
Highland Township

Zoning Ordinance

Adams County, Pennsylvania

As Adopted by the Highland Township Board of Supervisors
on May 9, 2011.

This Ordinance was prepared under the
direction of the Highland Township Board of Supervisors,
Planning Commission and Staff.

Ordinance Number 2011-001
This Ordinance shall serve as Chapter 132
of the Codified Ordinances of Highland Township.



Community Planning and Zoning Consultant

Urban Research and Development Corporation
Bethlehem, Pennsylvania



**This Ordinance Was Prepared
Under the Direction of the Following
Municipal Officials**

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Joe Brennan - Vice Chairman
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Zoning Map Insert at End

USING THIS ORDINANCE: AN OVERVIEW

These two pages describe the most efficient way to use this Ordinance. These pages are general descriptions but are not part of the actual Ordinance.

Start by using the following parts of the Zoning Ordinance:

- Please contact the Township Office or the Zoning Officer to make sure you have the latest version of the Zoning Ordinance Text and Map.
- Turn to the **Table of Contents** and the **Index** (at the end of the document) to find the pages and sections that apply to your particular situation. You may wish to photocopy the Table of Contents to highlight the relevant sections.
- Consult the **Zoning Map** at the end of this Zoning Ordinance to determine the zoning district that includes your lot.
- Turn to Section 306, the **Table of Permitted Uses By Zoning District**, which indicates the uses permitted in each zoning district. A use is permitted in three ways:
 - a) by right,
 - b) by special exception (the Zoning Hearing Board must approve the use, as described in Section 116), or
 - c) as a conditional use (the Board of Supervisors must approve the use, as described in Section 117).
- Turn to Section 307, the **Table of Lot and Setback Requirements By Zoning District**. This table states the required minimum size of each lot and the required minimum distance that buildings must be from streets and other lot lines in each zoning district.
- Regularly refer to the **Definitions** in Section 202 to determine the meaning of specific words.

If a lot is already being legally used for a particular purpose and that use is not permitted in the zoning district according to Section 306, that use is called a "**Non-Conforming Use**". In almost all cases, a lawful Non-Conforming Use can continue, can expand within limits, can change to another use within limits, and can be sold. See Section 805 -"Non-Conformities."

Certain specific uses must comply with **additional regulations**. The "principal uses" (which are the primary use of a property) are listed in alphabetical order in Section 402 and the "accessory uses" (which are secondary uses, such as low-intensity businesses in a home) are listed in alphabetical order in Section 403. For example, additional regulations are listed for sheds,

garages and other structures typically found on a residential lot under "Residential Accessory Structures" in Section 403.

If your lot may be flood-prone, see the separate Township Floodplain Management Ordinance and the Federal Floodplain Maps.

Turn to the following sections for regulations concerning parking, signs and buffer yards:

- Many uses must provide minimum numbers of off-street **Parking** spaces under Section 601 of this ordinance. The parking standards are listed in a table.
- If **Signs** are proposed within public view, Article 7 must be met. This article lists the types, heights and sizes of signs that are permitted.
- Certain uses are required to provide an open **Buffer Yard** with **Evergreen Screening** to buffer nearby homes and adjacent residentially zoned land from nuisances. See Section 803.

The following additional considerations should be kept in mind when using this Ordinance:

- An applicant may apply to the Township **Zoning Hearing Board** for a **Zoning Variance** if he/she is not able to comply with a provision of this Zoning Ordinance. An application fee is required to compensate the Township for legal advertisements and other costs. See Section 111, which includes the standards that must be met under State law in order to be granted a variance. Generally, under the PA. Municipalities Planning Code, variances are not permitted unless an applicant proves a legal "Hardship".
- Generally, if one or more new lots will be created, or existing lot lines will be altered, or one or more new principal non-residential buildings are proposed, then the requirements and approval procedures of the Township **Subdivision and Land Development Ordinance** will also apply. This is a separate ordinance available at the Township Office.
- If there will be significant disturbance of the ground, it will be necessary to use certain measures to control **soil erosion**. In such case, contact the County Conservation District. Also, see the applicable Stormwater Management Regulations.

Any questions concerning the Zoning Ordinance should be directed to the Township's **Zoning Officer**. The Zoning Officer also administers applications for permits.

HIGHLAND TOWNSHIP ZONING ORDINANCE

TITLE; ENACTMENT; SEVERABILITY

Ordinance No. 2011-001


1. **TITLE**. A New Ordinance: a) dividing Highland Township, Adams County, Pennsylvania into districts with varying regulations; b) permitting, prohibiting, regulating and determining the uses of land, watercourses and other bodies of water, the size, height, bulk, location, erection, construction, repair, expansion, razing, removal and use of structures, the areas and dimensions of land and bodies of water to be occupied by uses and structures, as well as yards and other open areas to be left unoccupied; c) establishing the maximum density and intensity of uses; d) providing for the administration and enforcement of this Ordinance in accordance with the Pennsylvania Municipalities Planning Code, including provisions for special exceptions and variances to be administered by a Zoning Hearing Board; and e) establishing provisions for the protection of certain natural features.
2. **SHORT TITLE**. This Ordinance shall be known and be cited as the "Highland Township Zoning Ordinance" of 2011.
3. **SEVERABILITY**. It is hereby declared to be the legislative intent that if a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective. The Board of Supervisors hereby declares that it would have passed this Ordinance and each section or part thereof, other than any part declared invalid, if it had advance knowledge that any part would be declared invalid. If the entire Zoning Ordinance should be declared invalid, then the Adams County Zoning Ordinance that was in effect immediately prior to the enactment of this new Zoning Ordinance shall automatically be re-instated as the Zoning Ordinance for Highland Township.
4. **PROCEDURAL DEFECTS IN ENACTMENT**. Allegations that this Ordinance or any amendment was enacted in a procedurally defective manner shall be appealed as provided in State law and be filed not later than 30 days after the intended effective date of the Ordinance or amendment.
5. **REPEALER**. The pre-existing Adams County Zoning Ordinance, as amended, is hereby replaced as it applies to Highland Township, as provided in the Pennsylvania Municipalities Planning Code, by this new Township Zoning Ordinance. Any Township ordinances or resolutions or parts thereof that were adopted prior to this Ordinance that are clearly in direct conflict with this Ordinance are hereby repealed.
6. **ENACTMENT**. Under the authority conferred by the Pennsylvania Municipalities Planning Code, as amended, the Board of Supervisors of Highland Township hereby enacts and ordains into an Ordinance the attached document this date of May 9, 2011. This Ordinance shall become effective in 5 calendar days.

Date of Board of Supervisors Public Hearing: May 9, 2011

HIGHLAND TOWNSHIP BOARD OF
SUPERVISORS



Carl Keller - Chairman



Joe Brennan - Vice Chairman



Ed Steinour Jr.



Attest, Township Secretary - Alicia Birckhead

**ARTICLE 1
ADMINISTRATION**

101. **APPLICABILITY OF THIS ORDINANCE.** This Zoning Ordinance shall apply throughout Highland Township. Any activity regulated by this Ordinance shall only occur in such a way that conforms with the regulations of this Ordinance. See Section 103.A.

102. **PURPOSES AND COMMUNITY DEVELOPMENT OBJECTIVES.** This Ordinance is hereby adopted:

102.A. in accordance with the requirements and purposes (including Sections 604 and 605 or their successor section(s), which are included by reference) of the Pennsylvania Municipalities Planning Code, as amended,

102.B. in accordance with goals and objectives of the Highland Township Comprehensive Plan, which are hereby included by reference. That Comprehensive Plan is intended to coordinate land uses with other community features,

102.C. to carry out the following major objectives:

1. to make sure that development carefully relates to natural features, and to avoid overly intense development of environmentally sensitive land,
2. to minimize disturbance of creek valleys,
3. to avoid overextending groundwater supplies, and to encourage groundwater recharge, and to protect the quality of groundwater and surface waters,
4. to preserve agricultural land and the agricultural economy,
5. to promote traditional styles of development,
6. to promote compatibility between land uses,
7. to seek coordinated development and roads across municipal borders,
8. to provide for a variety of residential densities and meet legal obligations to provide opportunities for all housing types,
9. to promote development that retains the rural character of the Township,
10. to direct higher density development to areas that are physically suitable, accessible by major roads and that have the potential of central water and sewage services,
11. to coordinate development with future central water and sewage service areas,
12. to direct industrial development to locations that will minimize conflicts with homes,
13. to direct commercial businesses to existing commercial areas, while avoiding new strip commercial areas that would cause traffic congestion and safety problems and conflicts with homes,
14. to promote new business development in appropriate areas that will provide additional tax revenue and job opportunities, and
15. to promote public health, safety and general welfare.

103. **PERMITS AND CERTIFICATES.**

103.A. Applicability.

1. Any of the following activities or any other activity regulated by this Ordinance shall only be carried out in conformity with this Ordinance.
 - a. Erection, construction, movement, placement or extension of a structure, building or sign,
 - b. Change of the type of use or expansion of the use of a structure or area of land,

- c. Creation of a lot or alteration of lot lines, and/or
 - d. Creation of a new use.
2. Zoning Permit. A Zoning Permit indicates that a zoning application complies with this Ordinance to the best knowledge of the applicable Township Staff.
- a. A Zoning Permit is required to be issued prior to the start of any of the following activities:
 - (1) Erection, construction, movement, placement, relocation or expansion of a structure, building or sign,
 - (2) Change of the type of use or expansion of the use of a structure or area of land,
 - (3) Creation of a new use,
 - (4) Site Alterations or Mineral Extraction as defined by Section 202, and/or
 - (5) Excavation or Grading in preparation for the construction of a building or a change in use of a property.
 - b. The Township may, at its option, issue combined or separate Building Permits and Zoning Permits and/or may utilize a single or separate applications for the permits.
3. Certificate of Occupancy. A Certificate of Occupancy is required for certain matters under the Construction Code. The Township may require that the Zoning Officer concur with the issuance of such a Certificate if relevant to zoning ordinance compliance.
- 103.B. Repairs and Maintenance. Ordinary repairs and maintenance to existing structures that do not involve an expansion or change of a use or structure shall not by itself be regulated by this Ordinance. Examples of such work include replacement of a roof or porch that does not involve enclosure of space. (However, a Construction Permit under any Township Building Code may be needed for such work.)
- 103.C. Types of Uses.
1. Permitted by Right Uses. The Zoning Officer shall issue a permit under this Ordinance in response to an application for a use that is "permitted by right" if it meets all of the requirements of this Ordinance.
 2. Special Exception Use or Application Requiring a Variance. A permit under this Ordinance for a use requiring a Special Exception or Variance shall be issued by the Zoning Officer only in response to a written approval by the Zoning Hearing Board following a hearing.
 3. Conditional Use. A use requiring zoning approval by the Board of Supervisors under Section 117.
- 103.D. Applications.
1. Submittal. All applications for a Zoning Permit or a decision by the Zoning Hearing Board shall be made in writing on a form provided by the Township. Such completed application, with required fees, shall be submitted to a designated Township staff-person.
 2. Site Plan. The applicant shall submit a minimum of 2 copies of a site plan with the application if the application involves a new building, expansion of a building or addition of 4 or more parking spaces. The site plan shall be drawn to scale and show the following:

- a. locations, dimensions and uses of existing and proposed structures, parking and loading areas, and locations of existing and proposed uses of areas of land, with existing features clearly distinguished from proposed features,
 - b. notes showing the dimensions of all buildings from lot lines and street rights-of-way,
 - c. locations of any watercourses and any 100 year floodplain,
 - d. proposed lot areas, lot widths and other applicable dimensional requirements,
 - e. locations and widths of existing and proposed sidewalks,
 - f. a north arrow and scale, and
 - g. well and primary and alternate septic system locations, if applicable. See Section 309.
3. Additional Information. Any application under this Ordinance shall include the following information, unless the Zoning Officer determines such information is unnecessary to determine compliance with this Ordinance:
- a. the address of the lot,
 - b. name and address of the applicant, and of the owner of the property if different from the applicant,
 - c. if the applicant is not the landowner of record, information shall be presented with the application, such as an agreement of sale or lease, to demonstrate that the applicant has the legal right to make the application,
 - d. a description of the existing and proposed use(s) of the property, with the proposed use described in sufficient detail for the Zoning Officer to determine compliance with this Ordinance,
 - e. all other applicable information listed on the official Township application form,
 - f. if the applicant is incorporated, the legal names and day telephone numbers of the highest officer of the organization/corporation,
 - g. such additional information that the Zoning Officer may determine is reasonably necessary to determine compliance with this Ordinance, and
 - h. a listing of all conditional uses, special exception approvals and/or variances which the applicant is requesting and/or a description with a date of any such approvals that were previously granted for this property that relate to this application.
4. Submittals to the Board. In addition to the information listed in part "3." above, an application requiring a site plan and action by the Zoning Hearing Board shall also include the following information, unless the Zoning Officer determines that such information is unnecessary to determine compliance with this Ordinance:
- a. the present zoning district and major applicable lot requirements,
 - b. for a non-residential use:
 - (1) a description of the proposed non-residential operations and storage in sufficient detail to indicate potential nuisances and hazards regarding noise, large truck traffic, glare, odors, dust, fire or toxic or explosive hazards or other significant public health and safety hazards,
 - (2) a list of the maximum hours of operation,
 - c. the existing directions of stormwater flow (and any proposed revisions), and any proposed methods of stormwater management, unless the matter will be addressed through a separate stormwater approval,
 - d. a listing of any sections of this Ordinance being appealed, with the reasons for any appeal,
 - e. approximate locations of principal buildings and locations of streets and alleys and zoning district boundaries within 100 feet of the boundaries of the tract, and description of uses of adjoining properties (such as "drug store" or "single family detached dwelling"),

- f. heights, locations, methods of illumination and intensity of exterior lighting and sign lighting,
 - g. name and address of person who prepared the site plan,
 - h. signed acknowledgment of the application by the applicant, and
 - i. such additional information required under applicable sections of this Ordinance.
5. Ownership. No person other than a landowner or their specifically authorized agent or a tenant or lessee with written permission of the landowner shall submit a zoning application (see definition of "landowner" in Article 2).
- 103.E. Issuance of Permits.
1. At least 1 copy of each permit application and any other zoning approval shall be retained in Township files.
 2. PennDOT Permit. Where necessary for access onto a State road, a Township zoning or building permit shall be automatically conditioned upon issuance of a PennDOT Highway Occupancy Permit.
- 103.F. Revocation of Permits; Appeal of Permit or Approval.
1. Revocation. The Zoning Officer shall revoke, withhold or suspend a permit or approval issued under the provisions of the Zoning Ordinance in case of one or more of the following:
 - a. any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based; (Note: The Pennsylvania Criminal Code provides for penalties for providing false information to a municipal employee in the carrying out of his/her duties.)
 - b. upon violation of any condition lawfully imposed by the Zoning Hearing Board upon a special exception use or variance;
 - c. any work being accomplished or use of land or structures in such a way that does not comply with this Ordinance or an approved site plan or approved permit application; and/or
 - d. for any other just cause set forth in this Ordinance.
 2. Appeals. A party with legitimate standing, or as otherwise provided by State law, may appeal decisions under this Ordinance within the provisions of the State Municipalities Planning Code. Any such appeal shall occur within the time period established in the State Municipalities Planning Code (As of the adoption date of this Ordinance, such provisions were in Sections 914.1 and 1002.A.).
- 103.G. Zoning Permit for Temporary Uses and Structures.
1. A Zoning Permit for a temporary use or structure may be issued by the Zoning Officer for any of the following:
 - a. A Temporary Permit may be issued for customary, routine and accessory short-term special events, provided that:
 - (1) only a well-established nonprofit organization or a permitted place of worship proposing a temporary use to clearly primarily serve a charitable, public service or religious purpose shall be eligible to receive approval for commercial-type activities in a district where a commercial use would not otherwise be permitted,
 - (2) such total events shall be limited to a maximum of 10 total days per calendar year, and
 - (3) the applicant shall prove to the Zoning Officer that sufficient parking and traffic control will be available for the special event, without obstructing parking that is required to serve other uses on the site.

- b. A Temporary Permit may be issued for temporary storage and office trailers that are necessary to serve on-site construction, while such construction is actively underway under a valid Township permit.
 - c. In addition, Christmas Tree sales shall be allowed by right in all districts during the months of November and December.
2. Time Period. The Zoning Officer shall state a reasonable maximum time period on the temporary permit. If no time limit is stated, then a 7 day maximum period shall apply. A temporary permit may be renewed for just cause.
3. Temporary Retail Sales. Except as provided for in subsection 103.G.1.a. above, and except for agricultural sales allowed by Section 306, a lot shall only be used for temporary retail sales if all of the following conditions are met:
- a. The property shall be located within a zoning district that allows retail sales.
 - b. The operator shall have received any business permits required by the Township.
 - c. If food or beverages are sold that are not pre-packaged, the applicant shall prove compliance with State health regulations, including having on-site facilities for workers to wash their hands.
 - d. Any structure shall meet applicable minimum setbacks.
 - e. A permit under this Ordinance shall be required from the Township, which shall be displayed while the activity is open for business.
 - f. The application may be rejected if the Zoning Officer has reason to believe that the activity would obstruct safe sight distances.

103.H. Compliance with Township Subdivision and Land Development Ordinance. If a application under this Ordinance would also be regulated by the Township Subdivision and Land Development Ordinance ("SALDO"), then any permit or approval under this Zoning Ordinance shall automatically be conditioned upon compliance with the SALDO. See the definitions of "Land Development" and "Subdivision" in the SALDO.

- 1. For example, if an applicant applies for a single family detached dwelling on a proposed new lot, the construction permit for such dwelling shall not be valid until after the lot is granted final subdivision approval and the lot is officially recorded by the County Recorder of Deeds.

104. **GENERAL PROCEDURE FOR PERMITS.**

- 104.A. After receiving a proper application, the Zoning Officer shall either: 1) issue the applicable permit(s) or 2) deny the application(s) as submitted, indicating one or more reasons.
- 104.B. After the permit under this Ordinance has been issued, the applicant may undertake the action specified by the permit, in compliance with other Township Ordinances. However, it is recommended that applicants wait 30 days to begin construction if there is a possibility of an appeal by another party to have the permit revoked. Any commencement of construction or a use within this 30 day appeal period shall be at the risk of the applicant.

105. **INTERPRETATION AND USES NOT REGULATED.**

- 105.A. Minimum Requirements. Where more than one provision of this Ordinance controls a particular matter, the provision that is more restrictive upon uses and structures shall apply. The provisions of this Ordinance are in addition to any other applicable Township Ordinance.
- 105.B. Uses Not Specifically Regulated. If a use clearly is not permitted by right, as a conditional use, or as a special exception use by this Ordinance within any Zoning District, the use is prohibited, except that the Board of Supervisors may permit such use as a conditional use if the applicant specifically proves to the clear satisfaction of the Board of Supervisors that all of the following conditions would be met:
1. the proposed use would be no more intensive with respect to external impacts and nuisances than uses that are permitted in the District,
 2. the proposed use would be closely similar in impacts and character to uses permitted in that District, considering the standards in Section 805.F.,
 3. the use would meet the standards that would apply under Section 117 to a conditional use, and
 4. the use is not specifically prohibited in that District.
- 105.C. Interpretation of Ordinance Text and Boundaries.
1. The Zoning Officer shall literally apply the wording of this Ordinance and the location of all District boundaries to particular applications. In any case, the Zoning Officer may also request an advisory opinion from the Township Solicitor to aid in the Zoning Officer's determination.
 2. If an applicant disagrees with the Zoning Officer's determination and believes that the Ordinance should be interpreted in the applicant's favor, the applicant may appeal to the Zoning Hearing Board. See Section 111.
 3. See Section 304.
- 105.D. Undefined Terms/ Interpretation of Definitions. See Section 201.
106. **ENFORCEMENT, VIOLATIONS AND PENALTIES.** All of the enforcement, violations and penalty provisions of the State Municipalities Planning Code, as amended, are hereby incorporated into this Ordinance by reference. (Note - As of the adoption date of this Ordinance, these provisions were primarily in Sections 616.1, 617 and 617.2 of such Act.)
- 106.A. Violations. Any person who shall commit or who shall permit any of the following actions violates this Ordinance:
1. Failure to secure a zoning permit prior to any of the following: a change in use of land or structure, or the erection, construction or alteration of any structure or portion thereof, or the placement of a sign, or a change in the area of a use or the land coverage or setback of a use, or the excavation or grading of land to prepare for the erection, construction or alteration of any structure or portion thereof;
 2. Placement of false statements on or omitting relevant information from an application for a zoning permit;
 3. Undertaking any action in a manner which does not comply with a zoning permit;

Highland Township Zoning Ordinance – Adopted May 9, 2011

4. Violation of any condition imposed by a decision of the Zoning Hearing Board in granting a variance or special exception or other approval; or
 5. Violation of any condition imposed by a decision of the Board of Supervisors in granting a conditional use or other approval; or
 6. Violation of any condition imposed by a decision of a court of competent jurisdiction, where such court has granted zoning approval with conditions.
- 106.B. Enforcement Notice. If the Township has reason to believe that a violation of a provision of the Zoning Ordinance has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in Section 616.1 of the State Municipalities Planning Code. Prior to sending an official enforcement notice, the Zoning Officer may at his/her option informally request compliance.
- 106.C. Time Limits. An official enforcement notice shall state the deadline to complete bringing the property into compliance with this Ordinance, and shall state that the applicant has 30 days from the receipt of the notice to appeal to the Zoning Hearing Board.
- 106.D. Causes of Action; Enforcement Remedies. The Causes of Action and Enforcement Remedies provisions of the State Municipalities Planning Code, as amended, are hereby incorporated by reference. (Note - As of the adoption date of this Ordinance, such provisions were in Section 617 of such law.)
1. Violations and Penalties. Any person who has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars (\$500) plus all court costs, including the reasonable attorney's fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless a District Justice determining that there has been a violation further determines that there was a good faith basis for the person violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice, and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney's fees collected for the violation of this Ordinance shall be paid over to the Township for the general use of the Township. Imprisonment is not authorized under this Ordinance.
 2. Remedies. In case any building, structure, sign or landscaping is erected, constructed, reconstructed, altered, repaired, converted or maintained; or any building, structure, sign or land is used; or any clear sight triangle obstruction occurs in violation of this Ordinance or of any of the regulations made pursuant thereto or any of the permits or certificates of use and occupancy issued under this Ordinance or any conditions imposed upon the grant of a special exception or variance by the Zoning Hearing Board or upon the grant of a conditional use, then, in addition to any other remedies provided by law, any appropriate action or proceeding may be instituted or taken to prevent or restrain such unlawful erection, construction, reconstruction, alteration, repair, conversion,

of one member shall expire each year. Members of the Board shall hold no other office in the Township and shall not be employed by the Township in another capacity.

1. Alternate Members. The Board of Supervisors may appoint alternate members of the Zoning Hearing Board within the applicable provisions of the State Municipalities Planning Code. (Note: As of the adoption date of this Ordinance, such provisions were in Section 903(b) of such Act).
 2. Expenditures. Within the maximum amount of funds appropriated by the Board of Supervisors, the Zoning Hearing Board may employ or contract for secretaries, legal counsel, and other technical and clerical services. Members and alternate members may receive compensation, within limits established by the Board of Supervisors, for the performance of their duties.
- 111.B. Vacancies. Appointments to fill vacancies shall be only for the unexpired portion of a term.
- 111.C. Organization. The applicable provisions of the State Municipalities Planning Code, as amended shall apply. (As of the adoption date of this Ordinance, these provisions were in Sections 906(a), (b) and (c) of such Act).
- 111.D. Zoning Hearing Board Jurisdiction and Functions. The Zoning Hearing Board shall be responsible for the following:
1. Appeal of a Determination by the Zoning Officer, as provided by the Pennsylvania Municipalities Planning Code.
 - a. See time limitations for appeals in Section 111.E.
 2. Challenge to the Validity of the Ordinance or Map. The applicable provisions of the Pennsylvania Municipalities Planning Code, as amended, shall apply. (Note: As of the adoption date of this Ordinance, these provisions were primarily in Sections 909.1 and 916 of such Act).
 3. Variance.
 - a. The Board shall hear requests for variances filed with the Township Staff in writing.
 - b. Standards. The Board may grant a variance only within the limitations of State law. (Note: As of the adoption date of this Ordinance, the Municipalities Planning Code provided that all of the following findings must be made, where relevant:
 - (1) There are unique physical circumstances or conditions (including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property) and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or district in which the property is located;
 - (2) Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and a variance is therefore necessary to enable the reasonable use of the property;
 - (3) Such unnecessary hardship has not been created by the appellant;
 - (4) 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; and

- (5) The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.)
 - c. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance.
4. Special Exception.
- a. The Board shall hear and decide requests for all special exceptions filed with the Township Staff in writing. The Board shall only permit a special exception that is authorized by this Ordinance. See Section 116.
 - b. Conditions. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in the Ordinance, as it may deem necessary to implement the purposes and intent of this Ordinance.
5. Persons With Disabilities. After the Zoning Officer receives a complete written application, the Zoning Hearing Board shall grant a special exception allowing modifications to specific requirements of this Ordinance that the applicant proves to the satisfaction of the Zoning Hearing Board are required under applicable Federal law to provide a "reasonable accommodation" to serve persons who the applicant proves have "disabilities" as defined in and protected by such laws.
- a. Such reasonable accommodations shall be requested in accordance with the U.S. Fair Housing Act Amendments and/or the Americans with Disabilities Act, as amended.
 - b. If the applicant is requesting a reasonable accommodation under the United States Fair Housing Amendments Act of 1988 or the Americans with Disabilities Act, the applicant shall identify the disability which is protected by such statutes, the extent of the modification of the provisions of this Ordinance necessary for a reasonable accommodation, and the manner by which the reasonable accommodation requested may be removed when such person(s) with a protected disability no longer will be present on the property.
 - c. Any modification approved under this Section may be limited to the time period during which the persons with disabilities occupy or utilize the premises.
6. The Zoning Hearing Board shall also hear any other matters as set forth in the State Municipalities Planning Code, as amended. (Note: As of the adoption date of this Ordinance, such provisions were primarily within Section 909.1 of such law.)
- 111.E. Time Limits for Appeals. The applicable provisions of the State Municipalities Planning Code, as amended, shall apply. (Note: As of the adoption date of this Ordinance, these provisions were in Section 914.1 of such Act.)
- 111.F. Stay of Proceedings. The Stay of Proceedings provisions of the State Municipalities Planning Code, as amended, shall apply. (Note: As of the adoption date of this Ordinance, such provisions were in Section 915.1 of such Act.)
- 111.G. Time Limits on Permits and Approvals.
- 1. After a variance is approved or other zoning approval (such as special exception or conditional use approval) is officially authorized, then any applicable zoning and building permits shall be secured by the applicant within 12 months after the date of such approval or authorization. The work authorized by zoning permits shall then be completed within 12 months after the issuance of the permits.

- a. However, if a variance is approved to address a violation of this Zoning Ordinance, then the permit shall be acquired and the work completed within 6 months after the variance is approved, with no further time extension.
 2. Extension. In response to an applicant stating good cause in writing, the Zoning Officer may extend in writing the time limit for completion of work to a maximum total of 24 months after permits are issued.
 3. If an applicant fails to obtain the necessary permits or begin construction within the above time periods, or allows interruptions in substantial construction of longer than 12 months, the Zoning Officer shall conclusively presume that the applicant has waived, withdrawn or abandoned approvals, variances and permits under this Ordinance and all such approvals, variances and permits shall be deemed automatically rescinded by the Township.
- 111.H Multiple Applications. No more than one application for the same property shall be pending before the Zoning Hearing Board for special exception approval at any time.
112. **ZONING HEARING BOARD HEARINGS AND DECISIONS.** The following requirements shall apply to procedures, hearings and decisions of the Zoning Hearing Board.
- 112.A. Notice of Hearings. Notice of all hearings of the Board shall be given as follows:
1. Ad. Public notice shall be published, as defined by Section 107 of the State Municipalities Planning Code. The notice shall state the time and place of the hearing and the particular nature of the matter to be considered.
 2. Posting. Notice of such hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing. The Township Staff will post the property. It is the responsibility of the applicant to make sure that such notice remains posted until the hearing and to request a replacement sign if needed.
 3. Persons Given Notice. The Township shall provide written notice to the Applicant of the time and place of the hearing. The Township should also provide notice to the Chairperson of the Board of Supervisors and to the primary last known owner of each lot that is abutting or immediately across the road from the subject lot. Failure to provide such notice shall not be grounds for an appeal or delay. Also, such notice shall be given to any other person or group (including civic or community organizations) who has made a written timely request for such notice. Any such notices should be mailed or delivered to the last known address.
- 112.B. Initiation of Hearings. A hearing required under this Ordinance shall be initiated within 60 days of the date of an applicant's request for a hearing, unless the applicant has agreed in writing to an extension of time.
- 112.C. Decision/Findings.
1. The Board shall render a written decision on each application within 45 days after the last hearing on that application before the Board, unless the applicant has agreed in writing to an extension of time.

2. Where the application is contested or denied, the decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons for such conclusions.
 3. References shall be provided to the most pertinent section(s) of this Ordinance and/or the State Municipalities Planning Code.
- 112.D. Notice of Decision. A copy of the final decision shall be delivered or mailed to the applicant or his/her representative or their last known address not later than the time limit established by the State Municipalities Planning Code, as amended. (Note: As of the adoption date of this Ordinance, such provisions were within Sections 908(9) and 908(10) of such Act, including provisions regarding notice to other parties).
- 112.E. See also Section 908 of the PA. Municipalities Planning Code.
113. **APPEALS TO COURT.** The provisions for appeals to court that are stated in the State Municipalities Planning Code, as amended, shall apply. (Note: As of the adoption date of this Ordinance, these provisions were in Sections 1001-A, 1002-A, 1003-A, 1004-A, 1005-A and 1006-A of such Act.)
114. **LIMITED PUBLIC UTILITY EXEMPTIONS.** See the provisions of the State Municipalities Planning Code, as amended. (Note: As of the adoption date of this Ordinance, such provisions were within Section 619 of such Act.)
115. **TOWNSHIP AND MUNICIPAL AUTHORITY EXEMPTION.** This Zoning Ordinance shall not apply to uses or structures owned by Highland Township or by a municipal authority created solely by Highland Township for uses and structures that are intended for a public utility, stormwater, public recreation or public health and safety purpose.
116. **SPECIAL EXCEPTION USE PROCESS.**
- 116.A. Purpose. The Special Exception Process is designed to allow careful review of uses that have some potential of conflicts with adjacent uses or areas.
- 116.B. Special Exception Procedure.
1. A Site Plan shall be submitted, which shall contain the information required in Section 103.D. If a fully engineered subdivision or land development plan will be required, it may be submitted separately, such as after a special exception is approved.
 2. The Zoning Officer should provide a review to the Zoning Hearing Board regarding the compliance of the application with this Ordinance.
 3. The Zoning Hearing Board shall follow the procedures provided in Section 112.
 4. The Township Staff should offer a special exception application to the Township Planning Commission for any advisory review that the Commission may wish to provide. However, the Zoning Hearing Board shall meet the time limits of State law for a decision, regardless of whether the Township Planning Commission has provided comments.

5. Time Limits. See Section 908 of the State Municipalities Planning Code.

116.C. Consideration of Special Exception Applications. When special exceptions are allowed by this Ordinance, the Zoning Hearing Board shall hear and decide requests for such special exceptions in accordance with standards established by this Ordinance, including the following:

1. Compliance with this Ordinance. The applicant shall establish by credible evidence that the application complies with all applicable requirements of this Ordinance. The applicant shall provide the Board with sufficient plans, studies or other data to demonstrate this compliance.
2. Compliance with Other Laws. The approval may be conditioned upon the applicant later showing proof of compliance with other specific applicable township, state and federal laws, regulations and permits. Required permits or other proof of compliance may be required to be presented to the Township prior to the issuance of any zoning permit, building permit, certification of occupancy and/or recording of an approved plan.
3. Traffic. The applicant shall establish that the traffic from the proposed use will be accommodated in a safe and efficient manner that will minimize hazards and congestion, after considering any improvements proposed to be made by the applicant as a condition on approval.
4. Site Planning. The application shall include proper site layout, internal circulation, parking, buffering, and all other elements of proper design as specified in this Ordinance.
5. Neighborhood. The proposed use shall not substantially change the character of any surrounding residential neighborhood, after considering any proposed conditions upon approval such as limits upon hours of operation.
6. Safety. The proposed use shall not create a significant hazard to the public health and safety, such as fire, toxic or explosive hazards.
7. Natural Features. The proposed use shall be suitable for the site, considering the disturbance of steep slopes, mature woodland, wetlands, floodplains, springs and other important natural features.

116.D. Conditions. In granting a special exception, the Board may require such reasonable conditions and safeguards (in addition to those expressed in this Ordinance) as it determines are necessary to implement the purposes of this Ordinance. Conditions imposed by the Zoning Hearing Board shall automatically become conditions of the building permit issued pursuant thereto, and any failure to comply with said conditions shall be a violation of this ordinance.

117. **CONDITIONAL USE PROCESS.**

117.A. Purpose. The conditional use approval process is designed to allow the Board of Supervisors to review and approve certain uses that could have significant impacts upon the community and the environment.

117.B. Procedure. The Board of Supervisors shall consider the conditional use application and render its decision in accordance with the requirements of the State Municipalities Planning Code.

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1. Submittal. A Site Plan shall be submitted, which shall contain the information listed in Section 103.D. Detailed site engineering (such as stormwater calculations and profiles) are not required at the conditional use stage. If a fully engineered subdivision or land development plan will be required, it may be submitted separately, such as after a conditional use is approved. Or, an applicant may voluntarily choose to submit a subdivision or land development plan for review at the same time as a conditional use application.
 2. Reviews.
 - a. The Zoning Officer should provide a review to the Board regarding the compliance of the application with this Ordinance.
 - b. The Township Staff shall submit a conditional use application to the Planning Commission for any review that the Commission may wish to provide. However, the Board of Supervisors shall meet the time limits for a decision, regardless of whether the Planning Commission has provided comments.
 3. The only uses that shall be approved as conditional uses shall be those listed as conditional uses in Article 3.
 4. Time Limit. See Section 913.2 of the State Municipalities Planning Code.
- 117.C Consideration of Conditional Use Application. The Board of Supervisors shall determine whether the proposed conditional use would meet the applicable requirements of this Ordinance. The same standards shall apply to a conditional use as are listed in Section 116.C. for a special exception use.
- 117.D Conditions. In approving conditional use applications, the Board of Supervisors may attach conditions they consider necessary to protect the public welfare and meet the standards of this Ordinance. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Ordinance and be subject to the penalties described in this Ordinance.
118. **LIABILITY.**
- 118.A. Any review of activity within the floodplain, site plan review, subdivision or land development approval, erosion control review, wetland delineation review, storm water runoff review, review of activity on steep slopes, or any other review, approval or permit under this Ordinance by an officer, employee, board, commission, solicitor, consultant or agency of the Township shall not constitute a representation, guarantee or warranty of any kind by the Township, or its employees, officials, boards, solicitor(s), consultants or agencies of the practicality or safety of any structure, use or subdivision, and shall create no liability upon nor a cause of action against such entity or person for any damage that may result pursuant thereto.
- 118.B. If the Zoning Officer mistakenly issues a permit under this Ordinance, the Township shall not be liable for any later lawful withdrawal of such permit.

ARTICLE 2 DEFINITIONS

201. **GENERAL INTERPRETATION.** For the purposes of this Ordinance, words and terms used herein shall be interpreted as follows:

- A. Words in the present tense shall include the future tense.
- B. "Used" or "occupied" as applied to any land or building include the words "intended, arranged, or designed to be used or occupied".
- C. "Should" means that it is strongly encouraged but is not mandatory. "Shall" is always mandatory.
- D. "Sale" shall also include rental.
- E. Unless stated otherwise, the singular shall also regulate the plural, and the masculine shall include the feminine, and vice-versa.
- F. If a word or term is not defined by this Ordinance, but is defined in the Subdivision and Land Development Ordinance (SALDO), then the definition in the SALDO shall also apply to this Zoning Ordinance. If a word or term is not defined in this Ordinance or the SALDO, then the word or term shall have its plain and ordinary meaning within the context of the Section. In such case, in case of a dispute, a standard reference dictionary shall be consulted.
- G. The words "such as", "includes", "including" and "specifically" shall provide examples. These examples shall not, by themselves, limit a provision to the examples specifically mentioned if other examples would otherwise comply with the provision.
- H. The word "person" includes a firm, company, corporation, partnership, trust, organization or association, as well as an individual.

202. **TERMS DEFINED.** When used in this Ordinance, the following words, terms and phrases shall have the following meanings, unless expressly stated otherwise or unless the context clearly indicates otherwise:

Abut or Abutting. Areas of contiguous lots that share a common lot line, except not including lots entirely separated by a street, public alley open to traffic, or a perennial waterway. See definition of "adjacent."

Accessory Apartment. One dwelling unit that is created within part of a principal dwelling or above a vehicle garage on a residential lot.

Accessory Structure (includes Accessory Building). A structure serving a purpose customarily incidental to and subordinate to the use of the principal use and located on the same lot as the principal use. Accessory structures include but are not limited to a household garage, household storage shed, detached carport, a household swimming pool, or an accessory storage building to a business use. An "Accessory Building" is any accessory structure that meets the definition of a "building." A portion of a principal building used for an accessory use shall not be considered an accessory building.

Accessory Use. A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use.

Adjacent. Two or more lots that share a common lot line or that are separated only by a street or waterway from each other.

Adult Store. A use that has over 10% of the total floor area occupied by items for sale or rent that are books, films, magazines, video tapes, coin- or token-operated films or video tapes, paraphernalia, novelties

or other periodicals which are distinguished or characterized by a clear emphasis on matter depicting, displaying, describing or relating to uncovered male or female genitals or "specified sexual activities." This shall include but not be limited to materials that would be illegal to sell to persons under age 18 under State law. If such items are within a separate room, then the 10 percent standard shall apply to the floor area of such room.

Adult Live Entertainment Facility. A use including live entertainment involving persons (which may include, but not be limited to, waiters, waitresses, dancers, clerks, bartenders, contractors or others) displaying uncovered male or female genitals or nude or almost nude female breasts or engaging in simulated or actual "specified sexual activities" to 3 or more persons and which is related to monetary compensation paid to the person or entity operating the use or to persons involved in such activity.

Adult Movie Theater. A use involving the on-site presentation to 3 or more persons at one time of moving images distinguished by an emphasis on depiction of "specified sexual activities" and that is related to monetary compensation paid by the persons viewing such matter.

Adult Use. This term shall mean Adult Store, Adult Movie Theater, Adult Live Entertainment Facility/Use or Massage Parlor. These terms shall be distinct types of uses, and shall not be allowed as part of any other use.

After Hours Club. A use that permits the consumption of alcoholic beverages by 5 or more unrelated persons between the hours of 2 a.m. and 6 a.m. and that involves some form of monetary compensation paid by such persons for the alcohol or for the use of the premises.

Airport. An area and related support facilities used for the landing and take-off of motorized aircraft that carry people. A "Public Airport" shall be an Airport that does not meet the definition of a "Private Airport." A Private Airport shall be limited to a maximum of 15 total landings and take-offs in any 7 day period, and shall not be available for use by the general public.

Amusement Arcade. A use involving 15 or more token or coin operated entertainment machines, and where the machines are the principal use of the property. This term shall not include an Adult Use.

Animal Cemetery. A place used for the burial of the remains of 5 or more non-cremated animals, other than customary burial of farm animals as accessory to a livestock use.

Antenna. An exterior device or apparatus designed for cellular, digital, telephone, radio, pager, commercial mobile radio, television, microwave or any other wireless communications through sending and/or receiving of electromagnetic waves, including without limitation, omnidirectional or whip antennas and directional or panel antennas. Unless otherwise stated, this term shall not include "standard antenna."

Antenna Height. The vertical distance from the base of the antenna support structure at grade to the highest point of the structure, including any antennas attached thereto or forming a part thereof. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

Antenna, Standard. A device, partially or wholly exterior to a building, that is used for receiving television or radio signals for use on-site, or for transmitting short-wave or citizens band radio signals. See also "Commercial Communications Antenna."

Apartment. See "dwelling types."

Applicant. The definition in the State Municipalities Planning Code, as amended, shall apply.

Assisted Living Facility. Coordinated and centrally managed rental housing including self-contained units designed to provide a supportive environment and to accommodate a relatively independent lifestyle. Such a development may contain a limited number of supportive services, such as meals, transportation, housekeeping, linen and organized social activities for residents and their invited guests. Such a use shall primarily serve persons 55 and older, persons with physical handicaps and/or the developmentally disabled. Assisted Living Facilities shall be licensed as Personal Care Centers or Assisted Living Facilities by the Commonwealth of Pennsylvania.

Auto, Boat and/or Mobile/Manufactured Home Sales. This use is any area, other than a street, used for the outdoor or indoor display, sale or rental of two or more of the following in operable condition: motor vehicles, recreation vehicles, boat trailers, farm machinery, motorcycles, trucks, utility trailers, construction vehicles, boats, or transportable mobile/manufactured homes in a livable condition. This use may include an auto repair garage as an accessory use provided that all requirements of such use are complied with. This use shall not include a mobile/manufactured home park (unless the requirements for that use are also met) or a junkyard. See requirements in Section 402.

Auto Repair Garage. An area where repairs, improvements and installation of parts and accessories for motor vehicles and/or boats are conducted that involves work that is more intense in character than work permitted under the definition of "auto service station." An auto repair garage shall include, but not be limited to, a use that involves any of the following work: major mechanical or body work, straightening of body parts, painting, welding or rebuilding of transmissions. Any use permitted as part of an "auto service station" is also permitted as part of an "auto repair garage." This use shall not include activity meeting the definition of a "truck stop." See requirements in Section 402.

Auto Service Station. An area where gasoline is dispensed into motor vehicles, and where no repairs are conducted, except work that may be conducted that is closely similar in character to the following: sale and installation of oil, lubricants, batteries and belts and similar accessories and safety and emission inspections, and sale of pre-packaged propane. This use may include a "convenience store," provided that all of the requirements for such use are also met. A business that maintains an accessory use of providing motor fuel only for use by vehicles operated by that business shall not, by itself, be considered to be an auto service station. See storage limits and other requirements in Section 402.

Basement. An enclosed level of a building that is not a "story" and that is partly underground.

Bed and Breakfast, Inn. A dwelling and/or its accessory structure which includes the rental of overnight sleeping accommodations and bathroom access for temporary overnight guests, and that meets the maximum number of overnight guests specified in Section 402 for this use, and which does not provide any cooking facilities for actual use by guests, and which only provides meals to overnight guests, employees and residents of the dwelling. Overnight stays shall be restricted to transient visitors to the area, employees and their family. See requirements in Section 402.

Betting Use. A place used for lawful gambling activities, including but not limited to off-track pari-mutual betting and any use of electronic gambling devices. This term shall not regulate State Lottery sales or lawful "Small Games of Chance."

Billboard. A type of Off-Premises Sign that has a sign area of more than 10 square feet. See Article 7.

Boarding House (Includes "Rooming House"). A residential use in which: a) room(s) that do not meet the definition of a lawful dwelling unit are rented for habitation, or b) a dwelling unit includes greater than the permitted maximum number of unrelated persons. A boarding house shall not include a use that meets the definition of a hotel, dormitory, motel, life care center, personal care center, bed and breakfast inn, group home or nursing home. A college fraternity or sorority house used as a residence shall be considered a type of boarding house. A boarding house may either involve or not involve the providing of meals to residents, but shall not include a restaurant open to the public unless the use also meets the requirements for a restaurant. A boarding house shall primarily serve persons residing on-site for 5 or more consecutive days.

Buffer Yard. A strip of land that a) separates one use from another use or feature, and b) is not occupied by any building, parking, outdoor storage or any use other than open space or approved pedestrian pathways. A buffer yard may be a part of the minimum setback distance, but land within an existing or future street right-of-way shall not be used to meet a buffer yard requirement. See Section 803.

Building. Any structure having a permanent roof and walls and that is intended for the shelter, work area, housing or enclosure of persons, animals, vehicles, equipment or materials and that has a total area under roof of greater than 50 cubic feet. "Building" is interpreted as including "or part thereof." See the separate definition of "structure". Any structure involving a permanent roof (such as a covered porch or a carport) that is attached to a principal building shall be considered to be part of that principal building.

Building Coverage. The percentage obtained by dividing the total horizontal area covered by all buildings on a lot by the total lot area of a lot. For the purposes of this definition, building coverage shall include all buildings that are under a roof.

Building Height. The vertical distance from the average of the finished ground level adjoining a building at all exterior walls to the average height of the highest roof surface. The finished ground level shall not slope away from a building wall in such a manner that it is not possible to position a ladder for fire rescue.

Building, Principal. A building used for the conduct of the principal use of a lot, and which is not an accessory building.

Building Width. The horizontal measurement between 2 vertical structural walls that are generally parallel of 1 building, measured in one direction that is most closely parallel to the required lot width. For attached housing, this width shall be the width of each dwelling unit, measured from the center of each interior party wall and from the outside of any exterior wall. For detached buildings, this width shall be measured from the outside of exterior walls.

Bulk Recycling Center. A use involving the bulk commercial collection, separation and/or processing of types of waste materials found in the typical household or office for some productive reuse, but which does not involve the actual processing or recycling of hazardous or toxic substances, and which does not primarily involve the processing of non-recycled solid waste, unless the use also meets the applicable requirements for a solid waste transfer facility. This definition shall not include a "junkyard."

Camp. An area that includes facilities and structures for primarily outdoor recreational activities by organized groups, and/or that involves overnight stays within seasonal cabins or temporary tents by organized groups and/or transient visitors to the area. This term shall only include facilities that are

primarily used during warmer months, and which have a maximum impervious coverage of 5 percent. This term shall not include a Recreational Vehicle Campground.

Campground. A development under single ownership of the land with sites being rented, leased or sold through time-share for use for tents or recreational vehicle sites for transient visitors to the area, and which may include associated recreational facilities.

Campground, Recreational Vehicle. A type of campground that involves persons temporarily living within recreational vehicles.

Cemetery. A place used for the burial of 2 or more non-cremated humans.

Christmas Tree Farm or Tree Farm. A type of crop farming involving the raising and harvesting of evergreen trees for commercial purposes. This may include the retail sale during November and December of trees that were produced on the premises.

Church. See "Place of Worship."

Clear Cutting. A logging method that removes all trees or the vast majority of trees from a mostly wooded area.

Commercial Communications Tower or Antenna. A structure, partially or wholly exterior to a building, used for transmitting or re-transmitting electronic signals through the air, and that does not meet the definition of a "standard antenna". Commercial communications antennae shall include, but are not limited to, antennae used for transmitting commercial radio or television signals, or to receive such signals for a cable system, or to re-transmit wireless telecommunications. A commercial communications tower shall be a structure over 30 feet in height that is primarily intended to support one or more antenna. See standards in Section 402. This term shall not include a "standard antenna."

Commercial District. The V Zoning District and portions of the C/MDR District that are not in residential uses.

Commercial Use. This term includes but is not limited to: retail sales, offices, personal services, auto sales, auto repair garages and other uses of a similar profit-making non-industrial nature. The sale of goods or services from a vehicle on a lot shall also be considered to be a commercial use.

Community Center. A use that exists solely to provide primarily indoor leisure and educational activities and programs and meeting space to members of the surrounding community and/or certain age groups, and which does not involve substantial use of machinery or noise producing equipment. The use also may include the preparation and/or provision of meals to low-income elderly persons, as accessory to leisure activities. This shall not include residential uses or a "treatment center."

Comprehensive Plan. The Highland Township Comprehensive Plan, as may be amended.

Conditional Use. A use listed as a conditional use under Section 306, which is only allowed after review by the Township Planning Commission and approval by the Board of Supervisors, under Section 117.

Condominium. A set of individual dwelling units or other areas of buildings each owned by an individual person(s) in fee simple, with such owners assigned a proportionate interest in the remainder of the real

estate which is designated for common ownership, and which is created under the Pennsylvania Uniform Condominium Act of 1980 or Uniform Planned Community Act of 1996, as amended.

Conservation Easement. A legal agreement granted by a property owner that strictly limits the types and amounts of development that may take place on such property. Such easement shall restrict the original and all subsequent property-owners, lessees and all other users of the land.

Contiguous Lots. Adjacent parcels of land, including parcels separated by a stream or road.

Convenience Store. A use that primarily sells routine household goods, groceries, prepared ready-to-eat foods and similar miscellaneous items to the general public, but that is not primarily a restaurant, and that includes a building with a floor area of less than 10,000 square feet. A convenience store involving the sale of gasoline shall be regulated as an "auto service station."

Conventional Development. Development that is not approved under the Lot Averaging Development option of Section 311 of this Ordinance.

Crafts or Artisan's Studio. A use involving the creation, display and sale of arts and crafts, such as paintings, sculpture and fabric crafts. The creation of arts and crafts may also be permitted within a Home Occupation, provided the requirements for such use are met.

Crop Farming. The raising of products of the soil and accessory storage of these products. This term shall include orchards, tree farms, wineries, plant nurseries, raising of fish, greenhouses and keeping of animals in numbers that are routinely accessory and incidental to a principal crop farming use. See also "Livestock, Raising of."

Curative Amendment. A process provided in the State Municipalities Planning Code that authorizes certain types of challenges to a Zoning Ordinance.

Day Care Center, Adult. A use providing supervised care and assistance to persons who need such daily assistance because of their old age or disabilities. This use shall not include persons who need oversight because of behavior that is criminal, violent or related to substance abuse. This use may involve occasional overnight stays, but shall not primarily be a residential use. The use shall involve typical stays of less than a total of 60 hours per week per person.

Day Care, Child. A use involving the supervised care of children under age 16 outside of the children's own home(s) primarily for periods of less than 18 hours per child during the average day. This use may also include educational programs that are supplementary to State-required education, including a "nursery school" or "Head Start" programs. See also the definition of "adult day care center."

- A. The following three types of day care are permitted without regulation by this Ordinance: 1) care of children by their own "relatives", 2) care of children within a place of worship during regularly scheduled religious services and 3) care of 1 to 3 children within any dwelling unit, in addition to children who are "relatives" of the care giver.
- B. Family Day Care Home (or "Child Day Care as an Accessory Use"). A type of "day care" use that: 1) is accessory to and occurs within a dwelling unit, and 2) provides care for 4 to 6 children at one time who are not "relatives" of the primary care giver. See Section 403.

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- C. Group Day Care Home. A type of "day care" use that: 1) provides care for between 7 and 12 children at one time who are not "relatives" of the primary care giver, 2) provides care within a dwelling unit, and 3) is registered with the applicable State agency.*
 - B. Child Day Care Center. A type of "day care" use that: 1) provides care for 7 or more children at any one time who are not "relatives" of the primary care giver, 2) does not occur within a dwelling unit, 3) does not meet the definition of a Group Day Care Home, and 4) is registered with the applicable State agency.* See Section 402.
- * Note: As of the adoption date of this Ordinance, such agency was the PA. Department of Public Welfare.

Density. The total number of dwelling units proposed on a lot divided by the "lot area", unless otherwise stated.

DEP. Shall mean the Pennsylvania Department of Environmental Protection and its relevant bureaus.

District (or Zoning District). A land area within the Township within which certain uniform regulations and requirements apply under the provisions of this Ordinance.

Dormitory. A building used as living quarters for the exclusive use of bona-fide full-time faculty or students of an accredited college or university or primary or secondary school, and which is owned by and on the same lot as such college, university or school.

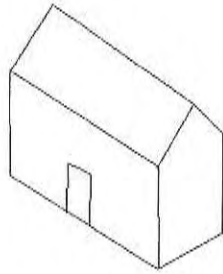
Drive-through Service. An establishment where at least a portion of patrons are served while the patrons remain in their motor vehicles.

Dwelling. A building used as non-transient living quarters, but not including a boarding house, hotel, motel, hospital, nursing home or dormitory. A dwelling may include a use that meets the definition of a "sectional home."

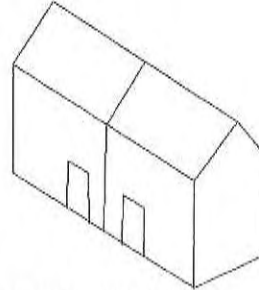
Dwelling Types. This Ordinance categorizes dwellings into the following types:

- A. Conversion Apartment. A new dwelling unit created within an existing building within the standards of Article 4 and where permitted by Article 3 and meeting the floor area requirements of Section 801.
- B. Duplex. A building that includes two dwelling units that are located above each other.

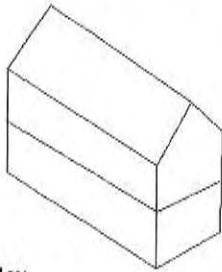
DWELLING TYPES



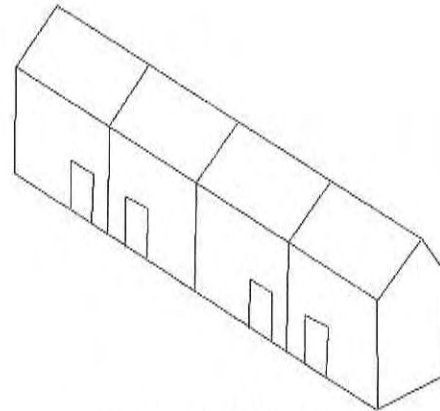
Single Family Detached Dwelling



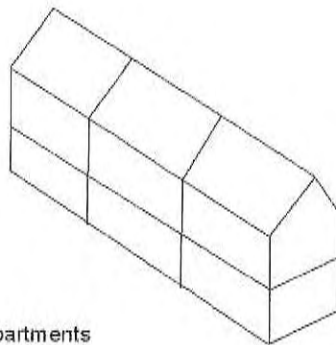
Two Twin Dwelling Units



Duplex



Townhouses or Rowhouses



Apartments

- C. Apartments or Multi-Family Dwellings. Two or more dwelling units within a building that do not meet the definition of a single family detached dwelling, twin dwelling or townhouse/rowhouse. The individual dwelling units may be leased or sold for condominium ownership. If a building only includes two apartments, it shall be considered to be a Duplex.

- D. Sectional or "Modular" Home. A type of dwelling that meets a definition of single family detached dwelling, single family semi-detached dwelling, townhouse or low-rise apartment that is substantially but not wholly produced in two or more major sections off the site and then is assembled and completed on the site, and that does not meet the definition of a "mobile/manufactured home" and that is supported structurally by its exterior walls and that rests on a permanent foundation.
- E. Single Family Detached Dwelling. One dwelling unit in 1 building accommodating only 1 family and having open yard areas on all sides.
1. Mobile/Manufactured Home. A type of single family detached dwelling that meets all of the following requirements: a) is transportable in a single piece, or two substantial pieces designed to be joined into one integral unit capable of again being separated for towing, b) is designed for permanent occupancy, c) which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, d) is constructed so that it may be used with or without a permanent foundation and e) is not a "Recreation Vehicle." The terms "mobile home" and "manufactured home" have the same meaning. This term is different from a "Sectional home," which is defined above. See standards in Section 402.
- F. Twin Dwelling Unit. One dwelling unit accommodating 1 family that is attached to and completely separated by a vertical unpierced fire resistant wall to only 1 additional dwelling unit. One side yard shall be adjacent to each dwelling unit. Each unit may or may not be on a separate lot from the attached dwelling unit.
- G. Townhouse or Rowhouse. One dwelling unit that is attached to 2 or more dwelling units, and with each dwelling unit being completely separated from and attached to each other by unpierced vertical fire resistant walls. Each dwelling unit shall have its own outside access. Side yards shall be adjacent to each end unit. See standards in Section 402.

Dwelling Unit. A single habitable living unit occupied by only one "family." See definition of "family." Each dwelling unit shall have: a) its own toilet, bath or shower, sink, sleeping and cooking facilities and b) separate access to the outside or to a common hallway or balcony that connects to outside access at ground level. A dwelling unit shall not include either or both of the following: a) two or more separate living areas that are completely separated by interior walls so as to prevent interior access from one living area to another, or b) two separate and distinct sets of complete kitchen facilities.

Emergency Services Station. A building for the housing of fire, emergency medical or police equipment and for related activities. This use may include housing for emergency personnel while on-call. See also provisions for this use in Section 402.

Employees. The highest number of workers (including both part-time and full-time, both compensated and volunteer and both employees and contractors) present on a lot at any one time, other than clearly temporary and occasional persons working on physical improvements to the site.

Essential Services or "Essential Public Utility Services". Utility or municipal uses that are necessary for the preservation of the public health and safety and that are routine, customary and appropriate to the character of the area in which they are to be located. Essential services shall include the following and closely similar facilities: sanitary sewage lines, water lines, electric distribution lines, stormwater

management facilities, cable television lines, natural gas distribution lines, fire hydrants, street lights and traffic signals. Essential services shall not include a central sewage treatment plant, a solid waste disposal area or facility, commercial communications towers, a power generating station, septic or sludge disposal, offices, storage of trucks or equipment or bulk storage of materials.

Family. One or more individuals related by blood, marriage or adoption (including persons receiving formal foster care) or up to 4 unrelated individuals who maintain a common household and live within one dwelling unit. A family shall also expressly include numbers of unrelated persons provided by the Group Home provision of Section 402 residing within a licensed group home, as defined herein. Through those provisions and Section 111.D.5, the Township's intent is to comply with the Federal Fair Housing Act, as amended.

Farm. A lot used for the raising of agricultural or dairy products and/or the raising of livestock or poultry for commercial purposes. This term may include one dwelling unit, buildings used for the agricultural activities and the storage of equipment used for the agricultural activities.

Fence. A man-made barrier placed or arranged as a line of demarcation, an enclosure or a visual barrier that is constructed of wood, chain-link metal, vinyl or aluminum and/or plastic inserts. Man-made barriers constructed principally of masonry, concrete, cinder block or similar materials shall be considered a "wall." See Section 403.

Financial Institution. An establishment primarily involved with loans and monetary, not material, transactions and that has routine interactions with the public.

Floodplain. See definitions of this term and related terms in the Township Floodplain Regulations.

Floor Area, Total. The total floor space within a building(s) measured from the exterior faces of exterior walls or from the centerlines of walls separating buildings. Floor area shall specifically include, but not be limited to: a) fully enclosed porches and b) basement or cellar or attic space that is potentially habitable and has a minimum head clearance of at least 6.5 feet. Floor area shall not include unenclosed structures.

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

Garage Sale. The accessory use of any lot for the occasional sale or auction of only common household goods and furniture and items of a closely similar character. See Section 403.

Glare. A sensation of brightness within the visual field which causes annoyance, discomfort or loss in visual performance, visibility and/or ability to focus. See Section 507.

Government Facility, Other than Township-Owned. A use owned by a government, government agency or government authority for valid public health, public safety, recycling collection or similar governmental purpose, and which is not owned by Highland Township or an authority created solely by Highland Township. This term shall not include uses listed separately in the table of uses in Article 3, such as "publicly owned recreation." This term shall not include a prison.

Group Home. A dwelling unit operated by a responsible individual, family or organization with a program to provide a supportive living arrangement for individuals where special care is needed by the persons

served due to age, emotional, mental, developmental or physical disability. This definition shall expressly include facilities for the supervised care of persons with disabilities subject to protection under the Federal Fair Housing Act as amended. Group homes must be licensed where required by any appropriate government agencies, and a copy of any such license must be delivered to the Zoning Officer prior to the initiation of the use. A Group Home typically involves an individual residing on the premises for more than 30 days at a time.

- A. Group homes shall be subject to the same limitations and regulations by the Township as the type of dwelling unit they occupy.
 - B. It is the express intent of the Township to comply with all provisions of the Federal Fair Housing Act, as amended, and regulations promulgated thereunder, in the construction of this term.
 - C. A Group Home shall not include a "Treatment Center."
 - D. See standards in Section 402.
- * NOTE: The Federal Fair Housing Act Amendments defined "handicap" as follows: "1) a physical or mental impairment which substantially limits one or more of such person's major life activities, 2) a record of having such an impairment, or 3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance as defined in Section 802 of Title 21." This definition was subsequently adjusted by Section 512 of the Americans With Disabilities Act to address certain situations related to substance abuse treatment.

Hazardous Substances. A product or waste, or combination of substances that because of the quantity, concentration, physical or infectious characteristics, if not properly treated, stored, transported, used or disposed of, or otherwise managed, would create a potential threat to public health through direct or indirect introduction into ground water resources and the subsurface environment which includes the soil and all subsequent materials located below. Such hazardous material includes, but is not limited to materials which are included on the latest edition of one or more of the following lists:

- A. "Hazardous Substances" as defined pursuant to Section 311 of the Federal Clean Water Act, or its successor provisions.
- B. "Hazardous Substances" as defined pursuant to the Federal Comprehensive Environmental Response, Compensation and Liability Act, or its successor provisions.

Hazardous Substances, Extremely. Hazardous substances included on the list of "Extremely Hazardous Substances" in 29 Code of Federal Regulations Part 355, or its successor provisions and that are stored or used in quantities above the threshold reportable limits in such regulations.

Height. See "Building Height." To measure the height of any structure that is not a building, it shall be the total vertical distance from the average elevation of the proposed ground level to the highest point of a structure. For height of signs, see Article 7 entitled "Signs."

Heliport. An area used for the take-off and landing of helicopters, and related support facilities. A Private Heliport shall be limited to 15 total take-offs and landings in any 7 day period, and which is not open to the general public. A Public Heliport is one that does not meet the definition of a Private Heliport.

Home Occupation. A routine, accessory and customary non-residential use conducted within or administered from a portion of a dwelling or its permitted accessory building and that meets all of the Home Occupation requirements of Section 403. A Light Home Occupation shall be a Home Occupation that meets the additional requirements for a Light Home Occupation, as stated in Section 403. The term Light Home Occupation includes but is not limited to the term "No-Impact Home Based Business," as

defined in the State Municipalities Planning Code. A General Home Occupation shall be a Home Occupation that does not meet the requirements for a Light Home Occupation.

Note: In most cases, under Section 306, a Light Home Occupation is permitted by right, while a General Home Occupation typically needs special exception approval from the Zoning Hearing Board.

Hospital. A use involving the diagnosis, treatment or other medical care of humans that includes, but is not limited to, care requiring stays overnight. A medical care use that does not involve any stays overnight shall be considered an "Office." A hospital may involve care and rehabilitation for medical, dental or mental health, but shall not primarily include housing or treatment of the criminally insane or persons actively serving an official sentence after being convicted of a felony. A hospital may also involve medical research and training for health care professionals.

Hotel or Motel. A building or buildings including rooms rented out to persons as clearly transient and temporary living quarters. Any such use that customarily involves the housing of persons for periods of time longer than 90 days shall be considered a "boarding house" and shall meet the requirements of that use. See also "bed and breakfast" use. A hotel or motel may also include a restaurant, meeting rooms, nightclub, newsstand, amusement arcade, gift shop, swimming pool, exercise facilities, tavern and similar customary accessory amenities, and provided any such use shall only be allowed as a principal use of the property if such use is allowed by the applicable district regulations.

Hunting and Fishing Club. Land owned by an organized group of persons formed as a club that is used for hunting, fishing and similar types of passive recreation, and which involves no buildings except those for the recreational, lodging, eating and sanitary facilities for members and invited guests and routinely accessory storage buildings.

Impervious Coverage. The percentage that results from dividing the land area on a lot covered by all "impervious surfaces" by the total land area of the lot. Impervious surfaces shall be defined as areas covered by buildings, paving or concrete, or other man-made surfaces that have a runoff coefficient of 0.85 or greater. Areas of stone regularly used for vehicle parking and movement shall be considered impervious for the purposes of restricting impervious coverage under the zoning ordinance.

A. For a townhouse development, the maximum impervious coverage may be measured as a maximum for the entire development after completion, after the deletion of street rights-of-way (or cartway where a street right-of-way where not exist), as opposed to regulating each individual townhouse lot.

Industrial District. The I zoning district and portions of the IO District that are approved for industrial uses.

Junk. Any discarded, unusable, scrap or abandoned man-made or man-processed material or articles stored outside of a completely enclosed building and which covers over 200 square feet of land area. Examples of junk include: scrap metal, used furniture, used appliances, used motor vehicle parts, worn-out machinery and equipment, used containers and scrap building materials. Junk shall not include: a) solid waste temporarily stored in an appropriate container that is routinely awaiting imminent collection and proper disposal, b) toxic substances, c) yard waste or tree trunks, d) items clearly awaiting imminent recycling at an appropriate location, e) building materials awaiting imminent use at an on-going building, or f) "clean fill" as defined by State environmental regulations.

Junk Vehicle. Includes any vehicle or trailer that meets any of the following conditions:

- A. cannot be moved under its own power, in regards to a vehicle designed to move under its own power, other than a vehicle clearly needing only minor repairs,
- B. cannot be towed, in regards to a trailer designed to be towed,
- C. has been demolished beyond repair,
- D. has been separated from its axles, engine, body or chassis, and/or
- E. includes only the axle, engine, body parts and/or chassis, separated from the remainder of the vehicle.

See also the definition of "unregistered vehicle."

Junkyard.

- A. Land or a structure used for the collection, storage, dismantling, processing and/or sale, other than within a completely enclosed building, of material of 1 or more of the following types:
 - 1. "Junk." (see definition) covering more than 5 percent of the lot area.
 - 2. Two or more "junk vehicles" that are partly or fully visible from an exterior lot line, dwelling and/or public street. This shall not apply to such vehicles stored as part of an auto repair garage or auto service station within the requirements of Section 402.
 - 3. One or more mobile/manufactured homes that are not in a habitable condition.
- B. Junk stored within a completely enclosed building for business purposes shall be considered a warehouse.
- C. A junkyard specifically shall include but not be limited to a metal scrap yard or auto salvage yard. See also the State Vehicle Code for unlicensed vehicles parked on a street.

Kennel. The keeping of a greater number of dogs and/or cats than are permitted under the "Keeping of Pets" provisions of this Ordinance, and which may also include temporary keeping of other household pets. In addition, in any case, if more than 10 dogs age 6 months or older are kept, it shall be considered a Kennel.

Landowner. The owner of a legal or equitable interest in land, including the holder of a written, signed and active option or contract to purchase or a person leasing the property (if authorized under the lease to exercise the right of the landowner) or authorized officers of a partnership or corporation that is a "landowner."

Lighting, Diffused. Illumination that passes from the source through a translucent cover or shade.

Livestock or Poultry, Raising of. The raising and keeping of livestock, poultry or insects beyond the number and type allowed under the "Keeping of Pets" section of Section 403 and beyond what is customarily incidental to a principal "crop farming" use. Raising of livestock or poultry shall not include a slaughterhouse nor a stockyard used for the housing of animals awaiting slaughter.

Livestock or Poultry, Intensive Raising of.

- A. This term shall mean a Raising of Livestock or Poultry use involving an average of 2 or more "animal equivalent units" (see definition below) of live weight per acre of livestock or poultry, on an annualized basis.
- B. An Animal Equivalent Unit (AEU) is 1,000 pounds live weight of livestock or poultry animals, regardless of the actual number of individual animals comprising the unit. This weight is calculated on an annualized basis. These units shall be calculated as provided under the State Nutrient Management Act and accompanying regulations. Note - the provisions of this Zoning Ordinance are based upon acreage of a lot, and not acreage that is available for disposal of wastes. (Note: Two

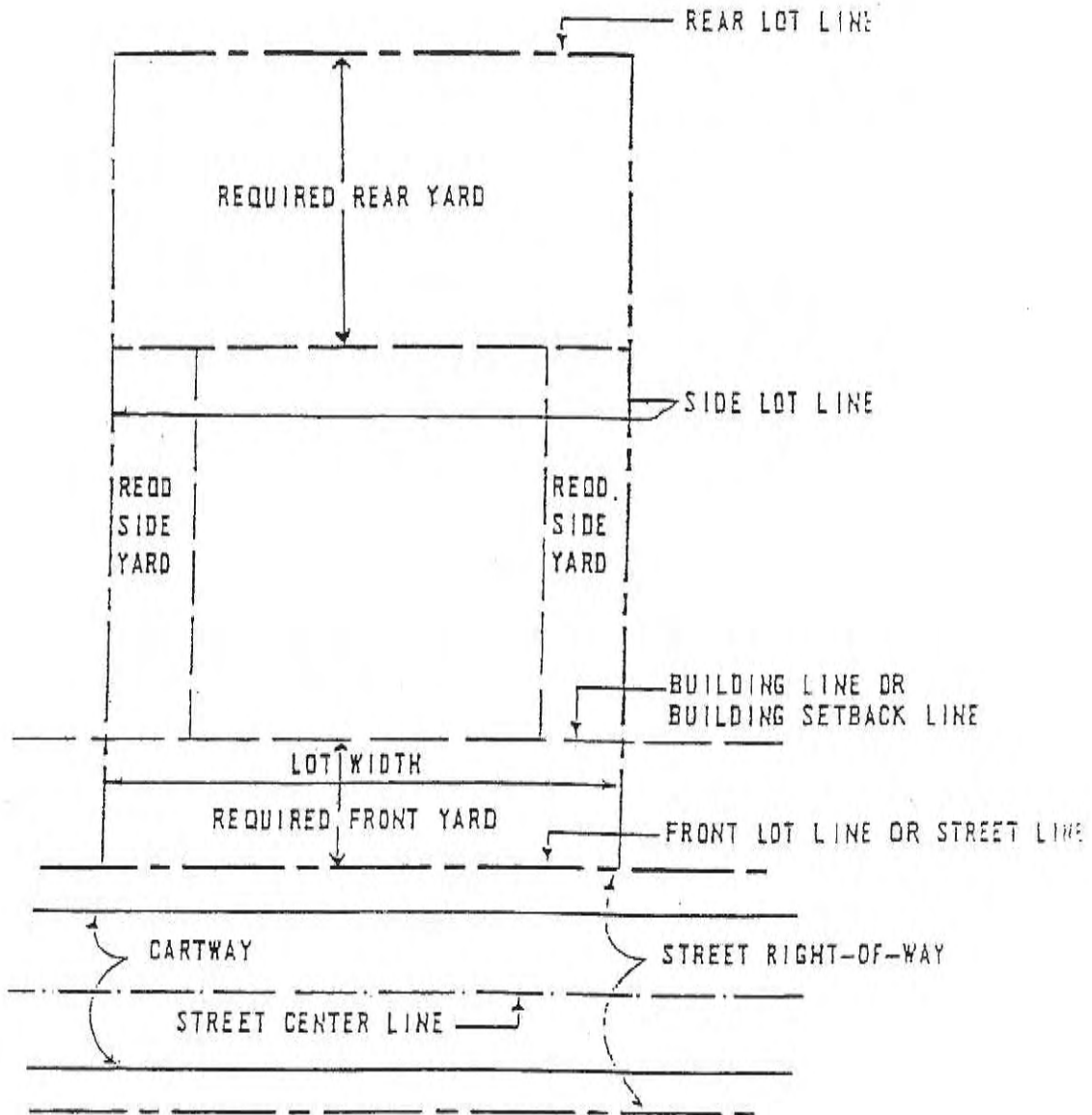
animal equivalent units per acre would be roughly equal to 1.7 dairy cattle, 6.7 swine, 10 sheep, 500 poultry or 400 rabbits per acre.)

Lot. A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit. A "lot" may or may not coincide with a lot of record and includes one or more adjacent pieces, parcels or plots of land of record held in single and separate ownership, including adjacent pieces, parcels or plots bisected by public or private streets. The area and depth of a lot shall be measured to the legal right-of-way line of the street, and all lots shall front on public or private streets.

Lot, Corner. A lot abutting on 2 or more intersecting streets which has an interior angle of less than 135 degrees at the intersection of right-of-way lines of two streets.

Lot Area. The horizontal land area contained within the lot lines of a lot (measured in acres or square feet). For the purposes of determining compliance with the minimum lot area, the following shall be excluded:

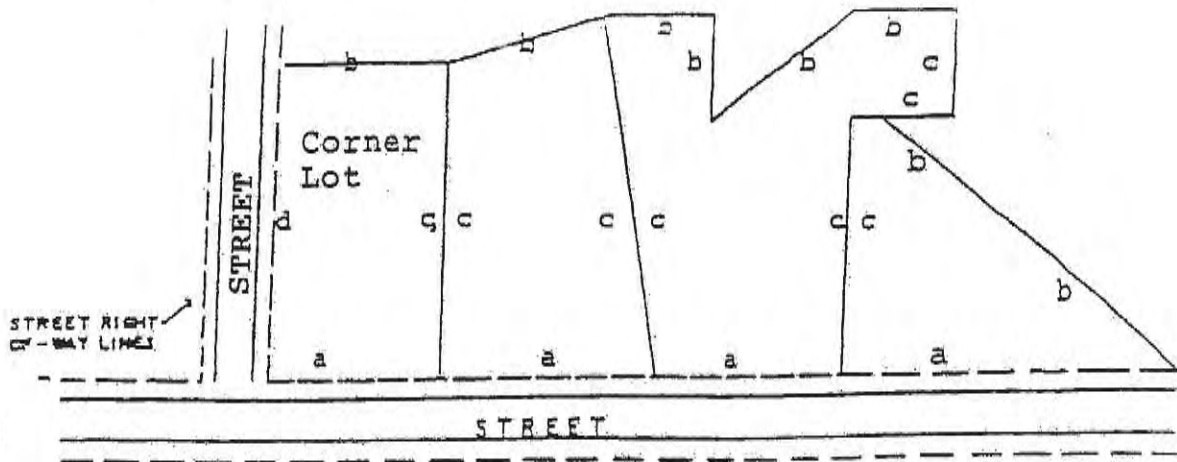
- A. Areas within the "existing" legal rights-of-way of: 1) any proposed or existing public streets or alleys or 2) any proposed or existing commonly maintained private streets that serve more than 1 lot. (Note - Other sections of this Ordinance, such as Townhouse Development, may specifically permit proposed streets to be included in determining density for a specific use.)
- B. Areas that are currently or will be required to be dedicated as common or preserved open space on a separate lot. (Note - Other sections of this Ordinance, such as for townhouses, may specifically permit proposed common open spaces to be included in determining density for a specific use.)
- C. Features required to be excluded from "Lot Area" under Article 3 of this Ordinance.



Lot Averaging Development. An optional type of residential development that places dwellings on the most suitable portions of a tract, on lots that are typically smaller than would otherwise be allowed with conventional development, in return for compliance with an average lot size. See Section 311.

Lot Lines. The property lines bounding the lot. Wherever a property line borders a public street, for the purposes of determining setbacks, the lot line shall be considered to be the street right-of-way line that will exist at the time of completion of a subdivision or development.

- A. Front Lot Line (Street Line). A lot line separating the lot from the existing or proposed street right-of-way. For a corner lot, see Section 803.B.
- B. Rear Lot Line. Any lot line which is parallel to or within 45 degrees of being parallel to a front street right-of-way line. In the case of a lot having no street frontage, or a lot of an odd shape, or a flag lot, only the one lot line furthest from any street shall be considered a rear lot line. Every lot shall have a rear yard.
- C. Side Lot Line. Any lot line other than a front or rear lot line.



Lot Width. The horizontal distance between the side lot lines measured at the minimum prescribed front yard setback line, unless otherwise stated. In the event of a curved lot line, such lot width at the minimum prescribed front yard setback line shall be measured along the curve. Where buildings are permitted to be attached, the lot width shall be measured from the center of the party wall. Where a pie-shaped lot fronts upon a cul-de-sac, the minimum lot width may be reduced to 75 percent of the width that would otherwise be required.

Massage Parlor. A type of "Adult Use" that is an establishment that meets all of the following criteria:

- A. Massages are conducted involving one person using their hands and/or a mechanical device on another person below the waist, in return for monetary compensation, and which does not involve persons who are related to each other.
- B. The use does not involve a person licensed or certified by the State as a health care professional or a massage therapist certified by a recognized professional organization that requires a minimum of 80 hours of professional training. Massage therapy by a certified professional shall be considered "personal service."

- C. The massages are not conducted within a licensed hospital or nursing home or an office of a medical doctor or chiropractor or as an incidental accessory use to a permitted exercise club or high school or college athletic program.
- D. The massages are conducted within private or semi-private rooms.

Membership Club. An area of land or building routinely used by a recreational, civic, social, fraternal, religious, political or labor union association of persons for meetings and routine socializing and recreation that is limited to members and their occasional guests, and persons specifically invited to special celebrations, but which is not routinely open to members of the general public and which is not primarily operated as a for-profit business.

- A. This use shall not include a target range for outdoor shooting of firearms, boarding house, tavern, restaurant or retail sales unless that particular use is permitted in that District and the requirements of that use are met.
- B. See Section 402. See also "After Hours Club" and "Hunting and Fishing Clubs," which are distinct uses.

Mineral Extraction. The removal from the surface or beneath the surface of the land of bulk mineral resources using significant machinery. This use also includes accessory stockpiling and processing of mineral resources. "Mineral extraction" includes but is not limited to the extraction of sand, gravel, topsoil, limestone, sandstone, oil, coal, clay, shale and iron ore. The routine movement of and replacement of topsoil during construction shall not by itself be considered to be mineral extraction.

Mobile/Manufactured Home. See under "Dwelling Types."

Mobile/Manufactured Home Park. A lot under single ownership which includes two or more mobile/manufactured homes for residential use. The individual manufactured homes may be individually owned. A development of mobile/ manufactured homes that is subdivided into individual lots shall be regulated in the same manner as a subdivision of site-built homes, and shall not be considered to be a "mobile home park." See Section 402.

Motor Vehicle. An automobile, recreational vehicle, truck, bus, motorcycle, all-terrain vehicle or similar means of transportation designed to operate carry persons or cargo on roads and that is powered by mechanized means.

Municipalities Planning Code or State Planning Code. The Pennsylvania Municipalities Planning Code, as reenacted and amended.

Nightclub. An establishment that offers live music extending beyond 12 midnight, sells alcoholic beverages primarily for on-site consumption, is open to patrons after 12 midnight, and has a building capacity of over 200 persons.

Nonconforming Lot. A lot which does not conform with the minimum lot width or area dimensions specified for the district where such lot is situated, but was lawfully in existence prior to the effective date of this Ordinance, or amendments hereinafter enacted.

Nonconforming Structure. A structure or part of a structure that does not comply with the applicable lot coverage, dimensional and other provisions in this Ordinance, as amended, where such structure lawfully existed prior to the enactment of such Ordinance or applicable amendment(s). Such nonconforming structures include but are not limited to signs. See Section 805.

Nonconforming Use. A use, whether of land or of a structure, which does not comply with the applicable use provisions in this Ordinance or amendment(s), where such use was lawfully in existence prior to the enactment of this Ordinance or applicable amendment(s). A use granted by variance is not a nonconforming use. See Section 805.

Nursing Home. A facility licensed by the State for the housing and intermediate or fully skilled nursing care of 3 or more persons. See Section 402.

Office. A use that involves administrative, clerical, financial, governmental or professional operations and operations of a similar character. This use shall include neither retail nor industrial uses, but may include business offices, medical offices, laboratories, photographic studios and/or television or radio broadcasting studios.

Open Space, Preserved or Common. A parcel or parcels of land within a tract which meets all of the following standards:

- A. is designed, intended and suitable for active or passive recreation by residents of a development or the general public,
- B. is covered by a system that ensures perpetual maintenance, if not intended to be publicly owned,
- C. will be preserved by a deed restriction or conservation easement to permanently prevent uses of land other than "preserved open space" and non-commercial recreation or a golf course open to the public, and
- D. does not use any of the following areas to meet minimum preserved open space requirements:
 - 1) existing street rights-of-way,
 - 2) vehicle streets or driveways providing access to other lots,
 - 3) land beneath building(s) or land within 20 feet of a building (other than accessory buildings and pools clearly intended for noncommercial recreation and other than agricultural buildings and a farmstead which are permitted within land approved by the Township for agricultural preservation),
 - 4) off-street parking (other than that clearly intended for noncommercial recreation),
 - 5) area(s) needed to meet a requirement for an individual lot,
 - 6) for land intended to be open to the public, that does not have provisions for entry with a 15 foot minimum width by pedestrians from a street open to the public or from adjacent preserved open space that has access to such a street,
 - 7) land that includes a stormwater detention basin, except for a basin or portions of a basin that the applicant proves to the satisfaction of the Board of Supervisors would: a) be reasonably safe and useful for active or passive recreation during the vast majority of weather conditions or b) serve as a scenic asset resembling a natural pond,
 - 8) portions of land that have a width of less than 50 feet,
 - 9) areas that are under water during normal weather conditions,
 - 10) 50 percent of areas that are under electric transmission lines that are designed for a capacity of 35 kilovolts or greater,
- E. Each square foot of preserved open space that is of 25 percent or greater slopes and each square foot within the 100 year floodplain shall only count as one-half square foot for the purposes of determining the amount of preserved open space.

Ordinance, This. The Highland Township Zoning Ordinance, including the Official Zoning Map, as amended.

PA. The Commonwealth of Pennsylvania.

Parking. Shall mean off-street parking and aisles for vehicle movement unless otherwise stated.

PennDOT. The Pennsylvania Department of Transportation, or its successor, and its subparts.

Permitted By Right Uses. Allowed uses in which zoning matters may be approved by the Zoning Officer, provided the application complies with all requirements of the Zoning Ordinance. A "nonconforming use" shall not be considered to be a permitted by right use, a special exception use or a conditional use.

Personal Care Home or Center. Shall mean "Assisted Living Facility."

Personal Service. An establishment that provides a service oriented to personal needs of the general public and which does not involve primarily retail or wholesale sales or services to businesses. Personal services include barber and beauty shops, photography studios, shoe repair shops, household appliance repair shops, and other similar establishments, but shall not include any "adult uses," as herein defined.

Pets, Keeping of. The keeping of domesticated animals of types that are normally considered to be kept in conjunction with a dwelling for the pleasures of the resident family. This shall include dogs, cats, small birds, gerbils, rabbits and other animals commonly sold in retail pet shops. See Section 403.

Picnic Grove, Private. An area of open space and pavilions that is not publicly owned and is used for group picnics and related outdoor recreation, and which is used on a commercial basis.

Places of Worship. Buildings, synagogues, churches, religious retreats, monasteries, seminaries and shrines used primarily for religious and/or spiritual worship for more than 10 persons at a time and that are operated for nonprofit and noncommercial purposes. If a religious use is primarily residential in nature, it shall be regulated under the appropriate "dwelling type." See standards in Section 402.

Principal Building. A "Principal Structure" which is also a "building."

Principal Structure. The structure in which the principal use of a lot is conducted. Any structure that is physically attached to a principal structure shall be considered part of that principal structure.

Principal Use. A dominant use(s) or main use on a lot, as opposed to an accessory use.

Prison. A correctional institution within which persons are required to inhabit by criminal court actions or as the result of a criminal arrest.

Public Notice. Notice required by the PA. Municipalities Planning Code. (See definition in Section 107 of such law.)

Publicly Owned Recreation. Leisure facilities owned, operated or maintained by governmental entities for use by the general public. "Publicly Owned Recreation" is a distinct use from "Indoor Recreation" or "Outdoor Recreation."

Recreation. The offering of leisure-time activities to unrelated persons. This term shall not include any "Adult Use." For the purposes of this Ordinance, recreation facilities shall be permitted by right as an accessory use when clearly limited to residents of a development and their occasional invited guests.

A. Indoor Recreation. A type of "recreation" use that: a) does not meet the definition of Outdoor Recreation, and b) is used principally for active or passive recreation, such as a bowling alley,

roller skating, ice skating, commercial batting practice use and similar uses. This term shall not include any use listed separately as a distinct use by Section 306.

- B. Outdoor Recreation. A type of "recreation" use that: a) has a total building coverage of less than 15%, and b) is used principally for active or passive recreation, such as a golf driving range, miniature golf course, amusement park and similar uses. This term shall not include any use listed separately as a distinct use by Section 306, such as a firearms target range.

Recycling Collection Center. A use for collection and temporary storage of more than 500 pounds of common household materials for recycling, but that does not involve processing or recycling other than routine sorting, baling and weighing of materials. This term shall not include the indoor storage of less than 500 pounds of household recyclables and their customary collection, which is a permitted by right accessory use in all zoning districts, without additional regulations. A recycling collection center is also a permitted by right accessory use to a public or private primary or secondary school, a place of worship, a Township-owned use or an emergency services station.

Related or Relative. Persons who are related by blood, marriage, adoption or formal foster relationship to result in one of the following relationships: spouse, brother, sister, parent, child, grandparent, great-grandparent, grandchild, great-grandchild, uncle, aunt, niece, nephew, sister-in-law, brother-in-law, parent-in-law or first cousin. This term specifically shall not include relationships such as second, third or more distant cousins. See definition of "Dwelling Unit."

Repair Service. Shops for the repair of appliances, watches, guns, bicycles and other household items.

Residential Accessory Structure (includes "Building") or Use. A use or structure that is clearly accessory, customary and incidental to a principal residential use on a lot, including the following uses and uses that are very similar in nature: Garage (household), Carport, Tennis Court, Garage Sale, Basketball Backboard, Household Swimming Pool, Gazebo, Storage Shed, Greenhouse, Children's Playhouse or Children's Play Equipment. No business shall be conducted in a household garage or storage shed that is accessory to a dwelling, except as may be allowed as a home occupation.

Residential District(s). All land areas that are not within the AP zoning district, a "commercial district" or an "industrial district."

Residential Lot Lines. The lot line of a lot that: 1) contains an existing primarily residential use on a lot of less than 10 acres , or b) is undeveloped and zoned as a Residential District.

Restaurant.

- A. An establishment that sells ready-to-consume food or drink and that routinely involves the consumption of at least a portion of such food on the premises.
- B. A restaurant may include the accessory sale of alcoholic beverages. However, if such sale is a primary or substantial portion of the total trade, the requirements of a "tavern" or nightclub as applicable must be met.
- C. See "Drive-Through Service" in this section.

Retail Store. A use in which merchandise is sold or rented to the general public, but not including the following: sales of motor vehicles or boats, adult movie theater, adult bookstore, manufacturing, tavern, car wash, auto service station, auto repair garage, convenience store or any restaurant.

Right-of-Way. An area or strip of land which is reserved for use by or as a street or by one or more utilities or by the public or by others. The term "Right-of-Way" by itself shall mean the Street Right-of-Way, unless another meaning is otherwise stated or clearly implied from the context in which it is used.

- A. Street Right-of-Way, Existing or Legal. The official established street right-of-way that either the Township or the State presently own or hold another interest in the land, or will own after the completion of any proposed subdivision, land development or development of a use under this Ordinance, whether by dedication or otherwise.
- B. See also "Right-of-way, Future or Ultimate" in the Subdivision and Land Development Ordinance.

Rooming House. See "Boarding House."

School, Public or Private Primary or Secondary School. An educational institution primarily for persons between the ages of 5 and 19 that primarily provides State-required or largely State-funded educational programs. This term shall not include "Trade Schools."

Screening. Year-round plant material of substantial height and density designed to provide a buffer. See requirements in Section 803.D.

Self-Storage Development. A building or group of buildings divided into individual separate access units which are rented or leased for the storage of personal and small business property.

Setback Line. A line separating a "yard" from the area within which a building or use is allowed.

Sewage Service, Central. Sanitary sewage service to a building by a Township-approved sewage collection and disposal system that serves 5 or more lots, and which includes an appropriate mechanism to ensure long-term professional operation and maintenance of the system.

Sewage Service, On-Lot. Sanitary sewage service to a building that does not meet the definition of Central Sewage Service, such as but not limited to, an individual on-lot septic system.

Sewage Service, Public. Central sanitary sewage service by a system owned and/or operated by a municipality or a municipal authority.

Sight Triangle. An area required to be kept free of certain visual obstructions to traffic. See Section 803.

Sign. The definition in Article 7. shall apply.

Sign Area. The definition in Article 7 shall apply.

Sign, Off-Premise. The definition in Article 7 shall apply.

Single and Separate Ownership. The ownership of a lot by 1 or more persons, partnerships or corporations, which ownership is separate and distinct from that of any abutting or adjoining lot.

Site Alterations. This term shall include one or more of the following activities:

- A. Filling of lakes, ponds, marshes or floodplains or alteration of watercourses;
- B. Clearing and regrading of more than one-half acre, other than selective thinning of existing vegetation or trees.

Solid Waste-to-Energy Facility. An area where municipal solid waste and similar materials are incinerated or otherwise processed to result in usable energy for off-site use.

Solid Waste Landfill. An area where municipal solid waste and similar materials is deposited on land, compacted, covered with soil and then compacted again, and which has a permit from DEP to operate as a sanitary landfill.

Solid Waste Transfer Facility. Land or structures where solid waste is received and temporarily stored, at a location other than the site where it was generated, and which facilitates the bulk transfer of accumulated solid waste to a facility for further processing or disposal. Such facility may or may not involve the separation of recyclables from solid waste. Such facility shall not include a junkyard, leaf composting, clean fill or septage or sludge application.

Special Exception. A use for which the Zoning Hearing Board may grant permission following a public hearing and findings of fact consistent with this Ordinance, provided the use complies with the conditions and standards required by this Ordinance. See Section 116.

Specified Sexual Activities. One or more of the following:

- A. Human male genitals in a visible state of sexual stimulation.
- B. Acts of human masturbation, sexual intercourse, oral sex or sodomy.
- C. Fondling or other erotic touching of human genitals. See definition of 'Adult Use.'

State. The Commonwealth of Pennsylvania and its agencies.

Story. A level of a building routinely accessible to humans having an average vertical clearance from floor to ceiling of 6.5 feet or greater shall be considered a full story, except as follows: If the floor of a basement level is more than 6 feet below the finished grade level for more than 50 percent of the total building perimeter, it shall not be regulated as a story. Any level of a building having an average vertical clearance from floor to ceiling of less than 6.5 feet shall be considered a "half-story."

Street. A public or private thoroughfare which provides the principal means of vehicle access to 3 or more lots or that is an expressway, but not including an alley or a driveway. The terms "street", "highway" and "road" have the same meaning and are used interchangeably.

Structure. Any man-made object having a stationary location on, below or in land or water, whether or not affixed to the land. Any structure shall be subject to the principal or accessory setbacks of this Ordinance, as applicable, unless specifically exempted or unless a specific setback is established for that particular type of structure by this Ordinance. For the purposes of this Ordinance, utility poles, stormwater basins, wells, paving and septic systems shall not be considered structures, and shall not be subject to minimum zoning setback requirements unless stated otherwise.

Subdivision. The definition in the Subdivision and Land Development Ordinance shall apply.

Subdivision Ordinance or Subdivision & Land Development Ordinance. The Highland Township Subdivision and Land Development Ordinance, as amended.

Swimming Pool, Household or Private. A man-made area with walls of man-made materials intended to enclose water at least 24 inches deep for bathing or swimming and that is intended to serve the residents of only 1 dwelling unit and their occasional guests. See Section 403.

Swimming Pool, Non-Household. A man-made area with walls of man-made materials intended to enclose water at least 24 inches deep for bathing or swimming and that does not meet the definition of a "household" swimming pool.

Tavern. A place where alcoholic beverages are served as a primary or substantial portion of the total trade and which does not meet the definition of an "after-hours club" or a "nightclub." The sale of food may also occur. See also the definition of restaurant.

Theater. A building or part of a building devoted to the showing of motion pictures or theatrical or performing arts productions as a principal use, but not including an outdoor drive-in theater or adult movie theater.

Tire Storage, Bulk. The storage of more than 20 used tires on a lot, except that a tire retail store may include the temporary storage of used tires awaiting disposal on a lot without being regulated by this term. See "Outdoor Storage" in Section 403.

Townhouse. See "Dwelling Types."

Township. Highland Township, Adams County, Pennsylvania.

Trade/Hobby School or Trade School. A facility that: a) is primarily intended for education of a work-related skill or craft or a hobby and b) does not primarily provide State-required education to persons under age 16. Examples include a dancing school, martial arts school, cosmetology school or ceramics school.

Tradesperson. A person involved with building trades, such as but not limited to: plumbing, electrical work, building construction, building remodeling, and roofing.

Treatment Center. A use (other than a prison or a hospital) providing housing for 3 or more unrelated persons who need specialized housing, treatment and/or counseling because of:

- A. criminal rehabilitation, such as a criminal halfway house;
- B. current addiction to a controlled substance that was used in an illegal manner or alcohol; and/or
- C. a type of mental illness or other behavior that causes a person to be a threat to the physical safety of others.

See standards in Section 402. Also, a group home that exceeds the number of residents allowed by this Ordinance within a Group Home shall be regulated as a Treatment Center, unless approved otherwise under Section 111.D.

Unit for Care of Relative. A dwelling unit that: a) is especially created for and limited to occupancy by a close "relative" of the permanent residents of the principal dwelling unit, b) is necessary to provide needed care and supervision to such relative, and c) meets the requirements for such use in Section 403.

Unregistered Vehicle. Any motor vehicle or trailer that does not display a license plate with a current registration sticker and does not have a valid State safety inspection sticker. This term shall not apply to vehicles (such as licensed antique cars) for which State regulations do not require an inspection sticker. The term also shall not include motor vehicles displaying a license and inspection stickers that have each expired less than 90 days previously.

Use. The purpose, activity, occupation, business or operation for which land or a structure is designed, arranged, intended, occupied or maintained. Uses specifically include but are not limited to the following: activity within a structure, activity outside of a structure, any structure, recreational vehicle storage or parking of commercial vehicles on a lot.

Variance. The granting of specific permission by the Zoning Hearing Board to use, construct, expand or alter land or structures in such a way that compliance is not required with a specific requirement of the Zoning Ordinance. Any variance shall only be granted within the limitations of the PA. Municipalities Planning Code. See Section 111.

Wall. See "Fence."

Warehouse. A building or group of buildings primarily used for the indoor storage, transfer and distribution of products and materials, but not including retail uses or a truck terminal, unless such uses are specifically permitted in that zoning district.

Watercourse. A channel or conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

Water Service, Central. Water supply service to a building by a Township-approved water supply system that serves 20 or more lots, and which includes an appropriate mechanism to ensure long-term professional operation and maintenance of the system.

Water Service, On-Lot. Water supply service to a building that does not meet the definition of Central Water Service, such as but not limited to an individual on-lot well.

Water Service, Public. Central water service by a system owned and/or operated by a municipality or a municipal authority.

Wetlands. An area of land and/or water meeting one or more definitions of a "wetland" under Federal and/or Pennsylvania law and/or regulations.

Yard. An open area unobstructed from the ground to the sky that is not permitted to be covered by buildings and principal structures and that is on the same lot as the subject structure or use. A minimum yard is also known as a minimum setback. Each required yard shall be measured inward from the abutting "lot line," existing street right-of-way or setback required from a street under Section 807, whichever is most restrictive. Regulations of each district prohibit principal and accessory structures within the specified minimum yards.

- A. See yard/setback exceptions in Section 803.B.
- B. Private Streets - For a building setback measured from a private street, the setback shall be measured from the existing street right-of-way/easement or 15 feet from the center of the cartway, whichever is more restrictive.

Yard, Front or "Front Setback". A "yard" measured a distance measured from and running parallel to the front lot line, street right-of-way line or setback required by Section 807, whichever is most restrictive. Such yard shall extend the full width of the lot from side lot line to side lot line.

- A. The front yard shall be on a side that faces towards a public street, whenever one public street abuts the lot. If a lot abuts two streets, the front yard shall be whichever side is the predominant

front yard for neighboring properties. If no side is predominant, then the applicant may choose which is the front yard.

- B. See Section 803 concerning yards along corner lots.

Yard, Rear or "Rear Setback".

- A. A "yard" extending the full width of the lot and which is measured from along the rear line and which establishes the minimum setback for the subject structure, and which stretches between the side lot lines parallel to the rear lot line.

Yard, Side or "Side Setback".

- A. A "yard" which establishes the minimum setback for the closest portion of the subject structure, and which is measured from along the entire length of the side lot line, and which extends from the front setback line to the rear lot line.

Yield Plan. A Plan required to be submitted to the Township by the applicant under certain provisions of the Zoning Ordinance. The Yield Plan shall accurately show the maximum number of dwelling units that would be possible under current Township ordinances if certain optional development provisions would not be used, and instead the provisions for conventional development under the current zoning district would be used. A Yield Plan shall be completed to an accurate scale, including accurately showing the Existing Feature Map information. The Yield Plan shall show potential lots, streets and retention/ detention pond locations.

Zoning Map. The Official Zoning Map of Highland Township, Adams County, Pennsylvania.

Zoning Officer. The person charged with the duty of enforcing the provisions of the Zoning Ordinance, and any officially designated assistant.

Zoning Ordinance. The Highland Township Zoning Ordinance, as amended.

ARTICLE 3 DISTRICTS

301. DESIGNATION OF DISTRICTS AND PURPOSES.

301.A. For the purpose of this Ordinance, Highland Township is hereby divided into the following zoning districts, with the following abbreviations:

| | |
|-------|---------------------------------------|
| AP | Agricultural Preservation |
| LC | Land Conservation |
| RR | Rural Residential |
| SFR | Single Family Residential |
| C-MDR | Commercial-Mixed Dwelling Residential |
| V | Village |
| I | Industrial |
| IO | Industrial Overlay |

301.B. For the purposes of this Ordinance, the zoning districts named in Section 301.A. shall be of the number, size, shape and location shown on the “Official Zoning Map.”

301.C. Overlay Districts. The Floodplain Area, as defined by the Flood Hazard Ordinance, shall serve as an overlay district to the applicable underlying districts. The IO District shall serve as an overlay district to the underlying districts.

301.D. Purposes of Each District. In addition to serving the overall purposes and objectives of this Ordinance and the Township Comprehensive Plan and the County Comprehensive Plan, each zoning district is intended to serve the following purposes:

1. AP Agricultural Preservation - To promote the continuation and preservation of agricultural activities in those areas most suitable for such activities. This zone also intends to protect and stabilize the Township’s viable agricultural economy by eliminating uses that are incompatible with farming, but permitting limited agricultural support businesses. Consequently, residential uses are limited and any future inhabitants in this zone must be willing to accept the impacts associated with normal farming practices, and related businesses. Land consumptive non-agricultural uses are not allowed.
2. LC Land Conservation District - To provide for development with a low average intensity in areas that include significant important natural features or that serve as a buffer between designated growth areas and Agricultural Preservation areas. To protect the water quality and habitats along creeks, and promote groundwater recharge. To recognize that many of these areas have low yields for wells and poor soils for septic systems. To provide a certain amount of flexibility in lot layout through lot averaging development so that development can be clustered on the most suitable portions of a tract of land, while avoiding overly intense development.
3. RR Rural Residential District - To provide for rural types of development at a lower overall density, in a manner that protects creeks and other natural features. To avoid conflicts with nearby agricultural areas and recognize sewage limitations.

4. SFR Single Family Residential District - To provide for low density residential neighborhoods that are primarily composed of single family detached dwellings. To protect these areas from incompatible uses.
5. C-MDR Commercial - Mixed Dwelling Residential District - To provide for medium density residential neighborhoods with a mix of housing types at a medium density. To protect these areas from incompatible uses. To meet requirements of State law to provide opportunities for various housing types. In addition, to provide for a wide range of commercial uses. To carefully locate commercial areas and commercial driveways to minimize traffic safety and congestion problems along roads.
6. V Village District - To provide for a mix of housing and light business uses in a manner that encourages reuse of older buildings and avoids conflicts between homes and intensive commercial uses. To primarily provide for smaller-scale uses that will not be obtrusive in the landscape and that will not overload the road system.
7. I Industrial District - To provide for a range of industrial uses in a manner that minimizes conflicts with homes and avoids serious nuisances and hazards.
8. IO Industrial Overlay District - To allow opportunities for mineral extraction and industrial uses to meet requirements of State law. To also provide an option of developing the land according to the underlying zoning district, such as for single family detached houses.

302. APPLICATION OF DISTRICT REGULATIONS.

- 302.A. The regulations set by this Ordinance shall apply uniformly to each class or kind of structure or land, except as provided for in this Ordinance.
- 302.B. No structure shall hereafter be erected, used, constructed, reconstructed, structurally altered or occupied and no land shall hereafter be used, developed or occupied unless it is in conformity with the regulations herein specified for the use and district in which it is located.
- 302.C. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- 302.D. Boundary Change. Any territory which may hereafter become part of the Township through annexation or a boundary adjustment shall be classified as the AP zoning district of Highland Township until or unless such territory is otherwise classified by Board of Supervisors.

303. ZONING MAP.

- 303.A. A map entitled “Highland Township Zoning Map” accompanies this Ordinance and is declared a part of this Ordinance. The Official Zoning Map, which should bear the adoption date of this Ordinance and the words “Official Zoning Map,” shall be retained in the Township Building.
- 303.B. Map Changes. Changes to the boundaries and districts of the Official Zoning Map shall only be made in conformity with the amendment procedures specified in the State Municipalities Planning

Code. All changes should be noted by date with a brief description of the nature of the change, either on the map or within an appendix to this Ordinance.

303.C. Replacement Map. If the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of changes and additions, or needs to have drafting errors or omissions corrected, Township Supervisors may, by resolution, adopt a new copy of the Official Zoning Map which shall supersede the prior Official Zoning Map. Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any remaining parts shall be preserved together with all available records pertaining to its previous adoption or amendment.

304. DISTRICT BOUNDARIES. The following rules shall apply where uncertainty exists as to boundaries of any district as shown on the Zoning Map.

304.A. District boundary lines are intended to follow or be parallel to the center line of street rights-of-way, streams and railroads, and lot lines as they existed on a recorded deed or plan of record in the County Recorder of Deeds' office at the time of the adoption of this ordinance, unless such district boundary lines are fixed by dimensions as shown on the Official Zoning Map.

304.B. Where a district boundary is not fixed by dimensions and where it approximately follows lot lines, such boundary shall be construed to follow such lot lines unless specifically shown otherwise.

304.C. The location of a district boundary on un-subdivided land or where a district boundary divides a lot shall be determined by the use of the scale appearing on the Zoning Map unless indicated otherwise by dimensions.

304.D. Where a municipal boundary divides a lot, the minimum lot area shall be regulated by the municipality in which the principal use(s) are located, unless otherwise provided by applicable case law. The land area within each municipality shall be regulated by the use regulations and other applicable regulations of each municipality.

305. SETBACKS ACROSS MUNICIPAL BOUNDARIES.

305.A. Intent. To continue the objective of compatible land uses across municipal boundaries.

305.B. This Ordinance requires additional setbacks and the provision of buffer yards when certain uses would abut an existing dwelling or a residential zoning district. These same additional setback and buffer yard provisions shall be provided by uses proposed within Highland Township regardless of whether such abutting existing dwelling or principally residential zoning district is located in an abutting municipality and/or in Highland Township.

306. TABLE OF ALLOWED USES IN EACH ZONING DISTRICT.

306.A. For the purposes of this Section 306, the following abbreviations shall have the following meanings:

- P = Permitted by right use (zoning decision by Zoning Officer)
- SE = Special exception use (zoning decision by Zoning Hearing Board)
- C = Conditional use (zoning decision by Board of Supervisors)
- N = Not Permitted
- (S. 402) = See Additional Requirements in Section 402
- (S. 403) = See Additional Requirements in Section 403

306.B. Unless otherwise provided by State or Federal law or specifically stated in this Ordinance (including Section 105.B.), any land or structure shall only be used or occupied for a use specifically listed in this Ordinance as permitted in the zoning district where the land or structure is located. Such uses shall only be permitted if the use complies with all other requirements of this Ordinance.

See Section 105.B. which generally provides a process for approval of a use that is not listed - based upon similarity to permitted uses and other criteria. Except as provided in such Section 105.B., any other principal use that is not specifically listed as P, C or SE in the applicable district in this table is prohibited in that district.

For temporary uses, see Section 103.

306.B.1 Allowed Uses in Primarily Residential Zoning Districts

For the C-MDR district, which is a mixed residential-commercial district, see Section 306.B.2.

| TYPES OF USES (See definitions in Article 2) | ZONING DISTRICTS | | | |
|--|------------------|------|-----|------|
| | LC | RR | SFR | AP |
| a. RESIDENTIAL USES | | | | |
| Single Family Detached Dwelling: (Note - Manufactured/mobile homes shall also meet the additional requirements of Section 402) | P | P | P | P |
| Lot Averaging Development Option in compliance with Section 311. | P | N | N | N |
| Twin Dwelling (side-by-side) | N | N | N | N |
| Townhouse (Rowhouse) (S. 402) | N | N | N | N |
| Apartments (S. 402), not including conversions of an existing building: | | | | |
| - Only 2 Dwelling Units in a Building, with one unit above the other (also known as a "Duplex") | N | N | N | N |
| - 3 or More Dwelling Units in a Building | N | N | N | N |
| Manufactured/Mobile Home Park (S. 402) | N | N | N | N |
| Boarding House (includes Rooming House) (S. 402) | N | N | N | N |
| Group Home within a lawful existing dwelling unit (S.402), not including a Treatment Center | P | P | P | P |
| Conversion of an Existing Agricultural Barn of more than 600 square feet of building floor area into one or two Dwelling Units | SE* | SE* | SE* | SE* |
| * = Provided any septic system is determined by the Sewage Enforcement Officer to be able to handle the additional flow. | | | | |
| Conversion of an Existing Building to Result in an Increased Number of Dwelling Units (See also "Unit for Care of Relative" under Accessory Uses) | SE** | SE** | N | SE** |
| ** = Limited to a building of 2,500 square feet or more of existing indoor heated building space, and provided any septic system is determined to be able to handle the additional flow, by the SEO. | | | | |
| b. COMMERCIAL USES | | | | |
| Bed and Breakfast Inn (S. 402) | | SE | N | N |
| Camp or Recreational Vehicle Campground (S. 402) | P | N | N | P |
| Communications Tower/Antennae, Commercial (S. 402) | | | | |
| - Meeting Section 402.A.15.a. pertaining to antenna placed on certain existing structures | P | P | P | P |
| - Antennae/tower that does not meet Section 402.A.15.a. (such as freestanding towers) | | SE | N | N |
| | | | | SE |
| <p>P = Permitted by use right (zoning decision by Zoning Officer)</p> <p>SE = Special exception use (zoning decision by Zoning Hearing Board)</p> <p>C = Conditional use (zoning decision by Board of Supervisors)</p> <p>N = Not permitted</p> <p>(S. 402) = See Additional Requirements in Section 402</p> | | | | |

(S. 403) = See Additional Requirements in Section 403

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| TYPES OF USES (See definitions in Article 2) | ZONING DISTRICTS | | | |
|---|------------------|----|-----|-----|
| | LC | RR | SFR | AP |
| b. COMMERCIAL USES (Cont.) | | | | |
| Golf Course(S. 402), with minimum lot area of 50 acres | P | P | P | N |
| Kennel (S. 402) | SE | N | N | SE |
| Plant Nursery or Tree Farm, with any on-site retail sales limited to trees and shrubs primarily grown on the premises, and with a 5% maximum building coverage and a 2 acre minimum lot area | P | P | P | P |
| c. INSTITUTIONAL / SEMI-PUBLIC USES | | | | |
| Cemetery (not including Crematorium) (S. 402) | P | P | P | P |
| Church - See Place of Worship below | | | | |
| College or University - Educational & Support Bldgs. (other than environmental education center) | N | N | N | N |
| Community Recreation Center or Library | N | N | P | N |
| Cultural Center or Museum | SE | N | N | SE |
| Day Care Center, Adult (S. 402) | N | N | N | N |
| Day Care Center, Child (S. 402) (See also as an accessory use) | N | N | N | N |
| Emergency Services Station | SE | N | N | N |
| Hunting and Fishing Club, with a 5% maximum building coverage in a residential district. This term shall not include uses listed separately in this Section 306. | P | P | P | P |
| Membership Club meeting and non-commercial recreational facilities, provided that an "After Hours Club", "Tavern" or uses listed separately in this Section 306 shall only be allowed if so listed in this table and if the requirements for that use are also met. | N | N | N | N |
| Nursing Home or Personal Care Home/Assisted Living (S. 402) | N | N | SE | N |
| Place of Worship (S. 402) (includes Church) | SE | SE | SE | SE |
| School, Public or Private, Primary or Secondary (S. 402) | P | P | P | P** |

** = A school shall only be permitted if the lot will not include a combined total of more than 6 acres of Agricultural Class 1, 2 or 3 soils.

- P = Permitted by use right (zoning decision by Zoning Officer)
- SE = Special exception use (zoning decision by Zoning Hearing Board)
- C = Conditional use (zoning decision by Board of Supervisors)
- N = Not permitted
- (S. 402) = See Additional Requirements in Section 402
- (S. 403) = See Additional Requirements in Section 403

| TYPES OF USES (See definitions in Article 2) | ZONING DISTRICTS | | | |
|---|------------------|----|-----|----|
| | LC | RR | SFR | AP |
| d. PUBLIC/SEMI-PUBLIC | | | | |
| Township Government Uses, other than uses listed separately in this Section 306 | P | P | P | P |
| Government Facility, other than uses listed separately in this Section 306 | SE | SE | SE | SE |
| Publicly Owned or Operated Recreation Park | P | P | P | P |
| Public Utility Facility (See also Section 114) other than uses listed separately in this Section 306 | SE | SE | SE | SE |
| Swimming Pool, Non-household (S. 402) | P | P | SE | P |
| U.S. Postal Service Facility, which may include a leased facility | N | N | N | N |
| e. ACCESSORY USES | | | | |
| See list of additional permitted uses in Section 306.C., such as “Residential Accessory Structure or Use” | | | | |
| See Additional Requirements in Section 403 for Specific Accessory Uses | | | | |
| Bees, Keeping of (S. 403) | P | P | P | P |
| Composting, in addition to materials generated on-site which is permitted by right in all districts (S. 403) | SE | SE | N | SE |
| Day Care Center accessory to and on the same lot as an existing lawful Place of Worship | P | P | P | P |
| Day Care (S. 403) as accessory to a dwelling: | | | | |
| – Day care of a maximum of 3 adults or youth, in addition to “Relatives” of the caregiver | P | P | P | P |
| – Group Day Care Home (7 to 12 children) | N | N | N | P |
| – Family Day Care Home (4 to 6 children) | P | P | P | P |
| Farm-Related Business (S. 403) ** | SE | SE | SE | SE |
| Gas or Oil Wells (S. 403) | SE | N | N | SE |
| Home Occupation, General (S. 403) | SE | SE | SE | SE |
| Home Occupation, Light (S. 403) | P | P | P | P |
| Retail Sales of Agricultural Products (S. 403) | P | P | P | P |
| Stable, Household (S. 403) | P | P | P | P |
| Target practice for firearms by a resident or owner of a lot and their occasional guests, limited to a lot, and provided there is a suitable barrier greater than 2 acres | P | P | P | P |
| Temporary Retail Sales - Shall only occur if allowed by Section 103.G. | | | | |

** = See standards in Section 403. Some Farm-Related Businesses are permitted by right.

P = Permitted by use right (zoning decision by Zoning Officer)

SE = Special exception use (zoning decision by Zoning Hearing Board)

C = Conditional use (zoning decision by Board of Supervisors)

N = Not permitted

(S. 402) = See Additional Requirements in Section 402

(S. 403) = See Additional Requirements in Section 403

306.B.2 Allowed Uses in Primarily Business Zoning Districts

Within the IO Industrial overlay district, an applicant shall have a choice of: 1) developing under the regulations of the I Industrial district; or 2) developing the land under the regulations of the underlying zoning district.

| TYPES OF USES (See definitions in Article 2) | ZONING DISTRICTS | | |
|---|------------------|-------|-------------------|
| | V | C/MDR | I or IO |
| a. RESIDENTIAL USES | | | |
| Single Family Detached Dwelling (Note - Manufactured/mobile homes shall meet the additional requirements of Section 402) | P | P | N |
| Twin Dwelling (side-by-side) | P | P | N |
| Townhouse (Rowhouse) (S. 402) | N | P | N |
| Apartments (S. 402), not including conversions of an existing building: | | | |
| - Only 2 Dwelling Units in a Building, with one unit above the other (also known as a Duplex) | N | SE | N |
| - 3 or More Dwelling Units in a Building | N | SE | N |
| Boarding House (includes Rooming House) (S. 402) | N | SE | N |
| Group Home within a lawful existing dwelling unit (S.402), not including a Treatment Center | P | P | P |
| Conversion of an Existing Building to Result in an Increased Number of Dwelling Units (See also "Unit for Care of Relative" under Accessory Uses) | SE | SE | N |
| Manufactured/Mobile Home Park (S. 402) | N | C | N |
| b. COMMERCIAL USES | | | |
| Adult Use (S. 402) | N | N | N in I C in IO |
| After Hours Club (Note - This use is effectively prohibited by State Act 219 of 1990) | N | N | N |
| Airport (S. 402) (see also "Heliport") | N | N | C |
| Amusement Arcade | N | P | N |
| Amusement Park or Water Park | N | P | N |
| Animal Cemetery (S. 402) | N | P | P |
| Auditorium (Commercial), Arena, Performing Arts Center or Exhibition-Trade Show Center | N | P | P |
| Auto/Vehicle Repair Garage or Auto Service Station (S. 402) | SE | SE | N |
| Auto/Vehicle, Boat or Mobile/Manufactured Home Sales (S. 402) | SE | P | N |
| Bakery, Retail | P | P | P |
| Bed and Breakfast Inn (S. 402) | P | P | P |
| Betting Use, in compliance with State law | N | N | C |
| Beverage Distributor (wholesale and/or retail) | SE | P | P |

P = Permitted by use right (zoning decision by Zoning Officer)
 SE = Special exception use (zoning decision by Zoning Hearing Board)
 C = Conditional use (zoning decision by Board of Supervisors) N = Not permitted
 (S. 402) = See Additional Requirements in Section 402

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(S. 403) - See Additional Requirements in Section 403

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| TYPES OF USES (See definitions in Article 2) | ZONING DISTRICTS | | |
|--|------------------|-------|---------|
| | V | C/MDR | I or IO |
| b. COMMERCIAL USES (Cont.) | | | |
| Bus Maintenance or Storage Yard | N | P | P |
| Camp (S. 402), other than Recreational Vehicle Campground | N | P | P |
| Campground, Recreational Vehicle (S. 402) | P | P | P |
| Car Wash (S. 402) | N | P | N |
| Catering, Custom, for Off-Site Consumption | P | P | P |
| Communications Tower/Antennae, Commercial (S. 402) | | | |
| – Meeting Section 402.A.15.a. pertaining to antenna placed on certain existing structures | P | P | P |
| – Antennae/tower that does not meet Section 402.A.15.a. (such as freestanding towers) Note - Section 402.A.15 also allows towers serving emergency services stations | N | SE | SE |
| Conference Center | P | P | P |
| Construction Company or Tradesperson's Headquarters (including but not limited to landscaping, building trades or janitorial contractor). See also as Home Occupation. Accessory outdoor storage shall be permitted provided it meets the screening requirements of Section 803. | SE* | P | P |
| Crafts or Artisan's Studio (see also as Home Occupation) | P | P | P |
| Custom Printing, Copying, Faxing, Mailing or Courier Service | P | P | P |
| Exercise Club | P | P | P |
| Farm Equipment Sales | P | P | P |
| Financial Institution (S. 402; includes banks), with any "Drive-through" facilities meeting Section 403 | P | P | P |
| Flea Market/ Auction House | P | P | P |
| Funeral Home (S. 402) | P | P | P |
| Garden Center, Retail (see also "Wholesale Greenhouses") | P | P | P |
| Gas Station - See Auto Service Station | | | |
| Golf Course (S. 402), with a minimum lot area of 25 acres | P | P | P |
| Heliport (S. 402) | N | N | SE |
| Horse-Riding Academy - See Stable under Miscellaneous Uses | | | |
| Hotel or Motel (S. 402) | P | P | P |
| Kennel (S. 402) | N | SE | SE |
| Laundromat | P | P | P |
| Laundry, Commercial or Industrial | N | P | P |
| Lumber Yard | N | P | P |

* A maximum of 20 percent of the lot may be covered with outdoor storage.

P = Permitted by use right (zoning decision by Zoning Officer)

SE = Special exception use (zoning decision by Zoning Hearing Board)

C = Conditional use (zoning decision by Board of Supervisors)

N = Not permitted

(S. 402) = See Additional Requirements in Section 402

(S. 403) = See Additional Requirements in Section 403

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| TYPES OF USES (See definitions in Article 2) | ZONING DISTRICTS | | |
|---|------------------|-------|-------------------|
| | V | C/MDR | I or IO |
| b. COMMERCIAL USES (Cont.) | | | |
| Motor Vehicle Racetrack (S. 402) | N | N | N in I C in IO |
| Nightclub (S. 402) | N | SE | N |
| Office (May include medical labs, see also Home Occupations) | P | P | P |
| Pawn Shop | N | P | N |
| Personal Services (includes tailoring, custom dressmaking, haircutting/styling, drycleaning, shoe repair, “massage therapy, certified” and closely similar uses) (See also Home Occupation) | P | P | P |
| Picnic Grove, Private (S. 402) | SE | P | P |
| Plant Nursery (other than a Retail Garden Center) | P | P | P |
| Propane Retail Distributor, with a maximum storage capacity of 100,000 cubic feet and a 150 feet minimum setback between any storage or dispensing facilities and any residential district, and with fire company review. | N | C | C |
| Recording Studio, Music | P | P | P |
| Recreation, Commercial Indoor (S. 402) (includes bowling alley, roller or ice skating rink, batting practice, and closely similar uses); other than uses listed separately in this Section 306 | SE | P | P |
| Recreation, Commercial Outdoor (including miniature golf course, golf driving range, archery, paintball and closely similar uses); other than uses listed separately in this Section 306 | N | P | P |
| Repair Service, Household Appliance | P | P | P |
| Restaurant or Banquet Hall (S. 402) | | | |
| – with drive-through service (S. 403) | N | P | P |
| – without drive-through service | P | P | P |
| Retail Store (not including uses listed individually in this Section 306) or Shopping Center | P | P | P |
| -- Any drive-through service shall meet the requirements of Section 403 for Drive-through service and shall only be allowed in the C/MDR District. | | | |
| Self-Storage Development (S. 402) | N | P | P |
| Target Range, Firearms | | | |
| – Limited to use by residents or owners of a lot and their occasional guests and provided there is a suitable barrier | P | P | P |
| – Completely indoor and enclosed | P | P | P |

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 SE = Special exception use (zoning decision by Zoning Hearing Board)
 C = Conditional use (zoning decision by Board of Supervisors)
 N = Not permitted
 (S. 402) = See Additional Requirements in Section 402
 (S. 403) = See Additional Requirements in Section 403

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| TYPES OF USES (See definitions in Article 2) | ZONING DISTRICTS | | |
|---|------------------|-------|--------------------|
| | V | C/MDR | I or IO |
| b. COMMERCIAL USES (Cont.) | | | |
| – Other than above (S. 402) | P | N | SE in IO N in I |
| Tattoo or Body Piercing Establishment (other than temporary tattoos or ear piercing, which are personal service uses) | N | P | N |
| Tavern which may include a State-licensed micro-brewery (not including an After Hours Club or Nightclub), and provided that the Zoning Hearing Board shall have the authority to limit late night hours if needed for residential compatibility | SE | SE | SE |
| Theater, Indoor Movie, other than an Adult Use | N | | PP |
| Trade/ Hobby School | N | P | P |
| Veterinarian Office (S. 402) | N | P | P |
| Wholesale Sales - see under Industrial Uses | | | |
| c. INSTITUTIONAL/ SEMI-PUBLIC USES | | | |
| Cemetery (see Crematorium listed separately) | P | P | P |
| College or University - Educational and Support Buildings | P | P | P |
| Community Recreation Center (limited to a government sponsored or non-profit facility) or Library | P | P | P |
| Crematorium | N | N | SE |
| Cultural Center or Museum | P | | PP |
| Day Care Center, Adult (S. 402) | P | P | P |
| Day Care Center, Child (S. 402) (See also as an accessory use) | P | P | P |
| Dormitory as accessory to a college, university or primary or secondary school | N | SE | N |
| Emergency Services Station | P | P | P |
| Hospital or Surgery Center | SE | P | P |
| Hunting and Fishing Club. This term shall not include uses listed separately in this Section 306. | N | P | P |
| Membership Club meeting and non-commercial recreational facilities, provided that an “After Hours Club”, “Tavern” or uses listed separately in this Section 306 shall only be allowed if so listed in this table and if the requirements for that use are also met. | P | P | P |
| Nursing Home or Personal Care Home/Assisted Living(S. 402) | P | P | P |
| Place of Worship (S. 402) (includes Church) | P | P | P |
| School, Public or Private, Primary or Secondary (S.402) | P | P | P |
| Treatment Center (S. 402) | N | N | SE in IO N in I |

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 (S. 402) = See Additional Requirements in Section 402
 (S. 403) = See Additional Requirements in Section 403
- N = Not permitted

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| TYPES OF USES (See definitions in Article 2) | ZONING DISTRICTS | | |
|--|------------------|-------|---------|
| | V | C/MDR | I or IO |
| d. PUBLIC/SEMI-PUBLIC | | | |
| Township Government Uses, other than uses listed separately in this Section 306 | P | P | P |
| Government Facility, other than uses listed separately in this Section 306 | SE | SE | SE |
| Prison or Similar Correctional Institution | N | N | SE |
| Publicly Owned or Operated Recreation Park | P | P | P |
| Public Utility Facility (See also Section 114) other than uses listed separately in this Section 306 | SE | SE | SE |
| Swimming Pool, Non-household (S. 402) | P | P | P |
| U.S. Postal Service Facility, which may include a leased facility | P | P | P |
| e. INDUSTRIAL USES | | | |
| Asphalt Plant | N | N | SE |
| Assembly or Finishing of Products Using Materials Produced Elsewhere (such as products from plastics manufactured off-site) | N | N | P |
| Building Supplies and Building Materials, Wholesale Sales of | N | P | P |
| Distribution as a principal use or a Trucking Company Terminal | N | N | P |
| Industrial Equipment Sales, Rental and Service, other than vehicles primarily intended to be operated on public streets | N | P | P |
| Junk - outdoor storage, display or processing of, other than within an approved junkyard or solid waste disposal area | N | N | N |
| Junk Yard (S. 402) | N | N | SE |
| Liquid Fuel Storage, Bulk, for off-site distribution, other than: auto service station, retail propane distributor as listed separately, pre-packaged sales or fuel tanks for company vehicles | N | N | SE |
| Manufacture and/or bulk processing of the following, provided manufacturing occurs only indoors: | | | |
| – Agricultural Chemicals, Fertilizers or Pesticides | N | N | SE |
| – Ammunition | SE | SE | SE |
| – Apparel, Textiles, Shoes and Apparel Accessories (see also Crafts Studio) | | N | NP |
| – Cement Manufacture | N | N | SE |
| – Ceramics Products (other than Crafts Studio) | N | N | P |

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 (S. 403) = See Additional Requirements in Section 403

| TYPES OF USES (See definitions in Article 2) | ZONING DISTRICTS | | |
|---|------------------|-------|---------|
| | V | C/MDR | I or IO |
| e. INDUSTRIAL USES (Cont.) | | | |
| Manufacture and/or bulk processing of the following, provided manufacturing occurs only indoors: | | | |
| Chemical Products, other than pharmaceuticals and types listed separately | N | N | SE |
| – Clay, Brick, Tile and Refractory Products | N | N | P |
| – Computers and Electronic and Microelectronic Products | P | P | P |
| – Concrete, Cement, Lime and Gypsum Products, other than actual manufacture of cement | N | N | P |
| – Electrical Equipment, Appliances and Components | N | P | P |
| – Explosives or Fireworks | N | N | SE |
| – Fabricated Metal Products (except Explosives, Fireworks or Ammunition) | N | N | P |
| – Food and Beverage Products, at an industrial scale as opposed to a clearly retail scale, including but not limited to processing, bottling and related trucking of water removed from a site (not including uses listed individually in this Section 306) | N | P | P |
| – Gaskets | N | N | P |
| – Glass and Glass Products (other than Crafts Studio) | | N | NP |
| – Incineration, Reduction, Distillation, Storage or Dumping of Slaughterhouse Refuse, Rancid Fats, Garbage, Dead Animals or Offal (other than within an approved solid waste facility) | N | N | N |
| – Jewelry and Silverware | N | N | P |
| – Leather and Allied Products (other than Crafts Studio or Tannery) | N | N | P |
| – Machine Shop | N | SE | P |
| – Machinery | N | N | P |
| – Manufactured or Modular Housing Manufacture | N | N | P |
| – Medical Equipment and Supplies | N | N | P |
| – Metal Products, Primary | N | N | SE |
| – Mineral Products, Non-metallic (other than Mineral Extraction) | N | N | NSE |
| – Paper and Paper Products (including recycling, but not including manufacture of raw paper pulp) | N | N | P |
| – Paper - Raw Pulp | N | N | SE |
| – Paving Materials, other than bulk manufacture of asphalt | N | N | SE |
| – Pharmaceuticals and Medicines | N | N | P |

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| TYPES OF USES (See definitions in Article 2) | ZONING DISTRICTS | | |
|---|------------------|---------|-------------------|
| | V | C/MDR I | or IO |
| <u>e. INDUSTRIAL USES (Cont.)</u> | | | |
| Manufacture and/or bulk processing of the following, provided manufacturing occurs only indoors: | | | |
| – Plastics, Polymers, Resins, Vinyl, Coatings, Cleaning Compounds, Soaps, Adhesives, Sealants, Printing Ink or Photographic Film | N | N | SE |
| – Products from Previously Manufactured Materials, such as glass, leather, plastics, cellophane, fiberglass, textiles, rubber or synthetic rubber | N | SE | P |
| – Roofing Materials and Asphalt Saturated Materials or Natural or Synthetic Rubber | N | N | SE |
| – Scientific, Electronic and Other Precision Instruments | N | N | P |
| – Sporting Goods, Toys, Games, Musical Instruments or Sign Manufacture | N | C | P |
| – Transportation Equipment | N | P | P |
| – Wood Products and Furniture (not including raw paper pulp) | N | SE | P |
| – See Section 105 for uses that are not listed | | | |
| Mineral Extraction (S. 402) and related processing, stock- piling and storage of materials removed from the site | N | N | N in I C in IO |
| Packaging | N | P | P |
| Package Delivery Services Distribution Center | N | N | SE |
| Petroleum Refining | N | N | SE |
| Photo Processing, Bulk | N | P | P |
| Printing or Bookbinding | N | P | P |
| Recycling Center, Bulk Processing, provided all operations of an industrial scale occur within an enclosed building | N | C | P |
| Research and Development, Engineering or Testing Facility or Laboratory (other than medical laboratories, which is considered an office use) | N | P | P |
| Sawmill/ Planing Mill | N | SE | P |
| Slaughterhouse, Stockyard or Tannery, with a 350 feet minimum setback from all lot lines, other than custom butchering or processing of animals as an accessory use | N | | NN |
| Solid Waste Landfill (S. 402) | N | N | C in IO N in I |
| Solid Waste Transfer or Waste to Energy Facility(S. 402) | N | N | C in IO N in I |

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| TYPES OF USES (See definitions in Article 2) | ZONING DISTRICTS | | |
|--|------------------|---------------|----|
| | V | C/MDR I or IO | |
| <u>e. INDUSTRIAL USES (Cont.)</u> | | | |
| Warehousing or Storage as a principal use | N | N | P |
| Warehousing or Storage as an on-site accessory use | N | | PP |
| Welding | N | P | P |
| Wholesale Sales (other than Motor Vehicles) | N | P | P |
| <u>f. ACCESSORY USES</u> | | | |
| See list of additional permitted uses in Section 306.C., such as "Residential Accessory Structure or Use" | | | |
| See Additional Requirements in Section 403 for Specific Accessory Uses | | | |
| Bees, Keeping of (S. 403) | P | P | P |
| Composting (S. 403), other than materials generated on-site which are permitted by right | N | SE | SE |
| Day Care Center accessory to and on the same lot as an existing lawful Place of Worship | P | P | P |
| Day Care (S. 403) as accessory to a dwelling: | | | |
| – Day care of a maximum of 3 adults or youth, in addition to "Relatives" of the caregiver | P | P | P |
| – Group Day Care Home | SE | SE | P |
| – Family Day Care Home | SE | P | P |
| Farm-Related Business (S. 403) | N | P | P |
| Home Occupation, General (S. 403) | P | P | P |
| Home Occupation, Light (S. 403) | P | P | P |
| Outdoor Storage and Display as accessory to a business use, which shall also comply with Sections 403, 803 and 804 | P | P | P |
| Retail Sales of Agricultural Products (S. 403) | P | P | P |
| Temporary Retail Sales - See Section 103.G. | P | P | P |
| Unit for Care of Relative (S. 403) | P | P | P |
| <u>g. MISCELLANEOUS USES</u> | | | |
| Crop Farming and Wholesale Greenhouses | P | | PP |
| Forestry (S. 402) | P | P | P |
| Gas or Oil Wells (S. 403) | SE | SE | SE |
| Groundwater or Spring Water Withdrawal, averaging more than 100,000 gallons per day removed from a tract for off-site consumption (S. 402) (See also requirements for food and beverage bottling and processing under Industrial Uses) | C | C | C |

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- (S. 402) = See Additional Requirements in Section 402
- (S. 403) = See Additional Requirements in Section 403

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| TYPES OF USES (See definitions in Article 2) | ZONING DISTRICTS | | |
|---|------------------|---------------|----|
| | V | C/MDR I or IO | |
| <u>g. MISCELLANEOUS USES (Cont.)</u> | | | |
| Livestock or Poultry, Raising of (S. 402): | | | |
| - Intensive | N | N | SE |
| - Not Intensive | SE | P | P |
| Nature Preserve or Environmental Education Center | P | P | P |
| Parking Lot or Structure: | | | |
| - As a principal use that primarily serves tractor-trailer trucks or trailers | N | N | SE |
| - Other | P | P | P |
| Sewage Sludge/Biosolids, Land Application of (S. 403) | P | | PP |
| Sewage Treatment Plant | C | C | C |
| Solar energy collection as a principal or accessory use, provided the devices shall be completely removed within 8 months after they are no longer in use | P | P | P |
| Stable, Non-Household (S. 402; includes horse-riding academy) | N | P | P |
| Wind turbines | | | |
| - Maximum of 1 Wind turbine per lot, as an accessory use that meets Section 403, including setback requirements | P | P | P |
| - Other wind turbines, such as a wind turbine as a principal use or 2 or more wind turbines on a lot (S. 402, including setback requirements) | N | N | SE |
| All Uses that will be unable to comply with the “Environmental Protection” requirements of Article 5 shall be prohibited in all districts | N | N | N |

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- (S. 403) = See Additional Requirements in Section 403

306.C. Permitted Accessory Uses in All Districts. An accessory use of a dwelling is only permitted if such use is customarily incidental to the residential use and is specifically permitted by this Ordinance. The following are permitted by right as accessory uses to a lawful principal use in all districts, within the requirements of Section 403 and all other requirements of this Ordinance:

1. Standard Antennae, including antennae used by contractors to communicate with their own vehicles*
2. Fence* or Wall*
3. Garage, Household
4. Garage Sale*
5. Pets, Keeping of*
6. Parking or Loading, Off-Street, only to serve a use that is permitted in that district
7. Recreational Facilities, limited to use by: residents of a development or students at a primary or secondary school or center for the care and treatment of youth, and their occasional invited guests
8. Residential accessory structure (see definition in Article 2) *
9. Signs, as permitted by Article 7
10. Swimming Pool, Household *
11. Such other accessory use or structure that the applicant proves to the satisfaction of the Zoning Officer is clearly customary and incidental to a permitted by right, special exception or conditional principal use.

* See standard for each in Section 403.

306.D. Permitted Accessory Uses to Business and Institutional Uses. The following are permitted by right accessory uses only to a permitted by right, special exception or conditional commercial, industrial or institutional use, provided that all requirements of this Ordinance are met:

1. Storage of fuels for on-site use or to fuel company vehicles
2. The following accessory uses, provided that the use is clearly limited to employees, patients, residents and families of employees of the use and their occasional invited guests:
 - a. Internal cafeteria without drive-through service,
 - b. Day care center or
 - c. Recreational facilities.
3. Bus Shelters meeting Section 403.
4. Automatic Transaction Machine
5. Storage sheds meeting the requirements of Section 307.A.

307. DIMENSIONAL REQUIREMENTS IN EACH DISTRICT.

307.A. The following area, yard and building requirements shall apply for the specified zoning district, unless a more restrictive requirement for a specific use is required by Sections 402 or 403 or another section of this Ordinance. All measurements shall be in feet unless otherwise stated. See definitions of terms (such as lot width) in Section 202.

| Zoning District: Type of Use | Min. Lot Area (sq.ft.) (Note E) | Min. Lot Width Measured at Min. Building Setback Line (ft.) | Min. Front Yard Setback (ft.) (Note D) | Min. Rear Yard Setback (ft.) ** | Min. Side Yard Setback ** (each) (ft.) | Maximum Percent Building Coverage | Maximum Percent ImperVIOUS Coverage |
|---|---------------------------------|---|--|---------------------------------|--|-----------------------------------|-------------------------------------|
| 1. AP Agricultural Preservation District: The requirements in Section 307.D. shall apply. | | | | | | | |
| 2. RR Rural Residential District: See also Note F. | 43560 | 150 | 30 | 30 | 15 | 25% | 50% |

| Zoning District: Type of Use | Min. Lot Area (sq.ft.) (Note E) | Min. Lot Width Measured at Min. Building Setback Line (ft.) | Min. Front Yard Setback (ft.) (Note D) | Min. Rear Yard Setback (ft.) ** | Min. Side Yard Setback ** (each) (ft.) | Maximum Percent Building Coverage | Maximum Percent Impervious Coverage |
|---|---------------------------------|---|--|---------------------------------|---|-----------------------------------|-------------------------------------|
| <p>3. LC Land Conservation District:</p> <p>Note: In addition, applicants may use the Lot Averaging Option in Section 311, which may allow smaller lot sizes and smaller lot widths.</p> <p>See also Note F.</p> <p>A one acre minimum lot area shall apply to each new lot that is subdivided and transferred in ownership to a son, daughter, stepson or stepdaughter of the primary landowner of record. A maximum total of one such lot shall be transferred to any one such person over time. The recorded subdivision plan shall state that this provision is being used and the name of the person who is to receive ownership of the lot. Such lot may be subsequently resold to others, after the child receives ownership. This exception shall only be allowed if the parent lot continues to have a minimum lot area of 3 acres.</p> | 130,680 (3 acres) | 250, except 200 feet if a lot includes less than 3 acres | 30 | 30 | 30, except 15 if a lot includes less than 3 acres | 20% | 25% |

| Zoning District: Type of Use | Min. Lot Area (sq.ft.) (Note E) | Min. Lot Width Measured at Min. Building Setback Line (ft.) | Min. Front Yard Setback (ft.) (Note D) | Min. Rear Yard Setback (ft.) ** | Min. Side Yard Setback ** (each) (ft.) | Maximum Percent Building Coverage | Maximum Percent ImperVIOUS Coverage |
|---|---------------------------------|---|--|---------------------------------|--|-----------------------------------|-------------------------------------|
| 4. SFR Single Family Residential District: a) Single family detached dwelling: a1) Without Township-approved central water service and without Township-approved central sewage service a2) With Township-approved central water or Township-approved central sewage service a3) With both Township-approved central water and Township-approved central sewage services: ----- b) Other allowed principal use See also Note F. | a1) 43,560 (1 acre) | a1) 120 | a1) 30 | a1) 30 | a1) 10 each | a1) 30 | a1) 50 |
| | a2) 39,000 | a2) 120 | a2) 30 | a2) 30 | a2) 10 each | a2) 30 | a2) 50 |
| | a3) 12,000 | a3) 75 | a3) 30 | a3) 30 | a3) 10 each | a3) 30 | a3) 50 |
| ----- | b) 43,560 (1 acre) | b) 120 | b) 30 | b) 30 | b) 20 each. | b) 30 | b) 50 |

| Zoning District: Type of Use | Min. Lot Area (sq.ft.) (Note E) | Min. Lot Width Measured at Min. Building Setback Line (ft.) | Min. Front Yard Setback (ft.) (Note D) | Min. Rear Yard Setback (ft.) ** | Min. Side Yard Setback ** (each) (ft.) | Maximum Percent Building Coverage | Maximum Percent ImperVIOUS Coverage |
|---|---|---|--|---------------------------------|---|-----------------------------------|-------------------------------------|
| 5. C/MDR Commercial/ Mixed Dwelling Residential District: a) Single family detached dwellings: a1) Without both Township-approved central water service and Township-approved central sewage services a2) With Township-approved central water or central sewage services a3) With both Township-approved central water and Township-approved central sewage services. | a1) 43,560 | a1) 150 | a1) 25 | a1) 25 | a1) 15 | a) through c): 50% | a) through c): 60% |
| | a2) 39,000 | a2) 150 | a2) 25 | a2) 25 | a2) 15 | | |
| | a3) 10,000 | a3) 80 | a3) 25 | a3) 25 | a3) 5 each | | |
| b) The following housing types, each of which shall require Township-approved central water and Township-approved central sewage services: b1) Twin dwelling unit b2) Townhouse b3) Duplex or other Apartment dwellings | b1), b2) and b3): Minimum average lot area of 10,000 per dwelling unit (Note C). | b1) 35 per dwelling unit b2) 20 per interior dwelling unit, and 40 for each end unit (Note B) b3) 100 | b1) 25 b2) 25 (or a 50 foot separation between condominium buildings) b3) 25 | b1) 25 b2) 25 | b1, 2, 3): 10, except 0 at the shared lot line of lawfully attached dwellings. | | |
| | c) Manufactured home parks shall meet the requirements for such use stated in Section 402, instead of the requirements of this Section. | | | | | | |

| Zoning District: Type of Use | Min. Lot Area (sq.ft.) (Note E) | Min. Lot Width Measured at Min. Building Setback Line (ft.) | Min. Front Yard Setback (ft.) (Note D) | Min. Rear Yard Setback (ft.) ** | Min. Side Yard Setback ** (each) (ft.) | Maximum Percent Building Coverage | Maximum Percent ImperVIOUS Coverage |
|--|---|---|---|---------------------------------|--|-----------------------------------|-------------------------------------|
| <p>5. C/MDR District continued:</p> <p>d) Other allowed principal use</p> | d) 43,560 | d) 150, except 250 for a new business lot approved after the adoption of this Ordinance that will have its own vehicle access directly onto an arterial street. | d) 30 | d) 30 (Note A) | d) 20 (Note A) | d) 50% | d) 60% |
| <p>6. V Village District:</p> <p>a) Single family detached dwellings and twin dwellings - The same provisions shall apply as apply for the C/MDR district.</p> <p>b) Other Allowed Uses</p> | b) 43,560, except 20,000 for a lot that will be served by central water and central sewage services | b) 150, except 250 for a new business lot approved after the adoption of this Ordinance that will have its own vehicle access directly onto an arterial street. | b) 30, except 50 feet where off-street parking for commercial use will exist between the principal building and an arterial street. | b) 30 (Note A) | b) 20 (Note A) | b) 40% | b) 75% |

| Zoning District: Type of Use | Min. Lot Area (sq.ft.) (Note E) | Min. Lot Width Measured at Min. Building Setback Line (ft.) | Min. Front Yard Setback (ft.) (Note D) | Min. Rear Yard Setback (ft.) ** | Min. Side Yard Setback ** (each) (ft.) | Maximum Percent Building Coverage | Maximum Percent ImperVIOUS Coverage |
|--|---------------------------------|---|--|---------------------------------|--|-----------------------------------|-------------------------------------|
| 7. I Industrial District and the IO Industrial Overlay District: Note: The IO District may also be developed under the provisions of the LC District, which is the underlying zoning district. | 43,560 (1 acre) | 150 | 50 | 20 (Note A) | 20 (Note A) | 40% | 75% |

Section 307.A. Continued: Notes for the Above Table:

Corner lot setbacks - see Section 803.B.

- ** = The following exceptions shall apply:
- For accessory structures and uses, see Section 307.C. below.
 - Structures shall not obstruct minimum sight clearance at intersections.
 - See Section 803.B. pertaining to Corner Lots.
 - See Section 806 regarding extension of nonconforming setbacks.
 - See Section 803 regarding permitted reductions in setbacks to reflect average setbacks of adjacent buildings.

(Note A) = Except 40 feet side and 50 feet rear for a principal business use from a lot in a residential district that is not occupied by a principal business. Such side or rear yard shall be increased to 100 feet for any building area or land area used for manufacturing or a tractor-trailer truck loading dock from such a lot.

(Note B) = Except if 2 or more side-by-side off-street parking spaces are located in the front yard of a townhouse or if garage door(s) for 2 or more vehicles face onto the street in the front of the townhouse, then the minimum building width per dwelling along such street shall be a minimum of 24 feet. A maximum of 50 percent of the land area between the front of each townhouse and the right-of-way line shall be used for vehicle parking and driveways.

(Note C) = These provisions are intended to allow flexibility in the placement of individual dwelling units, regardless of whether the homes are condominium or fee-simple, and regardless of whether public streets, private streets or parking courts are used.

- The minimum average lot area per dwelling unit establishes the maximum number of units permitted on a tract of land.
- The minimum average lot area per dwelling unit shall be calculated after deleting existing street right-of-way of existing streets and alleys, but shall include: right-of-way of proposed streets and alleys and areas of parking courts, common open space and stormwater detention basins.
- A golf course (not including areas covered by buildings and paving) may count towards the common open space provided that it includes more than 50 acres of lot area and is preserved by a permanent conservation easement at the time of development approval.
- See also the applicable standards in Section 402, which may require common open space.

(Note D) = Setbacks shall be measured from the future / ultimate right-of-way where such applies under the Subdivision and Land Development Ordinance. An unenclosed front porch or deck may intrude up to 10 feet into the minimum front yard. This porch or deck may be covered by a roof.

(Note E) = See natural feature regulations, including Sections 308 and 310.

(Note F) = All dwellings shall have a minimum principal building width and length of 18 feet (not including unenclosed structures).

Abbreviations: sq. ft. = square feet; min. = minimum; max. = maximum; ft. = feet

307.B. Height. Except as provided in Section 802, or as specified otherwise in this Ordinance for a particular use, the following maximum structure height shall apply in all zoning districts:

1. no maximum height shall apply for agricultural structures,
2. in the I and IO districts, a maximum building height of 50 feet shall apply,
3. the maximum height for any other structure shall be 3 stories or 40 feet, whichever is more restrictive.

307.C. Accessory Structures and Uses.

1. Accessory structures and uses shall meet the minimum yard setbacks provided for in Section 307.A., unless otherwise provided for in this subsection or other parts of this Ordinance.
2. The minimum side and rear yard setback apply for a permitted detached structure that is accessory to a dwelling shall be 10 feet in the LC district and 5 feet in other districts, except in the following cases:
 - a. The minimum rear setback shall be reduced to 3 feet for a residential accessory storage shed having a total floor area of less than 150 square feet.
 - b. A side yard setback is not required for a structure that is accessory to a dwelling from a lot line along which two dwellings are attached (such as a lot line shared by twin dwellings). However, such structure shall still meet the minimum side yard on a lot line where the dwellings are not attached.
 - c. A residential porch or deck that is unenclosed may extend a maximum of 15 feet into the required rear setback. Such porch or deck may be covered by a roof or awning. Space under an unenclosed porch may be used for household storage. See Note D above considering front yard setbacks.
 - d. See Section 403 for swimming pools.
3. No accessory building and no swimming pool shall be allowed in the minimum front yard.

307.D. Additional Requirements in the AP Agricultural Preservation District:

1. Minimum lot area - 1 acre, except 25 acres for any lot that is beyond the number of lots allowed under Section 307.D.7.
2. Maximum lot area - For a single-family detached dwelling that is not on a principal agricultural lot - 2 acres maximum lot area. The maximum lot area shall not apply if the applicant can demonstrate by credible evidence that the area proposed for the lot: 1) does not include more than 2 acres of Class I, II and/or III soils, as identified in official Federal soils mapping or a more accurate professional study, or 2) where additional lot area is needed to improve septic or water supply facilities for the lot, in the determination of the Sewage Enforcement Officer.
 - a. The largest amount of Class I, II and III agricultural soils that is feasible shall be included on one principal agricultural lot.
3. Minimum lot width - 150 feet.
4. Minimum yards/ setbacks for principal and accessory buildings, except for Raising of Livestock and Poultry, see Section 402:
 - a. Front - 30 feet.
 - b. Each of 2 sides - 15 feet.
 - c. Rear - 30 feet.
 - d. However, an accessory storage building with a maximum floor area of 600 square feet and a maximum height of 25 feet may be located a minimum of 10 feet from the side or rear lot line.

- e. The minimum lot width may be met at the proposed principal building setback line instead of the minimum building setback line if the applicant proves that such modification would result in a greater amount of preservation of agricultural land than would otherwise occur.
- 5. Maximum impervious coverage - 25 percent, except sales of farm equipment and places of worship shall be allowed to have a 60 percent maximum impervious coverage.
- 6. Maximum height - 3 stories or 40 feet, whichever is more restrictive. No maximum height shall apply to agricultural structures.
- 7. Limitations on Subdivision and Land Development in the AP District.
 - a. To conserve agricultural lands and minimize agricultural-residential conflicts, these AP District regulations limit the number of new lots and establish a maximum lot size. The goal is to retain lots of sufficient size to be productive for agriculture. This Section is based upon Section 604(3) and other provisions of the Pennsylvania Municipalities Planning Code.
 - b. The total deeded adjacent acreage which is under a single deed and is within Highland Township (which shall be known as the “Deeded Area”) existing as of the effective date of this Ordinance shall be permitted to be subdivided for new lots, as follows:

| Deeded Area (Acres) | | Number of Total Lots Of Less than 25 Acres Which May Result (including the existing/remainder lot): |
|------------------------|--------------|---|
| At Least | Less Than | |
| 2 | 4 | 2 |
| 4 | 10 | 3 |
| 10 | 25 | 4 |
| 25 | 50 | 5 |
| 50 | 100 | 6 |
| 100 | 150 | 7 |
| 150 | 200 | 8 |
| 200 | | 8, plus 1 lot for every 50 acres over 200 acres. |

- c. The condition of the deeded area as of the effective date of this Ordinance , or on any later date on which the deeded area was first zoned AP District, shall be the basis from which the maximum development set forth in Section 307.D.7. above shall be calculated.
- d. No subdivision shall be permitted which shall increase the lot size of a lot used for residential purposes in excess of the maximum lot size, except as provided in Section 307.D.2, or unless such lot that would be expanded would be the largest lot within the Deeded Area.
- e. A subdivision to create a lot which will be transferred to the Township, or a municipal authority created by the Township, or that is deed restricted or restricted by a conservation easement so that the lot can never be used for a principal building shall not be included when computing the permissible number of lots to be subdivided from a deeded area as set forth in Section 307.D.7. For example, if a lot is created solely for the purposes of stormwater management or a public water supply well, it shall not be limited by Section 307.D.7.
- f. Any proposed subdivision or land development plan and the record plan shall the total number of allowed lots and shall specify which lot or lots shall carry with it a right of further subdivision, if any such right remains. For example, if the deeded area was allowed 3 new lots, and one new lot is created, then the plan should state that the largest lot retains the right

to the 2 remaining new lots. If the approved plan does not state otherwise, any right of future subdivision shall be presumed to be held by the largest lot.

- g. In the event that deeded area which was not classified as part of the AP District as of the effective date of this Ordinance, or was thereafter classified as part of the AP District, the size and ownership of the deeded area and the development existing on the deeded area on the effective date of the change in zoning classification shall determine the number of lots which may be subdivided from such deeded area.
- h. The number of lots which may be created which may be established shall be fixed according to the size of the deeded area. This number of allowed lots shall not be increased by the subdivision of such deeded area. Any subsequent owner of part or all of the deeded area shall be bound by the actions of his/her predecessor.
- i. In submitting an application for a subdivision/land development for a dwelling unit within the AP District, the applicant shall demonstrate that measures have been used to:
 - (1) Minimize the loss of valuable farmland;
 - (2) Cluster residential lots on the subject property and, if applicable, with those lots contained on adjoining farms;
 - (3) Minimize the length of property lines shared by all residential lots and adjoining farms;
 - (4) Assure adequate vehicular access to future residences not currently proposed;
 - (5) Assure that the proposed plan can comply with the Township's Subdivision and Land Development Ordinance.

307.E. Required Yards:

- 1. No accessory or principal structure shall extend into the required front yard, except as provided in this Ordinance.
- 2. Every lot shall include at least one front lot line. To minimize the consumption of farmland and to encourage the clustering of homes, flag lots shall be allowed in the AP district. A flag lot shall have a minimum lot width at a road right-of-way of 50 feet. The minimum lot width may be met at a point where the flagpole portion of the lot meets the wider portion of the lot where the principal building is proposed to be located. Each flag lot shall have its own driveway along its own flagpole area.
- 3. A principal building shall not extend into the required rear yard setback for a principal building, and an accessory structure shall not extend into the required rear yard for an accessory structure, except as provided in this Ordinance.
- 4. Every lot shall include a rear lot line and a rear yard.
- 5. A structure shall not extend into the applicable minimum side yard setback, except as provided for in this Ordinance.
- 6. See "Corner Lot" provision in Section 803.B.
- 7. A triangular lot shall include one side yard. All other lots shall include at least 2 side yards, except for a corner lot.

307.F. Additional Provisions Within the V Village District:

1. Guidelines. To the maximum extent feasible, the minimum front yard of new commercial development should be landscaped, and the majority of new parking areas should be placed to the rear or side of the principal building. New buildings are encouraged to be placed as close to the street right-of-way as is feasible, provided they do not create sight distance obstructions and still meet the minimum setback requirements.
2. Architectural Information. If a new principal commercial building is proposed within the V district, then an architectural sketch or elevation shall be submitted to the Zoning Officer prior to receiving any zoning approval. Such sketch or elevation shall describe the type of materials to be used on the front facade.

308. **WETLANDS.**

- 308.A. Wetland Studies. It shall be the responsibility of each applicant to determine whether land areas proposed for alteration meet the Federal or State definition of a wetland prior to submittal of development plans to the Township. If the Zoning Officer has reason to believe that wetlands may be present on a site proposed for development or subdivision, the Zoning Officer may require that the applicant provide a suitable wetland delineation study prepared by a qualified professional.
- 308.B. Wetland Setbacks. A minimum setback of 20 feet shall be required between any new principal building for which a building permit is issued after the effective date of this Ordinance and any "wetland."

309. **SEWAGE AND WATER SERVICES.**

- 309.A. Central Water Service. A use shall not be considered to be served by "Township-approved central water service" unless:
1. all applicable requirements of State regulations and the Subdivision and Land Development Ordinance are met,
 2. the applicant proves to the satisfaction of the Township that there will be an appropriate system in place to guarantee and properly fund the long-term operation and maintenance of the system by a qualified professional operator, and
 3. the applicant proves to the satisfaction of the Township, based upon review of the Township Engineer, that the system will include adequate supply, transmission capacity and pressure to serve the development.
- 309.B. Central Sewage Service. A use shall not be considered to be served by "Township-approved central sewage service" unless:
1. all applicable requirements of State regulations and the Subdivision and Land Development Ordinance are met,

2. the applicant proves to the satisfaction of the Township that there will be an appropriate system in place to guarantee and properly fund the long-term operation and maintenance of the system by a qualified professional operator, and
3. the applicant proves to the satisfaction of the Township, based upon review of the Township Engineer, that the system will include adequate treatment capacity and conveyance capacity to serve the development.

309.C. Connection to a Larger System. Any non-public central water or central sewage system developed after the adoption of this Ordinance shall be engineered and constructed in such a manner as to allow its efficient interconnection in the future into a larger regional system.

1. Such a system shall include appropriate utility easements and/or rights-of-way within property controlled by the developer extending to the borders of the development to allow future interconnections at logical points.

309.D. On-Lot Septic Systems.

1. Purpose - To ensure that a suitable location is available for a new septic system if the original septic system should malfunction.
2. This Section 309.D. shall only apply to a lot that is officially submitted for subdivision or land development approval after the adoption of this Zoning Ordinance.
3. Each lot shall include both a primary and an reserve septic system location. Both locations shall be found acceptable by the Township Sewage Enforcement Officer for a septic system location prior to approval of the final subdivision or land development plan.
4. The requirement for a reserve septic system location shall not apply to the following:
 - a. a lot of over 10 acres,
 - b. the simple merger of two or more existing lots, or an adjustment to lot lines of an existing lot,
 - c. a vacant lot that includes a permanent deed restriction or conservation easement prohibiting any construction of buildings on the lot, or
 - d. lots within a subdivision or land development that will abut a complete capped sewage system constructed by the developer, the design of which has been approved by the Township.
5. The reserve septic system location shall be kept clear of buildings and parking, and shall be shown on any subsequent applications for new or expanded buildings or parking. The location of a required reserve septic system shall be recorded on the deed of any new lot.

309.E. Well and Septic System Locations. Every plan for a subdivision or land development and every application for a building permit for a new principal building that will be served by a septic system shall designate the proposed primary and alternate septic system locations.

1. Such plan shall show that the proposed locations will meet the minimum isolation distances established by PA. DEP regulations between a well and septic systems on the subject lot and all adjacent lots.

2. If the septic system location is proposed to be changed from the location shown on the submitted plan, then a site plan showing the revised location shall be submitted for approval by the Zoning Officer and Sewage Enforcement Officer prior to issuance of the building permit.
3. It is requested that well sites be placed in the front yard, thereby allowing septic systems to be placed in the rear yard. The intent is to minimize the visibility of any septic mound systems. In addition, if wells are located in consistent locations within a subdivision, it will make it easier for adjacent property-owners to meet minimum separation distances between septic systems and wells.
4. See the Township Well Ordinance.

309.F. Expansion of Septic Use. If the Zoning Officer has reason to believe that a proposed increase in the number of dwelling units or expansion or change of a non-residential use would result in increased flow to a septic system, then the application shall be referred to the Sewage Enforcement Officer. The Sewage Enforcement Officer shall require modification, expansion or replacement of the septic system if necessary to handle the proposed flow.

310. **STEEP SLOPES.**

310.A. Purposes. The following provisions are primarily intended to avoid erosion, sedimentation, stormwater management and winter driving hazards, in addition to serving the overall purposes of this Ordinance.

310.B. Regrading. This Section shall not regulate slopes that were clearly man-made prior to the adoption of this Ordinance. Steep slopes shall be regulated based upon slopes that existed at the time of adoption of this Ordinance. An applicant shall not re-grade steep slopes prior to submitting a development application to the Township in an attempt to circumvent this Section.

310.C. Slopes Over 25 Percent. A new principal building shall not be located on any land area with a slope greater than 25 percent.

311. **LOT AVERAGING OPTION.**

311.A. Purposes. To allow reasonable amounts of flexibility in site planning of residential development to: a) protect environmentally sensitive areas and avoid severe soil erosion and sedimentation, b) avoid severely increased storm water flows and speeds, c) preserve areas of prime farmland, d) provide additional recreation land, e) steer development to those areas that are more physically suited for it, f) conserve forested areas that are an important part of the ecological cycle, providing for groundwater recharge, air pollution reduction and wildlife habitats, g) reduce construction costs and municipal maintenance costs, h) provide for transitional forms of development between residential and agricultural or industrial areas or highways, with open land serving as a buffer.

311.B. Applicability. This Section 311 allows an applicant the option to reduce the minimum lot areas on tracts of land if the applicant proves compliance with all of the requirements of this Section 311 to the satisfaction of the Township.

1. A "Lot Averaging Development" is a residential development that meets the requirements of this Section 311 and is granted subdivision approval by the Board of Supervisors as a Lot Averaging Development. A Lot Averaging Development shall only be allowed in the LC zoning district.

2. Uses. A Lot Averaging Development shall only include the following uses: single family detached dwellings, nature preserves, Township-owned recreation, non-commercial recreation uses that the Township approves to be within any preserved open space, crop farming, non-intensive Raising of Livestock or Poultry, a Christmas Tree Farm, a wholesale tree nursery, a horseback riding academy, utilities necessary to serve the development, and customary permitted accessory uses. A mobile/manufactured home park shall not qualify as a Lot Averaging Development.
 3. A tract may be eligible for approval for a Lot Averaging Development if it includes a minimum of 6 acres of lot area in common ownership. Such land area shall be contiguous, except that portions of the tract may be separated only by existing or proposed roads or creeks.
 - a. The number of allowed lots shall be based upon the total lot area of the existing lot, prior to subdivision, and prior to deletion of rights-of-way of future roads.
 - (1) Areas that were preserved by a conservation or agricultural preservation easement or deed restriction prior to the submittal of the subdivision shall not be counted towards the area of the tract in calculating allowed numbers of allowed lots.
 - (2) If a lot is legally restricted to not be used for any buildings, such as a lot used only for a stormwater detention basin, that lot shall not count towards the number of allowed lots.
 - b. Areas used for a principal non-residential use (other than agricultural uses) shall not be included within the land area used to calculate numbers of allowed lots.
 - c. A statement on the record plan shall establish whether or not lots may be subdivided or not in the future. Easements and/or deed restrictions may also be required by the Township to be placed on lots as necessary to make sure that the maximum density requirement is met over time. Such conservation easements shall prevent the re-subdivision of lots in a manner that would violate this Section 311.
 4. A Lot Averaging Development shall be designed as a unified, coordinated residential development, and shall be approved with a single development plan proposed by a single development entity. After final subdivision approval and within an approved development agreement(s) and phasing plan, portions of the development may be transferred to different entities for construction, provided that there is compliance with the approved development plan and this Section 311.
 5. Sketch Plan. Applicants are strongly encouraged to first submit a Sketch Layout, before completing detailed fully-engineered preliminary subdivision plans. This process will allow the Township and applicant to mutually agree upon the development layout before large sums of money are spent by the applicant on detailed engineering. This two step process can reduce the costs of re-engineering to the applicant.
- 311.C. Density, Preserved Land and Lot Standards. The maximum number of dwelling units for any lot that is proposed to be subdivided shall be determined based upon a maximum average density of one lot per 3 acres. Zoning compliance shall be determined after the applicant has submitted an accurate plan drawn to scale that shows existing conditions, acreages and proposed lot lines.
1. All provisions of the zoning district and this ordinance shall apply, except for provisions that are specifically modified by this Section 311. Provided that the maximum density is met, the minimum lot area for a Lot Averaging Development shall be 87,120 square feet (2 acres). The yard and other dimensional requirements stated in Section 307 for the LC district shall apply. While the average acreage per lot is calculated prior to deleting the right-of-way of any future roads, the minimum lot area shall be calculated after the deletion of the rights-of-way of any existing or proposed roads.

2. The applicant may create new lots at different times. However, for any subdivision, the applicant shall explain on the recorded plan how the average density is being met.
 - a. For example, a tract may include 30 acres. The current plan subdivides the 30 acres into a 19 acre lot and a 11 acre lot. In the future, the 19 acre lot could be subdivided into a total of 6 lots and the 11 acre lot could be subdivided into a total of 3 lots.
 - b. As another example, a 30 acre tract is subdivided into one 2 acre lot and one 28 acre lot. The 28 acre lot could then be subdivided in the future into a total of 9 lots. Whether a new road is built or not on that 28 acre lot will not affect the number of allowed lots, provided each lot meets the requirement to have a 2 acre minimum lot area.
 3. The applicant shall provide evidence that proposed new dwellings will be placed to the maximum extent feasible where they will have minimal negative impacts upon agricultural uses on the tract and/or principal active agricultural uses on immediately abutting lands. However, this standard by itself shall not prevent the development of the allowed number of lots in feasible locations. Where it is feasible to operate an agricultural use on the tract, such land shall be configured to be practical for such purposes.
 - a. Applicants and lot owners are strongly encouraged to minimize the amount of land that is converted to mowed grass. Instead, the land areas should be maximized that are maintained in woodland and agricultural uses or that are allowed to become re-forested. Where practical, lots should be designed with adjacent portions that can be jointly leased for agricultural uses, and that meets subsection 6. below
 4. The applicant shall provide evidence that proposed new dwellings will be placed, to the maximum extent feasible, where they will have minimal negative impacts upon a creek. However, this standard by itself shall not prevent the development of the allowed number of lots in feasible locations.
 5. The plan shall state which areas of woodland are proposed to be removed or maintained.
 6. Access. When land is intended to be used for agricultural uses, the applicant shall show that suitable access will be provided for farm equipment.
- 311.D. Phasing. The development shall include a phasing system. As part of the subdivision approval process, such phasing plan shall need approval by the Board of Supervisors. Such phases shall ensure that the requirements of this Section (including maximum number of lots per acres) would be met after the completion of any one phase, and that the development could properly function without the construction of additional phases.

312. **CONSERVATION ALONG CREEKS.**

- 312.A. Setbacks. No new building (except an accessory storage shed with a floor area of 150 square feet or less), new or expanded vehicle parking, or business outdoor storage shall be located within 75 feet from the center of a perennial creek. A perennial creek shall be those creeks mapped as perennial on the applicable USGS quadrangle map.
- 312.B. Standards. To the maximum extent feasible:
 1. Any street or driveway crossing of a perennial creek shall be approximately perpendicular to the creek; and

2. Existing healthy natural vegetation adjacent to a creek should be preserved.
 3. Areas within the setback established by this Section shall be preserved in their natural state, except for: planting of trees and shrubs, erosion control improvements, public recreation improvements and necessary utility, street and driveway crossings. Low-maintenance landscaping is encouraged along creeks and other areas where maintenance would otherwise prove difficult.
- 312.C. Vegetation. Where the majority of the existing trees and/or shrubs are removed from areas within the setback distance provided by Section 312.A as part of, or in preparation to, a subdivision, land development or construction of a new building, then new trees and shrubs shall be planted and maintained that will have the same or better impact upon controlling erosion and filtering pollutants from runoff as the trees and/or shrubs that were removed.
1. Native species of vegetation shall be emphasized. If trees and plants do not survive, they shall be replaced by the current owner of the property within 120 days after the Zoning Officer determines they are no longer viable.

ARTICLE 4
ADDITIONAL REQUIREMENTS FOR SPECIFIC USES

401. APPLICABILITY.

- 401.A. This Article establishes additional specific requirements for certain specific uses, in addition to the sign, parking, environmental and other general requirements of this Ordinance and the requirements of each District. Wherever two requirements conflict, the stricter requirement shall apply.
1. For uses allowed within a specific Zoning District as "Special Exception" Uses, see also the procedures and standards in Section 116. For conditional uses, see also Section 117.

402. ADDITIONAL REQUIREMENTS FOR SPECIFIC PRINCIPAL USES.

402.A. Each of the following uses shall meet all of the following requirements for that use:

1. **Adult Use.** (This is limited to the following: Adult Store, Adult Movie Theater, Massage Parlor, or Adult Live Entertainment Facility)
 - a. **Purposes.** The regulations on Adult Uses are intended to serve the following purposes, in addition to the overall objectives of this Ordinance.
 - (1) To recognize the adverse secondary impacts of Adult Uses that affect health, safety and general welfare concerns of the Township. These secondary impacts have been documented in research conducted across the nation. These secondary impacts typically include, but are not limited to: increases in criminal activity, increases in activities that increase the risk of transmission of sexually transmitted diseases, increases in activities that increase the risk of transmission of other communicable diseases, increases in blight, decreases in the stability of residential neighborhoods, and decreases in property values for surrounding homes, and decreases in the marketability of nearby commercial business space. The research conducted across the nation concludes that Adult Uses typically involve insufficient self-regulation to control these secondary effects.
 - (2) To limit Adult Uses to locations where these secondary impacts can be minimized, particularly as they affect residential neighborhoods and commercial revitalization.
 - (3) To not attempt to suppress any activities protected by the "free speech" protections of the State and U.S. Constitutions, but instead to control secondary effects.
 - b. An Adult Use and its parking area shall not be located within any of the following distances, whichever is most restrictive:
 - (1) 500 lineal feet from the lot line of an existing dwelling,
 - (2) 300 lineal feet from the lot line of any residential zoning district,
 - (3) 1,000 lineal feet from the lot line of any primary or secondary school, place of worship, library, public park, public recreation trail, day care center or child nursery.
 - c. No Adult Use shall be located within 200 lineal feet from any existing "adult use."
 - d. A 50 feet buffer yard shall be provided, regardless of zoning district, along the side and rear lot lines. If such buffer area does not include substantial mature trees that will be preserved, it shall include continuous screening by evergreen trees with an initial height of 5 feet.
 - e. No pornographic material, displays or words shall be placed in view of persons who are not inside of the establishment. Definite precautions shall be made to prohibit minors from entering the premises. It shall not be possible to view into the inside of the business from a public street or sidewalk.

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- f. No Adult Use shall be used for any purpose that violates any Federal, State or municipal law.
 - g. Obscene or pornographic signs shall be prohibited. No sign shall graphically represent adult-oriented products, services or activities.
 - h. The Adult Use shall not include the sale or display of "obscene" materials, as defined by Pennsylvania criminal law, as may be amended by applicable Court decisions.
 - i. An Adult Use shall only be allowed within a zoning district where the use is specifically listed as being allowed.
 - j. A minimum lot area of 2 acres is required.
 - k. For public health reasons, private or semi-private viewing booths of any kind are prohibited. This specifically includes, but is not limited to, booths for viewing adult movies or nude dancers.
 - l. No use may include live actual or simulated sex acts nor any physical or sexual contact between employees and entertainers nor or between employees or entertainers and customers. At an Adult Live Entertainment Use, employees or entertainers shall maintain a minimum distance of one foot from customers.
 - m. Only "lawful" massages as defined by State court decisions shall be performed in a massage parlor.
 - n. All persons within any adult use shall wear non-transparent garments that cover their genitals and the female areola, except within a permitted lawful "adult live entertainment facility."
 - o. Any application for such use shall state the full legal names and addresses of: a) all individuals intended to have more than a 5 percent ownership in such use or in a corporation owning such use and b) an on-site manager responsible to ensure compliance with this Ordinance on a daily basis. Such information shall be updated at the beginning of each year in writing to the Zoning Officer.
 - p. The use shall not operate between the hours of 12 midnight and 6 a.m.
 - q. As specific conditions of approval under this Ordinance, the applicant shall prove compliance, where applicable, with the following State laws, as amended: the Pennsylvania Liquor Code, Act 219 of 1990 (which pertains to sale or consumption of alcohol between 2 a.m. and 8 a.m.), Act 207 of 1990 (which pertains to obscenity) and Act 120 of 1996 (which pertains to Adult-Oriented Establishments and which limits enclosed viewing booths among other matters)."
 - r. An adult use shall not exist within the same building as a use with a liquor license.
2. **Adult Day Care Center.**
- a. The use shall be fully licensed by the State, if required by the State.
 - b. The use shall include constant supervision during all hours of operation.
 - c. The use shall not meet the definition of a "treatment center."
3. **After Hours Club** - This use is effectively prohibited by State Act 219 of 1990, as amended (Section 7327 of Title 18 of the Pennsylvania Statutes).
4. **Airport** -
- a. As part of a conditional use approval, the Board of Supervisors shall have the authority to establish reasonable conditions that limit the types, sizes and weights of aircraft and the hours of operation in order to minimize noise nuisances to dwellings.
 - b. As part of a conditional use application, the applicant shall provide evidence that flight patterns will be designed to minimize noise nuisances to dwellings.

- c. Each end of a runway shall be setback a minimum of 200 feet from all lot lines. Each side of a runway shall be setback a minimum of 100 feet from all lot lines.
 - d. In addition to a principal airport which is allowed as a conditional use in industrial districts, a private airstrip shall also be allowed in the AP district if it is limited to use by a single plane.
5. **Animal Cemetery.**
- a. All the regulations for a "cemetery" in this Section shall apply.
 - b. The applicant shall prove to the satisfaction of the Zoning Officer that the use will be conducted in such a manner that the public health and groundwater quality will not be threatened.
6. **Assisted Living Facility/ Personal Care Center.** - The standards for nursing homes in this section shall apply.
7. **Auto, Boat or Mobile/ Manufactured Home Sales.**
- a. No vehicle, boat or home on display shall occupy any part of the existing or future street right-of-way or required customer parking area. See buffer yard provisions in Section 803.
 - b. See light and glare standards in Section 507.
 - c. Any mobile/manufactured homes on a sales site shall meet the required principal building setbacks from the perimeter lot lines.
8. **Auto Repair Garage.**
- a. All paint work shall be performed within a building, with a fume collection and ventilation system that directs fumes away from any adjacent dwellings. Outdoor major repairs (such as body work and grinding) and outdoor welding shall not occur within 250 feet of a "residential lot line."
 - b. All reasonable efforts shall be made to prevent or minimize noise, odor, vibration, light or electrical interference to adjacent lots. See standards in Article 5. See buffer yard requirements in Section 803.
 - c. Outdoor storage of motor vehicles shall not be within any required buffer yard or street right-of-way. Overnight outdoor storage of "junk" other than permitted junk vehicles shall be prohibited within view of a public street or a dwelling on another lot.
 - d. No more than 2 "junk vehicles" (as defined by Article 2) shall be stored for more than 90 days within view of a public street or a dwelling. A maximum of 10 junk vehicles may be parked within view of a public street or dwelling at any one time. A buffer yard shall separate parking of junk vehicles from any other lot.
9. **Auto Service Station.**
- a. See definition of this term and "Auto Repair Garage" in Article 2. The uses may be combined, if the requirements for each are met.
 - b. Fuel pumps shall be at least 25 feet from the existing street right-of-way and shall meet side yard principal building setback requirements.
 - c. No more than 2 "junk vehicles" (as defined by Article 2) shall be stored for more than 90 days within view of a public street or a dwelling on another lot. A maximum of 10 junk vehicles may be parked within view of a public street or dwelling at any one time. A buffer yard shall separate parking of junk vehicles from any other lot.
 - d. The use may include a "convenience store" if the requirements for such use are also met.

- e. A canopy shall be permitted over the gasoline pumps with a minimum front yard setback of 20 feet from each street right-of-way line.
 - (1) Such canopy may be attached to the principal building. The canopy shall not include any signs, except for the following: a) a sign may be attached to each of two sides of the canopy in place of an allowed freestanding sign, b) an allowed wall sign may be placed on a portion of the canopy that is behind the minimum front yard setback line, and c) necessary warning signs.
 - (2) Within the minimum front yard building setback, the distance between the ground level and the bottom of the canopy shall not be greater than 20 feet. Parts of a sloped canopy may have a taller height if the purpose of the taller height is to deflect soot and glare away from the street or neighboring properties.
 - f. Fuel tanks and dispensers and ventilation equipment shall be setback a minimum of 100 feet from the lot line of any residential or institutional use (such as a school or nursing home).
10. **Bed and Breakfast Inn.**
- a. Within an AP, LC or residential district (where permitted under Article 3), a maximum of 6 rental units shall be provided on the lot. The maximum number of rental units shall be 10 in the AP or LC Districts if a minimum lot area of 15 acres exists. No maximums shall apply within other permitted districts. Only one bed and breakfast inn shall be permitted per lot. In the AP district, a bed and breakfast inn may be placed on the same lot as a separate or attached single family detached dwelling. No more than 3 adults may occupy one rental unit.
 - b. One off-street parking space shall be provided for each rental unit, plus employee parking. To the maximum extent feasible, off-street parking spaces for the bed and breakfast inn shall be: a) located either to the side or rear of the principal building and b) screened from the street and abutting dwellings by landscaping. Off-street parking spaces shall be setback a minimum of 10 feet from lot lines.
 - c. There shall not be any signs, show windows or any type of display or advertising visible from outside the premises, except for a single sign with a maximum sign area of 8 square feet on each of 2 sides and with a maximum height of 8 feet. No internal lighting of the sign shall be permitted.
 - d. The use shall have a residential or agricultural appearance and character.
 - e. The use shall be owned, operated or managed by permanent residents of the lot.
 - f. There shall not be separate cooking facilities in any guest room. Food shall only be served to guests who are staying overnight, unless a restaurant is also permitted.
 - g. No guest shall stay for more than 14 days in any month.
 - h. In a residential district, a bed and breakfast shall only be allowed in an existing building that was constructed prior to January 1, 1950.
11. **Boarding House (includes Rooming House).**
- a. Minimum lot area- 1 acre.
 - b. Minimum side yard building setback - 30 feet side
 - c. Minimum lot width- 200 feet
 - d. Maximum density- 6 bedrooms per acre; but in no case shall the lot serve a total of more than 20 persons.
 - e. Each bedroom shall be limited to 2 adults each.
 - f. A buffer yard with screening meeting Section 803 shall be provided between any boarding house building and any abutting dwelling.
 - g. Note - There are separate standards for an "assisted living facility," which is not considered a boarding house.

- h. Signs- shall be limited to 2 wall signs with a maximum of 2 square feet each.
- i. Rooms shall be rented for a minimum period of 5 consecutive days.

12. **Campground, Camp or Recreational Vehicle Campground**

- a. Retail sales shall be allowed as an accessory use. Within a residential district, any store shall:
 - 1) be limited to sales of recreational, household, food, gifts, camping items, and propane, and
 - 2) be primarily intended to serve persons camping on the site.
- b. Minimum lot area - 3 acres in an allowed commercial or industrial district, 6 acres in any other district where the use is permitted under Article 3.
- c. All campsites, recreational vehicle sites, and principal commercial buildings shall be setback a minimum of 50 feet from any contiguous lot line of an existing dwelling in a residential district that is not part of the Campground or Camp. Within this buffer, the applicant shall prove to the maximum extent feasible that any existing healthy trees will be maintained and preserved.
 - (1) The screening of evergreens provided in Section 803 between business and residential uses is not required if the tree buffer would essentially serve the same purpose, or if removal of mature trees would be needed to plant the shrubs.
- d. No person other than a bona fide resident manager/caretaker and his/her family shall reside on the site for more than 8 months in any calendar year, except within buildings that are approved and meet the requirements for regular dwelling units.

13. **Car Wash.**

- a. Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets. On-lot traffic circulation channels and parking areas shall be clearly marked.
- b. Adequate provisions shall be made for the proper and convenient disposal of refuse. The applicant shall provide evidence that adequate measures will be in place to prevent pollutants from being washed into the groundwater or waterways. Any chemicals or polluted runoff that may be hazardous to aquatic life shall be stored within an area that will completely contain any leaks, spills or polluted runoff.
- c. Water from the car wash operation shall not flow onto sidewalks or streets in such a manner as could cause ice hazards.
- d. Any car wash that is located within 200 feet of an existing dwelling shall not operate between the hours of 10:00 p.m. and 7:00 a.m.
- e. No portion of a car wash shall be located within 100 feet from the centerline of a perennial waterway.
- f. The applicant shall prove that the use will recycle water to the maximum extent feasible.

14. **Cemetery.**

- a. Minimum lot area- 2 acres, which may exist on the same lot as an allowed place of worship.
- b. A crematorium, where allowed by Article 3, shall be setback a minimum of 250 feet from all lot lines of existing dwellings and all undeveloped residentially zoned lots.
- c. All structures and graves shall be setback a minimum of: 30 feet from the right-of-way of any public street, 10 feet from the cartway of an internal driveway, and 20 feet from any other lot line. Any buildings with a height greater than 20 feet shall be setback a minimum of 50 feet from all lot lines.
- d. No grave sites and no buildings shall be located within the 100-year floodplain.

- e. The applicant shall prove to the satisfaction of the Zoning Officer, based upon review by the Township Solicitor, that the use will include an appropriate financial system to guarantee perpetual maintenance.
15. **Commercial Communications Antennae/Tower as principal or accessory use.**
- a. An accessory commercial communications antenna shall be permitted by right in any district if it meets the following requirements:
 - 1) In a district other than a commercial or industrial district, the antenna shall extend a maximum of 20 feet beyond the existing structure to which it is attached. The antenna shall be attached to one of the following existing lawful structures:
 - a) a principal agricultural building or silo,
 - b) an electric high voltage transmission tower,
 - c) an existing lawful commercial communications tower, or
 - d) a fire station, steeple or bell tower of a place of worship, or a water tower.
 - 2) In a commercial or industrial district, the antennae shall extend a maximum of 40 feet beyond an existing building or structure (other than a dwelling), provided the antenna is setback a distance equal to its total height above the ground from any lot line of a dwelling on another lot.
 - b. Any commercial communications antenna/tower that does not meet the provisions of Section "a." above (such as a new freestanding tower) shall only be allowed where specifically authorized in Section 306, and in compliance with the following additional regulations:
 - 1) Such antenna/tower shall be set back from all lot lines and street rights-of-way a distance that is greater than the total height of the antenna/tower above the surrounding ground level. The area under the antenna/tower may be leased, provided that the setback will continue to be met over time from the lot lines and street rights-of-way.
 - 2) A new tower, other than a tower on a lot of an emergency services station, shall be setback the following minimum distance from any existing dwelling: 300 feet plus the total height of the tower above the surrounding ground level.
 - 3) A tower attached to the ground shall be surrounded by a security fence/gate with a minimum height of 8 feet and evergreen plantings or preserved vegetation with an initial minimum height of 4 feet.
 - 4) The applicant shall provide a written statement sealed by a professional engineer stating that the communications antenna/tower will meet the structural and wind resistance requirements of the Construction Code.
 - 5) The applicant shall describe in writing the policies that will be used to offer space on a tower to other communications providers, which shall serve to minimize the total number of towers necessary in the region. This policy shall be designed to minimize the total number of towers necessary in the Township.
 - 6) An applicant for a new commercial communications tower shall provide evidence to the Zoning Hearing Board ("the Board") that they have investigated co-locating their facilities on an existing tower and other tall structures and have found such alternative to be unworkable. The reasons shall be provided.
 - 7) A maximum total height of 200 feet above the ground shall apply in a commercial and industrial district and 150 feet in any other district where it may be allowed, unless the applicant proves to the Board as a special exception use that a taller height is absolutely necessary and unavoidable.
 - 8) The application shall describe any proposed lighting.

- 9) A new tower shall be designed in a manner that minimizes its visual intrusiveness and environmental impacts to the maximum extent feasible. For example, monopole designs or designs worked into a flag pole are preferred over lattice designs. Self-supporting towers are preferred over towers with guy wires that would require removal of larger numbers of trees.
 - c. Purposes - These provisions for commercial communications antenna/towers are primarily designed to serve the following purposes, in addition to the overall objectives of this Ordinance:
 - 1) To protect property values.
 - 2) To minimize the visual impact of antenna/towers, particularly considering the importance of the scenic beauty of the area in attracting visitors for outdoor recreation.
 - 3) To minimize the number and heights of towers in a manner that still provides for adequate telecommunications services and competition.
 - d. A tower/antenna that is intended to primarily serve emergency communications by a Township-recognized police, fire or ambulance organization, and is on the same lot as an emergency services station, shall be permitted by right. Such tower/antenna may also serve commercial purposes.
 - e. Any antenna and tower that is no longer in active use shall be completely removed within 6 months after the discontinuance of use. The operator shall notify the Zoning Officer in writing after the antenna or tower use is no longer in active use. Any lease shall require such removal by the owner of the antenna/tower within such 6 month period. The Board may require that a financial guarantee be posted to pay for removal of the tower if the Board determines such guarantee is needed.
 - f. Accessory utility buildings shall have a maximum height of 10 feet and meet principal building setbacks.
16. **Conversion of an Existing Building (including an Existing Dwelling) into Dwelling Units.**
- a. See Article 3, which regulates where conversions are permitted. Applicable State fire safety requirements shall be met.
 - b. The following regulations shall apply to the conversion of an existing one family dwelling into a greater number of dwelling units:
 - 1) The building shall maintain the appearance of a one family dwelling with a single front entrance. Additional entrances may be placed on the side or rear of the structure. The dwelling units may internally share the single front entrance.
 - 2) The conversion shall not be permitted if it would require the placement of an exterior stairway on the front of the building, or would require the placement of more than 3 off-street parking spaces in the required front yard.
 - c. A previously residential building shall maintain a clearly residential appearance, except as may be necessary for restoration of a historic building.
 - d. Dumpster Screening - See Section 806.
 - e. A maximum total of 4 dwelling units may be developed per lot unless a more restrictive provision is established by another section of this Ordinance, unless the building included more than 4,000 square feet of existing above-ground building floor area at the time of adoption of this Ordinance, in which case a maximum of one dwelling unit shall be allowed for each 1,000 square feet of existing interior above-ground building floor area.

- f. Each unit shall meet the definition of a dwelling unit and shall meet the minimum floor area requirements of Section 801.C.
 - g. See also Section 306, which addresses conversion of a barn into a dwelling.
17. **Day Care Center, Child.**
- a. See also "Day care: Family Day Care Home or Group Day Care" as an accessory use in Section 403.
 - b. The use shall comply with any applicable state and federal regulations, including having an appropriate PA. Department of Public Welfare (or its successor agency) registration certificate or license.
 - c. Convenient parking spaces within the requirements of Article 6 shall be provided for persons delivering and waiting for children.
 - d. The use shall include secure fencing around outdoor play areas.
 - e. This use shall not be conducted in a dwelling that is physically attached to another dwelling that does not have a common owner.
 - f. In residential districts, any permitted day care use shall maintain an exterior appearance that resembles and is compatible with any existing dwellings in the neighborhood.
 - g. A day care use may occur in a building that also includes permitted or non-conforming dwelling units.
 - h. See also the standards for a "Place of Worship" in this Section, which allows a day care center as an adjunct use.
18. **Emergency Services Station.**
- a. The following uses shall be allowed as accessory uses to the principal use of a fire company station: a banquet hall, bingo games, and facilities for periodic temporary fundraising events. Any building or area of a building used for the consumption of alcoholic beverages shall be setback a minimum of 50 feet from a residential lot line. Any building or building expansion separated along a side or rear lot line from a residential lot line by a buffer yard meeting Section 803.
19. **Forestry.**
- a. Purposes. To promote management of forests for long-term benefits; promote good forest stewardship; protect adjoining property owners; minimize the potential for adverse environmental impacts; and avoid unreasonable restrictions on forestry.
 - b. Applicability. Forestry shall be permitted by right in all zoning districts, provided it complies with the requirements of this Ordinance. This section shall regulate all forestry when the total harvesting area is 1 acre or greater in a calendar year.
 - 1. These provisions shall not regulate the following:
 - a) cutting of up to 10 percent of trees with a trunk diameter of 6 inches or greater (measured 3.5 feet above the ground level) on a lot in any calendar year, provided such cutting does not involve clear cutting but instead involves routine thinning of woods;
 - b) cutting of trees with a trunk diameter of less than 6 inches (measured 3.5 feet above the ground level),
 - c) cutting of dead, dangerous or diseased trees, and
 - d) cutting of trees that the applicant proves to the Zoning Officer is necessary to accommodate a Township-approved subdivision, land development, street, driveway, building, utility or use.

- c. Application Requirements. An application for forestry shall be made a minimum of 30 days prior to the start of work. No forestry shall occur until a permit has been issued by the Zoning Officer.
 - 1. The application shall include a written forestry plan, which shall be prepared by a qualified professional. The provisions of the plan shall be followed throughout the operation. The plan shall be available for inspection at the harvest site at all times during the operation.
 - 2. The landowner, the applicant and the timber operator shall be jointly and separately responsible for complying with the terms of the timber harvesting plan and permit.
 - 3. The applicant shall specify, in writing, the land on which harvesting will occur, the expected size of the harvest area, and the anticipated starting and completion date of the operation. The zoning permit shall be valid for up to two years from the date of issuance.
 - 4. The timber harvesting plan shall include, at a minimum, the following information:
 - a) A narrative of proposed cutting practices and/or stand prescription(s) for each stand in the proposed harvest area and the construction, maintenance and retirement of the access system, including haul roads, skid roads, skid trails and landings;
 - b) An erosion and sedimentation control plan approved by the County Conservation District if over 1 acre will be disturbed;
 - c) All timbering activities shall use “Best Management Practices” which shall be shown on the plan;
 - d) A narrative of all stream and road crossings, including required permits from the appropriate agency;
 - e) All Township and/or PennDOT Highway Occupancy permits, if applicable;
 - f) An application shall be submitted to the Township, with a map showing waterways, drainageways, approximate wetlands, lakes, roads, lot lines, and proposed harvest areas.
 - g) The application shall also include the name and address of the property owner and the person who will be responsible to oversee the timber harvesting.
 - h) The application shall also show proposed erosion and sedimentation control measures, proposed crossings of waterways and proposed vehicle entrance and exit points onto streets.
- e. Forestry Practices.
 - 1) Felling or skidding on or across any public thoroughfare is prohibited without the express written consent of the Township or PennDOT, whichever is responsible for maintenance of the street.
 - 2) No tops or slash shall be left within 25 feet of any public thoroughfare, property line or private roadway providing access to adjoining residential property.
 - 3) All tops and slash between 25 and 50 feet from a public street right-of-way or private road providing access to adjoining residential property or within 50 feet of adjoining residential property shall be lopped so that they do not extend more than 4 feet above the surface of the ground.
 - 4) Forestry is prohibited within 50 feet of the top of the bank on each side of all perennial waterways.
 - 5) No tops or slash shall be left within a stream channel or floodway. Unless fully delineated, a floodway shall be assumed to be all that area within 50 feet from the top of the bank along a waterway.

- 6) The use of clear-cutting must be fully justified by a timber harvesting plan prepared by a qualified professional. Detailed information concerning increased stormwater runoff, erosion control and a plan to assure regeneration shall be provided. Clearcutting shall not be allowed on contiguous areas greater than 1/2 acre.
 - 7) If timber harvesting involves more than 2 acres, a minimum of 30 percent of the forest cover (canopy) shall be kept and the residual trees shall be well distributed to promote re-forestation.
 - f. Public Road Responsibility - The landowner and the operator shall be responsible for repairing any damage at locations of entry or exit to Township roads caused by traffic associated with the timber harvesting operation to the extent the damage is in excess of that caused by normal traffic.
 - g. Any road that is created shall be reseeded after use, unless it is intended to serve a new use.
20. **Golf Course.** A golf course may include a restaurant or clubhouse provided that such building is located a minimum of 150 feet away from any lot line of an existing dwelling. The Township may require that a water quantity impact study be provided to show that the golf course will not adversely affect streams and other water users.
21. **Groundwater or Spring Water Withdrawal,** involving removal of an averaging of more than 100,000 gallons per day from a lot for off-site consumption. (Note - If the water is being utilized for uses on adjacent lots or as part of a public water system, it shall not be considered off-site consumption.)
- a. See Section 309.G. The regulations of this Section 402.A.21. shall not apply to water used by a principal agricultural use within the Township.
 - b. If the water will be trucked off-site, the applicant shall provide a written report by a professional engineer with substantial experience in traffic engineering. Such study shall analyze the suitability of the area street system to accommodate the truck traffic that will be generated. The application shall only be approved if the applicant proves to the satisfaction of the Zoning Hearing Board that the area street system is suitable in terms of structure, geometry, safety and capacity to accommodate the additional truck traffic.
 - c. If the water will be trucked off-site, any area used for loading or unloading of tractor-trailer trucks shall be setback a minimum of 150 feet from any adjacent residential lot.
 - d. Minimum lot area - 20 acres, plus 5 additional acres for each 25,000 gallons per day of withdrawal.
 - e. Any bottling or processing operations shall be considered a distinct use and shall only be allowed if "Food or Beverage Manufacturing" is an allowed use under Section 306.
 - f. The applicant shall provide a water quantity impact study to show that the withdrawal will not adversely affect streams and other water users, including during drought conditions.
22. **Group Homes.** Group homes are permitted within a lawful dwelling unit, provided the following additional requirements are met:
- a. The use shall meet the definition in Section 202.
 - b. A Group Home shall not include any use meeting the definition of a "Treatment Center."
 - c. A Group Home shall include the housing of a maximum of 6 unrelated persons, except:
 - 1) if a more restrictive requirement is established by another Township Code;
 - 2) the number of bona fide paid professional staff shall not count towards such maximum; and
 - 3) as may be approved by the Zoning Hearing Board under Section 111.D.

- d. The facility shall have adequate trained staff supervision for the number and type of residents.
 - e. The applicant shall provide evidence of any applicable Federal, State or County licensing or certification to the Zoning Officer.
 - f. The Group Home shall register in writing its location, general type of treatment/care, maximum number of residents and sponsoring agency with the Zoning Officer.
 - g. Any medical or counseling services shall be limited to a maximum of 3 non-residents per day. Any staff meetings shall be limited to a maximum of 5 persons at one time.
 - h. Parking - See Section 601.
 - i. If a Group Home is in a residential district, an appearance shall be maintained that is closely similar to nearby dwellings, and no sign shall identify the use.
 - j. The persons living on-site shall function as a common household unit.
 - k. The applicant shall notify the local ambulance and fire services of the presence of the group home and the type of residents.
23. **Heliport** (other than emergency landing areas).
- a. The applicant shall prove that the heliport has been located and designed to minimize noise nuisances to other properties, including consideration of primary routes of approach.
 - b. The Zoning Hearing Board may place conditions on the size of helicopters, frequency of use, fueling facilities and hours of operation to minimize nuisances and hazards to other properties.
24. **Hotel or Motel.**
- a. See definitions in Section 202, which distinguish a hotel/motel from a boarding house.
 - b. Buildings and tractor-trailer truck parking shall be a minimum of 50 feet from any "residential lot line."
25. **Junkyard.** (includes salvage yard)(See definition in Section 202, including agricultural exemption.)
- a. Storage of garbage or biodegradable material is prohibited, other than what is customarily generated on-site and routinely awaiting pick-up.
 - b. Outdoor storage of junk shall be at least: a) 100 feet from any residential lot line and b) 50 feet from any other lot line and the existing right-of-way of any public street.
 - c. The site shall contain a minimum of 2 exterior points of access, each of which is not less than 20 feet in width. One of these accesses may be limited to emergency vehicles. Cleared driveways shall be provided throughout the entire use to allow access by emergency vehicles. Adequate off-street parking areas shall be provided for customers.
 - d. Outdoor storage shall be completely enclosed (except at approved driveway entrances) by a 20 foot wide buffer yard which complies with Section 803, unless such storage is not visible from an exterior lot line or street. The initial height of the evergreen planting shall be 6 feet. Secure fencing with a minimum height of 6 feet shall be provided and well-maintained around all outdoor storage areas. Such fencing shall be provided inside of the evergreen screening.
 - e. Burning or incineration is prohibited.
 - f. All gasoline, antifreeze and oil shall be drained from all vehicles and properly disposed of. All batteries shall be removed from vehicles and properly stored in a suitable area on an impervious and properly drained surface.
 - g. Lot area - 2 acres minimum.
 - h. Tires - see the "Outdoor Storage and Display" standards in Section 403.
 - i. Any storage of junk shall be maintained a minimum distance of 100 feet from the centerline of any waterway, and shall be kept out of a drainage swale.

26. **Kennel.**

- a. All buildings in which animals are housed (other than buildings that are completely soundproofed and air conditioned) and all runs outside of buildings shall be located at least 150 feet from all "residential lot lines." This 150 feet setback shall be increased to 200 feet if more than 20 dogs are kept overnight on the lot, and be increased to 250 feet if more than 50 dogs are kept overnight on the lot.
- b. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be heard within any principal building on another lot.
- c. The application shall show the location of outdoor runs and describe whether animals will be allowed to use them during late night hours.
- d. See the State Dog law and related regulations for kennels.
- e. Minimum lot area - 5 acres, unless a larger lot area is required by another section of this Ordinance.

27. **Livestock and Poultry, Raising of.**

- a. Minimum lot area - A minimum lot area of 10 acres shall apply for an "Intensive Raising of Livestock or Poultry" use, and except a minimum lot area of 40 acres if an Intensive Raising of Livestock or Poultry use will have more than 5 animal equivalent units per acre on the average.
- b. Except for an Intensive Raising of Livestock or Poultry use, any building used for the keeping of livestock or poultry shall be located a minimum of: 1) 200 feet from a lot in a V, SFR, RR or C/MDR district, 2) 150 feet from an existing dwelling that is not within a V, SFR, RR or C/MDR district and that existed prior to the adoption of this Ordinance, and 3) 40 feet from all other exterior lot lines. As a special exception use, the Zoning Hearing Board may approve a smaller setback for the expansion of facilities that existed prior to the adoption of this Section where the applicant proves that there is no reasonable and feasible alternative and where the applicant proves that the lesser distance would not be detrimental to public health or safety or create significant hazards or nuisances.
- c. For an Intensive Raising of Livestock or Poultry use, any building used for the keeping of livestock or poultry shall be located a minimum of: 1) 500 feet from a lot in a V, RR, SFR or C/MDR district, 2) 200 feet from an existing dwelling that is not within a V, RR, SFR, or C/MDR district and that existed prior to the adoption of this Ordinance, and 3) 60 feet from all other exterior lot lines. As a special exception use, the Zoning Hearing Board may approve a smaller setback for the expansion of facilities that existed prior to the adoption of this Section where the applicant proves that there is no reasonable and feasible alternative and where the applicant proves that the lesser distance would not be detrimental to public health or safety or create significant hazards or nuisances.
- d. The setbacks from property lines provided in this Section 402.A. for this use shall not apply from:
 - (1) dwellings or lots owned by the operator or owner of the livestock use,
 - (2) dwellings or lots owned by a property-owner providing a written notarized letter waiving such setback, and/or
 - (3) dwellings that did not exist at the time of adoption of this Ordinance.
- e. Fencing shall be used as necessary and practical to prevent livestock from entering streets or unauthorized property.
- f. The keeping of putrescent garbage-fed swine shall meet the setbacks for an Intensive Raising of Livestock or Poultry Use. See the State Domestic Animal Law provisions regarding garbage-fed animals.

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- g. For a new or expanded raising of livestock or poultry use, evidence shall be provided by the operator/applicant to the Township to show that there will be compliance with procedures and requirements of the State Nutrient Management Act and accompanying State regulations.
- h. Buildings used for the keeping of livestock or poultry shall:
 - (1) meet Township floodplain regulations;
 - (2) not be located within 100 feet of a perennial stream, river, spring, lake, pond or reservoir, and
 - (3) not be located within 100 feet of an active public water supply drinking well or an active intake for a public water supply.
- i. For manure storage facilities that are specifically required to have a setback from lot lines under the State Nutrient Management regulations, that State setback shall apply. For any other manure storage facilities, a 100 feet minimum setback shall apply from all lot lines.
- j. The following additional requirements shall apply to an Intensive Raising of Livestock or Poultry use:
 - (1) The applicant shall provide a soil and erosion control plan to the County Conservation District for review and pay their review fees.
 - (2) The applicant shall describe in writing or on site plans methods that will be used to address water pollution and insect and odor nuisances. The applicant shall provide a written comparison of proposed methods of controlling insect and odor nuisances and avoiding water pollution to applicable sections of the Pennsylvania Soil and Water Conservation Technical Guide as published by the U.S. Department of Agriculture and the State Department of Environmental Protection's Manure Management Manual for Environmental Protection, or their successor publications. The applicant may meet this requirement by providing a cross-reference to certain sections of such manuals or other written industry standards to describe the methods that will be used.
 - (3) The location of the facility is requested to consider prevailing wind patterns as they may affect the nearest existing dwellings.
 - (4) An area shall be provided for trucks to turnaround on the property that avoids the need to back out onto a public road.
- k. Routing accessory keeping of chickens and similar animals are also allowed under the Pets provision of Section 403.

28. **Membership Club.**

- a. See definition in Article 2.
- b. Any active outdoor play areas shall be setback at least 30 feet from any abutting "residential lot line."
- c. This use shall not include an "After Hours Club."

29. **Mineral Extraction.**

- a. If a Mineral Extraction use involves mining activities over more than 2 acres of land in any calendar year, then the following additional requirements shall be met:
 - 1) A professional traffic study shall be funded by the applicant and submitted to the Board of Supervisors as part of the conditional use application. Such study shall analyze the ability of the road system to handle the resulting truck traffic and related traffic safety matters.
 - 2) A copy of all information submitted to State agencies shall also be submitted to the Zoning Officer at the same time.

- 3) A detailed and appropriate land reclamation and reuse plan of the area to be excavated shall be submitted to the Zoning Officer. Compliance with such plan shall be a condition of Township permits.
 - 4) After areas are used for mineral extraction, those areas shall be reclaimed in phases to a non-hazardous and environmentally sound state permitting some productive or beneficial future use.
 - 5) A 50 feet wide yard covered by natural vegetative ground cover (except at approved driveway crossings) shall be required along all exterior lot lines that are within 200 feet of an area of excavation. The Board of Supervisors may require this yard to include an earth berm with a minimum average height of 6 feet and an average of 1 shade tree for each 40 feet of distance along the lot lines. Such shade trees shall be planted outside of any berm and any fence.
 - (a) New trees shall not be required where preserved trees will serve the same purpose.
 - 6) The following minimum setbacks shall apply for the excavated area of a mineral extraction use from property that is not owned by the owner or operator of the mineral extraction use:
 - (a) 100 feet from the existing right-of-way of public streets and from all exterior lot lines of the property,
 - (b) 150 feet from a non-residential principal building, unless released by the owner thereof,
 - (c) 400 feet from the lot line of a dwelling,
 - (d) 150 feet from the lot line of a publicly-owned recreation area that existed at time of the application for the use or expansion.
 - 7) The excavated area of a mineral extraction use shall be setback 150 feet from the average waterline of a perennial stream or the edge of a natural wetland of more than 2 acres.
 - 8) Truck access to the use shall be located to reasonably minimize hazards on public streets and dust and noise nuisances to residences.
 - 9) Fencing. The Board of Supervisors may require secure fencing in locations where needed to protect public safety. As an alternative, the Board of Supervisors may approve the use of thorny vegetation to discourage public access. Also, warning signs shall be placed around the outer edge of the use.
 - 10) Hours of Operation. The Board of Supervisors, a condition of conditional use approval, may reasonably limit the hours of operation of the use and of related trucking and blasting operations to protect the character of adjacent residential areas.
 - 11) The activities and residual effects shall not create conditions that are significantly hazardous to the health and safety of neighboring residents.
 - 12) The Township may require that the applicant post financial security to cover the costs of damage that may occur to entrances and exits to public roads as a result of the trucks carrying mining materials.
 - 13) A plan shall be submitted showing sequential phases of mining activities on the land. Mining activities shall be conducted on a maximum of 50 acres at a time. Reclamation shall be initiated on one phase before the next phase is opened for mining.
 - 14) A plan shall be submitted showing how dust will be controlled.
30. **Mobile/Manufactured Home.** Installed on an individual lot or within a mobile/ manufactured home park approved after the adoption of this ordinance.

- a. Construction. Any mobile/manufactured home placed on any lot after the adoption of this Ordinance shall be constructed in accordance with 1976 or later Safety and Construction Standards of the U.S. Department of Housing and Urban Development. (Note: These Federal standards supersede local construction codes for the actual construction of the home itself.)
 - b. Each site shall be graded to provide a stable and well-drained area. Each home shall have hitch and tires removed.
 - c. Anchoring. A mobile/manufactured home on an individual lot or mobile/manufactured home park shall include a system that properly secures the home to the ground to prevent shifting, overturning or uneven settling of the home. The requirements of the Construction Codes shall apply, in addition to the manufacturer's specifications for installation.
 - d. Foundation Treatment. The space between the bottom of the home and the ground and/or home pad shall be enclosed using a durable fire-resistant material that has the appearance of a foundation of a site-built home, such as material with a concrete-type or stucco facing. This subsection d. shall not apply within a Manufactured/Mobile Home Park. Metal skirting may only be permitted within a Manufactured/Mobile Home Park. Provisions shall be provided for access to utility connections under the home.
31. **Mobile/Manufactured Home Park.**
- a. If a requirement of this subsection directly conflicts with a requirement of the Subdivision and Land Development Ordinance on a specific matter, then the requirements of this subsection of the Zoning Ordinance shall govern such matter.
 - b. The minimum tract area shall be 3 contiguous acres, unless a larger tract area is required by Section 306 in a particular zoning district. This minimum tract area shall be under single ownership.
 - c. Density - The maximum average density of the tract shall be 4 dwelling units per acre.
 - (1) To calculate this density: a) land in common open space or proposed streets within the park may be included, but b) land within the 100 year floodplain, wetlands and slopes over 25 percent shall not be included.
 - d. Landscaped Perimeter - Each mobile/manufactured home park shall include a 30 foot wide landscaped area including substantial attractive evergreen and deciduous trees around the perimeter of the site, except where such landscaping would obstruct safe sight distances for traffic. A planting plan for such area shall be approved by the Board of Supervisors as part of any required conditional use approval. Such landscaped area shall not be required between adjacent mobile home park developments. The same area of land may count towards both the landscaped area and the building setback requirements.
 - e. A dwelling, including any attached accessory building, shall be setback a minimum of 20 feet from another dwelling within the mobile home park, except that unenclosed porches, detached accessory buildings, awnings and decks may be 15 feet from the walls of another dwelling that such improvements are not accessory to.
 - f. The minimum separation between homes and edge of interior street cartway or parking court cartway shall be 20 feet.
 - g. The minimum principal and accessory building setbacks from exterior/boundary lot lines and rights-of-way of pre-existing public streets shall be 50 feet.
 - h. Each home shall comply with the requirements for "Mobile/Manufactured Homes" stated in the preceding sub-section.
 - i. "Common Open Space" for a Mobile Home Park. A minimum of 20 percent of the total lot area of the entire mobile home park shall be set aside as common open space for the residents.

The applicant shall prove that these areas will be suitable for active or passive recreation. If a development will not be restricted to persons over age 55, then the common open space shall at a minimum include a rectangular grass field 100 feet by 200 feet suitable for free play by young persons. If a development will be restricted to persons over age 55, then the common open space shall at a minimum include landscaped paved trails. A recreation building or pool available to all residents of the development may count towards this requirement.

- j. Streets.
 - (1) Access to individual mobile/manufactured home spaces shall be from interior parking courts, access drives or private streets and shall not be from public streets exterior to the development.
 - (2) Streets within the mobile/manufactured home park that provide access to reach 20 or more dwellings shall have a minimum paved cartway of 24 feet, and other local private streets or parking courts serving less than 20 homes shall have a minimum paved cartway of 20 feet.
 - (3) Curbs and sidewalks are not required on the private streets, but all private streets shall meet all other Township cartway construction standards.
- k. Utilities. All units within the mobile/manufactured home park shall be connected to a central water and a public sewage system. The system shall meet appropriate minimum water pressure/fire flow and hydrant requirements. The applicant shall prove that adequate provisions are made for solid waste disposal.
- l. Streetlights shall be provided at all street intersections within the mobile/manufactured home park, at no expense to the Township.

32. **Motor Vehicle Race Track.**

- a. This use shall include riding or racing of 2 or more all-terrain vehicles, dirt bikes, motor cycles or other motor vehicles at a time on a lot, beyond the number of such vehicles that are operated by residents or owners of the lot.
- b. All areas used for the racing, testing and maintenance of motor vehicles shall be setback a minimum of 400 feet from the lot line of an existing dwelling on another lot.
- c. All buildings, parking, loading and unloading areas shall be setback a minimum of 150 feet from the lot line of an existing dwelling on another lot.
- d. The applicant shall prove that the standards of Article 5 will be met, including lighting and dust.
- e. Minimum lot area - 40 acres.
- f. The maximum noise level as measured at the lot line of a dwelling shall not exceed 62 dB(A) between 7 am to 8 pm and 55 dB(A) between 8 pm and 10 pm. The use shall not operate in a manner that generates noise heard on other properties between 10 pm and 7 am.

Multi-Family Dwellings - See "Townhouses and Apartments" in this Section.

33. **Nursing Home.**

- a. Licensing - See definition in Article 2.
- b. A minimum of 20 percent of the lot shall be suitable and developed for passive recreation. This area shall include outdoor sitting areas and pedestrian walks.

34. **Outdoor Storage and Display.** - The provisions listed for this use under Section 403 shall apply.

35. **Picnic Grove, Private.**
- a. All activity areas shall be a minimum of 250 feet of a pre-existing dwelling on another lot. All parking areas shall be setback 100 feet from any residential lot line. The use shall not be open to the public between the hours of 11 p.m. and 7 a.m.
 - b. Minimum lot area - 5 acres.
36. **Place of Worship.**
- a. Minimum lot area- 2 acres in a residential district, unless a larger lot area is required by the applicable zoning district. In any other district, a place of worship shall meet the minimum lot area provided in Article 3 for that district.
 - b. Weekly religious education rooms are permitted. A primary or secondary school and/or a child or adult day care center may be approved on the same lot as a place of worship provided the requirements for such uses are also met.
 - c. A maximum of one dwelling unit may be accessory to a place of worship on the same lot, to house employees of the place of worship and/or an employee and his/her family.
 - d. Minimum building setback from a lot line of an existing dwelling in a residential district - 30 feet.
 - e. Minimum parking setback from a lot line of an existing dwelling in a residential district - 20 feet.
37. **Recreation, Outdoor.**
- a. Active outdoor recreation facilities (not including trails) and buildings shall be setback a minimum of 30 feet from the lot line of an existing dwelling.
 - b. This term shall not include "Publicly-Owned Recreation" or a "Golf Course."
 - c. See provisions for a non-household swimming pool in this Section 402.
 - d. Maximum impervious coverage in any residential district - 20 percent. In any other district, the use shall meet the district provisions of Section 307.A.
 - e. Maximum building coverage in any residential district - 15 percent.
 - f. Hours of operation. In a residential district, active recreation facilities shall be conducted only between the hours of 6:00 a.m. and 10:00 p.m., unless differing hours are established as a condition of any needed Zoning Hearing Board or Board of Supervisors approval.
38. **Recycling Collection Center.**
- a. This use shall not be bound by the requirements of a Solid Waste Disposal Facility.
 - b. All materials shall be kept in appropriate containers, with appropriate sanitary measures and frequent enough emptying to prevent the attraction of insects or rodents and to avoid fire hazards.
 - c. Adequate provision shall be made for movement of trucks if needed and for off-street parking.
 - d. A 20 feet wide buffer yard with screening as described in Section 803 shall be provided between this use and any abutting "residential lot line."
 - e. This use may be a principal or accessory use, including being an accessory use to a commercial use, an industrial use, a public or private primary or secondary school, a place of worship or a Township-owned use, subject to the limitations of this section.
 - f. Materials to be collected shall be of the same character as the following materials: paper, fabric, cardboard, plastic, metal, aluminum and glass. No garbage shall be stored as part of the use, except for that generated on-site and that accidentally collected with the recyclables. Only materials clearly being actively collected for recycling may be stored on site.

- g. The use shall only include the following operations: collection, sorting, baling, loading, weighing, routine cleaning and closely similar work. No burning or landfilling shall occur. No mechanical operations shall routinely occur at the site other than operations such as baling of cardboard.
 - h. The use shall not include the collection or processing of pieces of metal that have a weight greater than 50 pounds, except within a commercial or industrial district.
39. **Residential Conversions.** See "Conversions of an Existing Building" within this Section.
40. **Restaurant.**
- a. Screening of Dumpster and Waste Containers - See Section 806.
 - b. See "Drive-Through" service in Section 403.
 - c. Drive-through service shall only be provided where specifically permitted in the applicable district regulations. In addition to other allowed signs, an additional 100 square feet of sign area shall be allowed that is specifically designed to serve drive-through customers.
41. **School, Public or Private, Primary or Secondary**
- a. Minimum lot area - 2 acres in a residential district. In any other district, the use shall meet the standard minimum lot area requirement for that district.
 - b. No children's play equipment, basketball courts or illuminated recreation facilities shall be within 50 feet of a residential lot line.
 - c. The use shall not include a dormitory unless specifically permitted in the District.
42. **Self-Storage Development.**
- a. Outdoor storage shall be limited to recreational vehicles, boats and trailers. No "junk vehicles" shall be stored within view of a public street or a dwelling.
 - b. Trash, radioactive or highly toxic substances, garbage, refuse, explosives or flammable materials, hazardous substances, animal carcasses or skins, or similar items shall not be stored.
 - c. Nothing shall be stored in interior traffic aisles, required off-street parking areas, loading areas or accessways.
 - d. The use shall not include a commercial auto repair garage unless that use is permitted in the district and the use meets those requirements.
 - e. Adequate lighting shall be provided for security, but it shall be directed away or shielded from any adjacent residential uses.
 - f. See Section 803 concerning buffer yards. Any fencing shall be placed on the inside of the plantings. A minimum average of one shade tree shall be provided along the road frontage for each 50 feet of road frontage.
 - g. Minimum separation between buildings- 20 feet. Maximum length of any building - 300 feet.
43. **Solid Waste Transfer Facility, Solid Waste Landfill or Solid Waste-to-Energy Facility .**
- a. All solid waste storage, disposal, incineration or processing shall be at least 200 feet from the following: public street right-of-way, exterior lot line, 100 year floodplain, edge of a surface water body (including a water filled quarry) or wetland of more than 1/2 acre in area.
 - b. All solid waste storage, disposal, incineration or processing shall be a minimum of 500 feet from any residential district, perennial creek, publicly-owned park or any existing dwelling that the applicant does not have an agreement to purchase.

- c. The use shall be served by a minimum of 2 paved access roads, each with a minimum cartway width of 24 feet. One of these roads may be restricted to use by emergency vehicles.
- d. No burning or incineration shall occur, except within an approved Waste to Energy Facility.
- e. The operation and day-to-day maintenance of the solid waste disposal area shall comply with all applicable State and Federal regulations as a condition of the continuance of any permit of the Township. Violations of this condition shall also be considered to be violations of this Ordinance.
- f. Open dumps and open burning of refuse are prohibited.
- g. The applicant shall prove to the satisfaction of the Board of Supervisors that the existing road network can handle the additional truck traffic, especially considering compatibility between trash hauling trucks through or alongside existing residential zoned areas and especially considering the width and construction of roads in the Township.
- h. The applicant shall propose conditions upon approval that will be used to manage noxious odors off of the tract.
- i. A chainlink or other approved fence with a minimum height of 8 feet shall surround active solid waste disposal areas to prevent the scattering of litter and to keep out children, unless the applicant proves to the satisfaction of the Board of Supervisors that this is unnecessary. The Board shall require earth berms, evergreen screening and/or shade trees as needed shall be used to prevent landfill operations from being visible from an expressway or arterial streets or dwellings.
- j. A minimum lot area of 15 acres shall be required for the first 250 tons per day of capacity to treat or dispose of waste, plus 1 acre for each additional 100 tons per day of capacity. A solid waste facility shall have a maximum total capacity of 500 tons per day.
- k. Health Hazards. Any facility shall be operated in such a manner to prevent the attraction, harborage or breeding of insects, rodents or vectors.
- l. Attendant. An attendant shall be present during all periods of operation or dumping.
- m. Gates. Secure gates, fences, earth mounds and/or dense vegetation shall prevent unauthorized access.
- n. Emergency Access. The operator of the use shall cooperate fully with local emergency services. This should include allowing practice exercises on the site and the provision of all information needed by the emergency services to determine potential hazards. Adequate means of emergency access shall be provided.
- o. Under authority granted to the Township under Act 101 of 1988, the hours of operation shall be limited to between 7 a.m. and 9 p.m.
- p. Tires. See "Outdoor Storage and Display" in Section 403.
- q. Litter. The operator shall regularly police the area of the facility and surrounding streets to collect litter that may escape from the facility or trucks.
- r. Dangerous Materials. No radioactive, hazardous, chemotherapeutic or infectious materials may be stored, processed, disposed or incinerated. Infectious materials are defined as medical wastes used or created in the treatment of persons or animals with seriously contagious diseases.
- s. The applicant shall provide sufficient information for the Township to determine that the requirements of this Ordinance will be met.
- t. State Requirements. Nothing in this Ordinance is intended to supersede any State requirements. It is the intent of this Ordinance that when similar issues are regulated on both the Township and State levels, that the stricter requirement shall apply for each aspect, unless it is determined that an individual State regulation preempts Township regulation in a particular aspect. The applicant shall provide the Zoning Officer with a copy of all written

- materials and plans that are submitted to PA. DEP at the same time as they are submitted to DEP.
- u. For a solid-waste-to-energy facility or solid waste transfer facility, all loading and unloading of solid waste shall only occur within an enclosed building, and over an impervious surface drains to a holding tank that is then adequately treated. All solid waste processing and storage shall occur within enclosed buildings or enclosed containers.
 - v. A solid waste landfill shall only be approved if the applicant proves that a continuous route over roads is available that entirely involves roads with a minimum paved cartway width of 18 feet between the exit driveway of the landfill and Routes 30 or 116.
 - w. The applicant shall submit and comply with a dust control plan.
44. **Stable, Nonhousehold.** (Includes riding academies; See also "Keeping of Pets in Section 403)
- a. Minimum lot area - 2 acres for the first horse or similar animal, plus 1 acre for each additional horse or similar animal.
 - b. Any manure storage areas or building used for the overnight keeping of horses shall be a minimum of 75 feet from any "residential lot line".
 - c. Manure shall be regularly collected and disposed of in a sanitary manner that avoids nuisances to neighbors. Manure shall be stored in a manner that prevents it from being carried off by runoff into a creek. Manure shall not be stored within 100 feet of a perennial waterway.
45. **Swimming Pool, Non-Household.**
- a. The water surface shall be setback at least 40 feet from any existing dwelling.
 - b. Minimum lot area- 1 acre.
 - c. Any water surface within 100 feet of an existing dwelling shall be separated from the dwelling by a buffer yard meeting Section 803.
 - d. The water surface shall be surrounded by a secure, well-maintained fence at least 4 feet in height.
 - e. Drainage. A proper method shall be provided for drainage of the water from the pool that will not flood other property.
46. **Target Range, Firearms, other than as allowed within an enclosed building, and other than a range used by residents or owners of a lot and their occasional guests.**
- a. All target ranges shall have a barrier behind the target area which is of sufficient height and thickness to adequately protect the public safety.
 - b. The design of an outdoor firearms target range shall be compared by the applicant with applicable published guidelines of the National Rifle Association. The Zoning Hearing Board may consider such guidelines to be the generally accepted standard for the safety of these facilities.
 - c. An outdoor firearms target range and any firing stations shall be located a minimum of 250 feet from any "residential lot line", unless all firing would occur within a completely enclosed sound-resistant building.
 - d. An outdoor firearms target range shall be properly posted. The Zoning Hearing Board may require fencing as necessary.
 - e. An indoor firearms target range shall be adequately ventilated and/or air conditioned to allow the building to remain completely enclosed.
 - f. A target range shall only be used for types of firearms or other weapons for which it was specifically designed.

- g. An outdoor target range shall not be used during nighttime hours. Maximum hours and days of operation may be established as a condition of the zoning approval.
 - h. Minimum lot area for an outdoor firearms target range - 10 acres, unless a more restrictive provision is established by another provision of this Ordinance.
 - i. See Section 803. Wherever woods exist adjacent to an exterior lot line of an outdoor firearms target range, such woods shall be preserved within at least 100 feet of each such lot line, except for approved driveway, utility and trail crossings.
 - j. The provisions of this Subsection 46. shall not apply to target shooting as a customary accessory use by a resident or owner of a lot if allowed under Section 306.
 - k. The Zoning Hearing Board shall have the authority to prohibit fully automatic weapon use as a condition.
47. **Timber Harvesting.** See Forestry in this Section.
48. **Townhouses and Apartments.**
- a. Maximum length and width of an attached grouping of townhouses - 150 feet. Maximum number of Apartments that shall be within a building - 12, except no maximum shall apply in a building in which all units are permanently age restricted to at least one resident age 55 and older.
 - b. Paved Area Setback - All off-street parking spaces, except spaces on driveways immediately in front of a carport or garage entrance, shall be set back a minimum of 10 feet from any dwelling.
 - c. Garages. It is strongly recommended that all Townhouses be designed so that garages and/or carports are not an overly prominent part of the view from public streets. For this reason, parking courts, common garage or carport structures or garages at the rear of dwellings are encouraged instead of individual garages opening onto the front of the building, especially for narrow townhouse units.
 - d. Mailboxes. Any mailboxes provided within the street right-of-way should be clustered together in an orderly and attractive arrangement or structure. Individual freestanding mailboxes of non-coordinated types at the curbside are specifically discouraged.
 - e. Access. Vehicular access points onto all arterial and collector streets shall be minimized to the lowest reasonable number. No townhouse dwelling within a tract of 5 or more dwelling units shall have its own driveway entering onto an arterial or collector street.
 - f. Common Open Space. Unless a higher amount of open space is required by another section, a minimum of 25 percent of the total lot area of the development involving Townhouses and Apartments shall be set aside as common open space for the residents.
 - (1) If a development includes over 30 dwelling units that will not be restricted to at least one resident age 55 and older and will not be timeshare dwellings, then the common open space shall at a minimum include a rectangular grass field 50 feet by 150 feet that is suitable for free play by young persons. If all dwellings in a development will be restricted to at least one resident age 55 and older, then the common open space shall at a minimum include landscaped trails that are ADA-accessible.
 - (2) A recreation building or pool available to all residents of the development may count towards the open space requirement. Areas with a width of less than 50 feet shall not count towards this requirement. This requirement shall be in place of any requirement for recreation land or fees under the Subdivision and Land Development Ordinance.
49. **Treatment Center.**

- a. See definition in Section 202.
 - b. The applicant shall provide a written description of all conditions (such as criminal parolees, alcohol addiction) that will cause persons to occupy the use during the life the permit. Any future additions to this list shall require an additional special exception approval.
 - c. The applicant shall prove to the satisfaction of the Zoning Hearing Board that the use will involve adequate on-site supervision and security measures to protect public safety.
 - d. The Zoning Hearing Board may place conditions upon the use to protect public safety, such as conditions on the types of residents and security measures.
 - e. See Section 111.D., which may allow modifications.
50. **Veterinarian Office.** (includes Animal Hospital)
- a. Any structure in which animals are treated or housed shall be a minimum of 30 feet from any lot line of an existing dwelling. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be perceived within any adjacent dwellings.
 - b. Animals undergoing treatment may be kept as an accessory use. However, a commercial kennel shall only be allowed if a kennel is permitted in that district and if the applicable requirements are met.
51. **Wind turbines, other than the one wind turbine per lot that is allowed as an accessory use by Section 306.**
- a. The wind turbine shall be setback from the nearest existing dwelling on another lot a distance not less than three times the maximum height to the top of the maximum height of the extended blade, unless a written waiver is provided by the owner of such building. All wind turbine setbacks shall be measured from the center of the base of the turbine. This provision shall apply to buildings that existed prior to the application for a zoning permit.
 - b. The audible sound from the wind turbine(s) shall not exceed 50 A-weighted decibels, as measured at the exterior of an existing dwelling on another lot, unless a written waiver is provided by the owner of such building.
 - c. The owner of the facility shall completely remove all above ground structures within 12 months after the wind turbine(s) are no longer used to generate electricity.
 - d. Wind turbines shall not be climbable for at least the first 12 feet above the ground level.
 - e. All wind turbines shall be set back from the nearest public street right-of-way a minimum distance equal to the maximum height to the top of the maximum height of the extended blade.
 - f. All wind turbines shall be set back from the lot line a minimum distance equal to the maximum height to the top of the maximum height of the extended blade, unless a written waiver is provided by the owner of such lot.
 - g. The turbine shall include automatic devices to address high speed winds.
 - h. Accessory electrical facilities are allowed, such as a transformer, provided that any building shall meet setbacks for a principal building.
 - i. The site plan shall show proposed driveways, turbines and areas of woods proposed to be cleared.
 - j. Temporary towers designed to test possible locations for a wind turbine shall be permitted by right, provided they are removed within one year and meet the same setbacks as a wind turbine.

403. **ADDITIONAL REQUIREMENTS FOR ACCESSORY USES.**

- 403.A. General. Accessory buildings, structures or uses that are clearly customary and incidental to a permitted by right, special exception or conditional use are permitted by right, except as is provided for in this Ordinance. A business shall only be conducted as an accessory to a dwelling if specifically permitted by this Ordinance.
- 403.B. Accessory Setbacks. The accessory setback requirements of the applicable district shall apply to every accessory building, structure or use unless a standard that is clearly meant to be more restrictive or less restrictive is specifically stated in this Article for a particular accessory use. Accessory structure setback requirements shall not apply to permitted surface parking lots, fences or permitted accessory signs.
- 403.C. Front Yard Setback. No accessory structure, use or building shall be permitted in a required minimum front yard in any district, unless specifically permitted by this Ordinance.
- 403.D. Special Standards. Each accessory use shall comply with all of the following standards listed for that use:
1. Antenna, Standard. (includes amateur radio antenna)
 - a. Height. No standard antenna, including its supporting structure, shall have a total height above the average surrounding ground level of greater than 75 feet.
 - b. Anchoring. An antenna shall be properly anchored to resist high winds.
 2. Bees, Keeping of.
 - a. Signs shall be posted to warn persons of the presence of lines that are within 100 feet of a street or lot line.
 - b. Hives shall be located a minimum of 50 feet from the lot line of a dwelling on another lot.
 3. Composting as a principal or accessory use. (other than raising of mushrooms)
 - a. All composting shall be conducted in such a manner that does not create a fire, rodent or disease-carrying insect hazard and does not cause noxious odors off of the subject property.
 - b. Composting shall be permitted as an accessory use, provided that the composting is limited to biodegradable vegetative material, including trees, shrubs, leaves, bark and vegetable waste. Such composting shall be kept free of other garbage and animal fats.
 - c. Minimum lot area for bulk above-ground storage and composting of manure (not including routine spreading) that was not generated on-site- 25 acres. Any composting of manure shall comply with the latest edition of the Pennsylvania Manure Management Manual.
 - d. Setbacks. Composting areas of greater than 1 acres shall be setback 75 feet from lot lines of abutting residential lot lines, except that a 200 feet minimum setback shall apply from all lot lines for composting of manure that was not generated on-site.
 4. Day Care, Child - as accessory to a Dwelling.
 - a. See Section 306 and the definitions in Section 202 concerning the number of children who can be cared for in different zoning districts in a Family Day Care Home or a Group Day Care Home.
 - b. In addition to complying with Section 306 concerning zoning districts, 7 to 12 children (other than children who are "related" to the primary caregiver) shall only be cared for at one time within a single family detached dwelling, which shall have a minimum lot area of 30,000 square feet and a 20 feet minimum setback from all existing dwellings on another lot(s). Four

to 6 children (in addition to children who are "related" to the primary caregiver) shall only be cared for at one time within a single family detached dwelling. The care of fewer numbers of children may occur within any lawful dwelling unit. If a use involves the care of 13 or more children, it shall be considered to be a principal Day Care Center, except as accessory to a Place of Worship or School.

- c. The dwelling shall retain a residential appearance with no change to the exterior of the dwelling to accommodate the use, other than cosmetic improvements.
- d. The use shall be actively operated by a permanent resident of the dwelling.
- e. If 4 or more children are cared for who are not related to the primary caregiver, then a minimum of 400 square feet of exterior play area shall be available, surrounded by a 6 feet high secure fence.
- f. See also "Day Care Center" as a principal use in Section 402, and Day Care as accessory to a Place of Worship in Section 306.B.
- g. The use shall comply with any applicable state and federal regulations, including having an appropriate State Department of Public Welfare (or its successor agency) registration certificate or license if required by such agency.
- h. The use shall include a secure fence around any outdoor areas abutting streets that are routinely used for outdoor play.

5. **Drive-through facilities.**

- a. The proposed traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
- b. On-lot traffic circulation and parking areas shall be clearly marked.
- c. A drive-through use shall be designed with space for an adequate number of waiting vehicles while avoiding conflicts with traffic onto, around and off of the site. Any drive-through facilities shall be designed to minimize conflicts with pedestrian traffic. For a drive-through restaurant, the drive-through lane shall be able to accommodate a minimum stacking of 8 motor vehicles without blocking other aisles, entrances or exits. For other uses, such minimum stacking shall be reduced to 4 vehicles. Drive-through facilities shall be designed and located to minimize conflicts with the main pedestrian movements on the site.

6. **Farm-Related Business.** This use may be approved on an lawful existing lot with a minimum 10 acres that is used for agriculture. The minimum lot area shall be reduced to 5 acres if the Farm-Related Business will only use a building(s) that existed prior to the enactment of this Ordinance. These minimum lot areas shall apply unless a more restrictive lot area requirement is established by another section of this Ordinance. The following shall not regulate the principal agricultural use:

- a. A Farm-Related Business shall be defined as a low-intensity commercial or industrial activity that functions as a customary accessory use to an on-site principal agricultural use. Farm-related businesses are intended to provide supplemental income to farmers to encourage the continuation of farming, and to provide needed services to other farmers.
- b. A Farm-Related Business shall be conducted by a resident or owner of the property, his/her "relatives," and a maximum total of 6 other employees working on-site at one time, in addition to employees of the agricultural use. In addition, a non-residential building that existed prior to the adoption of this Section may be leased to a non-resident for a use meeting these standards.
- c. To the maximum extent feasible, a Farm-Related Business should use an existing building. Buildings of any size or location that existed prior to the effective date of this Ordinance may be used for a Farm-Related Business. Any new building constructed for a Farm-Related

Business and any new parking area for trucks shall be set back a minimum of 100 feet from any lot line of an existing dwelling, unless a larger setback is required by another section of this Ordinance.

- (1) A maximum of 10,000 square feet of building floor area that is constructed after the enactment of this Ordinance may for used for a Farm-Related Business. This maximum building size may be increased by an additional 2,500 square feet of building floor area for each dwelling unit/residential lot that would otherwise be allowed to be built on the tract that the applicant commits to not develop/subdivide. The Township shall approve the method to make sure that the ability to establish such dwelling unit has been extinguished.
 - (2) The total area used by buildings, parking and storage for the Farm-Related Business shall not exceed 4 acres or 10 percent of the lot area, whichever is less restrictive, unless pre-existing buildings already exceed such percentage.
 - (3) If the Farm-Related Business involves new construction, it shall be located in a manner that minimizes the impact upon agricultural activities.
- d. The Farm-Related Business shall not routinely require the overnight parking of more than 2 tractor-trailer trucks, other than trucks serving the agricultural use.
- e. Any manufacturing operations shall be of a custom nature and shall be conducted indoors.
- f. The Business shall not generate noxious odors, noise or glare beyond amounts that are typically generated by agricultural operations. Non-agricultural operations shall not routinely occur in a manner that generates traffic or noise heard by neighbors between the hours of 9 p.m. and 7 a.m.
- g. Any retail sales shall only be occasional or accessory in nature. This provision shall not restrict permitted sale of agricultural products or mulch.
- h. Only one sign shall advertise a Farm-Related Business, which shall have a maximum sign area of 10 square feet on each of two sides, and which shall not be internally illuminated, and which shall have a maximum height of 8 feet.
- i. The following activities shall be permitted by right as a Farm-Related Business:
- (1) farm equipment, farm vehicle or buggy repair,
 - (2) occasional repair of one motor vehicle at a time, beyond those vehicles owned or leased by a resident of the property or his/her relative, but not including a junkyard, auto body shop or spray painting,
 - (3) barber/beauty shop,
 - (4) office,
 - (5) music, hobby, trade or art instruction,
 - (6) small engine repair,
 - (7) custom woodworking or wood refinishing,
 - (8) custom blacksmithing or sharpening services,
 - (9) installation of accessories to motor vehicles,
 - (10) boarding of animals, not including a kennel or a stable (which are separate uses),
 - (11) custom butchering, not including a commercial slaughterhouse of animals not raised on the premises and not including a stockyard,
 - (12) processing and storage of agricultural products produced on the premises, not including a commercial slaughterhouse of animals not raised on the premises and not including a stockyard or tannery,
 - (13) sawmill,
 - (14) corn mazes and educational tours,

- (15) use of a building that existed prior to the enactment of this Ordinance for rental storage, such as for boats or recreational vehicles,
- (16) conversion of a barn that existed prior to the enactment of this Ordinance into one dwelling unit or into an office,
- (17) a teahouse or coffeehouse providing non-alcoholic beverages and light food items, but without drive-through service.

See also Retail Sales of Agricultural Products in this Section 403.

j. The following Farm-Related Businesses shall require special exception approval from the Zoning Hearing Board:

- (1) Uses that the applicant proves to the Zoning Hearing Board are closely similar in impacts to uses listed as allowed as Farm-Related Businesses.
- (2) Commercial farm tourism and special events, such as Halloween activities.
- (3) Use of a building that was constructed after the effective date of this Ordinance for rental storage.
- (4) construction tradesperson's or landscaping business headquarters, in addition to an office which is permitted by right,
- (5) processing and storage of agricultural products not produced on the premises,
- (6) welding and custom machining of parts, or
- (7) bulk sale and related processing of seeds, feed, chemical fertilizers, or wood/leaves/bark compost or mulch, but not including mushroom compost or retail sale of stone and landscape materials. The Zoning Hearing Board may place conditions on the use to regulate the types of materials, the setbacks and the maximum heights of stockpiles.

k. This subsection shall not regulate agricultural uses that are permitted under other provisions of this Ordinance.

l. If an activity would be permitted as either a Farm-Related Business or a Home Occupation, then the applicant may choose which set of provisions shall apply.

m. One off-street parking space shall be provided per non-resident employee, plus parking for any dwelling. In addition, the applicant shall prove to the Zoning Officer that sufficient parking will be available for customers, which is not required to be paved.

n. All existing and new buildings shall maintain a residential or agricultural appearance, as viewed from a public street.

o. The use shall not involve the storage or use of highly hazardous, toxic, radioactive, flammable or explosive substances, other than types typically used in agriculture or a household.

p. Landscaping shall be placed between any outdoor storage of non-agricultural materials or products and any adjacent dwelling from which storage would be visible.

q. The lot shall have provisions for trucks to turn around on the site without backing onto a public street. When special exception approval is required, the Zoning Hearing Board shall consider the suitability of the adjacent roads for the amount and weights of truck traffic that will be generated.

7. **Fences and Walls.**

- a. Fences and walls are permitted by right in all Districts. Any fence or wall shall be durably constructed and well-maintained. Fences that have deteriorated shall be replaced or removed.
- b. No fence, wall or hedge shall obstruct the sight distance as required by Section 803.C. and/or the Subdivision and Land Development Ordinance.
- c. Fences -

- residential district, except within a secure, completely enclosed cage or fenced area with a minimum 6 feet height or on a leash under full control of the owner.
- c. A maximum combined total of 10 dogs and cats shall be permitted to be kept by residents of each dwelling unit.
 - (1) Such limits shall only apply to dogs or cats over 6 months in age.
 - (2) Any greater number of dogs and/or cats shall need approval as a "kennel".
 - (3) No limit shall apply to the number of cats kept on a farm of more than 15 acres.
 - d. Up to 6 pigeons, chickens, roosters, ducks, geese, or similar fowl may be kept on a residential lot. Goats, sheep, and pigs shall not be kept on a lot of less than 20,000 square feet. If the total weight of such animals is over 1,000 pounds on a lot of less than 3 acres, then the requirements shall be met for "Raising of Livestock or Poultry."
 - e. Keeping of pets shall only be permitted provided it does not create unsanitary conditions or noxious odors for neighbors, within the provisions of the State Right to Farm Act.
 - f. Horses: Minimum lot area - 2 acres for first horse or similar animal, plus 1 acre for each horse or similar animal in excess of one. Any horse barn, manure storage areas or stable shall be a minimum of 75 feet from any "residential lot line."
 - g. Only those pets that are domesticated and are compatible with a residential character shall be permitted as "Keeping of Pets." Examples of permitted pets include dogs, cats, rabbits, gerbils and lizards.
 - (1) The following and similar animals shall not be kept as pets, except that the Zoning Hearing Board may approve a particular number and type of species as a special exception if the applicant proves they will not cause nuisances or hazards: bears, wolves, wolf-dog hybrids, or venomous snakes that could be toxic to humans.
 - h. Any keeping of "exotic wildlife" as defined by the Pennsylvania Game & Wildlife Code shall need special exception approval and a State exotic wildlife possession permit.
12. **Residential Accessory Structure or Use.** (see definition in Article 2)
- a. Accessory structures and uses (other than fences) shall not be located within the required accessory use setback as stated in Section 307.A., unless specifically exempted by this Ordinance. Accessory structures shall not be located within a front yard, nor within any yard required to be equal in width to a front yard along a street on a corner lot. See accessory setback regulations in Section 307.
 - b. Reserved.
 - c. Height. See Section 307.B.
 - d. Parking of Commercial Trucks. The overnight outdoor parking of commercial trucks or a trailer from a tractor-trailer combination on a principal residential lot in a residential district shall only be allowed if it is needed to travel to and from work and if the following additional requirements are met:
 - (1) A maximum of 2 vehicles may be parked provided they each have a maximum of 14,000 pounds gross vehicle weight.
 - (2) A maximum of one vehicle may be parked with an aggregate gross vehicle weight of over 14,000 pounds gross vehicle weight or the tractor or trailer of a tractor-trailer combination may be parked, provided such vehicle is kept a minimum of 50 feet from any dwelling on another lot.
 - e. Repairs. Repairs of a truck with an aggregate gross vehicle weight of over 14,000 pounds aggregate gross vehicle weight shall not occur on a residential lot. Repairs of motor vehicles that are not owned or leased by a resident of the lot or his/her "relative" shall not occur on a residential lot.

- f. See setback exceptions in Section 803.B.
 - g. **Unlicensed Vehicles.** A maximum of two motor vehicle that does not display a current license plate and safety inspection sticker shall be kept outside of an enclosed building, except as specifically permitted otherwise for a certain use. See also the definition of "Junkyard," including the exemption for agriculture.
 - h. A tractor-trailer truck shall only be parked overnight on a residential lot if the lot is greater than one-half acre.
13. **Retail Sales of Agricultural Products as an Accessory Use.**
- a. The use shall be an accessory use incidental to a crop farming, greenhouse, plant nursery, orchard, winery or raising of livestock use.
 - b. The only retail sales shall be of agricultural products and horticultural products, in addition to any hand-made crafts produced by the operator of the market and/or his/her family. An average of not less than 25 percent of the products sold on-site shall have been produced by the operator or his/her family. This percentage may vary month to month, provided that the average is met.
 - c. Off-street parking shall be provided in compliance with the provisions of Article 6. No parking shall be permitted in such a way that it creates a safety hazard.
 - d. Any structure erected for this use that are not clearly permanent in nature shall be disassembled during seasons when products are not offered for sale.
 - e. Signs. See Article 7.
 - f. No stand shall be located closer than: 50 feet from a lot line of an existing dwelling, 25 feet from any other lot line or 100 feet from the closest intersecting point of street rights-of-ways at a street intersection, unless the sales occur within a dwelling or barn that existed prior to the adoption of this Ordinance.
 - g. A maximum total of 5,000 square feet of building floor area shall be used for such use.
 - h. The use may occur within an existing dwelling, a barn or a separate stand. Any stand shall be maintained in good condition.
 - i. The retail sales shall be located on land owned by the operator of the market or upon a tract of 5 acres or more which the operator of the market actively farms.
 - j. The applicant shall prove to the Zoning Officer that the driveway has adequate sight distance, based upon the PennDOT standards that would apply to a normal commercial establishment along a state road, regardless of whether a PennDOT permit would be needed.
14. **Sewage Sludge/Biosolids, Land Application of.**
- a. The applicant shall prove written evidence to the Township that sufficient safeguards will be in place to protect the public health and safety and the water quality of groundwater and surface waters. This should include, but not be limited to, provisions for regular testing of the material that is spread and for on-going water quality monitoring.
 - b. A copy of all test results of the material that is spread and any test results of water quality shall be provided to the Zoning Officer within 7 days after they are received by the operator of the use or the landowner.
 - c. The applicant shall provide the Zoning Officer with written evidence that the activity has been approved by PA. DEP, if such approval is required.
15. **Stable, Household.** See "Pets, Keeping of" in this Section 403.
16. **Swimming Pool, Household.** (referred hereafter as "pool") -

- a. A swimming pool containing 24 inches or more of water depth shall include a fence, wall or similar enclosure surrounding the pool. Such enclosure shall extend not less than 4 feet above the ground. All gates shall be self-closing and self-latching, with latches placed at least 4 feet above the ground.
 - b. A swimming pool shall not be located in a front yard. The water surface and any raised decking of a swimming pool shall be setback a minimum of 8 feet from side and rear lot lines.
17. **Unit for Care of Relative.**
- a. The use shall meet the definition in Section 202. See also provisions in Section 306 under "Accessory Uses."
 - b. One of the two dwelling units on the lot shall be occupied by a maximum of two persons, who shall be "relatives" of the permanent residents of the principal dwelling unit. At least one resident of the second dwelling unit shall need such accommodations because of an illness, old age or disability.
 - c. The applicant shall prove to the Zoning Officer that the accessory unit has been designed and constructed so that it can be easily reconvered into part of the principal dwelling unit, or be completely removed, or be converted into a lawful accessory use after the relative no longer resides within the unit. Such accessory unit may be converted into an additional bedroom(s), permitted home occupation area or similar use. A lawful detached garage may be converted into a Unit for Care of Relative, and then be reconvered to a garage or permitted home occupation area. If the Unit for Care of Relative will be attached to the principal dwelling unit, then an interior door shall connect the two units.
 - d. The applicant shall establish a legally binding mechanism in a form acceptable to the Township that will prohibit the use of the accessory unit as a separate dwelling unit after the relative no longer resides within the unit. Such mechanism shall also be binding upon future owners.
 - e. Such accessory unit shall not decrease the one family residential appearance of a one family dwelling, as viewed from exterior property lines. The accessory unit shall be attached to the principal dwelling unit, except for a detached dwelling unit that is specifically approved by the Zoning Hearing Board. If a detached dwelling is placed on the property, it shall be completely removed within 90 days after the relative no longer lives within it. A detached dwelling shall only be placed on the lot if it will meet principal building setbacks.
 - f. Additional parking for the accessory unit is not required if the applicant proves that the resident(s) of the accessory unit will not routinely operate a vehicle.
 - g. Any on-lot septic system shall be re-certified if the sewage flows will increase.
18. **Wind turbines, One Per Lot as Accessory Use.**
- a. All wind turbines shall be set back from each lot line a minimum distance equal to the total maximum height to the top of the extended blade, unless a written waiver is provided by the owner of such adjacent lot. All wind turbine setbacks shall be measured from the center of the base of the turbine.
 - b. The audible sound from the wind turbine shall not exceed 50 A-weighted decibels, as measured at the exterior of a occupied principal building on another lot, unless a written waiver is provided by the owner of such building.
 - c. The owner of the facility shall completely remove all above ground structures within 12 months after the windmill is no longer used to generate electricity.

- d. A wind turbine shall not be climbable for at least the first 12 feet above the ground level, unless it is surrounded by a fence with a minimum height of 6 feet.
- e. All wind turbines shall be set back from the nearest public street right-of-way a minimum distance equal to the total maximum height to the top of the extended blade.
- f. If guy wires are used, and they are not within a fence, they shall be marked near their base with reflectors, reflective tape or similar method.
- g. The turbine shall include automatic devices to address high speed winds, such as mechanical brakes and overspeed controls.
- h. In a RR or SFR district, the maximum total height above the ground level to the tip of the extended blade shall be 90 feet. In another district, the maximum height for a wind turbine approved under this section shall be 150 feet. See wind turbines in Sections 402 and 306 for taller turbines.
- i. New electrical wiring to the wind turbine shall be placed underground, to the maximum extent feasible.
- j. Contiguous property owners may construct one wind turbine for use in common, provided that the required setbacks are maintained from the lot lines of non-participating landowners.

ARTICLE 5
ENVIRONMENTAL PROTECTION

501. EROSION CONTROL. The landowner, person and/or entity performing any earth disturbance shall utilize sufficient measures to prevent soil erosion and sedimentation of creeks.

501.A. The disturbed land area and the duration of exposure shall be kept to a practical minimum.

501.B. Except for agricultural activities, any earth disturbance over 5,000 square feet of land area shall require the submission of an adequate Erosion and Sedimentation Control Plan to the County Conservation District.

501.C. See State erosion control regulations (Note: as of 2010 in 25 PA. Code Chapter 102).

502. NUISANCES AND HAZARDS TO PUBLIC SAFETY.

502.A. No land owner, tenant nor lessee shall use or allow to be used any land or structures in a way that results or threatens to result in any of the following conditions:

1. Transmission of communicable disease, including conditions that may encourage the breeding of insects or rodents.
2. A physical hazard to the public, or a physical hazard that could be an attractive nuisance that would be accessible by children.
3. Pollution to groundwaters or surface waters, other than as authorized by a State or Federal permit.
4. Risks to public health and safety, such as but not limited to explosion, fire or biological hazards.

502.B. Additional Information. If the Zoning Officer has reason to believe that the proposed use may have difficulty complying with the standards of this Article, then the Zoning Officer may require an applicant to provide written descriptions of proposed machinery, hazardous substances, operations and safeguards.

503. WETLANDS. See Section 308.

504. FLOODPLAINS (Flood-prone areas).

See the separate Highland Township Floodplain Ordinance, as may be amended, and the Federal Floodplain Mapping.

505. Reserved for Future Use.

506. ODORS AND DUST. No use shall generate odors or dust that are offensive to persons of average sensitivities beyond the boundaries of the subject lot. This provision shall not apply to Normal Farming Activities that are exempted under the Pennsylvania Right to Farm Act.

507. CONTROL OF LIGHT AND GLARE. This section 507 shall only regulate exterior lighting that spills across lot lines or onto public streets.

507.A. Street Lighting Exempted. This Section 507 shall not apply to: a) street lighting that is owned, financed or maintained by the Township or the State, or b) an individual porch light of a dwelling (not including a spot light).

507.B. Height of Lights. No luminaire, spotlight or other light source that is within 200 feet of a lot line of an existing dwelling or approved residential lot shall be placed at a height exceeding 35 feet above the average surrounding ground level. This limitation shall not apply to lights needed for: a) air safety, b) solely to illuminate an architectural feature of a building, c) lighting of outdoor public recreation facilities.

- 507.C. Diffused. All light sources, including signs, shall be properly diffused as needed with a translucent or similar cover to prevent exposed bulbs from being directly visible from streets, public sidewalks, dwellings or adjacent lots.
- 507.D. Shielding. All light sources, including signs, shall be shielded around the light source and carefully directed and placed to prevent the lighting from creating a nuisance to reasonable persons in adjacent dwellings, and to prevent the lighting from shining into the eyes of passing motorists.
- 507.E. Flickering. Flashing, flickering or strobe lighting are prohibited, except for non-advertising seasonal lights between October 25th and January 10th.
- 507.F. Horizontal Surface Lighting. For the lighting of predominantly horizontal surfaces such as, but not limited to parking areas, streets, driveways, pedestrian walkways, outdoor sales and storage areas, vehicle fueling facilities, vehicle sales areas, loading docks, recreational areas, and building entrances, fixtures shall be aimed downward.

**ARTICLE 6
OFF-STREET PARKING AND LOADING**

601. REQUIRED NUMBER OF OFF-STREET PARKING SPACES.

601.A. Overall Requirements.

1. Number of Spaces. Each use that is newly developed, enlarged, significantly changed in type of use, or increased in number of establishments shall provide and maintain off-street parking spaces in accordance with Table 6.1 and the regulations of this Article. Off-street parking spaces shall be located outside of the street right-of-way.
2. Uses Not Listed. Uses not specifically listed in Table 6.1 shall comply with the requirements for the most similar use listed in Table 6.1, unless the applicant proves to the satisfaction of the Zoning Officer that an alternative standard should be used for that use.
3. Multiple Uses. Where a proposed lot contains or includes more than one type of use, the number of parking spaces required shall be the sum of the parking requirements for each separate use.
4. Parking Landscaping. See Sections 803 and 804 of this Ordinance.

TABLE 6.1 - OFF-STREET PARKING REQUIREMENTS

| USE | NUMBER OF OFF-STREET PARKING SPACES REQUIRED | PLUS 1 OFF-STREET PARKING SPACE FOR EACH: |
|---|--|---|
| A. <u>RESIDENTIAL USES:</u> 1. Dwelling Unit, other than types listed separately in this table. | 2 per dwelling unit. If a vehicle must be moved from one space in order to access the second space, then an additional parking space shall be available for each dwelling unit, such as an on-street space in front of the dwelling or an overflow parking lot. | |
| 2. Home Occupation | See Section 403 | |
| 3. Housing Permanently Restricted to Persons 62 Years and Older and/or the Physically Handicapped | 1 per dwelling/ rental unit, except 0.4 per dwelling/ rental unit if evidence is presented that the non-physically handicapped persons will clearly primarily be over 70 years old | Non-Resident Employee |
| 3. Boarding House | 1 per rental unit or bed for adult, whichever is greater | Non-Resident Employee |
| 4. Group Home | 1 per 2 residents, unless the applicant proves the home will be limited to persons who will not be allowed to drive a vehicle from the property | Employee |
| B. <u>INSTITUTIONAL USES:</u> 1. Place of Worship or Church | 1 per 5 seats in room of largest capacity. For pews that are no individual seats, each 48 inches shall count as one seat. | Employee |
| 2. Hospital | 1 per 3 in-patient beds and out-patient treatment beds | 1.2 Employees |

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| USE | NUMBER OF OFF-STREET PARKING SPACES REQUIRED | PLUS 1 OFF-STREET PARKING SPACE FOR EACH: |
|--|---|--|
| 3. Nursing Home | 1 per 6 beds | 1.1 Employees |
| 4. Assisted Living Facility and/or Retirement Community | 1 per 4 beds, plus 1.5 for each individual dwelling unit | 1.1 Employees |
| 5. Day Care Center | 1 per 10 children, with spaces designed for safe and convenient drop-off and pick-up | 1.1 Employees |
| 6. School, Primary or Secondary | 1 per 4 students aged 16 or older | 1.1 Employee |
| 7. Utility Facility | 1 per vehicle routinely needed to service facility | |
| 8. College or University | 1 per 1.5 students not living on campus who attend class at peak times (plus required spaces for on-campus housing) | 1.1 Employee |
| 9. Library, Community Center or Cultural Center or Museum | 1 per 5 seats (or 1 per 250 sq. ft. of floor area accessible to patrons and/or users if seats are not typically provided) | 1.1 Employee |
| 10. Treatment Center | 1 per 2 residents aged 16 years or older plus 1 per non-resident intended to be treated on-site at peak times | Non-Resident Employee |
| 11. Swimming Pool, Non-Household | 1 per 50 sq. ft. of water surface, other than wading pools | 1.1 Employee |
| C. COMMERCIAL USES: | All commercial uses, as applicable, shall provide additional parking or storage needed for maximum number of vehicles stored, displayed or based at the lot at any point in time. These additional spaces are not required to meet the stall size and parking aisle width requirements of this Ordinance. | |
| 1. Auto Service Station or Repair Garage | 5 per repair/ service bay and 1/4 per fuel nozzle with such spaces separated from accessways to pumps | Employee; plus any parking needed for a convenience store under "retail sales" |
| 2. Auto, Boat, Recreational Vehicle or Manufactured Home Sales | 1 per 20 vehicles, boats, Rvs or homes displayed | Employee |
| 3. Bed and Breakfast Use | 1 per rental unit plus the 2 per dwelling unit | Non-resident employee |
| 4. Bowling Alley or Billiards Parlor | 2 per lane plus 2 per pool table | 1.1 Employees |
| 5. Car Wash | Adequate waiting and drying areas. | 1.1 Employees |
| 6. Financial Institution (includes bank) | 1 per 200 sq. ft. of floor area accessible to customers, plus "office" parking for any administrative offices | 1.1 Employees |

Highland Township Zoning Ordinance – Adopted May 9, 2011

| USE | NUMBER OF OFF-STREET PARKING SPACES REQUIRED | PLUS 1 OFF-STREET PARKING SPACE FOR EACH: |
|--|--|---|
| 7. Funeral Home | 1 per 5 seats in rooms intended to be in use at one time for visitors, counting both permanent and temporary seating | Employee |
| 8. Miniature Golf | 1 per 2 holes | 1.1 Employees |
| 9. Haircutting/ Hairstyling | 1 per customer seat used for haircutting, hair styling, manicuring or similar work | 1.1 Employees |
| 10. Hotel or Motel | 1 per rental unit plus 1 per 4 seats in any meeting room (plus any required by any restaurant) | 1.1 Employees |
| 11. Laundromat | 1 per 3 washing machines | On-site Employee |
| 12. Offices or clinic, Medical/dental | 5 per physician or physician's assistant and 4 per dentist | 1.1 Employees |
| 13. Offices, other than above | 1 per 300 sq. ft. of total floor area | |
| 14. Personal Service Use, other than haircutting/hairstyling (min. of 2 per establishment) | 1 per 200 sq. ft. of floor area accessible to customers | 1.1 Employees |
| 15. Indoor Recreation (other than bowling alley), Membership Club or Exercise Club | 1 per 4 persons of maximum capacity of all facilities | 1.1 Employees |
| 16. Outdoor Recreation (other than uses specifically listed in this table) | 1 per 4 persons of capacity (50% may be on grass overflow areas with major driveways in gravel) | 1.1 Employees |
| 17. Restaurant | 1 per 4 seats, or 3 spaces for a use without customer seats. This parking shall be calculated separately from a shopping center. | 1.1 Employees |
| 18. Retail Sales (other than types separately listed and other than a shopping center) | 1 per 200 sq. ft. of floor area of rooms accessible to customers. | |
| 19. Retail Sales of Only Furniture, Lumber, Carpeting, Bedding or Floor Covering | 1 per 500 sq.ft. of floor area of rooms accessible to customers | |
| 20. Shopping Center involving 5 or more retail establishments on a lot. | 1 per 200 square feet of leaseable floor area | |
| 21. Tavern or Nightclub or After-hours Club or Adult Use | 1 per 30 sq. ft. of total floor area | 1.1 Employees |

| USE | NUMBER OF OFF-STREET PARKING SPACES REQUIRED | PLUS 1 OFF-STREET PARKING SPACE FOR EACH: |
|---|---|---|
| 22. Theater or Auditorium | 1 per 4 seats, one-half of which may be met by convenient parking shared with other business uses on the same lot that are typically not routinely open beyond 9:00 p.m. | 1.1 Employees |
| 23. Trade/Hobby School | 1 per 2 students age 16 or older on-site during peak use | 1.1 Employee |
| 24. Veterinarian Office | 4 per veterinarian | 1.1 Employee |
| E. INDUSTRIAL USES: All industrial uses (including warehousing, distribution and manufacturing) | In addition to parking or storage needed for maximum number of vehicles stored, displayed or based at the lot at any point in time, which spaces are not required to meet the stall size and aisle width requirements of this Ordinance 1 per 1.1 employee, based upon the maximum number of employees on-site at peak period of times | 1 visitor space for every 10 managers on the site |
| Self-Storage Development | 1 per 30 storage units | 1.1 Employee |

602. GENERAL REGULATIONS FOR OFF-STREET PARKING.

602.A. General. Parking spaces and accessways shall be laid out to result in safe and orderly use, and to fully take into account all of the following: vehicular access onto and off the site, vehicular movement within the site, loading areas, pedestrian patterns and any drive-thru facilities. No parking area shall cause a safety hazard or impediment to traffic off the lot.

602.B. Existing Parking.

1. Any parking spaces serving such pre-existing structures or uses at the time of adoption of this Ordinance shall not in the future be reduced in number below the number required by this Ordinance.
2. If a new principal non-residential building is constructed on a lot, then any existing parking on such lot that serves such building shall be reconfigured to comply with this Ordinance, including but not limited to, requirements for channelization of traffic from adjacent streets, channelization of traffic within the lot, minimum aisle widths, paving and landscaping.

602.C. Change in Use or Expansion. A structure or use in existence at the effective date of this Ordinance that expands or changes in use of an existing principal building shall be required to provide all of the required parking for the entire size and type of the resulting use, except as follows:

1. If an existing lawful use includes less parking than would be required if the use would be newly developed, then that deficit of parking shall be grandfathered for reuses of an existing building. For example, an existing store might include 3 parking spaces and would have been required to provide 7 spaces if it was newly developed. Therefore, there is an existing nonconforming deficit

of 4 spaces. Then, if that store is converted to an office that would need 10 spaces, the office would need to provide a total of 6 spaces (10 spaces minus the pre-existing deficit of 4 equals 6).

2. If a non-residential use expands by an aggregate total maximum of 5 percent in the applicable measurement (such as building floor area) beyond what existed at the time of adoption of this Ordinance, then no additional parking is required. For example, if an existing building included 3,000 square feet, and a single minor addition of 150 square feet was proposed, then additional parking would not be required. This addition without providing new parking shall only be allowed one time per lot.

602.D. Continuing Obligation of Parking and Loading Spaces. All required numbers of parking spaces and off-street loading spaces shall be available as long as the use or building which the spaces serve still exist, and such spaces shall not be reduced in number below the minimum required by this ordinance. No required parking area or off-street loading spaces shall be used for any other use (such as storage or display of materials) that interferes with the area's availability for parking.

602.E. Location of Parking.

1. Required off-street parking spaces shall be on the same lot or abutting lot with the principal use served, unless the applicant proves to the satisfaction of the Zoning Hearing Board that a method of providing the spaces is guaranteed to be available during all of the years the use is in operation within 300 feet walking distance from the entrance of the principal use being served. A written and signed lease shall be provided, if applicable.
 - a. The Zoning Hearing Board may require that the use be approved for period of time consistent with the lease of the parking, and that a renewal of the permit shall only be approved if the parking lease is renewed.

602.F. Reduction of Parking Requirements as a Special Exception.

1. Purposes. To minimize the amount of land covered by paving, while making sure adequate parking is provided. To recognize that unique circumstances may justify a reduction in parking.
2. As a special exception, the Zoning Hearing Board may authorize a reduction in the number of off-street parking spaces required to be provided for a use if the applicant proves to the satisfaction of the Zoning Hearing Board that a lesser number of spaces would be sufficient.
 - a. The applicant shall provide evidence justifying the proposed reduced number of spaces, such as studies of similar developments during their peak hours. The applicant shall also provide relevant data, such as numbers of employees, peak expected number of customers/visitors and similar data.
 - b. Under this section, an applicant may prove that a reduced number of parking spaces is justified because more than one principal use will share the same parking. In such case, the applicant shall prove that the parking has been designed to encourage shared use, and that long-term agreements ensure that the parking will continue to be shared. The amount of the reduction in parking should be determined based upon whether the different uses have different hours of peak demand and/or overlapping customers.
 - (1) In addition, an applicant may prove that parking needs will be reduced or that off-site parking is feasible because the applicant agrees to make a long-term commitment to a shuttle service for residents or employees.
 - c. Reserved Area for Additional Parking. Under this section, the Zoning Hearing Board may require that a portion of the required parking be met through a reservation of an area for future parking. The Board may require the reservation for a certain number of years or an indefinite period corresponding to the years the buildings are in use.

- (1) Such reservation shall be in a form acceptable to the Zoning Hearing Board Solicitor that legally binds current and future owners of the land to keep the reserved parking area in open space and then to provide the additional parking if the Township determines it is necessary. A deed restriction is recommended.
- (2) If approved under this subsection “c.”, the applicant shall present a site plan to the Zoning Officer that shows the layout that will be used for the additional parking if the parking is required to be provided in the future. The site plan shall show that the additional parking is integrated with the overall traffic access and pedestrian access for the site, and that the additional parking will be able to meet Township requirements.
- (3) The additional parking that is “reserved” under this subsection shall be required to be kept as landscaped open area, until such time as the Zoning Hearing Board decision may authorize the land’s release from the restriction, or until the Township may require that the land be developed as parking.
- (4) The Zoning Officer shall periodically review the sufficiency of the parking that is provided. If the Zoning Officer in the future determines that the reserved parking is needed to meet actual demand, he/she shall provide written notice to the property-owner. The property-owner shall then have one year to develop the reserved area into off-street parking in compliance with this Ordinance.

603. **DESIGN STANDARDS FOR OFF-STREET PARKING.**

603.A. General Requirements.

1. Backing Onto a Street. No parking area shall be designed to require or encourage parked vehicles to back into a public street in order to leave a parking space, except for a single family or two-family dwelling with its access onto a local street or parking court. Parking spaces may back onto an alley.
2. Every required parking space shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other vehicle, unless specifically permitted otherwise.
3. Parking areas shall not be within a required buffer yard or street right-of-way.
4. Separation from Street. Except for parking spaces immediately in front of individual dwellings, all areas for off-street parking, off-street loading and unloading and the storage or movement of motor vehicles shall be physically separated from the street by a continuous grass or landscaped planting strip, except for necessary and approved vehicle entrances and exits to the lot.
5. Stacking and Obstructions. Each lot shall provide adequate area upon the lot to prevent back-up of vehicles on a public street while awaiting entry to the lot, or while waiting for service at a drive-thru facility.

603.B. Size and Marking of Parking Spaces.

1. Each parking space shall be a rectangle with a minimum width of 10 feet and a minimum length of 20 feet, except the minimum sized rectangle shall be 8 feet by 22 feet for parallel parking.
2. For handicapped spaces, see Section 603.G. below.
3. All spaces shall be marked to indicate their location, except those of a one or two family dwelling.

603.C. Aisles. Parking spaces and aisles shall be designed and built in conformance with the following:

| Angle of Parking | Parking Space Min. Width (feet) | Parking Space Min. Depth (feet) | Aisle Width - One Way Traffic (feet) | Aisle Width - Two Way Traffic (feet) |
|------------------|---------------------------------|---------------------------------|--------------------------------------|--------------------------------------|
| 90 degrees | 10 | 20 | 22 | 24 |
| 55 to 89 degrees | 10 | 22 | 20 | 22 |
| 35 to 54 degrees | 10 | 21 | 16 | 22 |
| 1 to 34 degrees | 10 | 20 | 14 | 20 |
| Parallel | 8 | 22 | 12 | 20 |

Min. = Minimum

- Each aisle providing for one-way traffic to access parking stalls shall have the following minimum width:

| Angle of Parking | Minimum Aisle Width |
|------------------------|---------------------|
| Parallel or 30 degrees | 12 feet |
| 45 degrees | 14 feet |
| 60 degrees | 18 feet |
| 90 degrees | 20 feet |

- Each aisle providing access to stalls for two-way traffic shall be a minimum of 22 feet in width, except a width of 20 feet may be allowed for parking areas with spaces that are parallel or involve an angle of parking of 45 degrees or less.

603.D. Accessways and Driveways.

- Width of Driveway/Accessway at Entrance onto a Public Street, at the edge of the cartway*

| | 1-Way Use | 2-Way Use |
|---------|-----------|-----------|
| Minimum | 12 feet * | 25 feet * |
| Maximum | 20 feet * | 30 feet * |

* Unless a different standard is required by PennDOT for an entrance to a State road, or the applicant proves to the satisfaction of the Zoning Officer that a wider width is needed for tractor-trailer trucks.

- Drainage. Adequate provisions shall be made to maintain uninterrupted parallel drainage along a public street at the point of driveway entry. The Township may require an applicant to install an appropriate type and size of pipe at a driveway crossing.

603.E. Paving, Grading and Drainage.

- Parking and loading facilities and including driveways shall be graded and adequately drained to prevent erosion or excessive water flow across streets or adjoining properties.

2. Except for landscaped areas, all portions of required parking, loading facilities and driveways shall be surfaced with asphalt, concrete, porous paving materials, paving block, crushed stone or other materials pre-approved by the Township.
 - a. However, by special exception, the Zoning Hearing Board may allow parking areas with low or seasonal usage to be maintained in grass. For example, the Board may allow parking spaces to be grass, while major aisles are covered by stone.
 - b. Where parking is placed above underground stormwater detention facilities, the Township may require that the structure can support the weight of emergency vehicles.
 - c. Curbing should not be required in parking areas except where absolutely necessary to control storm water runoff.

603.F. Lighting of Parking Areas. See "Light and Glare Control" in Article 5.

603.G. Parking for Persons With Disabilities/Handicapped Parking.

1. Number of Spaces. See requirements of ANSI 117 or successor standards adopted under the Federal Americans With Disabilities Act for parking for persons with disabilities. The following is a summary of some of the relevant requirements in effect as of the enactment of this Ordinance.

| TOTAL NO. OF PARKING SPACES ON THE LOT | REQUIRED MINIMUM NO./ PERCENT OF ADA-ACCESSIBLE PARKING SPACES |
|--|---|
| 1 to 25 | 1 van-accessible |
| 26 to 50 | 2, 1 of which must be van-accessible |
| 51 to 75 | 3, 1 of which must be van-accessible |
| 76 to 100 | 4, 1 of which must be van-accessible |
| 101 to 150 | 5, 1 of which must be van-accessible |
| 151 to 200 | 6, 1 of which must be van-accessible |
| 201 to 300 | 7, 1 of which must be van-accessible |
| 301 to 400 | 8, 1 of which must be van-accessible |
| 401 to 500 | 9, 2 of which must be van-accessible |
| 501 to 1,000 | 2% of total number of spaces, 1/8th of which must be van-accessible |
| 1,001 or more | 20 plus 1% of spaces for each 100 over 1000 spaces, 1/8 of which must be van-accessible |

2. Location. Handicapped parking spaces shall be located where they would result in the shortest reasonable accessible distance to a handicapped accessible building entrance. Curb cuts shall be provided as needed to provide access from the handicapped spaces.
3. Minimum Size and Slope. See requirements of the Americans With Disabilities Act regulations.
4. Marking. All required handicapped spaces shall be well-marked in compliance with the Americans With Disabilities Act. Such signs and/or markings shall be maintained over time.
5. Paving. Handicapped parking spaces and adjacent areas needed to access them with a wheelchair shall be covered with a smooth surface that is usable with a wheelchair.

603.H. Paved Area Setbacks (including Off-Street Parking Setbacks).

1. Intent. To ensure that parked or moving vehicles within a lot do not obstruct sight distance or interfere with pedestrian traffic, to aid in storm water management along streets and to prevent vehicles from entering or exiting a lot other than at approved driveways.
2. Any new or expanded paved area serving a principal non-residential use shall be separated from a public street by a planting strip. The planting strip shall have a minimum width of 15 feet and be maintained in grass or other attractive vegetative groundcover. At least 10 feet of the planting strip shall be outside of the existing street right-of-way. This 15 feet width shall be increased to 25 feet for a lot including 100 or more parking spaces.
 - a. The planting strip shall not include heights or locations of plants that would obstruct safe sight distances, but may include deciduous trees that allow views by motorists under the leaf canopy.
 - b. The planting strip may be placed inward from the shoulder of an uncurbed street or inward from the curb of a curbed street. The planting strip may overlap the street right-of-way, provided it does not conflict with PennDOT requirements, and provided that the Township and PennDOT as applicable maintain the right to replace planting areas within the right-of-way with future street improvements.
 - c. Township-approved sidewalks, recreation paths and approximately perpendicular driveway crossings may be placed within the planting strip. Mostly vegetative stormwater channels may be placed within the planting strip.
 - d. The following shall be prohibited within the planting strip:
 - (1) paving, except as allowed by subsection "c." above, and except for street widenings that may occur after the development is completed,
 - (2) fences, and
 - (3) parking, storage or display of vehicles or items for sale or rent.
 - e. Where feasible, where a sidewalk is not installed, this setback should include an unobstructed generally level width running parallel to a street that is suitable for a person to walk.
3. See landscaping requirements in Section 803 and 804.

603.I. Parking Setback from Buildings. Parking spaces serving principal non-residential buildings and apartment buildings shall be located a minimum of 10 feet from any principal building wall, unless a larger distance is required by another provision. This distance shall not apply at vehicle entrances into or under a building.

603.J. Speed Bumps. Any speed bumps, speed tables and similar raised areas to reduce speeds shall be maintained in a highly visible color or pavement marking and/or a sign that warns motorists of the raised pavement.

604. OFF-STREET LOADING.

604.A. Each use shall provide off-street loading facilities, which meet the requirements of this Section, sufficient to accommodate the maximum demand generated by the use and the maximum size vehicle, in a manner that will not routinely obstruct traffic on a public street and traffic entering and exiting the lot. If no other reasonable alternative is feasible, traffic may be obstructed for occasional loading and unloading along an alley, provided traffic has the ability to use another method of access.

604.B. At the time of review under this Ordinance, the applicant shall provide evidence to the Zoning Officer on whether the use will have sufficient numbers and sizes of loading facilities. The

Planning Commission and/or Board of Supervisors may provide advice to the Zoning Officer on this matter as part of any plan review by such boards. For the purposes of this Section, the words "loading" and "unloading" are used interchangeably.

604.C. Each space and the needed maneuvering room shall not intrude into approved buffer areas and landscaped areas.

605. **FIRE LANES AND ACCESS.**

605.A. Fire lanes shall be provided where required by State or Federal regulations or other local ordinances.

605.B. Access shall be also provided so that fire equipment can reach all sides of principal non-residential buildings and multi-family/apartment buildings. This access shall be able to support a loaded fire pumper truck, but shall not necessarily be paved.

605.C. The specific locations of fire lanes and fire equipment access are subject to approval by the Township, after review by local Fire Officials.

**ARTICLE 7
SIGNS**

701. APPLICABILITY.

- 701.A. Purposes. This Article is intended to: promote and maintain overall community aesthetic quality; establish reasonable time, place and manner of regulations for the exercise of free speech, without regulating content (excepting obscenity that is prohibited by State law); promote traffic safety by avoiding distractions and sight distance obstructions; and protect property values and ensure compatibility with the character of neighboring uses.
- 701.B. Permit Required. A zoning permit shall be required for all signs except for: a) signs meeting the requirements of Section 703 and b) non-illuminated window signs constructed of paper, cardboard or similar materials and that are not of a permanent nature. Only types, sizes and heights of signs that are specifically permitted by this Ordinance within the applicable Zoning District shall be allowed.
- 701.C. Changes on Signs. Any lawfully existing sign (including nonconforming signs) may be painted or repaired or changed in logo or message without a new permit under this Ordinance provided that the changes do not increase the sign area or otherwise result in noncompliance or an increased non-conformity with this Ordinance.

702. NONCONFORMING SIGNS.

- 702.A. Signs legally existing at the time of enactment of this Ordinance and which do not conform to the requirements of the Ordinance shall be considered nonconforming signs.
- 702.B. An existing lawful non-conforming sign that was lawful when it was initially placed may be replaced with a new sign, provided the new sign is not more nonconforming in any manner than the previous sign. A non-conforming sign shall not be expanded in a manner that does not conform to this Ordinance.
- 702.C. Unlawful Signs. If a sign was placed without a required permit by the Township, and does not comply with this Ordinance, it shall not be considered lawful, and shall be required to be removed. See the enforcement notice requirements in Article 1.

703. **MISCELLANEOUS SIGNS NOT REQUIRING PERMITS.** The following signs shall be permitted by right within all zoning districts within the following regulations, and shall not be required to have a permit under this Article.

| TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS | MAX. NO. OF SIGNS PER LOT | MAX. SIGN AREA PER SIGN * ON RESIDENTIAL LOTS ** (sq. ft.) | MAX. SIGN AREA PER SIGN * ON NON-RESIDENTIAL LOTS (sq. ft.) | OTHER REQUIREMENTS |
|--|---------------------------|--|---|---|
| <u>Agricultural Sales or Christmas Tree Sign</u> - Advertises the seasonal sale of agricultural products or Christmas trees. | 2 | 8 per sign | 24 per sign, including a use in the AP District | Shall only be posted during seasons when such products are actively offered for sale. |

Highland Township Zoning Ordinance - Adopted May 9, 2011

| TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS | MAX. NO. OF SIGNS PER LOT | MAX. SIGN AREA PER SIGN * ON RESIDENTIAL LOTS ** (sq. ft.) | MAX. SIGN AREA PER SIGN * ON NON-RESIDENTIAL LOTS (sq. ft.) | OTHER REQUIREMENTS |
|--|---------------------------|--|---|---|
| <u>Charitable Event Sign</u> - Advertises a special event held a maximum of 9 days in any calendar year that primarily is held to benefit a legitimate tax-exempt nonprofit organization or charity. | 2 | 4 per sign | 50 per sign | Shall be placed a max. of 30 days prior to event and removed a max. of 7 days after event. |
| <u>Contractor's Sign</u> - Advertises a building tradesperson, engineer or architect who is actively conducting significant work on a particular lot that is not such person's place of business, or a financial institution that is funding the project. | 2 | 8 per sign | 50 per sign | Shall only be permitted while such work is actively and clearly underway and a max. of 10 days afterward. Such signs shall not be placed on the lot for more than 1 year, unless a 1 year extension is granted by the Zoning Officer. Shall not be illuminated. |
| <u>Directional Sign</u> - provides information indicating traffic direction, entry or exit, loading or service area, directions to apartment numbers or parking courts in a development, fire lanes, parking or closely similar information regarding the same lot as the sign is on, and that does not include advertising. | No max. | 3 per sign, in addition to signs painted on pavement | 3 per sign, in addition to signs painted on pavement | Directional signs within a residential development shall not be illuminated. |
| <u>Farm-Related Business Sign</u> - The provisions in Section 403 for this use shall apply. | | | | |
| <u>Flag</u> - a pennant made of fabric or materials with a similar appearance that is hung in such a way to flow in the wind. See also "Special Sale Signs" below. | 1 | 20 per flag | 20 per flag | Flags of governments and flags that simply include colors or patterns are not regulated by this Ordinance. |
| <u>Garage Sale Sign</u> - advertises an occasional garage sale/porch sale or auction. | 5 per event | 6 per sign | 6 per sign | Shall be placed a max. of 48 hrs. before permitted garage sale or auction begins, and be removed max. of 24 hrs. after event ends. |
| <u>Home Occupation Sign</u> - advertises a permitted home occupation. | 1 | 2 per sign | 6 per sign | Shall not be illuminated. . May be freestanding, attached flat on a building wall, printed on a mailbox or placed within a window. |
| <u>Identification Sign</u> - only identifies the name and/or occupation of the resident and/or the name, street address and/or use of a lot, but that does not include advertising. | 1 | 1 per sign, except 2 for a principal nonresidential use. | 6 per sign | Maximum height of 8 feet. |

Highland Township Zoning Ordinance – Adopted May 9, 2011

| TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS | MAX. NO. OF SIGNS PER LOT | MAX. SIGN AREA PER SIGN * ON RESIDENTIAL LOTS *(sq. ft.) | MAX. SIGN AREA PER SIGN * ON NON-RESIDENTIAL LOTS (sq. ft.) | OTHER REQUIREMENTS |
|--|---|--|--|--|
| <u>Open House Sign</u> - advertises the temporary and periodic open house of a property for sale or rent. | 5 per event | 6 per sign | 6 per sign | Shall be placed max. of 4 days before open house begins, and be removed max. of 24 hrs. after open house ends. Such sign shall not be posted more than 5 consecutive days. |
| <u>Political Sign</u> - advertises a person or party seeking political office or a political cause or opinion on a referendum or matter of political concern and which relates to a scheduled election or matter of upcoming vote by a governmental body. | Maximum of 2 sign faces per issue or candidate per street | Maximum of 10 s.f. per issue or candidate. | Maximum of 20 s.f. per issue or candidate. | Shall be removed a max. of 7 days after an election, vote or referendum. Political signs shall not be placed on private property without the prior consent of the owner. Political signs shall not be placed on Township property, except as may be allowed on election day outside a polling place. If a political sign does not meet these requirements, then it shall be regulated as an "off-premises sign." |
| <u>Public Services Sign</u> - advertises the availability of restrooms, telephone or other similar public convenience. | No max. | 2 per sign | 2 per sign | |
| <u>Real Estate Sign</u> - advertises the availability of property on which the sign is located for sale, rent or lease. | 1 per street the lot abuts | 6 per sign | 30 per sign | Shall only be placed on the property while it is actively for sale, lease or rent, and shall be removed a max. of 14 days after settlement or start of lease. |
| <u>Service Organization/ Place of Worship Sign</u> - an off-premises sign stating name of a recognized incorporated service organization or place of worship and that states the place and times of meetings or services and/or an arrow directing persons to such location. | 2 | 4 per sign | 4 per sign | Maximum of 2 such signs per such organization or place of worship. |
| <u>Special Sale Signs</u> - temporary banners, flags and other signs that advertise a special sales event at a lawful principal commercial business. | 5 per lot | Not permitted | Total of 60 sq. ft. for all such banners, flags and other temporary signs. | Shall be displayed a maximum of 90 total days per calendar year. Such signs shall not flash, be internally illuminated, nor obstruct safe sight distances. |

| TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS | MAX. NO. OF SIGNS PER LOT | MAX. SIGN AREA PER SIGN * ON RESIDENTIAL LOTS ** (sq. ft.) | MAX. SIGN AREA PER SIGN * ON NON-RESIDENTIAL LOTS (sq. ft.) | OTHER REQUIREMENTS |
|---|---------------------------|--|---|--------------------|
| <u>Time and Temperature Sign</u> - with a sole purpose to announce the current time and temperature and any non-profit public service messages. | 1 | Not permitted | 30 per sign | |
| <u>Trespassing Sign</u> - indicating that a road is private, that trespassing is prohibited on a lot, or controlling certain activities such as hunting and fishing on the lot. | No max. | 2 per sign | 4 per sign | |

- * Maximum sign areas are for each of 2 sides of each permitted sign, measured in square feet.
- ** For the purposes of this Section, a "Residential Lot" shall mean a lot that is occupied by a principal residential use, or an undeveloped lot in a "residential district."

In addition, the following types of signs are not regulated by this Ordinance:

- a. Historic Sign- memorializes an important historic place, event or person and that is specifically authorized by the Township or a County, State or Federal agency.
- b. Holiday Decorations- commemorates a holiday recognized by the Township, County, State or Federal Government and that does not include advertising.
- c. Not Readable Sign- not readable from any public street or any exterior lot line.
- d. Official Sign- erected by the State, County, Township or other legally constituted governmental body, or specifically authorized by Township ordinance or resolution, and which exists for public purposes.
- e. Required Sign- only includes information required to be posted outdoors by a government agency or the Township.
- f. Right-of-Way Sign- posted within the existing right-of-way of a public street and officially authorized by the Township or PennDOT.

704. FREESTANDING, WALL AND WINDOW SIGNS (On-Premises Signs).

704.A. The following are the on-premises signs permitted on a lot within the specified districts and within the following regulations, in addition to "Exempt Signs" and "Temporary Signs" permitted in all districts by other provisions of this Article. See definitions of the types of signs in Section 711.

| ZONING DISTRICT OR TYPE OF USE | TOTAL MAXIMUM HEIGHT OF FREE-STANDING SIGNS | TOTAL MAXIMUM AREA OF WALL SIGNS | TOTAL MAXIMUM AREA OF WINDOW SIGNS** | TOTAL MAXIMUM AREA AND NUMBER OF FREESTANDING SIGNS |
|---|---|---|--|---|
| <p>AP, LC or Residential Districts, with signs in this table limited to allowed principal non-residential uses.</p> <p>For home occupation signs, see Section 703.</p> <p>No new signs in these districts shall be internally illuminated.</p> <p>See also entrance signs for major residential developments in Section 713.</p> | 8 feet | 30 square feet on each side of a principal non-residential building. | May be used in place of a wall sign with the same restrictions | 1 sign per lot on each street the lot abuts, each with a maximum sign area of 30 sq. ft, except 6 sq. ft. for a day care center, or bed and breakfast inn, and except 50 sq.ft. for a campground. |
| <p>V, C/MDR (other than residential lots), I and I/O districts, and any other district not listed above</p> <p>A banner may be used in place of some or all of the allowed wall sign area.</p> | 15 feet. | 15% of the area of the building side on which the signs are attached. | See note "***" below. Other window signs shall be considered wall signs. | 1 sign per street that the lot abuts, each with a maximum area of 50 sq.ft. * |

* If a lot includes 2 or more distinct principal non-residential uses, the maximum freestanding sign area may be increased by 10 square feet for each principal non-residential use beyond the first non-residential use. For example, if a lot includes 3 such uses, the maximum freestanding sign area shall be 50 plus 20 equals 70 square feet.

** Non-illuminated window signs constructed of paper, cardboard or similar materials and that are not of a permanent nature are not regulated by this Ordinance.

704.B. Maximum Height of Wall Signs. The maximum height of wall signs shall be equal to the top of the roof along the wall to which they are attached. However, sign may be attached to a "parapet

roof" that vertically extends up to 10 feet above the structural roof, provided the parapet roof appears to be an architectural extension of the building.

704.C. Portable Signs (Including "Signs on Mobile Stands") and Other Temporary Signs.

1. Purpose. These standards recognize portable signs as a particular type of sign that has the characteristics of a temporary sign but that has been inappropriately used as a permanent sign. This Section is based on the policy that if a use desires to regularly display a sign for regularly changing messages, that it erect a permanent sign within all of the requirements of this Ordinance.
2. Definition of a "Portable Sign"- A freestanding sign that is attached to a chassis or legs that allows it to be towed or carried from one location to another and that is not permanently attached to the ground.
3. Portable signs are prohibited in all districts, except as a temporary Charitable Event sign permitted by Section 703.
4. Businesses are encouraged to provide an area on a permanent sign that displays changeable messages, as opposed to using a separate sign for such purpose.

704.D. Wiring of Signs. Signs shall be prohibited that involve electrical cords laying across parking lots, driveways or sidewalks, except for seasonal lighting or for a temporary charitable event sign.

704.E. Signs on Freestanding Walls. A freestanding sign may be attached to a decorative masonry or stone wall with a maximum height of 6 feet and a maximum length of 12 feet, without being regulated by the wall setback regulations of this Ordinance and with the wall itself not counting towards the maximum sign area.

705. **ABANDONED OR OUTDATED SIGNS.** Signs advertising a use no longer in existence (other than a sign relating to a building that is clearly temporarily vacant and being offered to new tenants or for purchase) shall be removed within 180 days of the cessation of such use.

706. **LOCATION OF SIGNS.** The following shall regulate the location of signs:

706.A. Setbacks.

1. Signs shall not be located within the existing street right-of-way. Signs of more than 40 square feet in sign area shall be setback a minimum of 5 feet from the existing street right-of-way, except where a larger setback is required by Section 712.D.2.
2. A freestanding illuminated sign for a commercial or industrial business shall not be located within 10 feet from an abutting lot line of principally residential lot.
3. These setbacks shall not apply to Official Signs, Nameplate Signs, Public Service Signs and Directional Signs.

706.B. Sight Clearance. No sign shall be so located that it interferes with the sight clearance requirements of Section 803.

706.C. Off-Premises. No signs except permitted Off-Premise, Official, Political or Public Service Signs shall be erected on a property to which it does not relate. A Major Development Sign may be located on one lot in a subdivision to advertise uses throughout the subdivision.

- 706.D. Permission of Owner. No sign shall be posted on any property or sign pole or public utility pole, unless permission has been received by the owner.
- 706.E. Utility Poles. No sign shall be attached to a utility pole, except by a utility or government agency.
707. ILLUMINATION OF SIGNS. See "Light and Glare Control" in Article 5.
708. VEHICLES FUNCTIONING AS SIGNS. Any vehicle, trailer or structure to which a sign is affixed in such a manner that the carrying of such sign(s) no longer is incidental to the primary purpose of the vehicle, trailer or structure but instead becomes a primary purpose in itself shall be considered a freestanding sign and shall be subject to all of the requirements for freestanding signs in the district in which such vehicle, trailer or structure is located.
709. PROHIBITED SIGNS. The following prohibitions on signs shall apply in all zoning districts:
- 709.A. Any moving object used to attract attention to a commercial use is prohibited. However, certain flags and banners may be allowed as provided in Section 703.
- 709.B. Flashing, blinking, twinkling, animated scrolling or moving signs of any type are prohibited. Signs may change their message from time to time provided that each message is visible for at least 6 seconds, except an electronically changing sign area of greater than 50 square feet shall not change more than once every 15 seconds, except time and temperature signs may change more frequently.
1. In addition, flashing lights visible from a street shall not be used to attract attention to a business. This restriction specifically includes window signs, but does not prohibit Christmas lighting or displays, within Section 703.
- 709.C. Signs which emit smoke, visible vapors or particles, sound or odor are prohibited.
- 709.D. Signs which contain information that states that a lot may be used for a purpose not permitted under this Ordinance are prohibited.
- 709.E. Signs that are of such form, shape or color that they resemble an official traffic sign, signal or device or that have any characteristics which are likely to confuse or distract the operator of a motor vehicle on a public street (such as prominent use of the words "Danger") are prohibited.
- 709.F. Signs or displays visible from a lot line that include words or images that are obscene or pornographic are prohibited.
- 709.G. Balloons of greater than 50 cubic feet that are tethered to the ground or a structure for periods of over a day and that are primarily intended for advertising purposes are prohibited.
- 709.H. Floodlights and outdoor lasers for advertising purposes are prohibited.
710. CONSTRUCTION OF SIGNS. Every permanent sign permitted in this section shall be constructed of durable materials and shall be kept in good condition and repair. The Zoning Officer shall by written notice require a property owner or lessee to repair or remove a dilapidated or unsafe sign within a specified period of time. If such order is not complied with, the Township may repair or remove such sign at the expense of such owner or lessee.

711. **MEASUREMENT AND MAJOR TYPES OF SIGNS.**

711.A. **Sign Definitions.** The following definitions shall be used in determining whether signs meet the measurement and type requirements of this Article:

1. **Building Face.** The vertical area of a particular side of a building, but not including the area of any slanted roof.
2. **Freestanding Sign.** A sign which is self-supporting upon the ground or which is primarily supported by poles attached to the ground and not primarily supported by a building.
3. **Height of Sign.** The vertical distance measured from the average ground level surrounding a sign to the highest point of the sign and its supporting structure. Religious symbols, when not accompanied by lettering, shall not be restricted by the sign heights of this Article when attached to a tower or spire of a place of worship.
4. **Illuminated Sign, Internally.** A sign illuminated by light from within the sign rather than a source adjacent to or outside of the sign. A sign within a display case with lights only shining onto the front of the sign shall be considered to be "externally" illuminated.
5. **Off-Premise Sign.** A sign which directs attention to an object, product, service, place, activity, person, institution, organization, or business that is primarily offered or located at a location other than the lot upon which the sign is located.
6. **Sign.** Any physical device for visual communication that is used for the purpose of attracting attention from the public and that is visible from beyond an exterior lot line, including all symbols, words, models, displays, banners, flags, devices or representations. This term shall not include displays that only involve symbols that are clearly and entirely religious in nature, and which do not include advertising.
7. **Wall Sign.** A sign primarily supported by or painted on a wall of a building. A Wall Sign may also be displayed upon an awning or canopy, provided other requirements of this Ordinance are met.
8. **Window Sign.** A sign which is readily visible and can be at least partially read from an exterior lot line and which is attached to a window or transparent door or that can be read through a window or transparent door.

711.B. **Measurement of Sign Area.**

1. "Sign Area" shall mean the square footage of display surface of a sign, as measured under the provisions of this Section. Sign area shall include all lettering, wording and accompanying designs and symbols, together with related background areas on which they are displayed. One "freestanding sign" may include several signs that are all attached to one structure, with the total "sign area" being the area of a common geometric form that could encompass all signs.
2. The sign area shall not include any structural supports that do not include a message.
3. Where the sign consists of individual letters or symbols attached to or painted directly on a building or window, other than an illuminated background that is a part of the sign, the sign area shall be the smallest rectangle that includes all of the letters and symbols.

4. The maximum sign area of sign shall be for each of two sides of a sign, provided that only one side of a sign is readable from any location.
5. Unless otherwise specified, all square footages in regards to signs are maximum sizes.

712. **OFF-PREMISE SIGNS (Including Billboards).**

- 712.A. **Purposes.** Off-premise signs are controlled by this Ordinance for the following purposes, to: ensure that a physical environment is maintained that is attractive to desirable types of development; prevent visual pollution in the Township and protect property values, especially in consideration of the fact that most commercial areas of the Township are within close proximity to existing residences; prevent glare on adjacent property and streets; avoid the creation of additional visual distractions to motorists, especially along busy arterial streets that involve complex turning movements and numerous traffic hazards; recognize the numerous alternative forms of free speech available in the Township, including existing nonconforming off-premise signs, on-premise signs and temporary signs and printed and electronic media; carry out the purposes listed in Section 701. To also allow for directional signs to help visitors find local businesses.
- 712.B. **Nonconforming Off-Premise Signs.** This section is not intended to require the removal of an existing lawfully-placed off-premise sign that is in structurally sound condition.
- 712.C. **PennDOT Sign.** Signs erected and maintained by PennDOT are permitted by right in all Districts.
- 712.D. **Permitted Off-Premise Signs.** Except for other types of signs that are specifically allowed by this Section to be off-premises, an off-premise sign is only permitted if it meet the following requirements:
1. **Districts.** An off-premise sign is only permitted in the C/MDR, V, I or IO Districts.
 - a. Off-premises signs in the C/MDR and V districts shall only be allowed to advertise businesses within 5 miles of the sign. The allowance for off-premises signs in the C/MDR and V districts is mainly intended to serve directional purposes, so visitors to the area can find local businesses. In the C/MDR and V districts, a maximum of 5 off-premise signs shall advertise any one business.
 - b. The restrictions of subsection 1.a. do not apply in the I or IO districts, because these districts are intended to be the locations where typical commercial billboards are allowed.
 2. **Location.** An off-premise sign of more than 30 square feet in sign area shall be setback a minimum of 25 feet from all lot lines and street rights-of-way. An off-premise sign shall only be placed if the property-owner has granted permission for the sign.
 3. **Maximum Total Sign Area on Each of 2 Sides.** 300 square feet in the I or I/O Districts and 30 square feet in the V or C/MDR Districts.
 4. **Spacing.** Any off-premise sign of greater than 30 square feet shall be separated by a minimum of 1,000 feet from any other off-premise sign with a sign area greater than 30 square feet, including signs on either side of a street and including existing signs in other municipalities. No lot shall include more than 1 off-premise sign, except as allowed in subsection 6 below.
 5. **Maximum Height.** 35 feet above the elevation of the adjacent street, measured at the street centerline.

6. Attached. No off-premise sign or sign face shall be attached in any way to any other off-premise sign, except that two off-premises sign faces shall be allowed provided they are approximately back-to-back.
7. Control of Lighting and Glare. See standards in Section 507. Lights shall be directed so they do not shine into the eyes of motorists nor residents of homes. Any lights shall be attached to the top of a sign and point downward. See also Section 709.B.1.
8. Residences. No off-premise sign greater than 30 square feet in sign area shall be located within 300 feet from an existing dwelling.
9. Condition. The sign shall be maintained in a good and safe condition, particularly to avoid hazards in high winds. The area around the sign shall be kept free of debris. If the message of a sign is no longer intact, it shall be replaced with a solid color or a “for lease” sign.

713. **MAJOR RESIDENTIAL DEVELOPMENT SIGNS.**

- 713.A. Residential Development Sign. If a subdivision or land development is approved to include over 15 dwelling units, then one additional sign shall be permitted at one entrance to the project from an exterior public street. Such sign may have two sign faces on one structure, or one sign face on each structure on each side of the entrance.
 1. Such sign shall have a maximum sign area of 30 square feet. Such signs shall have a maximum total height of 6 feet. The sign may be attached to a stone or decorative masonry wall or fence constructed of weather-resistant wood or materials with a similar appearance. In such case, the wall or fence shall have a maximum total height of 6 feet and a maximum length of 12 feet.
- 713.B. The applicant shall prove to the Zoning Officer that the signs will be of durable construction that requires little maintenance. Such sign shall not be illuminated. Attractive low-maintenance landscaping shall surround the sign.

ARTICLE 8 GENERAL REGULATIONS

801. FRONTAGE ONTO IMPROVED STREETS; NUMBER OF USES OR BUILDINGS; MINIMUM SIZE OF DWELLINGS.

801.A. Frontage Required onto Improved Street. Each proposed new lot, each land development and each proposed principal building shall be on a lot which directly abuts: 1) a public street, 2) a street proposed to be dedicated to the Township by the subdivision plan which created or creates such lot, or 3) a private street which meets all of the requirements of the Township Subdivision and Land Development Ordinance. In the case of townhouses, manufactured/mobile home park, or apartments, each unit may have access onto a parking court which then has access onto a public or private street meeting Township standards.

801.B. Number of Principal Uses and Principal Buildings Per Lot.

1. A lot in a commercial or industrial district may include more than one permitted principal use per lot and/or more than one permitted principal building per lot, provided that all of the requirements are met for each use and each building. If differing dimensional requirements apply for different uses on the lot, then the most restrictive requirement shall apply.
 - a. For example, if Use One requires a one acre lot area and Use Two on the same lot requires a two acre lot area, then the lot shall have a minimum lot area of two acres.
 - b. The applicant shall submit a site plan that demonstrates that each structure would meet the requirements of this Ordinance.
 - c. The uses and buildings shall be in common ownership. However, a condominium form of ownership of individual buildings, with a legally binding property-owners association, may be established if the applicant proves to the satisfaction of the Zoning Officer, based upon review by the Township Solicitor, that there will be appropriate legal mechanisms in place.
2. A lot within a residential district shall not include more than one principal use and shall not include more than one principal building unless specifically permitted by this Ordinance.
 - a. A manufactured/mobile home park, condominium residential development or apartment development may include more than one principal building per lot, provided all other requirements of this Ordinance are met. A condominium form of ownership of individual dwelling units, with a legally binding homeowners association, may be established if the applicant proves to the satisfaction of the Zoning Officer, based upon review by the Township Solicitor, that there will be appropriate legal mechanisms in place and compliance with applicable State law.

801.C. Minimum Size of Dwellings. Each dwelling unit shall include a minimum of 500 square feet of enclosed habitable, indoor, heated floor area, which shall be primarily above the ground level.

801.D. Maximum Occupancy. No recreational vehicle shall be occupied on a lot for more than 30 days in a calendar year, except as may be approved within a campground with suitable central water and sewage service. No mobile/manufactured home shall be occupied on a lot as a dwelling unless it meets all of the requirements for a dwelling.

802. HEIGHT EXCEPTIONS. The maximum structure height specified for each district shall not apply to: antenna that meet the requirements of this Ordinance, water towers, clock or bell towers, steeples and religious symbols attached to places of worship, solar energy collection devices, electrical transmission lines, elevator shafts, windmills, skylights, chimneys, heating/ventilation/air conditional equipment, industrial mechanical equipment areas that are not occupied by humans, or other appurtenances usually

required to be and customarily placed above the roof level and not intended for human occupancy. See also definition of "Height" in Section 202 and provisions in Section 307.B.

803. **SPECIAL LOT AND YARD REQUIREMENTS, SIGHT DISTANCE AND BUFFER YARDS.**

803.A. In General.

1. No lot, structure or use shall be created or developed in such a way that it would result in another lot, building or use not being able to meet the requirements of this Ordinance. This includes, but is not limited to: setback areas, non-impervious areas and off-street parking areas.
2. Emergency Access. All uses and structures shall have adequate provisions for access by emergency vehicles and fire ladders. Such access shall be maintained in a passable condition by the owner of the lot, or where applicable by the property-owner association.

803.B. Exceptions to Minimum Lot Areas, Lot Widths and Yards.

1. Corner Lots. For a corner lot, each yard that abuts a public street shall be considered a front yard and meet the requirements for minimum depth of a front yard. See definition of "Lot, Corner" in Section 202.
2. Projections Into Required Yards.
 - a. Cornices, eaves, roof overhangs, sills or other similar architectural features, exterior stairways, unenclosed fire escapes or other required means of egress, rain leads, chimneys, outside doors for basement access, window awnings, chaise for heating pipes or other similar structures that do not include space usable by persons may extend or project into a required yard not more than 3 feet, except as may be required within a drainage or utility easement.
 - b. Steps, stoops, fire escapes, handicapped ramps, and landings necessary to provide entrance to a building may be located within a required setback area.
 - c. For decks and porches, see Section 307.
3. Lot Widths Around Curves. Around the bulb of a cul-de-sac street or on the outside of the curve of a street with a radius of less than 150 feet, the minimum lot width at the minimum building setback line may be reduced to 60 percent of the width that would otherwise be required.

803.C. Sight Clearance at Intersections. At the intersection of two streets, a clear sight triangle shall be provided. Within this triangle, no visual obstructions shall be allowed between the height of 3 feet and 10 feet above the ground level, except for utility posts, mailboxes, single sign posts and the trunks of canopy trees. The triangle shall be measured along the centerline of the right-of-way line of the streets. Each leg of the triangle shall be measured 75 feet from the intersection of the centerlines of the streets. A third longer leg shall connect the two legs along the centerlines, to form the triangle.

1. However, in place of the above sight triangle, where a local street intersects an arterial or collector street with a stop sign only at the local street, the leg of the triangle along the arterial or collector street shall be increased to 250 feet and the leg along the local street shall be decreased to 20 feet beyond the right-of-way of the arterial street.
2. The clear sight triangle shall be kept free of such obstructions in perpetuity.

803.D. Buffer Yards. Buffer yards and plant screening complying with the following standards shall be required under the following situations, unless a more restrictive provision is established by another section of this Ordinance:

1. A minimum 30 feet wide buffer yard with plant screening shall be required along the rear and side lot lines of any lot used principally for principal non-residential purposes that is contiguous to a lot occupied by an existing principal dwelling or an undeveloped residentially zoned lot.
 - a. If a principal business use will include areas used for manufacturing or will have a loading dock that will be routinely serviced by two or more tractor-trailer trucks or refrigerated trucks, then the minimum buffer yard width along such manufacturing area and/or loading dock shall be increased to 70 feet, and the minimum initial height of plantings shall be increased to 6 feet.
 - b. If a lot will include more than 100,000 square feet of new business building floor area, then the minimum buffer yard width shall be increased to 70 feet and the minimum initial height of plantings shall be increased to 6 feet.
 - c. If a dwelling will be on the same lot as a principal business use, then a buffer yard shall not be required by this Section.
 - d. A 10 feet minimum wide area of landscaped screening shall be required where a subdivision or land development of new dwellings will have rear yards abutting a public street, if the dwellings are within 100 feet of such street.
 - e. A Buffer Yard is also required to be provided by the following if they are abutting and visible from a public street:
 - (1) Along lot lines and street rights-of-way of any newly developed or expanded outdoor industrial storage or loading area, or
 - (2) Along lot lines and street rights-of-way of any newly developed or expanded area routinely used for the overnight parking of 2 or more tractor-trailer trucks or trailers of tractor-trailers.
2. A required yard may overlap a required buffer yard, provided the requirement for each is met. The buffer yard shall be measured from the district boundary line, street right-of-way line or lot line, whichever is applicable. Required plantings shall not be placed within the right-of-way, except that the Township may allow deciduous canopy trees.
3. The buffer yard shall be a landscaped area free of structures, dumpsters, commercial or industrial storage or display, signs, manufacturing or processing activity, materials, loading and unloading areas or vehicle parking or display.
4. Fence. Any wall or fence in a buffer yard shall be placed on the inside (non-residential side) of any required plant screening. If a fence in a buffer yard has one side that is more finished or smoother than the other side, the more finished or smoother side shall face the outside of the buffer yard.
5. Each planting screen shall meet the following requirements:
 - a. Plant materials needed to form the visual screen shall have a minimum height when planted of 4 feet. In addition, an average of 1 deciduous shade tree, with a minimum trunk diameter of 2 inches measured 6 inches above the finished ground level, shall be placed for each 50 feet of length of the buffer yard. The shade trees may be clustered or spaced unevenly.
 - b. Plants needed to form the visual screen shall be of such species, spacing and size as can reasonably be expected to produce within 3 years a mostly solid year-round visual screen at least 6 feet in height.
 - c. The plant screen shall be placed so that at maturity the plants will not obstruct a street or sidewalk.
 - d. The plant visual screen shall extend the full length of the lot line, except for: a) Township-approved points of approximately perpendicular vehicle or pedestrian ingress and egress to

- the lot, b) locations necessary to comply with safe sight distance requirements where the plantings cannot feasibly be moved further back, and c) locations needed to meet other specific State, Township and utility requirements, such as stormwater swales.
- e. American Arborvitae and similar weak-stem plants shall not be used to meet the buffer yard requirements. A monotonous straight row of the same species is discouraged. A more naturalistic form of planting is encouraged with a mix of species. If more than 20 evergreen plants are proposed, no more than 50 percent shall be of one species.
 - f. Evergreen trees should be planted at diagonal off-sets so that there is room for future growth of the trees.
 - g. The plant screening shall primarily use evergreen trees.
 - h. If existing healthy trees with a trunk diameter of 6 inches or greater (measured 4.5 feet above the ground level) exist within the buffer yard, they shall be preserved to the maximum extent feasible. The Zoning Officer may certify that preserving existing mature trees and shrubs within the buffer yard will meet the same purposes as the new plant screening. In such case, part or all of the new plant screening may be waived in writing by the Zoning Officer.
 - i. The use of earth berms in combination with landscaping is encouraged within buffer yards to provide additional protection to dwellings and residential areas. An earth berm may be required as a condition of a conditional or special exception use approval.
6. Buffer Yard Plans.
- a. Prior to the issuance of a permit under this Ordinance where a buffer yard would be required, and on any required subdivision or land development plan, the applicant shall submit plans showing:
 - (1) the location and arrangement of each buffer yard,
 - (2) the placement, general selection of species and initial size of all plant materials, and
 - (3) the placement, size, materials and type of all fences to be placed in such buffer yard.

804. LANDSCAPING.

- 804.A. Any part of a commercial, industrial, institutional or apartment lot which is not used for structures, loading areas, parking spaces and aisles, sidewalks and designated storage areas shall be provided with an all-season, well-maintained vegetative groundcover, and shall be landscaped with trees and shrubs. Landscaped areas shall be kept free of debris, rubbish and noxious weeds.
- 804.B. See also the buffer yard provisions in Section 803.
- 804.C. Street Trees. See the requirements for street trees in the Subdivision and Land Development Ordinance.
- 804.D. Parking Lot Landscaping.
- 1. A minimum of one deciduous tree shall be required for every 15 new off-street parking spaces.
 - 2. If a lot will include 30 or more new parking spaces, landscaped islands shall be provided within auto parking areas. Otherwise, the trees may be planted around the parking area.
 - 3. Deciduous trees required by this section shall meet the standards of the Subdivision and Land Development Ordinance (SALDO). The species of trees shall be a type listed under Shade Trees in the List of Recommended Landscape Plantings in the SALDO. The applicant may prove to the satisfaction of the Township Zoning Officer that another species of tree would shade paved areas, be resistant to disease, road salt and air pollution and be attractive.

- a. **Quality of Trees.** Required trees shall be of symmetrical growth and free of insect pests and disease.
 - b. **Minimum Size.** The trunk diameter (measured at a height of 6 inches above the finished grade level) shall be a minimum of 2 inches or greater.
 - c. **Planting and Maintenance.** Required trees shall be:
 - (1) planted in conformance with good landscaping practices, with adequate unpaved surface around each for water and air, and
 - (2) properly protected by curbs, curbstops, distance or other devices from damage from vehicles.
- 804.E. **Parking Lot Landscaping.** A minimum vegetative area shall be provided that includes at least a 3 feet minimum radius around all sides of the trunk of each required deciduous tree within or adjacent to a parking lot.
- 804.F. **Review and Approval.** Where landscaping is required by this Ordinance, the applicant shall submit a landscaping plan, in addition to a site plan, showing proposed initial sizes, locations and species of plantings.
- 804.G. **Landscape Maintenance.** All shade tree, buffer yard and other landscaping required by this Ordinance shall be perpetually maintained by the property-owner. Any landscaping needed to meet an Ordinance requirement that dies, is removed, or is severely damaged shall be replaced by the current property-owner, on a one-to-one basis, as soon as is practical considering growing seasons, within a maximum of 150 days.
- 804.H. **Stormwater Basin Landscaping.** The following requirements shall apply to landscaping within and around stormwater detention basins that cover more than one acre of land:
1. All areas of stormwater management basins, including basin floors, side slopes, berms, impoundment structures, or other earth structures, shall be planted with suitable vegetation, such as meadow plantings or grasses specifically suited for stormwater basins.
 2. Trees and shrubs shall be planted around stormwater basins. However, trees and shrubs shall not be planted in locations that would interfere with the function of the basin, such as within 30 feet from the outlet/drain structure, emergency spillway or dam. A minimum average of 2 trees and 10 shrubs shall be required to be planted around the basin for every 100 linear feet of basin perimeter. Such perimeter shall be measured at the elevation of the top of the berm. Such trees and shrubs shall be in addition to other Township requirements. Trees shall have an initial trunk diameter of 2 inches, measured 6 inches above the ground. Shrubs shall have an initial height of 4 feet.
 3. Natural ground cover plant species shall be planted in the floors and slopes of the basin. These ground covers may include wildflowers, meadows or non-aggressive grasses. Species shall be chosen that are suitable for the expected wetness of various portions of the basin. The plantings shall provide a continuous cover over all earth areas of the basin. The plantings shall not interfere with the proper functioning of the basin, in the determination of the Township Engineer.
 4. Lawn grass areas may be sodded or hydroseeded to minimize erosion during the establishment period. Once established, turfgrass areas on non-wet areas of the basin shall be maintained at a height of not more than 8 inches.
 5. To the maximum extent feasible, stormwater basins shall be designed with slopes that blend with the surrounding topography. Areas intended to be mowed shall have a maximum slope of 3:1.

805. **NONCONFORMITIES.**

805.A. Proof and Registration of Nonconformities. It shall be the responsibility of, with the burden of proof upon, a party asserting a nonconformity to provide the evidence that it is lawful. A property owner may request a written statement of nonconformity from the Zoning Officer after providing sufficient evidence.

805.B. Continuation of Nonconformities.

1. A lawful nonconforming use, structure or lot as defined by this Ordinance may be continued and may be sold and continued by new owners.
2. Any expansion of, construction upon or change in use of a nonconformity shall only occur in conformance with this section.
3. If an existing use was not lawfully established, it shall not have any right to continue as a nonconforming use.

805.C. Expansion of or Construction Upon Nonconformities. The following shall apply, unless the structure is approved under Section 805.D.

1. Nonconforming Structure.

- a. The Zoning Officer shall permit a nonconforming structure to be reconstructed or expanded provided:
 - (1) that such action will not increase the severity or amount of the nonconformity (such as the area of the building extending into the required yard) or create any new nonconformity, and
 - (2) that any expanded area will comply with the applicable setbacks in that District and other requirements of this Ordinance, except as may be allowed under subsection 1.c. below.
- b. In the case of a nonconforming structure which is used by a nonconforming use, any expansion shall also meet the requirements of this Section regarding nonconforming uses.

2. Nonconforming Lots.

- a. Permitted Construction on a Nonconforming Lot. A single permitted by right principal use and its customary accessory uses may be constructed, reconstructed or expanded on a nonconforming lot provided all of the following additional requirements are met:
 - (1) The lot must be a lawful nonconforming lot of record;
 - (2) Minimum setback requirements shall be met;
 - (3) State and Federal wetland regulations shall be met;
 - (4) If a septic or well is used, the requirements for such shall be met.
- b. Lot Width. The fact that an existing lawful lot of record does not meet the minimum lot width requirements of this Ordinance shall not by itself cause such lot to be considered to be a nonconforming lot.

3. Expansion of a Nonconforming Non-Residential Use. A non-conforming use or a building used by a nonconforming use shall not be expanded, except in accordance with the following provisions:

- a. An expansion of more than 5 percent in total building floor area shall require special exception approval from the Zoning Hearing Board under Article 1.

needed for a simple change within an existing building from one lawful nonconforming retail store use to another retail store use or from one lawful nonconforming personal service use to another personal service use provided that the new use complies with any Zoning Hearing Board conditions that applied to the previous use and is not more objectionable in external effects than the previous use.

3. Where special exception approval is required for a change of a nonconforming use, the Board shall determine whether the applicant has provided sufficient proof to show that the proposed new use will be equal or less objectionable in external effects than the pre-existing nonconforming use with regard to:
 - a. Traffic safety and generation (especially truck traffic),
 - b. Noise, dust, fumes, vapors, gases, odor, glare, vibration, fire, hazardous substances, and explosive hazards,
 - c. Amount and character of outdoor storage,
 - d. Hours of operation if the use would be close to dwellings and
 - e. Compatibility with the character of the surrounding area.
4. A nonconforming use shall not be changed to a nonconforming Adult Use.

805.G. District Changes. Any uses, structures or lots that become nonconforming because of a zoning district change shall be regulated under this Section on nonconformities.

806. **DUMPSTER SCREENING AND LOCATION.**

- 806.A. Site plans submitted to the Township shall show the proposed location of any garbage dumpsters. The Township may require that such proposed location be modified to provide compatibility with adjacent uses.
- 806.B. Garbage dumpsters shall be surrounded on at least 3 of 4 sides by a solid fencing, wall or landscaping if the dumpster would be visible from a street or a residential lot.

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