

PENN TOWNSHIP, BUTLER COUNTY

ZONING ORDINANCE # 166

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Table of Contents

CHAPTER 1 - GENERAL PROVISIONS	8
1.00 General Authority	8
1.01 Scope	8
1.02 Zoning Purposes / Intent	8
1.03 Community Development Objectives	8
1.04 Interpretation / Terminology	9
1.05 Applicability	10
1.06 Abrogation	10
1.07 Repealer	10
1.08 Severability	10
1.09 Compliance with SALDO	10
1.10 Conflict with other Codes	10
1.11 Municipal Authorities / Water Companies	10
CHAPTER 2 - OFFICIAL ZONING DISTRICT MAP	11
2.00 Official Zoning District Map	11
2.01 Interpretation of District Boundaries	11
2.02 Establishment of Districts	12
2.03 Uses	12
2.04 Accessory Uses and Structures	12
2.05 Location of Unattached Accessory Structures	12
2.06 Number of Accessory Structures	12
2.07 Use Tables	13
CHAPTER 3 - S CONSERVANCY DISTRICT	19
3.00 Permitted Uses	19
3.01 Conditional Uses	19
3.02 Permitted Accessory Uses & Structures	19
3.03 Minimum Yard Setbacks For Principal Structures	19
3.04 Minimum Lot Requirements	20
3.05 Height Limitations	20
CHAPTER 4 - RE RESIDENTIAL ESTATE DISTRICT	21
4.00 Permitted Uses	21
4.01 Conditional Uses	21
4.02 Permitted Accessory Uses & Structures	21
4.03 Minimum Yard Setbacks For Principal Structures	21
4.04 Minimum Lot Requirements	22
4.05 Height Limitations	22
CHAPTER 5 - R-1 LOW-DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT	23
5.00 Permitted Uses	23
5.01 Conditional Uses	23
5.02 Permitted Accessory Uses & Structures	23
5.03 Minimum Yard Setbacks For Principal Structures	23
5.04 Minimum Lot Requirements	24
5.05 Height Limitations	24
CHAPTER 6 - C-1 NEIGHBORHOOD COMMERCIAL DISTRICT	25
6.00 Permitted Uses	25
6.01 Conditional Uses	25
6.02 Permitted Accessory Uses & Structures	25
6.03 Minimum Yard Setbacks For Principal Structures	25
6.04 Minimum Lot Requirements	26

6.05	Height Limitations.....	26
CHAPTER 7 - C-2 HIGHWAY COMMERCIAL DISTRICT.....		27
7.00	Permitted Uses.....	27
7.01	Conditional Uses	27
7.02	Permitted Accessory Uses & Structures.....	27
7.03	Minimum Yard Setbacks For Principal Structures	27
7.04	Minimum Lot Requirements	28
7.05	Height Limitations.....	28
7.06	Multiple Uses	28
CHAPTER 8 - I - L LIMITED INDUSTRIAL DISTRICT.....		29
8.00	Permitted Uses.....	29
8.01	Conditional Uses	29
8.02	Permitted Accessory Uses & Structures	29
8.03	Minimum Yard Setbacks For Principal Structures	29
8.04	Minimum Lot Requirements	30
8.05	Height Limitations.....	30
CHAPTER 9 - OZ-1 RENFREW OVERLAY DISTRICT.....		31
9.00	Purpose and Intent	31
9.01	Restrictions.....	31
9.02	Permitted Uses.....	31
9.03	Accessory Uses.....	31
9.04	Conditional Uses	31
9.05	Lot Area, Height and Yard Requirements	31
9.06	FloodPlain	32
9.07	Parking	32
9.08	Permits.....	32
CHAPTER 10 - OZ-2 PORT-O'-CALL OVERLAY DISTRICT.....		33
10.00	Purpose and Intent	33
10.01	Restrictions.....	33
10.02	Permitted Uses.....	33
10.03	Conditional Uses	33
10.04	Lot Area, Yard and Height Requirements	33
10.05	Height.....	34
10.06	Parking	34
10.07	Permits.....	34
CHAPTER 11 - A-O AIRPORT OVERLAY DISTRICT		35
11.00	Purpose	35
11.01	Relation to other Zoning Districts	35
11.02	Definitions	35
11.03	Establishment of Airport Surface Zones.....	36
11.04	Permit Applications.....	37
11.05	Variances.....	37
11.06	Use Restrictions.....	37
11.07	Pre-Existing Nonconforming Issues	37
11.08	Obstruction Marking and Lighting	38
11.09	Violations and Penalties	38
11.10	Appeals.....	38
11.11	Conflicting Regulations.....	38
11.12	Severability.....	38
CHAPTER 12 - TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND) OVERLAY DISTRICT ...		40
12.00	Purpose	40
12.01	Objectives.....	40
12.02	TND Overlay District Compliance.....	40

12.03	Uses	40
12.04	Conditional Use Criteria	40
12.05	Basic Development Standards	41
12.06	Loading and Service Areas	42
12.07	Other Development Regulations.....	42
12.08	Appendix 1 - Design Principles	43
12.09	Building Design	43
12.10	Site Circulation and Parking	44
12.11	Landscape Requirements	46
12.12	Lighting Requirements and Design Standards.....	47
CHAPTER 13 - ADULT-ORIENTED BUSINESSES		52
13.00	Adult Materials	52
13.01	Adult- or Sexually-Oriented Businesses & Services	52
13.02	Specified Sexual Anatomical Areas.....	52
13.03	Specified Sexual Activities	52
13.04	Substantial Portion.....	53
13.05	Signs Permitted.....	53
13.06	Performance Standards and Limitations for Sexually-Oriented Businesses	53
13.07	References for Studies on the Secondary Effects of Sexually-Oriented Businesses.....	54
CHAPTER 14 - TEMPORARY USES		55
14.00	Authorization	55
14.01	Temporary Zoning Permit Required	55
14.02	Use Limitation	55
14.03	Permitted Temporary Uses	55
CHAPTER 15 - SUPPLEMENTAL REGULATIONS		59
15.00	Table of Bulk, Dimensional & General Requirements	59
15.01	General Use Provisions and Exceptions	63
15.02	Fencing	63
15.03	Public Service Lines	63
15.04	Landscape Features.....	63
15.05	Individual Mobile or Manufactured Homes on their own Lots	63
15.06	Accessory Residential Uses	64
15.07	Nonresidential Site Plan Review (Land Development)	64
15.08	Performance Standards	65
15.09	Environmental Protection Standards.....	66
15.10	Environmental Protection Requirements	66
15.11	Buffer Yards	67
CHAPTER 16 - OFF STREET PARKING AND LOADING FACILITIES.....		68
16.00	General Requirements.....	68
16.01	Parking Space Dimensions and Access	68
16.02	Loading Space Requirements and Dimensions.....	69
16.03	Drainage.....	69
16.04	Adjacent Residential Screening and / or Landscaping.....	69
16.05	Parking Space Requirements – Vehicles and Bicycles	70
16.06	General Interpretation of This Chapter	74
CHAPTER 17 - NONCONFORMITIES		75
17.00	Intent	75
17.01	Nonconforming Lots of Record	75
17.02	Nonconforming Uses of Land.....	75
17.03	NonConforming Structures	75
17.04	NonConforming Uses of Structures or of Structures and Land in Combination.	76
17.05	Adaptive Reuse.....	76

17.06	Nonconforming Signs.....	77
17.07	Repairs and Maintenance	77
17.08	Historic Landmarks	77

CHAPTER 18 - CONDITIONAL USES	78
18.00 Purpose	78
18.01 STANDARDS FOR SPECIFIC CONDITIONAL USES	79
18.02 Adult-Oriented Businesses	79
18.03 Agribusiness	79
18.04 Composting, Commercial	79
18.05 Farmers Market (Permanent).....	79
18.06 Nurseries / Greenhouses / Farnettes / Farmers Markets / Lumber Yards / Manufactured Homes	
Sales / Heavy Equipment sales with Rental Facilities	80
18.07 Animal Hospitals / Veterinary Clinics.....	80
18.08 Animal Shelters / Animal Kennels — Commercial.....	80
18.09 Animal Kennels -- Private	81
18.10 Stables, Boarding / Riding Academies	81
18.11 Single - Family Dwelling, Zero - Lot Line.....	81
18.12 Personal Care / Boarding Home / Group Care / Day Care Facilities.....	82
18.13 Farm Worker Residence	83
18.14 Carriage House	83
18.15 Granny Flats	83
18.16 Cluster Housing	83
18.17 Nursing Home.....	83
18.18 Home Occupations	83
18.19 Bed and Breakfast Facilities	84
18.20 Mobile Home Park/ RV Campgrounds/ Camping sites	84
18.21 Correctional Facilities.....	85
18.22 Drug / Alcohol Rehab Facilities / Homeless Shelter/Transitional Dwellings.....	85
18.23 Schools / Places of Worship / Libraries / Cultural Facilities / Hospitals/ Education / Religious /	
Philanthropic Institutions.....	86
18.24 Essential Public Services, Facilities and Utilities	86
18.25 Private Membership Clubs	86
18.26 Airport	86
18.27 Helipads.....	87
18.28 Cemeteries	87
18.29 Parks, Active.....	87
18.30 Parks, Passive	87
18.31 Recreation, Indoor Facilities.....	87
18.32 Recreation, Non-Profit.....	87
18.33 Funeral Homes.....	87
18.34 Pawn Shops/Check Cashing Shops.....	88
18.35 Warehousing, Light and Heavy	88
18.36 Storage of vehicles — commercial / boats, RVs / cars / equipment / fleet / Terminal - freight	88
18.37 Storage of Explosive / Hazardous Materials.....	89
18.38 Manufacturing, Limited.....	91
18.39 Research and development	91
18.40 Laundry — Industrial	91
18.41 Scrap and Salvage Operations	92
18.42 Recycling Facilities >1,000 SF	93
18.43 Multi-Family Dwellings	93
18.44 Lodging Hotels and Motels.....	94
18.45 Golf Course.....	94
18.46 Drive in Theaters	95
18.47 Mini Storage Facilities.....	95
18.48 Essential Communication Facilities.....	96
18.49 Medical Marijuana Dispensaries	97
18.50 Medical Marijuana Grow/Processors.....	97
18.51 Mining, Excavation and Extraction	97

CHAPTER 19 - ADMINISTRATION.....	101
19.00 Planning Commission.....	101
19.01 Zoning Officer.....	101
19.02 Zoning Hearing Board.....	101
19.03 Members.....	101
19.04 Removal of Board Members.....	101
19.05 Alternate Members.....	101
19.06 Number of Alternates.....	102
19.07 Elections.....	102
19.08 Quorum.....	102
19.09 Hearing Officer.....	102
19.10 Fees.....	102
19.11 Complete Application.....	102
19.12 Legal Counsel.....	102
19.13 Compensation.....	102
19.14 Jurisdiction.....	102
19.15 Review Process.....	103
19.16 Variances.....	103
19.17 Conditional Uses.....	103
19.18 Hearings.....	104
19.19 Mediation.....	106
19.20 Time Limitations.....	106
19.21 Stay of Proceedings.....	106
19.22 Appeals from Decisions of the Zoning Hearing Board.....	107
19.23 Intervention.....	107
19.24 Rehearing.....	107
CHAPTER 20 - PERMITS.....	108
20.00 Zoning Permits.....	108
20.01 Occupancy Permits.....	109
20.02 Conditional Use Permits.....	109
20.03 Special Permit for Development in Floodplain Areas.....	111
CHAPTER 21 - SIGNS.....	112
21.00 General Requirements.....	112
21.01 Signs in RE and R-1 Residential and S Conservancy Zone Districts.....	112
21.02 Signs in Commercial and Industrial Zone Districts.....	113
21.03 Review and Approval.....	114
CHAPTER 22 - ENFORCEMENT.....	115
22.00 Revocation of Permits.....	115
22.01 Penalties for Violation.....	115
22.02 Notice of Violation.....	115
22.03 Schedule of Fees, Charges, and Expenses.....	116
CHAPTER 23 - ZONING AMENDMENTS.....	117
23.00 Initiation.....	117
23.01 Public Hearing and Notice.....	117
23.02 Amendments Initiated by the Planning Commission.....	117
23.03 Landowner Curative Amendments.....	118
23.04 Municipal Curative Amendments.....	118
23.05 Publication, Advertisement and Availability of Zoning Ordinance.....	119
23.06 Applications/Fees for Amendments.....	119
Enactment.....	120
Appendix a - DEFINITIONS.....	121

CHAPTER 1 - GENERAL PROVISIONS

1.00 GENERAL AUTHORITY

This Zoning Ordinance is enacted under the grant of powers by the General Assembly of the Commonwealth of Pennsylvania, Act 247, the Pennsylvania Municipalities Planning Code (PA MPC), July 31, 1968, as amended.

Ordinance #166 / May 15, 2017

1.01 SCOPE

The provisions of this Ordinance shall control whenever they impose greater restrictions on the use of land, the use or height of structures, the size of yards or open spaces, or the density of population than those imposed by other laws, ordinances, rules, regulations, permits, easements, agreements or covenants.

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the health, safety, morals and general welfare of Penn Township. It is not intended to interfere with, abrogate, or annul other rules, regulations or ordinances of Penn Township, except that where this Ordinance imposes greater restrictions upon the use of buildings or premises, or the height of a building, or requires larger open spaces than are imposed by such other rules, regulations or ordinances, the provisions of this Ordinance shall control.

1.02 ZONING PURPOSES / INTENT

This Zoning Ordinance is enacted for the following purposes:

- (A) To promote, protect and facilitate one or more of the following: The public health, safety, morals, and general welfare; coordinated and practical community development; proper density of population; emergency preparedness; disaster evacuation; the provision of adequate light and air; public safety; vehicle parking and loading space; transportation; water; sewerage; schools; public grounds; and/or other public requirements.
- (B) To prevent one or more of the following: overcrowding of land; blight; danger of congestion in travel and transportation; and, to the maximum extent possible, the loss of health, life or property due to fire, flood, panic or other dangers.
- (C) To preserve prime agricultural and farmland considering topography, soil type and classification, and present use.
- (D) To provide for the use of land within the municipality for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multifamily dwellings in various arrangements, provided however that no Zoning Ordinance shall be deemed invalid for the failure to provide for any other specific dwelling type.
- (E) To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.
- (F) To promote and foster the community development goals and objectives, as identified in the BAMM Plan.

1.03 COMMUNITY DEVELOPMENT OBJECTIVES

The objectives of this Zoning Ordinance, as identified and discussed in the Butler Area Multi Municipal Plan (BAMM Plan), are to:

- (A) Preserve prime farmland, open space, woodlands, hillsides, wetlands, watersheds, scenic vistas, and other critical environmental areas, and leave floodplains undeveloped.

- (B) Provide a range of housing opportunities and alternatives, in terms of type and cost, in safe, desirable, walkable, blight-free neighborhoods, and rehabilitate deteriorated housing and neighborhoods to conserve and stabilize property values throughout the municipality.
- (C) Foster distinctive, attractive communities with a strong sense of place, and coordinated, practical development that promotes the health, safety, morals, and general welfare of the municipality.
- (D) As economically as possible, provide a variety of transportation choices and the safe and convenient movement of traffic through the municipality, separating local and through traffic when possible, preventing congestion, providing safe walkways for pedestrians, promoting access management principles along key corridors, and assuring minimal disruption of development patterns and community integrity.
- (E) Strengthen and direct development towards communities or areas with existing utilities, taking advantage of compact development and building design; promoting use of renewable resources; redeveloping abandoned, blighted, or underutilized sites; discouraging sprawl; and buffering incompatible land uses.
- (F) Mix land uses to balance economic growth and employment opportunities with residential uses, open space, parks and recreation facilities, transportation hubs, commercial and entertainment facilities, and schools, to enhance the sense of community and minimize development costs.
- (G) Promote Downtown Butler as the commercial, government, social, and entertainment center of the BMM Plan area, while concentrating other commercial and industrial uses in appropriate locations as identified in the BMM Plan.
- (H) Assure that there are an adequate number of developable sites for light industrial, commercial, office, neighborhood commercial, and other employment or service centers, redeveloping existing sites as a top priority, and encouraging aesthetically pleasing designs.
- (I) Encourage the most economically efficient provision of water, wastewater, storm drainage, electric, gas, and telecommunications, as well as schools, parks, libraries, museums, and other public amenities.
- (J) Provide for development decisions that are predictable, fair and cost-effective.
- (K) Encourage community and stakeholder collaboration in development decisions.

1.04 INTERPRETATION / TERMINOLOGY

In the interpretation and application of this Zoning Ordinance, its provisions shall be held to be the minimum requirements for the promotion of the health, safety, morals, and general welfare of the municipality. Any permitted use subject to the provisions of this Zoning Ordinance shall conform to all regulations. Other provisions include:

- (A) This Zoning Ordinance is not intended to interfere with, abrogate, annul, supersede or cancel any reservations contained in deeds or other agreements.
- (B) In the interpretation of the language of this Zoning Ordinance, where doubt exists as to the intended meaning of language as written and enacted, the language shall be interpreted in favor of the property owner and against any implied extension of the restriction.
- (C) Provisions of this Zoning Ordinance are activated by "shall" when required; "should" when recommended; and "may" when optional.
- (D) "Person" shall mean a firm, association, organization, partnership, trust, company or corporation, as well as an individual.
- (E) The present tense also includes the future tense.
- (F) The singular number includes the plural number and vice versa.
- (G) The word "used" or "occupied" shall also include the words "intended," "designed," or "arranged to be used or occupied."
- (H) The word "lot" includes the word "plot," "parcel" or "tract."
- (I) Definitions are included in Appendix A of this Zoning Ordinance.

1.05 APPLICABILITY

The provisions of this Zoning Ordinance shall apply to all districts, lots, structures, buildings, uses, signs, land developments, subdivisions, and their accessory structures, buildings, uses, and signs. No structure or lot shall hereafter be used or occupied, and no structure or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with this Zoning Ordinance.

1.06 ABROGATION

This Zoning Ordinance is not intended to repeal, abrogate, annul (other than as enumerated in Section 1.07—Repealer) or interfere with any existing ordinance, enactment, rule, regulation, or permit previously adopted or issued. If this Zoning Ordinance imposes greater restrictions upon the use of buildings or land, then the provisions of this Zoning Ordinance shall apply.

1.07 REPEALER

Ordinance # 123, as amended, is hereby repealed. However, nothing in this Zoning Ordinance shall be construed to affect any suit or proceeding pending in any court, nor any rights acquired or liability incurred, nor any permit issued or approval granted, nor any cause or causes of action arising prior to the enactment of this Zoning Ordinance. Further, all ordinances or parts of ordinances and all resolutions or parts of resolutions which are inconsistent by virtue of references or incorporation of requirements contained in the prior Zoning Ordinance, as amended, shall, as nearly as possible, be construed to reference this Zoning Ordinance.

1.08 SEVERABILITY

If any section or provision of this Zoning Ordinance is declared by the courts to be unconstitutional or invalid, such a decision shall not affect the viability of this Zoning Ordinance as a whole, or any part other than the specific part declared to be unconstitutional or invalid.

1.09 COMPLIANCE WITH SALDO

For all land developments, as defined herein to include all development except single-family homes (refer to the Definitions Chapter), approval of a land development plan in accordance with the requirements of the Municipality's Subdivision and Land Development Ordinance (SALDO) shall be a prerequisite to obtaining a Zoning Permit under this Zoning Ordinance.

1.10 CONFLICT WITH OTHER CODES

If, after the effective date of this Ordinance, a provision is found to be in conflict with a provision of any other applicable ordinance, resolution, code, or health, building, housing, or safety regulation, the provision which establishes the more restrictive standard for the protection of the health, safety, and welfare of the people shall prevail.

1.11 MUNICIPAL AUTHORITIES / WATER COMPANIES

If a municipal authority, water company or other municipality plans to expand water, sanitary sewer or storm sewer via a new main extension to a proposed development that has not received any municipal approvals within the municipality, it shall notify the municipality by certified mail, return receipt requested, of its intention. It shall provide the municipality an opportunity to provide written comment on whether the proposed expansion of service within the municipality is generally consistent with the Zoning Ordinance.

The purpose of this requirement is to provide the municipal authority, water company or other municipality with information regarding how its decision to expand service may potentially enhance, support, conflict with, or negatively impact the land use planning of the municipality. This does not limit the right of the municipal authority, water company or other municipality to expand services as otherwise permitted by law.

(A) This should not be construed as limiting the authority of the Pennsylvania Public Utility Commission over the implementation, location, construction and/or maintenance of public utilities. The requirements of this section shall not apply to an expansion of service by a municipal authority, water company or other municipality which is ordered by a court or a federal or state agency to provide the expansion.

CHAPTER 2 - OFFICIAL ZONING DISTRICT MAP

2.00 OFFICIAL ZONING DISTRICT MAP

The municipality is divided into districts as shown on the Official Zoning District Map, which, together with all explanatory matter thereon, is hereby adopted as part of this Zoning Ordinance. The following provisions apply:

- (A) The Official Zoning District Map, adopted with this Zoning Ordinance, shall be identified by the signatures of the appropriate municipal officials, the date of adoption, and the seal of the Municipality under the following words: "This is to certify that this is the Official Zoning District Map referred to in Ordinance #160, the Municipal Zoning Ordinance, of Penn Township, Butler County, PA."
- (B) The Original Official Zoning Map shall be filed in the Zoning Officer's office, shall remain without change as originally adopted by the municipality, and shall be used only for reference purposes when there is a need to determine the original zoning.
- (C) One or more copies of the Zoning Map, with the signatures and date of adoption, shall be available for public reference in the Zoning Officer's office or other location convenient to the public.
- (D) No changes of any nature shall be made to the Official Zoning District Map or matter shown thereon except in conformity with the procedures set forth in this Zoning Ordinance. Any unauthorized change of whatever kind by any person shall be considered a violation of this Zoning Ordinance and punishable as provided under Chapter 21 of this Zoning Ordinance

2.01 INTERPRETATION OF DISTRICT BOUNDARIES

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

- (A) Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.
- (B) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (C) Boundaries indicated as approximately following municipal boundaries shall be construed as following municipal boundaries.
- (D) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- (E) Boundaries indicated as following shorelines shall be construed to follow such shorelines, in the event of change in the shoreline, shall be construed as moving with the actual shoreline. Boundaries indicated as approximately following the centerlines of streams, rivers, lakes or other bodies of water shall be construed to follow such centerlines.
- (F) Distances not specifically indicated on the Official Zoning District Map shall be determined by the scale of the map.
- (G) Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in circumstances not covered above, the Zoning Hearing Board shall interpret the district boundaries.
- (H) Any person aggrieved by the interpretation of the Official Zoning District Map by the Zoning Officer may appeal to the Zoning Hearing Board.

2.02 ESTABLISHMENT OF DISTRICTS

The municipality has established districts as set forth below and indicated on the Official Zoning District Map. The following provisions apply:

S	Conservancy District
RE	Residential Estate
R-1	Low-Density Single-Family Residential District
C-1	Neighborhood Commercial District
C-2	Highway Commercial District
I-L	Limited Industrial District
A-O	Airport Overlay District
OZ-1	Renfrew Overlay
OZ-2	Port-O'-Call Overlay
TND	Traditional Neighborhood Development Overlay

2.03 USES

Permitted and conditional uses and/or special exceptions are summarized in the following Use Table, and are discussed in more detail in the Chapter relating to each zoning district. Uses permitted by Special Exception are also identified in the Use Table and explained in greater detail in the specific zoning district. Accessory uses are explained in general below. Accessory uses specific to certain zoning districts are explained in each of those districts.

2.04 ACCESSORY USES AND STRUCTURES

Accessory uses and structures shall be permitted as a subordinate use or structure within a zoning district, when they are incidental to or associated with a principal use or structure. They must be customarily required or provided for the principal use or structure. The area of the accessory use or structure shall be no more than 100% of the GFA of the principal use or structure. Detached garages shall be considered accessory uses and structures, and are subject to the size limitation.

2.05 LOCATION OF UNATTACHED ACCESSORY STRUCTURES

On residential lots of one acre or less, unattached accessory structures shall be located to the side or rear of the principal structure. The accessory structure shall conform to the minimum side yard and rear yard setback requirements.

On residential lots larger than one acre, unattached accessory structures may be located to the front, side or rear of the principal structure, provided that all minimum building line and side yard setback requirements are met.

2.06 NUMBER OF ACCESSORY STRUCTURES

No more than three accessory structures are permitted in Residential districts. Pools, fences, open gazebos, trellises, cabanas or similar structures shall not be counted as structures for purposes of this provision.

There is no limit on the number of accessory structures in Agricultural, Commercial, or Industrial districts.

2.07 USE TABLES

Use Category	S	RE	R-1	C-1	C-2	I-L
Agriculture						
Agriculture & related activities	P	P	P			P
Agribusiness	C	C	C			P
Agricultural R&D						P
Composting, commercial						C
Forestry/reforestation	P	P	P			P
Nurseries/greenhouses	C	C	C		P	P
Farm produce stands	P	P	P		P	
Farmettes	C	C	C			
Farming/garden/landscaping Retail services					P	P
Farmers market (permanent)				C	C	
Animals						
Animal hospitals/veterinary		C	C	P	P	P
Animal shelters				C	C	P
Animal kennels, private		A	A	C	C	C
Animal kennels, commercial		C	C		P	P
Stables, private	P	P	P			
Stables, boarding/riding academies		C	C		C	C

Zoning Districts:	
S: Conservancy	C-1: Neighborhood Commercial
RE: Residence Estate	C-2: Highway Commercial
R-1: Low-Density Single-Family	I-L: Limited Industrial

LEGEND

P - Permitted Use
 C - Conditional Use
 TND – Traditional Neighborhood
 Development
 Blank Cell – Not Permitted
 A – Permitted Accessory Use

Use Category	S	RE	R-1	C-1	C-2	I-L
Single-family dwelling unit (includes single mobile home)-detached	P	P	P	P		
Single-family-dwelling zero lot line			C	P		
2-family dwelling				P		
Multi-family dwelling				P	C	
Farm worker residences	C	C	C			
Carriage house/granny flats	C	C	C			
Cluster housing		C	C			
Group Homes	P	P	P	P		
Conversion of SF to 2F				P		
Conversion of SF to MF				P		
Boarding homes for sheltered care				C		
Transitional dwellings			C	C		
Group care facilities		C		C	C	
Personal care/boarding home		C	C	C	C	
Homeless shelter		C	C	C	C	
Nursing home				C	C	
Home occupations, no impact	P	P	P	P		
Home occupations		C	C	P		
Bed & Breakfasts	C	C	C	P	P	
Lodging-hotels/motels				C	P	C
Planned Residential Developments		P	P			
Mixed-use buildings-- residential upper floors				P	P	
Mobile Home Park/RV Campgrounds		C	C			

Zoning Districts:	
S: Conservancy	C-1: Neighborhood Commercial
RE: Residence Estate	C-2: Highway Commercial
R-1: Low -Density Single-Family	I-L: Limited Industrial

LEGEND

P - Permitted Use
C - Conditional Use
TND – Traditional Neighborhood Development
Blank Cell – Not Permitted
A – Permitted Accessory Use

Use Category	S	RE	R-1	C-1	C-2	I-L
Facilities – Institutions - Clubs						
Correctional facilities						C
Drug/alcohol rehab facilities				C	C	
Day care centers/Pre-schools		C	C	P	P	P
Hospitals					C	
Medical clinics/offices				P	P	
Schools	C	C	C		C	C
Places of worship	C	C	C	P	P	
Educational/religious/philanthropic institutions		C	C		P	
Libraries/cultural facilities		C	C	P	P	P
Airports		C				
Helipads		C				
Cemeteries		C	C			
Parks, active	C	C	C	C	C	C
Parks, passive	C	P	P	C	C	C
Recreation, indoor facilities					P	C
Recreation, non-profit		C	C	C	C	C
Golf course/country club		C	C		P	
Essential public services, facilities & utilities	C	C	C	P	P	P
Essential communication facilities						C
Lodge, fraternal, civic assembly				P	P	P
Private membership clubs		C	C	C	P	
Postal service				P	P	P

Zoning Districts:	
S: Conservancy	C-1: Neighborhood Commercial
RE: Residence Estate	C-2: Highway Commercial
R-1: Low-Density Single-Family	I-L: Limited Industrial

LEGEND

- P - Permitted Use
- C - Conditional Use
- TND – Traditional Neighborhood Development
- Blank Cell – Not Permitted
- A – Permitted Accessory Use

Use Category	S	RE	R-1	C-1	C-2	I-L
Retail- Wholesale						
Retail sales				P	P	
-business equipment				P	P	P
-convenience store				P	P	
-grocery/market				P	P	P
-big box retail					P	
-auto/RV/truck — new, used & rental					P	
-farm/garden/ landscape					P	P
-gasoline & fuel sales				C	P	C
-manufactured homes					C	P
-lumber yards					C	P
-equipment, heavy w/rental					C	P
Bars & taverns				P	P	P
Restaurants/deli's				P	P	P
Restaurants w/drive-through windows					P	
Drive-thru businesses					P	
Sales, wholesale					P	C
Entertainment						
Entertainment/sports facilities—small (<300 capacity)				P	P	P
Entertainment/sports facilities-large (>300 capacity)					P	P
Drive-in theaters					C	

Zoning Districts:	
S: Conservancy	C-1: Neighborhood Commercial
RE: Residence Estate	C-2: Highway Commercial
R-1: Low-Density Single-Family	I-L: Limited Industrial

LEGEND

- P - Permitted Use
- C - Conditional Use
- TND – Traditional Neighborhood Development
- Blank Cell – Not Permitted
- A – Permitted Accessory Use

Use Category	S	RE	R-1	C-1	C-2	I-L
Services – Parking – Adult Businesses						
-funeral home/crematory				C	P	P
-building maintenance					P	P
-business support				P	P	P
-construction w/sales					P	P
--offices, professional				P	P	P
-studios—art, music, photography				P	P	P
-personal services				P	P	
-laundromat				P	P	
-pawn shops						C
-check cashing shops						C
-rental halls				P	P	P
-repairs, equipment					P	P
-repairs, consumer				P	P	P
Parking, commercial					P	P
Adult-oriented businesses *						C

*Reference Chapter 13.

Zoning Districts:	
S: Conservancy	C-1: Neighborhood Commercial
RE: Residence Estate	C-2: Highway Commercial
R-1: Low-Density Single-Family	I-L: Limited Industrial

LEGEND

- P - Permitted Use
- C - Conditional Use
- TND – Traditional Neighborhood Development
- Blank Cell – Not Permitted
- A – Permitted Accessory Use

Use Category	S	RE	R-1	C-1	C-2	I-L
Mini storage Facilities					C	P
Warehousing, light					C	P
Warehousing, heavy						C
Storage of vehicles-commercial boats/RV's/cars/equipment/fleet					C	C
Storage of explosive materials						C
Terminal, freight						C
Manufacturing/Industry						
Manufacturing, limited					C	P
Research & Development					C	P
Laundry - Industrial					C	P
Scrap & salvage operations						C
Mining, excavation & extraction		C	C			C
Medical Marijuana Dispensaries						C
Medical Marijuana Grow/Processors						C
Recycling						
Recycling facilities (<1000 SF)					C	P
Recycling facilities (>1000 SF)					C	P

Zoning Districts:	
S: Conservancy	C-1: Neighborhood Commercial
RE: Residence Estate	C-2: Highway Commercial
R-1: Low-Density Single-Family	I-L: Limited Industrial

LEGEND
P - Permitted Use
C - Conditional Use
TND – Traditional Neighborhood Development
Blank Cell – Not Permitted
A – Permitted Accessory Use

CHAPTER 3 - S CONSERVANCY DISTRICT

The Conservancy District is intended to protect the rural integrity of the municipality (including natural, scenic, cultural, aesthetic, and historic areas) by restricting uses to agriculture and recreation, as well as single-family dwellings, schools and churches. Preservation of environmentally sensitive areas is a goal of this district.

3.00 PERMITTED USES

Permitted use: Agricultural and related activities, Forestry/reforestation, Farm produce stands, Stables, private, Single-family dwelling unit and Home occupations-no impact.

Permitted Uses can be found in Use Table in Section 2.07.

3.01 CONDITIONAL USES

Conditional Uses: Agribusiness, Nurseries/greenhouses, Farmettes, Farm worker residences, Carriage house/granny flats, Bed and Breakfasts, Schools, Places of worship, Parks-active, Parks-passive, Essential public services/facilities & utilities, and Home occupations-no impact.

Conditional Uses are listed in the Use Table in Section 2.07.

3.02 PERMITTED ACCESSORY USES & STRUCTURES

Accessory buildings and uses customarily incidental to the permitted principal uses, not to exceed, in square footage, the area of the principal structure, except that the square footage of agricultural accessory structures, such as horse and cattle barns, may exceed the square footage area of the principal structure. Examples of Conservancy District permitted accessory uses include:

- (A) Agricultural structures (barns, stables, storage facilities, sheds)
- (B) Garages (Residential)
- (C) Recreation facilities to single-family residences (pools, private courts)
- (D) Signs, in accordance with Chapter 21.
- (E) Other customary uses incidental to permitted uses

3.03 MINIMUM YARD SETBACKS FOR PRINCIPAL STRUCTURES

All principal structures shall meet the following yard requirements:

- (A) Front Yard depth - There shall be a minimum front yard depth of not less than seventy-five feet (75') from the right-of-way line, or one hundred feet (100') from the centerline of the street, whichever is greater.
- (B) Side Yard(s) width - There shall be a minimum side yard width of fifty feet (50') on each side. The depth of a side yard abutting a street shall not be less than the depth of the front yard required on the adjoining lot on that street.
- (C) Rear Yard depth - There shall be a minimum rear yard depth of seventy-five feet (75'), except that for a through lot, the required rear yard depth shall be the same as the required front yard depth.

(Accessory structures - 1,000 square feet or less must meet the front yard same as principal use; side and rear yards - twenty-five feet (25') minimum. 1,001 square feet or more shall meet requirements of Section 3.03 A, B and C).

3.04 MINIMUM LOT REQUIREMENTS

All principal uses shall meet the following lot requirements;

- (A) Lot Area
 - Minimum lot area per family is two (2) acres
 - Farmette – five (5) acres
- (B) Lot Width
 - Interior lot – two hundred feet (200')
 - Corner lot – two hundred seventy-five feet (275')

3.05 HEIGHT LIMITATIONS

The maximum height of structures, except as otherwise provided, in this district, shall be:

- (A) Thirty-five feet (35') and no more than two (2) stories for a single-family dwelling.
- (B) Thirty-five feet (35') and no more than three (3) stories for other principal structures.
- (C) Accessory use structures shall not exceed twenty-five feet (25') in height.
- (D) Accessory agricultural structures, such as barns and silos, shall be exempt from maximum height restrictions.

CHAPTER 4 - RE RESIDENTIAL ESTATE DISTRICT

The Residential Estate (RE) District is intended to provide a rural environment for large-lot single-family homes, allowing a greater variety of permitted and conditional uses.

4.00 PERMITTED USES

Permitted Uses: Agricultural and related activities, Forestry/reforestation, Farm produce stands, Stables-private, Single-family dwelling unit, Home occupations-no impact, Planned Residential Developments, Parks-active, Parks-passive, and Recreation-non-profit.

Permitted use list can be found in Use Table in Section 2.07

4.01 CONDITIONAL USES

Conditional Uses: Agribusiness, Nurseries/greenhouses, Farnettes, Animal hospital/veterinary, Animal kennels-commercial, Stables-boarding/riding academies, Farm worker residences, Carriage house/granny flats, Cluster housing, Group care facilities, Personal care/boarding home, Homeless shelter, Home occupations, Bed and Breakfasts, Mobile Home Park/ RV Campgrounds, Day care centers/Pre-school, Schools, Places of worship, Educational/religious/philanthropic institutions, Libraries/ cultural facilities, Airports, Helipads, Cemeteries, Golf course/country club, Essential public services/facilities & utilities, Mining/excavation and extraction

Conditional Uses are identified in the Use Table in Section 2.07.

4.02 PERMITTED ACCESSORY USES & STRUCTURES

Accessory buildings and uses customarily incidental to the permitted principal uses, not to exceed, in square footage, the area of the principal structure, except that the square footage of agricultural accessory structures, such as horse and cattle barns, may exceed the square footage area of the principal structure. Examples of Residential Estate (RE) District permitted accessory uses include:

- (A) Animal kennels, private
- (B) Residential Garages, sheds
- (C) Recreational facilities to single-family residences (pools, private courts)
- (D) Off-street parking facilities
- (E) Signs in accordance with Chapter 21

4.03 MINIMUM YARD SETBACKS FOR PRINCIPAL STRUCTURES

All principal structures shall meet the following requirements:

- (A) Front Yard depth
 - Fifty feet (50') measured from the right of way line, or seventy-five feet (75') from the centerline of the street, whichever is greater.
- (B) Side Yards depth
 - Twenty feet (20') on each side.
 - Except, a side yard abutting a street shall be not less than the depth of a front yard required on the adjoining lot on that street.
- (C) Rear Yard depth
 - Fifty feet (50'), except that for a through lot the required rear yard depth shall be the same as the required front yard depth.

(Accessory structures – 1,000 square feet or less must meet the front yard same as principal use; side and rear yards – twenty feet (20') minimum. 1,001 square feet or more shall meet requirements of Section 4.03 A, B and C).

4.04 MINIMUM LOT REQUIREMENTS

All principal uses shall meet the following lot requirements:

- (A) Lot Area
 - Farming – ten (10) acres minimum.
 - Commercial kennels – eight (8) acres minimum.
 - Single-family dwelling and other permitted uses - one (1) acre minimum.
 - Farmette – five (5) acres
- (B) Lot Width
 - Interior lot – one hundred fifty feet (150').
 - Corner lot – one hundred seventy-five feet (175')

4.05 HEIGHT LIMITATIONS

The maximum height of structures, except as otherwise provided in this district, shall be:

- (A) Thirty-five feet (35') not exceeding two (2) stories for a single-family dwelling.
- (B) Thirty-five feet (35') not exceeding three (3) stories for other permitted principal structures.
- (C) Accessory use structures shall not exceed twenty-five feet (25') in height.
- (D) Accessory agriculture structures, such as barns and silos, shall be exempt from maximum height restrictions.

CHAPTER 5 - R-1 LOW-DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT

The Low-Density Single-Family Residential District (R-1) reflects a traditional residential lot for most municipalities. Lots are smaller than in the Conservancy and Residential Estate Districts, but larger than the residential lots found in very early municipal subdivisions. The majority of the land in the District is dedicated to residential uses.

5.00 PERMITTED USES

Permitted Uses: Agricultural and related activities, Forestry/reforestation, Farm produce stands, Stables-private, Single-family dwelling unit, Home occupations-no impact, Planned Residential Developments, Parks-passive, and Essential Public Services/Facilities & Utilities.

Permitted use list can be found in Use Table in Section 2.07

5.01 CONDITIONAL USES

Conditional Uses: Agribusiness, Nurseries/greenhouses, Farmettes, Animal hospital/veterinary, Animal kennels-commercial, Stables-boarding/riding academies, Single-family dwelling zero lot line, Farm worker residences, Carriage house/granny flats, Cluster housing, Transitional dwellings, Personal care/boarding home, Homeless shelter, Home occupations, Bed and Breakfasts, Mobile Home Park/RV Campgrounds, Day care centers/Pre-school, Schools, Places of worship, Educational/religious/philanthropic institutions, Libraries/ cultural facilities, Cemeteries, Parks-active, Golf course/country club, Essential public services/facilities & utilities, Private membership clubs, Mining/excavation and extraction

Conditional Uses in the R-1 District are identified in the Use Table in Section 2.07.

5.02 PERMITTED ACCESSORY USES & STRUCTURES

Accessory buildings and uses customarily incidental to the permitted principal uses, not to exceed, in square footage, the area of the principal structure, except that the square footage of agricultural accessory structures, such as horse and cattle barns, may exceed the square footage area of the principal structure. Examples of Low Density Single-Family Residential (R-1) permitted accessory uses include:

- (A) Fences
- (B) Garages, sheds (residential)
- (C) Off-street parking facilities
- (D) Animal kennels, private
- (E) Recreational facilities to single family residences
- (F) Signs as authorized in Chapter 21

5.03 MINIMUM YARD SETBACKS FOR PRINCIPAL STRUCTURES

All principal structures shall meet the following yard requirements:

- (A) Front Yards
 - For single-family dwellings with or without public water or sewers, there shall be a minimum front yard of forty feet (40') measured from the right-of-way line, or sixty-five feet (65') from the centerline of the street, whichever is greater.
- (B) Side Yards
 - For single-family dwellings with or without public water or sewers, there shall be a minimum side yard of ten feet (10').
- (C) Rear Yards

- For single-family dwellings with or without public water or sewers, there shall be a minimum rear yard of thirty feet (30'), except for a through lot, the required rear yard depth shall be the same as the required front yard depth.

(Accessory structures – 1,000 square feet or less must meet the front yard same as principal use; side and rear yards – ten feet (10') minimum. 1,001 square feet or more shall meet requirements of Section 5.03 A, B and C).

5.04 MINIMUM LOT REQUIREMENTS

All principal uses shall meet the following lot requirements:

- (A) Lot Area
- Farming – minimum of ten (10) acres.
 - Commercial kennels – minimum of eight (8) acres.
 - Single-family dwelling without public water and sewer – minimum of one (1) acre.
 - Single-family homes with public water and sewer – minimum of twenty-five thousand (25,000) square feet.
 - Farmette – five (5) acres.
- (B) Lot Width
- Interior lot without public water and sewer – one hundred fifty feet (150').
 - Corner lot without public water and sewer – one hundred seventy-five feet (175').
 - Interior lot with public water and sewer – one hundred twenty-five feet (125').
 - Corner lot with public water and sewer – one hundred twenty-five feet (125').

5.05 HEIGHT LIMITATIONS

The maximum height of structures, except as otherwise provided, in this district shall be:

- (A) Thirty-five feet (35') and not more than two (2) stories for a single-family dwelling.
- (B) Thirty-five feet (35') and not more than three (3) stories for other permitted principal structures.
- (C) Accessory structures shall not exceed twenty-five feet (25') in height.
- (D) Accessory agricultural structures, such as barns and silos, shall be exempt from maximum height restrictions.

CHAPTER 6 - C-1 NEIGHBORHOOD COMMERCIAL DISTRICT

The **Neighborhood Commercial District (C-1)** is intended to be small commercial areas providing limited retail goods and services, such as groceries and dry cleaning, for nearby residential customers. These are generally sub-areas of a municipality intended to accommodate pedestrian-oriented facilities and services. Some districts may be along streets that have historically had a storefront commercial character (i.e. front facades of most of the buildings are along a sidewalk or walkway adjacent to a main street, as in a traditional downtown). This District is intended to foster new development that is compatible with this established character.

6.00 PERMITTED USES

Permitted Uses: Animal hospitals/veterinary, single-family dwelling unit, single-family dwelling zero lot line, 2-family dwelling, multi-family dwelling, conversion of SF to a 2F, conversion of SF to MF, home occupation- no impact, home occupations, bed & breakfasts, mixed-use buildings/residential upper floors, day care centers/pre-schools, medical clinics/offices, places of worship, libraries/cultural facilities, essential public services, facilities & utilities, Lodge/fraternal/civic assembly, postal service, retail sales, business equipment, convenience store, grocery/market, bars& taverns, restaurants/deli's, entertainment/sports facilities-small(<300 capacity), business support, offices-professional, studios-are/music/photography, personal services, Laundromat, rental halls, and repairs-consumer.

Uses permitted in the Neighborhood Commercial District are listed in the Use Table in Section 2.07.

6.01 CONDITIONAL USES

Conditional Uses: Farmers Market (permanent), Animal shelters, animal kennels-private, boarding homes for sheltered care, transitional dwellings, group care facilities, personal care/boarding homes, homeless shelter, nursing home, lodging-hotels/motels, drug/alcohol rehab facilities, parks-active, parks-passive, recreation-indoor facilities, private membership clubs, and funeral home/crematory.

Conditional Uses are listed in the Use Table in Section 2.07.

6.02 PERMITTED ACCESSORY USES & STRUCTURES

Accessory buildings and uses customarily incidental to the permitted principal uses, not to exceed in square footage the area of the principal structure; including uses such as:

- (A) Bike racks
- (B) Garages & storage facilities/sheds
- (C) Public communication systems
- (D) Off-street parking
- (E) Signs in accordance with Chapter 21

6.03 MINIMUM YARD SETBACKS FOR PRINCIPAL STRUCTURES

All principal structures shall meet the following yard requirements:

- (A) Front Yard depth
 - Fifty feet (50') measured from the right-of-way line.
- (B) Side Yard(s) depth(s)
 - Fifteen feet (15'), except in the following instances:
 - A side yard abutting a street – twenty-five feet (25')
 - A side yard abutting a residential use/district – fifty feet (50').
- (C) Rear Yard depth
 - Fifty feet (50').

- If a through lot, fifty feet (50') from the right-of-way line.

(Accessory structures – 1000 square feet or less must meet the front yard same as principal use; side and rear yards – ten feet (10') minimum. 1001 square feet or more shall meet requirements of Section 6.03 A, B and C).

6.04 MINIMUM LOT REQUIREMENTS

All principal uses shall meet the following lot requirements:

- (A) Lot Area – minimum of one (1) acre.
- (B) Lot Width
 - Interior lot – minimum of one hundred fifty feet (150').
 - Corner lot – minimum of one hundred seventy-five feet (175').
 - With public water and sanitary sewer – minimum of one hundred twenty-five feet (125') for either interior or corner lots.

6.05 HEIGHT LIMITATIONS

All principal uses shall meet the following maximum height requirements:

- (A) Thirty-five feet (35') and not exceeding two (2) stories for a principal structure.
- (B) Accessory use structures shall not exceed twenty-five feet (25') in height.

CHAPTER 7 - C-2 HIGHWAY COMMERCIAL DISTRICT

The Highway Commercial District (C-2) accommodates auto-oriented commercial development along principal highways and arterials to serve community and regional needs. Businesses located in this District are dependant upon both a large flow of traffic and convenient access, and/or otherwise cater to the traveling public, both auto and truck.

7.00 PERMITTED USES

Permitted Uses: Nurseries/greenhouses, Farm produce stands, Farming/gardening/landscaping retail services, Animal hospitals/veterinary, Animal kennels-commercial, Bed & breakfast, lodging-hotels/motels, mixed-use buildings/ residential upper floors, Day care centers/pre-schools, medical clinics/offices, places of worship, educational/religious/philanthropic institutions, libraries/cultural facilities, recreation-indoor facilities, golf course/country club, essential public services, facilities & utilities, lodge/fraternal/civic assembly, private membership clubs, postal service, retail sales, business equipment, convenience store, grocery/market, big box retail, auto/RV/truck – new, used & rental, farm/garden/landscape, gasoline & fuel sales, bars & taverns, restaurant/deli's, restaurant w/drive-through windows, drive-thru businesses, sales-wholesale, entertainment/sports facilities-small (<300 capacity), entertainment/sports facilities-large (>300 capacity), funeral home/crematory, building maintenance, building support, construction w/sales, offices-professional, studios-art/music/photography, personal services, Laundromat, rental halls, repairs-equipment, repairs-consumer, parking-commercial and recycling facilities (<1000 SF).

Uses permitted in the C-2 District are listed in the Use Table in Section 2.07.

7.01 CONDITIONAL USES

Conditional Uses: Farmers market, Animal Shelters, Animal Kennels-private, stables-boarding/riding academies, Multi-family dwelling, group care facility, personal care/boarding home, nursing home, drug/alcohol rehab facilities, hospitals, schools, parks-active, parks-passive, recreation, non-profit, manufactured homes, lumber yards, equipment-heavy w/rental, drive-in theaters, mini storage facilities, warehousing-light, storage of vehicles-commercial boats/RV's/cars/equipments/fleet, manufacturing-limited, research & development, laundry-industrial and Recycling (>1000 SF).

Conditional Uses for the C-2 District are listed in the Use Table in Section 2.07.

7.02 PERMITTED ACCESSORY USES & STRUCTURES

Accessory buildings and uses customarily incidental to the permitted principal uses may exceed (in square footage) the area of the principal use structure by twenty-five percent (25%). Other accessory uses may include:

- (A) Signs in accordance with Chapter 21

7.03 MINIMUM YARD SETBACKS FOR PRINCIPAL STRUCTURES

All principal structures shall meet the following requirements:

- (A) Front Yard depth
 - Fifty feet (50') measured from the right-of-way.
- (B) Side Yard width – twenty –five feet (25') required except in the following instance:
 - When a side lot abuts any "R" District – fifty feet (50') is required.
- (C) Rear Yard depth – twenty-five feet (25') required except in the following instances:
 - When rear lot line abuts any "R" District – fifty feet (50') is required.

- For a through lot – same as required front yard depth – fifty feet (50').

(Accessory structures – 1000 square feet or less must meet the front yard same as principal use; side and rear yards – ten feet (10') minimum. 1001 square feet or more shall meet requirements of Section 7.03 A, B and C).

7.04 MINIMUM LOT REQUIREMENTS

- (A) For permitted uses – one (1) acre.
- (B) For conditional uses when new construction is proposed – two (2) acres.

7.05 HEIGHT LIMITATIONS

- (A) For principal structures – There are no maximum height requirements for principal uses.
- (B) Accessory use structures shall not exceed twenty-five feet (25') in height.

7.06 MULTIPLE USES

In the C-2 Highway Commercial District, parcels or lots may accommodate more than one permitted principal use, or a unit group including an approved conditional use or a use by special exception, when they are developed as an integrated land development.

CHAPTER 8 - I-L LIMITED INDUSTRIAL DISTRICT

The Limited Industrial District (I-L) is intended to accommodate establishments engaged in the indoor manufacturing, assembly, fabrication, packaging, or other industrial processing of finished products or parts, primarily from previously prepared materials, or the indoor provision of industrial services, where there are few external effects across property lines. This District includes, but is not limited to businesses engaged in the processing, fabrication, assembly, treatment, or packaging of food, textiles, leather, wood, paper, chemical, plastic, or metal products, but does not include basic industrial processing from raw materials. It can also include uses such as wholesale activities and mini-warehouses. No explosive materials or processes are allowed.

8.00 PERMITTED USES

Permitted uses: Agricultural & related activities, Agribusiness, Agricultural R&D, forestry/reforestation, nurseries/greenhouses, farming/gardening/landscaping retail services, animal hospitals/veterinary, animal shelters, animal kennels-commercial, daycare centers/pre-schools, libraries/cultural facilities, essential public services, facilities & utilities, lodge/fraternal/civic assembly, postal services, business equipment, grocery/market, farm/garden/landscape, manufactured homes, lumber yards, equipment-heavy w/rental, bars & taverns, restaurant/deli's, entertainment/sports facilities-large (>300 capacity), funeral home/crematory, building maintenance, business support, construction w/sales, office-professional, studios-art/music/photography, rental halls, repairs-equipment, parking-commercial, mini storage facilities, warehousing-light, manufacturing-limited, research & development, laundry-industrial, Medical Marijuana Grow/Processors, Marijuana Dispensaries.

Specific permitted uses for the I-L District are listed in the Use Table in Section 2.07.

8.01 CONDITIONAL USES

Conditional Uses: Composting-commercial, animal kennels-private, stables-boarding/riding academies, lodging-hotels/motels, correctional facilities, schools, parks-active, parks-passive, recreation-indoor facilities, recreation-nonprofit, essential communication facilities, pawn shops, check cashing shops, adult-oriented business, storage of vehicles-commercial boats/RV's/cars/equipment/fleet, storage of explosive materials, terminal-freight, and laundry-industrial.

Conditional Uses for the I-L District are listed in the Use Table in Section 2.07.

8.02 PERMITTED ACCESSORY USES & STRUCTURES

Accessory buildings and uses customarily incidental to the permitted principal uses shall not exceed (in square footage) the area of the principal use structure. Accessory uses need not be within a closed building and could include:

- (A) Office, as an accessory to the principal use.
- (B) Signs in accordance with Chapter 21.

8.03 MINIMUM YARD SETBACKS FOR PRINCIPAL STRUCTURES

All principal structures shall meet the following yard requirements:

- (A) Front Yard Depth
 - A minimum front yard of seventy-five feet (75') from the right-of-way line or one hundred feet (100') from the centerline of the street, whichever is greater.
- (B) Side Yards

- There is a twenty-five foot (25') side yard requirement if the principal use abuts a commercial or industrial zoned lot.
 - If the principal use abuts a residential zoned lot, the minimum side yard shall be seventy-five feet (75').
 - If the principal use abuts a street, that minimum side yard depth shall be not less than fifty feet (50').
- (C) Rear Yards
- There is a twenty-five foot (25') minimum rear yard requirement if principal use abuts a commercial or industrial zoned lot.
 - If the principal use abuts a residential zoned lot, the minimum rear yard shall be seventy-five feet (75').
 - For a through lot, the required rear yard depth shall be the same as the front yard depth.
- (D) The Planning Commission may require a permanent, contiguous wood or metal fence not less than four feet (4') nor more than eight feet (8') high, of which at least fifty percent (50%) of the surface is opaque, or an evergreen shrub or hedge shall be maintained at not less than four feet (4') nor more than eight feet (8') in height at maturity, to be placed along the perimeter line of a commercial development proposal in this I-L District where it abuts an RE or R-1 District.

(Accessory structures – 1000 square feet or less must meet the front yard same as principal use; side and rear yards – ten feet (10') minimum. 1001 square feet or more shall meet requirements of Section 8.03 A, B and C).

8.04 MINIMUM LOT REQUIREMENTS

Minimum Lot Area is two (2) acres.

8.05 HEIGHT LIMITATIONS

There are no maximum height requirements for principal uses.

CHAPTER 9 - OZ-1 RENFREW OVERLAY DISTRICT

9.00 PURPOSE AND INTENT

The purpose of this overlay districts to provide for the flexible development of existing structures. The intent is to provide for the expansion and development of pre-existing structures for the comfort of life.

9.01 RESTRICTIONS

New Construction of single-family houses shall comply with the underlying zoning district requirements of the R-1 Zoning District.

9.02 PERMITTED USES

- (A) Single-family dwelling.
- (B) Farming, general gardening, and growing of trees and nursery stock provided any roadside sales stand and the raising or boarding of livestock conforms to Section 15.01.
- (C) Any Permitted uses in the R-1 list in Section 2.07.

9.03 ACCESSORY USES

- (A) Accessory buildings and uses customarily incidental to the permitted principal uses, not to exceed in square footage the area of the principal structure, except that agricultural accessory structures such as horse and cattle barns may exceed in square footage, the area of the principal structure.
- (B) Signs, as prescribed in Chapter 20.

9.04 CONDITIONAL USES

The following conditional uses may be granted or denied:

- (A) Private membership club.
- (B) Essential service buildings, structures, facilities and installations.
- (C) Government use or structure.
- (D) Educational, religious or philanthropic institution.
- (E) Hospital, sanitarium, nursing home or personal care home.

9.05 LOT AREA, HEIGHT AND YARD REQUIREMENTS

Development proposals which exceed these standards are encouraged.

Lot or Parcel Area

- (A) Farming - minimum ten (10) acres.
- (B) Existing single-family dwelling without public water and sanitary sewers - three quarter (3/4) acre (32,670 sq. ft.) minimum.
- (C) Existing single-family dwelling with public water and sanitary sewers - half (1/2) acre (21,780 sq. ft.) minimum.

Lot Width

- (A) Interior lot - one hundred feet (100').
- (B) Comer lot - one hundred and fifty feet (150').
- (C) Interior lot with public water and sanitary sewers - seventy-five feet (75').
- (D) Comer lot with public water and sanitary sewers - seventy-five feet (75').

Yard Requirements

- (A) Front yard depth - the average of the setbacks of the adjacent buildings on both sides of a proposed addition.
- (B) Side yard width - minimum five feet (5') on one side; fifteen feet (15') total both sides.
- (C) Rear yard depth - twenty feet (20').

- (D) Accessory structures - Front yard same as principal use. Side and rear yards, five feet (5') minimum.

Height: The maximum height of structures, except as otherwise provided, in this district, shall be:

- (A) Thirty-five feet (35') not exceeding two (2) stories for a single-family dwelling.
- (B) Accessory use structures shall not exceed the twenty-five feet (25') in height.
- (C) Accessory agricultural structures such as barns and silos shall be exempt from maximum height restrictions.

9.06 FLOODPLAIN

Any uses in the floodplain shall reference the Penn Township Flood Plain Ordinance regarding required permits.

9.07 PARKING

See Chapter 16 - Off-Street Parking and Loading Facilities.

9.08 PERMITS

A Zoning/Building permit shall be required prior to the erection, construction, placement or alteration of any structure proposed in relations to those uses enumerated in this Chapter.

CHAPTER 10 - OZ-2 PORT-O-CALL OVERLAY DISTRICT

10.00 PURPOSE AND INTENT

The purpose of this district is to provide for the flexible development of existing structures.
The intent is to allow for the expansion and development of pre-existing structures for the comfort of life.

10.01 RESTRICTIONS

New construction of single-family houses (excluding the replacement of a mobile home) shall comply with the underlying zoning district requirements of the RE Zoning District.

10.02 PERMITTED USES

In this district, the land and structures may be used, and structures may be erected, altered, enlarged, and maintained for the following uses only:

- (A) Single-family dwelling.
- (B) Farming, general gardening, and growing of trees and nursery stock provided any roadside sales stand and the raising or boarding of livestock conforms to Section 15.01.
- (C) Accessory Uses
 - Accessory buildings and uses customarily incidental to the permitted principal uses, not to exceed in square footage the area of the principal structure, except that agricultural accessory structures such as horse and cattle barns may exceed in square footage, the area of the principal structure.
 - Signs, as prescribed in Chapter 20.

10.03 CONDITIONAL USES

- Mobile home parks
- Private membership clubs
- Essential service buildings, structures, facilities and installations
- Government use or structure
- Educational, religious or philanthropic institution
- Hospital, sanitarium, nursing home or personal care home

10.04 LOT AREA, YARD AND HEIGHT REQUIREMENTS

These standards are hereby established as the minimum necessary to achieve the community goals and objectives identified. Development proposals which exceed these standards are encouraged.

- (A) Lot or Parcel Area
 - Farming - minimum ten (10) acres.
 - One-family dwelling – one half (1/2) acre (21,780 sq. ft.) minimum without public water and sanitary sewers..
 - One-family dwelling - one quarter (1/4) acre (10,890 sq. ft.) minimum with public water and sanitary sewers.

(B) Lot Width

- Interior lot - one hundred feet (100').
- Corner lot - one hundred and fifty feet (150').
- Interior lot with public water and sanitary sewers - seventy-five feet (75').
- Corner lot with public water and sanitary sewers - seventy-five feet (75').

(C) Yard Requirements

- Front yard depth - the average of the setbacks of the adjacent buildings on both sides of a proposed new building or addition.
- Side yard width - minimum five feet (5') on one side; fifteen feet (15') total both sides.
- Rear yard depth - twenty feet (20').
- Accessory structures - Front yard same as principal use, side and rear yards five feet (5') minimum.

10.05 HEIGHT

The maximum height of structures, except as otherwise provided, in this district shall be:

- (A) Thirty-five feet (35') not exceeding two (2) stories for a single-family dwelling.
- (B) Accessory use structures shall not exceed the fifteen feet (15') in height.
- (C) Accessory agricultural structures such as barns and silos shall be exempt from maximum height restrictions.

10.06 PARKING

See Chapter 16 – Off-Street Parking and Loading Facilities.

10.07 PERMITS

A Zoning/Building permit shall be required prior to the erection, construction, placement or alteration of any structure proposed in relations to those uses enumerated in this Chapter.

CHAPTER 11 - A-O AIRPORT OVERLAY DISTRICT

11.00 PURPOSE

The purposes of this Airport Overlay District are to:

- Consider safety issues around the airport,
- Regulate and restrict the heights of constructed structures and objects of natural growth,
- Create appropriate Surface Zones, establishing the boundaries thereof and providing for changes in the restrictions and boundaries of such zones,
- Create the permitting process for use within said Surface Zones, and
- Provide for enforcement, assessment of violation penalties, an appeals process, and judicial review.

11.01 RELATION TO OTHER ZONING DISTRICTS

The Airport Overlay District shall not modify the boundaries of any underlying zoning district. Where identified, the Airport Overlay District shall impose certain requirements on land use and construction, in addition to those contained in the underlying zoning district.

11.02 DEFINITIONS

The following words and phrases when used in this Airport Overlay District shall have the meaning given to them in this Chapter, unless the context clearly indicates otherwise.

AIRPORT ELEVATION: The highest point of an airport's useable landing area measured in feet above sea level.

AIRPORT HAZARD: Any structure or object, natural or manmade, or use of land which obstructs the airspace required for flight or aircraft in landing or taking off at an airport, or is otherwise hazardous as defined in 14 CFR Part 77 and 74 Pa. Cons. Stat. §5102.

AIRPORT HAZARD AREA: Any area of land or water upon which an airport hazard might be established if not prevented, as provided for in this Airport Overlay District and Act 164 of 1984 (Pennsylvania Laws Relating to Aviation).

APPROACH SURFACE (ZONE): An imaginary surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of the runway based on the planned approach. The inner edge of the approach surface is the same width as the primary surface and expands uniformly depending on the planned approach. The approach surface zone, as shown on Figure 1, is derived from the approach surface.

CONICAL SURFACE (ZONE): An imaginary surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) feet horizontally to one (1) foot vertically for a horizontal distance of 4,000 feet. The conical surface zone, as shown on Figure 1, is based on the conical surface.

DEPARTMENT: Pennsylvania Department of Transportation.

FAA: Federal Aviation Administration of the United States Department of Transportation.

HEIGHT: For the purpose of determining the height limits in all zones set forth in this Airport Overlay Zone and shown on the zoning map, the datum shall be mean sea level elevation, unless otherwise specified.

HORIZONTAL SURFACE (ZONE): An imaginary plane 150 feet above the established airport elevation, that is constructed by swinging arcs of various radii from the center of the end of the primary surface and then connecting the adjacent arc by tangent lines. The radius of each arc is based on the planned approach. The horizontal surface zone, as shown on Figure 1, is derived from the horizontal surface.

LARGER THAN UTILITY RUNWAY: A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

NONCONFORMING USE: Any pre-existing structure, object of natural growth, or use of land, which is inconsistent with the provisions of this Airport Overlay District, or any amendment to it.

NON-PRECISION INSTRUMENT RUNWAY: A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in, non-precision instrument approach procedure has been approved or planned.

OBSTRUCTION: Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth by this Airport Overlay District.

PRECISION INSTRUMENT RUNWAY: A runway having an existing instrument approach procedure that utilizes an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned, and is so indicated on an approved airport layout plan or any other planning document.

PRIMARY SURFACE (ZONE): An imaginary surface longitudinally centered on the runway, extending 200 feet beyond the end of paved runways or ending at each end of turf runways. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The primary surface zone, as shown on Figure 1, is derived from the primary surface.

RUNWAY: A defined area of an airport prepared for landing and takeoff of aircraft along its length.

STRUCTURE: An object, including a mobile object, constructed or installed by man, including but not limited to buildings, towers, cranes, smokestacks, earth formations, and overhead transmission lines.

TRANSITIONAL SURFACE (ZONE): An imaginary surface that extends outward and upward from the edge of the primary surface to the horizontal surface at a slope of seven (7) feet horizontally to one (1) foot vertically (7:1). The transitional surface zone, as shown on Figure 1, is derived from the transitional surface.

TREE: Any object of natural growth.

UTILITY RUNWAY: A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.

VISUAL RUNWAY: A runway intended solely for the operation of aircraft using visual approach procedures.

11.03 ESTABLISHMENT OF AIRPORT SURFACE ZONES

There are hereby created and established certain Surface Zones within the Airport Overlay District, defined in Section 11.02 and depicted on Figure 1, and illustrated on the Airport Hazard Area Map, which include:

- Approach Surface Zone
- Conical Surface Zone
- Horizontal Surface Zone
- Primary Surface Zone
- Transitional Surface Zone

11.04 PERMIT APPLICATIONS

As regulated by Act 164 and defined by 14 Code of Federal Regulations Part 77.13(a) (as amended or replaced), any person who plans to erect a new structure, add to an existing structure, or erect and maintain any object (natural or manmade), in the vicinity of an airport, *shall first notify the Department's Bureau of Aviation (BOA) by submitting PennDOT Form AV-57 to obtain an obstruction review of the proposal at least 30 days prior to commencement thereof.*

The Department's BOA response must be included with this permit application for it to be considered complete. If the Department's BOA returns a determination of no penetration of airspace, the permit request should be considered in compliance with the intent of this Airport Overlay District. If the Department's BOA returns a determination of a penetration of airspace, the permit shall be denied, and the project sponsor may seek a variance from such regulations as outlined in Section 11.05.

No permit is required to make maintenance repairs to or to replace parts of existing structures which do not enlarge or increase the height of an existing structure.

11.05 VARIANCES

Any request for a variance shall include documentation in compliance with 14 Code of Federal Regulations Part 77 Subpart B (FAA Form 7460-1 as amended or replaced). Determinations of whether to grant a variance will depend on the determinations made by the FAA and the Department's BOA as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable air space. In particular, the request for a variance shall consider which of the following categories the FAA has placed the proposed construction in:

- No Objection - The subject construction is determined to not exceed obstruction standards and marking/lighting is not required to mitigate potential hazard. Under this determination, a variance shall be granted.
- Conditional Determination - The proposed construction/alteration is determined to create some level of encroachment into an airport hazard area which can be effectively mitigated. Under this determination, a variance shall be granted contingent upon implementation of mitigating measures as described in Section 11.08 - Obstruction Marking and Lighting.
- Objectionable - The proposed construction/alteration is determined to be a hazard and is thus objectionable. A variance shall be denied, and the reasons for this determination shall be outlined to the applicant.

Such requests for variances shall be granted where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship, and that any relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the intent of this Airport Overlay District.

11.06 USE RESTRICTIONS

Notwithstanding any other provisions of this Airport Overlay District, no use shall be made of land or water within the Airport Overlay District that will create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise endanger or interfere with the landing, takeoff or maneuvering of aircraft utilizing the airport.

11.07 PRE-EXISTING NONCONFORMING ISSUES

The regulations prescribed by this Airport Overlay shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of a nonconforming use. No nonconforming use shall be structurally altered or permitted to grow higher, so as to increase the nonconformity, and a nonconforming use, once substantially abated (subject to the underlying zoning ordinance), may only be reestablished consistent with the provisions herein.

11.08 OBSTRUCTION MARKING AND LIGHTING

Any permit or variance granted pursuant to the provisions of this Airport Overlay District may be conditioned according to the process described in Section 11.05, to require the owner of the structure or object of natural growth in question to permit the municipality, at its own expense, or require the person requesting the permit or variance, to install, operate, and maintain such marking or lighting as deemed necessary to assure both ground and air safety.

11.09 VIOLATIONS AND PENALTIES

Violations of this Chapter are subject to provisions in the underlying Zoning Ordinance.

11.10 APPEALS

Any appeals to this Chapter shall be handled according to the process identified in the underlying Zoning Ordinance.

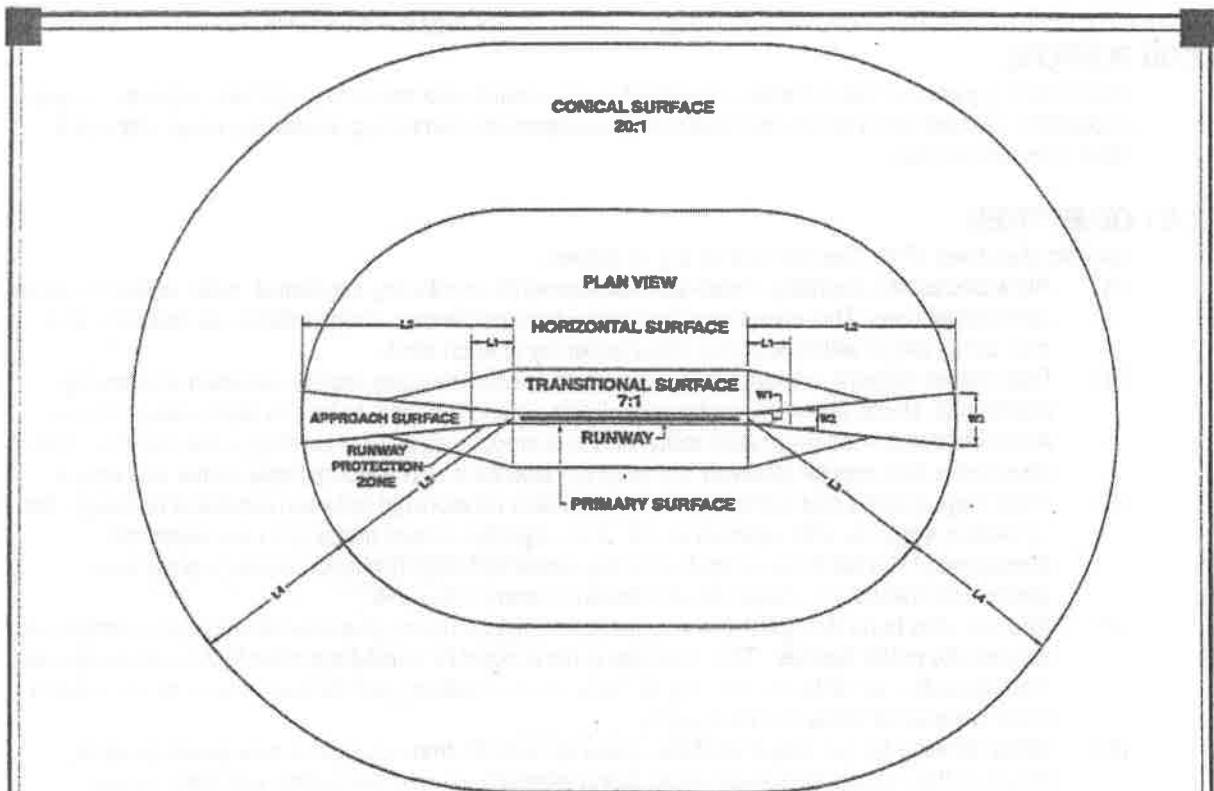
11.11 CONFLICTING REGULATIONS

Where there is a conflict between any of the regulations or limitations prescribed in this Airport Overlay District and any other regulation applicable to the same area, the more stringent limitation or requirement shall govern and prevail.

11.12 SEVERABILITY

If any of the provisions of this Airport Overlay District, or the application thereof to any person or circumstance, are held invalid, such invalidity shall not affect other provisions or applications of the Airport Overlay District. To this end, the provisions of this Airport Overlay District are declared to be severable.

Figure 1: Part 77 Surface Areas

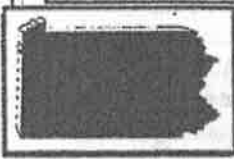


FAR PART 77 "IMAGINARY SURFACES" DIMENSION REQUIREMENTS

Runway Type	Runway End		Conical Surface (L4)	Horizontal Surface (L5)	Approach Surface			Approach Slope	Primary Surface Width	Transitional Surface
	Approach	Other			Length (L2)	Inner Width (W1)	Other Width (W3)			
Small Airplanes ²	V	V	4,000	5,000	5,000	250	1,250	20:1	250	7:1
		NP	4,000	5,000	5,000	500	1,250	20:1	500	7:1
		NP 3/4	4,000	5,000	5,000	1,000	1,250	20:1	1,000	7:1
	NP	P	4,000	5,000	5,000	1,000	1,250	20:1	1,000	7:1
		V	4,000	5,000	5,000	500	2,000	20:1	500	7:1
		NP	4,000	5,000	5,000	500	2,000	20:1	500	7:1
Large Airplanes ²	V	V	4,000	5,000	5,000	500	1,500	20:1	500	7:1
		NP	4,000	10,000	5,000	500	1,500	20:1	500	7:1
		NP 3/4	4,000	10,000	5,000	1,000	1,500	20:1	1,000	7:1
	NP	P	4,000	10,000	5,000	1,000	1,500	20:1	1,000	7:1
		V	4,000	10,000	10,000	500	3,500	34:1	500	7:1
		NP	4,000	10,000	10,000	500	3,500	34:1	500	7:1
Large and Small Airplanes	NP 3/4	V	4,000	10,000	10,000	1,000	4,000	34:1	1,000	7:1
		NP	4,000	10,000	10,000	1,000	4,000	34:1	1,000	7:1
		NP 3/4	4,000	10,000	10,000	1,000	4,000	34:1	1,000	7:1
	P	V	4,000	10,000	10,000/40,000	1,000	4,000/15,000	50:1/40:1	1,000	7:1
		NP	4,000	10,000	10,000/40,000	1,000	4,000/15,000	50:1/40:1	1,000	7:1
		NP 3/4	4,000	10,000	10,000/40,000	1,000	4,000/15,000	50:1/40:1	1,000	7:1

1 - In Feet
 2 - Less than 12,500 lbs maximum certified takeoff weight
 3 - Greater than 12,500 lbs maximum certified takeoff weight
 V = Visual approach 20:1
 NP = Nonprecision approach 34:1
 NP 3/4 = Nonprecision approach with visibility minimums as low as 3/4 statute miles 34:1
 P = Precision approach 50:1
 Note: L1 is the length of the RPZ and W2 is the outer width of the RPZ as defined by approach visibility minimums

Source: Federal Aviation Administration



Pennsylvania Land Use
Compatibility
Guidelines

**FAR PART 77 SURFACES
AND DIMENSION REQUIREMENTS**

Exhibit
3

CHAPTER 12 - TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND) OVERLAY DISTRICT

12.00 PURPOSE

The primary purpose of this Chapter is to establish reasonable standards to permit and regulate compact, pedestrian-oriented commercial and mixed-use developments combining residential, retail, office and other commercial uses.

12.01 OBJECTIVES

Specific objectives of the Overlay District are as follows:

- (A) Allow pedestrian-oriented, mixed-use developments, combining residential, retail, office and other commercial uses. This objective is best met when residences, shops, offices, workplaces, and civic areas are all within relatively close proximity to each other.
- (B) Promote an efficient, compact land use pattern to promote easy access between and among residences, stores and services by pedestrians, to shorten trips, to lessen dependence on the automobile and encourage walkability, and to promote utilization of existing public facilities. This objective is best met by relatively compact development with an identifiable center and edges.
- (C) Encourage developments that produce a desirable relationship between individual buildings, the circulation systems, and adjacent areas. This objective is best met when new residential development is sited in proximity to existing residential neighborhoods, so as to provide an appropriate transition between residential and commercial uses.
- (D) Require sites to be designed in a way that creates a compact, clustered development pattern with appropriate public spaces. This objective is maximized by careful attention to the streetscape so that sidewalks, street trees, streetlights, civic art, and building architectural elements combine to foster a sense of place and community.
- (E) While allowing for the safe and efficient flow of traffic to, from and within new developments, minimize the number of access points along arterial and collector streets, eliminate, where possible, individual curb cuts to arterial and collector streets and restrict access to key corridors except to existing or planned signalized intersections.

12.02 TND OVERLAY DISTRICT COMPLIANCE

The TND shall be an overlay district as shown on the Official Zoning Map. New land developments within the TND must comply with the requirements of this Chapter, as well as the requirements of the underlying zoning district. If there is a conflict between the two districts' requirements, the more stringent restrictions would apply.

12.03 USES

The uses permitted in the TND shall be those uses allowed in the RE, R-1, and C-2 Districts, provided, however, that:

- (A) Gross square footage of commercial/entertainment uses (exclusive of theaters and cinemas) shall not exceed fifty percent (50%) of the total square footage shown in the Master Development Plan.
- (B) Restaurants with drive-through windows, gasoline stations, convenience stores and automobile service facilities shall not be permitted in the TND.
- (C) Home occupations are permitted provided that parking for home occupations must be part of the shared parking available for non-residential uses.
- (D) Any new development in the TND may contain structure or encompass lots containing more than one principal use.
- (E) Adult- or Sexually-Oriented Businesses are not permitted in the TND.

12.04 CONDITIONAL USE CRITERIA

- (A) All applications for development in the TND shall include a Master Development Plan. The conditional use shall not be deemed to meet the purpose and objectives of this Section unless

open space and shared parking facilities or parking structures are included in the Master Development Plan.

- (B) Unless otherwise specified in this Section, minimum lot sizes, yard and building setbacks, impervious coverage limits and building sizes shall be established by the Master development Plan and shall be subject to the Design Principles includes as Appendix A to this Section.
- (C) The Master Development Plan shall include proposed covenants, conditions and restrictions (the "covenants") that would serve to enforce design standards and the terms of the Master Development Plan. The Covenants must include provisions for the private maintenance of roads, sidewalks, and open space, including the public open space. The covenants are to be in force for perpetuity and are subject to review and approval by the municipal governing body in a form approved by the municipal solicitor.
- (D) The Mater Development Plan shall include a discussion of how development of contiguous undeveloped parcels might be coordinated with the Master Development Plan.
- (E) Once construction has begun for at least 33% of the residential units, or ten units, whichever is greater, building and zoning permits for non-residential structures may be issued.
- (F) Occupancy permits for residential units will only be issued if all landscaping or buffers associated with those units are completed. A cash escrow satisfactory to the municipal engineer, municipal solicitor, or municipal manager shall be deposited to guarantee timely completion of landscaping and/or buffers.
- (G) Vehicular access to major arterials shall be identified in the Master Development Plan.
- (H) The local governing body reserves the right to set any additional conditions it deems necessary.

12.05 BASIC DEVELOPMENT STANDARDS

All applications for development in the TND shall comply with the following standards:

- (A) Minimum Master Development Plan area: 30 acres.
- (B) Maximum permitted individual building footprint:
 - Buildings containing more than one principle use - 80,000 square feet (SF)
 - One specialty food store - 65,000 SF
 - Fitness center - 50,000 SF
 - Entertainment - 50,000 SF
 - Hotel - 25,000 SF
 - Special residential - 25,000 SF
 - All other single use buildings are limited to 15,000 SF
 - Buildings shall be arranged within blocks as provided for in the design Principles, but in no event shall the total perimeter of any block exceed 2,000 lineal feet (LF).
- (C) Maximum permitted building heights
 - Building heights shall not exceed eighty-five feet (85') as measured in accordance with the current edition of the International Building Code (IBC).
 - Architectural or mechanical appurtenances such as steeples or mechanical penthouses may extend no more than twenty feet (20') above a building's highest habitable, occupiable or storage space and shall not be counted in the building height calculation.
 - Parking structures shall be limited to thirty-five feet (35') in height.
- (D) Maximum permitted impervious surface ratio
The maximum permitted impervious surface ratio (ISR) shall be 0.8; for purposes of this Section only, the ISR shall be determined by dividing the total areas of all impervious surfaces proposed in the Master Development Plan by the total, gross area of all land included within the Master Development Plan.
- (E) Residential Buffering and Open Space
 - Any conditions for buffering of residential structures, existing or proposed, should be included here.
 - Any buffers designed around the perimeter of the Master Development Plan should be identified here.
 - A minimum of twenty percent (20%) of the gross square footage of the total acreage within the Master Development Plan shall be open space, including wetlands, steep slopes, stormwater detention or retention areas, a town square, parks, gardens, fountains, or landscaped buffer zones around the perimeter of the property.

- Any impervious surface other than a town square shall not be considered open space.
- At least fifty percent (50%) of the open space must be designed for public use.
- Provisions for permanent maintenance of the open space areas must be submitted as part of the Master Development Plan approval.

12.06 LOADING AND SERVICE AREAS

- (A) Loading, trash collection, and similar facilities shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are either fully contained within the building or otherwise screened so as to be out of the direct view from adjacent properties and public streets. Screened areas shall be put in the rear of the property unless the municipal governing body determines that trash facilities located in the side of a property will have less impact on abutting properties than facilities to the rear
- (B) Loading and unloading areas shall be situated so as to not conflict with pedestrian movement.
- (C) No exterior storage of materials or equipment is permitted in the TND Overlay District.

12.07 OTHER DEVELOPMENT REGULATIONS

- (A) Sewer and Water Facilities - All new development in the TND Overlay District shall be served by public sewer and public water facilities.
- (B) Utilities - All utility lines (electrical, telephone, etc.) serving new development in the TND Overlay District shall be placed underground.
- (C) Signs and Exterior Lighting Standards – All signs within the TND shall be subject to the requirements set forth in Section 12.12 except that the types of permitted signs shall be governed by the classification of street to which the sign is oriented as shown in the table included in the Design Principles attached as Appendix 1. Exterior lighting within the TND shall be subject to the requirements set forth in Section 12.12.
- (D) Environmentally Sensitive Areas - The Master Development Plan shall establish that the proposed development provides that special care be taken to preserve steep slopes, woodlands, wetlands or similar environmentally sensitive areas in the TND Overlay District. Conservation easements may be used to assure that sensitive areas are preserved.
- (E) Phases and Other Property - Development may occur in phases but shall be in accordance with the Master Development Plan which shall include a proposed schedule for development. Property not originally include within the Master Development Plan may be added to it as long as:
 - It is contiguous to the area shown on the Master Development Plan,
 - The owner agrees in writing to be bound by, and submits the land by recorded agreement, to the covenants,
 - The owner agrees in writing to be bound by the manual of written and graphic design guidelines included within the Master development Plan, and
 - The owner submits a land development plan consistent with the original Master Development Plan.
- (F) Manual of Written and Graphic Design Guidelines - All applications for new development in the TND Overlay District shall include a specific and detailed manual of written and graphic design guidelines as per Section 708-A of the Pennsylvania Municipalities Planning Code. The manual shall be consistent with the "Design Principles" set forth in **Appendix 1** to this Chapter.

12.08 APPENDIX 1 - DESIGN PRINCIPLES

12.09 BUILDING DESIGN

- (A) Purpose - To avoid blank walls and lengthy routes through or along parking lots, which have a negative impact on walkability, all developments shall conform to the following design standards and guidelines. Architectural elevations for any proposed building are required for review.
- (B) Building Layout - Buildings shall be located and arranged in a way that creates a compact, clustered development pattern.
- The Master Development Plan shall include an interconnected system of streets and blocks.
 - Blocks shall be no longer than 600 feet.
 - All buildings must front on a street.
 - The Master Development Plan must include build-to lines.
- (C) Building Features - All buildings in the development shall relate in scale and design features. Buildings shall reflect a continuity obtained by maintaining the building scale and material palette.
- This may be achieved by the following: maintaining material types; maintaining cornice lines in buildings at the same height; extending horizontal lines of fenestration; or echoing architectural styles and details, design themes, building materials, and colors used in surrounding buildings.
 - All building sides shall be architecturally designed for consistency, with respect to style, materials, color, and details including doors and windows.
 - The use of natural building materials such as wood, brick and/or stone is strongly encouraged.
 - The use of pull down security grates is prohibited.
 - Transparency – Buildings solely used for residential purposes or as a parking facility will be exempt from the following requirements.
 - The ground-level front facade and the facade of any building facing a public, private or internal street shall have windows, doors or openings covering at least 50% of the horizontal length of the facade between the height of three feet (3') and eight feet (8') above the walkway or grade, allowing views into and out of the interior. Product display windows may be used to meet the transparency requirement on no more than one building facade and shall be between the height of three feet (3') and eight feet (8') above the walkway or grade and shall be internally lighted.
 - Second and higher floor facades of a building that faces a public, private or internal street and/or are front facades shall contain window openings a minimum of 30% of the horizontal length of the facade.
 - The percentage of required window and door openings, above, allowing interior views may be reduced by using false or opaque window features provided that they match the form of the required window and door openings and comprise no more than half of the required 50% coverage requirement and that the openings appear as an integral part of the facade.
 - No more than two sides of any one building shall be subject to the transparency provisions.
- (D) Building Façade -
- The front building facade of every building shall face a street, small park, plaza or sidewalk that is visible and directly accessible from a street.
 - The primary entrance shall use building massing, special architectural features, or changes in the roof line, or similar details to emphasize building entrances.
- (E) Variation - The massing of buildings shall be de-emphasized in a variety of ways to reduce their apparent overall bulk and volume, to enhance visual quality and to contribute to human scaled development. All building facades shall consist of a combination (minimum of two) of horizontal and vertical breaks such as, but not limited to, the following:
- A vertical architectural element
 - Building recesses, offsets or projections
 - Texture and/or material change
 - Architectural banding
 - Variation in roof line
 - Contrasting window framing or shutters
 - Awnings
 - Canopies or porticos

- Overhangs
 - Arcades – if designed and constructed in contiguous street frontages of not less than 150'
 - Peaked roof form
 - Arches
 - Display windows
 - Architectural details such as tile work and molding integrated into the building structure and design
 - Equal or similar design feature.
- (F) All facades shall have an articulated break at least every 30 feet, measured horizontally.
- (G) For all buildings above two stories, the ground floor shall be architecturally distinguished from the upper facade with a cornice, canopy, balcony, arcade, or other element to form a visual base for the building and to create an intimate scale for the pedestrian.
- (H) The maximum building length is 200 feet, but not more than two (2) walls of a building may be increased to 400 feet provided that the following requirements are met:
- In addition to any other requirements of this Chapter, a minimum of three (3) offsets shall be created along any front façade exceeding 200 feet or facing a public, private or internal street.
 - In no case shall the length of any building facade exceed 400 feet.

12.10 SITE CIRCULATION AND PARKING

- (A) Parking Plan - The Master Development Plan shall include a parking plan depicting the proposed locations for all parking areas or parking facilities. The parking plan shall list the number of parking spaces proposed in relation to the proposed use(s) and shall indicate: the parking needs of all proposed uses; any shared parking; the times of maximum and minimum expected use; and the compatibility with adjoining uses to minimize conflicts. The parking plan shall illustrate a dispersal of parking areas to the maximum extent possible in order to minimize large expanses of parking lots. Unless otherwise provided herein, off-street parking shall comply with the requirements of the municipal Zoning Ordinance.
- (B) Internal Streets - The Master Development Plan shall include an internal street system to facilitate pedestrian and vehicular circulation. Except within areas exclusively devoted to residential uses, all internal streets shall connect; cul-de-sacs shall only be permitted in residential areas. Internal streets have three uses:
- Residential (R) – Streets that have primarily residential uses along them.
 - Service (S) – Streets that primarily provide access for parking and service functions. Secondary building entrances may be located on these streets.
 - Commercial (C) – Streets along which the primary first floor use is commercial.
- (C) Curbing Six-inch vertical concrete curbs shall be required for all streets, access drives, and parking areas proposed within the TND Overlay District.
- (D) Sidewalks - The sidewalks shall provide safe access between buildings, parking lots, adjacent properties, and sidewalks along streets. All streets except for major arterial streets shall be required to have sidewalks. Sidewalks shall be provided along the full length of a building along any building facade adjacent to a parking area or drive aisle. Restaurants or other similar food service may provide outdoor seating, provided that a five foot (5') clear pedestrian passage is maintained and building access is not impaired.
- (E) Crosswalks - Where a sidewalk crosses a parking lot drive aisle or other paved surface, it must be distinguished from the paved surface through the use of special surface treatment, such as, but not limited to, paint, pavers, bricks, scored concrete or stamped concrete.
- (F) Vehicle Access -
- Curb cuts along public streets shall be as per the traffic study as approved by the appropriate authorities.
 - Entrance drives accessing lots from an arterial or collector street shall be located no closer than 200 feet from any other driveway on the same side of the public street except when it is demonstrated that no other alternative is possible or that traffic circulation is improved.
 - Internal streets parallel to public roads shall be designed to stub into adjacent properties and shall be included in cross-access easements.

- The Master Development Plan shall include provisions for accommodating public transit within the development area such as bus pull-offs, transit stops, and the like.
 - The fire marshal and the municipal governing body shall approve fire department access.
- (G) On-Street Parking - On-street parking shall be permitted along internal streets as follows:
- On-street parking shall be permitted only in conjunction with an internal main street with buildings on one or both sides of the street.
 - For a minimum distance of fifty feet (50') from any intersection with a collector or arterial road, on-street parking shall not be permitted along the curbs of an internal street providing direct access into the development.
 - On-street parallel and angled parking along the property line of a lot may be used to meet the minimum parking requirement for the uses on that lot.
 - Perpendicular parking (head on) shall not be permitted; angle parking (60 degrees) is encouraged.
- (H) Large Lots - When a surface parking lot includes more than 300 parking spaces, the lot shall be broken into parking areas of no more than 300 vehicles. The parking areas shall be bounded by a street, building or planting median.
- (I) Parking Lot or Site Perimeter Screening -
- All large parking lots shall be screened around the perimeter abutting a street, entrance drive, internal street, property line, or adjacent parking lot by a planting area that is a minimum of 10 feet wide and located immediately adjacent to the parking area.
 - The perimeter screening shall include one deciduous tree, planted 30 feet on center, combined with one of the following options:

Option A. A continuous row of shrubs, planted at a maximum of three feet (3') on center. Shrubs shall not exceed a height of 42 inches at maturity.

Option B. A fence or decorative masonry wall not less than three feet (3') and not more than four feet (4') in height, as long as safe lines of sight are maintained.

Option C. If the adjacent property is zoned R-1 or RE, the planting area shall be twenty feet (20') wide and will have the following planting requirements in addition to Option A or B:

- three (3) under story trees per 100 lineal feet
- twelve (12) shrubs per 100 lineal feet
- five (5) evergreen/ conifers per 100 lineal feet

All perimeter screening vegetation shall be planted a minimum of three feet (3') from the edge of the parking lot pavement to protect the vegetation from vehicle bumpers.

- (J) Interconnected Parking - Parking areas shall be designed to allow for logical interconnections to abutting properties. All parking areas located within fifty feet (50') of a common property line in a nonresidential zoning district shall be interconnected to adjacent lots in a nonresidential zoning district, consistent with the following requirements:
- For each nonresidential use, the applicant must provide an access easement for proposed parking areas and driveways guaranteeing access to all abutting lots that are within a nonresidential zoning district where such easements enhance traffic circulation and connectivity. In addition, this easement shall provide for the construction of the interconnection between the development's proposed parking area and any parking area on adjacent lots.
 - When an access easement has been provided on an adjacent lot in accordance with this Section, the development must directly connect the parking areas via a driveway.
 - Access easements shall logically connect to internal and external streets, where practicable.
 - Access easements and maintenance agreements or other suitable legal mechanism shall be provided for common parking areas or driveways of each nonresidential use, in a form acceptable to the municipality.

- (K) Common Parking Areas - The TND Overlay District encourages shared parking. In the TND Overlay District, parking areas or parking structures serving more than one lot shall be designed to provide parking spaces in accordance with the Urban Land Institute's (ULI's) Shared Parking Manual (latest edition), unless a lower ratio can be supported by a parking needs analysis. This analysis should document anticipated parking needs based on the combined utilization of all facilities on site simultaneously or demonstrate that the hours or days of peak parking needed for the uses are so different that a lower number will adequately provide for all uses served by the facility. The parking needs analysis shall be prepared by a person or firm trained or certified to perform such studies.
 - All off-street parking areas or structures required by this Section shall be used only for the parking of vehicles of occupants, patrons, visitors, or employees and shall not be used for any kind of loading, sales, servicing or continuous storage of a vehicle for more than 48 hours.
 - Every parcel of land hereafter used as a public or private off-street parking area or structure capable of accommodating five or more vehicles shall be developed and maintained in accordance with the following requirements:
 - Each off-street parking space shall have direct access to an aisle or driveway, and all off-street parking lots shall have vehicular access to a street so designed to minimize interference with pedestrian and traffic movement.
 - All off-street parking lots including loading areas and service areas shall be paved with asphalt or concrete.
- (L) Parking space requirements - Unless parking for a particular use is provided for in a common shared parking area or structure, for the purpose of this Section, the minimum off-street parking space requirements provided in Chapter 16 of the Zoning Ordinance shall apply:
- (M) Parking Structure Standards shall meet the building design guidelines.

12.11 LANDSCAPE REQUIREMENTS

- (A) Plant Material Specifications - All plant materials shall meet the following minimum size standards:

Plant material type	Minimum size
Canopy tree (35' minimum height – maturity)	
- Single stem	3 1/2" caliper
- Multi-stem clump	10' height
Under story tree	10' height
Evergreen tree	5' height
Shrub	
- Deciduous	24" height
- Evergreen	18" height

- (B) Parking Lot Landscaping Requirements - This section details the landscaping required of all off-street parking areas exceeding five (5) parking stalls.
 - Minimum of 200 SF of planting area per 24 stalls.
 - Each 200 SF of planting area shall consist of a minimum 1 canopy tree, and one 1 under story tree and three (3) shrubs.
 - In addition to any other required plantings, all parking lot planting areas shall be planted with turf grass, ornamental grasses (not exceeding 24" at maturity), or other groundcover plant material.
 - All areas of a lot not covered by building or impervious material shall be maintained as landscaped or natural areas.
 - An end cap planting island shall be required at the end of each row of parking to separate the rows of parking and drive aisles.
 - The end cap planting islands shall meet all of the minimum requirements for planting islands.
 - The pervious surface area of each end cap island shall be a minimum of ten feet (10') wide and shall be fifteen feet (15') in length for each row of parking, measured along the length of the adjacent parking space.

- (C) Planters - All facades of buildings facing on to public spaces, such as streets or parking lots, shall have planters.
 - The foundation planting area shall include, at a minimum, ornamental trees, evergreen trees or shrubs, in addition to any annual or perennial vegetation.
 - In addition to any other required plantings, any building foundation planting areas shall be planted with turf grass, ornamental grasses or other groundcover plant material.
- (D) Street Tree Location - The location of street trees shall be as follows:
 - Street trees shall be planted so as not to interfere with existing utilities, roadways, sidewalks, site easements, or street lighting.
 - Whenever there are sidewalks, street trees shall be planted at a minimum rate of one per 40 feet of building frontage using "soldier" spacing (one tree every forty feet (40'), on center, in a continuous row) unless it is desirable to alter that spacing for reasons such as, but not limited to, building entrances, building features or sight lines.
 - Along streets that aren't required to have sidewalks, the street trees may be planted in clusters or groupings within the buffer yard.
 - New Streets - Street trees shall be installed as part of the construction of any new public or private street.
 - Required street trees shall be provided on both sides of the new street.
 - Existing Streets - Street trees shall be installed along any existing public or private street within or adjacent to all land developments, subdivisions of commercial lots, subdivisions of three or more residential lots, and multiple-family developments.
 - When development occurs along an existing street, installation of street trees is required along any side of the street abutting the site property.
- (E) Maintenance of Landscaped Areas - All landscaped areas shall be maintained by the owner of the property. All such areas shall be kept free of debris and litter at all times. Damage to 10% or more of the plant material for any reason (including disease) shall require replacement of all such damaged plant materials.
- (F) Where not specified otherwise, municipal SALDO regulations apply.

12.12 LIGHTING REQUIREMENTS AND DESIGN STANDARDS

- (A) Purpose – To require and set minimum standards for outdoor lighting to:
 - Provide for and control lighting in outdoor public places where public health, safety and welfare are potential concerns.
 - Protect drivers and pedestrians from the glare of non-vehicular light sources.
 - Protect neighbors, the environment and the night sky from nuisance glare and light trespass from improperly selected or poorly placed, aimed, applied, maintained or shielded light sources.
 - Promote energy-efficient lighting design and operation
 - Protect and retain the intended visual character of the various venues of the Municipality
- (B) Applicability
 - Uses that are proposed to operate during hours of darkness where there is public assembly and traverse, including but not limited to the following: multi-family residential, residential developments, commercial, industrial, recreational and institutional uses, and sign, architectural and landscape lighting applications.
 - The Municipality may require lighting be incorporated for other uses, applications and locations or may restrict lighting in any uses or applications when health, safety and welfare are issues.
 - The glare-control requirements herein contained apply to lighting in all uses, applications and locations.
- (C) Definitions
 - Footcandle – Unit of light density incident on a plane (assumed to be horizontal unless otherwise specified), measurable with an illuminance meter, a.k.a. light meter.
 - Full Cutoff – Attribute of a lighting fixture from which no light is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than 10% of the lamp's intensity is

emitted at or above an angle 10° below that horizontal plane, at all lateral angles around the fixture

- Fully Shielded – Attribute of a lighting fixture provided with internal and/or external shields and louvers to prevent brightness from lamps, reflectors, refractors and lenses from causing glare at normal viewing angles
 - Glare – Excessive brightness in the field of view that is sufficiently greater than that to which the eyes are adapted to cause loss in visual performance or annoyance, so as to jeopardize health, safety or welfare
 - Illuminance – Quantity of light, measured in footcandles
 - Light Trespass – Light emitted by a lighting fixture or installation, which is cast beyond the boundaries of the property on which the lighting installation is sited.
 - Lumen – As used in the context of this Ordinance, the light-output rating of a lamp (light bulb).
- (D) Illumination Levels – Lighting, where required by this Ordinance or otherwise required or allowed by the Municipality, shall have illuminances, uniformities and glare control in accordance with the current recommended practices of the Illuminating Engineering Society of North America (IESNA) as contained in the IESNA Lighting Handbook and applicable Recommended Practices, except as may otherwise be required by this ordinance.
- (E) Lighting Fixture Design - Fixtures shall be of a type and design appropriate to the lighting application and shall be aesthetically acceptable to the Municipality.
- For the lighting of predominantly horizontal surfaces such as, but not limited to, parking areas, roadways, vehicular and pedestrian passage areas, merchandising and storage areas, automotive-fuel dispensing facilities, automotive sales areas, loading docks, cul-de-sacs, active and passive recreational areas, building entrances, sidewalks, bicycle and pedestrian paths, and site entrances, fixtures shall be aimed straight down and shall meet IESNA full-cutoff criteria. Fixtures, except those containing directional lamps, with an aggregate rated lamp output not exceeding 500 lumens, e.g., the rated output of a standard non-directional 40-watt incandescent lamp, are exempt from the requirements of this paragraph. In the case of decorative street lighting, the Municipality may approve the use of luminaires that are fully shielded or comply with IESNA cutoff criteria.
 - For the lighting of predominantly non-horizontal surfaces such as, but not limited to, facades, landscaping, signs, fountains, displays and statuary, fixtures shall be fully shielded and shall be installed and aimed so as to not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward or onto a public roadway. Fixtures, except those containing directional lamps, with an aggregate rated lamp output not exceeding 500 lumens, e.g., the rated output of a standard non-directional 40-watt incandescent lamp, are exempt from the requirements of this paragraph.
- (F) Control of Glare - All lighting shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property.
- Directional fixtures, e.g., floodlights and spotlights, shall be so shielded, installed and aimed that they do not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward or onto a public roadway or pedestrian way.
 - Parking facility and vehicular and pedestrian way lighting (except for safety and security applications and all-night business operations), for commercial, industrial and institutional uses shall be automatically extinguished, using a programmable controller, no later than one-half hour after the close of business or facility operation. When safety or security lighting is proposed for after-hours illumination, it shall not be in excess of twenty-five (25) percent of the number of fixtures or illuminance required or permitted for illumination during regular business hours. Alternatively, where reduced but continued activity requires even illumination, the use of dimming circuitry to reduce illumination levels by 50% after 11:00 p.m. or after normal business hours, shall be permitted.

- Illumination for signs, building facades and/or surrounding landscapes for decorative, advertising or aesthetic purposes is prohibited between 11:00 p.m. and dawn, except that such lighting situated on the premises for a commercial establishment may remain illuminated while the establishment is actually open for business, and until no more than one-half hour after closing. Such lighting shall be automatically extinguished using a programmable controller.
 - Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields and baffles, and appropriate application of fixture mounting height, wattage, aiming angle and placement.
 - The illumination projected from any property onto a residential use shall at no time exceed 0.1 initial footcandle, measured line-of-sight from any point on the receiving property.
 - The illumination projected from any property to a non-residential use at no time shall exceed 1.0 initial footcandle, measured line-of-sight from any point on the receiving property.
 - Externally illuminated signs shall be lighted by fixtures mounted at the top of the sign and aimed downward. The fixtures shall be designed, shielded and aimed to shield the source from off-site view and to restrict the light output onto and not beyond the sign or billboard. At no point on the face of the sign shall the illumination exceed 30 initial vertical footcandles with a maximum to minimum uniformity ratio not to exceed 6:1.
 - Only the United States and the state flag shall be permitted to be illuminated from dusk till dawn. All other flags shall not be illuminated past 11:00 p.m. Flag lighting sources shall not exceed 7,000 initial lamp lumens per flagpole. The light source shall have a beam spread no greater than necessary to illuminate the flag and shall be fully shielded.
 - Under-canopy lighting, for such applications as gas/service stations, hotel/theater marquees, fast-food/bank/drugstore drive-ups, shall be accomplished using flat-lens full-cutoff fixtures aimed straight down and shielded in such a manner that the lowest opaque edge of the fixture shall be below the light source at all lateral angles. The illumination in the area directly below the canopy shall not exceed 20 average footcandles and the maximum shall not exceed 30 footcandles.
- (G) Installation - New electrical feeds for lighting poles shall be run underground, not overhead. Except for certain recreational lighting covered elsewhere in this Ordinance, fixtures not meeting IESNA full-cutoff criteria shall not be mounted in excess of sixteen feet (16') above finished grade and fixtures meeting IESNA full-cutoff criteria shall not be mounted in excess of twenty feet (20') above finished grade. For the illumination of greater than 100 contiguous parking spaces, the Municipality may permit the use of a mounting height not to exceed twenty-five feet (25') for fixtures meeting IESNA full-cutoff criteria when it can be demonstrated by the Municipality that light trespass and glare control requirements in this Ordinance have been met.
- (H) Residential Development Fixture Placement - For residential developments where lot sizes are or average less than 20,000 square feet, street lighting shall be provided at:
- the intersection of public roads with entrance roads to the proposed development,
 - intersections involving proposed public or non-public major-thoroughfare roads within the proposed development,
 - the apex of the curve of any major-thoroughfare road, public or non-public, within the proposed development, having a radius of 300 feet or less,
 - cul-de-sac bulbs,
 - terminal ends of center median islands having concrete structure curbing, trees and/or other fixed objects not having breakaway design for speeds of 25 m.p.h. or greater,
 - defined pedestrian crossings located within the development, and
 - at other locations along the street as deemed necessary by the municipality.
 - Where lot sizes permit the parking of less than three (3) vehicles on the residential lot, thereby necessitating on-street parking, street lighting may be required along the length of the street.
 - In multi-family developments, common parking areas of four (4) spaces or greater shall be illuminated.

- In residential developments with lots of less than twenty thousand (20,000) square feet, where five (5) or more common contiguous parking spaces are proposed, such spaces shall be illuminated.
- (I) Plan Submission – For subdivision and land development applications where site lighting is required by this Ordinance, is otherwise required by the Municipality or is proposed by Applicant, lighting plans shall be submitted to the Municipality for review and approval with preliminary and final subdivision/land development plan applications and conditional use applications and shall contain the following:
- A plan or plans of the site, complete with all structures, parking spaces, building entrances, traffic areas (both vehicular and pedestrian), vegetation that might interfere with lighting, and adjacent uses that might be adversely impacted by the lighting. The lighting plan shall contain a layout of all proposed fixtures by location, orientation, aiming direction, mounting height and type. The submission shall include, in addition to existing and proposed area lighting, all other exterior lighting, e.g., architectural, building-entrance, landscape, flag, sign, etc.
 - A 10'x10' illuminance grid (point-by-point) plot of maintained horizontal footcandles overlaid on the site plan, plotted out to 0.0 footcandles, which demonstrates compliance with the light trespass, illuminance and uniformity requirements as set forth in this Ordinance or as otherwise required by the Municipality. When the scale of the plan, as judged by the Municipality, makes a 10'x10' grid plot illegible, a larger grid spacing may be permitted.
 - The maintenance (light-loss) factors, IES candela file nomenclature, lamp-lumen ratings and specific lamp manufacturer's lamp ordering nomenclature, used in calculating the presented illuminance levels
 - Description of the proposed equipment, including fixture catalog cuts, photometrics, glare reduction devices, lamps, on/off control devices, mounting heights, pole foundation details and mounting methods
 - When landscaping plans are involved, they shall contain the lighting fixture locations and shall demonstrate that the site lighting and landscaping have been coordinated to minimize conflict between vegetation and intended light distribution, both initially and at vegetation maturity
 - When requested by the Municipality, Applicant shall also submit a visual-impact plan that demonstrates appropriate steps have been taken to mitigate the potential consequences of on-site and off-site glare and to retain the intended character of the Municipality. This plan may require the inclusion of initial vertical footcandle values at specific off-site venues, e.g., bedroom windows of adjacent residential uses.
- (J) Plan Notes – The following notes shall appear on the Lighting Plan:
- Post-approval alterations to lighting plans or intended substitutions for approved lighting equipment shall be submitted to the Municipality for review and approval.
 - The Municipality reserves the right to conduct post-installation inspections to verify compliance with the Ordinance requirements and approved Lighting Plan commitments, and if deemed appropriate by the Municipality, to require remedial action at no expense to the Municipality.
 - All exterior lighting shall meet IESNA full-cutoff criteria unless otherwise approved by the Municipality.
 - Installer shall notify municipality to arrange for inspection and approval of all exterior lighting, including building-mounted lighting, prior to its installation.
- (K) Street Lighting Dedication - When street lighting is to be dedicated to the municipality, Applicant shall be responsible for all costs involved in the lighting of streets and street intersections until the street is accepted for dedication. Prior to dedication and in the event of the formation of a homeowner's association and/or property management declaration, Municipality shall require said agency to enter into an agreement guaranteeing the municipality payment of all costs associated with dedicated street lighting.

(L) Assumption of Costs of Dedicated Street Lighting – Upon dedication of public streets, the municipality shall assess the homeowners’ association, individual property owners, or corporations, as may be necessary to collect all revenues required that are directly or indirectly associated with all costs of each specific street lighting fixture. These costs shall include:

- Administration
- Collection
- Pro-ration of non payables
- Actual utility electrical charges
- Maintenance and maintenance contracts for maintenance of fixtures and associated equipment.

CHAPTER 13 - ADULT-ORIENTED BUSINESSES

Adult- or sexually-oriented businesses cannot be completely prohibited. The first amendment to the U.S. Constitution protects adult books, magazines, videos, and live performances unless they are obscene, which is defined by the U.S. Supreme Court in the *Miller v. California* case. Local zoning must allow adult businesses in some district. Courts have upheld regulations of adult businesses if:

- (A) The restriction is not based on speech, but on the secondary effects of the business (harmful effects on neighborhoods) as identified by studies entered into the record when the regulations were passed. (These studies are referenced at the end of this Chapter.)
- (B) The restriction promotes a substantial public purpose (the location is no closer than 1,000 feet from any residential zone, a single- or multiple-family dwelling, church, park, or school and/or requires that the adult business be no closer than 1,000 feet from another adult business to protect against harmful effects on neighborhoods.

13.00 ADULT MATERIALS

Adult materials are defined in Appendix A: Definitions.

13.01 ADULT-OR SEXUALLY-ORIENTED BUSINESSES & SERVICES

Adult-or Sexually-Oriented Businesses are defined in the Definitions in Appendix A and include the following, all of which are also defined in **Appendix A**.

- (A) Adult arcade
- (B) Adult bookstore or video store
- (C) Adult cabaret
- (D) Adult motel
- (E) Adult live, mini-motion picture or motion picture or movie theater
- (F) Adult entertainment
- (G) Adult news rack
- (H) Adult nightclub
- (I) Escort agency or service
- (J) Internet Sweepstakes Cafes
- (K) Nude model studio
- (L) Sexual encounter center
- (M) Sexually-oriented spa or massage parlor

13.02 SPECIFIED SEXUAL ANATOMICAL AREAS

Specified sexual anatomical areas are defined as the showing of less than completely and opaquely covered human genitals, pubic region, vulva, buttocks, anus, anal cleft, or human male genitals in a discernible turgid state even if completely or opaquely covered. The showing of the lower portion of the female breast below a horizontal line across the top of the areola at its highest point, but not including any portion of the cleavage of the human female breast exhibited by a dress, blouse, skirt, leotard, bath suit, or other wearing apparel provided the areola or nipple is not exposed in whole or in part.

13.03 SPECIFIED SEXUAL ACTIVITIES

Specified sexual activities include any of the following as part or in connection with any of the uses of an establishment set forth in this Chapter:

- (A) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
- (B) Sexual activity, normal or perverted, actual or simulated, including intercourse, oral copulation, sodomy, or bestiality;
- (C) Actual or simulated masturbation, or the penetration of an orifice with a sex toy;

- (D) Excretory functions, actual or simulated, including urination, defecation, male ejaculation, or the aftermath of male ejaculation.

13.04 SUBSTANTIAL PORTION

A substantial portion is defined as a measurement, count, or ratio used in the determination of a sexually-oriented business, to wit:

- (A) For adult materials in displays visible or self-accessible to the public more than ten (10) percent of the content, stock-in-trade, shelf-space, or inventory of the establishment.
- (B) For adult materials in back rooms with some level of access control which separates the back room from other parts of the store, such as a locked door released by a button situated high above the door knob or by store personnel through a remote unlocking device more than forty (40) percent of the gross floor area of the establishment.
- (C) For performance activities or the showing of films, motion pictures, video cassettes, slides, or similar visual or photographic reproductions more than ten (10) percent of the use of the establishment is characterized by the depiction or description of:
 - Presentations emphasizing specified sexual activities or specified sexual anatomical areas; or
 - The showing of movies where the motion picture association of America movie rating system or a rating system using similar constitutionally acceptable standards would apply an Adults Only rating, such as NC-17, X, or XXX, to describe a movie that most parents would want to have barred from viewing by their children.

13.05 SIGNS PERMITTED

Signage for sexually-oriented businesses shall be in accordance with the performance standards and limitations set forth below.

13.06 PERFORMANCE STANDARDS AND LIMITATIONS FOR SEXUALLY-ORIENTED BUSINESSES

- (A) No adult- or sexually-oriented business shall be established within one thousand (1000) feet of: any residential zoning district; any library, educational institution, park, recreational facility, religious place of worship, child day care facility, playground, or swimming pool; any planned residential development; or any bar, tavern, or other establishment for the sale of beer or intoxicating liquor for consumption on the premises regulated by the Commonwealth of Pennsylvania.
- (B) No sexually-oriented business shall be established within thousand (1,000) feet of any other sexually-oriented business.
- (C) For the purpose of this section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as part of the premises where a sexually oriented business is conducted, to the nearest property line of the premise listed above.
- (D) The presence of a municipal, county, or other political subdivision boundary shall be irrelevant for the purpose of calculating and applying the distance requirements of this section.
- (E) No sexually explicit merchandise, displays of sexually explicit merchandise or sexually explicit promotional materials shall be shown, distributed or exhibited so as to be visible from the public right-of-way, or from any adjacent public or privately owned property.
- (F) All building openings, entries, windows, and doors of sexually-oriented businesses shall be located, covered, or serviced in such a manner as to prevent a view into the interior from the public right-of-way, or from adjacent public or privately owned property. For new construction, the building shall be oriented so as to minimize any possibility of viewing from any public right-of-way or any public or private property.
- (G) No screens, loudspeaker, or sound equipment shall be used in adult motion theaters (enclosed or drive-in) or other sexually-oriented businesses that can be seen or discerned from the public right-of-way or any public or privately owned property.
- (H) Exterior identification signage is permitted subject to other applicable provisions of this zoning ordinance and the municipality's sign code—Chapter 20. However, to limit exposure of sexual images to minors, no exterior signage may include verbal or written messages, graphics, drawings, or other illustrations of specified sexual anatomical areas or specified sexual activities.

13.07 REFERENCES FOR STUDIES ON THE SECONDARY EFFECTS OF SEXUALLY-ORIENTED BUSINESSES

- (A) Methodological Critique of the Linz-Yao Report: Report to the City of Toledo, Ohio by Richard McCleary, PhD and James W. Meeker, JD, PhD, May 15, 2004.
- (B) Crime-Related Secondary Effects of Sexually Oriented Businesses: Report to the City Attorney (Los Angeles, CA) by Richard McCreary, PhD, May 6, 2007.
- (C) Crime-Related Secondary Effects of Sexually Oriented Businesses, Report to the County Attorney, Palm Beach County, FL by Valerie Jenness, PhD, Richard McCleary, PhD, and James W. Meeker, JD, PhD, August 15, 2007.
- (D) NLC Summaries of Sexually Oriented Businesses Land Use Studies, Crime Impact Studies by Municipal and State Governments on Harmful Secondary Effects of Sexually Oriented Businesses by the National Law Center (NLC) for Children & Families, March 31, 1996 (This study dealt with 43 communities and states).

CHAPTER 14 - TEMPORARY USES

14.00 AUTHORIZATION

Temporary uses are permitted only as expressly provided in this Chapter.

14.01 TEMPORARY ZONING PERMIT REQUIRED

No temporary use shall be established unless a temporary Zoning Permit, evidencing the compliance of such use with the provisions of this Chapter and other applicable provisions of this Zoning Ordinance, has been issued. Any person desiring to engage in soliciting or peddling in Penn Township shall first make application for a license, as required by the Township's current ordinance regarding soliciting and peddling.

14.02 USE LIMITATION

No signs in connection with a temporary use shall be permitted except in accordance with the provisions of Chapter 21.

14.03 PERMITTED TEMPORARY USES

The following are temporary uses, which are subject to specific regulations and standards as set forth below, in addition to the other requirements specified in this Zoning Ordinance.

- (A) Christmas Tree Sales: This temporary use is permitted in any district. The maximum length of the permit for display and open-lot sales shall be sixty (60) days per year.
- (B) Contractors Office, Watchman Trailers, Construction Equipment Sheds, and Trailers: These temporary uses shall be permitted in any district where the use is incidental to a construction project. Supplemental controls:
 - Water and sanitary facilities shall be provided;
 - Sleeping and/or cooking accommodations may be provided;
 - Permits shall be issued for one (1) year, and may be extended for additional periods until construction has ceased or has been completed;
 - The temporary structure shall be removed from the property upon issuance of an Occupancy Permit for the new or rehabilitated building.
- (C) Special Events: Special events include carnivals, circuses, festivals, fairs, horse shows, dog shows, steeplechases, outdoor religious meetings, rodeos, outdoor concerts, tractor pulls, special outdoor entertainment on commercial properties, and other similar activities.

Supplemental controls:

 - Activities which are sponsored by an organization whose principal administrative offices are located within Butler County (including, but not limited to, volunteer fire companies, chambers of commerce, veterans' organizations, service clubs, civic organizations, churches or religious organizations, sports or hunting clubs, charitable, educational, or non-profit organizations, or recognized chapter thereof) are exempt from the requirement of a temporary Zoning Permit.
 - When the activity is sponsored by an entity whose principal administrative offices are outside of Butler County, a temporary Zoning Permit shall be required prior to commencement of the activity. A temporary Zoning Permit may be issued for a period not to exceed twenty-one (21) consecutive days.
 - The access to the property shall be adequate for the crowds anticipated.
 - Adequate water and sanitary facilities must be supplied to the site. Light, noise, and dust from the activity shall be confined within the site.
 - Adequate parking shall be provided for the anticipated number of vehicles.
 - At the end of the allowed time period, the temporary use and all debris shall be removed. The Zoning Officer shall require a signed contract with a disposal firm as part of the application for the temporary use to ensure that all debris is removed. A new permit allowing the same temporary use at the same location may not be issued for a period of six (6) months from the date that the original permit was issued.

- (D) Real Estate Office Sales: Real Estate Office Sales are permitted in any district for any new development approved in accordance with the Municipal Zoning Ordinance and applicable subdivision and land development ordinances. Supplemental controls:
- A model home may be used as a temporary sales office.
 - The maximum length of the permit shall be one (1) year. It may be renewed from year to year until the completion of the development.
 - The office shall be removed upon completion of the development of the subdivision.
- (E) Temporary Shelter: When fire or natural disaster has rendered a single-family residence unfit for human habitation, the temporary use of a mobile home located on the single-family lot during rehabilitation of the original residence or construction of a new residence may be permitted as a temporary use. Supplemental Controls
- Required water and sanitary facilities must be provided.
 - The maximum length of the permit shall be six (6) months, but the Zoning Officer may extend the permit for period(s) not to exceed sixty (60) days in the event of circumstances beyond the control of the owner. Application for the extension shall be made at least thirty (30) days prior to expiration of the original permit.
 - The mobile home shall be removed from the property upon issuance of any Certificate of Occupancy for the new or rehabilitated residence.
- (F) Produce/Food or Farm Stands: Produce or Farm Stands are permitted in all districts
- Farm stands operating as a temporary use shall be open for no more than six (6) months per year.
 - Fifty (50%) percent or more of the gross receipts of the products sold shall be grown within the state.
 - All temporary signs shall be affixed to the stand, and when added together, shall not exceed thirty-two (32) square feet in area. The sign(s) may contain the name of the stand, but shall only contain advertising that pertains to the produce sold at the stand. This type of sign will not require the issuance of a sign permit.
 - The stand and parking for the stand shall neither block nor be located within any right-of-way.
 - The stand and parking for the stand shall not obstruct free and clear vision at the intersection of any street, or obstruct the view of any authorized traffic sign, signal, or device.
- (G) Temporary Concrete or Asphalt Batch Plants or Asphalt Reprocessing Plants: Such facilities shall be erected only in conjunction with public road improvements in Butler County involving more than five (5) miles of new paving, or other substantial public construction projects. Supplemental Controls:
- They shall be permitted only for the period of actual highway work or project construction.
 - No such facility shall be located within one-thousand feet (1,000') of a sinkhole towards which it drains or within five-hundred feet (500') if it drains in another direction.
 - Nor shall it be closer than five-hundred feet (500') from any home or well not on the facility.
 - The contractor shall submit a routing plan to the Zoning Officer, who shall refer the routing plan to the Butler County Planning Commission and the municipal governing body for its review and recommendation for trucks traveling between the road improvement project site and the proposed plant as a condition prior to approval.
 - Such facilities shall only be allowed access via arterial or collector roads and highways. Access via local residential roads and/or collector roads serving residential areas shall be prohibited.
 - In order to ensure that the area used for such facilities shall be restored to a condition of practical usefulness and attractiveness, the owner or operator shall, prior to the issuance of a Zoning Permit, submit an agreement with the municipality whereby the applicant contracts to restore the premises to a condition and within a time satisfactory to the municipality.
- (H) Borrow Pit: Borrow pits are defined as small excavations of less than two-thousand (2,000) tons cumulative total for the removal of materials for compensation or valuable consideration. (Does not apply to personal use on the same property.) Supplemental Controls:
- Prior to conducting such an operation, the applicant shall submit a copy of the approved small operator permit from the Pennsylvania Department of Environmental Protection.

- Borrow pits shall be located a minimum of fifty feet (50') from any property line or one hundred (100) feet from any existing residence, other than the owner's.
 - The municipality shall require performance bonds for restoration and repair of roads.
- (I) Logging: Logging is defined as the act of cutting trees for cord wood, timber, pulp or for any commercial purpose, except a person cutting on his own property or the property of another, with his permission, for his own or his family's use, the clearing of less than one acre for development of building sites, or clearing for farm operations, if there is no altering of natural drainage courses. Supplemental Controls:
- Logging is permitted in all districts.
 - The property owner or his agent shall submit a copy of a letter notifying the affected municipality local governing body prior to issuance of a temporary Zoning Permit and commencement of the logging operation.
 - Upon receipt of a temporary use permit application, a processing fee and the aforementioned letter, the Zoning Officer, or designee shall issue a temporary use permit placard for the logging operation. The property owner or his agent shall conspicuously post this placard at the nearest point of public access.
 - Revocation of any required federal, state, municipal, or other required approvals shall constitute an automatic revocation of the temporary Zoning Permit.
- (J) Mobile Sawmills and Chip Harvesters: Mobile or portable commercial sawmills are permitted in the Conservancy, Single-Family, Residential Estate, C-1 and I-L Districts for timber cut from that property provided that the active operations shall continue no longer than two-hundred twenty-five (225) calendar days, or the following requirements shall apply:
- Minimum tract size of five (5) acres;
 - Mobile sawmills shall be located a minimum distance of one-hundred feet (100') from any property line and two-hundred feet (200') from any existing residential dwelling, other than the owner's; and
 - A notice of resumption shall be provided by the mobile sawmill operation to the Zoning Officer after suspension of activities for more than thirty (30) days.
 - "Hobby" or personal use sawmills, which are used for sawing timber from the property where the sawmill owner resides or for hobby (i.e. recreational, not livelihood) purposes are exempt from the above requirements.
 - Sawdust piles shall be set back a minimum of fifty feet (50') from streams or water bodies.
 - The applicant may apply for an extension of time, up to a cumulative total of one (1) year, upon review by the Zoning Hearing Board.
- (K) Storage of Mobile Homes: The temporary placement of a mobile home, which is in transit from one site to another and sits for no longer than fourteen (14) consecutive days upon a parcel, does not require a temporary Zoning Permit. Temporary storage of a mobile home upon a parcel for fifteen (15) or more consecutive days shall require that a temporary Zoning Permit application be submitted for review and approval. The application shall be submitted within ten (10) days of placement upon a parcel or prior to such placement. Supplemental Controls:
- A temporary Zoning Permit application shall specify the applicant data, location, type and use, the structural characteristics and dimensions, and describe in detail the duration of storage.
 - The location may be permitted if minimum setbacks are maintained, the mobile home does not pose a health or safety hazard nor create a nuisance, and it is not converted to any other use unless a change of use application is made and approved.
 - The temporary Zoning Permit shall be issued for a specified period of time not to exceed six (6) months. No renewal will be permitted without cause.
- (L) Water Withdrawal: Water withdrawal is defined as the non-potable water withdrawal from any surface stream source or well. The ancillary disturbance area is also considered part of the water withdrawal use. The use consists of a site approved by the Department of Environmental Protection (DEP), as a consumptive use of water under the Commission's approval by rule process set forth in 18 CFR 806.22(e) and (f). The zoning permit should include information about the use, including: off-street parking, electrical services, pumps and pumping equipment, and areas where mobile water storage tanks are located. The water withdrawal is considered temporary when a piping system is installed to transport water. Supplemental Controls:

- Water withdrawal is permitted in all districts.
- The property owner or agent shall submit a copy of a letter notifying the governing body of the affected municipality prior to issuance of a temporary Zoning Permit and commencement of the water withdrawal operation.
- Upon receipt of a temporary use permit application, a processing fee and the aforementioned letter, the Zoning Officer, or designee shall issue a temporary use permit placard for the water withdrawal use. The property owner or agent shall conspicuously post this placard at the nearest point of public access.
- Revocation of any required federal, state, municipal, or other required approvals applicable to this use only shall constitute an automatic revocation of the temporary Zoning Permit.
- Upon cessation of the water withdrawal use, the site shall be returned to natural ground cover in the locations that were disturbed to accommodate vehicles and mobile water tank parking and storage.
- Due to the location of water withdrawal sites located along streams that are in the mapped floodplain, the non-conforming purpose provisions are not applicable.
- A zoning permit is required for water withdrawal uses in existence at the time of the enactment of this amendment to protect the health, safety and welfare of the public.
- Water withdrawal for emergency purposes to protect the public health and safety is exempt from a permit.
- Water withdrawal not requiring a permit from the DEP is exempt from a permit.

CHAPTER 15 - SUPPLEMENTAL REGULATIONS

15.00 TABLE OF BULK, DIMENSIONAL & GENERAL REQUIREMENTS

Zoning District	Use	Minimum Lot Requirements		Minimum Yard Requirements			Maximum Height (Feet)
		Lot Area	Lot Width (Feet)	Front (Ft) from R/W*3	Each Side (Feet) *1	Rear (Ft) *2	
S	Farm	10 acres	200*	75 or 100 from C/L	50	75	None
	Single-family without public water or sewers	2 acres	200*	75 or 100 from C/L	50	75	35 or 2 stories
	Single-family with public water and sewers	2 acres	200*	75 or 100 from C/L	50	75	35 or 2 stories
	Accessories less than 1,000 sq ft**	N/A	N/A	75 or 100 from C/L	25	25	25-barns & silos-exempt
RE	Farm	10 acres		50 or 75 from CL	20	50	
	Single-family without public water or sewers	1 acre	150/ 175 corner lot	50 or 75 from CL	20	50	35 or 2 stories
	Single-family with public water and sewers	1 acre	150/ 175 corner lot	50 or 75 from CL	20	50	35 or 2 stories
	Commercial kennels	8 acres	150/ 175 corner lot	50 or 75 from CL	20	50	35
	Accessories less than 1,000 sq ft**	N/A	N/A	50 or 75 from CL	20	20	25--Exempt for ag access.

*Corner lot -- minimum lot width is 275'. *1 A side yard abutting a street shall not be less than the depth of the front yard required on the adjoining lot on that street. *2 The rear yard of a through lot shall be the same as the required front yard depth on that street. *3 Whichever is greater.

**Accessory structures greater than 1000 square feet must meet all required setbacks as if it were a principal structure.

Table of Bulk, Dimensional & General Requirements

Zoning District	Use	Minimum Lot Requirements		Minimum Yard Requirements			Maximum Height (Feet)
		Lot Area	Lot Width (Feet)	Front (Ft) from R/W *	Each Side (Feet)	Rear (Feet) *1	
R-1	Farm	10 acres	150/ 175 corner lot	40/ 65 from CL	8, or 20 total	30	35
	Single-family without public water or sewers	1 acre	150/ 175 corner lot	40/ 65 from CL	8, or 20 total	30	35 or 2 stories
	Single-family with public water and sewers	25,000 SF	125	40/ 65 from CL	8, or 20 total	30	35 or 2 stories
	Commercial Kennels	8 acres	150/ 175 corner lot	40/ 65 from CL	8, or 20 total	30	N/A
	Accessories less than 1,000 sq ft**	N/A	N/A	40/ 65 from CL	10	10	25-Exempt for ag access.

* Or 65' from centerline of roadway, whichever is greater. *1 The rear yard of a through lot shall be the same as the required front yard depth on that street.

**Accessory structures greater than 1000 square feet must meet all required setbacks as if it were a principal structure.

Table of Bulk, Dimensional & General Requirements

Zoning District	Use	Minimum Lot Requirements		Minimum Yard Requirements			Maximum Height (Ft) *3
		Lot Area	Lot Width (Ft)	Front (Ft) from R/W	Each Side (Ft)	Rear (Ft) *1	
C-1*2	All principal uses w/water & sewer	1 acre	125	50	15* **	50	35 or 2 stories
	All principal uses w/o water & sewer	1 acre	150/ 175 for corner lot/ 125 w/ water & sewer	50	15* **	50	35 or 2 stories
C-2*4	All principal uses, in accordance w/ plans approved by PC per the SALDO	1 acre	85	50	0 * **	0 ** *1	35 or 2 stories
	Conditional uses	2 acres if new construction		50	0 * **	0 ** *1	TBD
	Accessories			50	0 * **	0 ** *1	25

* A side yard abutting a street—25'.

** A side yard abutting a residential use/district—50'.

*1 The required yard depth for a through lot shall be the same as the required front yard depth on that street.

*2 A buffer yard shall be required where a lot zoned C-1 abuts a developed lot or parcel in the RE or R-1 districts, complying with provisions of Section 15.11.

*3 There is a 25' minimum height for accessory structures.

*4 The PC may require a permanent, contiguous wood or metal fence ≥4' and ≤8' in height, with ≥50% of surface opaque, or an evergreen shrub or hedge which shall be maintained ≥4' and ≤8' in height when mature, be placed along the property line of a commercial development when abutting RE or R-1 districts. Parcels may accommodate more than one principal use or group, including a conditional or special exception use, when they are developed in an integrated land development plan.

Table of Bulk, Dimensional & General Requirements

Zoning District	Use	Minimum Lot Requirements		Minimum Yard Requirements			Max Height (Feet)
		Lot Area	Lot Width (Feet) from R/W	Front (Feet)	Each Side (Feet)	Rear (Feet)	
I-L	All uses	2 acres		75 or 100 from CL, which-ever is greater	None, except if abuts R district—75' If abuts street-50'	None, except if abuts R district—75' Through lot—rear yard shall = required front yard on that street	None

- All yards shall be landscaped and maintained.
- The PC may require a permanent, contiguous wood or metal fence $\geq 4'$ and $\leq 8'$ in height, with $\geq 50\%$ of surface opaque, or an evergreen shrub or hedge which shall be maintained $\geq 4'$ and $\leq 8'$ in height when mature, be placed along the property line of a commercial development in the I-L District when abutting RE or R-1 districts.

15.01 GENERAL USE PROVISIONS AND EXCEPTIONS

- (A) Farnettes – Approved as a conditional use.
- Shall have a five (5)–acre minimum area.
 - Animal amounts are the permitted maximum per total acre. An example would be: A five (5)-acre parcel could have a maximum of three (3) cows and twelve (12) poultry total, or for that same five acres one could have four (4) sheep, one (1) cow, four (4) llama or six (6) poultry.

Types	Maximum Per Acre
Cattle, Horse, Swine or Equivalent Size	1
Sheep or Goat	2
Llama	4
Alpaca	4
Poultry	6
Rabbit or Equivalent Size	10

- (B) Poultry, hens only, on less than five (5) acres.
- Poultry is not permitted to be free ranging and must be in a coop or have a penned-in area.
- (C) These ratios are not applicable to owners or operators of farms as defined by this Zoning Ordinance.
- (D) Animals must be kept on property via a fence.
- (E) Manure piles shall be a minimum of fifty feet (50') from all property lines.
- (F) Structures housing the animals shall not be closer than twenty-five feet (25') from side or rear yard and shall not be allowed in front yard.

15.02 FENCING

A screening wall or fence, no more than six feet (6') in height, may be erected in any required side or rear yard or within the buildable area.

- (A) Decorative or ornamental fencing may be placed in any required yard in any zoning district.
- (B) A fence not exceeding ten feet (10') in height may be built in any required yard for schools, playgrounds, or parks; or in any required side or rear yard in commercial or industrial districts.
- (C) Chain link or similar fencing erected for the purpose of security or prevention of unauthorized access shall be a minimum of twenty feet (20') from the street right-of-way.

15.03 PUBLIC SERVICE LINES

Public service lines for the transmission, distribution, and control of water, storm water, potable water, sanitary sewerage, electricity, natural gas, oil, telegraph, cable TV and telephone communications, or railroad tracks, and supporting members other than buildings, shall not be required to be located on an individual lot for their use.

15.04 LANDSCAPE FEATURES

Landscape features, such as trees, shrubs or flowers, soil cultivation, plants, and plantings, shall be permitted in any required yard. In the case of such features within utility or authority easements or rights-of-way, the utility or authority shall be contacted prior to planting.

15.05 INDIVIDUAL MOBILE OR MANUFACTURED HOMES ON THEIR OWN LOTS

Mobile homes or manufactured homes on their own lots shall meet all requirements of this Ordinance for one-family homes.

- (A) Skirting which extends from the exterior floor of the mobile home to the finished grade of the mobile home lot shall be installed not more than thirty (30) days following the securing of the mobile home to its foundation.

- (B) Mobile homes shall be placed on their foundation not more than thirty (30) days after arrival on the property.
- (C) Mobile homes shall be securely held to their foundations by tie-downs at least at each corner of the home, and each capable of resisting a force of not less than 4,800 foot pounds of pressure.
- (D) No mobile home shall be occupied until the Zoning Officer has verified that it has been connected to a sewage disposal and water supply system.
- (E) No mobile home lacking toilet and washing facilities or cooking and food storage facilities or any of these shall be permitted, nor shall any self-propelled vehicles used as living accommodations or travel trailers designed for temporary occupancy be permitted for residential purposes for a period extending fourteen (14) days.
- (F) It shall be unlawful for a mobile home to be removed from Penn Township until all taxes owed on the property or by the residents of the mobile home have been paid in full, as verified by the Township tax collector.

15.06 ACCESSORY RESIDENTIAL USES

(A) Private Swimming Pool .

Every private swimming pool shall be enclosed by a fence constituting a barrier to small children, four feet (4') in height and with a self-latching gate in said fence which shall be locked when the pool is not in use by or under the supervision of the owner or other designated responsible person of the premises upon which it is installed. Private swimming pools of the above-ground type that have vertical walls of at least four feet (4') from ground level and removable steps shall not be required to be fenced.

(B) Satellite Dishes

Satellite dishes shall be permitted as an accessory structure, and may be mounted onto any permitted residential structure, but shall not exceed a height of twenty-five feet (25') above basic grade when ground mounted. No building or zoning permit shall be required.

15.07 NONRESIDENTIAL SITE PLAN REVIEW (LAND DEVELOPMENT)

No Zoning/Building Permit or Occupancy Permit shall be issued for any use upon any lot except a one-family home until a Site Plan (land development) has been submitted, reviewed, and approved in accordance with the provisions of the Penn Township Subdivision and Land Development Ordinance (SALDO), provided however that existing structures where the occupancy is being changed, without any change in use category, new construction, or addition to structures, totaling less than 1,001 square feet, and without change in the site, are exempt from this requirement.

The Board of Supervisors shall not approve a nonresidential Site Plan (land development) unless the following standards are met:

- (A) Screening --A planted visual barrier or landscape screen shall be provided and maintained on any property in a commercial or industrial district which it is contiguous to any residential district, except where a street or alley or other physical barrier exists which is deemed by the Planning Commission to provide an adequate buffer.
- (B) Storage--Any article or material stored temporarily outside an enclosed building as an incidental part of the primary commercial or industrial operation shall be so screened by opaque ornamental fencing, walls, or evergreen planting, that it cannot be seen from adjoining public streets or adjacent lots when viewed by a person standing on ground level.
- (C) 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 planted with an all-season ground cover or covered with stone or gravel, and shall be landscaped with trees and shrubs in accordance with an overall landscape plan.
- (D) Interior Circulation--The interior circulation of traffic in commercial areas shall be designed so that no driveway or access lane providing parking spaces shall be used as a through-street.

- (E) Access-- Areas provided for loading and unloading of delivery trucks and other vehicles, and for the servicing of shops by refuse collection, fuel, and other service vehicles, shall be adequate in size and shall be so arranged that they may be used without blockage or interference with the use of public streets or sidewalks, other accessways, or automobile parking facilities.
- (F) Traffic Control--No proposed street or roadway configuration shall be approved which is likely to create substantial traffic hazards endangering the public safety, nor which is inconsistent with the recommendations and findings of any officially adopted Township traffic study. Traffic control devices may include traffic signals, overhead flashing lights, and delineators, such as medial barriers, and not be limited to acceleration and deceleration lanes, turning lanes, one-way traffic flow, traffic and land markings, and signs. The plan for traffic control shall include a traffic impact analysis that documents expected impacts on the adjacent intersection(s). The developer shall be responsible for the construction of any such traffic control device.
- (G) Traffic Study Required--Where the total square footage exceeds fifty thousand (50,000) square feet or where more than one use is proposed, a traffic impact analysis shall be submitted for review. Said analysis shall identify anticipated volumes of truck and vehicular traffic, and projected transportation deficiencies at intersections within one half (.5) mile from the proposed site. Where a change of use is proposed which would result in increased use, a traffic impact analysis shall accompany the application for site plan approval form. A traffic impact analysis shall be submitted prior to approval which demonstrates the following: (1) The number of vehicle trips expected to be generated. (2) The type and number of vehicles used to deliver material to the site during construction. (3) The routes (roadways) used to reach the facility.

15.08 PERFORMANCE STANDARDS

All uses provided for in this Ordinance, shall comply with the requirements of this section. In order to determine whether a proposed use will conform to the requirements of this Ordinance, the Board of Supervisors may obtain a qualified consultant to testify, cost for whose services shall be borne by the applicant.

- (A) Fire Protection -- Fire prevention and fire fighting equipment acceptable to the Township Volunteer Fire Company shall be readily available when any activity involving the handling or storage of flammable or explosive materials is carried on.
- (B) Electrical Disturbances -- No activity shall cause electrical disturbance adversely affecting radio or other equipment in the vicinity.
- (C) Noise -- Noise which is determined to be objectionable because of volume, frequency, or beat shall be muffled or otherwise controlled. Fire sirens and related apparatus used solely for public purposes shall be exempt from this requirement.
- (D) Vibrations -- Vibrations detectable without instruments on neighboring property in any district shall be prohibited.
- (E) Odors -- No malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property.
- (F) Air Pollution --No pollution of air by fly ash, dust, smoke, vapors, or other substance shall be permitted which is harmful to health, animals, vegetation, or other property.
- (G) Glare -- Defined as the effect produced by brightness sufficient to cause discomfort or a loss in visual performance and visibility:
 - Lighting devices which produce direct or reflected glare on adjoining properties or thoroughfares shall not be permitted.
 - No light in excess of one (1) foot candle shall be emitted on adjoining property for a distance of more than five feet (5') from the property line of the property on which the source of the light is located.
 - All lighting devices located within one hundred feet (100') of any property line adjoining a residential use or zoning classification shall be designed with shields, reflectors or refractor panels which direct and cut off the light at a cutoff angle that is less than ninety degrees (90). "Cutoff angle" is defined as the angle formed by a line drawn from the direction of the light rays at the light source and a line perpendicular to the ground from the light source above which no light is emitted.

- (H) Erosion -- No erosion by wind or water shall be permitted which will carry objectionable substances onto neighboring properties.
- (I) Water Pollution -- No water pollution as defined by the standards established by the State and Federal governments shall be permitted.

15.09 ENVIRONMENTAL PROTECTION STANDARDS

- (A) The following provisions shall apply to all uses of land in all districts unless otherwise noted. Certain activities, such as highway construction and the like, may be excepted from the following requirements provided such activities are closely controlled by other governmental environment protection agencies, and that Municipal reviewing agencies are satisfied that the spirit and intent of the Zoning Ordinance is being met through the review process, bonding requirements, and administrative activities of the appropriate environmental protection agencies.
- (B) Any person, partnership, or corporation proposing to dump wastes or hazardous materials on any land within Penn Township must first obtain certificates from the United States Environmental Protection Agency and appropriate Pennsylvania and Butler County agencies to certify that such wastes and materials are not hazardous to the health, safety, and general welfare of the residents of Penn Township and the surrounding region.
- (C) Reasonable safeguards shall be established for all uses in every zone to prevent possible detriment to neighboring properties through emission of smoke, fumes, odor, dust, noise, vibration, or glaring light.

15.10 ENVIRONMENTAL PROTECTION REQUIREMENTS

The developer shall determine the presence of environmental or natural features on any site proposed for land development and shall meet the following standards for environmental protection. Site alterations, erosion and sedimentation control, re-grading, filling, the clearing of vegetation or timbering and forestry activities prior to approval of the plans for development shall be a violation of this Section.

- (D) Floodway Delineation--One hundred (100) year floodways shall be delineated as per the provisions of the current Township ordinance. Within the floodway, the following uses and activities having a low flood damage potential and not obstructing flood flows shall be permitted, provided that they are in compliance with the provisions of the underlying District and are not prohibited by any other Ordinance, and do not require structures, fill or storage of materials and equipment:
 - Agricultural uses;
 - Public and private recreational uses and activities such as parks, picnic grounds, hiking and horseback riding trails, wildlife and nature preserves, hunting and fishing; and
 - Accessory residential uses such as yard areas, gardens and play areas.
- (E) Floodplains-- A normally dry land area adjacent to stream channels that is susceptible to being inundated by overbank stream flows. Development activities shall be regulated as per the provisions of the current Township ordinance.
- (F) Steep Slopes: In areas of steep slopes, i.e., those above fifteen percent (15%), the following standards shall apply:
 - 6-24%: No more than sixty percent (60%) of such areas shall be developed and/or re-graded or stripped of vegetation.
 - 25% or more: Earth disturbance activities in these areas in preparation for development are restricted except as approved by the Township Engineer.
- (G) Forest--No more than fifty percent (50%) of any forest as defined may be cleared or developed on land proposed for traditional neighborhood development.

- (H) Ponds, Watercourses or Wetlands--No development, filling, piping or diverting shall be permitted except for required roads and utility line extensions, unless permitted by the appropriate state, county or regulatory agency.
- (I) Storm Water Drainage and Management--All plans shall comply with the provisions of this Ordinance and the Penn Township Subdivision and Land Development Ordinance, and all amendments thereto.
- (J) Soil Erosion and Sedimentation- With any earth disturbance there shall be control of erosion and the protection of streams and ponds from sedimentation in accordance with the "Clean Streams Law P.L. 1987", Chapter 102 of Title 25 of the Pennsylvania Code, and the "Soil Erosion and Sedimentation Control Manual" of the Pennsylvania Department of Environmental Protection. In addition, a Soil Erosion and Sediment Control Plan (SE & SC Plan) shall be required as part of the application for any Township permit where earth disturbance or excavation will occur. As a minimum where sediment can be transported away from the disturbed area, a silt fence or straw bale barrier shall be erected and maintained in working order until vegetation is fully established or erosion resistant ground cover has been installed. Additional sediment pollution control measures may be required where land development is more extensive than single-family construction.

15.11 BUFFER YARDS

- (A) Where land in the C-1 (Neighborhood Commercial District), C-2 (Highway Commercial), and I-L (Limited Industrial) Districts abuts residentially-zoned properties, a permanent buffer of fifteen feet (15') minimum width shall be provided which separates the uses in the C-1, C-2 and I-L Districts for the abutting residentially-zoned properties. No structures, paving or lighting standards shall be permitted within the designated buffer areas. Maintenance of all buffer areas shall be the responsibility of the property owner, and existing vegetation may be used to provide the screening characteristics of said buffer area.
- (B) Required buffer yards shall be provided by the developer or applicant/owner of the subject parcel during the initial phase of construction where a project is developed in phases, and maintained throughout the development period until occupancy occurs.
- (C) The buffer yard shall be measured from the zoning district boundary line or from the street line where a street serves as the district boundary line.
- (D) In all buffer yards, a fifteen foot (15') width shall be maintained and kept clean of all debris, rubbish, weeds and tall grass. Buffer yard widths may be averaged with the most narrow portion of the yard being seventy percent (70%) of the minimum established width or ten point five feet (10.5') where physical constraints prevent the provision of the standard width.
- (E) No structure, manufacturing activity or storage of materials shall be permitted in the buffer yard.
- (F) All buffer yards shall include a dense screen planting of trees, shrubs or other plant materials, or both, to the full length of the lot line to serve as a barrier to visibility, airborne particles and glare. Such screen planting shall be in accordance with the following requirements.
 - Plant materials used in the screen planting shall be a minimum of fifty percent (50%) evergreen and of such other species and initial heights as will produce a dense visual screen at least eight feet (8') high within five (5) years.
 - The screen planting shall be maintained permanently and any plant material which does not live shall be replaced within one (1) year.
 - The screen planting shall be so placed that at maturity it will not overhang any street or property line.
 - A clear sight triangle shall be maintained at all street intersections and at all points where private access ways intersect public streets.
 - The screen planting shall be broken only at points of vehicular or pedestrian access.

CHAPTER 16 - OFF STREET PARKING AND LOADING FACILITIES

16.00 GENERAL REQUIREMENTS

No building or structure shall be erected, substantially altered, or its use changed unless permanently maintained off-street parking and loading spaces have been provided in accordance with the provisions of this ordinance. Whenever a building or structure constructed after the effective date of this ordinance is changed or enlarged in floor area, number of dwelling units, seating capacity, or otherwise to create a need for an increase in the number of existing parking spaces, additional parking spaces shall be provided on the basis of the enlargement or change.

Landscaped islands shall be provided on all open parking areas in excess of 10,000 square feet. All parking areas shall be curbed in accordance with the Municipality's SALDO. Wheel stops shall be provided if curbs are not installed where parking areas adjoin public rights-of-way, lot lines or landscaped areas.

Handicapped parking spaces shall be provided in accordance with the standards and requirements of the Commonwealth of Pennsylvania and American National Standards Institute.

All parking spaces accessory to all uses, except single- and two-family dwellings, shall be located at least five feet (5') from all front, side and rear property lines. A landscaped strip shall be provided between the street right-of-way and parking areas containing twenty (20) or more spaces that are located in the property's front yard. Landscaping shall consist of grass, ground cover, shrub or other natural materials that are no more than three feet (3') high. In any parking area containing twenty (20) or more spaces, a minimum of 5% of the interior parking area shall be landscaped with trees, shrubs, plant material, grass and/or ground cover in accordance with the Municipality's SALDO.

All off-street parking spaces shall be located on the site of the principle use which they are intended to serve, unless off-site parking is authorized by special exception.

All open off-street parking areas, except those for single- and two-family dwellings, shall be improved with a minimum of a six inch (6") base, with asphalt, tar and chips, concrete, or some other dustless surface material of adequate thickness to support the weight of fully-loaded vehicles which will customarily use the parking/loading area.

In the case of land developments containing mixed uses which have different parking requirements, the total requirement for each of the various uses shall be computed separately and added together to determine the total size of the parking area. Off-street parking facilities for one use shall not be considered to meet the minimum requirements for another use.

16.01 PARKING SPACE DIMENSIONS AND ACCESS

An off-street parking space shall have minimum rectangular dimensions of not less than ten feet (10') in width and twenty feet (20') in length for ninety (90) degree parking; ten feet (10') in width and twenty-three feet (23') in length for parallel parking, ten feet (10') in width and nineteen feet (19') in length for sixty (60) degree parking, and twelve feet (12') in width and nineteen feet (19') in length for forty-five (45) degree parking. All dimensions shall be exclusive of driveways, aisles, and other circulation areas.

Each off-street parking space shall be accessible by a driveway which shall be designed to the following standards:

Parking Space Angle	Driveway width (ft)
30-45 Degree	12
60 Degree	18
90 Degree	24

All driveways serving angled parking spaces shall be designed and specified for one-way traffic.

Parking areas shall be designed with sufficient areas to turn around so that vehicles are not required to back onto the cartway of any public street or alley. Access to off-street parking areas shall be limited to well-defined locations, and in no case, shall there be unrestricted access along the entire street frontage.

16.02 LOADING SPACE REQUIREMENTS AND DIMENSIONS

Every commercial and industrial use which requires the receipt or distribution of material or merchandise by vehicle shall provide adjacent off-street loading spaces in sufficient number to adequately serve the number and frequency of vehicle shipping and receiving projected for the use. The permit applicant shall provide supporting evidence of the projected shipping and receiving traffic and how the number of spaces to be provided will be adequate. Each off-street loading space shall be not less than twelve feet (12') wide by sixty-five feet (65') long. Off-street loading spaces shall have adequate adjacent areas for vehicle maneuvering so that vehicles using the space(s) are not required to back-up onto or from a public street or alley in order to use the loading space(s).

Loading areas shall be surfaced with a cohesive all-weather, dust-free material that is capable of bearing the weight of vehicles normally using the area.

Loading areas shall not be required for buildings of less than 2,400 square feet in area.

16.03 DRAINAGE

All parking and loading areas shall be sloped to assure proper drainage of surface water to prevent the drainage of such water onto adjacent properties or walkways.

16.04 ADJACENT RESIDENTIAL SCREENING AND /OR LANDSCAPING

Whenever a parking area is located in or adjacent to a residential district it shall be effectively screened on all sides which adjoin or face any property used for residential purpose, by a designed wall, fence, or planting screen. Such fence, wall, or planting screen shall be not less than four feet (4') or more than six feet (6') in height and shall be maintained in good condition.

16.05 PARKING SPACE REQUIREMENTS – VEHICLES AND BICYCLES

For the purpose of this ordinance, the following minimum and maximum off-street **vehicular** parking space requirements shall apply:

TYPE OF USE	NUMBER OF PARKING SPACES REQUIRED	
	MINIMUM	MAXIMUM
Residential		
1. Single-family or two-family dwelling, including mobile home parks	0-2 for each unit.	Same plus one for every 300 square feet of office.
2. Apartments or multi-family dwellings	Two for each unit.	Same plus one for each employee for peak shift.
3. Boarding house, rooming house, dormitories and fraternity house which have sleeping rooms	One for each sleeping room or two for each permanent occupancy.	Same plus one for each employee for peak shift.
4. Adaptive Re-use buildings	As determined by local governing body.	As determined by local governing body.
5. Group homes, group care facilities and transitional dwellings	Two per dwelling unit plus one for each staff at largest shift.	Same
6. Correctional facility	One per 18 beds plus one for each employee on peak shift.	One per 15 beds plus one for each employee on peak shift.
7. Retirement communities, independent living and assisted-living facilities	One per dwelling unit plus one for each staff on peak shift.	Same
Commercial		
1. Automobile service station which also provides repair	Two for each gasoline pump, and four for each service bay.	Same plus one for each employee for peak shift.
1.1 Service Station with Convenience Store	One for each employee on peak shift plus two for each service bay (if applicable), plus one for each 300 square feet of convenience store.	One for each employee on peak shift plus two for each service bay (if applicable), plus one for each 200 square feet of convenience store.
1.1 Fast food and drive-in restaurants	One for each two patron seats.	One for each two patron seats plus one per employee for peak shift.
1.2 Roadside stands	Five per 100 square feet of gross floor area of stand	Same
2. Hotels, motels	One per each guest room.	One per each guest room, plus one space for each employee for peak shift.
2.1 Bed and Breakfast facilities	One per guest room.	One per guest room plus one per 80 square feet of public space.
3. Funeral parlors, mortuaries and similar type use	One for each 100 square feet of floor area in parlor.	25 for the first parlor, plus 10 for each additional parlor.

Business, Recreational, or Entertainment		
1. Dining rooms, restaurants taverns, night clubs	One for each 2.5 patron seats.	One for each 2.5 patron seats plus one for each employee for peak shift.
2. Bowling alleys	Four for each alley or lane plus one additional space for each 100 square feet of the area used for restaurant, cocktail lounge, or similar use.	Five for each alley or lane plus one additional space for each 100 square feet of the area used for restaurant, cocktail lounge, or similar use, plus one for each employee for peak shift.
3. Dance floors, skating rinks	One for each 200 square feet of floor area used for the activity.	One for each 100 square feet of floor area used for the activity plus one for each employee for peak shift.
4. Outdoor swimming pools, public or community or club	One for each five persons capacity, plus one for each four seats or one for each 30 square feet floor area used for seating purpose whichever is greater.	Same plus one for each employee for peak shift.
4.1 Golf Course/Country Club	Four per hole plus one for each employee, plus the parking required for other on-site uses such as a restaurant or swimming pool.	Eight per hole plus one for each employee, plus the parking required for other on-site uses such as a restaurant or swimming pool.
4.2 Miniature golf	One for each 325 square feet of developed lot area.	Same plus one for each employee for peak shift.
4.3 Other commercial recreation, including amusement parks.	One for each 3 persons at maximum capacity.	Same plus one for each employee for peak shift.
4.4 Health or Racquet Club	Three for each playing court plus one for each 200 square feet of exercise area, plus one per employee on peak shift.	Same
4.5 Gun or Archery Range	One for each employee on peak shift plus two for each target position.	Same
5. Auditoriums, sport arenas, theaters, similar uses	One for each four seats.	One for each three seats.
5.1 Community/Municipal buildings, social halls, clubs and lodges	One for each 300 square feet of office space plus one for each one for each 40 square feet of areas devoted to conference rooms or public meeting rooms.	One for each 200 square feet of office and public area plus one for each employee for peak shift.
6. Retail store	One for each 250	One for each 200

	square feet of floor area.	square feet of floor area, plus one for each employee for the peak shift.
6.1 Furniture, appliance, hardware, plumbing, ventilating and building supplies store	One/500 SF of GFA for first 15,000 SF open to public + one/800 SF over 15,000 SF open to the public	One for each 400 square feet of gross floor area plus one for each employee for peak shift.
6.2 Food supermarkets	One for each 200 square feet of gross floor area	Same plus one for each employee for peak shift.
7. Banks, financial institutions and similar offices with on-site customer services	One for each 300 square feet of floor area.	One for each 200 square feet of floor area.
8. Offices, public or professional administration, or service building not providing on-site services	One for each 600 square feet of floor area or 1 per employee, whichever is greater.	One for each 400 square feet of floor area or 1 per employee, whichever is greater.
9. Bus station	One for each employee on peak shift plus one per 100 square feet of waiting area.	Same
10. Auto wrecking yard or junkyard	One for each employee plus one for each 2,000 square feet of junk vehicle storage area.	One for each employee plus two for each 2,000 square feet of junk vehicle storage area.
11. Mini-warehouses and Self-storage facilities	One for the office, if any, plus two outside the fenced area for prospective clients.	Same plus one per 50 units or 300 square feet of storage area.
12. Recycling operations	One per employee on peak shift plus five for visitors.	Same
13. All other types of business or commercial use permitted in any business district	One for each 300 square feet of floor area plus one for each employee on peak shift.	One for each two patrons or occupants at peak times, plus one for each employee on peak shift.
Institutional		
1. Churches and other places of religious assembly	One for each five seats.	One for each four seats.
2. Hospitals	One for each four beds plus one for each staff for peak shift, plus one for each 75 square feet of out-patient services.	One for each two beds plus one for each staff for peak shift.
2.1 Animal Hospital/Veterinarian Offices	One for each employee plus three for each examining room or treatment area.	Same
3. Sanitariums, home for the aged, nursing homes, asylums, and similar use	One for each three beds.	Same plus one per each staff member on peak shift.
4. Medical offices and clinics	Eight for each doctor.	Same plus one for each

4.5 Dental offices	Five for each dentist.	employee for peak shift. Same plus one for each employee for peak shift.
5. Libraries, museums, and art galleries	One for each 400 square feet of floor area.	One for each 300 square feet plus one for each employee on peak shift.
6. Police and fire stations, emergency medical service facilities	One per each housed vehicle plus one for each employee on peak shift.	Same plus one for each 300 square feet of office area accessible to the public.
7. Public utility, essential services and other such facilities	One per employee on peak shift plus one for each 300 square feet of floor area devoted to offices or meeting rooms available to the public.	Same plus one for each vehicle stored on site.
8. Kennels	One for each five kennel units.	One for each five kennel units plus one for each employee on peak shift.
8.1 Riding academies and Boarding Stables	One for each employee at peak shift plus one for each two stalls, plus one for each three seats in an arena if the public attends.	Same.
Schools (Public, Parochial, or Private)		
1. Elementary and junior high schools.	Two for each classroom plus one for every eight seats in auditorium or assembly hall	Two for each classroom plus one for every four seats in auditorium or assembly hall.
2. High schools.	One for every ten students plus one for each teacher and staff employee.	One for every 1.5 students plus one for each teacher and staff employee.
3. Business, technical, and trade schools.	One for each two students.	One for each two students plus one for each teacher and staff employee.
4. Colleges/Universities/Community Colleges	One for each four students at capacity, plus one per 8 seats in auditorium or arena.	One for each 1.5 students at capacity plus one for each employee on peak shift.
5. Kindergartens, child care centers, nursery schools, and similar use.	Six for the building.	One for each staff plus one for each 500 square feet of floor area.
Manufacturing		
1. All types of manufacturing, storage, and wholesale use permitted in a district	One for every one employee (on the largest shift for which the building is designed) plus one for each motor vehicle used in the business.	One for each employee on the peak shift plus 1 for each 10,000 square feet for visitors – up to 10 additional spaces.

For the purpose of this ordinance, the following minimum off-street **bicycle** parking space requirements shall apply:

Type of Establishment	Minimum number of Bicycle Parking Spaces Required
1. Primary or Secondary Schools	10% of the number of students, plus 3% of the number of employees.
2. College/University	6% of the number of students, plus 3% of the number of employees.
3. Dorms, Fraternities & Sororities	1 space per 3 residents.
4. Shopping Mall	5% of the number of automobile spaces
5. Commercial Block/Street	1 space per 3,000 square feet of commercial space.
6. Sports/Recreational Center	12% of the number of automobile spaces.
7. Office building	10% of the number of automobile spaces.
8. Government building	10% of the number of automobile spaces
9. Movie Theater or Restaurant	5-10% of the number of automobile spaces
10. Manufacturing facility	4% of the number of automobile spaces
11. Multi-unit Housing	1 space per 2 apartments
12. Public Transit Station	20 spaces
13. Other land uses	5-10% of the number of automobile spaces

16.06 GENERAL INTERPRETATION OF THIS CHAPTER

In the interpretation of the above, the following rules shall govern:

- (A) Parking spaces for other permitted or conditional use not listed in this article shall be determined by the Zoning Hearing Board upon an appeal from a decision of the Zoning Inspector.
- (B) Fractional numbers shall be increased to the next whole number.

CHAPTER 17 - NONCONFORMITIES

17.00 INTENT

The provisions of this section of the Zoning Ordinance apply to buildings, structures, lots, uses, and signs which became nonconforming as a result of the application of this Zoning Ordinance, or from classification or reclassification of the property by this Zoning Ordinance, or by a subsequent amendment to it. It is the intent of this section that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or use prohibited elsewhere in the same district.

17.01 NONCONFORMING LOTS OF RECORD

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Zoning Ordinance. Such lot must be in separate ownership and not have continuous frontage with other lots in the same ownership.

- (A) The exception to this requirement is when contiguous nonconforming lots in single ownership are the same width as all other lots in the same subdivision plan. Then the nonconforming lots may be sold separately for single-family development.
- (B) If contiguous nonconforming lots are under single ownership and do not meet the width requirement, they shall be consolidated to create a conforming lot prior to development. A consolidation plat shall be approved and recorded in accordance with the municipal SALDO.
- (C) Other deviations from the standards for the single-family district would have to be approved through the Zoning Hearing Board, as discussed in Section 18.16.

17.02 NONCONFORMING USES OF LAND

Where, at the effective date of adoption of this Zoning Ordinance, a lawful use of land exists that would not be permitted under the terms of this Ordinance, the use may be continued so long as it remains otherwise lawful, provided that:

- (A) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied by such use at the effective date of or amendment of this Zoning Ordinance, except as authorized by the Zoning Hearing Board.
- (B) No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of or amendment of this Zoning Ordinance.
- (C) If any such nonconforming use of land is presumed discontinued or abandoned for more than one (1) year (except when government actions impede access to the premises), any subsequent use of land shall conform to the regulations specified by this Zoning Ordinance for the district in which such land is located.
- (D) No additional structure not conforming to the requirements of this resolution shall be erected in connection with such nonconforming use of land.

17.03 NONCONFORMING STRUCTURES

Where a lawful structure exists at the effective date of adoption or amendment of this Zoning Ordinance that could not be built under the terms of this Zoning Ordinance by reason of restriction on area, lot coverage, height, yards, its location on the lot, or bulk, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (A) No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, unless authorized by the Zoning Hearing Board. However, any structure or portion thereof may be altered to decrease its nonconformity. For example, a building which has an existing side yard setback of ten feet (10'), and is located in a zoning district which requires a twenty foot (20') side yard setback, may not be enlarged so that the existing ten foot (10') side yard setback is further reduced to below ten feet (10').

- (B) Should such non-conforming structure or portion thereof be destroyed by any means, through no fault of the property owner, the structure may be rebuilt provided:
 - A building permit is acquired with eighteen (18) months of the date of the damage; and
 - Work begins in earnest within six (6) months of acquiring the building permit.
- (C) A nonconforming structure may only be expanded to the extent of the nonconforming building setback, as long as it will not increase the nonconforming setback, excluding accessory structures.
- (D) Property is secured during restoration.
- (E) Plans have been submitted to and approved by the Zoning Officer; any change from on nonconforming use to another non-conforming shall comply with the provisions of this Section.
- (F) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- (G) Structural alterations may be permitted to adapt a nonconforming structure to new technology pertaining to uses housed in the structure. Any enlargement of the structure to do so shall be authorized by the Zoning Hearing Board.

17.04 NONCONFORMING USES OF STRUCTURES OR OF STRUCTURES AND LAND IN COMBINATION.

If a lawful use involving individual structures, or of a structure and land in combination, exists at the effective date of adoption or amendment of this Zoning Ordinance that would not be allowed in the district under the terms of this Zoning Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (A) No existing structure devoted to a use not permitted by this Zoning Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- (B) The exception to this is if the Zoning Hearing Board determines that the enlargement or extension is necessitated by natural expansion and growth of trade of the nonconforming use.
- (C) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Zoning Ordinance, but no such use shall be extended to occupy any land outside such building.
- (D) If no structural alterations are made, any nonconforming use of a structure, or structure and land in combination, may, upon appeal to the Zoning Hearing Board, be changed to another non-conforming use provided that the Zoning Hearing Board shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Zoning Hearing Board may require appropriate conditions and safeguards in accord with other provisions of this Zoning Ordinance.
- (E) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.
- (F) When a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned for more than one year (except when government action impedes access to the premises), and the landowner indicates an intention to abandon the nonconformity, the structure, or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
- (G) Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

17.05 ADAPTIVE REUSE

The use and occupancy of a nonconforming structure or use of a less intense nature shall be permitted provided that:

- (A) The standards and review procedures defined herein or in the SALDO for "minor land developments", are applicable to all adaptive reuse proposals.
- (B) The proposed use is a permitted use in the zoning district in which it is located.

- (C) The applicant submits five copies of a use narrative and all required information as specified herein to the Zoning Officer.
- (D) Copies of a recorded plot plan.
- (E) Location and dimensions of all existing structures, public utilities, utility easements, and/or private wells and septic systems.
- (F) Locations of all parking areas, driveways or access points to any public or private rights-of-way.
- (G) Locations of any and wetlands or FEMA designated floodplains.
- (H) Locations and descriptions of all proposed exterior improvements including lighting, parking areas, sidewalks, landscaping, and signage.
- (I) Any other information deemed necessary by the Zoning Officer or Municipal Engineer to evaluate the proposed adaptive reuse.
- (J) If the proposed adaptive reuse generates the need for enlargement of an existing septic system or additional taps to public water system, that proposed adaptive reuse shall constitute a land development.

17.06 NONCONFORMING SIGNS

- (A) Nonconforming signs may be repaired, provided that no structural alterations are made which increase the gross surface area or height of the sign.
- (B) Nonconforming signs may not be enlarged, added to, or replaced by another nonconforming sign, use or structure, except that the interchange of poster panels shall be permitted.

17.07 REPAIRS AND MAINTENANCE

Nothing in this Section shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or portion thereof, declared to be unsafe by any official charged with protecting the public safety, or remodeling of interior spaces or exterior surfaces, so long as the nonconforming aspects of the use and/or structure are not increased.

17.08 HISTORIC LANDMARKS

The provisions of this Section shall not apply to any structure which is designated by the Planning Commission, with concurrence of the municipal governing body, to be a "historic landmark."

CHAPTER 18 - CONDITIONAL USES

18.00 PURPOSE

It is the purpose of this Section to provide a set of procedures and standards for uses of land or structures that allow practical latitude for the landowner or developer, while at the same time promoting the intent and purposes of this Zoning Ordinance. In addition, the purpose is to ensure that the authorized land use or activity shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities impacted by the land uses.

In order to provide control and reasonable flexibility, this Section delineates procedures for the detailed review of certain types of land use activities, which, because of their particular and unique characteristics, require special consideration in relation to the welfare of adjacent properties and to the community as a whole. Land uses and structures possessing these characteristics may be authorized within certain zoning districts by the issuance of a Zoning Permit for a Conditional Use.

Procedures for Conditional Uses are discussed in Section 19 of the Zoning Ordinance. An application for a Conditional Use shall be approved if all of the following standards have been met:

1. The project will be in accordance with the Comprehensive Plan of the Township and the BMM Plan, and will include a statement stating so.
2. The project will be harmonious with and in accordance with the general objectives, intent and purposes of this Zoning Ordinance.
3. The project will be designed, sited, oriented, constructed, landscaped, operated and maintained to be harmonious with and appropriate in appearance to the intended character of adjacent buildings and grounds in the general vicinity, and the use will not change the essential character of the area in which it is proposed. consideration shall be given to:
 - a. The bulk, placement, scale, materials and design of all proposed structures, including the mixture of exterior materials used, roof pitches, building fenestration, numbers of wall planes, entry features, landscape treatments, signage design and exterior lighting.
 - b. Pedestrian and vehicular circulation on the site.
 - c. The location and design of vehicular access and parking areas to minimize traffic congestion in the area.
4. The Conditional Use shall be beneficial to the public at the proposed location.
5. The Conditional Use shall be more suitable to the proposed location than any location in other zoning districts because of the size, shape, topography, surroundings and physical condition of the proposed location.
6. The project will not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any person, property or general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
7. The Conditional Use must be approved by the Board of Supervisors following a public hearing with appropriate public notice.
8. The project will be served adequately by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities (where and when available) and schools, and minimize the impact of traffic generated by

the proposed development on adjacent properties. In residential districts, the use must abut a regional or collector street, unless the applicant agrees to pave and widen existing roads as required by the Planning Commission. In industrial districts, uses shall abut regional or collector streets.

9. The project will not create excessive additional requirements at public cost for public facilities and services.
10. The Conditional Use must meet all supplemental regulations or conditions for the participle conditional use.
11. The Conditional Use shall be substantially complete and occupied within two (2) years of the issuance of the zoning/building permit.

18.01 STANDARDS FOR SPECIFIC CONDITIONAL USES

This Section establishes special conditions, development standards and/or requirements for specific land uses to assure that such uses, if approved, are erected and operated in a manner that will minimize negative impacts upon abutting and nearby land uses. The following standards and requirements apply to the Conditional Uses permitted by special approval in the Zoning Districts of this Ordinance. A Conditional Use shall be approved only where such application complies with the general standards of this Section.

18.02 ADULT-ORIENTED BUSINESSES

Refer to Chapter 13.

18.03 AGRIBUSINESS

1. All uses shall be related to the agricultural industry in some way.
2. Uses shall have access from a roadway.
3. The proposed use shall not be dominate in the immediate vicinity or interfere with the development and use of neighboring property in accordance with applicable district regulations. To determine whether the proposed use will dominate the immediate neighborhood, consideration shall be given to:
 - a. Classification of the street on which the site is located;
 - b. Surrounding residential uses;
 - c. Location, nature and heights of buildings, structures, walls and fences on site;
 - d. Require parking and signage;
 - e. Landscaping and screening on site; and
 - f. The number of visitor trips anticipated each day for services
4. Signage shall be regulated according to Chapter 20.

18.04 COMPOSTING, COMMERCIAL

1. Commercial composting shall be allowed as a conditional use only in the I-L district.
2. The proposed use must be buffered on all sides from adjacent non-industrial land uses with mounds, and/or evergreen buffers at least ten feet (10') in height.
3. Siting of the facility on the property shall take into account prevailing winds and neighboring land uses.

18.05 FARMERS MARKET (PERMANENT)

1. Farmers Markets may be permitted as a conditional use in the C-1 and C-2 districts to provide seasonal outdoor markets for trees, plants, fruits, vegetables, prepared foods, and to lesser extent, non-food items.
2. Markets shall not be extensions of primary retail sales facilities on the same lot.
3. Farmers Markets may be operated by single or multiple persons, governmental entities, or other organizations, and shall be open to the public.

4. Markets must receive highway occupancy permit approvals from Pennsylvania Department of Transportation or from Penn Township.
5. No sale of live animals shall be permitted on the premises.

18.06 NURSERIES / GREENHOUSES / FARMETTES / FARMERS MARKETS / LUMBER YARDS / MANUFACTURED HOMES SALES / HEAVY EQUIPMENT SALES WITH RENTAL FACILITIES

1. All buildings and loading/unloading areas shall be set back a minimum of fifty (50) feet from any lot line.
2. Storage or display of goods and materials shall not occur in any required setback area.
3. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse affect on adjacent properties, water bodies, wetlands and drainage ways.
4. Outdoor broadcasting of voice or music shall be prohibited.
5. In the case of equipment sales:
 - a. All repair, assembly, disassembly or maintenance of vehicles or equipment shall occur within a closed building except minor maintenance, including tire replacement, adding oil and wiper replacement.

18.07 ANIMAL HOSPITALS / VETERINARY CLINICS

1. Uses permitted include medical treatment and boarding for animals receiving treatment. Retail sales are permitted only as a clearly incidental and accessory use to the principal clinic use.
2. All principal use activities shall be conducted within a totally enclosed main building.
3. There shall be no storage or boarding of animals outside of the fully enclosed building.
4. An adequate, enclosed method of refuse storage and disposal shall be maintained so that no public nuisance shall be created at any time.
5. Must be situated on a two (2) or more acre parcel.
6. One identification sign shall be permitted. Such sign face shall not be greater the two square feet (2 SSF), shall be mounted flush to a wall, made of a material that is compatible with the dwelling unit, and shall not be illuminated. Sign text shall be limited to the name of the facility and an address.

18.08 ANIMAL SHELTERS / ANIMAL KENNELS — COMMERCIAL

1. The lot shall be at least two (2) acres in size.
2. Kennels shall not be located in a residential subdivision.
3. Buildings where animals are kept, runs, and exercise areas shall not be located nearer than one-hundred feet (100') to any adjacent lot line. Runs and exercise areas, and buildings where the animals are maintained, shall be located in the rear yard only.
4. All kennels shall be operated in conformance with all applicable county, state and federal regulations.
5. All animals that are required to be licensed; must be licensed and maintained in a healthful and careful manner.
6. The kennel building used to house the animals shall be insulated in such a manner that animal noises are minimized.
7. Habitual continual barking or unusual noise from the kennel that result in a nuisance to neighboring landowners or residents is prohibited.
8. Runs shall be completely enclosed with a chain link fence at least six feet (6') high.
9. Exercise yards, when provided for training or exercising, shall not be used between the hours of 9:00 p.m. and 7:00 a.m. All animals must be contained inside buildings overnight.
10. During the hours of 7 a.m. until 9 p.m. animals shall be permitted in outdoor runs or pens. Animals shall be kept confined and not allowed to run at large on the property, except as part of supervised training.
11. The premises shall be kept in a clean and sanitary manner to prevent the accumulation of flies, the spread of disease, or offensive odor.

12. Exotic animals are not permitted in commercial kennels.

18.09 ANIMAL KENNELS – PRIVATE

1. The lot shall be at least two (2) acre.
2. Buildings where animals are kept, runs, and exercise areas shall not be located closer than ten feet (10') to any property line.
3. All animals must be licensed and maintained in a healthful and careful manner.
4. Any kennel building used to house the animals shall be insulated in such a manner that animal noises are minimized.
5. Habitual continual barking or unusual noise from the kennel that result in a nuisance to neighboring landowners or residents is prohibited.
6. Exercise yards, when provided for training or exercising, shall not be used between the hours of 9:00 p.m. and 7:00 a.m.
7. During the hours of 7:00 a.m. until 9:00 p.m. animals shall be permitted in outdoor runs or pens. Animals shall be kept confined and not allowed to run at large on the property, except as part of supervised training.
8. The premises shall be kept in a clean and sanitary manner to prevent the accumulation of flies, the spread of disease, or offensive odors.
9. Exotic animals are not permitted in private kennels.

18.10 STABLES, BOARDING/RIDING ACADEMIES

1. A commercial stable or boarding/riding academy shall not be established on any lot less than ten (10) acres in area.
2. Commercial stables and academies shall provide off-street parking consistent with Chapter 16 of this Zoning Ordinance. .
3. Commercial stables and boarding/riding academies shall not be located in platted subdivisions unless specifically designed as an equestrian community.
4. Stables and buildings housing horses shall be set back a minimum of fifty (50) feet from any lot line.
5. A vegetative strip of at least fifty feet (50') wide shall be maintained between any animal holding area, manure pile, or manure application area and any surface water or wellhead. In areas with slopes of over five percent (5%), the Township Board may increase setbacks in order to minimize runoff, prevent erosion, and promote nutrient absorption.
6. The facility shall be constructed and maintained so that dust and drainage from the stable will not create a nuisance or hazard to adjoining property or uses.
7. Manure shall be removed and/or applied in accordance with the Pennsylvania Department of Agriculture's Generally Accepted Agricultural Management Practices and County Health Department regulations.
8. No special events such as shows, exhibitions, and contests shall be permitted within one hundred feet (100') of a residentially used or residentially zoned property, including the parking of cars and viewing areas.

18.11 SINGLE - FAMILY DWELLING, ZERO - LOT LINE

1. Zero-lot line, single-family housing may be permitted in the R-1 district as a conditional use.
2. The purpose of zero-lot line development is to provide more usable private open space; promote the efficient use of land; protect critical areas; and provide greater flexibility in site development standards, while at the same time assuring that the single-family character of the development is maintained.
3. Site requirements set in the zone district for the underlying zone, as well as other related policies and regulations of the Zoning Code shall apply. In the event that any of the zero-lot line requirements described below conflict with other standards of the Zoning Code, the requirements for zero-lot line development shall apply.

4. One building side/interior setback may be reduced (or placed on the property line, or reduced to zero), so long as the opposite side/interior or side street setback on the lot is increased by an amount corresponding to the original side setback reduction.
5. These side/interior setback reductions shall not apply to side setbacks adjacent to lots that are not part of the zero-lot line development.
6. Walls placed on the zero-lot line shall be fire proof per local building codes.
7. Accessory buildings and structures shall conform to the setbacks set or required for the primary dwelling unit.
8. Maintenance--A perpetual easement related to maintenance and drainage of at least five feet shall be provided on the lot adjacent to the zero-lot line property line which, with the exception of wall and/or fences, shall be kept clear of structures. This easement shall be shown on the face of the plat map and incorporated into each deed transferring title on the property. The building wall along the zero-lot line shall be maintained in its original color and treatment unless otherwise agreed to in writing by the two affected lot owners.
9. The final plat shall show the approximate location of buildings proposed to be placed within the required setbacks.
10. Distance Between Houses--The minimum distance between all buildings in the development must be equal to twice the required side building setback standard of the base zone. A deed restriction must be recorded on the deed of each applicable lot to ensure the continued fulfillment of this setback.
11. Eaves--The eaves on the side of a house with a reduced setback may project a maximum of twenty-four inches over the adjacent property line. In this case, an easement for the eave projection must be recorded on the deed for the lot where the projection occurs.
12. Privacy--If the side wall of the house is on the property line, or within four feet of the property line, windows or other openings that allow for visibility into the side yard of the adjacent lot are not allowed. Windows that do not allow visibility into the side yard of the adjacent lot, such as a clerestory window or a translucent window, are allowed.

18.12 PERSONAL CARE / BOARDING HOME / GROUP CARE / DAY CARE FACILITIES

1. These facilities shall not be located closer than five hundred (500) feet to any of the following facilities as measured along a street, road, or other public thoroughfare, excluding an alley:
 - a. Another similar facility licensed by the Commonwealth of Pennsylvania.
 - b. A drug or alcohol rehab facility offering substance abuse treatment and rehabilitation services to seven (7) or more people which is licensed by the Commonwealth of Pennsylvania.
 - c. A correctional facility or similar facility which houses an inmate population.
2. Facilities shall be located on lots of at least two (2) acres, or on lots having at least four hundred square feet (400 SF) for every sleeping room or for every two (2) beds, whichever is greater.
3. All outdoor play areas shall be enclosed with fencing, a minimum of four feet (4') high.
4. The property, including landscape and structural elements, shall be maintained in a manner that is consistent with the character of the neighborhood. A group care home should not require exterior modifications to the dwelling nor shall the front yard be the location of play equipment.
5. One identification sign shall be permitted. Such sign face shall not be greater than two square feet (2 s.f.), shall be mounted flush to a wall, made of a material that is compatible with the dwelling unit, and shall not be illuminated. Sign text shall be limited to the name of the facility and an address.
6. Off-street parking spaces shall be consistent with Chapter 15 of this Zoning ordinance. A driveway may be used for this purpose. An off-street drop-off area is to be provided with the capability to accommodate at least two (2) automobiles in addition to the parking required for non-family employees of the dwelling and the parking normally required for the residence.
7. Facility plans prepared by an architect or engineer must be submitted and must indicate that adequate light, ventilation, and fireproofing are provided and that the facility meets the

functional needs of the group housed in the facility. All applicable Commonwealth and local approvals, licenses, and permits shall be obtained and provided prior to approval of a conditional use permit.

18.13 FARM WORKER RESIDENCE

1. Farms may have one additional residences on the farm, provided the occupant works for the farmer.
2. Farm worker residences shall meet all requirements for residential construction.

18.14 CARRIAGE HOUSE

1. A dwelling unit, shall be a detached residential use of an accessory nature on a minimum three acre lot, designed to provide separate occupancy for family members and or a household employee.
2. The dwelling unit must be intended for the sole occupancy of one or two adult persons.
3. The floor area of the unit shall not exceed 30 percent of the existing living area of the primary residence, or a detached unit, 1,200 square feet.
4. Requirements related to height, setback, lot coverage, fees, charges, and other zoning requirements generally applicable to residential construction in the zoning district is which the property is located apply.
5. Local building and other codes apply.

18.15 GRANNY FLATS

1. A dwelling unit that shall be attached to the primary residence.
2. The dwelling unit must be intended for the sole occupancy of one or two adult persons.
3. The floor area of the unit shall not exceed 30 percent of the existing living area of the primary residence.
4. Requirements related to height, setback, lot coverage, fees, charges, and other zoning requirements generally applicable to residential construction in the zoning district is which the property is located apply.
5. Local building and other codes apply.

18.16 CLUSTER HOUSING

1. Site plans must be submitted showing the proposed development, number of housing units permitted by the zoning district, locations of housing units, and how the units are intended to be clustered.
2. Provisions for dedicated open space shall be made, including plans for maintenance of the open space.
3. All other requirements of the Township SALDO and Zoning Ordinance shall be met, unless otherwise adjusted with the conditional use permit.

18.17 NURSING HOME

1. There shall be a lot area of no less than two (2) acre plus five hundred square feet (500 SF) for each bed.
2. A nursing home shall provide a minimum of five hundred square feet (500 SF) of outdoor open space for every bed used or intended to be used. The open space shall be landscaped and shall include places for walking and sitting. Off-street parking areas and driveways shall not be counted as required open space.
3. All facilities shall be licensed by the Commonwealth of Pennsylvania and shall conform to applicable state and federal laws.

18.18 HOME OCCUPATIONS

1. Accessory buildings shall not be permitted for home occupations.
2. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. No

equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

18.19 BED AND BREAKFAST FACILITIES

1. Parking spaces shall be consistent with Chapter 15 of this Zoning Ordinance. . Parking shall be arranged so as not to pose negative impacts on adjacent properties or necessitate on-street parking.
2. The bed and breakfast facility shall be a single-family dwelling, which is operated and occupied by the owner of the dwelling.
3. No separate or additional kitchen facilities shall be provided for the guests.
4. No receptions, private parties or activities for which a fee is paid shall be permitted.
5. Rooms utilized for sleeping must be part of the primary residential structure.
6. Lavatories and bathing facilities shall be available to all persons using the premises.
7. The exterior appearance of the structure shall not be altered from its single-family character.
8. All other applicable building codes, sewage facilities requirements and ordinances shall be met.

18.20 MOBILE HOME PARK/RV CAMPGROUNDS/ CAMPING SITES

1. Mobile home park/Campgrounds/Camp Sites may be permitted in RE and R-1 zoning districts with approval of a conditional use permit.
2. In reviewing a proposal to establish a mobile home park/campgrounds/camp sites, in accordance with its responsibilities, the Township shall not recommend approval of a conditional use permit until a plan showing the following information has been submitted and found to be consistent with the requirements of this chapter and the objectives of Township plans:
 - a. Property boundaries of the proposed mobile home park
 - b. Entrances, exits, walkways and driveways
 - c. Mobile home sites or lots
 - d. A method and plan of sewage disposal
 - e. A method and plan of garbage disposal
 - f. Water supply
 - g. Electrical lighting (outdoors)
 - h. The owners' and operators' names and addresses (if a corporation, the names and addresses of the officers of said corporation)
 - i. A method and plan of stormwater disposal.
 - j. The location of garbage receptacles, and a plan for ultimate disposal of garbage generated by residents of the park.
 - k. A mobile home park grounds maintenance plan.
 - l. A landscape plan.
3. The following design standards and specifications shall be met by any mobile home park plan.
 - a. A mobile home park shall have an area of not less than 10 acres, and no mobile home lot or office or service building shall be closer to the street line or other property line than 100 feet.
 - b. A mobile home park shall be located on a well-drained site suitable for the purpose with an entrance road at least 33 feet in width and paved. Interior streets or roads shall be a minimum of 22 feet wide and shall be paved. Each street or road within the mobile home park, including the entrance road, shall have an eight-inch subbase of boney gravel, topped with three inches of fine gravel, or crushed run. The shoulders shall be graveled to a minimum three-inch depth.
 - c. Each mobile home lot within the park shall have an area not less than 6,000 square feet with a minimum width of 60 feet.
 - d. No mobile home or portion thereof shall be placed closer to any other mobile home or portion thereof than 50 feet. Each mobile home must be a minimum of 24 feet from the highway right of way. (This is not the edge of the pavement.) Right-of-way requirements shall not be waived.

- e. The total number of mobile home lots shall not exceed three per gross acre, exclusive of the one-hundred-foot boundary area requirement devoted to roads and recreation.
- f. Each mobile home shall have at least two parking spaces measuring 12 feet by 24 feet each.
- g. Provisions shall be made for recreation areas, open space, greenbelt or other similar amenity equal to or greater than a total area not less than 8% of the total area of the mobile home park.
- h. At the main entrance to a mobile home park, a layout map showing the location of each lot by number shall be displayed. Each lot within the park shall permanently display the assigned number so that it is visible from the roadway upon which it fronts. Street names should not duplicate the names of other streets or roads in the Township.
- i. Unless provision is made for an area specifically designated on the plan for storage of boats, campers, travel trailers, recreational vehicles, unregistered or unlicensed vehicles or similar items, no such item shall be stored or parked in the mobile home park.
- j. No more than one accessory building having a total area no greater than 120 square feet shall be permitted on any mobile home lot in a mobile home park. No enclosure or addition to a mobile home in a mobile home park shall be permitted except a carport, porch or patio, none of which shall be used as habitable space.

18.21 CORRECTIONAL FACILITIES

1. The Township will require that the Commonwealth of Pennsylvania or other appropriate governmental agency shall approve the facility.

18.22 DRUG / ALCOHOL REHAB FACILITIES / HOMELESS SHELTER / TRANSITIONAL DWELLINGS

1. Applications shall describe the type of service intended to be delivered at the location, and ensure that facilities are operated in a responsible manner for the needs of the clients and surrounding land uses by minimizing possible adverse effects onto the surrounding neighborhood.
2. The use shall front on a major collector street.
3. There shall be a maximum occupancy of ten (10 Beds), unless otherwise approved.
4. Only residents of the facilities shall be served meals.
5. A zoning certificate/permit shall be obtained annually and the owner shall verify that the conditions of the conditional use permit are still being met.
6. No facility shall be located within two thousand feet (2000') of another similar facility.
 - a. Measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as part of the pawn or check cashing shop to the nearest property line of the premises listed above.
 - b. The presence of a municipal, county, or other political subdivision boundary shall be irrelevant for the purpose of calculating and applying the distance requirement of this section.
7. Parking shall be provided in accordance with Chapter 15.
8. The proposed conditional use shall not dominate the immediate vicinity or interfere with the development of use of neighboring property in accordance with applicable district regulations. Criteria used to determine whether the proposed use will dominate the immediate neighborhood will be based on:
 - a. Classification of the street on which the site is located;
 - b. Surrounding residential districts;
 - c. Location, nature and heights of buildings, structures, walls and fences on site;
 - d. Require parking;
 - e. Landscaping and screening on site;

- f. The number of visitor trips anticipated each day for services other than lodging, or lodging and meals for clients; and
9. There shall be no outside storage of equipment or materials or outdoor operations except as specifically authorized by the conditional use permit.

18.23 SCHOOLS / PLACES OF WORSHIP / LIBRARIES / CULTURAL FACILITIES / HOSPITALS/ EDUCATION / RELIGIOUS/PHILANTHROPIC INSTITUTIONS

1. No building shall be closer than fifty feet (50') from any lot line.
2. No building shall be erected to a height greater than that permitted in the district in which it is located unless the building is set back an additional one foot (1') for each one foot (1') of additional height above the district height limitation.
3. Parking requirements shall be consistent with Chapter 15 of this Zoning Ordinance, and parking shall be located to maximize protection and facilitate traffic movement on abutting streets.
4. If housing is provided, including dormitories, the lot area in relation to the number of sleeping rooms or persons to be housed shall be at a density commensurate with that permitted in the zoning district in which the facility is located, considering each sleeping room as a dwelling unit and that the entire property is owned by the institution.
5. Minimum front, rear, and side yard setbacks shall be ten feet (10') greater in depth or width than required for any main structure in the district in which the use is located.
6. Safeguards are established to provide proper separation from and adequate protection for abutting residential properties.
7. Where possible the time of operation and the intensity of the use shall be regulated so as not to disturb adjacent residential uses

18.24 ESSENTIAL PUBLIC SERVICES, FACILITIES AND UTILITIES

1. Height requirements may be exceeded when the necessity has been properly demonstrated. In such cases, every one foot of height above the limit shall add one foot to the setbacks from adjacent properties.
2. Company offices may not be included in the S district.
3. In the RE District, company offices, storage areas or structures requiring major trucking or traffic shall not be permitted unless it is demonstrated that the use cannot reasonably serve the district from a location in other zoning districts.

18.25 PRIVATE MEMBERSHIP CLUBS

1. The club must qualify as an organization incorporated pursuant to provisions of the membership Corporation law or Benevolent Orders law, operated solely for recreational, social, patriotic, political, benevolent, educational, or athletic purposes, but not for pecuniary gain.
2. The privileges of the club are limited to bona fide regularly enrolled, dues-paying members and guests.
3. The club shall not be used for the conduct of any business or enterprise for profit, except for the rental of the facilities for benefits or performances for a recognized charity, meetings, or educational or cultural purposes.
4. Permits shall be issued annually, with renewal at the discretion of the Supervisors.

18.26 AIRPORT

Refer to Chapter 11 Airport Overlay District.

18.27 HELIPADS

Helipads may be approved only after receipt of evidence that such facility has been reviewed and approved by the Federal Aviation Authority and other applicable regulatory authorities.

18.28 CEMETERIES

1. Minimum parcel size shall be ten (10) acres.
2. No more than five percent (5%) of the site area may be occupied by buildings.
3. All burial plots and all structures shall be set back no less than fifty (50) feet from any lot line or road right-of-way.
4. Parking areas and driveways shall be provided on the site, and at least fifty (50) feet from any lot line.
5. A screen shall be established along all lot lines which abut a property zoned or used for residential uses.

18.29 PARKS, ACTIVE

1. Areas proposed for public active parks shall be approved for conditional use in the S, R-1, C-1, C-2, and I-L zoning districts if the following conditions are met:
 - a. Entrances/exits to the park are from major roadways.
 - b. The boundary between the public park and adjacent private properties is obvious or marked.

18.30 PARKS, PASSIVE

1. Areas proposed for public passive parks shall be approved for conditional use in the S, C-1, C-2, and I-L zoning districts if the following conditions are met:
 - a. Entrances/exits to the park are from major roadways.
 - b. The boundary between the public park and adjacent private properties is obvious or marked.
 - c. Signage and parking facilities meet the requirements of Chapter 16 and Chapter 20 of this Zoning Ordinance, respectively.
 - d. Activity within the parks is restricted to daylight hours.

18.31 RECREATION, INDOOR FACILITIES

1. Proposals for indoor recreation facilities may be approved within the I-L zoning district with a conditional use permit if the facility does not compromise the industrial nature of the district, and if adjacent industrial land uses do not present detrimental impacts on the intent of the recreational facility.

18.32 RECREATION, NON-PROFIT

1. Proposals for non-profit recreation facilities may be approved within the R-1, C-1, C-2, and I-L zoning districts with a conditional use permit if the non-profit recreational facility does not compromise the intended nature of the district in which it is intended to be located, and if adjacent existing land uses do not negatively impact the intent of the non-profit recreational facility.

18.33 FUNERAL HOMES

1. Funeral homes and crematories may be permitted in a C-1 zoning district provided that the use does not detract from adjacent commercial uses.
2. No odors or smoke may be emitted from a crematory into the outside air.

18.34 PAWN SHOPS/CHECK CASHING SHOPS

1. Pawn shops and check cashing shops shall be permitted in the I-L zoning district with the approval of a conditional use permit .
2. No pawn shop or check cashing shop shall be located within one thousand feet (1000') of another similar facility, any residential district, educational institution, park, recreational facility, religious place of worship, child day care facility, playground or swimming pool.
3. Measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as part of the pawn or check cashing shop to the nearest property line of the premises listed above.
4. The presence of a municipal, county, or other political subdivision boundary shall be irrelevant for the purpose of calculating and applying the distance requirement of this section.

18.35 WAREHOUSING, LIGHT AND HEAVY

1. Light warehousing shall be permitted as a conditional use in the C-2 zoning district provided it meets all requirements of the C-2 district and does not detract from commercial operations on adjacent properties.
 - a. Any outdoor storage of materials or products shall be screened from public view.
 - b. Lighting shall be directed away from adjacent properties.
2. Heavy warehousing shall be permitted in the I-L zoning district provided all other requirements of the I-L district are met and a conditional use permit is approved.
 - a. Any outdoor storage of materials or products shall be screened from public view.
 - b. Lighting shall be directed away from adjacent properties.
 - c. Truck traffic ingress/egress from the facility shall meet PennDOT and Township requirements for turn lanes, signals, etc.

18.36 STORAGE OF VEHICLES — COMMERCIAL / BOATS, RVS / CARS / EQUIPMENT / FLEET / TERMINAL - FREIGHT

1. Storage of commercial vehicles including boats, recreational vehicles, cars, equipment, and fleets of vehicles may be approved for a conditional use in the I-L and C-2 zoning districts.
2. A solid fence, wall or earthen berm at least eight (8) feet in height shall be provided around all sides of the area used to store vehicles. Such fence, wall or berm shall be of sound construction, painted or otherwise finished neatly and inconspicuously. Evergreen trees shall be planted no less than twelve feet (12') on center and maintained outside the required perimeter fence.
3. Adequate parking and unloading facilities shall be provided at the site so that no loaded vehicle at any time stands on a public right-of-way awaiting entrance to the site. Parking requirements are included in Chapter 16.
4. No operations shall be permitted between the hours of 10:00 PM and 6:00 AM on any day of operation.
5. Stored materials must be arranged and maintained with an aisle of at least twenty five feet (25') between rows to facilitate access for firefighting equipment and to prevent the accumulation of stagnant water. The proposed layout of the facility must be indicated on the site plan submitted as part of the application for the conditional use permit.
6. All roads, driveways, parking lots, and loading and unloading areas within the facility shall be paved, watered, or chemically treated so as to limit the nuisance caused by wind-borne dust on adjoining lots and public roads.

18.37 STORAGE OF EXPLOSIVE / HAZARDOUS MATERIALS

1. For the purposes of this ordinance, "explosive or hazardous materials" means any or all the following items:
 - a. One or more of the following, but not including fruit, vegetable, or field crop residuals or processing by-products, or aquatic plants, that are applied to the land for an agricultural use or for use as an animal feed, if the use is consistent with generally accepted agricultural management practices.
 - b. Any substance that is demonstrated, on a case by case basis, to pose an unacceptable risk to the public health, safety, welfare, the environment, or natural resources.
 - c. "Hazardous substance" as defined in the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Public Law 96-510, 94 Stat. 2767).
 - d. "Hazardous waste" as defined in the Natural Resources and Environmental Protection Act (P.A. 451 of 1994, as amended).
 - e. "Petroleum" as defined in the Natural Resources and Environmental Protection Act (P.A. 451 of 1994, as amended).
 - f. Any composition or device for the purpose of producing a visible or an audible effect by combustion, deflagration, or detonation, and which meets the definition of "consumer explosive" "theatrical and novelty explosive" or "display explosive" fireworks as set forth in the U.S. Department of Transportation's (DOT) Hazardous Materials Regulation, Title 49, Code of Federal Regulations (CFR), Parts 171-180, subject to the following exceptions:
 - i. Toy caps for use in toy pistols, toy canes, or toy guns, and trick noisemakers manufactured in accordance with DOT regulations, 49 CFR 173.100 (p), and packed and shipped according to said regulations.
 - ii. Model rockets and model rocket motors designed, sold, and used for the purpose of propelling recoverable aero models.
 - g. Detonable materials, which include:
 - i. All primary explosives such as lead azide, lead styphnate, fulminates, and tetracene.
 - ii. All high explosives such as TNT, RDX, HMX, PETN, and picric acid.
 - iii. Propellants and components thereof such as dry nitrocellulose, black powder, boron hydrides, and hydrazine and its derivatives.
 - iv. Pyrotechnics and fireworks such as magnesium powder, potassium chlorate, and potassium nitrate.
 - v. Blasting explosives such as dynamite and nitroglycerin.
 - vi. Unstable organic compounds such as acetylides, tetrazoles, and ozonides. Strong unstable oxidizing agents such as perchloric acid, perchlorates and hydrogen peroxide in concentrations greater than 35 percent.
 - h. Any gas that is injurious or destructive to life or property, or that is explosive. Gaseous emissions measured at the property line at ground level exceeding the levels indicated in the following chart, that is based on the National Ambient Air Quality Standards, unless a higher standard is imposed by a federal state, county or local regulatory agency with jurisdiction, are deemed hazardous.
2. Any person storing hazardous materials in the Township must first obtain a permit from the Township's Zoning Officer. To obtain a permit a person must submit an application to the Township that sets forth the following information and is supported by the required documentation:
 1. Name, address and telephone number of the person applying.
 2. The amount and type of hazardous materials the applicant proposes to store in the Township.

3. A detailed description of the building or structure where the hazardous material is to be stored.
4. A scaled drawing showing the location of all storage buildings or structures, parking and other items necessary to demonstrate the applicant's compliance with the provisions of this Ordinance.
5. Copies of all permits, licenses, approvals issued by any other local, county, state or federal agency having jurisdiction or authority over the material being proposed for storage.
6. An impact assessment describing the following factors associated with the use: expected odors, aesthetics, environmental impacts, traffic impacts, procedures for managing stormwater runoff, pollution of surface water bodies or groundwater. The assessment shall include proposed mitigation measures to be employed, which shall be subject to Township approval. The Township reserves the right to hire experienced professionals to evaluate the impact assessment and prepare additional analyses, with the cost borne by the applicant.
3. The storage of hazardous materials in the Township shall be subject to the following regulations:
 - a. *Compliance with Outside Agency Standards.* All hazardous materials shall be stored in compliance with current standards established by the U.S. Environmental Protection Agency, the U.S. Department of Agriculture, Commonwealth of Pennsylvania, Butler County health department and other county, state or federal agencies having jurisdiction.
 - b. *Setbacks and Screening.* Any building or structure used for the storage of hazardous materials shall be set back from adjoining property lines as follows:
 - For fireworks and other materials regulated by the United States Department of Treasury, Bureau of Alcohol, Tobacco, Firearms and Explosives, ("ATFE") the setback shall be equal to the minimum setback established by the ATFE for setbacks from habitable structures or 500 feet, whichever is greater.
 - For all other hazardous materials the minimum setback shall be 500 feet from adjoining property lines, unless a greater or lesser distance is specified by state or federal regulations.
 - Any building or structure used for the storage of hazardous materials shall be screened from all street rights-of-way and abutting residential districts or uses.
 - c. *Parking and Loading.* All parking, loading and maneuvering space shall be contained within the site. Special consideration shall be given to any potential loading and unloading nuisances on surrounding properties.
 - d. *Impact Assessment.* The proposed use may not have an impact upon the environment, traffic, infrastructure or demands for public services that potentially exceeds the anticipated impacts of other uses permitted in the area of the applicant's property.
 - e. *Fire Hazards.* The storage and handling of hazardous materials shall comply with all applicable state, county and local regulations.
 - f. *Storage Tanks.* The following regulations shall apply to storage tanks for all hazardous materials, except for tanks used for the storage of petroleum products.
 - g. *Above Ground Tanks.* All storage tanks for flammable liquid materials above ground shall be located at least 150 feet from all property lines, and shall be completely surrounded by earth embankments, dikes, or another type of approved retaining wall capable of containing one and one half (1.5) times the capacity of the largest tank so enclosed. The floor of the retention area shall be impervious to and non-reactive with the contents of the tank. These provisions shall not apply to approved tanks that hold propane or other fuel used for heating a dwelling or other building on the site.

- h. *Below Ground Tanks.* Below-ground bulk storage tanks that contain flammable material shall be located no closer to the property line than the distance to the bottom of the buried tank, measured at the point of greatest depth. All underground tanks shall be registered with the Commonwealth of Pennsylvania in accordance with applicable state laws and regulations. The location and contents of all such tanks shall be indicated on the site plan.
- i. *Gases.* The escape of or emission of any gas that is injurious or destructive to life or property, or that is explosive, is prohibited. Gaseous emissions shall be subject to regulations established in conjunction with the applicable State environmental laws, federal Clean Air Acts, as amended, and any other applicable state or federal regulations.
- j. *Electromagnetic Radiation and Radio Transmission.* Electronic equipment required in an industrial, commercial or other operation shall be designed and used in accordance with applicable rules and regulations established by the Federal Communications Commission (FCC). The operation of such equipment shall not interfere with the use of radio, television, or other electronic equipment on surrounding or nearby property.

18.38 MANUFACTURING, LIMITED

1. Limited Manufacturing shall be permitted in a C-2 zoning district if a conditional use permit is approved.
2. The manufacturing facility shall not emit odors, noise, dust, or other nuisances from the building or site.
3. Any outdoor storage of materials or products shall be screened from public view.
4. Lighting shall be directed away from adjacent properties.
5. Truck traffic ingress/egress from the facility shall meet PennDOT and Township requirements for turn lanes, signals, etc.
6. All buildings and loading/unloading areas shall be set back a minimum of fifty (50) feet from any lot line and shall not occur in any required setback area.
7. The storage of any materials shall be sufficiently contained to prevent any adverse affect on adjacent properties, water bodies, wetlands and drainage ways.
8. Outdoor broadcasting of voice or music shall be prohibited.

18.39 RESEARCH AND DEVELOPMENT

1. Research and Development operations shall be permitted in a C-2 zoning district if a conditional use permit is approved.
2. The Research and Development operations shall not emit odors, noise, dust, or other nuisances from the building or site.
3. Any outdoor storage of materials or products shall be screened from public view.
4. Lighting shall be directed away from adjacent properties.
5. All buildings and loading/unloading areas shall be set back a minimum of fifty (50) feet from any lot line and shall not occur in any required setback area.

18.40 LAUNDRY — INDUSTRIAL

1. Industrial Laundry facilities shall be permitted in a C-2 zoning district if a conditional use permit is approved.
2. The laundry facility shall not emit odors, noise, dust, or other nuisances from the building or site.
3. Any outdoor storage of materials or products shall be screened from public view.
4. Truck traffic ingress/egress from the facility shall meet PennDOT and Township requirements for turn lanes, signals, etc.

5. All buildings and loading/unloading areas shall be set back a minimum of fifty (50) feet from any lot line and shall not occur in any required setback area.
6. The storage of any materials shall be sufficiently contained to prevent any adverse affect on adjacent properties, water bodies, wetlands and drainage ways.

18.41 SCRAP AND SALVAGE OPERATIONS

1. The minimum lot size shall be ten (10) acres.
2. All scrap or salvage operations shall pay an annual license fee indicated from the Penn Township annual fee resolution.
3. A solid fence, wall or earthen berm at least eight (8) feet in height shall be provided around all sides of the area used to store junk. Such fence, wall or berm shall be of sound construction, painted or otherwise finished neatly and inconspicuously. Evergreen trees shall be planted no less than twelve feet (12') on center and maintained outside the required perimeter fence.
4. No portion of the enclosed area shall be located within 1,000 feet of a school, day care facility, church, hospital, convalescent or nursing home, or Residential District.
5. All enclosed areas shall be set back at least one hundred feet (100') from the front lot line and seventy-five feet (75') from all other lot lines. A landscaped buffer strip at least one hundred feet (100') in width shall be provided.
6. Adequate parking and unloading facilities shall be provided at the site so that no loaded vehicle at any time stands on a public right-of-way awaiting entrance to the site. Parking requirements are included in Chapter 16.
7. No operations shall be permitted between the hours of 8:00 PM and 7:00 AM on any day of operation.
8. All activities shall be confined to within the enclosed area including any: storage of materials; stockpiling of materials; disassembly of materials, parts, and vehicles; and the storage or parking of all equipment and inoperative vehicles. There shall be no stocking of material above the height of the fence, wall, or berm, except that moveable equipment used on the site may exceed that height.
9. Stored materials must be arranged and maintained with an aisle of at least twenty five feet (25') between rows to facilitate access for firefighting equipment and to prevent the accumulation of stagnant water. The proposed layout of the facility must be indicated on the site plan submitted as part of the application for the conditional use permit.
10. No open burning shall be permitted and all industrial processes involving the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building.
11. All roads, driveways, parking lots, and loading and unloading areas within any junk yard shall be paved, watered, or chemically treated so as to limit the nuisance caused by wind-borne dust on adjoining lots and public roads.
12. The operation shall be licensed by the Commonwealth of Pennsylvania Secretary of State to sell used vehicle parts or tow non-operational vehicles.
13. Any materials listed as Critical Materials (gasoline and solvents) must be handled in ways consistent with commonwealth regulations. No garbage, organic waste, petroleum products or hazardous waste shall be stored, buried, or disposed of on the site.
14. No inoperable vehicle shall be maintained on the site for more than forty-eight (48) hours except where all fluids in such vehicle, including but not limited to fuels, oils, and coolants, are fully drained. Such fluids shall be disposed of in accordance with all local, county, state and federal regulations.
15. No inoperable vehicles shall be dismantled or destroyed except after forty-eight (48) hours from the time of delivery to the facility.
16. All records and books pertaining to the registration and delivery of vehicles shall be open to inspection by the Zoning Officer or the Township Police.

18.42 RECYCLING FACILITIES >1,000 SF

1. All recycling operations shall pay an annual license fee indicated from the Penn Township annual fee resolution.
2. A solid fence, wall or earthen berm at least eight (8) feet in height shall be provided around all sides of the area used to store material for recycling. Such fence, wall or berm shall be of sound construction, painted or otherwise finished neatly and inconspicuously. Evergreen trees shall be planted no less than twelve feet (12') on center and maintained outside the required perimeter fence.
3. All enclosed areas shall be set back at least one hundred feet (100') from the front lot line and seventy-five feet (75') from all other lot lines. A landscaped buffer strip at least fifty feet (50') in width shall be provided.
4. Adequate parking and unloading facilities shall be provided at the site so that no loaded vehicle at any time stands on a public right-of-way awaiting entrance to the site. Parking requirements are included in Chapter 16.
5. No outside operations shall be permitted between the hours of 8:00 PM and 7:00 AM on any day of operation.
6. All activities shall be confined to within the enclosed area including any storage, stockpiling, or disassembly of materials. There shall be no stocking of material above the height of the fence, wall, or berm, except that moveable equipment used on the site may exceed that height.
7. Stored materials must be arranged and maintained with an aisle of at least twenty five feet (25') between rows to facilitate access for firefighting equipment and to prevent the accumulation of stagnant water. The proposed layout of the facility must be indicated on the site plan submitted as part of the application for the conditional use permit.
8. All roads, driveways, parking lots, and loading and unloading areas within any recycling facility site shall be paved, watered, or chemically treated so as to limit the nuisance caused by wind-borne dust on adjoining lots and public roads.
9. The operation shall meet all applicable licensing requirements of the Commonwealth of Pennsylvania Secretary of State.

18.43 MULTI-FAMILY DWELLINGS

1. Structures built into a hillside may be three (3) stories in height, but no more than 35 feet (35') in height on the downhill side. Height is measured from the average grade line of a principal façade to the top of the parapet on a flat roof or to halfway between the eave line and the ridge line on a sloped roof building.
2. The maximum density shall be eight (8) dwelling units per acre over the entire property, prorated for fractions of an acre.
3. Each bedroom shall be at least one hundred twenty square feet (120 SF).
4. Apartment buildings shall be of brick or stone construction with masonry fire walls at least six inches (6") thick between units.
5. All multi-family dwellings shall be connected to a sanitary sewage system connected to a wastewater treatment facility and a water supply system approved by the Pennsylvania Department of Environmental Protection.
6. Parking shall meet the requirements of Chapter 15.
7. There shall be no more than eight (8) dwelling units in a townhouse nor more than sixteen (16) units in an apartment building, with no more than eight (8) units per floor.
8. No multi-family structure shall exceed 200 feet (200') in length.
9. Areas not covered by buildings or pavement shall be landscaped with grass at a minimum, except where slopes are in excess of twenty four percent (24%), in which such areas may be left in their natural state.

10. Minimum distances between buildings shall be:
 - a. End walls facing each other with no windows, twenty feet (20') minimum.
 - b. End walls facing each other with windows, thirty-five feet (35') minimum.
 - c. End wall facing a principal wall, forty-five feet (45') minimum.
 - d. Principal wall facing a principal wall, sixty feet (60') minimum. A principal wall contains all the windows of one apartment unit or half the windows of a townhouse unit.
 - e. Walls shall be considered as facing each other if they are parallel, or if extended towards each other on the same plane would form an angle of not more than 45 degrees.
11. The only other permitted uses on the apartment building site are parking, recreation areas for residents, offices on the first floor for doctors or ministers of an established church who are residents of the same apartment building.
12. Usable recreation areas shall be provided on land sloped no more than ten percent (10%), in area no less than two hundred square feet (200 SF) per dwelling unit, but no less than two thousand square feet (2000 SF).
13. If more than one building is proposed, a single site plan shall be presented showing all future buildings.
14. Parking areas shall be lighted to at no less than one (1) foot candle measured three feet (3') above the pavement. Such lighting shall not create glare conditions on neighboring properties or roadways.
15. All communication and service lines shall be placed underground.
16. Above grade transformers or other appurtenances shall be screened with landscaping.
17. The developer shall submit a scaled drawing to the Township Planning Commission showing the entire property indicating:
 - a. Existing structures and proposed buildings on the site by dimension and distance to property lines, height, and number of units in each building;
 - b. Parking spaces and access;
 - c. Grading of the site to accommodate construction and a drainage plan;
 - d. Sewer and water lines;
 - e. Water and wastewater disposal and treatment systems meeting PA DEP specifications; and
 - f. Means to control stormwater drainage.

18.44 LODGING HOTELS AND MOTELS

1. No buildings shall be located within seventy-five (75) feet of a Residential District.
2. Provisions shall be made for safe and efficient egress and ingress to public streets and highways serving any development and shall be designed to minimize congestion and interference with normal traffic flow.
3. Each unit shall contain at least a bedroom and bath and a minimum gross floor area of two hundred and sixty four (264) square feet.
4. Each unit must be protected by a fire wall and shall have an inside width of no less than twelve feet (12').
5. Motels and hotels shall provide customary motel services, such as maid service, linen service, telephone and/or desk service, and the use of furniture.
6. Parking shall be provided in accordance with Chapter 15.

18.45 GOLF COURSE

1. The golf course shall contain at least nine (9) holes, and shall not be lighted.
2. The minimum front, side and rear yard setbacks for principal and accessory structures shall be at least three hundred feet (300') from any boundary of the property.

3. Total lot area covered by principal and accessory buildings shall not exceed fifteen percent (15%).
4. Major accessory uses such as a standard restaurant shall be housed in the club house. Minor accessory uses strictly related to the operation of the golf course itself, such as maintenance garage and pro shop or golf shop may be located in separate structures.
5. A golf driving range accessory to the principal use of the golf course is not permitted.
6. A driving range shall be of sufficient area or otherwise be designed to prohibit any ball from leaving the confines of the parcel.
7. Water quality protective measures are required as follows:
 - a. Maintenance of erosion control barriers during construction.
 - b. To the extent practicable, runoff must be directed to on-site holding/sedimentation ponds with a water quality control structure installed at the outlet prior to water discharge.
 - c. All chemical applications associated with herbicides, insecticides, fungicides or rodenticides must be by a Pennsylvania Department of Agriculture.
 - d. Chemicals shall meet the requirements of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), the Environmental Protection Agency (EPA), and all appropriate state statutes and administrative directives.
 - e. A fifty (50) foot minimum undisturbed buffer zone between turf areas and natural water bodies, watercourses and wetlands shall be maintained as part of a golf course. The buffer zone must contain natural vegetation and shall not be chemically treated. Selective pruning and removal of dead plant material is permitted within the buffer area.

18.46 DRIVE IN THEATERS

1. Drive-in Theaters may be approved as a conditional use in the C-2 zoning district if the following requirements are met:
 - a. A minimum of 25 acres is available for the facility.
 - b. The proposed acreage is fenced off from all adjacent properties.
 - c. The screen does not face oncoming traffic or residential areas.
 - d. A buffer of mounding and evergreen trees is provided between the facility and any adjacent residential property within five hundred feet (500') of the screen.
 - e. A stacking lane is provided for at least ten (10) vehicles on the site.
 - f. The facility meets all other requirements of this Zoning Ordinance.

18.47 MINI STORAGE FACILITIES

1. Parking shall be provided consistent with Chapter 15.
2. There shall be a minimum of thirty-five (35) feet (forty-five (45) feet if the driveway is two-way) between warehouses for driveway, parking, and fire lane purposes. Where no parking is provided within the building separation areas, said building separation need only be twenty five (25) feet. Traffic direction and parking shall be designated by signaling or painting.
3. No retail, wholesale, fabrication, manufacturing, or service activities may be conducted from the storage units by the lessees.
4. The entire site, exclusive of access drives, shall be enclosed with a six (6) foot high obscuring wall or fence. A chain link fence may only be permitted along property lines which do not abut a Residential District or residentially used property.
5. Storage spaces shall not contain more than 400 square feet each.
6. All storage shall be within the enclosed building area unless specifically provided for otherwise as part of an approved site plan, as in the case of the storage of recreational vehicles. No outdoor storage shall occur within fifty (50) feet from any right-of-way.
7. The exterior of mini-storage buildings shall be of finished quality and maintained so as not to be offensive to adjacent property or abutting roads.

8. No storage of hazardous, toxic, or explosive materials shall be permitted at the facility. Signs shall be posted at the facility describing such limitations.

18.48 ESSENTIAL COMMUNICATION FACILITIES

1. Communications Tower: The following regulations shall apply to all transmission facilities proposed for placement in the "M" Planned Light Industrial District.
2. Lot Size: The lot size dimensions (depth and width) shall be dictated by the fall radius of the tower. The minimum dimensions shall be the radius of the height of the tower in each direction. (Example - 200' high tower would be required to have a 400'diameter parcel).
3. The communications company is required to demonstrate, using technological evidence, that the antenna must go where it is proposed, in order to satisfy its function in the company's grid system.
4. If the communications company proposes to build a tower (as opposed to mounting the antenna on an existing structure), it is required to demonstrate that it contacted the owners of tall structures within a one-quarter (1/4) mile radius of the site proposed, asked for permission to install the antenna on those structures, and was denied for reasons other than economic ones. This would include smoke stacks, water towers, tall buildings, antenna support structures of other communications companies, other communications towers (fire, police, etc.), and other tall structures. Penn Township may deny the application to construct a new tower if the applicant has not made a good faith effort to mount the antenna on an existing structure.
5. The applicant shall demonstrate that the antenna is the minimum height required to function satisfactorily. No antenna that is taller than this minimum height shall be approved. In addition, no antenna shall exceed two hundred feet (200') in height.
6. All communications towers must be stealth towers. A stealth tower is a Communications Tower which is not recognizable as a conventional Communications Tower (e.g. a metal lattice structure), but instead is disguised or concealed in such a fashion as to conform to its surroundings.
 - Examples of such stealth towers include a tower which looks like a tree or a clock tower, or one which is concealed in a church steeple or concrete silo.
7. The Township Supervisors may waive the stealth tower requirement where the applicant can demonstrate that the requirement is not necessary to protect the health, safety and welfare, considering items such as impact on surrounding and abutting property values; height, screening, number of uses per tower, including public uses; location; and actual setbacks.
8. Setbacks from base of antenna support structure: If a new antenna support structure is constructed (as opposed to mounting the antenna on an existing structure), the minimum distance between the base of the support structure or any guy wire anchors and any property line shall be the largest of the following:
 - a. One hundred percent (100%) of antenna height.
 - b. The minimum setback in the underlying zoning district.
 - c. Fifty feet (50') minimum.
9. Fencing: A fence shall be required around the antenna support structure and other equipment, unless the antenna is mounted on an existing structure. The fence shall be a minimum of eight feet (8') in height.
10. Landscaping: The following landscaping shall be required to screen as much of the support structure as possible, the fence surrounding the support structure, and any other ground level features (such as a building), and in general soften the appearance of the cell site. Penn Township may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if they achieve the same degree of screening as the required landscaping. If the antenna is mounted on an existing structure, and other equipment is housed inside an existing structure, landscaping shall not be required.
 - a. An evergreen screen shall be required to surround the site. The screen can

be either a hedge (planted three feet [3'] on center maximum) or a row of evergreen trees (planted ten feet [10'] on center maximum). The evergreen screen shall be a minimum height of six feet (6') at planting, and shall grow to a minimum of fifteen feet (15') at maturity.

- b. In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible.
11. In order to reduce the number of antenna support structures needed in the community in the future, the proposed support structure shall be required to accommodate other users, including other communications companies, and local police, fire, ambulance services and municipal authority and road departments. In addition, a linear two (2) mile separation shall be maintained between communications towers, measured from the base of the support structure.
12. The communications company must demonstrate that it is licensed by the Federal Communications Commission.
13. Antenna support structure under two hundred feet (200') in height should be painted silver or have a galvanized finish retained, in order to reduce the visual impact. Support structures may be painted green up to the height of nearby trees. Support structures near airports, shall meet all Pennsylvania Department of Transportation, Bureau of Aviation and Federal Aviation Administration regulations. No antenna support structure may be artificially lighted except as provided for and required by the Pennsylvania Department of Transportation, Bureau of Aviation and FAA.
14. A land development plan shall be required for all cell sites, showing the antenna, antenna support structure, building, fencing, buffering, access to public rights-of-way, and all other items required in the Penn Township Subdivision and Land Development Ordinance. The site plan shall not be required if the antenna is to be mounted on an existing structure.
15. In granting the use, the Supervisors may attach reasonable conditions warranted to protect the public health, safety and welfare, including, but not limited to, location, fencing, screening, increased setbacks and the right to use said facilities for public purposes.
16. All approvals will be only for specific facilities set forth in the application. No additions or alterations thereto will be permitted without a new application.

18.49 MEDICAL MARIJUANA DISPENSARIES

1. Shall be located in the Limited Industrial zone.
2. Must meet all State requirements.
3. The facility shall have adequate parking and landscaping.
4. Signage must meet State requirements.

18.50 MEDICAL MARIJUANA GROW/PROCESSORS

1. Shall be located in the Limited Industrial zone.
2. Must meet all State requirements.
3. The facility shall have adequate parking and landscaping.
4. Signage must meet State requirements.

18.51 MINING, EXCAVATION AND EXTRACTION

1. In addition to the requirements of other sections of this Zoning Ordinance, each application shall be accompanied by plans, drawings, and information prepared by appropriate registered professionals depicting, at a minimum:
 - a. Location, size and legal description of the total site area to be excavated.

- b. Location, width and grade of all easements or rights-of-way on or abutting the area subject to extraction.
- c. A statement from the applicant identifying all federal, state, county and local permits required, if any.
- d. Provisions for landscaping and screening.
- e. A master plan for the extraction of minerals on the site, including:
 - The area and amount of material to be excavated in cubic yards.
 - Proposed side slopes and depths for all portions of the excavated area.
 - Proposed drainage system, settling ponds and retention ponds, as appropriate.
 - The time, duration, phasing and proposed work schedule of the total project.
 - The proposed location of any buildings, storage areas, stockpiling areas, and sorting or crushing equipment as appropriate.
 - Area from which extraction will take place in the first year of operation and likewise for each successive year to completion.
 - The proposed location of access points to the site and proposed haul routes for transport of excavated material.
 - Proposed plans for fencing, and signs.
 - Depth to groundwater.
 - Vertical aerial photography, enlarged to a scale equal to one inch (1") equals two hundred (200) feet, which identifies site boundaries and proposed locations of all extraction activities and phases.
 - A detailed erosion and sedimentation plan showing measures to be taken to control soil erosion and sedimentation cause by extraction activities, in conformance with the most current rules and standards of the Butler County and any other applicable county, state or federal agency. Such measures shall address sediment trapping, seeding or other treatment of stockpiles and bare earth, channeling of water through and/or around extraction areas, stabilization of sloped areas, and temporary and final stabilization measures.
- f. A detailed reclamation plan that identifies, at a minimum, the following:
 - Physical descriptions of the location of each principal phase, number of acres included in each phase, and estimated length of time to complete each phase in extraction.
 - Depiction of finished, stabilized, side slopes, including methods and plant materials proposed for use.
 - Landscape plan for the portion of the property disturbed by extraction and associated activities, including an inventory of plant/tree species to be used.
 - Description of the intended reclamation use of the site upon completion of extraction activities and the spatial arrangement of proposed reclamation uses.
 - The restoration of vegetation upon the site, including appropriate seeding of grasses, or the planting of trees and shrubs, to establish a permanent vegetative cover on the land surface to minimize erosion.
 - The restoration of the site topography so that no gradients in disturbed earth are steeper than a slope of 4:1 (horizontal-vertical).
 - The placement of a three inch (3") layer of arable topsoil over the excavated area, except exposed rock surfaces or areas lying below natural water level, in accordance with the proposed reclamation use.
 - No noxious, flammable or toxic backfill and grading materials shall be used.
 - Fill and soils shall not be overly compacted and of sufficient quality to be well drained, non-swelling. If the reuse plan involves development of dwellings or other buildings, fill and soils shall be of proper bearing capacity to support foundations and septic systems.

- All temporary structures shall be removed from the premises upon completion of the extraction activity unless said structures are of sound construction and are compatible with the reclamation goals. Said structures shall be accurately depicted upon the approved reclamation plan.
- 2. Minimum lot area shall be twenty (20) acres.
- 3. Notwithstanding any other minimum yard sizes required by this Ordinance, all extraction activities, including washing and stockpiling of materials, shall be set back the following minimum distance:
 - a. Removal of material/cut: 100 feet from the right-of-way of any public road, private road, or highway, and 300 feet from a Residential or Commercial District.
 - b. Fixed or portable equipment, machinery, or processing plants: 250 feet from the nearest property line and 500 feet from a Residential or Commercial District.
 - c. All permitted buildings, structures portable and stationary equipment associated with extraction activities shall be located a minimum of 150 feet from all lot lines.
- 4. There shall be not more than one (1) entranceway from a public road to said lot for each one thousand (1,000) feet of frontage.
- 5. On said lot, all roads, driveways, parking lots, and loading and unloading areas within one hundred (100) feet of any lot line shall be paved so as to limit on adjoining lots and public roads the nuisance caused by wind-borne dust.
- 6. No grades shall exceed a 4:1 (horizontal:vertical) slope, and such slope shall be extend below the surface of a water body to a minimum depth of five (5) feet.
- 7. Blasting or the use of any explosive devise to loosen or gain access to material is prohibited.
- 8. Any area of the site where excavation activities are occurring, including the location of equipment and buildings, shall be secured with a six (6) foot high fence with suitable gates. The gate shall be locked at all times when the site in not in use or when an attendant in not present. "KEEP OUT-DANGER" signs shall be posted at two hundred (200) foot intervals along the perimeter.
- 9. Where deemed necessary by the Township Board, a berm and/or suitable screen of a minimum of fifty (50) feet in width shall be established to screen residential uses within five hundred (500) feet of any lot line.
- 10. All extractive operations shall comply with the soil erosion and sedimentation control requirements of Butler County and the Pennsylvania Department of Environmental Protection.
- 11. All topsoil shall be stockpiled on the site so that the entire area may be recovered with a minimum of three inches (3") of top soil when extraction operations are competed. This provision shall not apply to areas of completed extraction that are characterized by exposed bedrock. However, in no case shall topsoil be removed from the extraction site except where expressly authorized according to an approved special land use application and site plan.
- 12. The extraction shall be graded in a fashion which will not cause water to accumulate in stagnant pools.
- 13. Air pollution, noise and vibrations shall be minimized from any effect upon adjacent properties by adequate soundproofed equipment and buildings designed to accomplish such minimization and by the proper use of berms, walls, and natural planting screens.
- 14. Truck or heavy vehicle traffic related to extraction operations shall use major thoroughfares for access to the greatest extent feasible.
- 15. Public streets within 1000 feet of the exit of the extractive use site shall be kept reasonably clear of mud, dirt and debris from vehicles exiting the site.
- 16. Reclamation activities shall be initiated at the earliest possible date. Reclamation of the site concurrent with extraction activities shall be undertaken to the extent that the reclamation activities will not interfere with the excavating activity or if the excavating activity will damage the reclaimed areas. No extraction work shall extend more than five (5) acres in area until reclamation of the previously excavated five (5) acre area is satisfactorily completed or underway, as authorized by the Township Board in writing.

Extraction areas shall be reclaimed pursuant to the approved reclamation plan. If the reclamation plan involves a recreational or wildlife facility, reclamation plans shall be reviewed by recreation, fisheries and wildlife specialists in the Pennsylvania Department of Natural Resources.

17. The excavator may be required to post an acceptable performance bond in the amount up to one hundred fifty percent (150%) of the estimated reclamation costs for each five (5) acres of land to be disturbed or excavated or fraction thereof. Extraction activities shall not be initiated on any location of the site until such performance bond or letter of credit has been posted for that area of the site.
18. Extraction processing or storage shall not be conducted as to cause the pollution by any material of any surface or subsurface water-course, or body of water outside the lines of the lot on which such use shall be located.
19. Extraction, processing, and storage shall not be conducted as to cause or threaten to cause the erosion by water of any land outside of said lot or of any land on said lot such that earth materials are carried outside of the lines of said lot. Extraction shall not be conducted as to alter the drainage pattern of surface or sub-surface waters on adjacent property. In the event that such removal, processing, or storage shall cease to be conducted, it shall be the continuing responsibility of the owner or operator thereof to assure that no erosion or alteration of drainage patterns, as specified in this paragraph, shall take place after the date of the cessation of operation.
20. Each operator or permittee shall furnish a report to the Township Board for each project site at periods no greater than one (1) year following issuance of a zoning permit, documenting the extent of the previous twelve (12) months' activities and extent of extraction, and any revised future schedule of operations.
21. The conditions of any Zoning Permit issued under this Section apply not only to the owner but also to the operator who is either an owner or lessee of mineral rights or any other person engaged in or preparing to engage in extraction.
22. Extraction operations authorized by the zoning permit shall be inspected with reasonable frequency to determine compliance with this Ordinance and permits issued pursuant to this Ordinance.
23. When activities on or use of the area subjected to extraction, or any portion thereof, have ceased for more than one (1) year, the operation shall be considered abandoned and a new permit necessary before additional extraction activities can occur. Cessation may be determined by any of the following events:
 - a. The completion of the extraction.
 - b. The Township Board determines that no substantial work has occurred on the site for more than one (1) year.
 - c. The Township Board has received notification from the owner that operations are complete.
 - d. A zoning permit for the extraction has expired.
24. The permit or each renewal thereof shall be for a period of not more than five (5) years and shall be renewable only upon reapplication, a redetermination by the Township Board, and a filing of a performance bond; said redetermination to be made in accordance with the requirements of this ordinance for the issuance of a special land use permit.
25. Existing Extraction Areas: All extraction operations existing on the effective date of this Ordinance shall be subject to the regulations above for any extraction activities which are not permitted according to the originally issued permit for the extraction operation, including expansion into areas of the site not covered by a Township issued permit validly in place at the effective date of this Ordinance, and shall require special approval.

CHAPTER 19 - ADMINISTRATION

The municipality shall appoint a Planning Commission, a Zoning Hearing Board, and a Zoning Officer to assist with the creation and administration of this Zoning Ordinance, according to the following provisions:

19.00 PLANNING COMMISSION

The municipal governing body shall have the power to create, by separate ordinance, a planning commission or planning department, or both. The ordinance creating the planning commission or planning department shall assign the powers and duties on the planning commission or department as conferred on the same by the PA Municipal Planning Code. The municipal governing body may elect to use the County Planning Commission.

The municipal Planning Commission was established by Ordinance # 21 on September 18, 1956.

19.01 ZONING OFFICER

The municipal governing body shall appoint a Zoning Officer to administer the Zoning Ordinance. The Zoning Officer shall not hold any elective office in the municipality, shall meet the qualifications established by the municipality, and shall have a working knowledge of municipal zoning. The Zoning Officer shall administer the Zoning Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use that does not conform to the Zoning Ordinance. The Zoning Officer is authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of his/her employment.

All references in this Zoning Ordinance to the Zoning Officer also include the statement "or the Zoning Officer's authorized representative."

19.02 ZONING HEARING BOARD

A Zoning Hearing Board shall be established by the municipal governing body, according to the following provisions.

19.03 MEMBERS

The Zoning Hearing Board shall consist of three members who are residents of the municipality, and are appointed by the governing body of the municipality. One member shall be appointed for one year, one member for two years, and one member for three years. Each subsequent term shall be for three years. Members of the Zoning Hearing Board shall hold no other elected or appointed office in the municipality, nor shall any member be an employee of the municipality. Vacancies shall be filled by resolution of the governing body of the municipality for the unexpired term of the affected member.

19.04 REMOVAL OF BOARD MEMBERS

Any Zoning Hearing Board member may be removed for malfeasance, misfeasance or nonfeasance in office, or for other just cause by a majority vote of the governing body of the municipality, taken after the member has received fifteen (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 requests it in writing.

19.05 ALTERNATE MEMBERS

The governing body of the municipality may appoint, by resolution, at least one but no more than three residents of the municipality to serve as alternate members of the Zoning Hearing Board. The term of office of an alternate member shall be three years. When seated, an alternate member shall be entitled to participate in all proceedings and discussions of the Zoning Hearing Board to the same and full extent as provided by law for Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties of regular members. Alternates shall hold no other elected or appointed office in the municipality, including service as a member of the

Planning Commission or as a Zoning Officer, nor shall any alternate be an employee of the municipality. Any alternate may participate in any proceedings or discussion of the Zoning Hearing Board, but shall not be entitled to vote as a member of the Board unless designated as a voting alternate member.

19.06 NUMBER OF ALTERNATES

The Chair or Acting Chair of the Zoning Hearing Board may designate as many alternate members as needed to replace any absent or disqualified member in order to provide a quorum. Any alternate member of the Zoning Hearing Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed, until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.

19.07 ELECTIONS

The Zoning Hearing Board shall elect officers from its membership who shall serve annual terms and may succeed themselves. Elections shall be held during the first meeting of each calendar year.

19.08 QUORUM

For the conduct of any hearing and the taking of any action, a quorum is required. A quorum shall be at least a majority of all the members of the Zoning Hearing Board.

19.09 HEARING OFFICER

The Zoning Hearing 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 Zoning Hearing Board as provided in this Zoning Ordinance. The Zoning Hearing Board shall adopt rules necessary to the conduct of its affairs and keeping with the provisions of this ordinance. Meetings shall be scheduled as needed and may also be called by the Chair or Acting Chair. The Zoning Hearing Board shall keep full public records of its business and shall submit a report of its activities to the governing board of the municipality once a year.

19.10 FEES

No proceeding before the Zoning Hearing Board shall commence until a fee, as prescribed by resolution of the governing body of the municipality, has been deposited with the Zoning Hearing Board by the applicant. Fees may include hearing notices, advertising costs, and administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural, or other technical consultants or expert witness costs that the Board requests. The compensation of legal counsel, experts and staff and the sums expended for services shall not exceed the amount appropriated by the governing body for this use.

19.11 COMPLETE APPLICATION

No application shall be deemed complete until the fee is paid and the Zoning Officer receives a full application. The Zoning Officer must declare that the application is administratively correct and send a letter of receipt to the applicant. At this point, the timing of the process becomes official.

19.12 LEGAL COUNSEL

The legal counsel to the Zoning Hearing Board shall be an attorney other than the municipal solicitor.

19.13 COMPENSATION

Members of the Zoning Hearing Board and Alternates may receive compensation for the performance of their duties, as fixed by the governing body of the municipality. However, in no case shall their compensation exceed the compensation paid to the members of the governing body of the municipality.

19.14 JURISDICTION

The Zoning Hearing Board shall have the jurisdiction matters identified in Section 909.1 of the PA MPC.

19.15 REVIEW PROCESS

In reaching its decisions, the Board of Zoning Appeals shall consider the following:

- The impact of the proposal upon roads, sewer facilities, water supplies, schools, and other public service facilities;
- 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 the Zoning Ordinance or Official Zoning District Map;
- The suitability of the site for the intensity of use proposed for the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features; and
- The impact of the proposal on the preservation of agricultural and other land uses which are essential to public health and welfare.
- Other matters that may be vested with PA MPC changes.

19.16 VARIANCES

The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this Zoning Ordinance inflict unnecessary hardship upon the applicant. The Zoning Hearing Board may grant a variance provided that all of the following findings exist, as relevant:

- (A) There are unique physical circumstances or conditions which are creating an unnecessary hardship, and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Zoning Ordinance in the district in which the property is located.
- (B) These unique conditions could include irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property.
- (C) Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Zoning Ordinance, and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- (D) Such unnecessary hardship has not been created by the appellant.
- (E) The variance, if authorized, will not alter the essential character of the district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
- (F) The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- (G) The Zoning Hearing Board shall conduct a public hearing in accordance with the procedures specified in Section 18.18 of this Ordinance. In granting any variance, the Zoning Hearing Board may prescribe appropriate conditions and safeguards in conformity with this Zoning Ordinance.
- (H) The Zoning Hearing Board shall prescribe a time limit within which the action for which the variance is required to be initiated or completed, or both. Failure to either begin or complete the project on schedule shall void the variance.

19.17 CONDITIONAL USES

The municipal governing body may grant or deny conditional uses pursuant to express standards and criteria, and the municipal governing body shall hold hearings on and decide requests for such conditional uses in accordance with those standards and criteria. The municipal governing body should conduct the hearing, or they may appoint an independent attorney as Hearing Officer. The municipal governing body shall make the decision and/or findings. However, the appellant or applicant, in addition to the municipality, may, prior to the decision of the hearing, waive action by the municipal governing body and accept the decision of the Hearing Officer. The following provisions apply:

- (A) In granting a conditional use, the municipal governing body may attach such reasonable conditions and safeguards, in addition to those expressed in this Zoning Ordinance, as it may deem necessary to implement the purposes of the Zoning Ordinance.
- (B) The municipal governing body shall render a written decision, or when no decision is called for, make written findings on the conditional use application within 45 days after the last hearing before the municipal governing body. Any decision contesting or denying an application shall include findings of fact or conclusions on which the decision was based. Conclusions shall contain a reference to any provisions relied upon from this Zoning Ordinance or any other rule or regulation, and the reasons why the conclusion is deemed appropriate.
- (C) If the municipal governing body fails to render a decision within the required time period, or fails to conduct the required public hearing, the decision shall be rendered in favor of the applicant, unless the applicant has agreed in writing or on the record to an extension of time. If a decision is rendered in favor of the applicant because of the failure of the municipal governing body to meet or render a decision, the municipal governing body shall provide public notice of the decision within 10 days from the last day it could have met to render a decision. Notices shall be made in the manner required in the public notice requirements of this Zoning Ordinance. If the municipal governing body fails to provide this notice, the applicant may do so.
- (D) Nothing in this Section shall prevent any party opposing the application to appeal the decision to a court of jurisdiction. A copy of the final decision or findings (where no decision is called for), shall be delivered to the applicant personally, or mailed to the applicant no later than the day following its date.

19.18 HEARINGS

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

- (A) Public notice shall be given in accordance with the requirements defined herein.
- (B) Written notice shall be given to the applicant fifteen (15) days prior to the hearing and to the Planning Commission, the municipal governing body, the Zoning Officer, or to any person who has made timely request for the same. Written notices shall be sent by regular mail to all property owners of record within three hundred feet (300') of the exterior boundaries of the property that is the subject of the application or appeal. In addition, written notice of said hearings shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.
- (C) The municipal governing body may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. The schedule of fees shall be available for public inspection in the office of the Zoning Officer. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs, and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.
- (D) The first 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. Each subsequent hearing before the Zoning Hearing Board or Hearing Officer shall be held within 45 days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of the applicant's case-in-chief within 100 days of the first hearing.
- (E) Upon the request of the applicant, the Zoning Hearing Board or Hearing Officer shall assure that the applicant receives at least seven hours of hearings within 100 days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within 100 days of the first hearing held after the completion of the applicant's case-in-chief. Upon request, any applicant may be granted additional hearings to complete his case-in-chief, provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon written consent or consent on the record by the applicant and municipality, be granted additional hearings to complete their opposition to the application, provided the applicant is granted an equal number of additional hearings for rebuttal.

- (F) The hearings shall be conducted by the Zoning Hearing Board, or the Zoning Hearing Board may appoint any member or independent counsel as a Hearing Officer. The shall make the decision, or where no decision is called for, the findings; however, prior to the decision of the hearing, the appellant or the applicant, in addition to the municipality, may waive decision or findings of the Zoning Hearing Board and accept the decision or findings of the Hearing Officer as final.
- (G) Parties to the hearing shall be the municipality, any person who has made timely appearance of record before the Zoning Hearing Board, and any other person permitted to appear by the Zoning Hearing Board. The Zoning Hearing Board shall have the power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Zoning Hearing Board for that purpose.
- (H) The Chair or Acting Chair of the Zoning Hearing Board, or the Hearing Officer, shall have the 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.
- (I) The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond, present evidence, and cross-examine adverse witnesses on all relevant issues.
- (J) Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
- (K) The Zoning Hearing Board or the Hearing Officer shall keep a stenographic record of the proceedings. The fee for a stenographer shall be shared equally by the applicant and the Zoning Hearing Board. The cost of the original transcript shall be paid by the Zoning Hearing Board or Hearing Officer, or shall be paid by the person appealing the decision of the Board, if such appeal is made. In either event, the cost of additional copies shall be paid by the person requesting such copies. Parties requesting the original transcript shall bear that cost.
- (L) The Zoning Hearing Board or Hearing Officer shall not:
- Communicate, directly or indirectly, with any party or party's representatives in connection with any relevant issue, except upon notice and opportunity for all parties to participate;
 - Take notice of any communication, reports, staff memoranda or other materials, except advice from counsel, unless all parties are afforded an opportunity to contest the material so noted; or
 - Inspect the site or its surroundings after commencement of hearings with any party or party's representative unless all parties are given an opportunity to be present.
- (M) The Zoning Hearing Board or the Hearing Officer shall render a written decision or, when no decision is required, make written findings on the application within 45 days after the last hearing before the Zoning Hearing Board or Hearing Officer. Each decision shall include findings of facts, conclusions, and reasons for the decision. Conclusions based on any provision of this Zoning Ordinance, or any other rule or regulation, shall contain a reference to the provision and the reasons why the conclusion is deemed appropriate.
- (N) If a Hearing Officer conducts the hearing, and there has been no stipulation that the Hearing Officer's decision or findings are final, the Zoning Hearing Board shall make the report and recommendations available to all parties within 45 days. The parties shall be entitled to make written representations to the Zoning Hearing Board prior to the final decision or entry of findings. The Zoning Hearing Board's decision shall be entered no later than 30 days after the report of the Hearing Officer.
- (O) Where the Zoning Hearing Board fails to render a decision within the 45-day period, 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 rendered in favor of the applicant. The exception to this is if 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 Zoning Hearing Board to meet or render a decision, the Zoning Hearing Board shall give public notice of the decision within 10 days from the last day it could have met to render a decision. If the Zoning Hearing Board fails to provide such notice, the applicant may do so. Nothing in this Section shall prevent any party opposing the application to appeal the decision to the court of jurisdiction.
- (P) A copy of the final decision or findings (where no decision is called for), shall be delivered to the applicant personally or mailed to the applicant not later than the day following its date. The Zoning Hearing Board shall provide, by mail or otherwise, notice of the decision or findings and a

statement of the place at which the full decision or findings may be examined, to all other persons who have filed their name and address with the Zoning Hearing Board not later than the last day of the hearing.

19.19 MEDIATION

Parties to proceedings authorized in this Zoning Ordinance may utilize mediation as an aid in completing such proceedings. In proceedings before the Zoning Hearing Board, in no case shall the Zoning Hearing Board initiate mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this Zoning Ordinance, once mediation is formally initiated. Nothing in this Ordinance shall be interpreted as expanding or limiting municipal police powers or as modifying any principles of substantive law. The following provisions apply:

- (A) Participation in mediation shall be voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. In offering the mediation option, the municipality shall assure that in each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:
- Funding mediation,
 - Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures, and demonstrate skills in mediation,
 - Completing mediation, including time limits for such completion,
 - Suspending time limits otherwise authorized in this Zoning Ordinance or in the PA MPC, provided there is a written consent by the mediating parties, and by an applicant or municipal decision-making body if either is not a party to the mediation,
 - Identifying all parties and affording them the opportunity to participate,
 - Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public, and
 - Assuring that mediated solutions are in writing and signed by the parties and become subject to review and approval by the appropriate decision making body pursuant to the authorized procedures set forth in this Zoning Ordinance.
- (B) No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

19.20 TIME LIMITATIONS

Any person seeking to secure reversal or to limit approval of a decision shall file a request with the Zoning Hearing Board within 30 days after approval of a preliminary or final application by an appropriate municipal officer, agency or body. The following provisions apply:

- (A) The exception to this time limit is if such person alleges and proves that he/she had no notice, knowledge or reason to believe that such approval had been given. If such person has succeeded after such approval, he/she shall be bound by the knowledge of his/her predecessor in interest.
- (B) The failure of anyone, other than the landowner, to appeal an adverse decision for tentative approval of a plan (pursuant to Section 709 of the PA MPC) or from an adverse decision by the Zoning Officer on a challenge to the validity of an ordinance or map (filed pursuant to Section 916.2 of the PA MPC), shall preclude an appeal from a final approval, except in the case where the final submission substantially deviates from the tentative approval.
- (C) All appeals from determinations adverse to the landowner shall be filed by the landowner within 30 days after notice of the determination is issued.

19.21 STAY OF PROCEEDINGS

Upon filing of any proceeding and during its pendency before the Zoning Hearing Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Office or applicable agency, and all official action there under shall be stayed.

- (A) The exception to this is if the Zoning Officer or applicable agency certifies facts to the Zoning Hearing Board indicating that such a stay would cause imminent peril to life or property. In such a case, the development or official action shall not be stayed except by a restraining order, which may be granted by the Zoning Hearing Board or by the court having jurisdiction, after notice to the Zoning Officer or appropriate agency.
- (B) When an application for preliminary or final development has been approved, and proceedings to reverse or limit the approval are filed with the Zoning Hearing Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Zoning Hearing Board. The question whether or not such petition should be granted and the amount of the bond shall be within the sole discretion of the court.
- (C) After the petition is presented, the court shall hold a hearing to determine if the filing of an appeal is frivolous. Evidence may be presented on the merits of the case at the hearing. It shall be the burden of the applicant for a bond to prove that the appeal is frivolous. After consideration of all evidence, if the court determines that the appeal is frivolous, it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by the appellee if an appeal is taken from a final decision of the court.

19.22 APPEALS FROM DECISIONS OF THE ZONING HEARING BOARD

All appeals from land use decisions rendered by the Zoning Hearing Board shall be according to the PA MPC and shall be filed within 30 days after entry of the decision or after notice of deemed decision is given.

19.23 INTERVENTION

All intervention shall be governed by the PA MPC.

19.24 REHEARING

If the Zoning Hearing Board denies an application for a variance, an appeal from the Zoning Officer, or a special exception, another application shall not be filed within one year from the date of denial, except with the concurrence of the Zoning Hearing Board. The Zoning Hearing Board can make an exception if the applicant or appellant demonstrates that a change of circumstances warrants a rehearing.

CHAPTER 20 - PERMITS

20.00 ZONING PERMITS

A zoning permit shall be obtained before any person may:

- (A) Change the use of a structure or land;
- (B) Construct, reconstruct, move, alter, erect, or enlarge any structure or building; or
- (C) Change a nonconforming use or structure to a use which is less conforming for the district. A zoning permit shall not be issued to change a nonconforming use or structure without review and approval by the Zoning Hearing Board.

No building or other structure, whether above, on, or below the ground surface, shall be erected, moved, added to, or altered, without a zoning permit issued by the Zoning Officer, according to the following provisions:

- (D) Only the owner of the property or structure for which the permit is intended or that person's authorized representative shall obtain the zoning permit.
- (E) The owner or owner's authorized representative shall be told by the Zoning Officer that no occupancy permit shall be issued until the Zoning Officer is satisfied that existing streets, public utilities and facilities have been repaired to their condition prior to construction.
- (F) Prior to issuing a zoning permit, the Zoning Officer shall determine that stormwater resulting from the proposed project will not be permitted to enter the sanitary sewers or to flow across a public street or adjacent property.
- (G) No zoning permit shall be issued for any lot that does not have frontage on a public street.
- (H) All land developments must be approved in accordance with the municipal SALDO prior to obtaining a zoning permit.
- (I) Remodeling or non-structural improvements of existing buildings which do not alter the basic structure, create additional lot coverage, or change the use of the lot or building, do not require a zoning permit.
- (J) All applications for zoning permits pertaining to new construction shall be accompanied by one scaled set of plans showing:
 - actual dimensions and shape of the lot,
 - exact size and locations of existing buildings, if any, and proposed buildings or improvements,
 - existing or proposed uses of buildings and land,
 - number of families, housekeeping or rental units the building is designed to accommodate,
 - conditions existing on the lot,
 - estimated construction cost, and
 - such other matters that may be necessary to determine conformance with this Zoning Ordinance, the Uniform Construction Code (UCC), and other pertinent ordinances, as required by the Zoning Officer.
- (K) The Zoning Officer shall act upon the application for a zoning permit within 30 days after its receipt by either approving or rejecting it or requiring modifications of the plans. Failure to act within 30 days shall result in the application being deemed approved. When approved, the Zoning Officer shall issue the permit.
- (L) If the work described in the zoning permit has not been substantially completed within twelve (12) months of the date of issuance thereof, said permit shall expire and be revoked by the Zoning Officer, with written notice given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new zoning permit has been obtained.
- (M) The zoning permit may be renewed by the Zoning Officer if there have been no changes to the applicable sections of the Zoning Ordinance, and if such renewal is requested within one month of the date of expiration of the zoning permit. If applicable sections of the Zoning Ordinance have been changed, the full review and approval procedure shall apply. Any permit issued by the Zoning Hearing Board shall not be renewed except by the Zoning Hearing Board.

- (N) If the permit covers more than one building, starting work on one shall meet the requirement of (I) above.
- (O) No transfer of the zoning permit to another party may be made unless authorized by the Zoning Officer.
- (P) Any change in use of a property or land shall require the issuance of a zoning permit.
- (Q) Zoning permits fees shall be in accordance with a schedule of fees adopted by the municipality under a separate resolution.
- (R) Approved zoning permits authorize only the use, arrangement, and construction set forth in the plans and applications approved with the zoning permit. Any variation from the approved activities shall be a violation of this Zoning Ordinance and punishable as provided in Chapter 21.
- (S) Records shall be kept by the Zoning Officer of all applications for zoning permits.

20.01 OCCUPANCY PERMITS

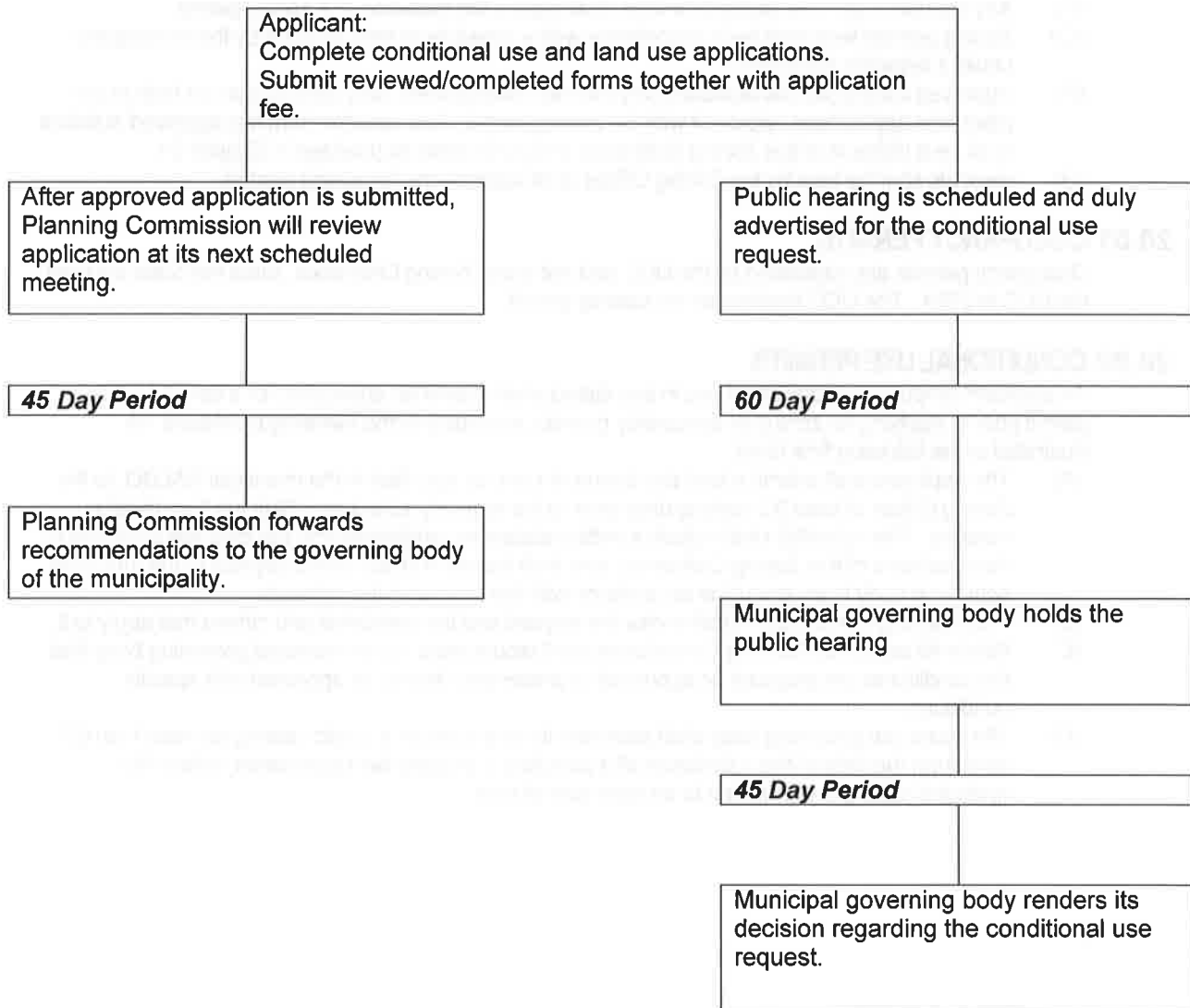
Occupancy permits are addressed by the UCC and not in the Zoning Ordinance, since the State adopted the UCC in 2004. The UCC requires an occupancy permit.

20.02 CONDITIONAL USE PERMITS

An applicant proposing a conditional use in any district shall submit an application for a conditional use permit prior to applying for zoning or occupancy permits, according to the following provisions, as illustrated in the following flow chart.

- (A) The applicant shall submit a land development plan, as specified in the municipal SALDO, to the Zoning Officer at least 30 working days prior to the regularly scheduled Planning Commission meeting. The submittal shall include a written statement explaining how the proposal conforms to the provisions of this Zoning Ordinance, and shall include a check made payable to the municipal governing body in an amount in accordance with the municipal fee schedule.
- (B) The Planning Commission shall review the request and the standards and criteria that apply to it.
- (C) Within 45 days, the Planning Commission shall recommend to the municipal governing body that the conditional use proposal be approved as presented, denied, or approved with specific conditions.
- (D) The municipal governing body shall advertise for and conduct a public hearing no more than 60 days from the date of the submission of a complete a properly filed application, unless the applicant has agreed in writing to an extension of time.

CONDITIONAL USE HEARING PROCESS



- (E) Subsequent hearings may be held by the municipal governing body in accordance with provisions stated in Section 18.18 of this Zoning Ordinance.
- (F) The municipal governing body shall render a written decision within 45 days after the last public hearing.
- (G) If the application is contested or denied, the decision shall include findings of fact and resulting conclusions, and shall reference appropriate sections of this Zoning Ordinance or other applicable regulations relied upon for the decision.
- (H) If the municipal governing body fails to render a decision within 45 days, or fails to conduct the required public hearing, the decision shall be rendered in favor of the applicant, unless the applicant has agreed in writing or on the record to an extension of time.
- (I) The municipal governing body shall provide public notice of the approval within 10 days from the last day it could have met to render a decision. If the governing body fails to provide such notice, the applicant may do so.
- (J) Nothing in this Section shall prohibit any party opposing the application from appealing the decision to the appropriate court.
- (K) If the applicant withdraws the proposal and resubmits it with changes, the deadlines for review and approval shall commence with the resubmission.
- (L) The applicant may, once approval is granted and conditions are accepted, apply for a zoning or occupancy permit.
- (M) The municipal governing body shall prescribe a time limit within which the conditional use shall be initiated or completed, or both. Failure to meet either deadline shall void the conditional use approval.

20.03 SPECIAL PERMIT FOR DEVELOPMENT IN FLOODPLAIN AREAS

Development in floodplain areas shall be subject to special permits required by the municipal floodplain ordinance, as well as applicable State and Federal laws.

CHAPTER 21 - SIGNS

Signs may be erected as accessory uses only when in compliance with the following regulations.

21.00 GENERAL REQUIREMENTS

- (A) All signs shall be constructed of durable materials and maintained in good condition. The Zoning Officer may require the owner of a sign to repair it if in the Officer's opinion it has become dilapidated. If, after sixty (60) days from the date of written notice to repair has been sent, the sign is not repaired; the Zoning Officer may order it removed within a period of sixty (60) additional days.
- (B) No sign shall exceed the height limitations in the zoning district in which it is located, unless otherwise specified, and no sign shall be permitted to be placed upon the roof of any structure or to project above the cornice or ridge line of any structure, except as provided in this Article.
- (C) All signs over fifty (50) square feet in area shall be constructed of noncombustible material.
- (D) Permits shall be required for all new permanent signs having a gross area of more than eight (8) square feet.
- (E) No sign shall have more than two (2) sides and areas of signs indicated in this Ordinance shall be the maximum for one side.
- (F) No sign established before the effective date of this Ordinance shall be structurally altered or moved unless in conformance with the provisions of this Section.
- (G) Freestanding and ground mounted signs shall be set back a minimum of ten feet (10') from any abutting right-of-way line.

21.01 SIGNS IN RE AND R-1 RESIDENTIAL AND S CONSERVANCY ZONE DISTRICTS

- (A) Permitted types of signs:
 - Home occupations signs shall be permitted to be attached to a dwelling, provided that the sign shall not exceed two square feet (2 SF) in surface area. The identification of the property is limited to name and address of the occupant, or in the case of an apartment building or groups, the name of the building or groups and address and telephone number of the management agency.
 - Temporary development signs not to exceed thirty square feet (30 SF), giving directions to area under development and indicating the name, address and telephone number of the developing agency, the name of the development and the number of lots available only, such signs to be removed within thirty (30) days after sale of last lot in the development.
 - Residential identification sign not to exceed twelve square feet (12 SF) in surface area, exclusive of the support structure, shall be permitted at the entrance of any residential development. The maximum height of a residential development sign shall be three feet (3') and shall not be located in any public right-of-way unless Township approves location.
 - Signs advertising agricultural products for sale at a road side stand not to exceed twelve square feet (12 SF).
 - Signs identifying public or semi-public institutions and activities carried on by them not to exceed thirty square feet (30 SF).
 - Artisans' signs indicating name, address, telephone number and type of service performed by contractor, to be removed not more than thirty (30) days after structure on which artisan is employed is completed not to exceed thirty square feet (30 SF).
 - Real estate signs shall be permitted on a lot, provided that the sign shall not exceed six feet (6') in height. The real estate sign shall be removed within thirty (30) days of the sale or rental of the property on which it is located.
 - Outdoor digital marquee signs are permitted only for the following: Schools, Places of Worship, Educational / Religious / Philanthropic Institutions, Libraries/ Cultural Facilities, Golf Courses / Country Club and Airport in the Residential (R-1 and R-E) districts. Digital Marquee signs shall include any sign with a fixed or changing display or message composed of a series of lights that may be changed or altered by any electronic means.

- Digital marquee signs shall not exceed sixty square feet (12 SF) in display area and shall be no larger than two feet (2') tall or wider than six feet (6') long.
 - A four hundred foot (400') lineal separation distance is required between digital marquee signs.
 - The color and illumination of a digital marquee sign may not interfere or conflict with the effectiveness or obscure any official traffic sign, device or signal.
 - Digital marquee sign are only permitted to communicate information pertaining to facility and activities located on the same lot of record as the digital marquee sign.
- (B) Size of Signs--No sign in any residential district shall exceed the maximum area standards expressed in this Section.
- (C) Location of Signs
- Only one (1) sign of each type shall be allowed on any property except where a property abuts two (2) or more public streets, two (2) signs of each type shall be permitted, no more than one (1) each on each of the two frontages.
 - Signs may be attached flush to the face of a structure, may be hung from a structure, or be free-standing. The top of a sign may not be more than five feet (5') above the ground. Signs shall not extend into the street right-of-way and shall not obstruct sight distances at points of access to the property.
- (D) Illumination
No sign in a residential zoning district shall be illuminated except signs identifying public or semi-public institutions, provided such lighting is from a hidden source or from within the sign.
- (E) Temporary Signs - Residential Districts
- One (1) temporary sign advertising the sale, rental or development of property is permitted provided it is not illuminated, a minimum of five feet (5') from the road right-of-way, and no larger than twelve square feet (12 SF). Such signs shall be promptly removed when the sale, lease or development of the property has been completed. No sign permit is required.
 - Temporary off-site directional signs intended for the purpose of directing traffic to activities such as the showing of a model home, home for sale, or grand opening shall be permitted provided such signs do not exceed ten square feet (10 SF); are not located so as to cause an obstruction or distraction to passing motorists. Such signs for multi-year developments shall require an annual permit to be obtained from the Zoning Officer.
 - A temporary sign advertising seasonal sale of agricultural products produced on the premises limited to one (1) sign on any property, to be removed when sales are terminated each season. The size shall not exceed twelve square feet (12 SF) in area.
 - A temporary sign identifying designers or contractors employed on the property, such sign not to exceed six square feet (6 SF) in size, limited to one (1) sign per designer/contractor. Such sign shall be promptly removed upon completion. No sign permit is required.
 - No other temporary sign shall be permitted.

21.02 SIGNS IN COMMERCIAL AND INDUSTRIAL ZONE DISTRICTS

- (A) Permitted types of signs:
- Any sign permitted in the Residential Zoning Districts.
 - Signs identifying businesses or industry on the same property as the business or industry advertised.
 - Signs applied directly to show windows shall not be included in computing sign areas and shall be limited only by the window dimensions.
 - Outdoor advertising, including LED, signs shall be permitted in the C-2 District only, and upon receipt of all required State and Federal permits and requirements. Outdoor advertising signs shall not be larger than one hundred square feet (100 SF), shall be at least two thousand linear feet (2,000') from each other and shall not be located on lots of less than one fourth (1/4) of an acre (10,890 SF). Outdoor advertising signs shall not be placed so as to be a traffic hazard or nuisance, and lighted advertising signs shall not reflect on any adjoining residential property.
 - Outdoor digital marquee signs are permitted in the commercial (C-1 and C-2) and industrial (I-L) districts. Digital Marquee signs shall include any sign with a fixed or changing display or

message composed of a series of lights that may be changed or altered by any electronic means.

- Digital marquee signs shall not exceed sixty square feet (60 SF) in display area and shall be no larger than five feet (5') tall or wider than fourteen feet (14') long.
 - A four hundred foot (400') lineal separation distance is required between digital marquee signs.
 - The color and illumination of a digital marquee sign may not interfere or conflict with the effectiveness or obscure any official traffic sign, device or signal.
 - Digital marquee sign are only permitted to communicate information pertaining to businesses and activities located on the same lot of record as the digital marquee sign.
- (B) Size of Signs:
- Projecting signs, at right angles to the wall surface to which attached, shall not exceed in area fifty square feet (50 SF) in the C-1 District. They may not extend more than six feet (6') out from the wall surface and shall be mounted to allow at least eight feet (8') of clearance below if over a pedestrian way, and at least fourteen and a half feet (14.5') if over a vehicular way.
 - Signs applied flat to a wall surface shall not exceed in area the sum of one (1) times the principal road frontage of a property containing the sign and shall not project above or beyond the wall surface at any point.
 - Free-standing signs on single-use sites shall not exceed in area one hundred and fifty square feet (150 SF) on each of two (2) sides in the C-2 and I-L Districts and sixty square feet (60 SF) in the C-1 Zoning District, and in heights, twenty-five feet (25') to the highest point above grade. Where signs are supported on an open work structure the sign area shall not include the area of the supporting members.
 - In any shopping center in the Commercial C-2 Zoning District, one (1) collective free-standing sign structure may be erected at the main entrance to a height not to exceed twenty-five feet (25') and an area not to exceed two hundred square feet (200 SF), displaying the name of the center and stores contained therein.
- (C) Location of Signs—Only one (1) sign of each type shall be allowed on any property except that where a property abuts two (2) or more public streets, either one additional building mounted or free-standing sign may be erected. Types of signs permitted are free-standing, flush mount, projecting and ground mounted signs.
- (D) Illumination
- Signs in the commercial and industrial district may be lighted provided that no reflected glare occurs on adjacent roads or properties.
 - No sign shall be lighted that faces or partially faces an adjacent residentially-used property less than three hundred feet (300') away from the sign.
- (E) Temporary Signs - Commercial Districts
- One (1) temporary sign advertising the sale, rental or development of property is permitted provided it is not illuminated, a minimum of five feet (5') from the road right-of-way and no larger than thirty-two square feet (32 SF). Such signs shall be promptly removed when the sale, lease or development of the property has been completed. No sign permit is required.
 - Streamers, pennants and banners shall be permitted as temporary signs in conjunction with special events such as grand openings. Such signs shall in no case be displayed for more than thirty (30) days. Notification to the Zoning Officer is required. No sign permit shall be required.

21.03 REVIEW AND APPROVAL

Persons desiring to erect a sign or signs shall apply to the Zoning Officer and submit a plan of their proposal indicating the location of the sign on the property, showing dimensions to property lines, the dimensions of the sign, including height above ground, and construction details indicating materials to be used, size of lettering, illumination source, electrical service where available, and details of the method of attachment to the building or the ground. The Zoning Officer shall issue a sign permit if all applicable standards of this Ordinance are adhered to.

CHAPTER 22 - ENFORCEMENT

22.00 REVOCATION OF PERMITS

Any permit issued by the Zoning Officer or municipal governing body shall be revoked by the Zoning Officer if the holder of such permit fails to comply with the requirements of this Zoning Ordinance or any conditions attached to the permit. Upon revocation of the permit, the holder may also be subject to enforcement remedies.

22.01 PENALTIES FOR VIOLATION

Any party which has violated the provisions of this Zoning Ordinance, upon being found liable in a civil enforcement proceeding, shall pay a judgment of not more than \$500 plus all court costs including reasonable attorney fees incurred by the municipality. No judgment shall be imposed or payable until the determination of a violation is made by the District Justice. If the defendant neither pays nor appeals the judgment in a timely manner, the municipality may enforce the judgment pursuant to the applicable rules of civil procedure.

- (A) Each day that a violation continues shall constitute a separate violation unless the District Justice, at his discretion, believes that the violator was unaware of the violation prior to being charged. In this case, the District Justice may determine that the first day of the violation is the fifth day after his determination that the violator was unaware of the violation.
- (B) All fines or judgments collected for violations shall be paid to the municipality.
- (C) The owner or tenant of any building, structure, premises or part thereof or any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violations may be found guilty of a separate offense and be subject to the penalties identified above.
- (D) Nothing contained in this section shall be construed or interpreted to grant any person or entity other than the municipality the right to commence any action for enforcement of this section.

22.02 NOTICE OF VIOLATION

- (A) If no permit has been issued for the use of a structure or any other work for which a permit is required by this Zoning Ordinance, the Zoning Officer shall issue an order to the parcel owner of record to immediately cease and desist, and shall file a citation before the District Justice and/or shall take such other legal action as is warranted.
- (B) If there is a violation of this Zoning Ordinance (other than lack of a permit as covered in (A) above), the Zoning Officer shall give a written enforcement notice to the owner of record of the violating parcel, and any other person requesting in writing by the owner of record, by certified mail or personal service, with an order to correct the violation within five days from the date of the enforcement notice.
- (C) The Notice shall contain the following information:
 - The name of the owner of record and any other person against whom the municipality intends to take action.
 - The location of the property in violation.
 - The specific violation describing requirements not met and the applicable provisions of the Zoning Ordinance being violated.
 - Dates for commencement of compliance and completion.
 - That the recipient of the violation notices has the right to appeal to the Zoning Hearing Board within a prescribed period of time as set forth in Section 18.22.
 - That failure to comply within the 30 days, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with penalties as set forth in Section 21.01.
- (D) If the violation is not corrected within 30 days, the Zoning Officer shall issue a written revocation of the zoning and/or occupancy permits and shall initiate a civil proceeding before the District Justice and/or take other legal action as warranted.

22.03 SCHEDULE OF FEES, CHARGES, AND EXPENSES

The municipal governing body shall, by resolution, establish a schedule of fees, charges, and expenses, as well as a collection procedure for zoning permits, amendments, appeals, variances, conditional use permits, plan approvals, and other matters pertaining to the administration and enforcement of this Zoning Ordinance, including required investigations, inspections, legal advertising, postage, and other expenses. The schedule of fees shall be available in the office of the Zoning Officer, and may be altered or amended only by the municipal governing body. No permit will be issued until the appropriate fee has been paid, and no hearing or appeal will be conducted until the requested deposit has been posted with the municipal governing body.

CHAPTER 23 - ZONING AMENDMENTS

The regulations, restrictions and boundaries set forth in this Zoning Ordinance may be amended, supplemented, changed or repealed as needed, provided that such actions follow the following provisions.

23.00 INITIATION

An amendment, supplement, change, or repeal of a portion of this Zoning Ordinance may be initiated by:

- (A) A resolution or request by the municipal governing body.
- (B) A proposal by the municipal Planning Commission.
- (C) A petition to the municipal Planning Commission by a property owner or contract purchaser on an application form prescribed by the municipal Planning Commission.

All requests for amendment, supplement, change, or repeal shall first be referred to the municipal Planning Commission.

23.01 PUBLIC HEARING AND NOTICE

Before voting on the enactment of an amendment, the municipal governing body shall hold a public hearing, pursuant to a public notice.

This hearing shall be held within 60 days of the receiving the request officially at a regularly scheduled meeting. Provisions for public hearings are included in Section 18.18 of this Zoning Ordinance.

In addition, if the proposed amendment involves a change to the Official Zoning District Map, notice of the public hearing shall be conspicuously posted by the municipality at points deemed sufficient by the municipality along the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing.

In addition to the above requirement that notice be posted, if the proposed amendment involves a change to the Official Zoning District Map, the municipality shall mail a notice of the public hearing, at least 30 days prior to the date of the hearing, by first class mail, to all real property located within the area being rezoned. Addresses shall be acquired from tax records within the possession of the municipality, as used for real estate tax bills. The notice shall include the location, date and time of the public hearing. A good faith effort and substantial compliance shall satisfy the requirements of this subsection.

This clause shall not apply when the rezoning constitutes a comprehensive rezoning.

23.02 AMENDMENTS INITIATED BY THE PLANNING COMMISSION

In the case of an amendment other than that prepared by the municipal Planning Commission, the municipal governing body shall submit such amendment to the municipal Planning Commission at least 30 days prior to the hearing on the proposed amendment, to provide the municipal Planning Commission with the opportunity to submit recommendations.

- (A) If, after any public hearing held regarding an amendment, the proposed amendment is changed substantially, or is revised to include land previously not affected by it, the municipal governing body shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
- (B) At least 30 days prior to the public hearing on the amendment, the municipality shall submit the proposed amendment to the Butler County Planning Commission for recommendations.
- (C) The municipality may offer a mediation option as an aid in completing proceedings authorized by this section. In exercising such an option, the municipality and mediating parties shall meet the stipulations and follow the procedures set forth in Article IX of the PA MPC.
- (D) Within 30 days after enactment, a copy of the amendment to the Zoning Ordinance shall be forwarded to the Butler County Planning Commission. (PA MPC does not require publication in a newspaper.)

23.03 LANDOWNER CURATIVE AMENDMENTS

Any landowner who wishes to challenge the validity of the Official Zoning District Map or any provision of this Zoning Ordinance which prohibits or restricts the use or development of the landowner's land, may submit a request for a curative amendment to the municipal governing body. It should include a written request that his challenge and proposed amendment be heard and decided as provided in Section 916.1 of the PA MPC.

- (A) The curative amendment and challenge shall be referred to the municipal Planning Commission and the Butler County Planning Commission at least 30 days prior to the public hearing.
- (B) The municipal governing body shall hold a public hearing within 60 days of receiving the request at a regularly scheduled meeting.
- (C) The hearing shall be conducted in accordance with Section 908 of the PA MPC, and Section 18.18 of this Zoning Ordinance.
- (D) If the municipality does not accept a landowner's requested curative amendment, and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for the entire Zoning Ordinance and Official Zoning District Map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.
- (E) The municipal governing body that determines that a validity challenge has merit may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment that will cure the challenged defects. The municipal governing body shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:
 - The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;
 - 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 the Zoning Ordinance or Official Zoning District Map;
 - The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, flood plains, aquifers, natural resources and other natural features;
 - 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
 - The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

23.04 MUNICIPAL CURATIVE AMENDMENTS

If a municipality determines that its Zoning Ordinance, or any portion thereof, is substantially invalid, it shall take the following actions:

- (A) The municipal governing body shall declare by formal action that all or part of its Zoning Ordinance is substantively invalid, and propose to prepare a curative amendment to overcome such invalidity.
- (B) Within 30 days of the declaration, the municipal governing body shall by resolution, make specific findings setting forth the declared invalidity of the Zoning Ordinance, which may include:
 - references to specific uses which are either not permitted or not permitted in sufficient quantity;
 - references to a class of use or uses which require revision; or
 - references to the entire ordinance which requires revisions.
- (C) Begin to prepare and consider a curative amendment to the Zoning Ordinance to correct the declared invalidity.
- (D) Within 180 days from the date of the declaration and proposal, the municipal governing body shall enact a curative amendment to validate, or reaffirm the validity of, its Zoning Ordinance, in order to cure the declared invalidity of the Zoning Ordinance.

- (E) Upon the initiation of the procedures set forth above, the municipal governing body shall not be required to consider any landowner's curative amendment, nor shall the be required to hear a challenge brought by the landowner or give a report subsequent to the declaration and proposal to remedy such invalidity.
- (F) Upon completion of the procedures set forth above, no rights to a cure shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unamended Zoning Ordinance for which there has been a curative amendment pursuant to this Section.
- (G) A municipality having utilized the procedures set forth in this Section may not again utilize said procedure for a 36-month period following the date of the enactment of a curative amendment, or reaffirmation of the validity of its Zoning Ordinance, provided, however, if after the date of declaration and proposal there is a substantially new obligation imposed upon the municipality by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the municipality may utilize the provisions of this section to prepare a curative amendment to its Zoning Ordinance to fulfill said obligation.

23.05 PUBLICATION, ADVERTISEMENT AND AVAILABILITY OF ZONING ORDINANCE

- (A) The Zoning Ordinance and any proposed amendments to it shall not be enacted unless notice of the proposed enactment is provided in the manner set forth in this section, and shall include the time and place of the meeting at which passage will be considered, and the place within the municipality where copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the actual cost.
- (B) The municipal governing body shall publish the proposed Zoning Ordinance or amendment once in one newspaper of general circulation in the municipality not more than 60 days nor less than 7 days prior to passage. Publication of the proposed Zoning Ordinance or amendment shall include either the full text thereof or the title and a brief summary, prepared by the municipal solicitor and setting forth all the provisions in reasonable detail.
- (C) If the full text is not included in the newspaper advertisement:
 - A copy shall be supplied to a newspaper of general circulation in the municipality at the time the public notice is published.
 - An attested copy of the proposed Zoning Ordinance or amendment shall be filed in the Butler County Law Library or other County office designated by the County Commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said Zoning Ordinance or amendments.
 - In the event that substantial changes are made to the proposed Zoning Ordinance or amendment, before voting upon enactment, the municipal governing body shall, at least 10 days prior to enactment, readvertise in one newspaper of general circulation in the municipality, a brief summary setting forth all the provisions in reasonable detail, together with a summary of the changes.
- (D) This Zoning Ordinance and amendments may be incorporated into the official ordinance book by reference with the same force and effect as if duly recorded therein.
- (E) Following enactment of the Zoning Ordinance or amendment, a copy shall be forwarded to the Butler County Planning Commission.

23.06 APPLICATIONS/FEES FOR AMENDMENTS

When an amendment is initiated by an owner or lessee of property within the area proposed to be affected by an amendment, an application shall be filed along with an application fee, which is identified in the municipal fee schedule. The application form and the amount of the fee shall be specified by the municipal governing body in a separate ordinance. Applications for any amendment to the Official Zoning District Map or any rezoning of any parcel, or group of parcels, shall be accompanied by a legal description of the subject property.

ENACTMENT

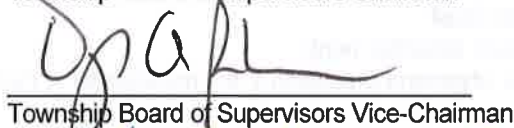
Be it ordained and enacted by the Township Board of Supervisors of Penn Township, Butler County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same, that from and after the passage of this ordinance, the several classes of districts specified herein shall be established and/or reestablished and the terms and conditions enumerated shall be in full force and effect.

ENACTED AND ORDAINED this 19 day of June, 2017.

ATTEST:


Township Secretary


Township Board of Supervisors Chairman


Township Board of Supervisors Vice-Chairman


Township Board of Supervisors Board Member

APPENDIX A - DEFINITIONS

ABANDONMENT: To cease or discontinue a use or activity without the intent to resume, but excluding temporary or short-term interruption to a use or activity during remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal use.

ACCESSORY: A use, building or structure, part of a building or other structure which is subordinate to, and the use of which is incidental to that of the main building, structure or use on the same lot, including a private garage. If an accessory building is attached to the main building by a common wall or roof, such accessory building shall be considered a part of the main building.

ACCESSORY BUILDING OR STRUCTURE: A building or structure containing an accessory use and located on the same lot with the principal use or structure, that is subordinate and incidental to the main or principal structure permitted on a lot, including, but not limited to, accessory storage buildings, gazebos, greenhouses for personal use, garages, swimming pools, decks, fences, signs and similar structures. Where accessory structures are attached to the main or principal structure, setbacks for the principal use shall apply. Accessory structures are not permitted where a principal use structure has not been erected on the lot.

ACCESSORY STORAGE BUILDING: Any building used exclusively for storage that will not be intended for human occupancy of the structure, which is on the same lot with and is subordinate to and customarily incidental to the principal use of the lot, including, but not limited to, a lawn and garden shed accessory to a dwelling, a cooler accessory to a restaurant or food store and an equipment shed, trailer, lean-to or shed accessory to a commercial or industrial building.

ACCESSORY USE: A use or activity that is subordinate and incidental to the principal use or structure of the property and that may occupy a separate structure and/or area on or in the ground, and is not permitted unless developed at the same time as, or later than, the principal, permitted use, including but not limited to a private greenhouse, loading space, private garage or parking area, farm buildings (e.g. barn, silo, etc.), sign, wall or fence, private kennel or stable.

ACTIVE RECREATION, HIGH-IMPACT - See "RECREATION, ACTIVE HIGH-IMPACT."

ACTIVE RECREATION, LOW-IMPACT - See "RECREATION, ACTIVE LOW-IMPACT."

ADAPTIVE REUSE: The reuse of an existing use and structure in combination, whether legally nonconforming or conforming and considered a minor land development for a use permitted by right in the district.

ADULT- or SEXUALLY-ORIENTED BUSINESSES OR SERVICES--RELATED DEFINITIONS

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

- **ADULT BOOKSTORE or ADULT VIDEO STORE:** Any commercial establishment having a substantial or significant portion of its stock-in-trade (materials offered for sale or rental to the public), including but not limited to, videos, compact discs, movies, books, magazines and other publications or media, which are distinguished or characterized by their emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined herein; or an establishment in which 5% or more of its display area or 5% or more of its inventory is devoted to the sale or display of such material .

- **ADULT- OR SEXUALLY-ORIENTED BUSINESS OR SERVICE:** Establishments where a substantial portion of the use is related to adult reading or viewing materials, visual representations, performances, or services characterized

by an emphasis upon specific sexual activities or anatomical areas. These include adult arcades, adult motels, adult bookstores or video stores, adult movie or motion picture theaters, adult-only entertainment establishment, adult mini movie theaters, adult movie houses, adult cabarets, escort agencies or services, nude model studios, sexual encounter centers, sexually oriented spas, and/or adult live theaters.

- **ADULT CABARET:** An establishment devoted to adult entertainment, either with or without a liquor license, presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to sexual activities or anatomical genital areas, and/or features topless dancers, go-go dancers, strippers, male or female impersonators or similar entertainers for observation by patrons.

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

- **ADULT MASSAGE PARLOR or SEXUALLY-ORIENTED SPA:** An establishment which provides massages of all kinds, during which nudity or sexual conduct is displayed, but not including massage therapy practiced by or under the supervision of a medical practitioner such as a medical doctor, physician, chiropractor or similar professional licensed by the commonwealth.

- **ADULT MATERIALS:** Media, matter, or services distinguished or characterized by the emphasis on specified sexual anatomical areas or specified sexual activities. Adult materials may include: books, magazines, newspapers, periodicals, pamphlets, posters, prints, pictures, photographs, slides, transparencies, figures, images, descriptions, motion picture films, videos, compact discs, laser discs, dvds, phonographic records, tapes, or other printed matter, visual representations, tangible devices or paraphernalia designed for use in connection with specified sexual activities, or any service capable of arousing prurient interest through sight, sound or touch.

- **ADULT MINI-MOTION-PICTURE and/or MINI-MOVIE THEATER:** An enclosed building with a capacity for accommodating fewer than 50 persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to sexual activities or anatomical genital areas, and/or which shows films rated "X" by the Motion Picture Coding association of America for public viewing and/or for observation by patrons therein.

- **ADULT MOTEL:** A hotel, motel or similar commercial establishment that offers accommodation to the public for any form of consideration, provides patrons with adult motion pictures by means of closed circuit television transmissions, films, videocassettes, dvds slides, or other photographic reproductions that are characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined herein, and has a sign visible from the public right-of-way that advertises the availability of adult and/or sexually explicit materials along with room rentals, or offers a sleeping room for rent for a period of time that is less than ten (10) hours, or allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

- **ADULT MOTION-PICTURE and/or MOVIE THEATER:** An enclosed building with a capacity for accommodating 50 or more persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to sexual activities or anatomical genital areas, and/or which shows films rated "X" by the Motion Picture Coding association of America for public viewing and/or for observation by patrons therein.

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

- **ADULT NIGHTCLUB:** Any establishment, including private clubs, which serves food and/or beverages, whether or not the consumption of alcohol is permitted on the premises, and which offers entertainment, either live or recorded, exhibiting nudity or sexual conduct, as defined herein, or which provides service by waitpersons who exhibit nudity or sexual conduct as defined herein.

- **ADULT-ONLY ENTERTAINMENT ESTABLISHMENT:** An establishment where the patron directly or indirectly is charged a fee; where the establishment features entertainment or services which constitute adult material, or which features exhibitions, dance routines, gyrational choreography, persons exhibiting specified sexual anatomical areas, strippers (male or female), female impersonators, or similar entertainment or services which constitute adult material.

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

- **ADULT THEATER/LIVE THEATER:** Any commercial establishment which features live shows for public viewing in which all or some of the performers display nudity or engage in sexual conduct, as defined in this ordinance.

- **ESCORT SERVICE OR AGENCY:** A business that provides a service by appointment or upon request where individuals leave one premises and go to another premises for a specified period of time for the purpose of engaging in nudity or sexual conduct as defined herein.

- **INTERNET SWEEPSTAKES CAFES:** Generally, internet sweepstakes cafes are consumer sales promotions that involve the use of computer-generated games following the purchase of a "game" card which entitles the purchaser to a phone card or a set amount of network access time (NAT). If the purchaser chooses, he or she can use the game cards to play online Vegas-style computer games. In playing these games, the purchaser can win more internet time and points that have no cash value (both of which are predetermined at the time the game card is purchased), but give them chances in sweepstakes where they can win money and/or prizes. Unless specifically used, the NAT or phone minutes never decrease while the purchaser "plays" the computer-generated games.

- **NUDE MODEL STUDIO:** Any place where a person who exhibits specified sexual anatomical areas is to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. A nude model studio shall not include a proprietary school licensed by the Commonwealth of Pennsylvania or a college, junior college, or university supported entirely or in part by public taxation, a private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation, or in a structure that has no sign visible from the exterior of the structure and no other advertising that indicates a person exhibiting specified sexual anatomical areas is available for viewing; where in order to participate in a class a student must enroll at least three days in advance of the class, and where no more than one person exhibiting specified sexual anatomical areas is on the premises at any one time.

- **SEXUAL ENCOUNTER CENTER:** An enterprise that, as one of its principle business purposes for any form of consideration, offers activities or physical contact, including wrestling or tumbling, between male and female persons and/or persons of the same sex when one or more of the persons exhibits or displays specified sexual anatomical areas for the purpose of specified sexual activities.

ADULT DAY CARE CENTERS: See "DAY CARE CENTERS, ADULT"

AGRIBUSINESS: The production principally for the sale to others of plants, animals or their products, including, but not limited to, organic fruits and vegetables, hydroponic vegetables, herbs, baked goods, wine, preserves, cider, wool, grain and feed crops, dairy animals and dairy products, beef cattle, poultry, sheep, bees and apiary products and nursery ornamental and greenhouse products on properties having an area of at least five acres but less than 10 acres. Agribusinesses shall not include swine production or feedlot operations.

AGRICULTURAL ACCESSORY STRUCTURE: structure on land used for an agricultural operation, designed, constructed and used to store farm implements, hay, grain, fruit or other agricultural products or to house livestock or poultry. An agricultural accessory structure shall not be used for human habitation, processing, treating, or packaging agricultural products.

AGRICULTURAL OPERATION: An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and

preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.

AGRICULTURAL RESEARCH AND DEVELOPMENT: The scientific investigation, research, testing, experimentation or engineering leading to the production of knowledge or end products which improve the practice of agriculture, including:

- A. Customary agricultural research and development.
- B. Agricultural research and development concerned with the improvement of crops and/or soil.
- C. Specialized agricultural research and development.
- D. Agricultural research and development concerned with genetic engineering or other aspects of livestock breeding improvement.

AGRICULTURE & RELATED OPERATIONS: Any use of land or structure for farming, dairying, pasturage, horticulture, floriculture, arboriculture, or animal or poultry husbandry, or the producing for sale or use, as a principal activity or use of the premises, of domestic livestock, dairy products, poultry, eggs, fruit, vegetables or other such crops typical of the locality; the work of cultivating the soil, producing crops, fowl or livestock, including the storage of farm equipment; *but not including* the raising of fur-bearing animals, agricultural research and development, boarding stables or riding academies, commercial composting or kennels, which are separately defined herein and regulated as a use by special exception under the terms of this ordinance. Accessory structures permitted in conjunction with an agricultural use may include barns, stables, corn cribs, silos, and any other use or structure that is clearly related to an agricultural operation.

AIRPORT: Any area of land, either public or private, which is used, or intended to be used, for the landing and takeoff of aircraft, and any appurtenant areas which are used, or intended to be used, for airport buildings and facilities thereon. Airports shall not include heliports.

AIRPORT ELEVATION: The highest point of an airport's usable land area measured in feet above sea level.

ALLEY: A public or private right-of-way which provides secondary access to a property or properties which is not the only means of access for any property, and is not intended for general traffic circulation.

ALTERATION: Any change, addition or modification to an existing structure that increases the height, volume, lot coverage or gross floor area of the principal or accessory structure; or any change in the structural members of a building, such as load-bearing walls, columns, beams or girders; or the moving of an existing structure from one location to another on the same site.

AMENDMENT: Any change in this Zoning Ordinance or the Official Zoning District Map, including the addition of new requirements, revision of existing requirements or deletion of obsolete requirements, officially approved by the municipal governing body necessitating public hearings and other approvals in accordance with procedures detailed in the Ordinance before becoming effective.

AMUSEMENT ARCADE: A business establishment having on its premises, and available for play by the public, at least four coin-operated amusement devices; or a part of a business establishment including at least four coin-operated amusement devices, the remainder of which is devoted to a permitted use, an approved conditional use or a nonconforming use.

ANIMAL, DOMESTIC: An animal that is tame or domesticated and not normally found in the wild state. Any animal customarily kept by humans for companionship, including but not limited to dogs, cats, birds, rabbits, hamsters, mice, turtles, and the like.

ANIMAL, DOMESTIC FARM: Cattle, calves, horse, mules, swine, sheep, goats, poultry or other similar birds and animals.

ANIMAL, DOMESTIC FOWL: Domesticated birds commonly associated with farms and used for eggs or meat, including chickens, ducks, geese, and turkeys.

ANIMAL, EXOTIC: Any member of a species of animal, reptile, or bird, warm or cold-blooded, that is not indigenous to the area or is not classified or considered as wildlife, livestock, or domestic animal.

ANIMAL HOSPITAL: An establishment for the medical or surgical treatment of animals and pets, including the boarding of hospitalized animals and animals not subject to medical or surgical treatment.

ANIMATED SIGN: See "SIGN, ANIMATED"

ANTENNA, SATELLITE DISH: A signal receiving device (antenna, dish antenna, or dish-type antenna) that receives communication or other signals from satellites in earth orbit or other extraterrestrial sources; or a low-noise amplifier which is situated at the focal point of the receiving component to magnify, store, transfer, or transmit electronic or light signals. Also, see WIRELESS TELECOMMUNICATION FACILITIES.

APARTMENT: A room, or suite of two or more rooms, designed as a dwelling unit for one family in a residential building containing at least one other similar dwelling unit. Such room or suite of rooms shall include cooking, bathing, food storage and toilet facilities for the exclusive use of the resident(s) of the room or suite of rooms, and shall have access directly or via a common hallway to the outside.

APARTMENT BUILDING: A residential structure including as least two apartments.

APARTMENT, CONVERSION: A room or suite of rooms designed or intended for occupancy or housekeeping by one family which is established in a portion of a building originally used or designed for residential use by a single family; such room or suite of rooms containing cooking, bathing, food storage and toilet facilities.

APARTMENT, EFFICIENCY: A one-room apartment, plus toilet. It shall contain kitchen, sanitary and bedroom facilities for the use of not more than two persons.

APARTMENT HOTEL: A building designed for or containing both apartments and individual guest rooms or suites, or rooms and apartments catering to permanent tenants but not transients, and which may furnish dining room service for the exclusive use of its tenants.

APARTMENT HOUSE or MULTIPLE DWELLING BUILDING: A building or a portion of a building, designed for occupancy by three or more families living separately from each other, and containing three or more dwelling units, each with its own cooking, food storage, bathing and toilet facilities.

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

APPLICATION FOR DEVELOPMENT: Every application, whether preliminary or final, required to be filed and approved prior to the start of construction or development, including, but not limited to, an application for a building permit, for the approval of a subdivision plat or plan, or for the approval of a land development plat or plan.

APPLIANCE REPAIR: Establishments primarily engaged in the provision of repair services to individuals or households, rather than businesses, but excluding automotive or equipment repair and including, but not limited to, bicycles, watches or jewelry, musical instruments or household appliances.

ARCHERY RANGE: See "SHOOTING RANGE"

ARCHITECTURAL DETAIL: Any projection, relief, cornice, column, change of building material, window, or door opening on any building.

AREA: Area of a lot or site shall be calculated from dimensions derived by the horizontal projection of the lot or site.

ARTERIAL STREET - See "STREET, ARTERIAL"

AS-BUILT PLANS: Plans and profiles prepared by an engineer or surveyor showing the exact location, size, grade, and depth of all public improvements after completion, including Y-branches and laterals for future connections.

ASSEMBLY HALL: A room, hall or building used for lectures, meetings and gatherings, other than a religious convocation.

ASSISTED LIVING FACILITY: See: Section I under "DWELLING TYPES"

AUCTION HOUSE: A structure or enclosure where goods, wares, merchandise, or equipment are sold by auction to the highest bidder. This definition excludes the sale of livestock or motor vehicles.

AUTHORIZED AGENT: A person or individual having the legal power of attorney for another person or company.

AUTOMOBILE, BOAT, TRAILER SALES AREA: An open area, other than a street, used for the display, sale and/or rental of new and/or used automobiles, boats, and/or trailers, and where no repair work is done except minor incidental repair - excluding body and fender work or spray painting of automobiles, boats or trailers that are to be displayed, sold or rented on the premises.

AUTOMOTIVE BODY or REPAIR SHOP: Any land, building, structure or premises used for the general repair, engine rebuilding or reconditioning of motor vehicles, collision service such as body, frame, and fender straightening and repair, and painting of motor vehicles. Towing may also be provided as an accessory use in commercial districts.

AUTOMOBILE AND GASOLINE SERVICE STATION: An occupancy which provides for:

A. The servicing of motor vehicles and limited operations incidental thereto, including the retail sale of petroleum products, tires, automotive accessories, and traveler needs directly to the motorist, but not including auto body repair or painting or the long-term storage of wrecked or junked cars.

B. The following operations/minor repairs, if conducted within an enclosed building, are included in this definition only if the retail sales of petroleum products is a part of the operation: automobile washing by hand; waxing and polishing of automobiles; tire changing and repair (excluding recapping or retreading); battery service, charging and replacement (excluding repair and rebuilding); radiator cleaning and flushing (excluding steam cleaning and repair, and installation of accessories); lubrication of motor vehicles; brake servicing limited to servicing and replacement of brake cylinders, lines and brake shoes; wheel balancing; the testing, adjustment and replacement or servicing of carburetors, coils, condensers, distributor caps, fan belts, filters, generators, points, rotors, spark plugs, voltage regulators, water and fuel pumps, water hoses, windshield wipers, and wiring; the conduction of State safety and emissions inspections; and the operation of a convenience store.

AUTOMOBILE WRECKER: Any person, corporation or enterprise engaged in automobile wrecking.

AUTOMOBILE WRECKING: The dismantling or wrecking of motor vehicles or trailers, or the storage, sale or dumping of dismantled, obsolete or wrecked vehicles or their parts.

AUTOMOBILE WRECKING or SALVAGE YARD: Any premises devoted wholly or in part to the dismantling or wrecking of motor vehicles or trailers, the storage, accumulation, recycling, sealing or the processing of junk or abandoned vehicles, and/or the sale or dumping of dismantled or partially dismantled, obsolete or wrecked vehicles or their parts. The collection and/or storage of two or more motor vehicles or trailers not in running condition or which do not have valid and current registration and a current and valid inspection sticker as required by the Motor Vehicle Code of the Commonwealth of Pennsylvania, shall be construed to be an automobile wrecking or salvage yard.

AWNING: A temporary or permanent structure extending out and over the upper part of a door, window, or porch and serving as protection from sun or precipitation, distinguished from a canopy by the lack of structural supports attached to the ground.

BANNER: Any sign of lightweight fabric or similar material that may or may not be permanently mounted to a pole, natural features, or vegetation, or to a building by a permanent frame at one or more edge. National, state or municipal flags shall not be considered banners.

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

BARNYARD: The portion of a farm property set aside to contain farm animals when not grazing or quartered in a barn.

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

BASIC GRADE: The average elevation of the proposed grade line of the ground at the front of the structure as shown on the construction plans. In the case of a structure abutting the front property line, the elevation of the curb in front of the center of the structure, or, if there be no curbing, the elevation of the proposed grade line at the center of the front lot line. In case no grade line is established, the actual grade of the traveled roadway shall apply.

BATHHOUSE: An establishment that provides baths of all kinds, including methods of hydrotherapy during which nudity or sexual conduct is displayed, not including hydrotherapy treatment practiced by or under the supervision of a medical practitioner, such as a medical doctor, physician, chiropractor or similar professional licensed by the Commonwealth of Pennsylvania.

BEACON: Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same premises as the light source; also, any light with one or more beams that rotates or moves.

BED AND-BREAKFAST & INN: A single-family dwelling or establishment that is the principal residence of the operator, where 15 or fewer sleeping rooms are offered to transient overnight guests for compensation and where breakfast is provided only to overnight guests, and where meals may or may not be served to the general public.

BERM: That portion of a street lying on either side of a cartway between the edge thereof and the adjacent road ditch, intended primarily for stopping and parking purposes.

BILLBOARD: Any sign, as defined herein, that advertises an establishment, person, activity, product or service that is unrelated to or not available on, the premises on which the sign is located.

BOARDING HOME FOR SHELTERED CARE: See Section H under "DWELLING TYPES"

BOARDINGHOUSE: See Section J under "DWELLING TYPES"

BOARDING STABLE or RIDING ACADEMY: The keeping of horses and ponies owned by persons other than the owner of the stable, or the rental of horses owned by the owner of the stable for a fee or other compensation, which may include training of horses, riding lessons or riding facilities. A minimum of 10 acres is required.

BODY PAINTING STUDIO: Any establishment that provides the service of applying paint or other substance, whether transparent or nontransparent, to or on the human body in a state of nudity, as defined herein.

BUFFER: A planted strip of land providing visual and environmental separation between conflicting land uses and protecting more exclusive areas from those that could deteriorate their value.

BUFFER AREA/ BUFFER YARD: A landscaped area which shall be planted and maintained in trees, grass, ground cover, shrubs, bushes or other natural landscaping material consisting of a mix of types and sizes of plant material that within three years of planting meets the standard of providing a compact year-round visual screen at least six feet in height, or an existing or constructed natural barrier that duplicates the effect of the required buffer area; within which, no structure is permitted except a wall or fence.

BUILDABLE AREA: That portion of a zoned lot bounded by the required front, side, and rear yards. When a yard is not required, the buildable area is the lot line.

BUILDING: Any man-made structure having a roof, including mobile homes and trailers. When a use is required to be within a "building," or where special authority granted pursuant to this ordinance requires that a use shall be with an entirely enclosed "building," then the term "building" means one so designed and constructed that all exterior walls of the structure shall be continuous from the ground to the roof line and shall contain no openings except for windows and doors which are designed so they may be closed. (See also "Completely Enclosed Building" and "Structure".)

BUILDING, PERMANENT: A building supported upon a foundation extending into the ground and constructed thereon, but not capable of being towed away later in one or several components.

BUILDING AREA: 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.

BUILDING, FRONT WALL OF: That wall of the building that faces the front lot line, regardless of which way the building is oriented.

BUILDING HEIGHT: The vertical distance measured from the basic grade at the front wall of the building to the highest point of the roof adjacent to the front wall for flat roofs; to the deck line for mansard roofs; or to the mean height between the eaves and the highest ridge for gabled, hip or gambrel roofs; and to the highest point on the roof for other types of roofs. Chimneys, spires, towers, domes, masts, mechanical penthouses, tanks, aerials and similar projections, other than signs, shall not be included in calculating the height, provided that they do not exceed the height limitation of the district by more than 15 feet and do not constitute more than 25% of the total surface area of the roof.

BUILDING LINE: A line parallel to the front, side or rear lot lines, set so as to provide the required building setback (yard).

BUILDING LINE, FRONT: An imaginary line located on the lot at a fixed distance from the street right-of-way line across the front of a property, and interpreted as being the nearest point that a building may be constructed relative to the street right-of-way for the zoning district in which the property is located. The front building line shall limit the location of porches and similar construction, except steps, to the face of this line.

BUILDING, MAIN: The building housing the principal use of the lot on which it is located.

BUILDING MOUNTED SIGN: See "SIGN, BUILDING MOUNTED"

BUILDING PERMIT: A document issued by the Municipality attesting that a proposal for construction meets all related requirements of this ordinance and other applicable requirements relative to the development and/or proposed construction, authorizing construction to commence, and indicating compliance with all applicable requirements of the Uniform Construction Code (UCC).

BUILDING AND/OR ZONING OFFICER: The individual authorized by the municipality to be the administrator of the daily application of the provisions of this zoning ordinance. The Building or Zoning Officer shall hold no elective office, have a working knowledge of the zoning, and meet the qualifications established for the position by the municipality.

BUSINESS OR COMMERCE: The purchase, sale, offering for sale, or other transactions involving the handling or disposition of any article, service, substance or commodity for livelihood or profit; or the management or occupancy of office buildings, offices, recreational or amusement enterprises; or the maintenance and use of buildings, offices, structures or premises by professionals and trades and/or persons rendering services.

CANOPY: A permanent roofed structure with supporting columns erected to protect sales and display areas or gasoline dispensing areas from the weather, not including any canvas, plastic, fabric or similar roofing material.

CANOPY SIGN: See "SIGN, CANOPY"

CARPOR: A structure to house or protect motor vehicles, which is open to the weather for at least 30% of the total area of its four sides.

CARRIAGE HOUSE: A detached residential use of an accessory nature on at least a 3-acre lot, designed to provide separate occupancy for family members and/or household employees.

CARTWAY: The paved area of a street or alley designed for vehicular traffic use. This does not include curbs, shoulders or surface areas outside the lane(s) of travel.

CAR WASH: A facility, whether automatic, semiautomatic or manual, for washing vehicles, including detailing of vehicles. It may be an accessory use to a convenience store.

CELLAR (Same as BASEMENT): That portion of a building having 1/2 or more of its height below the average grade of the adjoining ground.

CEMETERY: Property used or intended to be used for interring deceased humans and/or domestic pets, including family plots, crematories, mausoleums, and mortuaries, and that may include, as an accessory use, the sale of burial items, such as caskets, monuments and urns if operated in connection with and within the boundaries of such cemetery, also for which perpetual care and maintenance is provided.

CHANGEABLE LETTER SIGN: See "SIGN, CHANGEABLE LETTER"

CHANGE OF ZONE: The removal of a property or properties from one zoning classification and the assignment of the property or properties to a different classification.

CHECK CASHING FACILITY: A person or business that, for compensation, engages, in whole or in part, in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. A check cashing facility does not include a chartered bank, savings association, credit union, or industrial loan company, nor does it include a retailer engaged primarily in selling consumer

goods to retail buyers that cash checks or money orders for minimum flat fees, as a service that is incidental to its main purpose of business.

CHURCH: A building, other than a single-family dwelling or two-family dwelling, where a nonprofit organization conducts worship and/or religious instruction on a regular basis, and that may include administrative offices, social rooms, classrooms, day nurseries and other uses accessory thereto related to its mission and outreach.

CLEAR SIGHT TRIANGLE: An Area of unobstructed vision at a street intersection defined by lines of sight between specific points on the center lines of the intersecting streets. See the Township Construction Standards.

CLINIC or MEDICAL ARTS BUILDING: An establishment where several practitioners offer a range of related services to human patients, including, but not limited to, medical, dental, chiropractic, psychological and surgical diagnosis, treatment and/or counseling provided under the care of practitioners licensed by the commonwealth and their supporting staff, where said patients are not provided with board or room nor kept overnight on the premises, but where no surgery other than minor or emergency surgery is performed.

CLUB, PRIVATE MEMBERSHIP: An incorporated or unincorporated association of persons organized for a social, athletic, educational, literary or charitable purpose. Property occupied by a "club" shall be deemed to be semiprivate in character and shall be subject to the municipality's regulations governing public buildings and places – excluding groups organized primarily to render a service which is normally considered a business.

COIN OPERATED AMUSEMENT DEVICE: A mechanical, electronic or electrical machine which becomes ready to play by one or several operators upon the insertion of a coin or coins, and which depends on the skill and competence of operators competing among themselves of competing against the machine, for a prize or recognition. Each device shall be located so that a floor area of at least 15 square feet is maintained free of obstruction in front of, and/or on either side of, each device and, in addition, an aisle at least 4 feet in width is provided leading from the area containing the device(s) to building exits.

COLLECTOR STREET - See "STREET, COLLECTOR"

COMMERCIAL COMMUNICATIONS ANTENNA: Any structure designed for transmitting or receiving wireless communications of video, voice, data or similar transmission, including, but not limited to, omni directional or whip antennas, direction or panel antennas and satellite or microwave dish antennas, which is operated by any agency or corporation other than a public utility regulated by the Public Utilities Commission (PUC) or any agency, franchisee or authority of the municipality, Butler County or the Commonwealth of Pennsylvania or by any police, fire, emergency medical service or emergency management agency.

COMMERCIAL COMMUNICATIONS TOWER: Any structure, whether freestanding or attached to a building, that is operated by any agency or corporation other than a public utility regulated by the Public Utilities Commission (PUC) or any agency, franchisee or authority of the municipality, Butler County or the Commonwealth of Pennsylvania or any police, fire, emergency medical or emergency management agency, including monopole, self-supporting and guyed towers designed to support multiple essential communications antennas on one or more of the following types of mounts: rotatable platform, fixed platform, multipoint or side-arm mounts and pipe mounts for microwave dish antennas.

COMMERCIAL COMPOSTING: An operation engaged in a controlled process of degrading organic matter utilizing microorganisms for the purpose of selling the end product.

COMMERCIAL or FOR-PROFIT USE: An occupation, or enterprise involving the disposition of any article, substance, commodity or service, conducted for profit.

COMMERCIAL MESSAGE: Any wording, logo, or other representation (excluding telephone, paging or other communications numbers) that directly or indirectly names, addresses or calls attention to a business, product, service or other commercial activity.

COMMERCIAL SCHOOL: A secondary or higher educational facility primarily teaching usable skills that prepare students for jobs in a trade or the arts.

COMMERCIAL USE: An occupation, employment, or enterprise that is carried on for profit by the owner, lessee, or licensee.

COMMERCIAL WIND FARM: See "WIND FARM, COMMERCIAL"

COMMON OPEN SPACE: A lot, parcel, or parcels of land or any body of water, portions thereof or a combination thereof within a development site for the use and enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.

COMMUNICATION FACILITIES, ESSENTIAL: Uses and structures such as radio and television transmitting and receiving antennas, wireless communication equipment, radar stations, and microwave towers.

COMMUNICATION OR TELECOMMUNICATION TOWER: See "WIRELESS TELECOMMUNICATION FACILITIES"

COMMUNITY DEVELOPMENT OBJECTIVES: A statement required by the PA Municipalities Planning Code to appear in a zoning ordinance, demonstrating that the ordinance is based on a municipal master plan relative to land use, population density and location of streets and utilities.

COMMUNITY SEWAGE SYSTEM: Any system, whether publicly or privately owned, for the collection of sewage or industrial wastes of a liquid form from two or more lots, and the treatment and/or disposal of the sewage or industrial waste on one or more of the lots or at any other site.

COMMUNITY SUPPORTED AGRICULTURE (CSA): In basic terms, CSA consists of a community of individuals who pledge support to a farm operation so that the farmland becomes, either legally or spiritually, the community's farm, with the growers and consumers providing mutual support and sharing the risks and benefits of food production. Typically, members or "share-holders" of the farm or garden pledge in advance to cover the anticipated costs of the farm operation and farmer's salary. In return, they receive shares in the farm's bounty throughout the growing season, as well as satisfaction gained from reconnecting to the land and participating directly in food production. Members also share in the risks of farming, including poor harvests due to unfavorable weather or pests. By direct sales to community members, who have provided the farmer with working capital in advance, growers receive better prices for their crops, gain some financial security, and are relieved of much of the burden of marketing.

COMPARABLE USES NOT SPECIFICALLY LISTED: Uses which are not specifically listed in a particular zoning district, but which are determined by the Zoning Hearing Board, in accordance with the express standards and criteria set forth in this Ordinance, to be similar in characteristics and impacts to another use which is specifically listed in the same zoning district as a permitted, a conditional, or special exception use.

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

COMPREHENSIVE PLAN: A document based on study and analysis of a municipality, projecting growth and change and recommending measures to cope with such growth and change, such as creating or modifying a zoning ordinance which is effective only if arising directly from such a plan.

CONDITIONAL USE: A use permitted in one or more districts as defined by this ordinance, but which, because of characteristics peculiar to it or because of size, technological process, or equipment, or because of the exact location with reference to surroundings, streets, existing improvements or demands upon public facilities, requires a special degree of control to make such uses consistent with, and compatible to, other existing or permissible uses in the same district, and to assure that such use shall not be harmful to the public interest. Conditional uses can be granted only following a public hearing, recommendation by the Planning Commission, and approval of the governing body of the municipality in strict compliance with standards expressly outlined for such uses, and pursuant to the provisions in Article VI of the Pennsylvania Municipalities Planning Code. The governing body of the municipality may attach conditions to the approval of a conditional use.

CONDOMINIUM: Ownership is common with others of a parcel of land and certain parts of a building, together with individual ownership in fee of a particular unit or apartment in such building. Each individual has an absolute title to his apartment which he or she may sell, mortgage, or otherwise devise as he or she could with a single-family dwelling that he or she owned.

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

CONTIGUOUS: Sharing one or more common lot lines between properties, excluding properties that are separated by a street, railroad, utility or other right-of-way.

CONTOUR: An imaginary line connecting all points with the same elevation above or below a fixed point whose elevation is known.

CONVENIENCE STORE (WITH OR WITHOUT GAS STATION): A retail store primarily servicing customers in the immediate area that offers a limited selection of grocery, household and personal items for quick purchase and that may include a car wash or the dispensing of gasoline.

CONVERSION APARTMENT: A dwelling unit established from a portion of an already existing single-family dwelling. Each dwelling after conversion shall be provided with all the facilities normally found in a dwelling unit including adequate heat, light, ventilation, sanitary and washing facilities, cooking, food storage, and means of egress.

COUNTRY CLUB - See "GOLF COURSE OR COUNTRY CLUB (PRIVATE OR PUBLIC)"

COVENANT: A private agreement legally binding successor owners of a property to certain conditions regarding the use or development of property being purchased.

COVERAGE - See "LOT COVERAGE"

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

CROSS-SECTION DRAWING: A view drawn at right angles to the plane of the ground surface indicating existing and proposed configuration of the surface as part of a development plan.

CURATIVE AMENDMENT (LANDOWNER or MUNICIPAL): An amendment requested by a property owner challenging the validity of zoning regulations, as they apply to property in which he or she has an

interest. This requires municipal action on his or her petition for a municipal curative amendment, in which the governing body of the municipality declares, by formal action, that specific parts of the Zoning Ordinance are substantially invalid in order to cure the alleged defects.

CUT: An excavation; the difference between a point on the original ground and designated point of lower elevation on the final grade. Also, the material removed in excavation.

DAY CARE CENTER: A facility, licensed by the Commonwealth, located within a building which is not used as a dwelling unit, for the care, on a regular basis during part of a twenty-four-hour day, of children under the age of 16 or handicapped or elderly persons, while parents or guardians are at work. Refer to PA Code Section 3270.4 for Child Day Care requirements and Section 3280.4 for Group Child Day Care requirements.

DAY CARE CENTER, ADULT: A facility providing care for the elderly and/or functionally impaired adults in a protective setting for apportion of a 24-hour day.

DAY CARE, FAMILY: The care of pre-school or school-aged children between the hours of 6 AM and 9 PM on weekdays.

DAY CARE HOME: A facility, operated in compliance with the regulations established by the Commonwealth, located within a dwelling, for the care on a regular basis during part of a twenty-four-hour day of not more than six children under 16 years of age. This excludes care provided to children who are relatives of the provider, where such use shall be secondary to the use of the dwelling for living purposes, and where persons who do not reside in the dwelling shall not be employed. Refer to PA Code Section 3290.4 for Family Child Day Care Home requirements.

DAY SPA: A business establishment that provides one or more of the following services to customers who do not stay overnight on the premises: massage therapy, facials, body wraps, tanning, steam or sauna baths, herbal treatments, manicure, pedicure, nutritional counseling, yoga, exercise, aromatherapy, reflexology and relaxation therapy.

DECISION: Final adjudication of any board or other body granted jurisdiction under this ordinance or the Pennsylvania Municipalities Planning Code 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 Butler County.

DENSITY: A measure of the intensity of the use of the land, usually measured by the number of dwelling units per gross acre of land area, exclusive of public streets; or by the number of units per multiple family dwelling, or by the number of units in a residential development option plan.

DETERMINATION: Final action by an officer, body or agency charged with the administration of any land use ordinance or any applications thereunder, except the governing body of the municipality, The Zoning Hearing Board, and the Planning Commission. Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

DEVELOPER: Any land owner, agent of such land owner, or tenant with permission of such land-owner, who makes or causes to be made a subdivision of land or a land development.

DEVELOPMENT or DEVELOP: The improvement of a recorded parcel through the construction of a principal use for which all required permits have been issued.

DEVELOPMENT OF REGIONAL SIGNIFICANCE AND IMPACT: Any land development that, because of its character, magnitude, or location will have a substantial effect upon the health, safety, or welfare of citizens in more than one municipality.

DEVELOPMENT PLAN: The provisions for development, written and/or graphic, including: a planned residential development, a plat of subdivision, all covenants related to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities.

DIRECTIONAL OR INCIDENTAL SIGN: See "SIGN, DIRECTIONAL OR INCIDENTAL"

DISTRICT: An area accurately defined as to boundaries and location on an Official Zoning Map and within which area only certain types of land uses are permitted and within which other types of land uses are excluded, as set forth in this ordinance.

DISTRICT BOUNDARY: The edge of a zoning district where it abuts another district or a municipality boundary.

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

DORMITORY: A building used as group living quarters for a student body or religious order accessory to a school, convent, monastery or other institutional use having a number of sleeping rooms, often with shared occupancy and shared bathroom facilities.

DRAINAGE WAY: A sloping depression across the ground surface, either natural or man-made, that collects water runoff from higher surrounding land and carries it to a lower, larger stream, or to an underground pipe serving the same purpose.

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

DRIVEWAY – A private, vehicular passageway providing access between a street and a residence or private garage, but which does not provide access to any other lot or parcel under separate ownership than that of the residence or private garage.

DWELLING: A building designed exclusively for residential purposes, including single-family, two-family and multiple families, on a permanent basis, including mobile homes, cottages, and camp trailers, but not including hotels or motel units, including but not limited to the following dwelling types.

DWELLING TYPES: The following dwelling types are included in this ordinance:

A. SINGLE-FAMILY DWELLING: A detached building designed exclusively for occupancy by one family and containing one dwelling unit surrounded by open space on the same lot. This includes mobile homes on a permanent foundation not located in a mobile home park and manufactured housing bearing the seal of the U.S. Department of Housing and Urban Development (HUD), but not including mobile homes located in a mobile home park.

B. TWO-FAMILY DWELLING or DUPLEX: A building designed exclusively for occupancy by two families living independently of each other and containing two dwelling units. These units are totally separated by an unpierced wall extending from ground to roof, or an unpierced ceiling/floor extending from exterior wall

to exterior wall, except for a common stairwell exterior to both dwelling units. Each unit has its own direct access to the outside.

C. MULTIFAMILY DWELLING: A building designed exclusively for occupancy by three or more families living independently of each other and containing three or more dwelling units.

D. GROUP CARE FACILITY: Any supervised **long-term** group living arrangement licensed by the Commonwealth for any of the following:

(1) Persons who do not meet the definition of "mentally or physically handicapped" provided in the Fair Housing Amendments Act or the Americans with Disabilities Act.

(2) Persons who do meet the definition of "mentally or physically handicapped" provided in the Fair Housing Amendments Act or the Americans with Disabilities Act living in an institutional setting and not maintaining a common household.

(3) Persons who, whether handicapped or not, are criminal offenders, juvenile offenders or delinquents or who have been found by any governmental tribunal, court or agency to be a danger to society or who are under the jurisdiction of the criminal justice system, a governmental bureau of corrections or similar agency or institution.

E. TRANSITIONAL DWELLING: A dwelling unit occupied on a **short-term** basis by persons assigned by a court of law or public/semipublic agency and managed by a public/semipublic or nonprofit agency, responsible for the occupants' care, safety, conduct, counseling and supervision for a specified period of time. This includes alcoholic recovery, shelters for battered persons and their children, community re-entry services following incarceration, adult or juvenile prison assignment or correctional treatment, house arrest, juvenile out of home placements or other court-ordered treatment and other such short-term supervised assignments, or those unable to care for themselves because of mental or physical handicaps.

F. PERSONAL CARE HOME or BOARDING HOME: A facility (nonprofit or for-profit), licensed by the Commonwealth, and located within a dwelling or facility where room and board are provided to more than three permanent residents who are not relatives of the operator. These residents are mobile or semi-mobile and require specialized services in such matters as bathing, dressing, diet and medication prescribed for self-administration for a period exceeding 24 consecutive hours, and/or counseling and transportation services, but who are not in need of hospitalization or skilled nursing care or intermediate nursing care. For the purposes of this ordinance, personal care home or boarding home shall include assisted living facilities.

G. MODULAR DWELLING (MODULAR HOME): A single-family dwelling that is delivered to its site in at least two sections that are set upon a permanent foundation and the sections joined together, as required by the current edition of the Uniform Construction Code (UCC) in effect in the municipality. Such dwellings shall be certified as meeting the minimum standards for modular dwellings/ manufactured housing in Pennsylvania and shall be at least 20 feet wide for the entire length when assembled. Modular dwellings shall be permitted wherever single-family dwellings are allowed.

H. BOARDING HOME FOR SHELTERED CARE: A non-profit or for profit boarding home for the sheltered care of persons with special needs or problems, which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services, vocational training, recreation, and/or transportation.

I. ASSISTED LIVING FACILITY: A residential facility designed to provide dwelling units for elderly and/or handicapped persons who are independently mobile. On-site supervision and assistance is available to the residents on an as-needed basis, and at least one meal each day is provided in a common dining area. The facility includes certain design features associated with the needs of the elderly or handicapped, not customary in the construction of conventional dwelling units, such as emergency call systems, handicapped facilities, common dining facilities, common laundry facilities, minimal housekeeping, common leisure and recreational facilities, transportation services and similar supporting

services for the convenience of the residents. Refer to PA Code Section 2800.4 for Assisted Living definitions and requirements.

J. BOARDINGHOUSE: The same as lodging house, except that meals, with or without lodging, are provided for compensation by prearrangement for definite periods for three or more persons. "Boardinghouses" shall not be construed to mean rest homes or convalescent homes.

K GROUP HOME: A nonprofit or for-profit boarding home for the sheltered care of up to eight persons with special needs in addition to food and shelter and in need of supervision and rehabilitative services, and is licensed by the appropriate state and county agencies.

L. INDEPENDENT LIVING FACILITY: A residential facility designed to provide housing for elderly and handicapped persons who are independently mobile and not in need of supervision. The facility includes certain design features associated with the needs of the elderly or handicapped, not customary in the construction of conventional dwelling units, such as emergency call systems, handicapped facilities, common dining facilities, common laundry facilities, minimal housekeeping, common leisure and recreational facilities, transportation services and similar supporting services for the convenience of the residents.

M. LIFE CARE COMMUNITY: A residential development that provides a continuum of care for the elderly including three or more of the following uses: independent living facility, assisted-living facility, personal care boarding home or nursing home and which may or may not include conventional single-family dwellings and/or multifamily dwellings.

N. LODGING HOUSE: The same as boarding house, but where meals are not provided.

O. NURSING HOME, REST HOME, CONVALESCENT HOME, GUEST HOME, or HOME FOR THE ELDERLY: An institution licensed by the Commonwealth for the long-term, in-patient, overnight care of human patients requiring skilled nursing or intermediate nursing care, but not including surgical procedures or care and treatment of drug or alcohol addiction.

P. RESIDENTIAL CARE FACILITY: Any facility licensed by the State, public or private, for gain or otherwise, that regularly provides one or more persons with 24-hour substitute care, food, lodging, training, education, supervision, rehabilitation, and /or treatment that cannot be furnished in the person's home. These include: foster homes, halfway houses, residential treatment centers, maternity shelters, group homes, handicapped children's homes, residential programs, etc.

Q. RETIREMENT HOME: A place of residence for several families or individuals in apartment-like quarters, rented or condominium, which may feature services to retired persons such as limited nursing facilities, minimum maintenance living accommodations and recreation programs and facilities.

R. RETIREMENT COMPLEX: A planned residential development for persons of retirement age located on 10 acres or more which is held in one ownership and which provides certain health care facilities for the residents. Additional communal facilities may also include dining, recreation, open space, parking and related facilities and services.

S. TOWNHOUSE: A residential structure that has three or more dwelling units, each unit being separated from the adjoining unit or units by a continuous unpierced wall or walls extending from the basement or cellar floor, if one exists, or if one does not exist from the lowest ground floor to above the roof on a flat roof and to the ridgeline on other roofs; each unit being capable of being separately owned, having its own access to the outside on the ground level, both front and rear; having no other units above or below; and arranged to be not more than two rooms in depth, front to back.

T. OLDER ADULT DAILY LIVING CENTER: A premises operated for profit or not-for-profit in which older adult daily living services are simultaneously provided for four or more clients who are not relatives of the

operator for part of a 24-hour day. Refer to Chapter 11 of the PA Code www.pacode.com/secure/data/006/chpater11.

DWELLING GROUP: Two or more separate buildings, each containing one or more dwelling units.

DWELLING UNIT: A group of two or more connected rooms designed for or occupied by one family only, and containing cooking and food storage facilities, sleeping facilities, and, in a separate room, toilet and tub or shower, with hot and cold water supply, all for the exclusive use of the family occupying the dwelling unit. All rooms comprising a "dwelling unit" shall have access through an interior door, or interior doors, to all other parts of the dwelling unit.

EMERGENCY MEDICAL SERVICE: Services provided by medically trained personnel by a public, commercial or for-profit enterprise or a nonprofit organization operated from a facility maintained by said organization.

EARTH DISTURBANCE or ENVIRONMENTAL DAMAGE: The act of altering the natural balance of an area of land, thereby rendering it subject to erosion by wind and/or water typically due to the removal of vegetative cover and/or topsoil, or changing drainage patterns due to earthmoving activities, including filling, without compensating rehabilitation of the disturbed and/or surrounding area.

EARTH MOVEMENT or EXCAVATION or GRADING: The rearrangement of the earth's surface by excavation and/or filling to accommodate development.

EASEMENT: A right-of-way across private property generally for public utility lines, storm water, or for access to other properties, passage over which is guaranteed by the property owner/grantor to the grantee or those using the "easement".

EFFICIENCY APARTMENT - See "APARTMENT, EFFICIENCY".

ELECTRONIC NOTICE – Notice given by a municipality through the internet of the time and place of a public hearing and the particular nature of the matter to be considered at the hearing.

ENCLOSED STRUCTURES: A covered space surrounded by solid walls pierced by doors and windows, extending from the ground to the roof.

END WALL: Any wall of a residential building that contains no windows or only secondary windows to any apartment.

ENGINEER: A professional engineer licensed the Commonwealth of Pennsylvania.

ENTERTAINMENT FACILITY, INDOOR: Predominantly spectator uses conducted within an enclosed building, including motion picture theaters, concert or music halls, or sports. Facilities with less than 300 capacity are considered "small" and those with over 300 capacity are considered "large." See also RECREATION FACILITIES, INDOOR.

ENVIRONMENTALLY SENSITIVE AREAS: Lands, which because of their characteristics or locations, are limited with regard to development activities.

EQUIPMENT, MINOR: Non-vehicular items weighing less than 750 pounds.

EQUIPMENT, MAJOR: Items or devices weighing more than 750 pounds.

EROSION: The removal of surface materials by water, wind, ice, gravity, land disturbance, frost, or a combination thereof.

ESSENTIAL COMMUNICATIONS ANTENNA: Any structure designed for transmitting or receiving wireless communications of video, voice, data or similar transmission, including but not limited to, omni directional or whip antennas, directional or panel antennas and satellite or microwave dish antennas. They may be operated by a public utility regulated by the Public Utilities Commission (PUC) or by any agency, franchisee or authority of the municipality, Butler County or the Commonwealth of Pennsylvania or by any police, fire, emergency medical service or emergency management agency.

ESSENTIAL COMMUNICATIONS TOWER: Any structure, whether freestanding or attached to a building, operated by a public utility regulated by the Public Utilities Commission (PUC). They may be operated by any agency, franchisee or authority of the municipality, Butler County or the Commonwealth of Pennsylvania or by any police, fire, emergency medical or emergency management agency. They include monopole, self-supporting and guyed towers designed to support multiple essential communications antennas on one or more of the following types of mounts: rotatable platform, fixed platform, multipoint or side-arm mounts and pipe mounts for microwave dish antennas.

ESSENTIAL PUBLIC UTILITY INSTALLATION: Any part of the distribution and collection systems, other than continuous conduit, provided by public utilities. They are regulated by the Public Utilities Commission (PUC) or by any agency, franchisee or authority of the municipality, which is reasonably necessary to furnish adequate services within the municipality to the general public, including, but not limited to, water and sewage treatment plants, water towers or other water storage structures, regulators, lift stations, pumping stations and similar facilities.

ESSENTIAL SERVICES or ESSENTIAL SERVICE FACILITIES: The provision by continuous conduit, erection, construction, alteration or maintenance of distribution and collection systems by public utilities. They are regulated by the Public Utilities Commission (PUC), or any agency, franchisee or authority of the municipality, and include underground or overhead gas, electrical, telephone, steam or water lines, sewers, fire alarm boxes, traffic signals, hydrants, cable television (not including towers) and accessories necessary to furnish adequate services to the general public within the municipality.

EXCAVATION: Any act by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated, or disturbed and any resulting conditions.

EXPLOSIVE: Any chemical compound mixture or device, the primary and common purpose of which is to function by explosion with substantially simultaneous release of gas and heat, the resulting pressure being capable of producing destructive effects.

FAÇADE, PRINCIPAL: Any wall of a residential building that contains all the windows of any apartment.

FAMILY:

An individual; two or more persons related by blood, marriage or adoption; or not more than three unrelated persons living as a single housekeeping unit. A family may also include domestic servants and gratuitous guests. The foregoing restrictions do not apply to persons with disabilities as defined in the Fair Housing Act, 42 U.S.C. § 3601 et seq.

FAMILY DAY CARE: See "DAY CARE, FAMILY"

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

FARM (ROADSIDE) STAND: A building or structure used for the retail sales of fresh fruits, vegetables, flowers, herbs, or plants. May also involve the accessory sales of other unprocessed foodstuffs, home processed food products such as jams, jellies, pickles, sauces, or baked goods, and home-made handicrafts.

FARMETTE: An accessory use on a lot which does not meet the 10-acre minimum acreage requirements for a farm where the principal use is a single-family dwelling and the accessory use is limited to activities authorized in the definition of "agriculture," provided that this accessory use does not constitute the principal source of income for the residents of the dwelling and utilizes a minimum of 5 acres.

FENCE or WALL: A structure, including entrance and exit gates or openings, designed and constructed for the purpose of enclosing space or separating parcels of land, screening, protection confinement and/or privacy. The terms "fence" or "wall" shall not include retaining wall.

FILL: Earth material excavated elsewhere, deposited upon undisturbed earth in the process of grading for land development.

FIRING RANGE: See "SHOOTING RANGE"

FLAG: Any fabric, banner or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision or other entity.

FLAG LOT: See "LOT, FLAG"

FLAT WALL SIGN: See "SIGN, FLAT WALL"

FLOOD: The temporary condition of partial or complete inundation of normally dry land areas from: the overflow of inland waters and/or the unusual and rapid accumulation of runoff of surface waters from any source.

FLOODPLAIN: A normally dry land area adjacent to a stream channel or channels, that is susceptible to being inundated by overbank stream flows. For regulatory purposes, the Floodplain Management Act (Act of October 4, 1978, P.L. 851, No. 166) and regulations pursuant to the Act and delineated on a map produced by FEMA, shall dictate. (*Current Floodplain Ordinance*, as amended, shall regulate construction within designated floodplain areas.

FLOOD PRONE AREA: The land surface abutting a stream or drainage way that is inundated during the course of a flood, which is likely to occur every one hundred years.

FLOOR AREA RATIO (FAR): The total floor area of all buildings or structures on a zoning lot, divided by the area of said lot.

FOOD PROCESSING PLANT: A manufacturing plant designed to process food products, other than meat from live animals, for sale, which processing may include the cooking, baking, freezing and packaging of such products.

FOREST: A stand of trees covering an area greater than one-half acre (21,780 SF), where the majority of the trees are a minimum of twelve inches in diameter.

FORESTRY ACTIVITIES/ TIMBER HARVESTING: The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transplanting and selling trees for commercial purposes, which does not involve any land development. The PA Municipalities Planning Code Section 603 f states that "timber harvesting shall be a permitted use by right in all zoning districts in every municipality."

FRATERNAL ORGANIZATION (LODGE): A group of people formally organized for a common interest which holds regular meetings at which dining, drinking, and entertainment for the enjoyment of dues-paying members and guests may be provided, and which has formal written membership requirements.

FREE-STANDING SIGN: See "SIGN, FREE STANDING"

FRONTAGE: The distance between side property lines of any property, measured along the right-of-way line of the street to which the property has access.

FRONT BUILDING LINE - See "BUILDING LINE, FRONT"

FRONT LOT LINE - See "LOT LINE, FRONT"

FRONT WALL OF BUILDING - See "BUILDING, FRONT WALL OF"

FRONT YARD - See "YARD, FRONT"

FUNERAL HOME: A building used for the embalming of deceased human beings for burial and/or for the display of the deceased and ceremonies connected therewith before burial or cremation and the display and sale of caskets, urns and other burial items as accessory uses.

FUTURE GROWTH AREAS: An area of a municipal or multi-municipal plan outside of and adjacent to a designated growth area where residential, commercial, industrial or institutional uses and development are permitted or planned at varying densities, and public infrastructure services may or may not be provided, but where future development at greater densities is planned to accompany the orderly extension of public infrastructure services.

GARAGE, PARKING - See "PARKING GARAGE"

GARAGE, PRIVATE: An accessory building or an accessory portion of the principal building, enclosed on not fewer than three sides, not being accessible to the general public and designed or used for shelter or storage of private vehicles and personal property of the occupants of the principal building, but not intended to house an automotive repair facility.

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

GAS STATION, FULL-SERVICE: A facility limited to retail sales to the public of gasoline, motor oil, lubricants, motor fuels, travel aides, and minor automobile accessories. In addition, the facility **MUST** provide minor vehicle servicing, minor repairs and maintenance, and **MAY** provide engine rebuilding (but not reconditioning of motor vehicles), collision services such as body, frame, or fender straightening and repair, or overall painting of automobiles.

GAS STATION, LIMITED-SERVICE: A facility limited to retail sales to the public of gasoline, motor oil, lubricants, motor fuels, travel aides, and minor automobile accessories. In addition, the facility **MAY** provide minor vehicle servicing, minor repairs and maintenance, including engine rebuilding (but no reconditioning of motor vehicles), collision services such as body, frame, or fender straightening and repair, or overall painting of automobiles.

GAS STATION MINI MART: An establishment offering the retail sale of petroleum products and which may include the sale of prepackaged food items and tangible consumer goods, primarily for self-service by the consumer. hot beverages, fountain-type beverages, and pastries may be included in the food items for sale.

GRADING: The process of changing the natural surface of the land in order to carry out a development plan.

GOLF COURSE or COUNTRY CLUB (PUBLIC OR PRIVATE): A miniature golf course, golf driving range or a recreational facility that has a course, with a minimum of nine regulation size holes, for playing golf as its principal use and that may have a clubhouse, locker rooms, restaurant, swimming pool, pro shop, facilities for racquet sports, maintenance facilities and similar facilities as accessory uses.

GOVERNING BODY OF THE MUNICIPALITY: City Council, Borough Council, Township Board of Supervisors; also referred to as Municipal Governing Body.

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

GROUP HOME: See "DWELLING TYPES" Section K

GUN AND ARCHERY RANGE, OUTDOOR: An outdoor facility that may or may not include a clubhouse, but which includes facilities for one or more of the following activities: archery, target shooting, skeet or trap shooting, marksmanship and similar activities.

HEALTH CLUB: A commercial recreational enterprise or private club which has as a principal use a gymnasium, swimming pool, tennis, racquet or handball courts or exercise facilities, including locker rooms and showers and which may offer massages, whirlpool baths, steam rooms, saunas and/or medical facilities as accessory uses to the principal use and which may include the sale of food and beverages to patrons when incidental to the principal use, but not including a restaurant or bar.

HEARING: An administrative agency proceeding conducted by the Zoning Hearing Board pursuant to public notice.

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

HELIPAD: An area designed for take off and landing non-fixed-wing aircraft.

HIGH-IMPACT ACTIVE RECREATION - See "RECREATION, ACTIVE, HIGH-IMPACT"

HIGHWAY, MAJOR: A transportation facility designed to accommodate large volumes of traffic. For the purposes of this ordinance, Interstate Route 79 shall meet this definition.

HOME-BASED BUSINESS (NO IMPACT): A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

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

HOME GARDENING: Growing of flowers, plants or vegetables for consumption by the persons residing on the premises and not for sale, either on or off the premises, including backyard composting for personal use.

HOME OCCUPATION: An accessory use of a service character conducted on a regular basis, made available to the general public and intended to generate a profit, customarily conducted entirely within a dwelling by the residents thereof plus not more than one paid employee not resident in the dwelling, and may involve the storage of materials or stock-in-trade related to the home occupation. The use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the dwelling. Off-street parking must be provided at an amount of one space per 300 sq.ft. of floor area used for the business, or fraction thereof. Identification of the business may be not more than one nameplate sign, which is not more than three SF in area. The following business activities may be permitted:

- A. Professional services (including incidental retail sales) limited to barber shop, beauty shop, dressmaking and alterations, tailor, insurance sales, real estate sales, photo or artist's studio, notaries public, sale and/or service of individual musical instruments, music and voice instruction and tutoring, or similar uses.
- B. Professional services, limited to those practicing individually as doctors, chiropractors, osteopaths, attorneys, engineers, surveyors, architects, ministers of religion, public accountants or similar uses.
- C. Door-to-door salesmen or manufacturer's representatives who conduct their business by phone or from their cars, but not including large stocks of merchandise for sale stored on the premises.
- D. Business of individuals confined to their homes by permanent disability.
- E. If the home occupation is proposed for a rented dwelling, the renter shall obtain written permission from the dwelling owner to open the home occupation before an occupancy permit may be issued by the Zoning Officer.

HOME OWNERS ASSOCIATION: An organization of all property owners in a residential option plan with responsibility to maintain all those areas of, and facilities within, the plan not sold to private owners, taken over by public bodies or retained by the developer, primarily including common open space and common facilities.

HOSPITAL: An establishment licensed as such by the Commonwealth to provide facilities and services to human patients that may include: surgery; obstetrics; clinical, temporary and emergency services of a medical or surgical nature; those suffering from mental or nervous disorders, and alcoholics. Hospitals may or may not include facilities for major surgery, and may be publicly or privately operated.

HOSPITAL, ANIMAL - See "ANIMAL HOSPITAL"

HOTEL or MOTEL: An establishment with six or more sleeping units that provides transient lodging accommodations for compensation to the general public that each have independent access to a common interior corridor or that each have independent access directly to the outside and that may provide additional supporting services such as restaurants, meeting rooms, recreational facilities, accessory shops and services catering to the general public, and living quarters for a resident manager or proprietor.

IMPACT FEE: A charge or fee imposed by a municipality on new development in order to generate revenue for funding the costs of transportation improvements necessitated by, and attributable to, that new development.

IMPROVEMENT BOND: Surety, in a form acceptable to the municipal solicitor, such as cash, certified check or irrevocable letter of credit from a federal or commonwealth-chartered lending institution, a corporate performance bond or a labor-and-material payment bond from a surety company authorized to conduct business in the Commonwealth. Said bond guarantees the satisfactory completion of improvements required by this Ordinance or the municipality's SALDO.

IMPROVEMENTS: Those physical changes to the land necessary to produce usable and desirable lots from raw acreage, including but not limited to: grading, paving, curb, gutter, storm sewers, individual sanitary sewage system, improvements to existing water courses, sidewalks, crosswalks, street signs,

monuments, water supply and water distribution systems and facilities, sanitary sewers, sanitary sewerage collection systems, sanitary sewage treatment plant facilities, and construction and/or demolition of a structure or structures.

IMPROVEMENTS, OFF-SITE: Public Improvements which are not on-site improvements and that serve the need of more than one development.

IMPROVEMENTS, ON-SITE: All improvements constructed on an applicant's property, or the improvements constructed on the property abutting an applicant's property necessary for the ingress and/or egress to the applicant's property, and required to be constructed by the applicant pursuant to any applicable municipal ordinance, including, but not limited to, the municipal building code, subdivision and land development ordinance, PRD regulations, and/or zoning ordinance.

IMPROVEMENTS, PRIVATE: All streets, walkways, gutters, curbs, sewers, water lines and other utilities or related facilities, but not including driveways and parking areas, to be operated and maintained by a private entity, but which must be constructed in accordance with Penn Township SALDO regulations.

IMPROVEMENTS, PUBLIC: All streets, walkways, gutters, curbs, sewers, water lines and other utilities or related facilities to be dedicated and/or maintained by Penn Township.

INCIDENTAL RETAIL SALES: Sale at retail price of goods produced in a manufacturing plant on the same premises.

INDEPENDENT LIVING FACILITY: See "DWELLING TYPES" Section L

INDOOR AMUSEMENT/RECREATION: An enterprise operated for profit in a completely enclosed building that offers amusement or entertainment to the general public, including, but not limited to, a movie theater (other than an adult motion-picture theater or adult mini-motion-picture theater), a live theater (other than an adult live theater), a video arcade, a roller rink, a dance hall, a shooting gallery, gun or archery range, a bowling alley, a billiards parlor, a game room or similar uses.

INDUSTRIAL OR INDUSTRY, LIGHT: Establishments engaged in the indoor manufacturing, assembly, fabrication, packaging, or other industrial processing of finished products or parts, primarily from previously prepared materials, or the indoor provision of industrial services, where there are few external effects across property lines. This includes, but is not limited to businesses engaged in the processing, fabrication, assembly, treatment, or packaging of food, textiles, leather, wood, paper, chemical, plastic, or metal products, but does not include basic industrial processing from raw materials. It can also include uses such as wholesale activities and mini-warehouses.

INDUSTRIAL OR INDUSTRY, GENERAL: Establishments engaged in manufacturing, assembly, fabrication, packaging or other industrial processing of products primarily from raw materials, or the bulk storage and handling of such products and materials, or an industrial establishment having potential to produce noise, dust, glare, odors, or vibration beyond its property line. This includes but is not limited to specialized operations that require good transportation access and facilities (possibly including rail), significant electric and gas service, high-speed fiber, public services such as transit, significant parking facilities, and other facilities and services not conducive to residential or commercial areas.

INDUSTRIAL, PLANNED: A development of land, used primarily for industrial and related uses, that is under unified control and is planned and developed as a whole in a single development operation or is a series of development stages. The development generally includes streets, circulation ways, utilities, buildings, open space, and other site features.

INSTITUTIONAL BUFFER: That area between the perimeter security, as defined herein, which is required for a correctional facility, and the property line of the site on which a correctional facility is located.

INSTITUTIONAL USE: A non-profit or for-profit, religious, or public use, including but not limited to churches; public, private or parochial schools; juvenile detention or correctional facilities; foundations; hospitals; or government owned or operated structures or land used for public purposes.

INTERNALLY ILLUMINATED SIGN: See "SIGN, INTERNALLY ILLUMINATED"

INTERNET SWEEPSTAKES CAFÉ: See ADULT BUSINESS-RELATED DEFINITIONS.

JUNK DEALER: Any person or enterprise having a fixed place of business in the municipality and engaged in conducting, managing or carrying on the business, either wholesale or retail, of buying, selling, salvaging, recycling or otherwise dealing in junk, as defined by this Zoning Ordinance.

JUNK VEHICLE: Any self-propelled, fuel-powered vehicle, that has any part of the body missing, a broken windshield, a wheel or wheels off, motor out, transmission out, or missing any part that prevents the vehicle from moving on its own power. Also included is any other mobile equipment that has parts missing that is pulled or towed by another fuel-powered vehicle. This shall not apply to farm vehicles or equipment.

JUNKYARD: Any premises devoted wholly or in part to the storage, buying or selling, salvaging, recycling or otherwise handling or dealing in junk, as defined by this ordinance.

JUVENILE INCARCERATION FACILITY: A facility operated under the laws of the Commonwealth of Pennsylvania for up to 120 juveniles that provides for the twenty-four-hour incarceration and confinement of juveniles adjudicated to be delinquent by the Pennsylvania Juvenile Court System or juveniles requiring incarceration and confinement by virtue of having been determined to be prosecuted as adults while committing crimes as a juvenile, and limited to juveniles to be incarcerated or confined for serious criminal offenses and not including juveniles eligible to reside in a juvenile personal care home/child residential facility or other such less restrictive residential setting.

KENNEL, PRIVATE: A structure and/or premises where, at any one time, less than four dogs, cats, birds, or other domesticated animals, which are less than six months old, are housed, groomed, nurtured, kept, bred, trained, and/or boarded, but are not sold for profit. Exotic animals are not permitted in a private kennel.

KENNEL, COMMERCIAL: A structure and/or premises where, at any one time, four or more dogs, cats, birds or other domesticated animals are housed, groomed, nurtured, kept, bred, trained, boarded, and/or sold for a profit or not. Exotic animals are not permitted in a commercial kennel.

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

- A. 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, including any change of use or structural alteration which results in additional lot coverage by structures and/or paving, as regulated by the municipality's Code of Ordinances entitled "Subdivision and Land Development"; or
- B. 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.
- C. A subdivision of land.
- D. Development in accordance with Section 503(1.1) of the PA MPC.

LANDFILL: A disposal site in which refuse and earth, or other suitable cover materials, are deposited and compacted in alternative layers of specified depth in accordance with an approved plan. Such use shall not include the disposal or processing of hazardous or radioactive materials.

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.

LANDSLIDE-PRONE AREA: Land that is susceptible to movement or sliding, as identified in the Soil Survey of Butler County, prepared by the Soil conservation Service of the US Department of Agriculture; or as identified on the Landslide Susceptibility Map of Butler County; or as established by geotechnical investigation.

LANE: A private street or road that provides primary access to a land owner's property and/or dwelling.

LEVEL OF CUSTODY: Categories of security and supervision established by the Pennsylvania Department of Corrections and recommended by the American Correctional Association (ACA) document entitled "Standards for Adult Correctional Facilities," which standards are based on inmate history and behavior, the length of sentence and the nature of risk posed to the general public and other inmates. In the event of a conflict in the application of this ordinance between the respective definitions of levels of custody specified by the Pennsylvania Department of Corrections and the levels of security specified by the American Correctional Association (ACA), the more restrictive requirements for security shall apply.

LIFE CARE COMMUNITY: See "DWELLING TYPE" Section M

LODGING HOUSE: See "DWELLING TYPE" Section N

LOADING SPACE: A space accessible from a street or way, in a building or on a lot, for the temporary use of vehicles while loading or unloading merchandise or materials,

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

LOT AREA or SIZE: The total area within the lot lines, excluding the area within any street or public right-of-way.

LOT, BUILDABLE AREA: That portion of a lot bounded by the required front, rear and side yard setbacks.

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

LOT DEPTH: The mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines.

LOT, FLAG: A lot approved with less frontage on a public street, generally required to have a minimum of 50 feet in width, where a narrow panhandle access corridor leads to the bulk of the lot located behind lots or parcels with normally required street frontage.

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

LOT, INTERIOR: A lot which abuts other lots on each side.

LOT LINE: A line of record bounding a lot which divides one lot from another lot or from a public or private street or other public space.

LOT LINE, FRONT: That lot line that is contiguous with the street center line or the street right-of-way line or, in the case where the lot does not abut a street, that lot line through which access to a street is provided.

LOT LINE, REAR: That lot line which is generally opposite the front lot line.

LOT LINE REVISION: Refer to the municipality's SALDO.

LOT LINE, SIDE: Any lot line which is not a front lot line or rear lot line.

LOT, NONCONFORMING - See "NONCONFORMING LOT"

LOT OF RECORD: A lot described in a deed, or shown on a plan of lots, which has been recorded in the office of the Recorder of Deeds of Butler County, PA.

LOT TYPES: The diagram immediately following this definition illustrates terminology used in this ordinance with reference to corner lots, interior lots and double frontage lots. The lots are lettered to show the lot types indicated by definitions lettered A through C below.

A. CORNER LOT: A lot abutting two streets that intersect next to one corner of the lot.

B. INTERIOR LOT: A lot other than a corner lot with only one frontage on a street other than an alley.

C. DOUBLE FRONTAGE LOT (also called "Through Lot"): A lot that has frontage on two public streets that do not intersect adjacent to the lot.

LOT WIDTH: The distance between the side lot lines measured along the front building line of a lot.

LOT, ZONING: A parcel of land, fronting on a street, which is or may be occupied by a main structure or a group of buildings with accessory uses and structures and the open spaces required under this Ordinance.

LOW-IMPACT ACTIVE RECREATION - See "RECREATION, ACTIVE, LOW-IMPACT"

MANUFACTURING, LIGHT: See "INDUSTRIAL, LIGHT"

MANUFACTURING, HEAVY: See "INDUSTRIAL, GENERAL"

MANUFACTURED HOME: A dwelling unit, designed and built in a factory, which bears a seal certifying that it was built in compliance with the Federal Manufactured Housing Construction and Safety Standards Law of 1974 (42 U.S.C. 5401 et seq.) and which is constructed after January 1, 1981, and which exceeds nine hundred fifty square feet of occupied space. Also known as a modular home.

MARQUEE: A fixed shelter used only as a roof and extending beyond a building line, a building wall or street lot line, and which is supported by the building to which it is attached, or which is freestanding.

MASSAGE PARLOR: An establishment other than one operated by a medical practitioner, chiropractor or professional physical therapist licensed by the commonwealth, that provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, but not including an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

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

MEMBERSHIP CLUB: An organization established for the mutual benefits of its members, income of which is used for operation of the club or for charitable purposes, and whose premises contain no residential accommodations except for a caretaker or manager and his family, and is qualified under Section 5019(c) of the Internal Revenue Code.

METHADONE CLINIC/ TREATMENT CENTER: A facility licensed by the Pennsylvania Department of Health to use the drug methadone in the treatment, maintenance or detoxification of persons.

MINERALS: Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat but not including crude oil and natural gas.

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

MIXED USE BUILDING: A building with one or more dwelling units in the same building with one or more commercial or office uses.

MIXED USE DEVELOPMENT: A development that provides for a mixture of land uses possibly including, but not limited to single-family and multi-family residential, commercial, medical and institutional services, office, recreational, green space, and light industrial.

MOBILE HOME: A transportable single-family dwelling intended for permanent occupancy by one family, contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing. It arrives at a site complete and ready for occupancy except for minor assembly and connecting operations and contains its own toilet, bathing, cooking and food storage facilities, and is constructed so that it may be used without a permanent foundation. Said unit having an overall width of 16 feet or less that bears the seal of the Department of Housing and Urban Development (HUD).

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

MOBILE HOME PARK: A parcel or contiguous parcels of land under single ownership that has been so designed and improved that it contains two or more mobile home lots for the placement thereon of mobile homes, regulated by the municipality's SALDO.

MODIFICATION OR WAIVER: See "WAIVER"

MODULAR DWELLING - See Section G under "DWELLING TYPES"

MOTEL: A group of attached or detached buildings containing individual sleeping units where the units may open individually and directly to the outside and where a garage is attached to or a parking space in conveniently located to each unit, all for the temporary use by automobile tourists or transients, and such word shall include tourist courts, motor courts, automobile courts, and motor lodges. Also, see "hotel or motel."

MULTI-MUNICIPAL PLAN: A plan developed and adopted by any number of contiguous municipalities.

MULTI-MUNICIPAL PLANNING AGENCY: A planning agency comprised of representatives of more than one municipality and constituted as a joint municipal planning commission in accordance with Article XI of the PA MPC, or otherwise by resolution of the participating municipalities, to address, on behalf of the

participating municipalities, multi-municipal issues, including, but not limited to, agricultural and open space preservation, natural and historic resources, transportation, housing and economic development.

MULTIPLE DWELLING - See Section C under "DWELLING TYPES."

MUNICIPALITY: The Municipality of Penn Township, Butler County, Pennsylvania.

NIGHTCLUB: A restaurant or portion thereof or any other establishment serving food and drink, whether or not the consumption of alcoholic beverages is permitted or allowed on the premises, that has a seating capacity of 100 patrons or more and that offers entertainment, either live or recorded, and that is characterized by low light levels and closely placed tables around a stage, bandstand or dance floor.

NONCONFORMING LOT: Any lot, the area or dimension of which was lawful prior to the adoption or amendment of this ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

NONCONFORMING SIGN: A sign lawfully existing at the time of the enactment of this Ordinance (or as amended), which does not conform to the sign regulations applicable in the district in which it is located. Also, any sign that does not conform to the provisions of this Ordinance.

NONCONFORMING STRUCTURE: A structure or part of a structure that does not comply with the applicable area and bulk provisions of this ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this ordinance or amendment or prior to the application of this ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

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

NONPROFIT ORGANIZATION: Any person(s), partnership, association, corporation or other group whose activities are conducted for unselfish, civic or humanitarian motives, or for the benefit of others, and not for the gain of any private individual or group, including, but not limited to, patriotic, philanthropic, social service, welfare, benevolent, educational, civic, fraternal, cultural, charitable, scientific, historical, athletic or medical activities.

NUDE MODEL STUDIO: Any place where a person who exhibits specified sexual anatomical areas is to be observed, sketched, drawn, painted, sculptures, photographed, or similarly depicted by other person who pay money or any form of consideration. This shall not include a proprietary school licensed by the Commonwealth of Pennsylvania or a college, junior college, or university supported entirely or in part by public taxation, a private college or university that maintain and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation, or in a structure:

- that has no sign visible from the exterior of the structure and no other advertising that indicates a person exhibiting specified sexual anatomical areas is available for viewing, and
- where in order to participate in a class, a student must enroll at least three days in advance of the class, and
- where no more than one person exhibiting specified sexual anatomical areas is on the premises at one time.

NUDITY: The exposure of human bare buttocks, anus, male or female genitals or pubic areas, with less than a fully opaque covering, or the showing of a female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.

NURSERY: Any land used to raise trees, shrubs, flowers, and other plants for sale or transplanting and the trail handling of the same. Also includes greenhouses.

NURSERY SCHOOL - See "DAY-CARE CENTER" or "PRESCHOOL FACILITY"

NURSING HOME, REST HOME, CONVALESCENT HOME, GUEST HOME, or HOME FOR THE ELDERLY: See "DWELLING TYPE" Section O

OCCUPANCY PERMIT: A document issued by the Zoning Officer attesting to the fact that a property is in compliance with the approved zoning permit and this ordinance, and is ready to be used and occupied for the approved use.

OFFICE, BUSINESS OR PROFESSIONAL: A room or group of rooms used for conducting the affairs of a business, profession, service or government, not involving the retail sales of merchandise on the premises, nor the encouragement of walk-in traffic from the street.

OFFICE BUILDING: A building deigned and/or used primarily for office purposes.

OFFICIAL MAP: The adopted map of the municipality, identifying existing and proposed public rights-of-way, watercourses, public watercourses, public property, parks, pedestrian ways, utility and drainage easements and floodplains, and storm water management areas.

OFFICIAL ZONING MAP: The adopted map that graphically shows all zoning district boundaries and classifications within the municipality, which, together with the zoning text, comprises the zoning ordinance.

OFF-STREET PARKING: See "PARKING, OFF-STREET"

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

OIL AND GAS RESOURCES: Nonmetallic, nonrenewable substances, including liquids, such as petroleum, and gases, such as natural gases occurring in their natural state on or below the surface of the earth and having commercial value.

OLDER ADULT DAILY LIVING CENTERS: Refer to PA Code Chapter 11.

OPEN SPACE: Land used for recreation, resource protection, amenity, and/or buffers; not including: any area of a lot constituting the minimum lot areas, any part of any existing or future street right-of-way, easement or access, or area set aside for public facilities.

OUTDOOR ADVERTISING SIGN or DISPLAY: See "SIGN, OUTDOOR ADVERTISING or DISPLAY"

OUTDOOR GUN AND ARCHERY RANGE - See "GUN AND ARCHERY RANGE, OUTDOOR"

OVERLAY ZONE: A special district or zone that addresses special land use circumstances or environmental safeguards and is superimposed over the underlying existing zoning district. Permitted uses n the underlying zoning district shall continue subject to compliance with the regulations of the overlay zone. Overlay zones are generally used in recognition of distinguishing circumstances such as historic preservation, wellhead protection, floodplain, access management, corridor enhancement, downtowns, etc.

OWNER - See "LANDOWNER"

PARKING or PARKING AREA: Any lot, parcel or yard used in whole or in part for the storage of two or more vehicles where such usage is not incidental to, or in conjunction with, a one- or two-family dwelling. Or, a portion of a lot designated for the parking of motor vehicles in accordance with the requirements of this ordinance.

PARKING GARAGE: A parking area located in a multilevel structure which is the principal use on the lot and which may be operated by either a public agency or private entity, whether for profit or not, and which is available for use by the general public, usually for a fee.

PARKING LAYOUT: The arrangement and marking of stalls to contain individual cars, and access lanes abutting the stalls and connecting to the abutting public street(s).

PARKING LOT, SURFACE: A parking area on the surface of the ground that is the principal use on the lot, that may be owned and/or operated by either a public agency or private entity, whether for profit or not, and that is available for use by the general public for the transient storage of automobiles or motor-driven vehicles. Such parking services may be provided as a free service or for a fee.

PARKING, OFF-STREET: An area set aside on a lot for parking of cars entirely outside a public street.

PARKING, PRIVATE: A parking area which is an accessory use to a facility on the same zoning lot.

PARKING, PUBLIC: A parking area used primarily by the residents, customers, or persons employed by establishments in the immediate vicinity of its location.

PARKING, REQUIRED: The number of necessary off-street parking spaces to serve a specific use, generally on the same property as the use.

PARKING SPACE: A portion of a parking area, surface or garage, designated for the parking of one motor vehicle in accordance with the requirements of this ordinance.

PARKS AND RECREATION: An open area of ground set aside for public use with recreational facilities, playgrounds and structures, or left in a natural state, owned by the municipality, a municipal authority, or otherwise dedicated to public use, or owned and operated by a non-profit association for the benefit of the public or the residents of the municipality. It may include a municipal golf course, but not miniature golf or a driving range.

PASSIVE RECREATION: See "RECREATION, PASSIVE"

PAWN SHOP: An establishment that engages, in whole or in part, in the business of loaning money on the security of pledges of personal property, or deposits or conditional sales of personal property, or the purchase or sale of personal property.

PENNANT: Any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in series, designed to move in the wind.

PENNSYLVANIA MUNICIPALITIES PLANNING CODE: The enabling legislation of the Commonwealth regulating the right of municipalities to adopt zoning ordinances.

PERFORMANCE BOND: A guarantee, backed by funds held in escrow, that a contractor will complete an improvement in accordance with specifications established by the municipality.

PERIMETER SECURITY: A system that controls ingress and egress to the interior of a correctional facility and that may include one or more of the following features: electronic devices, walls, fences, patrols and/or towers.

PERMITTED USE: An activity that is expressly allowed to occur on a property because of the property's location in a particular zoning district.

PERSONAL CARE BOARDING HOME or PERSONAL CARE HOME - See Section F under "DWELLING TYPE"

PERSONAL SERVICES: Any enterprise primarily engaged in providing services to a person, their apparel or personal effects commonly carried on or about their person, including, but not limited to, shoe repair, tailoring, clothes cleaning, watch repair, beauty shops, barbershops, tanning salons, piercing, tattooing, day spas, practitioners of the healing arts and the like.

PERSONAL STORAGE FACILITY: See "STORAGE FACILITY, PERSONAL"

PETS, DOMESTIC: See "DOMESTIC PETS"

PILOT MANUFACTURING: An establishment or part thereof used to test concepts and ideas, determine physical layouts, material flows and processes, types of equipment required, costs and other information necessary prior to undertaking full-scale production.

PLACE OF WORSHIP: A structure to house services of an established religion, but not including living accommodations in the same building, or any cult or quasi-religions group services.

PLANNED DEVELOPMENT: An area of minimum contiguous size, as specified by ordinance, to be planned, developed, operated and maintained as a single entity and containing one or more structures to accommodate light industrial, service, commercial or office uses, or a combination of such uses, and appurtenant common areas and accessory uses incidental to the principal uses.

PLANNED RESIDENTIAL DEVELOPMENT (PRD): A area of land, controlled by a single landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density or intensity, lot coverage and required open space, to the regulations established in any one district created, from time to time, under the provisions of this ordinance. Such development shall be based on an approved plan which allows for flexibility of design not available under standard zoning district requirements.

PLANNING AGENCY: A planning commission, planning department or a planning committee of the municipal governing body.

PLANNING COMMISSION: The duly appointed Planning Commission of the municipality in Butler County, Pennsylvania.

PLAT: The map or plan of a subdivision or land development, whether preliminary or final.

PORCH: A roofed open structure projecting from the side, front or rear wall of a building. For the purpose of this ordinance, a porch is considered a part of the principal building and is not permitted to extend into any required yards.

POSTING: The placement of a notice upon a signboard on a property calling public attention to proposed changes in the zoning status of the property, or a request for a variance, indicating the date, time and place of the hearing at which such matter will be heard.

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

PRINCIPAL BUILDING or STRUCTURE: The building or structure in which the principal use of the lot on which it is located is conducted.

PRINCIPAL USE or PRINCIPAL PERMITTED USE: The primary or predominant use, to which the property is or may be devoted, and to which all other uses on the premises are accessory or secondary, which is expressly allowed by this ordinance because of the property's location in a certain zoning district.

PRINCIPAL WALL: Any wall of a multiple family building containing all the windows of at least one apartment.

PRISON: Any governmental (whether federal, state, county or local), quasi-governmental, or private institution or facility engaged in the act of confining, housing or holding inmates accused or convicted of criminal activity, assigned and/or committed by any court and who are housed, held or confined in lawful custody, including, but not limited to, the detention, treatment, rehabilitation or execution of offenders through a program involving penal custody, parole and probation.

PRIVATE: Owned, operated or controlled by an individual, group of individuals, association or corporation.

PRIVATE GARAGE - See "GARAGE, PRIVATE"

PRIVATE GOLF COURSE - See "GOLF COURSE OR COUNTRY CLUB (PUBLIC OR PRIVATE)"

PRIVATE IMPROVEMENTS: Improvements to be owned, maintained or operated by a private entity such as an individual, corporation, or homeowners' association, including roads, streets, walkways, parking lots, gutters, curbs, waterlines, sewers, storm water management facilities, landscaping, lighting, traffic control devices and/or other facilities for which plans and specifications must comply with the minimum requirements of this ordinance and/or conditional use approval, including temporary erosion and sedimentation control and storm water management control methods undertaken during construction.

PRIVATE STREET - See "STREET, PRIVATE"

PROFESSIONAL CONSULTANTS: Persons who provide expert or professional advice, including, but not limited to, architects, attorneys, certified public accountants, engineers, geologists, land surveyors, landscape architects or planners.

PROPERTY: A tract of contiguous land, all sections of which are in the same ownership, surrounded by a boundary that closes on itself.

PROPERTY LINE: All or part of a boundary describing the limits of a property.

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

PUBLIC BUILDING: Any structure owned and operated by a public body or agency, or any public utility agency, which dispenses general service to the public, including road maintenance garages and utility substations.

PUBLIC GARAGE - See "GARAGE, PUBLIC"

PUBLIC GOLF COURSE - See "GOLF COURSE OR COUNTRY CLUB (PUBLIC OR PRIVATE)"

PUBLIC GROUNDS: Publicly owned or operated lands and facilities including parks, playgrounds, schools, wastewater treatment plants, refuse disposal sites, and other sites owned or operated by the municipality.

PUBLIC HEARING: A formal meeting held by the governing body of the municipality or the Planning Commission or Zoning Hearing Board, pursuant to public notice, as defined by this ordinance, intended to

inform and obtain public comment and taking testimony or information from all parties having an interest in a matter of concern to the municipality, prior to taking action in accordance with this ordinance and/or the Pennsylvania Municipalities Planning Code.

PUBLIC IMPROVEMENTS: All roads, streets, walkways, gutters, curbs, sewers, waterlines, storm water management facilities, landscaping, street lighting, traffic control devices and other facilities to be dedicated to or maintained by the municipality, for which plans and specifications must comply with the standards and specifications of the municipality.

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," as now or hereafter amended.

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

PUBLIC STREET - See "STREET, PUBLIC"

PUBLIC UTILITY/ WORKS/ SERVICES, ESSENTIAL: All production, storage, transmission, and recovery facilities (underground, surface, or overhead) for water, sanitary sewerage, telephone, gas, electricity, steam, storm water drainage, communication systems, and similar utilities owned or operated by any public agency or any utility subject to the jurisdiction of the Public Utilities Commission, except for energy facilities. The utility itself does not include business offices, yards or buildings for the storage or maintenance of equipment used by the utility, unless such structures are expressly permitted in the zoning district.

PUBLIC UTILITIES FACILITY: All of the buildings, wells, dams, reservoirs, plant and equipment of public utilities, including all tangible and intangible real and personal property without limitation, and any and all means and instruments of ownership, operation, lease, license, use, control, furnished or supplied by, or in connection with, the business of the public utility.

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

PUBLIC WATER SYSTEM – See "PUBLIC UTILITY"

REAR LOT LINE - See "LOT LINE, REAR"

REAR YARD - See "YARD, REAR"

RECORDING DRAWING: The document showing the final layout of a development plan, approved by the governing body of the municipality, and ready for recording with the County Recorder of Deeds.

RECREATION – The refreshment of body and mind through forms of play, amusement, or relaxation. The recreational experience may be active, such as boating, fishing, ballgames, and swimming, or may be passive, such as enjoying the natural beauty of the environment or its wildlife.

TYPES OF RECREATION:

- **RECREATION, ACTIVE:** Indoor or outdoor leisure time pursuits that draw spectators and participants at a common time; where individuals, groups of individuals or teams use special equipment and/or a prescribed site, field or facility, for the activity. This includes, but is not limited to, soccer, football, baseball and softball fields; basketball, tennis, handball or racquetball courts; swimming pools, community centers, motor cross or dirt bike trails, paintball facilities, arenas, amusement parks, water parks, race tracks, betting parlors, ski resorts, campgrounds, fairs, truck and tractor pulls, off-road vehicle courses and trails, amphitheaters and similar uses that have significant environmental, noise, traffic or lighting impacts on surrounding properties. (This definition excludes boarding stables, golf courses or country clubs, health clubs, indoor entertainment, private stables, and riding academies, which are separately defined and regulated by this ordinance.)
- **RECREATION, PASSIVE:** Outdoor recreational activities that generally do not require a developed site. This generally includes non-motorized activities such as bridle trails, trails with exercise stations, Nordic ski trails, hiking, biking, walking, fishing, picnicking, children's playgrounds, table games, observation areas, bird watching, botanical gardens, historical or archaeological sites, scenic areas, nature preserves and similar facilities for relaxing in a natural environment. Passive activities have low impact, are low trip generators, and have low potential for nuisance to adjacent properties, and generally do not require a developed site.
- **RECREATION, INDOOR:** An enterprise operated for profit in a completely enclosed building that offers amusement or entertainment to the general public, including, but not limited to, a movie theater (other than an adult motion-picture theater or adult mini-motion-picture theater), a live theater (other than an adult live theater), a video arcade, a roller rink, a dance hall, a shooting gallery, gun or archery range, a bowling alley, a billiards parlor, a game room or similar uses.

RECREATION AREA, COMMERCIAL: An area operated by a profit or non-profit organization, devoted to facilities and equipment for recreational purposes, including swimming pools, tennis courts, playgrounds, miniature and par three golf courses, golf or batting practice facilities, playing fields, racquet clubs, riding stables, skating rinks, water slides, arcades, bowling alleys, billiard halls, amusement centers, and other similar activities. The use of the area is limited to private membership, or open to the public upon the payment of a fee or service charge.

RECREATIONAL ENTERPRISE: Establishments or businesses for the pursuit of sports and similar recreational activities, including, but not limited to, those utilizing tennis courts; bowling alleys; miniature golf layouts; golf courses; skating rinks; soccer, baseball and/or football fields; and stables; but not including those only utilizing game machines or other devices providing entertainment not related to sports.

RECREATION FACILITY, INDOOR: Any building or facility housing indoor athletic activities, such as, but not limited to, swimming pools, track and field, soccer, gymnastics, skating (ice or roller), tennis, baseball, football, basketball, golf driving ranges, paint ball, laser tag, miniature golf, firing ranges, skateboarding, water parks, amusements, arcades, batting cages, handball, trampolines, bowling, pool or billiards, racquet ball, hockey, wrestling, volleyball, and associated retail and dining facilities, whether in a permanent wood, metal, or block structure or dome facility. A "small" facility has a capacity of less than 300 people. A "large" facility has a capacity of over 300 people.

RECREATION, PUBLIC (NON-COMMERCIAL): An area operated by a public agency, that is available to the general public, whether or not an admission fee is charged. This includes either indoor or outdoor facilities for the pursuit of leisure activities, sports and recreation, including, but not limited to, parks, playgrounds, playing fields, golf courses, tennis courts, golf or batting practice facilities, swimming pools and similar facilities.

RECREATION FACILITIES ACCESSORY TO SINGLE-FAMILY AND TWO-FAMILY DWELLINGS: A recreation facility located on the same lot with, and as an accessory to a single-family or two-family dwelling used exclusively by the residents of the dwelling and their invited guests. The facilities are used for leisure activities, sports and recreation, and could include Jacuzzis, swimming pools, tennis courts, bocce, shuffleboard or croquet, play equipment and similar facilities. These facilities shall not exceed 35% of the total land area bounded by the side lot lines, the rear wall of the dwelling and the rear property line.

RECREATIONAL VEHICLE: A single-axle or multiple-axle structure mounted on wheels or otherwise capable of being mobile, either with its own power or mounted on/drawn by an automobile, for the purpose of travel, camping, vacation, overnight accommodations or recreational use, including but not limited to travel trailers, mobile homes, motor homes, tent trailers and pickup campers.

RECREATIONAL VEHICLE PARK: A tract or contiguous tracts of land under single ownership, improved with the necessary utility connections and other related facilities which contain two or more sites for seasonal parking of recreational vehicles, but not including permanent, year-round occupancy.

RECREATIONAL VEHICLE SITE OR SPACE: A parcel of land in a recreational vehicle park or campground, for the placement of a single recreational vehicle for the exclusive use of its occupants.

REHEARING: The reconsideration, after a specific period of time, by a municipal governing or appointed body of a grievance previously decided not in favor of the person bringing the original appeal but requested by that person for review because of changed circumstances or new information affecting the original appeal.

RELIGIOUS SITE: Any building or property owned by a church or other nonprofit organization devoted to a religious purpose, which may include one or more of the following activities: youth or adult camp, retreat, revival center, biblical walk, memorial site and other similar one-time, periodic, year-round or seasonal activities, whether or not these activities are conducted on the site of a church, as defined herein.

REQUIRED PARKING – See “PARKING, REQUIRED”

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

RESIDENTIAL AREA: Any property or parcel of land in any zoning classification on which exists a legally occupied dwelling.

RESIDENTIAL BUILDING LOT: Any single lot or parcel of ground on which the construction of a residential dwelling is anticipated.

RESIDENTIAL CARE FACILITY: See “DWELLING TYPES” Section P

RESIDENTIAL DEVELOPMENT OPTION: A plan for the development of a property allowing greater flexibility in the arrangement of buildings than would be permitted by a conventional lot plan, but allowing preservation of parts of the lot that would be difficult to develop and/or could create environmental damage if developed.

RESIDENTIAL SIGN: See “SIGN, RESIDENTIAL”

RESIDENTIAL USES: Any single-family home, two-family home, attached dwelling, apartment or dwelling group.

RE-SUBDIVISION: Any subdivision or transfer of land, laid out on a plat which has been approved by the governing body of the municipality which changes, or proposes to change, property lines and/or public rights-of-way not in strict accordance with the approved plan.

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

RETAIL SALES: The sale on the premises of commodities and/or services directly to consumers and may include the storage or warehousing of materials incidental to the retail sales on the premises, but not including the manufacturing or processing of any products.

RETIREMENT HOME: See "DWELLING TYPES" Section Q

RETIREMENT COMPLEX: See "DWELLING TYPES" Section R

RIDING ACADEMY - See "BOARDING STABLE OR RIDING ACADEMY"

RIGHT-OF-WAY: A public or private open area of land reserved or legally dedicated for public purposes to provide access across private or public property, such as a street, alley or interior walk, or for the passage of public utilities, including storm water. All must be recorded in the office of the Butler County Recorder of Deeds.

ROAD: The entire right-of-way of a public or private street or highway.

RUNOFF: The surface water discharge or rate of discharge of a given watershed after a rain or snow fall that does not enter the soil but runs off the surface of the land.

RUNOFF, DEVELOPED AREA: The surface water runoff that can be reasonable anticipated upon maximum development of that area of the watershed located upstream from the subject tract, as permitted by current design standards in current land use regulations, including any storm water management regulations.

SCHOOL: A public or private institution of learning which is registered with or accredited by a recognized regulatory agency.

SCHOOL, COMMERCIAL (DANCE, ARTS, ETC.): An institution where instruction is given to pupils in arts, crafts, dance, painting, sculpture, singing, trades and/or professions, and operated as a commercial enterprise, distinguishing it from schools supported by taxation.

SCREEN: A buffer intended to protect residential properties from abutting commercial and industrial activities that might deteriorate the residential property values.

SEAT: For purposes of determining the number of off-street parking spaces required for certain uses, the number of seats is the number of seating units installed or indicated, or each 24 lineal inches of benches, pews, or space for loose chairs.

SEDIMENTATION: The process by which mineral or organic matter is assimilated or deposited by moving wind, water, or gravity. Once the matter is deposited (or remains suspended in water), it is usually referred to as 'sediment.'

SELF-STORAGE FACILITY - See "MINI-WAREHOUSE OR SELF-STORAGE FACILITY"

SEMI-NUDITY: A state of dress in which clothing covers no more than the genitals, pubic region and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

SEMIPUBLIC: Owned, operated or controlled by a nonprofit organization, association or corporation, including, but not limited to, a community association, a condominium association or a homeowners' association organized to provide recreation, maintenance or other community services.

SERVICE ESTABLISHMENT: Any establishment whose primary activity is the provision of assistance, as opposed to products, to individuals, businesses, industry, government, other enterprises, or domestic pets.

SERVICE STATION, AUTOMOBILE – See "AUTOMOBILE AND GASOLINE SERVICE STATION"

SETBACK: The required minimum horizontal distance that a structure can be located from a right-of-way or property front, rear or side line, or another structure, thereby creating a required open space on the lot. Where a lot boundary line and a right-of-way line are not the same, the setback shall be the minimum horizontal distance between the right-of-way line and the building line.

SEWAGE DISPOSAL, ON-LOT: The disposal of sanitary sewage created on the premises in the soils of the lot, without drainage onto abutting property or streets.

SEWAGE, PUBLIC: The collection of sewage by underground pipes draining to a disposal plant in a system operated by a public authority.

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

SEXUAL ENCOUNTER CENTER – See "ADULT- OR SEXUALLY-ORIENTED BUSINESSES"

SEXUALLY-ORIENTED SPA - See "ADULT- OR SEXUALLY-ORIENTED BUSINESSES"

SHED: A small, portable (non-permanent) accessory structure used to store household goods, tools, and/or equipment. A shed may not be used as a dwelling. To be considered a shed, the structure may not exceed 144 SF in area, may not exceed 12.5 ft, in height (including roof panels), and shall be limited to one floor.

SHELTER, TEMPORARY: A facility operated by a non-profit agency providing temporary lodging, with or without meals, for persons of limited income with no ordinary or regular residences, or to person who need such shelter to avoid an abusive situation, or because of a sudden event such as fire, flood, domestic violence, condemnation, or court-ordered conviction.

SHOOTING (FIRING, ARCHERY) RANGE: An area or structure specifically designed for the safe discharge and use of bows & arrows, rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any similar firearm for the purpose of sport shooting or military/law enforcement training.

SIDE LOT LINE - See "LOT LINE, SIDE"

SIDE YARD - See "YARD, SIDE"

SIGN: Any surface, structure, or device exposed to public view and intended to attract attention by word, graphic, or sculptured display. It is used or designed to identify, advertise, or promote a product, person, business, institution, organization, or place, but not including. This excludes (1) signs to regulate and control traffic and parking, or to promote public health, safety, and welfare, or display any official court or public office notices; (2) religious, patriotic, national, state, county, municipality or cultural symbols, flags, emblems, or insignia, if unaccompanied by lettering and applied to a tower, spire, flagpole, wall or cornice of a structure; nor (3) signs lighted only by reflected light and posted inside a display window where such

signs do not obstruct clear vision into the building by police, emergency and/or health authorities. Each display surface of a sign shall be considered to be a sign.

TYPES OF SIGNS:

-SIGN, ANIMATED: A sign that relies on flashing lights or movement of some element or all of the sign to reinforce its message, depict action or to create a special effect or scene.

-SIGN, BUILDING MOUNTED: Any sign attached to any part of a building.

-SIGN, BUSINESS: A sign that directs attention to a business or profession or to a commodity, service or entertainment sold or offered upon the premises, where such sign is located or affixed.

-SIGN, CANOPY: A sign that is part of, or attached to an awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window, or outdoor service area.

-SIGN, CHANGEABLE LETTER: A portable, temporary sign with either an internally illuminated background or lighted arrow, or with no illumination, designed to accommodate removable and manually installed lettering.

-SIGN, DIRECTIONAL OR INCIDENTAL: A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "No Parking", "Entrance", "Loading Only", "Telephone", and other similar directives. No sign with a commercial message legible from a position off the premises on which the sign is located shall be considered incidental.

-SIGN, ELECTRONIC MESSAGE BOARD: A sign with a fixed or changing display/ message composed of a series of lights that may be changed through electronic means. A time and temperature sign shall not be considered an electronic graphic sign.

-SIGN, FLASHING: An illuminated sign on which artificial light is not stationary or constant in intensity and/or color at all times when such sign is in use. For the purposes of this ordinance, any revolving illuminated sign shall also be considered a flashing sign.

-SIGN, FLAT WALL: Any sign, attached parallel to and within twelve inches of a wall, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one surface of the sign.

-SIGN, FREESTANDING: A sign that has its own structure to support its entire weight and any other stresses on it. A sign that is attached to, erected on, or supported by some structure (such as a pole, mast or frame) that is not itself an integral part of or attached to a building or other structure whose principal function is something other than the support of a sign. If the message is removed from a structure that was originally designed and used in conjunction with a free-standing sign, this structure shall still be considered a sign.

-SIGN, GROSS SURFACE AREA OF: The entire area with a single continuous perimeter enclosing the extreme limits of such, and in no case passing through or between any adjacent elements of the sign. However, such perimeter shall not include any structural or framing elements lying outside the limits of such sign that do not form an integral part of the display.

-SIGN, INTERNALLY ILLUMINATED: Sign where the source of the illumination is inside the sign, and light emanates through the message of the sign, rather than being reflected off the surface of the sign from an external source. Signs with only the message(s) being internally lit shall also be considered "internally illuminated signs".

-SIGN IN THE PUBLIC INTEREST: A sign that communicates a message of a nonprofit organization that has public appeal.

-SIGN, OUTDOOR ADVERTISING OR DISPLAY: A sign that directs attention to a business commodity, service or entertainment conducted, sold or offered, at a location other than the premises on which the sign is located. Also, a sign of any kind or character, placed for outdoor advertising purposes.

-SIGN, PORTABLE: Any sign not permanently attached to the ground or a permanent structure. Or, a sign designed to be transported by wheels, signs converted to A- or T-frames, menus and sandwich boards signs, balloons used as signs, umbrellas used for advertising, and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

-SIGN, PROJECTING: A display sign which is attached directly to a building wall and which extends more than fifteen inches from the face of the wall.

-SIGN, RESIDENTIAL: Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms to the requirements of the Zoning Ordinance.

-SIGN, TEMPORARY: A sign that is (1) used in connection with a circumstance, situation or event that is designed, intended, or expected to take place or to be completed with a reasonably short period of time after the erection of such sign. Or (2), a sign that is intended to remain on the location where it is erected or placed for a period of not more than fifteen days. If the sign display area is permanent, but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary.

-SIGN, WINDOW: Any sign, pictures, symbol or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service that is placed inside a window or upon the window panes or glass, and is visible from the exterior of the window.

SINGLE-FAMILY DWELLING - See Section A under "DWELLING TYPES"

SITE: A land surface, not necessarily a complete property and possibly several properties, developed, or proposed for, a specific use.

SITE PLAN: A layout, and/or required plans drawings and supporting documents, of a property showing all improvements proposed to be placed on or under the property in the course of development, as well as existing conditions on the property that will remain.

SLOPE: The face of an embankment or cut section. The degree of deviation of a surface from the horizontal, usually expressed in percents or degrees, or feet per one hundred feet of horizontal distance.

SOLID WASTE DISPOSAL, STORAGE AND TRANSPORTATION: The movement by truck or other means of conveyance, the temporary holding or permanent disposition of any municipal waste.

SPECIALTY RETAIL: A retail establishment having a gross floor area of 5,000 square feet or less devoted exclusively to the sale of distinctive, high-quality merchandise, including one or more of the following: apparel and accessory boutique; art, music and photography gallery or studio; antique or interior design shop; bookstore; card, gift and stationery store; confectionery; florist; bakery; historic or museum shop; ice cream parlor; jeweler; kitchen accessory shop; optical shop; newsstand; tobacco shop; travel agency; wine shop; and specialty shops similar to the above, but excluding establishments offering general merchandise in a discount setting and establishments constituting an adult service, as defined herein.

SPECIFIED ANATOMICAL AREAS: Human genitals, pubic regions, buttocks, female breasts below a point immediately above the top of the areola or human male genitals in a discernibly turgid state, even if completely or opaquely covered.

SPECIFIED SEXUAL ACTIVITIES: Human genitals in a state of sexual stimulation or arousal, acts of human masturbation, sexual intercourse or sodomy or fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

STABLE, PRIVATE: The keeping of horses for personal use only on a lot which does not meet the minimum acreage requirements for a farm, not involving any profit-making activity such as boarding, riding instruction or training of horses owned by persons other than residents of the lot. A minimum of 5 acres is required.

STABLE, COMMERCIAL or RIDING ACADEMY: A structure or land use in or on which equines are kept for sale or hire to the public. Breeding, boarding, and/or training of equines may also be conducted. Instruction in riding, jumping, and showing may be offered.

STABILIZATION: Natural or mechanical treatments of a mass of soil or ground area to increase or maintain its stability or otherwise improve its engineering properties and resistance to erosion.

STENOGRAPHIC RECORD: A transcription of the testimony taken at a public hearing, recorded by a professional stenographer at that hearing.

STORAGE, OUTDOOR: The keeping, in an unenclosed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four hours.

STORAGE FACILITY, PERSONAL: A structure containing separate, individual and private storage compartments of various sizes, leased or rented through individual contracts for varying amounts of time.

STORM WATER: Water or snow melt that falls upon or flows across the land surface seeking lower elevations in its passage.

STORY: The vertical dimensions between a floor and the floor of the next level above or below, when the dimension between the floors is at least six feet, or if no floor above, then the ceiling above.

STREET: Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private. The term shall not include the word "driveway".

TYPES OF STREETS:

-ACCESS ROAD: A private access road that provides access between a public or private street and a parking lot that provides parking for non-residential uses.

-ALLEY: A public or private right-of-way which provides secondary access to a property or properties which is not the only means of access for any property, and is not intended for general circulation.

-STREET, ARTERIAL: A public street which serves large volumes of high speed and long-distance traffic, and includes facilities classified as main or secondary highways by Penn DOT. The governing body of the municipality shall establish, from time to time, a list of arterial streets by resolution. The list of arterial streets shall be available to the public in the municipality's Zoning Office.

-STREET, COLLECTOR: A public street that, in addition to giving access to abutting lots, intercepts local streets and provides a route for carrying considerable volumes of local traffic from minor streets to community facilities and a major system of arterial streets, including principal entrance streets of a residential development and streets for major circulation within such developments. The governing body of the municipality shall establish, from time to time a list of collector streets by resolution. The list of collector streets shall be available to the public in the municipality's Zoning Office.

- STREET, CUL-DE-SAC: A street with a single means of ingress and egress and a turnaround.

- STREET, LOCAL OR LOCAL ACCESS – Streets that are used primarily to provide access to abutting properties, and which accommodate low volume of traffic.

-STREET, MARGINAL ACCESS: Minor or local streets which are parallel and adjacent to arterial streets, and provide access to abutting properties, control of intersections with arterial streets, and/or protection from through traffic

-STREET or DRIVE, PRIVATE: A recorded private right-of-way which affords means of vehicular access to abutting property, generally to the back or side of properties otherwise abutting a street.

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

STREET FRONTAGE: The distance for which a lot line adjoins a street.

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

STRUCTURE, HEIGHT OF - See "HEIGHT OF STRUCTURE"

STRUCTURE, NONCONFORMING - See "NONCONFORMING STRUCTURE"

STUDIO, DANCING/MUSIC or ART: A premises, used by a teacher, or teachers, of music, dancing and/or art, where one or more students are taught in a class for a fee. This term is synonymous with "dancing school" and other similar expressions.

SUBDIVIDER: See "DEVELOPER"

SUBDIVISION: The division of an area of land by any means, into two or more lots, tracts, parcels or other division of land, including changes to 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 division of land for agricultural purposes into parcels of more than ten acres, and not involving any new street or easement of access or any residential dwelling, shall be exempted.

SUBDIVISION, MINOR: Any subdivision abutting or accessible to a fifty foot (50') right-of-way, existing public street, or road; involving no more than four lots plus residual land; and which conforms in terms of area and dimensions, parcels of land, or other division of which does not require a new street, sanitary sewers, storm sewers, water mains, or other public improvements.

SUBDIVISION PLAN: The arrangement of the division of an area of land into two or more lots for the purpose of immediate or future sale or lease, as regulated by the municipality and County subdivision regulations.

SUPPLEMENT: Any addition to an ordinance either to amplify existing requirements or to add additional controls, requiring the same procedures as for amendment.

SURFACE MINING: Any surface activity that requires a Department of Environmental Protection (DEP) permit.

SWIMMING POOL: Any structure intended for swimming or recreational bathing that contains water over 24 inches deep. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas. As herein defined, the term "Swimming Pool" shall be deemed to be a structure.

SWIMMING POOL, INDOOR: A swimming pool which is totally contained within a structure and surrounded on all four sides by the walls of the enclosing structure.

SWIMMING POOL, OUTDOOR: Any swimming pool which is not an indoor pool.

TAVERN - See "BAR OR TAVERN"

TAXI: A motor vehicle other than a limousine offered to the public by a taxicab business for the purpose of carrying or transporting passengers for a charge or fee.

TAXI STAND: A location where taxis wait to be called for their next passenger transport.

TEMPORARY CONSTRUCTION TRAILER - See "CONSTRUCTION TRAILER, TEMPORARY"

TEMPORARY USE OR STRUCTURE: Any use or structure accessory to an existing principal use on the lot which is intended to be used for not more than six months in any twelve-month period.

TENTATIVE APPROVAL: Acknowledgement by a municipality that all preliminary aspects of a proposal for development have been successfully completed and that the developer may proceed into final planning, but in no way permits the developer to commence construction.

THEATER: A building or part of a building devoted to showing motion pictures or for dramatic, dance, musical or other live performances

TOWNHOUSE: See "DWELLING TYPES" Section S

TOWNSHIP: The Township of Penn, Butler County, Pennsylvania.

TRACT: A lot or contiguous group of lots in single ownership or under single control, and usually considered a unit for purposes of development.

TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND): An area of land developed for a compatible mixture of residential units for various income levels and nonresidential commercial and workplace uses, including some structures that provide for a mix of uses within the same building. Residences, shops, offices, workplaces, public buildings, and parks are interwoven within the neighborhood so that all are within relatively close proximity to each other. A traditional neighborhood development is relatively compact, limited in size, and oriented toward pedestrian activity. It has an identifiable center and a discernible edge. The center of the neighborhood is typically in the form of a public park, commons, plaza, square or prominent intersection of two or more major streets. Generally, there is a hierarchy of streets laid out in a rectilinear or grid pattern of interconnecting streets and blocks that provides multiple routes from origins to destinations, and is appropriately designed to serve the needs of pedestrians and vehicles equally.

TRANSFERABLE DEVELOPMENT RIGHTS (TDR): The attaching of development rights to specified lands which are desired by a municipality to be kept undeveloped, but permitting those rights to be transferred from those lands so that the development potential which they represent may occur on other lands where more intensive development is deemed to be appropriate.

TRANSIENT FACILITY: The use of a parcel which is visible from a major highway and where services are provided for transient trade, including motels, hotels and bed & breakfast establishments.

TRANSITIONAL DWELLING - See Section E under "DWELLING TYPES"

TWO-FAMILY DWELLING - See Section B under "DWELLING TYPES"

TYPES OF LOTS - See "LOT TYPES"

UNIT GROUP: Two or more structures housing principal uses grouped on a single zoning lot, including, but not limited to, retail centers, schools, churches, hospitals, institutional or industrial structures.

USE: The purpose for which land or building is arranged, designed, or intended; or for which land or building is or may be occupied or maintained.

USE, NONCONFORMING - See "NONCONFORMING USE"

USE, PRINCIPAL - See "PRINCIPAL USE"

VARIANCE: Relief from the literal terms of this ordinance granted by the Zoning Hearing Board, pursuant to the provisions and procedures of Articles VI and IX of the Pennsylvania Municipalities Planning Code, and in accordance with the provisions of Section 18.16 of this ordinance.

WAIVER, OR MODIFICATION: Relief from the literal provisions of the municipality's SALDO when the subdivider can show that a provision would cause unnecessary hardship if strictly adhered to, due to topographical or other conditions peculiar to the site. The Planning Commission may recommend such modification or waiver if, in its opinion a modification or waiver would not destroy the intent of the SALDO. The municipal governing body may authorize such relief through the granting of a modification or waiver. Any relief thus authorized shall be entered into the minutes of the municipal governing body's meeting, along with the reasons justifying it.

WALL - See "FENCE OR WALL"

WAREHOUSE: A building used for the storage and handling of freight or merchandise, but not including the maintenance or fueling of commercial vehicles.

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

WETLANDS: Those areas that are inundated or saturated by surface or ground water as deemed by the Pennsylvania department of Environmental Protection (DEP), at a frequency and duration sufficient to support and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

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

WIND ENERGY CONVERSION SYSTEM (WECS): Any device including, but not limited to, a wind charger, wind turbine or windmill that is designed to convert wind power into another form of energy such as electricity or heat.

WIND FARM, COMMERCIAL: An area of land under common ownership and control containing two or more WECS (Wind Energy Conversion System) devices, including cables, wires and appurtenant accessory structures necessary to the operation of the facility.

WIRELESS TELECOMMUNICATION FACILITIES

- COMMUNICATION ANTENNA: Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation omnidirectional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. The definition shall not include private residence

mounted satellite dishes or television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas.

- **COMMUNICATION EQUIPMENT BUILDING:** An unmanned building or cabinet containing communications equipment required for the operation of communications antennas and covering an area on the ground not greater than 250 SF.
- **COMMUNICATION TOWER:** A structure other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support communication antennas.
- **HEIGHT OF COMMUNICATION TOWER:** The vertical distance measured from the ground level to the highest point on a communication tower, including antennas mounted on the tower.
- **PUBLIC UTILITY TRANSMISSION TOWER:** A structure, owned and operated by a public utility or electric company regulated by the PA Public Utility Commission, designed and used to support overhead electricity transmission lines.
- **STRUCTURE:** Anything built, constructed or erected which requires location on the ground or as an attachment to something located on the ground.

YARD: A required front, rear or side area of a property between the property line and setback line with open space which is unoccupied and unobstructed from the ground to the sky, except as otherwise provided, by any portion of a principal structure, other than certain projections expressly permitted by this ordinance. And not including any portion of a street or alley.

YARD, FRONT: An open, unoccupied space (see "YARD" above) extending between side lot lines across the full lot width between the right-of-way line and the front of the building projected to the side lines of the lot. 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: A yard, as defined above, extending the full width of the lot and situated between the rear property line of the lot and the rear line of the building extending across the rear of the lot between the required side yard lines parallel to the rear lot line, the minimum horizontal distance required by this ordinance.

YARD, SIDE: A yard, as defined above, between the building and the side line of the lot and extending from the front yard to the rear yard. A building shall not extend into the required side yards.

ZERO LOT LINE: A common lot line on which a wall of a structure may be constructed. The location of a building on a lot in such a manner that one or more of the building's sides rests directly on a lot line and complies with all fire code requirements for construction on a lot line.

ZONING CLASSIFICATION: The combination of controls, requirements and uses that are permitted by right or condition, and the constraints on development that define the activities that may occur in a zoning district and apply uniformly throughout a zoning district.

ZONING DISTRICT: A contiguous area of land defined as boundaries and location on an official zoning map, on all parts of which the uniform controls and requirements for development apply, and within which only certain types of land uses are permitted and within which other types of land uses are excluded, as set forth in this ordinance.

ZONING DISTRICT BOUNDARY: The perimeter line completely enclosing a zoning district.

ZONING DISTRICT MAP or ZONING MAP: The official map delineating the boundaries and title of each of the zoning districts of Penn Township, Butler County, Pennsylvania, together with all amendments

subsequently adopted which is incorporated in and made a part of this ordinance by reference thereto. The Zoning Map is on file in the office of the municipality's Zoning Officer.

ZONING HEARING BOARD: The Penn Township Zoning Hearing Board, Butler County, Pennsylvania, as duly established pursuant to this ordinance, which is appointed by the governing body of the municipality to examine appeals for relief from strict conformance of this ordinance, and to hear testimony regarding the validity of any regulations upon development in the municipality, or regarding challenges to the decisions of the Zoning Officer.

ZONING MAP, OFFICIAL: The official map of zoning districts for the municipality, included as part of the Zoning Ordinance, which shows precisely the boundaries and titles of each zoning district.

ZONING OFFICER or ZONING AND CODE MANAGEMENT OFFICER: That person appointed by the governing body of the municipality and charged with the responsibility of administering and enforcing this ordinance, and, at the discretion of the governing body of the municipality, other local ordinances affecting development. Who also has the power to halt illegal construction, to issue occupancy permits, and to interpret the meaning of various sections of this ordinance, subject to appeal before the Zoning Hearing Board.

ZONING PERMIT: A document issued by the Zoning Officer, indicating that a proposed use or development will comply with all applicable requirements of this Zoning Ordinance, and authorizing the applicant to proceed to obtain all required Building Permits.

