

## **CHAPTER 27**

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**PART 1**

**GENERAL PROVISIONS**

**A. Zoning Regulations**

**§27-101. Short Title.**

This Chapter shall be known and may be cited as the “Walker Township Zoning Ordinance.”

*(Ord. 5/7/1975, 5/7/1975, §102)*

**§27-102. Purpose.**

This Chapter has been prepared in accordance with the Walker Township Comprehensive Development Plan of 1974, with consideration for the character of the municipality, its various parts, and the suitability of the various parts for the particular uses and structures, and is enacted for the following purposes:

- A. To promote, protect, and facilitate one or more of the following: The public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, civil defense, disaster evacuation, airports, and national defense facilities, the provisions of adequate light and air, police protection, vehicle parking and loading space, transportation, water., sewerage, schools, public grounds and other public requirements, as well as,
- B. To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.

*(Ord. 5/7/1975, 5/7/1975, §103)*

**§27-103. Interpretation.**

In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion of health, safety, morals, and the general welfare of the Township and its citizens. It is not intended by this Chapter to interfere with or appropriate or annul any rules or regulations previously adopted or permits previously issued by the Township which are not in conflict with any provisions of this Chapter, nor is it intended. by this Chapter to interfere with or abrogate or annul easements, covenants, building restrictions, or other agreements between parties; provided, however, that where this Chapter imposes a greater restriction upon the use of the buildings or premises or upon the height of the building, or requires a larger open space than is imposed or required by such ordinance, rules, regulations or permits,

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or by easements, covenants, building restrictions or agreements, the provisions of this Chapter shall control.

*(Ord. 5/7/1975, 5/7/1975, §105)*

### **§27-104. Uses Not Provided For.**

Whenever, in any district established under this Chapter, a use is neither specifically permitted or denied and an application is made by a property owner to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Zoning Hearing Board which shall have the authority to permit the use or deny the use. The use may be permitted if it is similar to and compatible with permitted uses in the district and in no way is in conflict with the general purpose and intent of this Chapter.

*(Ord. 5/7/1975, 5/7/1975, §106)*

## **PART 2**

### **COMMUNITY DEVELOPMENT OBJECTIVES**

#### **§27-201. Statement of Planning Goals and Objectives.**

1. The fundamental goals of a community planning program are to protect and preserve the existing good and to promote and encourage a better future. Basic to these goals is an overriding concern to alleviate those problems emanating from chaotic and unregulated past development. Although input from individuals and special interest groups is essential to the success of any planning program, goals must be pursued in the interest of the general public, without special consideration or bias toward any individual or group.
2. Generally, the good in the Central Juniata Region stems from its rural character, isolated from the commercial and sprawling residential development of metropolitan communities. A guiding philosophy of present and future planning endeavors should not be to view growth or not growth as an end in itself, but to provide guidelines to control future development so that the character of the community can be maintained and urban congestion and strip commercial development can be avoided.
3. As guidelines for conducting a planning program that embodies rather high ideals yet realistically approaches the problems facing the region, the Walker Township Planning Commission proposes the following list of objectives:
  - A. To preserve and enhance an aesthetically-pleasing, high quality environment for all residents by guiding the location and design of future development and insuring that varying land uses will compliment one another.
  - B. To protect the natural environment from destruction by:
    - (1) Promoting the conservation of earth resources.
    - (2) Protecting watercourses from pollution and impeded flow.
    - (3) Seeking to minimize noise and air pollution.
    - (4) Discouraging excessive alteration of the landscape.
    - (5) Encouraging the preservation of the natural beauty.
  - C. To provide for a variety of housing types to meet the needs of all residents of the region - emphasizing newly-formed households, growing families, and senior citizens.
  - D. To promote the planned unit approach in all future development, encouraging design innovation and provisions for common open space.

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- E. To protect the quality and character of the neighborhood and village centers by establishing realistic densities.
- F. To expand and improve community services and facilities giving special consideration to utilities, recreation, health provisions, highway maintenance, police protection, cultural needs, and provisions for the elderly.
- G. To protect and encourage agricultural activities in those areas of the region where soils and prevailing land use characteristics permit.
- H. To anticipate and actively plan for growth.
- I. To stimulate the local economy by encouraging and promoting controlled commercial, industrial, residential and recreational growth which will create local employment, shopping, and recreational opportunities leading to a strong local tax base.
- J. To assume the responsibility of communicating proposed plans and policies through the mass media and encouraging individual and group participation in the decision making process at all public meetings of municipal boards, authorities and commissions.
- K. To ensure that the worth of the individual is foremost in the planning program.
- L. To strive for the coordination of policies, plans, and programs both within the municipalities and on a regional level through intergovernmental cooperation among School, Borough, Township, and County officials and special interest groups.
- M. To activate a continuing planning program that will serve to continually update and revise planning objectives and the operational tools necessary for implementation, in light of new data and experiences.

*(Ord. 5/7/1975, 5/7/1975, Art. II)*

**PART 3**

**GLOSSARY OF ZONING TERMS**

**§27-301. Application and Interpretation.**

1. It is not intended that this Glossary include only words used or referred to in this Chapter. The words are included in order to facilitate the interpretation of this Chapter for administrative purposes and in the carrying out of duties by appropriate officers and by the Zoning Hearing Board.
2. Unless otherwise expressly stated, the following shall, for the purpose of this Chapter, have the meaning herein indicated:
  - A. Words used in the present tense include the future tense.
  - B. The word “person” includes a profit or non-profit corporation, company, partnership, or individual.
  - C. The words “used” or “occupied” as applied to any land or building include the words “intended”, “arranged”, or “designed” to be used or occupied.
  - D. The word “building” includes structure.
  - E. The word “lot” includes plot or parcel.
  - F. The word “shall” is always mandatory.

*(Ord. 5/7/1975, 5/7/1975, §301)*

**§27-302. Definition of Terms.**

For the purposes of this Chapter, the following words, terms, and phrases have the meaning herein indicated:

**ACCESSORY BUILDING**—a subordinate building or a portion of the main building on a lot, the use of which is customarily incidental to that of the main or principal building.

**ACCESSORY USE**—a use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

**ALLEY**—a public thoroughfare which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

**ALTERATIONS**—as applied to a building or structure, means a change or rearrangement in the structural parts or an enlargement, whether by extending

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on a side or by increasing in height, or the moving from one location or position to another. An alteration does not include maintenance and repair.

**ALTERATIONS, STRUCTURAL**—any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

**AMENDMENT**—a change in use in any district which includes revisions to the zoning text and/or the official zoning map; and the authority for any amendment lies solely with the Municipal Governing Body.

**ANIMAL HOSPITAL**—a building used for the treatment, housing, or boarding of small domestic animals such as dogs, cats, rabbits, and birds or fowl by a veterinarian.

**AREA, BUILDING**—the total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces, and steps.

**AREA, LOT**—the total area within the lot lines.

**BASEMENT**—a story partly underground but having at least 1/2 of its height above the average level of the adjoining ground. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than 5 feet or if used for business or dwelling purposes, other than a game or recreation room.

**BILLBOARD**—a sign upon which advertising matter of any character is printed, posted, or lettered; and it may be either freestanding or attached to a surface of a building or other structure.

**BOARD**—any body granted jurisdiction under a land use ordinance or under this Chapter to render final adjudications. [1991-1]

**BOARDING HOUSE**—any dwelling in which more than three persons, either individually or as families, are housed or lodged for hire with or without meals. A rooming house or a furnished room house shall be deemed a boarding house.

**BUILDING**—any structure having a roof supported by walls, and intended for the shelter, housing or enclosure of persons, animals or chattel.

**BUILDING DETACHED**—a building surrounded by open spaces on the same lot.

**BUILDING, FRONT LINE OF**—the line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches, whether enclosed or unenclosed, but does not include steps.

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

**BUILDING LINE**—the line of a structure or building existing at the effective date of this Chapter or the legally established line which determines the location of a future building or structure or portion thereof with respect to any lot line or street right-of-way line.

**BUILDING, PRINCIPAL**—a building in which is conducted the principal use of the lot on which it is located.

**CARPORT**—an open space for the storage of one or more vehicles in the same manner as a private garage, which may be covered by a roof supported by columns or posts except that one or more walls may be the walls of the main building to which the carport is an accessory building or extension.

**CELLAR**—a story partly underground and having more than 1/2 of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the permissible number of stories.

**COMPREHENSIVE PLAN**—a Comprehensive Plan (overall program) consists of maps, charts, and textual matter, and indicates the recommendations of the planning commission for the continuing development of the municipality. The comprehensive plan includes, but is not limited to, the following related basic elements; a statement of objectives; a plan for land use; a plan for the movement of people and goods; a plan for community facilities and utilities; and a map or statement indicating the relationship of the municipality and its proposed development to the adjacent municipalities and areas.

**CONDITIONAL USE**—a use permitted in a particular zoning district by the Board of Supervisors pursuant to the provisions of this Chapter and Article VI of the Pennsylvania Municipalities Planning Code, 53 P.S. §10601 *et seq.* [1991-1]

**COURTS**—an unoccupied open space, other than a yard, on the lot with a building, which is bounded on two or more sides by the walls of such building.

**COURT, INNER**—a court enclosed on all sides by exterior walls of a building or by exterior walls and lot lines on which walls are allowable.

**COURT, OUTER**—a court enclosed on not more than three sides by exterior walls and lot lines on which walls are allowable, with one side or end open to a street, driveway, alley or yard.

**COVERAGE**—that portion or percentage of the plot or lot area covered by the building area.

**CURB LEVEL**—the officially established grade of the curb in front of the midpoint of the lot.

**DECISION**—final adjudication of any board or other body granted jurisdiction under any land use ordinance or this Chapter to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the court of common pleas of the county and judicial district wherein the Township lies. [1991-1]

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**DENSITY**—a measure of the number of dwelling units which occupy, or may occupy, an area of land.

**DENSITY, NET RESIDENTIAL**—the number of dwelling units in relation to the land area actually in use or proposed to be used for residential purposes, exclusive of public rights-of-way, streets, sidewalks, parks, playgrounds, common open spaces, etc.

**DENSITY, GROSS RESIDENTIAL**—the number of dwelling units in relation to an area of land actually in use or proposed to be used for residential purposes, excluding public rights-of-way whether exterior or interior, but including interior parking areas and access lanes, sidewalks, parks, playgrounds, common open spaces, etc.

**DETERMINATION**—final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the following:

- A. The Board of Supervisors;
- B. The Zoning Hearing Board; or
- C. The Planning Commission, only if and to the extent the Planning Commission is charged with final decision on preliminary or final plans under the subdivision and land development or planned residential development ordinances. Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal. [1991-1]

**DOG KENNEL**—the keeping of four or more dogs that are more than 6 months old.

**DUMP**—a lot of land or part thereof used primarily for the disposal by abandonment, dumping, burial, burning, or other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.

**DWELLING**—a building designed or used as the living quarters for one or more families. The terms “dwelling,” “one-family dwelling,” “multiple dwelling,” “two-family dwelling,” or “dwelling group” shall not be deemed to include automobile court, rooming house, tourist home or hotel.

### **DWELLING TYPES**—

- (1) Residential Conversion Unit—to be considered a conversion, any proposed alteration must be confined to the interior of an already existing structural shell. Any proposal to extend the sides or increase the height of an existing structure shall not be considered a conversion and shall be required to meet the appropriate provisions established in that district for that particular use.

- (2) Single-Family Detached—a dwelling unit accommodating a single family and having two side yards.
- (3) Single-Family Semi-Detached—two dwelling units accommodating two families which are attached side by side through the use of a party wall, and having one side yard adjacent to each dwelling unit.
- (4) Two-Family Detached—two dwelling units accommodating two families which are located one over the other, and having two side yards.
- (5) Two-Family Semi-Detached—four dwelling units accommodating four families, two units of which are located directly over the other two units. A combination of both the single-family semi-detached and the two family detached structures.
- (6) Townhouse (Row Dwelling)—three or more dwelling units accommodating three or more families which are attached side by side through the use of common party walls and which shall have side yards adjacent to each end unit. Each dwelling unit is generally two stories in height, but may conceivably be either one or three stories in height.
- (7) Garden Apartment—three or more dwelling units accommodating three or more families which are located one over the other and which, when more than three units are utilized, are attached side-by-side through the use of common party walls, and which shall have side yards adjacent to each first story end unit. Single-family dwellings units are generally built to a height of three stories, but may conceivably be built to a height of only two stories. Each dwelling unit is accessible by a common stairwell.
- (8) Apartment House—a structure consisting of a series of single-story dwelling units (two-story units may conceivably be used in certain instances) clustered on a floor about a central elevator shaft or central corridor, each series, consisting of one story, being stacked one upon the other to a specified maximum height.

**DWELLING UNIT**—a building or portion thereof providing complete house-keeping facilities for one family.

**DWELLING UNIT AREA**—the minimum or average square footage necessary to constitute a dwelling unit in a multiple-dwelling structure.

**ELECTRIC SUBSTATION**—an assemblage of equipment for purposes other than generation or utilization, through which electric energy in bulk is passed for the purpose of switching or modifying its characteristics to meet the needs of the general public.

**FACADE**—the front of a building; part of a building facing a street, courtyard, etc.

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**FAMILY**—one or more persons who live together in one dwelling unit and maintain a common household. May consist of a single person or of two or more persons, whether or not related by blood, marriage, or adoption. May also include domestic servants and gratuitous guests.

**FARM**—any parcel of land containing 10 or more acres, which is used for gain in the raising of agricultural products, livestock, poultry, and dairy products. It includes necessary farm structures within the prescribed limits and the storage of equipment used. It excludes the raising of fur-bearing animals, riding academies, livery or boarding stables and dog kennels.

**FARM POND**—an artificial body of water used for irrigation, fire protection or other farm use as approved by the U.S. Department of Agriculture, Soil Conservation Service.

**FLOOD PLAIN**—a flood plain is defined and established to be the low area adjoining and including any water or drainage course or body of water subject to periodic flooding or overflow. For the purposes of this Chapter, such flood plain shall be as delineated by the Federal- Insurance Administration Flood Hazard Boundary Map.

**FLOOR AREA, OF A BUILDING**—the sum of gross horizontal areas of the several floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas not devoted to residential use, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

**FLOOR AREA, HABITABLE**—the aggregate of the horizontal areas of all rooms used for habitation, such as living room, dining room, kitchen, bedroom, but not including hallways, stairways, cellars, attics, service rooms or utility rooms, bathroom, closets, nor unheated areas such as enclosed porches, nor rooms without at least one window or skylight opening onto an outside yard or court. At least 1/2 of the floor area of every habitable room shall have a ceiling height of not less than 7 feet and the floor area of that part of any room where the ceiling height is less than 5 feet shall not be considered as part of the habitable floor area. The minimum total window area, measured between stops shall be 10% of the habitable floor area of such room.

**FLOOR AREA RETAIL, NET**—all that space relegated to use by the customer and the retail employee to consummate retail sales; and to include display area used to indicate the variety of goods available for the customers but not to include office space, storage space, and other general administrative areas.

**GARAGE, PRIVATE**—an enclosed or covered space for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted for profit therein nor space therein for more than one car is leased to a non-resident of the premises.

**GARAGE, PUBLIC**—any garage not a private garage and which is used for storage, repair, rental, servicing or supplying of gasoline or oil to motor vehicles.

**GARDENING**—see “Home Gardening” for definition.

**GRADE, ESTABLISHING**—the elevation of the center line of the streets as officially established by the municipal authorities.

**GRADE, FINISHED**—the completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

**HOME GARDENING**—the cultivation of herbs, fruits, flowers or vegetables on a piece of ground adjoining the dwelling, excluding the keeping of livestock, and permitting the sale of produce raised thereon.

**HOME OCCUPATION**—any use customarily conducted entirely within a dwelling or in a building accessory thereto and carried on by the inhabitants residing therein, providing that the use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, the exterior appearance of the structure or premises is constructed and maintained as a residential dwelling, and no goods are publicly displayed on the premises other than signs as provided herein.

- (1) Non-Professional—an occupation for gain or support conducted only by immediate members of a family residing on the premises and conducted entirely within the dwelling or accessory building; provided no article is sold or offered for sale except such as may be produced on the premises by members of the family, and further provided that such occupation shall in no case occupy more than 25% of the floor area of the dwelling.
- (2) Professional—an occupation for gain or support conducted by a member of a recognized profession, entirely within the dwelling or accessory building, provided that not more than three persons not in residence in the dwelling are employed and, further provided that such occupation shall in no case occupy more than 25% of the floor area of the dwelling.

**HOSPITAL**—unless otherwise specified, the term “hospital” shall be deemed to include sanitarium, sanatorium, preventorium, clinic, rest home, nursing home, convalescent home, and any other place for the diagnosis, treatment or other care of ailments, and shall be deemed to be limited to places for the diagnosis, treatment or other care of human ailments.

**HOTEL**—a building containing rooms intended or designed to be used or which are used, rented, or hired out to be occupied or which are occupied for sleeping purposes by guests and where only a general kitchen and dining room are provided within the building or in any accessory building.

**JUNK YARD**—an area of land, with or without buildings, used for the storage, outside a completely enclosed building, or used and discarded materials, including, but not limited to, waste paper, rags, metal, building materials, house furnishings, machinery, vehicles, or parts thereof, with or without the dismantling, processing, salvage, sale or other use or disposition of the same. The deposit

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or storage on a low or two or more unlicensed, wrecked or disabled vehicles, or the major part thereof, shall be deemed to make a “junk yard.”

**LAND DEVELOPMENT**—any of the following activities:

- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
  - (1) 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,
  - (2) 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;
- B. A subdivision of land.
- C. “Land development” does not include development which involves:
  - (1) The conversion of an existing single family detached dwelling or single family semi-detached dwelling into not more than, three residential units, unless such units are intended to be a condominium;
  - (2) The addition of an accessory building, including farm building, on a lot or lots subordinate to an existing principal building; or
  - (3) The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For the purposes of this subsection, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by the proper authorities. [1991-1]

**LANDSCAPE AREA**—the minimum square footage of lot area that is available for the use of the residents of a dwelling unit complex in which it is located or a part of the required area of a commercial or industrial development. This area must be both unsurfaced and water absorbent, and no more than 1/3 of this total space footage requirement may be made up of the area located within the setback requirements for the front, side, or rear yards of the complex.

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

**LAUNDERETTE**—a business premise equipped with individual clothes washing

machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use in an apartment house or an apartment hotel.

**LIGHTING—**

- (1) Diffused—that form of lighting wherein the light passes from the source through a translucent cover or shade.
- (2) Direct or Flood—that form of lighting wherein the source is visible and the light is distributed directly from it to the object to be illuminated.
- (3) Indirect—that form of lighting wherein the light source is entirely hidden, the light being projected to a suitable reflector from which it is reflected to the object to be illuminated.

**LINE, STREET**—the dividing line between the street and the lot.

**LODGING HOUSE**—a building in which three or more, but not more than fifteen rooms, are rented and in which no table board is furnished.

**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. [1991-1]

**LOT, CORNER**—a parcel of land at the junction of and abutting on two or more intersecting streets.

**LOT, INTERIOR**—a lot other than a corner lot.

**LOT LINES**—the lines bounding a lot as defined herein.

**MOBILEHOME**—a transportable, single family dwelling intended for permanent occupancy, contained in one unit or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. [1991-1]

**MOBILEHOME LOT**—a parcel of land in a mobilehome park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobilehome. [1991-1]

**MOBILEHOME PARK**—a parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobilehome lots for the placement thereon of mobilehomes. [1991-1]

**MUNICIPALITY**—the Township of Walker, Juniata County, Pennsylvania.

**MUNICIPAL AUTHORITY**—a body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the “Municipalities Authority Act of 1945.” [1991-1]

## ZONING

**NONCONFORMING LOT**—a lot the area or dimension of which was lawful prior to the adoption or amendment of this Chapter, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment. [1991-1]

**NONCONFORMING USE**—a use, whether of land or of structure, which does not comply with the applicable use provisions in this Chapter or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Chapter or amendment, or prior to the application of this Chapter or amendment to its location by reason of annexation. [1991-1]

**NONCONFORMING STRUCTURE**—a structure or part of a structure manifestly not designed to comply with the use or extent of use provisions of, this Chapter or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this Chapter or amendment or prior to the application of this Chapter or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs. [1991-1]

**NURSING or CONVALESCENT HOME**—any dwelling with less than fifteen sleeping rooms where persons are housed or lodged and furnished with meals and nursing care for hire.

**OFF-STREET SEWER SERVICE**—a sanitary sewage collection system in which sewage is carried from individual lots or dwelling units by a system of pipes to a central treatment and disposal plant which may be publicly or privately owned and operated.

**ON-SITE SEWER SERVICE**—a single system of piping, tanks or other facilities serving only a single lot and disposing of sewage in whole or in part into the soil.

**OPEN PIT MINING**—open pit mining shall include all activity which removes from the surface or beneath the surface, of the land some material mineral resource, natural resource, or other element of economic value, by means of mechanical excavation necessary to separate the desired material from an undesirable one; or to remove the strata or material which overlies or is above the desired material in its natural condition and position. Open pit mining includes, but is not limited to, the excavation necessary to the extraction of: Sand, gravel, topsoil, limestone, sandstone, coal, clay, shale, and iron ore.

**OPEN SPACE**—an unoccupied space open to the sky on the same lot with the building.

**OPEN SPACE OPTION**—a conditional use in a residential use district that may be granted to a landowner or developer which would enable said landowner or developer to subdivide a parcel of land into lots for building purposes which do not conform to the minimum requirements of the district, provided open space is included in the plan designed for passive or active recreational purposes for dedication to the Township.

**PLAT**—a map, plan or layout of a subdivision indicating the location and boundaries of individual properties.

**PORCH**—a covered area in excess of 4 feet by 5 feet or 20 square feet in area at a front, side, or rear door.

**PREMISES**—any lot, parcel or tract of land and any building constructed thereon.

**PROFESSION**—includes any occupation or vocation in which a professed knowledge of some department of science or learning is used by its practical application to the affairs of others, either advising, guiding, or teaching them and in serving their interest or welfare in the practice of an art founded on it. The work implies attainments in professional knowledge as distinguished from mere skill and the application of such knowledge to uses for others as a vocation. It requires knowledge of an advanced type in a given field of science or instruction and study.

**PROPERTY LINE**—a recorded boundary of a lot. However, any property line which abuts a “street” or other public or quasi-public way shall be measured from the full right-of-way.

**PUBLIC GROUNDS**—includes:

- A. Parks, playgrounds, trails, paths and other recreational areas and other public areas;
- B. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and
- C. Publicly owned or operated scenic and historic sites. [1991-1]

**PUBLIC HEARING**—a formal meeting held pursuant to public notice by the Board of Supervisors or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Chapter. [1991-1]

**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,” 53 P.S. §§271 *et seq.* [1991-1]

**PUBLIC NOTICE**—notice published once each week for 2 successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than 7 days from the date of the hearing. [1991-1]

**PUBLIC USES, APPROPRIATE**—includes public and semi-public uses of a welfare and educational nature, such as hospitals, nursing homes, schools, parks, churches, cemeteries, civic centers, historical restorations, fire stations, municipal buildings; essential public utilities that require enclosure within a building;

## ZONING

airports; fraternal clubs and homes; non-profit recreational facilities; and easements for alleys, streets, and public utility rights-of-way.

**REPORT**—any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction. [1991-1]

**RESIDENTIAL CONVERSION UNIT**—see Dwelling Types.

**RESTAURANT**—a building designed for the preparation and serving of food to the general public within the same structure; wrapping, covering or packaging food for take-out and consumption of food off premises is incidental to providing table service to customers for the purpose of facilitating consumption of food on the premises, as distinguished from Drive-In Restaurants.

**RESTAURANT, DRIVE-IN**—a building designed for the preparation of food to be consumed by and served to the general public within the structure or outside of the structure. Differentiated from a restaurant in that no table service is offered, and wrapping, covering and/or packaging food is specialized to facilitate off-premises consumption of food.

**RIDING ACADEMY**—any establishment where horses are kept for riding, driving, or stabling for compensation or incidental to the operation of any club, association, ranch or similar establishment.

**ROAD CLASSIFICATION**—setback distances in this Chapter vary in accordance with the type of roadway abutting the properties. For the purpose of this Chapter, the following definitions are employed (all roadways within the Township have been designated in accordance with these definitions):

- (1) Major Arterial—a limited access highway on which access is provided only from another street and not from abutting properties. Right-of-way in excess of 60 feet wide.
- (2) Minor Arterial—a road, whose function is to provide for the movement of high volumes of through traffic and direct access to abutting properties; subject to necessary control of entrances, exits, and curb use. Right-of-way between 50 and 60 feet wide. This classification would include Pennsylvania and U.S. routes with direct access to abutting properties.
- (3) Major Collector—a road, or street, which provides for the movement of large volumes of traffic between arterials and local roads and direct

access to abutting property. Right-of-way between 50 and 60 feet wide. Legislative Routes are classified Major Collector..

- (4) Local—a road whose function is to provide for local traffic movement and direct access to abutting properties. Right-of-way 50 feet or less in width. Township Roads are classified local.

**SANITARIUM, SANATORIUM**—an institution for the care of invalids or convalescents consisting of 16 or more sleeping rooms.

**SANITARY LANDFILL**—a lot or land or part thereof used primarily for the disposal of garbage, refuse, and other discarded materials including, but not limited to, solid and liquid waste materials resulting from industrial, commercial, agricultural, and residential activities. The operation of a sanitary landfill normally consists of (i) depositing the discarded material in a planned controlled manner, (ii) compacting the discarded material in thin layers to reduce its volume, (iii) covering the discarded material with a layer of earth, and (iv) compacting the earth cover.

**SCREEN PLANTING**—a vegetative material of sufficient height and density to conceal from the view of property owners in adjoining residential districts the structures and uses on the premises on which the screen planting is located.

**SEASONAL RESIDENCE**—a dwelling, cabin, lodge or summer house which is intended for occupancy less than 182 days of the year.

**SERVICES, ESSENTIAL**—uses, not enclosed within a building, necessary for the preservation of the public health and safety including, but not limited to, the erection, construction, alteration or maintenance of, by public utilities or governmental agencies, underground or overhead transmission systems, poles, wires, pipes, cables, fire alarms boxes, hydrants, or other similar equipment.

**SERVICE STATION**—any area of land, including structures thereon, that is used or designed to be used for the supply of gasoline or oil or other fuel for the propulsion of motor vehicles and which may include facilities used or designated to be used for polishing, greasing, washing, spraying, dry cleaning or otherwise cleaning or servicing such motor vehicles.

**SETBACK LINE**—the line within a property defining the required minimum distance between any building to be erected and the adjacent right-of-way. Such line shall be measured at right angles from the front street right-of-way line which abuts the property upon which said building is located and shall be parallel to said right-of-way line.

**SIGN**—any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of any government or government agency, or of any civic, charitable, religious, partriotic, or similar organization.

**SPECIAL EXCEPTION**—a use permitted in a particular zoning district pursuant to the provisions of this Chapter and Articles VI and IX of the

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Pennsylvania Municipalities Planning Code, 53 P.S. §§10601 *et seq.*, 10901 *et seq.*[1991-1]

**STABLE, PRIVATE**—an accessory building in which horses are kept for private use and not for hire, remuneration or sale.

**STABLE, PUBLIC**—a building in which any horses are kept for remuneration, hire or sale.

**STOOP**—a covered or uncovered area at a front, side or rear door not exceeding 4 feet by 5 feet or 20 square feet in area.

**STORY**—that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.

**STORY, HALF**—a story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than 2 feet above the floor of such story.

**STREET**—includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct or any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private. [1991-1]

**STREET-CENTER LINE**—the center of the surveyed street right-of-way, or where not surveyed, the center of the traveled cartway.

**STREET GRADE**—the officially established grade of the street upon which a lot fronts or in its absence the established grade of other streets upon which the lot abuts, at the midpoint of the frontage of the lot thereon. If there is no officially established grade, the existing grade of the street at such midpoint shall be taken as the street grade.

**STREET RIGHT-OF-WAY LINE**—the line dividing a lot from the full street right-of-way, not just the cartway. The word “street” shall include, but not be limited to, the words “road,” “highway,” “alley,” and “thoroughfare.”

**STRUCTURE**—any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. [1991-1]

**SUBDIVISION**—the division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted. [1991-1]

**SWIMMING POOL—**

- (1) Private—any reasonably permanent pool or open tank, not located within a completely enclosed building, and containing or normally capable of containing, water to a depth at any point greater than 1 1/2 feet. Farm ponds and/or lakes are not included, provided that swimming was not the primary purpose for their construction.
- (2) Public—a public bathing place shall mean any open or enclosed place, open to the public for amateur and professional swimming or recreative bathing, whether or not a fee is charged for admission or for the use thereof.

**TELEPHONE CENTRAL OFFICE**—a building and its equipment erected and used for the purpose of facilitating transmission and exchange of telephone or radio telephone messages between subscribers and other business of the telephone company; but in a residential district not to include public business facilities, storage of materials, trucks or repair facilities, or housing or repair crews.

**THEATER**—a building or part of a building devoted to the showing of moving pictures or theatrical productions on a paid admission basis.

**THEATER, OUTDOOR DRIVE-IN**—an open lot or part thereof, with its appurtenant facilities, devoted primarily to the showing of moving pictures or theatrical productions, on a paid admission basis, to patrons seated in automobiles, or on outdoor seats.

**TOURIST CABINS**—a group of buildings, including either separate cabins or a row of cabins, which:

- (1) Contain living and sleeping accommodations for transient occupancy; and
- (2) Have individual entrances.

**TRAVEL TRAILER**—a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational, and vacation uses, permanently identified “travel trailer” by the manufacturer on the trailer. Unoccupied travel trailers do not constitute mobile homes, as used in this Chapter.

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

**VARIANCE**—relief granted pursuant to the provisions of this Chapter and Articles VI and IX of the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.* [1991-1]

## ZONING

**WINDOW**—an opening to the outside other than a door which provides all or part of the required natural light, natural ventilation or both to an interior space. The glazed portion of a door in an exterior wall may be construed to be a window in regard to provision of natural light.

**YARD**—an unoccupied space open to the sky, on the same lot with a building or structure.

**YARD, FRONT**—an open unoccupied space on the same lot with a main building, extending the full width of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the street right-of-way line. Covered porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required front yard.

**YARD, REAR**—an open unoccupied space on the same lot with a main building, extending the full-width of the lot and situated between the side lines of the lot and the rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot and the rear line of the building. A building shall not extend into the required rear yard.

**YARD, SIDE**—an open unoccupied space on the same lot with the building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line. A building shall not extend into the required side yards.

**ZONING**—the designation of specified districts within a community or township, reserving them for certain uses together with limitations on lot size, heights or structures, and other stipulated requirements.

**ZONING MAP**—the Zoning Map of Walker Township, Juniata County, Pennsylvania.

**ZONING ORDINANCE**—the “Walker Township Zoning Ordinance.”

(*Ord. 5/7/1975, 5/7/1975, §302; as amended by Ord. 1991-1, 1/7/1991*)

**PART 4**  
**DESIGNATION OF DISTRICTS**

**§27-401. General Districts.**

For the purpose of this Chapter, the Township of Walker is hereby divided into six types of Districts which shall be designated as follows:

- RA - Rural Agricultural District
- F - Forest District
- R-1 - Residential Low-density District
- I-C - Industrial-Commercial District
- FP - Floodplain District [*Ord. 2001-3*]
- SF - Single Family Residential District

(*Ord. 5/7/1975, 5/7/1975, §401; as amended by Ord. 2001-3, 12/3/2001, §1*)

**§27-402. Zoning Map.**

The Boundaries of said Districts shall be shown upon the two maps made a part of this Chapter which shall be designated "Zoning Map-Part 1" and Zoning Map-Part 2." The latter map, showing the limits of the Floodplain District. The two maps, and all notations, reference into this Chapter as if they were fully described herein.

(*Ord. 5/7/1975, 5/7/1975, §402*)

**§27-403. District Boundaries.**

Where uncertainty exists as to boundaries of any District as shown on said map, the following rules shall apply:

1. District boundary lines are intended to follow or parallel the center line of streets, streams, and railroads; and lot or property lines as they exist on a recorded deed or plan or record in the County Recorder of Deed's office at the time of the adoption of this Chapter, unless such District boundary lines are fixed by dimensions as shown on the Zoning Map.
2. Where a District boundary is not fixed by dimensions and where it approximately follows lot lines, and where it does not scale more than 10 feet therefrom, such lot lines shall be construed to be such boundaries unless specifically shown otherwise.

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3. Where a District boundary divides a lot held in a single and separate ownership prior to the effective date of this Chapter placing 75% or more of the lot area in a particular district, the location of such District boundary may be construed to include the remaining 25% or less of the lot so divided.

*(Ord. 5/7/1975, 5/7/1975, §403)*

### **§27-404. Interpretation of Boundaries.**

In case of any uncertainty, the Zoning Hearing Board shall interpret the intent of the map as to location of District boundaries.

*(Ord. 5/7/1975, 5/7/1975, §404)*

**PART 5**

**RA - RURAL AGRICULTURAL DISTRICT**

**§27-501. Purpose.**

The purpose fo the R-A Rural Agricultural District is to (i) identify those areas where agricultural activities should be encouraged or preserved; (ii) provide for the preservation of natural, unpolluted drainageways, protection from flooding and highwater tables, preservation of open space, and conservation of the natural environment and natural resources while providing for such uses and development as are compatible with these objectives.

(*Ord. 5/7/1975, 5/7/1975, §501*)

**§27-502. Permitted Uses.**

1. Agricultural uses related to the tilling of the land, the raising of farm products, the raising and keeping of horses, cattle, and other livestock, and the raising of poultry and poultry products.
2. Horticultural uses related to the raising, propagating, and selling of trees, shrubs, flowers, and other vegetative material.
3. Structures:
  - A. Barns, silos, corncribs, poultry houses, mushroom houses, and other similar structures necessary to the proper operation of agricultural activities.
  - B. Stables, dog kennels, and greenhouses.
  - C. Grange halls or similar buildings of purely agricultural organizations.
  - D. Single-family detached dwellings, and seasonal residences.
  - E. Accessory buildings and uses customarily incidental to the above uses.
4. Activities related to the preservation of natural amenities.
5. Home occupations.
6. Essential services.
7. Sawmills, pallet shops, assembly of wood products and wood working and wood processing operations, any of which have less than five individuals working on site. [*Ord. 1996-1*]

(*Ord. 5/7/1975, 5/7/1975, §502; as amended by Ord. 1996-1, 3/28/1996*)

## ZONING

### **§27-503. Special Exception Uses.**

1. Appropriate public uses.
2. Roadside stands.
3. Privately owned parks and recreation areas including swimming pools, resort facilities, golf courses and country clubs.
4. Natural resources uses such as: excavating, quarrying, mining, and the processing of top soil, sand, gravel, clay, shale, limestone or other natural formation.
5. Junk yards. (see §27-1012)
6. Abattoirs (meat packing plants) and forest industries (pallet mills, etc.)

(Ord. 5/7/1975, 5/7/1975, §503)

### **§27-504. Area Regulations.**

#### **1. Height Regulations.**

- A. The height of a building shall not be greater than 35 feet.
- B. The height of a dwelling shall not be less than one story.
- C. Buildings devoted to agricultural use shall be exempt from height regulations.

#### **2. Area and Widths.**

- A. The lot area per dwelling unit shall not be less than 40,000 square feet.

#### **3. Yard Regulations.**

- A. Each lot shall have front, side, and rear yards of not less than the depth and width indicated below:
  - (1) Minimum lot width 150 feet
  - (2) Minimum side yard 30 feet
  - (3) Minimum front yard 30 feet
  - (4) Minimum rear yard 50 feet
- B. Accessory buildings shall be a minimum of 12 feet from side or rear lot lines.
- C. On each corner lot there shall be two front yards, each abutting a street.

- D. Buildings housing livestock (including dog kennels) poultry, or mushroom culture, shall be no closer than 100 feet to any public right-of-way nor 200 feet to a residential district.

*(Ord. 5/7/1975, 5/7/1975, §504)*

**§27-505. Off-Street Parking.**

See Part 12.

*(Ord. 5/7/1975, 5/7/1975, §505)*

**§27-506. Sign Regulation.**

See Part 11.

*(Ord. 5/7/1975, 5/7/1975, §506)*



**PART 6**

**F- FOREST DISTRICT**

**§27-601. Purpose.**

The purpose of the F-Forest District is to encourage the preservation and conversation of the natural resources by providing reasonable standards for the development and use of land.

*(Ord. 5/7/1975, 5/7/1975, §507)*

**§27-602. Permitted Uses.**

1. Agriculture, farms, nurseries, orchards, riding academies, livery and boarding stables, dog kennels, animal hospitals and the raising of fur bearing animals.
2. Preservation of natural amenities.
3. Public and private parks and recreation areas.
4. Public buildings or uses, municipal buildings or uses, essential services.
5. Churches, or similar places or worship.
6. Radio-television transmission or receiving tower and facilities.
7. Residential uses including single family dwellings and seasonal residence.
8. Home occupation.
9. Accessory buildings and uses customarily incidental to the above uses.

*(Ord. 5/7/1975, 5/7/1975, §508)*

**§27-603. Special Exception Uses.**

1. Natural resources uses such as: excavation, quarrying, and mining, the production of forest products and forest industries.
2. Recreational travel trailer camp.
3. Resort hotels, motels, and areas.

*(Ord. 5/7/1975, 5/7/1975, §509)*

## ZONING

### **§27-604. Area Regulations.**

#### **1. Height Regulations.**

- A. The height of a building shall not be greater than 35 feet.
- B. The height of a dwelling shall not be less than one story.

#### **2. Area and Width.**

- A. The lot area per dwelling unit shall not be less than 80,000 square feet.
- B. The lot width at the building line shall not be less than 200 feet.

#### **3. Yard Regulations.**

- A. Each lot shall have front, side, and rear yards not less than the depth and width indicated below.

- (1) Minimum lot width      200 feet
- (2) Minimum side yard      30 feet
- (3) Minimum front yard      30 feet
- (4) Minimum rear yard      50 feet

- B. On each corner lot there shall be two front yards, each abutting a street.

#### **4. Impervious Coverage.**

- A. No lot shall be covered by more than 12% with impervious surfaces.

*(Ord. 5/7/1975, 5/7/1975, §510)*

### **§27-605. Off-Street Parking.**

See Part 12.

*(Ord. 5/7/1975, 5/7/1975, §511)*

### **§27-606. Signs.**

See Part 11.

*(Ord. 5/7/1975, 5/7/1975, §512)*

**PART 7**

**R-1 RESIDENTIAL LOW-DENSITY DISTRICT**

**§27-701. Purpose.**

The purpose of the R-1 Residential Low-Density District is to provide for the orderly expansion of low-density residential development in those areas where public services are not readily available; and are not expected to be available in the foreseeable future; and to exclude uses not compatible with such low-density residential development.

Further, it is the purpose of the Residential Low-Density District to provide for "floating zones" for the establishment of planned residential development, which will be compatible with the other permitted uses within the District. Proposals for the establishment of this use shall comply with the procedures set forth in Article VII of Act of July 31, 1968, P.L. 805, as amended, known as the Pennsylvania Municipalities Planning Code.

*(Ord. 5/7/1975, 5/7/1975, §513)*

**§27-702. Permitted Uses.**

1. Single-family detached dwellings.
2. Private swimming pools.
3. Agricultural and horticultural uses.
4. Accessory buildings and uses customarily incidental to the above uses, essential services.

*(Ord. 5/7/1975, 5/7/1975, §514)*

**§27-703. Special Exception Uses.**

1. Appropriate public uses.
2. Roadside stands.
3. Home occupations providing no change in the facade shall indicate from the exterior that the building is being utilized for any purpose other than a dwelling.
4. Vehicle service stations.
5. Public swimming pools.

## ZONING

6. Stores and personal service shops, offices, studios, medical and dental clinics, greenhouses, mortuaries and undertaking establishments, and other business compatible with the residential character of the community.

7. Accessory buildings and uses customarily incidental to the above uses.

(Ord. 5/7/1975, 5/7/1975, §515)

### **§27-704. Conditional Uses.**

1. Mobile home parks.

2. Cluster option; Multi-family development (see Appendix).

(Ord. 5/7/1975, 5/7/1975, §516; as amended by Ord. 1991-1, 1/7/1991)

### **§27-705. Area Regulations.**

A. The height of a building shall not be greater than 35 feet.

B. The height of a dwelling shall not be less than one story.

C. Buildings devoted to agricultural use shall be exempt from height regulations.

#### **2. Area and Widths.**

A. The lot area per dwelling unit shall not be less than 15,000 square feet per lot or 2.90 dwelling units per acre maximum net density with the provision of a centralized water service.

B. Without off-site water services, lots shall be required to be 20,000 square feet.

C. The lot width shall be a minimum of 125 feet at the setback line; and a minimum of 125 feet at the right-of-way line.

D. Lots containing two single-family semi-detached dwellings or two-family detached dwellings shall be no less than 160 feet wide at the setback line and 160 feet wide at the right-of-way line.

#### **3. Yard Regulations.**

A. Each lot shall have front, side and rear yards of not less than the depth and width indicated.

(1) Minimum lot width      125 feet

(2) Minimum side yard      15 feet

(3) Minimum front, yard 30 feet

(4) Minimum rear yard 30 feet

B. Accessory buildings shall be a minimum of 8 feet from side yard line and 12 feet from the rear lot line.

C. On each corner lot, there shall be two front yards, each abutting a street.

*(Ord. 5/7/1975, 5/7/1975, §517)*

**§27-706. Off-Street Parking.**

See Part 12.

*(Ord. 5/7/1975, 5/7/1975, §518)*

**§27-707. Sign Regulations.**

See Part 11.

*(Ord. 5/7/1975, 5/7/1975, §519)*

**§27-708. Cluster Option.**

As an exception to the required minimum lot size, lots may be reduced by 25% if the following conditions are met:

1. The location of the proposed development is approved by the Township Planning Commission and Board of Supervisors.
2. The total number of dwelling units does not exceed the number that would be permitted under the density regulations of the applicable district.
3. The total area of the site must be reduced by 15% to allow for road rights-of-way. Twenty (20%) percent or 6 acres of the remainder, whichever is greater, must be dedicated to common open space to be maintained in a manner approved by the Board of Supervisors.
4. Setback requirements remain unchanged.
5. All other applicable regulations pertaining to subdivision and land development must be complied with.

*(Ord. 5/7/1975, 5/7/1975, §520)*



**PART 7A**

**SF - SINGLE FAMILY RESIDENTIAL DISTRICT**

**§27-701A. Purpose.**

The purpose of the Single Family Residential (SF) District is to provide for the orderly expansion of low-density residential development in those areas where public sewer is available and/or is expected to be available in the foreseeable future; and to exclude uses not compatible with such low-density residential development.

*(Ord. 5/7/1975, 5/7/1975; as added by Ord. 2001-3, 12/3/2001, §1)*

**§27-702A. Permitted Uses.**

1. Single family residences, excluding individual mobile homes.
2. Accessory uses and buildings.
3. Private swimming pools.

*(Ord. 5/7/1975, 5/7/1975; as added by Ord. 2001-3, 12/3/2001, §1)*

**§27-703A. Special Exception Uses.**

1. Home occupations.
2. Appropriate public uses and essential services.

*(Ord. 5/7/1975, 5/7/1975; as added by Ord. 2001-3, 12/3/2001, §1)*

**§27-704A. Conditional Uses.**

1. Cluster option; multi-family development (see Appendix) to the extent that the same do not violate the area and width regulations set forth below.

*(Ord. 5/7/1975, 5/7/1975; as added by Ord. 2001-3, 12/3/2001, §1)*

**§27-705A. Area Regulations.**

1. The height of a building shall not be greater than 35 feet.
2. The height of a dwelling shall not be less than one story.

*(Ord. 5/7/1975, 5/7/1975; as added by Ord. 2001-3, 12/3/2001, §1)*

## ZONING

### **§27-706A. Area and Width.**

1. With public sewer, lots shall be required to be 30,000 square feet.
2. Without public sewer, lots shall be required to be 40,000 square feet.
3. The lot width shall be a minimum of 150 feet at the setback line; and a minimum of 150 feet at the right-of-way line.

(*Ord. 5/7/1975, 5/7/1975; as added by Ord. 2001-3, 12/3/2001, §1*)

### **§27-707A. Yard Regulations.**

1. Each lot shall have front, side and rear yards of not less than the depth and width indicated.
  - A. Minimum lot width 150 feet
  - B. Minimum side yard 30 feet
  - C. Minimum front yard 30 feet
  - D. Minimum rear yard 30 feet
2. Accessory buildings shall be a minimum of 12 feet from side yard line and 12 feet from the rear lot line.
3. On each corner lot, there shall be two front yards, each abutting a street.

(*Ord. 5/7/1975, 5/7/1975; as added by Ord. 2001-3, 12/3/2001, §1*)

### **§27-708A. Off-Street Parking.**

See Part 12.

(*Ord. 5/7/1975, 5/7/1975; as added by Ord. 2001-3, 12/3/2001, §1*)

### **§27-709A. Sign Regulations.**

See Part 11.

(*Ord. 5/7/1975, 5/7/1975; as added by Ord. 2001-3, 12/3/2001, §1*)

### **§27-710A. Cluster Option.**

As an exception to the required minimum lot size, lots may be reduced by 25% if the following conditions are met:

- A. The location of the proposed development is approved by the Township Planning Commission and Board of Supervisors.
- B. The total number of dwelling units does not exceed the number that would be permitted under the density regulations of the applicable district.
- C. The total area of the site must be reduced by 15% to allow for road rights-of-way. Twenty percent or 6 acres of the remainder, whichever is greater, must be dedicated to common open space to be maintained in a manner approved by the Board of Supervisors.
- D. Setback requirements remain unchanged.
- E. All other applicable regulations pertaining to subdivision and land development must be complied with.

*(Ord. 5/7/1975, 5/7/1975; as added by Ord. 2001-3, 12/3/2001, §1)*



**PART 8**

**I-C INDUSTRIAL-COMMERCIAL DISTRICT**

**§27-801. Purpose.**

The purpose of the I-C Industrial-Commercial District is to provide for the orderly development of those uses necessary to meet the community and regional needs for general goods and services, and, to provide for anticipated future needs for limited industrial activity. It is further intended that industrial operations will be compatible with surrounding residential or farm areas.

*(Ord. 5/7/1975, 5/7/1975, §521)*

**§27-802. Permitted Uses.**

1. General merchandise and retail stores and shops, including variety stores, sporting goods and drug stores.
2. Food and beverage stores, including supermarkets.
3. Apparel and accessories stores.
4. Specialty shops for custom work and articles to be sold at retail on the premises such as baking, confectionary, dressmaking, tailoring, and printing.
5. Personal service shops such as barber, beauty, shoe repair, and laundromats.
6. Offices for the conduct of medical and other professions, real, estate and insurance offices, and banks, including branch banks.
7. Mortuaries and undertaking establishments.
8. Retail establishments primarily depending upon providing drive-in or in-car services.
9. Eating establishments, including restaurants, lunch counters, and delicatessens.
10. Indoor theaters and commercial recreation uses such as bowling alleys, indoor pools and skating rinks.
11. Fraternal clubs, lodges, and social and recreational clubs.
12. Hotels, motels, boarding and lodging houses, and residential conversion units.
13. Vehicle service stations, repair garages, sales, washing and storage areas.
14. Farm equipment sales, service, and repair, and storage areas.

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15. Single-family dwellings.
16. Accessory buildings and uses customarily incidental to the above.
17. Sawmills, pallet shops, assembly of wood products and wood working and wood processing operations. [*Ord. 1996-2*]

(*Ord. 5/7/1975, 5/7/1975, §522; as amended by Ord. 1996-2, 6/20/1996*)

### **§27-803. Special Exception Uses.**

1. Research, engineering or testing laboratories; administrative activities and offices; assembly from components, including the assembly of radios, televisions, and similar electronic products; fabrication of models or test equipment used in research; pharmaceutical research and production; plastics assembly; optical instrument systems development; radio or television transmitter operations, including such as an accessory use if it is of any type requiring licensing by the Federal Communications Commission; textiles and clothing manufacture; completely enclosed (interior) storage of raw materials, products or waste materials of the above uses; warehouses, distribution centers, and truck and bus terminals; and accessory buildings and uses customarily incidental to the above uses such as a restaurant, cafeteria or recreational facility.
2. Appropriate public use.
3. Apartments, multi-family development.
4. Sanitary landfill.

(*Ord. 5/7/1975, 5/7/1975, §523*)

### **§27-804. Development Plan.**

1. A plan for the integrated development for all uses of the total area to be included in the Development which shall be drawn to scale and shall include among other things:
  - A. The location, boundaries, dimensions and ownership of the land.
  - B. In the case of Commercial or Industrial Development, a general description of the activities to take place as may be appropriate such as maximum employment, working hours, customer traffic, delivery services, development schedule staging plan.
  - C. The location, use, and ground area of such proposed buildings or other structures.

- D. The location, dimensions, arrangement and proposed use of all open spaces, yards, streets, accessways, entrances, exits, off-street parking facilities, loading and unloading facilities, pedestrian ways and buffer yards.
- E. The capacity arrangement and controls for all areas to be used for automobile access, parking, loading and unloading in sufficient detail to demonstrate that satisfactory arrangements will be made to facilitate traffic movement from the street or highway width or storage areas within the development for vehicles to prevent traffic congestion on the street or highway.
- F. The character of the buffer area and screening devices to be maintained including the dimensions and arrangements of all areas devoted to planting, lawns, trees, or similar purposes.
- G. A description of the proposed methods of control of development in sufficient detail to indicate the noise, glare, air pollution, water pollution, fire hazards, traffic congestion, and other safety hazards to be produced.
- H. Any engineering plans and a description of the methods to be used for water supply treatment and disposal of sewage, wastes, refuse, and storm drainage.
- I. Designation of the fuel proposed to be used and a description of the methods to be used for controlling smoke and fumes and other air pollution.
- J. The proposed water supply requirements stated in terms of estimated maximum usage per minute, per day, or per week; seasonal variations shall be stated.
- K. The location, layout and general description of the proposed public utility buildings, transmission and distribution facilities for electric, telephone, and gas services, as deemed necessary by the applicable public utility. [1991-1]

(Ord. 5/7/1975, 5/7/1975, §524; as amended by Ord. 1991-1, 1/7/1991)

**§27-805. Area Regulations-Commercial Uses.**

**1. Height Regulations.**

- A. The height of a commercial building in the I-C District shall not be greater than three stories or 35 feet.

**2. Area.**

- A. The lot areas per commercial unit shall not be less than 15,000 square feet for each establishment.

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### 3. **Yard Regulations.**

A. Each lot for a commercial establishment shall have front, side, and rear yards of not less than the depth and width indicated below:

- (1) Minimum lot width      125 feet
- (2) Minimum front yard      50 feet
- (3) Minimum side yard      30 feet\*

\*except that when a mutual agreement is subscribed to by the adjoining property owners, no side yard shall be required where two or more commercial uses adjoin side by side.

### 4. **Coverage Regulation.**

A. Lot Coverage.

- (1) All buildings, including accessory buildings shall not cover more than 50% of the lot.

B. Landscape Area.

- (1) The landscape area shall not be less than 10% of the total lot area.

(Ord. 5/7/1975, 5/7/1975, §525)

## **§27-806. Area Regulations-Industrial Uses.**

### 1. **Height Regulations.**

A. The height of an industrial building in the I-C District shall not be greater than three stories or 35 feet.

### 2. **Area.**

A. The lot areas for an industrial use shall not be less than 40,000 square feet for each establishment.

### 3. **Yard Regulations.**

A. Each lot for an industrial establishment shall have front, side, and rear yards of not less than the depth and width indicated below:

- (1) Minimum lot width      150 feet
- (2) Minimum front yard      50 feet
- (3) Minimum side yard      50 feet

- (4) Minimum rear yard 50 feet

B. Landscape Area.

- (1) The minimum landscape area shall not be less than 30% of the total lot area.

*(Ord. 5/7/1975, 5/7/1975, §526)*

**§27-807. Screen Planting.**

Where adjacent to land zoned for residential use or used for residential purposes, screen planting is required to screen the industrial use and storage of material from normal view. Screening may be accomplished by the placement of a solid fence high enough to provide screening, and/or the provision and maintenance of solid planting in the form of contiguous evergreen shrubs. Evergreen trees or shrubs shall be at least 4 feet in height at the time of planting and set back at least 10 feet from any property line. Such planting will be of a variety that will attain a height of 8 feet.

*(Ord. 5/7/1975, 5/7/1975, §527)*

**§27-808. Off-Street Parking Regulations.**

See Part 11.

*(Ord. 5/7/1975, 5/7/1975, §528)*

**§27-809. Sign Regulations.**

See Part 11.

*(Ord. 5/7/1975, 5/7/1975, §529)*

**§27-810. Performance Standards.**

See Part 10.

*(Ord. 5/7/1975, 5/7/1975, §530)*

**§27-811. Residential Uses.**

See Part 7, §705.

*(Ord. 5/7/1975, 5/7/1975, §531)*



**PART 9**

**FP - FLOOD PLAIN DISTRICT**

**§27-901. Purpose.**

The purpose of the FP - Flood Plain District is to prevent development in areas unfit therefore by reason of flooding; to minimize danger to public health by protecting water supply and natural drainage; to promote the health, safety, and welfare of residents and property owners in or near streams and areas subject to flooding; and to provide for the preservation of natural drainageways while providing for such uses and development as are compatible with these objectives.

*(Ord. 5/7/1975, 5/7/1975, §532)*

**§27-902. Definition of District.**

The FP - Flood Plain District is defined and established to be the low area adjoining and including any water or drainage course or body of water subject to periodic flooding or overflow and delineated as:

1. "Alluvial Soils" by the Soil Conservation Service, United States Department of Agriculture, in the Soil Survey of Juniata County, Pennsylvania, as amended.
2. "Flood Hazard Boundary Map" for the Township by the Federal Insurance Administration of the Department of Housing and Urban Development.
  - A. The Floodway District (FW) is delineated for purpose of this Chapter using the criteria that a certain area within the flood plain must be capable of carrying the waters of the 100 year flood without increasing the water surface elevation of the flood more than 1 foot at any point. The Floodway District is shown on the following described and referenced Flood Insurance Study of February 1978 as prepared for the Township by the Flood Insurance Administration.
  - B. The Flood-Fringe District (FF) shall be that area of the 100 year floodplain not included in the Floodway District. The basis for the outer-most boundary of this District shall be the 100 year flood elevations contained -in the flood profiles of the above referenced Flood Insurance Study (FIS) and as shown, on the accompanying Flood Boundary and Floodway Map.
  - C. The General Flood Plain District (FA) shall be those flood plain areas for which a detailed study has not been performed but where a 100 year flood plaid boundary has been approximated. Within the general flood plain district the 100 year flood elevation shall be established as a point on the boundary of the flood plain which is nearest to the construction site in question.

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3. **Zoning Map.** The FP Flood Plain District, as hereinabove defined, shall be included by reference to the documents and mapping described in §27-902 which is hereby made a part of this Chapter. For the purpose of defining the application of the map to any specific area, the map's data and other sources of material described in §27-902 shall be available and shall be proof of the intended limits of the FP Flood Plain District. Any change in the FP Flood Plain Districts as may from time to time be determined to be proper as further information becomes available shall be forthwith reflected on said documents and maps.

*(Ord. 5/7/1975, 5/7/1975, §533)*

### **§27-903. Permitted Uses.**

1. In the Floodway District no development shall be permitted except where the effect of such development on flood heights is fully offset by accompanying improvements which have been approved by all appropriate local and/or state authorities as required above.
  - A. Forestry, lumbering and reforestation, excluding storage and structures related to the harvesting of lumber products.
  - B. Horticultural uses related to the raising and propagating of shrubs, flowers and other vegetative materials.
  - C. Activities related to the preservation of natural amenities.
  - D. Public and private parks and recreation areas, including day, camps, picnic groves, golf courses, hunting, fishing and boating clubs.
  - E. Agricultural uses related to the tilling of the land, the raising of farm products, the raising and keeping of horses, cattle and other livestock, and the raising of poultry products, excluding structures.
  - F. Wildlife sanctuary, woodland preserves, arboretum.
  - G. Game farm, fish hatchery, hunting and fishing reserves, excluding structures.
  - H. Pasture and grazing land.
  - I. Front, side, or rear yards and required lot area for any District.

*(Ord. 5/7/1975, 5/7/1975, §534)*

### **§27-904. Special Exception Uses.**

1. Sewage treatment plants.
2. Dams, culverts, and bridges approved by the Pennsylvania Department of

Environmental Resources if it has jurisdiction over the watershed in question, or by the government agency exercising jurisdiction over the watershed.

3. Paved roads and driveways.
4. Impounding basins and storm sewers.
5. Retaining walls, provided that a detailed engineering drawing shall accompany any application for special exception, and provided further that an appeal for a special exception be combined with a simultaneous appeal for reclassification from Flood Plain District to the use district of the principal building or the lot or parcel for which the retaining wall application is being made.
6. Other uses similar to §27-904(1) through (5) above, provided the use will not substantially alter the cross-sectional profile of the stream basin at the point of the proposed construction or use.
7. Sanitary sewage pumping stations.

(Ord. 5/7/1975, 5/7/1975, §535)

**§27-905. Prohibited Uses.**

1. All structures and buildings with the exception of those specifically allowed in §27-903 and §27-904.
2. The filling of marshlands, removal of topsoil or damming or relocation of any watercourses except with the approval of the Township Planning Commission and the Pennsylvania Department of Environmental Resources.
3. Sanitary landfill, dump, junk yard, outdoor storage of vehicles and/or materials.
4. On-site sewage disposal systems.
5. Any substantial alteration of the cross-sectional profile of a stream basin.
6. No encroachment, alteration or improvement of any kind shall be made to any water course until all adjacent municipalities which may be affected by such action have been notified in writing nor until all required and/or approvals have been first obtained from the Commonwealth and all other local, State or Federal agencies. In addition the Federal Flood Insurance Administrator and the Pennsylvania Department of Community Affairs, Bureau of Community Planning, shall be notified in, writing prior to any alteration or relocation of any watercourse.
7. **Development Which May Endanger Human Life.**
  - A. 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 which will be used for any activity requiring the maintenance of a supply (more than 550 gallons or other comparable volume or any

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amount of radioactive substances) of any of the following dangerous materials or substances on the premises, shall be prohibited in any Floodplain District:

- (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.
8. **Prohibition of Hospitals, Nursing Homes, Jails or Prisons, and New Mobile Home Parks and Substantial Improvements to Existing Mobile Home Parks.** The following obstructions and activities are prohibited if located entirely or partially within any Floodplain District:
- A. The commencement of any of the following activities; or the construction, enlargement or expansion of any structure used, for any of the following activities
    - (1) Hospitals

- (2) Nursing homes
  - (3) Jails or Prisons
- B. 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.
9. No variance shall be granted for any of the prohibited uses set forth in §27-905(7) or §27-905(8) above.

*(Ord. 5/7/1975, 5/7/1975, §536; as amended by Ord. 5/6/1985A, 5/6/1985, §1)*

**§27-906. Area, Density, and Lot Width Regulations.**

No minimum lot size shall be required for the permitted and special exception uses except as otherwise provided herein.

*(Ord. 5/7/1975, 5/7/1975, §537)*

**§27-907. Off-Street Parking Regulations.**

See Part 12.

*(Ord. 5/7/1975, 5/7/1975, §538)*

**§27-908. Sign Regulations.**

See Part 11.

*(Ord. 5/7/1975, 5/7/1975, §539)*



**PART 10**

**SUPPLEMENTAL REGULATIONS**

**§27-1001. Roadside Stands.**

1. Temporary roadside stands may be erected for the sale of garden products and garden commodities produced on the same property where offered for sale, provided; no building or structure other than a portable stand shall be constructed for such sale; such stand shall be removed during seasons when such products are not being offered for sale, and in no case shall they remain longer than for a a period of 6 months of any 1 year; and such stand shall not be placed closer than 25 feet to any lot line.

*(Ord. 5/7/1975, 5/7/1975, §601)*

**§27-1002. Performance Standards for Industrial and Natural Resource Uses.**

Industrial and Natural Resource uses shall be subject to the following regulations, where applicable:

1. Noise Pollution and Vibration. "Rules and Regulations" of the Pennsylvania Department of Environmental Resources.
2. Air Pollution, Airborne Emissions and Odor. "Rules and Regulations" of the Pennsylvania Department of Environmental Resources.
3. Water Pollution. Pennsylvania Act 394, P.L. 1987, the Clean Streams Act, as amended, 1970.
4. Mine Reclamation and Open Pit Setback. Pennsylvania Act 147, the "Surface Mining Conservation and Reclamation Act", of 1971.
5. Glare and Heat. "Rules and Regulations" of the Pennsylvania Department of Environmental Resources.
6. No use or operation shall be permitted which creates a public nuisance or hazard to adjoining property by reason of fire, explosion, radiation or other similar cause.
7. Outside Industrial Storage. No outside industrial storage including junk yards shall be located on land with a slope in excess of 5% or within 100 feet of a public right-of-way.

*(Ord. 5/7/1975, 5/7/1975, §602)*

**§27-1003. Building Height.**

1. Height regulations shall not apply to spires, belfries, cupolas, or domes not used

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for human occupancy, nor to chimneys, ventilators, skylights, water tanks, bulkheads, utility poles or towers, radio and television antenna, silos, and ornamental or necessary mechanical appurtenances. Any structure designed to have a height of 150 feet or more above ground level must be approved by the Federal Aviation Agency and a written statement of approval must accompany the Permit Application.

2. No dwelling shall be less than one story in height, except, during a reasonable period of construction not to exceed a 24 month period from the date of issuance of the Zoning Permit. This time period may be extended by the Zoning Hearing Board.

*(Ord. 5/7/1975, 5/7/1975, §603)*

### **§27-1004. Landscaping.**

Any part or portion of the site which is not used for buildings, other structures, loading or parking spaces and aisles, sidewalks and designated storage areas shall be provided with an all-season ground cover and shall be landscaped with small trees and shrubs in accordance with an overall landscape plan. To facilitate the processing of plot plans, a plant schedule should be prepared giving the botanical and common names of the plants to be used, the sizes to be planted, and the quantity and spacing of each.

*(Ord. 5/7/1975, 5/7/1975, §604)*

### **§27-1005. Screening.**

1. All outdoor storage parking and/or loading areas of industrial and commercial uses shall be screened from view from any residential or commercial development or public right-of-way by a landscape screen or other visual barrier with plantings. The screening shall be placed immediately surrounding the area between any industrial parcel and a contiguous residential, or commercial zoning district and/or a public right-of-way.
2. The landscape screen shall be composed of evergreen plants and trees arranged to form both a low level and a high level screen. The high level screen shall consist of evergreen trees planted at an initial height of not less than 4 feet, with specimens no younger than 3 years in age, and planted at intervals of not more than 10 feet. The low level screen shall consist of two rows of evergreen shrubs or hedges planted at an initial height of not less than 2 feet and spaced at intervals of not more than 5 feet. The low level screen. plantings shall be placed in an alternating or staggered pattern to produce a more effective visual barrier.
3. An alternative visual barrier shall be a 6 feet high opaque fence or wall with plantings of trees, shrubs, and/or vines along the surface of the barrier facing any residential or commercial district or public right-of-way.
4. All outdoor industrial use operations, mechanical equipment and other functional accessories of each building, such as elevator, penthouse, ventilation pipes and

ducts, water pressure tanks, heating, air conditioning and power supply units shall have an architectural building material screen or covering which is an integral part of the building envelope and/or which is harmonious with the building design.

(Ord. 5/7/1975, 5/7/1975, §605)

**§27-1006. Swimming Pools.**

1. **Private Swimming Pools.** Private swimming pools, in Districts where permitted, shall comply with the following conditions and requirements:
  - A. The pool is intended, and is to be used, solely for the enjoyment of the occupants of a principal use of the property on which it is located.
  - B. It may be located only in the rear yard or side yard of the property on which it is an accessory use.
  - C. It may not be located, including any walks, or paved areas or accessory structures adjacent thereto, closer than 20 feet to any property line of the property on which located.
  - D. The swimming pool area or the entire property on which it is located shall be so walled or fenced or otherwise protected as to prevent uncontrolled access by children from the street or from adjacent properties. Said barrier shall not be less than 4 feet in height and maintained in good condition.
2. **Public Swimming Pools.** Public swimming pools in districts where permitted shall comply with the conditions set forth in:
  - A. "Public Bathing Law," 1931, June 23, P.L. 899, and amendments thereto.
  - B. Chapter 4, Article 442, Rules and Regulations, Commonwealth of Pennsylvania, Department of Environmental Resources, adopted October 30, 1959, and amendments thereto.

(Ord. 5/7/1975, 5/7/1975, §606)

**§27-1007. Drive-In Theatre.**

A site plan, shall be submitted with the application and any building permit issued shall be in accordance with the approved site plan. A drive-in theatre shall be subject to the following regulations:

1. The minimum lot area shall be 15 acres.
2. The screen shall be situated so that its face is not visible from any public right-of-way.

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3. No structure excepting an enclosure fence shall be located within 100 feet of any lot line provided, however, that the screen shall be located not less than 150 feet from any lot line.
4. The site shall be enclosed by a protective screening or planting strip consisting of suitable evergreen plant material. Such planting strip shall be maintained at a minimum height of 7 feet and shall be setback at least 30 feet from right-of-way line and 10 feet from other lot lines.
5. Sufficient car storage areas, deceleration lanes, sight distance and lighting shall be provided for the safe and expedient handling of traffic. provided, however, that storage areas shall provide storage space for at least 25% of theatre capacity.
6. A playground and snack shop will be permitted as an accessory use.

(Ord. 5/7/1975, 5/7/1975, §607)

### **§27-1008. Projections into Required Yard.**

The following projections into yards and courts shall be permitted:

1. Cornices, eaves, belt courses, sills or other similar architectural features, exterior stairway, fire escape or other required means of egress, rain lead or chimney may extend or project into a required yard not more than 2 feet.
2. No patio or paved terrace shall be located within 5 feet of any property line or between building setback line and the right-of-way line.

(Ord. 5/7/1975, 5/7/1975, §608)

### **§27-1009. Front Yard Exception.**

1. In any use district when 50% or more of the block frontage containing a lot upon which a proposed building is to be located is already improved with buildings having front yards of less depth than that required for that particular use district, the average of such front yards shall establish the minimum front yard depth for the remainder of the frontage provided, however, that in no case shall such front yard have a depth less than 25 feet.
2. In any use district when 50% or more of the block frontage containing a lot upon which a proposed building is to be located is already improved with buildings that have observed a front yard greater in depth than that required for the particular use district, new buildings shall not be erected closer to the street than the average front yard so established by the existing buildings provided, however, that in no case shall the depth of such front yard be required to exceed such minimum depth by more than 15 feet.

(Ord. 5/7/1975, 5/7/1975, §609)

**§27-1010. Intersection Clearance.**

On a corner lot no fence, structure or planting higher than 2 feet above the curb or street line shall be erected or within 25 feet of the intersection of the street lot lines.

*(Ord. 5/7/1975, 5/7/1975, §610)*

**§27-1011. Fences, Walls and Hedges.**

Except as provided in §27-1006, fences, walls and hedges may be located in required yards providing that in residential districts they do not exceed 4 feet in height.

*(Ord. 5/7/1975, 5/7/1975, §611)*

**§27-1012. Junk Yards.**

1. All junk yards existing at the effective date of this Chapter, within 1 year thereafter, and all junk yards, where permitted, shall comply with the following provisions:
  - A. Any junk yard shall be completely enclosed with a visual screen of evergreen or evergreen-type hedge or tree-row of a variety and sine at the time of planting that such will attain a height of 8 feet within 3 years thereafter and maintained in a sound and attractive manner.
  - B. All junk shall be stored or arranged so as to permit access by fire fighting equipment and to prevent the accumulation of water, and with no junk piled to a height of more than 8 feet.
  - C. Open burning of material is permissible subject to the Title 25 Rules and Regulations of the Department of Environmental Resources, paragraph 129.14. All burning shall be attended and controlled at all times.
  - D. Any junk yard shall be maintained in such a manner as to cause no public or private nuisance, nor to cause any offensive or noxious sounds or odors, nor to cause the breeding or harboring of rats, flies, or other vectors.
  - E. No junk material, appurtenant structures, or other enclosure shall be stored or placed within 50 feet of any adjoining property or public right-of-way and such setback area shall be kept free of weeds and scrub growth.
2. Any junk yard established as a special exception after the effective date of this Chapter, shall comply with the following provisions:
  - A. No junk material, appurtenant structures, or other enclosure shall be stored or placed within 50 feet of any adjoining property or public right-of-way and set setback area shall be kept free of weeds and scrub growth unless the adjoining property is wooded.

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- B. The minimum junk yard size shall be 20 acres.
- C. Junk yards shall be located a minimum of 1,000 feet from a residential district.

(Ord. 5/7/1975, 5/7/1975, §612)

### **§27-1013. Individual Mobile Homes.**

1. An enclosure of compatible design and materials shall be erected around the entire base of each mobile home. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure.
2. **Foundation Requirements.** The area of the mobile stand shall be improved to provide an adequate foundation for the placement of the mobile home, thereby, securing the super-structure against uplift, sliding, or rotation.
  - A. The mobile home stand shall not heave, shift, or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration or other forces acting on the super-structure.
  - B. The mobile home stand shall be provided with anchors and tie-downs such as cast-in-place concrete, "dead-men" eyelets imbedded in arrowhead anchors, or other devices securing the stability of the mobile home.
  - C. Anchors and tie-downs shall be placed at least at each corner of the mobile home stand and each shall be able to sustain a minimum tensile strength of 2,080 pounds.

(Ord. 5/7/1975, 5/7/1975, §613)

### **§27-1014. Communication Facilities.**

#### **1. Definitions.**

**COMMUNICATIONS ANTENNAE**—any structure designed for transmitting or receiving radio, television or telephone communications, including omnidirectional or whip antennae, directional or panel antennae and microwave dish antennae, which may be mounted on an existing building or on a communications tower, and including the accessory equipment, buildings and cabinets necessary to operate the antenna.

**COMMUNICATION FACILITY**—any communications antenna or communications tower, as defined herein, which is operated by any agency or corporation, including a public utility regulated by the Public Utility Commission (PUC) or any police, fire, emergency medical or emergency management agency, but not including satellite dish antennae, defined as parabolic dishes designed for "receive-only" viewing of satellite programs for private viewing, or radio and TV

antennae, defined as freestanding or building-mounted antennae located on residential property designed to enhance radio or television reception for the residents of the dwelling.

**COMMUNICATIONS TOWER**—any structure, whether freestanding or attached to a building, designed to support multiple communications antennae, including monopole, self-supporting and guided towers, and one or more of the following mounts for antennae: rotatable platform, fixed platform, multi-point, side arm and pipe mounts for microwave dishes.

2. **Communication Facilities Allowed as Special Exception Uses.** Communication facilities shall be allowed as special exception uses in all zoning districts provided all communication towers shall:
  - A. Be of monopole construction unless applicant can demonstrate that another design is necessary to meet the technical requirements of the facility.
  - B. Be the minimum height necessary to meet its needs and applicant shall demonstrate that the requested height is the minimum height necessary to meet its needs.
  - C. Be permitted only after applicant has contacted the owners of all structures of similar height and within ½ mile of the proposed facility, has made a good faith request for permission to place the proposed communication facility on an existing tower, water tower, farm silo or other similar height structure in exchange for rent or some other consideration and has been refused or such similar height structures do not have adequate space, access or height to accommodate the proposed equipment.
  - D. Be permitted only after applicant has demonstrated, using technological evidence, that the antennae must go where it is proposed, in order to satisfy its function in the company's grid system.
  - E. Be permitted only after applicant has agreed to secure the property boundary or at a minimum the tower base, including any support structures and guide wires, accessory equipment, buildings and cabinets, with a chain link fence with a barbed wire top fitting at least 8 feet in height. Additionally, all communication facilities shall have means of locked access to prevent unauthorized climbing of the tower.
  - F. Be set back a horizontal distance the greater of 75 feet or twice its height from any property line. Said antenna height shall be the vertical distance measured from the base of the antennae support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average height between the highest and lowest grades shall be used in calculating the antennae height.
  - G. Be landscaped around all fences to screen them from public view and adjacent properties which screen shall be either a hedge or a row of evergreen trees. The screen shall be a minimum height of 6 feet at planting

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and shall grow to a minimum of 15 feet at maturity. In addition, existing vegetation on and around the sight shall be preserved to the greatest extent possible.

- H. Have lighting, other than that required by the Federal Aviation Administration (FAA) which is shielded and reflected away from adjoining properties.
- I. Be permitted only after applicant has submitted evidence that the tower, or any antennae addition to an existing tower or structure and its method of installation has been designed by a civil or structural engineer registered in the Commonwealth of Pennsylvania and is certified by that engineer to be structurally sound and able to withstand high winds, other loads and that the surrounding areas will not be negatively affected by support structure failure, falling ice or other debris.
- J. Be permitted only after applicant has provided the Township Supervisors with a statement that the emission of radio waves emanating from the tower will neither cause harm to an individual by its operation nor cause measurable radio interference to the reception or operation of radios or TV reception, car or cellular or portable phones, heart pacemakers, garage door openers, other remote controls, and other radio dependent devices in general use within the Township and is in compliance with all FCC regulations.
- K. Cease operations immediately if measurable radio interference does result from the installation and use of the communication tower until the problem is corrected, or if the problem is not correctable, to abandon operation entirely and dismantle the tower.
- L. Be permitted only if the owner of any communication tower routinely submits proof to the Township Supervisors of an annual inspection and tower maintenance program. Any structural faults thus noted shall be immediately corrected by the owner.
- M. Be permitted only if the height of the proposed tower is sufficient to permit its joint use by other communication facilities, and the owner shall make such joint use available to other users.
- N. Be permitted only if all towers/antennas meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Section shall bring said towers and antennas up to those standards and regulations within 3 months of the effective date of such standards or regulations, unless a different compliance schedule is mandated by the controlling state, county or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owners expense.
- O. Be permitted only after applicant has provided the proposed total number of towers or antennas, if more than one, and the additional tower or antenna

locations in the Township on an update site plan or map. The applicant shall identify the type of construction of the existing tower(s) or antenna(s) and the owner or operator of the existing tower(s), if known.

- P. Be permitted only upon proof provided that the proposed communications facility complies with safety standards and electromagnetic field limits established by the Federal Communications Commission (FCC). In the event that more stringent standards are imposed by the FCC at a later date, those standards shall apply.
- Q. Be permitted only upon proof provided that the communications facility has been reviewed, and has not been determined to be a hazard, by the Federal Aviation Administration (FAA). The communications tower shall meet all FAA regulations.
- R. Be permitted provided if in January of each year, the owner of a communications tower shall submit written verification to the Township Supervisors that there have been no changes in the operating characteristics of the communications tower as stated at time of approval of the use by special exception use, including, at a minimum:
  - (1) Copy of the current FCC license.
  - (2) Name, address and emergency telephone number for the operator of the communications tower.
  - (3) Copy of certificate of insurance providing evidence of liability coverage at a level of coverage acceptable to the Township Supervisors with Walker Township added as a named insured on the policy.
- S. Be permitted provided all special exception uses approved will automatically lapse if the communications facility is not used for 6 continuous months. The communication tower owner shall notify the Township Supervisors immediately upon cessation or abandonment of the operation. In such cases the communications tower owner has 60 days in which to dismantle and remove all structures from the property with all costs of removal to be borne by the owner. At the time of issuance of the permit for the construction of the communication tower, the owner shall provide financial security in form and amount acceptable to the Township Supervisors to secure the expense of dismantling and removing said structures.
- T. Be permitted provided in addition to the above standards, all other standards applicable to the zoning district shall apply to the tower and any associated support facilities or structures. All applicable plans shall be submitted for land development review and approval for any application for a communications tower.

*(Ord. 5/7/1975; as added by Ord. 1999-2, 6/7/1999)*



## **PART 11**

### **SIGNS**

#### **§27-1101. Erection and Maintenance of Signs.**

Signs may be erected and maintained only when in compliance with the provisions of this Part and any and all other ordinances and regulations relating to the erection, alteration, or maintenance of signs and similar devices.

*(Ord. 5/7/1975, 5/7/1975, §701)*

#### **§27-1102. Signs Permitted in Residential Districts.**

1. Signs advertising the sale or rental of the premises upon which they are erected, when erected by the owner or broker or any other person interested in the sale or rental of such premises, may be erected and maintained, provided:
  - A. The size of any such sign is not in excess of 6 square feet; and
  - B. Not more than two signs are placed upon any property in single and separate ownership, unless such property fronts upon more than one street, in which event two such signs may be erected on each frontage.
2. Signs indicating the location and direction of premises available for or in process of development, but not erected upon such premises and having inscribed thereon the name of the owner, developer, builder or agent may be erected and maintained, provided:
  - A. The size of any such sign is not in excess of 6 square feet, and not in excess of 4 feet in length; and
  - B. Not more than one such sign is erected on each 500 feet of street frontage.
3. Signs bearing the word "sold" or the word "rented" with the name of the persons effecting the sale or rental may be erected and maintained provided the conditions in §27-1102(1) hereof are complied with.
4. Signs of mechanics, painters, and other artisans may be erected and maintained during the period such persons are performing work on the premises on which such signs are erected, provided:
  - A. The size thereof is not in excess of 12 square feet; and
  - B. Such signs are removed promptly upon completion of the work.
5. Trespassing signs, or signs indicating the private nature of a driveway or property provided that the size of any sign shall not exceed 2 square feet.

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6. Signs of schools, colleges, churches, hospitals, sanitariums, or other institutions of a similar nature may be erected and maintained provided:
  - A. The size of any such sign is not in excess of 40 square feet; and
  - B. No more than two signs are placed on a property in single and separate ownership, unless such property fronts upon more than one street, in which event two such signs may be erected on each frontage.
7. Signs advertising home occupations shall not be larger than 12 inches by 24, inches, and may include the name, occupation, and logotype or trade mark, if appropriate, of the practitioner. Such signs shall not be illuminated, with the exception of medical offices, during the hours such offices are open for the care of patients.
8. Signs advertising the sale of farm products when permitted by this Chapter, provided:
  - A. The size of any such signs is not in excess of 6 square feet;
  - B. Not more than two signs are used; and
  - C. The signs shall be, displayed only when such products are on sale.
9. Official traffic and street name signs when erected by, or with the written approval of, the Township Supervisors.
10. Signs necessary for the identification, operation or protection of public utility facilities and municipal uses; however, all General Regulations, §1105, shall apply to such signs.

*(Ord. 5/7/1975, 5/7/1975, §702)*

### **§27-1103. Panel Type Signs (Billboards).**

Signs which advertise products or services other than those which are sold on the premises where the sign is located are permitted in commercial and industrial districts, subject to the following conditions, as well; as other applicable requirements.

1. No billboards or advertising sign board shall exceed 500 square feet in area.

*(Ord. 5/7/1975, 5/7/1975, §703)*

### **§27-1104. Business Identification Signs.**

Signs bearing the name of the occupant and products manufactured, processed, sold or displayed may be erected and maintained on the premises in commercial and industrial

districts. The size of business identification signs shall not exceed 75 square feet in area; however, all General Regulations, §27-1105, shall apply to such signs.

(Ord. 5/7/1975, 5/7/1975, §704)

**§27-1105. General Regulations for All Signs.**

The following regulations shall apply to all permitted sign uses.

1. Signs must be constructed of durable material, maintained in good condition, and not allowed to become dilapidated.
2. No sign shall be placed in such a position that it will cause danger to traffic on a street by obscuring the view.
3. No sign, other than an official traffic sign, shall be erected within the right-of-way lines of any street, unless authorized by the Board of Supervisors for a special purpose.
4. No sign shall project over a public sidewalk area more than 18 inches.
5. Clearance beneath overhead signs shall be at least 9 feet, measured from the ground or pavement to the bottom-most part of the sign.
6. No portion of a sign shall be positioned in a manner that exceeds the height of the primary structure on the property on which it is located.
7. No permit shall be required for the erection, alteration, or maintenance of any signs as permitted in §27-1102, Signs in Residential Districts.
8. A permit shall be required for the erection or alteration of panel type signs or advertising sign boards, and business identification signs.
9. Advertising painted upon, or displayed upon, a barn or other building or structure shall be regarded as an advertising sign board and the regulations pertaining thereto shall apply.
10. Each sign shall be removed when the circumstances leading to its erection no longer apply.
11. No animated, sequential, flashing or oscillating signs shall be permitted in any district. Any sign by reason of its intensity, color, location, or movement that may interfere with traffic lights, signals or other controls, or abrogate public safety shall not be permitted in any district.
12. Open flames used to attract public attention to a place of business or to an advertising sign shall not be permitted.

(Ord. 5/7/1975, 5/7/1975, §705)



## PART 12

### OFF-STREET PARKING, LOADING AND UNLOADING

#### §27-1201. General Regulations.

1. Off-street parking, loading, and unloading facilities shall be provided to lessen congestion in the streets. The facilities required herein shall be available throughout the hours of operation of the particular business or use for which such facilities are provided. As used herein, the term "parking space" includes either covered garage space or uncovered parking lot space located off the public right-of-way.
2. Each parking space shall consist of not less than an average of 270 square feet of usable area for each motor vehicle, including interior driveways, driveways connecting the garage, or parking space, with a street or alley. Notwithstanding the above, all parking spaces shall be ample in size for the vehicles for which use is intended. The net parking space per vehicle shall be not less than 10 feet wide and 18 feet long. Outdoor parking space, and the approaches thereto, shall be paved, or stabilized with a suitable material. Such outdoor parking spaces shall not be used to satisfy any open space requirements of the lot on which it is located. [*Ord. 2005-1*]
3. A garage or carport may be located wholly or partly inside the walls of the principal building, or attached to the outer walls. If separated from the principal building, the garage shall conform to all accessory building requirements. The garage may be constructed under a yard or court. The space above an underground garage shall be deemed to be part of the open space of the lot on which it is located.
4. Parking spaces may be located on a lot other than that containing the principal use with the approval of the Zoning Hearing Board provided a written agreement approved by the municipal solicitor and accepted by the Board of Supervisors, shall be filed with the application for a zoning permit.
5. **Surfacing.** Any off-street parking area shall be graded for proper drainage and shall be surfaced so as to provide a durable and dustless surface, such as a gravel, concrete or bituminous concrete surface, and shall be so arranged as to provide for orderly and safe parking storage of vehicles.
6. **Lighting.** Any lighting used to illuminate any off-street parking shall be so arranged as to reflect the light away from adjoining premises and public right-of-way.
7. There shall be adequate provisions for ingress and egress to all parking and loading spaces designed for use by employees, customers, delivery services, sales people and/or the general public. Where a parking or loading area does not abut on a public right-of-way or private alley or easement or access, there shall be provided an access drive per lane of traffic not less than 12 feet in width suitably

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graded and surfaced not less than 18 feet in width in all cases where the access is to storage areas or loading and unloading spaces required hereunder.

8. For other uses which do not fit into one of the categories listed in §27-1202, determination of the appropriate parking space requirement shall be made by the Zoning Officer.
9. **Parking Area Screening.** All off-street parking areas which provide more than five parking spaces shall be screened from any abutting property zoned residential or used for residential purposes. Screening may be accomplished by the placement of buildings, a solid fence 6 feet high, and/or the provision, and maintenance, of solid planting in the form of contiguous evergreen shrubs. Evergreen trees or shrubs shall be at least 4 feet in height at the time of planting and set back at least 3 feet from any property.
10. **Parking Area Reservation.** All off-street parking areas shall be reserved and used for automobile parking only, with no sales, dead storage, repair work, dismantling or servicing of any kind on residential dwelling lots in Residential District. The parking of one commercial vehicle up to 1 ton is permitted if needed by an individual for his livelihood for a business not conducted on the premises; or one vehicular dwelling is permitted for storage purposes only and is not to be used for sleeping, recreational or living purposes at any time or in any way, shape or form.
11. Off-street parking and loading space as required in this section shall be provided for all new buildings and structures and for additions to existing buildings or structures; The word "addition" as used above shall include any alterations intended to enlarge or increase capacity by adding or creating dwelling units, flood area or seats.
12. Existing off-street parking or loading facilities provided at the effective date of this Chapter and actually being used at the time in connection with the operation of an existing use, shall not be reduced below the minimum required in this Chapter.
13. Whenever the existing use of a building, structure or land shall hereafter be changed to a new use, parking and loading facilities shall be provided as required for such new use. However, if the said building or structure was erected or the use of land established prior to the effective date of this Chapter, additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use.
14. 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.

(Ord. 5/7/1975, 5/7/1975, §801; as amended by Ord. 2005-1, 2/7/2005)

### **§27-1202. Parking Facilities Required.**

Off-street parking facilities shall be provided as follows:

1. **Residential Parking Requirements.**

A. **Schedule.**

<b>Uses</b>	<b>One Parking Space for Each</b>
Single-family detached dwellings	1/2 dwelling unit
Single-family semi-detached dwellings	1/2 dwelling unit
Two-family detached dwellings	1/2 dwelling unit
Two-family semi-detached dwellings	1/2 dwelling unit
Townhouse dwellings	1/2 dwelling unit
Garden apartment dwellings	2/3 dwelling unit
Low-rise apartment dwellings	2/3 dwelling unit
Mid-rise apartment dwellings	2/3 dwelling unit
Residential conversion units	1/2 dwelling unit
Boarding, rooming or tourist houses	Guest room

B. An attached or unattached garage or carport on the premises, or that portion of the driveway not included in the public right-of-way, may be considered as parking space.

C. Apartment structures in combination with permitted commercial uses shall provide parking spaces as required if both uses were established separately.

2. **Commercial Parking Requirements.**

A. **Schedule.**

<b>Uses</b>	<b>One Parking Space for Each</b>
Places of public or private assembly including theaters, auditoriums, churches, schools, stadiums	3 seats provided for public or private assembly
Retail stores and other places for trade or business	200 square feet of floor area for public use
Food markets and grocery stores	3.8 parking spaces per 1,000 square feet of gross floor area [ <i>Ord. 2005-1</i> ]
Restaurants, tearooms, cafeterias, taverns, night clubs	3 seats or 3 persons based on design capacity
Bowling alleys	1/4 alleys plus 1 employee

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<b>Uses</b>	<b>One Parking Space for Each</b>
Office buildings	200 square feet of floor area plus 1 employee
Vehicle service stations	200 square feet of floor area devoted to repair or service facilities plus 1 employee
Hospital and sanitariums	3 beds, plus each employee on the largest shift
Drive-in restaurants, drive-in dairies or other similar establishments	50 square feet of building
Private clubs and lodges	100 square feet of floor area available to patrons
Public swimming pools	3 persons for whom facilities for dressing are provided; or for every 12 square feet of water surface
Golf driving range	tee provided
Minature golf	1/2 hole
Coin laundries	1 1/2 washing machines
Hotels and motels	1 guest unit, plus employee
Dormitory, fraternity house, nursing home	1 sleeping room
Mortuaries, funeral homes and undertaking establishments	3 seats based on maximum seating capacity
Home occupations	determined to be adequate for the particular home occupational use

3. **Industrial Parking Requirements.**

A. **Schedule.**

<b>Uses</b>	<b>One Parking Space for Each</b>
Industrial and manufacturing establishments, truck terminals and wholesale warehouses	employee on the combined major and next largest shift

B. Space shall be provided in addition to the above parking requirements for salesmen and other visitor parking, according to specific needs.

4. **Public and Semi-Public Parking Requirements.**

A. **Schedule.**

<b>Uses</b>	<b>One Parking Space for Each</b>
School	staff members plus one space for each twenty students
Indoor recreation center	90 square feet of floor area available to patrons
Outdoor recreation center	500 square feet of lot area devoted to amusement devices

5. **Parking Prohibitions.** Parking shall not be permitted on public rights-of-way except in designated areas.

(Ord. 5/7/1975, 5/7/1975, §802; as amended by Ord. 2005-1, 2/7/2005)

**§27-1203. Loading and Unloading Space.**

1. In addition to the off-street parking space required above, any building erected, converted or enlarged for any non-residential use shall provide adequate off-street areas for loading and unloading of vehicles. The minimum size loading space shall be 50 feet in depth, 12 feet in width, with an overhead clearance of 14 feet.
2. All commercial and industrial establishments shall provide loading and unloading and commercial vehicle storage space adequate for their needs. This required space will be provided in addition to established requirements for patron and employee parking. In no case where a building is erected, converted or enlarged for commercial, manufacturing, or business purposes shall the public rights-of-way be used for loading and unloading of materials.
3. Required off-street parking space shall not be computed for loading and unloading purposes.

(Ord. 5/7/1975, 5/7/1975, §803)

**§27-1204. Access of Off-Street Parking and Loading Areas.**

Access to and from all off-street parking, loading and vehicle services areas along public rights-of-way shall consist of well defined separate or common entrances and exits and shall comply with the following provisions:

1. Access drives shall not open upon any public right-of-way within 80 feet of the nearest right-of-way line of any intersecting public street or highway.

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2. Access drives shall not open upon any public right-of-way where the sight distance in either direction along the public thoroughfare would be less than 500 feet when the posted speed limit exceeds 35 miles per hour; however, when the posted speed limit is 35 miles per hour or less, the sight-distance requirement may be reduced to 250 feet.

*(Ord. 5/7/1975, 5/7/1975, §804)*

### **§27-1205. Parking and Loading Area Setback.**

All non-residential parking and loading areas and parallel circulation and service lanes shall be separated from the paving edge of a public thoroughfare or adjoining property lines by a planting strip at least 20 feet in depth, unless adjoining owners mutually agree to common facilities subject to greater setbacks as may be required elsewhere in this Chapter.

*(Ord. 5/7/1975, 5/7/1975, §805)*

## PART 13

### ADMINISTRATION AND ENFORCEMENT

#### **§27-1301. Appointment and Powers of Zoning Officer.**

1. For the administration of this Chapter, a Zoning Officer, who shall not hold any elective office in the Township, shall be appointed.
2. The Zoning Officer shall meet the qualifications established by the Township and shall be able to demonstrate to the satisfaction of the Township a working knowledge of municipal zoning.
3. The Zoning Officer shall administer this Chapter in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to this Chapter.
4. The Zoning Officer is hereby authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of his employment. [1991-1]
5. **Duties and Responsibilities.** The Zoning Officer shall have all the duties and powers conferred by the Zoning Chapter in addition to those reasonably implied for that purpose. He shall not issue a permit in connection with a contemplated erection, construction, alteration, repair, extension, replacement and/or use of any building, structure, sign and/or land unless it first conforms with the requirements of this Zoning Chapter, all other ordinances of the Township, and with the laws of the Commonwealth of Pennsylvania. He shall:
  - A. Receive applications, process the same, and issue permits for the erection, construction, alteration, repair, extension, replacement, and/or use of any building, structure, sign and/or land in the Township.
  - B. At his discretion, examine or cause to be examined, all buildings, structures, signs and/or land or portions thereof, for which an application has been filed for the erection, construction, alteration, repair, extension, replacement, and/or use before issuing any permit. Thereafter, he may make such inspections during the completion of work for which a permit has been issued. Upon completion of the building, structure, sign, and/or change, a final inspection shall be made and all violations of approved plans or permit shall be noted and the holder of the permit shall be notified of the discrepancies.
  - C. Keep a record of all applications received, all permits and certificates issued, reports of inspections, notices, and orders issued, and the complete recording of all pertinent factors involved. He shall file and safely keep copies of all plans permitted, and the same shall form a part of the records of his office and shall be available for the use of the Board of Township Supervisors and other officials of the Township. At least annually, he shall submit to the Board of Township Supervisors a written statement of all

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permits and certificates of use and occupancy issued, and violations and stop work orders recommended or promulgated.

- D. Identify and register all non-conforming uses and all nonconforming structures.

(*Ord. 5/7/1975, 5/7/1975, §901; as amended by Ord. 1991-1, 1/7/1991*)

### **§27-1302. Permits.**

1. **Requirements.** It shall be unlawful to commence the excavation for or the construction or erection of any building, including an accessory building, or to commence the moving or alteration of any building, including an accessory building, until the Zoning Officer has issued a building permit for such work. No permit shall be required for repairs to or maintenance of any building, structure or grounds provided such repairs do not change the use or otherwise violate the provisions of this Chapter.
2. **Form of Application.** The application for a permit shall be submitted in such form as the zoning Officer may prescribe and shall be accompanied by the required fee as hereinafter prescribed. 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 or lessee, it shall be accompanied by a written authorization of the owner or the qualified person making an application, that the proposed work is authorized by this owner. The full names and addresses of the owner, lessee, applicant, and of the responsible officers, if the owner or lessee is a corporate body, shall be stated in the application.
3. **Application for Building Permits.** All applications for building permits shall be accompanied by plans in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, 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 information as may be necessary to determine compliance with this Chapter and all other pertinent ordinances. One copy of such plans shall be returned to the owner when such plans shall be approved by the Municipal Governing Body. All applications with accompanying plans and documents shall become a public record after a permit is issued or denied.
4. **Time Limit for Application.** An application for a permit for any proposed work shall be deemed to have been abandoned 6 months after the date of filing, unless such application has been diligently prosecuted or a permit shall have been issued; except that reasonable extensions of time for additional periods not exceeding 90 days each may be granted at the discretion of the Zoning Officer.
5. **Issuance of Permits.** Upon receiving the application, the Zoning Officer shall examine the same within 21 days after filing. If the application or plans do not conform to the provisions of all pertinent local laws, he shall reject such

application in writing, stating the reasons therefor. He shall inform the applicant of his right of appeal to the Zoning Hearing Board in the event such application is rejected. If satisfied that the proposed work and/or use conforms to the provisions of the Zoning Chapter and all laws and ordinances applicable thereto, and that the certificate of use and occupancy as required herein has been applied for, he shall issue a permit therefor as soon as practical.

6. **Expiration of Permit.** The permit shall expire after 1 year from the date of issuance; provided, however, that the same may be extended every 6 months for a period not to exceed an additional 1 year.
7. **Revocation of Permits.** The Zoning Officer may revoke a permit or approval issued under the provisions of the Zoning Chapter in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based or for any other cause set forth in the Zoning Chapter.
8. **Posting of Permit.** A true copy of the permit shall be kept on the site of operations open to public inspection during the entire time or prosecution of the work or use and until the completion of the same as defined on the application.
9. **Temporary Permit.** A temporary permit may be authorized by the Zoning Hearing Board for a nonconforming structure or use which it deems necessary to promote the proper development of the community, provided that such nonconforming structure or use shall be completely removed upon expiration of the permit without cost to the Municipality. Such permit shall be issued for a specified period of time not to exceed 1 year, and may be renewed annually for an aggregate period not exceeding 3 years.
10. **Payment of Fees.** No permit to begin work for the erection, construction, alteration, repair, extension, replacement, and/or use of any building, structure, sign and/or land for construction or use purpose shall be issued until the fees prescribed by the Board of Township Supervisors pursuant to resolution shall be paid to the Zoning Officer. The payment of fees under this Section shall not relieve the applicant or holder of said permit from payment of other fees that may be required by this Chapter, or any other ordinance or law.
11. **Compliance with Chapter.** The permit shall be a license to proceed with the work and should not be construed as authority to violate, cancel, or set aside any of the provisions of the Zoning Chapter, except as stipulated by the Zoning Hearing Board.
12. **Compliance with Permit and Plot Plan.** All work or uses shall conform to the approved application and plans for which the permit has been issued as well as the approved plot plan.

(Ord. 5/7/1975, 5/7/1975, §902)

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### **§27-1303. Certificate of Use and Occupancy.**

1. It shall be unlawful to use and/or occupy any structure, building, sign, and/or land or portion thereof for which a permit is required herein until a certificate of use and occupancy for such structure, building, sign, and/or land or portion thereof has been issued by the Zoning Officer. The application for issuance of & certificate of use and occupancy shall be made at the same time an application for a permit is filed with the Zoning Officer as required herein.
2. The application for a certificate of use and occupancy shall be in such form as the Zoning Officer day prescribe and may be made on the same application as is required for a permit.
3. The application shall contain the intended use and/or occupancy of any structure, building, sign, aid/or land or portion thereof for which a permit is required herein.
4. The Zoning Officer shall inspect any structure, building, or sign within 10 days upon notification that the proposed work that was listed under the permit has been, completed and if satisfied that the work is in conformity and compliance kith the work listed in the issued permit and all other pertinent laws, he shall issue a certificate of use and occupancy without fee for the intended use listed in the original application.
5. The certificate of use and occupancy or a true copy thereof shall be kept available for official inspection at all times.
6. Upon request of a holder of a permit, the Zoning Officer may issue a temporary certificate of use and occupancy for a structure, building, sign, and/or land, or portion hereof, before the entire work covered by the permit shall have been completed, provided such portion or portions may be used and/or occupied safely prior to full completion of the work without endangering life or public welfare. The Zoning Officer shall also issue a temporary certificate of use and occupancy for such temporary uses as tents, use of land for religious or other public or semi-public purposes and similar temporary use and/off occupancy. Such temporary certificates shall be for the period of time to be determined by the Zoning Officer, however, in no case for a period exceeding 6 months.

*(Ord. 5/7/1975, 5/7/1975, §903)*

### **§27-1304. Enforcement Notice.**

1. If it appears to the Township that a violation of this Chapter has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section.
2. The enforcement notice shall be sent to the owner of record of the parcel on which the violation had occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.

3. An enforcement notice shall state at least the following:
  - A. The name of the owner of record and any other person against whom the Township intends to take action.
  - B. The location of the property in violation.
  - C. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Chapter.
  - D. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
  - E. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a period of 10 days.
  - F. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

*(Ord. 5/7/1975, 5/7/1975, §904; as amended by Ord. 1991-1, 1/7/1991)*

**§27-1305. 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 Chapter, the Board of Supervisors or, with the approval of the Board of Supervisors, an officer of the Township, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least 30 days prior to the time the action is begun by serving a copy of the complaint on the Board of Supervisors. No such action may be maintained until such notice has been given.

*(Ord. 5/7/1975, 5/7/1975, §904; as amended by Ord. 1991-1, 1/7/1991)*

**§27-1306. Enforcement Remedies.**

1. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500 dollars 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 payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable

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rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the 5th day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.

2. 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.
3. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.
4. District justices shall have initial jurisdiction over proceedings brought under this Section.

(Ord. 5/7/1975, 5/7/1975, §904; as amended by Ord. 1991-1, 1/7/1991)

### **§27-1307. Zoning Hearing Board.**

1. There is hereby created for the Township a Zoning Hearing Board in accordance with the provisions of Article IX of the Pennsylvania Municipalities Planning Code, 53 P.S. §10901 *et seq.*
2. The membership of the board shall consist of three residents of the Township appointed by resolution by the Board of Supervisors. The terms of office shall be for 3 years and shall be so fixed that the term of office of one member shall expire each year. The Board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Township.
3. Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors which appointed the member, taken after the member has received 15 days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.
4. The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the flaking of any action a quorum shall be not less than a majority of all the members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in this Chapter.

5. The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the Township and laws of the Commonwealth. The Board shall keep full public records of its business, which records shall be the property of the Township and shall submit a report of its activities to the Board of Supervisors as requested by the Board of Supervisors.
6. Within the limits of funds appropriated by the Board of Supervisors, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive, compensation for the performance of their duties, as may be fixed by the Board of Supervisors, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Board of Supervisors.

(Ord. 5/7/1975, 5/7/1975, §906; as amended by Ord. 1991-1, 1/7/1991)

**§27-1308. Hearings.**

The Zoning Hearing Board shall conduct hearings and made decisions in accordance with the following requirements:

1. Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by rules of the Board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least 1 week prior to the hearing.
2. The hearing shall be held within 60 days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.
3. The hearings shall be conducted by the Board or the Board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board, however, the appellant or the applicant, as the case may be, in addition to the Township, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.
4. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
5. The chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

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6. 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.
7. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
8. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.
9. The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
10. The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of this Chapter or of any law, ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within 45 days and the parties shall be entitled to make written representations thereon to the board prior to final decision or entry of findings, and the Board's decision shall be entered no later than 30 days after the report of the hearing officer. Where the Board fails to render the decision within the period required by this subsection, or fails to hold the required hearing within 60 days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of the said decision within 10 days from the last day it could have met to render a decision in the same manner as provided in Subsection (1) of this Section. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

11. 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. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings shall be examined.
12. The Board of Supervisors shall establish, by resolution, fees with respect to hearings before the zoning Hearing Board.

(Ord. 5/7/1975, 5/7/1975, §906; as amended by Ord. 1991-1, 1/7/1991)

**§27-1309. Jurisdiction.**

1. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
  - A. Substantive challenges to the validity of any land use ordinance, except those brought before the Board of Supervisors pursuant to §§609.1 and 91641(a)(2) of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), 53 P.S. §§10609.1, 10916.1.
  - B. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance. Where the ordinance appealed from is the initial zoning ordinance of the Township and a Zoning Hearing Board has not been previously established, the appeal raising procedural questions shall be taken directly to court.
  - C. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
  - D. Appeals from a determination by the Township engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.
  - E. Applications for variances from the terms of this Chapter and flood hazard ordinance or such provisions within a land use ordinance, pursuant to §910.2 of the MPC, 53 P.S. §10910.2.
  - F. Applications for special exceptions under this Chapter or floodplain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to §912.1 of the MPC, 53 P.S. §10912.1.
  - G. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this Chapter.

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- H. Appeals from the Zoning Officer's determination under §916.2 of the MPC, 53 P.S. §10916.2.
  - I. Appeals from the determination of the Zoning Officer or Township engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving applications under Article V or VII of the MPC, 53 P.S. §§10501 *et seq.*, 10701 *et seq.*
2. The Board of Supervisors, shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
- A. All applications for approvals of planned residential developments under Article VII of the MPC pursuant to the provisions of §702 of the MPC, 53 P.S. §10702.
  - B. All applications pursuant to §508 of the MPC, 53 P.S. §10508, for approval of subdivisions or land developments under Article V of the MPC, 53 P.S. §10501 *et seq.*
  - C. Applications for conditional use under the express provisions of this Chapter.
  - D. Applications for curative amendment to this Chapter or pursuant to §§609.1 and 916.1(a) of the MPC, 53 P.S. §§10609.1, 10916.1(a).
  - E. All petitions for amendments to land use ordinances, pursuant to the procedures set forth in §609 of the MPC, 53 P.S. §10609.
  - F. Appeals from the determination of the Zoning Officer or the Township engineer in the administration of any land use ordinance or provisions thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to applications for land development under Articles V and VII of the MPC, 53 P. S. §§10501 *et seq.*, 10701 *et seq.* Where such determination relates only to development not involving an Article V or VII application, the appeal from such determination of the Zoning Officer or the Township engineer shall be to the, Zoning Hearing Board pursuant to this Section. Where the applicable land use ordinance vests jurisdiction for final administration of subdivision and land development applications in the Planning Commission, all appeals from determinations under this subsection shall be to the Planning Commission and all appeals from the decision of the Planning Commission shall be to court.

(*Ord. 5/7/1975, 5/7/1975, §906; as amended by Ord. 1991-1, 1/7/1991*)

### **§27-1310. Enactment of Zoning Ordinance Amendments.**

- 1. The Board of Supervisors may from time to time amend, supplement, or repeal any of the regulations and provisions of this Chapter. The procedure for the

preparation of a proposed zoning ordinance as set forth in §607 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10607, is hereby declared optional.

2. Before voting on the enactment of an amendment, the Board of Supervisors shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least 1 week prior to the date of the hearing.
3. In the case of an amendment other than that prepared by the Planning Commission the Board, of Supervisors shall submit each such amendment to the Planning Commission at least 30 days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations.
4. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
5. At least 30 days prior to the public hearing on the amendment by the Board of Supervisors, the Township shall submit the proposed amendment to the county planning agency for recommendations.
6. Within 30 days after enactment, a copy of the amendment to this Chapter shall be forwarded to the county planning agency.

(*Ord. 5/7/1975, 5/7/1975, §907; as amended by Ord. 1991-1, 1/7/1991*)

**§27-1311. Procedure for Landowner Curative Amendments.**

1. A landowner who desires to challenge on substantive grounds the validity of this Chapter or the Zoning Map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Board of Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in §916.1 of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), 53 P.S. §10916.1. The curative amendment and challenge shall be referred to the Planning Commission and the county planning agency as provided in §609 and notice of the hearing thereon shall be given as provided in §§610 and 916.1 of the MPC, 53 P.S. §§10609, 10610, and 10916.1.
2. The hearing shall be conducted in accordance with §908 of the MPC, 53 P.S. §10908, and all references therein to the Zoning Hearing Board shall, for purposes of this Section be references to the Board of Supervisors. If the Township does not accept a landowner's curative amendment brought in accordance with this subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for this entire

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Chapter and Zoning Map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.

3. The Board of Supervisors, if it determines that a validity challenge has merit, may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. The Board of Supervisors shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:
  - A. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;
  - B. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Chapter or Zoning Map.
  - C. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features;
  - D. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, flood plains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and
  - E. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

(*Ord. 5/7/1975, 5/7/1975, §907; as amended by Ord. 1991-1, 1/7/1991*)

### **§27-1312. Procedure for Township Curative Amendments.**

1. If the Township determines that this Chapter, or any portion hereof, is substantially invalid, it shall take the following actions:
  - A. The Township shall (declare by formal action, this Chapter or portions hereof substantially invalid and propose to prepare a curative amendment to overcome such invalidity. Within 30 days such declaration and proposal the Board of Supervisors shall:
    - (1) By resolution make specific findings setting forth the declared invalidity of his Chapter which may include:
      - (a) References to specific uses which are either not permitted or not permitted in sufficient quantity;
      - (b) Reference to a class of use or uses which requires revision; or,

- (c) Reference to this entire Chapter which requires revisions.
  - (2) Begin to prepare and consider a curative amendment to this Chapter to correct the declared invalidity.
2. Within 180 days from the date of the declaration and proposal, the Township shall enact a curative amendment to validate, or reaffirm the validity of, this Chapter pursuant to the provisions of §609 of the Pennsylvania, Municipalities Planning Code (hereinafter "MPC"), 53 P. S. §10609, in order to cure the declared invalidity of this Chapter.
3. Upon the initiation of the procedures as set forth in Subsection (1), the Board of Supervisors (shall not be required to entertain or consider any landowner's curative amendment filed under §609.1 of the MPC, 53 P.S. §10609.1, nor shall the Zoning Hearing Board be required to give a report requested under §§909.1 or 916.1 of the MPC, 53 P.S. §§10909.1, 10916.1, subsequent to the declaration and proposal based upon the grounds identical or substantially similar to those specified by the resolution required by Subsection (1)(A). Upon completion of the procedures set forth in Subsections (1) and (2), no rights to a cure pursuant to the provisions of §§609.1 and 916.1 of the MPC, 53 P.S. §§10609.1, 10916.1, shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of this Chapter for which there has been a curative amendment pursuant to this Section.
4. The Township, having utilized the procedures set forth in this Section, may not again utilize said procedure for a period of 36 months following the date of enactment of a curative amendment, or reaffirmation of the validity of this Chapter; Provided, however, if after the date of declaration and proposal there is a substantially new duty imposed upon the Township by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the Township may utilize the provisions of this Section to propose a curative amendment to this Chapter to fulfill said duty or obligation.

*(Ord. 5/7/1975, 5/7/1975, §907; as amended by Ord. 1991-1, 1/7/1991)*

**§27-1313. Nonconforming Use.**

1. The Zoning Officer shall identify and register all uses which are in conflict with the use designated for the zone in which they are situated.
2. **Continuation.**
  - A. Any lawful use of a structure or land existing at the effective date of this Chapter may be continued although such use does not conform to the provisions of this Chapter.
3. **Extensions.** A nonconforming, use shall not be extended either within a building or upon a lot in any manner without authorization as a special exception. The Zoning Hearing Board may not waive district regulations relating to yard,

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coverage, parking, sign and other applicable regulations. The Zoning Hearing Board may authorize the expansion up to 50% of floor area of a nonconforming building or structure.

### 4. **Nonconforming Lots of Record.**

- A. In any district, in which single-family houses are permitted, a single-family house and customary accessory buildings may be erected on any lot of record in existence at the effective date of this Chapter. Consideration shall be given by the Zoning Hearing Board as to the desirability and feasibility of re-subdividing the area when two or more conforming lots have contiguous frontage and are in single ownership.
- B. This provision shall apply even though such lot fails to meet requirements of side, front or rear yards or the minimum lot area requirements applicable in the district in which the lot is located.

### 5. **Restoration.**

- A. A nonconforming structure that has been damaged or destroyed by fire, windstorm, lightning or a similar cause deemed to be no fault of the owner may be rebuilt. Request for a building permit must be submitted within 1 year from the date of damage or destruction or the nonconforming use shall not be restored.
- B. No rebuilding shall be undertaken as provided herein until plans for rebuilding have been presented and approved by the Zoning Officer. Approval shall be for the same use or for a use of more restricted classification.
- C. Restoration regulations shall not apply to active nonconforming agricultural buildings and active farms which may be restored by right.

### 6. **Changes.**

- A. A nonconforming use of a building or land may be changed to a use of an equal or more restricted classification when authorized as a special exception by the Zoning Hearing Board.

### 7. **Abandonment.**

- A. If a nonconforming use of a building or land ceases for a period of 1 year or more, subsequent use of such building or land shall be in conformity with the provisions of this Chapter.
- B. Abandonment regulations shall not apply to agricultural uses.

### 8. **Building Permits.**

- A. In a case where a building permit has been issued prior to the effective date of this Chapter, and the proposed use of land and/or building does not

conform with this Chapter, said proposed use shall be regulated by the nonconforming use requirements of this Chapter and shall be considered the same as a lawful nonconforming use if construction other than excavation and foundations is undertaken within a period of 30 calendar days after the issuance date of said building permit and, construction thereof is complete within 12 calendar months from the issuance date of the building permit.

**9. Nonconforming Use of Open Land.**

- A. All nonconforming signs, billboards, junk storage areas, storage areas, and similar nonconforming use of open land, when discontinued for a period of 90 days or damaged to an extent of 60% or more of replacement costs, shall not be continued, repaired or reconstructed.

(Ord. 5/7/1975, 5/7/1975. §908)

**§27-1314. Conditional Uses (See Appendix A).**

**1. Procedure and Standards.**

- A. An application for a conditional use shall be submitted to the Board of Supervisors.
- B. The application shall be accompanied by a plan for the proposed use. Such plan shall indicate the location and specification of all buildings, parking areas, traffic access and circulation drives, open spaces, landscaping, storm drainage facilities and sewage treatment facilities. In addition the plan shall show tax map designations and total tract boundaries of the property including bearings, distances and a statement of the total acreage, name and address of all abutting property owners and zoning data of surrounding properties. The plan shall also, contain any other information that the Board of Supervisors, at its discretion, may require in order to determine if the proposed conditional use meets the provisions of this Chapter.
- C. Upon receiving an application for a conditional use permit, the Board of Supervisors shall review the application in conjunction with the standards set forth in §27-1309(1)(D). After due investigation and review, if the application is tentatively approved, a public hearing shall be authorized and conducted in accordance with §27-1308 hereof. [1991-1]
- D. The following standards shall be applicable to conditional use and special exception uses:
  - (1) The location and size of the use, the nature and intensity of operations involved and the size of the site in relation to it shall be in harmony with the orderly development of the District. The location, nature, and height of buildings, walls, and fences shall be such as will not discourage the permitted use of adjacent land and buildings.

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- (2) No conditional use (or special exception use) shall be more objectionable to nearby properties by reason of traffic, parking, noise, fumes, vibration, or lights than any other use allowable in the District.
  - (3) The principal and accessory buildings shall meet all area and bulk coverage, setback, height, and off-street parking, loading and unloading, sign and any other regulations applicable to the District or use including supplementary regulations.
  - (4) Each proposed use shall plan for sufficient safeguards such as traffic control, storm drainage, screening, setbacks, lighting, etc. so as to remove any potential adverse effects the use may have on adjoining uses.
  - (5) Each proposed use shall provide for sewage treatment facilities which meet or exceed specifications established by the Pennsylvania Department of Environmental Resources and submit to the municipality evidence of approval from that agency of such a facility and system.
- E. A conditional use permit shall be issued upon approval of the Board of Supervisors stating the conditions upon which the permit was issued.
- F. A conditional use for which a permit is granted by the Board of Supervisors pursuant to the provisions of this Chapter, shall be construed a conforming use.

(Ord. 5/7/1975, 5/7/1975, §909; as amended by Ord. 1991-1, 1/7/1991)

### **§27-1315. Special Exception Uses (See Appendix B).**

1. Uses specified as special exception within zoning districts of this Chapter shall be permitted only after approval by the Zoning Hearing Board. Criteria to be used as guidelines in evaluating a proposed special exception shall be the same as described in §27-1309(1)(D) of this Chapter. In granting a special exception the Zoning Hearing Board shall require all regulations of the district in which the special exception is proposed to be satisfied if feasible. The proposed special exception shall be appropriate to the specific location and neighborhood for which it is proposed, consistent with the community development plan, and in keeping with the purposes and intent of this Chapter.
2. The Zoning Hearing Board's decision to grant a permit for a special exception use shall be made only after public hearing as provided in §27-1308 hereof. [1991-1]
3. (a) A special exception use permit shall be issued upon approval of the Zoning Hearing Board stating the conditions upon which the permit was issued. (b) A special exception permit shall be deemed to authorize only one particular use and shall expire if the conditional use shall cease for more than 6 months for any reason.

4. A special exception use, for which a permit is granted by the Zoning Hearing Board pursuant to the provisions of this Chapter, shall be construed a conforming use.

(Ord. 5/7/1975, 5/7/1975, §910; as amended by Ord. 1991-1, 1/7/1991)

**B. Zoning Map Amendments**

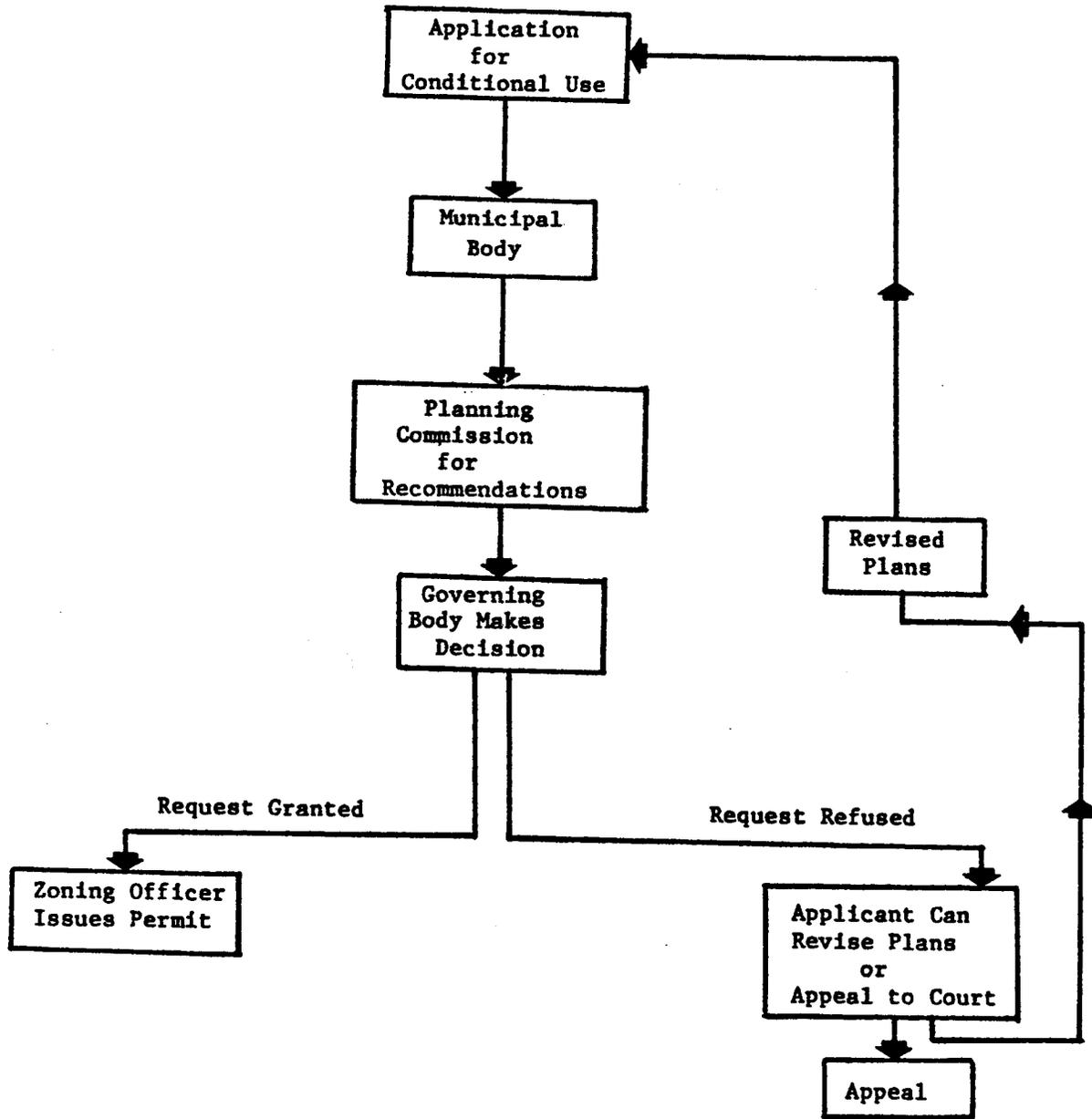
<b>Ord./Res.</b>	<b>Date</b>	<b>Subject</b>
8/13/1986	8/13/1986	Reclassification of (RA) Rural Agricultural District to be zoned as a (R-1) Residential Low-Density District.
1/4/1988	1/4/1988	Reclassification of (RA) Rural Agricultural District to be zoned as an (I-C) Industrial-Commercial District.
1990-3	7/26/1990	Reclassification of (RA) Rural Agricultural District to be zoned as an (I-C) Industrial-Commercial District.
1993-2	11/18/1993	Reclassification of (RA) Rural Agricultural District to be zoned as an (I-C) Industrial-Commercial District.
2000-1	8/7/2000	Reclassification of (RA) Rural Agricultural District to be zoned as an (I-C) Industrial-Commercial District.
2001-3	12/3/2001	Reclassification of (RA) Rural Agricultural District to be zoned as a (SF) Single Family Residential District.
2003-1	7/7/2003	Reclassification of (RA) Rural Agricultural District to be zoned as an (I-C) Industrial-Commercial District.
2004-2	11/1/2004	A. Reclassification of (RA) Rural Agricultural District to be zoned as a (R-1) Residential Low-Density District. B. Reclassification of (RA) Rural Agricultural District to be zoned as a (R-I) Residential Low-Density District. C. Reclassification of (RA) Rural Agricultural District to be zoned as a (R-1) Residential Low-Density District. D. Reclassification of (RA) Rural Agricultural District to be zoned as a (R-1) Residential Low-Density District.

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<b>Ord./Res.</b>	<b>Date</b>	<b>Subject</b>
		E. Reclassification of (RA) Rural Agricultural District to be zoned as a (R-1) Residential Low-Density District.
		F. Reclassification of (RA) Rural Agricultural District to be zoned as an (I-C) Industrial-Commercial District.
		G. Reclassification of (RA) Rural Agricultural District to be zoned as an (I-C) Industrial-Commercial District.
		H. Reclassification of (R-I) Residential Low-Density District and (RA) Rural Agricultural District to be zoned as an (I-C) Industrial-Commercial District.
		I. Reclassification of (RA) Rural Agricultural District to be zoned as an (I-C) Industrial Commercial District.
		J. Reclassification of (RA) Rural Agricultural District to be zoned as an (I-C) Industrial Commercial District.
		K. Reclassification of (RA) Rural Agricultural District to be zoned as an (I-C) Industrial Commercial District.
		L. Reclassification of (RA) Rural Agricultural District to be zoned as an (I-C) Industrial Commercial District.
		M. Reclassification of (RA) Rural Agricultural District to be zoned as an (I-C) Industrial Commercial District.
		N. Reclassification of (RA) Rural Agricultural District to be zoned as an (I-C) Industrial Commercial District.
		O. Reclassification of (RA) Rural Agricultural District to be zoned as an (I-C) Industrial Commercial District.
		P. Reclassification of (RA) Rural Agricultural District to be zoned as an (I-C) Industrial Commercial District.
		Q. Reclassification of (RA) Rural Agricultural District to be zoned as an (I-C) Industrial Commercial District.

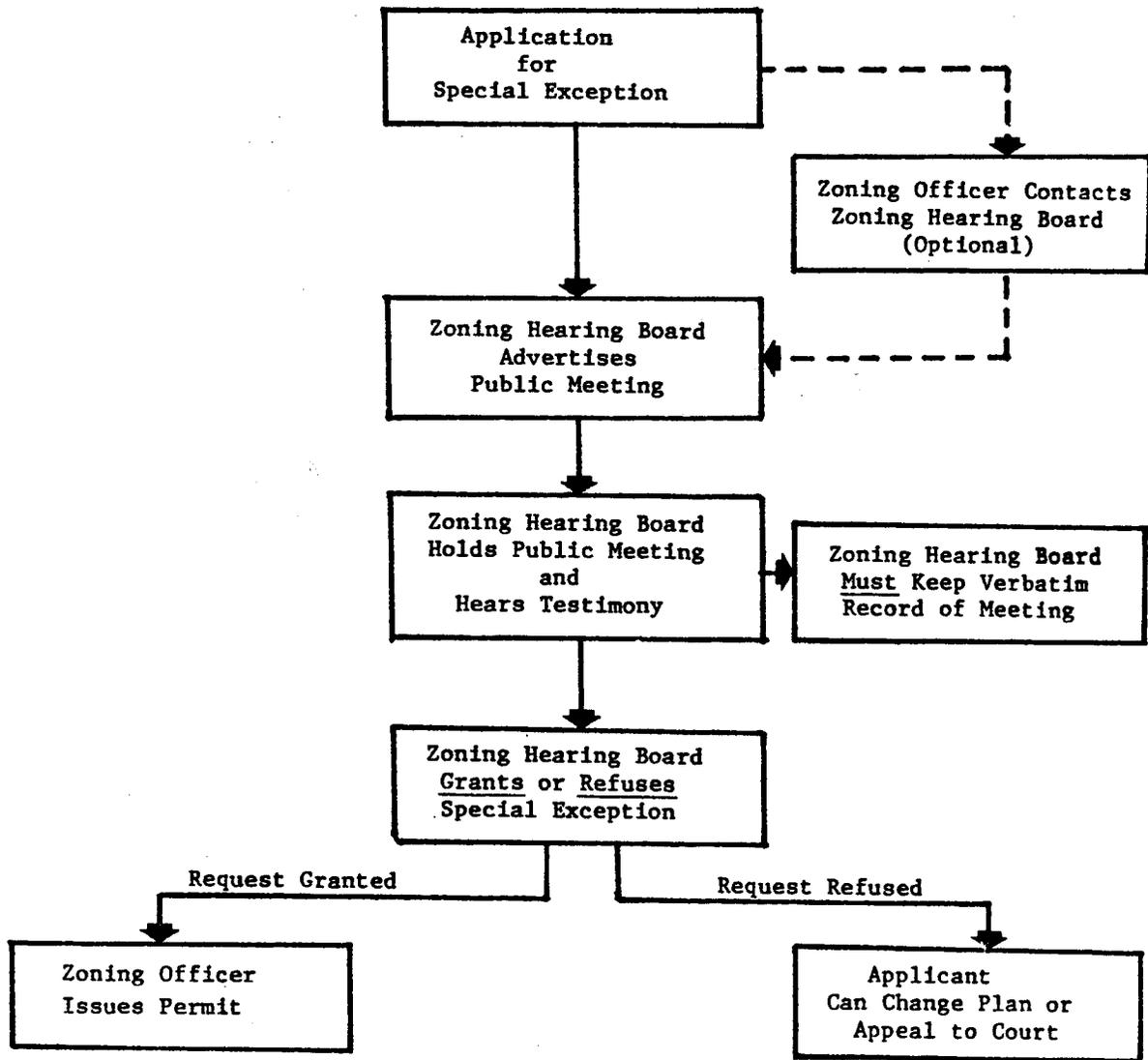
<b>Ord./Res.</b>	<b>Date</b>	<b>Subject</b>
		R. Reclassification of (RA) Rural Agricultural District to be zoned as an (I-C) Industrial Commercial District.
		S. Reclassification of (RA) Rural Agricultural District to be zoned as an (I-C) Industrial Commercial District.
		T. Reclassification of (SF) Single Family Residential District to be zoned as an (I-C) Industrial Commercial District.

CONDITIONAL USE PROCEDURE



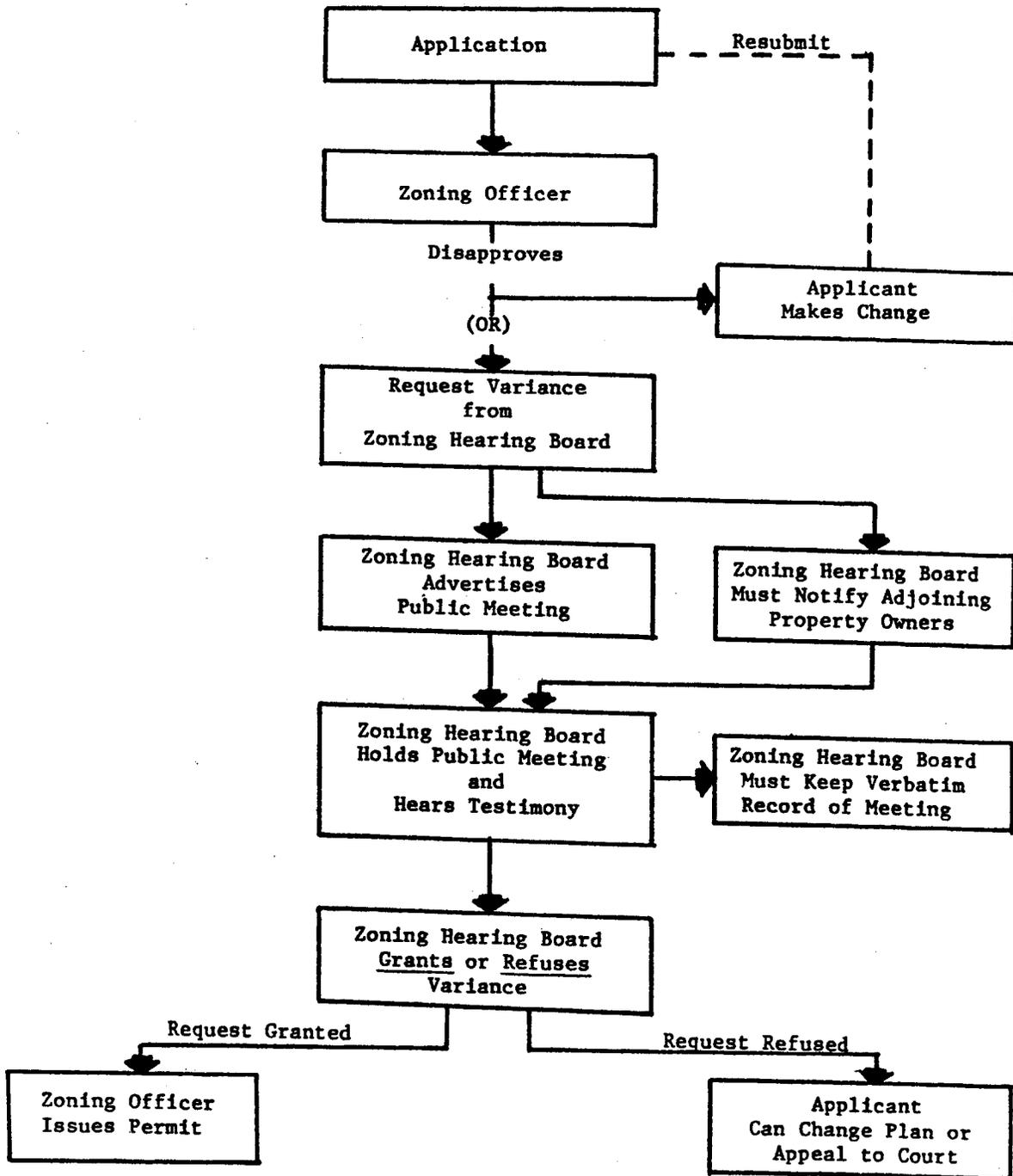
APPENDIX B

SPECIAL EXCEPTION PROCEDURE



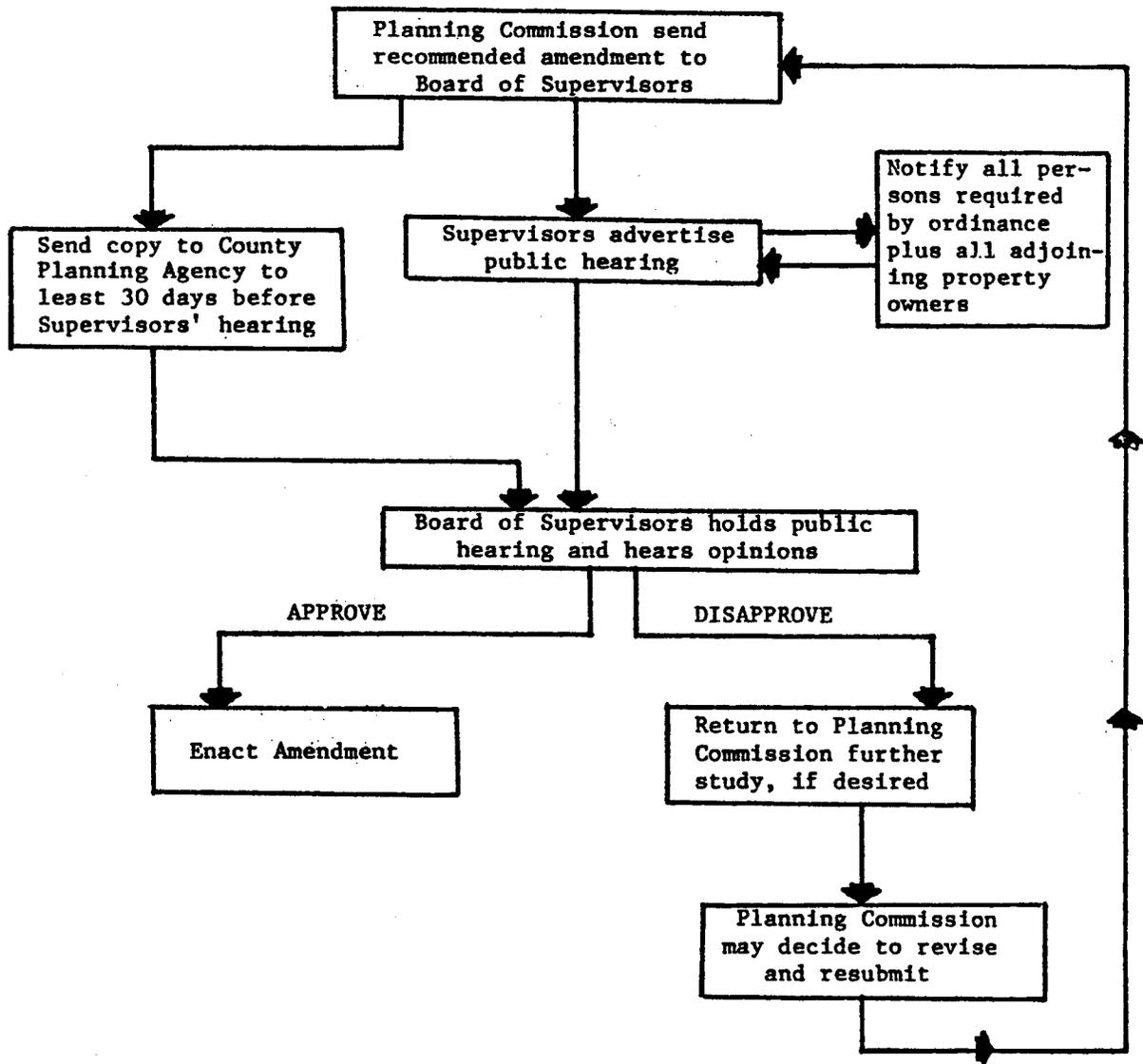
APPENDIX C

VARIANCE PROCEDURE



APPENDIX D

PROCEDURE FOR AMENDING ZONING ORDINANCE



NOTE: SEE SECTION 609, ACT 247

If the amendment is prepared by someone other than the Planning Commission, the Supervisors must send the proposed amendment to the Planning Commission for at least 30 days consideration. The process then is the same as it is outlined here.

**APPENDIX E**

**MULTI-FAMILY DEVELOPMENT**

To promote flexibility in planning and to provide for medium density development in areas where there are existing public water, sewer, and circulation facilities, multi-family development may be allowed when listed as a conditional use in the district. The following regulations shall apply:

**Height Regulations**

The height of a building shall not be greater than thirty-five (35) feet.

**Area and Bulk Regulations**

1. Two-family detached dwelling:

- |  |                |
|--|----------------|
| a. Minimum lot size per unit           | 12,000 sq. ft. |
| b. Minimum lot width                   | 120 ft.        |
| c. Minimum any one side yard setback   | 15 ft.         |
| d. Minimum aggregate side yard setback | 30 ft.         |
| e. Minimum front yard setback          | 30 ft.         |
| f. Minimum rear yard setback           | 30 ft.         |
| g. Maximum impervious coverage         | 30%            |

2. Two-family semi-detached dwelling.

- |                                |                |
|--------------------------------|----------------|
| a. Minimum lot size per unit   | 10,000 sq. ft. |
| b. Minimum lot width           | 200 ft.        |
| c. Minimum side yard setback   | 15 ft.         |
| d. Minimum front yard setback  | 30 ft.         |
| e. Minimum rear yard setback   | 30 ft.         |
| f. Maximum impervious coverage | 30%            |

3. Townhouse dwelling.

- |  |         |
|--|---------|
| a. Maximum eight (8) dwelling units per acre |         |
| b. Minimum lot width                         | 200 ft. |
| c. Minimum lot depth                         | 200 ft. |
| d. Minimum front yard setback                | 30 ft.  |
| e. Minimum rear yard setback                 | 30 ft.  |

- a. Maximum eight (8) dwelling units per acre
  - f. Maximum impervious coverage 60%
4. Multi-family dwellings including garden apartments, and low-rise apartments.
- a. Density: Maximum permitted gross density for multi-family residential uses in this district shall be established through Density Factors which are based upon the likely impact of each dwelling unit size.
- Density Factors shall be assigned each dwelling type in accordance with the following table:

<b>Multi-Family Type</b>	<b>Density Factor</b>
Efficiency Unit	2
One-Bedroom Unit	2
Two-Bedroom Unit	2
Three Bedroom Unit	4
Four-Bedroom Unit	6
More than four Bedroom Unit	8

- At no time shall the aggregate Density Factors per acre for any multi-family development exceed twenty-four (24) per acre.
- b. Minimum lot width
  - c. Minimum lot depth
  - d. Minimum front yard setback
  - e. Minimum side yard setback
  - f. Minimum rear yard setback
  - g. Maximum impervious coverage
  - h. Maximum height - three stories or 40 ft., whichever is the lesser.

