

**JOINT MUNICIPAL ZONING ORDINANCE**

for

DERRY, LIMESTONE,

and

WEST HEMLOCK TOWNSHIPS

Montour County, PA

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Prepared by the

**Zoning Committee of the**

**NORTHERN MONTOUR REGIONAL PLANNING COMMISSION**

And Approved by the

**BOARDS OF SUPERVISORS**

**Of**

**DERRY, LIMESTONE & WEST HEMLOCK TOWNSHIPS**

With the Assistance of

**LANDPLAN, INC.**

Professional Planning & Development Consultant

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ARTICLE 1

**TITLE, AUTHORITY, AND PURPOSE**

**100 SHORT TITLE**

This Ordinance shall be known and be cited as the “Northern Montour Regional Zoning Ordinance of 1997”.

**101 AUTHORITY**

Section 801-A of the PA Municipalities Planning Code (Act 170 of 1988, as amended) permits municipalities which cooperatively plan for their future to also regulate future growth and change in a cooperative manner through the enactment of joint municipal zoning ordinances. Such ordinances may implement joint municipal comprehensive plans and accomplish any of the purposes of the Planning Code.

The Supervisors of Derry, Limestone and West Hemlock Townships, Montour County, PA, under the authority cited above, do hereby ordain that this Zoning Ordinance was enacted in order to promote and protect the health, safety, morals, and general welfare of the residents of each of the Townships in the Planning Area and to implement the policy goals and recommendations established in the Northern Montour Regional Planning Commission's Joint Municipal Comprehensive Plan of 1993.

**102    GENERAL PURPOSES**

The zoning regulations and districts herein set forth were developed in accordance with an overall plan for the three Township Planning Area, with consideration being given to the character of the region, the municipalities; various parts, and the suitability of the various parts for particular uses and structures. As such, the regulations were designed to:

- A. promote, protect and facilitate the public health, safety, morals, and the general welfare; coordinated and practical emergency management preparedness and operations, airports and national defense facilities; the provision of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, public grounds, the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements; as well as preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains;
- B. prevent the overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life, or property from fire, flood, panic or other dangers;
- C. preserve prime agriculture and farmland considering topography, soil type and classification, and present use;
- D. provide for the use of land within the municipalities for residential housing of various dwelling types encompassing all basic forms of housing;
- E. accommodate reasonable overall regional growth and provide opportunities for development of a variety of residential dwelling types and nonresidential uses; and,
- F. facilitate appropriate development of the Townships, protect the tax base, and encourage economy in public expenditures.

## **103    COMMUNITY DEVELOPMENT OBJECTIVES**

This ordinance provides a legal basis and framework for future growth and development in Derry, Limestone and West Hemlock Townships, Montour County, PA. Its provisions were guided by the policy goals and recommendations set forth in the Joint Municipal Comprehensive Plan of 1993 prepared by the Northern Montour Regional Planning Commission and adopted by the Boards of Supervisors of each of the above-identified Planning Area Townships. The following list of goal statements, taken from the Comprehensive Plan, represents the Area's legislative findings with respect to land use; density of population; the need for housing, commerce and industry; the location and function of streets and other community facilities and utilities; the need for preserving agricultural land and protecting natural resources, and other factors which the communities believe relevant in guiding their future development.

- A.    The peaceful, rural environment and unique scenic qualities of the Planning Area Townships should be preserved for future generations.
- B.    Development densities and locations should be guided or directed in order to prevent overcrowding of the Planning Area Townships and to help maintain the character of the communities; different segments.
- C.    Land use policies and regulations should encourage development to locate in the best-suited sections of the Planning Area.
- D.    Land use policies and regulations should respect current municipal residents and property owners and avoid creating economic hardship or inequities for them as development occurs.
- E.    Agricultural activities within the Planning Area should be encouraged to continue where possible. Prime farmland should be preserved for agricultural use and agricultural production should be recognized as a viable, necessary economic activity.
- F.    Environmental hazard areas (including wetlands, floodplains, poor soil areas, etc.) and other fragile resource areas (such as aquifer or groundwater recharge areas) should be utilized only in ways which will not create nor increase problems for the Planning Area Townships, their residents, or surrounding municipalities.
- G.    The suitability of the soils of all proposed development sites to accommodate sub-surface sewage disposal systems or the availability of community or package sewage treatment facilities should be demonstrated prior to the approval of proposed development plans.

- H. Effective stormwater management controls should be incorporated into the design of all new developments in the Planning Area.
- I. Adequate, accessible public facilities, services, and utilities should remain available for all Planning Area residents at a reasonable cost.
- J. Quality education and/or educational opportunities should remain available for all Planning Area residents.
- K. Existing recreational facilities, public areas and community facilities should be adequately maintained to assure their continued use and sufficient open space should be reserved by developers in new subdivisions to provide space for neighborhood recreation.
- L. An adequate, safe transportation network should be provided and maintained throughout the Planning Area.
- M. Commercial, industrial, institutional, and other non-residential uses and activities should be promoted or encouraged to locate only in segments of the Planning Area which are designed for such uses.
- N. Suitable, safe residential environments should be maintained and a variety of housing types and styles should be available for Planning Area residents of all ages, family size, and income levels.
- O. The heritage of the Planning Area Townships should be understood, respected and protected by all Township policies and initiatives.
- P. Local and regional planning efforts and public sector expenditures should be coordinated to help maximize the effectiveness of such investments, to provide for orderly growth and development, and to foster pleasant, safe living environments throughout the Planning Area and Montour County as a whole.

**104 DISCLAIMER**

This Ordinance is not intended to create nor assume liability on the part of the Northern Montour Regional Planning Commission or its the Joint Municipal Zoning Committee, the Planning Area Townships, or any officer or employee

thereof for any fire, flood, or other damage that may result from reliance on this Ordinance or from any administrative decisions lawfully made there under. These regulations shall not guarantee a specific level of protection for any construction. The applicant shall in all cases rely on accepted engineering methods or building practices when designing or constructing structures approved pursuant to these regulations.

ARTICLE 2

DESIGNATION OF ZONING DISTRICTS

**200 DESIGNATION OF DISTRICTS**

For the purpose of implementing the provisions of this Ordinance, the Planning Area Townships are hereby divided into the following zoning districts:

R-1	Low Density Residential District
R-2	Moderate Density Residential District
V	Village Center District
C	General Commercial District
I	Light Industrial District
P	Public/Semi-Public District
A	Agricultural District
FF & FP	Flood Fringe and General Floodplain District (Overlying District)
FW	Floodway District (Overlying District)

**201 DISTRICT PURPOSE STATEMENTS**

A. R-1 Low Density Residential District

This district is designed to provide space within the Planning Area for the orderly expansion and location of low density, single-family detached residential development in areas where municipal sewer and water facilities are not available nor are anticipated in the foreseeable future. Areas set aside for this zone include sections of the Planning Area where this type of development already exists and sites where further development of this nature could be located without creating conflicts with other compatible land uses. Lot sizes are based upon the need to safeguard the health of the residents and therefore require sufficient space to disposal systems and on-site water facilities. Moderate treatment and/or community water supplies are made available or are provided. Residential uses and residential support activities are provided for within the district, but commercial or industrial uses which could conflict with the zone's primary purpose are discouraged.

B. R-2 Moderate Density Residential District

This district is intended for application to segments of the Planning Area where higher density residential uses, including single family attached and multi-family housing developments and mobile home parks, could be accommodated. Areas designated for these use should have access to

existing community or municipal sewage disposal and/or water supply systems or such systems must be provided by the developer. Densities may vary throughout the zone, but are intended to assure sufficient, useable amounts of open space are reserved and that adequate area is provided for parking and access drives. Compatible public and semi-public uses and activities are provided for in this district, while non-compatible uses are discouraged.

C. V Village Center District

The purpose of this district is to preserve and protect the integrity of the existing village located in the Planning Area, namely the Village of Limestoneville. The regulations developed for this zone are intended to maintain the quiet, rural village atmosphere of this area, yet accommodate a variety of compatible activities, such as residential and small-scale business or retail uses, professional offices, churches, government buildings, and social or cultural facilities. Intensive commercial and industrial uses are not encouraged, but some moderate intensity residential uses are permitted where community or municipal sewerage and/or water supply systems are made available.

D. C General Commercial District

The commercial district is established to accommodate wholesale and retail business activities (businesses which serve the local need for goods as well as those oriented towards the traveling public) and service establishments. Where appropriate, such businesses are required to be served by community or municipal sewer and/or water supply systems. The regulations governing this district permit other commercial activities, but require adequate off-street parking and loading areas to be provided. Regulations also ensure sufficient arrangements are made to safely accommodate the anticipated volumes of traffic entering and exiting each site and assure the efficient movement of people and goods to and from the Planning Area.

E. I Light Industrial District

The purpose of this zone is to encourage the continuity and expansion of existing light industrial or enclosed manufacturing operations and to promote new industrial investment of a similar type in the Planning Area. The regulations governing the zone prohibit any new use which would substantially interfere with this intent. Areas identified for the Industrial District were chosen in an attempt to maximize existing facilities, transportation, corridors, public utilities and services, and to minimize the negative effects which might be caused by such operations. Reasonable standards are included to address air pollution, noise, glare, heat and

potential fire or safety hazards or concerns. And, still other requirements insure that adequate buffer yards, planting strips and/or screenings are provided between the uses in this zone and other adjoining zoning districts.

F. P Public/Semi-Public District

This district is intended to accommodate and protect public, semi-public and privately-owned recreation and “natural” areas in the Planning Area, including the DeLong Fair Grounds. Regulations for this zone provide for a variety of compatible uses and activities, but require that adequate precautions are taken to avoid potential conflicts with adjoining land uses.

G. A Agricultural District

The purpose of this district is to preserve and protect those segments of the Planning Area which are predominantly agriculture in use and those portions of the three-Township region which contain the highest quality soils. Land cultivation activities and related agricultural production uses, including animal husbandry, are strongly encouraged in these areas and are recognized as viable economic activities. All types of agricultural activities, including agri-businesses, are provided for in this district, as well as limited or low density residential uses. This designation is intended to encourage farmers to invest in farm improvements and to discourage land speculation in these areas of the Planning Area.

H. W Woodland/Conservation District

It is the intent of this district to recognize woodlands and other environmentally-sensitive or fragile areas of the Planning Area as significant land uses and encourage their protection against destruction or elimination. The zone includes tracts of wooded or forested lands as well as steep slope areas and some wetlands. This zone acknowledges the value of conserving land as a natural resource and recognizes the problems which can occur with over-utilization or development of such areas, including soil erosion, stream and drainage way sedimentation, water supply contamination, and loss of wildlife habitat areas. The regulations governing this district therefore provide for uses which will support these environmental protection objectives.

I. FF & FP Flood Fringe and General Floodplain District  
(Overlying District)



The intent of these districts is to prevent the loss of property and life; the creation of health and safety hazards; the disruption of commercial and governmental services; and the extraordinary and unnecessary expenditure of public funds for flood protection and relief. To achieve this end, permitted uses must be flood proofed against flood damage. (See Article 6.) In these floodplain areas, development and/or the use of land shall be permitted in accordance with the regulations of the underlying district, provided that all such uses, activities, and/or development shall be undertaken in strict compliance with the flood proofing and related requirements of this Ordinance and all other applicable Township codes and ordinances.

J. FW Floodway District (Overlying District)

The purpose of this district is to prevent the loss of property and life; the creations of health and safety hazards; the disruption of commercial and governmental services; and the extraordinary and unnecessary expenditure of public funds for flood protection and relief. To achieve this end, only those uses which will not cause an increase in flood heights, velocities, or frequencies will be permitted. (See Article 6.) In addition, in the Floodway District, no development shall be permitted except where the effects of such development on flood heights is fully offset by accompanying stream improvements which have been approved by all appropriated local and/or state authorities and notification of such has been given to Federal Flood Insurance authorities and the PA Department of Community and Economic Development.

**202 ZONING MAP**

- A. The locations and boundaries of the zoning districts are hereby established as shown on the Official Zoning Map, which is made a part of this Ordinance together with all future notations, references and amendments.
- B. No change of any nature shall be made to the Official Zoning Map, except in conformance with the procedures set forth in Section 1100 of this Ordinance. The final authority as to the current status of zoning districts shall be the Official Zoning Map. Any changes made to the zoning districts shall be made on the Official Zoning Map promptly after the amendment has been approved by all of the participating Planning Area municipalities, and shall bear the date of the adopted amendment and the signatures of the Chairman of the Board of Supervisors and the Secretary of the municipality within which the amended zone is located.

Section 302 – 311 (see excel link below)

[Montour Zoning Ord..xls](#)

ARTICLE 4

**SUPPLEMENTARY USE REGULATIONS**

**400 PURPOSE AND APPLICABILITY**

The purpose of this Article is to supplement the District Regulations contained in Article 3 with additional requirements applicable to certain specific uses. Therefore, in addition to those standards outlined in Article 3, the following regulations shall pertain to the identified uses.

**401 USES NOT PROVIDED FOR**

Whenever, under this Ordinance, a use is neither specifically permitted or denied, and an application is made by an applicant to the Zoning Officer for such use, the Zoning Officer shall refer the application to the appropriate Board of Supervisors to hear and decide such request as a conditional use. The Board of Supervisors shall have the authority to permit the use or deny the use in accordance with authority to permit the use or deny the use in accordance with the standards governing conditional use applications set forth in Section 1101 of this Ordinance. The use may however only be permitted if:

- A. it is similar to and compatible with the other uses permitted in the zone where the subject property is located;
- B. it is not permitted in any other zone under the terms of this Ordinance; and
- C. it in no way is in conflict with the general purposes of this Ordinance.

The burden of proof shall be upon the applicant to demonstrate that the proposed use meets the foregoing criteria and would not be detrimental to the public health, safety and welfare of the neighborhood where it is to be located.

**402 DWELLING UNITS**

All dwelling units, including single family, two-family, and multi-family units shall adhere to the following requirements.

- A. Every dwelling unit shall conform to all building, housing, electrical and plumbing codes in effect, or as may hereafter be enacted, in the applicable Township.
- B. Every dwelling unit shall be placed upon and firmly anchored to a permanent foundation, except as set forth in Sections 404 and 408 of this Ordinance. A permanent foundation shall consist of masonry construction placed upon footers set below the frost line or other technique or methodology of demonstrated capability.

- C. Every dwelling unit which is to be located in the Flood Fringe or General Floodplain District shall comply with all applicable District Regulations in Article 3 and the floodplain management provisions contained in Article 6 of this Ordinance.
- D. Every single family dwelling unit (whether attached or detached) must contain a minimum of 600 square feet of gross floor area. In the case of multi-family dwellings, each unit must contain a minimum of 400 square feet of gross floor area, except for efficiency apartments, where 250 square feet of gross floor area must be provided for each unit.

#### 403 CONVERSION APARTMENTS

- A. The lot upon which a conversion apartment is located shall have a gross area at least equal to the minimum lot size for the district in which it is located.
- B. In the R-1 and A Districts, conversions shall be limited to two (2) dwelling units per structure. In the R-2 and V Districts however, conversions may accommodate as many as three (3) dwelling units per structure.
- C. All conversions shall be subject to the gross floor area requirements set forth in Section 402 D. above.
- D. Sewage facilities shall be provided which are capable of treating the volume of effluent anticipated from the conversion. Where connection to a community sewage system cannot be made, certification, from the Township Sewage Enforcement Officer, verifying the acceptability and/or suitability of the existing sub-surface system or a sewage permit for the installation of a new system shall be submitted as part of an application for such a use.
- E. No structural alterations shall be made to the exterior of the building, except as may be necessary for safety purposes.
- F. The yard, off-street parking, and other applicable requirements of this Ordinance shall be met.

#### 404 MOBILE HOMES ON INDIVIDUAL LOTS

A mobile home may be permitted to be placed on an individual lot as a permanent independent dwelling unit only as outlined in Article 3. (See Section 435 B. for mobile homes to be used as temporary quarters.) When reviewing applications for such proposals, the following criteria shall be utilized and additional information may be required to be submitted where it is determined necessary to adequately protect the health, safety, and welfare of Planning Area residents.

- A. Every lot to be used for the placement of a permanent mobile home shall have a gross area at least equal to the minimum lot size for the district in which it is located. In addition, the unit must be situated on the lot to meet the applicable minimum setback line requirements.
- B. Every permanent mobile home shall meet the minimum standards of all local building, housing electrical, plumbing, and other codes in effect, or as may hereafter be enacted, in the applicable Township.
- C. Each mobile home shall be placed upon a foundation. One of the following types of foundations must be utilized. (See also Sections 404 D. & E. below.)
  - 1. Permanent Foundation. A permanent foundation shall consist of no less than footers or masonry construction set well below the frost line. Such foundation shall be constructed to leave no unnecessary open space between the mobile home and foundation, except for windows or other openings as might be necessary for purposes such as flood proofing.
  - 2. Mobile Home Pad. Where a permanent foundation is not practical or a temporary foundation is desirable, a mobile home pad may be utilized. Such pad shall be designed to be level, but shall provide for adequate surface drainage, and shall be durable and capable of supporting the maximum anticipated loads. The pad shall be constructed of compacted crushed stone, asphalt, concrete, or other material approved by the applicable Township.
- D. Every mobile home shall be firmly anchored to its foundation prior to the unit being occupied or used in order to prevent overturning or uplift. The mobile home foundation shall be provided with anchors and tie-downs, such as cast-in-place concrete “deadman” eyelets embedded in concrete or runways, screw augers or arrow head anchors. The anchoring system shall be designed to resist a minimum wind velocity of at least 90 miles per hour.
- E. Every permanent mobile home shall have a continuous wall around its entire perimeter. The wall shall be constructed in accordance with one of the following methods:
  - 1. Wall. A wall may be constructed of concrete or masonry and shall extend from the unit floor system to concrete footing below the sub-grade frost line; i.e. the extension of a permanent foundation.
  - 2. Skirting. If a wall is not used, every mobile home shall be encircled with skirting designed to compliment its appearance. Skirting shall include materials which have been prefabricated for this purpose or other impervious, moisture-resistant materials, and shall not include bales of hay, straw, interior plywood, or other like materials.

- F. Access to crawl space created by the installation of a wall shall be provided by means of a lockable panel or door.
- G. Every unit to be used as a dwelling unit must contain a minimum of 600 square feet of gross floor area.
- H. Every unit which is to be placed in the Flood Fringe or General Floodplain District must comply with all applicable provisions contained in Article 6 of this Ordinance.

**405 SINGLE FAMILY ATTACHED DWELLING STRUCTURES**

Single family attached dwelling structures (i.e. townhouses) shall be permitted only where specified in the District Regulations, Article 3. Every application for such a use shall meet the requirements outlined below as well as the standards set forth in the applicable Township Subdivision and Land Development Ordinance. (Applications proposing to locate more than one single family attached dwelling structure on a single tract of land shall meet the requirements of Section 407 of this Ordinance governing multi-family housing developments.)

A. Minimum Area and Density Requirements

- 1. The minimum lot area required for each single family attached dwelling structure shall be as specified in the District Regulations, Article 3. Single family attached dwelling structures situated in the R-1 District shall contain no more than five (5) dwelling units and in the R-2 and V Districts such structures may contain up to eight (8) dwelling units.
- 2. Where the individual dwelling units of a single family attached dwelling structure and portions of the land on which the structure is located are proposed to be subdivided and conveyed as separate lots, a minimum of 4,800 square feet shall be conveyed with each dwelling unit in the R-1 District, a minimum of 3,000 square feet shall be conveyed with each dwelling unit in the R-2 District, and a minimum of 2,500 square feet shall be conveyed with each lot in the V District. In such cases the applicant shall submit sufficient documentation along with his subdivision plans which demonstrate that satisfactory arrangements have been made regarding the ownership and maintenance of all common ground or open space not proposed for conveyance. (See also Sub-Section I. below.)

B. Minimum Lot Width

The minimum lot width for each single family attached dwelling unit shall be as specified in the District Regulations, Article 3. The minimum width required for a lot containing a single family attached dwelling structure shall vary depending upon the number of units proposed. In no case however, shall the lot width for a single family attached dwelling structure be less than the minimum required for a single family detached dwelling in the district where such structure is located.

C. Minimum Yard Requirements

The minimum yard requirements for single family attached dwelling structures shall be as specified in the District Regulations, Article 3.

D. Traffic Access and Parking Facilities

Each single family attached dwelling structure must access onto a public or private internal street. All new streets or access drives shall be designed and constructed in accordance with the road standards outlined in the applicable Township Subdivision and Land Development Ordinance. The number of off-street parking spaces available on the site shall equal no less than 2.0 stabilized spaces per dwelling unit.

E. Sewage and Water Facilities

Adequate sewage and water facilities must be provided by the developer in accordance with the standards of the PA Department of Environmental Protection.

1. Sewage Facilities. A community sewage system or a private package sewage treatment facility shall be utilized to provide sewage disposal facilities for such developments.
2. Water Supply. The preferred method of water supply shall be by public or community facilities. However, if the developer can produce sufficient permits and/or documentation that an individual on-site well(s) will be adequate, then this means of water supply may be considered.

F. Solid Waste Collection, Storage and Disposal

Arrangements for the collection, storage and disposal of solid wastes generated by the proposed development shall be made by the developer and submitted for approval as a part of his application for such a use.

G. Grading and Landscaping (Soil Erosion and Sedimentation Control)

Where excavation or grading is proposed or where existing trees, shrubs or other vegetative cover is to be removed, plans shall be submitted showing what steps are to be taken to avoid soil erosion. Exposed ground surfaces shall be stabilized

or otherwise protected with a vegetative cover. (See also Section 504 D. of this Ordinance.) And where adjacent land use dictates, screen plantings or buffer yards of 25 feet may be required. (See also Sections 505 and 506.)

H. Drainage Control Requirements

All plans for single family attached dwelling structures shall include information indicating what types of drainage control facilities will be installed to handle runoff produced by the new structure and the grade of the site. The plans should also indicate where the drainage is to be ultimately channeled. (See also Section 504 E. of this Ordinance.)

I. Common Open Space Ownership & Maintenance

Where the conveyance of title to individual dwelling units of a single family attached dwelling structure does not include the conveyance of any land area or does not include conveyance of the entire site, the developer shall submit a plan of the arrangements to be made for ultimate ownership of the maintenance responsibilities for the common open space/land area associated with the building (including access drives and driveways) as a part of his application for such a use. Copies of any such arrangements shall be recorded with each deed or shall be included in each lease.

**406 MULTI-FAMILY DWELLING STRUCTURES**

Multi-family dwelling structures (i.e. apartment buildings) shall be permitted only as specified in the District Regulations, Article 3. Every such application shall also meet the requirements outlined below as well as the standards set forth in the applicable Township Subdivision and Land Development Ordinance. (Applications proposing to locate more than one multi-family dwelling structure on a single tract of ground shall meet the requirements of Section 407 below governing multi-family housing developments.)

A. Minimum Area and Density Requirements

The minimum lot area required for each multi-family dwelling structure shall be as specified in the District Regulations, Article 3. Multi-family dwelling structures shall contain no more than eight (8) dwelling units.

B. Minimum Lot Width

The minimum width required for a lot containing a multi-family dwelling structure shall be as specified in the District Regulations, Article 3.

C. Minimum Yard Requirements

The minimum yard requirements for multi-family dwelling structures shall be as specified in the District Regulations, Article 3.



D. Other Requirements

All design requirements set forth in Sections 405 D., E., F., G., H., and I. of this Ordinance shall also be met.

**407 MULTI-FAMILY HOUSING DEVELOPMENTS**

Multi-family housing developments (the placement of more than one multi-family dwelling structure or more than one single family attached dwelling structure on a single tract of ground) shall be permitted only as specified in the District Regulations, Article 3. Every such application shall also meet the requirements outlined below as well as the standards set forth in the applicable Township Subdivision and Land Development Ordinance.

A. Minimum Area and Density Requirements.

Each multi-family housing development shall contain a minimum of two (2) contiguous acres of land suitable for development. The minimum density requirements set forth in Sub-Sections 405 A. and 406 A. for single family attached dwellings and multi-family dwellings, respectively, shall apply to the type of development proposed. Overall density shall not exceed ten (10) dwelling units per acre.

B. Minimum Lot Width

The minimum lot width required shall vary with each individual application and shall be dependent upon the number of units proposed in each structure and the proposed arrangement of buildings in the development. For developments involving single family attached dwelling structures, each dwelling unit shall maintain the minimum width required in the District Regulations, Article 3.

C. Minimum Yard Requirements

The minimum yard requirements for multi-family housing developments shall be as specified in the District Regulations, Article 3.

D. Design Standards

1. Traffic Access. The number of proposed site access ways must be adequate, but not excessive in number; adequate in grade, width, alignment and visibility, and not located too near street corners, entrances to schools or places of public assembly and other similar considerations.

2. Circulation and Parking. The interior traffic circulation system must be adequate, and all required parking spaces must be provided and be easily accessible. No less than 2.0 stabilized off-street parking spaces per dwelling unit shall be available on the site.
3. Streets and Drainage System Requirements. All structures within a multi-family housing development must access directly onto a public street or onto a street in the internal road system of the development. All new streets and drainage control systems shall be designed and constructed in accordance with the road and drainage control standards outlined in the applicable Township Subdivision and Land Development Ordinance. (See also Section 504 E. of this Ordinance.)
4. Sewage Treatment and Water Supply. Adequate public or community sewer AND water facilities must be available or be provided by the developer in accordance with the standards of the PA Department of Environmental Protection. The developer shall provide sufficient documentation along with his development plans to indicate that such facilities will be available.
5. Solid Waste Collection, Storage and Disposal. Arrangements for the collection, storage and disposal of solid wastes generated by the proposed development shall be made by the developer and submitted for approval as a part of the development plan evaluation process.
6. Grading and Ground Cover (Soil Erosion and Sedimentation Control). Where excavation or grading is proposed or where existing trees, shrubs or other vegetative is to be removed, plan shall be presented showing what steps are to be taken to avoid soil erosion. Exposed ground surfaces shall be stabilized or otherwise protected with a vegetative cover. (See also Section 504 D. of this Ordinance.)
7. Landscaping. The proposed site shall be properly landscaped in order to further enhance the natural qualities of the land. Where adjacent land use dictates, screen plantings or buffer yards of 25 feet may be required. (See also Sections 505 & 506.)
8. Common Open Space Requirements. For proposals involving 25 or more dwelling units, a minimum of ten (10) percent of the gross area of the development shall be reserved by the developer as common open space for the use of all residents of the complex. Such open space may include areas of land and water, but shall exclude all roads, parking areas, structures, or service lanes. This area shall also be easily accessible to all units. Applications for multi-family housing developments shall include a proposal regarding the ultimate

ownership and maintenance responsibilities for such common open space areas. Copies of any such arrangements shall be recorded with each deed or shall be included in each lease.

E. Building Relationships

1. Arrangement of Buildings. Adequate provision must be made for light, air, access and privacy in the arrangement of the buildings to each other. Each dwelling unit shall have a minimum of two (2) exterior exposures.
2. Maximum Length of Rows. The maximum length of any group of attached structures shall not exceed 160 feet. A building group must be arranged in order to be accessible by emergency vehicles.
3. Distance Between Buildings.
  - a. The front or rear of any building shall be no closer to the front or rear of any other building than 40 feet.
  - b. The side of any building shall be no closer to the side, front, or rear of any other building than 30 feet.
4. Distance Between Buildings and Driveways.
  - a. No driveway or parking lot shall be closer than 15 feet to the front of any building, or 10 feet to the side or rear of any building.
  - b. In the case of an enclosed garage or carport provided as a portion of the main structure, distance requirements for driveways providing access to these accommodations shall not apply.

**408 MOBILE HOME PARKS**

Mobile home parks are permitted only in those zoning districts as specified in the District Regulations, Article 3. All proposed mobile home parks and extensions to existing parks must meet the following requirements as well as the standards of the applicable Township Subdivision and Land Development Ordinance. (Each and every mobile home placed in an approved mobile home park, including replacement units, shall secure an Occupancy Permit as required by this Ordinance, prior to its use as living quarters.)

For the purposes of this Ordinance, the regulations outlined below shall not apply to the placement of up to two (2) independent mobile homes on a property which is associated with an existing or proposed agricultural activity. In such a case however, the requirements of Section 404 of this Ordinance shall be met.

A. Design Standards

1. Minimum Park Area. Each mobile home park shall have a gross area of at least two (2) contiguous acres of land suitable for development.
2. Mobile Home Park Lot Requirements.
  - a. Gross Density. The maximum number of mobile home lots within a mobile home park shall be no more than six (6) lots per acre of gross area of the mobile home park, so long as all other applicable requirements of this Ordinance can be met.
  - b. Minimum Lot Sizes. The minimum mobile home lot shall contain no less than 6,000 square feet. The minimum width of any mobile home lot shall be not less than 60 feet. The minimum length of every mobile home lot measured from the edge of the right-of-way line of the mobile home park internal street shall be not less than 100 feet or shall be equal to the overall length of the mobile home located on the lot plus 30 feet, whichever length is greater.
  - c. Mobile Home Lot Access. All mobile home lots shall abut and have frontage on a street of the mobile home park internal street system. (See also Section 408 A.7 below.) In addition, at the entrance intersection of the mobile home park, a cart way with a width of 50 feet shall be provided for a distance of 100 feet to accommodate the safe movement of vehicles or units into and out of the facility.
3. Setbacks, Buffer Yards and Screening Requirements.
  - a. Setbacks from Public Roads. All mobile homes and auxiliary park buildings shall be located at least 50 feet from the centerline of any abutting public road or street or 25 feet from the edge of the road right-of-way, whichever is greater.
  - b. Park Perimeter Buffer Yards. All mobile homes, auxiliary park buildings and other park structures shall be located at least 50 feet from the mobile home park boundary lines. If a suitable, attractive screening, either man-made or of natural plantings, is provided along the perimeter, this minimum buffer yard may be reduced to 25 feet. (See also Sections 505 and 506.)
  - c. Screening Requirements Within the Mobile Home Park. Repair, maintenance, and storage areas or buildings shall be effectively and attractively screened from the mobile home lots, park streets and public roads by man-made screenings or natural plant materials. (See also Section 506.)

- d. Minimum Distances Between Structures Within the Mobile Home Park. All mobile homes shall be located at least 50 feet from any auxiliary park buildings and repair, maintenance or storage areas or buildings.
      - e. Minimum Distance Between Mobile Homes. Each mobile home shall be located at least 30 feet from any other mobile home in the mobile home park and no less than 15 feet from any side lot line.
4. Grading and Ground Cover Requirements (Soil Erosion and Sedimentation Control Plans). The ground surface in the park shall be graded and equipped to drain all surface water in a safe, efficient manner. Exposed ground surfaces in the park shall be covered with stone screenings, or other solid material, or be stabilized or otherwise protected with a vegetative cover capable of preventing soil erosion. (See also Section 504 D.)
5. Common Open Space Requirements. A minimum of five (5) percent of the gross park area or 1,000 square feet per unit, whichever is greater, shall be reserved by the developer as common open space for the use of all residents of the park. At least a portion of this area shall be set aside for recreation use. Such recreation area shall be suitable for outdoor recreational activities and shall be easily accessible to all units. Applications for mobile home parks shall include a proposal regarding the ultimate ownership and maintenance responsibilities for such common open space and recreation areas.
6. Off-Street Parking Requirements. A minimum of two (2) stabilized off-street parking spaces shall be provided for each mobile home lot within the mobile home park. These parking spaces shall be located on the mobile home lot which they are intended to serve.
7. Mobile Home Park Internal Street and Drainage System Requirements. Streets and drainage control systems shall be constructed in accordance with the street standards outlined in the applicable Subdivision and Land Development Ordinance except that street widths shall be as follows:
  - a. Where parking is permitted on both sides, a minimum road cartway width of 36 feet shall be required.
  - b. Where parking is limited to one side, a minimum road cartway width of 28 feet shall be required.
  - c. Where no parking is permitted on either side of the street, a minimum road cart way width of 20 feet shall be required.

8. Mobile Home Lot Improvements. All mobile home lots within the mobile home park shall be improved for use by independent mobile homes. This shall include the provision of a durable pad or stand (not less than 12' x 60' in size and provided with a minimum of one frost-proof footer, no less than 16 inches in width extending the full width of the pad, for each 10 feet of proposed mobile home length), properly graded, compacted and surfaced to provide support for maximum anticipated loads during all seasons; all necessary utility hook-ups; a concrete patio with a minimum area of 200 square feet for each mobile home; and a storage shed containing a minimum of 36 square feet of storage space. All such improvements shall be maintained in satisfactory condition by the park owner or developer.

B. Utilities and Park Facilities

1. Water Supply System. An adequate supply of water shall be provided by the developer for mobile homes, service buildings and other accessory facilities. Where a public water supply system of satisfactory quantity, quality and pressure is available, connection shall be made to it and its supply shall be used exclusively. Where a satisfactory public water supply system is not available, the developer shall design, install, and maintain a private water supply system according to the standards of and with the approval of the PA Department of Environmental Protection.
2. Sewage Disposal System. An adequate and safe sewage system shall be provided by the developer in all mobile home parks for conveying and disposing of sewage from mobile homes, service buildings and other accessory facilities. Mobile home parks shall be connected to public sewer systems, where possible. Where a satisfactory public sewage disposal system is not available, the developer shall design, install and maintain an approved private sewage system according to the standards of the PA Department of Environmental Protection.
3. Other Utility Systems. Telephone, electric, television cable, natural or bottled gas, fuel oil or other utilities shall be provided in accordance with plans approved by the applicable Township and the appropriate utility company. Underground installation of the utility distribution and service lines is required for approval of the mobile home park proposal.
4. Solid Waste Collection, Storage and Disposal. Arrangements for the collection, storage, and disposal of solid wastes generated by the residents of the proposed facility shall be made by the developer and submitted for approval as a part of the development plan evaluation process.
5. Service and Other Auxiliary Park Buildings. Service, maintenance and management buildings, recreation or community buildings and commercial sales buildings required for the management, servicing and

maintenance of the park and for the well-being of park residents shall be allowed within the mobile home park boundaries. The entire area of these buildings however, shall be used for the management, servicing and maintenance requirements of the park and park residents.

6. Park Management. Each mobile home park owner shall designate a resident manager who shall be responsible for maintaining the park in accordance with the requirements of this Ordinance and the terms and conditions of the park's approval.

C. Rules and Regulations of the Park

The developer shall submit a copy of the proposed rules and regulations to be followed by tenants of the mobile home park as a part of his application for such a use. Included shall be regulations requiring that:

1. Each mobile home shall be skirted. (Skirting shall include materials which have been prefabricated for this specific purpose or similar materials, but shall not include bales of hay, straw, interior plywood, or like materials.)
2. Garbage and trash shall be placed in appropriate receptacles.
3. Each mobile home shall be anchored to prevent the structure from being overturned or blown from its foundation or supports. This anchoring shall comply with the specifications outlined in Section 404 D.

**409 BOARDING OR ROOMING HOMES**

Boarding or rooming homes may be permitted only in those zoning districts as specified in the District Regulations, Article 3. All applications for such uses shall also meet the requirements outlined below.

- A. The lot upon which the boarding or rooming home is situated shall meet the minimum area requirements established in the District Regulations for the district in which the use is to be located.
- B. Boarding or rooming facilities shall be accessory to a single family dwelling unit and such uses may or may not include arrangements for meals. And, for the purposes of this Ordinance, the owner of the single family dwelling must occupy the unit as its legal resident.
- C. Accommodations may be provided for up to six (6) additional persons, with a maximum of two (2) persons per bedroom. Such accommodations shall be for periods of one (1) week or more.
- D. Sewage and water facilities shall be sufficient to handle the anticipated loading created by the proposed facility and shall meet all requirements set forth by the PA Department of Environmental Protection. Where applicable, all requirements

of the PA Department of Labor and Industry shall also be met. Satisfactory evidence that the necessary permits or approvals have been obtained shall be submitted by the developer as a part of his application for a boarding or rooming home.

- E. The off-street parking requirements set forth in Article 8 and all other applicable standards of this Ordinance shall be met.
- F. Where adjacent land use dictates, adequate buffer yards and/or screen planting shall be provided in accordance with Sections 505 and 506 of this Ordinance.

#### **410 GROUP HOMES**

Group homes may be permitted only in those zoning districts as specified in the District Regulations, Article 3. All applications for such activities shall meet the requirements outlined below.

- A. The lot upon which the group home is situated shall meet the minimum area requirements established in the District Regulations for the district in which the use is to be located.
- B. Residents of a group home shall maintain a single household unit with shared use of rooms, except bedrooms, and shall share mealtimes and housekeeping responsibilities. (There shall be a maximum of two (2) persons per bedroom.)
- C. Adult supervision shall be provided at the home on a 24 hour basis.
- D. Accommodations shall be provided for no more than six (6) residents at one time unless the applicant can demonstrate to the satisfaction of the applicable Township that the facility is of such size that it can adequately accommodate additional occupants.
- E. Sewage and water facilities shall be sufficient to handle the anticipated loading created by the proposed facility and shall meet all requirements set forth by the PA Department of Environmental Protection. Where applicable, all requirements of the PA Department of Labor and Industry shall also be met. Satisfactory evidence that the necessary permits or approvals have been obtained shall be submitted by the developer as a part of his application for a group home.
- F. Residents of the facility shall remain in residence for a period of at least three (3) months, and a change of residents shall not routinely occur except in the case of death, extended illness, disability or similar circumstances.
- G. Residents shall not receive regular medical treatment or psychological counseling on the premises nor shall the services provided be of such nature as would render the home an institutional facility.



- H. Any Building/Zoning Permit issued for a group home shall apply only to the facility and applicant named, the premises designated, and for the activities or purposes listed or identified on the application. Said Permit shall be non-transferable.
- I. The off-street parking requirements set forth in Article 8 and all other applicable standards of this Ordinance shall be met.
- J. Where adjacent land use dictates, adequate buffer yards and/or screen planting shall be provided in accordance with Sections 505 and 506 of this Ordinance.

**411 NURSING OR PERSONAL CARE HOMES**

Nursing or personal care homes are permitted only in those zoning districts as specified in the District Regulations, Article 3. Every application for such a use shall meet the requirements outlined below.

- A. The lot upon which the facility is situated shall meet the minimum area requirements established in the District Regulations for the district in which the use is to be located.
- B. Satisfactory evidence shall be provided by the applicant indicating that the proposed facility will conform to all applicable State and local regulations (including regulations of the PA Department of Health and the PA Department of Labor and Industry.)
- C. Sewage and water facilities shall be sufficient to handle the anticipated loading created by the facility and shall be approved by the Department of Environmental Protection.
- D. Access to the facility shall be provided which meets the requirements set forth in Section 802 of this Ordinance for multi-family residential uses. Adequate off-street parking facilities, meeting the standards of Section 800, TABLE 1, shall also be provided. In addition, pedestrian access ways shall be designated which are distinguished and separated from vehicular drives and parking areas.
- E. Arrangements for the collection, storage and disposal of all solid wastes generated by the nursing or personal care home shall be made by the applicant and submitted for approval as a part of his application for such use. Where determined appropriate, the applicable Township may request review of the proposed arrangements by the PA Department of Environmental Protection prior to granting approval.

**412 DAY CARE CENTERS**

Day care centers, nursery schools, kindergartens, or similar operations which are licensed by the PA Department of Public Welfare to provide care for more than 12 children outside of a family residence or those providing limited daytime care for adult, elderly, or handicapped persons may be permitted only as set forth in the District Regulations, Article 3. All such uses shall meet the requirements outlined below.

- A. The lot upon which the day care center is situated shall meet the minimum area requirements established in the District Regulations for the district in which the use is to be located.
- B. Outdoor recreation areas of at least 100 square feet per child and 50 square feet per adult being tended shall be provided. Such areas shall be completely enclosed with a four (4) foot fence located no less than 25 feet from the edge of any adjoining street right-of-way.
- C. Outdoor recreation areas shall be sufficiently screened and sound insulated to protect the neighborhood from noise and other disturbances.
- D. Sewage and water facilities shall be sufficient to handle the anticipated loading created by the facility and shall be approved by the PA Department of Environmental Protection.
- E. All other applicable codes, ordinances or laws (including regulations of the PA Department of Public Welfare, PA Department of Labor and Industry, and PA Department of Education) shall be met. Satisfactory evidence that all necessary permits or approvals have been obtained shall be submitted as part of an application for a day care center.

#### **413 RETAIL ESTABLISHMENTS**

Retail establishments shall include those facilities and personal service uses specified in the District Regulations, Article 3. Application for such activities shall include the following information. In addition, every proposed retail establishment must meet the standards set forth in the applicable Township Subdivision and Land Development Ordinance.

- A. Applications for retail establishments shall include the following information:
  - 1. A sketch plan showing the tract of ground on which the use is proposed and the location of all buildings or structures existing or to be situated on the site;
  - 2. An indication that the use will not have a detrimental effect on the character of the area or neighborhood where it is proposed to be located.

3. An indication that adequate sewage disposal facilities and a safe water supply will be provided;
  4. An indication that access to the proposed establishment will be adequate and as required by this Ordinance (Section 802) and that the number of off-street parking spaces required by this Ordinance (Section 800, TABLE 1) will be provided;
  5. An indication that a buffer yard or screen planting will be provided as required by this Ordinance (Sections 505 & 506);
  6. An indication that all outdoor lighting associated with the proposed establishment will meet the requirements of Section 504 F of the Ordinance;
  7. An indication that arrangements have been made for the collection, storage and disposal of all solid waste generated by the retail use;
  8. An indication that all signs used to advertise such facilities shall meet the requirements of Article 7; and,
  9. An indication of the establishment's proposed hours of operation.
- B. Outside or unenclosed storage associated with an approved commercial or industrial use shall meet the requirements set forth in Section 508 of this Ordinance.

#### **414 BED AND BREAKFAST ESTABLISHMENTS**

Bed and breakfast establishments shall be permitted only in those zoning districts as specified in the District Regulations, Article 3. In addition, the following standards shall be met.

- A. The lot upon which the bed and breakfast establishment is situated shall meet the minimum area requirements established in the District Regulations for the district in which the use is to be located.
- B. The operator of the facility shall reside in the establishment.
- C. Overnight lodging accommodations shall not exceed seven (7) continuous nights per patron.
- D. Lodging accommodations may or may not include arrangements for breakfast or other meals.
- E. Dining facilities and services shall be available only to lodgers.

- F. Exterior alterations to existing structures shall be limited to those customarily associated with residential uses.
- G. Satisfactory evidence shall be provided by the applicant indicating that the proposed facility will conform to all applicable State and local regulations (including regulations of the PA Department of Health and PA Department of Labor and Industry).
- H. Sewage and water facilities shall be sufficient to handle the anticipated loading created by the facility and shall be approved by the PA Department of Environmental Protection.
- I. Adequate off-street parking and loading facilities shall be provided in accordance with Sections 800 and 801 of this Ordinance.
- J. Signs advertising the facility shall meet the requirements of Article 7 of this Ordinance.

**415 KENNELS**

Kennels may be permitted only as specified in the District Regulations, Article 3, and shall be subject to the requirements of the Act 1982-225, or as may hereafter be amended, the PA Dog Law, and the regulations promulgated thereunder. In addition, the following requirements shall be met.

- A. Where appropriate, the applicant shall provide proof of issuance of a kennel license from the PA Department of Agriculture prior to the issuance of a Building/Zoning Permit by the Township. Such licenses shall be renewed annually, a copy of which shall be supplied to the Township by the operator.
- B. The lot upon which the kennel is located shall meet the minimum area requirements established in the District Regulations for the district in which the use is to be situated.
- C. All kennels shall be effectively screened from adjacent residential properties and shall not be detrimental to any abutting use.
- D. Any and all outdoor lighting shall be mounted and shielded in such a way so as to avoid causing glare on adjacent lots or properties.
- E. All outdoor kennel area shall be completely enclosed with a chain link fence or other suitable fence or wall.
- F. Outdoor kennel areas shall be located at least 100 feet from the property line of any residential structure, other than the owner's dwelling.

- G. Adequate arrangements shall be made by the applicant for the collection, storage and disposal of excrement, animal parts and other solid waste to the satisfaction of the applicable Township and the PA Department of Environmental Protection. Such arrangements shall be submitted for review as a part of the application evaluation process. Such wastes shall not create odor, dust or other noxious effects that could be considered public nuisances.

**416 AUTOMOTIVE AND/OR MOTORIZED VEHICLE SERVICE STATIONS OR REPAIR SHOPS**

Automotive service stations and/or repair shops are permitted only in those zoning districts as specified in the District Regulations, Article 3. All applications for such uses shall meet the criteria established for retail uses in Section 413 of this Ordinance as well as the standards outlined below.

- A. No gasoline service station or automotive repair shop shall have an entrance or exit for vehicles within 300 feet of any school, playground, church or public place of assemble, nor within 30 feet of any intersection.
- B. Gasoline pumps or other fuel dispensing devices shall be no closer than 30 feet to any street right-of-way line.
- C. All fuel, oil, propane gas, or other similar substance shall be stored at least 30 feet from any street right-of-way or property line. (Additional permits may be necessary to meet State and Federal requirements regarding the location of storage tanks for such purposes.)
- D. All associated repair work (excluding preventive maintenance and minor adjustments) shall be carried out within a structure. All repair materials, including new, used, discarded or unusable parts of any vehicle, shall be stored within a building.
- E. Body work or painting of vehicles may be permitted only where the operation is to be conducted within an enclosed structure and where such structure meets the regulations of the PA Departments of Labor and Industry and Environmental Protection and is designed to contain all noise, vibrations, dust, and odor generated by the activity.
- F. Automatic car wash facilities may be permitted in conjunction with such uses provided that the applicant can show that his sewage treatment facilities can accommodate the additional loading.
- G. No more than five (5) vehicles may be offered for sale at any one time at an automotive service station or repair shop.

- H. Where determined appropriate, proper screen plantings or buffer yards of 25 feet shall be provided. (See also Sections 505 and 506 of this Ordinance.)

**417 PUBLIC ENTERTAINMENT FACILITIES**

For the purposes of this Ordinance, public entertainment facilities shall include, but not be limited to, bowling alleys, roller skating rinks, motion picture theaters, health clubs and similar types of enclosed establishments, but shall exclude adult entertainment facilities. Such uses shall be permitted only as provided in Article 3, the District Regulations. In addition, all applications for public entertainment facilities shall meet the criteria established for retail uses in Section 413 of this Ordinance as well as the standards outlined below, and all other applicable State or local requirements.

- A. All such uses shall be conducted entirely within an enclosed structure.
- B. Off-street parking spaces shall be provided in accordance with Section 800, TABLE 1, of this Ordinance.
- C. Illuminated signs or other outdoor lighting shall be installed and shielded to avoid causing glare on adjacent properties or creating a hazard for passing motorists.
- D. Adequate measures shall be taken to prevent noise or other noxious influences from disturbing nearby residential properties.

**418 ADULT ENTERTAINMENT ESTABLISHMENTS**

Adult entertainment establishments or facilities may only be permitted as specified in Article 3, the District Regulations. In addition, all applications for adult entertainment establishments shall meet the criteria established for retail uses in Section 413 of this Ordinance as well as the standards outlined below, and all other applicable State or local requirements.

- A. Adult entertainment establishments shall not be located within:
  - 1. 150 feet of the boundary of any R District or other residential property line;
  - 2. 250 feet of the property line of any church, school, theater, park, playground, or other areas where minors congregate;
  - 3. 150 feet of the property line of any establishment licensed by the PA Liquor Control Board to dispense alcoholic beverages (other than the proposed adult entertainment establishment);
  - 4. 150 feet of the property line of any restaurant, eating establishment, or grocery store; nor within

5. 250 feet of the property line of any other adult entertainment establishment.
- B. Advertisements, displays, or other promotional materials for adult entertainment establishments shall not be shown or exhibited so as to be visible to the public from any street, sidewalk or other public place.
- C. All building openings, entries, exits or windows for adult entertainment establishments shall be located, covered or screened in such a manner so as to prevent a view into the interior from any street, sidewalk or other public place. In the case of any adult drive-in or motion picture theater, viewing screens shall be situated so as to prevent observation from any street, sidewalk or other public area.

#### **419 LIGHT INDUSTRIAL OR MANUFACTURING OPERATIONS**

Industrial uses shall include those manufacturing operations and processing activities specified in the District Regulations, Article 3. Applications for such activities shall meet the requirements outlined below as well as the standards set forth in the applicable Township Subdivision and Land Development Ordinance. Additional documentation may also be required where it is deemed necessary by the applicable Township to protect the health, safety and welfare of its residents.

- A. Industrial operations shall abut and/or provide direct access to a street or highway which is capable of accommodating the anticipated levels and types of industrial and employee traffic.
- B. Every industrial or manufacturing operation must be contained within a building, except as may be provided otherwise in Article 3, the District Regulations.
- C. All outside, unenclosed storage associated with an industrial or manufacturing use shall meet the requirements set forth in Section 508 of this Ordinance.
- D. Adequate sewer and water facilities shall be provided by the developer in accordance with the standards of the PA Department of Environmental Protection. The developer shall provide sufficient documentation along with development plans to indicate that such service will be provided.
- E. Arrangements for the collection, storage and disposal of all solid wastes generated by the industrial operation shall be made by the developer and submitted for approval as a part of his application for such a use. Where determined appropriate, the applicable Township may request review of the proposed arrangements by the PA Department of Environmental Protection prior to granting approval.

- F. Off-street parking spaces shall be provided in accordance with Section 800, TABLE 1, of this Ordinance and off-street loading areas shall meet the requirements of Section 801, TABLE 2.
- G. Where in the opinion of the approving authority it would be appropriate, buffer yards of 50 feet and screen planting shall be provided along the entire perimeter of the site in accordance with the standards set forth in Sections 505 and 506.
- H. Compliance with the following minimum performance standards, in addition to all applicable local, State or Federal codes or regulations (including DEP's air, water and noise pollution control standards) shall be required.
1. Sound. The volume of sound inherently and recurrently generated shall be controlled so as no to cause a nuisance to adjacent uses.
  2. Vibration. No vibrations shall be discernible beyond the property lines of the industry.
  3. Odor. No emission of odorous gas or other odorous matter shall be permitted in such quantity as would be readily detectable along or beyond the lot lines of the industrial operation without the use of instruments.
  4. Toxic or Noxious Matter. No discharge beyond lot lines of any toxic or noxious matter in such quantity as would be detrimental or dangerous to public health, safety, comfort or welfare, or would cause injury or damage to property or businesses shall be permitted.
  5. Glare. No direct or reflected glare shall be detectable at any point along or beyond the property lines of the industry.
  6. Heat. No direct or reflected heat shall be detectable at any point along or beyond the property lines of the industry.
  7. Dust and Fly Ash. No solid or liquid particles shall be emitted in such quantities as would be readily detectable at any point along or beyond the property lines of the industry or as would produce a public nuisance or hazard.
  8. Smoke. No smoke shall be emitted in such quantity as would become a nuisance.
  9. Fire and Explosion Hazards. In all activities involving, and in all storage of flammable and explosive materials, the owner or operator of such use shall provide adequate safety devices against the hazard of fire and explosion, and adequate fire fighting and fire suppression equipment and



devices standards in the industry. Burning of industrial waste materials in open fires shall be prohibited.

10. Radioactivity or Electrical Disturbances. No activities shall be permitted which emit dangerous radioactivity or electrical disturbance adversely affecting the operations of any equipment other than that of the creator of such disturbance.

#### **420 CONTRACTOR'S SHOPS AND/OR STORAGE YARDS**

Contractor's shops and/or storage yards may be permitted in those zoning districts as specified in the District Regulations, Article 3, and shall be subject to the following requirements.

- A. Construction, fabricating and fitting activities shall be conducted within an enclosed building or structure, unless approved otherwise by the applicable Township Board of Supervisors.
- B. Storage yards shall be buffered and screened from adjacent areas in accordance with the requirements of Sections 505 and 506 of this Ordinance.
- C. All precautions deemed necessary shall be taken to minimize potentially noxious, hazardous or nuisance occurrences within the I District or to any adjacent district.

#### **421 WAREHOUSING AND STORAGE FACILITIES**

Warehousing and storage facilities may be permitted only as provided in the District Regulations, Article 3, and shall conform to the following standards.

- A. The lot upon which the warehouse or storage facility is situated shall meet the minimum area requirements established in the District Regulations, for the district in which the use is to be located.
- B. The off-street parking requirements set forth in Section 800, TABLE 1, of this Ordinance and the off-street loading requirements of Section 801, TABLE 2, shall be met.
- C. All warehouse or storage facilities shall abut or provide adequate access to a public street. In addition all such structures shall be setback a distance which will be sufficient to provide adequate turning and maneuvering space for the vehicles intended to use the facility.
- D. All outdoor storage of materials, equipment and products associated with warehousing activities shall be situated within the buildable area of the lot on which the warehouse is located and behind the front line of the principal building.

No outdoor, unenclosed storage shall be located within any required setback or yard area.

- E. Outdoor storage shall not exceed 35 feet in height.
- F. Outdoor storage shall be completely shielded from view from all public roads and adjacent properties by use of natural plantings and/or fencing. (See also Section 506.)
- G. Storage of hazardous materials shall be governed by the requirements of this Section, Section 419 H.9 and 10, as well as all applicable State and Federal regulations.

#### **422 AUTO SALVAGE OPERATIONS/JUNK YARDS**

All auto salvage operations or junk yards created after the effective date of this Ordinance shall comply with the following provisions, as well as all other municipal regulations which may be in effect.

- A. Such uses shall be conducted within a building or entirely enclosed within a fence or wall not less than eight (8) feet in height and made of a suitable, permanent material. In addition, a buffer yard and screen planting as set forth in Section 505 and 506 of this Ordinance may be required. No part of any buffer yard may be used for the storage of any materials or parts associated with the operation.
- B. No junk material, appurtenant structure, related activity or other enclosure shall be stored, place, located or conducted within 50 feet of any adjoining property line or public street right-of-way. No weeds or scrub-growth over eight (8) inches in height shall be permitted to grow within this setback area.
- C. All junk shall be stored or arranged so as to permit access by fire fighting equipment and to prevent the accumulation of water. No junk shall be piled to a height exceeding eight (8) feet.
- D. No oil, grease, tires, gasoline or other similar material shall be burned at any time, and all other burning shall be attended and controlled at all times.
- E. All junk yards shall be maintained in such a manner to avoid causing public or private nuisances; causing any offensive or noxious odors; or causing the breeding or harboring of rats, flies, or other vectors that could be hazardous to public health.

#### **423 MINERAL EXTRACTION OPERATIONS**

Mineral extraction operations, such as quarries or other commercial excavation of sand, gravel, clay, shale, rock or other natural mineral deposit as may be defined by State or Federal regulations, may be permitted only as specified in the District Regulations, Article 3. Such operations shall comply with PA Department of Environmental Protection and /or applicable Federal permit requirements and evidence of such compliance must be submitted with any application for an extraction operation. In addition, the following standards shall be met.

- A. Each mineral extraction operation shall provide the minimum lot area required for the district in which it is located.
- B. Mineral extraction operations shall abut on or provide direct access to an arterial highway capable of accommodating heavy trucks and employee traffic. Truck access to any excavation site shall be arranged to minimize danger to traffic and nuisance to surrounding properties.

The applicable Board of Township Supervisors may require the applicant to post a highway performance bond in order to assure the maintenance of local municipal roads used for access and transportation of resources, materials and products of the operation. The amount of the bond shall be set by the Township Supervisors and shall be valid for one (1) year. An annual renewal and update of the Building/Zoning Permit for the activity, including the amount of the bond, shall be required. The bond shall be administered in accordance with the provisions of Article 5 of the PA Municipalities Planning Code, as amended, relating to improvement agreements.

- C. The applicant shall submit plans which indicate what precautions will be taken to avoid soil erosion and sedimentation problems wherever any excavation is proposed. The applicant shall consult the Montour County Conservation District concerning these plans and shall obtain a report on the soil characteristics of the site and the acceptability of his erosion control plans. Exposed ground surfaces shall be stabilized or protected with a vegetative cover to prevent soil erosion, unless other erosion control techniques are approved.
- D. Screen plantings, buffering, and fencing shall be provided along the perimeter of the excavation site as may be required by State or Federal regulations. Where not specifically regulated by State or Federal standards, a buffer yard of 50 feet and screening in accordance with Section 506 of this Ordinance shall be provided. In addition, in the case of open excavation, a fence, at least six (6) feet in height, shall completely surround the excavation area.
- E. The minimum performance standards contained in Section 419 H. of this Ordinance shall be met by such operations.
- F. No extraction activities, stockpiling or storage of extracted material shall be located closer than 100 feet to any property line, street right-of-way line, or residential dwelling, nor less than 250 feet from any stream or body of water.

- G. Where permitted, rock crushers, batching or mixing plants, or other grinding, polishing or cutting machinery shall be setback a minimum of 150 feet from all property lines and public rights-of-way and shall be subject to such additional conditions and safeguards deemed necessary by the applicable Board of Township Supervisors to protect the public health, safety and welfare.
- H. Following the extraction operation, the applicant shall restore the area to a contour satisfactory to the Township Supervisors. The applicant shall provide plans and proposals indicating the process to be followed to bring about this restoration as a part of his application for such a use. If it is determined appropriate by the Supervisors, they may require a performance bond from the applicant to ensure that such restoration will take place. Such bond shall be administered in the same fashion as the highway performance bond discussed in Sub-Section 423 B. above.

#### 424 MUNICIPAL OR RESIDUAL WASTE LANDFILLS

Municipal or residual waste landfills may only be permitted as provided in Article 3, the District Regulations, and shall be subject to the following standards and all requirements of the PA Department of Environmental Protection (25 PA Code, Chapters 271-299, relating to Municipal and Residual Waste Regulations, or as may hereafter be amended.)

- A. The minimum area required for a municipal or residual waste landfill shall be 50 contiguous acres.
- B. The applicant shall obtain approval for the proposed facility from the PA Department of Environmental Protection prior to the issuance of a Building/Zoning Permit.
- C. Municipal or residual waste landfills shall abut on or provide direct access to an arterial highway or collector street capable of accommodating the anticipated type and volumes of traffic generated by the facility. Access to any such facility shall be designed to minimize danger to normal vehicular traffic and nuisance to surrounding properties. In addition, all such access roads shall at minimum meet the requirements set forth in Section 273.213 of Chapter 273 and Section 288.213 of Chapter 288 of Title 25 of the PA Code, or as may hereafter be amended.
- D. Municipal or residual waste landfill sites shall be completely enclosed by a fence to prevent unauthorized access and to prevent debris from being blown from the site. In addition, all requirements relating to access control contained in Section 273.212 of Chapter 273 and Section 288.212 of Chapter 288 of Title 25 of the PA Code, or as may hereafter be amended, shall be met.
- E. Municipal or residual landfills shall not be sited in the following locations; (All distances shall be measured from the property line of the facility.)

1. within a 100 year floodplain;
  2. in or within 300 feet of a wetland;
  3. within 100 feet of a perennial stream;
  4. in a valley, ravine or the head of a hollow where the operation would result in the elimination, pollution or destruction of a portion of a perennial stream;
  5. within ¼ mile upgradient and within 300 feet downgradient of a private or public water source;
  6. within 100 feet of a property line or the right-of-way of a public street;
  7. within 300 feet of an occupied dwelling;
  8. within 300 yards of a building owned by a school district or school;
  9. within 300 yards of a park or playground;
  10. within 10,000 feet of a runway used by turbine-powered aircraft at a Federal Aviation Administration (FAA) certified airport;
  11. within 5,000 feet of a runway used by piston-type aircraft at an FAA certified airport;
  12. within the conical area for runway flight paths that are used by turbine-powered or piston-type aircraft;
  13. within 25 feet of a coal seam, coal outcrop or coal refuse;
  14. in coal bearing areas underlain by recoverable or mineable coals; nor
  15. in areas underlain by limestone or carbonate formations where the formations are greater than 5 feet thick and present at the topmost geologic unit.
- F. The disposal area of a municipal or residual waste landfill shall be located at least;
1. 500 feet from an occupied dwelling;
  2. 300 feet from a property line; and
  3. 300 feet from the right-of-way of a public street.

- G. A copy of the geology, soils and hydrology descriptions required by Sections 273.115-273.120 of Chapter 273 and Sections 288.122-127 of Chapter 288 of Title 25 of the PA Code, or as may hereafter be amended, shall be submitted as a part of an application for a municipal or residual waste landfill.
- H. A copy of the water quality protection and monitoring plan required by Sections 273.151 and 273.152 of Chapter 273 and Sections 288.151 and 288.152 of Chapter 288 of Title 25 of the PA Code, or as may hereafter be amended, including a soil erosion and sedimentation control plan, shall be submitted as a part of any application for a municipal or residual waste landfill.
- I. A copy of the gas monitoring and control plan required by Section 273.171 of Chapter 273 and Section 288.161 of Chapter 288 of Title 25 of the PA Code, or as may hereafter be amended, shall be submitted as a part of an application for a municipal or residual waste landfill.
- J. A copy of the emergency contingency plan required by Section 273.181 of Chapter 273 and Section 288.171 of Chapter 288 of Title 25 of the PA Code, or as may hereafter be amended, shall be submitted as a part of an application for a municipal or residual waste landfill.
- K. A copy of the post closure land use plan and closure plan required by Sections 273.191 and 273.192 of Chapter 273 and Sections 288.181 and 288.182 of Chapter 288 of Title 25 of the PA Code, or as may hereafter be amended, shall be submitted as a part of an application for a municipal or residual waste landfill.
- L. The applicant for a municipal or residual waste landfill shall demonstrate, to the satisfaction of the applicable Township, sufficient financial responsibility for the operation of the proposed facility and the ability to provide for insurance protection for personal injury and property damage to third parties arising from the operation of the facility. A copy of the collateral and/or surety bond guarantees required by Section 271.311 of Chapter 271 and Section 287.311 of Chapter 287 of Title 25 of the PA Code, or as may hereafter be amended, shall be submitted as a part of the application for the facility.
- M. In addition to the foregoing requirements, the applicant shall provide evidence that all other required governmental approvals have been granted prior to the issuance of a Building/Zoning Permit. Required improvements shall include, but are not limited to, approvals by any Federal or State agencies, storm water management plans, subdivision and land development plans (including appropriate financial guarantees), and approvals under any County or Township ordinances.
- N. In the event the landfill is found to be in violation of any other governmental regulations which require that the operations of the landfill shall cease, such

action shall cause the Building/Zoning Permit to be void and forfeited. No resumption of the landfill shall take place in such event unless and until the applicant submits and obtains approval of a new Building/Zoning Permit application pursuant to the requirements of this Ordinance and other municipal regulations in effect at the time that such new application is submitted.

## **425 COMMERCIAL TIMBER HARVESTING OPERATIONS**

Commercial timber harvesting operations may be permitted only as set forth in Article 3, the District Regulations. Such operations shall involve the cutting or removal of trees for commercial purposes by a commercial logging firm or individual. (The harvesting of timber for personal use on tracts of ground less than 20 acres in size shall not be regulated by this Section.) All commercial timber harvesting regulated by this Section.) All commercial timber harvesting activities shall meet the following standards.

- A. Applications for harvesting activities shall include the following information.
  - 1. A sketch plan showing the outline of the tract from which the timber is to be harvested and the portion of the tract where the logging is to occur;
  - 2. An indication where access to public roads, including Township roads, will be made;
  - 3. An indication of where staging and loading areas will be located;
  - 4. A soil erosion and sedimentation control plan reviewed and approved by the Montour County Conservation District;
  - 5. An indication of the length of time anticipated to complete the harvesting activity and the time of year when the activity is scheduled; and,
  - 6. A site restoration plan.
- B. The applicable Board of Township Supervisors may also require the applicant to post a highway performance bond in order to assure the integrity of local municipal roads used for access to the timbering site and transportation of materials or products from the operation. The amount of the bond shall be set by the Township Supervisors and shall be valid for one (1) year. Where necessary however, the life of the bond may be set for a longer period of time. The bond shall be administered in accordance with the provisions of Article 5 of the PA Municipalities Planning Code, as amended, relating to improvement agreements.
- C. Building/Zoning Permits issued for timber harvesting activities shall be valid for six (6) months unless otherwise extended by the applicable Township Supervisors.

**426**     **AGRICULTURAL USES**

Irrespective of the specific uses listed or permitted in any of the zoning districts, agricultural programs shall be permitted and encouraged as an interim use until such time as the property owner sells or transfers his property interests to persons, agent or others interested in developing a use in conformance with the District Regulations set forth in Article 3. All agricultural uses initiated after the effective date of this Ordinance shall be subject to the following safeguards and regulations.

A.     **General Use Regulations**

1.     Private gardens are permitted in all zoning districts.
2.     Buildings in which livestock and/or poultry are to be housed (temporarily or permanently) shall not hereafter be erected within 50 feet of a property line nor within 25 feet of a public street right-of-way. And, where adjacent land use dictates, buffer yards or screen plantings shall be provided in accordance with Sections 505 & 506 of this Ordinance, except as may otherwise be provided for properties situated in an Agricultural Security Area. (Domesticated animals or pets are exempt from these regulations.)
3.     No outdoor feedlot, compost, manure or other storage shall hereafter be located closer than 100 feet to any abutting residential use, and not closer than 50 feet to any property line or water body.
4.     Commercial animal husbandry activities shall only be permitted in the Agricultural and Woodland/Conservation Districts. A minimum gross area of 5 acres shall be required where such activities are proposed.
5.     In the Public/Semi-Public and Woodland/Conservation Districts, where a landowner is participating in a “Clean and Green” tax enrollment program and/or is enrolled in an approved Agricultural Security Area, that landowner shall be entitled to the subdivision of up to one, two (2) acre lot per year.
6.     Nothing contained in this Ordinance shall prohibit a farmer from carrying out normal farming activities, including the spreading of manure.

B.     **Residential Use Regulations**

Single family detached dwellings and mobile homes may be permitted to be located in the Agricultural District subject to the following criteria and limitations.



1. Permitted Number of Dwellings.

- a. The following number of single family dwellings may be permitted on each tract of land as it existed at the effective date of this Ordinance, provided that proposals for such use meet the requirements outlined in this Sub-Section.

<u>Size of Parcel</u>	<u>Number of Dwellings Permitted</u>
0 - 5 acres	1
5 - 15 acres	2
15 - 30 acres	3
30 - 60 acres	4
60 - 90 acres	5
90 - 120 acres	6
120 - 150 acres	7
Over 150 acres	8

each

+ 1 additional dwelling for  
additional 30 acres.

2. Additional dwellings may be permitted by the Joint Municipal Zoning Hearing Board where the applicant can show that his proposed dwelling(s) will be located on low quality agricultural soils (soils with capability classes of III-VII). In no case however, shall the number of dwellings permitted on any one (1) tract exceed more than twice the number permitted in this Sub-Section. (See also Part 3 of this Sub-Section.)
3. Farm dwellings existing at the effective date of this Ordinance shall not be included when determining the number of dwellings permitted under this Sub-Section. All other dwellings existing on the tract at the effective date of this Ordinance shall be considered as one (1) dwelling for the purposes of calculating the number of permitted dwellings. After the effective date of this Ordinance, one (1) additional dwelling unit related to the operation of the farm may be placed on the tract without reducing the number of dwelling units permitted under this Sub-Section.
4. Existing tract size shall be calculated based on the number of contiguous acres owned by the same person(s) or entity at the effective date of this Ordinance. For purposes of this provision, the determination of contiguous acreage shall disregard streets, roads, highways or other natural or manmade boundaries. The subdivision of

contiguous tracts after the effective date of this Ordinance shall not increase the number of dwellings permitted under this Sub-Section.

2. Required Subdivision. Each single family dwelling shall be located upon a separate approved lot, whether or not it is intended for transfer. (Ideally, all such lots would be contiguous and would share a common access to avoid significant encroachment into agricultural areas.) Such lots shall meet all requirements of this Ordinance, as well as the provisions of the applicable Subdivision and Land Development Ordinance. In addition, plot plans shall include a notation indicating that there will be no further subdivision of any of the lots shown.
3. Soil and land Characteristics.
  - a. Lots to be used for single family dwellings shall be located on the least agriculturally-productive land as possible so as to minimize their interference with agricultural activities. Lots shall therefore not be situated in areas containing Class I or II capability soils, as classified by the Soil Survey of Montour County, PA, prepared by the U.S. Department of Agriculture, Soil conservation Service, and issued April 1985.
  - b. In cases where the land to be used for a dwelling lot is entirely made up of or contains a majority of Class I and/or Class II capability soils, only ½ of the number of dwellings permitted under Sub-Section 1. above may be approved, unless authorized otherwise by the Joint Municipal Zoning Hearing Board.
  - c. The applicant shall have the burden of proving that the land he seeks to utilize as a lot for the location of a dwelling meets the criteria set forth in this Sub-Section. Any land owner who disagrees with the classification of his land or any portion of it by the County Soil Survey, may submit an engineering analysis of the soils of that portion of his land which he seeks to reclassify to the appropriate Township Board of Supervisors. If the Supervisors concur with his study, they may alter the Township's Soil Map to reflect the results of the study.
4. Maximum Lot Size. A lot upon which a new single family dwelling is to be situated shall contain no more than two (2) acres, unless the physical characteristics of the land itself require a size in excess of two (2) acres in order to properly accommodate the dwelling, a driveway, well and on-site sewage disposal system. In addition, where the applicant can show that his proposed lot (s) will be located on low quality agricultural soils (soils with capability classes of III-VII), the maximum lot size may be increased by the Joint Municipal Zoning Hearing Board.

5. Limitations. The provisions of this Sub-Section shall apply exclusively to parcels of land legally existing at the effective date of this Ordinance. Regardless of size, no lot subsequently subdivided from its parent or original parcel shall qualify for additional single family dwellings pursuant to this Sub-Section. Similarly, any subsequent owner of a tract of land which legally existed at the effective date of this Ordinance shall be bound by the actions of the previous owner(s) in that such current owner may subdivide only that number of lots, if any, remaining from the original number permitted by this Sub-Section for additional dwellings.
6. Interpretations. Other questions relative to the application of any of the provisions of this Sub-Section shall be referred to the Joint Municipal Zoning Hearing Board for interpretation and ultimate determination.

#### **427 ROADSIDE STANDS**

Temporary or permanent roadside stands or shelters may be permitted as provided in the District Regulations, Article 3. Such stands may be used for the sale of farm, nursery or greenhouse products, provided that the following criteria can be met.

- A. Temporary stands shall not exceed 400 square feet in size and shall be removed during the time when not in use for the sale or display of products;
- B. Two (2) additional off-street parking spaces shall be provided where a roadside stand is established;
- C. Temporary stands shall be located at least ten (10) feet from the edge of the adjoining street right-of-way and at least 50 feet from any intersection, and permanent stands shall meet the setback requirements for the district in which they are located; and,
- D. Building/Zoning Permits for temporary roadside stands shall be renewed annually.

#### **428 SEASONAL DWELLINGS OR CABINS**

Seasonal dwellings or cabins may be permitted only in those zoning districts as specified in Article 3, the District Regulations. Every such structure shall meet the requirements outlined below.

- A. For the purposes of this Ordinance, a seasonal dwelling or cabin shall be defined as a permanent structure used only periodically during the year. Such use may include shelter during hunting and fishing seasons, private vacation and/or weekend or holiday uses, or other similar periodic visits at any time of the year.

- B. Every lot to be utilized for such use shall meet the minimum area and yard requirements set forth in the District Regulations, Article 3, for the district in which it is located.
- C. Every seasonal dwelling or cabin shall be provided with adequate sewage disposal and water supply systems subject to the applicable rules and regulations of the PA Department of Environmental Protection. Satisfactory evidence that all necessary permits of this type have been obtained shall be submitted as a part of an application for such a use.
- D. A seasonal dwelling or cabin shall not be converted to a permanent, full-time dwelling unit unless the same shall conform to all applicable requirements of this Ordinance and any other pertinent Township codes and ordinances. In particular, where seasonal structures are proposed for conversion to full-time occupancy, all foundation and gross floor area requirements contained in Section 402 must be met and adequate sewage and water supply systems must be provided.
- E. Where such uses are proposed to be located in a Flood Fringe or General Floodplain District, all Floodproofing requirements contained in Article 6 shall be met.
- F. No more than one permanent seasonal dwelling or cabin shall be erected on an individual lot, unless part of an approved land development plan.
- G. No buses, trucks, or recreational vehicles are permitted as permanent seasonal dwellings or cabins. They may be used for temporary purposes for a period of time not exceeding 180 days in any calendar year and must be removed from the site when not in use or during the off-season. Such temporary uses shall require the issuance of an annual, Seasonal Building/Zoning Permit. Where such units are to be placed in any identified floodplain area, the Seasonal Permit will only be valid from April 1 through September 30 of each year.

**429 CAMPGROUNDS OR RECREATIONAL VEHICLE PARKS**

Campgrounds or recreational vehicle parks may be permitted only in those zoning districts as specified in Article 3, the District Regulations. Every proposed campground or recreational vehicle park must meet the requirements outlined below as well as the standards set forth in the applicable Township Subdivision and Land Development Ordinance.

A. General Requirements

Building/Zoning Permits for campgrounds or recreational vehicle parks must be renewed annually by the park owner or by the resident manager on behalf of the owner. Where such facilities are located in a designated floodplain district, each unit within the campground shall also be required to obtain an annual, Seasonal

Building/Zoning Permit. (See Sub-Section D. below regarding campgrounds in Flood prone Areas.)

B. Design Standards

1. Minimum Campground Area. A campground shall have a gross area equal to the minimum lot size required for the district in which it is to be located.
2. Camping Space Requirements.
  - a. Gross Density. The maximum number of camping spaces within each campground shall be no more than 10 per acre of gross area of the campground.
  - b. Minimum Camping Space Sizes. Each camping space shall contain a minimum of 3,000 square feet. The minimum width shall be not less than 50 feet and the minimum depth not less than 60 feet.
  - c. Camping Space Access. All camping spaces shall abut and have frontage on a street of the campground internal street system.
  - d. Camping Units. No more than one (1) camping unit (recreational vehicle, tent or other similar unit) shall be located on each camping space.
  - e. Accessory Structures. No permanent accessory structures, including sheds, storage buildings, porches, privies, etc. shall be placed on camping spaces located in floodplain areas.
3. Setbacks, Buffer Yards and Screening Requirements
  - a. Park Perimeter Buffer Yard. All camping spaces and auxiliary park structures shall be located at least 50 feet from the campground boundary lines, including public road rights-of-way. If a suitable, attractive screening of natural plantings is provided along the perimeter, this minimum buffer may be reduced to 25 feet.
  - b. Minimum Distance Between Structures and Camping Spaces. All camping spaces shall be located at least 30 feet from any auxiliary building.
  - c. Minimum Distance Between Camping Units. Individual camping units shall be separated by a minimum of 15 feet.

4. Grading and Ground Cover Requirements (Soil Erosion & Sedimentation Control Plans). Where any excavating or grading is proposed or where any existing trees, shrubs, or other vegetative cover will be removed, plans shall be presented showing what steps will be taken to avoid soil erosion. Exposed ground surfaces shall be stabilized or otherwise protected with a vegetative cover. (See also Section 504 D.)
5. Off-Street Parking Requirements. A minimum of one (1) vehicle off-street parking space shall be provided for each camping space plus one (1) additional off-street parking space for every five (5) camping spaces shall be provided within the campground.
6. Campground Street and Drainage System Requirements. The internal street and drainage control systems shall be designed and constructed in accordance with the road and drainage control standards outlined in the applicable Township Subdivision and Land Development Ordinance. (See also Section 504 E.) In addition, at the entrance intersection of the campground, a cart way with a width of 50 feet shall be provided for a distance of 100 feet to accommodate the safe movement of vehicles or units into and out of the facility.

C. Utilities and Park Facilities

1. Water Supply and Sewage Disposal Systems. The standards of the Department of Environmental Protection for the provision of water supply and sewage disposal shall be met. Documents and approvals indicating that these standards have been met along with notations on the campground plan showing the location of water sources and restrooms shall be presented to the Township by the applicant. Separate restroom facilities shall be provided for men and women.
2. Other Utility Systems. Where electric or other utilities are to be provided, plans shall be provided by the developer and approved by the applicable Township and the utility company.
3. Solid Waste Collection, Storage and Disposal. Arrangements for the collection, storage, and disposal of solid wastes generated by the users of the proposed campground shall be made by the developer and submitted for approval as a part of the development plan evaluation process.
4. Service and Other Campground Buildings. Service, maintenance and management buildings and commercial sales buildings required for the management, servicing and maintenance of the campground may be allowed provided that such buildings are used exclusively for said purposes. No structures may be located within a Floodway District, but

may be located within any other Floodplain District as long as they are adequately floodproofed. (See Article 6.)

5. Campground Management. During times of operation, each campground owner shall designate a manager who shall be responsible for maintaining the facility in accordance with the requirements of this Ordinance and the terms and conditions of the campground's approval.

D. Campgrounds in Floodprone Areas

1. Each unit within a campground proposed to be located in any designated Floodplain District, shall be required to obtain an annual, seasonal Building/Zoning Permit. Such Permits will only be valid from April 1 through September 30 of each year. All units must be removed from the floodplain during the remainder of the year.
2. Where campgrounds are proposed to be located within any designated floodplain area, a workable evacuation plan must be submitted as a part of each application for a seasonal Building/Zoning Permit. Said plan must insure that all units will be removed from the floodplain during flood events.
3. Units being placed in campgrounds located within a designated floodplain area must remain on wheels and be capable of being towed or transported from the site at all times. Such units may not be placed on blocks or similar supports and no activity may take place on the site which would interfere with the prompt and safe evacuation of the units in times of flood danger.

**430 PARKS, PLAYGROUNDS OR RECREATION AREAS**

If specific recreational facilities are not specified or regulated elsewhere in this Ordinance, the following standards shall apply to applications for parks, playgrounds or other recreation areas.

- A. All such uses shall meet the minimum area and yard requirements set forth in the District Regulations, Article 3, for the district in which they are to be located.
- B. A plan showing the proposed facilities and/or design of the recreational facility shall be provided by the applicant with his application for the use.
- C. A statement shall be submitted by the applicant indicating the reasons why the proposed facility is appropriate for the district in which it is to be located.

- D. Off-street parking facilities shall be provided in accordance with the requirements of Section 800, TABLE 1, of this Ordinance.
- E. Sewage disposal facilities shall be provided by the applicant in accordance with the standards of the PA Department of Environmental Protection.
- F. Arrangements for the collection, storage and disposal of all solid wastes generated by the facility shall be made by the applicant and submitted to the Township for approval as part of his application for the use.
- G. Outdoor security lighting shall be provided for the facility. Such lighting shall be installed and shielded however to eliminate direct glare on adjacent properties or upon public streets.
- H. All buildings, structures or active recreation activities shall be appropriately screened in accordance with the requirements of Section 506 of this Ordinance shall be setback at least 50 feet from all property lines. Where the proposed activity could create a potentially hazardous situation, such as a shooting range, additional precautions shall be taken by the applicant to ensure the safety of the public. In all such circumstances, the applicable Township shall review the precautions being proposed and shall determine their adequacy.
- I. The proposed hours, rules, and security arrangements for the facility shall be included with the application for any such use. Consideration shall be given not only to the convenience of the users, but the convenience, safety and welfare of the neighborhood or area in which the facility is to be located.

431 ESSENTIAL UTILITY SERVICES

For the purposes of this Ordinance, essential utility services shall include the placement, construction, alteration, use and maintenance by municipal or governmental agencies, public utilities, or public services corporations of such facilities as are necessary for the furnishing of adequate service by such agencies, utilities, or corporations to protect the public health, safety or general welfare, including underground or overhead electrical, telephone, television, gas, water supply or sewage disposal systems. Such services may include poles, wires, lines, mains, drains, sewers, conduits, cables, fire alarm or police call boxes, traffic signals, hydrants, gas regulator and measuring devices, and may also include the structures in which they are housed, and other similar equipment. In addition to meeting all applicable industry standards for design and installation, essential utility services shall also meet the criteria set forth below.

- A. Public utility structures, including substations, water pumping stations, and/or sewage treatment facilities shall be designed and constructed to be compatible with the general character (appearance and structural material) of the other structures within the district in which they are located.



- B. Structures may be permitted for the housing of transformers, pumps and similar equipment subject to the standards set forth in the district Regulations. Such structures shall house only those vehicles or equipment necessary to provide normal maintenance and repair for the systems, except in the Commercial District, where office space may also be provided.
- C. Outdoor, unenclosed storage areas associated with utility services may only be permitted as set forth in the District Regulations. Where permitted, such storage areas shall be enclosed with a fence and shall be shielded from view by adequate screen planting. In addition, where adjacent land use dictates, buffer yards of 25 feet may also be required to provide sufficient separation of uses. (See also Sections 505 and 506 of this Ordinance.)

**432 SWIMMING POOLS**

**A. Private Swimming Pools**

Private swimming or bathing pools (pools used by the owner and his guests) may be permitted as accessory uses in all zoning districts, with the exception of the Industrial District, but must comply with the following requirements.

- 1. Every outdoor private swimming pool of permanent construction, whether above or below ground, shall be completely surrounded by a fence or wall not less than four (4) feet in height to prevent uncontrolled access. (No additional fence or wall is required where a minimum of four (4) feet of the walls around the entire perimeter of the pool are located above the ground; provided however, that steps, ladders and other means of access to the pool are removed or secured to a minimum of four (4) feet above ground level when the pool is not in use.) All gates or doors in the fence or wall shall have self-latching or locking devices.
- 2. A dwelling or accessory structure may be used as part of the required enclosure.
- 3. The pool shall not be located within any required front yard nor closer to any side or rear property line than is established for accessory structures in the district where the pool is located.

**B. Public or Semi-Public Swimming Pools**

Public or semi-public swimming or bathing pools shall be defined as those facilities available for use by the public or segments of the public, including pools owned and operated by municipal governments, private organizations, or pools

provided in conjunction with motels, transient lodging facilities, or mobile home parks. Such pools shall be subject to all requirements established by the PA Department of Environmental Protection. And, for the purposes of this Ordinance, such uses shall be considered to be Recreational Facilities and shall be governed by the provisions of Section 430.

### **433 HOME OCCUPATIONS**

Home occupations may be permitted as accessory uses in all zoning districts, except the Public/Semi-Public and Industrial Districts, unless such activities are prohibited by special deed restrictions. All such activities shall comply with the following requirements.

- A. The area devoted to the permitted home occupation shall be located wholly within either the operator's dwelling or a building accessory thereto and shall be equivalent to not more than 25% of the gross floor area of the dwelling, except for family day care homes.
- B. The home occupation shall be clearly secondary to the principal residential nature of use of the dwelling.
- C. There shall be no change in exterior dimension of the dwelling to accommodate the home occupation, except as may be necessary for safety purposes.
- D. Persons engaged in a permitted home occupation shall be limited to the members of the household of the operator residing on the premises and not more than one (1) additional non-resident employee.
- E. A home occupation shall not in any way alter the residential character of a neighborhood nor in any way adversely affect the safe and comfortable enjoyment of individual property rights of the neighborhood in which the use is located.
- F. There shall be no exterior display or sign, except as may be permitted in Article 7, and no outdoor, unenclosed storage of materials associated with the business on the premises.
- G. No offensive or objectionable noise, vibration, smoke dust, odor, heat or glare shall be produced or detected at or beyond the property line of the lot containing the home occupation.
- H. A minimum of two (2) additional off-street parking spaces shall be provided.
- I. The use shall not create any adverse impact on existing traffic or circulation patterns in the neighborhood.

J. Home occupations may include, but need not be limited to, any of the following activities provided that such use is clearly incidental and secondary to the principal residential use of the structure:

1. Medical, dental, insurance, real estate and other professional offices.
2. Custom dressmaking and milliner facilities.
3. Artist or musician shops or studios.
4. Family day care homes.
5. Tutoring facilities.
6. Barber and beauty shops.
7. Arts and crafts or antique shops;
8. Custom furniture or carpentry shops; and
9. Small appliance or equipment repair facilities.

And, in the Agriculture and Woodland/Conservation Districts, home occupations may also include other occupations related to agricultural activities or which are agriculture in nature.

Other home occupations not specified above may be permitted upon finding of the Joint Municipal Zoning Hearing Board that such use complies with the criteria of this Section, other applicable codes and ordinances, and that the proposed use would not be detrimental to the health, safety and welfare of the residents of the neighborhood where it is located.

#### **434 ACCESSORY RESIDENTIAL USES**

Accessory residential uses, including apartments or dwelling units above or adjoining a commercial use, may be permitted in the Village Center and Commercial Districts. Every such proposed use shall also meet the requirements outlined below.

- A. All such uses must remain secondary to the principal commercial use of the structure.
- B. The minimum gross floor area requirements set forth in Section 402 of this Ordinance shall be met.
- C. The off-street parking requirements set forth in Section 800, TABLE 1, of this Ordinance shall be met for both the commercial and residential uses.

- D. Sewage and water facilities shall be sufficient to handle the anticipated loading created by the addition of the dwelling unit(s) and shall meet the requirements of the PA Department of Environmental Protection.

**435 TEMPORARY USES AND STRUCTURES (SEE ALSO SECTION 436)**

A. Circuses, Carnivals or Open-Air Cultural, Religious, or Sporting Events

A Temporary Building/Zoning Permit may be issued by the Zoning Officer for a temporary use such as a carnival, circus or open-air cultural, religious, or sporting event as provided below. Such Temporary Permit shall be valid for no more than 14 days and shall be issued only after the applicant has met the following requirements.

1. If the temporary use is to take place on land not owned by the applicant, the applicant shall present a written statement from the owner of the property in which he agrees to the temporary use of his property.
2. The applicant shall provide sufficient insurance coverage to adequately protect the Township against any damage, accident or other claim resulting from the event. Evidence of such insurance shall be submitted as a part of the Permit application.
3. The site of such temporary use shall not be left unattended by the applicant or agents of the applicant at any time during which the use is located on the site.
4. Information concerning water supply and sewage disposal facilities to be used shall be presented by the applicant with assurance from the PA Department of Environmental Protection that these arrangements are adequate.
5. Any solid waste generated by the temporary use shall be collected and disposed of in an acceptable fashion by the applicant.
6. The applicant shall assure the Township that all vendors intending to dispense food or beverages to the public will be properly licensed or approved by the PA Department of Health to do so.
7. Assurances shall be given by the applicant to guarantee that there is adequate space to satisfy the parking demands that will be generated by the use and that adequate traffic control precautions will be taken.
8. All wagons, tents, temporary structures, animals and any other materials brought to the site, as well as all debris or refuse generated by the event,

shall be removed by the applicant within the time limit stated on the Temporary Permit and prior to vacating the site.

The Zoning Officer shall note on the Temporary Permit or attach to the Permit application, information that with the requirements of this Section. The Zoning Officer shall inspect the site as necessary to ensure that the provisions of the Permit are adhered to.

B. Mobile Homes

Mobile homes providing temporary quarters, either for residential, commercial or construction use, may be permitted only by the Joint Municipal Zoning Hearing Board and only for limited periods of time. When so authorized, such units shall be subject to the following standards.

1. A Temporary Building/Zoning Permit shall be required, and when issued, shall indicate the specific period of time for which the authorization is granted. No Temporary Permit for such uses shall be issued for a period of time exceeding six (6) months, except as provided in Sub-Part 2 below.
2. The Zoning Hearing Board may grant an extension to or renew the Temporary Permit for as many as two (2) additional 90 day periods, if in their opinion the applicant encountered unforeseen circumstances in carrying out the operation for which the original Temporary Permit was issued; or if the Permit covered residential use, the refusal of an extension would cause an undue hardship to the applicant.
3. Information concerning water supply and sewage disposal facilities to be used shall be presented by the applicant as part of his Building/Zoning Permit application, along with assurance from the applicable Township sewage Enforcement Officer that these arrangements are adequate.
4. All such mobile homes shall be removed from the site by the applicant/permittee upon expiration of the Permit at no cost to the Township involved.
5. Mobile homes shall not be placed in a designated Floodway area.

436 TEMPORARY USES IN FLOODPLAIN AREAS

A Temporary Building/Zoning Permit may be issued for a temporary use such as a carnival, circus or open-air cultural or sporting event in any floodplain district. An applicant for such a Temporary Permit shall be subject to the standards of Section 435 A. above. In addition, if there is a threat of flooding or a flood warning is issued by the National Weather Service, all wagons, tents, temporary structures, animals and other materials shall be removed completely from the 100 year floodplain. This shall be done promptly before the threat of flood becomes a reality.

437 DOCKS, PIERS AND OTHER WATER-RELATED USES

Docks, piers, and other water-related uses may be permitted in or along streams or water bodies throughout the Planning Area Townships as provided in the District Regulations, but shall be subject to all applicable rules and regulations of the Federal Emergency Management Agency and the PA State Fish and Boat Commission. In addition such uses must adhere to the following standards.

- A. Docks and all other water-related uses shall be installed so that they create no rise in the 100 year flood level. When there is a threat of flood, docks shall be removed from the floodplain.
- B. Docks must be removed from the floodplain by their owner during the off-season.
- C. Docks shall extend no more than 10 feet into any watercourse and shall be located no closer than 150 feet to any other dock.
- D. No variance shall be granted to any of the requirements of this Section which would cause a rise in elevation of the 100 year flood or be contrary to the requirements of the National Flood Insurance Program.

## ARTICLE 5

### SUPPLEMENTARY LOT REGULATIONS

#### 5. PURPOSE

The provisions of this Article represent standards and regulations that shall be applied to all uses in addition to those established for the applicable zoning district. These regulations are to be used either in common within all zoning districts or are to be applied to specific situations as may be otherwise stated throughout the Ordinance.

#### 6. GENERAL LOT REQUIREMENTS

- A. 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 the Ordinance.
- B. No part of a yard, or other open space, or off-street parking area or loading space required in connection with any building for the purpose of complying with this Ordinance, shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building. (See also Section 504 A.)
- C. Every principal building hereinafter erected shall be located on a lot as defined. There shall not be more than one principal residential building and its accessory structures on one lot, except in the case of multi-family housing developments, mobile home parks, or other approved land developments.
- D. The minimum lot width of any lot shall be measured along the minimum building setback line as required for that district. Lots located on cul-de-sac turn-arounds or curves in the road or lots of unusual shape may have lot widths of less than those required provided that the average of the front and rear lot line is equal to or greater than the required lot width. In no case however, shall the front lot line have a width of less than 75 feet.

- E. No portion of a lot included in a street right-of-way shall be included in calculating the lot's area.

## **7. YARD REQUIREMENTS**

### **A. Projections**

- 1. Chimneys, flues, cornices, eaves, gutters, steps, or bay windows may project into any required yard, but not more than 24 inches.
- 2. Porches, patios, decks and attached carports, whether enclosed or unenclosed, shall be considered part of the main building and shall not project into any required yard.

### **B. Front Yards**

- 1. Front yard setbacks shall be as set forth in the District Regulations and shall be measured from either the centerline of the adjoining street or from the edge of the adjoining street right-of-way, as provided in the District Regulations. Where a lot has no road frontage, the front yard setback shall be equal to one-half (1/2) of the required front yard dimension for the district in which the lot is located and shall be measured from the edge of the front property line.
- 2. Accessory buildings or structures may not be erected within any required front yard.
- 3. When an unimproved lot is situated between two (2) improved lots, each having a principal building which extends into the required front yard, the front yard of such unimproved lot may be the same depth as the average of the two (2) adjacent improved lots.
- 4. Where an addition is proposed for an existing principal building which extends into the required front yard, the addition may be authorized by the Zoning Officer so long as the addition extends no further into the required front yard than the existing structure.
- 5. Off-street parking and loading areas may be located within a required front yard, but only as may be provided by the District Regulations.
- 6. Signs may be erected within a required front yard in accordance with the requirements set forth in Article 7.

### **C. Side Yards**



1. On a corner lot, the side yard abutting the street shall have a depth equal to the required front yard for the district in which the lot lies. The remaining two (2) yards shall constitute a side yard and a rear yard.
2. Accessory buildings or structures may not be constructed within a required side yard, except as may be provided in the District Regulations.
3. Signs may be erected within a required side yard in accordance with the requirements set forth in Article 7.

D. Rear Yards

1. Accessory buildings or structures may not be constructed within a required rear yard, except as may be provided in the District Regulations.
2. Signs may be erected within a required rear yard in accordance with the requirements set for in Article 7.

**8. HEIGHT REGULATIONS**

9. Height regulations shall not apply to spires, belfries, cupolas, penthouses (not used for human occupancy), nor to chimneys, ventilators, skylights, utility poles, solar collectors or related equipment, and ornamental or other necessary mechanical appurtenances normally associated with homes, churches and similar establishments. Such appurtenances shall however be erected only to such height is necessary to accomplish their intended purpose.
10. Agricultural or industrial structures such as barns, silos, grain elevators, storage tanks or similar types of structures, may be erected above the height limits specified in the District Regulations.
11. Transmitting and receiving towers may also exceed the height limitations specified in the District Regulations.

12. Notwithstanding any of the exceptions outlined above, the location and height of all structures shall be in accordance with all applicable rules, regulations, standards and criteria of the U.S. Department of Transportation, Federal Aviation Administration, where applicable.

**13. MISCELLANEOUS PROVISIONS**

**14. Two or More Principal Uses in the Same Building**

When two (2) or more principal uses occupy the same building (not including home occupations as defined in Section 433), sufficient parking spaces, lot area open space etc., shall be provided so that the standards pertaining to each use will

be met in full, unless provided otherwise in this Ordinance or as part of an authorized land development.

15. Fences and Walls

1. No fence or wall exceeding six (6) feet in height shall be erected within any of the yards required by this Ordinance, except in the Commercial or Industrial Districts where security fences may be up to ten (10) feet in height. (See also Sub-section 3 below.)
2. Fences or walls not exceeding six (6) feet in height may be permitted to be located within any of the required yards, but shall be setback at least two (2) feet from all property lines and from the edge of any adjoining street, road, or alley right-of-way where such fencing extends to the ground, and one (1) foot from the edge of any adjoining property line or street right-of-way where the fence does not rest on the ground, i.e. a split rail fence. Where however, there is written mutual consent between adjoining property owners, a fence or wall may be placed on a property line. A copy of such consent shall be submitted to the Zoning Officer along with the application for placement of the fence or wall. (See also Sub-section 3 below.)
3. In no case shall a fence or wall be erected which could cause danger to traffic on a street or road (whether public or private) by obscuring a driver's view or which does not comply with the clear sight triangle requirements contained in Section 504 C. below.
4. Fences having only one finished side shall be installed so that the finished side faces out or away from the subject property.
5. Agricultural fences shall be exempt from these regulations.

16. Obstructions to Vision at Street or Driveway Intersections

1. No fence, wall, sign or other structure shall be erected or altered and no hedge, shrub, tree, or other growth shall be maintained which may cause danger to traffic on a street or road by obscuring a driver's view at a street or driveway intersection.
2. At all street and/or driveway intersections, no obstruction or planting measuring higher than 30 inches or hanging lower than eight (8) feet above road grade shall be permitted within the clear sight triangle. A clear sight triangle shall be defined as that area of unobstructed vision at street intersections formed by lines of sight between points which are a specified distance from the intersection of the street centerlines. These distances shall be as follows:

- a. For the intersection of two (2) streets, the distance from the intersection of the street centerlines shall be 75 feet.
- b. For the intersection of a street and a driveway, the distance shall be 25 feet.

17. Erosion and Sedimentation Control

All erosion and sedimentation control requirements set forth in the applicable Township Subdivision and Land Development Ordinance or DEP, Title 25, Chapter 102 of the PA Code (or as may hereafter be amended), "Erosion Control", shall be met to the satisfaction of the Zoning Officer before the issuance of a Building/Zoning Permit.

18. Drainage and Stormwater Management

All drainage and/or stormwater management standards set forth in the applicable Township Subdivision and Land Development Ordinance and Act 1978-167 (or as may hereafter be amended), the PA Stormwater Management Act, shall be met to the satisfaction of the Zoning Officer before the issuance of a Building/Zoning Permit. As per the requirements of Act 167, the post-development run-off rate of the site shall not exceed the tract's pre-development run-off rate.

19. Outdoor Lighting on Private Premises

All outdoor flood lighting and spot lighting on private premises shall be mounted and shielded to effectively eliminate direct glare on adjacent properties or on public streets.

20. Stripping of Top Soil

No person, firm or corporation shall strip, excavate or otherwise remove top soil, shale or gravel for sale or for use other than on the premises from which the same shall be taken, except in connection with the construction or alteration of a building or structure on such premises and the excavation or grading incidental thereto. Where such excavation or removal does occur, this activity shall meet the requirements of Section 423 of this Ordinance regarding Mineral Extraction Operations.

21. **BUFFER YARDS**

22. Where a commercial or industrial use (commenced after the effective date of this Ordinance) abuts a residential district or a public street, a buffer

yard of at least 25 feet shall be required, unless provided otherwise in the District Regulations, Article 3. The buffer yard shall be a part of the commercial or industrial installation and shall be maintained by that property owner.

23. Where a commercial or industrial use (commenced after the effective date of this Ordinance) abuts a stream, drainage channel, or delineated wetland area, a buffer yard of at least 25 feet shall be required. The yard shall be measured from the nearest edge of the stream, channel or wetland. For residential uses, a buffer of at least 25 feet shall also be provided where such a use abuts a stream, drainage channel or delineated wetland.
24. Buffer yards required for residential uses shall be not less than 15 feet in width, unless provided otherwise in Article 4, the Supplementary Use Regulations, of this Ordinance.
25. All buffer yards shall be planted and maintained with vegetative material, such as grass, sod, shrubs, or other evergreens. Where required within buffer yards, screening shall be accomplished in accordance with Section 506 below.
26. A buffer yard may be considered as part of the required yard space.
27. No structure, storage of materials, or parking of vehicles shall be permitted in a required buffer yard; however, access drives, as well as utilities, may cross buffer yards.
28. **SCREEN PLANTING**
29. Screen planting may be required as provided in Article 4, the Supplementary Use Regulations, or where determined necessary by the applicable Township or the Joint Municipal Zoning Hearing Board, as appropriate, to serve as a barrier to visibility, glare, and noise between adjacent properties.
30. Plant or vegetative materials, including shrubs or evergreens, used in screen planting shall be of such species as will produce, in two (2) years, a complete visual screen of such height and of such density as is necessary to achieve the intended purpose.
31. Screen planting shall be maintained permanently by the lot owner, and any plant material which does not live shall be replaced within one (1) year.
32. Screen planting shall be placed so that, at maturity, it will be no closer than three (3) feet to any street or property line.

33. In accordance with the provisions of Section 504 C., a clear sight triangle shall be maintained at all street intersections and where driveways or private access ways intersect public streets.
34. Screen planting shall be broken only at points of vehicular or pedestrian access or utility easements.

**35. ON-LOT STORAGE**

For the purposes of this Ordinance, the storage of man-made materials, vehicles, equipment or similar items on any lot, in any zoning district, may only be authorized as accessory to approved, principal use and shall be subject to the following standards.

36. Such storage shall be located on a lot occupied by the owner of the vehicle or unit or on a lot immediately adjacent to the owner's lot.
37. Where permitted, on-lot storage shall not occupy more than 400 square feet of any one parcel of land in any zoning district, except where such storage is associated with an active farming operation. There shall be no maximum on the amount of on-lot storage when such is accessory to an agricultural activity, provided that the other provisions of this Section can be met.
38. Such storage may be enclosed or unenclosed.
39. Such storage shall not constitute a nuisance.
40. No such storage shall be permitted in a front yard and shall be situated so as to meet the applicable side and rear yard setback requirements of the district in which it is located.
41. No part of a street right-of-way, sidewalk or other area intended or designated for pedestrian use, and no required parking area shall be used for such storage.
42. All permanent, unenclosed on-lot storage areas shall be screened or shielded from view by a fence, wall or screen planting which is open or broken only where necessary for vehicle entrances and exits and to avoid obstructing a clear sight triangle, or the material or unit being stored shall be covered with a non-transparent or opaque tarp.
43. No on-lot storage shall be permitted in a Floodway.
44. One (1) unoccupied recreational vehicle, camper or similar unit may be stored on a lot occupied by the owner of the unit, provided that placement

of the unit meets all setback requirements of the district in which it is located. On-street parking of such vehicles shall be prohibited.

**45. OUTSIDE, UNENCLOSED STORAGE**

For the purposes of this Ordinance, the outside, unenclosed storage of goods, materials, or merchandise may only be authorized as accessory to an approved, principal use in the Village Center, Commercial or Industrial District and shall be subject to the following standards.

- 46. Such storage shall not constitute a nuisance.
- 47. No storage shall be permitted in any front yard area and shall be situated so as to meet the applicable side and rear yard setback requirements of the district in which it is located.
- 48. No part of a street right-of-way, sidewalk or other area intended or designated for pedestrian use, and no required parking area shall be used for such storage.
- 49. All such storage areas shall be screened or shielded from view by a fence, wall or screen planting which is open or broken only where necessary for vehicle entrances and exits and to avoid obstructing a clear sight triangle.
- 50. In no case shall the storage cause the lot to become a junk yard nor shall such accumulation become an independent commercial operation.

**51. ACCESSORY STORAGE TRAILERS**

For the purposes of this Ordinance, an accessory storage trailer shall be defined as 1) that part of a tractor trailer truck which is pulled by the tractor, but which has been detached from the tractor, placed on a lot with a principal use, and is being used for storage purposes, or 2) a mobile home, travel trailer, or similar type of manufactured housing unit not being utilized for residential purposes, which has been placed on a lot with a principal use and is being used exclusively for storage, as an accessory use. The following standards shall be applied to such uses.

- 52. Storage trailers may only be permitted as accessory uses in the Agricultural, Commercial and Industrial Districts. Such units must be used for storage purpose and all unused or vacant units must be removed from the site.
- 53. When possible, the suspension system under the trailer shall be removed and the unit shall be placed on a foundation or shall be otherwise affixed to the ground. Where such unit is to be used for agricultural purposes

however, wheels may be left on the unit as a means of facilitating its use for such activities.

54. No accessory storage trailers shall be permitted in the Floodway District. When located in any other designated floodplain area, all such units shall be floodproofed in accordance with the standards set forth in Section 602 of this Ordinance.
55. Permitted storage trailers must meet all applicable setback requirements for the district in which they are located and shall be situated on the site so as to be as inconspicuous as possible.

**56. JUNKED OR ABANDONED MOTOR VEHICLES**

No more than one (1) junked or abandoned motor vehicle (a motor vehicle which is inoperable and bears no current license or inspection) may be stored outside of an enclosed structure in any district for a period of time exceeding 60 days, unless such vehicle(s) is associated with an existing or proposed legitimate business operation or is completely covered by a non-transparent or an opaque tarp.

Disable or unusable farm-related vehicles and equipment shall be exempt from these regulations, provided that they are setback a minimum of 50 feet from all residential structures and public rights-of-way or are screened from view by the use of a fence or screen planting as set forth in Section 506 of this Ordinance.

## ARTICLE 6

### SUPPLEMENTARY FLOODPLAIN MANAGEMENT REGULATIONS

#### 608 GENERAL PROVISIONS

##### 57. Purpose

The purpose of these provisions is to promote the general health, welfare and safety of the community; encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future; minimize danger to public health by protecting water supply and natural drainage; and reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.

##### 58. Compliance

No structure or land shall hereafter be used and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered in the Planning Area Townships except in full compliance with the 1202 pertaining to Building/Zoning Permits, and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this Ordinance.

##### 59. Interpretation of District Boundaries

Where interpretation is needed concerning the exact location of any boundary of any floodplain district, the Zoning Hearing Board shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Zoning Hearing Board and to submit his own technical evidence if he so desires.

##### 60. Warning and Disclaimer of Liability

The degree of flood protection sought by the provisions of this Article is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur. Flood heights may be



increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside the floodplain districts, or that land uses permitted within such areas, will be free from flooding or flood damages.

## **609 BASIS FOR FLOODPLAIN DISTRICTS**

### **A. Identification**

The identified floodplain shall be those areas of Derry, Limestone and West Hemlock Townships (Montour County, PA) subject to the 100 year flood, as identified on the most recent version of the applicable Flood Insurance Maps.

Specifically, in Derry Township, the identified floodplain area shall be those areas of the municipality subject to the 100 flood, which are identified in the Flood Insurance Study (FIS), dated February 1978, and the accompanying Flood Boundary and Floodway Map (FBFM) and Flood insurance Rate Map (FIRM), dated June 29, 1979, prepared for the Township by the Department of Housing and Urban Development (HUD), or the most recent revision thereof.

And, in Limestone and West Hemlock Townships, the identified floodplain shall be those areas of the municipalities subject to the 100 year flood, which are identified as Zone A (Special Flood Hazard Areas) on the Flood Hazard Boundary Maps (FHBM), dated February 14, 1975 and December 20, 1974, respectively, or the most recent version thereof issued for the Townships by HUD. (On June 1, 1987 and August 1, 1987, the FHBM's for Limestone and West Hemlock Townships, respectively, were converted to FIRM's).

For the purposes of this Ordinance, the floodplain districts shall be overlays to the existing underlying districts as shown on the Official Zoning Map. As such, the provisions for these districts shall serve as a supplement to the underlying district provisions. Where there happens to be any conflict between the provisions or requirements of the floodplain districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.

### **B. Description of Floodplain Areas**

The identified floodplain shall consist of the following specific areas:

1. FW (Floodway Area) includes all those areas of the 100 year floodplain identified as "floodway" in the Flood Insurance Study prepared for Derry Township by HUD. The term shall also include those areas which have been identified as floodway in other available studies or sources of information for those floodplain areas where no floodway has been

identified in the Flood Insurance Study, including areas in Limestone and West Hemlock Townships.

2. FF (Flood Fringe Area) includes all the remaining portions of the 100 year floodplain where a floodway has been delineated in the Flood Insurance Study prepared for Derry Township by HUD. The basis for the outermost boundary of this area shall be the 100 year flood elevations as shown on the flood profiles contained in the Flood Insurance Study.
3. FA (General Flood Plain Area) includes areas identified as Approximate 100 Year Floodplain on the FBFM prepared for Derry Township by HUD **AND** those areas identified as Zone A on the FHBM prepared by HUD for Limestone and West Hemlock Townships where no 100 year flood elevations have been provided. When available, information from other Federal, State or other acceptable sources shall be used to determine the 100 year flood elevation, as well as a floodway area, if possible. When such other acceptable information is not available, the 100 year flood elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site.

In lieu of the above, the applicable Township may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the applicable Township.

## **610 FLOOD DAMAGE CONTROL PROVISIONS**

In order to prevent excessive damage to buildings and structures due to conditions of flooding, the following restrictions shall apply to all new construction, development and substantial improvements occurring in all designated floodplain areas.

### **A. General Technical Requirements**

1. Within the identified floodplain areas, the development and/or use of land shall be permitted provided that such development or use complies with the restrictions and requirements of this and all other applicable codes and ordinances in effect in the applicable Township.
2. Within any floodway area, the following provisions shall apply:

- a. No new construction, development, use, activity or encroachment shall be permitted that would cause any increase in flood heights.
  - b. No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Protection, Bureau of Dams, Waterways, and Wetlands.
3. Within any general floodplain area, no new construction or development shall be located within the area measured 50 feet landward from the top of the bank of any watercourse, unless a permit is obtained from the Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands.

B. Elevation and Floodproofing Requirements

1. Residential Structures. Within any identified floodplain area, the lowest floor (including basement or cellar) of any new or substantially improved residential structure shall be at least one and one-half (1 ½) feet above the 100year flood elevation.
2. Non-residential Structures.
  - a. Within any identified floodplain area, the elevation of the lowest floor (including basement or cellar) in any new or substantially improved non-residential structure shall be at least one and one-half (1 ½) feet above the 100 year flood elevation, or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height.
  - b. Any non-residential structure, or part thereof, having a lowest floor (including basement or cellar) which is not elevated to at least one and one-half (1 ½) feet above the 100 year flood elevation, shall be floodproofed in a completely or essentially dry manner in accordance with the W1 or W2 space classification standards contained in the publication entitled "Floodproofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992), or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.

3. Space Below the Lowest Floor.

- a. Fully Enclosed Spaces. Fully enclosed spaces below the lowest floor (including basement or cellar) are prohibited.
- b. Partially Enclosed Spaces. Partially enclosed space below the lowest floor which will be used solely for the parking of vehicles, building access, or incidental storage in an area other than a basement or cellar, shall be designed and constructed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. (The term partially enclosed space also includes crawl spaces.)

Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

- 1) A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area;
- 2) The bottom of all openings shall be no higher than one (1) foot above grade; and
- 3) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

C. Design and Construction Standards

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

- 1. Fill. If fill is used, it shall:
  - a. extend laterally 15 feet beyond the building line from all points;
  - b. consist of soil or small rock materials only. Sanitary landfills shall not be permitted;
  - c. be compacted to provide the necessary permeability and resistance to erosion, scouring or settling;

- d. be no steeper than one (1) vertical on two (2) horizontal, unless substantiating data, justifying steeper slopes are submitted to and approved by the Zoning Officer;
  - e. be appropriately stabilized upon completion of compaction to avoid erosion and scouring of the fill material; and
  - f. be used only to the extent to which it does not adversely affect adjacent properties.
2. **Special Requirements for Mobile Homes.** For the purposes of this Ordinance, the term mobile home shall also include park trailers, travel trailers, recreational vehicles and other similar types of manufactured homes which are placed on a site for more than 180 consecutive days.
- a. Within any floodway area, all mobile homes shall be prohibited.
  - b. Where permitted within any flood fringe or general floodplain area, all mobile homes and any improvements, including those substantially damaged as a result of a flood, shall be:
    - 1) placed on a permanent foundation;
    - 2) elevated so that the lowest floor of the mobile home is one and one half (1 ½) feet or more above the elevation of the 100 year flood; and
    - 3) anchored to resist flotation, collapse, or lateral movement.
3. **Placement of Buildings and Structures.** All buildings and structures shall be designed, located and constructed on the lot so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of the flood water.
4. **Anchoring.**
- a. All buildings and structures, including mobile homes, shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, and lateral movement.
  - b. All air ducts, large pipes, storage tanks, and other similar objects or components located below the regulatory flood elevation shall be firmly anchored or affixed to prevent flotation.
5. **Floor, Walls and Ceilings.** Where a structure is located at or below the 100 year flood elevation, the following standards shall apply;

- a. Wood flooring shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain, without incurring structural damage to the building.
  - b. Plywood and interior finished walls shall be of any “exterior” or “marine” grade and of a “water-resistant” variety.
  - c. Walls and ceilings shall be designed and constructed of materials that are “water-resistant” and will withstand inundation.
  - d. Windows, doors and other such components shall be made of metal or other “water-resistant” material.
6. Paints and Adhesives. Where a structure is located at or below the 100 year elevation, the following standards shall apply:
- a. Paints or other finishes shall be of “marine” or other “water-resistant” quality.
  - b. Adhesives shall be of a “marine” or “water-resistant” variety.
  - c. All wooden components (doors, trim, cabinets, etc.) shall be finished or sealed with a “marine” or “water-resistant” paint or other finishing material.
7. Electrical Components.
- a. Electric distribution panels shall be at least three (3) feet above the 100 year flood elevation.
  - b. Separate electrical circuits shall serve lower levels and shall be dropped from above.
8. Equipment. Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the 100 year flood elevation.
9. Fuel Supply Systems. All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the systems and discharges from the systems into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.
10. Water and Sanitary Sewer Facilities and Systems.

- a. All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
  - b. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
  - c. No part of any on-site system shall be located within any identified floodplain area except in strict compliance with all state and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.
11. Other Utilities. All other utilities, such as gas lines, electric and telephone systems, shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.
  12. Streets. The finished elevation of all new streets shall be no more than one (1) foot below the 100 year flood elevation.
  13. Drainage Facilities. Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall insure proper drainage along streets and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.
  14. Storage. All materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal, or plant life (including but not limited to those identified in Section 606A.) shall be stored at an elevation one and one-half (1 ½) feet above the 100 year flood and/or be floodproofed to the maximum extent possible.

## **611 WATER MANAGEMENT USES**

Uses normally associated with water management projects (such as dams, impoundment basins, culverts, sewers or bridges) may be permitted in any of the floodplain districts irrespective of the underlying zoning district, but shall be subject to approval by the applicable Township Supervisors (following review by the Zoning Committee of the Northern Montour Regional Planning Commission) and the PA Department of Environmental Protection. In addition, on alteration or relocation of a stream or watercourse may take place without the applicant having first obtained the necessary permit from the Department of Environmental Protection. Prior to any such alteration or relocation, adjacent communities, the PA Department of Community and Economic Development and the Federal Emergency Management Agency must be notified. Under no circumstances shall any alteration or relocation take place which will lower the flood-carrying capacity of any stream or watercourse.

**612 EXISTING STRUCTURES IN FLOODPLAIN AREAS**

A structures, or use of a structure or premises, which lawfully existed in any designated floodplain district before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following conditions:

- A. Existing structures and/or uses located in the Floodway District shall not be expanded, but may be modified, altered, or repaired to incorporate floodproofing measures, provided that such measures do not increase the elevation of the 100 year flood.
- B. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure in any floodplain district, to an extent or amount of less than 50 percent of its market value, shall be floodproofed and/or elevated to the greatest extent possible.
- C. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure in any floodplain district, to an extent or amount of 50 percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Ordinance.

**613 SPECIAL PROVISIONS FOR ACCESSORY STRUCTURES**

- A. Accessory structures which are proposed to be built in the Flood Fringe or General Floodplain District need not be elevated as called for in Section 602 B. 1 and 2 provided that the following provisions are met.
  - 1. The structures are designed and constructed so as to be able to withstand the hydrostatic and hydrodynamic load of the 100 year flood.
  - 2. Sections 602 C. 3, 4, 5, 6, 7, 8, 9, 10, 11, and 14 of this Ordinance are met.
  - 3. Accessory structures shall not be used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material and equipment related to the principal use or activity.
  - 4. The structure shall be adequately anchored to prevent floatation or movement and shall be designed to automatically provide for the entry and exit of flood waters for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following criteria:
    - a. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area;



- b. The bottom of all openings shall be no higher than one (1) foot above grade; and
  - c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.
- B. Individuals should be aware that building a structure as described above could significantly increase the cost of flood insurance for the accessory structure and its contents.
- C. The administrative procedures contained in Section 608 and other appropriate Sections of this Ordinance shall apply.

**614 DEVELOPMENT WHICH MAY ENDANGER HUMAN LIFE**

A. Hazardous Materials and Substances

In accordance with the Pennsylvania Floodplain Management Act (Act 1978-166), and regulations adopted by the Department of Community Affairs (now known as the Department of Community and Economic Development) as required by the Act, any new or substantially improved structure which:

- will be used for the production or storage of any of the following dangerous materials or substances; or,
- will be used for any activity requiring the maintenance or a supply of more than 5500 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or,
- will involve the production, storage, or use of any amount of radioactive substances;

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

1. Acetone
2. Ammonia
3. Benzene
4. Calcium carbide
5. Carbon disulfide
6. Celluloid
7. Chlorine
8. Hydrochloric acid
9. Hydrocyanic acid
10. Magnesium

11. Nitric acid and oxides of nitrogen
12. Petroleum products (gasoline, fuel oil, etc.)
13. Phosphorus
14. Potassium
15. Sodium
16. Sulphur and sulphur products
17. Pesticides (including insecticides, fungicides, and rodenticides)
18. Radioactive substances, insofar as such substances are not otherwise regulated.

B. Floodproofing Requirements

1. Activities and development of the kind described in sub-section A. above shall be prohibited in any identified Floodway area.
2. Where permitted within an identified Flood Fringe or General Floodplain area, any new or substantially improved structure of the kind described in sub-section A. above shall be:
  - a. elevated or designed and constructed to remain completely dry up to at least one and one-half (1 ½) feet above the 100 year flood; and
  - b. Designed to prevent pollution from the structure or activity during the course of a 100 year flood.

Any such structure, or part thereof, that will be built below the 100 year flood elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Flood-Proofing Regulations" (U.S. Army Corps of Engineers, June 1972, as amended March 1992), or with some other equivalent watertight standard.

3. In addition, the applicable Township may attach whatever additional conditions and safeguards it may deem necessary and reasonable in order to implement the purposes of this Ordinance and to protect the general health, safety, and welfare of the public.
4. Except for modification of the freeboard requirements involved, no variance shall be granted for any other requirements of this Section.

**607 ACTIVITIES REQUIREING SPECIAL PERMITS**

A. Identification of Activities Requiring a Special Permit

In accordance with the regulations implementing the PA Floodplain Management Act (Act 1978-166), administered by the Department of Community and Economic Development, the following activities shall be prohibited within any identified floodplain area unless a Special Permit has been issued by the applicable Township.

1. The commencement of any of the following activities; or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:
  - a. hospitals
  - b. nursing homes
  - c. jails or prisons
2. The commencement of, or any construction of, a new mobile home park or mobile home subdivision, or substantial improvement to an existing mobile home park or mobile home subdivision.

B. Application Requirements

Applicants for Special Permits shall provide five (5) copies of the following items:

1. A written request including a completed Building/Zoning Permit application form.
2. A small scale map showing the vicinity in which the proposed site is located.
3. A plan of the entire site, clearly and legible drawn at a scale of one (1) inch being equal to 100 feet or less, showing the following:
  - a. north arrow, scale and date;
  - b. topography based upon the National Geodetic Vertical Datum of 1929, showing existing and proposed contours at intervals of two (2) feet;
  - c. all property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
  - d. the location of all existing streets, drives, other access ways, and parking areas, with information concerning width, pavement types, and construction, and elevations;

- e. the location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development;
  - f. the location of the floodplain boundary line, information and spot elevations concerning the 100 year flood elevations, and information concerning the flow of water including direction and velocities;
  - g. the location of all proposed buildings, structures, utilities, and any other improvements; and
  - h. any other information which the applicable municipality considers necessary for adequate review of the application.
4. Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at a suitable scale showing the following:
- a. sufficiently detailed architectural or engineering drawings, including floor plans, sections, and exterior building elevations, as appropriate;
  - b. for any proposed building, the elevation of the lowest floor (including basement or cellar) and, as required, the elevation of any other floor;
  - c. complete information concerning flood depths, pressures, velocities impact and uplift forces and other factors associated with the 100 year flood;
  - d. detailed information concerning any proposed floodproofing measures;
  - e. cross section drawings for all proposed streets, drives, other accessways, and parking areas, showing all rights-of-way and pavement widths;
  - f. profile drawings for all proposed streets, drives, and vehicular accessways including existing and proposed grades; and
  - g. plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.

5. The following data and documentation:
  - a. certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents;
  - b. certification from a registered professional engineer, architect, or landscape architect that the proposed construction have been adequately designed to protect against damage from the 100 year flood;
  - c. a statement, certified by a registered professional engineer, architect, landscape architect, or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possible occur from the development during the course of a 100 year flood, including a statement concerning the effects such pollution may have on human life;
  - d. a statement, certified by a registered professional engineer, architect or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on 100 year flood elevations and flows;
  - e. a statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the 100 year flood elevation and the effects such materials and debris may have on 100 year flood elevations and flows;
  - f. the appropriate component of the Department of Environmental Protection's "Planning Module for Land Development";
  - g. where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control;
  - h. any other applicable permits such as, but not limited to a permit for any activity regulated by the Department of Environmental Protection under Section 302 of Act 1978-166; and
  - i. an evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a 100 year flood.

C. Application Review Procedures

Upon receipt of an application for a Special Permit by the applicable Township Supervisors, the following procedures shall apply in addition to all other applicable permit procedures.

1. Within three (3) working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the Montour County Planning Commission by registered or certified mail for its review and recommendations. Copies of the application shall also be forwarded to the Zoning Committee of the Northern Montour Regional Planning Commission and Township Engineer for review and comment.
2. If an application is received that is incomplete, the Township shall notify the applicant in writing, stating in what respect the application is deficient.
3. If the Township decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.
4. If the Township approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community and Economic Development, by registered or certified mail, within five (5) working days after the date of approval.
5. Before issuing the Special Permit, the Township shall allow the Department of Community and Economic Development 30 days, after receipt of the notification by the Department, to review the application and decision made by the Township.
6. If the Township does not receive any communication from the Department of Community and Economic Development during the 30 day review period, it may issue a Special Permit to the applicant.
7. If the Department of Community and Economic Development should decide to disapprove an application, it shall notify the Township and the applicant, in writing, of the reasons for the disapproval, and the Township shall not issue the Special Permit.

D. Special Technical Requirements

In addition to any other applicable requirements, the following minimum requirements shall also apply to any proposed development requiring a Special Permit. If there is any conflict between any of the following requirements and any other applicable provisions, the more restrictive provision shall apply.

1. No application for a Special Permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:
  - a. fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located, and constructed so that:
    - 1) the structure will survive inundation by waters of the 100 year flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the 100 year flood elevation.
    - 2) the lowest elevation (including basement or cellar) will be at least one and one half (1 ½) feet above the 100 year flood elevation.
    - 3) The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the 100 year flood.
  - b. prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.
2. All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations etc. shall be submitted in sufficient detail to allow a thorough technical review by the Township and the Department of Community and Economic Development.
3. In approving any application for a Special Permit, the applicable Township may attach whatever additional conditions and safeguards it may deem necessary and reasonable in order to implement the purposes of this Ordinance and to protect the general health, safety, and welfare of the public.
4. Except for a possible modification of the freeboard requirement involved, no variance shall be granted for any of the other requirements of this Section.

## 608 ADMINISTRATION

### A. Building/Zoning Permit Requirements

To insure that the aforementioned flood damaged controls are being employed in all construction, development and substantial improvement within any designated floodplain area, including the use of fill, the applicant or developer shall obtain a Building/Zoning Permit prior to commencement of any such activity. The Zoning Officer shall provide the applicant with information concerning the location of any floodplain district boundary relative to his proposed construction and the water surface elevation of the 100 year flood at the proposed construction site. The applicant shall provide all the necessary information in sufficient detail and clarity to enable the Zoning Officer to determine that:

1. all such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;
2. all utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and
3. adequate drainage is provided so as to reduce exposure to flood hazards.

B. Plan Requirements

The Zoning Officer shall require the following specific information to be included as part of an application for a Building/Zoning Permit:

1. A plan which details size of the structure, ground elevation at the construction site (in relation to mean sea level), lowest floor elevation, hydrostatic flood load on walls and floors, condition of soil under and around foundation, types of wall and floor construction, materials and finish, power source and elevations, water supply, sanitary facilities and all floodproofing measures.
2. A document certified by a registered professional engineer or architect that the proposed floodproofing measures for any proposed building or structure are adequate to withstand flood depths, pressures, velocities, impacts, uplift forces and other factors associated with the 100 year flood. The document shall indicate the elevation of the 100 year flood, the ground elevation of the site of each structure, and the elevation to which the structure is to be floodproofed. Such elevations shall be measured from mean sea level (National Geodetic Vertical Datum of 1929). Such document shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure. Such documentation shall be kept on permanent file by the Zoning Officer.
3. Appropriate documents indicating that all applicable state and federal requirements, including the PA Sewage Facilities Act (Act 1966-537, as



amended); the PA Dam Safety and Encroachments Act (Act 1978-325, as amended); the PA Clean Streams Act (Act 1937-394, as amended); the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344, have been met. No permit shall be issued until this determination has been made.

C. Review by the County Conservation District

A copy of all plans for proposed development in any identified floodplain area shall be submitted by the Zoning Officer to the Montour County Conservation District for review and comment at least 14 days prior to the issuance of a Building/Zoning Permit. The recommendations of the County Conservation District may be incorporated into the plan to provide for protection against predictable hazards. If no comments are received within the 14 days, the Zoning Officer may take action on the Permit.

D. Review of Application by Others

A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Zoning Officer to any other appropriate agencies and/or individuals (e.g. regional or county planning commission, municipal engineer, etc.) for review and comment.

**609 VARIANCES IN FLOODPLAIN DISTRICTS**

In passing upon applications for a variance within any identified floodplain area, the Joint Municipal Zoning Hearing Board shall consider all factors specified in other Sections of this Ordinance (including Section 1001 C.), state law relative to variances, and the following:

- A. Variances may be granted for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places provided that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and that the variance is the minimum necessary to preserve and that the variance is the minimum necessary to preserve the historic character and design of the structure.
- B. Variances may not be granted for any construction, development, use, or activity within any floodway area that would result in any increase in flood levels during the 100 year flood.
- C. Except for a possible modification of the freeboard requirements involved, no variance shall be granted for any of the other requirements pertaining specifically to Section 606, Development Which May Endanger Human Life, and to Section 607, Development Regulated by Special Permit.

- D. If granted, a variance shall involve only the least modification necessary to provide relief.
- E. In granting any variance, the Zoning Hearing Board shall attach whatever reasonable conditions and safeguards it considers necessary to protect the public health, safety and welfare, and to achieve the objectives of this Ordinance.
- F. Whenever a variance is granted, the Zoning Hearing Board shall notify the applicant in writing that:
  - 1. the granting of a variance may result in increased premiums for flood insurance, and
  - 2. such variances may increase the risks to life and property.
- G. In reviewing and request for a variance, the Zoning Haring Board shall consider, at a minimum, the following:
  - 1. that there is good and sufficient cause;
  - 2. that failure to grant the variance would result in exceptional hardship to the applicant; and
  - 3. that granting of the variance will;
    - a. neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense,
    - b. nor create nuisances, cause fraud on or victimize the public, or conflict with any other applicable state or local ordinances or regulations.
- H. Records of all variance requests and related actions, including their justification shall be maintained by the Zoning Hearing Board. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administrator.
- I. Notwithstanding any of the above, all structures shall be designed and constructed so as to have the capability of resisting the 100 year flood.

**610 SPECIAL EXCEPTIONS IN FLOODPLAIN DISTRICTS**

In passing upon applications for Special Exceptions within any identified floodplain area, the Joint Municipal Zoning Hearing Board shall consider all relevant factors specified in other sections of this Ordinance (including Section 1001 D.), and:

- A. the danger to life and property due to increased flood heights or velocities caused by encroachments. In the floodway area, no Special Exception shall be granted which will cause any rise in elevation of the 100 year flood;
- B. the danger that materials may be swept onto other lands or downstream causing injury to others;
- C. the proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions;
- D. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;
- E. the importance of the services provided by the proposed facility to the community;
- F. the requirements of the facility for a waterfront location;
- G. the availability of alternative locations not subject to flooding for the proposed use;
- H. the compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
- I. the safety of access to the property in times of flooding by ordinary and emergency vehicles;
- J. the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site; and
- K. such other factors which are relevant to the purposes of this Ordinance.

## ARTICLE 7

### SIGN REGULATIONS

#### 700 TYPES OF SIGNS

Signage may include a variety of different types of signs, each with unique functions. The following list itemizes and defines the various signs considered under the provisions of this Article.

A. Billboards or Advertising Sign Boards

Signs or boards which direct motorists or pedestrians to a business establishment or call the attention of a motorist or pedestrian to a product, place, or activity that exists or occurs at a location other than the location upon which the board is erected; i.e. an off-premises sign. For the purposes of this Ordinance, billboards may be either free-standing structures or wall signs.

B. Business Identification Signs

Signs or boards that are directly oriented to activities that occur on the same premises as the sign or board; i.e. an on-premises sign. Such signs may be free-standing or may be attached to a wall or roof of a building and may be either temporary or permanent in nature.

C. Free-Standing Signs

A self-supporting sign resting on the ground or supported by means of poles or standards placed in or on the ground. Such signs may be designed to be movable or may be permanently affixed and may advertise products or items offered for sale or that are directly related to the premises upon which they are located, e.g. business identification signs, or may advertise products or events located elsewhere, e.g. billboards or advertising sign boards.

D. Political Signs

Temporary signs announcing or supporting political candidates or issues in connection with any national, state or local election.

E. Roof Signs

A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support. For the purposes of this Ordinance, such signs shall only be permitted as business identification signs.

F. Temporary Signs

Promotional flags or pennants, portable ground signs, temporary business identification signs, political signs or other special promotional or advertising devices or banners, or temporary event signs intended to be erected for a limited period of time to call attention to a legally permissible special event.

G. Traffic or Roadway Signs

Signs erected by or with the approval of the Township Supervisors which are intended to direct or inform the general public about traffic or roadway conditions.

H. Wall Signs (Parallel or Projecting)

Signs attached to a wall or part of a wall of a building or structure which advertise products sold or directly related to the premises upon which they are located, e.g. business identification signs or products or events located elsewhere, e.g. billboards or advertising sign boards.

**701 GENERAL SIGN REGULATIONS**

The following regulations shall apply to all permitted sign uses.

A. Location

The main supporting structure of all signs shall be setback in accordance with the minimum requirements established in the appropriate Section of this Article for the specific type of sign and the District in which it is to be located. In no case however, shall any free-standing sign be located closer than five (5) feet to any side or rear property line or be situated within any public right-of-way, except traffic signs or signs that are required in connection with the provision of municipal services. (See also Sub-Section D. below.)

No sign shall be painted, erected, affixed or maintained on a tree, stone or other natural object.

B. Sign Area

Sign area shall include the entire face of a single side of a sign, including all framing trim and boarder area, but excluding any supporting framework or bracing. (A double-faced sign shall be considered a single sign.) Where a sign consists of individual letters or symbols attached to a building, wall or window,

the area shall be considered to be the smallest rectangle or other regular geometric shape which encompasses all of the letters and/or symbols.

C. Illumination

Illuminated signs shall not cause excessive glare or other disturbance which would be incompatible with the nature of the surrounding neighborhood or which would in any way impair the vision of passing motorists. Illumination shall be steady in nature, not flashing, animated, moving or changing in brilliance, color or intensity. No flashing or animated signs shall be permitted.

D. Traffic or Visual Obstruction

No sign shall be erected at the intersection of a street which could obstruct a motorist's clear vision. If located within the direct line of vision of any traffic control signal, no sign shall have red, green or amber illumination. In addition, no sign shall cause a visual obstruction for property owners in any of the Townships.

E. Attachment

All signs shall be constructed and securely fastened in a manner which will prevent their displacement by the elements and prevent collapse. Wall signs may not project more than 18 inches from the surface to which they are mounted or attached no in any way interfere with normal pedestrian or vehicular traffic. No such sign shall extend more than 18 inches above or beyond the top or the edge of the wall or surface to which it is mounted, unless approved as a roof sign.

F. Anchoring

All ground signs shall be anchored, weighted, spring loaded or otherwise designed to minimize wind action. The application for such signs shall indicate the method of anchoring to be utilized.

G. Access

No sign shall be erected or maintained which prevents free ingress and egress from any door, window or fire escape, or which prevents free access from one part of a roof to any other part. No sign shall be attached to a standpipe or fire escape.

H. Construction and Maintenance

All signs permitted under this Ordinance must be constructed of durable material and shall be adequately maintained to present a legible appearance and avoid deterioration, decay or other conditions which could endanger the public health, welfare or safety. Each sign and all appurtenances shall be removed when the circumstances leading to its erection or display no longer apply.

I. Landowner's Permission

No sign shall be displayed upon private or public property, other than on that of the applicant, without first being permitted by the owner or agent thereof, with the exception of political or other temporary signs. Written consent or a copy of the lease shall be presented with an application for a Building/Zoning Permit.

J. Nonconforming Signs

Signs existing at the time of passage of this Ordinance which do not conform to the requirements of this Ordinance shall be considered nonconforming signs, and once removed, shall be replaced with only conforming signs. Nonconforming signs may be painted, repaired or maintained, provided such maintenance or repair does not extend the dimensions of the existing sign.

K. Temporary Event Signs (See also Sub-Section L. below for Political Signs.)

Temporary signs which are to be erected for a legally permissible special event or purpose may be permitted in any zoning district, subject to the following restrictions.

1. No more than four (4) such signs referring to a single temporary event may be permitted.
2. The size or area of each sign shall not exceed eight (8) square feet.
3. Such signs shall not be located within any public right-of-way, without prior approval of the appropriate Township Supervisors.
4. Temporary event signs shall not be displayed for more than 21 days prior to the event.
5. The signs shall be removed by the property owner or applicant within seven (7) days after the event has occurred.

L. Political Signs

Political signs may be permitted in any zoning district, subject to the following regulations.

1. A Building/Zoning Permit shall be required for the erection of political signs in any of the Planning Area Townships. Fees for such Permits shall be refundable upon satisfactory and timely removal of the signs.
2. All applications for political signs shall include a list of locations of said signs.
3. Signs shall not exceed 12 square feet in area per sign face and shall not have more than two (2) faces.
4. Signs shall not endanger the public nor be located within the right-of-way of any public street.
5. Signs may be erected 60 days prior to the election date and must be removed by the applicant within seven (7) days after the election.
6. Failure to remove all such signs within the established time limits shall result in the forfeiture of the required fee.
7. The Zoning Officer shall have the right to enter upon any premises and remove signs that are not in compliance with these regulations without notice.

M. Building/Zoning Permit

A Building/Zoning Permit shall be required for the erection or alteration of all signs, with the exception of temporary event signs meeting the requirements of Section 701 K. above and those signs permitted in section 702 A., General Signs in the R-1 and R-2 Districts.

N. Fees

Fees for the issuance of Building/Zoning Permits for signs shall be paid to the Zoning Officer upon filing of an application for such use and shall be in accordance with the schedule of fees established by Resolution of the applicable Township Supervisors. No fee shall be charged for any permit connected with the erection of a sign necessary for the benefit of the public.

**702 SIGNS IN THE R-1 (RESIDENTIAL) AND R-2 (RESIDENTIAL) DISTRICTS**

The following signs may be placed or located in the R-1 or R-2 Zoning Districts, subject to the specified requirements.

A. General Signs (Free-Standing or Wall Signs)



No more than one (1) of each of the following signs may be permitted on a property at any one time (except trespassing signs), unless such property is situated on a corner and fronts on two (2) streets, in which case one (1) of each sign may be erected on each frontage.

1. Name plates, identification signs, or similar signs. (Maximum size – 200 square inches)
2. Trespassing signs. (Maximum size – 2 square feet)
3. Sale and rental signs. (Maximum size – 6 square feet)
4. Home occupation signs bearing the name and occupation of the practitioner. (Maximum size – 6 square feet)
5. Signs advertising the sale of farm or nursery products raised on the premises. (Maximum size – 12 square feet)
6. Signs of schools, churches, governments and similar institutions. (Maximum size – 20 square feet)
7. Signs of mechanics, painters, or other artisans while performing work on same premises. (Maximum size – 12 square feet)
8. Signs directing individuals to the location of service clubs, churches or other non-profit organizations. (Maximum size – 20 square feet)
9. Development signs, erected by the developer, builder or realtor, advertising the sale or development of the premises upon which they are located. (Maximum size – 20 square feet)
10. Development signs indicating direction and location of a development, not situated upon such premises. (Maximum size – 6 square feet)

B. Location

Permitted signs may be located in any portion of a required front yard, but shall be no closer to the adjoining street right-of-way line than ten (10) feet. (See also Section 701 A.) No sign shall be erected however which will effectively limit proper sight distance for safety purposes and no permitted sign shall exceed five (5) feet above the average grade of the site, unless attached to the wall of a principal building or structure located on the lot.

The following signs may be placed or located in the Village Center Zoning District, subject to the specified requirements.

A. General Signs

Those signs permitted in Section 702 A., General Signs in the R-1 and R-2 Residential Districts.

B. Business Identification Signs (Free-Standing, Roof or Wall Signs)

Where proposed in conjunction with a permissible commercial use or activity in the V. District, business identification signs may be erected, subject to the following requirements.

1. No more than one (1) business identification sign may be erected and maintained on a lot in the V District.
2. Business identification signs, either free-standing, roof or wall signs, shall not exceed 32 square feet in area.
3. Free-standing business identification signs shall not exceed 15 feet in height above the average grade of the site. Such signs shall not however be located closer to the ground than ten (10) feet (measured from the lowest part of the sign) when in a parking, vehicular or pedestrian circulation area, unless they are resting on the ground.

C. Location

Permitted signs may be placed within any required front yard, however general signs shall be no closer to the adjoining street right-of-way line than 10 feet. Business identification signs shall be setback a minimum of 15 feet from the edge of the adjoining street right-of-way or may be attached to the wall of the principal building or structure in accordance with the requirements outlined in Section 701 E. of this Ordinance. (See also Section 701 A.) No sign shall be erected however which will effectively limit proper sight distance for safety purposes.

**704 SIGNS IN THE C (GENERAL COMMERCIAL AND I (LIGHT INDUSTRIAL) DISTRICTS**

The following signs may be placed or located in the Commercial or Industrial Zoning Districts, subject to the specified requirements.

A. General Signs

Those signs permitted in the Section 702 A., General Signs in the R-1 and R-2 Residential Districts.

B. Business Identification Signs (Free-Standing, Roof or Wall Signs)

Where proposed in conjunction with a permissible commercial or industrial use or activity in the Commercial or Industrial Districts, business identification signs may be erected subject to the following requirements.

1. No more than two (2) business identification signs, either free-standing, roof or wall signs, may be erected and maintained on a property in the Commercial or Industrial District.
2. Business identification signs shall not exceed 50 square feet in area. Total sign area per lot shall not exceed 100 square feet.
3. Business identification signs advertising commercial or industrial complexes or shopping centers accommodating three (3) or more businesses shall not exceed 250 square feet in area. Signs identifying individual businesses within the complex shall be affixed to the individual units and shall not exceed 50 square feet in area.
4. Free-standing business identification signs shall not exceed 20 feet in height above the average grade of the site. Such signs shall not however be located closer to the ground than ten (10) feet (measured from the lowest part of the sign) when in a parking, vehicular or pedestrian circulation area, unless they are resting on the ground.
5. Free-standing business identification signs may be placed within any required front yard, but shall be setback a minimum of 15 feet from the edge of the adjoining street right-of-way. (See also Section 701 A.) No sign shall be erected however which will effectively limit proper sight distance for safety purposes.
6. Business identification wall signs shall not be affixed to or painted on the inside or outside of windows.
7. All applicable provisions of the State's Outdoor Advertising Act of 1971, as amended, shall be adhered to where signs are to be erected in areas adjacent to highways in PADot's Primary and Interstate Highway System. Any individual desiring to establish a sign in these areas shall contact PADOT's Division of Outdoor Advertising to determine if the State's regulations will effect his proposal. A copy of PADot's determination shall accompany all applications for signs in such areas, and a copy of the State Permit, were required, shall be submitted to the Zoning Officer prior to initiation of construction or erection of the sign.

C. Billboards or Advertising Sign Boards (Free-Standing or Wall Signs)

Billboards or advertising sign boards may be erected and maintained on a property in the commercial or industrial district in accordance with the standards listed below.

1. No more than one (1) billboard or advertising sign board, either a free-standing or wall sign, may be erected and maintained on a property in the Commercial or Industrial District.
2. Billboards or advertising sign boards shall not exceed 300 square feet in area.
3. Billboards or advertising sign boards shall not exceed 30 feet in height above the average grade of the proposed site. Such signs shall not however be located closer to the ground than ten (10) feet (measured from the lowest part of the sign) when in a parking, vehicular or pedestrian circulation area, unless such signs are resting on the ground.
4. Billboards or advertising sign boards shall be situated at least 25 feet from the edge of the right-of-way of the adjoining street, unless attached to an existing structure as a wall sign. No such sign shall be erected however which would effectively limit proper sight distance or obstruct a driver's vision within the required clear sight triangle of an intersection. (See also Sections 701 A. & D.)
5. Billboards or advertising sign boards shall be located no closer than 500 feet (measured on the same side of the street) to any other such sign, except for vertically double signs.
6. All applicable provisions of the State's Outdoor Advertising Act of 1971, as amended, shall be adhered to where signs are to be erected in areas adjacent to highways in PADot's Primary and Interstate Highway System. Any individual desiring to establish a sign in these areas shall contact PADOT's Division of Outdoor Advertising to determine if the state's regulations will effect his proposal. A copy of PADot's determination shall accompany all applications for signs in such areas, and a copy of the State Permit, where required, shall be submitted to the Zoning Officer prior to initiation of construction or erection of the sign.

**705 SIGNS IN THE P (PUBLIC/SEMI-PUBLIC), A (AGRICULTURAL), AND W (WOODLAND/CONSERVATION) DISTRICTS**

The following signs may be placed or located in the Public/Semi-Public, Agricultural and Woodland/Conservation Districts, subject to the following requirements.

A. General Signs

Those signs permitted in Section 702 A., General Signs in the R-1 and R-2 Residential Districts.

B. Business Identification Signs (Free Standing or Wall Signs)

Where proposed in conjunction with a permissible commercial use or activity in the Public/Semi-Public, Agricultural, and Woodland Conservation Districts, business identification signs may be erected subject to the following requirements.

1. No more than one (1) business identification sign may be erected and maintained on a property in these districts.
2. Business identification signs, either free-standing or wall signs, shall not exceed 20 square feet in area.
3. Free-standing business identification signs shall not exceed 15 feet in height above the average grade of the site. Such signs shall not however be located closer to the ground than ten (10) feet (measured from the lower part of the sign) when in a parking, vehicular or pedestrian area, unless they are resting on the ground.

C. Location

Permitted signs may be placed within any required front yard, but shall be setback a minimum of ten (10) feet from the edge of the adjoining street right-of-way. (See also Section 701 A.) No sign shall be erected however which would effectively limit proper sight distance for safety purposes.

**706 SIGNS IN THE FF AND FP DISTRICTS**

Same as the underlying district, except that no sign may impede natural drainage or the flow of water.

Where approval is needed from PADOT, the requirements of that agency shall be met prior to the issuance of a Building/Zoning Permit.

**707 SIGNS IN THE FW DISTRICT**

No signs, except “No Trespassing” signs with a maximum size of 2 square feet, shall be permitted in either the FW District except as might be necessary by Federal, State or local

governments to protect the health, safety and welfare of the people. If such signs are necessary, they shall be designed and placed so as not to impede the natural drainage or flow of water.

Where approval is needed from PADOT, the requirements of that agency shall be met prior to the issuance of a Building/Zoning Permit.

## ARTICLE 8

### **OFF-STREET PARKING, LOADING AND ACCESS DRIVE REGULATIONS**

#### **800 OFF-STREET PARKING REQUIREMENTS**

In all districts, in accordance with every use, there shall be provided at the time any new building or structure is erected or any existing building is converted to a new use, or increased in capacity, off-street parking spaces in accordance with the requirements of this Section. The facilities required herein shall be available throughout the hours of operation of the particular business or use for which they are provided.

- A. All vehicle parking spaces shall contain a minimum of 180 square feet and shall have a width of not less than nine (9) feet.
- B. All parking spaces and areas shall be graded for proper drainage and shall be surfaced so as to provide a durable, dustless wearing surface, and shall be designed to provide for the orderly and safe parking or storage of vehicles. All such areas shall be maintained in good condition.
- C. Off-street parking spaces for all residential uses shall be located on the same lot as the dwelling unit (s) to be served, either inside or outside of a building. Off-street parking spaces for non-residential uses may be located on a lot other than that containing the principal use, but shall be situated within 300 feet of the use being served. Such remote parking shall however remain under the control of the owner or operator of the use to which it is accessory and applications involving such parking areas shall include documentation which authorizes the use of said area for parking in connection with the principal use.
- D. The required parking spaces for any number of separate uses may be combined into one lot, but the required spaces assigned to one use may not be assigned to another use at the same time. Parking spaces required for uses whose peak attendance will be at night or on Sundays, may be peak attendance will be at night or on Sundays, may be assigned to a use which will be closed at night and/or on Sundays.
- E. Adequate provisions shall be made for ingress and egress to all parking spaces. Access to off-street parking areas shall be limited to a minimal number of well-defined locations. In no case shall unrestricted access along the length of a street upon which the parking abuts be permitted, except where the parking area is less than 35 feet in depth. (See also Sub-Section F. below.) Parking areas shall be designed so there will be no need for motorists to back over public walkways or rights-of-way.
- F. A strip of land at least ten (10) feet in width shall be reserved as open space between any street right-of-way line and any parking area where the parking area is intended to serve five (5) or more vehicles in the V, C, and I Districts. This reserve strip shall be protected by wheel bumpers or curbs and shall be planted with grass, shrubs or trees.
- G. Parking areas for all non-residential uses shall be effectively screened on each side which adjoins or faces a Residential District. Such screening shall consist of a fence or wall, a building, or shall meet the requirements for screen plantings set forth in Section 506 of this Ordinance.
- H. Any lighting which is used to illuminate off-street parking areas shall be mounted and shielded in such a manner that will effectively eliminate direct glare on adjacent properties or upon public streets.

- I. Off-street parking shall be provided as set forth in TABLE 1 below. In the case of any building or premises, the use of which is not specifically mentioned herein, the provisions for a use so mentioned and to which said use is similar, in the opinion of the Zoning Officer, shall apply. In the case of mixed uses, the total number of required parking or loading spaces shall be the sum of the required spaces for the various uses computed separately.

**TABLE 1**

**OFF-STREET PARKING SCHEDULE**

		<b><u>Use Classification</u></b>	<b><u>Spaces Required</u></b>	
<b>A.</b>	<b><u>Residential Uses</u></b>			
	1.	Single and two-family dwelling units. (Attached and detached)	2	for each dwelling unit.
	2.	Multi-family dwelling units, inc. conversion apartments.	2	for each dwelling unit.
	3.	Mobile home parks.	2	for each mobile home lot.
<b>B.</b>	<b><u>Institutional Uses</u></b>			
	4.	Schools.		
		a. Elementary Schools.	1	for each 2 class-rooms + 1 for each employee.
		b. Middle or high schools or post-secondary education facilities.	1	for each 4 seats of auditorium or gymnasium capacity, which ever is greater.
	5.	Churches, social halls, and similar places of public or private assembly; government or municipal buildings.	1	for each 4 seats of total facility capacity.
		<b><u>Use Classification</u></b>	<b><u>Spaces Required</u></b>	
	6.	Libraries, museums or other cultural facilities.	1	for each 200 sq. ft. of gross floor area.



	7.	Nursing or personal care homes.	1	for each 4 beds + 1 for each 2 employees.
	8.	Group homes.	1	for each 2 residents + 1 employee space.
	9.	Boarding or rooming homes.	1	for each boarder.
	10.	Day care facilities.		
		a. Day care centers and group day care homes.	1	for each 5 students/clients + 1 for each employee.
		b. Family day care homes.	2	for each dwelling unit + 2 additional spaces.
<b>C.</b>	<b><u>Commercial/Retail Uses</u></b>			
	11.	Retail stores or business establishments, including agribusinesses.	1	for each 300 sq.ft. of gross floor area + 1 for each 2 employees.
	12.	Food markets or grocery stores.	1	for each 200 sq.ft. of gross floor area.
	13.	Convenience stores.	1	for each 100 sq.ft. of gross floor area.
	14.	Restaurants &/or taverns.	1	for each 100 sq. ft. of gross floor area + 1 for each employee
	15.	Professional offices & financial institutions.	1	for each 250 sq.ft. of gross floor area + 1 for each 2 employees.
	16.	Medical, dental or veterinary clinics.	3	for each doctor + 1 for each employee.
	17.	Hotels, bed & breakfast establishments, or other transient lodging facilities.	1	for each guest room + 1 for each 2 employees.
	18.	Automotive repair garages or service stations.	1	for each 300 sq.ft. of gross floor area + 1 for each employee.
	19.	Public or adult entertainment facilities.	1	for each 4 persons of total facility capacity.
	<b><u>Use Classification</u></b>			<b><u>Spaces Required</u></b>
<b>D.</b>	<b><u>Industrial Uses</u></b>			

	20.	Manufacturing or industrial operations or warehouses.	1	for each 2 employees in the maximum work shift.
<b>E.</b>	<b><u>Recreational Uses</u></b>			
	21.	Public, semi-public or private parks, playgrounds, or recreation areas.	1	for each 5 persons of total facility capacity.
	22.	Commercial or institutional recreational developments.	1	for each 3 persons of total facility capacity + 1 for each 2 employees.
	23.	Campgrounds.	1	for each camping space + 1 additional space for every 5 camping spaces.

**801 OFF-STREET LOADING REQUIREMENTS**

Off-street loading berths or other space shall be provided in connection with every commercial, industrial, or institutional building exceeding 6,000 square feet in gross floor area which requires the delivery or shipment of merchandise or materials. Such accommodations shall meet the following requirements.

- A. Each off-street loading space or berth shall not be less than 15 feet in width, 70 feet in length, and shall have an overhead clearance of no less than 14 feet, exclusive of drives or maneuvering area. The loading area shall be located entirely on the lot being served, either inside or outside of a building, and shall be designed so that there will be no need for drivers to use or back over public walkways or rights-of-way.
- B. Loading areas and spaces shall be constructed at grade level whenever possible. When necessary, ramps may be permitted, with a grade not exceeding 5 percent and shall include protection against water impoundment or drifting snow.
- C. The number of loading spaces required shall be as set forth in TABLE 2.

**TABLE 2**

**OFF-STREET LOADING SCHEDULE**

<b><u>Gross Floor Area</u></b>	<b><u>Berths Required</u></b>
6,000 - 10,000 sq. ft.	One (1)
10,000 - 50,000 sq. ft.	Two (2)
Over 50,000 sq. ft.	Two (2) + one (1) for each additional 50,000 sq. ft. of gross floor area.

**802 DRIVEWAYS AND ACCESS DRIVES**

To minimize traffic congestion and control street access in the interest of public safety, and to encourage the appropriate development of street and road access, the following standards shall apply to the construction or creation of all new driveways or access drives.

- A. Every building or lot shall have access to a public street or an approved private street. Where possible, all residential lots shall access onto a local street rather than a collector road. Access shall require a Driveway or Highway Occupancy Permit in accordance with PADOT standards or Township Driveway requirements, as appropriate.
- B. Where a driveway or access drive is to be installed in conjunction with a proposed use, the Building/Zoning Permit application for that use shall include a scaled drawing showing the location, construction material(s), and the sight distance proposed for the driveway or access drive.
- C. Except in the case of single and two-family dwellings, all driveways shall be designed so that there will be no need for motorists to back over public rights-of-way.
- D. The number of driveways or access drives provided shall be the fewest required to adequately serve the needs of the abutting property. The total number of driveways or access drives shall not exceed two (2) per lot, except where frontages of exceptional length occur. In cases where frontages are 50 feet or less, each lot shall be limited to one (1) driveway or access drive.
- E. A common driveway serving two (2) adjoining lots may be permitted, provided that the lot owners involved submit a mutually-acknowledged agreement to the Zoning Officer which subjects said lots to such use.

- F. Driveways and access drives shall be constructed of a durable, all-weather material and shall not exceed 35 feet in width, except as may be increased by curb radii.
- G. Driveways and access drives should be located where street alignment and profiles are favorable, where there are no sharp curves or steep grades, and where sight distance related to the driveway is sufficient to avoid creating hazardous traffic conditions.
- H. Driveways or access drives shall not cross a street right-of-way line within:
  - 1. 40 feet of the right-of-way line of an intersecting street;
  - 2. ten (10) feet of a fire hydrant, catch basin or drainage inlet;
  - 3. ten (10) feet of a property line for a commercial, institutional or industrial use; nor
  - 4. five (5) feet of a property line for a residential use, unless adjoining property owners mutually agree to a common driveway or access drive.
- I. Driveways or access drives shall be designed and constructed in such a manner to avoid impairing drainage within a street right-of-way or any adjacent area. Where determined necessary by the applicable Township officials, a drainage pipe shall be installed under the driveway or access drive by the property owner. The size or diameter of such pipe shall be as established by the officials of the appropriate Township.
- J. In addition to the standards set forth above, the Driveway and Access Drive Design Requirements contained in Table 3 below shall be utilized in the design and construction of such facilities.

TABLE 3

**DRIVEWAY AND ACCESS DRIVE DESIGN REQUIREMENTS**

Type of Development	Min. Width	Max. Grade <sup>1</sup>	Min. Curb Radius <sup>2</sup>	Min. Intervals <sup>3</sup>	Min. Sight Distance. <sup>4</sup>
Single Unit Residential	10 ft.	15%	10 ft.	40 ft.	150 ft.
Multi-Unit Residential <sup>5</sup>	15 ft.	12%	15 ft.	40 ft.	200 ft.
Non-Residential Uses	15 ft.	8%	15 ft.	40 ft.	300 ft.

<sup>1</sup> All driveways shall provide a stopping or leveling area having a grade less than or equal to 5% which extends 25 feet from the edge of the shoulder or curb of the intersecting street. This leveling area shall intersect the street at an angle of no less than 60 degrees, preferably 90 degrees.

<sup>2</sup> Where dropped curbs are used to provide driveway access, the minimum width of the dropped curb shall be 20 feet for single family residential uses and 35 feet for multi-unit and non-residential uses. The transition from the normal driveway width to the width of the dropped curb shall begin ten (10) feet back from the edge of the curb for single family residential and 15 feet back for multi-unit and non-residential uses.

<sup>3</sup> Minimum intervals for single family residential units shall apply between an intersection and the first driveway only. Minimum intervals for other types of uses shall be measured between any two points of access, including both driveways and public streets.

<sup>4</sup> Minimum sight distance shall be measured from the point of intersection of the driveway centerline and the street right-of-way line to a point on the cart way centerline. No significant obstructions or plantings measuring between 30 inches above road grade and eight (8) feet above road grade shall be permitted within this area.

<sup>5</sup> For the purposes of driveway or access drive design, the multi-unit residential design criteria shall be used for driveways or access drives serving five (5) or more dwelling units.

## ARTICLE 9

### NONCONFORMITIES

#### **900 NONCONFORMING USES AND STRUCTURES**

Any nonconforming use or structure legally existing at the time of adoption of this Ordinance or which is created whenever a district is changed by amendment hereafter, may be continued, altered, reconstructed, changed, sold, or maintained even though it does not conform to the regulations of the district in which it is located, except as provided below. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed, discontinued, or abandoned. (For nonconforming lots, see Section 901.)

##### A. General Application of Provisions

Nothing herein shall require any change in plans, construction, or designated use of a building or structure which complies with existing laws or for which a permit was granted and/or where the construction shall have started before the date of adoption of this Ordinance or applicable amendment thereto.

##### B. Abandonment

If any nonconforming use or structure occupied by a nonconforming use is abandoned for a period of one (1) year, the future use of such building or land shall be in conformity with the District Regulations. A nonconforming use shall be judged to be abandoned when there occurs a cessation of any such use or activity by an apparent act or failure to act on the part of the tenant or owner to reinstate such use within a period of one (1) year from the date of cessation or discontinuance.

C. Repairs and Reconstruction

1. Exterior repairs, non-structural alterations, and other general maintenance adjustments may be made to a nonconforming building or structure occupied by a nonconforming use.
2. A nonconforming building or structure or a building or structure occupied by a nonconforming use which is damaged by fire, flood or other natural causes may be reconstructed, restored and used as before provided that:
  - a. said reconstruction commences within one (1) year of the damage;
  - b. said reconstruction shall not exceed the size, bulk, height and area that existed prior to the damage, unless approved by the Joint Municipal Zoning Hearing Board;
  - c. the location of said reconstruction does not create a safety hazard;
  - d. where the nonconformity is located in a Flood Fringe or General Floodplain District, the new construction shall comply, to the greatest extent possible, with all of the flood proofing requirements contained in Section 602 of this Ordinance; and,
  - e. where the nonconformity is located in a Floodway District, such nonconformity may only be reconstructed, replaced and used as before provided that:
    - 1) the property owner does not own adjoining land located outside of the Floodway District;
    - 2) the reconstruction will not cause any rise in the 100 year flood elevation; and
    - 3) the reconstruction will be flood proofed in accordance with the requirements contained in Section 602 of this Ordinance;

D. Extensions and Enlargements

1. A nonconforming use of a building or structure may be extended throughout the interior of the building provided that no structural alterations are made therein.
2. Interior structural alterations proposed for a building or structure occupied by a nonconforming use shall require a Building/Zoning Permit and shall be authorized by the Zoning Officer.

3. Exterior structural alterations proposed to extend a nonconforming use may be authorized provided that:
  - a. the extensions or enlargements do not extend the structure or use by an aggregate total of more than 50% of the area occupied by such use at the time the use became nonconforming;
  - b. the extension or enlargement shall conform to the yard, height, off-street parking and other requirements of the district in which the structure or use is located;
  - c. the extension is not located in a Floodway District;
  - d. in the case of a nonconforming use, the extension is located immediately adjacent to and on the same lot as the existing nonconforming use; and
  - e. the Joint Municipal Zoning Hearing Board approves such proposed extension or enlargement.

In reviewing applications for extensions or enlargements, the Zoning Hearing Board shall give due consideration to the welfare of the community in its entirety and may attach such reasonable conditions and safeguards as they deem appropriate to implement the purposes of this Ordinance.

4. For nonconforming uses where normal operations involve natural expansion (i.e. quarries, junk yards, cemeteries, etc.), expansion shall be permitted by right up to 50% of the volume or area of the nonconformity which existed at the effective date of this Ordinance. For expansion beyond 50%, approval must be obtained from the Joint Municipal Zoning Hearing Board.
5. A nonconforming use shall not be extended to displace a conforming use, unless authorized by the Joint Municipal Zoning Hearing Board.

E. Change of Use

A nonconforming use of a building, structure or land may be changed to a nonconforming use of the same or a more restricted classification, subject to the following conditions. (Whenever a nonconforming use has been changed to a conforming use, such use shall not thereafter be changed back to a nonconforming use.)

1. The Joint Municipal Zoning Hearing Board shall approve all such changes; and



2. The applicant shall show that the proposed change will be no more objectionable in external effect than the existing nonconforming use with respect to:
  - a. traffic generation and congestion, including truck, passenger car and pedestrian traffic;
  - b. noise, smoke, dust, fumes, vapors, gases, heat, odor, glare or vibration;
  - c. outside, unenclosed storage and waste collection and disposal; and
  - d. appearance.

F. Application to Agricultural Structures

The regulations governing nonconformities set forth in this Article shall not apply to agricultural structures when such structures are part of an active agricultural use. An active farm situated in a zone where agricultural activities become nonconforming as a result of adoption of this Ordinance shall also be exempt from these provisions. It is not the intent of these regulations to create hardships for ongoing agricultural activities. However, should the nonconforming agricultural use be discontinued or abandoned, any buildings or structures damaged or destroyed thereafter shall be subject to the regulations governing nonconformities set forth in this Article.

G. Certification

A Certificate of Nonconformance shall be issued by the Zoning Officer for all nonconforming uses or structures, upon written request of the property owner or occupant. Sufficient evidence shall be provided by the applicant at the time of such request which documents the existence of the nonconformity at the time of adoption of this Ordinance.

**901 NONCONFORMING LOTS**

Any nonconforming lot legally existing at the time of the adoption of this Ordinance or which is created whenever a district is changed by amendment hereafter, may be continued and/or maintained even though it does not conform to the regulations of the district in which it is located. It is not the intent of this Ordinance to be overly restrictive or to cause a hardship for any property owner, but rather to allow these nonconforming

lots to continue until they are eliminated as single entities, possibly through the addition of such lots to adjacent property.

A. Discontinuance/Lot Changes

Any nonconforming lot which is discontinued or becomes conforming through its addition to adjacent land, shall not hereafter be changed back to a nonconforming lot.

B. Existing Lots of Record

In the case of a lot of record which existed at the effective date of this Ordinance which does not meet the minimum area requirements for the district in which it is located, a permitted structure may be placed on the parcel provided that:

1. each side yard is not less than five (5) feet when adjoining another lot and ten (10) feet when adjacent to any street right-of-way line;
2. the rear yard is not less than 10 feet;
3. the front yard conforms to the minimum distance required;
4. where needed, the site has an approved sewage disposal system or an appropriate sewage permit; and
5. provided that the site and its intended use complies with all other applicable provisions of this Ordinance.

C. Certification

A Certificate of Nonconformance shall be issued by the Zoning Officer for all nonconforming lots, upon written request of the property owner or occupant. Sufficient evidence shall be provided by the applicant at the time of such request which documents the existence of the nonconformity at the time of adoption of this Ordinance.

ARTICLE 10

**JOINT MUNICIPAL ZONING HEARING BOARD**

**1000 ESTABLISHMENT AND ORGANIZATION**

A. Establishment

Pursuant to the requirements of Section 815-A of the Pennsylvania Municipalities Planning Code, P.L. 1329, Act Zoning Hearing Board is hereby established for administration of the Northern Montour Regional Zoning Ordinance in Derry, Limestone and West Hemlock Townships.

B. Appointment and Membership

1. The Joint Municipal Zoning Hearing Board shall consist of six (6) members, two (2) residents from each of the three (3) Planning Area Townships. Members shall be appointed by the Board of Supervisors of each Township and shall hold no other office in their municipality or with the Northern Montour Regional Planning Commission or its Zoning Committee.
2. The term of office of members of the Joint Municipal Zoning Hearing Board shall be five (5) years, except that of the two (2) members first appointed from each municipality, the term of office for one member shall be three (3) years. Successors shall be appointed for five (5) year terms at the expiration of each term. When any vacancies occur, the Hearing Board shall promptly notify the elected officials of the Township that appointed the member whose position has become vacant, and such Township shall appoint another member to fill the unexpired portion of the term.
3. One (1) alternate member shall be appointed to the Hearing Board by each Planning Area Township. Each alternate shall be a resident of the municipality from which they are appointed and shall hold no other office in their respective municipality or with the Northern Montour Regional Planning Commission or its Zoning Committee. The term of office of an alternate shall be three (3) years. Prior to each case, the Chairman of the Hearing Board shall designate which alternates will be seated and entitled to vote as a member of the Board. (See also Section 1000 D.6 below)
4. A member of the Joint Municipal Zoning Hearing Board may be removed for malfeasance, misfeasance or nonfeasance in office or for just cause by a majority vote of the Township Supervisors which appointed the member. Such member shall be given 15 days' advance notice of the Township's intent to take such a vote. A Hearing shall be held in connection with the vote if the member shall request it in writing.

C. Officers

The elected officers of the Joint Municipal Zoning Hearing Board shall be Chairman, Vice-Chairman and Secretary. The elected officers shall be selected by a majority vote of the membership of the Hearing Board at their annual

meeting. Terms shall begin immediately and shall expire at the next annual meeting. The duties of the officers shall be as follows:

1. Chairman. The Chairman shall preside at all meetings and hearings of the Board; direct the conduct of the meeting or hearing; decide all points of procedure unless otherwise directed by a majority vote of the Board; and supervise the work of the Secretary.
2. Vice-Chairman. The Vice-Chairman shall assume the duties of the Chairman in the event of absence or inability to perform those duties.
3. Secretary. The Secretary shall make arrangements for the location of all Board meetings and hearings; prepare and forward all legal notices for Board meetings and hearings for publication; arrange for stenographic coverage of Board hearings; handle or manage all correspondence on behalf of the Board; maintain records of all business conducted by the Board; and prepare and submit an annual report of the Board's activities to each of the Planning Area Townships.

D. Organization

1. Rules of the Board. The Joint Municipal Zoning Hearing Board may make, alter and rescind rules and forms for its procedure consistent with ordinances of the Planning Area Townships and laws of the Commonwealth.
2. Call for Meetings. The Joint Municipal Zoning Hearing Board shall meet at the call of the Chairman, and at such other time and place as the Board may determine.
3. Meetings and Hearings. All meetings and hearings of the Joint Municipal Zoning Hearing Board shall be open to the public unless otherwise authorized by PA State law.
  - a. The Chairman or Acting Chairman of the Board or the hearing officer presiding shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers.
  - b. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence shall be excluded.
  - c. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

- d. Where legal counsel is desired by the Joint Municipal Zoning Hearing Board, an attorney, other than the solicitors for the participating municipalities, may be appointed to serve as counsel for the Board.
4. Records. The Joint Municipal Zoning Hearing Board shall keep a stenographic record of all hearing procedures. Minutes shall be kept of all other meetings and shall show the vote of each member upon each question, or if absent or failing to vote, indicate such fact. In addition, the Board shall keep minutes of all other examinations, official actions or business which it conducts. Such records shall be open to the public and shall be kept on file with the Board's Secretary. A report of the Hearing Board's activities shall be submitted annually to each of the Planning Area Townships.
5. Quorum. For the conduct of any hearing or the taking of any official action, a quorum of not less than a majority of members of the Hearing Board shall be required. However, the Board may appoint one of its members as hearing officer to conduct any hearing on its behalf and the parties to the hearing may waive further action by the Board as provided in Section 908 of the PA Municipalities Planning Code, as amended.
6. Alternates. If, by reason of absence or disqualification of any member of the Hearing Board, a quorum is not reached, the Chairman shall designate as many alternate members as necessary to sit on the Board to provide a quorum. Where possible, the Chairman shall utilize the alternates designated for the Townships of the Board members which will not be present. Where such is not possible, the Chairman shall call upon other municipal alternates on a case-by-case basis, in rotation according to declining seniority.

## **1001 POWERS AND DUTIES**

The Joint Municipal Zoning Hearing Board shall hear and decide appeals pursuant to the provisions of Section 909.1(a) of the PA Municipalities Planning Code, as amended, and shall have the following powers.

### **A. To Hear and Decide Appeals**

1. The Board shall hear and decide appeals from any order, requirement, decision or determination made by the Zoning Officer administering this Ordinance, including but not limited to the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order, or the registration or refusal to register any nonconforming use, structure or lot.

2. The Board shall hear and decide appeals from a determination of the Zoning Officer or municipal engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving the provisions regulating subdivision or Planned Residential Development contained in Articles V and VII of the PA Municipalities Planning Code, as amended.
3. The Board shall hear and decide appeals from a determination by the Zoning Officer or municipal engineer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.
4. The Board shall hear and decide upon appeal from a determination of the Zoning Officer, any questions involving the interpretation of any provision of this Ordinance, including determination of the exact location of any district boundary where there is uncertainty with respect thereto.

B. To Hear and Decide Challenges to the Validity of any Land Use Ordinance

1. The Board shall hear and decide substantive challenges to the validity of any land use ordinance, except those for Landowner Curative Amendments, which shall be brought before the appropriate governing body pursuant to Sections 609.1 and 916.1(a)(2) of the PA Municipalities Planning Code, as amended.
2. The Board shall hear and decide challenges to the validity of any land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption. Such challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance.

C. To Hear and Decide Requests for Variances

The Joint Municipal Zoning Hearing Board shall hear requests for variances and may vary or adapt the strict application of any of the requirements of this Ordinance in the case of exceptionally irregular, narrow or shallow lots or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved, but in no other case. The sole purpose of any variance shall be to prevent discrimination and no granting a special privilege not shared by other property owners in the same vicinity and district and under the same conditions.

The Board's decision to approve a variance request shall be made only after public notice and hearing. (See Section 1002.) (See also Section 609 for

additional information regarding variances in the Floodplain Districts and Appendix A for an illustration of the variance procedure.)

No variance in the strict application of any provisions of this Ordinance shall be granted by the Joint Municipal Zoning Hearing Board unless it finds:

1. that there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located;
2. that because of such physical circumstances or conditions there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
3. that such unnecessary hardship has not been created by the appellant;
4. that the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, no substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and,
5. that the variance, if authorized will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

In granting any variance, the Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance.

D. To Hear and Decide Requests for Special Exceptions

The Joint Municipal Zoning Hearing Board may grant Special Exception approval for only those uses which are provided for in Article 3, the District Regulations, and pursuant to express standards and criteria outlined in Article 4. The Board's decision to approve a Special Exception shall be made only after public notice and hearing. (See Section 1002.) Such approval shall apply specifically to the application and plans submitted and presented at said public hearing. Any subsequent changes or additions shall be subject to further review and public hearing by the Zoning Hearing Board as a separate Special Exception use. (See Section 610 for additional information regarding Special Exceptions in Floodplain Districts and Appendix B for a chart illustrating the Special Exception process.)

No approval of a application for a Special Exception shall be granted by the Hearing Board until said Board has first received and considered an advisory report thereon from the Zoning Committee of the Northern Montour Regional Planning Commission. Said report shall review the proposal with respect to the location of such use in relation to the needs and growth patterns of the area and, where appropriate, the adequacy of the site and arrangement of buildings, driveways, parking areas, off-street loading spaces, and other pertinent features. The Zoning Committee shall have 30 days from the date of its receipt of the application from the Hearing Board within which to file its report. In the event that the Committee shall fail to file its report within 30 days, the application shall be deemed to have been approved by the Zoning Committee. The Committee may have representation at the Hearing Board's public hearing on such application.

In reviewing request for Special Exceptions, the Joint Municipal Zoning Hearing Board shall take into account the comments received from the Zoning Committee of the Northern Montour Regional Planning Commission and the following requirements in addition to those found in Article 4 of this Ordinance:

1. that the use is so designed, located, and proposed to be operated that the public health, safety, welfare and convenience will be protected;
2. that the use will not cause substantial injury to the value of other property in the neighborhood where it is to be located;
3. that the use will be compatible with adjoining development and the proposed character of the zoning district where it is to be located;
4. that adequate landscaping and screening will be provided as required by this Ordinance;
5. that adequate off-street parking and loading areas will be provided and ingress and egress will be designed to cause minimum interference with traffic on abutting streets; and,
6. that the use conforms with all applicable regulations governing the district where it is to be located, except as may otherwise be determined for large-scale developments.

In approving a Special Exception request, the Hearing Board may attach whatever reasonable conditions and safeguards it deems necessary in order to insure that the proposed development is consistent with the purposes of this Ordinance.

## **1002 HEARING PROCEDURES**



A. Parties Appellant Before Zoning Hearing Board

Appeals from a decision of the Zoning Officer and proceedings to challenge the validity of the Ordinance may be filed with the Joint Municipal Zoning Hearing Board in writing by the landowner affected, any officer or agency of the Township, or by any person aggrieved. Requests for a variance or special exception must be filed with the Hearing Board by any landowner or an authorized agent of such landowner.

B. Time Limitations

No person shall be allowed to file any proceeding with the Joint Municipal Zoning Hearing Board later than 30 days after an application for development, whether preliminary or final, has been approved by an appropriate municipal officer, agency, or body if such proceeding is designed to secure reversal or to limit the approval in any manner, unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given.

C. Applications Required

All requests and appeals made to the Joint Municipal Zoning Hearing Board shall be in writing and in such form as may be prescribed by the Zoning Officer. Every appeal or request shall refer to a specific provision of this Ordinance and shall exactly set forth the interpretation that is claimed or shall include the plans or the details of the variance or special exception that is applied for, in addition to the following information:

1. the name and address of the applicant or appellant;
2. the name and address of the owner or the parcel to be affected by such proposed change or appeal;
3. a brief description and location of the parcel to be affected by such proposed change or appeal;
4. a statement of the present zoning classification of the parcel in question, the improvements thereon and the present use thereof; and,
5. a reasonably accurate description of the present improvements and the additions or changes intended to be made under this application, indicating the size of such proposed improvements, material and general construction thereof. In addition, there shall be attached a plot plan of the property to be affected, indicating the location and size of the lot and size of improvements thereon and those proposed to be erected thereon.

D. Procedure for Zoning Officer

1. The notice of appeal in any case where a Building/Zoning Permit has been granted or denied by the Zoning Officer shall be prescribed by the Joint Municipal Zoning Hearing Board under general rule after notice of such action granting or denying the Permit has been mailed to the applicant. The Zoning Officer shall then immediately transmit to the Hearing Board all papers constituting the record from which the appealed action was taken or in lieu thereof, certified copies of said papers.
2. It shall be acceptable for the Zoning Officer to recommend to the Hearing Board a modification or reversal of his action where he believes substantial justice requires the same but where he does not have sufficient authority to grant the relief sought.

E. Hearings Required and Notice of Hearings

The Joint Municipal Zoning Hearing Board, before rendering a decision, shall hold hearings on any appeal, interpretation, variance, special exception, challenge or other matter requiring the Hearing Board's decision or other official action. Upon the filing of any appeal or application request with the Hearing Board, the Board shall, within 60 days of receipt of the application, fix a reasonable time and place for and hold a public hearing thereon, giving notice as follows:

1. Publish Notice in accordance with the definition of "Public Notice: in Article 13 of this Ordinance.
2. Post in a conspicuous place on the property involved a written notice of the pending hearing; such notice shall take place at least seven (7) days prior to the public hearing;
3. Give written notice to the applicant, the Zoning Officer, the applicable Township Secretary, Chairman of the Zoning Committee of the Northern Montour Regional Planning Commission, and to any person who has made a timely request for the same, at least seven (7) days prior to the hearing. (Where the Hearing Board is requesting comments on an application from the Zoning Committee of the Regional Planning Commission, the Committee shall be given notice at least 30 days prior to the hearing); and,
4. In the case of an appeal, a request for a variance or a special exception, all adjacent property owners, including those located across the street or within 250 feet of the nearest line of the property for which the variance or special exception is sought shall be given written notice at least seven (7) days prior to the hearing.

F. Decisions

The Joint Municipal Zoning Hearing Board shall render a written decision or, when no decision is called for; make written findings on any application brought before them within 45 days after the date of the last hearing on said application. Every decision of the Hearing Board shall be based on stated findings of fact and every finding of fact shall be supported in the record of the hearing. The enumerated conditions required to exist for the authorization of a variance shall be construed as limitations of the power of the Hearing Board to act. A mere finding or recitation of the enumerated conditions, unaccompanied by findings of specific fact, shall not be deemed findings of fact and shall not be deemed compliance with this Ordinance.

In exercising the powers outlined in Section 1001 above, the Hearing Board may, in conformity with the provisions of this Article, reverse or affirm, wholly or partly, or may modify the order; requirement, decision or determination appealed from and may make such order, requirement, decision or determination as it feels appropriate.

A copy of the final decision or, where no decision is called for, of the findings, shall be delivered to the applicant personally or mailed to him not later than the day following its date. All other persons interested in the result, who filed their name and address with the Hearing Board not later than the last day of the hearing, shall be provided with a brief notice of the decision or findings and a statement indicating where the full decision may be examined.

G. Expiration of Appeal Decision

Unless otherwise specified by the Joint Municipal Zoning Hearing Board, a decision on any appeal or request shall expire if the applicant fails to obtain any necessary Building/Zoning Permit or comply with the conditions of said authorized permit within six (6) months from the date of authorization thereof.

H. Required Interval for Hearings on Applications and Appeals after Denial

Whenever the Joint Municipal Zoning Hearing Board, after hearing all the evidence presented upon an application or appeal under the provisions of this Ordinance, denies the same, the Board shall refuse to hold further hearings on the same or substantially similar application or appeal by the same applicant, his successor or assign for a period of one (1) year, except and unless the Board shall find and determine from the information supplied by the request for a rehearing, that changed conditions have occurred relating to the promotion of the public health, safety, convenience, comfort, prosperity and general welfare and that a reconsideration is justified. Such rehearing would be allowable only upon a motion initiated by a member of the Hearing Board and adopted by the unanimous vote of the members present, but not less than a majority of all members.

I. Failure to Hold Required Hearing or Render Decision

If the Joint Municipal Zoning Hearing Board fails to hold the required hearing or fails to render a decision within the prescribed time period, a decision shall be automatically rendered in favor of the applicant. However, the applicant may agree in writing or on the record to an extension of time. When a decision is rendered in favor of the applicant due to a violation of the established time requirements, the Hearing Board must give public notice of this decision within ten (10) days from the last day it could have met to render a timely decision. If the Board shall fail to provide such notice, the applicant may do so.

J. Stay of Proceedings

An appeal to the Joint Municipal Zoning Hearing Board shall automatically stop all affected land development. However, if the Zoning Officer or other appropriate agency certifies to the Board that such a halt could cause an imminent danger to life or property, then development may only be stopped by a restraining order granted by the Board or by the court having jurisdiction, on petition, after notice to the Zoning Officer and any other appropriate agency.

K. Appeals

Any person aggrieved by any decision of the Joint Municipal Zoning Hearing Board may appeal therefrom within 30 days to the Court of Common Pleas of Montour County, or as may otherwise be set forth in Article XA of the PA Municipalities Planning Code, or as may hereafter be amended.

ARTICLE 11

AMENDMENTS AND CONDITIONAL USES

**1000 AMENDMENTS TO ZONING ORDINANCE OR MAP**

The Planning Area Townships may on their own motion or by petition of a property owner of other individual, amend, supplement, change, modify or repeal this Ordinance, including the Zoning Map, by proceeding in the following manner. (See Appendix C of this Ordinance for an illustration of the amendment procedure.) For Curative Amendments see Section 810-A, Procedure For Curative Amendments, and Section 812-A, Procedure for Joint Municipal Curative Amendments, of the PA Municipalities Planning Code, P.L. 1329, Act 170 of 1988, as reenacted December 21, 1988.

A. Public Hearing and Notice Requirements

The Board of Supervisors of the Planning Area Township where or within which the amendment is proposed shall, at a public meeting, establish a date, time and place for a public hearing on the proposed amendment. Notice of such hearing shall be published once each week for two (2) successive weeks in a newspaper of general, local circulation. The first notice shall be published not more than 30 days and the second publication shall appear no less than seven (7) days prior to the hearing date. The notice shall state the time and place of the hearing and the general nature of the proposed amendment in such reasonable detail as will give adequate notice of its contents and shall name the place(s) where copies of the proposed amendment may be examined.

In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the affected Township at points deemed sufficient by that Township along the affected tract at least seven (7) days prior to the date of the hearing.

If after said public hearing, the proposed amendment is changed substantially or is revised to include land not previously affected by it, the Supervisors shall hold another public hearing and give notice thereof as set forth above, before proceeding to vote on the amendment.

B. Review by Planning Commissions

Every such proposed amendment or change, whether initiated by one of the Planning Area Townships or by petition of a property owner or other individual, shall be referred to the Zoning Committee of the Northern Montour Regional Planning Commission and to the Montour County Planning Commission at least 30 days before the public hearing for report thereon. If the Zoning Committee or Planning Commission shall fail to file such a report before the public hearing it

shall be presumed that they have no comments or concerns regarding the proposed amendment, supplement or change.

C. Review by Other Planning Area Townships

The Boards of Supervisors of the other participating Planning Area Townships shall also be given the opportunity to review and provide comments and recommendations on the proposed amendment. Such other municipalities shall be given at least 30 days before the date of the public hearing to conduct their review and present their report. Such report shall contain specific recommendations as to whether the affected municipality should adopt or not adopt the proposed amendment. Failure to provide comments shall be construed as a recommendation to adopt the proposed amendment.

D. Notice of Enactment

Prior to taking action on the amendment, the Board of Supervisors of the affected Township shall give notice of proposed enactment by publishing the entire amendment or the title and a brief summary in a newspaper of general, local circulation. Such notice shall include the time and place of the meeting at which passage will be considered and shall name the place where copies of the proposed amendment may be examined. The notice shall be published one time, not more than 60 days nor less than seven (7) days prior to passage. If the full text is not published, a copy of the amendment shall be supplied to the newspaper at the time of publication of the notice, and an attested copy of the proposed amendment shall be filed in the Montour County Law Library or other county office designated by the County Commissioners.

E. Enactment of Amendment

The adoption of an amendment shall be by simple majority vote of the Township Supervisors of the affected Township. No amendments to the Joint Municipal Zoning Ordinance shall be effective however unless all of the participating Townships endorse the amendment either by specific recommendation or by failure to respond with comments as set forth in Sub-Section C. above.

The vote of the Supervisors shall be within 90 days after the last public hearing on the amendment. If the Supervisors fail to take action within 90 days, the proposed amendment shall be deemed to have been denied.

Within 30 days after enactment, a copy of the amendment shall be forwarded to the Zoning Committee of the Northern Montour Regional Planning Commission and the Montour County Planning Commission.

**1100 CONDITIONAL USES**

The Board of Supervisors of each participating Planning Area Township may grant Conditional Use approvals within their respective municipality. Such approvals may however only be granted for those uses specifically set forth in Article 3 of this Ordinance, the District Regulations, and shall be subject to the express standards and criteria outlined in Article 4, the Supplementary Use Regulations. In addition, in making Conditional Use determinations, the Supervisors may attach such reasonable conditions and safeguards as they deem appropriate to protect the public welfare and implement the purposes of this Ordinance.

A. Procedure

Applications for any Conditional Use permitted by this Ordinance shall be made to the Zoning Officer who shall refer such applications to the appropriate municipality. Within 60 days of the date of an applicant's request for a Conditional Use, the Supervisors of the affected municipality shall advertise (pursuant to Public Notice) and hold a public hearing on the proposal. (The burden of proof for presentation of the Conditional Use request at the hearing shall rest entirely with the applicant.)

In addition, upon acceptance of a Conditional Use application, the Supervisors of the affected municipality, or the Zoning Officer on their behalf, shall forward a copy of the application to the Zoning Committee of the Northern Montour Regional Planning Commission for their review and recommendation. The Zoning Committee shall conduct its review and make its recommendations within 45 days of receipt of such request.

The Supervisors of the affected municipality shall render a decision or, when no decision is called for; make written findings on the Conditional Use applications within 45 days after their last hearing on the application. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefore. Conclusions based on any provisions of the PA Municipalities Planning Code, this Ordinance, or other ordinance, rule or regulation shall contain a reference to the provision relied upon and the reasons why the conclusion is deemed appropriate in light of the facts found.

(See Appendix D of this Ordinance for a chart illustrating the Conditional Use procedure.)

B. Written Statement Requirement

All applications for Conditional Uses shall include a written statement describing the tract of land and its intended use. Such statement shall include the following information:

1. the location of the tract of land;

2. the present use of the tract for which the conditional use is requested;
3. the present use of adjoining tracts;
4. the type of conditional use for which the application is made;
5. a brief description of the type and extent of the proposed activities;
6. an estimate of the total development cost of the conditional use; and,
7. the names of the applicant, the owner of the tract, the developer of the conditional use and the person or organization who will operate the conditional use.

C. Site Plan Requirement

All applications for Conditional Uses shall include a site plan of the proposed development as set forth below.

The site plan shall be drawn to a scale not more than 50 feet to the inch and shall be on a sheet on smaller than 18" x 24" and no larger than 24" x 36". If the site plan is drawn in two (2) or more sections, a key map showing the locations of the sections shall be placed on each sheet. The site plan shall include:

1. title block containing the name of the developer or landowner, date, scale, north arrow and the name and profession of the preparer of the plan;
2. tract boundaries showing bearings and distances;
3. existing significant natural or man-made features of the site;
4. existing and proposed streets, rights-of-way, easements, means of access and setback lines;
5. existing buildings, sewers, water mains, culverts, transmission lines, and fire hydrants on or adjacent to the site;
6. existing contours at vertical intervals of five (5) feet or less and the datum to which the elevations refer;
7. proposed grading and drainage plans;
8. proposed plan of any landscaping of the tract showing all paved and planted areas, screens or fences and erosion control measures;



9. plans of any proposed sanitary sewer or storm sewer systems and water supply systems; and,
10. the location, size and floor plan of all proposed buildings or structures and the proposed use of all buildings or structures and open or unenclosed areas of the tract.

In cases where little site improvement or development is required or proposed for a conditional use, the Township Supervisors may waive the requirement for submittal of certain information that they deem unnecessary for their review of the application. The Zoning Officer shall however visit the site of each proposed conditional use and shall report his findings to the Supervisors before such a determination is made. In all cases, the information submitted by the applicant shall be adequate for review of the conditional use request.

D. Criteria for Conditional Uses

The Boards of Supervisors of the Planning Area Townships shall, in making decisions on applications for Conditional Uses, consider the following general criteria, in addition to the special criteria established elsewhere in this Ordinance:

1. the purpose of the zone in which the requested conditional use is to be located and the compatibility of the requested conditional use with existing and potential land uses on adjacent tracts of ground;
2. whether the specific site is an appropriate location for the use, structure or condition;
3. whether the use developed will adversely affect the neighborhood;
4. whether the use will create undue nuisance or serious hazard to vehicles or pedestrians;
5. whether adequate and appropriate facilities and services will be provided to ensure the proper operation of the proposed use;
6. the economic, noise, glare or odor effects of the conditional use on adjoining properties and properties generally in the district; and,
7. whether satisfactory provision and arrangement has been made concerning the following:
  - a. ingress and egress to the property and structure thereon with particular reference to automotive and pedestrian safety and

convenience, traffic flow, control and access in case of fire or other emergency;

- b. off-street parking and loading areas;
- c. waste collection, storage and disposal;
- d. utilities, with reference to location, availability and compatibility;
- e. screening and buffering with reference to type, dimensions and character;
- f. signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district; and,
- g. required yards and open spaces.

E. Decisions

As set forth in Sub-Section A. above, the Supervisors of the affected municipality shall render a decision or, when no decision is called for, make written findings on the Conditional Use application within 45 days after their last hearing on the application. A copy of the final decision or, where no decision is called for, the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date.

F. Failure to Hold Required Hearing or Render Decision

Where the applicable Board of Supervisors fails to hold the required hearing or fails to render a decision within the time periods specified in Sub-Section A. above, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in a decision has been rendered in favor of the applicant because of a violation of the prescribed time periods, the applicable Board of Supervisors shall give public notice (in the same manner as is done for the public hearing) of the decision within ten (10) days from the last day it could have met to render a timely decision. If the Supervisors shall fail to provide such notice, the applicant may do so.

G. Expiration of Decision

Unless otherwise specified by the Supervisors at the time of their action, a conditional Use authorization shall expire if the applicant fails to obtain any

necessary Building/Zoning Permit or comply with the conditions of said authorization within six (6) months from the date of authorization.

H. Appeals

Nothing in this Section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

ARTICLE 12

**ADMINISTRATION AND ENFORCEMENT**

**1200 DUTIES OF THE ZONING OFFICER**

The provisions of this Ordinance shall be administered and enforced by the Zoning Officer who shall be appointed by the Boards of Supervisors of the participating Planning Area Townships. Said Zoning Officer shall hold no elective office in any of the Planning Area Townships, nor with the Northern Montour Regional Planning Commission or its Zoning Committee. The individual selected as the Zoning Officer shall meet the qualifications established by the Zoning Committee of the Regional Planning Commission and shall be able to demonstrate to the satisfaction of the Planning Area Townships a working knowledge of municipal zoning. The Zoning Officer may be compensated for his work and shall have the following duties:

- A. to receive and process applications for permits, certificates, variances, special exceptions, conditional uses, appeals and other applications required under the terms of this Ordinance;

- B. to prescribe the form of all applications, permits and certificates required under the terms of this Ordinance;
- C. to issue permits for the construction, alteration or erection of all buildings or structures which are in accordance with the requirements of this Ordinance, within 30 days after receipt of an application for such a permit. F(Permits for Special Exceptions, Conditional Uses or variances, shall be issued only upon written order of the appropriate approving agency.)
- D. to refuse applications for permits which do not meet the requirements of this Ordinance, within 30 days following receipt of such application. Said refusal shall be in writing and shall state the reasons for such action;
- E. to process requests for hearings before the Joint Municipal Zoning Hearing Board and in instances involving conditional uses and amendment requests, hearings before the appropriate Board of Township Supervisors;
- F. to examine land, buildings and structures to determine their consistency with the Zoning Ordinance at the time of application filing, during the work and upon completion of the work;
- G. to issue or refuse requests for Certificates of Occupancy within ten (10) days after final inspection of the activity. Refusals shall be in writing and shall state the reasons for such action;
- H. to issue written enforcement notices as specified in Section 1204 A. of this Ordinance where it appears that there has been a violation, and to institute civil enforcement proceedings with the appropriate District Justice on behalf of the affected Township as a means of enforcing the zoning regulations. Duplicate copies of such notices shall be referred to the Joint Municipal Zoning Hearing Board and to the appropriate Board of Supervisors;
- I. to maintain and update the official Zoning Map;
- J. to maintain a log of all applications, permits or certificates issued, variances granted, inspections made, reports rendered and notices or orders issued;
- K. to issue Certificates of Nonconformance as requested (See Sections 900 G. and 901 C.);
- L. to issue preliminary opinions (in accordance with the procedure established in Section 916.2 of the PA Municipalities Planning Code) regarding whether a landowner's proposed use or development complies with applicable ordinances and maps based on plans and other materials submitted by the landowner, and if such opinion is favorable, to publish notice thereof once each week for two (2) successive weeks in a newspaper of general local circulation. Such notice shall

include a general description of the proposed use or development, its location, and the places and times where the plans and other materials may be examined; and

- M. to perform such other duties as may be made necessary by the terms of this Ordinance.

## **1201 GENERAL PROCEDURE FOR BUILDING/ZONING PERMIT APPLICATION**

All persons desiring to undertake any new construction, structural alteration, or change in the use of a building or land shall apply to the Zoning Officer for a Building/Zoning Permit by completing the appropriate application form and by submitting the required fee. (In addition to meeting the requirements of this Ordinance, the Applicant shall meet all other regulations or codes in effect in the applicable Township or as may be hereafter adopted. Nothing in this Ordinance shall exempt the applicant from obtaining any permits which may be required by such regulations.) The Zoning Officer shall then either issue or deny the Building/Zoning Permit or refer the application to the Joint Municipal Zoning Hearing Board or appropriate Board of Supervisors for their consideration, as may be applicable. After the applicant has received his Building/Zoning Permit, he may proceed with his proposal as approved. Following completion of his project, the applicant shall apply to the Zoning Officer for a Certificate of Occupancy. If the Zoning Officer finds that the project has been completed in accordance with the terms of the Building/Zoning Permit, he shall issue a Certificate of Occupancy thus allowing the premises to be occupied or used. (The specifics of each step in this process are discussed in Sections 1202 and 1203 below.)

## **1202 BUILDING/ZONING PERMITS**

### **A. Requirements for Building/Zoning Permits**

A Building/Zoning Permit shall be required prior to the erection, construction, addition, or alteration of any building or structure or portion thereof; prior to the use or change in use of a building, structure or land; prior to the erection or alteration of signs, except as specified in Article 7; prior to the change or extension of a nonconforming use; or prior to development in any Floodplain District; except as listed below.

It shall be unlawful for any person to commence work for the erection or alteration of any building or structure, or for a change in land use, until a Building/Zoning Permit has been duly issued therefore. (In some instances, additional permits may also need to be obtained prior to beginning construction or alterations.)

### **Exemptions**

Building/Zoning Permits shall not be required for the following activities:

1. interior alterations when there is no increase in ground floor exterior dimension and no change in use;
2. general exterior maintenance and repair to existing buildings or structures; including siding, roofing, painting, the addition or replacement of storm windows, and similar activities;
3. agricultural activities, including crop or tree farming, and non-commercial silos and grain bins meeting the applicable setback requirements of this Ordinance;
4. agricultural fences;
5. landscaping;
6. construction or erection of land terraces, steps or other similar features;
7. placement or location of utility distribution lines; or
8. razing of buildings or structures.

B. Application for Building/Zoning Permits

Each request for a Building/Zoning Permit shall be made by completing the appropriate application form obtained from the Zoning Officer and submitting it, along with the required fee, to the Zoning Officer. Application for a Permit shall be made by the owner or lessee of any building or structure, or the agent of either; provided however, that if the application is made by a person other than the owner, it shall be accompanied by a written authorization from the owner. The full names and addresses of the owner, lessee, applicant or other responsible parties shall be stated in the application.

The Building/Zoning Permit shall be issued or denied by the Zoning Officer within 30 days after receipt of a complete application for such a Permit. (Permits for Special Exceptions, Conditional Uses and variances shall be issued only upon written authorization of the appropriate approving agency.) Denial of a Permit shall be in writing and shall state the reasons for such action.

C. Description of Work and Plan Requirements

All applications for Zoning Permits shall be accompanied by plans, in duplicate, drawn to scale, showing the actual shape and dimensions of the lot, the exact size and location of any buildings existing on the lot, the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building or part of a building, the number of families or dwelling units the building is designed to accommodate and such other

information as may be necessary to determine compliance with this Ordinance and all other pertinent regulations, including building plans as may be appropriate. No application shall be considered complete until all necessary documents have been filed and all fees have been paid to the Zoning Officer.

One copy of the plans will be returned to the applicant when such plans have been approved by the Zoning Officer. All applications and accompanying plans and documents shall become a matter of public record once a permit has been either issued or denied.

D. Proof of Compliance

It shall be the responsibility of the applicant in all cases to furnish adequate information and to certify that the proposed use will comply with all requirements of this Ordinance and all other applicable Federal, State or local regulations. Included in the information shall be a copy of a sewage permit when one is necessary. Also, if the PA Department of Labor and Industry, the Department of Transportation, or other regulatory agency requirements apply, the applicant shall supply evidence which shows that these regulations have been met.

E. Changes

After the issuance of a Building/Zoning Permit by the Zoning Officer, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written approval of the Zoning Officer. Requests for any such change shall be made in writing and shall be submitted to the Zoning Officer for consideration.

F. Display of Permit Placard

In addition to the Building/Zoning Permit, the Zoning Officer shall issue a Permit placard which shall be displayed or posted on the premises during the time construction is in progress. The Permit placard shall remain posted until completion of the project and final inspection has been made by the Zoning Officer. Said placard shall bear the number of the Building/Zoning Permit, the date of its issuance, and the signature of the Zoning Officer.

G. Time Limitations

Work on the proposed construction shall commence within six (6) months after the date of issuance of the Building/Zoning Permit and the structure shall be under roof or the major elements shall be completed within 18 months after initiation of such work, or the Permit shall expire, unless a time extension is granted in writing by the Zoning Officer. Time extensions may be granted only if a written request is submitted by the applicant which sets forth sufficient and

reasonable cause for the Zoning Officer to grant such a request. Where such cause is determined, extensions may not exceed six (6) months.

For the purposes of this Ordinance, construction and/or development shall be considered to have started with the preparation of land, including land clearing, grading, filling, excavation for basement, footers, piers or foundations, erection of temporary forms, the installation of pilings under proposed subsurface footers, or the installation of sewer, gas, and water pipes, or electrical or other service lines from the street.

H. Inspections

During the construction period, the Zoning Officer shall inspect the premises to determine that the work is progressing in compliance with the information provided on the Permit application and with all other applicable laws of the Township. He shall make as many inspections as necessary to determine this compliance.

In the discharge of his duties, the Zoning Officer shall have the authority to enter any building, structure, premises, or development located in any zoning district, including any identified floodplain district, upon presentation of proper credentials, at any reasonable hour, to enforce the provisions of this Ordinance.

I. Revocation of Permits

The Zoning Officer may revoke a Building/Zoning Permit at any time if it appears that the application or accompanying plan is in any material respect false or misleading or that work being done upon the premises differs materially from that called for in the application. In such case, the person holding the Permit shall immediately surrender it to the Zoning Officer. A report of such revocation shall also be submitted to the applicable Board of Township Supervisors for whatever action they may deem necessary.

J. Temporary Permit

A Temporary Building/Zoning Permit may be authorized by the Zoning Officer for a non-permanent structure or use not generally permitted where it is deemed beneficial to the public health or general welfare, necessary to promote the proper development of the municipality, or for temporary or emergency accessory uses, provided that such structure or use shall be completely removed upon expiration of the Permit without cost to the Township. Such Permits shall be issued for a period of time not to exceed one (1) year, and may be renewed for no more than two (2) additional 90 day periods, except as may be provided otherwise in Sections 435 and 436 of this Ordinance for specific uses.



## **1203 CERTIFICATES OF OCCUPANCY**

### **A. Requirements for Certificates of Occupancy**

No land shall be occupied or used and no building hereafter erected, altered or extended shall be used in whole or in part or shall be changed in use until a Certificate of Occupancy has been issued by the Zoning Officer. Such Certificate shall not be issued until the exterior walls of the building are complete and all essential or vital utilities have been installed. The issuance of a Certificate of Occupancy is not however intended to guarantee or warranty, either stated or otherwise, the soundness of any construction nor the habitability of any building or structure. The purpose of the Certificate is only to certify that all work authorized by the Building/Zoning Permit has been satisfactorily completed and that the building or proposed use thereof complies with the provisions of this Ordinance.

### **B. Issuance and Effect**

The applicant shall notify the Zoning Officer in writing upon completion of the permitted activity and the Certificate of Occupancy shall be issued or denied by the Zoning Officer within ten (10) days after the activity has been inspected and approved as complying with the provisions of this Ordinance and the issued Permit. Once granted, the Certificate of Occupancy shall continue in effect so long as there is not change of use, regardless of change in ownership, tenants or occupants. If any part of the construction is found in violation, then the applicant shall be notified in writing of the deficiencies found or the reasons for denial of the Certificate.

## **1204 VIOLATIONS AND ENFORCEMENT**

Failure to secure a Building/Zoning Permit when required hereunder; failure to secure a Certificate of Occupancy; or failure to carry out the provisions of this Ordinance, shall be considered a violation of this Ordinance.

### **A. Enforcement Notice**

Whenever it appears to the Zoning Officer that there has been a violation of any provision of this Ordinance, the Zoning Officer, on behalf of the applicable Township, shall give notice of such alleged violation as hereinafter provided. Such enforcement notice shall:

1. be in writing;

2. be served upon the owner of record of the parcel upon which the violation has occurred or be sent to him by certified mail (return receipt requested), and be sent to any person who has filed a written request to receive enforcement notices regarding the parcel, and to any other person requested in writing by the owner of record;
3. state the name of the owner of record and any other person against whom the Township intends to take action;
4. indicate the location of the property in violation;
5. identify the specific violation(s) with a description of the requirements which have not been met, citing in each instance the applicable provision(s) of the Ordinance;
6. contain an outline of remedial action which, if taken, will effect compliance;
7. specify the date before which the steps for compliance must be commenced and the date before which the steps must be completed;
8. notify the recipient of his right to appeal to the Joint Municipal Zoning Hearing Board prior to the expiration of the time period provided in the enforcement notice; and,
9. indicate that failure to comply with the notice within the time specified, unless extended by appeal to the Joint Municipal Zoning Hearing Board, shall constitute a violation and will be prosecuted or remedied as provided in this Section.

In any appeal of an enforcement notice to the Joint Municipal Zoning Hearing Board, the affected Planning Area Township shall have the responsibility of presenting its evidence first.

B. Causes of Action

In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, the Zoning Officer may institute in the name of the applicable Township, any appropriate action or proceeding to prevent, restrain, correct, or abate such building, structure, landscaping or land, or to prevent any action, conduct, business, or use in or about such premises constituting a violation.

Any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation may also institute an

appropriate corrective action or proceeding. Such action must be preceded however by serving a copy of the complaint on the Supervisors of the applicable Township at least 30 days prior to being instituted. No such action may be maintained until such notice has been given.

C. Enforcement Remedies

Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance, whether enacted under current law or prior law, shall, upon being found liable therefore in a civil enforcement proceeding commenced by the applicable Planning Area Township, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the applicable Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Zoning Ordinance shall be paid over to the applicable Planning Area Township.

The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the affected Planning Area Township the right to commence any action for enforcement pursuant to this Section.

**1205 FEES**

Fees for the issuance of Building/Zoning Permits, Certificates of Occupancy, ordinance amendments, Conditional Uses, Special Exceptions, variances and other zoning actions shall be paid to the Zoning Officer upon filing of an application. Such fees shall be in accordance with the schedule of fees established by separate Resolution adopted by the Planning Area Townships, the form of which is attached hereto as Appendix E.

Further, any fees paid by a party to appeal an enforcement notice to the Joint Municipal Zoning Hearing Board shall be returned to the appealing party if the Hearing Board, or any court in a subsequent appeal, rules in favor of the appealing party.

**1206 FINANCES**

The costs for administration and enforcement of the Joint Municipal Zoning Ordinance, including the financial responsibilities for defending legal challenges to the Ordinance, will be shared equally among the participating Planning Area Townships.

ARTICLE 13

**DEFINITIONS**

**1300 INTERPRETATIONS**

Unless the context otherwise requires, the following definitions shall be used in the interpretation of this Ordinance. Words used in the present tense shall include the future; the singular shall include the plural, and the plural the singular; the word “person” shall include a corporation, partnership, trust, company, organization, firm and association as well as an individual; the word “lot” shall include the words “plot” and “parcel”; the term “shall” is mandatory, the word “may” permissive; and the word “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged, or designed to be used or occupied”.

**1301 DEFINITIONS**

ABANDONED: The visible or otherwise apparent discontinuance of a nonconforming use of a building or premises, or the removal of the characteristic equipment or furnishings used in the performance of a nonconforming use without its replacement by similar equipment or furnishings, or the replacement of the nonconforming use or structure.

ACCESS DRIVE: A means, other than a street, which provides vehicular access from a street or public road to a lot; e.g. a driveway or private right-of-way.

ACCESSORY RESIDENTIAL USE: A residential dwelling unit which is accessory to the principal commercial use of a lot; i.e. an apartment located above or adjoining a retail establishment. (See also Section 434.)

ADULT BOOK STORE: An establishment having as a substantial or significant portion of its stock in trade, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas”, or an establishment with a segment or section devoted to the sale or display of such material.

ADULT CABERET: A club, restaurant, bar, tavern, theater, hall or similar establishment which features male and/or female entertainers whose performance includes “specified sexual activities” and/or reveals or displays “specified anatomical areas”.

ADULT DRIVE-IN PICTURE THEATER: An area open to the air and not enclosed within a building used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” for observation by patrons therein, which patrons observe such material from a location within automobiles or other motor vehicles, seated in autos or on outdoor seats.

ADULT ENTERTAINMENT ESTABLISHMENT: Adult book stores, adult cabarets, adult drive-in picture theaters, adult mini-motion picture theaters, adult motion picture theaters, adult walk-in picture theaters, amusement arcades, massage parlors, and similar establishments providing entertainment of a sexual nature, including establishments involved in the sale or rental of adult videos. (See also Section 418.)

ADULT MINI-MOTION PICTURE THEATER: An enclosed building with a capacity for less than 50 persons used at any time for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.

ADULT MOTION PICTURE THEATER: An enclosed building with a capacity of 50 or more persons used at any time for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.

ADULT WALK-IN PICTURE THEATER: An area neither enclosed nor open to the sky (e.g. a pavilion, tent, etc.) where material presented is distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” for observation of patrons therein.

AGENT: Any person, other than the landowner of a lot, who, acting under specific authorization of the landowner, submits plans, data and/or applications to the Zoning Officer or other designated Township official for the purpose of obtaining approval thereof.

AGRIBUSINESS: The sale of agricultural products of commodities, including but not limited to, farm produce, seed, fertilizers, and farm machinery.

AGRICULTURAL STRUCTURE: Any farm building or structure used for storing agricultural equipment or farm produce, housing livestock or poultry, or processing dairy products. Such buildings shall not be used for residential purposes.

AGRICULTURE: The use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, aquaculture, forestry, animal and poultry husbandry, and the accessory uses for packing, treating, or storing the produce; provided however, that the operation of any such accessory use shall be secondary to that of the normal agricultural activities. (See also Section 426.)

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

AIRPORT: Any area of land or water which is used, or is intended to be used, for the landing or takeoff of aircraft and any appurtenant areas which are used, or are intended to be used, for airport buildings or air navigation facilities or rights-of-way, together with all airport buildings and facilities thereon. For purposes of this Ordinance, the term airport shall not include facilities designated as heliports and those facilities which can be used only by rotary wing aircraft, nor to private airports.

AIRPORT HAZARD: Any structure or object, natural or manmade, or use of land which obstructs the airspace required for flight of aircraft in landing or taking off at an airport or is otherwise hazardous to the landing or taking off of aircraft.

AIRPORT HAZARD AREA: An area or land or water upon which an airport hazard might be established if not prevented.

ALLEY: A permanent, public service way providing a secondary means of access to lots, not intended for general traffic circulation.

ALTERATION: As applied to a building or structure, a change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or increasing in height, or the moving from one location or position to another. An alteration does not include maintenance and repair.

AMUSEMENT ARCADE: An establishment which has as its principal business offering to patrons mechanical, electrical or video amusement devices or games such as pinball machines, ping pong, darts, rides, shooting galleries or similar devices and games.

ANIMAL HUSBANDRY: For the purposes of this Ordinance, animal husbandry shall be defined as the raising or keeping of livestock and/or poultry for capital gain or profit or with the intent of selling any livestock or poultry products as a commercial enterprise, including custom butchering. The boarding or raising of livestock or poultry as farm animals or household pets pursuant to the regulations of this Ordinance shall not be considered animal husbandry.

APPLICANT: Any lessee or his authorized agent who submits plans, data and/or applications to the Zoning Officer or other designated Township official for the purpose of obtaining approval thereof.

AREA: The surface included within a set of lines.

- a. Area, Lot: The area contained within the property lines of individual parcels of land shown on a plan, excluding any area within a street right-of-way, but including the area of any easement.
- b. Area, Buildable: That portion of a lot bounded by the required front, side and rear yards.
- c. Area, Building: The total area of a lot covered by buildings, excluding uncovered porches, terraces and steps.
- d. Area, Site: The total area of a proposed development regardless of interior lot lines or proposed lots, streets, or easements.

AUTOMOTIVE REPAIR SHOP: A building or structure used primarily for making major repairs to motor vehicles (automobiles, motorcycles, trucks, farm equipment or machinery, and/or snowmobiles), including overhauling, body work, painting, refinishing and upholstering, as well as incidental servicing and maintenance.

AUTOMOTIVE SALES FACILITY: Any building or land area used for the display and sale of new or used automobiles or other motor vehicles, including warranty repair or associated work.

AUTOMOTIVE SERVICE STATION: A building or place of business where gasoline or any motor vehicle fuel or oil or other lubricating substance, batteries, tires, and other automotive accessories are supplied and dispensed to the motor vehicle trade, at retail, and where minor repair service may be offered.

AUTO SALVAGE OPERATIONS: See JUNK YARD.

BASEMENT: 1) That portion of a building partly underground but having less than half of its clear height below the average lot grade. A basement shall be counted as a story for the purposes of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet or if it is used for business or dwelling purposes. 2) For floodplain management purposes, a basement shall be that area of a building or structure having its floor subgrade (below ground level) on all sides.

BED AND BREAKFAST ESTABLISHMENT: An establishment, dwelling, or part thereof, in which individual rooms are offered for transient or temporary lodging purposes by the owner or operator for limited periods of time. Breakfast or other meals

may also be offered to overnight guests as a part of the lodging fee. (See also Section 414.)

**BOARDING OR ROOMING HOME:** A single family dwelling or part thereof, where lodging is provided for a fee by the legal owner thereof. Such lodging may be provided for no more than six (6) persons unrelated to the owner and shall be for periods of time exceeding one (1) week, whether or not arrangements have been made for meals. (See also Section 409.)

**BOARD OF SUPERVISORS:** The elected governing bodies of Derry, Limestone and West Hemlock Townships, Montour County, PA, as specified.

**BORROW PIT:** An excavated area where material has been borrowed for use as fill at another location, not including the excavation or removal of fill or the grading of a site preparatory to the construction of a building.

**BUFFER YARD:** Yard space, either landscaped or planted, provided between high intensity activities and other uses. (See Section 505.)

**BUILDING:** A structure having walls and a roof which is used for the shelter, housing or enclosure of persons, animals, or property. The word “building” shall include and part thereof.

- a. **Building, Accessory:** A detached, subordinate building located on the same lot as the principal building, serving a purpose customarily incidental to the use of the principal building.
- b. **Building, Principal:** A building in which the principal use of the site is conducted.
- c. **Building, Attached:** A building which has one (1) or more walls in common with adjacent buildings.
- d. **Building, Detached:** A building which has no common walls and is surrounded by open space on the same lot.

**BUILDING HEIGHT:** A vertical distance measured from the average elevation of the ground surrounding the building to the highest point of the roof, excluding chimneys, spires, towers, tanks and similar projections which are attached to a building.

**BUILDING LINE:** The required setback (front, side, or rear) of a building from a property line.

**BUILDING SETBACK LINE:** The line established by the required minimum front yard setback from the street right-of-way or front lot line for buildings and/or structures. The building setback line shall be the point at which minimum lot width shall be measured.



BUILDING/ZONING PERMIT: 1) The permit required by this Ordinance for the construction, alteration, razing, or change of use of any building or structure. 2) A permit stating that the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements of this Ordinance for the district in which it is to be located.

CABIN: See SEASONAL DWELLING.

CAMPGROUND: A tract or tracts of ground, or portion thereof, used for the purpose of providing space for recreational vehicles or tents for camping purposes, with or without a fee charged for the leasing, renting, or occupancy of such space. Such facility may also include a recreational vehicle park. (See Section 429.)

CARPOR: A roofed structure providing space for the parking or storage of motor vehicles which is enclosed on not more than three sides.

CARTWAY: The area of a street or alley within which vehicles are permitted, including traveled lanes and on-street parking spaces, but excluding shoulders, curbs, sidewalks, or drainage swales.

CAR WASH: Any building or premises used for washing automobiles or other motor vehicles.

CELLAR: A portion of a building partly underground, having half or more than half of its clear height below grade. A cellar shall not be considered in determining the permissible number of stories.

CERTIFICATE OF NONCONFORMANCE: A certificate issued by the Zoning Officer which acknowledges the existence of a nonconforming use, structure or lot, as of the effective date of this Ordinance, thereby authorizing its right to continue until it is eliminated or abandoned.

CERTIFICATE OF OCCUPANCY: A certificate issued by the Zoning Officer stating that all work authorized by the Building/Zoning Permit has been satisfactorily completed or, in cases not involving construction, a proposed new use is in conformity with the Ordinance and the building or land may be occupied.

CHANGE OF USE: An alteration of a building or a change of use existing within a building or on a lot to a new use which imposes other provisions of the Zoning Ordinance.

CLEAN FILL: Uncontaminated, nonwater-soluble, nondecomposable inert solid material used to level an area or bring the area to grade. The term does not include material placed into or on waters of this Commonwealth.

CLEAR SIGHT TRIANGLE: An area of unobstructed vision at street or driveway intersections defined by lines of sight between points at a given distance from the intersection of the street centerlines.

CLINIC, MEDICAL OR DENTAL: An establishment where patients are admitted for examination and treatment by one or more physicians, dentists, psychologists, or social workers and where patients are not lodges overnight.

CLUB, LODGE, OR FRATERNAL ORGANIZATION: An organization catering exclusively to members and their guests in premises or buildings for social, recreation or administrative purposes, which are not conducted for profit. Clubs shall include service organizations, fraternal organizations, as well as social, athletic or similar groups.

COLLATERAL BOND: A penal bond agreement in a sum certain, payable to the Department of Environmental Protection, executed by the operator of a municipal or residual landfill and supported by the deposit with the Department of cash, negotiable bonds of the United States, the Commonwealth, the Turnpike Commission, the General State Authority, the State Public School Building Authority or a Commonwealth municipality, Commonwealth bank automatically renewable and assignable certificates of deposit or irrevocable and standby Commonwealth bank letters of credit.

COMPLETELY DRY SPACE: A space which will remain total dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

COMPREHENSIVE PLAN: The complete plan for the development of Anthony, Derry, Liberty, Limestone and West Hemlock Townships, Montour County, as adopted by the Township Boards of Supervisors, in 1993.

CONDITIONAL USE: A use permitted in certain districts, as provided for in Article 3, which may only be authorized by the appropriate Board of Township Supervisors, as set forth in Section 1101 of this Ordinance.

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

CONSTRUCTION: See NEW CONSTRUCTION.

CONSTRUCTION/DEMOLITION WASTE: Solid waste resulting from the construction or demolition of buildings and other structures, including, but not limited to, wood, plaster, metals, asphaltic substances, bricks, block and unsegregated concrete. The term also includes dredging waste. The term does not include the following if they are separate from other waste and are used as clean fill: (i) uncontaminated soil, rock, stone, gravel, unused brick and block and concrete, and (ii) waste from land clearing, grubbing and excavation, including trees, brush, stumps and vegetative materials.

CONTRACTOR'S SHOPS AND/OR STORAGE YARDS: A building or buildings and unenclosed space used for the storage of construction equipment and/or building materials. Such uses may also include equipment repair facilities and office space. (See Section 420.)

CONVENIENCE MARKET: A retail establishment selling a limited range of food products and some household or other consumer goods. Such facilities generally offer fewer items and maintain a smaller inventory of merchandise than a supermarket or grocery store. In some cases, gasoline and related automotive supplies are also offered on a self-service basis.

CONVERSION APARTMENT: A dwelling or other building converted for residential occupancy by more than one (1) family. The specific number of permitted dwelling units shall be as set forth in Section 403 of this Ordinance.

COUNTY: Montour County, PA, unless otherwise specified.

CULTURAL FACILITIES: Art galleries, auditoriums, libraries, museums, community centers, botanical gardens, adult education centers, or other similar facilities, open to the public or connected with a permitted educational, institutional, philanthropic, service or religious use.

DAY CARE CENTER: A private facility enrolling more than 12 young children where tuition, fees, or other forms of compensation for the care of the children is charged and which is licensed, inspected and approved to operate as a child day care center by the PA Department of Public Welfare.

DENSITY: The number of families, individuals, dwelling units, or housing structures permitted to be constructed or situated on a specific unit of land.

DEVELOPMENT: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of mobile home or manufactured housing, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations, storage of equipment and materials, or the subdivision of land.

DISPOSAL AREA: The part of a municipal or residual landfill where disposal is occurring or will occur.

DISTRIBUTION CENTER: A building or structure where sizeable quantities of merchandise are stored for ultimate distribution to a single or limited number of specific wholesale or retail operators. See also WAREHOUSING FACILITY.

DISTRICT: A zoning district as laid out on the Zoning Map, along with the regulations pertaining thereto.

DOCK: A temporary structure extending into a stream or other body of water for the purpose of securing a boat (s).

DRIVEWAY: A minor vehicular right-of-way providing access between a street and a parking area or garage within a lot or property.

DWELLING: A building, structure, or shelter designed for or occupied exclusively as the residence or sleeping place of one or more persons.

- a. Dwelling, Single Family Detached: A dwelling containing only one (1) dwelling unit from ground to roof, having independent outside access and open space on all sides, except for a mobile home as defined below. (See MOBILE HOME.)
- b. Dwelling, Single Family Attached: A dwelling containing only one (1) dwelling unit from ground to roof, having independent outside access and a portion of one or two walls in common with an adjoining dwelling(s); i.e. a townhouse. For the purposes of this Ordinance, a single family attached dwelling structure shall contain a minimum of three (3) dwelling units.
- c. Dwelling, Two-Family: An attached or semi-attached building containing two (2) independent dwelling units which are entirely separated by vertical walls or horizontal floors, unpierced except for access to the outside or a common basement or cellar; i.e. a duplex.
- d. Dwelling, Multi-Family: A dwelling structure containing three (3) or more dwelling units, with or without independent outside access, but not a single family attached dwelling as defined above; i.e. an apartment building. For the purposes of this Ordinance, a MULTI-FAMILY HOUSING DEVELOPMENT shall consist of more than one (1) multi-family dwelling structure or more than one (1) single-family attached dwelling structure, or a combination thereof.

DWELLING UNIT: One or more rooms in a dwelling structure designed for the use of one or more individuals living together as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities. Recreational vehicles and facilities for transient lodging shall not be considered as dwelling units for the purposes of this Ordinance.

ENCLOSED USE: A use which is located entirely within a building or structure.

ENTERTAINMENT FACILITY, PUBLIC: An enclosed facility operated as a business for profit, open to the public, for the purpose of providing entertainment, including but not limited to, bowling alleys, roller skating rinks, amusement arcades, motion picture theaters, health clubs, and similar types of establishments, but excluding adult entertainment facilities. (See also Section 417.)

ESSENTIALLY DRY SPACE: A space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantial impermeable to the passage of water.

ESSENTIAL UTILITY SERVICES: Utility services provided by public utility companies, governmental agencies, or public service corporations which are necessary for the preservation of the public health and safety. Such services shall include, but need not be limited to, the placement, construction, alteration, use, and maintenance of underground or overhead electrical, telephone, television, natural gas, water or sewage disposal systems, and may include the use of poles, wires, lines, mains, drains, sewers, pipes, conduits, cables, hydrants, traffic signals or other similar equipment. (See also Section 431.)

EXTERIOR ANTENNAS: All forms of antennas utilized within the Planning Area for telephone, telecommunication, radio, television, or other forms of communication (including microwave and satellite earth stations or dishes), except antennas utilized by governmental agencies or antennas regulated by applicable laws relating to public utilities. Exterior antennas shall include the towers, receiving dishes or receiving fixtures, bases, supports, guide wires, transmission wires, and all attachments.

FAMILY: One or more persons occupying a single dwelling unit and living as a single household unit, whether or not related by blood, marriage or adoption. (See also GROUP FAMILY HOUSEHOLD.)

FAMILY DAY CARE HOME: A family residence where care is provided for no more than six (6) children by an occupant of the home and which is registered by the PA Department of Public Welfare to provide such care.

FARM: For the purpose of this Ordinance, a farm shall be defined as a parcel of land which is used primarily for agricultural purposes or activities.

FARM BUILDING: See AGRICULTURAL STRUCTURE.

FEED AND GRAIN MILL: A business establishment containing machinery for grinding or crushing grain into flour or feed for animals.

FENCE: Any combination of materials creating an enclosure or barrier to prevent intrusion from outside or straying from within. For the purposes of this Ordinance, a fence shall be considered a structure. (See also Section 504 B.)

FLOOD: A temporary inundation of normally dry land areas.

FLOOD FRINGE: That portion of the 100 year floodplain outside of the floodway, excluding areas shown as approximate 100 year flood zones on the Planning Area Townships' Flood Boundary and Floodway Maps.

**FLOOD, ONE HUNDRED YEAR:** A flood that on the average is likely to occur once every 100 years (i.e. that has a one (1) percent chance of occurring each year, although the flood may occur in any year.)

**FLOODPLAIN:** 1) A relatively flat or low land area adjoining a river, stream or other watercourse which is subject to partial or complete inundation. 2) An area subject to the unusual and rapid accumulation of runoff of surface waters from any source.

**FLOODPROOFING:** Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures or their contents. (See Section 602 for flood damage control provisions.)

**FLOODWAY:** The designated area of a floodplain required to carry and discharge the flood waters of a 100 year flood.

**FLOOR AREA:** The area of a structure covered by floors.

- a. **Floor Area, Gross:** The sum of the gross horizontal areas of all of the floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces for motor vehicles or basement or cellar floor areas where this area is not used for business or dwelling purposes, but including the area of roofed porches, decks, patios and terraces.
- b. **Floor Area, Habitable:** Any floor area within a dwelling unit which is useable for living purposes, including area for working, sleeping, eating, cooking and recreation, or a combination thereof. Stairways, hallways and floor area used only for storage purposes, such as closet, attic or unimproved basement space shall not be considered habitable floor area, nor shall any space where the floor-to-ceiling height is less than five (5) feet.

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

**FREEBOARD:** A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

**GARAGE:** A building or structure used for the parking and storage of vehicles.

- a. Garage, Private: An accessory building or an accessory portion of a principal building designed or used for the parking or storage of motor vehicles which is not a commercial enterprise available to the general public, provided however that no more than one space therein may be leased to a non-resident of the premises.
- b. Garage, Public: A building or group of buildings used primarily for the parking or storage of motor vehicles available to the general public for compensation. (See also AUTOMOTIVE REPAIR SHOP.)

GENERAL FLOODPLAIN: That portion of the floodplain area for which no specific flood profiles exist and which is designated as approximated 100 year floodplain area on the Planning Area Townships Flood Boundary and Floodway Maps.

GENERAL STORE: A retail establishment offering a variety of personal products, household commodities, and/or automotive merchandise for sale to the general public. Such facilities generally carry a smaller inventory than a grocery store or supermarket, but may include a lunch counter or booths for restaurant or sandwich service.

GRADE: The degree of rise or descent of a sloping surface.

- a. Grade, Street: The elevation of the centerline of an existing or proposed street; the percentage of slope.
- b. Grade, Finished: The final elevation of the ground surface after development.

GROCERY STORE: A retail establishment primarily selling food or groceries as well as other household goods or merchandise; i.e. a supermarket.

GROUNDWATER: Water beneath the surface of the ground that exists in a zone of saturation.

GROUNDWATER DEGRADATION: The unnatural increase in concentration of one or more contaminants in the groundwater above background concentrations for those same contaminants.

GROUP DAY CARE HOME: A residence where day care is provided for between seven (7) and 12 children by an occupant of the home and which is licensed and inspected by the PA Department of Welfare to provide such care.

GROUP FAMILY HOUSEHOLD: A group of individuals not related by blood, marriage, adoption or guardianship living together in one dwelling unit as a single housekeeping unit under a common housekeeping plan based on an intentionally structured relationship providing organization and stability.

GROUP HOME; GROUP CARE FACILITY: A facility or dwelling unit housing persons unrelated by blood or marriage which operates as a group family household,

including but not limited to sobriety houses, recovery homes, homes for orphans, foster children, the elderly, battered children and women, mentally or physically handicapped individuals, and specialized treatment facilities providing less than primary health care. (See also Section 410.)

HAZARDOUS MATERIALS: Any substance or mixture of substances having properties capable of producing adverse effects on the health or safety of a human being.

HAZARDOUS WASTE: Garbage, refuse or sludge from an industrial or other waste water treatment plant; sludge from a water supply treatment plant or air pollution control facility; and other discarded material, including solid, liquid, semisolid or contained gaseous material resulting from municipal, commercial, industrial, institutional, mining, or agricultural operations, and from community activities; or a combination of the above, which because of its quantity, concentration or physical, chemical or infectious characteristics may do one of the following: (i) cause or significantly contribute to an increase in mortality or increase in morbidity in either an individual or the total population, or (ii) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed. The term does not include coal refuse as defined in the Coal Refuse Disposal Control Act; treatment sludges from coal mine drainage treatment plants, disposal of which is being carried on under and in compliance with a valid permit issued under the Clean Streams Law; solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point source subject to permits under Section 402 of the Federal Water Pollution Control Act or source, special nuclear or byproduct material as defined by the Atomic Energy Act of 1954.

HAZARDOUS WASTE MANAGEMENT FACILITY: A facility where storage, treatment or disposal of hazardous waste occurs.

HISTORIC STRUCTURE: Any structure that is:

- a. listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. individually listed on a State inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior;  
or



- d. individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
- 1) by an approved state program as determined by the Secretary of the Interior; or,
  - 2) directly by the Secretary of the Interior in states without approved programs.

HOME OCCUPATION: An accessory use or occupation operated for gain or profit conducted entirely within the operator's dwelling or a building accessory thereto and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof. (See also Section 433.)

HORTICULTURE: The growing of fruits, vegetables, flowers, ornamental plants, shrubs, or trees for profit.

HOTEL: A building or structure containing rooms intended or designed to be used, rented or occupied for sleeping purposes by transient guests, where such rooms have no independent outside access and where provision may be made for general cooking or dining room or restaurant facilities within the building.

IDENTIFIED FLOODPLAIN AREA: Those floodplain areas specifically identified in this Ordinance as being inundated by the 100 year flood, including areas identified as Floodway, Flood Fringe and General Floodplain.

INDUSTRIAL OPERATIONS: For the purposes of this Ordinance, industrial operations shall be defined as those manufacturing, assembly and processing activities itemized in Article 3, the District Regulations, and meeting the supplementary regulations set forth in Section 419. (See also LIGHT INDUSTRIAL OPERATION.)

INDUSTRIAL PARK: A tract of land which has been planned, developed and is operated as an integrated facility for a number of individual industrial uses, with special attention to circulation, parking, utility needs, aesthetics and compatibility.

INTERSTATE HIGHWAY SYSTEM: That portion of the national system of interstate highways located within the Commonwealth as officially designated by the State and/or U.S. Departments of Transportation.

JOINT MUNICIPAL ZONING HEARING BOARD: The six (6) member board appointed by the Boards of Supervisors of the Planning Area Townships which is charged with responsibility of hearing and deciding: 1) appeals from decisions of the Zoning Officer, 2) challenges to the validity of land use ordinances, 3) requests for variances, 4) requests for special exceptions, and 5) interpreting or deciding various other cases, as specified throughout this Ordinance. (See also Section 1001.)

JUNK: Any discarded article or material not ordinarily disposed of as rubbish, garbage, or refuse and including, but not limited to, scrap metal, scrapped, abandoned or junked automobile, machinery, equipment, paper, rags, glass containers and other salvageable materials. For purposes of this Ordinance, the term “junk” shall not include hazardous wastes or materials, industrial residual wastes, or municipal wastes as defined in the PA Solid Waste Management Act.

JUNKED OR ABANDONED MOTOR VEHICLE: An inoperable motor vehicle not bearing a current license or inspection which is stored outside of an enclosed building for a period of time exceeding 60 days, and is not associated with a legitimate business operation or completely covered by an opaque or non-transparent tarp. (See also Section 510.)

JUNK YARD: Any outdoor establishment, place of business, or use of land which is maintained, used or operated for storing, keeping, buying or selling junk or junked or abandoned motor vehicles. For the purposes of this Ordinance, such facility may also be referred to as an auto salvage operation or scrap processing facility. (See Section 422.)

KENNEL: An establishment where dogs are kept for the purpose of breeding, hunting, training, renting, research or vivisection, buying, boarding, sale, show, or other similar purpose and is so constructed that dogs cannot stray there from. An annual kennel license is required, as per the PA Dog Law, to keep or operate any establishment that keeps, harbors, boards, shelters, sells, gives away or in any way transfers a cumulative total of 26 or more dogs of any age in one (1) calendar year. For the purposes of this Ordinance, house pets in a private home are excluded. (See also Section 415.)

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

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

LANDSCAPING: Grass and other plantings such as trees, shrubs and/or bushes.

LAUNDROMAT: A business premises equipped with individual clothes washing and drying machines for the use of retail customers. For the purposes of this Ordinance such facilities shall not include laundry facilities provided as an accessory use, such as those provided for an apartment building.

**LIGHT INDUSTRIAL OPERATION:** A manufacturing, assembly, or processing activity that produces a negligible amount of noise, smoke, odor, dust, vibration, or glare as a result of the activity and meets the performance standards of this Ordinance. (See also Section 419.)

**LIVESTOCK:** For the purposes of this Ordinance, livestock shall be defined to include cows, pigs, horses, and similar types of farm animals.

**LOADING BERTH:** An off-street space accessible from a street or alley in a building or on a lot, for the temporary use of vehicles while loading or unloading merchandise or materials.

**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 Area:** See “AREA”.
- b. **Lot Depth:** The distance measured from the front lot line to the rear lot line.
- c. **Lot Width:** The distance measured between the side lot lines at the required building setback line; in a case where there is only one side lot line, between such lot line and the opposite lot line.
- d. **Lot, Corner:** A lot with two adjacent sides abutting on streets. A lot abutting on a curved street shall be considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street line intersect at an interior angle of less than 135 degrees.
- e. **Lot, Double Frontage:** A lot which extends from one street along its front lot line to another street along its rear lot line, which streets do not intersect at the boundaries of the lot.
- f. **Lot, Reverse Frontage:** A double frontage lot which is not accessible from one of the streets upon which its fronts, usually due to topographic constraints or safety considerations.

**LOT LINES:** The property lines bounding the lot.

- a. **Lot Line, Front:** The line separating the lot from a street right-of-way; or where a lot has no road frontage, the lot line opposite of the rear lot line.
- b. **Lot line, Rear:** The lot line opposite and most distant from the front lot line.
- c. **Lot Line, Side:** Any lot line other than a front or rear lot line.

**LOT OF RECORD:** A lot which individually or as a part of a subdivision has been recorded in the office of the Recorder of Deeds of Montour County, PA.

**LOWEST FLOOR:** The lowest floor of the lowest fully enclosed area of a building or structure (including basement or cellar). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access and incidental storage in an area other than a basement or cellar area is not considered a building's lowest floor, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this Ordinance and the National Flood Insurance Program.

**LUMBER YARD:** A commercial establishment primarily engaged in the sale of lumber and related products to contractors or the general public.

**MACHINERY REPAIR AND SERVICE SHOP:** A workshop, manufacturing facility, or other industrial operation where machines are built, repaired or assembled. For the purposes of this Ordinance, such facilities shall include tool and die making, engine rebuilding, and similar types of activities.

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

**MANUFACTURING OPERATIONS:** See INDUSTRIAL OPERATIONS.

**MARKET VALUE:** The FAIR Market price of a structure or property as determined by an appraiser or insurance adjuster; the price at which both buyer and seller are willing to do business.

**MASSAGE PARLOR:** An establishment in which there exists the offering or furnishing of services in which "specified sexual activities" occur.

**MINERAL EXTRACTION OPERATIONS:** The commercial extraction of sand, gravel, clay, shale, rock or other natural mineral deposits from the earth, including facilities for the batching or mixing of extracted materials, but excluding the extraction of oil or gas reserves.

**MINERALS:** For the purposes of this Ordinance, the term mineral shall include, but shall not be limited to, anthracite and bituminous coal, lignite, limestone and dolomite, sand, gravel, rock, stone, earth, slag, ore, vermiculite, clay and other mineral resource.

**MINOR REPAIR:** The replacement of existing work with equivalent materials for the purpose of routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exit way requirements; no shall any minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping electrical wiring or mechanical or other work affecting public health or general safety.

MOBILE HOME: A transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and is constructed so that it may be used without a permanent foundation. For floodplain management purposes, the term shall also include park trailers, travel trailers, recreational vehicles and other similar types of manufactured homes which are placed on a site for a period of time exceeding 180 consecutive days. (See also Section 404.)

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

MOBILE HOME PAD OR STAND: That part of an individual mobile home lot which has been reserved for the placement of a mobile home and appurtenant structures and connections.

MOBILE HOME PARK: A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes. For floodplain management purposes, the term shall also include facilities for the placement of two (2) or more park trailers, travel trailers, recreational vehicles, and other similar types of manufactured housing for a period of time exceeding 180 consecutive days. (See also Section 408).

MOTEL: A building or structure arranged or used for sheltering, sleeping, and/or feeding of transient or overnight guests, where each unit has independent outside access and where provision is made for only limited cooking in any individual room.

MUNICIPALITY: Derry, Limestone, or West Hemlock Township, Montour County, PA, as specified.

MUNICIPAL WASTE: Garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid, or contained gaseous material resulting from operation of residential, municipal, commercial or institutional establishments and from community activities; waste as defined in the PA Solid Waste Management Act from a municipal commercial, or institutional water supply treatment plant, waste water treatment plant or air pollution control facility. The term does not include source-separated recyclable materials.

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

result of or incidental to operation of the facility. The term does not include a construction/demolition landfill or a facility for the land application of sewage sludge. (See also Section 424.)

NATURAL AREA: An undisturbed area, left in its natural state.

NEW CONSTRUCTION: The construction, reconstruction, renovation, repair, extension, expansion, alteration, location or relocation of a building (including mobile and manufactured utilities, etc.). For floodplain management purposes, the term shall pertain to structures for which the start of includes any subsequent improvements thereto.

NONCONFORMING LOT: A lot which does not conform to the minimum width, depth, or other dimensional requirements specified for the district in which it is located (Article 3), including those lots which existed prior to the enactment of this Ordinance. (See Section 901 for applicable provisions.)

NONCONFORMING STRUCTURE: A structure or part of a structure not designed or built to comply with the use or extent of use provisions of this Ordinance, including those structures which lawfully existed prior to the enactment of this Ordinance or amendment. Such nonconforming structures include, but shall not be limited to, nonconforming signs. (See Section 900 for applicable provisions.)

NONCONFORMING USE: A use of a building or land which does not comply with the applicable use regulations (Article 3) of this Ordinance or amendment, including those uses which lawfully existed prior to the enactment of this Ordinance or amendment. (See Section 900 for applicable provisions.)

NURSERY: Land or greenhouses used to raise flowers, shrubs and plants for sale.

NURSING HOME: A state-licensed institutional establishment which provides full-time convalescent or chronic nursing and/or medical care. Such facilities shall not provide surgical, obstetrical or other services generally provided by a hospital.

OBSTRUCTION: Any wall, dam, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, culvert, building, wire, fence, stockpile, refues, fill, structure or other matter in, along, across or projecting into any channel, watercourse or regulatory flood hazard area which may impede, retard or change the direction of water, either in itself or by catching or collecting debris carried downstream to the damage of life or property.

OPEN SPACE: Space not occupied by a structure, open to the sky, and on the same lot with the building or structure.

a. Open Space, Public: Any land area set aside, dedicated, designated or reserved for public enjoyment.

b. Open Space, Common: Land within or related to a development, not individually owned or dedicated for public use, which is designed and intended

for the common use and enjoyment of the residents of the development and which may include complementary structures and improvements as are necessary and appropriate.

PARKING SPACE: An off-street area on a lot available for the parking of one (1) motor vehicle and having direct, useable access to a street or road. For the purposes of this Ordinance, parking space shall include uncovered lot space located off of any right-of-way, as well as enclosed garage or storage space. (See also Article 8.)

PARK OR PLAYGROUND: A public, semi-public or private park or park-type facility which provides outdoor recreational enjoyment and activity, either for free or on a fee basis. Such facilities may include tennis or basketball courts, baseball or other athletic fields, swimming, hiking and picnic areas, and playgrounds and may also include buildings and accessory structures. Activities may be organized to include day camps, leagues or other groups or may be strictly independent. (See Section 430.) See also RECREATION AREA.

PARTY WALL: A wall on an interior lot line or a wall adapted for joint service between two (2) buildings; i.e. a common wall.

PERMITTED USE: A use allowed in a zoning district, subject to the applicable district regulations, and approved by the Zoning Officer.

PERSONAL CARE HOME: A state-licensed institutional facility providing supervised care services, including meals and less than full-time skilled or intermediate nursing care, for individuals, usually the elderly.

PERSONAL SERVICE BUSINESS: For the purposes of this Ordinance, a personal service business shall include but need not be limited to, barber shops, beauty parlors, self-service laundry and/or dry cleaning establishments, tailor or dressmaking shops, small appliance or equipment repair facilities, or other establishments of a related nature.

PLANNING AREA TOWNSHIPS: Derry, Limestone and West Hemlock Townships, Montour County, PA.

PLANNING COMMISSION: The Northern Montour Regional Planning Commission.

PRIMARY HIGHWAY SYSTEM: That portion of connected main highways located within the Commonwealth as officially designated by the State or U.S. Departments of Transportation.

PROFESSIONAL OFFICE: The office of a member of a recognized profession. A professional office may be considered a home occupation when conducted from a residence, by a member of the resident family and when the office is only secondary to the residential use of the building.

PUBLIC HEARING: A formal meeting held pursuant to public notice by any of the Planning Area Townships, the Northern Montour Regional Planning Commission or its Zoning Committee, or the Joint Municipal Zoning Hearing Board, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.

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

PUBLIC NOTICE: Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the Planning Area. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than 7 days from the date of the hearing.

RECREATIONAL OR INSTITUTIONAL DEVELOPMENT: An outdoor recreational facility, including a golf course, golf driving range, a miniature golf course, ski area, church or service club affiliated camp, a shooting preserve or sporting clays range, and similar public, semi-public, or private facilities.

RECREATIONAL VEHICLE: A portable or mobile vehicle used for temporary living or sleeping accommodation, without a permanent foundation. Recreational vehicles shall include travel trailers, house trailers, truck campers, motor homes and other similar types of vehicles use for recreational, camping or travel purposes. Such vehicles are permitted to be used in campground areas in the municipality or on private independent parcels as set provided in Section 428.

RECREATIONAL VEHICLE PARK: Any site upon which recreational vehicles are, or intended to provide recreational enjoyment to or for its users, i.e. a park, playground, tot lot, or similar facility. (See Section 430.) See also PARK OR PLAYGROUND.

REGULATORY FLOOD: The flood that has been selected to serve as the basis upon which the Floodplain Management provisions of this Ordinance have been based: the 100 year flood.

REGULATORY FLOOD ELEVATION: The 100 year flood elevation.

RESIDUAL WASTE: Garbage, refuse, other discarded material or other waste, including solid, liquid, semisolid or contained gaseous materials resulting from an industrial, mining or agricultural water supply treatment facility, waste water treatment facility or air pollution control facility, if it is not hazardous. The term does not include coal refuse as defined in the Coal Refuse Disposal Control Act nor treatment sludges from coal mine drainage treatment plants, disposal of which is being carried on under and in compliance with a valid permit issued under the Clean Streams Law.

RESIDUAL WASTE LANDFILL: A facility for disposing of residual waste. The term does not include a residual waste impoundment or a facility for the land application of residual waste. The term also does not include a facility at which municipal waste, other than industrial lunchroom or office waste generated by the operator,



construction/demolition waste generated by the operator, or certain special handling waste is disposed.

RESTAURANT: A retail establishment where food and drink is prepared, served and consumed, primarily within the principal building.

RETAIL BUSINESS ESTABLISHMENT: A place of business engaged in selling goods and merchandise to the general public for personal or household use and rendering services incidental to the sale of such goods.

RIDING ACADEMY: Any establishment where horses are kept for riding, jumping or showing for compensation or incidental to the operation of any club, association or similar group.

ROADSIDE STAND: A temporary or permanent booth, stand or shelter located along a roadway (but off of the road right-of-way) from which farm, nursery or greenhouse products are offered for sale to the general public.

ROOMING HOME: See BOARDING OR ROOMING HOME.

SATELLITE DISH: For the purposes of this Ordinance, a satellite dish antenna shall be defined as an accessory structure (exterior antenna) capable of receiving radio or television signals from a transmitter or transmitter relay located in planetary orbit. (See also EXTERIOR ANTENNAS.)

SAWMILL: A building or business establishment equipped with machinery for cutting lumber is cut into boards.

SCHOOL: An establishment or facility, or part thereof, which is designed, constructed, or used for public or private education or instruction in any branch of knowledge.

SCRAP PROCESSING FACILITY: See JUNK YARD.

SCREEN PLANTING: The provision of a barrier to visibility, glare and noise between adjacent properties made of plant materials, such as trees or shrubs which will be of such species that will produce the desired visual screen. Such plantings shall however adhere to the requirements of Section 506 and shall be broken at points of vehicular or pedestrian access or utility easements.

SEASONAL BUILDING/ZONING PERMIT: A Building/Zoning Permit issued seasonally and/or annually by the Zoning Officer which authorizes the temporary placement of a roadside stand, or recreational vehicle or camping unit on an individual lot, or the placement of a camping unit in a campground which is situated in any designated floodplain in the Planning Area Townships.

SEASONAL DWELLING: A permanent building or structure intended for occupancy only occasionally during the year, including buildings intended as camps, cottages,

lodges, hunting cabins, vacation homes and similar seasonal dwellings. For purposes of this Ordinance, buses, trucks, or recreational vehicles shall not be permitted as permanent seasonal dwellings. (See also Section 428.)

SERVICE CENTER: See DISTRIBUTION CENTER.

SEWAGE FACILITY: A system of sewage collection, conveyance, treatment and disposal which will prevent the discharge of untreated or inadequately treated sewage or other waste into waters of the Commonwealth or otherwise provide for the safe and sanitary treatment and disposal of sewage or other wastes.

SEWAGE SYSTEM, COMMUNITY: A sewage facility, whether publically or privately owned, for the collection of sewage from two (2) or more equivalent dwelling units and the treatment or disposal, or both, of the sewage on one (1) or more of the lots or at another site.

SEWAGE SYSTEM, INDIVIDUAL: A sewage facility, whether publically or privately owned, located on a single lot and serving one (1) equivalent dwelling unit and collecting, treating, and disposing of sewage in whole or in part into the soil or into waters of the Commonwealth or by means of conveyance of retaining tank wastes to another site for final disposal.

SHOPPING CENTER: For the purposes of this Ordinance, a shopping center shall be defined as a group of three (3) or more commercial establishments, planned, developed, owned and managed as a unit and related in location, size and type of shops to the trade area that the unit serves; it provides onsite parking in definite relationship to the types and sizes of stores. This definition shall also include the term “shopping mall”.

SIGN: Any devise, structure or object used for visual communication that is used for the purpose of bringing the subject thereof to the attention of others, but not including any flag, badge, or insignia of any government. (See Section 700 for definitions of various types of signs.)

SIGN AREA: The entire face of a single side of a sign, including all advertising surface and any framing, trim, molding, or border area, but excluding any supporting framework or bracing.

SIGN HEIGHT: The vertical distance measured from the highest point of the sign, excluding decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less.

SLAUGHTER HOUSE: A building or structure where animals are butchered. Such a facility may be associated with an animal husbandry operation or may be an independent, agri-business use.

SOLID WASTE: Any waste, including but not limited to, municipal, residual or hazardous wastes, including solid, liquid, semi-solid or contained gaseous materials. (See also MUNICIPAL WASTE.)

**SPECIAL EXCEPTION USE:** A use permitted in a certain zoning district as provided for in Article 3, which must be approved by the Joint Municipal Zoning Hearing Board, as set forth in Section 1001 D. of this Ordinance. Special exceptions may not be granted for uses other than those expressly listed in Article 3.

**SPECIAL PERMIT:** A special approval needed for specific types of development being proposed to be located in any portion of the designated floodplain. (See Section 607 for a listing of the activities requiring Special Permits and details for submission of applications for such activities.)

**SPECIFIED ANATOMICAL AREAS:** For the purposes of this Ordinance, such areas shall include less than completely and opaquely covered: human genitals, pubic region; buttock; female breast below a point immediately above the top of the areola; and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**SPECIFIED SEXUAL ACTIVITIES:** For the purposes of this Ordinance, such activities shall include sexual stimulation or arousal of human genitals; acts of human masturbation, oral sex, sexual intercourse or sodomy; and/or fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

**STABLE:** A building in which one or more horses are boarded, whether or not for compensation, hire or sale.

**STORAGE:** A place or space for storing goods, articles of personal property, materials, etc.

- a. **Storage, On-Lot:** For the purposes of this Ordinance, on-lot storage shall be defined as storage of recreational vehicles, campers, boats, antique cars or other similar types of vehicles, equipment or other man-made materials on a lot occupied by the owner or one immediately adjacent to it, of the item(s), whether or not the item is stored in a completely or partially enclosed building or stored outside of building. (See also Section 507.)
- b. **Storage, Off-Lot:** Storage of recreational vehicles, campers, boats, antique cars or other similar types of vehicles, equipment, or other man-made materials on a lot other than that occupied by the owner of the item(s), whether or not the item(s) is stored in a completely or partially enclosed building or stored outside of a building.
- c. **Storage, Outside/Unenclosed:** Storage, as accessory or incidental to an approved, principal use in a Village Center, Commercial or Industrial District, of goods, materials, or merchandise outside of a fully enclosed building or structure. (See also Section 508.)

**STORAGE FACILITIES, ENCLOSED:** See WAREHOUSING FACILITIES.

**STORAGE TRAILER, ACCESSORY:** For the purposes of this Ordinance, an accessory storage trailer shall be defined as 1) that part of a tractor trailer truck which is pulled by the tractor, but which has been detached from the tractor, placed on a lot with a principal use, and is being used for storage, as an accessory use, or 2) a mobile home, travel trailer, or other similar type of manufactured housing unit, not being utilized for residential purposes, which has been placed on a lot with a principal use and is to be used exclusively for accessory storage purposes. (See also Section 509.)

**STORY:** That portion of a building included between the surface of any floor and the surface of the floor or ceiling next above it.

**STORY, HALF:** A space under a sloping roof where the line of intersection of the roof and wall plate is not more than three (3) feet above the floor level, and in which space the possible floor area with head room of five (5) feet or less occupies at least 40% of the total floor area of the story directly beneath.

**STREET:** Any thoroughfare, whether public or private, located in whole or in part within any of the Planning Area Townships, excluding alleys. The word “road” may be used interchangeably with the word “street”.

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

**STRUCTURE:** Any man-made object having any ascertainable stationary location on or in land or water, whether or not affixed to the land, including buildings, sheds, radio towers, fences and signs, but excluding poles, playground equipment, mailboxes, lawn ornaments and other similar objects. For floodplain management purposes, the term shall also include a gas or liquid storage tank that is principally above ground, as well as a mobile or manufactured home.

- a. **Structure, Accessory:** A structure detached from a principal structure located on the same lot and customarily incidental and subordinate to the principal building, structure or use.
- b. **Structure, Principal:** The main or primary structure on a given lot.

**STUDIO:** A place where a musician or artist does his work.

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

**SUBSTANTIAL DAMAGE:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT:** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either a) before the improvement or repair or b) if the structure has been damaged and is being restored, before the damage occurred. The term also includes structures which have incurred substantial damage regardless of the actual work performed. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not include either 1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or 2) any alteration of any historic structure, provided that the alteration will not preclude the structure’s continued designation as an historic structure.

**SUPERMARKET:** See GROCERY STORE.

**SUPERVISORS OR TOWNSHIP SUPERVISORS:** The Boards of Supervisors of Derry, Limestone and West Hemlock Townships, Montour County, PA; the elected governing body of each municipality.

**SURETY BOND:** A penal bond agreement in a sum certain, payable to the Department of Environmental Protection, executed by the operator and a corporation licensed to do business as a surety in this Commonwealth and approved by the Department, and which is supported by the guarantee of payment on the bond by the surety, which bond is required as a condition of operating a municipal or residual landfill.

**SWIMMING POOL:** A body of water in an artificial container, whether located in or above the ground, having a depth at any point of more than two (2) feet or a surface area of more than 250 square feet, used or intended to be used for swimming by children and/or adults.

**TEMPORARY PERMIT:** A permit authorized by the Zoning Officer for a non-permanent building, structure or use where such structure or use is deemed to be beneficial to the public health or general welfare or necessary to promote the proper development of the Township, or for temporary accessory uses. (See also Section 1202 J.)

**TIMBER HARVESTIN OPERATIONS:** The cutting or removal of trees for commercial purposes by a commercial logging firm or individual. For the purposes of this Ordinance, the harvesting of timber for personal use on tracts of ground less than 20 acres in size shall not be considered a timber harvesting operation, nor shall such activity be governed by the regulations contained in this Ordinance for such operations. (See Section 425.)

**TRANSIENT LODGING FACILITY:** A building or structure arranged or used for sheltering, sleeping, and/or feeding of transient or overnight guests for limited periods of time, including inns and other similar types of residential lodging establishments. Dining

facilities associated with such uses may also be open or available to the public if authorized by the proper Township officials. See also BED AND BREAKFAST ESTABLISHMENTS. (See also Section 414.)

USE: The specific purpose or activity for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained.

- a. Use, Accessory: A use subordinate to the principal use of a building or structure located on the same lot and serving a purpose customarily incidental to the use of the principal building or structure. If no principal use exists on a lot with a lawful accessory use, then such accessory use shall be considered a principal use.
- b. Use, Principal: The primary purpose for which a lot is occupied or utilized.

VARIANCE: A modification of the provisions of this Ordinance which the Joint Municipal Zoning Hearing Board is permitted to grant when strict enforcement would cause undue hardship owing to circumstances unique to the individual property on which the variance is sought. (See Section 1001 C. for additional details and criteria to be utilized when a variance is request.)

VETERINARY HOSPITAL OR CLINIC: An establishment where animals are given medical or surgical treatment and their boarding is limited to short-term care incidental to the treatment.

WAREHOUSING FACILITY: A building used for the storage of goods and materials, including facilities handling freight for a specific commercial or industrial operation and those facilities available to the general public containing separate storage spaces of varying sizes leased or rented on an individual, self-service basis, not including any residential occupancy.

WATER FACILITY: Any water works, water supply works, water distribution system or part thereof designed, intended or constructed to provide or distribute potable water.

WATER SYSTEM: A water facility providing potable water to individual lots or the public for human consumption.

- a. Water System, Non-Public: All water systems which are not public water systems.
- b. Water System, Off-Lot: An approved system in which potable water is supplied to a dwelling or other building from a central water source which is not located on the lot with the dwelling or building.
- c. Water System, On-Lot: A well or other approved system designed to provide potable water to a dwelling or other building located on the same lot as the source.

- d. Water System, Public: A water system as defined by the PA Department of Environmental Protection which has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year.

WETLANDS: Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas. The term includes, but is not limited to, wetland areas listed in the State Water Plan, the United States Forest Services Wetlands Inventory of PA, the PA Coastal Zone Management Plan, the United States Fish and Wildlife National Wetland Inventory and a wetland area designated by a river basin commission.

YARD: An open space which lies on the same lot with a building or structure, unoccupied and unobstructed from the ground upward.

- a. Yard, Front: An open space extending the full width of the lot between the principal building or structure and the street right-of-way line or front lot line, unoccupied and unobstructed from the ground upward.
- b. Yard, Rear: An open space extending the full width of the lot between the principal building or structure and the rear lot line, unoccupied and unobstructed from the ground upward.
- c. Yard, Side: An open space extending from the front yard to the rear yard between the principal building or structure and the side lot line, unoccupied and unobstructed from the ground upward.
- d. Yard, Required: The minimum area or open space required by this Ordinance to be provided between any front, side or rear lot line and a principal or accessory building(s) or structure(s) on the lot.

ZONING COMMITTEE: A committee of the Northern Montour Regional Planning Commission made up of representatives from Derry, Limestone and West Hemlock Townships responsible for overseeing the administration of the Northern Montour Regional Zoning Ordinance and its related functions.

ZONING HEARING BOARD: The Joint Municipal Zoning Hearing Board for Derry, Limestone and West Hemlock Townships, Montour County, PA, appointed by the Township Boards of Supervisors.

ZONING MAP: The official Zoning Map of Derry, Limestone and West Hemlock Townships, Montour County, PA, together with all notations, references and amendments which may subsequently be adopted. Said map is made a part of this Ordinance as established in Section 202.

ZONING OFFICER: The administrative officer duly appointed by the Planning Area Townships Boards of Supervisors and charged with the duty of enforcing the provisions of this Ordinance.

ZONING PERMIT: See BUILDING/ZONING PERMIT.

## ARTICLE 14

### MISCELLANEOUS PROVISIONS AND ENACTMENTS

#### **1400 INTERPRETATIONS, PURPOSE AND CONFLICT**

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the health, safety, morals and general welfare of the Planning Area Townships. The Ordinance is not intended to interfere with



or abrogate or annul other rules, regulations or ordinances in effect in any of the Planning Area Townships provided that where this Ordinance imposes a greater restriction upon the use of land or premises or upon the construction of a building or requires larger open spaces than are imposed by such other rules, regulations or ordinances, the provisions of this Ordinance shall control.

#### **1401 REPEALER**

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed, including the Montour County Zoning Ordinance of 1972, as amended, as it applied to Derry, Limestone and West Hemlock Townships. Nothing in this Ordinance shall be construed to affect any suit or proceeding now pending in any court or any rights accrued or liability incurred or any cause or causes of action accrued or existing under any Ordinance repealed by this Ordinance. Nor shall any right or remedy of any character be lost, impaired or affected by this Ordinance.

#### **1402 SEVERABILITY AND VALIDITY**

The provisions of this Ordinance are severable and if any provision, sentence, clause, section, part or application thereof shall be held illegal, invalid or unconstitutional, by a court of competent jurisdiction, such illegality, invalidity or unconstitutionality shall not affect or impair any of the remaining provisions, sentences, clauses, sections or applications. It is hereby declared to be the legislative intent of the Boards of Supervisors of the Planning Area Townships, that this Ordinance would have been adopted had such illegal, invalid or unconstitutional provision, sentence, clause, section or part not been included therein and if such illegal, invalid or unconstitutional application had been specifically exempted therefrom.

#### **1403 ENACTMENT**

Each municipality party to the Joint Municipal Zoning Ordinance shall enact the Ordinance and it shall not become effective until it has been properly enacted by all of the participating Townships.

No municipality may withdraw from or repeal the Joint Municipal Zoning Ordinance during the first three (3) years following the date of its enactment. If, at any time after the end of the second year following the enactment of the Ordinance, any of the Planning Area Townships wish to repeal and withdraw from the Joint municipal Zoning Ordinance, they shall enact an ordinance, which shall be effective no sooner than one year after its enactment, repealing the Joint Municipal Zoning Ordinance and shall provide immediately and concurrently one year's advanced written notice of its repeal and withdrawal to the Boards of Supervisors of all municipalities remaining party to the Zoning Ordinance. The repeal and withdrawal may become effective within less than one year with the unanimous approval, by ordinance, of the Boards of Supervisors of the municipalities remaining party to the Zoning Ordinance.

1404 **EFFECTIVE DATE**

**ENACTED AND ORDAINED** into an Ordinance this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_, by the Board of Supervisors of Derry Township, Montour County, PA.

**TO BECOME EFFECTIVE** on the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_.

**DERRY TOWNSHIP SUPERVISORS**

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Supervisor

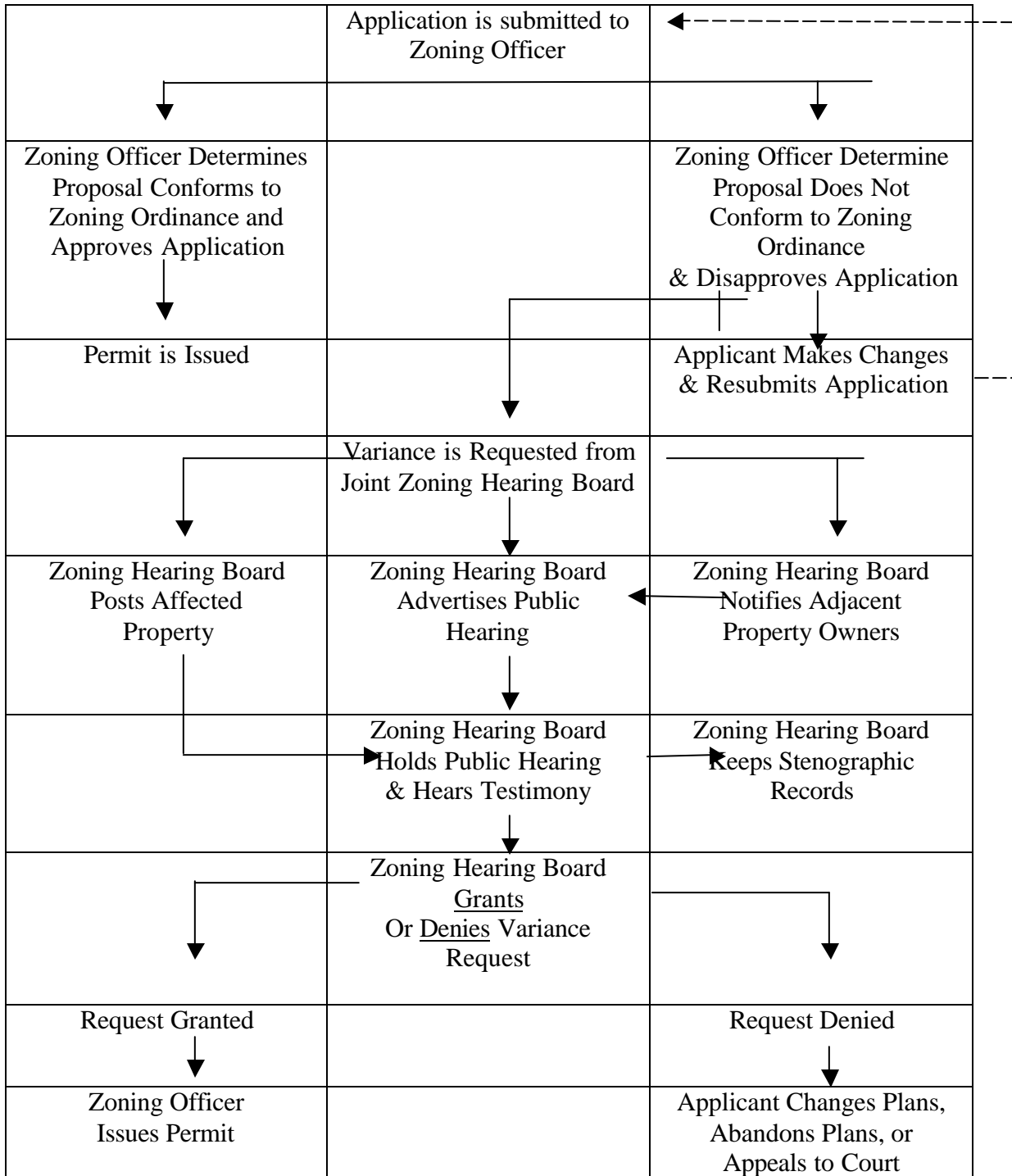
\_\_\_\_\_  
Supervisor

ATTEST: \_\_\_\_\_  
Derry Township Secretary

TOWNSHIP SEAL:

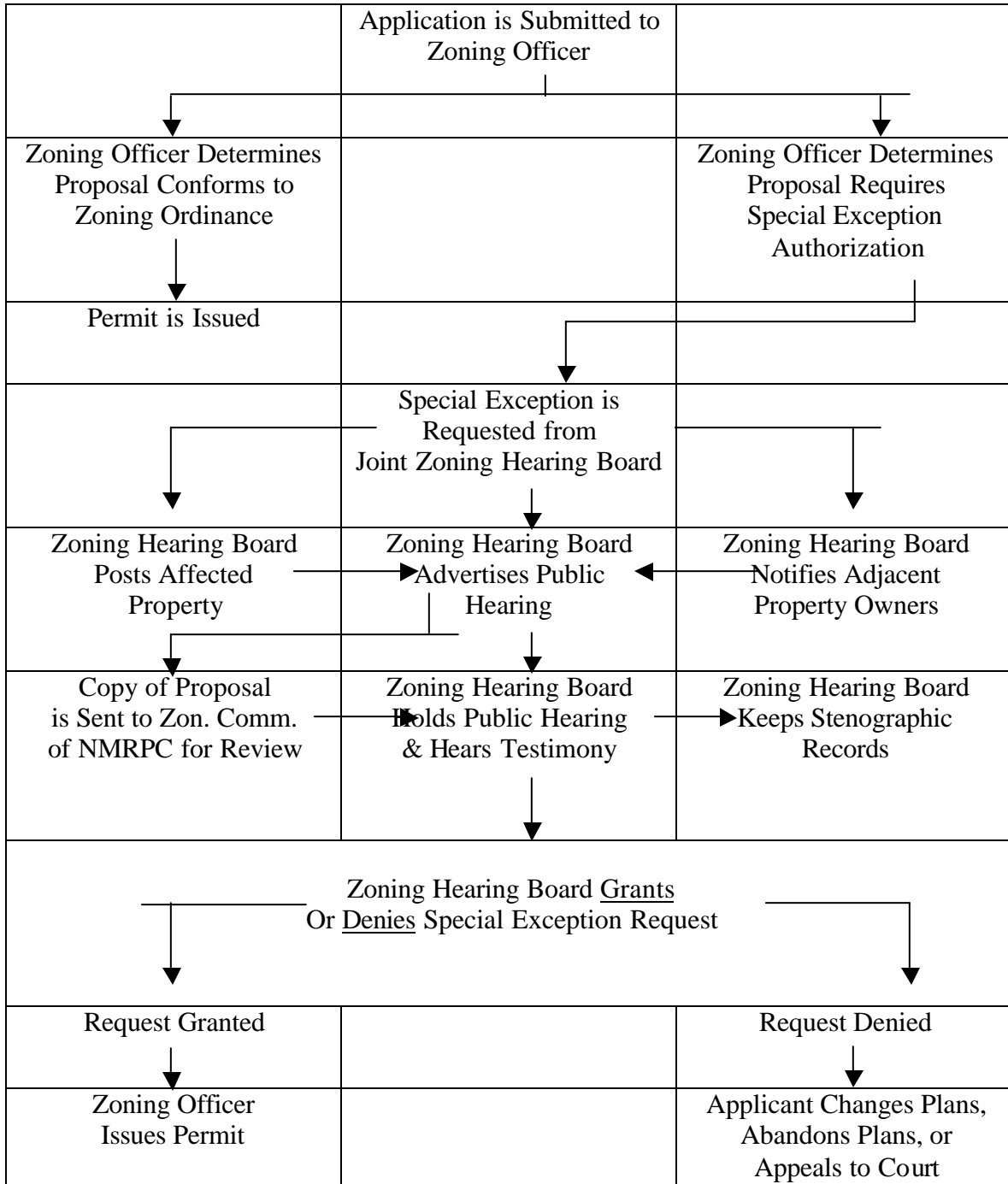
APPENDIX A

VARIANCE PROCEDURE



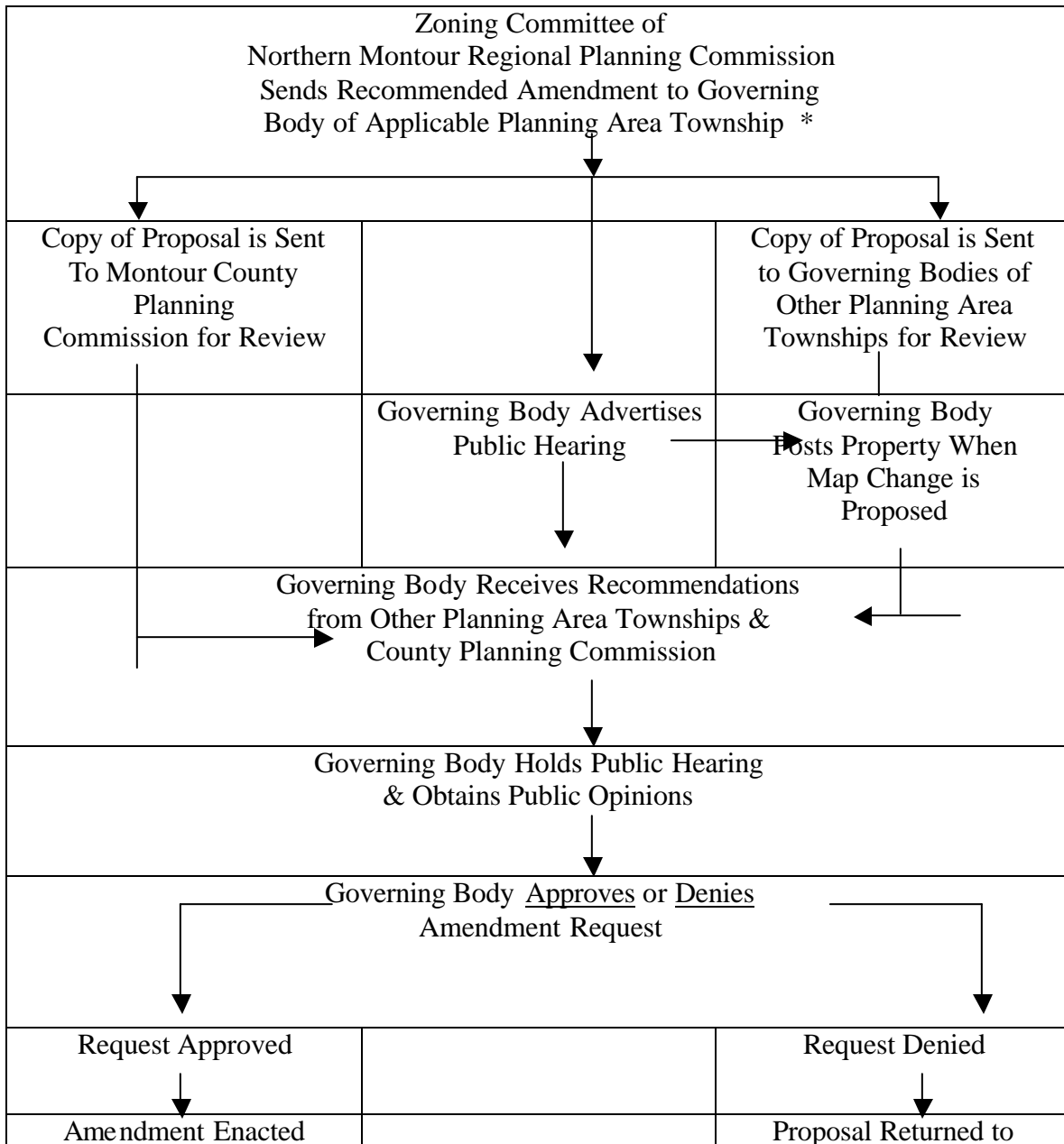
APPENDIX B

**SPECIAL EXCEPTION PROCEDURE**



APPENDIX C

**PROCEDURE FOR AMENDING THE ZONING ORDINANCE**

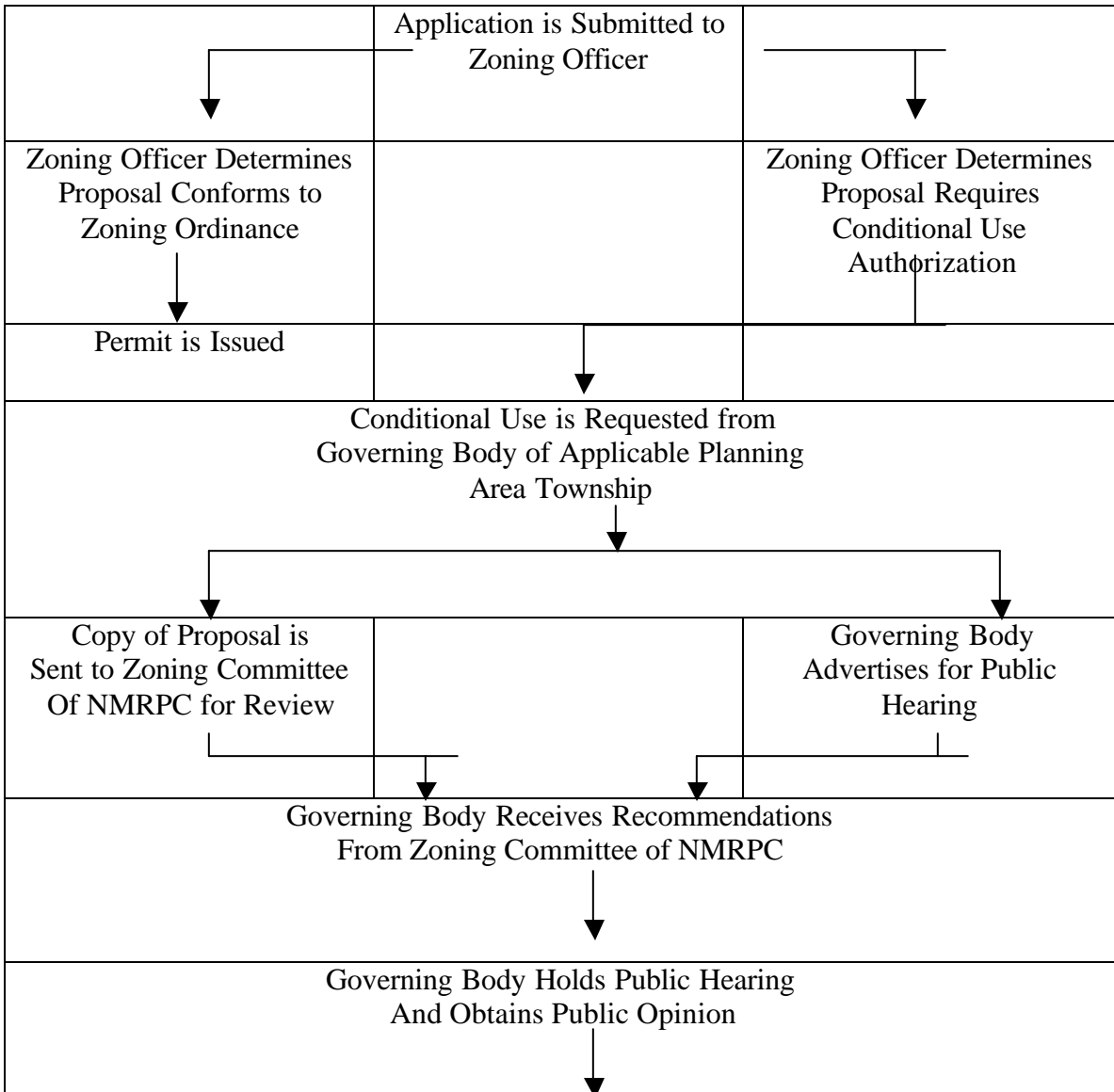


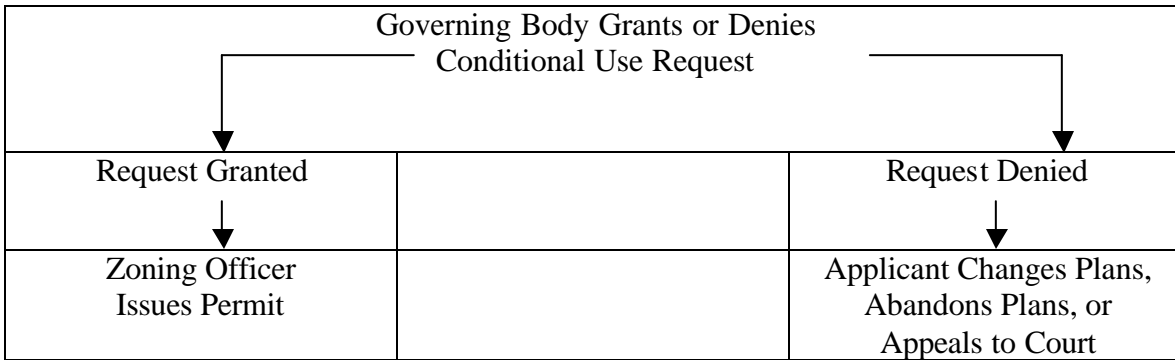
		NMRPC Zoning Committee for Further Study & Resubmittal, if Desired
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\* If the amendment is prepared by a party other than the Zoning Committee of the NMRPC, Then the Governing Body must send the proposal to the Zoning Committee for their review and recommendations prior to the public hearing.

APPENDIX D

**CONDITIONAL USE PROCEDURE**





APPENDIX E

**FORM OF RESOLUTION**

**WHEREAS**, the Zoning Committee of the Northern Montour Regional Planning Commission will incur certain expenses in carrying out the administration of its Joint Municipal Zoning Ordinance; and

**WHEREAS**, the Zoning Committee of the Northern Montour Regional Planning Commission wishes to recover a reasonable portion of these expenses from the applicant;

**NOW, THEREFORE BE IT RESOLVED**, that the following schedule of fees shall be utilized in the administration of Northern Montour Regional Zoning Ordinance. No permit shall be issued no hearing or meeting scheduled until such fee has been paid to the Zoning Committee of the Northern Montour Regional Planning Commission by the applicant.

**FEE SCHEDULE**

**I. Building/Zoning Permits**

- A. Residential or Non-Residential Development - The base fee for a Building/Zoning Permit for all residential and non-residential development, except non-commercial agricultural buildings, shall be \$25.00. An additional \$2.00 shall be collected for each \$1,000.00 worth of construction beyond the initial \$1,000.00. When required, the fee for a Building/Zoning Permit for a non-commercial agricultural building shall be \$5.00. (See also Section 1202 A.)
- B. Signs – The base fee for a Building/Zoning Permit for the erection or alteration of a permanent sign shall be \$25.00. An additional \$1.00 shall be collected for each \$1,000.00 worth of sign value.



- C. Non-Construction – In situations where no construction is involved, i.e. a change of use or change of a nonconforming use, the base fee of \$25.00 shall be charged.
- D. Penalty – Failure to obtain the necessary Building/Zoning Permit prior to initiation of construction or change of use shall result in a penalty fee of \$25.00 being added to the above-specified charges. (This fee is not in lieu of other enforcement penalties set forth in the Joint Municipal Zoning Ordinance.

**II. Certificates of Occupancy**

There shall be no additional fee for a Certificate of Occupancy. The fee for this Permit shall be included in the Building/Zoning Permit fee.

**FEE SCHEDULE RESOLUTION**

**Page 2**

**III. Zoning Hearing Board Hearings**

In addition to the fees specified below, each applicant shall also be responsible for assuming ½ of the appearance fee charged by the stenographer to record the Hearing proceedings. The cost of the original transcript and additional copies shall be paid by the person(s) requesting such copy (ies).

- A. Appeal Hearing - A fee of \$150.00, payable in advance, shall accompany each application for a Hearing before the Joint Municipal Zoning Hearing Board involving the appeal of any decision made by the Zoning Officer or any of the Planning Area municipal engineers in the administration of the Joint Municipal Zoning Ordinance, as provided in Section 909.1 a. of the PA Municipalities Planning Code, as amended.
- B. Variance Hearing – A fee of \$ 150.00, payable in advance, shall accompany each application for a Hearing before the Joint Municipal Zoning Hearing Board involving a request for a variance.
- C. Special Exception Hearing – A fee of \$ 150.00, payable in advance, shall accompany each application for a Hearing before the Joint Municipal Zoning Hearing Board involving a request for a Special Exception.
- D. Ordinance Validity Challenge or Request for Interpretation Hearing – A fee of \$150.00, payable in advance, shall accompany each application for

a Hearing before the Joint Municipal Zoning Hearing Board where the validity of the Joint Municipal Zoning Ordinance or other municipal land use ordinance in effect in any of the Planning Area Townships is challenged pursuant to Section 909.1 a. of the PA Municipalities Planning Code, as amended, or for any application requesting an interpretation of Zoning Ordinance provisions.

**IV. Township Supervisors' Hearing**

Whenever possible, these Hearings shall be scheduled the same night as the applicable Planning Area Township's Regular Monthly Meeting to avoid additional costs for the Township and the applicant.

- A. Ordinance Amendment and/or Map Change Hearings – A fee of \$ 150.00, payable in advance, shall accompany each application for a Hearing before the Board of Supervisors of the applicable Planning Area Township requesting an amendment to the Joint Municipal Zoning Ordinance and/or a change in the official Zoning Map.

**FEE SCHEDULE RESOLUTION**

**Page 3**

- B. Conditional Use Hearings – A fee of \$ 150.00, payable in advance, shall accompany each application for a Conditional Use Hearing before the Board of Supervisors of the applicable Planning Area Township.
- C. Appeals and Curative Amendment Hearings – A fee of \$ 150.00, payable in advance, shall accompany each application for a Hearing before the Board of Supervisors of the applicable Planning Area Township where an appeal is filed pursuant to Section 909.1 b. of the PA Municipalities Planning Code, as amended, or for any application requesting a curative amendment of the Joint Municipal Zoning Ordinance.

**FEE SCHEDULE RESOLUTION**

**Page 4**

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_, by the  
Board of Supervisors of Derry Township, Montour County, Pennsylvania.

TO BECOME EFFECTIVE on the \_\_\_\_\_ day of \_\_\_\_\_,  
200\_\_\_\_\_.

SUPERVISORS

DERRY TOWNSHIP

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Supervisor

ATTEST:

\_\_\_\_\_  
Derry Township Secretary

TOWNSHIP SEAL: