving. Should such structure be moved for any reason for any distance, it shall thereafter conform to the requirements of the zoning district in which it is located.

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D. Signs.

1. Nonconforming signs may be repaired or reconstructed, provided that no structural alterations are made which increase the gross surface area of the sign; however, nonconforming signs which are damaged or destroyed to an extent of more than 50% of their replacement cost at the time of destruction shall not be reconstructed except in conformity with the provisions of this chapter.
2. Nonconforming signs may not be enlarged, added to or replaced by another nonconforming sign, use or structure, except that the interchange of poster panels shall be permitted.

E. Repair or maintenance. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the safety of the public.

§ 200-1004. Nonconforming lots.

The following regulations shall apply to nonconforming lots, as defined by this chapter.

A. Exemption for existing lots of record.

1. Any lot of record existing at the effective date of this chapter in any R District may be used for the erection of a single-family dwelling without a lot area or lot width variance, even though its lot area and width are less than the minimum required by this chapter; however, where two adjacent lots of record with less than the required area and width are held by one owner, the Zoning Officer may require that the two lots be combined and used for one principal building. When three or more lots of record with less than the required area and width are held by one owner, the Board of Supervisors may require replatting to fewer lots to achieve compliance with minimum yard requirements.
2. Front, rear and side yards for existing lots of record shall not be less than the established yards prevailing in the immediate area, but in no case shall side yards be less than five feet.

§ 200-1005. Registration of nonconformity.

- A. The owner of a nonconforming use shall make an application for registration of the nonconforming use and upon presentation of documentation acceptable to the Zoning Officer that the use was lawfully in existence prior to the effective date of this chapter or any amendment which created the nonconformity, the Zoning Officer shall register the same on a map and by Washington County Assessor's tax parcel number as a legal nonconforming use.
- B. In the course of administering this chapter and reviewing applications for zoning certificates or variances, the Zoning Officer shall register all nonconforming structures and nonconforming lots as they become known through the application process.

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ARTICLE X

Zoning Hearing Board

§ 200-1101. Membership.

The membership of the Zoning Hearing Board shall consist of three residents of the Township appointed by the Board of Supervisors. Their terms of office shall be three years and shall be so fixed that the term of office of one member shall expire each year. The Board shall promptly notify the Board of Supervisors when vacancies occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other elected or appointed office in the Township, nor shall any member be an employee of the Township. The membership of the Zoning Hearing Board may be increased to five members in accordance with the provisions of 53 P.S. § 10903(a) of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended).

§ 200-1102. Alternate members.

- A. Appointment of alternate members. The Board of Supervisors may appoint by resolution at least one, but no more than three, residents of the Township to serve as alternate members of the Board. The term of office of an alternate member shall be three years. When seated pursuant to the provisions of Subsection B, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the power and duties set forth in this chapter and as otherwise provided by law. Alternates shall hold no other office in the Township, including service as a member of the Planning Commission or as a Zoning Officer nor shall any alternate be an employee of the Township. Any alternate may participate in any proceedings or discussion of the Board but shall not be entitled to vote as a member of the Board unless designated as a voting alternate member pursuant to Subsection B of this section.
- B. Participation by alternate members. The Chairman of the Board may designate alternate members of the Board to replace any absent or disqualified member and if, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to reach a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this Subsection shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.

§ 200-1103. Jurisdiction.

- A. Substantive challenges to the validity of any land use ordinance, except curative amendments brought before the Board of Supervisors.
- B. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within 30 days after the effective date of the ordinance.
- C. 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.

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- D. Appeals from a determination by the Township Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.
- E. Applications for variances from the terms of this chapter and flood hazard ordinance or such provisions within a land use ordinance pursuant to § 200-1104.
- F. Appeals from the Zoning Officer's determination under 53 P.S. § 10916.2 of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended).
- G. Appeals from the determination of the Zoning Officer or Township Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving subdivision and land development or planned residential development (PRD).

§ 200-1104. Variances.

- A. The Board, upon appeal, shall have the power to authorize variances from the requirements of this chapter, and to attach such conditions to the variance as it deems necessary to assure compliance with the purposes of this chapter. A variance may be granted if all of the following findings are made where relevant in a given case:
 - 1. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this chapter in the neighborhood or district in which the property is located.
 - 2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
 - 3. That such unnecessary hardship has not been created by the appellant.
 - 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.
 - 5. That the variance, if authorized, will represent the minimum variance necessary to afford relief and will represent the least modification possible of the regulation in issue.
- B. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this chapter and protect the public health, safety and welfare.

§ 200-1105. Notice and conduct of hearings.

A public hearing shall be held on any appeal filed under § 200-1103 of this chapter within 60 days of filing of a complete application. The public hearing shall be held pursuant to public notice, as defined by this chapter. In addition to the public notice, at least one week prior to the public hearing, the Board shall post at least one copy of the notice on the affected property. At least 14 days prior to the public hearing, the Board shall mail a copy of the notice by certified mail to each

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property owner within 300 feet of the entire perimeter of the property, including those across a street right-of-way. The cost of mailing the certified notices shall be paid by the applicant. The Board shall comply with all requirements of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended; 53 P.S. 10101 et seq.) regarding conduct of the public hearing and rendering a decision.

§ 200-1106. Failure to render a decision.

- A. Where the Board fails to render a decision within the required forty-five-day period or fails to commence, conduct or complete the required hearing within the time periods specified by 53 P.S. § 10908(1.2) of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended), 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.
- B. When a decision has been rendered in favor of the applicant because of failure of the Board to meet or render a decision, the Board shall give public notice of the decision within 10 days from the last day it could have met to render a decision in the same manner prescribed in § 200-1105. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this section shall prejudice the right of any party opposing the application to appeal the decision to the Court of Common Pleas.

§ 200-1107. Mediation option.

- A. Parties to proceedings authorized in this Article may utilize mediation as an aid in completing such proceedings. In proceedings before the Zoning Hearing Board in no case shall the Zoning Hearing Board initiate mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this Article once they have been formally initiated. Nothing in this subsection shall be interpreted as expanding or limiting municipal police powers or as modifying any principles of substantive law.
- B. Participation in mediation shall be wholly voluntary. The appropriateness of the mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. Any municipality offering the mediation option shall assure that, in each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:
 - 1. Funding mediation.
 - 2. Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation.
 - 3. Completing mediation, including time limits for such completion.
 - 4. Suspending time limits otherwise authorized in this chapter or in the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended), provided that there is written consent by the mediating parties, and by an applicant or Borough decision making body, if either is not a party to the mediation.
 - 5. Identifying all parties and affording them the opportunity to participate.
 - 6. Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public.
 - 7. Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the appropriate decision making body pursuant to the

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authorized procedures set forth in this chapter.

- C. No offers or statements made in the mediation session, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

§ 200-1108. Fees and expenditures.

- A. Fees. The Board of Supervisors may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.
- B. Stenographer's appearance fee and transcripts. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.
- C. Expenditures. Members of the Board may receive compensation for the performance of their duties as may be fixed by the Board of Supervisors, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Board of Supervisors. Within the limits of funds appropriated by the Board of Supervisors, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services.

§ 200-1109. Time limitations.

- A. No person shall file any proceeding before the Zoning Hearing Board later than 30 days after a preliminary or final application for development has been approved by an appropriate Township officer, agency or body, if such proceeding is designed to secure reversal or to limit the approval in any manner, unless such person alleges and proves that he had no notice, knowledge or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest.
- B. The failure of anyone, other than the landowner, to appeal from an adverse decision on an application for tentative approval of a planned residential development (PRD) or from an adverse decision by a Zoning Officer on a challenge to the validity of an ordinance or map filed pursuant to 53 P.S. § 10916.2 of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended) shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.
- C. All appeals from determinations adverse to the landowner shall be filed by the landowner within 30 days after notice of the determination is issued.

§ 200-1110. Stay of proceedings.

Upon filing of any proceeding and during its pendency before the Board all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board, facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be

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stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of the zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court.

§ 200-1111. Appeals.

All appeals from decisions rendered by the Zoning Hearing Board shall be taken to the Washington County Court of Common Pleas and shall be filed within 30 days after the entry of the decision or, in the case of a deemed decision, within 30 days after the date upon which notice of said deemed decision is given as required by 53 P.S. § 10908(9) of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended).

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ARTICLE XI

Administration and Enforcement

§ 200-1201. Zoning Officer powers and duties.

- A. The provisions of this chapter shall be administered and enforced by a Zoning Officer who shall be appointed by the Board of Supervisors. The Zoning Officer shall hold no elected office in the Township. The Zoning Officer shall meet the qualifications established by the Township and shall be able to demonstrate, to the satisfaction of the Township, a working knowledge of municipal zoning.
- B. The Zoning Officer shall have all the powers and duties conferred upon him by this chapter and the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended). The Zoning Officer's duties shall include the following:
 - 1. Receive and examine all applications for zoning certificates and certificates of occupancy.
 - 2. Process applications for zoning certificates and certificates of occupancy for all permitted uses.
 - 3. Receive applications for variances and forward these applications to the Zoning Hearing Board for action prior to considering issuance of a zoning certificate or certificate of occupancy for the proposed use.
 - 4. Receive applications for conditional uses and forward these applications to the Planning Commission and Board of Supervisors for recommendation and action prior to considering issuance of a zoning certificate or certificate of occupancy for the proposed use.
 - 5. Issue permits only where there is compliance with the provisions of this chapter, with other Township ordinances and the laws of the commonwealth.
 - 6. Following denial of a zoning certificate or certificate of occupancy, refer any appeal of the denial to the Zoning Hearing Board for action thereon.
 - 7. Conduct inspections and surveys to determine compliance or noncompliance with this chapter.
 - 8. Issue notices of violation in accordance with the requirements of § 200-1202, below. With the approval of the Board of Supervisors, or when directed by the Board, institute, in the name of the Township, any appropriate action or proceeding to
 - 9. prevent unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct or abate such violation so as to prevent the occupancy or use of any building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.
 - 10. Revoke any order or permit issued under a mistake of fact or contrary to the law or the provisions of this chapter.
 - 11. Record and file all applications for zoning certificates and certificates of occupancy with accompanying plans and documents, which files shall be a public record.
 - 12. Maintain the official Zoning District Map for the Township.

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13. Register nonconforming uses, structures and lots in accordance with § 200-1005 of this chapter.

§ 200-1202. Enforcement; violations and penalties.

- A. Violations. Failure to comply with any provisions of this chapter; failure to secure a zoning certificate prior to the erection, construction, extension, structural alteration or addition to building or structure; or failure to secure an occupancy permit for the use or change of use or occupancy of structures or land, shall be a violation of this chapter.
- B. Enforcement notice. The enforcement notice shall contain the following information:
 1. The name of the owner of record and any other person against whom the Township intends to take action.
 2. The location of the property in violation.
 3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this chapter.
 4. The date before which steps for compliance must be commenced and the date before which the steps must be completed.
 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 the procedures set forth in this chapter.
 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.
- C. Enforcement remedies.
 1. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure.
 2. Each day that a violation continues shall constitute a separate violation, unless the Magisterial District Judge, determining that there has been a violation, further determines that there was a good faith basis for the person, partnership or corporation violating this chapter 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 Magisterial District Judge and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this chapter shall be paid over to the Township.
 3. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
 4. Nothing contained in this subsection shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement

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pursuant to this subsection.

- D. Causes of action. In case any building or structure is erected, constructed, reconstructed, structurally altered, repaired, converted or maintained or any building or structure or land is used in violation of this chapter or of any other ordinance or regulation made under authority conferred hereby, the Board of Supervisors or, with approval of the Board of Supervisors, the Zoning Officer or other proper official, in addition to other remedies, may institute in the name of the Township, any appropriate action or proceeding to prevent, restrain, correct or abate such unlawful erection, construction, reconstruction, structural alteration, repair, conversion, maintenance or use; to prevent the occupancy of any building, structure or land; or to prevent any illegal act, conduct, business or use which constitutes a violation.
- E. Penalties. Any applicant performing work at their direction who violates or permits a violation of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township before a Magisterial District Judge, pay a fine of not more than \$500, plus all court costs, including reasonable attorney's fees incurred by the Township in the enforcement of this chapter. No judgment shall be imposed until the date of the determination of the violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day a violation exists shall constitute a separate offense. Further, the appropriate officials or agents of the Township are hereby authorized to issue a cease and desist notice and/or to seek equitable relief, including injunction, to enforce compliance herewith. No bond will be required if injunctive relief is sought by the Township. Any entity who is found by a court of competent jurisdiction to have violated this ordinance shall also be responsible for the Township's attorney's fees, engineering fees, expert fees and court costs associated with enforcement. **[Added 6-22-2011 by Ord. No. 122]**
- F. Savings clause. **[Added 6-22-2011 by Ord. No. 122]**
 - 1. All ordinances or parts of ordinances not inconsistent with the provisions of this ordinance shall be and remain in full force and effect, but any ordinance inconsistent with the provisions of this ordinance is hereby amended or repealed to the extent inconsistent with the provisions of this ordinance.
 - 2. If any section, clause, phrase or provision of this ordinance or the application thereof to any person, firm or corporation shall to any extent be held by court of competent jurisdiction to be invalid, the remaining sections and provisions of the ordinance shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

§ 200-1203. Zoning certificate required.

- A. No land use may be established or changed; no structure or building may be erected, constructed, reconstructed, structurally altered, razed or removed; and no building or structure may be used or occupied or the use changed until a zoning certificate has been obtained from the Zoning Officer.
- B. In the instances where a building permit is required and applied for, such application shall be considered to include both the building permit and the zoning certificate. In those instances where no building permit is required, an application for a certificate of occupancy for a new or changed use of land or structure shall be considered to include both the zoning certificate and the certificate of occupancy.

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§ 200-1204. Application requirements for zoning certificate.

- A. In those instances where a zoning certificate is applied for, the application shall be made in writing by the owner, tenant, vendee under contract of sale or authorized agent, on a form supplied by the Township and shall be filed with the Zoning Officer. The application shall include the following information:
1. A statement as to the proposed use of the building, structure or land.
 2. A plan drawn to scale showing the location, dimensions and height of proposed buildings, structures or uses and any existing buildings in relation to property and street lines. If the application relates to property scheduled to be developed in successive stages, such plans shall show the relationship of the portion scheduled for initial development to the proposed layout of the entire property.
 3. The location, dimensions and arrangements of all open spaces and yards, including methods to be employed for screening and landscaping.
 4. The location, size, capacity and arrangement of all areas to be used for vehicular access, off-street parking, off-street loading and unloading and provision to be made for lighting such areas.
 5. The dimensions, location and methods of illumination for signs, if applicable.
 6. The location and dimensions of sidewalks and all other areas devoted to pedestrian use.
 7. Provisions to be made for treatment and disposal of sewage and industrial wastes, water supply and storm drainage.
 8. The capacity and arrangement of all buildings used or intended to be used for dwelling purposes, including the proposed gross density.
 9. A description of any proposed industrial or commercial operations in sufficient detail to indicate the effects of those operations in producing noise, glare, air pollution, water pollution, fire hazards, traffic congestion and other safety hazards.
 10. Description of methods to be employed in controlling any excess noise, air pollution, smoke, fumes, water pollution, fire hazards or other safety hazards.
 11. Any other data deemed necessary by the Zoning Officer to determine compliance with the applicable provisions of this chapter.
- B. Where the information required for a zoning certificate duplicates the information required for a building permit and the application is being considered a combined application, submission of one drawing with the required information will meet the requirements for both applications.

§ 200-1205. Certificate of occupancy required.

- A. It shall be unlawful to use or occupy or permit the use or occupancy of any building, structure or lot, or part thereof, until a certificate of occupancy has been issued therefor by the Zoning Officer. Said certificate of occupancy shall state that the proposed use of the building, structure or land conforms to the requirements of this chapter.
- B. Certificates of occupancy shall be applied for coincident with the application for a building permit and shall be acted upon within five working days after inspection by the Zoning Officer.

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of the work completed under a building permit.

- C. Certificates of occupancy for a new use or changed use where no building permit is required shall be part of the application for a zoning certificate and shall be acted upon by the Zoning Officer within 15 days of submission of a completed application for a zoning certificate.
- D. A temporary certificate of occupancy may be issued by the Zoning Officer for a period not exceeding six months to permit partial occupancy of a building while work is being completed, provided that such temporary certificate of occupancy may require such conditions and safeguards as may be warranted to protect the health and safety of the occupants and the public.
- E. Failure to obtain a certificate of occupancy shall be a violation of this chapter and shall be subject to enforcement remedies as provided in this chapter.
- F. The Zoning Officer shall maintain a record of certificates of occupancy and copies shall be furnished, upon request, to any person having a proprietary or tenancy interest in the building or lot affected.

§ 200-1206. Planning Commission.

The Township Planning Commission has been created in accordance with Article II of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended) to fulfill the advisory role to the Board of Supervisors in the administration of this chapter and Chapter 178, Subdivision and Land Development.

A. Membership.

- 1. The membership of the Planning Commission shall consist of five members, all of whom shall be residents of the Township. At least three of the five members shall be citizen members and shall not be officers or employees of the Township.
- 2. The term of office for each member shall be four years and the terms of no more than two members shall expire in any calendar year.
- 3. When any vacancies occur, the Chairman shall promptly notify the Board of Supervisors and the Board shall fill the vacancy for the unexpired portion of the term.

B. Duties of the Planning Commission.

- 1. The Planning Commission shall, at the request of the Board of Supervisors, have the power and shall be required to:
 - a. Prepare the Comprehensive Plan for the development of the Township in accordance with the requirements and procedures set forth in the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended) and present it for consideration by the Board of Supervisors.
 - b. Maintain and keep on file records of its action. All records and files of the
 - c. Planning Commission shall be in the possession of the Board of Supervisors.
- 2. The Planning Commission, at the request of the Board of Supervisors, may:
 - a. Make recommendations to the Board of Supervisors concerning adoption or amendment of an official map, as defined herein.

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- b. Prepare and present to the Board of Supervisors a Zoning Ordinance and make recommendations to the Board of Supervisors on proposed amendments to it.
 - c. Prepare and recommend subdivision and land development and planned residential development (PRD) regulations and amendments thereto and make recommendations to the Board of Supervisors on applications submitted under those regulations.
 - d. Prepare and present to the Board of Supervisors a Building Code and a Housing Code and make recommendations concerning proposed amendments thereto.
 - e. Do such other acts or make such studies as may be necessary to fulfill the duties and obligations imposed by the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended).
 - f. Prepare and present to the Board of Supervisors an environmental study.
 - g. Submit a recommended capital improvements program to the Board of Supervisors.
 - h. Prepare and present to the Board of Supervisors a water survey which shall be consistent with the state water plan and any applicable water resources plan adopted by a river basin commission conducted in consultation with any public water supplier in the area to be surveyed.
 - i. Promote public interest in, and understanding of, the comprehensive plan and planning.
 - j. Make recommendations to governmental, civic and private agencies and individuals as to the effectiveness of the proposals of such agencies and individuals.
 - k. Hold public hearings and meetings.
 - l. Present testimony before any Board.
 - m. Require from other departments and agencies of the Township such available information as relates to the work of the Planning Commission.
 - n. In the performance of its functions, enter upon any land to make examinations and surveys with the consent of the landowner.
 - o. Prepare and present to the Board of Supervisors a study regarding the feasibility and practicability of using renewable energy sources in specific areas within the Township.
 - p. Review this chapter, Chapter 178, Subdivision and Land Development, and such other ordinances and regulations governing the development of land no less frequently than it reviews the Comprehensive Plan.
3. In the performance of its powers and duties, any act or recommendation of the Planning Commission which involves engineering considerations shall be subject to review and comments of the Township Engineer, which shall be incorporated and separately set forth in any report, written act or recommendation of the Planning Commission.

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- C. Records. The Secretary of the Planning Commission shall keep minutes of all meetings and shall maintain a file of the Commission's records which shall be the property of the Township.

§ 200-1207. Procedure for amendments.

The Board of Supervisors may introduce and/or consider amendments to this chapter and to the Zoning District Map, as proposed by the Board of Supervisors or by the Planning Commission or by a petition of a landowner of property within the Township.

- A. Petitions. Petitions for amendments shall be filed with the Planning Commission at least 10 calendar days prior to the meeting at which the petition is to be heard. The petitioners, upon such filing, shall submit a legal description of the property proposed to be rezoned and a statement justifying the request and shall pay a filing fee, in accordance with the fee schedule fixed by resolution of the Board of Supervisors. The Planning Commission shall review the proposed amendment and report its findings and recommendations in writing to the Board of Supervisors.
- B. Referral. Any proposed amendment presented to the Board of Supervisors without written findings and recommendations from the Township Planning Commission and the Washington County Planning Commission shall be referred to these agencies for review at least 30 days prior to the public hearing by the Board of Supervisors. The Board of Supervisors shall not hold a public hearing upon such amendments until the required reviews are received or the expiration of 30 days from the date of referral, whichever comes first.
- C. Posting of property. If the proposed amendment involves a change to the Zoning District Map, a minimum of two notices of the public hearing shall be conspicuously posted on the property at least seven days prior to the date of the public hearing. At least 14 days prior to the public hearing, the Zoning Officer shall mail a copy of the notice by first class mail to each property owner within 300 feet of the entire perimeter of the property, including those located across a street right-of-way. The cost of mailing the notices shall be paid by the applicant, if an applicant requests the amendment. If the Township initiates the amendment, the Township shall pay the cost of mailing the certified notices.
- D. Public notice and public hearing. Before acting on a proposed amendment, the Board of Supervisors shall hold a public hearing thereon. Public notice, as defined by this chapter, shall be given containing a brief summary of the proposed amendment and reference to the place where copies of the same may be examined.
- E. Readvertisement and rehearing. If after any public hearing is held upon a proposed amendment, the amendment is substantially changed or revised to include land not previously affected by the amendment, the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
- F. Publication, advertisement and availability.
 - 1. Proposed amendments shall not be enacted unless the Board of Supervisors gives notice of the proposed enactment, including the time and place of the meeting at which passage will be considered and a reference to the place in the Township where copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the cost thereof.
 - 2. The Board of Supervisors shall publish the proposed amendment once in a newspaper of general circulation in the Township not more than 60 nor less than seven days prior to passage. Publication of the proposed amendment shall include either the full text thereof or

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the title and a brief summary prepared by the Township Solicitor setting forth all the provision in reasonable detail. If the full text is not included:

- a. A copy thereof shall be provided to the newspaper at the time public notice is published.
 - b. An attested copy of the proposed ordinance shall be filed in the County Law Library.
- G. Action. Within 90 days of the date when the public hearing on the proposed amendment is officially closed, the Board of Supervisors shall vote on the proposed amendment. In the event substantial amendments are made in the proposed amendment before voting on enactment of the amendment, the Board of Supervisors shall readvertise in one newspaper of general circulation in the Township a brief summary of the amendments at least 10 days prior to enactment.
- H. Filing amendment with County Planning Commission. Within 30 days after enactment, a copy of the amendment to this chapter shall be forwarded to the Washington County Planning Commission.
- I. Mediation option. The Board of Supervisors may offer the mediation option as an aid in completing proceeding authorized by § 200-1107. The Township and the mediating parties shall meet the stipulations and follow the procedures set forth in § 200-1107 of this chapter.

§ 200-1208. Fees.

The Board of Supervisors shall establish and revise, from time to time, a schedule of fees by resolution, as well as a collection procedure, for all applications submitted under the provisions of this chapter. The schedule of fees shall be available to the public from the Zoning Officer or Township Secretary/Treasurer.

§ 200-1209. Landowner curative amendments.

A curative amendment may be filed by a landowner who desires to challenge, on substantive grounds, the validity of this chapter or the Zoning District Map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest.

- A. Procedure. The landowner may submit a curative amendment to the Board of Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in 53 P.S. §§ 10609.1 and 10916.1 of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended). As with other proposed amendments, the curative amendment shall be referred to the Township Planning Commission and the Washington County Planning Commission at least 30 days before the hearing is conducted by the Board of Supervisors. Public notice shall be given in accordance with 53 P.S. §§ 10610 and 10916.1 and other applicable provisions of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended). The hearings shall be conducted in accordance with the provisions of Subsections (4) through (8) of 53 P.S. § 10908 of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended) and all references in that section to the Zoning Hearing Board shall be references to the Board of Supervisors.
- B. Evaluation of merits of curative amendment. If the Board of Supervisors determines that a validity challenge has merit, the Board of Supervisors may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the alleged defects. The Board of Supervisors shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:
1. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other

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public service facilities;

2. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this chapter or Zoning District Map;
 3. The suitability of the site for the intensity of the use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features;
 4. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and
 5. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.
- C. Declaration of invalidity in court. If the Township does not accept a landowner's curative amendment brought in accordance with this section and a court subsequently rules the challenge has merit, the court's decision shall not result in a declaration of invalidity for this entire chapter, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.