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May 20, 2019

Via Overnight Mailing

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Keystone Bldg. 2nd Floor W
400 N. Street
Harrisburg, PA 17120

RECEIVED

MAY 20 2019

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

RE: Petition of Duquesne Light Company for a Finding that a Building to Shelter Control Equipment at the Proposed Elrama Substation in Washington County, Pennsylvania is Reasonably Necessary for the Convenience or Welfare of the Public
Docket No. P-2019-_____

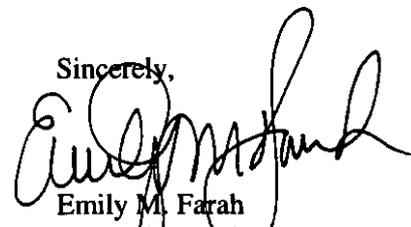
Dear Secretary Chiavetta:

Enclosed please find Duquesne Light Company's Petition of Duquesne Light Company for a Finding that a Building to Shelter Control Equipment at the Proposed Elrama Substation in Washington County, Pennsylvania is Reasonably Necessary for the Convenience or Welfare of the Public. The enclosed Petition is filed separately from, but related to, Duquesne Light Company's Letter of Notification filed on April 15, 2019, docketed at A-2019-3009698. A copy of this letter and the Petition has been served upon the parties noted in the enclosed Certificate of Service.

With the enclosed, Duquesne Light Company provides a **CONFIDENTIAL** "Appendix A," which includes confidential security information ("CSI") pursuant to 52 Pa. Code § 102.3 and Duquesne Light respectfully requests the Commission treat Appendix A as confidential and CSI-classified document.

Please feel free to contact me if you have any questions.

Sincerely,



Emily M. Farah
Counsel, Regulatory
Duquesne Light Company

Enclosure

cc: Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Duquesne Light Company for a :
Finding that a Building to Shelter Control :
Equipment at the Proposed Elrama : Docket No. P-2019-_____
Substation in Washington County, :
Pennsylvania is Reasonably Necessary for :
the Convenience or Welfare of the Public :

PETITION OF DUQUESNE LIGHT COMPANY

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Duquesne Light Company (“Duquesne Light”) hereby petitions the Pennsylvania Public Utility Commission (“Commission”), pursuant to 52 Pa. Code § 5.41 and 53 P.S. § 10619, for a finding that a building to shelter control equipment (“Control Equipment Building”) at the proposed Elrama Substation in Washington County, Pennsylvania is reasonably necessary for the convenience or welfare of the public and, therefore, exempt from any local zoning ordinance (“Zoning Petition”). Subject to the Commission’s approval, construction of this substation is scheduled to begin as soon as practicable to meet the overall in-service date of June 2021. In support of this Zoning Petition, Duquesne Light states as follows:

I. INTRODUCTION

1. This Zoning Petition is filed by Duquesne Light, a public utility that provides electric distribution, transmission, and provider of last resort services in Pennsylvania subject to the regulatory jurisdiction of the Commission.

2. Duquesne Light’s address is as follows:

RECEIVED

MAY 20 2019

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Duquesne Light Company
411 Seventh Avenue
Pittsburgh, PA 15230

3. Duquesne Light's attorneys are:

Emily Farah (PA ID #322559)
Tishekia Williams (PA ID # 208997)
Duquesne Light Company
411 Seventh Avenue, Mail Drop 15-7
Pittsburgh, PA 15219
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E-mail: twilliams@duqlight.com

Duquesne Light's attorneys are authorized to receive all notices and communications regarding this Zoning Petition.

4. Duquesne Light furnishes electric service to approximately 600,000 customers throughout its certificated service territory, which includes portions of Allegheny and Beaver Counties and encompasses approximately 800 square miles in western Pennsylvania. Duquesne Light is a "public utility" and an "electric distribution company" as defined in Sections 102 and 2803 of the Pennsylvania Public Utility Code, 66 Pa. C.S. §§ 102, 2803.

5. The Elrama Substation is necessary to serve Duquesne Light customers if and when certain power generation stations are deactivated between May 31, 2020 and June 1, 2022.

6. On April 15, 2019, Duquesne Light submitted a Letter of Notification, filed pursuant to 52 Pa. Code chapter 57, subchapter G, for approval to install a new 138 kV line and reconductor existing circuits to support the Southeast Capacity Project located in the Borough of Dravosburg, Borough of West Mifflin, Borough of Jefferson Hills, Jefferson Hills, Union Township, and Forward Township in Allegheny and Washington Counties, Pennsylvania ("Southeast Capacity Project LON"), which was docketed at Docket No. A-2019-3009698. Therein, Duquesne Light is requested Commission approval to (a) install a new Elrama substation

on existing Duquesne Light owned property, (b) establish a new 9.9 mile 138 kV (“kilovolt”) transmission circuit on an existing transmission line and (c) to reconductor five (5) 138 kV transmission circuits for approximately 19.2 miles.

7. A complete copy of the Southeast Capacity Project LON, together with the supporting Attachments, has been served on all the same persons that are being served with this Zoning Petition. The Southeast Capacity Project LON and supporting Attachments are incorporated herein by reference.

II. NEED FOR THE SUBSTATION

8. PJM Interconnection, LLC (“PJM”) is a Federal Energy Regulatory Commission (“FERC”) approved Regional Transmission Organization charged with ensuring the reliability of the electric transmission system under its functional control and coordinating the movement of electricity in all or parts of thirteen states and the District of Columbia, including most of Pennsylvania. Duquesne Light, an owner of transmission facilities in Pennsylvania, is a member of PJM and actively participates in the PJM transmission planning process.

9. In order to ensure reliable transmission service, PJM prepares an annual Regional Transmission Expansion Plan (“RTEP”) to ensure power continues to flow reliably to customers. The North American Electric Reliability Corporation (“NERC”), PJM, and transmission owner reliability criteria are used by PJM and the transmission owners to analyze the system and determine if specific transmission upgrade projects are needed to ensure long-term reliable electric service to customers.

10. Duquesne Light has adopted reliability and planning standards to ensure adequate and appropriate levels of electric service to its customers consistent with good utility practice. The

Duquesne Light Transmission Planning Criteria were developed from and are consistent with the NERC and PJM planning and reliability standards.¹

11. In accordance with the Duquesne Light Transmission Planning Criteria, Duquesne Light's transmission system is planned so that it can be operated at all projected load levels and during normally scheduled outages to withstand specific unscheduled contingencies without exceeding the equipment capability, causing system instability or cascade tripping, or exceeding voltage tolerances. The transmission system is required to have the adequate capability to operate normally and withstand unscheduled contingencies and other system conditions.

12. FirstEnergy Solutions Corporation ("FES") submitted several deactivation notices to PJM Interconnection, LLC ("PJM") between April 2018 and August 2018, proposing to deactivate five generating stations, including: (1) Beaver Valley located in Beaver County, Pennsylvania, (2) Bruce Mansfield located in Beaver County, Pennsylvania, (3) Sammis located in Jefferson County, Ohio, (4) David-Besse located in Ottawa County, Ohio, and (5) Perry located in Lake County, Ohio (collectively, "Generators"). The Generators are scheduled to completely deactivate in 2021 or 2022 with the exception of two of the three Bruce Mansfield generating units, which were deactivated on February 5, 2019.

13. Upon receipt of the generator deactivation notices, PJM and Duquesne Light performed a series of analyses and identified a number of NERC reliability violations across the PJM transmission system, and within the Duquesne Light service territory. The identified reliability violations stem from the generator deactivations and the subsequent changes in power flow across the Duquesne Light transmission system.

¹ Duquesne Light's reliability and planning standards are set forth in its Federal Energy Regulatory Commission Form No. 715 annual report.

14. Historically, the Duquesne Light service territory primarily receives power from generators to the northwest and west of the territory, which is largely attributable to the generating stations that are presently scheduled to deactivate.

15. In the absence of the Generators, the Duquesne Light service territory will experience an increase of the power flow received from other generating stations to the southwest and south.

16. As the proposed deactivations will shift the direction of power flow into the Duquesne Light territory from the south and southwest, the infrastructure presently in place in this area does not have the necessary capacity to accommodate the increased levels of power flow.

17. As the infrastructure presently in place in this area does not have the necessary capacity to accommodate the increased levels of power flow, the establishment of two (2) new 138 kV transmission tie-line circuits with FirstEnergy Corporation (“FirstEnergy”) is required. The new Elrama Substation is necessary to establish an appropriate point-of-interconnection for the new 138 kV tie-line circuits.

III. THE PROPOSED SUBSTATION IS NECESSARY TO SUPPORT THE HIGHER LEVELS OF POWER FLOW FROM THE SOUTH AND SOUTHWEST. DESCRIPTION OF THE SUBSTATION

18. To address the identified reliability and planning issues described above, Duquesne Light proposes to construct a 138kV substation in Union Township, Washington County. The substation will be referred to as Elrama and will be connected to nine (9) 138kV circuits.

19. The substation will consist of nine (9) 138kV circuit positions in a double breaker configuration. All equipment will be outdoor and open air. The Elrama Substation includes a Control Equipment Building containing all of the protective devices, controls, and communications equipment necessary to operate the substation.

20. The Southeast Capacity Project was reviewed by PJM stakeholders and approved by the PJM Board in two parts, on August 9, 2018 and February 11, 2019.

21. The work associated with the Elrama Substation Control Equipment Building was included in PJM's Regional Transmission Expansion Planning process and approved by the PJM Board on August 9, 2018.²

22. Provided as CONFIDENTIAL "Appendix A" hereto is an exhibit showing the location of the tract of land on which the proposed Elrama Substation, together with the Control Equipment Building, will be constructed. Because Duquesne Light believes the transmission system data set forth in Appendix A includes sensitive information about critical energy infrastructure that should not be publically accessible, Duquesne Light is submitting a CONFIDENTIAL version of Appendix A.

IV. EXEMPTION FROM LOCAL ZONING

23. The Pennsylvania Municipalities Planning Code ("MPC") provides, in relevant part, as follows:

This article shall not apply to any existing or proposed building, or extension thereof, used or to be used by a public utility corporation, if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.

Section 619 of the MPC, Act of July 31, 1968, P.L. 805, *as amended*, 53 P.S. § 10619. Thus, a municipality may zone a public utility building unless the Commission determines that the building is reasonably necessary for the convenience or welfare of the public. If the Commission finds that

² The PJM Baseline Project Number associated with the Control Equipment Building is b3015.1.

the building is reasonably necessary, the building is exempt from local zoning ordinances under the MPC. *Del-AWARE Unlimited, Inc. v. Pa. P.U.C.*, 513 A.2d 593, 596 (Pa. Cmwlth. 1986).

24. As explained above, and more fully in the Southeast Capacity Project LON, the Elrama Substation is necessary to establish an appropriate point-of-interconnection for the new 138 kV tie-line circuits]. The Elrama Substation must include certain equipment in order to operate properly and this equipment must be protected from the elements. The most efficient and appropriate means of protecting the equipment at this Substation is the construction of a Control Equipment Building on the site proposed for the new Elrama Substation.

25. Because the Southeast Capacity Project, including the Elrama Substation, is reasonably necessary for the public convenience and welfare, the Commission should find that the Control Equipment Building is reasonably necessary and, therefore, exempt from the Union Township's local zoning ordinance pursuant to Section 619 of the MPC. *Del-AWARE Unlimited, Inc. v. Pa. P.U.C.*, 513 A.2d 593 (Pa. Cmwlth. 1986).

V. THE UNION TOWNSHIP ZONING ORDINANCE

26. On January 11, 2001, the Commission adopted a policy statement to further the Commonwealth's goal of making agency actions consistent with sound land use planning by considering the impact of its decision upon local comprehensive plans and zoning ordinances. *See* 31 Pa. Bull. 951 (Feb. 17, 2001). Section 69.1101 of the Commission's Regulations provides:

[T]he Commission will consider the impact of its decisions upon local comprehensive plans and zoning ordinances. This will include reviewing applications for:

(2) Siting electric transmission lines.

(3) Siting a public utility “building” under section 619 of the Municipalities Planning Code (53 P.S. § 10619)....

52 Pa. Code § 69.1101.

27. Union Township has adopted a zoning ordinance. See Union Township Zoning Ordinance No. 106, adopted September 11, 1996, amended through June 11, 2001, by Ordinance No. 116.³

28. The substation site for the Elrama Substation is zoned as a Heavy Industrial (“H-I”) District. *Id.* at § 280-9.

29. The Union Township Zoning Ordinance defines “essential service” as:

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

Id. § 280-7. (defining “essential service”).

30. The ordinance also defines “public utility installation” as:

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 Union Township, which is reasonably necessary to furnish adequate services to the general public both within Union Township and outside the Township, including, but not limited to, long distance transmission facilities such as electrical

³ Attached as “Appendix B.”

power lines or high-pressure natural gas or petroleum lines, switching facilities, substations and similar facilities. *Id.* (defining “public utility installation”).

31. The Union Township Zoning Ordinance defines a “building” as “[a]ny structure having enclosing walls and roofs and having a permanent location on land.” *Id.* § 280-7 (defining “building”). In turn, the Zoning Ordinance defines “structure” as “[a]ny man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.” *Id.* (defining “structure”).

32. Section 280-9 of the Zoning Ordinance sets forth the various type of districts in Union Township. *Id.* § 280-0. Section 280-61 of the Zoning Ordinance sets forth the purpose of Heavy Industrial (“H-I”) District, which is “to encourage the continuation and revitalization of heavy industry in those areas of the Township which have already been established for these uses. *Id.* § 280-61. Additionally, Section 280-62 sets forth conditional uses in H-I Districts. *Id.* § 280-62. Pursuant to Section 280-62(B)(1)(h) “essential services” are permitted uses in H-I Districts. *Id.* § 280-62(A)(1)(f). In addition, “public utility installation, subject to [Section] 280-102(A)(26)” is a conditional use in H-I Districts. *Id.* § 280-62(B)(1)(h).

33. Pursuant to Section 280-102(A)(26), a Public Utility Installation is subject to specific detailed siting and building requirements. *Id.* § 280-102(A)(26)(a)-(c).

34. “No structure shall be located, erected, constructed, reconstructed, moved, altered, converted or enlarged, nor shall any structure or land be used or designed to be used, except in full compliance with all the provisions of this chapter and after the lawful issuance of all permits and certificates required by this chapter.” *Id.* § 280-5. A building and/or zoning permit is required prior to the erection, construction, or use of a Public Utility Installation because it is considered a conditional use. *Id.* § 280-100.

35. The Control Equipment Building will consist of four walls and a roof that will be placed in a stationary location on the substation property. The building will include heating and air conditioning units and will have restricted access through the use of card readers. The control building will house all of the controls, protective devices, telecommunications equipment, and support systems which are necessary to protect, control, and monitor all equipment within the substation. Without the equipment in the control building the equipment in the substation cannot function.

36. Based on the foregoing, in the absence of a finding by the Commission under Section 619 of the MPC, it is unlawful under the Union Township Zoning Ordinance for Duquesne Light to commence work on and begin use of the Elrama Substation and Control Equipment Building. Per the Zoning Ordinance, “[n]o land use may be established or changed; no structure or building may be erected, constructed, reconstructed, structurally altered, razed or removed; and no building or structure may be used or occupied or the use changed until a building/zoning permit has been obtained from the Zoning Officer.” *Id.* § 280-145.

37. Additionally, pursuant to the Zoning Ordinance, a written application for conditional use should be submitted to a Zoning Officer for approval, and the application must contain a property survey, a statement of compliance, a list of adjacent property owners, a traffic impact analysis, and an application fee. *Id.* § 280-100.

38. For these reasons, Duquesne Light requests that the Commission find that the Control Equipment Building at the proposed new Elrama Substation is reasonably necessary for the convenience or welfare of the public and are, therefore, exempt from the requirements of the Union Township Zoning Ordinance that may, in the Township’s opinion, impose any restriction,

condition, or regulation on the construction of the Control Equipment Building at the Elrama Substation.⁴

39. Duquesne Light notes that it is serving copies of this Petition on the Union Township Board of Supervisors and Union Township Planning Commission.

VI. CONCLUSION

WHEREFORE, Duquesne Light Company respectfully requests that the Pennsylvania Public Utility Commission: (1) consolidate this Elrama Substation Zoning Petition with the Southeast Capacity Project Letter of Notification Application; and (2) find that the Control Equipment Building proposed by Duquesne Light at the Elrama Substation is reasonably necessary for the convenience or welfare of the public and, therefore, exempt from the Zoning Ordinance of Union Township.

[signature on the following page]

⁴ The lack of authority for a local municipality to regulate the design, location, or construction of public utility facilities is consistent with the long line of cases holding that public utilities are exempt from local ordinances. See *Duquesne Light Company v. Monroeville Borough*, 449 Pa. 573, 580, 298 A.2d 252, 256 (1972) (“This Court has consistently held, however, that the Public Utility Commission has exclusive regulatory jurisdiction over the implementation of public utility facilities”) (citations omitted). See, e.g., *County of Chester v. Philadelphia Elec. Co.*, 420 Pa. 422, 218 A.2d 331 (1966) (holding that regulation by a multitude of jurisdictions would result in “twisted and knotted” public utilities with consequent harm to the general welfare); *Newtown Twp. v. Philadelphia Elec. Co.*, 594 A.2d 834, 837 (Pa. Cmwlth. 1991) (noting that “it is clear that no ‘implied’ power exists in the MPC which would allow the Township to regulate [the Philadelphia Electric Company] through its subdivision and land development ordinance”); *Heintzel v. Zoning Hearing Bd. of Millcreek Twp.*, 533 A.2d 832 (Pa. Cmwlth. 1987) (holding that township had no power to regulate, under its zoning ordinance, city’s erection of water tower because that power was under the exclusive jurisdiction of the PUC); *South Coventry Twp. v. Philadelphia Elec. Co.*, 504 A.2d 368 (Pa. Cmwlth. 1986) (noting that to possibly subject [the Philadelphia Electric Company] to a miscellaneous collection of regulations upon its system would clearly burden and indeed disable it from successfully functioning as a utility); *Commonwealth v. Delaware and Hudson Railway Co.*, 339 A.2d 155 (Pa. Cmwlth. 1975) (holding that the MPC did not authorize local governments to regulate public utilities in any manner which infringes upon the power of the Commission to so regulate).

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Emily Farah", written over a horizontal line.

Emily Farah (PA ID # 322559)

Tishekia Williams (PA ID # 208997)

Duquesne Light Company

411 Seventh Avenue

Pittsburgh, PA 15230-1930

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Counsel for Duquesne Light Company

Date: May 20, 2019

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PA PUBLIC UTILITY COMMISSION
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APPENDIX A
(CONFIDENTIAL)

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PA PUBLIC UTILITY COMMISSION
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APPENDIX B

Chapter 280

ZONING

GENERAL REFERENCES

Planning Commission – See Ch. 42.

Airport zoning – See Ch. 70.

Unsafe buildings – See Ch. 100.

Uniform construction code – See Ch. 113.

Floodplain management – See Ch. 128.

Grading – See Ch. 135.

Outdoor lighting – See Ch. 155.

Oil and gas exploration – See Ch. 176.

Peddling and soliciting – See Ch. 188.

Sewers – See Ch. 211.

Stormwater management – See Ch. 225.

Streets and sidewalks – See Ch. 236.

Subdivision and land development – See Ch. 242.

ARTICLE I
Basic Provisions

§ 280-1. Title.

The official title of this chapter is the "Union Township Zoning Ordinance."

§ 280-2. Authority.

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

§ 280-3. Interpretation.

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

§ 280-4. Community development objectives.¹

Community development objectives are set forth in the Carroll Township-Union Township Joint Comprehensive Plan as adopted in 2012. In addition to the specific objectives stated in the 1996 Comprehensive Plan Update and the 2012 Joint Comprehensive Plan, the general community development objectives on which this chapter is based are:

- A. To promote the interest of public health, safety, morals and the general welfare;
- B. To secure safety from fire and to provide adequate open spaces for light and air;
- C. To conserve and stabilize property values;
- D. To preserve woodlands, open space, recreational, agricultural and environmentally sensitive lands from conflict with urban development;
- E. To facilitate the economic provision of adequate transportation, water, sewage, schools, parks and other public requirements;

1. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

- F. To prevent the overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers;
- G. To promote stormwater management, soil and water conservation;
- H. To set forth population density controls;
- I. To promote coordinated and practical community development; and
- J. To promote the utilization of renewable energy sources.

§ 280-5. Compliance.

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

ARTICLE II
Terminology

§ 280-6. Word usage.

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

§ 280-7. Definitions.

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

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

ADULT ARCADE — Any place where the public is permitted or invited wherein coin-operated or electronically, electrically or mechanically controlled still- or motion-picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas, as defined herein.

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

ADULT BUSINESS — An adult arcade, adult bookstore, adult live theater, adult mini motion-picture theater, adult motion-picture theater, adult motel or a nightclub featuring adult entertainment, as defined herein.

ADULT ENTERTAINMENT — Movies which are rated "X" by the motion picture coding association, videos, still or motion pictures, photographs, slides, films or other visual representations, books, magazines or other

printed material or live dramatic, musical or dance performances which are sexually explicit or depict nudity or sexual conduct, as defined herein.

ADULT LIVE THEATER — Any commercial establishment which features live shows for public viewing in which all, or some, of the performers are displaying nudity or engaging in sexual conduct, as defined herein.

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

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

ADULT MOTION-PICTURE 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 conduct or nudity, as defined herein.

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

ANIMAL HOSPITAL — An establishment for the medical or surgical treatment of animals, including the boarding of hospitalized animals.

ANIMAL SHELTER — Any building or other structure which is used to enclose and provide protection for livestock or domestic pets.

ARTERIAL STREET — A public street which serves large volumes of high-speed and long-distance traffic. Streets classified as arterial in the Township for the purposes of interpreting this chapter are: PA Route 88, PA Route 837, Finleyville/Elrama Road, Venetia Road and Brownsville Road.

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

AUTOMOBILE SERVICE STATION — See "service station, automobile."

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

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

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

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

BOARD OF SUPERVISORS — The Board of Supervisors of the Township of Union, Washington County, Pennsylvania.

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

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

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

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

BUILDING FOOTPRINT — The area of a lot or a combination of lots, expressed in square feet, that is covered by the ground floor of a building, measured between the exterior faces of walls. If the floor area of any upper floor of a building exceeds the ground floor by more than 10%, the upper floor shall be used to determine the building footprint. **[Added 5-12-2008 by Ord. No. 2008-4]**

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

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

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

BUSINESS OR PROFESSIONAL OFFICES — Any office of recognized professions such as doctors, lawyers, architects, engineers, real estate brokers, insurance agents and others who, through training, are qualified to perform services of a professional nature and other offices used primarily

for accounting, corresponding, research, editing or other administrative functions, but not including banks or other financial institutions.

CARPORT — A structure to house or protect motor vehicles which is open to the weather for at least 40% of the total area of its sides.

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

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

CEMETERY — Property used for interring of dead persons or domestic pets, including mausoleums and columbariums but not including crematoriums or family plots.

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

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

CLUB, PRIVATE — See "private club."

COLLECTOR STREET — A public street which, in addition to giving access to abutting lots, intercepts local streets and provides a route for carrying considerable volumes of local traffic to community facilities and arterial roads. Streets classified as collector roads in the Township for the purposes of interpreting this chapter are: Airport Road, Coal Bluff Road, Courtney Road, Lobbs Run Road, McChain Road, McClelland Road, Mingo Creek Road, Patterson Road and Stone Church Road.

COMMERCIAL COMMUNICATIONS TOWER — Any structure designed for transmitting or receiving radio, television or telephone communications which is operated by any agency or corporation, other than a public utility which is regulated by the Public Utilities Commission (PUC) or which is operated by any agency, franchisee or authority of Union Township, Washington County or the Commonwealth of Pennsylvania or any police, fire, emergency medical or emergency management agency.

COMMERCIAL RECREATION — See "recreation, commercial."

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.

CONDITIONAL USE — A use authorized by this chapter which may be granted only by the Board of Supervisors following review by the Planning

Commission and a public hearing subject to express standards and criteria contained in this chapter.

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

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

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

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

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

COVERAGE — See "lot coverage."

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.

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

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

DENSITY, NET — The total number of dwelling units per acre of land devoted to residential use, including streets, parking areas and private open space, yards or courts abutting and serving the dwellings, but exclusive of those areas devoted to common open space and areas of the site which have slopes of 25% or greater.

DISTRICT — See "zoning district."

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

DRILLING — Specifically, any digging or boring of a new well to explore, develop or produce oil, gas or other hydrocarbons or to inject gas, water or any other fluid or substance into the earth and, in all cases, any redrilling therein. This term shall not include any surveying or staking related thereto of any property prior to any drilling as defined herein. **[Added 7-26-2010 by Ord. No. 2010-3]**

DRILLING EQUIPMENT — The derrick, all parts and appurtenances to such structure, and every piece of apparatus, machinery or equipment used, erected or maintained for use in connection with drilling. **[Added 7-26-2010 by Ord. No. 2010-3]**

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

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

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

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

- A. **SINGLE-FAMILY DWELLING** — A detached residential building which is the only principal structure on the lot, designed exclusively for occupancy by one family, as defined herein, and containing one dwelling unit.
- B. **TWO-FAMILY DWELLING** — A residential building which is the only principal structure on the lot, designed exclusively for occupancy by two families living independently of each other, and containing two dwelling units, each with a separate entrance directly to the outside, including double houses and duplexes.
- C. **MULTIFAMILY DWELLING** — A residential building designed exclusively for occupancy by three or more families living independently of each other and containing three or more dwelling units, including garden apartments and townhouses.
- D. **GARDEN APARTMENT** — A multifamily residential building no more than three stories in height containing three or more dwelling units which share a common entrance to the outside, usually through a common corridor, and which dwelling units may have other dwelling units either above or below them.

- E. **GROUP CARE FACILITY** — A facility licensed by the commonwealth which provides room and board and specialized services for any number of permanent residents who are not included in the protected classes covered by the Fair Housing Act (42 U.S.C. § 3601 et seq.) and persons of any age or condition who have been adjudicated by the criminal court system and who are in need of supervision and specialized services on a twenty-four-hour basis, including staff qualified by the sponsoring agency, who may or may not reside at the facility and who provide health, social and rehabilitative services to the residents. The services shall be provided only by a governmental agency, its licensed or certified agents or any other responsible nonprofit social services corporation, and the facility shall meet all minimum requirements of the sponsoring agency.
- F. **MODULAR DWELLING** — A single-family dwelling which is delivered to its site in at least two sections that are set upon a permanent foundation and the sections joined together. Such dwellings shall be certified as meeting the minimum standards for modular dwelling 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, provided they are installed on a permanent foundation and connected to all available utilities.
- G. **PERSONAL CARE BOARDINGHOME** — A dwelling licensed by the commonwealth, where room and board is provided to more than three permanent residents who are not relatives of the operator, and who are mobile or semimobile and require specialized services for a period exceeding 24 consecutive hours in such matters as bathing, dressing, diet and medication prescribed for self-administration, but who are not in need of hospitalization or skilled nursing care or intermediate nursing care.
- H. **TOWNHOUSE** — A multifamily residential building no more than 2 1/2 stories in height which contains at least three but no more than eight dwelling units, each of which are separated from the adjoining unit or units by a continuous, unpierced vertical wall extending from the basement to the roof, each unit having independent access directly to the outside and having no other units above or below.
- I. **TRANSITIONAL DWELLING** — A dwelling unit occupied on a short-term basis by persons assigned by a court of law or public, semipublic or nonprofit agency, and managed by a public, semipublic or nonprofit agency responsible for the occupants' care, safety, conduct, counseling and supervision for a specified period of time, including alcoholic recovery, shelters for battered persons and their children, community reentry services following incarceration, prison assignment, house arrest or other court-ordered treatment, and other such short-term supervised assignments.

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

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

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

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

FAMILY — One or more persons living together in a single dwelling unit as a traditional family or the functional equivalent of a traditional family. It shall be a rebuttable presumption that three or more persons living together in a single dwelling unit who are not related by blood, adoption or marriage do not constitute the functional equivalent of a traditional family. In determining the functional equivalent of a traditional family, one or more of the following criteria shall be present:²

- A. The group shares the entire dwelling unit.
- B. The group lives and cooks together as a single housekeeping unit.
- C. The group shares expenses for food, rent, utilities or other household expenses.
- D. The group is permanent and stable, and not transient or temporary in nature.
- E. Any other factor reasonably related to whether the group is the functional equivalent of a family.

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

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

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

FENCE or WALL — A structure designed for the purpose of enclosing space or separating parcels of land. The term "fence or wall" shall not include retaining walls which are designed and approved in accordance with Chapter 135, Grading, of the Code.

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

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

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

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

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

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

GARAGE, REPAIR — See "repair garage."

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

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

GOLF COURSE — A recreational facility which has a course for playing golf as its principal use and which may have a clubhouse, locker rooms, restaurant, swimming pool, pro shop, facilities for racquet sports, maintenance facilities and similar facilities as accessory uses.

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

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

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

HEALTH CLUB — A commercial recreational enterprise or private club which has as a principal use a gymnasium, swimming pool or other sports facility and which may offer massages, whirlpool baths, steam rooms, saunas and/or medical facilities as accessory uses to the principal use.

HEIGHT OF BUILDING — See "building height."

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

HOME GARDENING — The growing of flowers, plants or vegetables for consumption by the persons residing on the premises, including backyard composting for personal use and noncommercial greenhouses not exceeding 150 square feet in gross floor area.

HOME OFFICE — A home occupation, as defined below, including, but not limited to, an office of an attorney, architect, engineer or similar recognized profession or the office of a realtor, insurance agent, investment counselor, manufacturer's representative, broker or similar service, where customers or clients do not routinely visit the premises and where no one who is not a resident of the dwelling is employed on the premises.

HOME OCCUPATION — An accessory use of a service character, conducted entirely within a dwelling by the residents thereof, which use is clearly secondary to the use of the dwelling for living purposes and does not, in any way, change the character of the dwelling.

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

HOSPITAL, ANIMAL — See "animal hospital."

HOTEL — See "motel/hotel."

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

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

JUNKYARD — Any premises devoted wholly or in part to the storage, buying or selling, salvaging, recycling or otherwise handling or dealing in scrap

metals, building materials, scrapped or used appliances or other household goods, fixtures, vehicles and vehicle parts, machinery and machinery parts or other forms of discarded materials.

KENNEL — A structure and/or premises where four or more dogs or cats or any combination of dogs and cats totalling four or more animals which are six months or older are kept, bred, trained or boarded at any one time, whether for profit or not.

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

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

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

LAND DEVELOPMENT PLAN — A plan prepared in accordance with the application requirements of Chapter 242, Subdivision and Land Development, of the Code for approval of a land development, as defined herein.

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

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

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

mulching, grass seeding specifications and mixtures and existing trees to be preserved, if any.

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

LARGE-SCALE COMMERCIAL BUILDING — Any nonresidential structure or combination of nonresidential structures on a single site that exceeds a building footprint of 50,000 square feet. **[Added 5-12-2008 by Ord. No. 2008-4]**

LIGHT MANUFACTURING — The processing and fabrication of certain materials and products where no process involved will produce noises, vibration, water pollution, fire hazard or noxious emissions which will disturb or endanger neighboring properties. Light manufacturing includes, but is not limited to, the production of the following goods: home appliances, electrical instruments, office machines, precision instruments, electronic devices, timepieces, jewelry, optical goods, musical instruments, novelties, wood products, printed material, lithographic plates, type composition, machine tools, dies and gauges, ceramics, apparel, lightweight nonferrous metal castings, film processing, light sheet metal products, plastic goods, pharmaceutical goods, food products, not including animal slaughtering, curing or rendering of fats, and similar activities.

LIVESTOCK — Any member of the bovine or equine species, including but not limited to cows, steers, horses and ponies.

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

LOT, CORNER — See "corner lot."

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

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

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

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

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

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

LOT LINE, FRONT — That lot line which is contiguous with the street center line or the street right-of-way line. In the case of a lot which has no frontage

on a street, the front lot line shall be the lot line through which vehicular access is provided, regardless of which way the dwelling faces.

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

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

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

MANUFACTURING, LIGHT — See "light manufacturing."

MANUFACTURING — The mechanical or chemical transformation of raw materials or substances into new products or other raw materials, including the assembling of component parts, the manufacturing of products and the blending of materials into finished or semifinished products.

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.

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

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

MISCELLANEOUS IMPACT STUDIES — Studies that may be prepared by the appropriate engineers, consultants, experts, etc., at the discretion of the Board of Supervisors. **[Added 5-12-2008 by Ord. No. 2008-4]**

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

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

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

MODULAR DWELLING — See Subsection F under the definition of "dwelling types."

MOTEL/HOTEL — An establishment which offers transient overnight lodging accommodations to the general public and which also may provide additional supporting services such as restaurants, meeting rooms, recreation, facilities and living quarters for a resident manager or proprietor.

MULTIFAMILY DWELLING — See Subsection C under the definition of "dwelling types."

NATURAL GAS COMPRESSOR STATION — A facility designed and constructed to compress natural gas that originates from an oil and gas well or collection of such wells, operating as a midstream facility for delivery of oil and gas to a transmission pipeline, distribution pipeline, natural gas processing plant or underground storage field, including one or more natural gas compressors, associated buildings, pipes, valves, tanks and other equipment. **[Added 7-26-2010 by Ord. No. 2010-3]**

NATURAL GAS FACILITIES — Any facilities not mentioned herein and related to natural gas development must comply with the conditional use requirements herein. **[Added 7-26-2010 by Ord. No. 2010-3]**

NATURAL GAS PROCESSING PLANT — A facility designed and constructed to remove materials such as ethane, propane, butane and other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets, but not including facilities or equipment that are/ is designed and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from natural gas. **[Added 7-26-2010 by Ord. No. 2010-3]**

NO-IMPACT HOME-BASED BUSINESS — 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:³

- 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.

3. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- 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.

NONCOMMERCIAL RECREATION — See "recreation, noncommercial."

NONCONFORMING LOT — Any lot, the area or dimension of which was lawful prior to the adoption or amendment of this chapter, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

NONCONFORMING STRUCTURE — A structure or part of a structure which does not comply with the applicable area and bulk provisions of this chapter or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this chapter or an amendment thereto or prior to the application of this chapter or amendment to its location by reason of annexation. 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 chapter or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this chapter or an amendment thereto or prior to the application of this chapter or amendment to its location by reason of annexation.

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

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

OFFICES — See "business or professional offices."

OIL AND GAS — Crude oil, natural gas, methane gas, coal bed methane gas, propane, butane and/or any other constituents or similar substances that

are produced by drilling a well of any depth into, through and below the surface of the earth. **[Added 7-26-2010 by Ord. No. 2010-3]**

OIL AND GAS DRILL SITE — The oil and gas drill site shall consist of the area occupied by the facilities, structures, and equipment necessary for or incidental to the drilling, production or operation of an oil or gas well. **[Added 7-26-2010 by Ord. No. 2010-3]**

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

OWNER — See "landowner."

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

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

PERSONAL CARE BOARDINGHOME — See Subsection G under the definition of "dwelling types."

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

PETS, DOMESTIC — See "domestic pets."

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

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

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

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

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

PRIVATE CLUB — Any establishment operated by a private organization for social, recreational, educational, fraternal or sororal purposes, which is open only to members and their guests and not to the general public.

PRIVATE GARAGE — See "garage, private."

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

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

PRIVATE-USE HELIPAD — A helicopter landing pad licensed by the Pennsylvania Department of Transportation, Bureau of Aviation and regulated by the Federal Aviation Administration, which is owned by a private entity and restricted to use by helicopters owned by such entity.

PROFESSIONAL OFFICES — See "business or professional offices."

PROTECTED STRUCTURE — Any occupied residence, commercial business, school, religious institution or other public building located within 1,000 feet of the surface location of a well that may be impacted by noise generated from development. The term shall not include any well owned by an oil and gas lessor who has signed a lease with the operator granting surface rights to drill the subject well. **[Added 7-26-2010 by Ord. No. 2010-3]**

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

PUBLIC GARAGE — See "garage, public."

PUBLIC MEETING — A forum held pursuant to notice under 65 Pa.C.S.A. § 701 et seq. (October 15, 1998, P.L. 729, No. 93).⁴

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

PUBLIC RECREATION — See "recreation, public."

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

4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D).

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

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

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

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

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

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

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

RESTAURANT — An establishment which offers food and beverages for sale and consumption either on or on and off the premises as the principal use

and may serve alcoholic beverages for consumption on the premises as an accessory use.

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

RETIREMENT COMMUNITY — A residential development designed primarily or exclusively for occupancy by elderly or retired persons and which features one or more of the following special services associated with the needs of elderly or retired persons, such as transportation, limited nursing facilities, dispensaries, common dining facilities, minimum maintenance, laundry service, recreation programs, personal services (such as beauty salons and barbershops, or cleaner's valet service), florist and/or gift shop, doctor's offices, branch bank, postal service and similar services or facilities.

RIGHT-OF-WAY — Land set aside for use as a street, alley or other means of travel, including existing and future rights-of-way, as defined below. (See also "easement" with respect to utilities.)

- A. **EXISTING RIGHT-OF-WAY** — The legal right-of-way as established by the commonwealth or other appropriate governmental authority and currently in use.
- B. **FUTURE RIGHT-OF-WAY** — The right-of-way deemed necessary to provide adequate area or increased width for future street improvements.

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

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

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

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

SERVICE STATION, AUTOMOBILE — A retail establishment which provides for one or more of the following activities:

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

radiator cleaning and flushing, excluding steam cleaning and repair; installation of accessories; and state inspection; and/or

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

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

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

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

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

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

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

SLAUGHTERHOUSE — An establishment where animals are butchered for human consumption and where the meat is prepared and packaged for retail or wholesale sales.

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

SOLID WASTE DISPOSAL — The ultimate disposition of unwanted or discarded materials from households and businesses, including garbage and nonrecyclable materials with insufficient liquid content to be free flowing.

SPECIAL EXCEPTION — See "use by special exception."

SPECIALTY RETAIL STORE — An establishment which has a gross floor area of 5,000 square feet or less devoted exclusively to retail sales of distinctive and high quality merchandise, including one or more of the following: art and photography galleries or studios, antiques, books, boutique items, candles, candy, cards and stationery, cut and dried flowers, gifts, handicrafts, interior decorator items, leather goods, men's, ladies' and children's apparel, pipes and tobacco and shops of a similar nature.

SPECIALTY FOOD STORE — An establishment which has a gross floor area of 5,000 square feet or less devoted to the sale of specialty or gourmet food items or meats or groceries, which are packaged and which may or may not be available for consumption on the premises.

STABLE, PRIVATE — See "private stable."

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

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

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

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.

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."

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

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

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

TAVERN — See "bar or tavern."

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

TOWNHOUSE — See Subsection H under the definition of "dwelling types."

TOWNSHIP — The Township of Union, Washington County, Pennsylvania.

TRAFFIC IMPACT STUDIES — Mandated studies required to be submitted for all residential and nonresidential projects that generate in excess of 200 vehicle trips per average weekday, as calculated according to the most recent edition of the Institute for Transportation Engineers Trip Generation Manual. The requirements for such studies is contained in § 280-101G. **[Added 5-12-2008 by Ord. No. 2008-4]**

TRANSITIONAL DWELLING — See Subsection I under the definition of "dwelling types."

TWO-FAMILY DWELLING — See Subsection B under the definition of "dwelling types."

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

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

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

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

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

WAREHOUSE — A building used for the storage and handling of freight or merchandise, but not including the maintenance or fueling of commercial

vehicles. Warehousing which is incidental to retail sales and which does not constitute in excess of 30% of the total floor area of the retail establishment shall be excluded from this definition.

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.

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

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

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

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

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

ZONING CERTIFICATE — A document issued by the Township Zoning Officer stating that the proposed use of a particular structure, building or lot conforms to the requirements of this chapter.

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

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

ZONING HEARING BOARD — The Zoning Hearing Board of the Township of Union, Washington County, Pennsylvania.

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

ARTICLE III
District Regulations

§ 280-8. Zoning District Map.

- A. The Township is hereby divided into zoning districts, as shown on the official Zoning District Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this chapter.
- B. The Official Zoning District Map shall be identified by the signature of the Chairman of the Board of Supervisors, attested by the Township Secretary and certified by the Township Engineer, and shall bear the seal of the Township under the following words: "This is to certify that this is the Official Zoning District Map referred to in Article III of Ordinance Number 106, as amended, of Union Township, Washington County, Pennsylvania," together with the date of adoption of this chapter.
- C. All amendments affecting district boundaries shall be noted on the Official Zoning District Map by the Township Engineer, including the date of adoption, and shall be attested to by the Township Secretary.
- D. No changes of any nature shall be made in the Official Zoning District Map or matter shown thereof except in conformity with the procedure set forth in this chapter. Any unauthorized change of whatever kind by any person shall be considered a violation of this chapter and punishable as provided under § 280-144 of this chapter.
- E. The Official Zoning District Map, which shall be located in the Township Municipal Building, shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in the Township.

§ 280-9. Zoning districts.⁵

The Township is divided into the districts set forth by this chapter and as shown by the district boundaries on the Official Zoning District Map. The zoning districts are:

- R-D Rural Development District
- R-1 Low-Density Single-Family Residential District
- R-2 One- and Two-Family Village Residential District
- R-3 Multifamily Residential District
- C-1 Local Commercial District
- C-2 General Commercial District
- C-3 Heavy Commercial District

5. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

- H-I Heavy Industrial District
- A-P Airport District
- S-D Special Development District
- MUD Mixed Use Development Overlay District

§ 280-10. District boundaries.

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

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

§ 280-11. General district regulations.

The following regulations shall apply in all zoning districts:

- A. Any use not specifically listed in the authorized uses for a zoning district shall not be permitted in that zoning district, unless such use is authorized by the Zoning Hearing Board as a use by special exception. The authority for the Zoning Hearing Board to grant approval of a use which is not specifically listed in the authorized uses for a zoning district shall be limited to the C-1, C-2, C-3, H-I and A-P Districts where "comparable uses not specifically listed" is included in the list of uses by special exception in the zoning district, subject to the applicable express standards and criteria specified in § 280-102A(10) of this chapter.
- B. Accessory uses or structures which are customarily accessory to principal structures or uses which are authorized as conditional uses or uses by special exception shall be permitted as accessory uses by right.

- C. In all zoning districts, single-family dwellings and two-family dwellings shall be the only principal structure on a lot. Except where secondary dwellings for resident farm workers are authorized by this chapter, a single-family dwelling shall be the only dwelling permitted on a lot.
- D. In all zoning districts where authorized by this chapter, two or more multifamily dwellings may occupy the same lot, two or more nonresidential buildings may occupy the same lot, and two or more authorized nonresidential uses may occupy the same building; provided that, in all cases, all applicable requirements for each of the structures or uses can be met on the lot.
- E. In all zoning districts, all accessory structures shall be located on the same lot with the principal structure to which they are accessory.

ARTICLE IV
R-D Rural Development District

§ 280-12. Purpose.

The purpose of the R-D Rural Development District is to provide for agriculture and low-density single-family residential development in rural areas of the Township where public sewers are not available and to provide for accessory uses and compatible public and semipublic uses as conditional uses or uses by special exception.

§ 280-13. Authorized uses.

In the R-D Rural Development District only the following uses are authorized.

A. Permitted uses.

(1) Principal uses.

- (a) Agriculture, subject to § 280-111.
- (b) Animal hospital, subject to § 280-102A(2).
- (c) Boarding stable, subject to § 280-111.
- (d) Kennel, subject to § 280-111.
- (e) Garden nursery or greenhouse, subject to § 280-111.
- (f) Golf course.
- (g) Single-family dwelling.
- (h) Secondary dwelling for resident farm workers, subject to § 280-114.
- (i) Essential services.

(2) Accessory uses.

- (a) Signs, subject to Article XIX.
- (b) Off-street parking and loading, subject to Article XVIII.
- (c) Accessory uses customarily incidental to and on the same lot with any permitted use, conditional use or use by special exception authorized in this district.
- (d) Private garages and storage buildings, subject to § 280-106.
- (e) Private residential swimming pools or tennis courts, subject to § 280-106.
- (f) Private stables, subject to § 280-111.

- (g) Fences, subject to § 280-106.
- (h) Temporary construction trailer, model home or sales office, subject to § 280-110.
- (i) Home gardening.
- (j) Home office.
- (k) Keeping of domestic pets.

B. Conditional uses.

(1) Principal uses.

- (a) Cemetery, subject to § 280-102A(6).
- (b) Church, subject to § 280-102A(7).
- (c) Commercial communications tower, subject to § 280-102A(8).
- (d) Firehouse, subject to § 280-102A(7).
- (e) Mineral removal, subject to § 280-102A(20).
- (f) Mini warehouses or self-storage buildings, subject to § 280-102A(19).
- (g) Nursing home, subject to § 280-102A(16).
- (h) Personal care boarding home, subject to § 280-102A(15).
- (i) Planned residential development, subject to Article XV.
- (j) Private club, subject to § 280-102A(23).
- (k) Public recreation, subject to § 280-102A(25).
- (l) Public buildings, subject to § 280-102A(7).
- (m) Public utility installation, subject to § 280-102A(26).
- (n) Schools, subject to § 280-102A(7).

(2) Accessory uses.

- (a) Home occupation, subject to § 280-102A(39).
- (b) Private-use helipad, subject to § 280-102A(37).

C. Uses by special exception.

(1) Principal uses.

- (a) Day-care center or preschool facility in a church or school, subject to § 280-102A(12).

- (b) Temporary use or structure, other than a construction trailer, model home or sales office, subject to § 280-102A(33).

- (2) Accessory uses: none.

§ 280-14. Area and bulk regulations.

In the R-D Rural Development District all uses shall be subject to the following regulations, except as they may be modified by Article XV, governing planned residential developments, or by the express standards and criteria for the specific conditional uses and uses by special exception contained in Article XVI.

- A. Minimum lot area.
 - (1) Agriculture, nursery or greenhouse: 10 acres.
 - (2) Boarding stable: five acres.
 - (3) Kennel: two acres.
 - (4) Single-family dwelling: 21,780 square feet.
 - (5) Golf course: 30 acres.
 - (6) All other principal uses: one acre.
- B. Minimum lot width: 100 feet.
- C. Maximum lot coverage: 30%.
- D. Minimum front yard: 50 feet.
- E. Minimum rear yard.
 - (1) Principal structures: 50 feet.
 - (2) Accessory structures: see § 280-106C.
- F. Minimum side yard.
 - (1) Principal structures: 20 feet.
 - (2) Accessory structures: see § 280-106C.
- G. Special yard requirements: see § 280-106.
- H. Permitted projections into required yards: see § 280-107.
- I. Maximum height:
 - (1) All principal structures: 2 1/2 stories and no more than 35 feet.
 - (2) All accessory structures: one story and no more than 15 feet.
- J. Height exceptions: see § 280-108.

§ 280-15

UNION CODE

§ 280-18

§ 280-15. Parking and loading.

See Article XVIII.

§ 280-16. Signs.

See Article XIX.

§ 280-17. Screening and landscaping.

See § 280-105.

§ 280-18. Storage.

See § 280-112.

ARTICLE V
R-1 Low-Density Single-Family Residential District

§ 280-19. Purpose.

The purpose of this district is to preserve natural features and resources while encouraging low-density single-family residential development suited to the natural conditions and to provide for accessory uses and compatible public and semipublic uses as conditional uses or uses by special exception.

§ 280-20. Authorized uses.

In the R-1 Low-Density Single-Family Residential, District only the following uses are authorized.

A. Permitted uses.

- (1) Principal uses.
 - (a) Single-family dwelling.
 - (b) Golf course.
 - (c) Essential services.
- (2) Accessory uses.
 - (a) Signs, subject to Article XIX.
 - (b) *Off-street parking and loading*, subject to Article XVIII.
 - (c) Accessory uses customarily incidental to and on the same lot with any permitted use, conditional use or use by special exception authorized in this district.
 - (d) Private residential swimming pools or tennis courts, subject to § 280-106.
 - (e) Private garages and storage buildings not exceeding 800 square feet of gross floor area, subject to § 280-102A(38).
 - (f) Fences, subject to § 280-106.
 - (g) Home gardening.
 - (h) Home office.
 - (i) Temporary construction trailer, model home or sales office, subject to § 280-110.
 - (j) Keeping of domestic pets.
 - (k) No-impact home-based business.⁶

6. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

B. Conditional uses.**(1) Principal uses.**

- (a) Churches, subject to § 280-102A(7).
- (b) Firehouses, subject to § 280-102A(7).
- (c) Planned residential development, subject to Article XV.
- (d) Public recreation, subject to § 280-102A(25).
- (e) Public buildings, subject to § 280-102A(7).
- (f) Public utility installation, subject to § 280-102A(26).
- (g) Schools, subject to § 280-102A(7).

(2) Accessory uses.

- (a) Home occupation, subject to § 280-102A(39).

C. Uses by special exception.**(1) Principal uses.**

- (a) Day-care center or preschool facility in a church or school, subject to § 280-102A(12).
- (b) Temporary use or structure, other than a construction trailer, model home or sales office, subject to § 280-102A(33).

(2) Accessory uses.

- (a) Private garages and storage buildings exceeding 800 square feet of gross floor area, subject to § 280-102A(38).

§ 280-21. Area and bulk regulations.

In the R-1 Low-Density Single-Family Residential District all uses shall be subject to the following regulations, except as they may be modified by Article XV governing planned residential developments or by the express standards and criteria for the specific conditional uses and uses by special exception contained in Article XVI.

A. Minimum lot area.**(1) Single-family dwelling.**

- (a) With public sewers: 12,000 square feet.
- (b) Without public sewers: 21,780 square feet.

(2) Golf course: 30 acres.**(3) All other principal uses: one acre.**

- B. Minimum lot width:
- (1) Single-family dwelling.
 - (a) With public sewers: 75 feet.
 - (b) Without public sewers: 100 feet.
 - (2) All other principal uses: 100 feet.
- C. Maximum lot coverage: 35%.
- D. Minimum front yard: 30 feet.
- E. Minimum rear yard.
- (1) Principal structures.
 - (a) With public sewers: 35 feet.
 - (b) Without public sewers: 50 feet.
 - (2) Accessory structures: see § 280-106C.
- F. Minimum side yard.
- (1) Single-family dwelling: 15 feet.
 - (2) All other principal structures: 20 feet.
 - (3) Accessory structures: see § 280-106C.
- G. Special yard requirements: see § 280-106.
- H. Permitted projections into required yards: see § 280-107.
- I. Maximum height.
- (1) All principal structures: 2 1/2 stories and no more than 35 feet.
 - (2) All accessory structures: one story and no more than 15 feet.
- J. Height exceptions: see § 280-108.

§ 280-22. Parking and loading.

See Article XVIII.

§ 280-23. Signs.

See Article XIX.

§ 280-24. Screening and landscaping.

See § 280-105.

ARTICLE VI
R-2 One- and Two-Family Village Residential District

§ 280-26. Purpose.

The purpose of this district is to protect established villages, as designated in this chapter; to encourage single-family and two-family developments at moderate densities in locations in the Township where utilities and transportation facilities are anticipated in the future; and to provide for accessory uses and compatible public and semipublic uses as conditional uses and uses by special exception.

§ 280-27. Authorized uses.

In the R-2 One- and Two-Family Village Residential District only the following uses are authorized.

A. Permitted uses.

- (1) Principal uses.
 - (a) Single-family dwelling.
 - (b) Two-family dwelling.
 - (c) Essential services.
- (2) Accessory uses.
 - (a) Signs, subject to Article XIX.
 - (b) Off-street parking and loading, subject to Article XVIII.
 - (c) Accessory uses customarily incidental to and on the same lot with any permitted use, conditional use or use by special exception authorized in this district.
 - (d) Private residential swimming pools or tennis courts, subject to § 280-106.
 - (e) Private garages and storage buildings not exceeding 800 square feet of gross floor area, subject to § 280-102A(38).
 - (f) Fences, subject to § 280-106.
 - (g) Temporary construction trailer, model home or sales offices, subject to § 280-110.
 - (h) Home gardening.
 - (i) Home office.
 - (j) Keeping of domestic pets.
 - (k) No-impact home-based business.⁷

B. Conditional uses.

(1) Principal uses.

- (a) Churches, subject to § 280-102A(7).
- (b) Firehouses, subject to § 280-102A(7).
- (c) Planned residential development, subject to Article XV.
- (d) Public recreation, subject to § 280-102A(25).
- (e) Public buildings, subject to § 280-102A(7).
- (f) Public utility installation, subject to § 280-102A(26).
- (g) Schools, subject to § 280-102A(7).

(2) Accessory uses.

- (a) Home occupation, subject to § 280-102A(39).

C. Uses by special exception.

(1) Principal uses.

- (a) Day-care center or preschool facility in a church or school, subject to § 280-102A(12).
- (b) Temporary use or structure, other than a construction trailer, model home or sales office, subject to § 280-102A(33).

(2) Accessory uses.

- (a) Private garages and storage buildings exceeding 800 square feet of gross floor area, subject to § 280-102A(38).

§ 280-28. Area and bulk regulations.

In the R-2 One- and Two-Family Village Residential District all uses shall be subject to the following regulations, except as they may be modified by Article XIV governing planned residential developments or by the express standards and criteria for the specific conditional uses and uses by special exception contained in Article XVI.

A. Minimum lot area.

(1) Single-family dwelling: 9,000 square feet.

- (a) Exception: see § 280-130C.

(2) Two-family dwelling: 12,000 square feet.

- (a) Exception: see § 280-130C.

- (3) All other principal uses: 21,780 square feet.
- B. Minimum lot width: 65 feet.
 - (1) Exception: see § 280-130C.
- C. Maximum lot coverage: 50%.
- D. Minimum front yard: 30 feet.
 - (1) Exception: see § 280-130C.
- E. Minimum rear yard.
 - (1) Principal structures: 20 feet.
 - (2) Accessory structures: see § 280-106C.
 - (a) Exception: see § 280-130C.
- F. Minimum side yard.
 - (1) Principal structures: 10 feet.
 - (2) Accessory structures: see § 280-106C.
 - (a) Exception: see § 280-130C.
- G. Special yard requirements: see § 280-106.
- H. Permitted projections into required yards: see § 280-107.
- I. Maximum height.
 - (1) All principal structures: 2 1/2 stories and no more than 35 feet.
 - (2) All accessory structures: one story and no more than 15 feet.
- J. Height exceptions: see § 280-108.

§ 280-29. Parking and loading.

See Article XVIII.

§ 280-30. Signs.

See Article XIX.

§ 280-31. Screening and landscaping.

See § 280-105.

§ 280-32. Storage.

See § 280-112.

ARTICLE VII
R-3 Multifamily Residential District

§ 280-33. Purpose.

The purpose of this district is to reserve areas for the development of higher density multifamily housing in the Township in appropriate locations which are served by public water and sewage and are located on arterial or collector roads close to shopping and community services and to provide for compatible public, semipublic and accessory uses as conditional uses or uses by special exception.

§ 280-34. Authorized uses.

In the R-3 Multifamily Residential District only the following uses are authorized.

A. Permitted uses.**(1) Principal uses.**

- (a) Single-family dwelling.
- (b) Two-family dwelling.
- (c) Townhouses.
- (d) Garden apartments.
- (e) Nursing home.
- (f) Essential services.

(2) Accessory uses.

- (a) Signs, subject to Article XIX.
- (b) Off-street parking and loading, subject to Article XVIII.
- (c) Accessory uses customarily incidental to and on the same lot with any permitted use, conditional use or use by special exception authorized in this district.
- (d) Private residential swimming pools or tennis courts, subject to § 280-106.
- (e) Private garages and storage buildings not exceeding 800 square feet of gross floor area, subject to § 280-102A(38).
- (f) Fences, subject to § 280-106.
- (g) Home gardening.
- (h) Home office.

- (i) Temporary construction trailer, model home or sales office, subject to § 280-110.
- (j) Keeping of domestic pets.
- (k) No-impact home-based business.⁸

B. Conditional uses.

(1) Principal uses.

- (a) Conversion apartment, subject to § 280-102A(11).
- (b) Group care facility, subject to § 280-102A(15).
- (c) Mobile home park, subject to § 280-102A(21).
- (d) Noncommercial recreation, subject to § 280-102A(25).
- (e) Personal care boarding home, subject to § 280-102A(15).
- (f) Planned residential development, subject to Article XV.
- (g) Public buildings, subject to § 280-102A(7).
- (h) Public recreation, subject to § 280-102A(25).
- (i) Public utility installation, subject to § 280-102A(26).
- (j) Retirement community, subject to § 280-102A(27).

(2) Accessory uses.

- (a) Home occupation, subject to § 280-102A(39).

C. Uses by special exception.

(1) Principal uses.

- (a) Day-care center, subject to § 280-102A(12).
- (b) Temporary use or structure, other than a construction trailer, model home or sales office, subject to § 280-102A(33).

(2) Accessory uses.

- (a) Private garages and storage buildings exceeding 800 square feet of gross floor area, subject to § 280-102A(38).

§ 280-35. Area and bulk regulations.

In the R-3 Multifamily Residential District all uses shall be subject to the following regulations, except as they may be modified by the express

8. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

standards and criteria for the specific conditional uses and uses by special exception contained in Article XVI.

- A. Minimum lot area.
 - (1) Single-family dwelling: 8,400 square feet.
 - (2) Two-family dwelling: 12,000 square feet.
 - (3) Townhouses and garden apartments: one acre.
 - (4) All other principal uses: one acre.
- B. Minimum lot width.
 - (1) Single-family dwelling: 60 feet.
 - (2) Two-family dwelling: 80 feet.
 - (3) Townhouses and garden apartments: 100 feet.
 - (4) All other principal uses: 100 feet.
- C. Maximum dwelling unit density.
 - (1) Townhouses: 10 units per acre.
 - (2) Garden apartments: 12 units per acre.
- D. Maximum length of residential building: 250 feet.
- E. Maximum number of dwelling units per building.
 - (1) Townhouses: 8 units per building.
 - (2) Garden apartments: 36 units per building.
- F. Minimum distance between buildings (where two or more buildings exist on the same lot): 20 feet.
- G. Maximum lot coverage: 40%.
- H. Minimum front yard: 25 feet.
- I. Minimum rear yard.
 - (1) Single-family or two-family dwelling: 25 feet.
 - (2) Garden apartment or townhouse.
 - (a) Adjoining any R-D, R-1 or R-2 District: 50 feet.
 - (b) All other rear yards: 25 feet.
 - (3) All other principal structures: 25 feet.
 - (4) Accessory structures: see § 280-106C.

J. Minimum side yard.

- (1) Single-family dwelling: 7.5 feet.
- (2) Two-family dwelling: 10 feet.
- (3) Garden apartment or townhouse.
 - (a) Adjoining any R-D, R-1 or R-2 District: 50 feet.
 - (b) All other side yards: 20 feet.
- (4) All other principal structures: 20 feet.
- (5) Accessory structures: see § 280-106C.

K. Special yard requirements: see § 280-106.

L. Permitted projections into required yards: see § 280-107.

M. Maximum height.

- (1) All principal structures: three stories and no more than 45 feet.
- (2) All accessory structures: one story and no more than 15 feet.

N. Height exceptions: see § 280-108.

§ 280-36. Parking and loading.

See Article XVIII.

§ 280-37. Signs.

See Article XIX.

§ 280-38. Screening and landscaping.

See § 280-105.

§ 280-39. Storage.

See § 280-112.

ARTICLE VIII
C-1 Local Commercial District

§ 280-40. Purpose.

The purpose of this district is to provide opportunities for the growth of small businesses in the Township and to provide for the shopping and service needs of Township residents in central locations along the regional highway network which can be adequately buffered from adjoining residential areas.

§ 280-41. Authorized uses.

In the C-1 Local Commercial, District only the following uses are authorized.

A. Permitted uses.**(1) Principal uses.**

- (a) Bakery.
- (b) Business services.
- (c) Business or professional offices.
- (d) Candy or ice cream store.
- (e) Contracting business.
- (f) Convenience store.
- (g) Day-care center.
- (h) Delicatessen.
- (i) Financial institutions.
- (j) Indoor amusement.
- (k) Laundry or dry cleaning establishment.
- (l) Personal services.
- (m) Pet grooming.
- (n) Pharmacy.
- (o) Repair shop.
- (p) Restaurant.
- (q) Single-family dwelling.
- (r) Specialty retail stores.
- (s) Specialty food stores.

- (t) Vehicle accessory sales and installation.
- (u) Essential services.
- (2) Accessory uses.
 - (a) Signs, subject to Article XIX.
 - (b) Off-street parking and loading, subject to Article XVIII.
 - (c) Accessory uses customarily incidental to and on the same lot with any permitted use, conditional use or use by special exception authorized in this district.
 - (d) Drive-through facilities, subject to § 280-109.
 - (e) Fences, subject to § 280-106.
 - (f) Home office or home occupation in a dwelling which is a nonconforming use.
 - (g) Temporary construction trailer, model home or sales office, subject to § 280-110.
- B. Conditional uses.
 - (1) Principal uses.
 - (a) Commercial recreation, subject to § 280-102A(9).
 - (b) Noncommercial recreation, subject to § 280-102A(25).
 - (c) Nursing home, subject to § 280-102A(16).
 - (d) Private club, subject to § 280-102A(23).
 - (e) Public utility installation, subject to § 280-102A(26).
 - (f) Transitional dwelling, subject § 280-102A(15).
- C. Uses by special exception.
 - (1) Principal uses.
 - (a) Animal hospital, subject to § 280-102A(2).
 - (b) Apartment above office or retail, subject to § 280-102A(3).
 - (c) Car wash, subject to § 280-102A(5).
 - (d) Group care facility or personal care boardinghome, subject to § 280-102A(15).
 - (e) Service station, automobile, subject to § 280-102A(29).
 - (f) Temporary use or structure, other than a construction trailer, model home or sales office, subject to § 280-102A(33).

(g) Comparable uses not specifically listed, subject to § 280-102A(10).

(2) Accessory uses: none.

§ 280-42. Area and bulk regulations.

In the C-1 Local Commercial District all uses shall be subject to the following regulations, except as they may be modified by the express standards and criteria for the specific conditional uses and uses by special exception contained in Article XVI.

A. Minimum lot area: 10,000 square feet.

B. Minimum lot width: 100 feet.

C. Maximum lot coverage: 40%.

D. Minimum front yard: 35 feet.

E. Minimum rear yard.

(1) All principal structures

(a) Adjoining any residential district: 40 feet.

(b) All others: 20 feet.

(2) Accessory structures: 10 feet.

F. Minimum side yard.

(1) All principal structures.

(a) Adjoining any R district: 40 feet.

(b) All others: 10 feet.

(2) Accessory structures: 10 feet.

G. Special yard requirements: see § 280-106.

H. Permitted projections into required yards: see § 280-107.

I. Maximum height.

(1) All principal structures: three stories and no more than 45 feet.

(2) All accessory structures: one story and no more than 15 feet.

J. Height exceptions: see § 280-108.

§ 280-43. Parking and loading.

See Article XVIII.

§ 280-44

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§ 280-46

§ 280-44. Signs.

See Article XIX.

§ 280-45. Screening and landscaping.

See § 280-105.

§ 280-46. Storage.

See § 280-112.

ARTICLE IX
C-2 General Commercial District

§ 280-47. Purpose.

The purpose of this district is to provide opportunities for commercial development which meets the general needs of the population within the market area for shopping and services and which allows for an integrated shopping center on one or more larger sites which have access to the regional highway network.

§ 280-48. Authorized uses.

In the C-2 General Commercial District only the following uses are authorized.

A. Permitted uses.**(1) Principal uses.**

- (a) Bakery.
- (b) Business services.
- (c) Business or professional offices.
- (d) Candy or ice cream store.
- (e) Commercial school.
- (f) Contracting business.
- (g) Convenience store.
- (h) Custom crafting, including, inter alia, on-site woodwork and assembly with mail order service and retail with storage.
- (i) Day-care center.
- (j) Delicatessen.
- (k) Financial institutions.
- (l) Garden nursery.
- (m) Health club.
- (n) Indoor amusement.
- (o) Laundry or dry cleaning establishment.
- (p) Motel/hotel.
- (q) Personal services.
- (r) Pet grooming.

- (s) Pharmacy.
 - (t) Repair shop.
 - (u) Restaurant.
 - (v) Retail sales.
 - (w) Tavern.
 - (x) Vehicle accessory sales and installation.
 - (y) Essential services.
- (2) Accessory uses.
- (a) Signs, subject to Article XIX.
 - (b) Off-street parking and loading, subject to Article XVIII.
 - (c) Accessory uses customarily incidental to and on the same lot with any permitted use, conditional use or use by special exception authorized in this district.
 - (d) Fences, subject to § 280-106.
 - (e) Home office or home occupation in a dwelling which is a nonconforming use.
 - (f) Drive-through facilities, subject to § 280-109.
 - (g) Temporary construction trailer, model home or sales office, subject to § 280-110.
- B. Conditional uses.
- (1) Principal uses.
- (a) Billboards, subject to § 280-102A(4).
 - (b) Commercial recreation, subject to § 280-102A(9).
 - (c) Hospital, clinic or nursing home, subject to § 280-102A(16).
 - (d) Private club, subject to § 280-102A(23).
 - (e) Public utility installation, subject to § 280-102A(26).
 - (f) Mini warehouses or self-storage buildings, subject to § 280-102A(19).
 - (g) Large-scale commercial buildings, subject to § 280-102A(30).
[Added 5-12-2008 by Ord. No. 2008-4]
- C. Uses by special exception.
- (1) Principal uses.

- (a) Animal hospital, subject to § 280-102A(2).
- (b) Apartment above office or retail, subject to § 280-102A(3).
- (c) Car wash, subject to § 280-102A(5).
- (d) Funeral home, subject to § 280-102A(14).
- (e) Public parking lot or garage, subject to § 280-102A(24).
- (f) Service station, automobile, subject to § 280-102A(29).⁹
- (g) Temporary use or structure, other than a construction trailer, model home or sales office, subject to § 280-102A(33).
- (h) Vehicle rental, sales and service, subject to § 280-102A(35).
- (i) Vehicle repair garage, subject to § 280-102A(36).
- (j) Comparable uses not specifically listed, subject to § 280-102A(10).

(2) Accessory uses: none.

§ 280-49. Area and bulk regulations.

In the C-2 General Commercial District all uses shall be subject to the following regulations, except as they may be modified by the express standards and criteria for the specific conditional uses and uses by special exception contained in Article XVI.

- A. Minimum lot area: 21,780 square feet.
- B. Minimum lot width: 100 feet.
- C. Maximum lot coverage: 50%.
- D. Minimum front yard: 35 feet.
- E. Minimum rear yard.

(1) All principal structures.

- (a) Adjoining any R district: 40 feet.
- (b) All others: 20 feet.

(2) Accessory structures: 10 feet.

F. Minimum side yard.

(1) All principal structures.

- (a) Adjoining any R district: 40 feet.

9. Editor's Note: Former Subsection C1(g), Shopping Center, which immediately followed this subsection, was repealed 5-12-2008 by Ord. No. 2008-4.

(b) All others: 15 feet.

(2) Accessory structures: 15 feet.

G. Special yard requirements: see § 280-106.

H. Permitted projections into required yards: see § 280-107.

I. Maximum height.

(1) All principal structures: three stories and no more than 45 feet.

(2) All accessory structures: one story and no more than 15 feet.

J. Height exceptions: see § 280-108.

§ 280-50. Parking and loading.

See Article XVIII.

§ 280-51. Signs.

See Article XIX.

§ 280-52. Screening and landscaping.

See § 280-105.

§ 280-53. Storage.

See § 280-112.

ARTICLE X
C-3 Heavy Commercial District

§ 280-54. Purpose.

The purpose of this district is to provide for a mix of commercial and light industrial uses, other than manufacturing, in appropriate locations in the Township on sites which have adequate area to accommodate the uses and which can be reasonably buffered from adjoining residential areas.

§ 280-55. Authorized uses.

In the C-3 Heavy Commercial District only the following uses are authorized.

A. Permitted uses.

- (1) Principal uses.
 - (a) Bakery.
 - (b) Business services.
 - (c) Business or professional offices.
 - (d) Candy or ice cream store.
 - (e) Commercial school.
 - (f) Contracting business.
 - (g) Convenience store.
 - (h) Day-care center.
 - (i) Delicatessen.
 - (j) Financial institutions.
 - (k) Garden nursery.
 - (l) Indoor amusement.
 - (m) Laundry or dry cleaning establishment.
 - (n) Lumberyard.
 - (o) Motel/hotel.
 - (p) Personal services.
 - (q) Pet grooming.
 - (r) Pharmacy.
 - (s) Repair shop.

- (t) Restaurant.
 - (u) Retail stores.
 - (v) Tavern.
 - (w) Vehicle accessory sales and installation.
 - (x) Warehousing.
 - (y) Essential services.
- (2) Accessory uses.
- (a) Signs, subject to Article XIX.
 - (b) Off-street parking and loading, subject to Article XVIII.
 - (c) Accessory uses customarily incidental to and on the same lot with any permitted use, conditional use or use by special exception authorized in this district.
 - (d) Drive-through facilities, subject to § 280-109.
 - (e) Fences, subject to § 280-106.
 - (f) Home office or home occupation in a dwelling which is a nonconforming use.
 - (g) Temporary construction trailer, model home or sales office, subject to § 280-110.
- B. Conditional uses.
- (1) Principal uses.
- (a) Billboards, subject to § 280-102A(3).
 - (b) Commercial recreation, subject to § 280-102A(9).
 - (c) Hospital, clinic or nursing home, subject to § 280-102A(16).
 - (d) Mini warehouses or self-storage buildings, subject to § 280-102A(19).
 - (e) Private club, subject to § 280-102A(23).
 - (f) Public utility installation, subject to § 280-102A(26).
- C. Uses by special exception.
- (1) Principal uses.
- (a) Animal hospital, subject to § 280-102A(2).
 - (b) Apartment above office or retail, subject to § 280-102A(3).

- (c) Car wash, subject to § 280-102A(5).
- (d) Funeral home, subject to § 280-102A(14).
- (e) Light manufacturing, subject to § 280-102A(18).
- (f) Public parking lot or garage, subject to § 280-102A(24).
- (g) Junkyard, subject to § 280-102A(28).
- (h) Service station, automobile, subject to § 280-102A(29).
- (i) Shopping center, subject to § 280-102A(30).
- (j) Temporary use or structure, other than a construction trailer, model home or sales office, subject to § 280-102A(33).
- (k) Truck and heavy equipment rental, sales and service, subject to § 280-102A(34).
- (l) Vehicle rental, sales and service, subject to § 280-102A(35).
- (m) Vehicle repair garage, subject to § 280-102A(36).
- (n) Comparable uses not specifically listed, subject to § 280-102A(10).

(2) Accessory uses: none.

§ 280-56. Area and bulk regulations.

In the C-3 General Commercial District all uses shall be subject to the following regulations, except as they may be modified by the express standards and criteria for the specific conditional uses and uses by special exception contained in Article XVI.

- A. Minimum lot area: 40,000 square feet.
- B. Minimum lot width: 100 feet.
- C. Maximum lot coverage: 65%.
- D. Minimum front yard: 35 feet.
- E. Minimum rear yard.
 - (1) All principal structures.
 - (a) Adjoining any R district: 50 feet.
 - (b) All others: 30 feet.
 - (2) Accessory structures: 15 feet.
- F. Minimum side yard.
 - (1) All principal structures.

- (a) Adjoining any R district: 50 feet.
- (b) All others: 15 feet.
- (2) Accessory structures: 15 feet.
- G. Special yard requirements: see § 280-106.
- H. Permitted projections into required yards: see § 280-107.
- I. Maximum height.
 - (1) All principal structures: three stories and no more than 45 feet.
 - (2) All accessory structures: one story and no more than 15 feet.
- J. Height exceptions: see § 280-108.

§ 280-57. Parking and loading.

See Article XVIII.

§ 280-58. Signs.

See Article XIX.

§ 280-59. Screening and landscaping.

See § 280-106.

§ 280-60. Storage.

See § 280-112.

ARTICLE XI
H-I Heavy Industrial District

§ 280-61. Purpose.

The purpose of this district is to encourage the continuation and revitalization of heavy industry in those areas of the Township which have already been established for these uses.

§ 280-62. Authorized uses.

In the H-I Heavy Industrial District, only the following uses are authorized.

A. Permitted uses.

(1) Principal uses.

- (a) Business and professional offices.
- (b) Business services.
- (c) Commercial schools.
- (d) Contracting business and contractor's yard.
- (e) Custom crafting, including, inter alia, on-site wood work and assembly with mail order service and retail with storage.
- (f) Essential services.
- (g) Lumberyard.
- (h) Manufacturing.
- (i) Mini warehouse or self-storage buildings.
- (j) Printing.
- (k) Public parking lot or garage.
- (l) Railroad yard.
- (m) Repair shop.
- (n) Research and development.
- (o) Service station, automobile.
- (p) Truck and heavy equipment repair.
- (q) Truck terminal.
- (r) Upholsterer.
- (s) Vehicle accessory sales and installation.
- (t) Vehicle rental, sales and service.

- (u) Vehicle repair garage.
- (v) Warehousing.
- (w) Wholesaling.
- (2) Accessory uses.
 - (a) Signs, subject to Article XIX.
 - (b) Off-street parking and loading, subject to Article XVIII.
 - (c) Accessory uses customarily incidental to and on the same lot with any permitted use, conditional use or use by special exception authorized in this district.
 - (d) Fences, subject to § 280-106.
 - (e) Home office or home occupation in a dwelling which is a nonconforming use.
 - (f) Temporary construction trailer, model home or sales office, subject to § 280-110.
- B. Conditional uses.
 - (1) Principal uses.
 - (a) Adult businesses, subject to § 280-102A(1).
 - (b) Billboards, subject to § 280-102A(4).
 - (c) Landfill, subject to § 280-102A(17).
 - (d) Mineral removal, subject to § 280-102A(20).
 - (e) Noncommercial recreation, subject to § 280-102A(25).
 - (f) Public recreation, subject to § 280-102A(25).
 - (g) Public buildings, subject to § 280-102A(7).
 - (h) Public utility installation, subject to § 280-102A(26).
 - (i) Slaughterhouse, subject to § 280-102A(31).
- C. Uses by special exception.
 - (1) Principal uses.
 - (a) Junkyard, subject to § 280-102A(28).
 - (b) Temporary use or structure, other than a construction trailer, model home or sales office, subject to § 280-102A(33).
 - (c) Comparable uses not specifically listed, subject to § 280-102A(10).

- (2) Accessory uses: none.

§ 280-63. Area and bulk regulations.

In the H-I Heavy Industrial District all uses shall be subject to the following regulations, except as they may be modified by the express standards and criteria for the specific conditional uses and uses by special exception contained in Article XVI.

- A. Minimum lot area: 40,000 square feet.
- B. Minimum lot width: 100 feet.
- C. Maximum lot coverage: 65%.
- D. Minimum front yard: 35 feet.
- E. Minimum rear yard.
 - (1) Principal structures.
 - (a) Adjoining any R district: 75 feet.
 - (b) All others: 40 feet.
 - (2) Accessory structures: 20 feet.
- F. Minimum side yard.
 - (1) Principal structures.
 - (a) Adjoining any R district: 75 feet.
 - (b) All others: 20 feet.
 - (2) Accessory structures: 20 feet.
- G. Special yard requirements: see § 280-106.
- H. Permitted projections into required yards: see § 280-107.
- I. Maximum height.
 - (1) All principal structures: three stories and no more than 45 feet.
 - (2) All accessory structures: one story and no more than 15 feet.
- J. Height exceptions: see § 280-108.

§ 280-64. Parking and loading.

See Article XVIII.

§ 280-65. Signs.

See Article XIX.

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§ 280-66. Screening and landscaping.

See § 280-105.

§ 280-67. Storage.

See § 280-112.

ARTICLE XII
A-P Airport District

§ 280-68. Purpose.

The purpose of this district is to provide for the existing facility for small aircraft landings and departures and to encourage the development of compatible supporting uses for the facility.

§ 280-69. Authorized uses.

In the A-P Airport District only the following uses are authorized.

A. Permitted uses.**(1) Principal uses.**

- (a) Airport.
- (b) Business and professional offices.
- (c) Business services.
- (d) Commercial school.
- (e) Conference or training center.
- (f) Essential services.
- (g) Financial institutions.
- (h) Motel/hotel.
- (i) Private use helipad.

(2) Accessory uses.

- (a) Signs, subject to Article XIX.
- (b) Off-street parking and loading, subject to Article XVIII.
- (c) Accessory uses customarily incidental to and on the same lot with any permitted use, conditional use or use by special exception authorized in this district.
- (d) Fences, subject to § 280-106.
- (e) Home office or home occupation in a dwelling which is a nonconforming use.
- (f) Temporary construction trailer, model home or sale offices, subject to § 280-110.

B. Conditional uses.**(1) Principal uses.**

- (a) Commercial communications tower, subject to § 280-102A(8).
 - (b) Private club, subject to § 280-102A(23).
 - (c) Public building, subject to § 280-102A(7).
 - (d) Public utility installation, subject to § 280-102A(26).
- (2) Accessory uses.
- (a) Supporting commercial uses, subject to § 280-102A(32).
- C. Uses by special exception.
- (1) Principal uses.
- (a) Temporary use or structure, other than a construction trailer, model home or sales office subject to § 280-102A(33).
 - (b) Comparable uses not specifically listed, subject to § 280-102A(10).

§ 280-70. Area and bulk regulations.

In the A-P Airport District all uses shall be subject to the following regulations, except as they may be modified by the express standards and criteria for the specific conditional uses and uses by special exception contained in Article XVI.

- A. Minimum lot area: 21,780 square feet.
- B. Minimum lot width: 90 feet.
- C. Maximum lot coverage: 40%.
- D. Minimum front yard: 35 feet.
- E. Minimum rear yard.
 - (1) Principal structures.
 - (a) Adjoining any R district: 50 feet.
 - (b) All others: 30 feet.
 - (2) Accessory structures: 15 feet.
- F. Minimum side yard.
 - (1) Principal structures.
 - (a) Adjoining any R district: 50 feet.
 - (b) All others: 20 feet.
 - (2) Accessory structures: 15 feet.

- G. Special yard requirements: see § 280-106.
- H. Permitted projections into required yards: See § 280-107.
- I. Maximum height.
 - (1) All principal structures: three stories and no more than 45 feet.
 - (2) All accessory structures: one story and no more than 15 feet.
- J. Height exceptions: see § 280-108.

§ 280-71. Parking and loading.

See Article XVIII.

§ 280-72. Signs.

See Article XIX.

§ 280-73. Screening and landscaping.

See § 280-105.

§ 280-74. Storage.

See § 280-112.

ARTICLE XIII
S-D Special Development District

§ 280-75. Purpose.

The purpose of the S-D Special Development District is to accommodate the existing landfill, slate and fly ash dumps and provide for the reclamation and appropriate reuse of the reclaimed property.

§ 280-76. Authorized uses.

In the S-D Special Development District only the following uses are authorized.

A. Permitted uses.

(1) Principal uses.

- (a) Agriculture, subject to § 280-111.
- (b) Golf course.
- (c) Essential services.

(2) Accessory uses.

- (a) Signs, subject to Article XIX.
- (b) Off-street parking and loading, subject to Article XVIII.
- (c) Accessory uses customarily incidental to and on the same lot with any permitted use, conditional use or use by special exception authorized in this district.
- (d) Fences, subject to § 280-106C.
- (e) Temporary construction trailers, model home or sales office, subject to § 280-110.

B. Conditional uses.

(1) Principal uses.

- (a) Commercial communications tower, subject to § 280-102A(8).
- (b) Commercial recreation, subject to § 280-102A(9).
- (c) Landfill, subject to § 280-102A(17).
- (d) Slate and fly ash dumps, subject to § 280-102A(17).
- (e) Noncommercial recreation, subject to § 280-102A(25).
- (f) Private club, subject to § 280-102A(23).
- (g) Public recreation, subject to § 280-102A(25).

(h) Public buildings, subject to § 280-102A(7).

(i) Public utility installation, subject to § 280-102A(26).

C. Uses by special exception.

(1) Principal uses.

(a) Comparable uses not specifically listed, subject to § 280-102A(10).

§ 280-77. Area and bulk regulations.

In the S-D Special Development District all uses shall be subject to the following regulations, except as they may be modified by the express standards and criteria for the specific conditional uses and uses by special exception contained in Article XVI.

A. Minimum lot area.

- (1) Landfill: 100 acres.
- (2) Slate or fly ash dump: 40 acres.
- (3) All other principal uses: 10 acres.

B. Minimum lot width: 100 feet.

C. Maximum lot coverage: 35%.

D. Minimum front yard.

- (1) Landfill: 100 feet.
- (2) Slate or fly ash dumps: 75 feet.
- (3) All other principal uses: 50 feet.

E. Minimum rear yard.

- (1) Landfill: 200 feet.
- (2) Slate or fly ash dumps: 75 feet.
- (3) All other principal structures:
 - (a) Adjoining any R district: 75 feet.
 - (b) All others: 40 feet.
- (4) All accessory structures: 20 feet.

F. Minimum side yard.

- (1) Landfill: 200 feet.
- (2) Slate or fly ash dumps: 75 feet.

- (3) All other principal uses.
 - (a) Adjoining any R district: 75 feet.
 - (b) All others: 40 feet.
- (4) All accessory structures: 20 feet.
- G. Special yard requirements: see § 280-106.
- H. Permitted projections into required yard: see § 280-107.
- I. Maximum height.
 - (1) All principal structures: three stories and no more than 45 feet.
 - (2) All accessory structures: one story and no more than 20 feet.
- J. Height exception: see § 280-108.

§ 280-78. Parking and loading.

See Article XVIII.

§ 280-79. Signs.

See Article XIX.

§ 280-80. Screening and landscaping.

See § 280-105.

§ 280-81. Storage.

See § 280-112.

ARTICLE XIV
Mixed-Use Overlay District
[Added 4-10-2006 by Ord. No. 1-2006]

§ 280-82. Purpose.

The purpose of a Mixed-Use Overlay District (hereafter referred to as "MUD") is to provide for a wide range of residential, commercial, business, professional office and light industrial uses and to provide for accessory uses and compatible public and semipublic environment by fostering innovative building and open space masses resulting in an aesthetically attractive working environment. Such uses shall be able to meet comparatively rigid specifications as to nuisance-free performance and shall be clean, free of objectionable elements and shall operate entirely within enclosed structures. This district is intended to be created in situations where, because of special circumstances, the area is adequate to accommodate the uses, which can be reasonably buffered from adjoining residential areas.

§ 280-83. Authorized uses.

In the MUD only the following uses are authorized.

A. Commercial uses.

(1) Principal uses.

- (a) Bakery.
- (b) Business or professional office.
- (c) Business service.
- (d) Candy or ice cream store.
- (e) Commercial school.
- (f) Conference or training center.
- (g) Convenience store.
- (h) Custom drafting.
- (i) Day-care center.
- (j) Delicatessen.
- (k) Essential services.
- (l) Financial institutions.
- (m) Garden nursery.
- (n) Health club.

- (o) Commercial use.
 - (p) Laundry/dry cleaners.
 - (q) Motel/hotel.
 - (r) Personal care service.
 - (s) Pet grooming.
 - (t) Pharmacy.
 - (u) Printing.
 - (v) Restaurant.
 - (w) Retail stores.
 - (x) Schools.
 - (y) Specialty food stores.
 - (z) Specialty retail stores.
 - (aa) Upholsterer.
- (2) Conditional uses.
- (a) Public recreation.
 - (b) Car wash.
 - (c) Church.
 - (d) Commercial recreation.
 - (e) Day-care or preschool facility in church or school.
 - (f) Firehouse.
 - (g) Hospital.
 - (h) Indoor amusement.
 - (i) Nursing home.
 - (j) Repair shop.
 - (k) Tavern.
 - (l) Truck and heavy equipment rental sales and service.
 - (m) Vehicle accessory sales and installation.
 - (n) Vehicle rental, sales and service.
 - (o) Vehicle repair garage.

- (p) Service station.
 - (q) Supporting commercial uses.
 - (3) Use by special exception.
 - (a) Drive-in facilities.
 - (b) Public utility installation.
 - (c) Kennel.
 - (d) Shopping centers.
 - (e) Clinic (excluding methadone treatment facilities).
 - (f) Public buildings.
 - (4) Accessory uses.
 - (a) Off-street parking and loading, subject to Article XVIII.
 - (b) Public parking lot or garage, subject to § 280-102A(24).
 - (c) Signs, subject to Article XIX.
 - (d) Temporary construction trailer(s), model home(s) or sales office(s), subject to § 280-110.
- B. Residential uses.**
- (1) Principal uses.
 - (a) Garden apartments.
 - (b) Single-family dwelling.
 - (c) Townhouses.
 - (d) Two-family dwelling.
 - (2) Conditional uses.
 - (a) Noncommercial recreation.
 - (b) Public recreation.
 - (c) Golf course.
 - (d) Group care facility.
 - (e) Retirement community.
 - (f) Planned residential development (PRD).
 - (3) Use by special exception.
 - (a) Apartment above office or retail.

- (b) Home occupation.
- (c) Public utility installation.
- (d) Conversion apartment.
- (4) Accessory uses:
 - (a) Fences, § 280-106.
 - (b) Home gardening.
 - (c) Off-street parking and loading, subject to Article XVIII.
 - (d) Accessory uses customarily incidental to and on the same lot with any permitted use, conditional use or by special exception authorized in this district.
 - (e) Private garages and storage buildings.
 - (f) Private residential swimming pools or tennis courts.
 - (g) Home office.
 - (h) Keeping of domestic pets.
 - (i) Signs, subject to Article XIX.
 - (j) Temporary construction trailer(s), model home(s) or sales office(s), subject to § 280-110.
- C. Light industrial uses.
 - (1) Principal uses.
 - (a) Contracting business.
 - (b) Contractor's yard.
 - (c) Light manufacturing.
 - (d) Lumberyard.
 - (e) Manufacturing.
 - (f) Nursery or greenhouse.
 - (g) Research and development.
 - (h) Warehousing.
 - (i) Wholesaling.
 - (2) Conditional uses: none.
 - (3) Use by special exception.
 - (a) Public utility installation.

- (b) Commercial communications tower.
- (c) Mini warehouse or self-storage buildings.
- (d) Truck removal.
- (e) Mineral removal.
- (4) Accessory uses.
 - (a) Fences.
 - (b) Off-street parking and loading, subject to Article XVIII.
 - (c) Private garages and storage buildings.
 - (d) Public parking lot or garage, subject to § 280-102A(24).
 - (e) Temporary construction trailer(s), model home(s) or sales office(s), subject to § 280-110.
 - (f) Signs, subject to Article XIX.

§ 280-84. Mixed-use overlay district requirements.

A mixed-use overlay district shall only be permitted in the SD District and requires review and approval by the Board of Supervisors. Also, property intended for a MUD must be owned by one entity and meet the following minimum requirements.

- A. Minimum lot area: 60 acres.
- B. Minimum lot frontage along an existing roadway: 200 feet.
- C. Area and bulk regulations for uses within the MUD.
 - (1) Commercial uses.
 - (a) The area and bulk regulations under § 280-42, for Commercial (C-1) District, shall apply to all commercial uses above.
 - (b) Below is a list of commercial uses that are subject to additional requirements under Article XVI, which contains express standards and criteria for granting conditional uses and uses by special exception:
 - [1] Car wash, § 280-102A(5).
 - [2] Church, § 280-102A(7).
 - [3] Clinic, § 280-102A(16).
 - [4] Commercial recreation, § 280-102A(9).
 - [5] Day-care or preschool facility in church or school, § 280-102A(12).

- [6] Firehouse, § 280-102A(7).
- [7] Hospital, § 280-102A(16).
- [8] Public buildings, § 280-102A(7).
- [9] Schools, § 280-102A(7).
- [10] Service station, § 280-102A(29).
- [11] Shopping center, § 280-102A(30).
- [12] Supporting commercial uses, § 280-102A(32).
- [13] Truck and heavy equipment rental sales and service, § 280-102A(34).
- [14] Vehicle rental, sales and service, § 280-102A(35).
- [15] Vehicle repair garage, § 280-102A(36).
- [16] Public utilities installation, § 280-102A(26).
- [17] Temporary construction trailer(s), model home(s) or sales office(s), § 280-102A(33).
- [18] Public parking lot or garage, § 280-102A(24).

(2) Residential uses.

- (a) The area and bulk regulations under § 280-35, for the Residential (R-3) District, shall apply to all residential uses listed above.
- (b) Below is a list of residential uses that are subject to additional requirements under Article XVI, which contains express standards and criteria for granting conditional uses and uses by special exception:
 - [1] Conversion apartment, § 280-102A(11).
 - [2] Group care facility, § 280-102A(15).
 - [3] Planned residential development (PRD), § 280-102A(22).
 - [4] Retirement community, § 280-102A(27).
 - [5] Noncommercial recreation, § 280-102A(25).
 - [6] Apartment above office or retail, § 280-102A(3).
 - [7] Home occupation, § 280-102A(39).
 - [8] Public utility installation, § 280-102A(26).
 - [9] Temporary construction trailer, model home or sales office, § 280-102A(33).

(3) Light industrial uses.

(a) The area and bulk regulations outlined below shall apply to the light industrial uses listed above.

(b) Below is a list of light industrial uses that are subject to additional requirements under Article XVI, Conditional Uses and Uses by Special Exception:

[1] Commercial communications tower, § 280-102A(8).

[2] Light manufacturing, § 280-102A(18).

[3] Mineral removal, § 280-102A(20).

[4] Mini warehouses or self-storage buildings, § 280-102A(19).

[5] Public utility installation, § 280-102A(26).

[6] Temporary construction trailer, model home or sales office, § 280-102A(33).

[7] Public parking lot or garage, § 280-102A(24).

D. Minimum lot area.

(1) Principal uses: 32,000 square feet.

E. Minimum lot width.

(1) Principal uses: 100 feet.

F. Maximum lot coverage: 45%.

G. Minimum front yard: 35 feet.

H. Minimum rear yard.

(1) Principal structures adjoining any R districts: 150 feet.

(2) Principal structures adjoining all others: 40 feet.

(3) Accessory structures adjoining any R districts: 150 feet.

(4) Accessory structures adjoining all others: 20 feet.

I. Minimum side yard.

(1) Principal structures adjoining any R districts: 150 feet.

(2) Principal structures adjoining all others: 20 feet.

(3) Accessory structures adjoining any R districts: 150 feet.

(4) Accessory structures adjoining all others: 20 feet.

J. Special yard requirements: see § 280-106.

K. Permitted projections: see § 280-107.

L. Maximum height.

(1) All principal structures: three stories and no more than 45 feet.

(2) All accessory structures: one story and no more than 15 feet.

M. Height exceptions: see § 280-108.

§ 280-85. Parking and loading.

See Article XVIII.

§ 280-86. Signs.

See Article XIX.

§ 280-87. Screening and landscaping.

See § 280-105.

§ 280-88. Storage.

See § 280-112.

§ 280-89. Traffic impact analysis.

See § 280-101.

ARTICLE XV
Planned Residential Development

§ 280-90. Purpose.

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

§ 280-91. Applicability and relationship to other ordinances.

- A. A planned residential development shall be permitted in the R-D, R-1, R-2 and R-3 Districts, subject to the standards, criteria, restrictions and procedures outlined in this article.
- B. The provisions of this article for approval of a planned residential development shall be a modification to and in lieu of procedures and criteria for approvals otherwise required in this chapter and Chapter 242, Subdivision and Land Development. Failure to comply with the provisions of this article with respect to a recorded development plan shall be deemed to constitute a violation of this chapter.

§ 280-92. Site area, use and density requirements.

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

	Permitted Uses	Net Density* (units per acre)
R-D, R-1 and R-2 Districts:	Single-family dwellings	8
	Two-family dwellings	
	Townhouses	
	Garden apartments	
R-3 District:	Single-family dwellings	10
	Two-family dwellings	
	Townhouses	

	Net Density*
Permitted Uses	(units per acre)
Garden apartments	

NOTE:

* See definition of "density, net" in Article II.

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

§ 280-93. Site ownership.

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

§ 280-94. Access and availability of public services.

- A. The site of a PRD which contains multifamily dwellings shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this chapter. The projected traffic volumes associated with the proposed PRD shall be capable of being accommodated by the adjacent street network. The developer shall demonstrate that the projected traffic from the PRD shall not materially increase congestion and impair safety on adjacent public streets.
- B. Any PRD which contains multifamily dwellings shall be connected to public water and public sanitary sewer service.
- C. In any instance where the Township determines that public sewerage and water facilities are available and are capable of being extended to the development site, the developer shall connect the PRD to such facilities.
- D. In the absence of public sewerage facilities, the developer shall provide a sanitary sewerage system within the PRD which is approved by the Pennsylvania Department of Environmental Protection (PA DEP) or any successor agency.
- E. Central water service shall be supplied to each building or structure to be erected in a PRD.

- F. The developer shall provide a storm drainage system within a PRD which shall be of sufficient size and design to collect, carry off and dispose of all predictable surface water runoff within the PRD and shall be so constructed to conform with the statutes, ordinances and regulations of the Commonwealth of Pennsylvania and Chapter 225, Stormwater Management, of the Township's Code, as amended.

§ 280-95. Administration and procedure.

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

- A. Preapplication conference. Each applicant shall confer with the Zoning Officer to schedule a preapplication conference. Upon written request of the applicant, the Zoning Officer shall schedule a preapplication conference with Township officials. The conference shall include members or a designated representative of the Planning Commission and the Zoning Officer. The Township Solicitor, the Township Engineer, the Board of Supervisors or representatives thereof and local utility service representatives may be included, as deemed appropriate.
- B. Application for tentative approval. Within 120 days following the preapplication conference, three copies of an application for tentative approval shall be submitted. The application shall be in sufficient detail for the Planning Commission to determine compliance with the standards of this article and shall contain, at a minimum, the following information:
- (1) A legal description of the total tract proposed for development, including a statement of present and proposed ownership.
 - (2) A written statement of planning objectives to be achieved by the PRD through the particular approach proposed by the developer. The statement shall include a description of the character of the proposed development and its relationship to the immediate area in which it is to be located.
 - (3) A written statement setting forth the reasons why the proposed PRD would be in the public interest and would be consistent with the Township's Comprehensive Plan.
 - (4) A written statement of the modifications to Township zoning and subdivision regulations otherwise applicable to the property.
 - (5) A location map which clearly shows the location and area of the site proposed for development with relation to all lands, buildings and structures within 200 feet of its boundaries, the location and

distance to existing streets and highways, and the names of landowners of adjacent properties.

- (6) A development plan prepared at a scale no smaller than one inch equals 50 feet, showing the following information:
 - (a) Existing contours at intervals of five feet; watercourses; floodplains; wetlands; woodlands; soils; steep slopes; and other natural features.
 - (b) Proposed lot lines and subdivision plat, if any.
 - (c) The location of all existing and proposed buildings, structures and other improvements, including maximum heights, types of dwelling units and dwelling unit density. Preliminary elevations and architectural renderings shall be provided.
 - (d) The location and size in acres or square feet of all areas to be conveyed, dedicated or reserved as common open space.
 - (e) The existing and proposed vehicular circulation system of local and collector streets, including off-street parking areas, service areas, loading areas and major points of access from the PRD to public rights-of-way.
 - (f) The existing and proposed pedestrian circulation system, including its interrelationship with the vehicular circulation system and proposed treatment for any points of conflict between the two systems.
 - (g) The existing and proposed utility systems, including sanitary sewers, storm sewers and water, electric, gas and telephone lines.
 - (h) Subsurface conditions, including slope stability.
 - (i) A minimum of three cross sections showing existing and proposed contours and their relationship to proposed buildings, structures, highways, streets, parking areas, walkways and existing woodlands.
 - (j) A general landscaping plan indicating the treatment and materials proposed to be used in buffer areas and common areas on the site.
 - (k) Evidence of compliance with the environmental performance standards of § 280-104A of this chapter.
 - (l) Any additional information required to determine compliance with the requirements of this article.
- (7) In the case of development plans which call for development over a period of years, a schedule for phasing the development shall be provided. This phasing schedule shall be reviewed annually with

the Planning Commission on the anniversary of tentative approval or as each phase is completed, whichever occurs first.

C. Public hearing.

- (1) Within 60 days following the submission of an application for tentative approval of a PRD which contains all of the required documentation, a public hearing pursuant to public notice shall be held by the Board of Supervisors. At least 14 days prior to the hearing, the Zoning Officer shall mail a copy of the notice by certified mail to each property owner within 300 feet of the entire perimeter of the property, including those located across a street right-of-way. The cost of mailing the certified notices shall be paid by the applicant.
- (2) The public hearing shall be conducted in the manner prescribed in Article IX of the Pennsylvania Municipalities Planning Code and all references to the Zoning Hearing Board in Article IX shall apply to the Board of Supervisors.
- (3) The Township may offer mediation as an aid in completing these proceedings, provided that, in exercising such an option, the Township and the mediating parties shall meet the stipulations and follow the procedures set forth in § 280-139.

D. Tentative approval.

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

§ 280-96. Criteria for tentative approval.

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

- A. The proposed application for tentative approval complies with all standards, restrictions, criteria, requirements, regulations and procedures of this chapter; preserves the community development objectives of this chapter; and is found by the Board of Supervisors to be compatible with the public interest and consistent with the Township's Comprehensive Plan.
- B. Where the proposed application for tentative approval provides standards which vary from this chapter and Chapter 242, Subdivision and Land Development, otherwise applicable to the subject property, such departure shall promote protection of the environment and public health, safety and welfare and shall be in the public interest.
- C. The proposals for the maintenance and conservation of any proposed common open space are reliable and meet the standards of this chapter, and the amount and extent of improvements within the common open space are appropriate with respect to the purpose, use and type of the residential development proposed.
- D. The physical design of the proposed development plan adequately provides for public services, traffic facilities and parking, light, air, recreation and visual enjoyment.
- E. The proposed development plan is beneficially related to the immediate area in which it is proposed to be located.
- F. The proposed development plan will afford adequate protection of natural watercourses, wetlands, topsoil, woodlands, steep slopes and other natural features and will prevent erosion, landslides, siltation and flooding.
- G. In the case of a development plan which proposes development over a period of years, the terms and conditions thereof are sufficient to protect the interests of the public and of the residents of the PRD in the integrity of the final development plan.

§ 280-97. Application for final approval.

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

within one year of the date of final approval of the phase or section by the Board of Supervisors.

- A. In the event that an application for final approval has been filed, together with all drawings, specifications and other documentation in support thereof, in accordance with the requirements of this chapter and the official written communication granting tentative approval, the Board of Supervisors shall, within 45 days of such filing, grant final approval to the development plan.
- B. Changes in the location and siting of buildings and structures deemed minor by the Board of Supervisors may be authorized without additional public hearings, if required by engineering or other circumstances not foreseen at the time of tentative approval. However, gross and net density established at the time of tentative approval shall not be changed without a public hearing.
- C. The application for final approval shall comply with all applicable ordinance provisions, and the development plan shall include, as a minimum, the following information:
 - (1) All data required by Chapter 242, Subdivision and Land Development, for a final plan.
 - (2) Accurately dimensioned locations for all proposed buildings, structures, parking areas and common open space.
 - (3) The number of families to be housed in each building or structure and the intended use of each building or structure.
 - (4) A landscaping plan, as defined by this chapter, including the location and types of materials of sidewalks, trails and recreation facilities authorized by this chapter.
 - (5) Supplementary data, including any covenants, grants of easements or other restrictions to be imposed on the use of the land, buildings and structures and provisions for the ownership, maintenance and operation of common open space facilities.
 - (6) An engineering report which shall include the following data wherever applicable:
 - (a) Profiles, cross sections and specifications for proposed public and private streets.
 - (b) Profiles and other explanatory data concerning installation of water distribution systems, storms, sewers and sanitary sewers.
 - (c) Feasibility of the sanitary sewerage system in terms of capacity to serve the proposed development.

- (7) An erosion and sedimentation control plan which shall specifically indicate all erosion and sedimentation control measures to be utilized on the site. The erosion and sedimentation control plan shall be designed to prevent accelerated erosion and sedimentation, including but not limited to the following:
- (a) The topographic features of the site;
 - (b) The types, depth, slope and extent of the soils by area;
 - (c) The proposed alterations to the site;
 - (d) The amount of runoff from the site area and the upstream watershed;
 - (e) The staging of earthmoving activities;
 - (f) Temporary control measures and facilities during earthmoving;
 - (g) Permanent control measures and facilities for long-term protection; and
 - (h) A maintenance program for the control facilities, including disposal of materials removed from the control facilities or site area.
- (8) In the event that the final development plan as submitted contains variations from the plan granted tentative approval, the Board of Supervisors may refuse to grant final approval and shall, within 45 days from the filing of the application for final approval, so advise the landowner in writing of such refusal.
- (a) In the event of such refusal, the landowner may either:
 - [1] Refile the application for final approval without the variations objected; or
 - [2] File a written request with the Board of Supervisors that it hold a public hearing on the application for final approval.
 - (b) If the landowner wishes to take either alternate action, he may do so at any time within which he shall be entitled to apply for final approval, or within 30 additional days if the time for applying for final approval shall have already passed at the time when the landowner was advised that the development plan was not in substantial compliance.
 - (c) If the landowner fails to take either of these alternate actions within said time, he shall be deemed to have abandoned the development plan.
- (9) Any public hearing held on an application for final approval shall be held pursuant to public notice within 30 days after the request for the hearing is made by the landowner, and the hearing shall

be conducted in the manner prescribed in this article for public hearings on an application for tentative approval. At least 14 days prior to the hearing, the Zoning Officer shall mail a copy of the notice by certified mail to each property owner within 300 feet of the entire perimeter of the property, including those located across a street right-of-way. The cost of mailing the certified notices shall be paid by the applicant. Within 30 days after the conclusion of the public hearing, the Board of Supervisors shall, by official written communication, either grant or deny final approval. The grant or denial of final approval of the development plan shall, in cases where a public hearing is required, be in the form and contain the findings required for an application for tentative approval.

- D. A final development plan, or any part thereof, which has been granted final approval shall be so certified without delay by the Board of Supervisors and shall be filed of record in the office of the Recorder of Deeds before any development shall take place in accordance therewith. Approval for recording shall be subject to posting of the financial security required by Chapter, 242, Subdivision and Land Development, for public and private improvements in the development plan.
- E. In the event that a development plan, or section thereof, is given final approval and thereafter the landowner shall abandon such plan or section thereof that has been finally approved, and shall so notify the Board of Supervisors in writing; or in the event that the landowner shall fail to commence and carry out the planned residential development in accordance with the time provisions stated in § 508 of the Pennsylvania Municipalities Planning Code after final approval has been granted, no development or further development shall take place on the property included in the development plan until after said property is reclassified by enactment of an amendment to this chapter.

§ 280-98. Common open space.

- A. Areas required. Within a planned residential development, the following percentages of the total gross site area shall be devoted to the specified uses indicated:
 - (1) A minimum of 30% of the total site area shall be set aside and preserved for usable common open space. Where significant or unique natural amenities exist on the site, the Board of Supervisors shall have the authority to enforce the preservation of the amenities as part of the required common open space. These amenities may include, but are not limited to, natural features such as rock outcroppings, virgin timber, woodlands, ravines, ponds, streambeds and stream valleys.
 - (2) No more than 70% of the total site area shall be devoted to residential use, which shall include buildings, streets, driveways,

parking areas, private yards and courts which abut and serve residences.

- B. Protection of common open space. Common open space in a planned residential development shall be protected by adequate covenants running with the land or by conveyances or dedications. A PRD shall be approved subject to the submission of a legal instrument or instruments setting forth a plan for the permanent care and maintenance of such common open space, recreational areas and other facilities owned in common. No such instrument shall be acceptable until approved by the Board of Supervisors as to legal form and effect. In cases where the Township will not be accepting dedications of streets, recreation areas or common open spaces, the developer shall provide for an organization or trust for ownership and maintenance of the common open space and common facilities.
- C. Common open space maintenance. In the event that the organization established to own and maintain the common open space, or any successor thereto, shall at any time after establishment of the final development plan fail to maintain the common open space, including all streets, driveways and recreational facilities, in reasonable order and condition in accordance with the development plan granted final approval, the Township may take remedial action to cause the common open space and common facilities to be properly maintained, as provided for in § 705(f) of the Pennsylvania Municipalities Planning Code.¹⁰

10. Editor's Note: See 53 P.S. § 10705(f).

ARTICLE XVI
Conditional Uses and Uses by Special Exception

§ 280-99. Applicability.

The following procedures shall apply to all applicants for approval of a conditional use or use by special exception in all zoning districts.

§ 280-100. Procedure for approval.

A. Approval of conditional uses.

(1) The Township Supervisors shall hear and decide requests for conditional uses; however, the Township Supervisors shall not approve a conditional use application unless and until:

(a) A written application for conditional use approval is submitted to the Zoning Officer no less than 10 working days prior to the regular meeting of the Planning Commission. The application shall indicate the section of this chapter under which conditional use approval is sought and shall state the grounds upon which it is requested. The application shall include the following:

[1] A current property survey indicating all existing and proposed structures and all proposed construction, additions or alterations on the site in sufficient detail to determine the feasibility of the proposed development and compliance with all applicable requirements of this chapter.

[2] A written statement showing compliance with the applicable express standards and criteria of this article for the proposed use.

[3] A list of the names and addresses of all property owners within 300 feet of the entire perimeter of the property for which conditional use approval is requested, taken from the most recent records of the Washington County Tax Assessor's office. At least 14 days prior to the hearing, the Zoning Officer shall mail a copy of the notice by certified mail to each property owner within 300 feet of the entire perimeter of the property, including those located across a street right-of-way. The cost of mailing the certified notices shall be paid by the applicant.

[4] A traffic impact analysis prepared by a registered traffic engineer for the following proposed conditional uses:

[a] Any proposed use which involves the construction of 50 or more multifamily dwellings.

[b] Any proposed use in the C-1, C-2, C-3 or H-I District which involves the construction of a new building or remodeling for a change of use of an existing building having a gross floor area of 10,000 square feet or more.

[5] The application fee as set by resolution of the Board of Supervisors.¹¹

- (b) A written recommendation is received from the Township Planning Commission or 30 days has passed from the date of the Planning Commission meeting at which the application is first considered as complete and properly filed for approval.
- (c) A public hearing is conducted by the Township Supervisors pursuant to public notice.
- (d) The Township Supervisors 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 governing body.¹²
- (e) In considering an application for conditional use approval, the Township Supervisors may prescribe appropriate conditions and safeguards in conformity with the spirit and intent of this article. A violation of such conditions and safeguards, when made a part of the terms and conditions under which conditional use approval is granted, shall be deemed a violation of this chapter and shall be subject to the enforcement provisions of § 280-144 of this chapter.

(2) If land development approval is required for the conditional use, the application for conditional use approval and the application for approval of a land development required by Chapter 242, Subdivision and Land Development, may be processed concurrently, provided all application requirements of both ordinances for a conditional use and a land development plan are met.

B. Expiration of conditional use approval. Conditional use approval shall expire automatically without written notice to the applicant if no application for a land development plan, a grading permit, a building permit or an occupancy permit to undertake the construction or authorize the occupancy described in the application for conditional use approval is submitted within 12 months of said approval, unless the Board of Supervisors, in its sole discretion, extends conditional use approval upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be one twelve-month extension.

11. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

12. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

C. Approval of uses by special exception.

(1) The Zoning Hearing Board shall hear and decide requests for uses by special exception. The Zoning Hearing Board shall not approve an application for a use by special exception unless and until:

(a) A written application for approval of a use by special exception is submitted to the Zoning Officer. The application shall indicate the section of this chapter under which approval of the use by special exception is sought and shall state the grounds upon which it is requested. The application shall include the following:

[1] A current property survey indicating all existing and proposed structures and all proposed construction, additions or alterations on the site in sufficient detail to determine the feasibility of the proposed development and compliance with all applicable requirements of this chapter.

[2] A written statement showing compliance with the applicable express standards and criteria of this article for the proposed use.

[3] A list of the names and addresses of all property owners within 300 feet of the entire perimeter of the property for which approval of the use by special exception is requested, taken from the most recent records of the Washington County Tax Assessor's office. At least 14 days prior to the hearing, the Board shall mail a copy of the notice by certified mail to each property owner within 300 feet of the entire perimeter of the property, including those located across a street right-of-way. The cost of mailing the certified notices shall be paid by the applicant.

[4] A traffic impact analysis prepared by a registered traffic engineer for the following proposed uses by special exception:

[a] Any proposed use in the C-1, C-2, C-3 and H-I Districts which involves the construction of any new building or remodeling for a change of use of an existing building having a gross floor area of 10,000 square feet or more.

[5] The application fee required by § 280-140 of this chapter.

(b) A public hearing pursuant to public notice is conducted by the Zoning Hearing Board within 60 days of submission of a complete and properly filed application. Said hearing shall be conducted in accordance with the procedures specified by § 280-137 of this chapter.

- (c) In considering an application for approval of a use by special exception, the Zoning Hearing Board may prescribe appropriate conditions and safeguards in conformity with the spirit and intent of this article. A violation of such conditions and safeguards, when made a part of the terms and conditions under which approval of a use by special exception is granted, shall be deemed a violation of this chapter and shall be subject to the enforcement provisions of § 280-144.
- (2) If land development approval is required for the use by special exception, the application for approval of the use by special exception and the application for approval of a land development required by Chapter 242, Subdivision and Land Development, of this Code may be processed concurrently, provided all application requirements of both ordinances for a use by special exception and a land development plan are met.
- D. Expiration of approval of a use by special exception. Approval of a use by special exception shall expire automatically without written notice to the applicant if no application for a land development plan, a grading permit, a building permit or an occupancy permit to undertake the construction or authorize the occupancy described in the application for approval of the use by special exception is submitted within 12 months of said approval, unless the Zoning Hearing Board, in its sole discretion, extends approval of the use by special exception upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be one twelve-month extension.

§ 280-101. General standards.

In addition to the specific standards and criteria listed for each use in § 280-102 below, all applications for conditional uses and uses by special exception listed in each zoning district shall demonstrate compliance with all of the following general standards and criteria:

- A. The use shall not endanger the public health, safety or welfare nor deteriorate the environment as a result of being located on the property where it is proposed.
- B. The use shall comply with the performance standards of § 280-104.
- C. The use shall comply with all applicable requirements of Article XVIII, governing parking and loading; Article XIX, governing signs; § 280-105, governing screening and landscaping; § 280-106, governing steep slopes and § 280-112, governing storage.
- D. Ingress, egress and traffic circulation on the property shall be designed to ensure safety and access by emergency vehicles and to minimize congestion and the impact on local streets.
- E. Outdoor lighting, if proposed, shall be shielded and reflected away from residential properties and public streets.

- F. For all uses which are subject to the requirements of the Americans with Disabilities Act (ADA), the applicant shall certify that all applicable ADA requirements have been met in the design.
- G. Impact study requirements. Any multifamily and/or nonresidential use generating 200 or more vehicle trips per day as indicated by the most recent edition of the ITE Trip Generation Manual shall be required to submit an impact study. The submission of transit and traffic impact studies shall be mandatory; however, the submission of the other impact studies, as set forth herein, shall be at the sole discretion of the Township's Board of Supervisors. **[Added 5-12-2008 by Ord. No. 2008-4]**
- (1) Types of impact studies:
- (a) Transportation and traffic impacts.
 - (b) Environmental impacts.
 - (c) Community impact analysis.
- (2) Standards for the above-listed impact analyses shall conform to the following.
- (a) Transportation and traffic impact analysis shall contain:
- [1] A description of the transportation and traffic impact area, including its major roads and potential traffic-generation rates, to be determined by current acceptable traffic-generation references. The impact area shall incorporate all roads as required by the Pennsylvania Department of Transportation and, in other situations, as required by the Township's Engineer.
 - [2] Existing twenty-four-hour and peak-hour traffic volume data will be provided for all streets that provide access to the proposed facility and for all the collector and arterial streets that will serve the facility, as well as any major intersections within the impact area. The designation of the impact area, intersections and roads that are to be a part of the study shall be subject to review and approval by the Planning Commission.
 - [3] Estimates of the total number of vehicle trips to be generated by the proposed use for a typical twenty-four-hour period, typical A.M. and P.M. peak periods, and maximum twenty-four-hour and peak-hour periods.
 - [4] Assignment of future twenty-four-hour and peak-hour volumes to the road network and other streets that will serve the proposed facility, based upon the projection of increased traffic volumes within the impact area.

- [5] Projected twenty-four-hour and peak-hour turning movements for all access points to the proposed facility at any major intersection used by traffic originating or destined for the proposed facility.
 - [6] A capacity and level of service analysis on the major intersections and roadways that will be impacted by the additional volumes generated by the proposed use.
 - [7] Accident analysis of all intersections and roadways within the impact area, categorized by accident type at each location.
 - [8] Structural analysis of intersections and roadways that will be used by traffic originating at or destined for the proposed facility, including designation of areas of inferior design, inadequate maintenance, and the ability of the existing roads to carry traffic of the volumes and weights that will be using the roadway for access to or from the proposed facility.
 - [9] A description of any street or road improvements that would be required in order to avoid problems or traffic congestion, traffic safety or deterioration to existing streets and roads because of increased traffic volume or weight of traffic.
 - [10] The cost estimates for any proposed improvements that may be required.
 - [11] Description of any action proposed or offered by the applicant to correct or alleviate the impact of the proposed facility on the transportation network.
 - [12] The report shall contain the source of the standards used, a description of the procedures and analysis undertaken, and the recommendations and conclusions of the professionals who prepared the report.
 - [13] Should the applicant's transportation system include non-road systems, the report shall contain the above analysis for said systems.
- (b) Environmental impact study. An environmental impact study shall be prepared and submitted with the application. The environmental impact study shall describe, identify and analyze all environmental aspects of the site and of neighboring properties that may be affected by the proposed operations or the ultimate use proposed to be conducted on the site. The limits of the impact area to be studied shall be reviewed and approved by the Planning Commission. The environmental impact study shall include, but not be limited to:

- [1] Underlying geology and soils, including depth locations, types, characteristics and permeability or rock and soils types. All Class I soil types shall be mapped and identified.
 - [2] Existing surface water, including ponds and streams, shall be mapped and identified. The analysis shall include sources and destinations of surface water runoff, pre- and post-development runoff volumes and rates, analysis of chemical additives, erosion and sedimentation control plans, stormwater management facilities for the two-, five-, ten-, twenty-five- and one-hundred-year frequency storms to prevent any increase in runoff volumes or rates.
 - [3] Existing and proposed impervious ground cover and the extent and type of existing and proposed vegetative ground cover.
 - [4] Existing wetlands and the changes or steps proposed that would modify or protect the existing wetlands and their continued viability.
 - [5] Existing and proposed elevations and contours, areas of slope in excess of 15%, and proposals to prevent erosion and damage to such steep slope areas.
 - [6] Existing and proposed potable water and sanitary or industrial sewage disposal and/or treatment facilities.
 - [7] An analysis of the impact of the proposed facility on existing plant and marine species, animal species, wildfowl and other birds, drainage and runoff, groundwater and surface water quantity and quality, wetlands, historic, cultural or archeological sites.
 - [8] The study shall identify all critical impact areas on or off site that may be impacted by the proposed or ultimate use of the facility, including the impact on the critical areas, the protective measures and procedures to protect the critical areas from damage, and the actions to be taken to minimize environmental damage to the critical areas on the site and surrounding areas during and after completion of the operation. Critical impact areas include, but are not limited to, stream corridors, streams, wetlands, slopes in excess of 15%, Class I agricultural lands, highly acidic or erodible soils, carbonate or highly fractured bedrock, aquifer recharge and discharge areas, areas of unique or protected vegetation, wildlife habitat, and areas of historic, cultural and/or archaeological significance.
- (c) Community impact study. A community impact study shall be prepared and submitted with the application. The study shall

be prepared by a planner acceptable to the municipality. The study shall evaluate the impact of the proposed use upon existing community facilities and services with an emphasis upon recreation and open space; land uses with an emphasis upon preserving valuable agricultural lands, historic and cultural sites, scenic views and vistas; emergency services and facilities with an emphasis upon police, fire and ambulance services and, if applicable, any of the previously listed impacts on adjoining municipalities. The study shall, at a minimum, identify the following:

- [1] Any potential increased use of the above-listed community assets.
- [2] Any potential increased cost to the Township to provide additional facilities and services due to the impact of the proposed use.
- [3] An estimate of the amount of revenue to the Township generated by the proposed use.
- [4] Any proposed measures to mitigate impacts upon the above-listed community assets.
- [5] Any impact on fire, police and/or emergency services.

- H. All required county, state and federal requirements, permits and licenses shall be obtained prior to granting of conditional approval. **[Added 5-12-2008 by Ord. No. 2008-4]**
- I. The site shall be served by a municipal water supply and sanitary sewage system. **[Added 5-12-2008 by Ord. No. 2008-4]**

§ 280-102. Standards for specific uses.

- A. In addition to the general standards and criteria for all conditional uses and uses by special exception listed in § 280-101 above, an application for any of the following uses which are listed in any zoning district as a conditional use or use by special exception shall comply with the applicable standards and criteria specified below for that use.
- (1) Adult businesses, subject to:
 - (a) Adult businesses shall not be permitted in any zoning district other than the H-I Heavy Industrial District.
 - (b) An adult business shall not be located within 1,000 feet of a church; public or private pre-elementary, elementary or secondary school; public library; day-care center or nursery school; or public park adjacent to any residential district measured in a straight line from the nearest portion of the building or structure containing the adult business to the

nearest property line of the premises of any of the above-listed uses.

- (c) An adult business shall not be located within 5,000 feet of any other adult business measured in a straight line from the closest exterior wall of the building or structure in which each adult business is located.
- (d) No more than one adult business shall be located in the same building, structure or portion thereof, nor shall any adult business increase its floor area into any building, structure or portion thereof containing another adult business.
- (e) An adult business lawfully operating as a conforming use shall not be rendered a nonconforming use by the location, subsequent to the grant or renewal of the adult business permit, of a church, public or private pre-elementary, elementary or secondary school, public library, day-care center or nursery school or public park within 1,000 feet. This provision applies only to the renewal of a valid permit and shall not apply when an application for a permit is submitted after a permit has expired or has been revoked.
- (f) Any adult business, other than an adult motel, which exhibits on the premises in a viewing room (a separate compartment or cubicle) of less than 150 square feet of floor space a film or video cassette or other video or image production or reproduction which depicts nudity or sexual conduct, as defined herein, shall comply with the following:
 - [1] At least one employee shall be on duty and shall be situated in each manager's station at all times that any patron is present inside the premises.
 - [2] The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding rest rooms. Rest rooms shall not contain video reproduction or viewing equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection shall be by direct line of sight from the manager's station.
 - [3] It shall be the duty of the owners and operators and any agents and employees present on the premises to ensure that the viewing area remains unobstructed by any doors, walls, merchandise, display racks or other materials at all

times and to ensure that no patron is permitted access to any area of the premises which has been designated in the application submitted to the Township as an area in which patrons will not be permitted.

- [4] No viewing room shall be occupied by more than one person at any time. No connections or openings to an adjoining viewing room shall be permitted.
 - [5] The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place in which patrons are permitted access at an illumination of not less than one footcandle as measured at the floor level. It shall be the duty of the owners and operators and any agents and employees present on the premises to ensure that the illumination is maintained at all times that any patron is present on the premises.
 - [6] If live performances are to be given, the premises in which such live performances are to be offered shall contain a stage separated from the viewing area, and the viewing area shall not be accessible to the performers, nor shall the performers have easy access to the viewers present.
 - [7] Liquor or intoxicating beverages shall not be sold on the premises for which the permit is sought.
 - [8] The applicant shall agree to renew the certificate of occupancy in accordance with the requirements for annual renewal contained in § 280-149.
- (2) Animal hospital, subject to:
- (a) In the C-1 District, the minimum lot area required for an animal hospital shall be 20,000 square feet. In the R-D District, the minimum lot area required for an animal hospital with an outdoor kennel or outdoor runs shall be two acres. In the R-D District, the minimum lot area for an animal hospital without an outdoor kennel or outdoor runs shall be one acre.
 - (b) All outdoor kennels or runs shall be constructed for easy cleaning and shall be adequately secured by a fence with self-latching gate.
 - (c) Outdoor kennels shall be located at least 200 feet from any property line adjoining a residential use or zoning classification and at least 50 feet from any other property line.
 - (d) In the C-1 District, overnight boarding of animals, other than for medical supervision, shall be permitted if the animals are housed overnight within a completely enclosed building.

- (e) Kennels associated with animal hospitals shall be licensed by the commonwealth and shall continue to maintain a valid license throughout their operation. Any suspension of the license shall be a violation of this chapter and shall be subject to the enforcement provisions of § 280-144 of this chapter.
 - (f) Odors shall be controlled so as to comply with the performance standards of § 280-104 of this chapter.
- (3) Apartment above office or retail, subject to:
- (a) Dwelling units shall not be located on street floor of any commercial building.
 - (b) Dwelling units shall have a minimum habitable floor area of 800 square feet.
 - (c) Dwelling units in basements or accessory garages shall not be permitted.
 - (d) Each dwelling unit shall have a separate entrance which does not require passing through any area devoted to office or retail use.
 - (e) Two off-street parking spaces shall be provided for each dwelling unit. Shared parking for residential and commercial uses shall not be permitted.
- (4) Billboards, subject to;
- (a) All billboards shall be subject to the express standards and criteria contained in § 280-126 of this chapter.
- (5) Car wash, subject to:
- (a) All automated washing facilities shall be in a completely enclosed building, as defined by this chapter. All other car washing facilities shall be under a roofed structure which has at least two walls.
 - (b) Drainage water from the washing operation shall be controlled so that it does not flow or drain onto berms, streets or other property.
 - (c) Standing spaces shall be provided in accordance with the requirements specified in § 280-109 for drive-in businesses.
 - (d) The facility shall be connected to public sanitary and storm sewers.
 - (e) Driveway entrances shall be located at least 30 feet from the right-of-way line of the intersection of any public streets.

- (f) Any car wash which also dispenses gasoline shall meet all applicable requirements of § 280-102A(29), governing service stations.
- (6) Cemetery, subject to:
- (a) A minimum site of 10 acres shall be required.
 - (b) A drainage plan shall be submitted with the application for the use, showing existing and proposed runoff characteristics.
 - (c) A groundwater study prepared by a hydrologist or registered engineer qualified to perform such studies shall be submitted with the application.
 - (d) Plans for ingress/egress to the site shall be referred to the Township Police Department for comments regarding public safety.
 - (e) All property lines adjoining residential use or zoning classification shall be screened by Buffer Area "B," as defined by § 280-105A of this chapter.
 - (f) Parking for principal structures, such as chapels or mausoleums, shall be provided in accordance with the requirements for places of public assembly specified in Article XVIII.
 - (g) All maintenance equipment shall be properly stored in an enclosed building when not in use.
 - (h) Burial sites or burial structures shall not be located within 100 feet of any property line adjoining residential use or zoning classification.
- (7) Churches, schools, including postsecondary schools, firehouses and public buildings, subject to:
- (a) The minimum lot area required for a postsecondary school shall be 10 acres. The minimum lot area required for all other uses shall be one acre.
 - (b) If a residential facility (such as a convent or monastery) is proposed as part of a church, no more than 10 persons shall be housed.
 - (c) A dwelling (such as a manse or parsonage) may be located on the same lot with a church, provided all requirements of this chapter for single-family dwellings in the zoning district can be met in addition to the minimum lot area, lot width and yard requirements applicable to the church.
 - (d) If the school includes dormitories, the dormitories shall be screened along any property line adjoining single-family use

or zoning classification by Buffer Area "C," as defined by § 280-105A of this chapter.

- (e) Ingress and egress to and from police and fire stations shall be located so as to maximize sight distance along adjacent public streets and enhance safety for vehicles exiting the property.
 - (f) Fire stations, police stations and municipal maintenance facilities shall be located on the property so that vehicles and equipment can be maneuvered on the property without interrupting traffic flow or blocking public streets.
 - (g) All schools shall be designed to provide convenient access for emergency vehicles and access to all sides of the building by firefighting equipment.
 - (h) All outside storage shall be screened from public view from streets and adjoining properties by a six-foot-tall hedge or opaque fence.
 - (i) The proposed use shall have direct access to a public street with sufficient capacity to accommodate the traffic generated by the proposed use.
- (8) Commercial communications tower, subject to:
- (a) The applicant shall demonstrate that it is licensed by the Federal Communications Commission (FCC) to operate a commercial communications tower.
 - (b) Any applicant proposing a new freestanding commercial communications tower shall demonstrate that a good faith effort has been made to obtain permission to mount the antenna on an existing building or other structure or an existing commercial communications tower. A good faith effort shall require that all owners within a one-fourth-mile radius of the proposed site be contacted and that one or more of the following reasons for not selecting an alternative existing building or communications tower or other structure apply:
 - [1] The proposed equipment would exceed the structural capacity of the existing building, commercial communications tower or other structure, and reinforcement of the existing building tower or other structure cannot be accomplished at a reasonable cost.
 - [2] The proposed equipment would cause RF (radio frequency) interference with other existing or proposed equipment for that building, tower or other structure, and the interference cannot be prevented at a reasonable cost.

- [3] Existing buildings, commercial communications towers or other structures do not have adequate space to accommodate the proposed equipment.
- [4] Addition of the proposed equipment would result in NIER (nonionizing electromagnetic radiation) levels which exceed any adopted local, federal or state emission standards.
- (c) In the R-D Rural Development District, a commercial communications tower shall not be located closer than 1,000 feet to any other commercial communications tower.
- (d) The applicant shall demonstrate that the proposed height of the commercial communications tower is the minimum height necessary to function effectively.
- (e) The base of the commercial communications tower shall be set back from all property lines a minimum distance which represents 20% of the tower height, measured from the base of the antenna support structure at grade to the highest point of the structure.
- (f) An antenna which is proposed to be mounted on an existing building or structure, other than an existing commercial communications tower, shall not exceed the height of the building or structure by more than 20 feet.
- (g) The applicant shall submit certification from a structural engineer that the structural capacity of any existing building or structure on which an antenna is proposed to be mounted is adequate to withstand wind and other loads associated with the antenna's location.
- (h) In the case of a freestanding commercial communications tower, the applicant shall submit evidence that the tower structure and its method of installation have been designed by a registered engineer and is certified by that registered engineer to be structurally sound and able to withstand wind and other loads in accordance with accepted engineering practice.
- (i) The applicant shall demonstrate that the proposed antenna and any tower structure are safe and that surrounding areas will not be negatively affected by tower structure failure, falling ice or other debris, electromagnetic fields or radio frequency interference.
- (j) All guy wires and guyed towers shall be clearly marked so as to be visible at all times.

- (k) Unless the commercial communications tower is located on a building, the tower structure or the entire property on which the tower structure is located shall be completely enclosed by a six-foot-high chain-link fence with self-latching gate to limit accessibility to the general public.
 - (l) All tower structures shall be fitted with anti-climbing devices as approved by the manufacturer for the type of installation proposed.
 - (m) All antennas and tower structures shall be subject to all applicable Federal Aviation Administration (FAA) and airport zoning regulations.
 - (n) No sign or other structure shall be mounted on the tower structure, except as may be required or approved by the FCC, FAA or other governmental agency.
 - (o) Tower structures supporting antennas shall be painted silver or have a galvanized finish or may be painted green up to the height of adjacent trees in order to reduce visual impact.
 - (p) If the commercial communications tower is fully automated, adequate parking shall be provided for periodic visits by maintenance workers. If the commercial communications tower is not fully automated, one parking space shall be provided for each employee on peak shift.
 - (q) No antenna or tower structure shall be illuminated, except as may be required by the Federal Aviation Administration (FAA) or the Federal Communications Commission (FCC).
- (9) Commercial recreation, subject to:
- (a) The minimum lot area required for outdoor recreation facilities shall be one acre. All indoor facilities shall meet the minimum lot area required for the zoning district in which the property is located.
 - (b) The property shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this chapter.
 - (c) The property shall be served by public water and public sewers.
 - (d) Adequate sanitary facilities available to the public shall be provided.
 - (e) Outdoor speakers shall not be permitted if there are dwellings within 500 feet of the property in any direction. If outdoor speakers are allowed, the volume and direction shall be regulated to minimize impact on adjoining properties.

- (f) Location of buildings and facilities, traffic circulation on the property and parking areas shall be designed to provide adequate access for emergency medical vehicles and firefighting equipment.
 - (g) Any outdoor facility shall be completely enclosed by a fence which is at least six feet in height, with one or more locking gates which shall remain secured when the facility is not in use.
 - (h) Any outdoor facility located within 200 feet of an existing dwelling shall cease operations no later than 10:00 p.m.
 - (i) Any use which includes eating or drinking facilities shall be subject to the parking requirements for that use in addition to the parking requirements for the recreational use.
- (10) Comparable uses not specifically listed, subject to:
- (a) Uses of the same general character as any of the uses authorized as permitted uses by right, conditional uses or uses by special exception in the zoning district in which the property is located shall be allowed, if the Zoning Hearing Board determines that the impact of the proposed use on the environment and adjacent streets and properties is equal to or less than any use specifically listed in the zoning district. In making such determination, the Board shall consider the following characteristics of the proposed use:
 - [1] The number of employees;
 - [2] The floor area of the building or gross area of the lot devoted to the proposed use;
 - [3] The type of products, materials and equipment and/or processes involved in the proposed use;
 - [4] The magnitude of walk-in trade; and
 - [5] The traffic and environmental impacts and the ability of the proposed use to comply with the performance standards of § 280-104 of this chapter.
 - (b) The proposed use shall comply with all applicable area and bulk regulations of the zoning district in which it is located.
 - (c) The proposed use shall comply with any applicable express standards and criteria specified in this article for the most nearly comparable use by special exception or conditional use listed in the zoning district in which the comparable use is proposed.

- (d) If the proposed use is determined by the Zoning Hearing Board to be most nearly comparable to a permitted use or use by special exception, the Zoning Hearing Board shall review the proposed use as a use by special exception and shall act on the proposed development plan.
 - (e) If the proposed use is determined by the Zoning Hearing Board to be most nearly comparable to a conditional use, the Zoning Hearing Board shall forward the application to the Board of Supervisors to conduct a public hearing and act on the development plan in accordance with the requirements of § 280-100A.
 - (f) The proposed use shall be consistent with the purpose statement for the zoning district in which it is proposed and shall be consistent with the community development objectives of this chapter.
- (11) Conversion apartment, subject to:
- (a) Each dwelling unit shall contain a minimum of 800 square feet of gross floor area.
 - (b) Each dwelling unit shall have separate living, sleeping, kitchen and sanitary facilities.
 - (c) Each dwelling unit shall have a separate entrance directly to the outside.
 - (d) The maximum number of dwelling units in the same residential building shall be four units.
 - (e) Conversion of detached garages or other accessory structures to dwelling units shall not be permitted.
 - (f) One and one-half off-street parking spaces shall be provided for each dwelling unit. The paving and design of the off-street parking spaces shall be in accordance with the requirements of § 280-117 of this chapter.
 - (g) Where three or more off-street parking spaces are provided, the parking area shall be screened from adjoining single-family dwellings by a six-foot-high compact evergreen hedge.
 - (h) All dwelling units shall comply with all applicable requirements of the Pennsylvania Department of Labor and Industry and Chapter 113, Construction Codes, Uniform, of the Code.
- (12) Day-care center or preschool facility, subject to:
- (a) The facility shall be registered with or licensed by the commonwealth, if applicable.

- (b) In the R-D, R-1 and R-2 Zoning Districts, the facility shall be permitted to be located only in a church or school.
- (c) Outdoor play areas shall be provided, which shall have a minimum area of 65 square feet per child and which shall be secured by a fence with self-latching gate.
- (d) Outdoor play areas which adjoin residential lots shall be screened by Buffer Area "C," as defined by § 280-105A of this chapter.
- (e) The general safety of the property proposed for a day-care center, nursery school or preschool facility shall meet the needs of small children.
- (f) Off-street parking shall be provided in accordance with the requirements of Article XVIII of this chapter.

(13) Family day-care home, subject to:

- (a) An adequate outdoor play area shall be provided and shall be secured by a fence with self-latching gate. Such play area shall be screened from adjoining residential properties by a minimum four-foot-high compact, dense evergreen hedge or opaque fence.
- (b) Outdoor play areas shall have a minimum area of 600 square feet.
- (c) A safe area shall be provided for dropping off and picking up children, which does not obstruct the free flow of traffic on any public street.
- (d) The family day-care home shall be licensed by, or approved by, the commonwealth, as required by the laws of the commonwealth, and continued compliance with the license or approval and all applicable laws of the commonwealth shall be maintained throughout the operation of the family day-care home.
- (e) All applicable criteria of § 280-102A(39), governing home occupations shall be met.

(14) Funeral home, subject to:

- (a) The minimum lot area shall be 40,000 square feet.
- (b) The site shall have frontage on and direct vehicular access to an arterial or collector street.
- (c) All off-street parking areas which adjoin residential zoning classification shall be screened by a six-foot-high dense, compact evergreen hedge.

- (d) Traffic circulation on the lot shall be designed to minimize congestion and provide for the lining up of vehicles on the property without obstructing the free flow of traffic on adjoining streets or alleys.
- (15) Group care facility, personal care boardinghome or transitional dwelling, subject to:
- (a) The minimum area and bulk regulations for a group care facility, personal care boardinghome or transitional dwelling shall be the same as those required for a principal use in the district in which the facility is located.
 - (b) In the R-3 District, a group care facility or personal care boardinghome shall have frontage on and direct vehicular access to an arterial or collector street as defined by this chapter.
 - (c) No group care facility, personal care boardinghome or transitional dwelling shall be located within 1,000 feet of another existing or proposed group care facility, personal care boardinghome or transitional dwelling.
 - (d) Adequate provisions shall be made for access for emergency medical and firefighting vehicles.
 - (e) Twenty-four-hour supervision shall be provided by staff qualified by the sponsoring agency.
 - (f) Adequate open space opportunities for recreation shall be provided on the lot for the residents, consistent with their needs, and the area shall be secured by a fence with self-latching gate.
 - (g) Where applicable, licensing or certification by the sponsoring agency shall be prerequisite to obtaining a certificate of occupancy, and a copy of the annual report with evidence of continuing certification shall be submitted to the Zoning Officer in January of each year.
- (16) Hospital, clinic or nursing home, subject to:
- (a) The minimum lot area required for a hospital shall be five acres. The minimum lot area required for a clinic or nursing home shall be one acre.
 - (b) The property shall be served by public water and public sewers.
 - (c) All hospitals and nursing homes shall be licensed by the commonwealth.

- (d) Water pressure and volume shall be adequate for fire protection.
- (e) Ingress, egress and internal traffic circulation shall be designed to ensure access by emergency vehicles.
- (f) The parking and circulation plan shall be referred to the Township police department and volunteer fire company for comments regarding traffic safety and emergency access.
- (g) Nursing homes shall have a bed capacity of at least 20 beds, but no more than 200 beds.
- (h) All property lines adjoining residential use or zoning classification shall be screened by Buffer Area "B," as defined by § 280-105A of this chapter.
- (i) A private-use helipad for air ambulances shall be permitted as part of a hospital, provided all of the following criteria are met:
 - [1] Helipads shall be located at least 250 feet from any property line or public street.
 - [2] Helipads accessory to a hospital shall be limited to use by emergency vehicles and health system personnel.
 - [3] Evidence of compliance with all applicable regulations of the Federal Aviation Administration (FAA) and the Pennsylvania Department of Transportation Bureau of Aviation shall be submitted.
 - [4] The helicopter landing pad shall be clearly marked with the insignia commonly recognized to indicate a private-use helipad.
 - [5] The helicopter landing pad shall be paved, level and maintained dirt free. Rooftop pads shall be free of all loose stone and aggregate.
 - [6] An application for a helipad on a roof shall be accompanied by a certification by a registered engineer that the loads imposed by the helicopter will be supported by the structure.
 - [7] Lighting shall be shielded away from adjacent properties and streets.
- (j) Disposal of medical waste shall be in accordance with all applicable permits and handling requirements of the Pennsylvania Department of Environmental Protection (PA DEP) and the United States Environmental Protection Agency (EPA).

(17) Landfill, subject to:

- (a) The minimum site required shall be 100 acres.
- (b) The site shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this chapter.
- (c) The driveway or haul road entering the site from a public street shall be paved for a distance of 500 feet from the public street.
- (d) A tire-washing station shall be located on the site to service trucks exiting the facility.
- (e) Prior to beginning operations, the operator shall post a bond in favor of the Township and in a form acceptable to the Township Solicitor in the amount of \$100,000 for each mile of Township road or portion thereof proposed to be traversed by vehicles travelling to the site. The term of the bond shall begin on the date that the zoning certificate is issued. The bond shall be returned to the operator upon completion of all operations and any backfilling or reconstruction of a damaged roadway due to weight in excess of the posted weight limits for the road. Any failure to complete the reconstruction required by this chapter shall result in forfeiture of the required bond. Those portions of the Township roads which have been damaged shall be determined by inspection of the Township Engineer and shall be reconstructed to current Township specifications for street construction.
- (f) Landfill operations shall not be conducted within 200 feet of any property lines adjoining residential use or zoning district classification.
- (g) All property lines adjoining residential use or zoning district classification shall be screened by Buffer Area "A," as defined by § 280-105A of this chapter.
- (h) Fencing at least six feet in height shall be provided around any work area for security and to control windblown refuse.
- (i) The applicant shall show compliance with all applicable federal and state laws regulating landfills.
- (j) The applicant shall obtain the required permits from the Pennsylvania Department of Environmental Protection (PA DEP) and/or the United States Environmental Protection Agency (EPA) prior to initiating any operation.
- (k) The required federal or state permits shall be maintained throughout the duration of all operations.
- (l) Any suspension or revocation of the required state or federal permits shall constitute a violation of this chapter and shall result in the suspension or revocation of the zoning certificate

or enforcement of the penalty provisions of this chapter, or both.

- (m) In January of each year, the operator shall apply to the Zoning Officer for renewal of the zoning certificate and shall present evidence of continuing compliance with all conditions of approval and the required state or federal permits.

(18) Light manufacturing, subject to:

- (a) All activities shall comply with the performance standards specified in § 280-104 of this chapter.
- (b) All materials and equipment shall be stored within a completely enclosed building.
- (c) The storage, handling, transportation and disposal of hazardous or potentially hazardous materials shall be in accordance with all applicable permits and requirements of the Pennsylvania Department of Environmental Protection (PA DEP) and the United States Environmental Protection Agency (EPA).
- (d) Adequate public utilities shall be available to meet the requirements of the proposed manufacturing processes.
- (e) Adjacent public streets shall be adequate to accommodate the traffic volumes and weight limits associated with truck traffic to and from the site.

(19) Mini warehouses or self-storage buildings, subject to:

- (a) The minimum site area required shall be two acres.
- (b) The site shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this chapter.
- (c) Vehicular access to the site shall be limited to one two-way or two one-way driveways from each arterial or collector street on which the site has frontage.
- (d) All interior driveways shall be paved with an asphalt or similar surface sufficient for the loads the driveways are expected to bear.
- (e) Parking shall be provided in accordance with the following:
 - [1] Two spaces for manager's quarters, if any;
 - [2] One space for each 25 storage units, which spaces shall be located near the manager's quarters or office to be used by prospective customers;

- [3] One space for each 10 storage units equally distributed throughout the storage area to be used by the customers.
- (f) Buffer area "A" shall be provided in accordance with the requirements of § 280-105A of this chapter along all property lines which adjoin residential use or zoning classification.
 - (g) The perimeter of the site shall be fenced with a minimum eight-foot-high chain-link fence with self-latching gate. If an outside storage area is proposed, the fence around the outside storage area shall be supplemented with screening material which creates a visual barrier that is at least eighty-percent opaque.
 - (h) Maximum building height shall be 20 feet.
 - (i) The maximum length of any storage building shall be 200 feet.
 - (j) The minimum distance between storage buildings shall be 20 feet.
 - (k) Maximum lot coverage by all buildings shall be 40%.
 - (l) Office space may be provided which shall not exceed 5% of the total area devoted to storage.
 - (m) Storage units shall not be equipped with water or sanitary sewer service.
 - (n) No business activity other than rental of storage units shall be conducted on the premises.
 - (o) Operations shall be regulated so that nuisances such as visual blight, glare, noise, blowing debris or dust shall not be created.
 - (p) Exterior finishes of the storage units shall be compatible with the character of development on adjoining properties.
 - (q) No sign shall be placed on the buildings or on their rooftops.
 - (r) Both the landlord and the tenants shall be responsible for prevention of the storage of hazardous materials or substances in the storage buildings.
 - (s) A minimum of one fire hydrant shall be provided on the site, subject to approval by the Township. The facility shall comply with the Township Fire Code.¹³

(20) Mineral removal, subject to:

- (a) Removal of minerals encountered during the routine grading of a site for the purposes of an approved land development or

13. Editor's Note: See Ch. 113, Construction Codes, Uniform.

for the construction of public improvements shall be excluded from these regulations and the requirement to obtain approval of a conditional use application, provided evidence is presented to the Township that all applicable requirements of the Pennsylvania Department of Environmental Protection (DEP) are met.

- (b) There shall be no removal of minerals or vegetative cover within 100 feet of the bank of any stream or natural watercourse identified on maps prepared by the United States Geologic Survey (USGS).
- (c) Mineral removal shall be prohibited in watersheds or rivers or streams now or hereafter designated by the Pennsylvania Fish Commission as a "wilderness trout stream," by the Pennsylvania Department of Environmental Protection as part of the Scenic Rivers System or designated under the Federal Wild and Scenic Rivers Act.
- (d) No mineral removal shall be conducted within 300 feet of any public building, school, church, community or institutional building, commercial building, public park or private recreational area.
- (e) No mineral removal shall be conducted within 100 feet of the outside right-of-way line of any public street, except where access roads or haulage roads join the right-of-way line and where the appropriate state or federal agency having jurisdiction over the conduct of mineral removal operations shall permit it in accordance with law.
- (f) No mineral removal shall be conducted which will adversely affect any publicly owned park or places included in the National Register of Historic Sites, unless approved by the governmental agency with jurisdiction over the park or historic site.
- (g) No mineral removal shall be conducted within 100 feet of a cemetery.
- (h) No mineral removal shall be conducted within 300 feet of an occupied dwelling, unless the consent of the owner has been obtained in advance of the filing of the application for zoning approval.
- (i) The applicant shall present expert testimony to demonstrate that the proposed mineral removal operation will not adversely affect any of the following:

[1] Lawful existing or permitted use of adjacent properties.

- [2] The quality or adequacy of any public or private water supply source.
- [3] Any flood-prone or landslide-prone areas within the Township.
- (j) The applicant shall present expert testimony to demonstrate that the use of explosives, if proposed, shall not cause injury to any adjacent structures or shall not substantially diminish underground water resources.
- (k) If blasting is to be undertaken, a seismograph shall be placed on the site of the operation during all times when blasting is performed, which shall be monitored by an independent engineering consultant whose credentials are acceptable to the Township and whose fee is paid by the applicant.
- (l) The applicant shall provide reclamation plans for the site that demonstrate that the condition of the land after the operation is completed will allow economically and ecologically productive uses of the type permitted in the district in which the site is located. Acceptance of the reclamation plan shall not constitute approval of any aspect of any future development plan.
- (m) The applicant shall show the proposed routes of all trucks to be utilized for hauling and the estimated weights of those trucks. The applicant shall show evidence of compliance with designated weight limits on state, county and Township roads and shall design the hauling routes for the mineral removal operation to minimize the impact on local streets within the Township.
- (n) The operator shall post a bond in favor of the Township and in a form acceptable to the Township prior to beginning operations to guarantee restoration of Township streets which may be damaged during the mineral removal operations.
- (o) Portions of the site where mineral removal operations are conducted may be required to be fenced or screened, as necessary, to provide security and protect adjacent properties.
- (p) The applicant shall comply with all applicable state and federal regulations and shall show evidence of obtaining the required state and federal permits, including proof of insurability, before initiating any work and shall maintain the required permits throughout the duration of all operations. Any suspension or revocation of the required state or federal permits shall constitute a violation of zoning approval and will result in the suspension or revocation of zoning approval and/or enforcement of the penalty provisions of this chapter.

- (q) Approval of the conditional use shall expire if work authorized in the application for the conditional use is not commenced within six months of the date of approval of the conditional use application by the Board of Supervisors, unless the applicant submits a written request for an extension prior to the expiration of the six months after the date of approval.
- (r) Once work is initiated under an approved application for conditional use, zoning approval shall be valid for a period of one year from the date of conditional use approval by the Board of Supervisors. An application for renewal of zoning approval shall be submitted prior to the expiration of zoning approval and shall be approved by the Zoning Officer upon demonstration by the applicant that all conditions of approval of the conditional use and the required federal and state permits remain in full force and effect and that the applicant is diligently pursuing the completion of the mineral removal operation.
- (s) During the mineral removal operation, the Township Engineer may inspect the site at the request of the Board of Supervisors to determine continuing compliance with these standards and criteria and any conditions of approval; the cost of inspection by the Township Engineer shall be borne by the operator.

(21) Mobile home park, subject to:

- (a) The application shall comply with all applicable requirements of Chapter 242, Subdivision and Land Development, governing mobile home parks.
- (b) The minimum site required for a mobile home park shall be five acres.
- (c) The site shall be served by public sewers.
- (d) The minimum mobile home lot shall be 6,000 square feet.
- (e) The minimum yard requirements for each mobile home lot shall be 25 feet for front yards, 20 feet for rear yards and 10 feet for side yards. Such yards shall be measured from the perimeter of the mobile home slab.
- (f) Every mobile home slab shall have access to a public or private street in accordance with the requirements of Chapter 242, Subdivision and Land Development.
- (g) Each mobile home lot shall provide two off-street parking spaces.

(22) Planned residential development, subject to:

- (a) Planned residential development shall be subject to all express standards and criteria contained in Article XV of this chapter.

(23) Private club, subject to:

- (a) Any establishment which includes a restaurant or tavern shall be subject to the off-street parking requirements of Article XVIII for the portion of the building devoted to the restaurant or tavern use, in addition to the parking required for the private club.
- (b) Any rental of the facility to nonmembers shall require on-site management and/or security personnel during the event.
- (c) Activities on the site and within the building shall comply with the noise standards specified in § 280-104D of this chapter.
- (d) All off-street parking which adjoins residential zoning classification shall be screened by a six-foot-high dense, compact evergreen hedge.

(24) Public or private parking lot or parking garage, subject to:

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

(25) Public recreation and noncommercial recreation, subject to:

- (a) A minimum lot area of one acre shall be required; however, the minimum lot area required may be reduced to not less than 12,000 square feet for public facilities which are located in established neighborhoods within walking distance of the residents they are intended to serve and where no off-street parking is proposed for the facility.

- (b) All principal structures shall be located at least 30 feet from any property line.
- (c) Buffer area "C," as defined by § 280-105A of this chapter, shall be provided where parking for the use or other intensively used facilities such as ball fields, tennis courts, shelters and the like are proposed adjacent to any property line adjoining residential use or zoning classification. Open space and passive recreation, as well as undeveloped portions of the property held for future development, shall not be required to be buffered from adjoining residential use or zoning classification.
- (d) The use shall comply with the performance standards of § 280-104 of this chapter.
- (e) All lighting shall be shielded away from adjoining streets and properties.
- (f) Any outdoor facility located within 200 feet of an existing dwelling shall cease operations at 10:00 p.m.

(26) Public utility installation, subject to:

- (a) The minimum lot area required shall be 20,000 square feet.
- (b) Maintenance vehicles shall be stored within a completely enclosed building.
- (c) Outdoor storage of materials or equipment, other than maintenance vehicles, shall be permitted only if the storage area is completely enclosed by a minimum six-foot fence with locking gate and is screened by one-hundred-percent opaque screening material placed in the fencing or by a six-foot-high dense, compact evergreen hedge.
- (d) Any area of the building which is used for business offices shall comply with the parking requirements of Article XVIII of this chapter for that use. Any area of the building which is used for storage of material, vehicles or other equipment shall provide one parking space for each 1,500 square feet of gross floor area devoted to that use.

(27) Retirement community, subject to:

- (a) The minimum site required for a retirement community shall be 20 acres.
- (b) The site proposed for a retirement community, as defined herein, shall have frontage on and direct vehicular access to a street classified by this chapter as an arterial or collector street. Access to local Township streets shall not be permitted, except that a secondary controlled "emergency only" access

may be provided from a local Township street, if approved by the Township.

- (c) A retirement community may include one or more of the following dwelling types:
 - [1] Single-family dwellings.
 - [2] Two-family dwellings.
 - [3] Townhouse buildings containing no more than five dwelling units per building.
 - [4] Garden apartment buildings containing no more than 50 dwelling units per building.
- (d) In addition to the foregoing dwelling types, a retirement community shall include the following supporting uses:
 - [1] Common leisure and/or recreational areas.
 - [2] Common dining area.
- (e) In addition, a retirement community may include one or more of the following supporting uses, subject to approval by the Township:
 - [1] Postal station for use of the residents and staff only;
 - [2] Banking facility for use of the residents and staff only;
 - [3] Pharmacy and/or medical offices for use of the residents only;
 - [4] Personal services for the use of the residents only, including beauty shop, barbershop, common laundry facilities, dry cleaning valet;
 - [5] Ice cream parlor and/or florist/gift shop for the use of residents and their invited guests only;
 - [6] Personal care boardinghome, provided the use meets all the conditional use criteria contained in § 280-102A(15);
 - [7] Nursing home licensed by the commonwealth;
 - [8] Elderly day-care center licensed by the commonwealth; and
 - [9] Taxi, van or similar transportation services for the residents.
- (f) The maximum dwelling unit density permitted in a retirement community shall be 12 dwelling units per acre.

- (g) No principal structure shall be less than 50 feet from any property line adjoining property in an R-D, R-1 or R-2 District. Along all other property lines, no principal structure shall be less than 20 feet from any property line of the development site.
- (h) Buffer area "B," as defined by § 280-105A of this chapter, shall be provided along all property lines adjoining property in an R-D, R-1 or R-2 District.
- (i) There shall be a minimum of one parking space for each dwelling unit plus one parking space for each employee on peak shift. In the event that a nursing home or personal care boardinghome is proposed, parking shall be provided in accordance with the requirements of § 280-118 of this chapter for those uses. Additional parking for the supporting uses intended for the residents and their invited guests shall not be required.

(28) Junkyard, subject to:

- (a) The minimum site required shall be 20 acres.
- (b) The premises shall be maintained so as to not constitute a nuisance or menace to public health and safety.
- (c) No garbage, hazardous materials or hazardous waste as defined by federal statute or other organic waste shall be stored on the premises.
- (d) The handling and disposal of motor oil, battery acid and other substances regulated by federal statute and the Pennsylvania Department of Environmental Protection (PA DEP) shall be in accordance with all permits and requirements of that agency. Any suspension, revocation or violation of the PA DEP permits shall be a violation of this chapter and shall be subject to the enforcement provisions of § 280-144 of this chapter.
- (e) The manner of storage of junk or other materials or equipment on the site shall facilitate access for firefighting, shall prevent hazards from fire or explosion, and shall prevent the accumulation of stagnant water.
- (f) The salvage yard operation shall comply with the performance standards of § 280-104 of this chapter.
- (g) No junk shall be stored or accumulated and no structure shall be located within 100 feet of any dwelling or within 40 feet of any property line or public street.
- (h) The premises shall be enclosed by a metal chain-link fence not less than eight feet in height, supported on steel posts with a

self-latching gate. The fence shall be located on the inside of the buffer area required by Subsection A(28)(j), below.

- (i) The fence shall be supplemented with screening material which creates a visual barrier that is at least eighty-percent opaque.
- (j) Buffer area "A," as defined by § 280-105A of this chapter, shall be provided along all property lines adjoining residential use or zoning classification.
- (k) The site shall be designed utilizing natural topography and/or constructed earthen mounds so as to obstruct visibility from adjacent public streets.
- (l) The operator shall obtain a license from the Township prior to initiating operations, which shall be renewable annually upon payment of the required license fee established from time to time by resolution of the Board of Supervisors and subject to inspection by the Zoning Officer to determine continuing compliance with these standards.

(29) Service station, automobile, subject to:

- (a) All minor repair work, vehicle washing, waxing, detailing, lubrication and installation of parts and accessories shall be performed within an enclosed building.
- (b) All car washing areas shall discharge into public sanitary sewers.
- (c) All vehicle parts, dismantled vehicles and similar materials shall be stored within an enclosed building or totally screened from view by a solid or privacy fence.
- (d) All vehicles awaiting repair shall be stored on the lot in an approved storage area and, in no case, shall said vehicles be stored on or obstruct access to a public right-of-way.
- (e) Canopies over gasoline pumps shall be subject to the requirements of § 280-106C(8).
- (f) Gasoline pumps shall be located at least 30 feet from the edge of the right-of-way of a public street.
- (g) All fuel, oil and similar substances shall be stored at least 25 feet from any property line.
- (h) The handling and disposal of motor oil, battery acid and any other substance regulated by federal statute and the Pennsylvania Department of Environmental Protection (PA DEP) shall be in accordance with all permits and requirements of that agency or its successor agency. Any suspension,

revocation or violation of the PA DEP permits shall be a violation of this chapter and shall be subject to the enforcement provisions of § 280-144 of this chapter.

- (i) Buffer area "B," as defined by § 280-105A of this chapter, shall be provided along all property lines adjoining residential use or zoning classification.
- (30) Large-scale commercial building, subject to: **[Amended 5-12-2008 by Ord. No. 2008-4]**
- (a) The minimum site area required for a large-scale commercial building with a building footprint of less than 100,000 square feet shall be 10 acres. The minimum site area required for a large-scale commercial building with a building footprint greater than 100,000 square feet shall be required at a rate of an additional one acre for every additional 10,000 square feet of building footprint.
 - (b) The site shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this chapter.
 - (c) Once the improvements are completed in an approved large-scale commercial building, lots within the approved and recorded large-scale commercial building may be sold and developed as independent entities for any authorized use in the district.
 - (d) Once a large-scale commercial building is approved, subdivision of the property within the structure of the building may utilize a "0" side yard to allow the division of the property along common or adjacent walls within the building or buildings for the purpose of leasing or transferring ownership of individual units within the large-scale commercial building.
 - (e) Outparcels located on the same site as an approved large-scale commercial building may be subdivided without frontage on a public street, provided the outparcel has access to the interior circulation system on the site. All access to any such outparcels shall be from the interior circulation system only.
 - (f) Following conditional use approval of a large-scale commercial building site that proposes an outparcel or outparcels, the outparcel(s) may be developed independently, subject to the provisions of this chapter and land development plan approval as required by Chapter 242, Subdivision and Land Development. The outparcel(s) shall be included in the initial calculations for the traffic impact studies.
 - (g) For large-scale commercial buildings containing multiple uses, a master sign plan, as required by § 280-125C, as amended, shall be submitted with the application for conditional use.¹⁴

- (h) Only uses permitted by right or authorized as conditional uses or uses by special exception in the district in which the large-scale commercial building is located shall be permitted in the large-scale commercial building.
- (i) Buffer area "A" shall be provided along all property lines which adjoin the R-D, R-1, R-2 or R-3 District.
- (j) The site plan shall be designed to minimize points of access to the public street. Shared driveways shall be utilized where feasible and cross-easements shall be dedicated for common access, where necessary.
- (k) The site shall be planned as a unit, and uniform signage and landscaping and common parking and loading areas shall be proposed to promote efficiency and preserve a common design theme.
- (l) For large-scale commercial buildings that contain retail uses, shopping cart return stalls shall be provided in convenient locations throughout the parking areas based on a ratio of one cart return station for each 50 parking spaces.
- (m) For large-scale commercial buildings a lighting plan (photometric) shall be submitted with the conditional use application that demonstrates compliance with the following requirements.
 - [1] *Lighting plans with the following information shall be submitted for review and approval by the Township Engineer.*
 - [a] They shall include a schematic layout of all proposed exterior fixture locations, ISO footcandle data, and a plat demonstrating intensities and uniformities, and manufacturer's description of the equipment (catalog cuts), glare-control devices, lamps, mounting heights and means, proposed hours of operation of the lighting, and maintenance schedule. Illumination intensities shall be plotted on a ten-foot-by-ten-foot grid.
 - [b] The applicant shall submit a visual impact photometric plan that demonstrates both light coverage and light spillage resulting from the proposed lighting plan and the provision for adequate measures to mitigate nuisance from light pollution and disabling glare, both on the use of the development site and on adjacent properties.

- [c] The developer shall provide the Township with a field-certified as-built plan for all exterior lighting.
 - [i] Average minimum illumination levels in the parking areas of two footcandles;
 - [ii] No spillover lighting, at grade, on any adjacent street or at any property line of 0.2 footcandle; and
 - [iii] Parking lot lighting shall be reduced by 50% between the hours of midnight and 7:00 a.m.
- (n) As per the Municipalities Planning Code, the Township may charge fees to cover any costs for professional consultants, etc., to review the following design standards and/or impact studies, which shall apply to all large-scale commercial buildings:
 - [1] Facades and exterior walls.
 - [a] Intent. Facades shall be articulated to reduce the massive scale and the uniform, impersonal appearances of large retail buildings and provide visual interest that will be consistent with the community's identity, character and scale. The intent is to encourage a more human scale that residents of Union Township will be able to identify with their community. The resulting scale will ensure a greater likelihood of reuse of structure by subsequent tenants.
 - [b] Standard. Developments with facade over 100 feet in linear length shall incorporate wall projections or recesses a minimum of three-foot depth and a minimum of 20 contiguous feet within each 100 feet of facade length and shall extend over 20% of the facade. Developments shall use animating features such as arcades, display windows, decorated facade windows, entry areas, or awnings along at least 60% of the facade.
 - [2] Smaller retail stores.
 - [a] Intent. The presence of smaller retail stores gives a center a "friendlier" appearance by creating variety, breaking up large expanses, and expanding the range of the site's activities. Windows and window displays of such stores should be used to contribute to the visual interest of exterior facades. The standards presented in this section are directed toward those situations where additional, smaller stores, with

separate, exterior customer entrances are located in the principal buildings or development site.

[b] Standard. Where principal buildings contain additional, separately owned stores, which occupy less than 25,000 square feet of gross floor area, with separate, exterior customer entrances:

[i] The street-level facade of such stores shall be transparent between the height of three feet and eight feet above the walkway grade for no less than 60% of the horizontal length of the building facade of such additional stores.

[ii] Windows shall be recessed and should include visually prominent sills, shutters or other such forms of framing.

[3] Detail features.

[a] Intent. Buildings shall have architectural features and patterns that provide visual interests at the scale of the pedestrian, reduce massive aesthetic effects, and recognize local character. The elements in the following standard should be integral parts of the building fabric, and not superficially applied trim or graphics or paint.

[b] Standard. Building facades shall include a repeating pattern that shall include no less than three of the elements listed below. At least one of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than 30 feet, either horizontally or vertically.

[i] Color change.

[ii] Texture change.

[iii] Material module change.

[iv] Expression of architectural or structural bay through a change in plane no less than 12 inches in width as an offset, reveal or projecting rib.

[4] Roofs.

[a] Intent. Variations in rooflines shall be used to add interest to and reduce the massive scale of large buildings. Roof features should complement the character of adjoining neighborhoods.

- [b] Standard. Rooflines shall be varied with a change in height every 100 linear feet in the building length. Parapets, mansard roofs, gable roofs, hip roofs, or dormers shall be used to conceal flat roofs and rooftop equipment from public view. Alternating lengths and designs may be acceptable and can be addressed during the preliminary development plan.
- [5] Materials and colors.
- [a] Intent. Exterior building materials and colors comprise a significant part of the visual impact of a building. Therefore, they should be aesthetically pleasing and compatible with materials and colors used in adjoining neighborhoods.
 - [b] Guideline.
 - [i] Predominant exterior building materials shall be high quality materials. These include, without limitation:
 - [A] Brick.
 - [B] Wood.
 - [C] Sandstone.
 - [D] Other native stone.
 - [E] Tinted, textured, concrete masonry units.
 - [ii] Facade colors shall be low reflectance, subtle, neutral or earth tone colors. The use of high intensity colors, metallic colors, black or fluorescent colors is prohibited.
 - [iii] Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trim or accent areas.
 - [iv] Predominant exterior building materials as well as accents should not include the following:
 - [A] Smooth-faced concrete block.
 - [B] Prefabricated steel panels.
- [6] Entryways.
- [a] Intent. Entryway design elements and variations shall give orientation and aesthetically pleasing character

to the building. The standards identify desirable entryway design features.

- [b] Standard. Each principal building on a site shall have clearly defined, highly visible customer entrances featuring no less than three of the following:
 - [i] Canopies or porticos.
 - [ii] Overhangs.
 - [iii] Recesses/projections.
 - [iv] Arcades.
 - [v] Raised corniced parapets over the door.
 - [vi] Peaked roof forms.
 - [vii] Arches.
 - [viii] Outdoor patios.
 - [ix] Architectural details such as tile work and moldings which are integrated into the building structure and design.
 - [x] Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.
- [7] Site design and relationship to the surrounding community.
 - [a] Entrances.
 - [i] Intent. Large retail buildings shall feature multiple entrances. Multiple building entrances reduce walking distances from cars, facilitate pedestrian and bicycle access from public sidewalks, and provide convenience where certain entrances offer access to individual stores, or identified departments in a store. Multiple entrances also mitigate the effect of the unbroken walls and neglected areas that often characterize building facades that face bordering land uses.
 - [ii] Standard. All sides of a principal building that directly face an abutting public or private right-of-way shall feature at least one customer entrance. Where a principal building directly faces more than two abutting public or private rights-of-way, this requirement shall apply only to two sides of the building, including the side of the building facing the primary street, and another side of the

building facing a secondary street. The number of entrances for the principal building shall be addressed at the preliminary development plan stage. Where additional stores will be located in the principal building, each such store shall have at least one exterior customer entrance, which shall conform to the above requirements.

[b] Parking lot orientation.

[i] Intent. Parking areas shall provide safe, convenient and efficient access for vehicles and pedestrians. They should be distributed around large buildings in order to shorten the distance to other buildings and public sidewalks and to reduce the overall scale of the paved surface. If buildings are located closer to streets, the scale of the complex is reduced, pedestrian traffic is encouraged, and architectural details take on added importance.

[ii] Standard. No more than 60% of the off-street parking area for the entire property shall be located between the front facade within the front yard of the principal building(s) and the primary abutting street unless the principal building(s) and/or parking lots are screened from view by outlot development (such as restaurants) and additional tree plantings and/or berms.

[c] Back and sides.

[i] Intent. The rear or sides of buildings often present an unattractive view of blank walls, loading areas, storage areas, HVAC units, garbage receptacles, and other such features. Architectural and landscaping features shall mitigate these impacts. Any back or side of a building visible from a public or private right-of-way shall be built in accordance with the guidelines for "entrances" above. The Board may waive this requirement as part of the development plan.

[ii] Standard. The minimum setback for any building facade shall be in accordance with the zoning district requirements. Where the facade faces adjacent residential uses, an earthen berm shall be installed, no less than six feet in height, containing at a minimum a double row of evergreen or deciduous trees planted at intervals of 15 feet on center. Additional landscaping may

be required by the Township, upon recommendation by the Planning Commission, to effectively buffer adjacent land use as deemed appropriate. All additional landscape requirements of this chapter shall apply.

- [d] Outdoor storage, trash collection and loading areas.
 - [i] Intent. Outdoor storage, trash collection and loading areas exert visual and noise impacts on surrounding neighborhoods. These areas, when visible from adjoining properties and/or public streets, shall be screened, landscaped, recessed and/or enclosed. While screens and recesses can effectively mitigate these impacts, the selection of inappropriate screening materials can exacerbate the problem. Appropriate locations for loading and outdoor storage areas include areas between buildings, where more than one building is located on a site and such buildings are not more than 40 feet apart, or on those sides of buildings that do not have customer entrances.
 - [ii] Standard.
 - [A] Areas for outdoor storage, truck parking, trash collection or compaction, loading or other such uses shall not be visible from public or private rights-of-way.
 - [B] No areas for outdoor storage, trash collection or compaction, loading or other such uses shall be located within 20 feet of any public street, public sidewalk, or internal pedestrianway.
 - [C] Loading docks, truck parking, outdoor storage, utility meters, HVAC equipment, trash dumpsters, trash compaction and other service functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets, and no attention is attracted to the functions by the use of screening materials that are different from or inferior to the principal materials of the building and landscape.
 - [D] Nonenclosed areas for the storage and sale of seasonal inventory shall be permanently

defined and screened with walls and/or fences. Materials, colors and designs of screening walls and/or fences and the cover shall conform to those used as predominant materials and colors of the building. If such areas are to be covered, then the covering shall conform to those used as predominant materials and colors on the buildings.

- [E] Temporary sales/displays, such as Christmas trees, landscape materials and fireworks, shall follow all outdoor requirements for the district as described in this chapter. Location and time/duration of such sales/displays shall be reviewed and approved by the Zoning Officer or appointed designee.
- [e] Pedestrian and bicycle flows.
- [i] Intent. Pedestrian and bicycle accessibility opens auto-oriented developments to the neighborhood, thereby reducing traffic impacts and enabling the development to project a friendlier, more inviting image. This section sets forth standards for public sidewalks and internal pedestrian circulation systems that can provide user-friendly pedestrian access as well as pedestrian and bicyclist safety, shelter and convenience within the center grounds.
 - [ii] Standard.
 - [A] Pedestrian sidewalks at least six feet in width shall be provided along all sides of the lot that abut a public or private right-of-way. The Township, upon recommendation from the Planning Commission, may waive this requirement as part of the development plan.
 - [B] Continuous internal pedestrian walkways, no less than five feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all principal buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity, such as, but not limited to, transit stops, street crossings, building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground cover or other

such materials for no less than 50% of their length.

- [C] Pedestrian sidewalks, no less than five feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance and along any facade abutting public parking areas. Such sidewalks shall be located at least six feet from the facade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade.
 - [D] Internal pedestrian walkways provided in conformance with Subsection A(30)(n)[7][e][ii][B] above shall provide weather protection features such as awnings or arcades within 30 feet of all customer entrances, constructed parallel to the facade of the building. This is not intended to extend into the driving aisles or parking areas.
 - [E] All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low-maintenance surface materials such as pavers, bricks or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways. Signs shall be installed to designate pedestrian walkways.
 - [F] The Township may also require the installation of bicycle paths where available evidence indicates that such facilities would contribute to public safety.
 - {1} Bicycle paths shall have a width of eight feet and shall be located on a twenty-foot-wide right-of-way. The right-of-way shall be for the purpose of ensuring the right of use of the bicycle path by the general public and as an adequate area for maintenance.
 - {2} Bicycle paths shall be constructed in accordance with AASHTO standards.
- [f] Central features and community spaces.
- [i] Intent. Buildings shall offer attractive and inviting pedestrian-scale features, spaces and amenities.

Entrances and parking lots shall be configured to be functional and inviting, with walkways conveniently tied to logical destinations. Bus stops and dropoff/pickup points shall be considered as integral parts of the configuration. Pedestrianways shall be anchored by special design features such as towers, arcades, porticos, pedestrian light fixtures, bollards, planter walls, and other architectural elements that define circulation ways and outdoor spaces. The features and spaces shall enhance the building and the center as integral parts of the community fabric.

- [ii] Standard. Each retail establishment subject to these standards shall contribute to the establishment or enhancement of community and public spaces by providing at least two of the following: patio/seating area, pedestrian plaza with benches, transportation center, window shopping walkways, outdoor play area, kiosk area, water feature, clock tower, steeple or other such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the Planning Commission and Township, adequately enhances such community and public spaces. Any such areas shall have direct access to the public sidewalk network, and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape. Areas shall be provided or designed to accommodate public bus service and the growing number of private bus services. Any public-transit-related plans shall be submitted for review by the local transit provider(s) for possible recommendations.

(31) Slaughterhouse, subject to:

- (a) In the R-D District, the primary purpose of the slaughterhouse shall be to slaughter and dress farm animals raised on site for sale.
- (b) Nonfarm animals killed in hunting season may be butchered at the slaughterhouse.
- (c) In the H-I District, the slaughter and dressing of farm animals raised off site shall be permitted.
- (d) In the H-I District, a perimeter setback of 200 feet shall be provided along all property lines.

- (e) In the H-I District, buffer area "A," as defined in § 280-105A of this chapter, shall be provided along all property lines adjoining an R-D, R-1, R-2 or R-3 District.

(32) Supporting commercial uses in the A-P District, subject to:

- (a) The applicant shall demonstrate that the proposed use is related to aviation or to the needs of persons utilizing the airport.
- (b) The proposed supporting commercial uses shall be limited to no more than 25% of the total area devoted to airport use in the A-P District.
- (c) Ingress, egress and traffic circulation for the supporting commercial uses shall be carefully coordinated with the overall pattern of traffic circulation for aviation uses to minimize congestion and potential traffic hazards.

(33) Temporary uses or structures, other than construction trailers, subject to:

- (a) Temporary uses such as festivals, fairs or other similar activities sponsored by a governmental, local nonprofit, community or charitable organization shall be exempt from obtaining zoning approval from the Zoning Hearing Board, *provided the Zoning Officer determines compliance with the standards of this section as a condition of issuing a certificate of occupancy.*
- (b) Sidewalk sales, carload sales and other special promotions conducted on the site of an existing retail establishment with the permission of the landowner for a period of not more than 72 consecutive hours shall not be subject to the provisions of this section. Any such activity which exceeds 72 consecutive hours in duration shall be subject to approval under this section.
- (c) A transient merchant license as required by Township ordinance shall be obtained.¹⁵
- (d) In the C-1, C-2 or C-3 District, preparation and/or serving of food in an outdoor setting shall be permitted only if all of the following requirements are met:

- [1] The preparation and serving of food which is part of a special event that does not exceed 72 consecutive hours in duration shall be exempt from the requirement to obtain approval of a use by special exception under this section; however, an occupancy permit shall be obtained from the

15. Editor's Note: See Ch. 188, Peddling and Soliciting.

Borough Zoning Officer subject to the applicant demonstrating compliance with the standards and criteria of this subsection.

- [2] Evidence of an approved permit from the PA DEP or its successor agency.
- [3] The preparation and serving of food shall not be permitted on any vacant lot and shall only be permitted on the site of an existing business.
- [4] The area used for preparing and serving the food shall not obstruct any sidewalk or public right-of-way nor shall it obstruct the free flow of pedestrian or vehicular traffic on the site or adjoining the site. On any sidewalk there shall be maintained a minimum of five feet of unobstructed width for the passage of pedestrians and, in the case where there is parallel parking permitted along such sidewalk, a minimum of four feet adjacent to the curb to permit the discharging of passengers shall be provided. These required unobstructed areas on the sidewalk may be combined into one area at least five feet wide along the curb.
- [5] No noise or odor shall emanate from such outdoor area where food is prepared and/or served which adversely affects any adjoining residentially zoned property within 300 feet of the outdoor area.
- [6] The area used for preparing and serving food shall not eliminate the availability of any existing parking spaces on the site.
- [7] The activity shall comply with all applicable requirements of the Township Fire Code.¹⁶
- [8] The site intended to be used for the preparation and/or serving of food shall provide rest room facilities available to the public, unless the existing business on the site has rest room facilities which will be available to the public visiting the temporary use.
- [9] The owner of the existing business or the operator of the temporary use involving the preparation and/or serving of food in an outdoor setting shall provide the Township with a certificate of insurance, in an amount at least equal to \$2,000,000 per occurrence and \$3,000,000 aggregate, indemnifying the Township against any liability resulting from such use.

16. Editor's Note: See Ch. 113, Construction Codes, Uniform.

- (e) Approval of temporary uses or structures shall be granted for a specific time period not to exceed six months. If continued need for the temporary use or structure on an annual basis is demonstrated by the applicant, approval may be granted for annual renewal by the Zoning Officer of the permit for the temporary use or structure, provided all conditions of the original approval are maintained.
 - (f) All temporary uses or structures shall be removed within 10 days of the expiration of the specific period for which the structure or use is approved.
 - (g) All temporary uses or structures which are proposed to be accessible to the public shall provide off-street parking in accordance with the requirements of § 280-118 for the proposed use.
 - (h) Vehicular access for all temporary uses or structures which are proposed to be accessible to the public shall be designed to minimize congestion on the lot and not impede the free flow of traffic for any other permanent use or structure on the lot.
 - (i) All temporary uses or structures proposed to be used as principal uses or structures shall comply with all area and bulk regulations of the zoning district in which they are located. All temporary uses or structures which are proposed to be used as accessory uses or structures shall comply with the requirements of the zoning district for accessory structures.
 - (j) Temporary uses or structures which are authorized for a particular event shall be removed within 48 hours after the completion of the event.
 - (k) Temporary uses or structures which are proposed as principal uses or structures and which are accessible to the public shall provide sanitary facilities, unless such facilities already exist on the lot.
- (34) Truck and heavy equipment rental, sales and service, subject to:
- (a) The minimum site required shall be one acre.
 - (b) The site shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this chapter.
 - (c) No vehicle or other merchandise displayed outdoors shall be less than five feet from any property line. No vehicle or equipment shall be parked on adjacent property or in any public street right-of-way.
 - (d) No vehicle shall be displayed or offered for sale which does not have all of the mechanical and body components necessary for its safe and lawful operation.

(35) Vehicle rental, sales and service, subject to:

- (a) New and used vehicle sales and service establishments shall be limited to those establishments which are factory authorized dealerships or which have obtained a license from the Commonwealth of Pennsylvania to operate a used car dealership.
- (b) The minimum lot area required shall be one acre.
- (c) The property shall have frontage on and direct vehicular access to an arterial or collector street.
- (d) The area used for display of merchandise offered for sale and the area used for parking of customer and employee vehicles shall be continuously paved and maintained in either concrete over a base of crushed stone compacted to not less than six inches in depth or other surfacing of equivalent or superior character as approved by the Township Engineer.
- (e) The handling and disposal of motor oil, battery acid and any other substance regulated by federal statute and the Pennsylvania Department of Environmental Protection (PA DEP) shall be in accordance with all permits and requirements of that agency or its successor agency. Any suspension, revocation or violation of the PA DEP permits shall be a violation of this chapter and shall be subject to the enforcement provisions of § 280-144 of this chapter.
- (f) All lots used for the outdoor display of vehicles shall have a completely enclosed building on the same lot which has not less than 2,000 square feet of gross floor area where all repair, servicing, sales and customer car washing shall be performed.
- (g) Customer car washing areas shall discharge into public sanitary sewers.
- (h) No vehicle or other merchandise displayed outdoors shall be less than five feet from any property line. No vehicle shall be parked on adjacent property or in any public street right-of-way.
- (i) No vehicle shall be displayed or offered for sale which does not have a current registration and inspection sticker and all of the mechanical and body components necessary for the safe and lawful operation thereof on the streets and highways of the Commonwealth of Pennsylvania.
- (j) All lights and light poles shall be located at least 10 feet from any street right-of-way or property line, and all lighting shall be shielded and reflected away from adjacent streets and properties.

- (k) No oscillating or flashing lights shall be permitted on the lot, on any of the structures or poles on the lot, or on any merchandise displayed outdoors.
- (l) All required off-street parking spaces shall be reserved exclusively for the parking of customer and employee vehicles and shall not be used for the display of merchandise.
- (m) Customer vehicles with external damage awaiting repairs shall be located either inside a building or in an outdoor area which is screened by a six-foot-high dense, compact evergreen hedge or opaque fence.
- (n) Buffer area "B," as defined by § 280-105A of this chapter, shall be provided along all property lines adjoining residential use or zoning classification.

(36) Vehicle repair garage, subject to:

- (a) Such use shall not be located within 100 feet of any property line adjoining residential use or zoning classification.
- (b) Buffer area "B," as defined by § 280-105A of this chapter, shall be provided along all property lines adjoining residential use or zoning classification.
- (c) Storage of parts, dismantled vehicles and vehicles awaiting repair shall be kept in an enclosed building or in an outdoor area which is screened by a six-foot-high dense, compact evergreen hedge or opaque fence.
- (d) There shall be no more than four vehicles displayed for sale on the premises at any one time.
- (e) All repair work shall be performed within an enclosed building which has adequate ventilation and fire protection provisions in accordance with the Township Building Code.¹⁷
- (f) All towed vehicles shall be stored on the premises, and no vehicle shall be stored or dismantled on any public street.
- (g) The premises shall be kept clean and shall be maintained so as to not constitute a nuisance or menace to public health or safety.
- (h) Storage, handling and disposal of hazardous materials, as defined by federal or state statute, shall comply with the current requirements of the Pennsylvania Department of Environmental Protection (PA DEP) and the United States Environmental Protection Agency (EPA).

17. Editor's Note: See Ch. 113, Construction Codes, Uniform.

(37) Private-use helipad, subject to:

- (a) A private-use helipad shall be located at least 500 feet from any property line or public street.
- (b) Evidence of compliance with all applicable regulations of the Federal Aviation Administration (FAA) and the Pennsylvania Department of Transportation, Bureau of Aviation shall be submitted.
- (c) The helicopter landing pad shall be clearly marked with the insignia commonly recognized to indicate a private-use helipad.
- (d) The use of the helipad shall be limited to helicopters owned by the landowner.
- (e) Maintenance of the helicopter, other than emergency maintenance, and permanent storage of the helicopter shall not be permitted on the private-use helipad.
- (f) Storage of fuel at the private-use helipad shall not be permitted.
- (g) Clear areas for emergency landings of the helicopter in the event of mechanical failure on approach or departure shall be provided. These emergency landing areas shall be located within the normal glide range of the helicopter with one engine off when operating in the approved takeoff or landing lane from the private-use helipad.
- (h) The operation of the private-use helipad shall comply with the noise standards of § 280-104D.

(38) Private garages and storage structures exceeding 800 square feet of gross floor area, subject to:

- (a) Accessory storage structures and private garages in excess of 800 square feet shall comply with the front, rear and side yard requirements for principal structures in the zoning district. All other applicable requirements for accessory structures in the zoning district shall apply.
- (b) All principal and accessory structures on the lot shall comply with the maximum permitted lot coverage.
- (c) The use of the accessory storage building or private garage shall be limited to storage of personal and household property and/or personal or business vehicles of the owner or lessee of the lot.

- (d) No portion of the accessory storage structure or private garage shall be leased, nor shall any person not resident on the lot utilize the storage structure or private garage.
- (e) The accessory storage structure or private garage shall not be used for the conduct of a business or for any temporary or permanent dwelling purposes.

(39) Home occupations, subject to:

- (a) The home occupation shall be carried on by a member of the family residing in the dwelling unit. No one who is not a resident of the dwelling unit shall be employed in the dwelling unit.
- (b) In the R-1, R-2 and R-3 Districts, the home occupation shall be carried on wholly within the principal dwelling. The home occupation shall not be conducted in any accessory structure. In the R-D District, the home occupation may be carried on in an accessory structure.
- (c) No more than 25% of the gross floor area of a single floor in the principal dwelling shall be devoted to the conduct of the home occupation. Where the floor area of one or more of the several floors of the dwelling differs, the area of the smallest floor shall be used to calculate the 25%.
- (d) There shall be no on-site production of articles for sale in the home occupation, other than customary handicrafts made by the resident, which may be produced for sale off the premises. Such articles shall not be displayed in quantity for sale on the premises, except that samples may be kept for the purpose of accepting orders.
- (e) There shall be no display on the premises of merchandise available for sale which has been produced off the premises; however, merchandise may be stored on the premises for delivery off the premises, such as Amway, Tupperware or similar products stored for distribution to customers or salespersons at their residence or place of business.
- (f) There shall be no exterior displays or signs, either on or off the premises, other than a small identification sign no more than two square feet in surface area containing only the name of the resident and the nature of the home occupation, which may be attached to the wall of the dwelling or to the mailbox.
- (g) The use shall not require internal or external alterations or construction features which are not customary to a dwelling or which change the fire rating of the structure.

- (h) Objectionable noise, vibration, smoke, dust, electrical disturbance, odors, heat or glare shall not be produced. The use shall comply with the performance standards of § 280-104 of this chapter.
- (i) The use shall not significantly intensify vehicular or pedestrian traffic beyond that which is normal for the residences in the neighborhood.
- (j) There shall be no use of materials or equipment except that of similar power and type normally used in a residential dwelling for domestic or household purposes.
- (k) The use shall not cause an increase in the use of water, sewage, electricity, garbage, public safety or any other municipal services beyond that which is normal for the residences in the neighborhood.
- (l) In the R-1, R-2 and R-3 Districts, the home occupation shall not involve the use of commercial vehicles for regular delivery of materials to or from the premises, and commercial vehicles shall not be parked on the premises.
- (m) There shall be no storage of materials or equipment used in the home occupation outside a completely enclosed building.
- (n) Any home occupation where customers, clients or students routinely visit the premises shall provide a paved off-street parking area in accordance with the requirements of Article XVIII for the specific use in addition to the spaces required for the dwelling.
- (o) The following uses shall not be considered home occupations and shall be restricted to the zoning districts in which they are specifically authorized as permitted uses, conditional uses or uses by special exception:
 - [1] Beauty shops or barbershops containing more than two chairs;
 - [2] Blacksmith or metal working;
 - [3] Boarding stables;
 - [4] Clinics, hospitals or nursing homes;
 - [5] Funeral homes;
 - [6] Group care facility, personal care boardinghome or transitional dwelling;
 - [7] Kennels, veterinary offices and clinics;
 - [8] Private clubs;

- [9] Private instruction to more than five students at a time;
 - [10] Restaurants or tea rooms;
 - [11] Retail or wholesale sales; flea markets;
 - [12] Tanning or massage salon;
 - [13] Tourist or boarding home, other than bed-and-breakfast;
 - [14] Vehicle or equipment rental, repair or sales in the R-1, R-2 and R-3 Districts; and
 - [15] Vehicle repair garages in the R-1, R-2 and R-3 Districts.
- (p) The following are examples of permitted home occupations, provided all of the foregoing criteria are met:
- [1] Artist, photographer or handicrafts studio;
 - [2] Catering off the premises;
 - [3] Contracting business;
 - [4] Computer programmer, data processor, writer;
 - [5] Consultant, clergy, counselor, bookkeeping, graphics or drafting services;
 - [6] Dressmaker, tailor;
 - [7] Professional offices which involve routine visitation by customers or clients;
 - [8] Housekeeping or custodial services;
 - [9] Interior designer;
 - [10] Jewelry and/or watch repair, not including wholesale or retail sales;
 - [11] Lawnmower and small engine repair, in the R-D District only;
 - [12] Locksmith;
 - [13] Mail order business;
 - [14] Manufacturer's representative;
 - [15] Repair of small household appliances that can be hand carried, in the R-D District only;
 - [16] Telemarketing;
 - [17] Travel agent;

[18] Tutoring or any other instruction to no more than five students at any one time; and

[19] Word processing, typing, secretarial services.

(q) The acceptability of a home occupation not specifically listed in § 280-102A(39)(p) shall be determined by the Board of Supervisors, in accordance with the express standards and criteria specified in Subsection A(39)(a) through (o) above. Any person aggrieved by the decision of the Board of Supervisors may appeal that decision to the Township Zoning Hearing Board within 30 days of the date of the decision of the Board of Supervisors approving or denying the conditional use application for the home occupation.

(40) Oil and gas activity. Oil and gas drilling sites, natural gas compressor stations and natural gas processing plants shall be evaluated as a conditional use, subject to the following express standards and criteria: **[Added 7-26-2010 by Ord. No. 2010-3]**

(a) A conditional use application shall be accompanied with written permission from the property owner(s) who has legal or equitable title in and to the surface of the drill site.

(b) The oil and gas drill sites shall only be permitted to occur on property in all zoning configurations and with a minimum of 10 contiguous acres or larger. Multiple property owners can combine adjoining parcels to achieve the minimum 10 acres required.

(c) Prior to beginning any work on a drill site (excluding staking, surveying and matters related thereto), the applicant shall submit to the Township a copy of all permits (general, ESCGP-1) issued by the Pennsylvania Department of Environmental Protection (PA DEP). In addition, the Township shall be provided copies of all plans (erosion and sedimentation control, grading, etc.) required by PA DEP. All required permits shall be maintained throughout the duration of the drilling operation. Any suspension or revocation of permits by PA DEP shall be reported to the Township and shall constitute a violation of Township zoning approval and may result in the suspension or revocation of zoning approval.

(d) Access directly to state roads shall require Pennsylvania Department of Transportation (PennDOT) highway occupancy permit approval. Prior to initiating any work at a drill site, the Township shall be provided a copy of the highway occupancy permit.

(e) The applicant must provide the Township with a plan showing the proposed truck routes to be utilized during the drilling operation. The proposed hauling routes must be designed to

minimize the impact on collector, connector and local streets within the Township. The Township reserves the right to designate required truck hauling routes throughout the Township.

- (f) The applicant or owner of the oil or gas well and any or all subcontractors shall execute an access maintenance agreement with the Township for a permit and post a bond at the paved highway rate in favor of the Township in a form acceptable to the Township prior to beginning any work on a drill site. The bond is to guarantee restoration of Township roads damaged as a result of hauling associated with the drilling operation.
- (g) *Use of Township roads for hauling equipment and material* shall not be permitted when roads are being used to transport students to and from school. The operators shall coordinate their efforts with the local school district and any private schools.
- (h) In accordance with the appropriate Township ordinance, as amended, driveways accessing the drill site shall be paved with an impervious material from the paved public street for a distance of 50 feet into the drill site. The impervious material shall be in place prior to the commencement of the drilling operation.
- (i) The applicable volunteer fire departments, the Township EMS coordinator, the County EMS coordinator and the County 911 office and the ambulance service provider shall be provided a list of all chemicals or waste products used or produced by the oil or gas drilling operation.
- (j) The Township shall be provided the name of the person supervising the drilling operation and a phone number where such person can be reached 24 hours a day for each day of the week.
- (k) The access driveway off the public road to the drill site shall be gated at the entrance to prevent illegal access into the drill site. The drill site assigned address shall be clearly visible on the access gate for emergency 911 purposes. In addition, the sign shall include the well name and number, name of the operator and the telephone number for a person responsible who may be contacted in case of emergency. The location of said gate shall be to the satisfaction of the Township.
- (l) **Lighting.** No drill site lighting used for the drilling operation shall be positioned or directed in such a manner so that it shines directly upon public roads, adjacent property or property in the general vicinity of the drill site. Site lighting

shall be directed downward and shielded so as to avoid glare on public roads and adjacent properties.

- (m) Dust, vibration, odors. All drilling operations shall be conducted in such a manner to minimize dust, vibration or noxious odors and shall be in accordance with the best accepted practices and to the Township's complete satisfaction. All equipment used shall be constructed and operated so that vibrations, dust, odor or other harmful effects are minimized by the operations carried on at the drill site to avoid injury to persons living in the vicinity.
- (n) Noise. The Township may require acoustical blankets, sound walls, mufflers or other alternative methods to ensure compliance, depending on the location of a proposed drill site to adjacent residential properties and as more specifically set forth in this chapter.
- (o) All drill site pads, off-site fracture ponds, natural gas compressor station and natural gas processing plant shall be secured with a temporary fence with a secured gate, as follows:
 - [1] The fence shall be a minimum of six feet in height, chain link with green fabric mesh.
 - [2] The fencing shall be in place throughout the drill operation and until the fracture pond is removed.
 - [3] The chain-link fence shall have a minimum thickness of 11 gauge.
- (p) At the time of conditional use application, a survey of the drill site with all permanent facilities (tanks or other surface installations) with locations and distances to property lines shall be filed with the application.
- (q) All permanent facilities shall be painted an earth-tone color to blend in with the surrounding area. The Township may require fencing and/or landscaping to buffer the facilities from adjacent properties in accordance with this chapter, as amended.
- (r) After the drilling operation is complete, the drill operator shall clean the site, complete all restoration activities and repair any damage to public property caused by such operations within 60 days. Operator shall maintain a six-foot chain-link fence around the established wellhead site.
- (s) After any spill, leak or malfunction, the operator shall remove or cause to be removed to the satisfaction of the applicable volunteer fire department chief, Township EMS coordinator,

County EMS coordinator, County 911 office and the PA DEP inspectors all waste materials from any public or private property affected by such spill, leak or malfunction. Cleanup operations must begin immediately upon knowledge that a spill, leak or malfunction occurs.

- (t) The public street entrance and the property on which a drill site is located shall at all times be kept free of mud, debris, trash or other waste materials.
- (u) The facility and/or its operation shall comply with all applicable permits and requirements of the Pennsylvania Department of Environmental Protection, the United States Environmental Protection Agency, and any other governmental authority having jurisdiction over its operations and with all federal, state and local laws, ordinance and regulations promulgated to protect the environment or otherwise relating to environmental matters.
- (v) Union Township reserves the right to impose any other additional conditions necessary to protect the public health, safety and welfare of its residents in order to address any unique characteristics of a particular drilling site.
- (w) All applicants for a conditional use shall reimburse Union Township all professional consultant fees, advertising and cost of public hearings incurred by the Township related to application for activities authorized by this chapter. Additionally, all applicants shall reimburse the Township for consulting fees and cost incurred in enforcing this chapter upon a finding of violation by a Magisterial District Judge.
- (x) All applicants submitting a conditional use request, per production operation, for activities authorized by this chapter, shall do so on an application form provided by Union Township and shall submit an application fee in an amount as set from time to time by resolution of the Board of Supervisors, which fee shall be applied to the costs referenced in this chapter, as amended. All applicants will be invoiced on a monthly basis for the costs referenced in Subsection A(40)(w) herein, and such costs will be due within 30 days of mailing. This fee may be amended by resolution. Any costs that exceed said fee shall be the responsibility of the applicant.¹⁸
- (y) A preparedness, prevention and contingency plan, as required by and filed with the Pennsylvania Department of Environmental Protection, shall be submitted to the Township, volunteer fire department, Township EMS coordinator and County EMS coordinator.

18. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D).

- (z) The applicant agrees to provide an emergency response plan for local fire departments, Township EMS coordinator and County EMS coordinator, as follows: During the well drilling activities, the fire department or departments will be directed by the well company's competent person on the scene on how to handle the situation at hand. After well drilling activities are completed, when no competent person is on site, evacuate and isolate the area 350 feet around the affected site and contact the Department of Environmental Protection emergency response number, (800) 541-2050. If there is a life-or-death situation after well drilling activities are completed and someone is in the immediate danger zone, the officers of the fire department shall use their best judgment to make sure there are no dangers such as fire, electrocution, high-pressure release, etc. Best judgment is to be used while maintaining a perimeter and waiting for well company personnel to arrive or advise.
- (aa) Applicants must file a conditional use application and pay the required application fees. The application must contain the following information:
- [1] Survey of the drilling unit and the approximate location of the proposed well site or well sites.
 - [2] A calendar concerning well site development and drilling activities that indicates the following:
 - [a] Site preparation beginnings and endings.
 - [b] Anticipated drilling activity beginnings and endings.
 - [c] Anticipated completion (perforating) work to begin and end.
 - [d] Anticipated stimulation (fracturing) work to begin and end.
 - [e] Anticipated production work to begin and end.
 - [f] Anticipated plugging date.
 - [3] A list and description of all equipment weighing in excess of 10 tons and identification of the proposed routing of vehicles on Township roads.
 - [4] A copy of applicant's preparedness, prevention and contingency (PPC) plan.
 - [5] Outline of training program for Township's first responders.

- [6] Information on lighting at the drill site and wellhead or any other area being developed.
 - [7] Information on anticipated noise levels at drill site.
 - [8] A map showing the planned access route to the well site from public roads.
 - [9] A description of the size and composition of the access road to be installed to the drill site.
 - [10] Applicant's erosion and sedimentation control plan.
 - [11] A well survey plat showing the planned surface location of the wells, and a list of the property owners in the well unit, and acreage participation by each landowner.
 - [12] Copy of drilling permit issued by the Pennsylvania Department of Environmental Protection (DEP).
 - [13] Grading and excavation plan for drill site.
 - [14] Information concerning construction trailers to be located on the site.
 - [15] Compressor station — building plans.
 - [16] Copy of applicable stormwater permit issued by any and all appropriate state, local and Township agencies.
- (bb) Township recognizes and acknowledges that oil and gas development is accompanied by inherent noise. However, the operator shall take the appropriate steps to minimize, to the extent practicable, the noise resulting from the development:
- [1] Prior to development of a well, the operator shall establish a continuous seventy-two-hour ambient noise level at the nearest protected structure property line or 100 feet from the nearest protected structure (as measured to the closest exterior point of the building), whichever is closer to the protected structure. The test for ambient noise level shall be conducted at intervals of three hours or less during the seventy-two-hour period set forth herein. The sound level meter used in conducting this evaluation shall meet the American National Standard Institute's standard for sound meters or an instrument and associated recording and analyzing equipment which will provide equivalent data.
 - [2] The operator shall maintain documentation of this seventy-two-hour evaluation at its offices. This documentation shall be made available to the Township's Zoning Officer within three business days upon request.

- [3] The noise generated during development, when measured at the nearest protected structure property line or 100 feet from the nearest protected structure (as measured to the closest exterior point of the building), whichever is closer to the protected structure, shall not exceed the average ambient noise level (as determined by the seventy-two-hour evaluation):
 - [a] By more than 15 decibels during the hours of 6:00 a.m. to 10:00 p.m.;
 - [b] By more than 10 decibels during the hours of 10:00 p.m. to 6:00 a.m.; or
 - [c] By more than 20 decibels during fracing or flowback operations.
- [4] Adjustments to the forgoing noise limits may be permitted in accordance with the following:

Permitted Increase (dBA)	Duration of Increase (minutes)*
5	15
10	5
15	1
20	1

NOTE:

* Cumulative minutes during one hour.

- [5] If a complaint is received by the Township from any person, whether a resident or otherwise, using the protected structure for any lawful purpose within 1,000 feet from the wellhead or equipment generating noise, the operator shall, within 24 hours of receipt of the complaint from the Township, continuously monitor for a forty-eight-hour period which is the closer to the complainant's building of:
 - [a] The complainant's protected structure property line nearest to the well site or equipment generating the noise; or
 - [b] One hundred feet from the protected structure.
- [6] All workover operations shall be restricted to the hours of 7:00 a.m. to 8:00 p.m., except during emergencies, as reasonably determined by the operator. "Workover operations" shall mean work performed in a well after its completion in an effort to secure production where there

has been none, restore production that has ceased, or increase production.

- [7] The Township reserves the right to add specific conditions for those circumstances involving noise for natural gas compressor stations, natural gas facilities, natural gas processing plants, and other facilities related to the production, development, etc., of natural gas and its constituents.
- (cc) Any change in traffic flow and/or direction on Township roads caused, created or the result thereof by any activity involving matters set forth herein shall be coordinated with and agreed to by the Township. Any cost incurred by the Township for traffic control for matters set forth herein shall be the responsibility of the applicant and/or operator.
- (dd) The applicant and/or operator shall not be permitted to use the Township stormwater facilities unless a written application is made to the Township and the Township consents to the same in writing.
- (ee) The applicant and/or operator shall provide the Township with a copy of the material safety data sheets, as required by the Pennsylvania Worker and Community Right-to-Know Act of 1984.
- (ff) The applicant and/or operator shall provide the Township with information as to the names, addresses of every contractor and subcontractor and their respective employees that are to work at the proposed site.
- (gg) The applicant and/or operator agrees to submit any and all forms in order to assist the Township in the collection of earned income tax, local services tax and other applicable taxes from any and all contractors, subcontractors and their respective employees.

ARTICLE XVII
Supplementary Regulations

§ 280-103. Applicability.¹⁹

The supplementary regulations in this article supplement the requirements of Articles IV through XIV governing each zoning district and shall apply to all uses in all zoning districts.

§ 280-104. Performance standards.

The following uses shall apply to all permitted uses, conditional uses and uses by special exception in the A-P, C-1, C-2, C-3 and H-I Districts. All conditional uses and uses by special exception in all districts shall comply with the requirements of this section. In order to determine whether a proposed use will conform to the requirements of this chapter, the Board of Supervisors or Zoning Hearing Board may require a qualified consultant to testify, whose cost for services shall be borne by the applicant.

- A. Environmental performance standards. All properties shall be subject to the following environmental performance standards. It shall be unlawful to excavate, fill or clear vegetation prior to submission of plans for development which show compliance with the following standards:
- (1) Floodplains. All areas identified as flood-prone by the Federal Insurance Administration of the Department of Housing and Urban Development shall be subject to the regulations of Chapter 128, Floodplain Management.
 - (2) Slopes. The following restrictions shall apply to all lands which have a natural or finished slope in excess of 8%:
 - (a) Slopes of 8% to 15%: No more than 60% of these areas shall be developed and/or regraded or stripped of vegetation.
 - (b) Slopes of 16% to 24%: No more than 40% of these areas shall be developed and/or regraded or stripped of vegetation.
 - (c) Slopes of 25% or more: No more than 20% of these areas shall be developed and/or regraded or stripped of vegetation.
 - (3) Landslide-prone areas. Proposed development of areas which have moderate to high landslide susceptibility shall be reviewed by a professional engineer or landscape architect whose credentials are acceptable to the Township to assess necessary precautions, if any, in the design of the development to protect the site and adjoining properties. The cost of the review shall be borne by the applicant.
 - (4) Potential mine subsidence areas. In areas where deep mining has occurred, the potential for mine subsidence exists, particularly

19. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

where the overburden is 100 feet or less. Plans for development of sites which have such characteristics shall be submitted to the Pennsylvania Department of Environmental Protection, Bureau of Mining and Reclamation for comment about necessary precautions, if any.

- (5) Woodlands. No more than 50% of any woodland, as defined by this chapter, shall be cleared or developed. The remaining 50% shall be maintained as permanent open space.
 - (6) Lakes and ponds. Lakes and ponds, as defined by this chapter, shall be maintained as permanent open space. No development, filling, piping or diverting shall be permitted, except for the construction of public streets, subject to the approval and necessary permits from the Pennsylvania Department of Environmental Protection, Bureau of Dams and Encroachments.
 - (7) Stormwater drainage and management. Stormwater drainage and management plans shall be prepared for each proposed development in accordance with Chapter 225, Stormwater Management, as amended. Unless otherwise indicated by the requirements of the Pennsylvania Department of Environmental Protection, Division of Safety and Waterway Management, the following shall apply:
 - (a) Stormwater drainage: Culverts, pipes and other water-carrying structures shall be designed to carry the peak discharge from the ten-year post-development storm with a rainfall intensity as established by PennDOT Rainfall Intensity-Duration-Frequency Curves. The Rational Equation shall be used in determining the runoff volumes.
 - (8) Soil erosion and sedimentation. All developments shall protect streams and ponds from sedimentation damage and control erosion in accordance with the Clean Streams Law (P.L. 1987), 35 P.S. § 691.1 et seq.; Title 25 Pa. Code Chapter 102, Erosion and Sediment Control, Pennsylvania Department of Environmental Protection. All developments of any size shall submit a soil erosion and sedimentation control plan to the Township.
- B. Fire protection. Fire prevention and firefighting equipment acceptable to the Board of Fire Underwriters shall be readily available when any activity involving the handling or storage of flammable or explosive materials is carried on.
 - C. Electrical disturbance. No activity shall cause electrical disturbance adversely affecting radio or other equipment in the vicinity.
 - D. Noise. The ambient noise level of any operation (other than those exempted below) shall not exceed the decibel levels prescribed. The sound pressure level or ambient level is the all-encompassing noise associated with a given environment, being a composite of sounds from

any source, near and far. For the purpose of this chapter, ambient noise level is the average decibel level recorded during observations taken in accordance with the procedure specified below taken at any time when the alleged offensive noise is audible, including intermittent, but recurring, noise.

- (1) Averaging may be done by instrument analysis in accordance with American National Standard S1.13-1971 or may be done manually, as follows:
 - (a) Observe a sound level meter for five seconds and record the best estimate of central tendency of the indicator needle and the highest and lowest indications.
 - (b) Repeat the observations as many times as necessary to determine that there are decibels between the lowest low indication and the highest high indication.
 - (c) Calculate the arithmetical average of the observed central tendency indications.
- (2) No operation or activity shall cause or create noise in excess of the sound levels prescribed below.
 - (a) Residential districts. At no point beyond the boundary of any lot within these districts shall the exterior noise level resulting from any use or activity located on such lot exceed a maximum of 60 dBA.
 - (b) Commercial districts. At no point on or beyond the boundary of any lot within these districts shall the exterior noise level resulting from any use or activity located on such lot exceed a maximum of 65 dBA.
 - (c) Airport and industrial districts. At no point on or beyond the boundary of any lot within these districts shall the exterior noise level resulting from any use or activity located on such lot exceed a maximum of 75 dBA.
 - (d) Where two or more zoning districts in which different noise levels are prescribed share a common boundary, the most restrictive noise level standards shall govern.
 - (e) The following uses or activities shall be exempted from the noise regulations:
 - [1] Noises emanating from construction or maintenance activities between 7:00 a.m. and 9:00 p.m.;
 - [2] Noises caused by safety signals, warning devices and other emergency-related activities or uses; and

[3] Noises emanating from public recreational uses between 7:00 a.m. and 10:00 p.m.

- (f) In addition to the above regulations, all uses and activities within the Township shall conform to all applicable county, state and federal regulations. Whenever the regulations contained herein are at variance with any other lawfully adopted rules or requirements, the more restrictive shall govern.
- E. Vibrations. Vibrations detectable without instruments on neighboring property in any district shall be prohibited.
- F. Odors. No use shall emit odorous gas or other odorous matter in such quantities as to be offensive at any point on or beyond the lot lines. The guide for determining such quantities shall be the fifty-percent response level of Table I (Odor Thresholds in Air), "Research on Chemical Odors: Part I - Odor Thresholds for 53 Commercial Chemicals," October, 1968, Manufacturing Chemists Association, Inc., Washington, D.C.
- G. Storage and waste disposal.
- (1) No highly flammable or explosive liquids, solids or gases shall be stored in bulk above ground, except for the following:
 - (a) Tanks or drums of fuel connected directly with energy devices or heating appliances located and operated on the same lot as the tanks or drums of fuel, which shall be specifically designed to handle the material.
 - (b) Tanks or drums for storage of less than 300 gallons of fuel oil (other than that used for home heating) or gasoline, provided such tanks are located no closer than 25 feet to any building or lot line or 50 feet from any street line.
 - (2) All outdoor storage facilities for fuel, raw materials and products and all fuel, raw materials and products stored outdoors shall be enclosed by a six-foot-high chain-link fence or equivalent approved by the Zoning Officer.
 - (3) No materials or wastes shall be deposited on a lot in such form or manner that they may be transported off the lot by natural cause or forces; nor shall any substance which can contaminate wells, watercourses or potable water supplies otherwise render such wells, watercourses or potable water supplies undesirable as sources of water supply or recreation; nor shall any substance which will destroy aquatic life be allowed to enter any wells, watercourses or potable water supplies.
 - (4) Any materials or wastes which may cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise

attractive to rodents or insects shall be stored outdoors only if enclosed in containers adequate to eliminate such hazards.

- H. Smoke, ash, dust, fumes, vapors and gases. There shall be no emission of smoke, ash, dust, fumes, vapors or gases which violates applicable federal, state or county laws or regulations.
- I. Glare. Lighting devices which produce objectionable direct or reflected glare greater than 35 footcandles on adjoining properties or public streets shall not be permitted.
- J. Erosion. No erosion by wind or water shall be permitted which will carry objectionable substances onto neighboring properties.
- K. Water pollution. Water pollution shall be subject to the standards established by the PA DEP.
- L. Determination of compliance with performance standards. During the review of an application for zoning approval, the applicant may be required to submit data and evidence documenting that the proposed activity, facility or use will comply with the provisions of this section. In reviewing such documentation, the Township may seek the assistance of any public agency having jurisdiction or interest in the particular issues, and the Township may seek advice from a qualified technical expert. All costs of the expert's review and report shall be paid by the applicant. A negative report by the technical expert and the applicant's refusal or inability to make alterations to ensure compliance with this section shall be a basis for denying approval of the application.
- M. Continuing enforcement.
 - (1) The Zoning Officer shall investigate any purported violation of the performance standards and, subject to the approval of the Board of Supervisors, may employ qualified technical experts to assist in the determination of a violation. Costs of the services of such experts shall be paid by the owner or operator of the facility or use accused of the violation if the facility or use is found to be in violation. If the facility or use is found to be in compliance with the performance standards, said costs shall be borne by the Township.
 - (2) If the facility or use is found to be in violation, the owner or operator shall be given written notice of violation in accordance with § 280-144 of this chapter and a reasonable length of time to correct the violation. Failure to correct the violation shall be subject to the penalty provisions of this chapter and shall result in the revocation of the occupancy permit for the facility or use.

§ 280-105. Screening and landscaping.

- A. Buffer areas described. Buffer areas, as defined by this chapter and required by Subsection B, shall meet all of the following criteria:

- (1) Buffer Area "A" shall contain two rows of plantings. Each row shall consist of a mixture of 30% deciduous and 70% evergreen spaced within the row a minimum of 15 feet apart, measured from the vertical center lines of adjacent trees. The two rows shall be staggered in a manner which shall result in adjacent trees on two different rows being no more than 10 feet apart, measured from the vertical center lines of the trees. The depth of Buffer Area "A" shall be 25 feet as measured from the property line.
- (2) Buffer Area "B" shall contain one row of plantings, which shall consist of a mixture of 30% deciduous and 70% evergreen spaced within the row a minimum of 10 feet apart, measured from the vertical center lines of adjacent trees. The depth of Buffer Area "B" shall be 15 feet as measured from the property line.
- (3) Buffer Area "C" shall be comprised of a continuous, compact evergreen hedge or line of evergreen trees that will grow together when mature, which are a minimum of six feet in height at the time of planting. The depth of Buffer Area "C" shall be 10 feet as measured from the property line.
- (4) None of the required plantings shall encroach across any property line. All plantings shall be located a minimum of two and one-half feet from the property line which constitutes the exterior boundary of the buffer area.
- (5) In the event that existing vegetation and/or existing topography provides screening which is adequate to meet the intent of the required buffer area to screen the buildings, activities and parking areas from adjoining residential properties, the Board of Supervisors, upon recommendation by the Planning Commission, may determine that the existing topography and/or vegetation constitutes all or part of the required buffer area. If such a determination is made, the applicant may be required to record a conservation easement of the depth specified by the Board of Supervisors to guarantee that the existing topography and/or vegetation will not be disturbed or removed from the approved buffer area.
- (6) In the event that a public street right-of-way, dedicated and accepted by the Township, separates the two dissimilar uses specified, the buffer area shall not be required, provided the width of the right-of-way equals or exceeds the width of the required buffer area and one row of low-level plantings or a landscaped earthen mound is provided on the property to screen headlights from view as described in § 280-105B(4) below.
- (7) Openings for driveways shall be permitted to cross a required buffer area. Plantings in required buffer areas shall be located so as to not obstruct visibility for traffic entering or leaving the site

and shall be subject to the clear sight triangle requirements of § 280-106D.

- (8) No structures or uses shall be permitted in the required buffer area, other than active or passive recreation facilities and stormwater management facilities, provided the structures or uses do not interfere with the required plantings in the buffer area and provided all plantings are located outside any stormwater management structure. Structures or uses not permitted within the required buffer area include, but are not limited to, buildings, accessory structures, parking spaces, access drives and lighting devices.
- B. Buffer areas required. Buffer areas "A," "B" and "C," listed in Subsection A above, are required under the following circumstances.
- (1) Buffer Area "A." Buffer Area "A" shall be required:
 - (a) Along all property lines where any development in the A-P, C-3 or H-I District adjoins property in an R-D, R-1, R-2 or R-3 District.
 - (b) Where the express standards and criteria for a conditional use or use by special exception in § 280-102 of this chapter specify that Buffer Area "A" is required.
 - (c) Along all property lines where a planned residential development which contains townhouses or garden apartments adjoins property in an R-D, R-1, R-2 or R-3 District.
 - (2) Buffer Area "B." Buffer Area "B" shall be required:
 - (a) Along all property lines where any development in the C-1 or C-2 District adjoins property in an R-D, R-1, R-2 or R-3 District.
 - (b) Where the express standards and criteria for a conditional use or use by special exception in § 280-102 of this chapter specify that Buffer Area "B" is required.
 - (c) Along all property lines where a planned residential development which contains single-family and two-family dwellings adjoins property in an R-D, R-1, R-2 or R-3 District.
 - (3) Buffer Area "C." Buffer Area "C" shall be required:
 - (a) Where the express standards and criteria for a conditional use or use by special exception in § 280-102 of this chapter specify that Buffer Area "C" is required.
 - (b) On developed properties in the C-1 or C-2 District where existing conditions such as building location and existing paving of the parking lot make it impossible to meet the

requirements for Buffer Area "B" along a property line which adjoins property in the R-D, R-1, R-2 or R-3 District.

- (c) Along all property lines in the R-3 District where townhouses and garden apartments adjoin R-3 zoned property containing a single-family dwelling or two-family dwelling.
- (4) Low-level screen required. In addition to the required plantings in Buffer Areas "A," "B," and "C," wherever 20 or more parking spaces face the required buffer area, a row of low-level evergreen shrubs or hedges shall be planted or earthen mounding shall be constructed in the buffer area, which shall provide a year-round visual screen capable of acting as a barrier to light beams emanating from the headlights of passenger cars. These low-level shrubs, hedges or mounds shall be installed so that a person facing a passenger car with the shrubs or hedges or mound between him and the car could observe the car's low beam lights only as a result of the diffused or reflected light from the headlights and not because the direct beam from those lights was observable. The earthen mound shall be a minimum of three feet in height at its center point with a minimum width at the base of 10 feet. Low-level shrubs or hedges shall be a minimum of three feet at the time of planting.
- C. Conflict between buffer area and yard requirements. When the width of a required buffer area is in conflict with the minimum yard requirements of Articles IV through XIV, the greater distance shall apply. The buffer area planting requirement shall be adhered to regardless of the yard requirement.²⁰
- D. Existing structures in buffer areas. In instances where an existing structure is located within any required buffer area, the buffer area may be reduced, provided the buffer area is not less than the minimum distance between the existing structure and the property line. This reduced buffer area width shall apply only to the side of the existing structure which encroaches on the required buffer area. The required buffer area, as determined by Subsection B, shall apply on all other sides of the existing structure.
- E. Existing trees in buffer areas:
 - (1) Where trees already exist within the required buffer area, these trees shall remain undisturbed, except that diseased or dead material may be removed. If it is determined that some healthy trees must be removed in conjunction with development, a written request to remove such trees must be submitted to the Township, along with an explanation detailing the rationale for the request. These trees shall not be removed until the Township has given written authorization permitting said removal. This permission will

20. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

not be unreasonably denied; however, those who violate this section shall be subject to the maximum penalties authorized by this chapter.

- (2) When any trees, regardless of their physical condition, are removed, they shall be replaced by trees suitable to the environment. All such replacement planting shall be in accordance with accepted conservation practices.

F. Size of trees in required buffer areas.

- (1) Any existing trees within the required buffer area which are a minimum of four inches in diameter at a point one foot above the ground shall be preserved and shall count as a required tree within the buffer area. At no point, however, shall any existing trees and required trees be separated at a distance greater than the distance specified in the required buffer area.

- (2) All trees required to be planted within the buffer area shall be a minimum of two inches in diameter at a point one foot above the ground measured along the trunk of the planted tree, which tree shall be planted in accordance with accepted conservation practices. All required trees shall be a minimum of six feet in height at time of planting, measured from the ground adjacent to the planted tree to the top of the tree.

G. Responsibility for maintenance. It shall be the responsibility of the owner/applicant to assure the continued growth of all required landscaping and/or to replace the same in the event of frost, vandalism, disease or other reasons for the discontinued growth of the required trees, shrubs and bushes.

H. Stormwater management facilities in buffer areas. Stormwater management facilities and structures may be maintained within a buffer area, but the existence of such facilities or structures shall not be a basis for a failure to meet the planting requirements.

I. Landscaping of open areas. All yard areas not utilized for parking facilities, driveways, gardens, the planting of trees or shrubs, flower, vegetable or herb beds or similar uses must be seeded, sodded or landscaped within a reasonable period of time. The phrase "a reasonable period of time" shall be interpreted to be within two weeks after construction activities are completed, unless those activities are completed between a November 1 through April 1 time period. In such case, the required sodding or seeding must occur within two weeks of April 1.

J. Landscaping specifications. Landscaping shall be provided in accordance with the following specifications:

- (1) Planting required in buffer areas as outlined in Subsection B above cannot be substituted for any required planting mandated in this subsection.
- (2) A landscaping plan, with detailed drawings, must be submitted prior to building permit application, and this landscaping plan must contain and show the following information:
 - (a) All required buffer areas with proposed plantings (identifying each proposed tree, bush or shrub), drawn to scale and identifying the height and width of any proposed mounds.
 - (b) All required planting independent of any buffer area requirements (identifying each tree, bush, shrub, the use of sod or seeding, etc.), drawn to scale.
 - (c) Any planting in excess of the requirements in § 280-105A and B of this chapter.
 - (d) Any existing trees or vegetation which are to be preserved, accurately identifying their relative location.
 - (e) Any existing trees or vegetation which will be removed, accurately identifying their relative location.
- (3) At least one deciduous tree must be planted for each 1,000 square feet of lot area occupied by the building footprint in conjunction with any nonresidential development.
- (4) At least one deciduous tree must be planted for each dwelling unit in conjunction with any multifamily development.
- (5) All trees which are required to be planted as per the regulations of this section shall be a minimum of two inches in diameter at a point one foot above the ground at the time of planting, measured along the trunk of the planted tree, which tree shall be planted in accordance with accepted conservation practices.
- (6) In conjunction with the development of property for any use, the applicant shall show that the removal of any trees or natural vegetation is necessary for the imminent and orderly development of the property. Imminent development shall be considered to be development which is reasonably expected to commence and for which there are realistic plans to commence, on a minimum eight hours per day, 40 hours per week basis (utilizing a five days on, two days off, standard workweek basis) within 30 days of the removal of trees or vegetation and for which a land development plan and landscaping plan have been submitted and approved by the Township.
- (7) Any existing trees which are not disturbed and are not located within a required buffer area and are a minimum of four inches in diameter at a point one foot above the ground shall count towards

the required number of trees to be planted outside of the buffer area.

- (8) In parking areas containing more than 20 spaces, at least 5% of the interior parking area shall be landscaped with plantings, and one tree for each 10 spaces shall be installed.
 - (9) Whenever an open parking area abuts a public street, a planting strip at least five feet in depth, planted and maintained with shrubbery, trees or other landscape or decorative materials, shall be installed across the entire frontage of the property in order to prohibit vehicles access except at approved ingress and egress points.
 - (10) All areas not utilized for structures, driveways, planting strips or parking facilities must be seeded, sodded or landscaped within a reasonable period of time. The phrase "a reasonable period of time" shall be given the same interpretation given that phrase as it is used in § 280-105I of this chapter.
- K. Posting of bond for landscaping. A maintenance bond in the form of cash, certified check or letter of credit shall be posted with the Township in the amount of 15% of the total cost of landscaping shown on the approved landscaping plan for a period of two years from the date of installation of the landscaping materials. The maintenance bond shall guarantee replacement of the required landscaping materials during the term of the bond.

§ 280-106. Special yard requirements.

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

- A. Corner lots. Corner lots shall provide front yards on each street frontage. The remaining two yards shall constitute side yards.
- B. Nonconforming lots of record. See § 280-130.
- C. Accessory structures. In all zoning districts the following regulations shall apply to accessory structures:
 - (1) Private swimming pools accessory to a dwelling shall be located at least 10 feet from the dwelling or any property line. Swimming pools shall comply with the applicable requirements of the 2009 IRC regulations, Appendix G, Pool Barriers.²¹
 - (2) Private tennis courts accessory to a dwelling. Tennis courts accessory to a dwelling shall be located only in a side or rear yard and shall be no closer to the side or rear property line than 20

21. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Appendix G is included as an attachment to this chapter.

feet. If lighting is proposed, the lighting shall be shielded so that it does not reflect on any adjoining property. All tennis courts shall be enclosed by a fence which is a minimum of 10 feet in height and a maximum of 12 feet in height and which shall contain openings equal to 50% or more of the surface area of the fence.

- (3) Fences:
- (a) In residential zoning districts, fences no greater than six feet in height shall be permitted in the required rear or side yards. In residential zoning districts, fences which contain openings equal to at least 75% of the surface area of the fence and which are not more than four feet in height shall be permitted in the required front yard, provided they are decorative and do not enclose the entire front yard.
 - (b) In C Commercial and A-P Airport Districts, the maximum height of a fence shall be eight feet.
 - (c) In the H-I Industrial District, the maximum height of a fence shall be 10 feet.
- (4) Fences, walls and buffer areas. All walls, fences and buffer areas or landscaping material shall be located so as to not obstruct pedestrian access, visibility for traffic on adjacent streets or traffic entering or leaving the property or adjacent properties.
- (5) Satellite dish antennas. Only one satellite dish antenna shall be permitted on a residential lot. In all zoning districts, satellite dish antennas shall not be permitted in front yards. In residential zoning districts, the maximum diameter of any satellite dish antenna installed on any lot or on any roof or above any building shall be 12 feet. In zoning districts other than residential, the maximum diameter of any satellite dish antenna installed on any lot or on any roof or above any building shall not exceed 20 feet. In all zoning districts, the maximum height of any freestanding satellite dish antenna shall be 20 feet. In all zoning districts, no part of any satellite dish antenna shall be located closer than 10 feet to any property line.
- (6) Radio or television antennas. A radio or television antenna shall be permitted as an accessory use, subject to the following requirements:
- (a) A radio or television antenna structure may be mounted on a roof or installed in a rear yard area only, provided that no such structure shall be located within 20 feet of any property line.
 - (b) The maximum height for such structure shall not exceed that otherwise allowed in the zoning district in which it is located by more than 20 feet. If placed on a roof, any antenna exceeding eight feet shall be mounted with guide wires.

- (c) Any such structure shall comply with applicable airport zoning and Federal Communications Commission regulations.
 - (d) Radio or television antenna structures located on the ground shall be screened from adjacent properties by evergreen trees or other suitable material, as approved by the Township.
- (7) Structures accessory to industrial uses. In the H-I Industrial District, no accessory structure to an industrial or warehousing use shall be permitted in a front yard. Accessory structures shall be permitted in a side or rear yard, provided that they shall be located at least 20 feet from the side or rear lot line.
- (8) Canopies and similar structures. Canopies and similar permanent freestanding roofed structures without walls shall be permitted to cover outdoor seasonal display and sales areas or fuel dispensing areas accessory to authorized uses in the C-2 General Commercial and I-1 Industrial Districts, provided that:
- (a) Such structure shall not be attached to the principal building;
 - (b) Such structure shall be located at least 10 feet from any property line or street right-of-way;
 - (c) Such structure shall not be enclosed; and
 - (d) Such structure shall be removed immediately once the principal use or the use of the accessory structure is discontinued.
- (9) Accessory storage structures and detached garages. Storage structures accessory to a single-family dwelling which have a total floor area of 180 square feet or less shall be located at least five feet from the rear property line and shall be located at least 10 feet from a side property line, but shall not be located in any front yard. All storage structures accessory to a dwelling which have a total floor area of more than 180 square feet and all detached garages shall not be located in the required front yard, required rear yard or required side yards.
- (10) Distance from principal building. All accessory structures shall be located at least 10 feet from any principal building, except that a detached garage may be connected to the principal building by contiguous side walls, breezeways or similar connections.
- D. Visibility at intersections. No object, including, without limitation, fences, hedges, trees and other plantings, buildings, structures, walls, signs and motor vehicles, exceeding a height of three feet as measured from the lowest elevation of the center line of any abutting street, shall be temporarily or permanently placed, erected, installed or parked within the clear sight triangle required on a corner lot. The required clear sight triangle on a corner lot shall be determined as follows:

- (1) Residential districts. The street lines abutting the corner lot shall form the legs of the clear sight triangle. Each of the legs shall extend a distance of 30 feet from the point of intersection of the street lines abutting the corner lot. The hypotenuse of the clear sight triangle shall be formed by drawing a straight line joining the legs at their farthest point from the vertex of the triangle.
- (2) Airport, commercial and industrial districts. The street lines abutting the corner lot shall form the legs of the clear sight triangle. Each of the legs shall extend a distance of 30 feet from the point of intersection of the street lines abutting the corner lot. The hypotenuse of the clear sight triangle shall be formed by drawing a straight line joining the legs at their farthest point from the vertex of the triangle.

§ 280-107. Permitted projections into required yards.

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

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

§ 280-108. Height exceptions.

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

§ 280-109. Drive-through facilities.

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

- A. The property shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this chapter.
- B. In addition to the parking spaces required for the principal use, a minimum of five standing spaces, in one lane, with a total length of

100 feet, in direct line with each window or stall, shall be provided for vehicles to wait in line. The standing space shall not interfere with the use of any required parking spaces and shall not inhibit the free flow of traffic on the property. The standing spaces shall be designed so that waiting vehicles shall not stand in any right-of-way or overflow onto adjacent properties, streets or berms.

- C. Entrances, exits and standing spaces shall be adequately indicated with pavement markings and/or directional signs.
- D. Parking areas and circulation patterns shall be adequately striped and marked to facilitate traffic circulation on the property.

§ 280-110. Temporary construction trailers, model homes or sales offices.

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

- A. Temporary construction trailers shall be permitted only during the period that the construction work is in progress under a valid building permit or under Township approval to install public improvements. The temporary construction trailer shall be removed upon completion of the construction authorized under a building permit or upon completion of the installation of the public improvements in a plan of subdivision. In the event that construction is phased, the temporary construction trailer shall be moved from the completed phase to the next phase when 90% of the required improvements in the completed phase have been installed as determined by the Township Engineer.
- B. Model homes or sales offices shall be permitted only until 90% of the lots or dwelling units in the development are sold. In the case of a phased development, the use of a model home or sales office shall be permitted to continue only if the subsequent phase is initiated within six months of the completion of 90% of the lots or dwelling units in the prior phase.
- C. A permit for the temporary structure or use shall be obtained from the Zoning Officer prior to the commencement of construction and shall be renewed every six months.
- D. Temporary construction trailers shall be located on the lot on which the construction is progressing and shall not be located within 25 feet of any property line adjoining a residential use.
- E. Temporary construction trailers shall be used only as temporary field offices and for storage of incidental equipment and supplies and shall not be used for any dwelling use whatsoever.
- F. No combustible materials shall be stored in temporary construction trailers.

- G. Model homes shall be located on a separate lot and shall meet all the requirements for permanent dwellings in the zoning district in which they are located. Sales offices may be located in a model home or may be located in a trailer located on a vacant lot in the plan or on the site of construction. If the sales office is located in a trailer, the trailer shall not be located within 25 feet of any property line adjoining a residential use.
- H. Model homes or sales offices located in a trailer shall not be utilized for any dwelling use whatsoever during the time they are approved as a temporary use or structure in accordance with the provisions of this section.
- I. Model homes or sales offices shall be used primarily for sales associated with the development in which they are located and shall not be used as the only place of business for the listing realtor.

§ 280-111. Agriculture.

Agricultural activities, including greenhouses, stables, kennels and animal husbandry, shall be subject to the following requirements:

- A. Storage of manure, odor- or dust-producing substances shall be located at least 200 feet from any property line.
- B. Any building used for the keeping, raising or feeding of livestock and poultry shall be located at least 200 feet from any street line and from any adjacent landowner's well or dwelling and not less than 100 feet from the landowner's well or property line.
- C. Animal shelters or runs shall be located no closer than 200 feet to any property line.
- D. Greenhouse heating plants shall be at least 100 feet from any property line. The retail sales area for a greenhouse shall not exceed 1,200 square feet. The growing area shall not be considered sales area.
- E. The minimum lot area required for keeping horses shall be five acres. Minimum pasture area for grazing horses shall be not less than two acres per horse.
- F. No stable shall be located within 200 feet of any property line or occupied dwelling, other than the stable owner's dwelling.
- G. All grazing and pasture areas shall be adequately fenced.
- H. Outdoor kennels shall be located at least 300 feet from any occupied dwelling on an adjacent lot and at least 200 feet from any property line which adjoins an R-1, R-2 or R-3 District.

§ 280-112. Storage.

- A. Outdoor storage in commercial and industrial districts.

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

§ 280-113. Americans with Disabilities Act (ADA) compliance.

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

§ 280-114. Secondary dwelling for resident farm workers.

One permanent secondary dwelling shall be permitted to be constructed on a lot or parcel where the principal use is agriculture, as defined by this chapter, without subdividing the property for the secondary dwelling, providing that all of the following requirements are met:

- A. If the property were to be subdivided in the future, the area proposed for the secondary dwelling would be capable of meeting the current minimum lot area and lot width requirements specified for a single-family dwelling in the R-D Zoning District without creating a nonconforming lot for the existing dwelling.
- B. Adequate vehicular access to a public street is provided for the secondary dwelling.
- C. If a mobile home is proposed to be erected for the secondary dwelling, it shall be subject to the requirements of § 280-115 of this chapter.
- D. The owner of the secondary dwelling shall be the owner of the original dwelling. The secondary dwelling shall not be sold to any other party unless and until a plan of subdivision is recorded in the Washington County Recorder of Deeds office in accordance with all applicable requirements of Chapter 242, Subdivision and Land Development.
- E. The sole purpose of the secondary dwelling shall be to provide a permanent dwelling for a person or persons who are working on the farm as tenants or as paid or unpaid employees.

§ 280-115. Mobile homes on individual lots.

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

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

- G. Prior to occupancy, the mobile home shall be connected to available utilities in order to provide the dwelling unit with adequate heat and light.
- H. Any garage, utility shed or other outbuilding constructed on the lot shall conform with the standards applicable to such accessory structures provided in this chapter.

**ARTICLE XVIII
Off-Street Parking and Loading**

§ 280-116. Applicability.

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

§ 280-117. Off-street parking design.

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

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

Angle of Parking	Minimum Width (feet)
Parallel	12
30°	14
45°	16
60°	20

- (3) The minimum width of entrance and exit drives shall be:
 - (a) For one-way travel, a minimum of 12 feet.
 - (b) For two-way travel, a minimum of 24 feet.
 - (c) A maximum of 35 feet at the street line and 54 feet at the curblines.
 - (d) Adequate sight distance shall be provided, subject to review and approval by the Township Engineer. Driveways shall not exceed a slope of 10% within 12 feet of the street right-of-way line.

- C. Access. Access to parking areas shall be provided in accordance with the following requirements:
- (1) Where an existing lot does not adjoin a public or private street, alley or easement of access, an access drive shall be provided leading to the parking areas.
 - (2) Access to off-street parking areas shall be limited to well-defined locations, and in no case shall there be unrestricted access along the length of a street. In any district, other than a residential district, the street frontage shall be curbed to restrict access to the lot, except where access drives are proposed.
 - (3) The number of access drives from a single lot or development to any public street shall not exceed two for every 400 feet of street frontage.
 - (4) Except on corner lots, access drives shall be located at least 200 feet from the intersection of any two street right-of-way lines. Where a site has frontage on more than one street, access shall be provided from the street with the lower traffic volume, if physically practical.
 - (5) Access drives entering state highways are subject to a highway occupancy permit issued by the Pennsylvania Department of Transportation (PennDOT). Access drives entering county roads and Township streets shall be graded to conform to existing topography and shall be designed so that drainage will not adversely impact the street or adjoining properties.
 - (6) Each parking space shall have access directly to a driveway. Interior circulation of traffic shall be designed so that no driveway providing access to parking spaces shall be used as a through street. Interior traffic circulation shall be designed to ensure safety and access by emergency vehicles.
- D. Joint use of facilities. Two or more uses may provide the required parking in a common parking lot, if the total spaces provided are not less than the sum of the spaces required for each use individually. However, the number of spaces required in a common parking facility may be reduced below the total as a use by special exception to be granted by the Zoning Hearing Board, provided it can be demonstrated that the hours or days of operation or peak parking needed for the uses are so different that a lower total will provide adequately for all uses served by the facility.
- E. Safety requirements. The Board of Supervisors shall consider whether safety requirements are warranted to reduce traffic hazards which endanger public safety. The developer shall be responsible for construction of any required islands, acceleration, deceleration or turning lanes and shall bear the cost of installing any required traffic

control devices, signs or pavement markings within and adjoining the boundaries of the development site.

- F. **Marking.** In parking areas which contain five or more spaces, all parking spaces shall be clearly delineated by painted lines or markers. Parking spaces shall be provided with bumper guards or wheel stops, where necessary, for safety or protection to adjacent structures or landscaped areas. All vehicular entrances and exits to parking areas shall be clearly marked for all conditions. Short-term visitor parking spaces shall be differentiated from long-term employee spaces by suitable markings. Handicapped parking shall be appropriately marked.
- G. **Parking areas serving residential dwellings.** Parking requirements for *single-family, two-family and townhouse dwellings* shall be met by providing the required spaces in an enclosed garage or in a private driveway on the lot. Parking for garden apartments shall be provided in a paved, striped and curbed off-street parking area.
- H. **Parking areas serving uses other than residential dwellings.** Parking requirements for all uses other than residential dwellings shall be met by providing a paved, striped and curbed off-street parking area.
- I. **Location of parking areas.** Required parking spaces shall be located on the same lot with the principal use. No parking area containing more than five parking spaces shall be located closer than 10 feet to any adjoining property line, and parking authorized in front yards shall be located at least 10 feet from the street right-of-way line.
- J. **Screening and landscaping:**
 - (1) Parking areas containing more than five parking spaces shall be effectively screened by a Buffer Area "C," as defined by § 280-105B of this chapter, along any property line which adjoins a residential use or residential zoning district classification.
 - (2) In addition, a planting strip at least five feet wide shall be provided between the edge of the right-of-way and any parking area authorized in any yard which fronts on a street. Planting strips between the right-of-way and the parking area shall be suitably landscaped and maintained in grass, ground cover or other landscaping material not in excess of three feet in height, which shall not obstruct visibility for traffic entering or leaving the lot or travelling on the public street.
- K. **Surfacing.** With the exception of parking areas serving single-family dwellings and two-family dwellings, all parking areas and access drives shall have a paved, concrete, interlocking brick or stone or bituminous surface, graded with positive drainage to dispose of surface water.
- L. **Lighting.** Any lighting used to illuminate off-street parking areas shall be designed to reflect the light away from the adjoining premises of

any residential zoning district or residential use and away from any streets or highways. Lighting units shall be located not more than 80 feet apart, and the lighting system shall furnish an average minimum of two footcandles during hours of operation.

- M. Stormwater management. All paved parking areas shall be designed so that stormwater runoff shall not adversely affect adjacent properties. The method of stormwater management and the design of the proposed facilities shall be subject to the requirements of Chapter 242, Subdivision and Land Development, and to review and recommendation by the Township Engineer.

§ 280-118. Off-street parking requirements.

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

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

Use	Parking Spaces Required
Single-family and two-family dwelling	2 parking spaces per dwelling unit
Garden apartments, townhouses	2 parking spaces per dwelling unit plus 0.5 space per dwelling unit for visitors, located within 300 feet of the units they are intended to serve
High-rise apartment	1 1/2 spaces per dwelling unit provided indoors
Churches	1 per 4 seats or 80 lineal inches of pew, or if there are no pews or seats, 1 per 15 square feet of floor area used for assembly
Day-care center, nursery school	1 for each teacher and/or employee on largest shift plus 1 space per each 6 students
Public utility installation	1 per employee on peak shift plus 1 for each service vehicle stored on lot
Schools, elementary and junior high	1 for each employee or faculty member

Use	Parking Spaces Required
Schools, secondary and postsecondary	1 for each employee or faculty member plus 1 for each 10 students
Theater, auditorium or gymnasium	1 per 4 seats
Hospitals and nursing homes	1 per 3 beds and 1 for each employee on the peak working shift
Hotel/motel	1 per employee on peak shift plus 1 per sleeping unit
Professional office business office business services	1 for every 300 square feet of net floor area
Banks and financial institutions	1 per 300 square feet of gross floor area plus 1 per employee on peak shift plus 5 off-street waiting spaces per drive-in window
Clinics	1 for each staff plus 3 for each examining or treatment room or other patient service position
Group care, personal care, transitional dwelling	1 for each employee on peak shift plus 1 for each resident authorized to drive plus 1 for each 6 beds
Retail businesses, personal service establishments	1 for each 250 square feet of gross floor area
Fast food establishments	1 per 50 square feet of gross floor area plus 1 per employee on peak shift
Other eating and drinking establishments	1 for each 75 square feet of gross floor area plus 1 for each employee on peak working shift
Bowling alleys	5 for each alley
Tennis, racquetball and handball courts	1 per employee plus 4 for each court
Golf courses	8 for each hole plus 1 for each employee
Swimming pools, public/commercial	1 for each 50 square feet of surface water area
Funeral homes	25 for the first parlor plus 10 for each additional parlor
Indoor places of assembly	1 for each 75 square feet of net floor area
Libraries/museums	1 for each 250 square feet of gross floor area

Use	Parking Spaces Required
Service stations/vehicle repair garages	4 for each bay plus 1 for each employee on peak shift plus 1 for each business vehicle
Manufacturing	1 for each 1,500 square feet of gross floor area or 1 for each employee on the peak working shift, whichever is greater
Warehousing, freight terminals, wholesaling	1 for each 2 employees on peak working shift
Flex space	Each portion of the floor area used for office, manufacturing and/or warehousing shall meet the minimum requirements of this section for that specific use
All other uses	1 for each 3 occupants at maximum permitted occupancy or 1 for each 300 square feet of gross floor area, whichever is greater

§ 280-119. Off-street loading.

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

A. Off-street loading design.

- (1) **Size.** Each loading berth shall be at least 65 feet in length and 12 feet in width with an overhead clearance of 14 feet. The area used for loading berths shall not be used to satisfy parking area requirements and shall not block any driveway used for circulation through the site.
- (2) **Access.** Loading berths shall be designed to provide sufficient turnaround area so that vehicles are not required to back onto public streets, and the design shall be subject to review and approval by the Township Engineer. Loading berths shall have direct access to a driveway and shall be maintained free from obstruction.
- (3) **Location.** All loading berths shall be located on the same lot with the principal use they are intended to serve. No loading berth shall be located in a required front yard. Loading berths shall be located at least 30 feet from the nearest point of intersection of any two streets.

- (4) Screening. Loading berths shall be screened by a six-foot hedge, wall or opaque fence on all sides which face residential use or zoning district classification.
 - (5) Surfacing. All loading berths shall have a paved, concrete or bituminous surface, graded with positive drainage to dispose of surface water.
 - (6) Lighting. Any lighting used to illuminate loading berths shall be designed to reflect from any adjoining residential use or zoning classification and away from any street or highway.
- B. Off-street loading requirements. In all zoning districts, every use which requires the receipt or distribution, by vehicle, of material or merchandise shall provide off-street loading berths in accordance with the following requirements:
- (1) Uses. Department stores, freight terminals, industrial or manufacturing establishments, retail or wholesale stores, personal or business service establishments, storage warehouses or any similar uses which receive deliveries:

Gross Floor Area

(square feet)	Number of Berths Required
Under 10,000	None
10,000 to 19,999	1
20,000 to 39,999	2
40,000 to 65,000	3
For each additional 20,000	4

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

Gross Floor Area

(square feet)	Number of Berths Required
Under 40,000	None
40,000 to 59,999	1
60,000 to 99,999	2
100,000 to 160,000	3
Over 160,000	4

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

ARTICLE XIX
Signs

§ 280-120. Applicability.

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

§ 280-121. Types and classes.

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

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

- (1) Freestanding. A sign supported on a foundation or by one or more uprights, poles or braces permanently affixed to the ground and not attached to any building or other structure, including:
 - (a) Pole sign. A freestanding sign which is supported by one or more poles, uprights or braces and which has a minimum clearance between the bottom edge of the sign and the adjacent ground level as specified by this chapter.
 - (b) Ground sign. A freestanding sign which is affixed to the ground by means of a permanent foundation and which provides a maximum clearance of 18 inches between the bottom edge of the sign and the adjacent ground level.
- (2) Wall. A sign attached to and erected parallel to the face of an outside wall of a building, projecting outward no more than six inches from the wall of the building.
- (3) Arcade sign. A sign suspended beneath a ceiling of an arcade, a roof or marquee, containing only the name of a business for the purpose of assisting pedestrian traffic travelling under the arcade, roof or marquee to identify the location of establishments within a shopping center or similar building.
- (4) Bulletin. A type of changeable copy sign constructed to allow letters or symbols to be changed periodically, such as those used by churches and schools to announce events.
- (5) Roof sign. A sign erected and maintained upon or above the roof of any building, which projects no more than six feet above the roof.
- (6) Overhanging. A sign, other than a wall sign or arcade sign, affixed to a building or wall, whose leading edge extends beyond such building or wall more than six inches, including awnings, marquees or similar structures used for business identification.

- (7) **Billboard.** An off-premises sign which advertises an establishment, activity, person, product or service which is unrelated to or unavailable on the premises where the billboard is located.
 - (8) **Changeable copy.** A sign that is designed so that characters, letters or illustrations can be changed or rearranged without altering the face or surface of the sign.
 - (9) **Indirectly illuminated.** A sign which is lighted by means of lamps or lighting devices external to, and reflected on, the sign, which lighting is stationary and constant in intensity and color at all times and which is shielded so that the illumination is concentrated on the face of the sign and there is no spillover of illumination or glare beyond the face of the sign.
 - (10) **Internally illuminated.** A sign which is lighted by means of lamps or lighting devices internal to the sign, which lighting is either behind the face of the sign or is an integral part of the sign structure and the advertising effect.
- B. **Types.** Signs are categorized by use, function or purpose into the following types:
- (1) **Residential identification.** A sign containing only the name and address of the occupant of the premises.
 - (2) **Home occupation or home office identification.** A sign containing only the name and address of the occupant of the premises and his occupation. No logos or other advertising shall be permitted.
 - (3) **Residential plan identification sign.** A permanent wall or freestanding ground sign containing only the name and address of a plan of subdivision or a multifamily building or development.
 - (4) **Real estate.** A temporary sign advertising the sale or rental of premises. The signs may also bear the words "sold," "sale pending" or "rented" across their face.
 - (5) **Development.** A temporary sign erected during the period of construction and/or development of a property by the contractor and developer or their agent.
 - (6) **Construction.** A temporary sign announcing the name of contractors, mechanics or artisans engaged in performing work on the premises.
 - (7) **Notification.** Signs bearing legal and/or property notices, such as "no trespassing," "private property," "no turnaround," "safety zone," "no hunting" and similar messages, and signs posted by a governmental agency for traffic control or the safety of the general public.

- (8) Off-premises directional. A sign, other than a billboard, which directs the public to an establishment, activity, person, product or service which is not sold, produced or available on the property on which the sign is located.
- (9) On-premises directional. A sign which directs and/or instructs vehicular or pedestrian traffic relative to parking areas, proper exits, loading areas, entrance points and similar information on the premises on which it is located.
- (10) Political sign. A temporary sign which indicates the name, cause or affiliation of anyone seeking public office or which refers to an issue concerning which a public election is scheduled to be held.
- (11) Business identification sign. A sign which contains the name, address and goods, services, facilities or events available on the premises.
- (12) Temporary special event display. A banner, flag, pennant or similar display constructed of durable material and affixed to the wall of a building, erected for a period of not exceeding 30 days, whose sole purpose is to advertise a special event.
- (13) Window display. A sign or group of signs affixed to the inside of a display window in a commercial establishment, which advertises a product or service available on the premises or which announces or promotes a special sale or special event.

§ 280-122. General regulations.

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

- A. Restricted signs. The following signs shall not be permitted in any zoning district:
 - (1) "A-frame" or sandwich board signs;
 - (2) Portable or wheeled signs;
 - (3) Banners and pennants, other than temporary special event displays authorized by this chapter;
 - (4) Inflatable structures of any kind;
 - (5) Moving or flashing signs, except for that portion of a permitted sign which indicates time or temperature;
 - (6) Signs on trees, utility poles or official traffic control devices or signs;
 - (7) Signs which imitate traffic control devices;
 - (8) Signs painted on walls or chimneys of a building or on fences or walls;

- (9) Strings of lights, flashers, flags, pennants or other display paraphernalia, except those displays specifically authorized by this article;
 - (10) Overhanging signs, as defined herein;
 - (11) Signs on or affixed to vehicles and/or trailers which are parked on a public right-of-way, public property or private property, other than temporarily for overnight storage on the site of a business or for maintenance, repair, loading, unloading or rendering a service at any location, which are visible from the public right-of-way and where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or a nearby property.
- B. Exempt signs. The following signs shall be exempt from these regulations:
- (1) Residential identification signs, as defined herein;
 - (2) Holiday decorations displayed for recognized federal or state holidays, provided they do not interfere with traffic safety or do not, in any other way, become a public safety hazard;
 - (3) Memorial/historical plaques, as defined herein;
 - (4) Window displays, as defined herein, provided they shall not exceed 20% of the gross surface area of all windows in an establishment;
 - (5) Signs erected by a governmental agency, including street signs and official traffic signs, but not including off-premises direction signs regulated by § 280-123H.
- C. Lots with multiple street frontage. In all zoning districts, lots fronting on more than one street shall be permitted to have one sign which is authorized per lot on each street frontage.
- D. Temporary signs. In all zoning districts where authorized by § 280-123, real estate, construction and development signs shall be considered temporary signs, which shall be removed within 30 days of the completion of sales or construction.
- E. Notification signs. In all zoning districts, the number, location and size of legal notification signs erected by public agencies shall be in accordance with the laws of the commonwealth. In all zoning districts, legal notification signs posted on private property by property owners such as "no trespassing," "no hunting" and the like shall be limited to a surface area not exceeding two square feet. The placement and maximum number of signs permitted along road frontages shall be one sign for every 30 feet of road frontage.
- F. Visibility. No sign shall be located in such a position that it will cause a hazard by obstructing visibility for traffic on a street or obscuring a

traffic signal or other traffic control device. No sign, other than official traffic signs and off-premises directional signs, shall hang over or be erected within the right-of-way of any street. No sign shall be located within the clear sight triangle defined by § 280-106D of this chapter.

- G. **Illumination.** Illumination, when authorized by this chapter, shall be directed upon the sign face and not towards adjoining properties or streets. Flashing or oscillating signs shall not be permitted. Lighting shall be stationary and constant in intensity and color at all times. The intensity of any source of illumination of any sign, whether indirect or internal, shall be controlled so as to not create glare and to be compatible with the intensity of ambient light and illumination on surrounding properties.
- H. **Maintenance and inspection.** All signs must be constructed of a durable material and maintained in good condition. Any sign found to be in an unsafe condition upon inspection shall be declared to be a public nuisance, and the Zoning Officer shall give notice to the owner in writing to repair or remove the sign within 10 days. Upon failure of the owner to comply, the Township shall remove the sign at the owner's expense.
- I. **Removal of signs.** Whenever any business is discontinued or vacated, all signs relating to the discontinued or vacated business shall be removed within 30 days of the vacation or discontinuance of the business. Upon failure of the owner to comply, the Township shall remove the sign at the owner's expense.
- J. **Permits required.** No permit shall be required for the following types of signs as described in § 280-121B above: notification, real estate, political and construction signs and off-premises direction signs erected by a governmental agency. Permits shall be required for all other signs authorized by §§ 280-123 through 280-125. The Zoning Officer shall issue the required permits upon submission of an application which complies with all applicable provisions of this chapter and payment of the required fee established from time to time by resolution of the Township Supervisors.
- K. **Expiration of permits.** Any permit issued by the Zoning Officer for erection, alteration, replacement or relocation of any sign shall expire automatically within six months of the date of issuance if work authorized by the permit has not been initiated and diligently pursued.
- L. **Sign location.** Except for billboards, political signs and off-premises directional signs, as defined herein, where authorized by this chapter all signs shall be located on the premises which they are intended to serve.

§ 280-123. Signs authorized in all zoning districts.

The following signs are authorized in all zoning districts:

- A. Bulletin sign. One bulletin sign which is nonilluminated or indirectly or internally illuminated and which does not exceed 24 square feet in surface area shall be permitted in connection with any church, school, library or similar public or semipublic building.
- B. Real estate sign. One nonilluminated temporary real estate sign shall be permitted on each lot, provided the surface area of the sign shall not exceed six feet in height. The real estate sign shall not exceed 12 square feet in surface area when located in any residential zoning district and shall not exceed 32 square feet in any other zoning district. Such sign shall be removed within 30 days of the sale or rental of the property on which it is located.
- C. Development sign. One nonilluminated temporary development sign shall be permitted on each lot, provided the surface area of the sign shall not exceed 32 square feet in surface area. The development signs shall not exceed six feet in height when located in any residential zoning district and shall not exceed 10 feet in height in any other zoning district. Such sign shall be removed within 30 days of the sale or rental of the last lot or completion of the proposed construction in the development.
- D. Construction sign. One nonilluminated temporary construction sign announcing the names of contractors, mechanics or artisans engaged in performing work on the premises shall be permitted on a lot, provided the sign shall not exceed 12 square feet in area and shall be removed within 30 days of the completion of the work.
- E. Temporary special event sign. One nonilluminated temporary special event display sign, as defined by this chapter, shall be permitted to be erected on the face of a public building, church or building housing a nonprofit organization, provided that the area of the signs shall not exceed 40 square feet and provided the sign is displayed for a period no longer than 30 days and is removed within five days following the event that it is erected to promote.
- F. Home occupation identification sign. One nonilluminated home occupation identification sign shall be permitted for an approved home occupation, provided that the surface area of the sign does not exceed two square feet and the sign shall contain only the name, address and occupation of the resident and shall not contain any logo or other advertising.
- G. Political signs. Nonilluminated temporary political signs erected during a political campaign shall be permitted, provided that they are not of a type restricted § 280-121A of this chapter. The signs shall not be erected before 35 days prior to the election and shall be removed within 10 days after the election for which they were erected.
- H. Off-premises directional signs.

- (1) A maximum of four off-premises directional signs shall be permitted to be erected along an arterial or collector street, as defined by this chapter, by any agency or business other than a governmental agency, except that home occupations shall not be permitted to have any off-premises directional signs.
- (2) The off-premises directional signs shall be located within 100 feet of an intersection of an arterial or collector street with any other arterial or collector street, and the maximum number of signs located at any intersection shall be four signs.
- (3) The off-premises directional signs shall be nonilluminated and shall not exceed two square feet in surface area. Such signs shall be permitted in the public right-of-way only if permission is granted by the owner of the right-of-way. Evidence of permission from the landowner shall be required for signs that are proposed to be erected on property owned by an owner other than the owner of the building or use the sign is intended to serve. Signs located outside the public right-of-way shall be located no more than 10 feet from the edge of the right-of-way or no more than 15 feet from the edge of the cartway, if the right-of-way is not contiguous with the front lot line.

I. On-premises directional signs.

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

§ 280-124. Signs authorized in residential zoning districts.

The following signs shall be permitted in all residential zoning districts:

- A. Residential plan identification sign. One nonilluminated or indirectly illuminated permanent wall or freestanding ground residential plan identification sign, containing only the street address and/or name of a residential subdivision plan or multifamily building or development, which shall not exceed 24 square feet in area. A sign identifying the name of a residential subdivision may be affixed to a freestanding decorative wall, rather than to a building wall, provided that the

decorative wall meets all applicable ordinance requirements and does not obstruct visibility for traffic entering or leaving the plan.

- B. Business identification sign. One nonilluminated or indirectly illuminated wall or freestanding ground identification sign for any business use, other than a home occupation, which is a legal nonconforming use or which is authorized as a conditional use or use by special exception in a residential zoning district, which shall not exceed 12 square feet in area.

§ 280-125. Signs authorized in airport, commercial and industrial districts.

The following signs shall be permitted in all airport, commercial and industrial districts.

- A. Temporary special event display. Temporary special event displays, as defined by this chapter, shall be permitted, provided that:
- (1) No more than two signs or banners shall be permitted on any establishment at any one time;
 - (2) The temporary special event display signs shall be securely attached to the building or to the supporting structure of a freestanding pole business identification sign;
 - (3) Temporary special event display signs shall be displayed for a period not exceeding 30 days, either consecutively or cumulatively, in any twelve-month period;
 - (4) The aggregate surface area of all temporary special event display signs shall not exceed 40 square feet per establishment. In the event that there is more than one establishment on a site, the maximum aggregate surface area of all temporary special event display signs on the site at any one time shall not exceed 100 square feet;
 - (5) Portable signs shall not be considered temporary special event display signs; and
 - (6) Temporary special event display signs shall be nonilluminated.
- B. Changeable copy signs. In addition to the authorized business identification signs, one nonilluminated or internally illuminated changeable copy sign shall be permitted per lot, regardless of the number of businesses on the lot, which shall not exceed 30 square feet in area and which shall be permanently affixed to the wall of the building or to the supporting structure of an authorized freestanding sign on the lot.
- C. Business identification signs.

- (1) Wall signs. Each business establishment shall be permitted to have wall signs which may be illuminated or nonilluminated. The aggregate area of all wall signs shall not exceed two square feet for each lineal foot of width of the front wall of the building or portion of the building occupied by the business or a maximum of 100 square feet, whichever is less. The wall identification sign shall not be located on the roof nor extend above the height of the building.
- (2) Ground signs. In addition to the wall signs, one freestanding ground sign shall be permitted per lot, regardless of the number of businesses on the lot, provided that:
 - (a) No freestanding pole sign exists or is proposed to be erected on the lot.
 - (b) The maximum surface area of the ground sign shall not exceed 24 square feet in the C-1 and C-2 Districts and shall not exceed 64 square feet in the A-P, C-3 and I-1 Districts.
 - (c) The height and location of the sign shall be designed so as to not interfere with visibility for vehicular traffic entering or leaving the lot or travelling on any street and in no case shall the total height exceed six feet.
 - (d) Ground signs shall be nonilluminated or indirectly illuminated only. Internally illuminated ground signs shall not be permitted.
 - (e) All freestanding ground signs shall be located at least 10 feet from any property line, except where property abuts on a public right-of-way the ground sign shall be set back at least 10 feet from the right-of-way or at least 15 feet from the edge of the cartway if the right-of-way is not contiguous with the front lot line.
- (3) Pole signs. In addition to the authorized wall signs, one freestanding pole sign shall be permitted per lot, regardless of the number of businesses on the lot, provided that:
 - (a) No freestanding pole sign shall be permitted on any property in the A-P Airport District.
 - (b) No freestanding ground sign exists or is proposed to be erected on the lot.
 - (c) The pole sign shall be nonilluminated, indirectly illuminated or internally illuminated.
 - (d) The maximum height of the top of the pole sign shall be 20 feet.
 - (e) The minimum height of the bottom edge of the sign shall be eight feet.

- (f) The maximum surface area of the freestanding pole sign shall not exceed 40 square feet if there is only one business on the lot and shall not exceed 64 square feet if there is more than one business on the lot. Neither dimension of such sign shall be less than five feet.
 - (g) No portion of any sign shall project over any public right-of-way nor shall it be located within the clear sight triangle of any street intersection as defined by § 280-106D of this chapter.
 - (h) All freestanding pole signs shall be set back at least 10 feet from every property line, except where property abuts on a public right-of-way the sign shall be set back at least 10 feet from the right-of-way or at least 15 feet from the edge of the cartway if the right-of-way is not contiguous with the front lot line.
- (4) Roof signs. Roof signs may be illuminated or nonilluminated. Roof signs shall be permitted only in place of a wall sign in the H-I District. The surface area of a roof sign shall not exceed two square foot for each lineal foot of width of the front wall of the building or a maximum of 200 square feet, whichever is less. Roof signs shall not project more than six feet above the highest point of the roof on which they are erected.
- (5) Arcade signs. In shopping centers or office complexes which have pedestrian accessways covered by a roof, marquee or exterior arcade, one arcade sign, as defined herein, shall be permitted for each business in the building, provided that the maximum surface area of each sign shall not exceed eight square feet.

§ 280-126. Billboards.

Billboards shall not be permitted in any "R" zoning districts or in any A-P or C-1 District. Billboards shall be permitted only as conditional uses on property located in the C-2, C-3 or H-I District, following recommendation by the Planning Commission and a public hearing by the Board of Supervisors, provided all of the following requirements are met:

- A. Location. Billboards may be authorized as a conditional use only in the C-2, C-3 or H-I District, provided all of the following requirements are met:
- (1) Billboards shall not be erected within 500 feet of the boundary line of any "R" District or within 500 feet of any public or private school, church or cemetery, said 500 feet being measured along the radius of a circle from the centermost point of the billboard structure extending in all directions.
 - (2) On interstate and limited access highways, billboards shall not be erected within 500 feet of an interchange or safety rest area measured along the interstate or limited access highway from the

beginning or ending of the pavement widening at the exit from or entrance to the main travelled way.

- (3) Billboards shall maintain a lateral minimum spacing between any existing or proposed billboard structure of 1,000 feet. Required spacing shall be measured along both sides of the same roadway frontage from the centermost point of the billboard structure along a line extending from the centermost point of the billboard which is parallel to the center line of the roadway to which the billboard is oriented.
 - (4) No billboard shall be located closer than 10 feet to any public street right-of-way.
 - (5) The minimum side and rear yard requirements applying to a principal structure as set forth within the zoning district in which the billboard is to be located shall apply to each billboard structure.
 - (6) No billboard shall be erected in such a manner as to block the view from the road or street of any existing business identification sign, residential or nonresidential structure, or to limit or reduce the light and ventilation requirements.
 - (7) No billboard shall be constructed within the clear sight triangle of the public street or road on which it is situated and shall not in any case obstruct or impede traffic safety.
 - (8) No sign shall be erected over any sidewalk or public right-of-way.
 - (9) Billboards shall not be part of a roof or wall nor shall they be mounted on the roof, wall or other part of a building or any other structure.
- B. Size and heights. A billboard shall have a maximum allowable gross surface area of 450 square feet per sign face. This gross surface area shall be permitted, provided all of the following additional requirements are met:
- (1) A billboard shall have no more than two sign faces per billboard structure, which may be placed back to back or in a V-shaped configuration having an interior angle of 90° or less.
 - (2) The dimensions of the gross surface area of the billboard's sign face shall not exceed 20 feet in total height or 25 feet in total length, provided the total allowable gross surface area for the sign face is not exceeded.
 - (3) A billboard structure shall have a maximum height above the curb of the roadway from which it is intended to be viewed of 40 feet.
- C. Construction methods. Billboards shall be constructed in accordance with applicable provisions of the Township Building Code,²² as now

or hereafter adopted, and shall meet all of the following additional requirements:

- (1) A billboard structure shall have a maximum of one vertical support being a maximum of three feet in diameter or width and without additional bracing or vertical supports.
- (2) A billboard sign face shall be independently supported and have vertical supports of metal which are galvanized or constructed of approved corrosive-resistant, noncombustible materials. Structures constructed with galvanized metal shall be painted.
- (3) The one vertical support shall be capable of enabling the entire sign face to be able to withstand a minimum one-hundred-miles-per-hour wind load. Structural design computations shall be made and certified by a registered engineer and shall be submitted to the Township with the application for conditional use.
- (4) The base shall be installed using a foundation and footings approved by the Township Engineer for the type of construction proposed.
- (5) The entire base of the billboard structure parallel to the sign face shall be permanently landscaped with suitable shrubbery and/or bushes of minimum height of three feet, placed in such manner as to screen the foundation of the structure.
- (6) Landscaping shall be maintained by the sign owner in an attractive and healthy manner in accordance with accepted conservation practices.
- (7) No bare cuts shall be permitted on a hillside.
- (8) All costs or fills shall be permanently seeded or planted.
- (9) A billboard with display lighting shall be constructed so that it does not glare upon adjoining property and shall not exceed a maximum footcandle of 1.5 upon the adjoining property.
- (10) Display lighting shall not operate between 12:00 midnight and 5:00 a.m., prevailing local time.
- (11) No billboard structure, sign face, or display lighting shall move, flash or emit noise. No display lighting shall cause distractions, confusion, nuisance or hazard to traffic, aircraft or other properties.
- (12) The use of colored lighting shall not be permitted.

D. Maintenance.

- (1) A billboard structure shall be entirely painted every three years, unless constructed of an approved corrosive-resistant material.
 - (2) Every 10 years, the owner of the billboard shall have a structural inspection made of the billboard by a qualified Pennsylvania-registered engineer and shall provide to the Township a certificate from the engineer certifying that the billboard is structurally sound.
 - (3) Annual inspections of the billboard shall be conducted by the Township to determine compliance with this chapter.
 - (4) Billboards found to be in violation of this chapter shall be brought into compliance or removed within 30 days upon proper notification by the Township.
 - (5) Billboards using removable paper or other materials shall be maintained in such condition as to eliminate loose or frayed material protruding or hanging from the structure. All paper and other waste materials shall be removed from the site and disposed of properly whenever any sign face is changed.
- E. Liability insurance. The applicant for a sign permit to erect a billboard shall provide a certificate of insurance for public liability and property damage which holds the Township harmless. The amount of insurance to be maintained shall be determined and adjusted from time to time by resolution of the Board of Supervisors. The insurance certificate shall contain a clause stating that the insurance shall not be canceled or reduced without first giving 10 days' notice to the Township.
- F. Permits. Prior to submission of an application for a sign permit, the applicant for a billboard shall obtain and submit with the application approvals from the Washington County Department of Aviation or the United States Federal Aviation Administration (FAA), when applicable.
- (1) Approval of the conditional use shall be valid for six months from the date of action by the Board of Supervisors granting the conditional use. If the applicant fails to obtain a sign permit for the approved billboard within the six-month period, approval of the conditional use shall expire automatically, without written notice to the applicant.
 - (2) The issuance of a sign permit for a billboard which has been granted approval of a conditional use shall be conditioned upon the approval of the Pennsylvania Department of Transportation (PennDOT) for billboards along state highways. If the applicant fails to submit evidence of the required approval by PennDOT within 30 days of the issuance of the conditional sign permit, the sign permit shall be revoked by the Township Zoning Officer, who shall provide written notice to the applicant.

- (3) The applicant may reapply for the required sign permit, upon submission of evidence of PennDOT approval, without payment of any additional sign permit fee, provided the application is filed within the six-month period during which the conditional use approval is valid.
- G. Application fees. Said application shall be accompanied by an application fee in an amount equal to that set from time to time by resolution of the Board of Supervisors.
- H. Nonconforming billboards.
 - (1) Any billboard which does not conform to the requirements of this section shall not be enlarged or moved unless the billboard complies with all provisions of this section.
 - (2) Any billboard which is damaged or destroyed by more than 51% of its replacement value at the time of damage or destruction shall be reconstructed only in compliance with all provisions of this section.

ARTICLE XX
Nonconforming Uses, Structures and Lots

§ 280-127. Applicability.

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

§ 280-128. Nonconforming uses.

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

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

- (1) A nonconforming use shall not be changed to any use other than a conforming use, except as permitted by the Zoning Hearing Board in accordance with the following:
 - (a) The new use will more closely correspond to the uses permitted in the district.
 - (b) The changed use will be in keeping with the character of the neighborhood in which it is located.
 - (c) The applicant clearly demonstrates a hardship in converting the use to a conforming use in accordance with the criteria of § 280-135 for obtaining a variance.
 - (2) When a nonconforming use is changed to a conforming use, the use thereafter shall not be changed to a nonconforming use. Any change from one nonconforming use to another shall comply with the parking requirements of Article XVIII for the use and shall be subject to the area, bulk and buffer area regulations for such use in the district where such use is authorized.
 - (3) Where a nonconforming use exists on a lot, a conforming use shall not be established on the same lot unless the nonconforming use is discontinued.
- D. Abandonment. When a nonconforming use of a structure and/or lot is discontinued or abandoned for 12 consecutive months, the structure and/or lot shall not thereafter be used except in conformance with the regulations of the zoning district in which it is located.
- E. Damage or destruction.
- (1) Residential dwellings which are nonconforming uses in the A-P, C-1, C-2, C-3 or I-1 District may be rebuilt on the existing foundation in the event of damage or destruction, provided the reconstruction is started within three years of the date of destruction.
 - (2) In the event that damage or destruction of a structure in which a nonconforming use, other than a dwelling, is conducted involves 50% or less of the total floor area of the structure, repairs or reconstruction may be undertaken, provided that such restoration is started within 18 months of the date of destruction.
 - (3) In the event that a structure in which a nonconforming use, other than a dwelling, is conducted is damaged or destroyed by fire or other means to an extent of more than 50% of its total floor area, the structure shall be reconstructed only to house a conforming use.

§ 280-129. Nonconforming structures.

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

- A. Structural alteration. No such structure may be enlarged or structurally altered in a way which increases its nonconformity, except when the Zoning Hearing Board, after public hearing, may determine undue hardship and may authorize a reasonable modification of such structure.
- B. Damage or destruction. Any nonconforming structure which has been partially or completely damaged or destroyed by fire or other means may be rebuilt or repaired on its existing foundation even though such foundation may violate the setback requirements for the zoning district in which the structure is located, provided that the repair or reconstruction and reoccupancy of the structure occurs within 18 months of the date that the original structure was damaged or destroyed.
- C. Moving. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the requirements of the zoning district in which it is located.
- D. Signs.
 - (1) Nonconforming signs may be repaired or reconstructed, provided that no structural alterations are made which increase the gross surface area of the sign; however, nonconforming signs which are damaged or destroyed to an extent of more than 50% of their replacement cost at the time of destruction shall not be reconstructed except in conformity with the provisions of this chapter.
 - (2) Nonconforming signs may not be enlarged, added to or replaced by another nonconforming sign, use or structure, except that the interchange of poster panels shall be permitted.
- E. Repair or maintenance. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the safety of the public.

§ 280-130. Nonconforming lots.

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

- A. Any lot of record existing at the effective date of this chapter may be used for the erection of a structure conforming to the use regulations of the zoning district in which it is located without a lot area or lot width variance, even though its lot area and width are less than the minimum required by this chapter; however, such lot must comply with the front, rear and side yards, height and lot coverage standards of the zoning district wherein it is located.

- B. Where structures exist on adjacent nonconforming lots of record which have front yards less than the minimum depth required, the minimum front yard for an adjacent undeveloped nonconforming lot of records shall be the average depth of the nonconforming front yards on the immediately adjacent developed nonconforming lots on either side of the undeveloped lot; provided, however, that in no instance shall the front yard be less than 50 feet from the center line of any public street.
- C. In the R-2 District, nonconforming lots in Elrama and Gastonville shall be permitted to utilize reduced lot area, lot width and yard requirements without obtaining a variance from the Zoning Hearing Board, if all of the following standards are met:
- (1) The nonconforming lot shall have frontage on at least one of the following streets:
 - (a) Railroad Street and Belmont Street in Gastonville; or
 - (b) Davidson Avenue, Downer Street, Elrama Avenue, Fairview Street, Howe Street, Powell Lane, Rammage Avenue, Short Street and Stout Avenue in Elrama.
 - (2) The reduced lot area and lot width requirements shall not be used to further subdivide any existing nonconforming lot of record.
 - (3) The reduced lot area, lot width and yard requirements shall be utilized to permit the construction, reconstruction or enlargement of a single-family dwelling or two-family dwelling or the construction, reconstruction or enlargement of a permitted accessory structure to an existing single-family dwelling or two-family dwelling.
 - (4) The minimum lot area required for a single-family dwelling may be reduced to the existing lot area of the nonconforming lot of record, but in no case shall it be less than 2,500 square feet.
 - (5) The minimum lot area required for a two-family dwelling may be reduced to the existing lot area of the nonconforming lot of record, but in no case shall it be less than 5,000 square feet.
 - (6) The minimum lot width for a single-family dwelling may be reduced to the existing lot width of the nonconforming lot of record, but in no case shall it be less than 25 feet.
 - (7) The minimum lot width for a two-family dwelling may be reduced to the existing lot width of the nonconforming lot of record, but in no case shall it be less than 50 feet.
 - (8) The minimum front yard shall be 15 feet.
 - (9) The minimum rear yard for principal structures shall be 20 feet; the minimum rear yard for accessory structures shall be five feet.

(10) The minimum side yard shall be five feet.

§ 280-131. Registration of nonconformity.

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

ARTICLE XXI
Zoning Hearing Board

§ 280-132. Membership.

The membership of the Zoning Hearing Board shall consist of three residents of the Township appointed by the Board of Supervisors. Their terms of office shall be three years and shall be so fixed that the term of office of one member shall expire each year. The Board shall promptly notify the Board of Supervisors when vacancies occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Township, including membership on the Planning Commission and Zoning Officer. The membership of the Zoning Hearing Board may be increased to five members in accordance with the provisions of § 903(a) of the Pennsylvania Municipalities Planning Code.²³

§ 280-133. Alternate members.

- A. Appointment of alternate members. The Board of Supervisors may appoint by resolution at least one, but no more than three, residents of the Township to serve as alternate members of the Zoning Hearing Board. The term of office of an alternate member shall be three years. When seated pursuant to the provisions of Subsection B, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the power and duties set forth in this chapter and as otherwise provided by law. Alternates shall hold no other office in the Township, including membership on the Planning Commission and Zoning Officer. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the Board unless designated as a voting alternate member pursuant to Subsection B of this section.
- B. Participation by alternate members. If by reason of absence or disqualification of a member a quorum is not reached, the Chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this subsection shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.

23. Editor's Note: See 53 P.S. § 10903(a).

§ 280-134. Jurisdiction.

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudication in the following matters:

- A. Substantive challenges to the validity of any land use ordinance, except curative amendments brought before the Board of Supervisors.
- B. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption, which challenges shall be raised by an appeal taken with 30 days after the effective date of the ordinance.
- C. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
- D. Appeals from a determination by the Township Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.
- E. Applications for variances from the terms of this chapter and Chapter 128, Floodplain Management, or such provisions within a land use ordinance pursuant to § 280-135.
- F. Applications for special exceptions under this chapter or floodplain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to Article XVI and § 280-136.
- G. Appeals from the Zoning Officer's determination under § 916.2 of the Pennsylvania Municipalities Planning Code (Act 247, as amended).
- H. Appeals from the determination of the Zoning Officer or Township Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving subdivision and land development or planned residential development.

§ 280-135. Variances.

- A. The Board, upon appeal, shall have the power to authorize variances from the requirements of this chapter and to attach such conditions to the variance as it deems necessary to assure compliance with the purposes of this chapter. A variance may be granted if all of the following findings are made where relevant in a given case:
 - (1) That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary

hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this chapter in the neighborhood or district in which the property is located.

- (2) That because of such physical circumstances or conditions there is no possibility that the property can be developed in strict conformity with the provisions of this chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
 - (3) That such unnecessary hardship has not been created by the appellant.
 - (4) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
 - (5) That the variance, if authorized, will represent the minimum variance necessary to afford relief and will represent the least modification possible of the regulation in issue.
- B. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this chapter and protect the public health, safety and welfare.

§ 280-136. Uses by special exception.

The Board shall have the power to hear and decide on applications for uses by special exception as authorized by this chapter, in harmony with its general purpose and intent and in accordance with the standards set forth in Article XVI. The Board shall approve a use by special exception only if it meets all applicable requirements of this chapter and the express standards and criteria set forth in Article XVI. In granting a use by special exception, the Board may attach such reasonable safeguards, in addition to those expressed in this chapter, as it may deem necessary to properly implement this chapter and protect the public health, safety and welfare.

§ 280-137. Notice and conduct of hearings.

A public hearing shall be held on any appeal filed under § 280-134 of this chapter within 60 days of filing of a complete application. The public hearing shall be held pursuant to public notice, as defined by this chapter. In addition to the public notice, at least one week prior to the hearing the Board shall post at least one copy of the notice on the affected property. At least 14 days prior to the hearing, the Board shall mail a copy of the notice by certified mail to each property owner within 300 feet of the entire perimeter of the property, including those located across a street right-of-way. The cost of mailing the certified notices shall be paid by the

applicant. The Board shall comply with all requirements of the Pennsylvania Municipalities Planning Code (Act 247, as amended) regarding conduct of the public hearing and rendering a decision.

§ 280-138. Failure to render decision.

- A. Where the Board fails to render a decision within the required forty-five-day period or fails to hold the required hearing within 60 days of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing or on the record to an extension of time.
- B. When a decision has been rendered in favor of the applicant because of failure of the Board to meet or render a decision, the Board shall give public notice of the decision within 10 days from the last day it could have met to render a decision. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this section shall prejudice the right of any party opposing the application to appeal the decision to the Court of Common Pleas.

§ 280-139. Mediation option.

- A. Parties to proceedings authorized in this article may utilize mediation as an aid in completing such proceedings. In proceedings before the Zoning Hearing Board, in no case shall the Zoning Hearing Board initiate mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this article once they have been formally initiated. Nothing in this subsection shall be interpreted as expanding or limiting municipal police powers or as modifying any principles of substantive law.
- B. Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. Any municipality offering the mediation option shall assure that in each case the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:
 - (1) Funding mediation.
 - (2) Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation.
 - (3) Completing mediation, including time limits for such completion.
 - (4) Suspending time limits otherwise authorized in this chapter or in the Pennsylvania Municipalities Planning Code (Act 247, as amended), provided there is written consent by the mediating parties and by an applicant or Borough decisionmaking body, if either is not a party to the mediation.

- (5) Identifying all parties and affording them the opportunity to participate.
 - (6) Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public.
 - (7) Assuring that mediated solutions are in writing and signed by the parties and become subject to review and approval by the appropriate decisionmaking body pursuant to the authorized procedures set forth in this chapter.
- C. 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.

§ 280-140. Fees and expenditures.

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

§ 280-141. Time limitations.

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

such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest.

- B. The failure of anyone, other than the landowner, to appeal from an adverse decision on an application for tentative approval of a planned residential development or from an adverse decision by a Zoning Officer on a challenge to the validity of an ordinance or map filed pursuant to § 916.2 of the Pennsylvania Municipalities Planning Code shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.
- C. All appeals from determinations adverse to the landowner shall be filed by the landowner within 30 days after notice of the determination is issued.

§ 280-142. Stay of proceedings.

- A. Upon filing of any proceeding and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of the zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court.
- B. All appeals from decisions rendered by the Zoning Hearing Board shall be taken to the Washington County Court of Common Pleas and shall be filed within 30 days after the entry of the decision or, in the case of a deemed decision, within 30 days after the date upon which notice of said deemed decision is given as required by § 908(9) of the Pennsylvania Municipalities Planning Code (Act 247, as amended).²⁴

24. Editor's Note: See 53 P.S. § 10908(9).

ARTICLE XXII
Administration and Enforcement

§ 280-143. Zoning Officer powers and duties.

The provisions of this chapter shall be administered and enforced by a Zoning Officer, who shall be appointed by the Board of Supervisors. The Zoning Officer shall hold no elective office in the Township. The Zoning Officer shall meet the qualifications established by the Township and shall be able to demonstrate to the satisfaction of the Township a working knowledge of municipal zoning. The Zoning Officer shall have all the powers and duties conferred upon him by this chapter and the Pennsylvania Municipalities Planning Code. The Zoning Officer's duties shall include the following:

- A. Receive and examine all applications for building/zoning permits and certificates of occupancy.
- B. Process applications for building/zoning permits and certificates of occupancy for all permitted uses.
- C. Receive applications for uses by special exception and variances and forward these applications to the Zoning Hearing Board for action prior to considering issuance of a building/zoning permit or certificate of occupancy for the proposed use.
- D. Receive applications for conditional uses and forward those applications to the Planning Commission and Board of Supervisors for recommendation and action prior to considering issuance of a building/zoning permit or certificate of occupancy for the proposed use.
- E. Issue permits only where there is compliance with the provisions of this chapter, with other Township ordinances and the laws of the commonwealth.
- F. Following denial of a building/zoning permit or certificate of occupancy, refer any appeal of the denial to the Zoning Hearing Board for action thereon.
- G. Conduct inspections and surveys to determine compliance or noncompliance with this chapter.
- H. Issue notices of violation in accordance with the requirements of § 280-144 below.
- I. With the approval of the Board of Supervisors, or when directed by the Board, institute in the name of the Township any appropriate action or proceeding to prevent unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct or abate such violation so as to prevent the occupancy or use of any

- building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.
- J. Revoke any order or permit issued under a mistake of fact or contrary to the law or the provisions of this chapter.
 - K. Record and file all applications for building/zoning permits and certificates of occupancy with accompanying plans and documents, which files shall be a public record.
 - L. Maintain the official Zoning District Map for the Township.
 - M. Register nonconforming uses, structures and lots in accordance with § 280-131 of this chapter.

§ 280-144. Enforcement.

- A. Violations. Failure to comply with any provisions of this chapter; failure to secure a building/zoning permit prior to the erection, construction, extension, structural alteration or addition to building or structure; or failure to secure an occupancy permit for the use or change of use or occupancy of structures or land shall be a violation of this chapter.
- B. Enforcement notice. The enforcement notice shall contain the following information:
 - (1) The name of the owner of record and any other person against whom the Township intends to take action.
 - (2) The location of the property in violation.
 - (3) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this chapter.
 - (4) The date before which steps for compliance must be commenced and the date before which the steps must be completed.
 - (5) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with the procedures set forth in this chapter.
 - (6) That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.
- C. Enforcement remedies.
 - (1) Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney's fees incurred by the Township as a result thereof. No judgment shall commence

or be imposed, levied or be payable until the date of the determination of a violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure.

- (2) Each day that a violation continues shall constitute a separate violation, unless the Magisterial District Judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the Magisterial District Judge, and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney's fees collected for the violation of this chapter shall be paid over to the Township.
 - (3) The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
 - (4) Nothing contained in this subsection shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this subsection.
- D. Causes of action. In case any building or structure is erected, constructed, reconstructed, structurally altered, repaired, converted or maintained or any building or structure or land is used in violation of this chapter or of any other ordinance or regulation made under authority conferred hereby, the Board of Supervisors or, with approval of the Board of Supervisors, the Zoning Officer or other proper official, in addition to other remedies, may institute in the name of the Township any appropriate action or proceeding to prevent, restrain, correct or abate such unlawful erection, construction, reconstruction, structural alteration, repair, conversion, maintenance or use; to prevent the occupancy of any building, structure or land; or to prevent any illegal act, conduct, business or use which constitutes a violation.

§ 280-145. Zoning permit required.

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

is required, an application for a certificate of occupancy for a new or changed use of land or structure shall be considered to include both the zoning permit and the certificate of occupancy.

§ 280-146. Application requirements for zoning permit.

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

(11) Any other data deemed necessary by the Zoning Officer to determine compliance with the applicable provisions of this chapter.

- B. Where the information required for a zoning permit duplicates the information required for a building permit, and the application is being considered a combined application, submission of one drawing with the required information will meet the requirements for both applications.

§ 280-147. Building permit required.

No building or structure shall be erected, added to or structurally altered until a building permit has been issued by the Zoning Officer. No building permit shall be issued for any building where said construction, addition or alteration or use thereof would be in violation of any of the provisions of this chapter, except after written order from the Zoning Hearing Board. Any building permit issued in conflict with the provisions of this chapter shall be null and void.

§ 280-148. Application requirements for building permit.

- A. All applications for building permits shall be accompanied by plans, in duplicate, drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of building(s) already existing, if any; and the location and dimensions of the proposed building(s) or alteration(s).
- B. The application shall include such other information as lawfully may be required by the Zoning Officer, including existing or proposed uses of the building(s) and land; the number of dwelling units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine compliance with this chapter.
- C. In approving an application for a building permit, the Zoning Officer may require such changes in plans for construction, addition or alteration or use of such building(s) or lot(s) as may be necessary to assure compliance with this chapter.
- D. A building permit for any building(s) or use(s) may be revoked and withdrawn by the Zoning Officer if the holder of the building permit has failed to comply with the requirements of this chapter or with any conditions attached to the issuance of the permit, and the holder of the building permit may be subject to penalties as provided for in this chapter.
- E. The Zoning Officer shall act upon an application for a building permit no later than 30 days after receiving the application.
- F. One copy of the plan shall be returned to the applicant by the Zoning Officer after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The

second copy of the plan, similarly marked, shall be retained by the Zoning Officer.

- G. If the work described in any building permit has not begun within six months from the date of issuance thereof, said permit shall expire. The permit shall be cancelled by the Zoning Officer, and written notice thereof shall be given to the persons affected.
- H. If the work described in any building permit has not been substantially completed within two years of the date of issuance thereof, said permit shall expire and be cancelled by the Zoning Officer, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained.

§ 280-149. Certificate of occupancy required.

- A. It shall be unlawful to use or occupy or permit the use or occupancy of any building, structure or lot, or part thereof, until a certificate of occupancy has been issued therefor by the Zoning Officer. Said certificate of occupancy shall state that the proposed use of the building, structure or land conforms to the requirements of this chapter.
- B. Certificates of occupancy shall be applied for coincident with the application for a building permit and shall be acted upon within five working days after inspection by the Zoning Officer of the work completed under a building permit.
- C. Certificates of occupancy for a new use or changed use where no building permit is required shall be part of the application for a zoning permit and shall be acted upon by the Zoning Officer within 15 days of submission of a completed application for a zoning permit.
- D. A temporary certificate of occupancy may be issued by the Zoning Officer for a period not exceeding six months to permit partial occupancy of a building while work is being completed, provided such temporary certificate of occupancy may require such conditions and safeguards as may be warranted to protect the health and safety of the occupants and the public.
- E. Failure to obtain a certificate of occupancy shall be a violation of this chapter and shall be subject to enforcement remedies as provided in this chapter.
- F. The Zoning Officer shall maintain a record of certificates of occupancy, and copies shall be furnished, upon request, to any person having a proprietary or tenancy interest in the building or lot affected.

§ 280-150. Planning Commission.

The Township Planning Commission has been created on accordance with Article II of the Pennsylvania Municipalities Planning Code to fulfill the advisory role to the Board of Supervisors in the administration of this chapter and Chapter 242, Subdivision and Land Development.

A. Membership.

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

B. Duties of the Planning Commission.

- (1) The Planning Commission shall, at the request of the Board of Supervisors, have the power and shall be required to:
 - (a) Prepare the Comprehensive Plan for the development of the Township in accordance with the requirements and procedures set forth in the Pennsylvania Municipalities Planning Code and present it for consideration by the Board of Supervisors.
 - (b) Maintain and keep on file records of its action. All records and files of the Planning Commission shall be in the possession of the Board of Supervisors.
- (2) The Planning Commission, at the request of the Board of Supervisors, may:
 - (a) Make recommendations to the Board of Supervisors concerning adoption or amendment of an Official Map.
 - (b) Prepare and present to the Board of Supervisors a zoning ordinance and make recommendations to the Board of Supervisors on proposed amendments to it.
 - (c) Prepare and recommend subdivision and land development and planned residential development regulations and amendments thereto and make recommendations to the Board of Supervisors on applications submitted under those regulations.

- (d) Prepare and present to the Board of Supervisors a building code and a housing code and make recommendations concerning proposed amendments thereto.
 - (e) Do such other acts or make such studies as may be necessary to fulfill the duties and obligations imposed by the Pennsylvania Municipalities Planning Code.
 - (f) Prepare and present to the Board of Supervisors an environmental study.
 - (g) Submit a recommended capital improvements program to the Board of Supervisors.
 - (h) Prepare and present to the Board of Supervisors a water survey which shall be consistent with the State Water Plan and any applicable water resources plan adopted by a river basin commission conducted in consultation with any public water supplier in the area to be surveyed.
 - (i) Promote public interest in, and understanding of, the Comprehensive Plan and planning.
 - (j) Make recommendations to governmental, civic and private agencies and individuals as to the effectiveness of the proposals of such agencies and individuals.
 - (k) Hold public hearings and meetings.
 - (l) Present testimony before any board.
 - (m) Require from other departments and agencies of the Township such available information as relates to the work of the Planning Commission.
 - (n) In the performance of its functions, enter upon any land to make examinations and surveys with the consent of the landowner.
 - (o) Prepare and present to the Board of Supervisors a study regarding the feasibility and practicability of using renewable energy sources in specific areas within the Township.
 - (p) Review the zoning ordinance, subdivision and land development ordinance and such other ordinances and regulations governing the development of land no less frequently than it reviews the Comprehensive Plan.
- (3) In the performance of its powers and duties, any act or recommendation of the Planning Commission which involves engineering considerations shall be subject to review and comments of the Township Engineer, which shall be incorporated

and separately set forth in any report, written act or recommendation of the Planning Commission.

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

§ 280-151. Procedure for amendments.

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

- A. Petitions. Petitions for amendments shall be filed with the Planning Commission at least 10 calendar days prior to the meeting at which the petition is to be heard; the petitioners, upon such filing, shall submit a legal description of the property proposed to be rezoned and a statement justifying the request and shall pay a filing fee, in accordance with the fee schedule fixed by resolution of the Board of Supervisors. The Planning Commission shall review the proposed amendment and report its findings and recommendations in writing to the Board of Supervisors.
- B. Referral. Any proposed amendment presented to the Board of Supervisors without written findings and recommendations from the Township Planning Commission and the Washington County Planning Commission shall be referred to these agencies for review at least 30 days prior to the public hearing by the Board of Supervisors. The Board of Supervisors shall not hold a public hearing upon such amendments until the required reviews are received or the expiration of 30 days from the date of referral, whichever comes first.
- C. Posting of property. If the proposed amendment involves a change to the Zoning District Map, a minimum of two notices of the public hearing shall be conspicuously posted on the property at least seven days prior to the date of the public hearing. At least 14 days prior to the hearing, the Zoning Officer shall mail a copy of the notice by certified mail to each property owner within 300 feet of the entire perimeter of the property, including those located across a street right-of-way. The cost of mailing the certified notices shall be paid by the applicant, if an applicant requests the amendment. If the Township initiates the amendment, the Township shall pay the cost of mailing the certified notices.
- D. Public notice and public hearing. Before acting on a proposed amendment, the Board of Supervisors shall hold a public hearing thereon. Public notice, as defined by this chapter, shall be given, containing a brief summary of the proposed amendment and reference to the place where copies of the same may be examined.

- E. Readvertisement and rehearing. If after any public hearing is held upon a proposed amendment the amendment is substantially changed or revised to include land not previously affected by the amendment, the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
- F. Publication, advertisement and availability.
- (1) Proposed amendments shall not be enacted unless the Board of Supervisors gives notice of the proposed enactment, including the time and place of the meeting at which passage will be considered and a reference to the place in the Township where copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the cost thereof.
 - (2) The Board of Supervisors shall publish the proposed amendment once in a newspaper of general circulation in the Township not more than 60 days nor less than seven days prior to passage. Publication of the proposed amendment shall include either the full text thereof or the title and a brief summary prepared by the Township Solicitor, setting forth all the provision in reasonable detail. If the full text is not included:
 - (a) A copy thereof shall be provided to the newspaper at the time public notice is published.
 - (b) An attested copy of the proposed ordinance shall be filed in the County Law Library.
- G. Action. Within 90 days of the date when the public hearing on the proposed amendment is officially closed, the Board of Supervisors shall vote on the proposed amendment. In the event substantial amendments are made in the proposed amendment before voting on enactment of the amendment, the Board of Supervisors shall readvertise in one newspaper of general circulation in the Township a brief summary of the amendments at least 10 days prior to enactment.
- H. Filing amendment with County Planning Commission. Within 30 days after enactment, a copy of the amendment to this chapter shall be forwarded to the Washington County Planning Commission.
- I. Mediation option. The Board of Supervisors may offer the mediation option as an aid in completing proceedings authorized by this section. The Township and the mediating parties shall meet the stipulations and follow the procedures set forth in § 280-139 of this chapter.

§ 280-152. Landowner curative amendments.

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

- A. Procedure. The landowner may submit a curative amendment to the governing body with a written request that his challenge and proposed amendment be heard and decided as provided in 53 P.S. § 10916.1. The governing body shall commence a hearing thereon within 60 days of the request as provided in § 916.1 of the Municipalities Planning Code. The curative amendment and challenge shall be referred to the planning agency or agencies as provided in 53 P.S. § 10609, and notice of the hearing thereon shall be given as provided in 53 P.S. §§ 10610 and 10916.1(b). The hearing shall be conducted in accordance with 53 P.S. § 10908 and all references therein to the zoning hearing board shall, for purposes of this section be references to the governing body; provided, however, that the provisions of 53 P.S. § 10908(1.2) and (9) shall not apply and the provisions of 53 P.S. § 10916.1 shall control.²⁵
- B. Evaluation of merits of curative amendment. If the Board of Supervisors determines that a validity challenge has merit, the Board of Supervisors may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the alleged defects. The Board of Supervisors shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:
- (1) The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;
 - (2) If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this chapter or the Zoning District Map;
 - (3) The suitability of the site for the intensity of the use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features;
 - (4) The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and
 - (5) The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.
- C. Declaration of invalidity by court. If the Township does not accept a landowner's curative amendment brought in accordance with this section and a court subsequently rules the challenge has merit, the court's decision shall not result in a declaration of invalidity for this

25. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

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entire ordinance, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa Code § 1.54 (relating to service by a participant):

FIRST-CLASS MAIL

Bureau of Investigation & Enforcement
Commonwealth Keystone Building
400 North Street, 2nd Floor West
PO Box 3265
Harrisburg, PA 17105-3265

Office of Small Business Advocate
300 North Second Street
Suite 202
Harrisburg, PA 17101

Office of Consumer Advocate
555 Walnut Street
Forum Place, 5th Floor
Harrisburg, PA 17101-1923

Washington County
c/o Director of Administration Scott Fergus
100 W Beau St # 702,
Washington, PA 15301

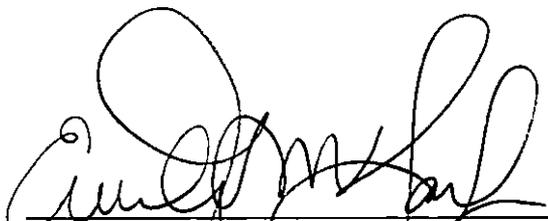
Union Township
3904 Finleyville-Elrama Road
Finleyville, PA, 15332

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MAY 20 2019

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Dated: May 20, 2019



Emily M. Farah
Duquesne Light Company
411 Seventh Avenue, 15-7
Pittsburgh, PA 15219
Phone: 412-393-6431
Email: efarah@duqlight.com

UPS CampusShip: View/Print Label

1. **Ensure there are no other shipping or tracking labels attached to your package.** Select the Print button on the print dialog box that appears. Note: If your browser does not support this function select Print from the File menu to print the label.
2. **Fold the printed label at the solid line below.** Place the label in a UPS Shipping Pouch. If you do not have a pouch, affix the folded label using clear plastic shipping tape over the entire label.
3. **GETTING YOUR SHIPMENT TO UPS**
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 Your driver will pickup your shipment(s) as usual.

Customers without a Daily Pickup

Take your package to any location of The UPS Store®, UPS Access Point(TM) location, UPS Drop Box, UPS Customer Center, Staples® or Authorized Shipping Outlet near you. Items sent via UPS Return Services(SM) (including via Ground) are also accepted at Drop Boxes. To find the location nearest you, please visit the Resources area of CampusShip and select UPS Locations.

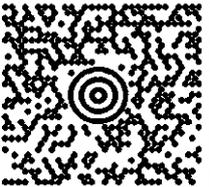
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 WALTMIRE PHARMACY
 1435 SPRING GARDEN AVE
 PITTSBURGH, PA 15212

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ERIN DITOMMASO 412-393-6020 DUQUESNE LIGHT 411 SEVENTH AVENUE PITTSBURGH PA 15219	3.0 LBS LTR	1 OF 1	
SHIP TO: ROSEMARY CHIAVETTA, SECRETARY 412-393-1541 PENNSYLVANIA PUC 400 NORTH STREET, 2ND FLOOR COMMONWEALTH KEYSTONE BUILDING HARRISBURG PA 17120-0093			
	PA 171 9-20 		
UPS NEXT DAY AIR		1	TRACKING #: 1Z 187 399 01 9308 7254
			
BILLING: P/P			
Cost Center: 004 Reference # 2: Emily M. Farah			<small>CS 21.1.23. WNTINV50 12.0A 04/2019</small>

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