

FEBRUARY 11, 2024

DRAFT

DRAFT 4 - ZONING ORDINANCE AMENDMENT  
NESHANNOCK TOWNSHIP



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## **ARTICLE I - GENERAL PROVISIONS**

### **SECTION 100 TITLE**

The official title of this Ordinance shall be the "Neshannock Township Zoning Ordinance".

### **SECTION 101 PURPOSE AND AUTHORITY**

This Ordinance is adopted by virtue of the authority vested in the Township under Article VI of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended. The provisions of this Ordinance are designed to:

1. Promote, protect and facilitate one or more of the following: the public health, safety, morals, and general welfare; coordinated and practical community development; proper density of population; civil defense and disaster evacuation; provisions for adequate light, solar access and air; police protection; vehicle parking and loading space; transportation; water, sewage, schools, public grounds and other public requirements;
2. Prevent one or more of the following: overcrowding of land; blight; danger and congestion in travel and transportation; loss of health, life or property from fire, flood, panic, or other dangers; and
3. Preserve prime agriculture and farmland, considering topography, soil type and classification and present use.

This Ordinance has been drafted as part of an overall program and with consideration for the character of the Township, its various parts, and the suitability of the various parts for particular uses and structures.

### **SECTION 102 Effective Date**

This Ordinance shall take effect five (5) days from the date of enforcement.

### **SECTION 103 COMMUNITY DEVELOPMENT OBJECTIVES**

The Neshannock Township Comprehensive Plan established community development goals and objectives to enhance the Township's future. Those goals include the following and any updates to the development objectives as part of an update to the Township's Comprehensive plan are incorporated herein by reference such that the objectives of the most recently adopted Comprehensive Plan apply.

- A. Strong local economy with consistent job growth that is an important part of the region's economy.
- B. Unique community character that instills a sense of pride in residents and welcomes visitors.
- C. Clear community identity that is communicated in a way that attracts new businesses and residents.

### **SECTION 104 COMPLIANCE**

No structure shall be located, erected, constructed, reconstructed, structurally altered, converted, or enlarged, nor shall any structure or land be used or occupied, except in full compliance with all the provisions of this Ordinance, and after the lawful issuance of all permits and certifications required by this Ordinance. Any use not specifically listed in a Zoning District is not permitted in that District.

#### **SECTION 105 SEVERABILITY**

Any resolution or ordinance, or any part of any resolution or ordinance conflicting with the provisions of this Ordinance is hereby repealed to the extent of such conflict.

#### **SECTION 106 OTHER MUNICIPAL ORDINANCES**

Property owners, developers, builders, and others subject to this Ordinance are also referred to other Township ordinances and regulations which may be applicable to their property or their proposed development or construction plans.

#### **SECTION 107 REPEAL**

If any provision of this Ordinance, or the application of any provision to particular circumstances, is held invalid, the remainder of this Ordinance, or the application of such provision to other circumstances shall not be affected.

#### **SECTION 108 INTERPRETATION**

In the event of conflicts between the provisions of this Ordinance and any other ordinance or regulation, the more restrictive provision shall apply.

In their interpretation and application, the provisions of this Ordinance shall be considered minimum requirements adopted for the promotion of the health, safety, morals, and general welfare of the public.

#### **SECTION 109 MUNICIPAL LIABILITY**

The granting of a Building Permit or Certificate of Occupancy for the erection and/or use of a structure or lot shall not constitute a representation, guarantee or warranty of any kind of nature by the Township or an official or employee thereof, of the safety of any structure, use or proposed development from any cause whatsoever and shall create no liability upon, or a course of action against the Township or such public officials or employees for any damage, expenses or loss that may result pursuant thereto.

## **ARTICLE II - DEFINITIONS**

### **SECTION 200 MEANINGS**

All words used in this Ordinance shall carry their customary meanings except where specifically defined herein. Words used in the present tense shall include the future. The singular numbers shall include the plural, and the plural shall include 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, designed to be used or occupied". The word "person" shall include an individual, corporation, partnership, incorporated association, or any other entity.

### **SECTION 201 DEFINITIONS**

The following words and phrases shall have the particular meaning specified for the purpose of this Ordinance.

**ABANDONED:** The relinquishment of property or a cessation of the use or structure of the property by the owner with the intention neither of transferring rights of the property to another owner nor of resuming the use of the property or has not actively advertised said property for sale or lease for twelve (12) consecutive months.

**ACCESSORY STRUCTURE:** A structure, which is on the same lot, but detached from the principal structure, and which is customarily incidental and subordinate to the principal structure, including, but not limited to, private garages and storage sheds.

**ACCESSORY DWELLING UNIT:** A dwelling unit, as defined by this Ordinance, that is either attached to the principal permitted building or to a permitted accessory building on a lot that serves as a mother-in-law-type suite, or a granny-flat-type suite, and not including units to be used as a rental unit or short-term rental unit.

**ACCESSORY SOLAR ENERGY SYSTEM (ASES):** An area of land, or other area, used for a solar collection system used to capture solar energy, convert it to electrical energy or thermal power, and supply electrical or thermal power primarily for on-site consumption and not for distribution to or use by any other structure or party on any other lot or parcel. An accessory solar energy system consists of one (1) or more free-standing ground or roof-mounted solar energy arrays or modules, or solar-related equipment and is intended to primarily reduce on-site consumption of utility power or fuels. An accessory solar energy system is an accessory use and must be subordinate to the principal use on the property. ASES may be found nationally, regionally, and locally, to be associated on the same lot with both residential and non-residential uses.

**AGRICULTURE:** Growing or producing for use on the lot or for sale: domestic livestock, farm grains, feeds or hay, fruits, nursery stock, vegetables, dairy products, poultry, eggs, or other crops or produce typical of farm activity in the County of Lawrence and related use of equipment and structures necessary for the foregoing purposes.

**AGRICULTURAL SERVICES:** The use of land, structures, or buildings for the purposes of buying and selling commodities and services that are necessary to support agricultural operations but does not include any manufacturing, assembling, processing, warehousing or construction use.

**ALTERATION:** Any change or rearrangement in the structural parts or in the existing facility of a building or structure, or any enlargement thereof, whether by extension on any side or by increase in height, or the moving of such structure from one location to another.

**ANCILLARY COMMERCIAL:** Supporting retail, personal or business services for the convenience

of the employees and visitors to a business park, including, but not limited to, a newsstand, travel agency, florist shop, card and gift shop, restaurant or delicatessen, sale of office supplies, copy service and similar facilities.

**ANIMAL DAYCARE:** An establishment where domestic animals are groomed, trained, exercised, and socialized, but only for part of the 24-hour day.

**ANIMAL SHELTER:** A facility where stray, lost, abandoned, or surrendered animals, mostly dogs and cats, and sometimes sick or wounded wildlife are kept and rehabilitated.

**ART STUDIO:** See MUSIC AND ART STUDIO.

**ASSISTED LIVING FACILITY:** A facility designed to provide individual dwelling units for elderly persons who are independently mobile and are not in need of the level of service provided by a personal care boarding home, where there is on-site supervision and assistance available to the residents on an occasional, "as needed", basis and where at least one (1) meal each day is provided in a common dining area and which includes certain design features associated with the needs of the elderly, which are not customary in the construction of conventional dwelling units, such as emergency call systems, handicapped facilities, common dining facilities, common laundry facilities, minimal housekeeping services, common leisure and recreational facilities, transportation service and similar supporting services for the convenience of the residents.

**AUTOMOTIVE SALES, RENTAL AND SERVICE:** The retail sales, rental and service of automobiles, motorcycles and trucks under 26,000 GVW, but not including any heavy equipment or any other vehicle which is not classified as a "motor vehicle" under the Pennsylvania Motor Vehicle Code, and which may include the servicing and repair of customers' vehicles, as an Accessory Use.

**BAKERY:** A retail store, which sells baked goods to businesses and the general public, which may involve onsite processing of the goods offered for sale on the premises, and which may include onsite processing of goods for delivery to other retail or wholesale outlets, as an Accessory Use.

**BANQUET FACILITY:** A permanent structure that is used as a venue for the commercial purpose of hosting wedding, receptions, and other gatherings, or a permanent structure which is sometimes used for the commercial purpose as a venue for weddings, receptions, and other gatherings, to include birthday parties, retirement parties, anniversary parties, graduation parties, formal dinners, and business engagements.

**BAR/NIGHT CLUB:** Any bar, cocktail lounge, discotheque, or similar establishment, which may also provide live entertainment (music and/or dancing, comedy, etc.) in conjunction with alcoholic beverage sales. This use also includes taverns, pubs, and similar establishments. Any food service is subordinate to the sale of alcoholic beverages. These facilities do not include bars that are part of a larger restaurant where the principal income for the business is generated from food sales.

**BARN:** A building that is used for storing agricultural equipment, hay, grain, and other crops, and often for housing livestock.

**BASEMENT:** A story having more than fifty percent (50%) of its wall area below the grade of the surrounding ground.

**BED AND BREAKFAST:** A dwelling which is the principal residence of the operator where no more than four (4) sleeping rooms are offered to transient overnight guests for compensation and where the only meal served and included with the overnight accommodations is breakfast.

**BOARD:** The Zoning Hearing Board of Neshannock Township, Lawrence County, Pennsylvania.

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

**BUFFER AREA:** A landscaped area of a certain depth specified by this Ordinance, 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.

**BUILDER'S SUPPLY:** A retail store which sells primarily raw building or landscape materials, including, but not limited to, lumber, stone, and topsoil.

**BUILDING:** A roofed structure, whether or not enclosed by walls, to be used for shelter, enclosure or protection of persons, goods, materials or animals.

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

**BUILDING HEIGHT:** See HEIGHT OF PRINCIPAL BUILDING and HEIGHT OF ACCESSORY BUILDING.

**BUILDING LINE (SETBACK):** A line parallel to, or concentric with the centerline of the abutting road right-of-way, which is at a distance from the centerline, the measurement of which is the front yard depth, and the line defining rear and side yards where required, except on Route 18 where the front yard is measured from the centerline of the cartway.

**BUILDING PERMIT:** A permit issued by the Township Building Code Official prior to the enlargement, structural alteration, construction, reconstruction, removal, or relocation of any structure.

**BUSINESS:** Any premises operated for an authorized use by a single legal entity separate and independent from any other legal entity, including separate franchises operating the same or similar uses.

**CAR WASH:** Any facility, including self-service facilities, whether automatic, semi-automatic or manual, for washing and polishing vehicles.

**CARTWAY:** The paved portion of the street right-of-way that is surfaced for vehicular travel, excluding curbs and shoulders.

**CASINO:** A business establishment where the Principal Use is legal gambling activities and that may also include a restaurant or nightclub as an Accessory Use.

**CEMETERY:** Property used for interring dead persons or domestic pets, including mausoleums and columbariums, but not including crematoriums or private burial plot.

**CHANGE IN USE OR OCCUPANCY:** Any change from one use defined by this Ordinance to another of any building, structure, or use of land.

**CHURCH:** A building, other than a dwelling, used primarily as a place of worship for a recognized religious denomination, which may also include as accessory uses, rooms for religious education, social and recreational activities, and administrative offices.

**CIGAR/HOOKAH BAR/LOUNGE:** An establishment designated for smoking cigars and other tobacco products or accessories purchased on the premises or elsewhere.



**CLEAR SIGHT TRIANGLE:** An area of unobstructed vision at intersections defined by lines of sight between points.

**COMMERCIAL AMUSEMENT:** An enterprise operated for profit by other than a public entity completely within an enclosed structure for the pursuit of sports, recreation, and entertainment activities, including, but not limited to, such establishments as theaters, dance halls, bowling alleys, fitness centers, indoor racquet clubs and the like.

**COMMONWEALTH:** The Commonwealth of Pennsylvania.

**COMMUNICATIONS ANTENNA:** Any structure designed for transmitting or receiving wireless communications of video, voice, data or similar transmission, including, but not limited to, omnidirectional or whip antennas, directional or panel antennas, and satellite or microwave dish antennas, which may be mounted to an existing building, an existing public utility storage or transmission structure, or an existing communications tower, but not including transmission and receiving devices licensed by the Federal Communications Commission (FCC) exclusively for private use by citizens, or any satellite dish antenna for private use by citizens, which is less than twenty-four (24) inches in diameter.

**COMMUNICATIONS EQUIPMENT BUILDING:** A manned or unmanned structure which contains the equipment necessary to maintain and operate communications antennas and which covers an area on the ground in excess of two hundred (200) square feet.

**COMMUNICATIONS TOWER:** Any structure, whether freestanding or attached to a building, designed to support multiple communications antennas, including monopole, self-supporting and guyed towers and one (1) or more of the following mounts for antennas: rotatable platform, fixed platform, multi-point or side arm mounts and pipe mounts for microwave dish antennas.

**CONFERENCE AND TRAINING CENTER:** A facility used for corporate or professional meetings, seminars and/or employee training, which may include supporting dining and lodging facilities and related recreational facilities as accessory uses.

**CONTRACTOR'S OFFICE/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.

**CONSTRUCTION:** Includes the placing, of materials in permanent position and fastening in a temporary or permanent position and/or the demolition of a preexisting building, including a mobile home.

**CONVENIENCE STORE:** A retail establishment offering for sale a limited selection of goods, such as food products, household items, and other goods commonly associated with the same and generally having a gross floor area of less than 10,000 square feet. Convenience stores may sometimes be located in conjunction with a gas/fuel station.

**CONVERSION APARTMENT:** A single family dwelling which has been modified internally without substantial modifications to the exterior of the building to accommodate two (2) or more families in separate dwelling units, each of which has independent cooking and sanitary facilities.

**CORRECTIONAL INSTITUTION:** A place where charged or convicted criminals or juvenile delinquents are confined, detained or held in custody.

**CREMATORIUM:** A location containing properly installed, certified apparatus intended for use in the act of cremation. A crematorium shall not be considered an accessory use to a funeral home.

**DATA CENTER:** A data center or centre is a building, a dedicated space within a building, or a group of buildings used to house computer systems and associated components, such as telecommunications and storage systems.

**DAY CARE CENTER:** A facility, licensed by the Commonwealth located within a building, which is not used as a dwelling unit, for the care during part of a twenty-four (24) hour day of children under the age of sixteen (16), or handicapped, or elderly persons.

**DAY CARE, HOME:** A facility, licensed by the Commonwealth, located within a dwelling, for the care on a regular basis during part of a twenty-four (24) hour day of not more than six (6) children under sixteen (16) years of age, excluding care provided to children who are relatives of the provider. Such use shall be secondary to the use of the dwelling for living purposes and persons who do not reside in the dwelling shall not be employed.

**DAY SPA:** A leisure business establishment that provides a combination of the following body wellness, therapy or beauty services to customers who do not stay overnight on the premises: massage therapy (provided by a massage therapist licensed by the Commonwealth), facials, body wraps, tanning, floatation therapy steam or sauna baths, herbal treatments, hairstyling, manicures, pedicures, nutritional counseling, yoga, exercise, aromatherapy, reflexology and relaxation therapy.

**DENSITY:** The number of dwelling units on a lot, or group of lots divided by the area in acres of the lot, or group of lots, computed exclusive of any portion of the right-of-way of any public road.

**DISTRIBUTED ANTENNA SYSTEM (DAS):** Network of spatially separated antenna sites connected to a common source that provides wireless service within a geographic area or structure.

**DISTRIBUTION CENTER:** An establishment primarily engaged in the receipt, storage, and distribution of goods, products, cargo, and materials, including trans-shipment by rail or motor vehicle.

**DOMESTIC PETS:** Animals, fish, or fowl 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 or canaries; and similar small animals and 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 found in a zoo; nor any horses, any pigs, chickens or other fowl or livestock normally found on a farm.

**DOMICILIARY CARE:** Care provided in the provider's dwelling unit to no more than three (3) persons aged eighteen (18) years or older who need assistance with daily activities and are unable to live alone, where the provider of the dwelling unit is certified by the Area Agency on Aging.

**DRILLING:** The drilling or re-drilling of a well or the deepening of an existing well.

**DRIVE-THRU:** Any Accessory Use which involves a window, service lane, bay, or other facility where customers are provided service while inside their vehicles.

**DRIVEWAY:** A private vehicular access route serving one (1) or more parcels or lots, maintained individually by the owner of a single lot or parcel or in common by the owners of several lots or parcels, which provides direct access to a public street.

**DRUG AND/OR ALCOHOL COUNSELING CENTER:** A clinic, other than a methadone clinic, that

provides social and rehabilitative services to persons recovering from substance abuse.

**DRY CLEANING DROP-OFF AND PICK-UP ONLY:** A retail establishment for the drop of and collection of personal clothing and fabric that has been cleaned with the use of chemical solvents rather than water, at an off-site location.

**DRY CLEANING FACILITY WITH DROP-OFF AND PICK-UP:** An establishment for the cleaning of clothing and fabric with chemical solvents rather than water, where clothing can both be dropped off for service and picked-up when service is completed.

**DRY CLEANING FACILITY WITHOUT DROP-OFF AND PICK-UP:** An establishment for the cleaning of clothing and fabric with chemical solvents rather than water.

**DWELLING:** Any building designed or used as permanent living quarters for one or more residents, not including hotels, motels or lodging or boarding houses.

**DWELLING, DETACHED:** A dwelling, which is surrounded on all sides by open space, and which is not attached to any other dwelling by a common vertical wall or any other means.

**DWELLING: MULTI-FAMILY:** A residential building or portion thereof containing three (3) or more dwelling units.

**DWELLING, SINGLE FAMILY DETACHED:** A residential building containing one (1) dwelling unit, which has a minimum habitable floor area of nine hundred (900) square feet, with the exception of a Tiny Home as defined by this ordinance, and which is the only principal building on the lot.

**DWELLING QUADRUPLEX:** A multi-family building, containing only four (4) dwelling units in one (1) structure, each of which has two (2) walls exposed to the outside and each unit shares two (2) common walls with adjoining units, which are placed at right angles to one another, rather than in a row, and which units have no other units above or below which share common floors/ceilings.

**DWELLING, TOWNHOUSE:** A single-family dwelling unit, with its own separate entrance to the outside, constructed in a group of three (3) or more like dwelling units that are separated by unpierced common walls that extend from the foundation to the roof, with no interconnectivity between the units.

**DWELLING, TWO FAMILY:** A residential building containing two (2) independent dwelling units, each having separate entrances, and which is the only principal building on the lot.

**DWELLING UNIT:** One (1) or more rooms, not part of a hotel/motel, designed for and occupied for residential living purposes and collectively containing cooking, living, sanitary, and sleeping facilities. All rooms comprising a dwelling unit shall have access through an interior door to other parts of the dwelling unit.

**ELECTRIC VEHICLE:** A vehicle, which is powered by an electric motor drawing current from rechargeable storage batteries, fuel cells, or other portable sources of electrical current, and which may include a non-electrical source of power designed to charge batteries and components thereof.

**ELECTRIC VEHICLE CHARGING STATIONS:** A public or private parking space that is served by battery charging station equipment and has its primary purpose of transferring electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle. This use shall be considered an Accessory Use.

**EMERGENCY SERVICES:** Facilities owned and operated by a public or non-profit agency, which provide services related to the protection of public safety and welfare, including emergency medical

services, emergency management services, police protection, and similar facilities. (See FIRE DEPARTMENT, which is separately defined and regulated.)

**ESSENTIAL SERVICES:** The erection, construction, alteration, or maintenance of underground or overhead gas, electrical, steam or water transmission, or distribution systems, collection, communication, supply or disposal systems, excluding communications towers and communications antennas, as defined herein.

**EXOTIC ANIMAL:** Any animal that would typically be seen at a zoo including, but not limited to, lions, tigers, bears, ocelots, or other feral cats, large or poisonous snakes, alligators, and monkeys and is not a domestic pet or farm animal.

**FAMILY:** A single person occupying a dwelling or dwelling unit and maintaining a household; two or more persons related by blood, marriage, or adoption occupying a dwelling until and maintaining a household; unrelated persons, not exceeding the number of bedrooms within a dwelling or dwelling unit and maintaining a household.

**FARM:** Any lot or group of contiguous lots under single ownership used for agriculture, as defined by this Ordinance.

**FARM ANIMAL:** Any animal that has been bred and/or raised to live in human habitation, not necessarily as an asset, is dependent on people for food and shelter, and is over (200) pounds, including, but not limited to, cows, miniature cows, pigs, potbelly pigs, goats, Shetland ponies, ostriches, and emus.

**FINANCIAL INSTITUTION:** A bank, credit union, savings and loans association, or similar institution that lends money or is engaged in finance-related business.

**FINANCIAL INSTITUTION WITH DRIVE-THRU FACILITIES:** A bank, credit union, savings and loans association, or similar institution that lends money or is engaged in finance-related business, along with associated drive-thru facility.

**FIRE DEPARTMENT:** An establishment owned and maintained by a public agency or a private non-profit organization, which is engaged in firefighting and other related fire protection services.

**FITNESS CENTER:** See HEALTH CLUB OR FITNESS CENTER.

**FLOOR AREA OF A BUILDING:** The sum of the gross horizontal area of the several floors of a principal building on the same lot. All dimensions shall be measured between the exterior faces of walls.

**FLOOR AREA, GROSS:** The sum of the horizontal areas of the several floors of a principal building or buildings on a lot, measured between exterior faces of the walls.

**FLOOR AREA, HABITABLE:** The aggregate of the horizontal areas of all rooms used for habitation, such as living room, dining room, kitchen, bedroom, and family room, but not including hallways, stairways, cellars, attics, service rooms, utility rooms, bathrooms, closets, or unheated areas, such as enclosed porches.

**FLOOR AREA, NET:** The total floor area of a principal building or buildings designed for tenant occupancy, excluding halls, corridors, stairwells, elevator shafts, equipment rooms, restrooms, lunchrooms, file rooms, storage rooms, interior vehicular parking and loading areas and other areas used in common by tenants of the building and/or not accessible to the general public, expressed in square feet and measured from the centerline of joint partitions and the exterior face of the outside

walls.

**FOOD TRUCK:** (Mobile Food Vendor) A mobile kitchen that serves food or beverages from an enclosed, self-contained, motorized vehicle or is towed by an operable motorized vehicle.

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

**FREIGHT TERMINAL:** A terminal with the capability of handling a large variety of goods involving various forms of transportation and providing multimodal shipping capabilities, such as rail to truck and truck to air.

**FUNERAL HOME:** An establishment engaging in preparing the dead for burial and conducting funerals. This use does not include any cremation services.

**GARAGE, PRIVATE:** An accessory building or part of a principal building used only for the storage of private motor vehicles and other personal effects of the occupants of the principal structure.

**GARAGE, PUBLIC:** Any garage, other than a private garage, available to the general public, which is used for storage, parking or rental of motor vehicles, but which is not used for the repair or maintenance of motor vehicles.

**GAS/FUEL STATION:** A building(s), premises, or portions thereof, which are used, arranged, designed, or intended to be used for the retail sale of gasoline or other fuel for motor vehicles. This land use classification shall include electric recharge stations for electric motor vehicles. A gas station may include one or more of the following uses.

1. **GAS/FUEL STATION WITH A CARWASH:** A gas/fuel station and the associated carwash facilities.
2. **GAS/FUEL STATION WITH CONVENIENCE STORE:** A gas/fuel station and the associated convenience store attached to the use.
3. **GAS/FUEL STATION WITH DRIVE-THRU:** A gas/fuel station and the associated drive-thru facilities, as described in this Ordinance.
4. **GAS/FUEL STATION WITH A RESTAURANT:** A gas/fuel station and the associated fast service restaurant.

**GLARE:** The effect produced by light with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

**GOLF COURSE OR COUNTRY CLUB:** 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, practice facilities, facilities for racquet sports, maintenance facilities and similar facilities as Accessory Uses.

**GOVERNMENT OFFICES:** An office of any federal, state, or local government or agency.

**GREENHOUSE/NURSERY:** A retail or wholesale business that sells flowers, plants, shrubs, trees, and other natural flora and products that aid their growth and care and that may include a greenhouse and/or the growing of plant material outside on the lot. See also "Sheds" with regards

to residential greenhouses.

**GROUP CARE FACILITY:** A dwelling unit that houses at least three (3), but no more than eight (8) residents who maintain a common household and practice on a permanent or long-term basis, a joint economic, social and cultural life where support services including, supervision, personal care, social or counseling services and transportation to persons who need such assistance because of physical disability, old age, mental retardation or other "handicap" or "disability" as defined by the Fair Housing Amendments Act or the Americans with Disabilities Act; but shall not involve the housing of persons on a transient basis, nor shall it involve the housing or treatment of persons who are criminal offenders, juvenile offenders or delinquents or any persons who have been found by any governmental tribunal, court or agency to be a danger to society, or who are on release or are under the jurisdiction of the criminal justice system, a governmental bureau of corrections or similar institution.

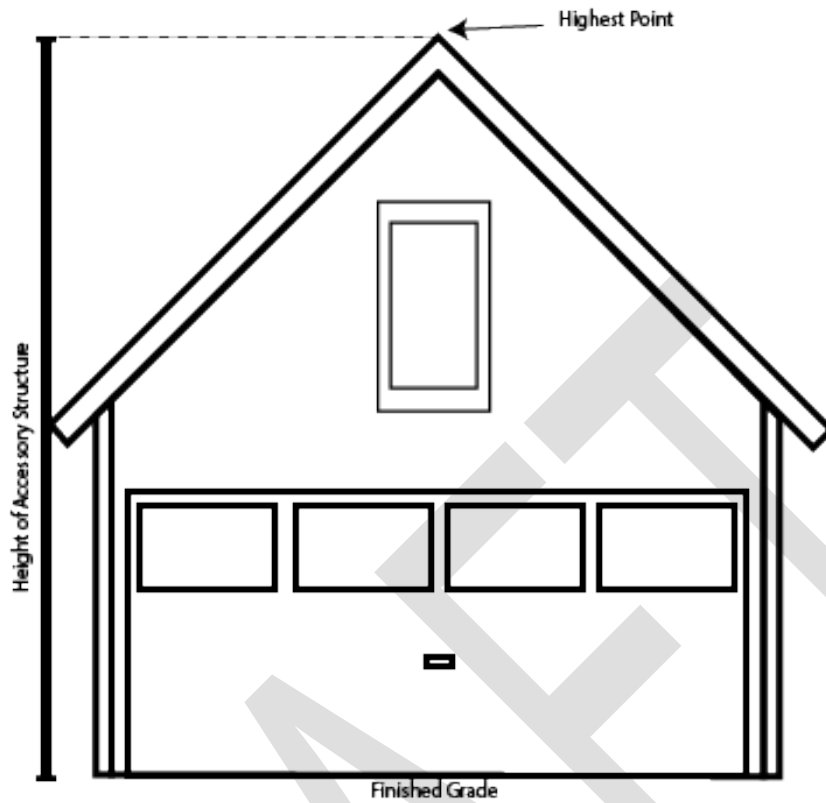
**GUN RANGE, INDOOR:** A fully enclosed, indoor facility used for shooting and/or firing of guns, rifles and other similar weapons on a range(s) to an intended target of any type. An indoor facility that may or may not include a clubhouse but which includes facilities for one or more of the following activities: archers, target shooting, skeet or tarp shooting, marksmanship and other similar activities.

**GUN RANGE, OUTDOOR:** A facility that may include an indoor and outdoor facilities used for shooting and/or firing of guns, rifles and other similar weapons on a range(s) to an intended target of any type. An indoor facility that may or may not include a clubhouse but which includes facilities for one or more of the following activities: archers, target shooting, skeet or tarp shooting, marksmanship and other similar activities.

**HEALTH/ATHLETIC CLUB OR FITNESS CENTER:** A commercial recreational enterprise or private club that has a Principal Use, a gymnasium, swimming pool or other sports facility, and that may offer massages, whirlpool baths, steam rooms, saunas and/or medical facilities as Accessory Uses to the Principal Use.

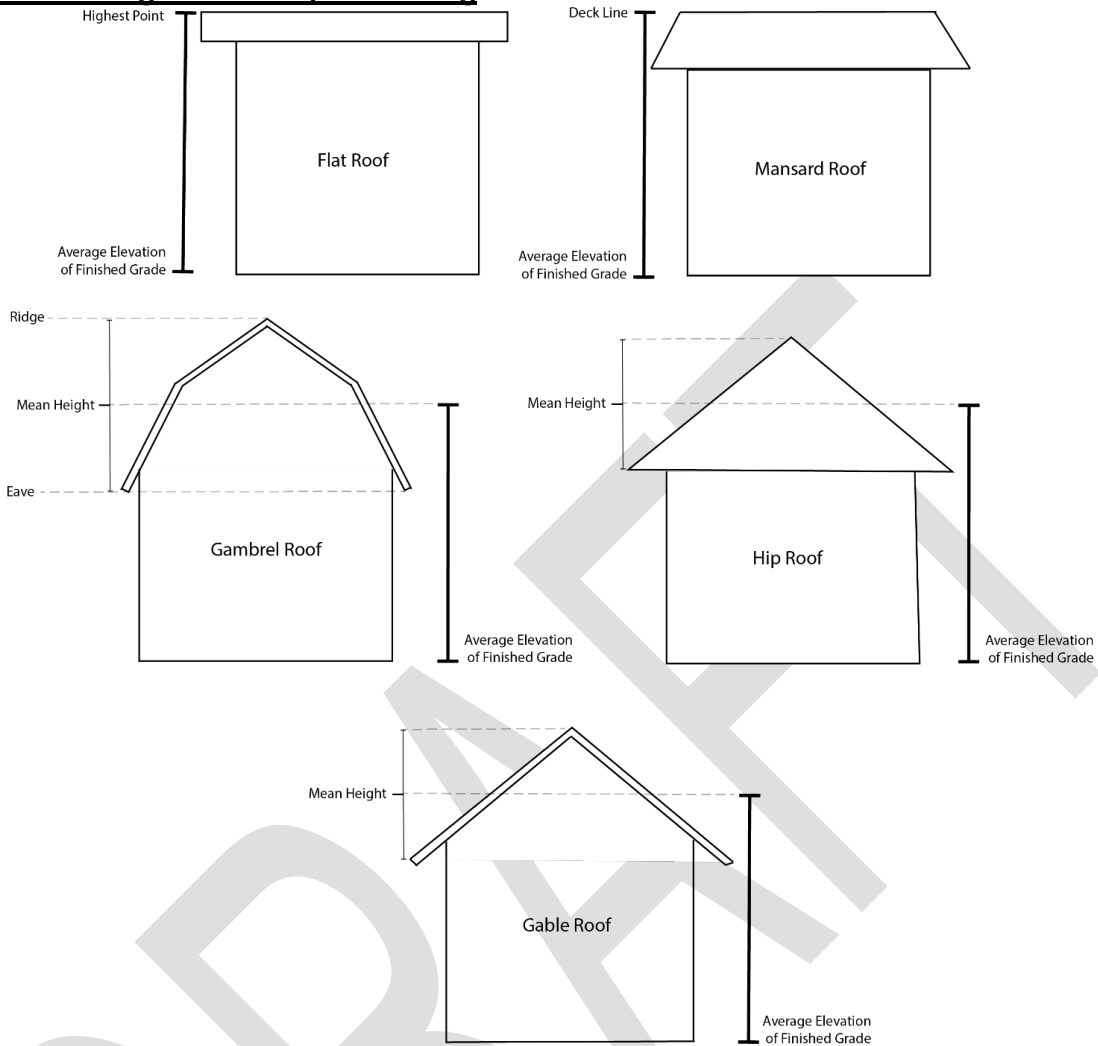
**HEIGHT OF ACCESSORY BUILDING:** The vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the roof.

**Figure 200 – Height of an Accessory Building**



**HEIGHT OF PRINCIPAL BUILDING:** 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 deck lines of mansard roofs, and to the mean height between eaves and ridge for gable, hip, and gambrel roofs.

**Figure 201 – Height of Principal Building**



**HEIGHT OF STRUCTURE:** The vertical distance from the average elevation of the finished grade at the front of the structure (that side of the structure that faces the front lot line) to the highest point on the structure.

**HIGH-FREQUENCY AMATEUR RADIO:** The amateur and amateur-satellite services are for qualified persons of any age who are interested in radio technique solely with a personal aim and without pecuniary interest. These services present an opportunity for self-training, intercommunication, and technical investigations. Twenty-nine small frequency bands throughout the spectrum are allocated to this service internationally and regulated by the FCC.

**HOBBY FARM:** A farm, as defined herein, located on a tract, which has less than the ten (10) acres required by this Ordinance for a farm, but which meets the minimum acreage requirements for a Hobby Farm, which is an accessory to a single family dwelling, and which is for the personal use and enjoyment of the residents and does not constitute the principal economic activity of the residents.

**HOME DAYCARE:** A facility, licensed by the Commonwealth, located within a dwelling, for the care on a regular basis during part of a twenty-four (24) hour day of not more than six (6) children under sixteen (16) years of age, excluding care provided to children who are relatives of the provider. Such use shall be secondary to the use of the dwelling for living purposes, and persons who do not reside in the dwelling shall not be employed.



**HOME OCCUPATION:** Any use of a dwelling, other than a no impact home-based business, of a service character conducted entirely within the dwelling by the residents thereof, which is clearly secondary to the use of the dwelling or living purposes and which does not change the residential character of the dwelling or the surrounding neighborhood.

**HOSPITAL:** An establishment (including sanitariums) for the short-term care of patients suffering from physical or mental illnesses, but not including narcotics, addiction, or those found to be criminally insane, and which may or may not include facilities for major surgery and which may be publicly or privately operated.

**HOTEL:** A facility offering transient lodging accommodations to the general public that are accessed from doorway internal to the building and which may provide additional services, such as restaurants, meeting rooms, and recreational facilities.

**HUNTING OR FISHING CLUB:** A legally chartered organization for the pursuit of hunting, fishing, marksmanship, and related activities that may or may not include a clubhouse and that has a roster membership and a regular calendar of activities limited to members and their guests.

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

**INDOOR AMUSEMENT:** An enterprise operated for profit by other than a public entity completely within an enclosed structure for the pursuit of sports, recreation, and entertainment activities, including, but not limited to, such establishments as theaters, dance halls, bowling alleys, fitness centers, indoor racquet clubs and the like.

**JUNK VEHICLE:** A vehicle which is inoperative or unable to meet the vehicle registration and inspection standards under the Pennsylvania Motor Vehicle Code. The term does not include a vehicle which would qualify as an antique or classic vehicle, except for its lack of restoration or maintenance.

**JUNK YARD:** Land or structure used for the collection, storage, processing and/or sale of scrap metal, scrapped, abandoned, or junked motor vehicles, machinery, equipment, waste paper, glass, rags, containers and other discarded materials. Under this Ordinance, two (2) or more scrapped, abandoned, or junked motor vehicles shall constitute a junk yard. Refuse or garbage kept in a proper container for prompt disposal shall not be regarded as a junk yard.

**KENNEL:** An establishment where more than three (3) dogs or more than six (6) cats who are more than six (6) months old are bred, trained and/or boarded.

**LANDFILL:** Any site licensed by the Pennsylvania Department of Environmental Protection (DEP) for the disposal of solid waste, other than hazardous waste, as defined and regulated by Federal Statute.

**LAUNDRY FACILITY:** A business that provides home-type washing, drying, or ironing machines, or dry-cleaning machines for hire to be used by customers on the premises.

**LIBRARY:** Public or non-profit establishments engaged in the provision and circulation of books and other printed and electronically produced materials for reading, study, research, and reference.

**LOADING SPACE:** A portion of a lot used for the standing, loading, or unloading of motor vehicles.

**LOT:** A tract or parcel of land or several contiguous tracts or parcels under common ownership described in deeds or other instruments pursuant to the laws of the Commonwealth and which are used or proposed to be used or developed as a single entity under the terms of this Ordinance.

**LOT AREA:** That area measured on a horizontal plane bounded by the front, rear, and side lot lines, exclusive of any area within a street right-of-way.

**LOT DEPTH:** Lot depth is measured along an imaginary straight line drawn from the midpoint of the front property line of the lot to the midpoint of the rear property line or to the most distant point on any other lot line where there is no rear lot line.

**LOT, CORNER:** A lot at the intersection of, and fronting on, two (2) or more street rights-of-way.

**LOT COVERAGE:** That portion of the lot area covered by the footprint on the ground of all principal and accessory structures expressed as a percentage of the total lot area.

**LOT, FLAG:** A lot surrounded by another lot or lots on all side and where access to such lot is by means of a narrow strip of lot or easement. The narrow strip of lot or easement shall be termed as the flagpole portion of the lot.

**LOT, NON-CONFORMING:** Any lot which does not comply with the applicable area and bulk provisions of this Ordinance, or an amendment hereafter enacted, which lawfully existed prior to the enactment of this Ordinance or any subsequent amendment.

**LOT LINE, FRONT:** That line which bounds the lot contiguous with the street right-of-way line.

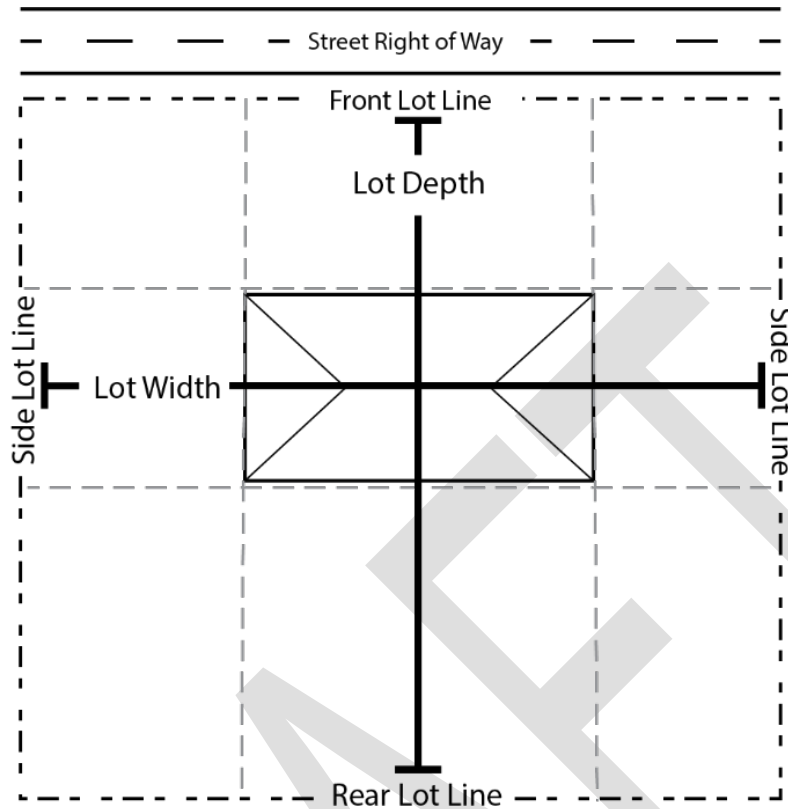
**LOT LINE, REAR:** That line which is generally opposite to the front lot line.

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

**LOT OF RECORD:** Any lot which is contained in a plan or subdivision duly recorded in the Office of the Recorder of Deeds of Lawrence County.

**LOT WIDTH:** The straight-line distance between the point of intersection of the building line with the side lot lines.

**Figure 202. - Lot Lines**



**MANUFACTURING, HEAVY:** Any manufacturing process that is not included in the definition of "light manufacturing".

**MANUFACTURING, LIGHT:** The processing or fabrication of materials and products which do not produce noise, vibration, air or water pollution, fire hazards or other disturbances or danger to other properties.

**MASSAGE PARLOR:** Any establishment that is not a sexually-oriented business and not a medical clinic operated by a medical practitioner, chiropractor, or professional physical therapist, that provides services of massage or body manipulation by a massage therapist licensed by the Commonwealth, including exercises, heat and light treatments of the body, and all forms of physiotherapy; not including any health/athletic club, school, gymnasium, or hotels similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service to the principal service.

**MEDICAL 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/or dentists or other licensed medical practitioners and their supporting staff, where said patients are not provided with board or room or kept overnight on the premises.

**MEDICAL MARIJUANA:** Marijuana for certified medical use as set forth in the Pennsylvania Medical Marijuana Act and any subsequent amendments thereto.

**MEDICAL MARIJUANA DISPENSARY:** The use of the premises by a person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, holding a permit issued by the Commonwealth of Pennsylvania Department of Health, to dispense Medical Marijuana, or as otherwise defined in any subsequent amendments to the Medical

Marijuana Act, Act 16 of 2016.

**MEDICAL MARIJUANA GROWER/PROCESSOR:** The use of the premises by a person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, holding a permit issued by the Commonwealth of Pennsylvania Department of Health, to grow and process Medical Marijuana, or otherwise defined in any subsequent amendments to the Medical Marijuana Act, Act 16 of 2016.

**METHADONE CLINIC:** A facility licensed by the Pennsylvania Department of Health to use the drug methadone in the treatment, maintenance, or detoxification of persons.

**MICRO-BREWERY/DISTILLERY:** An establishment that brews, distills, and produces 15,000 gallons or less of alcoholic beverages for consumption on site with distribution. This use does not include any restaurant services and is primarily for the production and sale of alcoholic beverages.

**MICRO-BREWERY PUB:** An establishment that's brews, distills, and produces 15,000 gallons or less of alcoholic beverages for consumption on site with distribution. Such uses may be in combination with restaurants or remain independent, and they may also have "tasting rooms" and retail sales of the product.

**MINERAL REMOVAL:** Any extraction of any mineral for sale or other commercial purposes, 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. Mining activities carried out beneath the mine openings are not included in this definition.

**MOBILE HOME:** A structure transportable in one (1) or more sections which is built on a chassis and is designed to be used as a dwelling unit with or without permanent foundation, when connected to required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein. A mobile home is intended to be occupied as a dwelling complete, including major appliances, often furniture, and contains sleeping accommodations, a flush toilet, an enclosed tub or shower bath, kitchen facilities and interior plumbing, heating and electrical systems meeting the requirements of the Township, County and State regulations pertaining to building construction for human habitation.

**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, which is leased by the park owner to the occupants of the mobile home erected on the lot.

**MOBILE HOME PARK:** A parcel of land under single ownership, which has been planned and improved for the placement of mobile homes for non-transient use, consisting of two (2) or more mobile home lots.

**MOTEL:** A structure in which lodging is provided for the accommodation of guests, offered to the public for compensation, which contains an office supervised by a person in charge at all hours with a majority of all rooms having direct access to the outside.

**MOVIE THEATER:** A specialized theater for showing movies or motion pictures, excluding any sexually oriented business.

**MULTI-STORY BUILDING:** Any building having two (2) or more stories that does not exceed the height limitations of the Zoning District in which it is located.

**MUSEUM:** An institution, building, or room for preserving and exhibiting artistic, historical, or

scientific objects.

**MUSIC AND ART STUDIO:** Establishments engaged in the creation, display and sale of music, photography and art products and supplies and which may include training of individuals or groups of students.

**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 and which use complies with all of the following requirements:

The business activity shall be compatible with the Residential Use of the property and surrounding Residential Uses. The business shall employ no employees other than family members residing in the dwelling.

1. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
2. There shall be no outside appearance of a business use, including, but not limited to, parking, signs, or lights.
3. The business activity shall 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.
4. The business activity shall not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with Residential Use in the neighborhood.
5. The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five (25) percent of the habitable floor area.
6. The business shall not involve any illegal activity.

**NON-CONFORMING STRUCTURE:** A structure, or part of a structure, manifestly not designed to comply with the applicable area, bulk or other provisions in this Ordinance or an amendment hereafter enacted, which lawfully existed prior to the enactment of this Ordinance or any subsequent amendment. Such non-conforming structures include, but are not limited to, non-conforming signs.

**NON-CONFORMING USE:** A use, whether of land or of structure, which does not comply with the applicable use provisions in this Ordinance or an amendment hereafter enacted, which lawfully existed prior to the enactment of this Ordinance or any subsequent amendment.

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

**NURSING HOME:** An institution licensed by the Commonwealth for the long-term care of patients requiring skilled nursing or intermediate nursing care, but not including facilities for major surgery or care and treatment of narcotics addiction.

**OFFICE, CORPORATE AND PROFESSIONAL:** A room or group of rooms used for conducting the administrative affairs of a business, profession, service, industry, or government, generally furnished

with desks, tables, files and communications equipment.

OIL AND GAS OPERATIONS FACILITY OR FACILITIES:

DRILLING EQUIPMENT: The derrick, all parts and appurtenances to such structure and every piece of apparatus, machinery or equipment used, erected, or maintained in connection with oil and gas operations, as defined herein.

COMPRESSOR STATION: A device used alone or in series to raise the pressure of natural gas and/or by-products to create a pressure differential to move or compress a liquid, vapor, or gas.

HYDRAULIC FRACTURING (FRACKING): The process of injecting water, customized tracking fluid, steam, or gas into an oil or gas well under pressure to break apart rock layers, in order to release gas and improve recovery of gas.

IMPOUNDMENT: An open, earthen receptacle used to store fresh water, wastewater or other fluids produced by or used exclusively for oil and gas operations at one (1) or more well sites.

GAS WELL: A well drilled for the intent of extracting gas or other hydrocarbons from beneath the surface of the earth. The two types of gas wells regulated by this Ordinance are:

- 1) GAS WELL, CONVENTIONAL: A conventional drilling technique in which the drilling is entirely vertical, is of a shallower depth, less than 5,000 feet, and generally does not involve a fracturing process.
- 2) GAS WELL, UNCONVENTIONAL: A type of drilling using newer technology that drills to depths of 5,000 feet or more and includes horizontal drilling up to and in excess of one and a half (1½) miles from the deepest penetration of the drill site. Unconventional wells utilize a fracking process to extract the natural gas.

GATHERING SYSTEM FACILITY: A facility associated with a gathering system or water collection line such as a drip station, vent station, pigging facility, chemical injection station, or transfer pump station.

NATURAL GAS: A fossil fuel consisting of a mixture of hydrocarbon gases, primarily methane, and possibly including ethane, propane, butane, pentane, carbon dioxide, oxygen, nitrogen and hydrogen sulfide and other gas species. The term includes natural gas from oil fields known as associated gas or casing head gas from natural gas fields known as non-associated gas, coal beds, shale beds and other formations, but does not include coal bed methane.

NATURAL GAS COMPRESSOR STATION: A facility designed and constructed to compress natural gas and/or oil that originates from a single well site or a collection of such well sites, operating as a midstream facility for delivery of gas and/or oil to a transmission pipeline, distribution pipeline, processing plant or underground storage field, including one (1) or more natural gas and/or oil compressors, associated buildings, pipes, valves, tanks, and other equipment.

NATURAL GAS PROCESSING FACILITY: A facility that receives natural gas and associated hydrocarbons from a gathering line system serving one (1) or more well sites that compresses, condenses, pressurizes or otherwise treats natural gas, and which removes water and water vapor and/or separates materials such as ethane, propane, butane and other constituents or similar naturally occurring 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, including, but not limited to, cooling facilities, storage tanks, and related equipment and facilities.

OIL: Hydrocarbons in liquid form at a standard temperature of 60 degrees Fahrenheit and pressure of 14.7 PSIA, also referred to as “petroleum”.

OIL AND GAS OPERATIONS: Well location and assessment, including seismic operations, well site preparation, construction, drilling, hydraulic fracturing and site restoration associated with an oil or gas well of any depth; construction, installation, use, maintenance and repair of oil and gas pipelines and all equipment directly associated with oil and gas operations, provided the equipment is located at or immediately adjacent to a well site, impoundment, oil and gas pipeline, natural gas compressor station, or a natural gas processing plant.

While the PA Oil and Gas Act includes IMPOUNDMENTS, NATURAL GAS COMPRESSOR STATIONS and NATURAL GAS PROCESSING PLANTS in the definition of OIL AND GAS OPERATIONS, for the purposes of this Ordinance, these terms are separately defined so that they can be separately regulated in conformance with the authority granted by the PA Oil and Gas Act.

OIL AND GAS WELL: A bore hole drilled or being drilled as part of oil and gas operations for the purpose of, or to be used for, producing, extracting, or injecting gas, petroleum or another liquid related to oil and gas production or storage, including brine disposal, but excluding a bore hole drilled to produce potable water.

OIL AND GAS WELL HEAD (WELL BORE): The precise point of entry into the ground where drilling takes place including the structure that is placed over the opening upon completion of drilling and that is maintained during production.

OIL AND GAS WELL PAD: The disturbed area of the well site occupied by the well head, all drilling equipment and all surface facilities, structures and equipment incidental to oil and gas operations, but not including the access road.

OIL AND GAS WELL SITE: The area occupied by all equipment or facilities necessary for or incidental to drilling, production or plugging of a well, including, but not limited to, the access road, the well pad, tanks, meters, storage tanks, and impoundments.

OPERATOR: Any person, partnership, company or corporation and its subcontractors and agents who have an interest in real estate for the purpose of oil and gas operations or impoundments or who own and/or administer a natural gas compressor station or a natural gas processing facility.

PROTECTED STRUCTURE: Any occupied residence, business, school, church or public building located within one thousand (1,000) feet of a natural gas well head, as defined herein, that may be adversely affected by noise generated from the drilling or hydraulic fracturing at the well site, as defined herein, excluding any structure owned by an oil or gas lessor who has signed a lease with the operator granting surface rights to drill the subject well or whose owner or occupants have signed a waiver relieving the operator from complying with the noise abatement provisions of this Ordinance.

OUTDOOR AMUSEMENT: An enterprise operated for profit by other than a public entity, which is conducted wholly or partly outside an enclosed structure for the pursuit of sports, recreation and

amusement activities, including, but not limited to, such establishments as drive-in theaters, arenas, stadiums, racetracks, swimming pools, ballfields, parks, tennis courts, miniature golf courses, and the like.

**OVERLAY DISTRICT:** A zoning overlay district superimposes an additional set of regulation over existing zoning district, or multiple zoning districts. Zoning overlays, or overlay zoning, are zoning districts applied to specific geographies based on unique, defined criteria, which are in addition to the standards outlined for the underlying base zoning district. Where an overlay regulation conflicts with a base district regulation, the requirements of an overlay district shall supersede those of the base district.

**PARKING AREA:** A portion of a lot designated for the parking of motor vehicles in accordance with the requirements of this Ordinance.

**PARKING SPACE:** A portion of a parking area designated for the parking of one (1) motor vehicle in accordance with the requirements of this Ordinance.

**PERSONAL CARE BOARDING HOME:** A facility licensed by the Commonwealth located within a dwelling where room and board is provided to more than three (3), but no more than twelve (12) permanent residents, who are not relatives of the operator, and who are mobile or semi-mobile and require specialized services in such matters as bathing, dressing, diet, and medication prescribed for self-administration for a period exceeding twenty-four (24) consecutive hours, but who are not in need of hospitalization or skilled nursing care or intermediate nursing care.

**PERSONAL SERVICES:** Any enterprise providing services pertaining to the person, their apparel, or personal effects commonly carried on or about the person, including, but not limited to, shoe repair, tailoring, clothes cleaning (drop-off and pick-up only), watch repairing, barber shops, beauty parlors, diet, and nutritional counseling, fitness, or exercise salons, nail or tanning salons, and related activities. This definition does not include massage parlors, as defined in this Ordinance.

**PET GROOMING:** Any establishment that offers services for domestic pets, including, but not limited to, bathing, trimming, manicuring, massaging or other services to maintain the animals' well-being and which may sell pet care products and pet supplies as an Accessory Use, but not including a veterinary clinic or kennel, as defined herein.

**PET SERVICES:** A business establishment that sells pet food and other pet care products to the general public.

**PLACE OF WORSHIP:** A building, other than a dwelling, used primarily as a space for religious activities for a recognized religious denomination, which may also include Accessory Use rooms for religious education, social and recreational activities, administrative offices and preschool or elderly day care. Includes, but is not limited to, churches, mosques, and temples.

**PLANNED RESIDENTIAL DEVELOPMENT:** An area of land controlled by a single landowner and developed as a single entity for a number of dwellings, the development plan for which does not necessarily correspond in lot size, bulk, type of dwelling unit or use, density or intensity, lot coverage, or required open space to any one District in this Ordinance.

**PLANNING CODE:** The Pennsylvania Municipalities Planning Code, Act 247, of 1968, as amended.

**PLANNING COMMISSION:** The Neshannock Township Planning Commission of Lawrence County, Pennsylvania.

**PRINCIPAL BUILDING:** The building or buildings on a lot in which the Principal Use or uses are



conducted.

**PRINCIPAL SOLAR ENERGY SYSTEM:** An area of land, or other area, used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power, and supply electrical or thermal power primarily for off-site use. Principal solar energy system consists of one (1) or more free-standing ground, or roof-mounted collective devices, solar-related equipment and other accessory structures and buildings, including light reflectors, concentrators and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures.

**PRINCIPAL STRUCTURE:** The structure or structures in which the Principal Use or uses are conducted.

**PRIVATE BURIAL PLOT:** A permanent site for the interment of human remains located on private property, but not within a cemetery.

**PRIVATE NON-PROFIT MULTI-PURPOSE SPORTS AND RECREATIONAL FACILITIES:** Any combination of indoor and outdoor recreation and athletic facilities for active and passive recreation that may include, but not limited to, indoor and outdoor athletic fields, spectator stands or bleachers, exercise or walking trails, facilities for gymnastics or aerobic exercise, picnic shelters and day camping facilities. In addition, certain non-sports and recreation activities that are subordinate and secondary to the athletic facilities, including snack bar, pro-shop, locker rooms, comfort facilities, administrative offices, and the like.

**PROPERTY LINE:** The lot lines that bound a lot. When a lot line is coterminous with the centerline of a street, the property line shall be considered the nearest edge of the right-of-way of that street adjacent to the lot.

**PUBLIC:** Owned, operated, or controlled by a government agency, Federal, State, County or local.

**PUBLIC PARKS AND PLAYGROUNDS:** Outdoor recreation facilities available to the general public, owned by a government agency, for the pursuit of sports, recreation and leisure activities.

**PUBLIC STREET RIGHT-OF-WAY:** Land dedicated and accepted by the Township, County, Commonwealth, or other governmental body, which is open for public use as a street.

**PUBLIC UTILITY BUILDINGS:** Any administrative building, maintenance building, garage or other structure intended for human occupancy or storage of movable equipment operated by a public utility or any structure housing machinery or equipment necessary to the provision of essential services, including, but not limited to, sewage treatment plants, water plants, switching facilities, substations, and similar facilities.

**RADIO, TV AND MICROWAVE TOWERS:** Transmission towers and antennas, other than communications towers and antennas, as defined herein, which are licensed by the Federal Communications Commission (FCC) to radio and television stations for the purpose of broadcasting programming.

**RECYCLING COLLECTION:** A center for the acceptance and processing of small amounts of recyclable materials from the public, including the crushing, baling, shredding, chipping, or other operations, which physically reduce the mass of the materials, but which do not involve any processing which alters the composition of the materials in any way.

**RECREATIONAL VEHICLE:** A vehicle, which is built on a single chassis, not more than four hundred (400) square feet, measured at the largest horizontal projections, designed to be self-propelled or

permanently towable by light-duty truck, not designed for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

**RENTAL UNIT:** Any structure, which is occupied by someone other than the owner of the real estate as determined by the most current deed, and for which the owner of the said parcel of real estate received any value, including, but not limited to, money or the exchange of services.

**RENTAL UNIT, LONG-TERM:** Any rental unit in which the unit is rented for longer than thirty (30) days.

**RENTAL UNIT, SHORT-TERM TRANSIENT RESIDENTIAL:** A residential dwelling that is rented wholly or partially for a fee for a period of less than thirty (30) continuous days and does not include a hotel, motel, bed and breakfast establishment, or a rental unit, long-term.

**REPAIR GARAGE:** A building, or part thereof, where the Principal Use is the servicing and repairing of motor vehicles, including engine overhaul, body work, and recapping/retreading of tires. All storage of parts and dismantled vehicles and all repair work is conducted entirely inside an enclosed building.

**RESEARCH AND TESTING LABS:** Any establishment which carries an investigation in the natural, physical, social sciences, or engineering and development as an extension of such investigation with the objective of creating end products and which may include pilot manufacturing, as an Accessory Use, to test concepts, determine physical layouts, material flows and processes, types of equipment required, costs, and other information necessary prior to undertaking full-scale production.

**RESIDENCE IN COMBINATION WITH COMMERCIAL USE:** A dwelling unit located in the same building with an office and/or retail store.

**RESTAURANT:** An establishment where food and beverages are served to customers at a table or counter by a restaurant employee and where customers are given an individual menu and/or are offered buffet service, which includes a complete meal. Full-service restaurants may also offer take-out service as a secondary and minor portion of their operations.

**RESTAURANT, FAST SERVICE:** An establishment, which may include drive-thru facilities, where food and beverages are served for consumption either on or off the premises and where the primary method of operation involves the serving of food in edible or disposable containers.

**RESTAURANT, FAST SERVICE WITH DRIVE-THRU:** A fast-service restaurant including drive-thru facilities, which involves a window, service lane, bay, or other facility where customers are provided service while inside their vehicles, characterized by a limited menu and catering only to drive-thru traffic.

**RETAIL STORES:** Business establishments located entirely within an enclosed building, which sell goods, services, or merchandise to the general public for personal, household, or office consumption and which shall not include wholesaling, manufacturing or processing of the goods offered for sale.

**RETAIL STORE, LARGE:** A retail store greater than 5,000 feet gross floor area.

**RETAIL STORE, SMALL:** Any retail store that is not defined as a large retail store.

**RIDING ACADEMY:** An establishment engaged in instruction and the handling and riding of horses, which may include boarding stables and an indoor or outdoor riding ring or arena.

ROAD: See STREET.

ROADSIDE STAND: a stand or kiosk located along the side of a road where a farmer, or other agricultural vendor, sells agricultural and/or other agricultural products that they have grown, raised, or produced on site, directly to consumers.

SATELLITE DISH: A disk shaped parabolic antenna designed to receive microwaves from communications satellites, which transmit data or radio or TV broadcasts.

SCHOOLS: Accredited institutions of learning, which offer elementary and secondary level instruction, or which offer associate, bachelor, or higher degrees in the several branches of learning required by the Commonwealth of Pennsylvania.

SCHOOLS, COMMERCIAL: A privately operated, for-profit establishment providing technical or skilled training, vocational or trade education courses and programs.

SCHOOLS, PRIVATE: Accredited institutions of learning, which offer 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. Such schools are not funded by local, state, or federal funds.

SCHOOLS, PUBLIC: Accredited institutions of learning, which offer elementary and secondary level instruction, or which offer associate, bachelor, or higher degrees in the several branches of learning required by the Commonwealth of Pennsylvania. Such schools receive funding from local, state, and/or federal funding.

SEXUALLY-ORIENTED BUSINESS: A business that is part of the sex industry, such as an adult bookstore, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort service, nude model studio, or sexual encounter center.

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 (5) or fewer persons per machine at any one time and where the images displayed are distinguished or characterized by the depicting or describing of nudity or sexual conduct, 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 or relating to nudity or sexual conduct, as defined herein, or an establishment with a segment or section devoted to the display of such material.

ADULT BUSINESS: An adult arcade, adult bookstore, adult cabaret, adult live theater, adult mini-motion picture theater, adult motion picture theater, adult motel, adult news rack, bath house, body painting studio, or a call service or any other business featuring adult entertainment, as defined herein.

ADULT CABARET: An establishment devoted to adult entertainment either with or without a liquor license.

ADULT ENTERTAINMENT: Movies which are unrated or 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 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 fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to nudity or sexual conduct, as described herein.

ADULT MOTION PICTURE THEATER: An enclosed building with a capacity for accommodating fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to nudity or sexual conduct, as defined herein.

ADULT MOTEL: A hotel or motel presenting adult entertainment by means of closed-circuit television.

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

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

CONDUCT, SEXUAL: 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, breasts.

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

SHOPPING CENTER: A group of retail and/or business establishments that are planned, owned, and managed as a total entity with customer and employee parking provided on site. The two (2) main configurations of shopping centers are malls and strip mall centers.

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

SIGN, ABANDONED: A sign which has not identified or advertised a current business, service, owner, product, or activity, or has fallen into disrepair, for a period of at least 180 days, in the case of off-premise signs, or at least 360 days in the case of on-premise signs

SIGN ADVERTISING PANEL: That portion of a sign structure upon which the message or graphic display is presented, excluding any framework, ornamentation or supporting members.

SIGN, AGRICULTURAL SALES: A temporary sign permitted in connection with any operating farm and used only to announce the sale of seasonal products raised on the premises.

SIGN, ATHLETIC FIELD SCOREBOARD: A sign on the site of a public park or public school athletic field or stadium that displays scores and statistics related to an athletic event and that may include a public service message board and/or advertising for team sponsors.

SIGN, AWNING: A sign displayed on or attached flat against the surface or surfaces of an awning.

SIGN, BANNER: Any sign intended to be hung, either with or without frames, of lightweight material such as paper, plastic, or fabric of any kind. National flags, state, or municipal flags, or the official flag of any institution or business, shall not be considered banners.

SIGN, BILLBOARD: A sign which directs attention to a business, commodity, service, or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

SIGN, CHANGEABLE COPY: A wall, pole, or monument sign that is designed so that characters, letters, or illustrations can be manually or electronically changed or rearranged without altering the face or surface area of the sign not including LED signs.

SIGN, CONSTRUCTION: A temporary sign announcing the name of contractors, mechanics, or artisans engaged in performing work on the premises.

SIGN, DEVELOPMENT: A temporary sign erected during the period of construction and development of a property by the contractor and developer or their agent.

SIGN, 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.

SIGN, DIRECTORY: A sign which lists only the name and locations of occupants or uses of a premises.

SIGN, FAST SERVICE RESTAURANT MENU BOARD: A sign that displays menu items available to customers at drive-thru windows or in-car service positions, including a method of two-way communication between customers and restaurant employees.

SIGN, FREESTANDING: A sign supported on a foundation or by one (1) or more uprights, poles or braces permanently affixed to the ground and not attached to any building or other structure.

SIGN, LED: Any sign or portion thereof that displays electronic images, graphics, or pictures, with or without textual information, using LEDs (light emitting diodes), fiber optics, light bulbs, or other illumination devices, or a combination thereof, within the display area and where a static message change sequence is accomplished immediately or by means of fade, re-pixelation, dissolve or other such modes, devices, processes, products, application or technologies from a proximate or remote location. Such signs include programable and microprocessor-controlled electronic displays.

SIGN, MOBILE HOME PARK IDENTIFICATION SIGN: A permanent sign located at the entrance to a mobile home park, which identifies only the name and address of the mobile home park.

SIGN, MONUMENT: A freestanding sign mounted between two (2) posts, which are affixed to the ground by means of a permanent foundation, and where the distance between the bottom edge of the advertising panel and the adjacent ground level or the

sign's foundation, if the foundation is raised above ground level, is between zero (0) and twelve (12) inches, and the maximum height of the top of the advertising panel is no more than six (6) feet.

SIGN, MURAL: The application of paint, acrylic or other permanent material directly onto the exterior wall of a building whose sole purpose is to create an aesthetic design to commemorate an historic or community event or characteristic, and which may include the name of the artist and/or the donor in an area not to exceed one-half percent (0.5%) of the mural's total surface area, but which shall not include any advertising.

SIGN, NONRESIDENTIAL OR BUSINESS IDENTIFICATION SIGN: A sign which contains the name, address and goods, services, facilities, or events available on the premises.

SIGN, NOTIFICATION: Signs bearing legal and/or property notices such as: "No Trespassing", "Private Property", "No Turnaround", "Safety Zone", "No Hunting", and similar messages.

SIGN, OFF-PREMISES: A sign that advertises or directs pedestrian or vehicular traffic to an establishment, facility, event, activity, product, or service that is not sold, produced, or available on the property on which the sign is located.

SIGN, ON-PREMISES: A sign advertising only goods, services, facilities, events, or attractions available on the premises where it is located.

SIGN, POLE: A freestanding sign which is supported by one (1) or more poles, uprights or braces, which supports may be enclosed by sheathing or other covering that may be continuous from the ground to the bottom edge of the advertising panel, and where the distance between the bottom edge of the advertising panel is more than twelve (12) inches above the adjacent ground level, and the maximum height of the top of the advertising panel is more than six (6) feet.

SIGN, POLITICAL: A temporary sign directly associated with any national, state, or local government election.

SIGN, PROJECTING: A sign, other than a wall sign, mounted perpendicular to a building wall, that extends beyond the wall more than twelve (12) inches, but not more than four (4) feet.

SIGN, REAL ESTATE: A temporary sign advertising the sale or rental of premises. The signs may also bear the words "Sold", "Sale Pending", or "Rented".

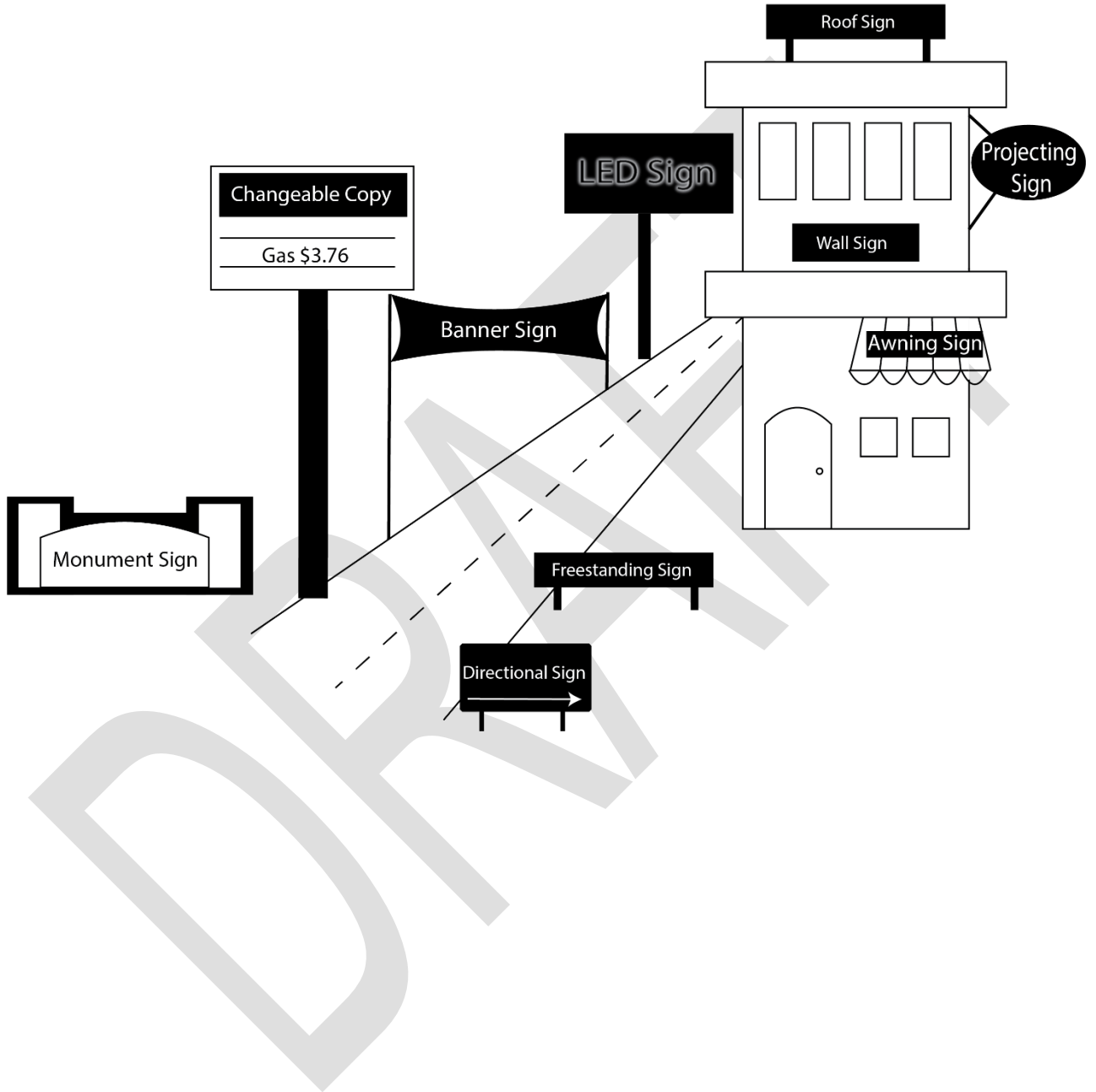
SIGN, RESIDENTIAL IDENTIFICATION: A sign containing only the name and address of the occupant of the premises.

SIGN, RESIDENTIAL PLAN OR NONRESIDENTIAL DEVELOPMENT IDENTIFICATION SIGN: A permanent sign which identifies only the name of a subdivision plan or land development plan.

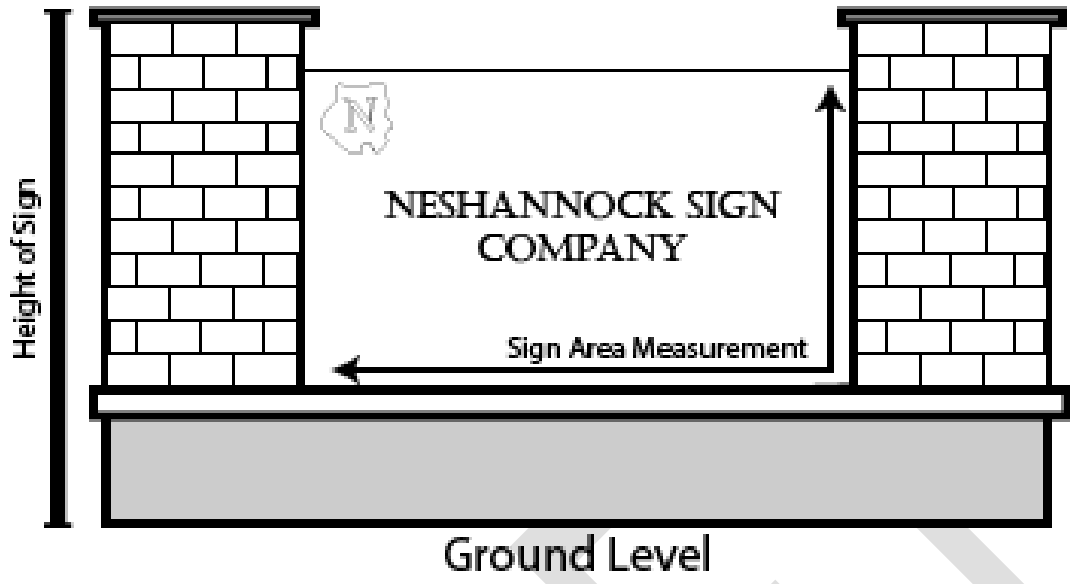
SIGN, ROOF: A sign erected and maintained upon or above the roof of any building, which projects no more than six (6) feet above the roof.

SIGN, WALL: A sign painted on or attached to and erected parallel to the face of an outside wall of a building.

**Figure 203 – Projecting, Roof, and Wall Signs**



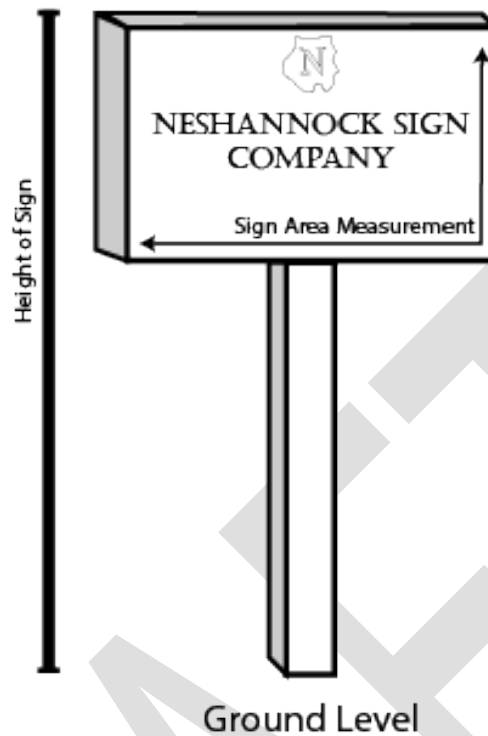
**Figure 204 – Monument Sign**



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## **Figure 205 – Pole Sign**



**SOCIAL CLUB:** Any establishment, other than a hunting or fishing club, operated by an organization for social, recreational, educational, fraternal or sororal purposes, but open only to members and their guests, and not to the general public.

**SOLAR EASEMENT:** A solar easement means a right, expressed as an easement, restriction, covenant, or condition contained in any deed, contract or other written instrument executed by or on behalf of any landowner for the purpose of assuring adequate access to direct sunlight for solar energy systems.

**SOLAR ENERGY:** Radiant energy (direct, diffuse and/or reflective) received from the sun.

**SOLAR PANEL:** That part or portion of a solar energy system containing one or more receptive cells or modules, the purpose of which is to convert solar energy for the use in space heating or cooling, for water heating and/or for electricity.

**SOLAR RELATED EQUIPMENT:** Items, including a solar photovoltaic cell, module, panel or array, or solar hot air/water collector device panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations or other structures used for, or intended to be used for, collection of solar energy.

**SOLAR ARRAY:** A grouping of multiple solar modules with the purpose of harvesting solar energy.

**SOLAR CELL:** The smallest basic solar electric device, which generates electricity when exposed to light.

**SOLAR MODULE:** A grouping of solar cells with the purpose of harvesting solar energy.

**SPECIAL EVENT BARN, ACCESSORY USE:** A permanent structure that is currently being used as a barn on a farm and which is sometimes used for the commercial purpose as a venue for weddings,

receptions, and other gatherings, to include, but not limited to, birthday parties, retirement parties, anniversary parties, graduation parties, formal dinners, business engagements, where such Commercial Use of the barn is secondary to the farming activity on the property.

**SPECIAL EVENT BARN, PRINCIPAL USE:** A permanent existing structure that was previously used as a barn and is fully or partially repurposed as a venue for the commercial purpose of hosting weddings, receptions, and other gatherings to include, but not limited to, birthday parties, retirement parties, anniversary parties, graduation parties, formal dinners, and business engagements.

**STORAGE SHED BUILDING:** A principal or accessory structure used for keeping and protecting materials, vehicles or equipment related to any authorized use in the District in which it is located.

**STORAGE RENTAL 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.

**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.

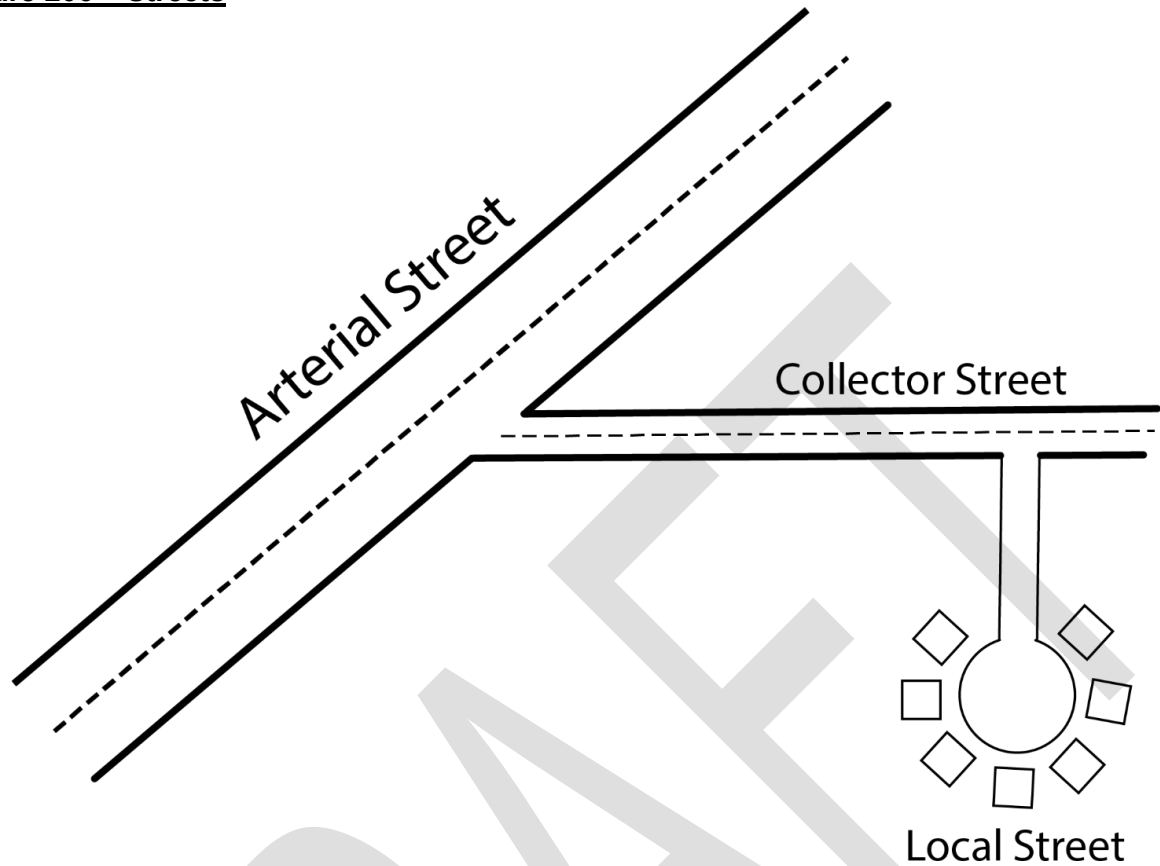
**STREET:** All land between right-of-way lines, whether public or private, and whether improved or unimproved, which is intended to accommodate vehicular traffic, including an avenue, drive, boulevard, highway, road, freeway, parkway, lane, viaduct, or other vehicular way.

**STREET, ARTERIAL:** A principal or heavy traffic street of considerable continuity and used primarily as a through traffic route for intercommunity travel (example – Route 18).

**STREET, COLLECTOR:** A street, which carries traffic from local streets to arterial highways, including the principal entrance streets of a residential development and streets for circulation within such a development (example – Mitchell Road and Mercer Road).

**STREET, LOCAL:** Any street, including cul-de-sac and marginal access streets, used primarily for access to the abutting properties.

**Figure 206 – Streets**



**STREET, PUBLIC:** A street, including the entire right-of-way, which has been dedicated to and accepted by the Township, County, or State, and has been devoted to public use by legal mapping or use of other means.

**STRUCTURAL ALTERATION:** Any change in the support members of a building, such as bearing walls, columns, beams, or girders; changes in the means of ingress and/or egress, enlargement of floor area or height of a structure, or relocation of a structure from one position to another.

**STRUCTURE:** Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land, excluding paving (with the exception of driveways of a typical width and sidewalks), storm and sanitary sewers and their appurtenances, stormwater management facilities, and similar features of the infrastructure.

**STRUCTURE, NON-CONFORMING:** See NON-CONFORMING STRUCTURE.

**STRUCTURE, PRINCIPAL:** See PRINCIPAL STRUCTURE.

**SUPERVISORS:** The Board of Supervisors of the Township of Neshannock, Lawrence County, Pennsylvania.

**SWIMMING POOL:** Any structure intended for swimming, recreational bathing or wading that contains water of 24 inches deep. This includes in-ground, above-ground and on-ground pools, hot tubs; spas and fixed-in-place wading pools and is subject to all requirements enforceable by the Pennsylvania Uniform Construction Code.

TINY HOME: A detached dwelling unit placed on a property for occupancy as a principal dwelling unit with a habitable floor area between 150 square feet and 400 square feet constructed with a foundation or on wheels.

THEATER: An establishment, not including a sexually oriented business, inside a completely enclosed building devoted to showing motion pictures and/or live dramatic or musical performances.

TOWNSHIP: The Township of Neshannock, Lawrence County, Pennsylvania.

TRANSIENT: Lasting only for a short time; impermanent.

TRUCK STOP: A facility designed to provide fueling, service, and repair of trucks and associated motorized equipment, and which may incidentally provide eating and lodging facilities.

TRUCK TERMINAL: A facility to accommodate the service, repair and storage of trucks and other motorized equipment and trailers, and which may incidentally provide warehousing activities and transfer facilities.

UNRELATED PERSON(S): A person or persons occupying a dwelling or dwelling unit who are not related by blood, marriage, or adoption.

USE: Any activity, business, or purpose for which any lot or structure is utilized.

USE, ACCESSORY: A use related to the principal use, which is customarily incidental and subordinate to the principal use or structure and located on the same lot with such principal use or structure.

USE, CONDITIONAL: An authorized use, which may be granted only by the Supervisors pursuant to express standards and criteria prescribed in this Ordinance.

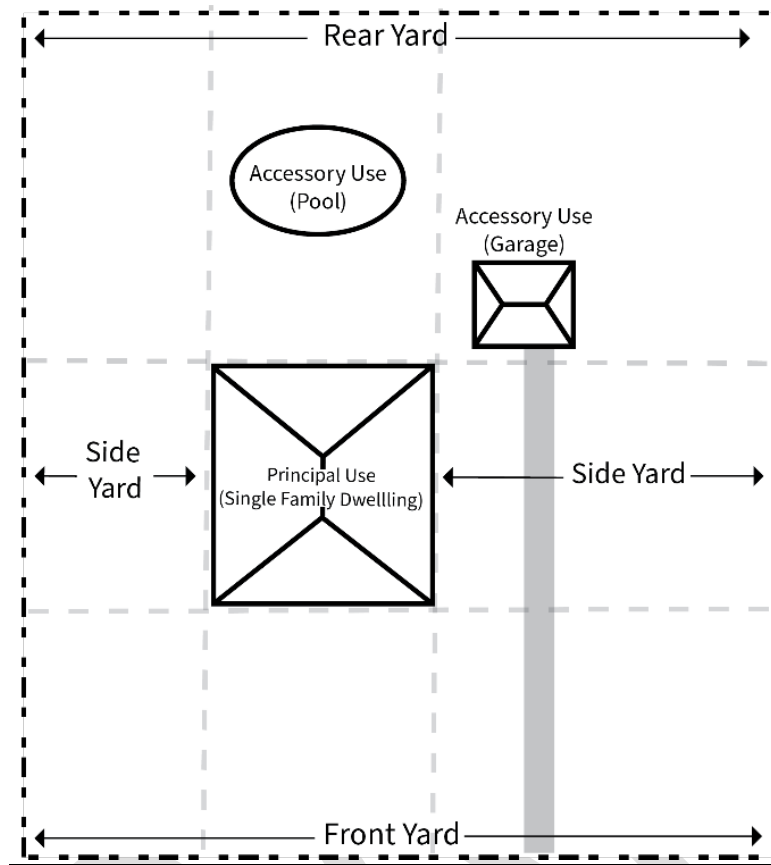
USE, NON-CONFORMING: A use, whether of land or of structure, which does not comply with the applicable use provisions in this Ordinance, or an amendment hereafter enacted, which lawfully existed prior to the enactment of this Ordinance, or any subsequent amendment.

USE, PERMITTED: An authorized use allowed by right, which may be granted by the Zoning Officer upon compliance with the provisions of this Ordinance.

USE, PRINCIPAL: The primary or predominant use of any lot or structure.

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**Figure 206 – Principal and Accessory Uses**



**USE BY SPECIAL EXCEPTION:** An authorized use, which may be granted only by the Zoning Hearing Board, in accordance with express standards and criteria in this Ordinance after a public hearing.

**USES NOT LISTED:** A land use not included in the Table of Authorized Land Uses, as determined by the Township Zoning Officer.

**USES NOT LISTED, COMPARABLE:** A land use, not specifically included in the Table of Authorized Land Uses, but comparable to other uses permitted in a Zoning District, as determined by the Township Zoning Officer.

**VETERINARY CLINIC:** An establishment where animals are examined and treated by veterinarians, and which may include kennels for temporary boarding of animals during treatment.

**WAREHOUSING:** The storage and handling of freight or merchandise, but not including the maintenance of commercial vehicles.

**WIND ENERGY SYSTEM, INDIVIDUAL:** A wind energy conversion system that has a rated capacity of not more than sixty (60) watts that converts wind energy into electricity, consisting of a wind turbine, a tower and associated control or conversion electronics, including collection, distribution, and storage equipment, intended for private use to reduce on-site consumption of utility power, or supplement, or replace utility power.

**WIND FARM:** An area of land under common ownership or control containing one (1) or more wind turbines used primarily for generating electricity to off-site customers, including

substations, meteorological towers to measure wind speed, cables, wires and other accessory structures and buildings necessary to the operation of the facility.

**WIND TURBINE:** A device consisting of a rotor with two (2) or more blades that converts kinetic wind energy into rotational energy that drives an electrical generator.

**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 Ordinance.

**YARD, FRONT:** A yard extending across the full lot width and abutting the front lot line. The minimum depth measurement for the front yard required by this Ordinance shall be the horizontal distance between the centerline of the abutting street right-of-way and a line parallel thereto known as the building line, except on Route 18, where the minimum depth measurement shall be the horizontal distance between the centerline of the cartway and a line parallel thereto known as the building line. On cul-de-sacs and other curved streets, the building line shall follow the curvature of the street right-of-way line. (See Appendix I and the definition of BUILDING LINE.)

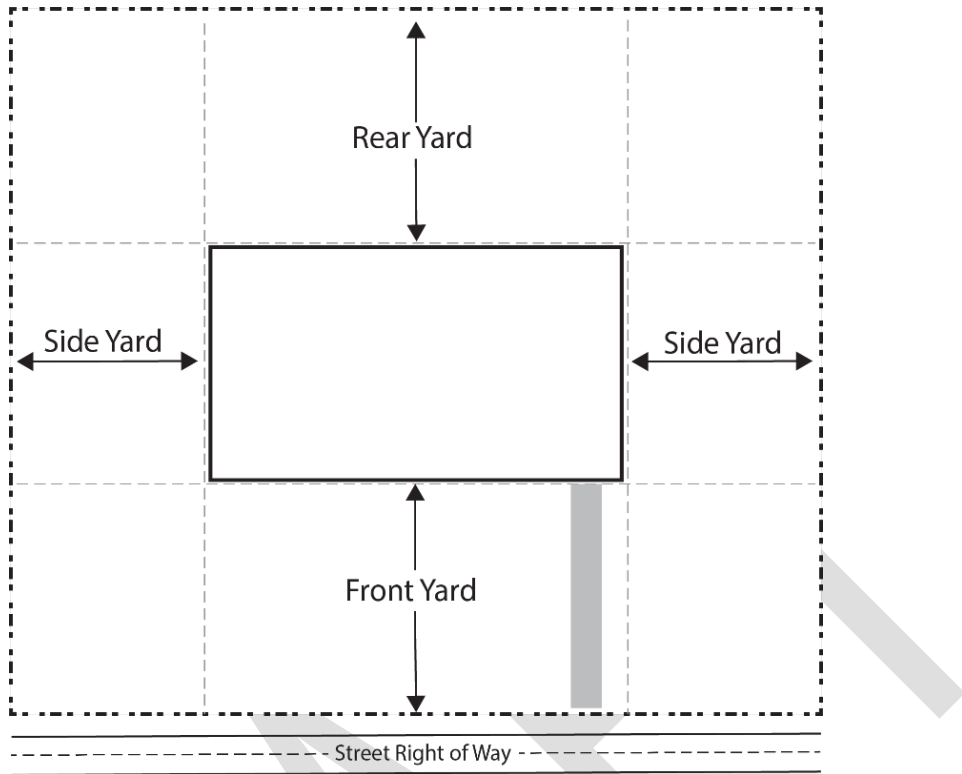
**YARD, FRONT, MINIMUM REQUIRED:** The minimum distance required by this Ordinance in each District for a front yard, regardless of whether a structure is set back farther than the minimum distance required.

**YARD, REAR:** A yard extending across the width of the lot between the side yards and adjoining the rear lot line. The minimum depth measurement required by this Ordinance shall be the horizontal distance between the rear lot line and a line parallel thereto.

**YARD, SIDE:** A yard extending between the building line and the rear lot line parallel to the side lot line. The minimum width measurement required by this Ordinance shall be the horizontal distance between the side lot line and a line parallel thereto.

**YARD, SIDE, MINIMUM REQUIRED:** The minimum distance required by this Ordinance in each District for a side yard, regardless of whether a structure is set back farther than the minimum distance required.

**Figure 207 – Yards**



**ZONING MAP:** The official map delineating the Zoning Districts of Neshannock Township, Lawrence County, Pennsylvania, together with all amendments subsequently adopted.

**ZONING OFFICER:** The designated official or an authorized representative appointed by the Township Supervisors whose duty shall be to administer this Ordinance.

## **ARTICLE III - DISTRICT REGULATIONS**

### **SECTION 300 ZONING MAP**

A map entitled "Zoning Map, Neshannock Township" is hereby adopted as part of this Ordinance. The Zoning Map shall be kept on file and be available for examination at the Township Building.

### **SECTION 301 ZONING DISTRICTS**

The Township is divided into the Districts set forth by this Ordinance and as shown by the boundaries on the Zoning Map. The Districts are:

R-1-A	Residential/Agriculture District
R-1	Residential Urban District
R-2	Residential Rural District
R-2-A	Special Residential Rural District
R-3	Residential High-Density District
C-1	Limited Commercial District
C-2	Highway Commercial District
C-3	Special Commercial District
I-1	General Industrial District
I-1-A	Special Industrial District
I-P	Industrial Park District
B-P	Business Park District
RTO	Route 18 Overlay District

### **SECTION 302 DISTRICT PURPOSES**

#### **R-1-A Residential/Agriculture**

The purpose of this District is to promote large-lot single-family development and accommodate agricultural uses.

#### **R-1 Residential Urban District**

The purpose of this District is to provide for higher density single family dwellings in areas which have public water and sewer facilities available, and to authorize compatible public and semi-public uses as Conditional Uses and uses by special exception to complement residential development.

#### **R-2 Residential Rural District**

The purpose of this District is to provide for moderate and low-density residential development in suburban and rural areas where public sewer and/or water facilities may not be available and to provide for compatible public and semi-public uses as Conditional Uses and Uses by Special Exception.

#### **R-2-A Special Residential Rural District**

The purpose of this District is to provide for the type of Residential development authorized in the R-2 District, as well as providing certain areas especially suited for mobile home park development and providing for the removal of existing sand and gravel resources in certain areas, while authorizing compatible public and semi-public uses as Conditional Uses and Uses by Special Exception.



### **R-3 Residential High-Density District**

The purpose of this District is to accommodate multi-family residences in appropriate locations, and to authorize compatible public and semi-public uses as Conditional Uses and Uses by Special Exception.

### **C-1 Limited Commercial District**

The purpose of this District is to provide retail shopping and service facilities of a limited type and size appropriate to smaller properties, which do not generate large amounts of traffic, and which do not adversely impact neighboring Residential Uses.

### **C-2 Highway Commercial**

The purpose of this District is to provide for retail and service facilities, which serve the needs of the general community, and which are located in high volume traffic corridors to allow convenient access and to minimize the traffic impact on neighborhoods and local roads.

### **C-3 Special Commercial**

The purpose of this District is to provide for retail and service facilities, which serve the needs of the transient population in areas located in close proximity to, and with direct access to Route 60, a limited access arterial road.

### **I-1 General Industrial**

The purpose of this District is to provide for general Industrial Uses in appropriate locations consistent with sound planning and environmental controls.

### **I-1-A Special Industrial**

The purpose of this District is to provide for General Industrial Uses and adult businesses in appropriate locations consistent with sound planning and environmental controls in an area in close proximity to the Route 60 Expressway.

### **I-P Industrial Park**

The purpose of this District is to encourage the development of planned industrial parks to provide for Light Industrial Uses in appropriate locations governed by adequate performance standards.

### **B-P Business Park**

The purpose of this District is to encourage the development of a planned business park for offices and Research and Development Uses.

### **RTO Route 18 Overlay District**

The purpose of the Route 18 Commercial Overlay District is to develop a District along the vital Route 18 corridor that provides the Township with shopping, personal, professional, and medical services, and employment opportunities. At the same time, maintaining a character unique to Neshannock Township by ensuring provisions for building design standards, landscaping and screening, and various other elements that add to a location's character and protect the District from

ready-made architecture.

### SECTION 303 DISTRICT BOUNDARIES

The boundaries of said Districts shall be as shown on the zoning map, Neshannock Township incorporated by reference in this Ordinance.

- A. The boundaries between Districts are the centerlines of streets, alleys, railroad rights-of-way, streams or such lines extended, or lines parallel thereto, or concentric therewith, or property lines when proximate thereto, or may be lines otherwise indicated on the zoning map. Any person aggrieved by the interpretation of the zoning map by the Zoning Officer concerning the location of the District boundaries may appeal to the Zoning Hearing Board and the Board shall determine the location of the District boundary.

When a Zoning District boundary splits a lot, resulting in differing and non-conforming requirements for the lot, the following shall apply: The authorized use permitted on the lot is limited to those authorized uses permitted in the Zoning District in which the largest part of the lot is located, and the smaller part of the lot located in another Zoning District shall be subject to the provisions of this Ordinance where the largest portion of the lot is located. If this section shall create an undue hardship, the Zoning Hearing Board shall have jurisdiction to grant such relief as it deems necessary.

### SECTION 304 DISTRICT USES

For the following identified Uses and Districts, the table below indicates whether identified Principal and Accessory Uses are Permitted by Right (R), Conditional Use (C), or Special Exception (S).

**Table 300 - Use Chart**

<b>Key:</b> R – Permitted by Right C – Conditional Use S - Special Exception -- Not permitted	R-1-A	R-1	R-2	R-2-A	R-3	C-1	C-2	C-3	I-1	I-1-A	I-P	B-P
<b>Residential Uses</b>												
Conversion Apartments	--	S	S	--	--	S	--	--	--	--	--	--
Mobile Home Parks	--	--	--	C	--	--	--	--	--	--	--	--
Multi-Family Dwellings	--	--	--	--	R	R	--	--	--	--	--	--
Planned Residential Development	--	--	PRD	--	PRD	--	--	--	--	--	--	--
Single Family Dwelling	R	R	R	R	R	R	R	--	--	--	--	--
Two Family Dwelling / Duplex	--	R	--	--	R	R	R	--	--	--	--	--
Tiny Home	--	--	--	R	--	--	--	--	--	--	--	--
Townhouses	--	--	--	--	R	R	--	--	--	--	--	--
Quadruplex Dwelling	--	--	--	--	R	R	--	--	--	--	--	--

<b>Key:</b> R – Permitted by Right C – Conditional Use S - Special Exception -- Not permitted	<b>R-1-A</b>	<b>R-1</b>	<b>R-2</b>	<b>R-2-A</b>	<b>R-3</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>I-1</b>	<b>I-1-A</b>	<b>I-P</b>	<b>B-P</b>
<b>Non-Residential Uses</b>												
Agriculture	R	--	R	R	--	--	--	--	--	--	--	C
Agricultural Services	R	--	--	--	--	--	--	--	--	--	--	--
Animal Day Care	--	--	--	--	--	--	C	C	--	--	--	--
Animal Shelter	--	--	--	--	--	--	--	--	R	--	--	--
Assisted Living Facility	--	--	--	--	R	C	C	--	--	--	--	--
Automotive Sales, Rental and Service	--	--	--	--	--	R	R	--	--	--	--	--
Bakery	--	--	--	--	--	R	R	R	--	--	--	--
Bank- Financial Institution	--	--	--	--	--	R	R	R	--	--	--	--
Banquet Facility	--	--	--	--	--	C	C	--	--	--	--	C
Bar/Nightclub	--	--	--	--	--	S	C	C	--	--	--	--
Barn	R	--	R	R	--	--	--	--	--	--	--	--
Bed and Breakfast	C	--	C	C	--	--	--	--	--	--	--	--
Billboard	C	--	C	C	--	--	--	C	C	--	C	--
Builders Supply	--	--	--	--	--	--	--	--	R	R	--	--
Car Wash	--	--	--	--	--	C	--	--	R	R	R	--
Casino	--	--	--	--	--	--	C	C	--	--	--	--
Cemetery	--	C	C	C	--	C	R	--	--	--	--	--
Cigar/Hookah Bar/Lounge	--	--	--	--	--	C	C	C	--	--	--	--
Communications Antenna, existing structure	--	--	R	--	--	--	--	--	--	--	--	--
Communications Tower	--	--	--	--	--	--	C	C	C	C	--	C
Conference and Training Center	--	--	--	--	--	--	--	--	--	--	--	R
Contractor's Office/Yard	--	--	--	--	--	--	--	--	R	R	--	--
Convenience Store						C	C	C	C	C	C	C
Correctional Institution	--	--	--	--	--	--	--	--	C	--	--	--
Crematorium	--	--	--	--	--	--	--	--	C	C	--	--
Data Center	--	--	--	--	--	--	--	--	C	C	C	--
Day Care Center	--	--	--	--	--	R	R	--	--	--	--	C
Distributed Antenna System	R	R	R	R	R	R	R	R	R	R	R	R
Distribution Center	--	--	--	--	--	--	--	--	--	--	R	--

<b>Key:</b> R – Permitted by Right C – Conditional Use S - Special Exception -- Not permitted	<b>R-1-A</b>	<b>R-1</b>	<b>R-2</b>	<b>R-2-A</b>	<b>R-3</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>I-1</b>	<b>I-1-A</b>	<b>I-P</b>	<b>B-P</b>
Drug and/or Alcohol Counseling Center	--	--	--	--	--	--	C	--	--	--	--	--
Dry Cleaning, Drop-off and Pick-up only						R	R	R				
Dry Cleaning Facility With Drop-off and Pick-up						C	C		R	R	R	C
Dry Cleaning Facility without Drop-off and Pick-up									R	R	R	
Emergency Services	--	--	--	--	--	--	--	--	--	C	C	C
Essential Services	R	R	R	R	R	R	R	R	R	R	R	R
Event Barn	C	--	C	--	--	--	--	--	--	--	--	--
Farm	R	--	--	--	--	--	--	--	--	--	--	--
Financial Institution, with Drive-Thru Facilities	--	--	--	--	--	--	C	C	--	--	--	C
Fire Departments (excluding rental facilities)	--	R	R	R	R	R	R	--	--	--	--	--
Forestry	R	R	R	R	R	R	R	R	R	R	R	R
Freight Terminal	--	--	--	--	--	--	--	--	C	C	C	--
Funeral Home	--	--	--	--	--	R	R	--	--	--	--	--
Gas/Fuel Station	--	--	--	--	--	C	C	C	C	C	C	C
Gas/Fuel Station with Carwash	--	--	--	--	--	C	C	C	C	C	C	C
Gas/Fuel Station with Convenience Store	--	--	--	--	--	C	C	C	C	C	C	C
Gas/Fuel Station with Drive-Thru	--	--	--	--	--	C	C	C	C	C	C	C
Gas/Fuel station with Restaurant	--	--	--	--	--	C	C	C	C	C	C	C
Golf Course/Country Club	--	C	C	C	--	--	--	--	--	--	--	--
Government Offices	--	R	R	R	R	R	R	--	--	--	--	R
Greenhouse/Nursery	R	--	--	--	--	R	R	R	--	--	--	--
Group Care Facility	R	R	R	R	R	--	--	--	--	--	--	--

<b>Key:</b> R – Permitted by Right C – Conditional Use S - Special Exception -- Not permitted	<b>R-1-A</b>	<b>R-1</b>	<b>R-2</b>	<b>R-2-A</b>	<b>R-3</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>I-1</b>	<b>I-1-A</b>	<b>I-P</b>	<b>B-P</b>
Gun Range, Indoor	--	--	--	--	--	C	C	C	C	C	C	C
Gun Range, Outdoor	--	--	---	--	--	--	--	--	C	C	C	C
Health Club/Fitness Center	--	--	--	--	--	R	R	R	R	R	R	R
Hospitals	--	--	--	--	--	--	C	C	--	--	--	--
Hotel	--	--	--	--	--	--	R	R	--	--	--	C
Hunting or Fishing Club	R	--	--	--	--	--	--	--	--	--	--	--
Impoundment (for Oil and Gas Operations)	C	--	C	C	--	--	--	--	--	--	--	--
Independent Living Facility	--	--	--	--	C	--	--	--	--	--	--	--
Indoor Amusement							R					
Junk Yard/Salvage Yard	--	--	--	--	--	--	--	--	C	C	--	--
Kennel	--	--	--	--	--	--	--	--	C	C	--	--
Landfill	--	--	--	--	--	--	--	--	C	C	--	--
Laundry Facility	--	--	--	--	--	--	--	--	R	R	--	--
Library	--	S	S	S	--	--	R	--	--	--	--	--
Manufacturing Facility, Heavy	--	--	--	--	--	--	--	--	R	R	--	--
Manufacturing Facility, Light	--	--	--	--	--	--	--	--	R	R	R	R
Massage Parlor	--	--	--	--	--		--	--	--	C	--	--
Medical Clinics, other than Methadone Clinics						R	R	R				
Medical Marijuana Dispensary	--	--	--	--	--	C	--	--	--	--	--	--
Medical Marijuana Grower/Processor	--	--	--	--	--	--	--	--	C	--	C	C
Methadone Treatment Facility	--	--	--	--	--	C	--	--	--	--	--	--
Micro-Brewery/Micro-Distillery	--	--	--	--	--	C	C	--	C	--	--	--
Micro-Brewery Pub						C	C		C			
Mineral Removal	C	--	--	C	--	--	--	--	C	C	--	--
Motel	--	--	--	--	--	--	R	R	--	--	--	--
Movie Theater	--	--	--	--	--	--	R	R	--	--	--	--
Museum	--	--	--	--	--	R	R	R	--	--	--	R

<b>Key:</b> R – Permitted by Right C – Conditional Use S - Special Exception -- Not permitted	<b>R-1-A</b>	<b>R-1</b>	<b>R-2</b>	<b>R-2-A</b>	<b>R-3</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>I-1</b>	<b>I-1-A</b>	<b>I-P</b>	<b>B-P</b>
Music, Art, Photo Studios	--	--	--	--	--	R	R	--	--	--	--	--
Natural Gas Compressor Station	C	--	--	--	--	--	--	--	C	C	--	--
Natural Gas Processing Facility	--	--	--	--	--	--	--	--	C	C	--	--
Nursing Home	--	--	--	--	C	--	C	--	--	--	--	--
Office - Business, Professional,	--	--	--	--	--	R	R	R	R	R	R	R
Oil and Gas Development	C	--	C	C	--	--	C	C	C	C	C	C
Outdoor Amusement	--	--	--	--	--	--	C	--	--	--	--	--
Parking Structure	--	--	--	--	--	--	C	--	C	C	--	C
Personal Care Boarding Home	--	--	--	--	C	C	--	C	--	--	--	--
Personal Services	--	--	--	--	--	R	R	--	R	R	R	R
Pet Grooming	--	--	--	--	--	--	R	--	--	--	--	--
Pet Services	--	--	--	--	--	--	R	--	--	--	--	--
Place of Worship	--	S	S	S	S	--	R	--	--	--	--	--
Private Non-Profit Multi-Purpose Sports & Recreation Facilities	--	C	--	--	C	--	--	--	--	--	--	--
Public Park/Playground	--	C	C	C	C	--	R	--	--	--	--	--
Public Utility Building	S	S	S	S	S	S	S	S	S	S	S	S
Radio, TV, Microwave Tower	C	--	--	--	--	--	--	--	--	--	--	--
Recycling Collection	--	--	--	--	--	--	--	--	--	--	--	C
Repair Garage	--	--	--	--	--	--	C	--	C	C	C	--
Research and Development, not involving the processing or production of any toxic or hazardous materials	--	--	--	--	--	--	--	--	R	R	R	R

<b>Key:</b> R – Permitted by Right C – Conditional Use S - Special Exception -- Not permitted	<b>R-1-A</b>	<b>R-1</b>	<b>R-2</b>	<b>R-2-A</b>	<b>R-3</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>I-1</b>	<b>I-1-A</b>	<b>I-P</b>	<b>B-P</b>
Research and Development involving the processing or production of any toxic or hazardous materials	--	--	--	--	--	--	--	--	R	R	R	--
Residence in Combination with Commercial Use	--	--	--	--	--	S	--	--	--	--	--	--
Restaurant	--	--	--	--	--	R	R	R	R	R	R	R
Restaurant, with Drive-Thru Facilities	--	--	--	--	--	C	C	C	C	C	C	C
Restaurant, Fast Service	--	--	--	--	--	C	C	C	C	C	C	C
Retail Sales, Large	--	--	--	--	--	--	R	R	--	--	--	--
Retail Sales, Small	--	--	--	--	--	R	R	R	--	--	--	--
Riding Academy	S	--	S	--	--	--	--	--	--	--	--	--
Schools, Commercial	--	R	--	--	R	R	R	R	R	R	R	R
Schools, Public or Private	--	R	R	R	R	--	--	--	--	--	--	R
Sexually Oriented Business	--	--	--	--	--	--	--	--	--	C	--	--
Shopping Centers	--	--	--	--	--	--	--	C	--	--	--	--
Short-Term Transient Residential Rental Unit	C	C	C	C	C	C	C	C	C	C	C	C
Social Club	--	--	--	--	--	--	S	--	--	--	--	--
Solar Energy Facility, Principal	--	--	--	--	--	--	--	--	C	C	--	--
Special Event Barn, Principle Use	C	--	C	--	--	--	--	--	--	--	--	--
Special Event Venue	--	--	--	--	--	R	R	R	--	--	--	C
Stadium or Arena	--	--	--	--	--	--	--	--	C	C	--	--
Storage Rental Facility	--	--	--	--	--	--	--	--	R	R	R	--
Theater	--	--	--	--	--	--	R	R	--	--	--	--
Truck /Stop	--	--	--	--	--	--	--	--	R	R	--	--
Truck Terminal	--	--	--	--	--	--	--	--	R	R	S	--
Uses Not Listed, Comparable	S	--	--	--	--	S	S	S	S	S	S	S

<b>Key:</b> R – Permitted by Right C – Conditional Use S - Special Exception -- Not permitted	<b>R-1-A</b>	<b>R-1</b>	<b>R-2</b>	<b>R-2-A</b>	<b>R-3</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>I-1</b>	<b>I-1-A</b>	<b>I-P</b>	<b>B-P</b>
Veterinary Clinic	S	--	--	--	--	--	S	--	--	--	--	--
Warehousing	--	--	--	--	--	--	--	--	R	R	R	R
Wind Energy Facility	--	--	--	--	--	--	--	--	C	--	--	--
Winery	R	--	C	--	--	--	--	--	--	--	--	--
<b>Accessory Uses</b>												
Accessory Dwelling Unit	R	R	R	R	R	--	--	--	--	--	--	--
Ancillary Commercial	--	--	---	-	--	--	--	--	--	--	--	R
Apiaries (Keeping of Bees)	R	R	R	R	R	--	--	--	--	--	--	--
Barn	R	--	--	--	--	--	--	--	--	--	--	--
Chicken and Ducks, Keeping of	R	R	R	R	R	--	--	--	--	---	-	--
Communications Antennas on Approved Communications Tower or Existing Structure	--	--	--	--	--	--	--	R	R	R	--	R
Domiciliary Care	R	R	R	R	R	--	--	--	--	--	--	--
Electric Vehicle Charging Station			R	R	R	R	R	R	R	R	R	R
Garage, Private	R	R	R	R	R	--	--	--	--	--	--	--
Hobby Farm	R	--	R	R	--	--	--	--	--	--	--	--
Home Occupation	SE	SE	SE	SE	SE	SE	SE	--	--	--	--	--
Individual Wind Energy System	R	--	R	R	--	--	--	--	R	R	R	R
Food Truck (Mobile Food Vendor)	--	--	--	--	--	R	R	R	--	--	--	R
No-Impact Home-Based Business	R	R	R	R	R	R	R	R	R	R	R	R
Private Burial Plots	R	--	R	R	--	--	--	--	--	--	--	--
Riding Academy	R	--	--	--	--	--	--	--	--	--	--	--
Solar Energy Facility, Accessory	R	R	R	R	--	--	--	--	R	R	R	R
Special Event Barn	R	--	--	--	--	--	--	--	--	--	--	--
Storage Shed	R	--	--	--	--	--	--	--	--	--	--	--
Veterinary Clinic	R	--	--	--	--	--	--	--	--	--	--	--



**SECTION 305 DISTRICT REGULATIONS**

**Section 305.1 Area and Bulk Regulations**

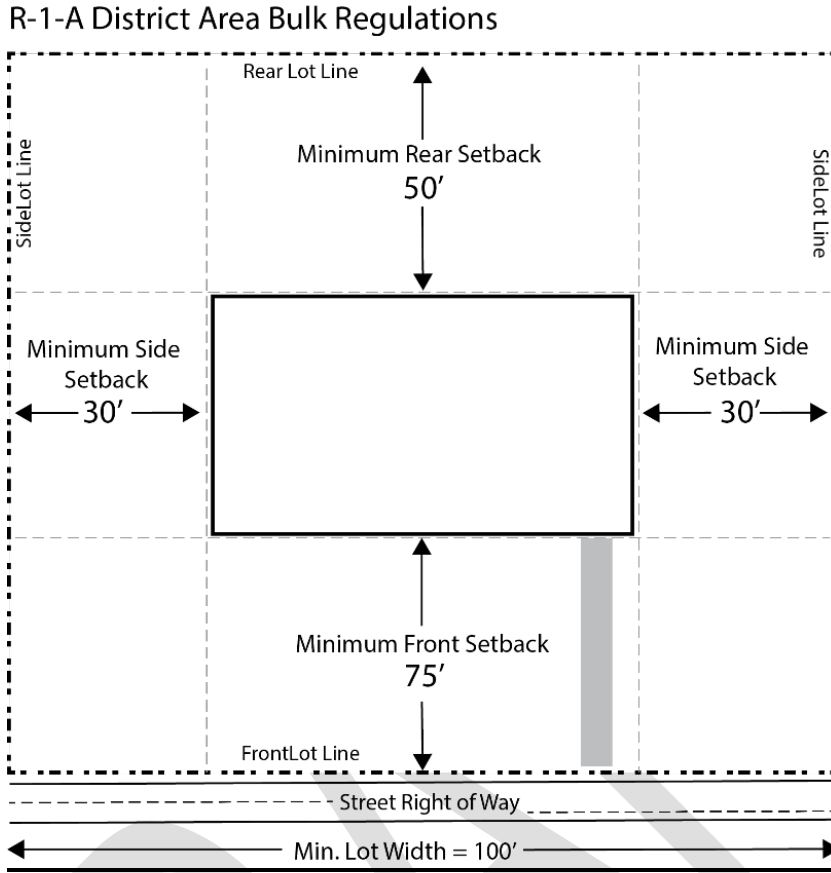
The following tables outline the area and bulk regulations for each Zoning District:

**Table 301 - Residential Zoning District Area and Bulk Regulations**

	<b>Area and Bulk Regulations - Residential Zoning Districts</b>				
	<b>R-1-A</b>	<b>R-1</b>	<b>R-2</b>	<b>R-2-A</b>	<b>R-3</b>
<b>Minimum Lot Size</b>	<ul style="list-style-type: none"> <li>• Single family dwelling – 2 acres.</li> <li>• All other uses – 10 acres</li> </ul>	<ul style="list-style-type: none"> <li>• Lots with public water and sewer – 7,500 square feet</li> <li>• Lots with either public water or sewer – 15,000 square feet</li> <li>• Lots without public water and sewer – 20,000 square feet</li> </ul>	<ul style="list-style-type: none"> <li>• Farm – 10 acres</li> <li>• Single-family dwelling or group home without public sewers 40,000 square feet</li> <li>• Single-family dwelling or group care facility with public sewers – 20,000 square feet</li> </ul>	<ul style="list-style-type: none"> <li>• Single-family dwelling – 2 acres</li> <li>• All other uses - 10 acres</li> </ul>	<ul style="list-style-type: none"> <li>• Single-family dwelling or group home 7,800 square feet</li> <li>• Two-family dwelling 11,000 square feet</li> <li>• Multi-family dwellings – 3-9 Units – 20,000 square feet. 10 or more units – 40,000 square feet</li> <li>• All other Uses – 20,000 square feet</li> </ul>
<b>Minimum Lot Width</b>	<ul style="list-style-type: none"> <li>• 100 feet</li> </ul>	<ul style="list-style-type: none"> <li>• Lots without public water and sewer – 100 feet</li> <li>• All others – 75 feet</li> </ul>	<ul style="list-style-type: none"> <li>• 100 feet</li> </ul>	<ul style="list-style-type: none"> <li>• 100 feet</li> </ul>	<ul style="list-style-type: none"> <li>• Single-family dwelling or group home – 60 feet</li> <li>• Two-family dwelling – 75 feet</li> <li>• All other principal structures – 100 feet</li> </ul>
<b>Lot Coverage</b>	20% Maximum	30% Maximum	30% Maximum	30% maximum	35% maximum
<b>Minimum Front Yard</b>	<ul style="list-style-type: none"> <li>• 75 feet from edge of right-of-way</li> </ul>	<ul style="list-style-type: none"> <li>• Lots 7,500 – 14,999 feet in area – 55 feet from the edge of the right-of-way</li> <li>• Lots 15,000 or more square feet in area – 75 feet from edge of right-of-way</li> </ul>	<ul style="list-style-type: none"> <li>• 75 feet from edge of right-of-way</li> </ul>	<ul style="list-style-type: none"> <li>• 75 feet from the edge of right-of-way</li> </ul>	<ul style="list-style-type: none"> <li>• Single-family dwelling unit, two-family dwelling or group homes – 55 feet from edge of right-of-way</li> <li>• All other principal structures – 75 feet from edge of right-of-way</li> </ul>

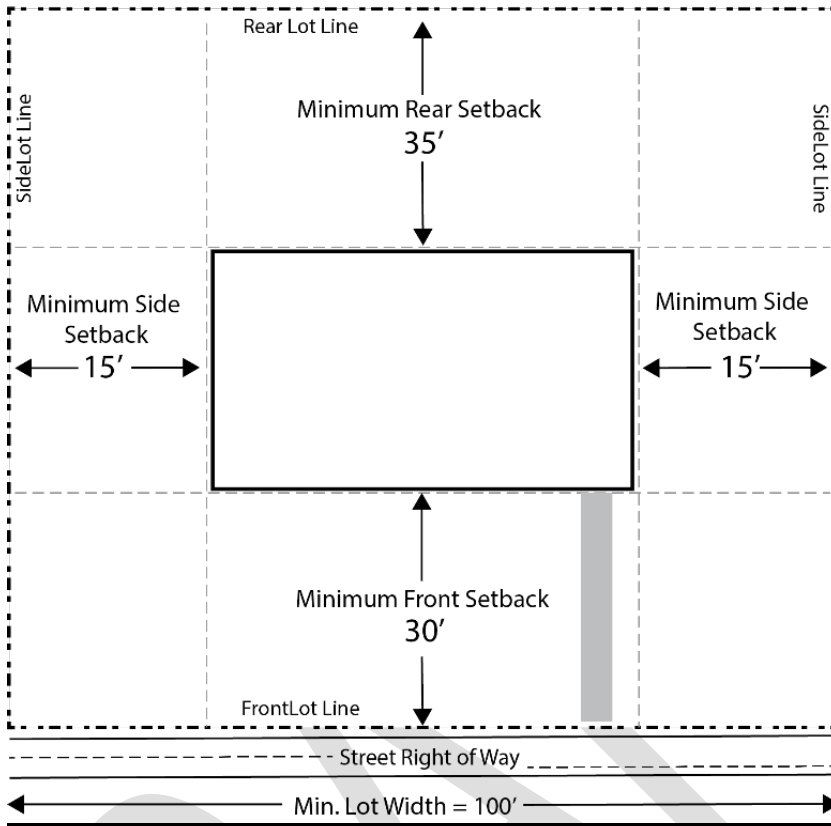
	<b>Area and Bulk Regulations - Residential Zoning Districts</b>				
	<b>R-1-A</b>	<b>R-1</b>	<b>R-2</b>	<b>R-2-A</b>	<b>R-3</b>
<b>Minimum Rear Yard</b>	<ul style="list-style-type: none"> <li>• 50 feet</li> </ul>	<ul style="list-style-type: none"> <li>• Lots 7,500 – 14,999 feet in area – 20 feet</li> <li>• Lots 15,000 or more square feet in area – 50 feet</li> </ul>	<ul style="list-style-type: none"> <li>• 50 feet</li> </ul>	<ul style="list-style-type: none"> <li>• 50 feet</li> </ul>	<ul style="list-style-type: none"> <li>• Single-family, two-family dwelling or group home – 20 feet</li> <li>• All other principal structures – 50 feet</li> </ul>
<b>Minimum Side Yard</b>	<ul style="list-style-type: none"> <li>• 30 feet each side</li> </ul>	<ul style="list-style-type: none"> <li>• Lots 7,500 – 14,999 feet in area – 10 feet each side</li> <li>• Lots 15,000 or more square feet in area – 15 feet each side</li> </ul>	<ul style="list-style-type: none"> <li>• 15 feet each side</li> </ul>	<ul style="list-style-type: none"> <li>• 15 feet each side</li> </ul>	<ul style="list-style-type: none"> <li>• Single-family dwelling, two-family dwelling or group care facility – 10 feet each side</li> <li>• All other principal structures – 15 feet each side</li> </ul>
<b>Maximum Height</b>	<ul style="list-style-type: none"> <li>• 35 feet</li> </ul>	<ul style="list-style-type: none"> <li>• All principal structures – 35 feet</li> <li>• Accessory structures to public schools, fire departments, government offices – 35 feet</li> <li>• All other accessory structures – 15 feet</li> </ul>	<ul style="list-style-type: none"> <li>• All principal structures – 35 feet</li> <li>• Accessory structures to public schools, fire departments, government offices – 35 feet</li> <li>• All other accessory structures – 15 feet</li> </ul>	<ul style="list-style-type: none"> <li>• All principal Structures – 35 feet</li> <li>• Accessory structures to public schools, fire departments, government offices – 35 feet</li> <li>• All other accessory structures – 15 feet</li> </ul>	<ul style="list-style-type: none"> <li>• All principal structures – 35 feet</li> <li>• Accessory structures to public schools, fire departments, government offices – 35 feet</li> <li>• All other accessory structures – 15 feet</li> </ul>

**Figure 300 – R-1-A District Area and Bulk Regulations**



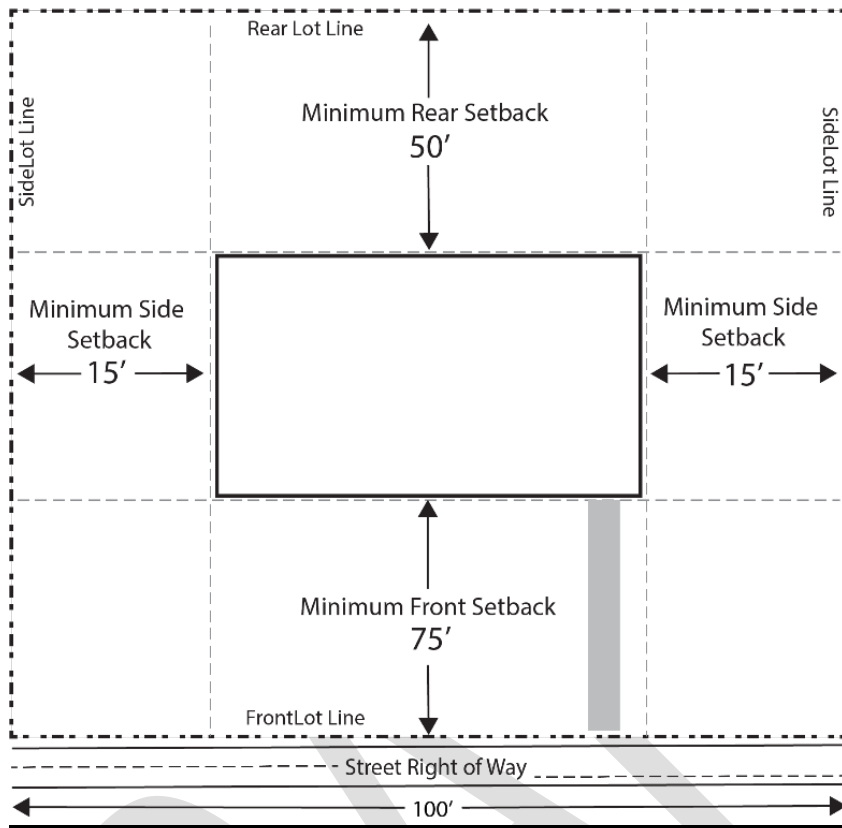
**Figure 301 – R-1 District Area and Bulk Regulations**

R-1 District Area Bulk Regulations

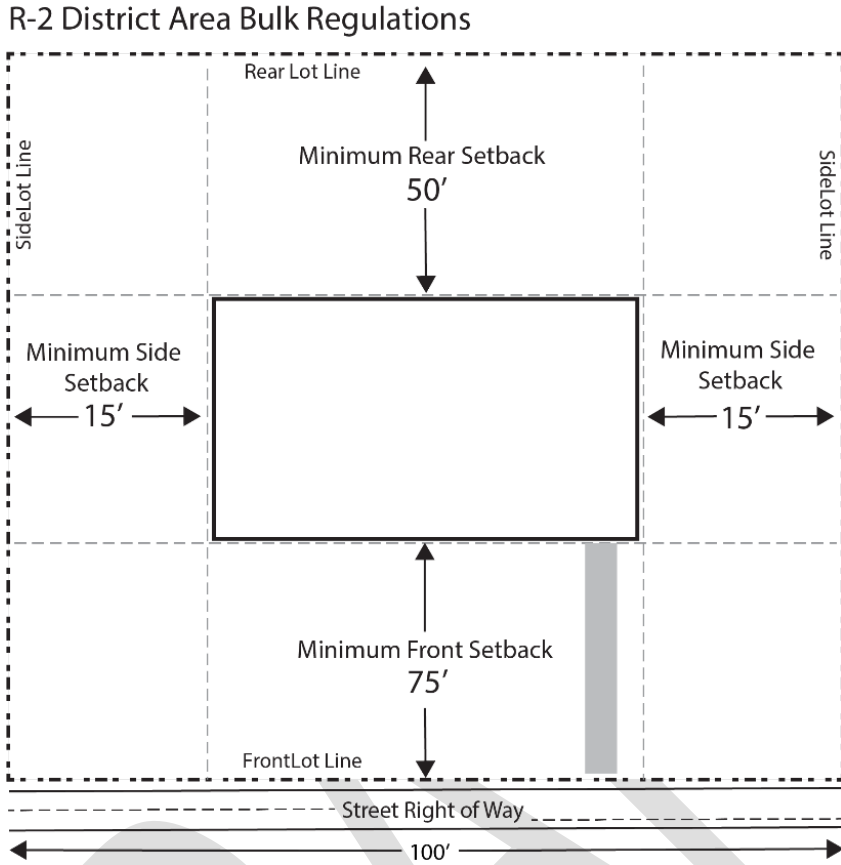


**Figure 302 – R-2 District Area and Bulk Regulations**

R-2 District Area Bulk Regulations

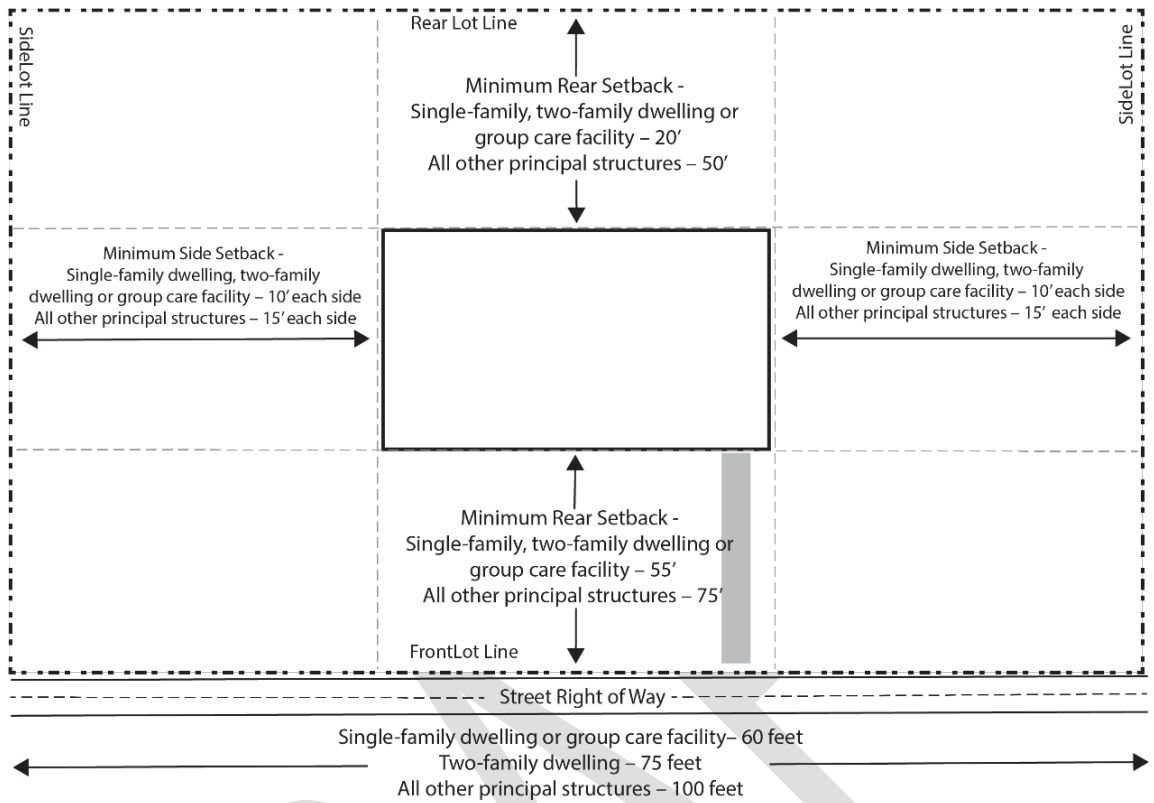


**Figure 303 – R-2-A District Area and Bulk Regulations**



**Figure 304 – R-3 District Area and Bulk Regulations**

R-3 District Area Bulk Regulations



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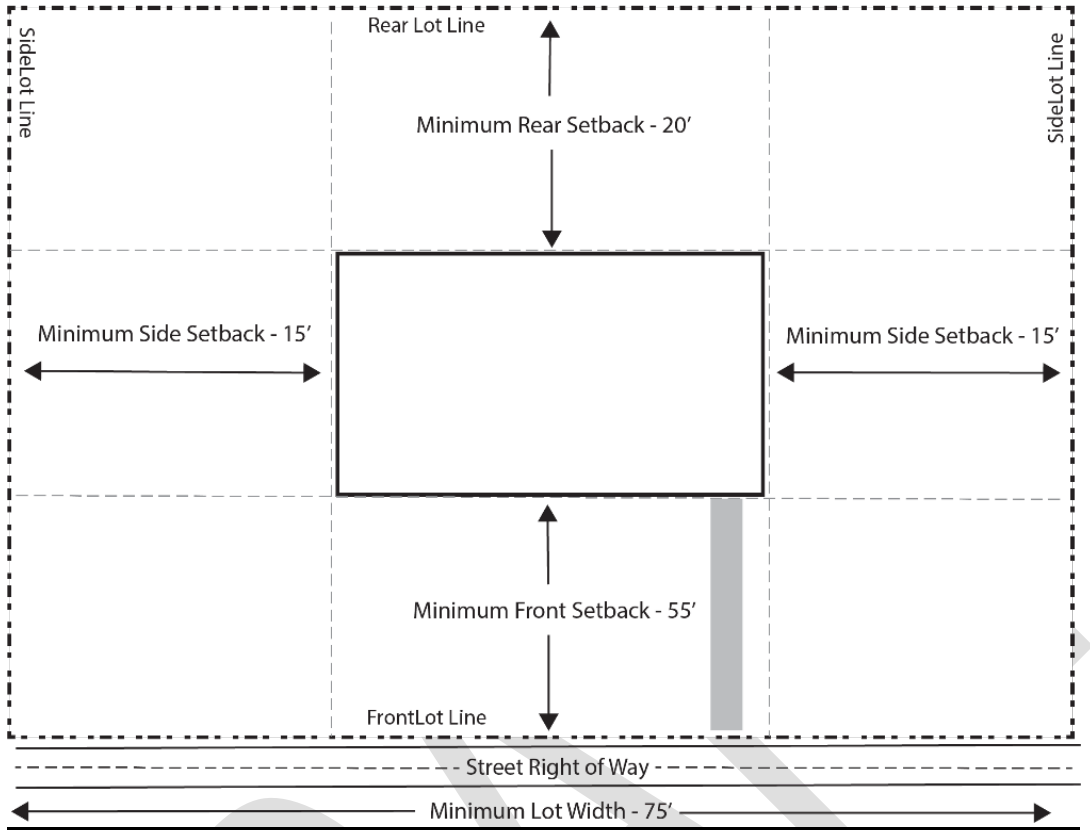
**Table 302 – Non-Residential District Area and Bulk Regulations**

	<b>Area and Bulk Regulations - Non-Residential Zoning Districts</b>					
	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>I-1/I-1A</b>	<b>I-P</b>	<b>B-P</b>
<b>Minimum Lot Size (Square Feet)</b>	<ul style="list-style-type: none"> <li>• Single-Family Dwelling – 7,500</li> <li>• Two-Family Dwelling – 11,000</li> <li>• Multi-Family Dwelling - 3-9 Units 20,000 - 10 or More Units 40,000</li> <li>• All Other Uses – 7,500</li> </ul>	15,000	3 acres	40,000	2 acres	1 acre
<b>Minimum Lot Width</b>	75 feet	100 feet	400 feet	150 feet	200 feet	150 feet
<b>Lot Coverage (Maximum)</b>	40%	40%	40%	40%	30%	35%
<b>Minimum Front Yard (From Edge of Right-of-Way)</b>	55 feet	55 feet	50 feet	75 feet	75 feet	50 feet
<b>Minimum Rear Yard</b>	20 feet	30 feet	50 feet	50 feet	50 feet	50 feet
<b>Minimum Side Yard</b>	15 feet each side	10 feet each side	20 feet each side	50 feet each side	50 feet each side	20 feet each side
<b>Maximum Height</b>	<ul style="list-style-type: none"> <li>• All principal structures – 100 feet</li> <li>• All residential accessory structures – no higher than the principal structure</li> <li>• All other accessory structures – 100 feet</li> </ul>	100 feet	100 feet	100 feet	100 feet	100 feet



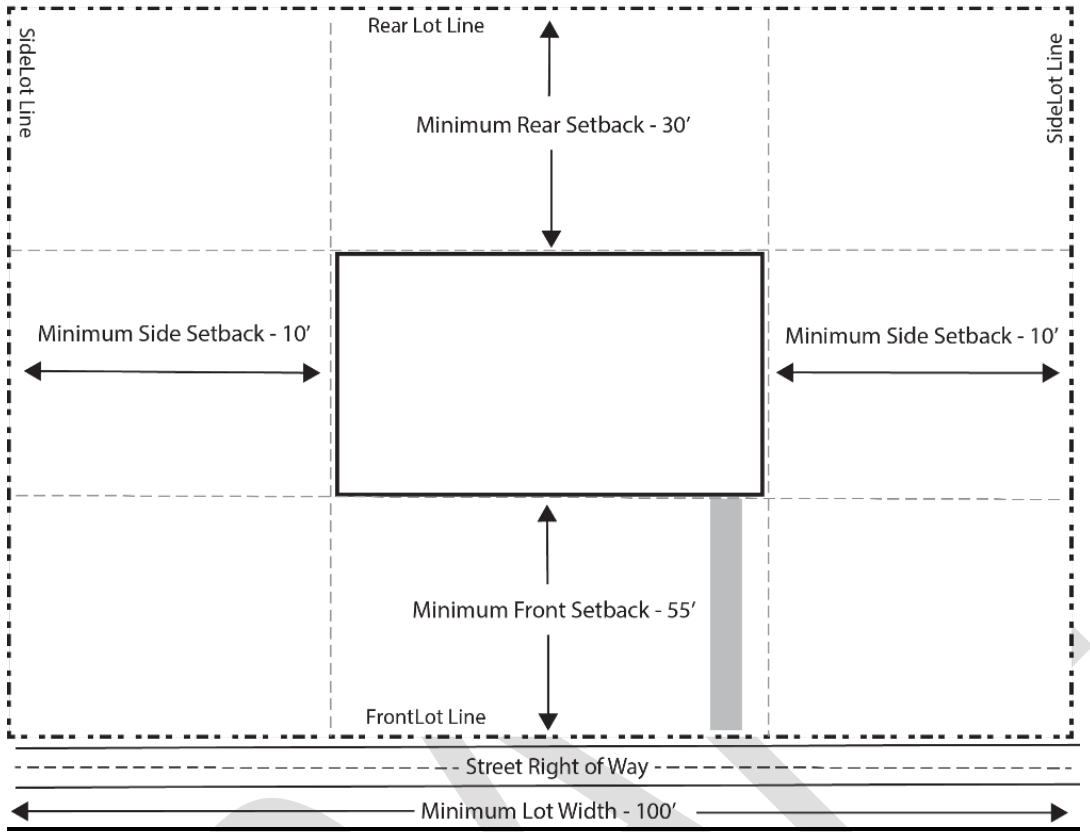
**Figure 305 – C-1 District Area and Bulk Regulations**

C-1 District Area Bulk Regulations



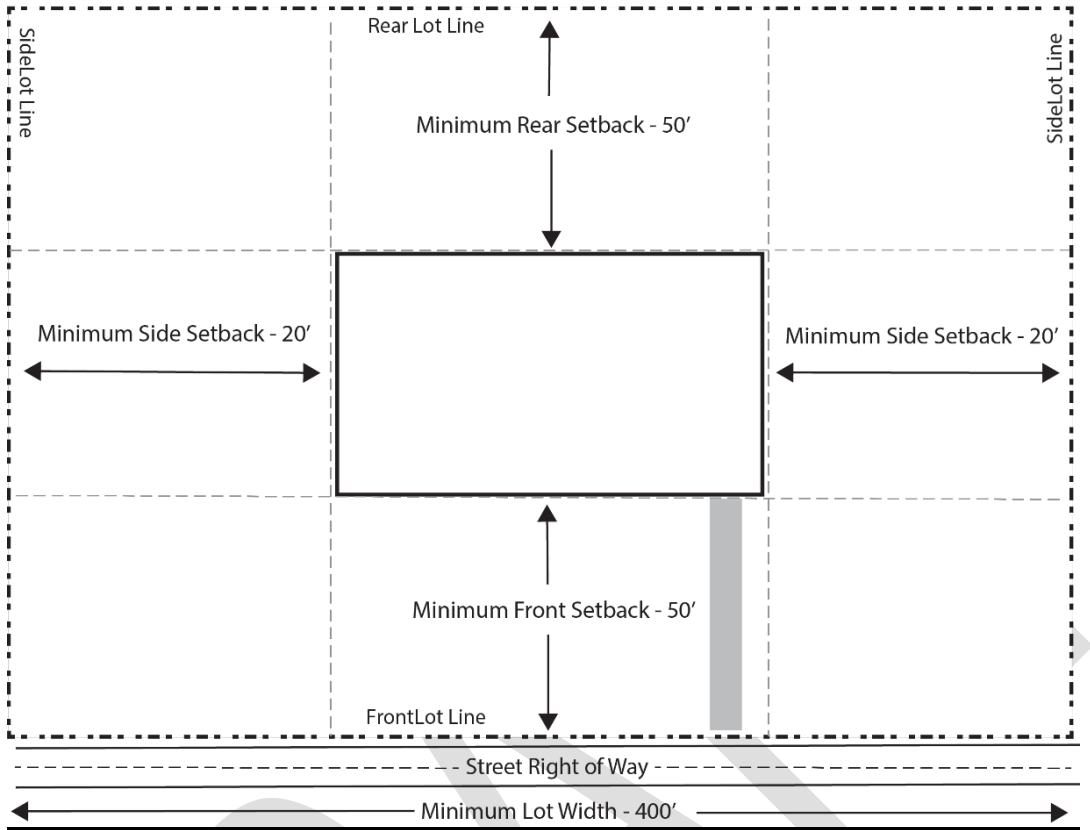
**Figure 306 – C-2 District Area and Bulk Regulations**

C-2 District Area Bulk Regulations



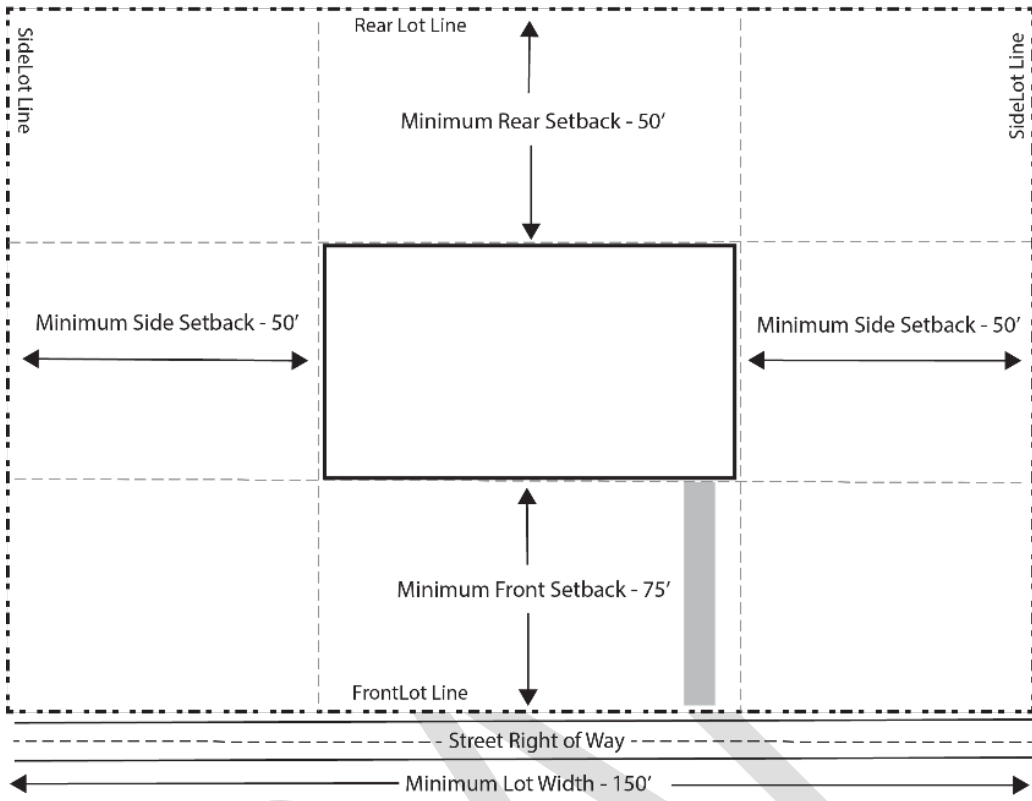
**Figure 307 – C-3 District Area and Bulk Regulations**

C-3 District Area Bulk Regulations

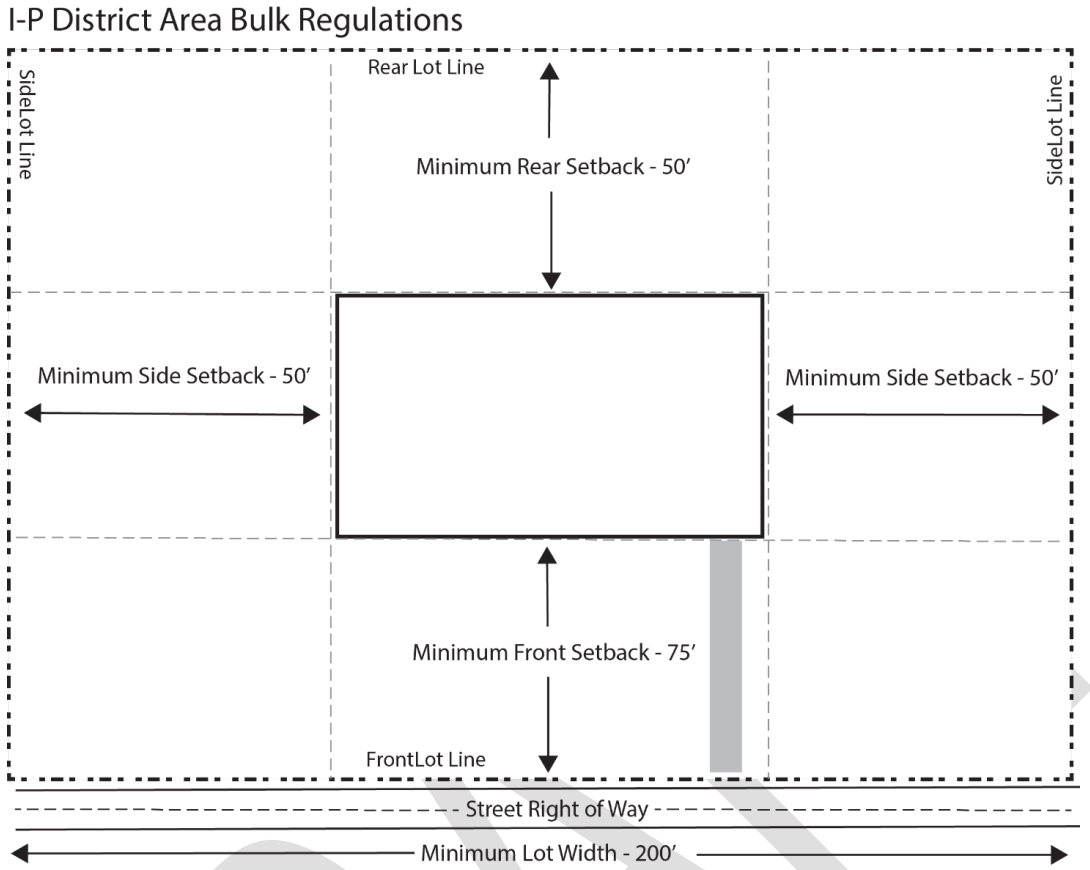


**Figure 308 – I-1/I-1-A Districts Area and Bulk Regulations**

I-1/I-1A District Area Bulk Regulations

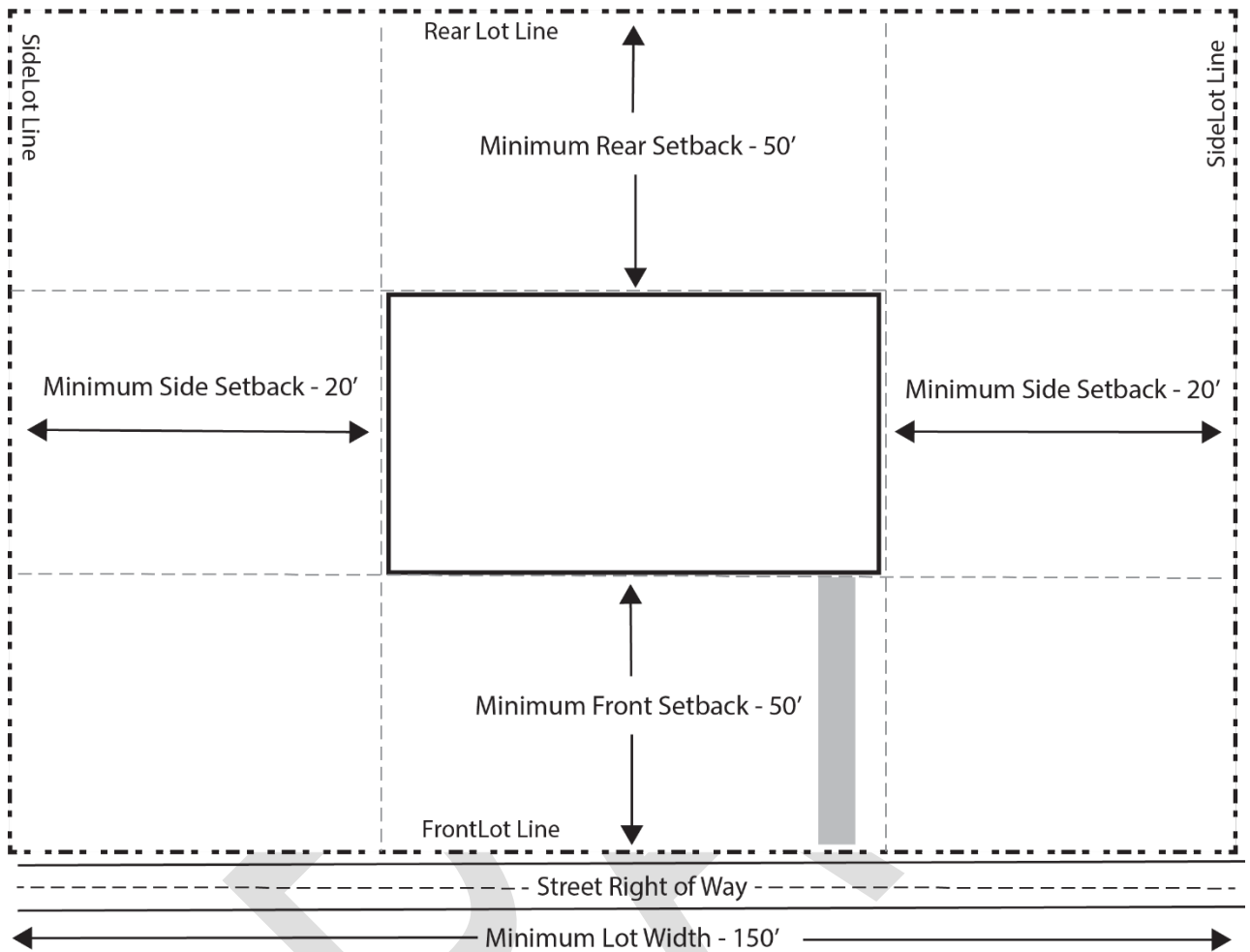


**Figure 309 – I-P District Area and Bulk Regulations**



## Figure 310 – B-P District Are and Bulk Regulations

### B-P District Area Bulk Regulations



### Section 305.2 General Regulations

These general regulations apply in all Zoning Districts.

- A. Any use, not expressly listed for a District, is prohibited in that, unless authorized as a Use by Special Exception.
- B. Accessory structures, which are normally accessory to principal structures or uses authorized by Conditional Use or Special Exception, shall be permitted by right.
- C. On farms, authorized principal farm structures may occupy the same lot as the principal dwelling.
- D. Applications for Permitted Uses, Conditional Uses and Uses by Special Exception shall be reviewed in accordance with the procedures specified in this Ordinance.

### Section 305.3 Route 18 Overlay District Regulations

- A. Location and District Boundaries

- 1) Recorded parcels in the Route 18 Commercial Overlay District are identified on the Township's official Zoning Map, as may be amended.

#### B. Applicability

- 1) The provisions of the Route 18 Commercial Overlay District are mandatory under the applicability provisions described in this Section, pursuant to section 605 of the MPC, as amended.
- 2) The regulations of the Route 18 Commercial Overlay District are in addition to the regulations of the applicable base Zoning District. Where a conflict exists the overlay regulations shall supersede the base zoning district regulations.
- 3) The provisions of the Route 18 Commercial Overlay District shall be applicable to the following circumstances within the District boundaries.
  - a) Land Development.
  - b) Reconstruction, expansion, or rehabilitation of an existing commercial or mixed-use building, such that a Township building permit is required, and such that fifty (50) percent or more of the gross building square footage is to be modified. The portion of the building to be reconstructed, expanded, or rehabilitated under this subsection shall be such that there is consistency in the design and construction/reconstruction of any improvements to the building facade, and is compliant with the provisions of this Overlay District.

#### C. Permitted, Conditional, Special Exception Uses

- 1) The permitted Uses of the Route 18 Commercial Overlay District shall be the same as the Uses listed in the C-1 and C-2 Base Zoning Districts, as may be amended, including Use By Right, Conditional, and Special Exception Uses.
- 2) The Neshannock Township District Uses can be found in this Ordinance.

#### D. Site Regulations

- 1) Building Height: Building height shall remain compatible with existing building heights. No building shall exceed three (3) stories or forty (40) feet.
- 2) Building Façade
  - a) Front facades of all retail and restaurant uses, located on route 18 shall face route 18.
  - b) Buildings which exhibit long, flat façades, and continuous linear strip development are prohibited. No horizontal length or uninterrupted curve shall exceed (100) feet without a change in the plane, material, or scale.
  - c) Surface features, such as cornices, brackets, window and door moldings, details, recesses, projections, awnings, decorative finish materials and other architectural articulations, including the transparency requirements of the following subsection, shall be required along one hundred (100) percent of any horizontal wall.

- d) Any ground level facade facing a public, private, or local street shall have windows and or door(s) covering at least twenty-five (25) percent of the horizontal length of the facade, allowing views into and out of the interior. Product display windows may be used to meet the transparency requirements.
- e) All buildings shall provide prominent and highly visible street-level doorway entrances along the front or side of the building, which faces a public street.
- f) The following exterior wall materials, large split-face block (8x16 inches or greater), tilt-up concrete panels (unless veneering is installed that meets the requirements of this Ordinance), prefabricated metal panels, and standard concrete masonry units are prohibited.
- g) Buildings included in proposed land development within the Overlay District shall have a common architectural theme (within the proposed development) that includes colors, materials, and architectural design that are common among buildings within the Overlay District.

#### E. Parking and Loading

- 1) All off-street parking areas shall be designed to reduce negative visual effects of extensive paved areas and contain defined landscaping and pedestrian focused walkways. Parking areas shall be constructed in centralized locations accessible to multiple land uses. Parking areas on multiple lots should be interconnected to the greatest extent possible to reduce traffic congestion and the number of curb cuts along public streets. If this layout can be demonstrated as not being feasible, then said parking shall be located to the rear or side of the building.
- 2) All parking lots should be landscaped as per Township standards.
- 3) One landscaped island measuring at a minimum of one hundred sixty (160) square feet in area shall be constructed for every ten (10) parking spaces. The island shall contain at least one (1) deciduous tree that has a minimum caliper size of two and one-half (2.5) inches and ground cover plantings covering fifty percent of the island's area.
- 4) Parking lots shall be located at a minimum of ten (10) feet from any lot line of an adjacent property or adjacent land development. This requirement shall not apply where multiple parking lots and properties are included within one land development.
- 5) For parking areas adjacent to Route 18, a screening buffer consisting of evergreen hedges, no greater than three (3) feet in height, shall be required between the right-of-way and the parking area.
- 6) All service, loading, and trash collection areas shall be located in the rear yard of a lot. The service areas and loading areas of all non-residential developments shall be screened in accordance with the buffering and screening requirements of this Ordinance.
- 7) Parking areas shall include the number of spaces required by land use, in accordance with the off-street parking requirements of this Ordinance.



## F. Lighting

- 1) All parking lot light fixtures shall be sharply cutoff fixtures, such that the source of the illumination is not visible.
- 2) All light fixtures installed within fifty (50) feet of an adjacent land development or property not within the same land development where the fixture is located must be shielded to direct the illumination from the fixture away from the adjacent land development or property.

## G. Screening

- 1) The following shall be screened from view from adjacent existing Residential Uses and views from Route 18.
  - a) Dumpsters/ trash collection areas;
  - b) Delivery areas and loading docks;
  - c) Outdoor dining/patio/gathering spaces.
- 2) Such screening shall be decorative fencing, constructed of commercially manufactured wood panels, vinyl or similar materials (wire fencing shall not be permitted as a decorative fence), vegetation(hedge), masonry wall, or a combination thereof such that the screening substantially reduces the visual impacts of the existing land uses or views of Route 18.
- 3) Any wall constructed must be a minimum of four (4) feet in height and a maximum of six (6) feet in height.
- 4) Any vegetation screening shall consist of evergreen hedges, five (5) feet in height at the time of planting.
- 5) Any rooftop mechanical systems shall be screened from view by solid fencing material that is architecturally compatible with the principal structure such that a person at the front or side of a building cannot see the mechanical systems from ground level. The screening shall be incorporated into and cohesive with the building in terms of materials and design.

## H. Landscaping

- 1) The aforementioned screening requirements shall not be substituted for the landscaping requirements outlined in this Section.
- 2) A landscape plan shall be prepared and submitted in conjunction with a land Development Plan at the time of tentative approval and final application. The plan shall include the following:
  - a) All required proposed plantings;
  - b) Any planting in excess to requirements;
  - c) Any existing trees or vegetation to be preserved;

- d) Any existing trees or vegetation, which will be removed.
- 3) At least one (1) deciduous tree must be planted for each (750) square feet of gross lot area occupied by the building footprint.
- 4) All trees, which are required to be planted as per the regulations of this Section, shall be a minimum of two and a half (2.5) inches in caliper at the time of planting.
- 5) All yard areas, not utilized for parking areas, street roadways, driveways, or pedestrian walkways, shall be planted with trees, shrubs, flowerbeds, and other similar uses and or seeded, sodded, or landscaped in a reasonable amount of time. A reasonable amount of time shall be interpreted within two (2) weeks after completed construction of the principal use on the lot, unless construction is finished between November 1 and March 1. In that case, the planting shall occur within the first two (2) weeks of April and sodding and/or seeding shall occur within the first two (2) weeks of May.

#### I. Access Management and Pedestrian connectivity

##### 1) Vehicular Access:

- a) Access to Route 18: Access shall be designed to minimize the number of points of access to arterial and collector streets. Any site which contains two (2) or more buildings shall be designed to include common driveways to control access to Route 18.
- b) All land developments shall have no more than one (1) point of access for every 500 feet of street frontage on Route 18.
- c) Ingress, egress, and internal traffic circulation on the site shall be designed to minimize congestion, to ensure safety, and to provide adequate accessibility to all buildings for fire-fighting equipment and emergency service vehicles.

##### 2) Pedestrian Connectivity:

- a) Sidewalks are required to be constructed on local roadways and access drives, not within or adjacent to Route 18's right-of-way.
- b) If applicable, sidewalks shall connect to existing sidewalks on adjoining lots.
- 3) All land developments shall provide for vehicular and pedestrian access between the proposed development and existing development. Where proposed land development is adjacent to undevelopable land, the proposed land development shall accommodate future pedestrian and vehicular connections to such adjacent undevelopable land by accommodating access within the overall sight layout and reservation of recorded construction and access easements to facilitate construction of the future connection.

#### J. Stormwater Management

- 1) Any stormwater detention, retention facilities shall be constructed either to the rear of the building or underground.

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## **ARTICLE IV – CRITERIA FOR GRANTING CONDITIONAL USES AND USES BY SPECIAL EXCEPTION**

### **SECTION 400 SUPPLEMENTAL REGULATIONS**

The following supplementary regulations shall govern in all Zoning Districts where applicable.

In addition to the District regulations specified in this Ordinance for all authorized uses, Conditional Uses and Uses by Special Exception shall be further subject to the following express standards and criteria:

#### **Section 400.1 Agriculture in the B-P District:**

- A. A minimum site of ten (10) acres shall be required.

#### **Section 400.2 Animal Daycare**

- A. Animal day cares shall be licensed by the Commonwealth of Pennsylvania.
- B. Kennels and overnight boarding facilities shall not be permitted.
- C. Animal day care facilities shall be located twenty-five (25) feet of any property line adjoining an existing Residential District.
- D. Hours of operation shall be from 6:00 a.m. to 8:00 p.m.
- E. Outdoor runs and similar facilities shall be permitted in the rear yard only, and shall be constructed for easy cleaning, shall be adequately secured by a fence with a self-latching gate, and shall be screened by a six (6) foot high compact hedge or one hundred (100) percent opaque fence on all sides, which are visible from an existing residential lot or public right-of-way.
- F. At no time shall animals be allowed to run loose on the lot, other than when in a completely enclosed area.

#### **Section 400.3 Assisted living facility**

- A. The assisted living residence shall meet all licensing requirements of the Commonwealth of Pennsylvania Department of Public Welfare.
- B. The assisted living residence shall be the sole occupant of the lot.
- C. A minimum lot size of two (2) acres shall be required.
- D. Access drives shall be located to take maximum advantage of sight distances for motorists and shall be as remote as possible from street intersections.
- E. Parking areas shall be screened from view of neighboring houses or those directly across the street from the lot using one of the defined landscape buffer yards of this Ordinance.

#### **Section 400.4 Banquet Facility**

- A. Banquet facilities, including all fixtures, tents, and parking, shall be set back at least fifty (50) feet from all property lines.
- B. Any banquet facility shall be subject to the following setback requirements:
  - 1) Residential Zoning District Boundaries: 100 feet
  - 2) Existing Residential Structures: 500 feet
- C. The conduct of each event, including temporary, event-specific fixtures, tents, and parking, may extend to the grounds but may not extend into the building setback areas.
- D. Parking shall be on the property on which the banquet facility is located. Under no circumstances may parking be on State or Township roads, on other public property, or on private property other than that on which the banquet facility is located.
- E. The required building setback areas may not be used for parking.
- F. No event may begin before 11:00 a.m. or extend past 11:00 p.m., with all attendees to exit the premises by midnight.
- G. All entertainment must end by 10:00 p.m.
- H. All entertainment, including, but not limited to, DJs, music, bands, a dance floor, or a stage, shall be limited to the interior of the special event venue.
- I. No pyrotechnics or open fires may be used.

**Section 400.5 Bar/Night Club**

- A. All Bars/Nightclubs shall obtain a Pennsylvania Liquor Control Board (PLCB) License prior to operation.
- B. Nightclubs shall cease operations between the hours of 2:00 a.m. and 11:00 a.m.
- C. Outdoor seating areas shall be fully enclosed, connected to and accessible only from the interior of the principal structure, and shall cease operation at 11 p.m.
- D. There shall be no noise or vibration discernible along any property line greater than the average noise level occurring on adjacent streets and properties.
- E. All operations shall be conducted within a completely enclosed building and doors and windows shall remain closed during hours when entertainment is presented.
- F. The owner/operator of the night club shall provide private security, licensed under the laws of the Commonwealth of Pennsylvania, if the maximum permitted occupancy of the night club exceeds one hundred (100) persons.
- G. Any night club which proposes a maximum permitted occupancy of two hundred (200) or more persons shall be located at least five hundred (500) feet from any property line, which adjoins any Residential Zoning District classification.

**Section 400.6 Bed and Breakfast**

- A. The minimum lot area shall be twenty thousand (20,000) square feet.
- B. The maximum number of sleeping rooms offered shall be four (4).
- C. The owner/operator shall be a full-time resident of the dwelling.
- D. No meals, other than breakfast, shall be served on the premises. Meals shall not be served to customers who are not overnight guests.
- E. The maximum length of stay for any guest shall be seven (7) consecutive overnight stays in any thirty (30) day period.

**Section 400.7 Car Wash**

- A. The use shall comply with the minimum requirements of the C-2, Highway Commercial District for lot area, lot width, yards, coverage, height, parking, and loading.
- B. The facility shall be connected to public sewers.
- C. The facility shall be limited to hours of operation between 6 a.m. and 10 p.m.
- D. The entrance to the car wash shall be designed to permit a waiting line in one or more lanes for a total of at least ten (10) cars.
- E. In no event shall cars be permitted to stand in the public right-of-way.
- F. The facilities shall comply with the performance standards of this Ordinance.
- G. Any vacuum facilities shall only be permitted to the rear or side(s) of the lot.
- H. All property lines adjoining Residential Use or Zoning classification shall be screened by a buffer area, as described in this Ordinance.

**Section 400.8 Casino**

- A. The site shall have frontage on and direct vehicular access to a major highway.
- B. Ingress, egress, and internal traffic circulation shall be designed to minimize congestion.
- C. A traffic report shall be submitted with the application for development, which identifies traffic control measures within the site and at the points of ingress and egress warranted at peak usage of the facility.
- D. All property lines, which adjoin Residential Uses or Residential Zoning Districts, shall be screened by a buffer yard, as described in this Ordinance.
- E. No direct beams or rays of light from exterior lighting fixtures, signs or vehicles maneuvering on the development site shall be permitted to shine into any property in a Residential Zoning District and associated open spaces of adjacent residential

properties.

- F. Access to the development site shall be provided from non-residential streets and shall not require the use of any residential collector or residential local streets.
- G. Location of buildings and structures, traffic circulation and parking lots shall be designed to provide adequate access for emergency medical vehicles and fire-fighting equipment.

#### **Section 400.9 Cemetery**

- A. A minimum site of ten (10) acres shall be required.
- B. A drainage plan shall be submitted with the application for conditional use approval to show existing and proposed runoff characteristics.
- C. Ingress, egress and internal circulation shall be designed to ensure safety and minimize impact on local roads. Plans for ingress/egress shall be referred to local police officials for comments regarding public safety.
- D. All property lines adjoining Residential Use or Zoning classification shall be screened by a buffer area as defined by this Ordinance, which is at least ten (10) feet in depth measured from the property line.

Parking for principal structures, such as chapels or mausoleums, shall be provided in accordance with the requirements of the off-street parking requirements of this Ordinance.

#### **Section 400.10 Churches**

- A. All property lines adjoining Residential Use or Zoning District classification shall be screened by a buffer area, as described in this Ordinance.
- B. No storage of equipment or material shall be permitted outside a structure.
- C. All lights shall be shielded and reflected away from adjoining property.
- D. Ingress, egress and internal traffic circulation shall be designed to ensure safety and access by emergency vehicles.
- E. Adequate off-street parking and loading facilities shall be provided in accordance with the requirements of this Ordinance.

#### **Section 400.11 Cigar and Hookah Bar/Lounge**

- A. Any Cigar/Hookah Bar/Lounge shall be screened from any residential uses or residential Zoning District classifications in accordance with the screening and buffer yard requirements of this ordinance.
- B. Hours of operation shall be limited from seven (7) a.m. to eleven (11) p.m.
- C. All operations of the Cigar/Hookah Bar/Lounge shall be conducted entirely in an enclosed

building.

## **Section 400.12      Communications Tower**

- A. The applicant shall demonstrate that it is licensed by the Federal Communications Commission (FCC) to operate a communications tower.
- B. The applicant for the communications tower shall demonstrate compliance with all applicable Federal Aviation Administration (FAA) regulations and any applicable airport zoning regulations.
- C. The applicant shall demonstrate that the proposed communications tower and the electromagnetic fields associated with the antennas proposed to be mounted thereon comply with the safety standards established by the Federal Communications Commission (FCC).
- D. Any applicant proposing a new communications tower shall demonstrate that a good faith effort has been made to obtain permission to mount the antenna or antennas on an existing building, existing public utility storage or transmission structure or an existing communication tower.

A good faith effort shall require that all owners of potentially suitable structures within a one-quarter (1/4) mile radius of the proposed communications tower shall be contacted and that one (1) or more of the following reasons for not selecting an alternative existing building, existing public utility storage or transmission structure or existing communications tower apply:

- 1) The proposed equipment would exceed the structural capacity of the existing building, existing public utility storage or transmission structure or existing communications tower and reinforcement of the structure cannot be accomplished at a reasonable cost.
  - 2) The proposed equipment would cause RF (Radio Frequency) interference with other existing and proposed equipment for that existing building, existing public utility storage or transmission structure or existing communications tower and the interference cannot be prevented at a reasonable cost.
  - 3) Existing buildings, existing public utility storage or transmission structures or existing communications towers do not have adequate space, access or height to accommodate the proposed equipment.
  - 4) Addition of the proposed equipment would result in NIER (Non-ionizing Electromagnetic Radiation) levels, which exceed adopted Federal or State emission standards.
- E. In the C-2 District, the only type of communications tower authorized shall be a monopole.
  - F. A communications tower located in the C-2 District shall not be located within five thousand (5,000) feet of any other existing or proposed communications tower measured by the straight-line distance between any point on the base of a communications tower located in the C-2 District and any point on the base of another existing or proposed communications tower in the C-2 District.
  - G. In the C-2 District, the minimum lot area required for the site on which the



communications tower is located shall be fifteen (15) acres. That is, the lease parcel for the communications tower shall be located on a parcel that has a total area of at least fifteen (15) acres.

- H. In the C-2 District, the maximum height of a communications tower shall be one hundred eighty (180) feet. The tower structure shall be set back fifty-five (55) feet from the rear property line.
- I. In the C-2 District, the communications tower shall be a stealth installation or shall be painted and landscaped in such a way as to camouflage it and reduce the visual impact on any immediately adjacent Residential properties. Applicant must present data per industry standards.
- J. In the C-2 District, the communications tower shall have all wiring installed inside the tower structure so as not to be seen.
- K. In the C-3 and B-P Districts, the maximum height of a communications tower shall be one hundred fifty (150) feet.
- L. In the 1-1 and I-1-A Districts, the maximum height of a communications tower shall be two hundred (200) feet.
- M. The applicant shall demonstrate that the proposed height of the communications tower is the minimum height necessary to function effectively.
- N. All parts of a communications tower shall be set back from any adjoining property zoned R-1-A, R-1, R-2, R-2-A or R-3 a minimum distance of at least two hundred (200) feet.
- O. All parts of a communications tower shall be set back from any adjoining property zoned C-1, C-2, C-3, B-P, 1-1, I-1-A or I-P a minimum distance of at least one hundred (100) feet.
- P. The tower and all appurtenances, including guy wires, if any, and the equipment cabinet or equipment building shall be enclosed by a minimum ten (10) foot high chain link security fence with locking gate.
- Q. The applicant shall submit evidence that the tower and its method of installation has 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.
- R. The tower shall be equipped with anti-climbing devices as approved by the manufacturer for the type of installation proposed.
- S. At least one (1) off-street parking space shall be provided on the site to facilitate periodic visits by maintenance workers. Manned equipment buildings shall provide one (1) parking space for each employee working on the site.
- T. Equipment cabinets and equipment buildings shall comply with the height and yard requirements of the Zoning District for accessory structures.
- U. Equipment cabinets or equipment buildings, which adjoin residential property, shall be screened by a six (6) foot high compact evergreen hedge along each side which faces a residential property.

- V. Access shall be provided to the tower and equipment cabinet or equipment building by means of a public street or right-of-way to a public street. The right-of-way shall be a minimum of twenty (20) feet in width and shall be improved with a dust-free, all-weather surface for its entire length.
- W. The exterior finish of the tower shall be compatible with the immediate surroundings. The tower, the equipment cabinet or equipment building, and the immediate surroundings shall be properly maintained, including clearing and cutting of vegetation, snow removal, proper drainage and maintenance of the access driveway surface.
- X. There shall be no lighting, signs, or other advertising on the tower, other than that required by the FCC or FAA.
- Y. The owner of any communications tower which exceeds fifty (50) feet in height shall submit to the Township proof of an annual inspection conducted by a Structural Engineer at the owner's expense and an updated tower maintenance program based on the results of the inspection. Any structural faults shall be corrected immediately and re-inspected and certified to the Township by a Structural Engineer at the owner's expense.
- Z. In January of each year, the owner of the communications tower shall submit written verification to the Township Zoning Officer that there have been no changes in the operating characteristics of the tower, as approved by the Township, including, at a minimum:
- 1) A copy of the current FCC license;
  - 2) Name, address and emergency telephone number for the operator of the communications tower;
  - 3) Copy of the Certificate of Insurance at a level of coverage acceptable to the Township Solicitor;
  - 4) Copy of the annual inspection report and updated maintenance program.
- AA) At any time during the calendar year, if an amendment to the FCC license is issued, a copy of the amended license shall be submitted to the Township Zoning Officer.
- BB) The owner of the communications tower shall notify the Township immediately upon cessation or abandonment of the operation. The owner of the communications tower shall dismantle and remove the communications tower within six (6) months of the cessation of operations, if there is no intention to continue operations, evidenced by the lack of an application to the Township to install antennas on the existing tower. If the owner of the communications tower fails to remove the tower, the landowner shall be responsible for its immediate removal. Failure to remove an abandoned communications tower shall be a violation of this Ordinance and shall be subject to the enforcement provisions of this Ordinance.
- CC) Timing of Approvals. All applications for new Communication Towers shall be acted upon within 150 days of the receipt of a fully completed application for the approval of such Communications Towers, including an application fee in an amount established from time to time by resolution of the Board of Supervisors. If the Township receives an application for a Communications Tower and the application is not fully completed, then the Township shall notify the applicant within 10 business days that the application is not complete and the time for approval of the application shall not commence until a fully completed application is received by the Township.

**Section 400.13 Convenience Store**

- A. Buffering of parking and loading areas as described in this Ordinance shall be required.
- B. All property lines adjoining Residential Use or Zoning District classification shall be screened by a buffer area, as described in this Ordinance.
- C. All lighting shall be shielded away from adjacent properties and streets.
- D. The use shall comply with the minimum requirements of the C-2, Highway Commercial District for lot area, lot width, yards, coverage, height, parking, and loading.
- E. The facility shall be connected to public sewers.

**Section 400.14 Conversion Apartments**

- A. The minimum lot area required per family shall be four thousand five hundred (4,500) square feet.
- B. All other lot width, yard, height, building coverage and parking requirements applicable to single family and two-family dwellings in the District shall be met.
- C. For efficiency and one (1) bedroom apartments, at least four hundred fifty (450) square feet of habitable floor area per dwelling unit shall be provided.
- D. For an apartment which has two (2) or more bedrooms, at least eight hundred (800) square feet of habitable floor area per dwelling unit shall be provided.
- E. Each living unit shall have separate living, sleeping, kitchen and sanitary facilities.
- F. Conversion of basements or garage areas to dwelling units shall not be permitted.
- G. Safe ingress and egress and adequate turnaround areas shall be provided on the lot for automobiles owned by the residents.

**Section 400.15 Correctional Institution**

- A. The site shall have frontage on a street defined by this Ordinance as an arterial street or on a public or private street located entirely within the I-1 District. Vehicular access shall be directly to the arterial street or, if direct access to the arterial street is not feasible or practical, vehicular access to the site shall be limited to a public or private street located entirely within the I-1, special Industrial District.
- B. In the event that the site has frontage on more than one (1) arterial street, the vehicular access to the site shall be provided only from the street which has the higher volume of traffic.
- C. The Conditional Use Application shall include a traffic study prepared by a qualified Traffic Engineer, which details the nature and extent of trip generation expected to result from the proposed development based on the ratios and methodology contained in the

current edition of the Manuals of the Institute of Transportation Engineers. The report shall include current and projected capacities and levels of services of all streets and intersections within one thousand (1,000) feet of the entire perimeter of the site proposed for development and recommendations for improvements to streets and/or traffic control devices within the site or immediately adjacent to the site.

- D. Perimeter security shall be provided appropriately to secure the highest level of custody to be provided at the correctional facility. Perimeter security is the system that controls ingress and egress to the interior of a correctional facility, which may include one (1) or more of the following features: electronic devices, walls, fences, patrols and/or towers.
- E. Levels of custody are categories of security and supervision established by the Pennsylvania Department of Corrections and recommended by the American Correctional Association (ACA) document entitled "Standards for Adult Correctional Facilities", which standards are based on inmate history and behavior, the length of sentence, and the nature of risk posed to the general public and other inmates. In the event of a conflict between the ACA standards and those of the PA Department of Corrections, the more restrictive standard shall apply.
- F. All outdoor activity areas shall be located inside the required perimeter security, as defined in subparagraph four (4) above.
- G. The minimum institutional buffer required for all correctional institutions, regardless of level of custody provided within the correctional institution, shall be two hundred fifty (250) yards. Institutional buffer is that area between the perimeter security for a correctional institution and the property line of the site on which the correctional institution is located.
- H. Off-street parking for correctional institutions, which do not house any inmates with a level of custody of three (3) or greater, may be located within the institutional buffer. Off-street parking for levels of custody three (3) through five (5) shall be located outside the institutional buffer.
- I. The off-street parking required shall be based on the ratio of one (1) parking space for each employee working on peak shift. Additionally, in the case of a State or Federal correctional institution or a private correctional institution, which is operated under contract with the State or Federal government, one (1) space for each ten (10) inmates housed shall be provided for visitors, including family, friends, counselors, attorneys, medical personnel and others who visit the site, but do not work on the site on a daily basis. In the case of county correctional institution or private correctional institution operated under contract with the county, one (1) space for each four (4) inmates housed shall be provided for visitors, including family, friends, counselors, attorneys, medical personnel, and others who visit the site, but do not work on the site on a daily basis.
  - 1) The parking ratio for offices and other administrative facilities, including court rooms, shall be determined by the ratios required by this Ordinance for "professional and business offices" and "indoor places of assembly" and shall be in addition to the spaces required by this subparagraph for employees and visitors.

- J. The Chief Administrator of the facility shall file an Emergency Management Plan, including the planned response to fire, security and medical emergencies, with Township Council, the Township Police Department, Emergency Medical Service and the Township Fire Departments for review and comment as part of the Conditional Use Application and shall file an updated Plan with each of these agencies annually by January 31st of each year after the facility is occupied.
- K. The Emergency Management Plan shall include a proposal to provide an automatic alarm to the Township Police Department and a unique audible warning signal acceptable to the Township to warn the community in the event of a breach of security. Such warning signal shall be differentiated from other warning signals used by public safety and other public or private facilities in the area and the design and intensity of the warning signal shall be based on the location of the correctional institution, characteristics of the sounding physical environment and the proximity of commercial and Residential Uses.
- 1) Failure to timely file an Emergency Management Plan, or an updated Plan, or to properly maintain in working order the audible warning signal, may be treated by the Township as a violation of this Zoning Ordinance, and each day that a violation occurs shall be subject to the enforcement remedies contained in Article XII of this Ordinance.
- L. Fire alarm and fire suppression systems shall be provided in accordance with the requirements of the Township Fire Prevention Code and the Township Building Code.
- M. The applicant shall provide evidence of all required Federal, State or County permits prior to issuance of the Building Permit and shall maintain valid permits throughout the operation of the facility. Any suspension or revocation of the permits required to operate the facility shall result in automatic revocation of the Certificate of Occupancy by the Township. Reinstatement of the Certificate of Occupancy shall be subject to submission of all valid permits and a certification by the Zoning Officer regarding continued compliance with all conditions attached to approval of the Conditional Use.
- N. Failure to maintain valid permits as required throughout the operation of the facility may be treated by the Township as a violation of this Zoning Ordinance, and each day that a violation occurs shall be subject to the enforcement remedies contained in Article XII of this Ordinance.
- O. The Chief Administrator shall supply an Annual Report to the Zoning Officer by January 31st of each year, which indicates the peak prisoner population on any given day in the previous calendar year as a basis for the Zoning Officer to determine continued compliance with parking requirements and other conditions of approval.
- 1) Failure to file the required Annual Report may be treated by the Township as a violation of this Zoning Ordinance, and each day that a violation occurs shall be subject to the enforcement remedies contained in this Ordinance.
- P. All correction institutions, whether governmental, quasi-governmental or private, shall be designed to meet the current performance criteria of the American Correctional Association (ACA) and the Pennsylvania Department of Corrections. In the event of a conflict between these criteria, the more restrictive shall apply.

- Q. In correctional institutions, which contain several levels of custody, the design of the facility shall be such that there shall be no commingling of levels of custody and that sally ports or other entrances used by inmates, including work release inmates, are separate from entrances used by the general public.

**Section 400.16 Crematorium**

- A. All garages, equipment shelters, offices and similar structures shall be screened from adjacent streets and residentially zoned properties by a buffer yard, as described in this Ordinance.
- B. All equipment shall be properly stored within a structure when not in use.
- C. Any and all odors and smoke generated as part of a crematorium operation shall be in conformance with the performance standards of this chapter.
- D. Loading areas/docks shall be screened with either landscaping or fencing from neighboring uses.
- E. No outdoor storage shall be permitted on a lot associated with a crematorium.
- F. No crematorium shall be within two hundred (200) feet of any lot line.

**Section 400.17 Data Center**

- A. This use shall comply with the performance standards of this ordinance.
- B. Any Data Center shall be screened from any adjacent streets and residential uses or residential Zoning District classification in accordance with the screening and buffer yard requirements of this ordinance.
- C. No Data Center shall be located closer than (1,000) feet of any public building, school, library, or place of worship.
- D. No Data center shall be located closer than (200) feet from any residential use or Zoning District classification.

**Section 400.18 Day Care Center**

- A. The facility shall be licensed by the Commonwealth.
- B. Ingress and egress to the site shall be designed to assure safety and safe areas for discharging, and picking up children shall be provided, which do not interfere with the free flow of traffic on adjacent streets.
- C. Outdoor play areas shall be provided and shall be secured by a fence with a self-latching gate.
- D. Outdoor play areas, which adjoin residential lots shall be screened by a buffer area, as described in this Ordinance.

- E. The general safety of the site proposed for a day care center shall be evaluated as it relates to the needs of small children.
- F. Off-street parking shall be provided in accordance with the requirements of this Ordinance.

**Section 400.19 Drug and/or Alcohol Counseling Center**

- A. The site shall have frontage on and direct vehicular access to an arterial street or collector street, as defined by this Ordinance.
- B. The drug and alcohol counseling center shall not be located within five hundred (500) feet of an existing school, public park, public playground, or day care center.
- C. A buffer area, as described in this Ordinance, shall be provided along all property lines adjacent to Residential Use or classification.

**Section 400.20 Dry Cleaning Facility with Drop-off and Pick-up**

- A. All materials and equipment shall be stored within a completely enclosed building.
- B. The manufacturing of hazardous or potentially hazardous materials shall not be permitted.
- C. All waste disposal storage areas shall be located in the rear yard, in compliance with all setback requirements of the applicable Zoning District and shall be screened in accordance with the buffer and screening requirements of this Ordinance.

**Section 400.21 Emergency Services: Municipal Buildings**

- A. The minimum lot area required shall be two (2) acres.
- B. The site shall have frontage on and direct vehicular access to an arterial street or collector street, as defined by this Ordinance.
- C. Ingress and egress to and from the site shall be located so as to maximize sight distance along adjacent public streets and enhance safety for vehicles exiting the property.
- D. Buildings 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.
- E. All outside storage shall be completely enclosed by a six (6) foot high hedge or solid fence.
- F. A buffer area, as described in this Ordinance, shall be provided along all property lines adjacent to any Residential Use or Zoning classification.

**Section 400.22 Financial Institution with Drive-Thru Facilities**

- A. The property shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Ordinance.
- B. The drive-thru facility shall be located on or to the side or rear of the principal structure.
- C. In addition to the parking spaces required for the principal use, a minimum of five (5) standing/vehicle stacking spaces, in tandem, with a total length of one hundred (100) feet, in direct line with each window or stall shall be provided for vehicles to wait in line. The standing spaces 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 any aisle serving parking spaces or overflow onto adjacent properties, streets, or berms.
- D. Entrances, exits and standing spaces shall be adequately indicated with pavement markings and/or directional signs.
- E. Parking areas and circulation patterns shall be adequately striped and marked to facilitate traffic circulation on the property.
- F. A pass-by lane shall be provided to allow for vehicles to exit the drive-thru area without passing by the drive-thru window.

**Section 400.23      Freight Terminal**

- A. The ground surface of off-street parking and loading spaces shall be paved with bituminous, brick, concrete, or stone block paving materials to protect surrounding neighborhoods from dust and other disturbances.
- B. Any Freight Terminal shall be screened from view in accordance with the screening and buffer yard requirements of this ordinance.
- C. The facility shall have one (1) point of vehicular access to an arterial or collector street, as defined by this ordinance.
- D. No storage or transfer of toxic, corrosive, flammable, carcinogenic, or explosive materials, chemical, liquids, gases or solids is permitted on the lot of said Freight Terminal.
- E. Lighting shall be oriented away from any adjacent properties.
- F. Vehicular and pedestrian access to the proposed development shall be designed and provided to maximize pedestrian and vehicular safety.
- G. The ingress and egress shall not create hazardous conditions or undue congestion of traffic circulation in the immediate area.
- H. A traffic impact study shall be required.
- I. The site shall be connected to public water and sewer facilities.

**Section 400.24      Gas/Fuel Stations**



- A. The ingress and egress shall not create hazardous conditions or undue congestion of traffic circulation in the immediate area.
- B. All automobile parts and supplies shall be stored within a building, except that automotive supplies may be displayed for sale at the fuel pump and at a distance no greater than five (5) feet away from the pumps.
- C. All gas stations shall have a canopy, that includes adequate lighting, over all fuel pumps. Canopies over gasoline pumps shall be subject to the requirements found in this Ordinance.
- D. Gasoline pumps shall be located at least seventy (70) feet from the centerline of the cartway of Route 18 and at least forty (40) feet from the centerline of the right-of-way of any other street.
- E. All fuel, oil or similar substances shall be stored at least twenty-five (25) feet from any property line.
- F. All property lines adjoining Residential Use or Zoning District classification shall be screened by a buffer area, as described in this Ordinance.

All lighting shall be shielded away from adjacent properties and streets.

#### **Section 400.25 Gas/Fuel Stations with Carwash**

- A. The ingress and egress shall not create hazardous conditions or undue congestion of traffic circulation in the immediate area.
- B. All automobile parts and supplies shall be stored within a building, except that automotive supplies may be displayed for sale at the fuel pump and at a distance no greater than five (5) feet away from the pumps.
- C. All gas stations shall have a canopy, that includes adequate lighting, over all fuel pumps. Canopies over gasoline pumps shall be subject to the requirements of this Ordinance.
- D. Gasoline pumps shall be located at least seventy (70) feet from the centerline of the cartway of Route 18 and at least forty (40) feet from the centerline of the right-of-way of any other street.
- E. All fuel, oil or similar substances shall be stored at least twenty-five (25) feet from any property line.
- F. All property lines adjoining Residential Use or Zoning District classification shall be screened by a buffer area, as described in this Ordinance.
- G. All lighting shall be shielded away from adjacent properties and streets.
- H. The use shall comply with the minimum requirements of the C-2, Highway Commercial District for lot area, lot width, yards, coverage, height, parking, and loading.
- I. The facility shall be connected to public sewers.

- J. The car wash facility shall be limited to hours of operation between 6 a.m. and 10 p.m.
- K. The entrance to the car wash shall be designed to permit a waiting line in one or more lanes for a total of at least ten (10) cars.
- L. In no event shall cars be permitted to stand in the public right-of-way.
- M. The facilities shall comply with the performance standards of this Ordinance.
- N. Any vacuum facilities shall only be permitted at the rear or side(s) of the lot.

**Section 400.26 Gas/Fuel Stations with a Convenience Store**

- A. The ingress and egress shall not create hazardous conditions or undue congestion of traffic circulation in the immediate area.
- B. All automobile parts and supplies shall be stored within a building, except that automotive supplies may be displayed for sale at the fuel pump and at a distance no greater than five (5) feet away from the pumps.
- C. All gas stations shall have a canopy, that includes adequate lighting, over all fuel pumps. Canopies over gasoline pumps shall be subject to the requirements of this Ordinance.
- D. Gasoline pumps shall be located at least seventy (70) feet from the centerline of the cartway of Route 18 and at least forty (40) feet from the centerline of the right-of-way of any other street.
- E. All fuel, oil or similar substances shall be stored at least twenty-five (25) feet from any property line.
- F. All property lines adjoining Residential Use or Zoning District classification shall be screened by a buffer area, as described in this Ordinance.
- G. All lighting shall be shielded away from adjacent properties and streets.
- H. The use shall comply with the minimum requirements of the C-2, Highway Commercial District for lot area, lot width, yards, coverage, height, parking, and loading.
- I. The facility shall be connected to public sewers.

**Section 400.27 Gas/Fuel Stations with Drive-Thru**

- A. The ingress and egress shall not create hazardous conditions or undue congestion of traffic circulation in the immediate area.
- B. All automobile parts and supplies shall be stored within a building, except that automotive supplies may be displayed for sale at the fuel pump and at a distance no greater than five (5) feet away from the pumps.
- C. All gas stations shall have a canopy, that includes adequate lighting, over all fuel pumps. Canopies over gasoline pumps shall be subject to the requirements of this Ordinance.

- D. Gasoline pumps shall be located at least seventy (70) feet from the centerline of the cartway of Route 18 and at least forty (40) feet from the centerline of the right-of-way of any other street.
- E. All fuel, oil or similar substances, shall be stored at least twenty-five (25) feet from any property line.
- F. All property lines adjoining Residential Use or Zoning District classification shall be screened by a buffer area, as described in this Ordinance.
- G. All lighting shall be shielded away from adjacent properties and streets.
- H. The use shall comply with the minimum requirements of the C-2, Highway Commercial District for lot area, lot width, yards, coverage, height, parking, and loading.
- I. The property shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Ordinance.
- J. The drive-through facility shall be located on or to the side or rear of the principal structure.
- K. In addition to the parking spaces required for the principal use, a minimum of five (5) standing/vehicle stacking spaces, in tandem, with a total length of one hundred (100) feet, in direct line with each window or stall shall be provided for vehicles to wait in line. The standing spaces 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 any aisle serving parking spaces or overflow onto adjacent properties, streets, or berms.
- L. Entrances, exits and standing spaces shall be adequately indicated with pavement markings and/or directional signs.
- M. Parking areas and circulation patterns shall be adequately striped and marked to facilitate traffic circulation on the property.
- N. A pass-by lane shall be provided to allow for vehicles to exit the drive-thru area without passing by the drive-thru window.
- O. Any drive-thru shall have no more than two (2) service lanes.
- P. Any drive-thru shall be adequately screened by a six (6) foot evergreen buffer as described in this Ordinance, where the drive-thru is adjacent to a Residential Use or Residential District.

**Section 400.28 Gas/Fuel Stations with Restaurant**

- A. The ingress and egress shall not create hazardous conditions or undue congestion of traffic circulation in the immediate area.
- B. All automobile parts and supplies shall be stored within a building, except that automotive supplies may be displayed for sale at the fuel pump and at a distance no greater than five (5) feet away from the pumps.
- C. All gas stations shall have a canopy, that includes adequate lighting, over all fuel pumps. Canopies over gasoline pumps shall be subject to the requirements of this

Ordinance.

- D. Gasoline pumps shall be located at least seventy (70) feet from the centerline of the cartway of Route 18 and at least forty (40) feet from the centerline of the right-of-way of any other street.
- E. All fuel, oil or similar substances, shall be stored at least twenty-five (25) feet from any property line.
- F. All property lines adjoining Residential Use or Zoning District classification shall be screened by a buffer area, as described in this Ordinance.
- G. All lighting shall be shielded away from adjacent properties and streets.
- H. The use shall comply with the minimum parking requirements for a restaurant use, as described in the off-street parking requirements of this Ordinance.

**Section 400.29          Golf Courses and Country Clubs**

- A. Golf courses or country clubs shall have a minimum site of ten (10) acres.
- B. Clubhouses shall be located at least one hundred (100) feet from any property line adjoining Residential Use or Zoning District classification and at least fifty (50) feet from all other property lines.
- C. Clubhouses, which are located within three hundred (300) feet of a Residential Use or Zoning District classification, shall be screened by a buffer area, as described in this Ordinance.
- D. Where eating and/or drinking facilities are provided, parking requirements for restaurants shall apply, in addition to the parking requirements for golf courses.
- E. Operations shall be discontinued between the hours of 2:00 a.m. and 6:00 a.m.
- F. Swimming pools shall be subject to the provisions of accessory structures found in this Ordinance.
- G. Ingress, egress, and internal circulation shall be designed to ensure safety and minimize impact on local roads.

**Section 400.30          Gun Range, Indoor**

- A. All applicable Federal, State and Local permits, licenses and guidelines shall be obtained and complied with, as well as copies of said permits and licenses made available to the Township before the construction or occupation of an Indoor Gun Range.
- B. Indoor Gun Ranges shall be constructed with walls, ceilings and floors that are impenetrable to the ammunition discharged by firearms being used within it or have internal baffling built so that the ammunition discharged cannot hit the walls or ceilings. Doors and windows which are in front of the firing points must be bolted from the inside. Protective stalls shall be built between each firing point used for the discharge of a pistol.

- C. Indoor Gun Ranges shall be constructed and insulated with the proper material and techniques to eliminate the noise from the discharging of firearms emanating from inside the facility.
- D. No Indoor Gun Range shall be operated within (1,000) feet of another Gun Range, either indoor or outdoor.
- E. No Indoor Gun Range shall be operated within (1,000) feet of a public building, park/playground, school or day care.

**Section 400.31          Gun Range, Outdoor**

- A. All applicable Federal, State and Local permits, licenses and guidelines shall be obtained and complied with, as well as copies of said permits and licenses made available to the Township before the construction or occupation of an Outdoor Gun Range.
- B. Outdoor Gun Ranges may or may not include a clubhouse or associated building that includes additional shooting facilities. Such facilities shall meet the following,
  - a. Indoor Gun Ranges shall be constructed with walls, ceilings and floors that are impenetrable to the ammunition discharged by firearms being used within it or have internal baffling built so that the ammunition discharged cannot hit the walls or ceilings. Doors and windows which are in front of the firing points must be bolted from the inside. Protective stalls shall be built between each firing point used for the discharge of a pistol.
  - b. Indoor Gun Ranges shall be constructed and insulated with the proper material and techniques to eliminate the noise from the discharging of firearms emanating from inside the facility.
- C. No Outdoor Gun Range shall be operated within (1,000) feet of another Gun Range, either indoor or outdoor.
- D. No Outdoor Gun Range shall be operated within (1,000) feet of a public building, park/playground, school or day care.

**Section 400.32          Hospitals**

- A. The minimum site required shall be two (2) acres.
- B. The site shall have direct access to an arterial or collector road as defined by this Ordinance.
- C. The required front and rear yards shall be sixty-five (65) feet each; the required side yards shall be thirty (30) feet each.
- D. The maximum height of the structure shall be fifty (50) feet.
- E. Maximum lot coverage shall be thirty-five (35) percent.
- F. All sites must be served by public water and sewer facilities. Evidence of Federal and/or State approval of sewage disposal and water supply systems shall be required.

- G. Water pressure and volume shall be adequate for fire protection.
- H. Ingress, egress, and internal traffic circulation shall be designed to ensure safety and access by emergency vehicles and to minimize impact on local roads.
- I. The parking and circulation plan shall be referred to the Township Police and Volunteer Fire Company for comments regarding traffic safety and emergency access.
- J. Adequate and secured open space shall be provided for patient recreation, if the hospital is other than a general surgical hospital.
- K. Adequate security shall be provided for the facility.
- L. All property lines adjoining Residential Use or Zoning District classification shall be screened by a buffer area, as described in this Ordinance.
- M. Outdoor lighting shall be shielded away from adjacent properties.
- N. Helipads, if proposed, shall meet the following standards:
  - 1) Helipads shall be located at least one hundred (100) feet from any property line or public street.
  - 2) Helipads shall be limited to use by emergency services and health systems.
  - 3) Evidence of compliance with all applicable regulations of the Federal Aviation Administration and 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.

**Section 400.33      Hotels**

- A. All property lines adjoining Residential Use or Zoning District classification shall be screened by a buffer area, as described in this Ordinance.
- B. Ingress, egress, and internal traffic circulation shall be designed to ensure safety, accommodate emergency vehicles, and minimize congestion.
- C. Outdoor lighting shall be shielded and reflected away from adjoining streets and Residential Uses or Zoning Districts.
- D. Swimming pools shall meet the requirements of accessory structures found in this

Ordinance.

**Section 400.34 Independent Living Facilities**

- A. The minimum site required shall be one (1) acre.
- B. The minimum front, rear and side yards shall be forty (40) feet each.
- C. The site shall be serviced by public water and sewer.
- D. Water volume and pressure shall be adequate for fire protection.
- E. Parking shall not be permitted in the front yard.
- F. Ingress, egress, and internal circulation shall be designed to ensure safety and access by emergency vehicles and to minimize impact on local roads.
- G. The parking and circulation plan shall be referred to the Township Police and Volunteer Fire Company for comments regarding traffic safety and emergency access.
- H. All property lines adjoining Residential Use or Zoning District classification shall be screened by a buffer area, as described in this Ordinance.
- I. The facility shall be licensed by the Commonwealth.
- J. Adequate open space shall be provided for outdoor activity, consistent with the needs of the residents.

**Section 400.35 Junk Yard**

- A. The minimum site size shall be five (5) acres.
- B. The premises shall be maintained so as to not constitute a nuisance or a menace to public health and safety.
- C. No garbage or other organic waste shall be stored on the premises.
- D. The manner of storage of junk shall facilitate access for firefighting and shall prevent accumulation of stagnant water.
- E. Junk yards shall comply with the performance standards of this Ordinance.
- F. No junk shall be stored or accumulated, and no structure shall be constructed within one hundred (100) feet of any dwelling unit or within forty (40) feet of any property line or public street.
- G. The premises shall be enclosed by a metal chain-link fence not less than eight (8) feet in height supported on steel posts with a self-latching gate.
- H. The fence shall be supplemented with screening material, which creates a visual barrier that is at least eighty (80) percent opaque.
- I. All property lines adjoining Residential Use or Zoning District classification shall be

screened by a buffer area, as described in this Ordinance. The required fence shall be located inside the buffer area, and where a buffer area exists, supplemental screening of the fence shall not be required.

- J. The operator shall obtain a license from the Township prior to initiating operations, which shall be renewable annually upon payment of a fee established by Resolution of the Board of Township Supervisors and inspection by the Zoning Officer to determine continuing compliance with these standards.

#### **Section 400.36 Kennels and Veterinary Clinics**

- A. The minimum site area for a kennel or veterinary clinic shall be forty thousand (40,000) square feet.
- B. Such uses shall be located at least one hundred (100) feet from any property line adjoining Residential Use or zoning classification and at least fifty (50) feet from any other property line.
- C. Outdoor runs shall not be permitted. The kennel shall be constructed for easy cleaning.
- D. A buffer area, as described in this Ordinance, shall be provided along any property line adjoining Residential Use or Zoning classification.

#### **Section 400.37 Landfills**

- A. The minimum site for a landfill shall be twenty (20) acres.
- B. Landfill operations shall not be conducted within two hundred (200) feet of any property lines adjoining Residential Use or Zoning District classification.
- C. All property lines adjoining Residential Use or Zoning District classification shall be screened by a buffer area, as described in this Ordinance.
- D. Fencing at least six (6) feet in height shall be provided around any work area for security and to control windblown refuse.
- E. The applicant shall show compliance with applicable state and federal laws regulating landfills.
- F. The applicant shall obtain the required permits from the Pennsylvania Department of Environmental Resources and/or the U.S. Environmental Protection Agency prior to initiating any operation.
- G. The required state or federal permits shall be maintained throughout the duration of all landfill operations.
- H. Any suspension or revocation of the required state or federal permits shall constitute a violation of this Ordinance and will result in the suspension or revocation of the zoning certificate or enforcement of the penalty provisions of this Ordinance or both.
- I. 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 required state or federal permits.

**Section 400.38      Libraries**

- A. All property lines adjoining Residential Use or Zoning District classification shall be screened by a buffer area, as described in this Ordinance.
- B. No storage of equipment or material shall be permitted outside a structure.
- C. All lights shall be shielded and reflected away from adjoining property.
- D. Ingress, egress, and internal traffic circulation shall be designed to ensure safety and access by emergency vehicles.
- E. Adequate off-street parking and loading facilities shall be provided in accordance with the requirements of the off-street parking requirements of this Ordinance.

**Section 400.39      Massage Parlor**

- A. Any massage Parlor shall obtain all applicable licensing from the commonwealth of Pennsylvania.
- B. No Massage Parlor shall be located closer than (500) feet from another similar use.
- C. No Massage Parlor shall be located closer than (300) feet from any public building, school, park, library, day-care facility or similar uses.
- D. The location of the facility shall be designed to minimize the impact on adjacent residential properties in terms of noise, traffic, hours of operation, and light pollution.
- E. No direct beams or rays of light from exterior lighting fixtures, or signs on the site shall be permitted to shine into any property in a Residential Zoning District and associated open spaces of adjacent residential properties.
- F. The facility shall be connected to public water and sewer.
- G. Hours of operation shall be limited to seven (7) a.m. to nine (9) p.m.
- H. The facility shall comply with all applicable rules and regulations of the Commonwealth of Pennsylvania.
- I. All employees (excluding administrative staff) shall possess the proper licensing and or certifications required by federal and/or state regulations.
- J. The owner and operator of the facility shall be responsible for the conduct and safety of the employees, customers, visitors, and guests and shall be available to respond to inquiries and promptly resolve any issues caused by the employees, customers, visitors and guests.

**Section 400.40      Medical Marijuana Dispensary**

- A. A medical marijuana dispensary must be legally registered in the Commonwealth and possess a current valid medical marijuana permit from the Pennsylvania Department of Health. A medical marijuana dispensary must comply with all applicable state and county laws, rules, and regulations.
- B. A medical marijuana dispensary may only dispense medical marijuana in an indoor, enclosed, permanent and secure building and shall not be located in a trailer, cargo, container, mobile or modular unit, mobile home, recreational vehicle, or other motor vehicle.
- C. A medical marijuana dispensary may not be located on the same property where a facility for growing medical marijuana is located.
- D. The dispensary shall have a single secure public entrance and shall implement appropriate security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing medical marijuana.
- E. A medical marijuana dispensary shall not be located within one thousand (1,000) feet of the property line of a public, private, or parochial school or day-care center. This distance shall be measured in a straight line from the closest exterior wall of the building or portion thereof in which the business is conducted or proposed to be conducted, to the closest property line of the protected use, regardless of the municipality in which the protected use is located.
- F. A medical marijuana dispensary shall not include a drive through service, outdoor seating, or outdoor vending machines.
- G. Direct or home delivery service shall not be offered.
- H. Consumption of medical marijuana on the premises shall not be permitted.
- I. A medical marijuana dispensary shall not be located within one thousand (1,000) feet of the property line of a church or religious place of worship. This distance shall be measured in a straight line from the closest exterior wall of the building or portion thereof in which the business is conducted or proposed to be conducted, to the closest property line of the protected use, regardless of the municipality in which the protected use is located.
- J. The dispensary shall have a single secure entrance and shall implement appropriate security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing medical marijuana.

**Section 400.41      Medical Marijuana Grower/Processor**

- A. A medical marijuana grower/processor may only grow medical marijuana in an indoor, enclosed and secure building, which includes electronic locking systems, electronic surveillance and other features required by the DOH. The grower/processor facility shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle, or other motor vehicle.
- B. The floor area of a medical marijuana grower/processor shall include sufficient space for production, secure storage of marijuana seed, related finished product cultivation, and

marijuana related materials and equipment used in production and cultivation or for required laboratory testing.

- C. There shall be no emissions of dust, fumes, vapors, orders, or waste into the environment from any facility where medical marijuana growing, processing, or testing occurs.
- D. Marijuana remnants and byproducts shall be secured and properly disposed of in accordance with the DOH Policy and shall not be placed within any unsecure exterior refuse containers.
- E. The grower/processor shall provide only wholesale products to other medical marijuana facilities. Retail sales and dispensing of medical marijuana and related products is prohibited at medical marijuana grower/processor facilities.
- F. Grower/processor facilities may not be located within one thousand (1,000) feet of the property line of a public, private, or parochial school or day care center.
- G. Buffer planting is required where a medical marijuana grower/processor adjoins a Residential Use or District.

#### **Section 400.42          Methadone Clinic**

- A. The site shall have frontage on and direct vehicular access to an arterial street or collector street, as defined by this Ordinance.
- B. The site shall be within reasonable walking distance of a public transit stop.
- C. If located in a building with other uses, the clinic shall have an entrance directly to the outside.
- D. A methadone clinic shall not be established or operated within five hundred (500) feet of an existing school, public playground, public park, residential neighborhood, day care center, church, meeting house or other actual place of regularly stated religious worship established prior to the proposed methadone clinic, unless the majority of the Board of Supervisors vote to approve the methadone clinic at a closer location following one or more public hearings held at least fourteen (14) days prior to the vote on the proposed location. Said hearing(s) shall be held pursuant to public notice, as defined herein, and written notice to all property owners within five hundred (500) feet of the proposed location at least thirty (30) days prior to the hearing.
- E. Buffer area, as described in this Ordinance, shall be provided along all property lines adjacent to Residential Use or Zoning classification.

#### **Section 400.43          Micro-Brewery/Distillery**

- A. Operations shall cease between the hours of 2:00 a.m. and 11:00 a.m. prevailing time, and the establishment may not be open to the public during those hours.
- B. Shall not be located closer than six hundred (600) feet to another similar existing use.
- C. Operations shall be regulated so that nuisances, such as excessive noise levels, shall

not be created. The Township may attach such reasonable conditions as it deems necessary to ensure the operation complies with this requirement.

- D. Outdoor storage of material shall not be permitted.
- E. All Micro-Breweries/Distilleries shall obtain a Pennsylvania Liquor Control Board (PLCB) License prior to operation.

#### **Section 400.44      Micro-Brewery Pub**

- A. Operations shall cease between the hours of 2:00 a.m. and 11:00 a.m. prevailing time, and the establishment may not be open to the public during those hours.
- B. Shall not be located closer than six hundred (600) feet to another similar existing use.
- C. Operations shall be regulated so that nuisances, such as excessive noise levels, shall not be created. The Township may attach such reasonable conditions as it deems necessary to ensure the operation complies with this requirement.
- D. Outdoor storage of materials shall not be permitted.
- E. All Micro-Breweries/Distilleries shall obtain a Pennsylvania Liquor Control Board (PLCB) License prior to operation.

#### **Section 400.45      Mineral Removal**

- A. There shall be no removal of minerals or vegetative cover within two hundred (200) feet of the bank of any stream or natural watercourse identified on maps prepared by the United States Geologic Survey (USGS).
- B. Mineral removal shall be prohibited in watersheds of rivers or streams now or hereafter designated by the Pennsylvania Fish Commission as a Wilderness Trout Stream, by the Pennsylvania Department of Environmental Resources as part of the Scenic Rivers System or designated under the Federal Wild and Scenic Rivers Act.
- C. No mineral removal shall be conducted within three hundred (300) feet of any public building, School, church, community or institutional building, commercial building, public park, or private recreational area.
- D. No mineral removal shall be conducted within one hundred (100) feet of the outside right-of-way line of any public road, 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.
- E. 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.
- F. No mineral removal shall be conducted within one hundred (100) feet of a cemetery.
- G. No mineral removal shall be conducted within five hundred (500) feet of any occupied dwelling, unless the consent of the owner of the dwelling has been obtained in advance of the filing of the Application for Zoning Approval.

- H. 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 uses 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.
- I. 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.
- J. 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.
- K. The applicant shall provide reclamation plans for the site which 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.
- L. 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 comply with designated weight limits on Township roads and shall design the hauling routes for the mineral removal operation to minimize the impact on local roads within the Township.
- M. 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.
- N. The applicant shall comply with all applicable State and Federal regulations and shall show evidence of obtaining the required State or Federal permits before initiating any work and of maintaining 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 Ordinance.
- O. Conditional Use approval shall expire if work authorized in the Conditional Use Application is not commenced within ninety (90) days of the date of approval of the application by the supervisors, unless the applicant submits a written request for an extension to the Supervisors prior to the expiration of the ninety (90) days explaining the reasons for the delay in initiating the work and the Supervisors approve the request.
- P. Once work is initiated under an Approved Conditional Use Application, zoning approval shall be valid for a period of one (1) year from the date of Conditional Use Approval by the Supervisors. An Application for Renewal of Zoning Approval must be submitted prior to the date of expiration of Zoning Approval and can be granted by the Zoning Officer upon demonstration by the applicant that all conditions of the Conditional Use Approval 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. Upon expiration or revocation of zoning approval for the Conditional Use, the applicant may reapply for Conditional Use Approval.

**Section 400.46 Mobile Home Parks in the R-2-A, Special Rural Residential District**

- A. The minimum site required for a mobile home park shall be ten (10) contiguous acres.
- B. The site of a mobile home park shall be serviced by public water, or a state approved private water system and public sewers, or state approved private sewage disposal system.
- C. Around the perimeter of the mobile home park site there shall be minimum front and rear yards of fifty (50) feet each and minimum side yards of thirty (30) feet each. No portion of an individual mobile home lot may extend into the required perimeter yards. Landscaping, parking, and recreational facilities may project into the required perimeter yards if they are at least twenty (20) feet from the exterior property line bounding the site.
- D. Individual mobile home lots shall meet the following minimum requirements:
  - 1) Lot Area
    - a) 6,000 square feet
  - 2) Lot Width
    - a) 60 feet
  - 3) Interior Yards
    - a) Twenty-five (25) feet from interior access roads
    - b) Thirty (30) feet from parallel ends or sides of mobile homes or other principal buildings
    - c) Fifteen (15) feet between mobile homes and any other accessory building
- E. Support and Anchoring: Individual mobile homes shall be placed upon suitable supports to ensure that the unit will remain level and free from structural damage. Each mobile home shall be provided with an anchoring system to prevent and resist overturning or lateral movement caused by wind forces. Such anchoring shall be equivalent to or exceed NFPA Standard No. 501A-1974 (ANSI A119.3-1975).
- F. Skirting: Each mobile home shall be skirted with an enclosure of compatible design and material. Such skirting shall provide adequate ventilation to inhibit the formation of moisture and decay.
- G. Common Facilities: No less than ten percent (10%) of the mobile home park site shall be devoted to common facilities for passive and active recreation limited to use by the residents of the mobile home park. Such common facilities may include, but shall not be limited to, community clubs, swimming pools, tennis courts, parks, playgrounds, shelters, hiking trails, hobby areas, laundries, and service buildings for resident use.
- H. Screening: All property lines adjoining Residential Use or Zoning District classification shall be screened by a buffer area, as described in this Ordinance.

- I. Sidewalks, at least three (3) feet in width, shall be provided along at least one (1) side of the interior streets.
- J. Interior streets shall be lit.
- K. Interior streets to be dedicated to the Township shall be constructed in accordance with the design standards of the Township subdivision regulations.
- L. Interior streets, which are not to be dedicated to the Township, in accordance with Township subdivision regulations, shall be constructed in accordance with the following standards:
  - 1) One-way minor streets serving less than twenty (20) lots shall have a minimum paving width of fourteen (14) feet. Two-way minor streets serving less than twenty (20) lots shall have a minimum paving width of sixteen (16) feet.
  - 2) All other one-way streets within the mobile home park shall have a minimum paving width of eight (8) feet per moving lane where on-street parking is prohibited and shall have a minimum paving width of ten (10) feet per moving lane where on-street parking is permitted.
  - 3) All other two-way streets within the mobile home park shall have a minimum paving width of nine (9) feet per moving lane where on-street parking is prohibited and shall have a minimum paving width of ten (10) feet per moving lane where on-street parking is permitted.

**Section 400.47                      Natural Gas Compressor Station or Natural Gas Processing Plant**

- A. The minimum site required for a natural gas processing plant shall be twenty-five (25) acres. The minimum site required for a compressor station shall be one (1) acre.
- B. All facilities and structures, whether principal or accessory, shall be set back at least seven hundred fifty (750) feet from any property line adjoining property in the R-1 or R-2 District.
- C. Compressors shall be located within a completely enclosed building. During periods of normal operation, doors, windows, and similar openings shall remain closed to ensure maximum noise suppression.
- D. The buildings housing engines and compressors shall be sound-proofed to meet the maximum allowed noise at the property line specified in the noise regulations found in this Ordinance.
- E. All equipment and facilities shall comply with the noise regulations of this Ordinance. If the equipment and facilities exceed the noise limits established by the Township Zoning Ordinance, the Township may require acoustical blankets, sound walls or other alternative methods to mitigate excessive noise and ensure compliance with the noise standards.
- F. All property lines adjoining property in an R-1-A, R-1, R-2, R-2-A or R-3 District shall be screened by a buffer area as described in this Ordinance for the distance necessary to screen buildings, structures, parking areas, storage areas and equipment.

- G. The operator shall provide a site orientation for the Township's emergency first responders regarding operations, equipment and chemicals present at the facility prior to occupying the facility.
- H. Heavy truck traffic to and from the site shall be restricted to daylight hours. Emergency vehicles and field maintenance vehicles are exempted from this limitation.
- I. Tracking of mud, dirt and debris onto Township streets shall be minimized. Measures shall be taken to clean any mud, dirt, and debris from Township streets within a reasonable time.
- J. The operator shall demonstrate continuing compliance with all applicable local, state, and federal permits and regulations.
- K. The site shall be secured by a minimum eight (8) foot high chain link fence with a locking gate that shall be kept locked when employees are not on the premises.
- L. Exterior lighting shall be shielded and directed away from adjacent streets and properties. To the extent permitted by safety considerations, exterior lighting shall be turned off between dusk and dawn.
- M. For a natural gas compressor station, a minimum of five (5) parking spaces shall be provided on the site to accommodate service and maintenance workers or visitors to the site. The parking spaces shall not be required to meet the paving requirements of this Ordinance, on condition that a dust-free, all weather surface is provided. All other design requirements of the off-street parking requirements of this Ordinance shall apply.
- N. Natural gas processing facilities shall be subject to the design requirements for off-street parking facilities and the parking requirements for Industrial and Manufacturing Uses.

**Section 400.48      Nursing Home**

- A. The minimum site required shall be one (1) acre.
- B. The minimum front, rear and side yards shall be forty (40) feet each.
- C. The site shall be serviced by public water and sewer.
- D. Water volume and pressure shall be adequate for fire protection.
- E. Parking shall not be permitted in the front yard.
- F. Ingress, egress, and internal circulation shall be designed to ensure safety and access by emergency vehicles and to minimize impact on local roads.
- G. The parking and circulation plan shall be referred to the Township Police and Volunteer Fire Company for comments regarding traffic safety and emergency access.
- H. All property lines adjoining Residential Use or Zoning District classification shall be screened by a buffer area, as described in this Ordinance.



- I. The facility shall be licensed by the Commonwealth.
- J. Nursing homes shall have a bed capacity of not less than twenty (20) beds, nor more than two hundred (200) beds.
- K. Nursing homes shall not be considered dwelling units and shall not be governed by the dwelling unit density of the District in which they are proposed.
- L. Adequate open space shall be provided for outdoor activity, consistent with the needs of the residents.
- M. Outdoor lighting, if any, shall be shielded away from adjacent properties.

**Section 400.49 Outdoor Amusement**

- A. A minimum site of one (1) acre shall be required.
- B. All principal structures shall be located at least forty (40) feet from any property line.
- C. Parking shall be provided in accordance with the off-street parking requirements of this Ordinance. Security fencing, at least six (6) feet in height, and screening shall be provided along all property lines adjoining Residential Use or Zoning District classification. Screening shall be a buffer area, as described in this Ordinance.
- D. No outdoor speakers shall be permitted.
- E. All lighting shall be shielded from adjacent streets and properties.
- F. The use shall comply with the Performance Standards of this Ordinance.
- G. Any facility located within two hundred (200) feet of a property line adjoining a Residential Use or Zoning classification shall cease operations at 12:00 midnight.

**Section 400.50 Parking Structure**

- A. Such uses shall not be located any closer than two hundred (200) feet to any residential lot, school, church, playground or public building.
- B. All lighting shall be shielded away from streets and adjacent lots.
- C. Ingress, egress, and internal traffic circulation shall be designed to ensure safety and accommodate peak demands without hazards or delay.

**Section 400.51 Personal Care Boarding Home**

- A. No personal care boarding home shall be established within one thousand (1,000) feet of another personal care boarding home.
- B. Adequate provisions shall be made for access for emergency, medical, and fire vehicles.
- C. Twenty-four (24) hour supervision shall be provided by staff qualified by the

sponsoring agency.

- D. 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 a self-latching gate.
- E. Where applicable, certification or licensing by the sponsoring agency shall be prerequisite to obtaining a Certificate of Occupancy, and a copy of an Annual Report with evidence of Continuing Certification shall be submitted to the Zoning Officer in January of each year.

#### **Section 400.52          Places of Worship**

- A. All property lines adjoining Residential Use or Zoning District classification shall be screened by a buffer area, as described in this Ordinance.
- B. No storage of equipment or material shall be permitted outside a structure.
- C. All lights shall be shielded and reflected away from adjoining property.
- D. Ingress, egress, and internal traffic circulation shall be designed to ensure safety and access by emergency vehicles.
- E. Adequate off-street parking and loading facilities shall be provided in accordance with the requirements of this Ordinance.

#### **Section 400.53          Principal Solar Energy System**

- A. The PSES layout, design, installation, and on-going maintenance shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), or other similar certifying organizations; and shall comply with the PA Uniform Construction Code (UCC) as enforced by the Township; and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the application.
- B. PSES installers must certify they are listed as a certified installer to the Zoning Officer on the PA Department of Environmental Protection (DEP) approved solar installer list, or that they meet the criteria to be a DEP-approved installer by meeting or exceeding one of the following requirements:
  - 1) Is certified by the North American Board of Certified Energy Practitioners (NABCEP).
  - 2) Has completed an Interstate Renewable Energy Council (IREC) Institute for Sustainable Power Quality (ISPQ) accredited PV training program or a PV manufacturer's training program and successfully installed a minimum of three (3) PV systems.

- C. All on-site distribution and plumbing lines inside of the fence line of the PSES shall be placed underground or out of sight from public streets and neighboring properties to the extent feasible.
- D. The developer of a PSES shall provide the Township Zoning Officer written confirmation that the public utility company to which the PSES will be connected has been informed of the developer's intent to install a grid-connected system and such connection has been approved.
- E. No portion of the PSES shall contain or be used to display advertising. The manufacturer's name and equipment information or indication of ownership shall be permitted on any equipment of the PSES provided they comply with all existing sign regulations.
- F. All PSES shall be placed such that concentrated solar radiation and/or glare does not project onto adjacent structures or roadways or adjoining property owners.
- G. A noise study, conducted by an independent noise study expert, and paid for by the applicant, shall be included in the application. Noise from the operation of a PSES shall not exceed 50dbA, as measured at the property line of the nearest property that is not participating (by means of a lease, easement, solar easement or other agreement) in the development and/or operation of the PSES.
- H. No trees or other landscaping, otherwise required by the Township for previous developments, may be removed for the installation or operation of a PSES, except to the extent provided in the approved land Development Plan for the PSES.
- I. The PSES owner and/or operator shall provide the Township with a phone number and identify an individual responsible to act as a contact for the public with inquiries or complaints throughout the life of the project.
- J. Decommissioning
  - 1) The PSES owner is required to notify the Township within thirty (30) days following permanent cessation or abandonment of the operation. The PSES shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of twelve (12) continuous months, and the owner of the PSES has evidenced its intent to permanently discontinue operation of the PSES.
  - 2) The PSES owner shall then have twelve (12) months in which to dismantle and remove the PSES, including all solar-related equipment or appurtenances related thereto, including, but not limited to, buildings, cabling, electrical components, roads, foundations, and other associated facilities, from the property, except to the extent the owner of the property agrees that roads and foundations may remain in place. If the owner fails to dismantle and remove the PSES to the extent required by this paragraph within the established time frames, the Township may complete the decommissioning at the owner's expense. The costs of such decommissioning together with a penalty of ten (10) percent to be charged upon the land upon which the PSES exists as a municipal lien, or alternatively to recover such costs and penalty together with reasonable attorney fees incurred by the Township, in a suit at law against the owner or owners, but, failing to recover same, the judgment therefore shall be charged upon the land

as a lien; and, this subsection is separate from and in addition to the fine, penalty, and costs which may be imposed by any other subsection of this Ordinance.

- 3) Prior to the issuance of a permit by the Township, the owner shall provide financial security in the form of cash, a letter of credit or bond, acceptable to the Township, in the amount of eighty-five (85) percent of the estimated cost of decommissioning based on an estimate provided by a professional Engineer registered in the Commonwealth of Pennsylvania to secure the expense of dismantling and removing the PSES and stabilizing the land for storm water management purposes. The decommissioning cost estimate shall be updated by a professional Engineer registered in the Commonwealth of Pennsylvania at the developer/owner's expense every five (5) years thereafter, and the financial security shall be adjusted accordingly.
- K. By accepting a permit issued by the Township for the PSES, the applicant shall be deemed to have acknowledged and agreed that the issuance of said permit for a solar energy system shall not, and does not, create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself: (a) the right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining property or other property or the growth of any trees or vegetation on such property; or (b) the right to prohibit the development on or growth of any trees or vegetation on such property, and that any such rights would need to be acquired by means of a solar easement.

L. Solar Easements

- 1) Where a subdivision or land development involves the use of solar energy systems, solar easements may be provided. Said easements shall be in writing and shall be subject to the same conveyance and instrument recording requirements as other easements.
- 2) Any such easement shall be appurtenant; shall run with the land benefitted and burdened; and shall be defined and limited by conditions stated in the instrument of conveyance. Instruments creating solar easement may include, but not be limited to:
  - a) A description of the dimensions of the easement including vertical and horizontal angles measured in the degrees or hours of the day, on specified dates, during which direct sunlight to a specified surface or structural design feature may not be obstructed;
  - b) Restrictions on the placement of vegetation, structures, and other objects which may impair or obstruct the passage of sunlight through the easement;
  - c) Enumerate terms and conditions, if any, under which the easement may be revised or terminated;
  - d) Explain the compensation for the owner of the real property subject to the solar easement for maintaining the easement and for the owner of the real property benefitting from the solar easement in the event of interference with the easement;

- e) Owner information, deed book volume and page or document number, along with the parcel identification number.

M. Permit Requirements

- 1) All PSES shall comply with the Township’s Subdivision and Land Development Ordinance. Land development approval is required. The installation of a PSES shall be in compliance with all applicable permit requirements, codes and regulations.
- 2) The PSES owner and/or operator shall repair, maintain, and replace the PSES and related solar equipment during the term of the permit in a manner consistent with industry standards as needed to keep the PSES in good repair and operating condition.

N. Ground Mounted Principal Solar Energy Systems: A PSES, and any associated accessory equipment (other than fencing, collection lines, transmission lines and similar installations) shall comply with the following area and dimensional requirements with respect to the PSES, and any such associated accessory equipment as a whole, and lot lines of separate parcels of land included therein that are interior to the facility and not outside of the perimeter of the facility shall not be subject to the following minimum lot size and setback requirements.

Table 400 – PSES Area and Dimensional Requirements

<b>Minimum Lot Area</b>	<b>Minimum Lot Width</b>	<b>Minimum Side Yard</b>	<b>Minimum Rear Yard</b>	<b>Maximum Height</b>	<b>Maximum Lot Coverage</b>
32,000 Square Feet	150 Feet	15 Feet	15 Feet	15 Feet	N/A

*Substation improvements, poles and wires shall not be subject to the foregoing height limitation.*

The area beneath the ground mounted PSES is considered pervious cover. However, use of impervious construction materials under the system could cause the area to be considered impervious and be required to meet the lot coverage limitation for the use providing the highest maximum lot coverage limitation in the applicable Zoning District.

O. Screening

- 1) Any areas of a ground mounted PSES that are directly adjacent to a parcel containing an occupied residence and are within the line of sight from the residential structure (other than a residence of the owner participating in the PSES) shall provide a suitable landscaping buffer area at least ten (10) feet in width of evergreen-type plants that shall be of a kind, or used in such a manner, so as to provide a continuous opaque screen from the adjacent property within thirty-six (36) months of commencement of operations in such line-of-sight area to be screened.
- 2) In lieu of a vegetative screen, a decorative fence meeting the Zoning Ordinance requirements may be used.

- P. Ground mounted PSES shall not be placed within any legal easement or right-of-way location, if such placement would violate the terms and conditions of such easement or right-of-way.
- Q. Ground mounted PSES shall not be placed in any stormwater conveyance system in any manner that would impede stormwater runoff from collecting in a constructed conveyance system.
- R. Security
  - 1) All ground mounted PSES (excluding transmission lines) shall be completely enclosed by a minimum seven (7) foot high fence.
  - 2) A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on the fence on the surrounding PSES informing individuals of potential voltage hazards.
- S. Access
  - 1) A minimum twenty (20) foot wide access road, from a public roadway, shall be provided to the site.
  - 2) Maintenance roads, a minimum of twelve (12) feet in width, shall be provided between solar arrays to permit access for maintenance and emergency vehicles.
- T. The ground mounted PSES shall not be artificially lighted except to the extent required by applicable federal, state, or local authority or as required for safety purposes.
- U. When a ground mounted PSES is removed, any earth disturbance resulting from the removal shall be graded and re-seeded.
- V. Roof and Wall Mounted Principal Solar Energy Systems.
  - 1) For roof and wall mounted PSES, the applicant shall provide evidence that the plans comply with the PA UCC and all applicable Township ordinances.
  - 2) PSES mounted on the roof or wall of any structure shall be subject to the maximum height restrictions of the underlying Zoning District.

**Section 400.54 Private Non-Profit Multi-Purpose Sports and Recreational Facility**

- A. Multi-purpose sports and recreation facilities must contain an area of ten (10) acres or more.
- B. The site must be planned to provide all ingress and egress onto or from a public roadway.
- C. Development, including principal and accessory buildings and structures, shall be located to minimize the possibility of any adverse effect upon any adjacent properties.
- D. A buffer area, as described in this Ordinance, shall be provided along all property lines

where parking is less than one hundred (100) feet from adjacent residential dwellings in any Zoning District.

- E. Natural drainage ways shall be retained whenever possible.
- F. The layout of the facilities and fields shall be done by a registered architect, landscape architect, or engineer.
- G. Open space shall comprise not less than sixty (60) percent of the net project area.
- H. Parking areas shall be lighted in such a way as to shine away from adjacent residential dwellings.

#### **Section 400.55 Public Parks and Playgrounds**

- A. All property lines adjoining Residential Use or Zoning District classification shall be screened by a buffer area, as described in this Ordinance.
- B. No storage of equipment or material shall be permitted outside a structure.
- C. All lights shall be shielded and reflected away from adjoining property.
- D. Ingress, egress, and internal traffic circulation shall be designed to ensure safety and access by emergency vehicles.
- E. Adequate off-street parking and loading facilities shall be provided in accordance with the requirements of this Ordinance.
- F. Swimming pools shall be subject to the provisions of the accessory structure requirements of this Ordinance.

#### **Section 400.56 Public Utility Building**

- A. No storage of movable equipment or material shall be permitted outside a building.
- B. Uses involving distribution equipment, which is not enclosed by a building, shall be secured by a fence at least six (6) feet in height with self-latching gate.
- C. Uses involving distribution equipment, which is not enclosed by a building, shall be adequately screened by a six (6) foot compact evergreen planting buffer area, as described in this Ordinance, along all property lines adjacent to Residential Uses or Zoning Districts.
- D. Uses involving towers or other distribution structures, which exceed the height limitations of the District, shall be required to increase the yard clearance required for the structure by one (1) foot for every two (2) feet in excess of the height limitations.

#### **Section 400.57 Radio, TV, and Microwave Towers**

- A. A minimum site of two (2) acres shall be required.
- B. The use shall adhere to the yard requirements for principal uses in the District in

which it is located, provided that the yards shall be increased one (1) foot for each additional foot of height of the structure, which is in excess of the height limitations for the District.

- C. Evidence of compliance with all applicable State and Federal regulations shall be submitted with the Application for Zoning Approval.
- D. Expert testimony shall be submitted regarding the impact of the proposed station on adjacent properties and any existing airports.
- E. All towers shall be adequately secured and screened, as necessary, to minimize the impact on adjacent properties.

#### **Section 400.58          Recycling Collection**

- A. Operations shall be regulated so that nuisances, such as visual blight, noise, odors, blowing debris and dust, shall not be created.
- B. Materials shall be stored in such a manner as to discourage the presence of rodents or other disease carrying animals. If after operations commence, the Zoning Officer determines that a vector problem exists, the operator shall be responsible for taking whatever measures are necessary to rid the premises of said nuisances.
- C. Adequate off-street loading areas shall be provided for loading and unloading of recyclable materials. Under no circumstances shall vehicles be parked on a public right-of-way.
- D. All materials shall be stored within a completely enclosed container.
- E. Recycling collection facilities proposed for use by the general public shall be clearly identified to include the type of material to be deposited, the name and telephone number of the operator, the hours of operation, and a display notice that no materials may be left outside the recycling enclosure or containers.
- F. Containers for the 24-hour donation of materials shall be located at least one hundred (100) feet from any property line adjoining an existing single-family dwelling or Residential Zoning District.
- G. All containers shall be of durable construction and shall be waterproof and rustproof. All containers shall be properly maintained and shall be covered or secured when the facility is not in operation. All containers shall be of sufficient size to accommodate the materials collected based on the collection schedule established.
- H. Recycling collection facilities, which are accessible to the general public, shall provide a minimum of five (5) parking spaces, which shall be located within one hundred (100) feet of the facility, and shall be clearly marked for use by visitors to the recycling collection facility during its hours of operation.
- I. Adequate loading areas shall be provided for the periodic removal of materials or exchange of containers.

#### **Section 400.59          Repair Garage**



- A. All auto-repair activities shall be conducted within a completely enclosed building.
- B. All automobile parts, dismantled vehicles and similar materials shall be stored within a completely enclosed building.
- C. All fuel, oil, or similar substances shall be stored at least twenty-five (25) feet from any property line.
- D. All property lines adjoining Residential Use or Zoning District classification shall be screened by a buffer area, as described in this Ordinance.
- E. All lighting shall be shielded away from adjacent properties and streets.
- F. All performance standards of this Ordinance shall be met.

**Section 400.60          Residence in Combination with Commercial Use**

- A. The minimum lot area required shall be eleven thousand (11,000) square feet.
- B. Dwelling units in basements or garages shall not be permitted.
- C. Dwelling units shall have a minimum habitable floor area of eight hundred (800) square feet.
- D. Off-street parking shall be provided on the lot, in accordance with the ratios for each use specified in this Ordinance. Shared parking for Residential and Commercial Uses shall not be permitted.

**Section 400.61          Restaurant, Drive-Thru**

- A. The property shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Ordinance.
- B. The drive-thru facility shall be located on or to the side or rear of the principal structure.
- C. In addition to the parking spaces required for the Principal Use, a minimum of five (5) standing/vehicle stacking spaces, in tandem, with a total length of one hundred (100) feet, in direct line with each window or stall shall be provided for vehicles to wait in line. The standing spaces 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 any aisle serving parking spaces or overflow onto adjacent properties, streets, or berms.
- D. Entrances, exits and standing spaces shall be adequately indicated with pavement markings and/or directional signs.
- E. Parking areas and circulation patterns shall be adequately striped and marked to facilitate traffic circulation on the property.
- F. A pass-by lane shall be provided to allow for vehicles to exit the drive-thru area without passing by the drive-thru window.
- G. Any drive-thru shall have no more than two (2) service lanes.

- H. Any drive-thru shall be adequately screened by a six (6) foot evergreen buffer as described in this Ordinance, where the drive-thru is adjacent to a Residential Use or Residential District.
- I. In no event should any cars be permitted to stand in the public right-of-way.

**Section 400.62      Restaurant, Fast Service**

- A. If the fast service restaurant includes a drive-thru, the following provisions shall be met:
  - 1) The property shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Ordinance.
  - 2) The drive-thru facility shall be located on or to the side or rear of the principal structure.
  - 3) In addition to the parking spaces required for the principal use, a minimum of five (5) standing/vehicle stacking spaces, in tandem, with a total length of one hundred (100) feet, in direct line with each window or stall shall be provided for vehicles to wait in line. The standing spaces 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 any aisle serving parking spaces or overflow onto adjacent properties, streets, or berms.
  - 4) Entrances, exits and standing spaces shall be adequately indicated with pavement markings and/or directional signs.
  - 5) Parking areas and circulation patterns shall be adequately striped and marked to facilitate traffic circulation on the property.
  - 6) A pass-by lane shall be provided to allow for vehicles to exit the drive-thru area without passing by the drive-thru window.
  - 7) Any drive-thru shall have no more than two (2) service lanes.
  - 8) Any drive-thru shall be adequately screened by a six (6) foot evergreen buffer as described in this Ordinance, where the drive-thru is adjacent to a Residential Use or Residential District.
  - 9) In no event should any cars be permitted to stand in the public right-of-way.

**Section 400.63      Riding Academy**

- A. Such uses shall be accessory to a farm or, when proposed as a Principal Use, shall have a minimum site area of ten (10) acres.
- B. No building housing animals shall be closer than two hundred (200) feet to any property line.
- C. All property lines adjoining Residential Use or Zoning District classification

shall be screened by a buffer area, as described in this Ordinance.

- D. All training areas and bridal paths shall be adequately fenced to protect adjoining properties.

#### **Section 400.64 Sexually Oriented Business**

- A. Sexually oriented businesses, as defined by this Ordinance, shall not be permitted in any Zoning District, other than the I-1-A, General Industrial District.
- B. A sexually oriented business shall not be located within one thousand (1,000) feet of a church; public or private elementary or secondary school; public library; childcare facility or nursery school; public park; or residential dwelling measured on a straight line from the nearest portion of the building or structure containing the sexually oriented business to the nearest property line of the premises of any of the above listed uses.
- C. Any sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room (a separate compartment or cubicle) of less than one hundred fifty (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, shall comply with the following:

- 1) At least one (1) employee shall be on duty and shall be situated in each manager's station at all times when 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 the manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms shall not contain video reproduction or viewing equipment.

If the premises has two (2) 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 person is permitted access for any purpose from at least one (1) of the manager's stations. The view required by this subparagraph 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 insure 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 (1) person at a 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 (1) 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 and 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.
- 7) If the sexually oriented business involves live performances, the performers shall not have easy access to the viewers present.
- 8) The owner and operator of any adult cabaret shall provide security officers, licensed under the laws of the Commonwealth, if the maximum permitted occupancy of the premises exceeds fifty (50) persons.
- 9) No stock in trade, which depicts nudity or sexual conduct, shall be permitted to be viewed from the sidewalk, street, or highway.
- 10) No signs or other displays of products, entertainment or services shall be permitted in any window or other area, which is visible from the street or sidewalk.
- 11) Windows shall not be covered or made opaque in any way.
- 12) Notice shall be given at the entrance stating the hours of operation and restricting admittance to adults only.
- 13) Owners and operators of sexually oriented businesses shall obtain a license to operate from the Township. In addition, such owners or operators shall supply to the Township such information regarding ownership and financing of the proposed business as is required by the Township's licensing application. Applications for licensing shall be filed with the Township secretary.
- 14) The sexually oriented business shall be initially licensed upon compliance with all requirements of this Section and provisions of the required licensing application. For each year thereafter that the sexually oriented business intends to continue, the owner or operator shall seek a renewal of the license. The application for renewal shall be submitted to the Township secretary by November 1st of the year preceding the year for which renewal is sought. The lack of license or failure to renew such license in a timely manner shall be a violation of this Ordinance and shall be grounds for denial or revocation of the Certificate of Occupancy for the sexually oriented business.

**Section 400.65      Shopping Center**

- A. The minimum site shall be five (5) acres.
- B. The site shall have frontage on and direct vehicular access to an arterial or collector road, as defined by this Ordinance.
- C. The site plan shall be designed to minimize points of access to the arterial or collector road. The site shall be planned as a unit, and uniform signage and landscaping and common parking and loading areas shall be proposed to promote design and efficiency.
- D. Landscaping and screening shall be completed in adherence of the requirements of this Ordinance.

- E. Ingress, egress, and internal traffic circulation shall be designed to minimize congestion and ensure safety and provide access for emergency and fire vehicles.
- F. All outdoor lighting shall be shielded and reflected away from adjacent streets and residential properties.
- G. There shall be no storage of materials or equipment outside a completely enclosed building. All sales shall be conducted within a completely enclosed building.
- H. All Uses shall be located at least fifty (50) feet from any property line, which adjoins a Residential Use.
- I. All parking areas shall be located at least twenty (20) feet from any property line which adjoins a Residential Use.

**Section 400.66            Short-Term Transient Residential Rental Units**

- A. No more than one (1) short-term rental unit may be located in a structure, and a short-term rental unit may not be located in a structure, which also contains one (1) or more dwelling units.
- B. All parking needs to be provided off-street.

**Section 400.67            Social Club**

- A. The minimum site required for a club shall be forty thousand (40,000) square feet.
- B. Clubhouses shall be located at least fifty (50) feet from any property line.
- C. A buffer area, as described in this Ordinance, shall be provided along all property lines adjacent to any Residential Use or Zoning classification.
- D. Where eating and/or drinking facilities are provided, parking requirements for restaurants shall apply in addition to the parking requirements for clubs.
- E. Any rental of the facility to non-members shall require on-site management and/or security personnel during the event.
- F. Activities on the site and within the building shall comply with the noise standards specified in this Ordinance.
- G. Operations shall be discontinued between the hours of 2:00 a.m. and 6:00 a.m.
- H. Swimming pools shall be subject to the provisions of the accessory structures requirements of this Ordinance.
- I. Ingress, egress and internal circulation shall be designed to ensure safety and minimize impact on local roads.

**Section 400.68            Special Event Barn**

- A. The parcel on which the Special Event Barn is located shall be at least ten (10) acres in size and able to accommodate all facets of the event within the boundaries of the property.
- B. Special Event Barns, including fixtures, tents and parking, shall be set back at least fifty (50) feet from all property lines.
- C. Any Special Event Barn shall be subject to the following setback requirements:
  - 1) Residential Zoning District boundaries: 750 feet
  - 2) Existing Occupied Residential Structures: 1000 feet
- D. Any additions or changes to the Barn to accommodate the use as a Special Event Barn shall be secondary and shall not drastically alter the visual or material character of the barn, except as necessary to provide for safe use by patrons, and all additions or changes shall comply with applicable building codes.
- E. Attendance at a single event at a Special Event Barn shall be limited to no more than two hundred (200) persons. Staff for the event (e.g., security, caterers, etc.) shall not be included in the attendance count. The maximum attendance limit at an event may be reduced below two hundred (200) persons by the Board of Supervisors as a part of the Conditional Use Approval.
- F. The conduct of the event including fixtures, tents, and parking may extend to the grounds but may not extend into the building setback areas.
- G. No more than twenty-four (24) events per calendar year and no more than two (2) per month shall be permitted at a Special Event Barn, excluding any rehearsal for the same event.
- H. A Special Zoning Permit for a Special Event Barn shall be required. No special event shall take place without a valid special Zoning Permit issued to the owner of the Special Event Barn, and such permit is invalid upon any single violation of any requirement of this Ordinance, including, but not limited to, exceeding the permitted number of events annually and the permitted number of attendees, or violation of any condition attached to any Conditional Use Approval granted by the Board of Supervisors. The Permit Application shall include the following information, at a minimum, and shall be of a form and substance as determined by the Township necessary to determine compliance with the requirements of this Ordinance:
  - 1) Proof of Conditional Use Approval;
  - 2) Documentation of any conditions attached to a Conditional Use Approval;
  - 3) Proof of Insurance;
  - 4) Written acknowledgement by the applicant and operator of the Conditional Use Requirements for Special Event Barn;
  - 5) The dates of the validity of the Permit;
  - 6) Proof of any applicable Township inspections and approvals; and
  - 7) Documentation of the date and time of each special event to be held and actually held at the Special Event Barn.

- I. Parking shall be on the property on which the Special Event Barn is located. Under no circumstances may parking be on State or Township roads, on other public property, or on private property other than that on which the Special Event Barn is located.
  - 1) The parking area shall be accessible by means of a driveway that shall be covered by gravel or paved surface and is at least forty (40) feet in length. The driveway accessing the parking area shall be wide enough to accommodate two-way traffic or there shall be separate entrances and exits to the parking area(s).
  - 2) Parking shall be in areas covered by gravel. Grass, dirt, or mud parking is prohibited. The size of the parking area shall be adequate to accommodate all vehicles at the event.
  - 3) The required building setback areas may not be used for parking.
- J. No event may begin before 11:00 a.m. or extend past 11:00 p.m., with all attendees to exit the premises by midnight.
- K. All entertainment must end at 10 p.m.
- L. All entertainment, including, but not limited to, DJs, music, bands, a dance floor, or a stage shall be limited to the interior of the Special Event Barn. Outdoor recreation activities conducted by the attendees shall not be considered entertainment for the purposes of interpreting this section.
- M. If the Barn does not include sufficient restroom facilities to meet building code requirements, then portable restroom trailers, approved by the Neshannock Township Sewage Enforcement Officer, are required. The restroom trailer(s) must be placed in a location to reduce visibility from public roads and nearby adjacent residential structures.
- N. The owner of the Special Event Barn shall provide bonded, insured on-site independent security guards for each event, and a certificate showing that the Special Event Barn is covered by special event liability insurance shall be displayed at all times.
- O. No sale of food or beverages, including, but not limited to, cash bars, concession stands, or other similar sales, is allowed at any event associated with the use of the Special Event Barn.
- P. Alcoholic beverages may be served only as allowed by local and state laws. There shall be no sale of alcoholic beverages.
- Q. Signs shall be erected only in accordance with the sign provisions herein.
- R. Any structure being used as a Special Event Barn shall be inspected and approved by a Certified Engineer approved by the Township, and a copy of the Engineer's Report shall be submitted to the Township prior to the issuance of the Special Zoning Permit. The structure must also be inspected and approved by the Township Building Code Official prior to the issuance of the Special Zoning Permit.
- S. Any changes necessary to accomplish the use as a Special Event Barn (e.g., modifications to the building, driveways, parking areas, etc.) are subject to the Township's Land Development and Stormwater Ordinances, Zoning Ordinance, and the Uniform Construction Code, where applicable.
- T. No pyrotechnics may be used in conjunction with activities associated with the Special

## Event Barn.

- U. Special events may be held only on Fridays, Saturdays, and Sundays.
- V. Trash shall be removed within forty-eight (48) hours following the end of every special event.
- W. All trash must be stored within a commercial dumpster, and dumpster area must be fenced on all sides with wood or vinyl fencing six (6) feet tall.
- X. As part of the conditional use process the Township Board of Supervisors may impose other reasonable conditions and/or restrictions on each Special Event Barn.
- Y. Any Special Event Barn that has been damaged or destroyed by fire or other means may be reconstructed and used as before if the restructuring is performed within twelve (12) months of discontinuance of use and if the restored building covers no greater area and contains no greater cubic content than did the building that was destroyed.

## **Section 400.69 Stadium or Arena**

- A. The site shall have frontage on and direct vehicular access to a major highway.
- B. Ingress, egress, and internal traffic circulation shall be designed to minimize congestion during peak usage of the facility.
- C. A traffic report shall be submitted with the application for development which identifies traffic control measures within the site and at the points of ingress and egress warranted at peak usage of the facility.
- D. Where parking is arranged perpendicular to aisle ways collecting traffic, a planting or landscaped island shall be required at the intersection of interior collector aisle ways. Such island shall begin parallel with the last parking space or spaces at the end of a row of parking spaces and not occupy space assigned to the aisle way itself.
- E. All property lines which adjoin Residential Uses or Residential Zoning Districts shall be screened by a landscaped strip at least fifty (50) feet in depth, which shall be comprised of a combination of high-level and low-level plantings and earthen moundings; such screening shall be a minimum of six (6) feet in height at the time of planting and in accordance with the requirements of this Ordinance.
- F. The private living areas and associated open spaces of all adjacent residential properties shall be effectively screened from parking lots and service areas, as well as from any other portion of the development site which is actively used.
- G. No direct beams or rays of light from exterior lighting fixtures, signs or vehicles maneuvering on the development site shall be permitted to shine into the private living areas and associated open spaces of adjacent residential properties.
- H. Access for the development site shall be provided from non-residential streets and shall not require the use of any residential collector or residential local streets.
- I. Outdoor speakers shall be permitted for emergency announcements and crowd control only. Events may not be broadcast to the exterior of the arena.



- J. Location of buildings and structures, traffic circulation and parking lots shall be designed to provide adequate access for emergency medical vehicles and fire-fighting equipment.
- K. The storage of equipment or materials in close proximity to the Principal Use shall be permitted in a roofed structure with either opaque vertical walls or heavy vegetative planting around the perimeter, which provides an effective screen from adjacent properties.

**Section 400.70      Truck Stop**

- A. The minimum site required shall be two (2) acres.
- B. The site shall have direct access to a State Legislative Route and evidence of an approved Penn DOT highway occupancy permit for driveway access shall be submitted to the Township. All property lines adjoining Residential Use or Zoning District classification shall be screened by a buffer area, as described in this Ordinance.
- C. All underground fuel storage tanks shall be in full conformance with all applicable State regulations.
- D. A copy of State approved permits and plans showing exact location of tanks, piping and appurtenances shall be filed with the Township.
- E. The plan shall comply with the performance standards of this Ordinance.

**Section 400.71      Truck Terminal**

- A. The minimum site required shall be two (2) acres.
- B. A truck terminal shall provide a designated overnight parking area that is screened from adjacent properties and shall meet the minimum requirements set in this Ordinance.
- C. Truck terminal shall be located no closer than one thousand (1,000) feet from any other truck terminal.
- D. All underground fuel storage tanks shall be in full conformance with all applicable state regulations.
- E. A copy of state approved permits and plans showing exact location of tanks, piping and appurtenances shall be filed with the Township.

**Section 400.72      Two Family Dwellings in the R-1 District**

- A. A minimum lot size of eleven thousand (11,000) square feet shall be required.
- B. Two (2) family dwellings shall comply with the lot width, lot coverage, yard, and height requirements for single family dwellings in the R-1 District.

- C. All lots shall be served by public water and sewer.
- D. Parking shall not be permitted in the front yard other than in a driveway.

**Section 400.73      Uses Not Listed Comparable Uses**

- A. Uses of the same general character as any of the uses authorized as Permitted Uses, Conditional Uses or Uses by Special Exception in the Zoning District shall be allowed if it is determined that the impact of the Use on the environment and adjacent streets and properties is equal to or less than any use specifically listed in the Zoning District.
- B. The Zoning Hearing Board shall consider a proposed use not listed in the Table of Authorized Uses only if the proposed use is not comparable to other authorized uses listed in the Table of Authorized Uses.
- C. If the use not specifically listed is found by the Zoning Officer to be comparable to a use listed in the Table of Authorized Uses, it shall not be eligible for consideration as a “use not listed”.
- D. The use shall comply with all applicable area and bulk regulations and standards and criteria for comparable uses specifically listed in the Zoning District.
- E. The use shall comply with the performance standards of this Ordinance.
- F. The use shall be consistent with the purpose statement for the Zoning District and the statement of community development objectives of this Ordinance.

**Section 400.74      Wind Energy Facility**

- A. The minimum site required for a wind farm shall be ten (10) acres.
- B. If the applicant is not the landowner, the applicant shall present documentation that the owner of the property has granted an easement or other legal interest for the proposed facility and vehicular access is provided to the facility.
- C. The wind turbines shall be exempt from the height regulations of the District, provided they comply with the setback and ground clearance requirements of subparagraphs D through H, below.
- D. Each wind turbine shall be set back from the nearest inhabited dwelling, school, hospital, church or public building, a distance no less than two (2) times the total height of the tower, plus the length of the turbine blades or one thousand (1,000) feet, whichever is greater.
- E. Each wind turbine shall be set back from the nearest property line a distance no less than 1.1 times the total height of the tower, plus the length of the turbine blades, unless easements are secured from adjacent property owners.
- F. The height shall be measured by the distance measured from the natural grade or finished grade to the tip of the rotor blade at its highest point.
- G. Each wind turbine shall be set back from the nearest public street a distance no less

than 1.1 times the height of the tower, plus the length of the turbine blades measured from the nearest right-of-way of the public street.

- H. Each wind turbine shall be set back from the nearest above-ground public electric power line or telephone line a distance not less than 1.1 times the total height of the tower, plus the length of the turbine blades measured from the existing power line or telephone line.
- I. The blade tip of any wind turbine shall have ground clearance at its lowest point of no less than seventy-five (75) feet.
- J. Wind turbines shall be painted a non-reflective, non-obtrusive color.
- K. Wind turbines shall not be artificially lighted, except to the extent required by the Federal Aviation Administration (FAA) or other applicable authority.
- L. Wind turbines shall not be used for displaying any advertising, except for the reasonable identification of the manufacturer or operator of the wind farm.
- M. Electrical controls, control wiring and power lines shall be wireless or not above ground, except where wind farm collector wiring is brought together for connection to the transmission or distribution network, adjacent to that network.
- M. The applicant shall minimize or mitigate any interference with electromagnetic communications such as radio, television or telephone signals caused by the wind farm.
- N. Audible noise due to wind farm operations shall not exceed fifty decibels (50 dBA) for any period of time when measured at any residence, school, hospital, church or public building existing on the date of conditional use approval of the wind farm.
- O. In the event that audible noise due to a wind farm operation contains a steady pure tone, such as a whine, screech or hum, the above standards for audible noise shall be reduced by five decibels (5 dBA).
- P. Appropriate warnings signage shall be placed on wind farm towers, electrical equipment, and wind farm entrances.
- Q. Wind turbine towers shall be equipped with anti-climbing devices for a distance of fifteen (15) feet above the ground.
- R. All access doors to wind turbine towers and electrical equipment shall be kept locked when the site is unattended.
- S. A reasonably visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

#### **Section 400.75      Winery**

- A. Operations shall cease between the hours of 2:00 a.m. and 11:00 a.m. prevailing time, and the establishment may not be open to the public during those hours.
- B. Shall not be located closer than six hundred (600) feet to another similar existing use.

- C. Operations shall be regulated so that nuisances such as excessive noise levels shall not be created. The Township may attach such reasonable conditions as it deems necessary to ensure the operation complies with this requirement.

## **Section 400.76 Oil and Gas Development and Impoundments**

### **A. Procedure**

- 1) Drilling rigs shall be exempt from the height limitations of the Zoning District in which they are located. If the well site is located in an area that is subject to airport zoning regulations, the applicant shall present a letter from the Federal Aviation Administration (FAA) indicating that the height of the rig complies.
- 2) Seismic testing shall be exempt from obtaining zoning approval provided the testing is conducted on property in a Zoning District where oil and gas operations is an Authorized Use.
- 3) Conditional Use approval shall be required for each well site; however, if multiple well heads are proposed to be located at the well site, separate approval is not required for each well head, if the original conditional use application indicates that multiple well heads are proposed.
- 4) Zoning approval shall not be required for inground or above-ground gathering or transmission lines; however, permits for crossing or disturbance of any State or Township street shall be required.

### **B. Content of Conditional Use Application**

- 1) In the R-2 District, the minimum site area required to apply for Conditional Use approval for oil and gas operations shall be five (5) contiguous acres.
- 2) A narrative describing the proposed use, including:
  - a) The approximate number of acres to be disturbed and the associated equipment to be used in developing the well site;
  - b) The proposed number of wells, including the PA DEP permit number for all proposed wells, if available at the time of application or provided when issued later;
  - c) A map showing the planned access route to the well site on public streets and a plan indicating the type, number and weight of vehicles used for transportation of materials and equipment;
  - d) A description of how potential damage to public roads adjacent to the tract will be addressed;
  - e) A schedule of anticipated beginning and ending dates of well site preparation, drilling, perforating, hydraulic fracturing and production measured in weeks or months from the date of conditional use approval;

- f) An accurate legal description of the surface lease property and a list of property owners with tax parcel numbers.
- 3) The well survey plat submitted to the Pennsylvania Department of Environmental Protection (PA DEP) showing the planned surface location of the well(s).
- 4) A site plan prepared by a Licensed Engineer showing compliance with these express standards and criteria of Conditional Use approval.
- 5) The well site emergency address.
- 6) A copy of the Operator's Preparedness Prevention and Contingence ("PPC") Plan as required by the PA DEP.
- 7) A statement that the development and operation of the well site will comply with all applicable Federal and State permitting requirements.
- 8) A copy of any State and Federal permits already obtained at the time of Conditional Use Application submission.
- 9) A noise management plan documenting how noise impacts will be mitigated.
- 10) Copies of all permits issued by the PA DEP for water withdrawal and disposal identifying the source of the water, proposed truck routes and/or temporary water lines, on-site storage and treatment and disposal facilities.
- 11) A plan for the transmission of gas from the well site to an off- site pipeline, or a statement that there is no off-site pipeline. The plan shall identify gathering lines and compressor stations that serve the well site and which are located within the Township or within one thousand (1,000) feet beyond the Township boundary. Township approval shall be required to utilize any public rights-of-way. Contact information for the pipeline owner and compressor station operator shall also be included.

#### C. Prior to Development of the Well Site

- 1) The operator shall meet with representatives of the school district and public safety officials to develop a Traffic Management Plan to ensure safety of pedestrians, students and drivers on public streets, school crossings, pedestrian crossings and school bus or transit stops during times of anticipated heavy or frequent truck traffic associated with site development, drilling and hydraulic fracturing.
- 2) The operator shall invite residents of properties within one thousand (1,000) feet of the well site to a meeting to be held at least thirty (30) days prior to the initiation of drilling, to present the operator's plans for the well and to allow for questions and answers.
- 3) At the meeting with the residents, the operator shall provide the following information to each resident within one thousand (1,000) feet of the planned surface location of the well or wells.
  - a) A copy of the well survey plat showing the location of the planned well;

- b) A general description of the planned operations at the planned well and associated equipment to be used in the development of the well; and
  - c) The contact information for the operator and the well site supervisor.
- 4) The Township shall be provided with the name of the person supervising the drilling operation and a phone number where such person can be reached twenty-four (24) hours a day.
  - 5) Upon request from the Township, the operator will, prior to drilling of its first oil and gas well in the Township, make available with at least a thirty (30) days notice at its sole cost and expense, one (1) appropriate group training program of up to five (5) hours for first responders. Such training shall be made available at least annually during the period when the operator anticipates drilling activities in the Township. First responders shall have a minimum of five (5) hours of training per year to meet this standard.
  - 6) No later than thirty (30) days prior to beginning any work on an approved well site, the applicant shall submit to the Township a true and correct 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 the PA DEP. All required permits shall be maintained throughout the duration of the drilling operation. Any suspension or revocation of permits by the 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.
  - 7) Access directly to State roads shall require Pennsylvania Department of Transportation (Penn DOT) Highway Occupancy Permit approval. Prior to initiating any work at a well site, the Township shall be provided a copy of the Highway Occupancy Permit.
  - 8) The operator shall execute a Maintenance Agreement with the Township and post a bond in favor of the Township in a form acceptable to the Township and in an amount to be determined by the Township Engineer, in accordance with limits provided by law prior to beginning any work at a well site to guarantee restoration of Township streets damaged, as a result of hauling associated with the drilling operation.

#### D. Development of the Well Site

- 1) No construction activities involving excavation, alteration, or repair work on any access road or well site shall be performed between the hours of 7:00 p.m. and 7:00 a.m. These time restrictions shall not apply to drilling and hydraulic fracturing.
- 2) The operator shall take all necessary safeguards as directed by the Township to ensure that the Township roads utilized remain free of dirt, mud and debris resulting from development activities and/or shall ensure such roads are promptly swept or cleaned if dirt, mud, and debris occur, as directed by the Township.
- 3) Driveways shall be of sufficient length so that there will be no stacking of vehicles on public streets.

- 4) The access driveway off the public street to the well site shall be gated at the entrance to prevent illegal access into the well site. The well 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, the name of the operator and the telephone number of the person responsible, who may be contacted in case of emergency.
- 5) Any on-site freshwater impoundments, retention ponds or wastewater pits shall be fenced to restrict access by unauthorized persons or animals.

#### E. Drilling and Hydraulic Fracturing

- 1) At least thirty (30) days prior to the commencement of drilling, the operator shall provide a copy of the drilling permit issued by the PA DEP to the Township Zoning Officer.
- 2) Drilling shall not be permitted within any floodway identified in the Flood Insurance Study (FIS) prepared and approved by the Federal Emergency Management Agency (FEMA).
- 3) Oil and gas drilling activities shall comply with all applicable Federal and State safety regulations.
- 4) During drilling and hydraulic fracturing, clearly visible warning signage shall be posted at the well site.
- 5) During drilling and hydraulic fracturing, all equipment shall be locked or fenced, as appropriate, to prevent entry by unauthorized persons, however, a guard station with 24-hour staffing, seven (7) days a week at the entrance to the well site may be provided in lieu of fencing the site.
- 6) During drilling and hydraulic fracturing, a secured entrance gate shall be provided on the access road. Arrangements shall be made for access by emergency management personnel. All gates shall be kept locked when employees and subcontractors are not on the premises.
- 7) The operator shall implement the traffic management plan developed after consultation with School District and public safety officials to ensure safety of pedestrians, students and drivers on public streets and at crosswalks, School bus stops, and transit stops during times of heavy truck traffic traveling to and from the site.
- 8) Recognizing that adequate and appropriate lighting is essential to the safety of those involved in oil and gas drilling, the operator shall take steps, to the extent practicable, to direct site lighting downward and inward toward the well site, well head or other area being developed so as to attempt to minimize glare on public streets and adjacent buildings within three hundred (300) feet of the well site, well head or other area being developed.
- 9) All operations, including drilling and hydraulic fracturing, shall comply with the noise standards in the Township Zoning Ordinance.

If, after initiation of oil and gas deep well drilling and/or hydraulic fracturing activities, a complaint is received by the Township from any persons, whether a

resident or otherwise, occupying a protected structure, as defined herein, regarding noise generated during drilling or hydraulic fracturing activities, the operator shall, within twenty-four (24) hours of receipt of the complaint from the Township, continuously monitor for a forty-eight (48) hour period at a point 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 (100) feet from the protected structure.
- 10) If the operator of any oil and gas operations engages in any noise testing as required by this Ordinance, the operator shall provide preliminary data to the Township no later than ten (10) business days following completion of the noise testing. Once the monitoring is complete, the operator shall meet with representatives of the Township and affected residents to discuss whether possible noise abatement measures are warranted to comply with the noise standards of §1602.3 of the Zoning Ordinance.
- 11) In the case of oil and gas operations, the Township may require acoustical blankets, sound walls, mufflers, or other alternative methods to ensure compliance with the noise standards depending on the location of a proposed well site with respect to protected structures and the results of noise monitoring.
- 12) Only essential safety and emergency personnel shall be permitted to occupy any trailer or temporary living quarters on the site overnight.

#### F. Production

- 1) Remediation of the well site shall be accomplished, in accordance with the requirements of the Pennsylvania Department of Environmental Protection (PA DEP).
- 2) All permanent equipment, including, but not limited to, well heads, tanks, meters, and piping, shall be screened from view from any protected structure, as defined herein, by a landscaped area, masonry wall or opaque fence, as approved by the Township.



## **ARTICLE V – GENERAL REGULATIONS**

### **SECTION 500 PERFORMANCE STANDARDS**

The following performance standards shall apply to all uses authorized in the C-1, Limited Commercial; C-2, Highway Commercial; C-3, Special Commercial; 1-1, General Industrial; I-1-A, Special Industrial; B-P, Business Park; and I-P, Industrial Park Districts. The performance standards shall apply also to those conditional uses and uses by special exception where the express standards and criteria specifically reference this section.

The owner or operator of an existing or proposed use shall be required to provide certification by a qualified expert regarding compliance with these performance standards. The cost of services for qualified expert consultants shall be paid by the owner or operator of the existing or proposed use.

#### **Section 500.1 Fire Hazards and Protection**

Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate firefighting and fire suppression equipment acceptable to the Board of Fire Underwriters and shall be readily available when any activity involving the handling of storage of flammable or explosive materials is carried on.

#### **Section 500.2 Radioactivity and Electrical Disturbance**

No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.

#### **Section 500.3 Noise**

Noise to be objectionable because of volume or frequency shall be muffled or otherwise controlled, except for fire sirens and related apparatus used solely for public safety purposes. Noise in excess of ninety (90) decibels as measured on a decibel or sound level meter of standard quality and design operated on the A-weighting scale at a distance of twenty-five (25) feet from any property line of the property on which the noise source is located shall not be permitted.

#### **Section 500.4 Vibration**

No vibration shall be permitted which is discernible without instruments on any adjoining lot or property, except that the temporary vibration, as a result of construction activity shall be permitted.

#### **Section 500.5 Smoke**

The maximum amount of smoke emission permitted shall be determined by use of the Standard Ringelmann Chart issued by the United States Bureau of Mines. No smoke of a shade darker than No. 2 will be allowed.

#### **Section 500.6 Odors**

In any District except the Industrial District, no malodorous gas or matter shall be permitted, which is discernible on any adjoining lot or property. This shall not apply to any form of fertilizer on property where agriculture is a permitted use.

## **Section 500.7 Air Pollution**

No pollution of air by fly-ash, dust, vapors, or other substances shall be permitted, which is harmful to health, or to animals, vegetation, or other property or which can cause soiling of property.

## **Section 500.8 Glare**

No direct or sky-reflected glare, whether from floodlights or from high temperature processes, shall be visible from adjoining public streets or adjacent lots when viewed by a person standing on ground level.

## **Section 500.9 Erosion**

No erosion by wind or water shall be permitted which will carry objectionable substances onto neighboring properties.

## **Section 500.10 Water Pollution**

The method for discharging liquid and solid wastes to public sewers, drains or watercourses, shall be acceptable under the provisions of the Pennsylvania Sewage Facilities Act, Act 537 of 1968, as same may be amended from time to time and all applicable Township ordinances.

## **SECTION 501 YARD/LOT REQUIREMENTS**

In addition to the yard requirements specified in each District, the following yard requirements shall apply in all Districts to the applicable circumstances described below:

### **Section 501.1 Structures and Uses on Lots**

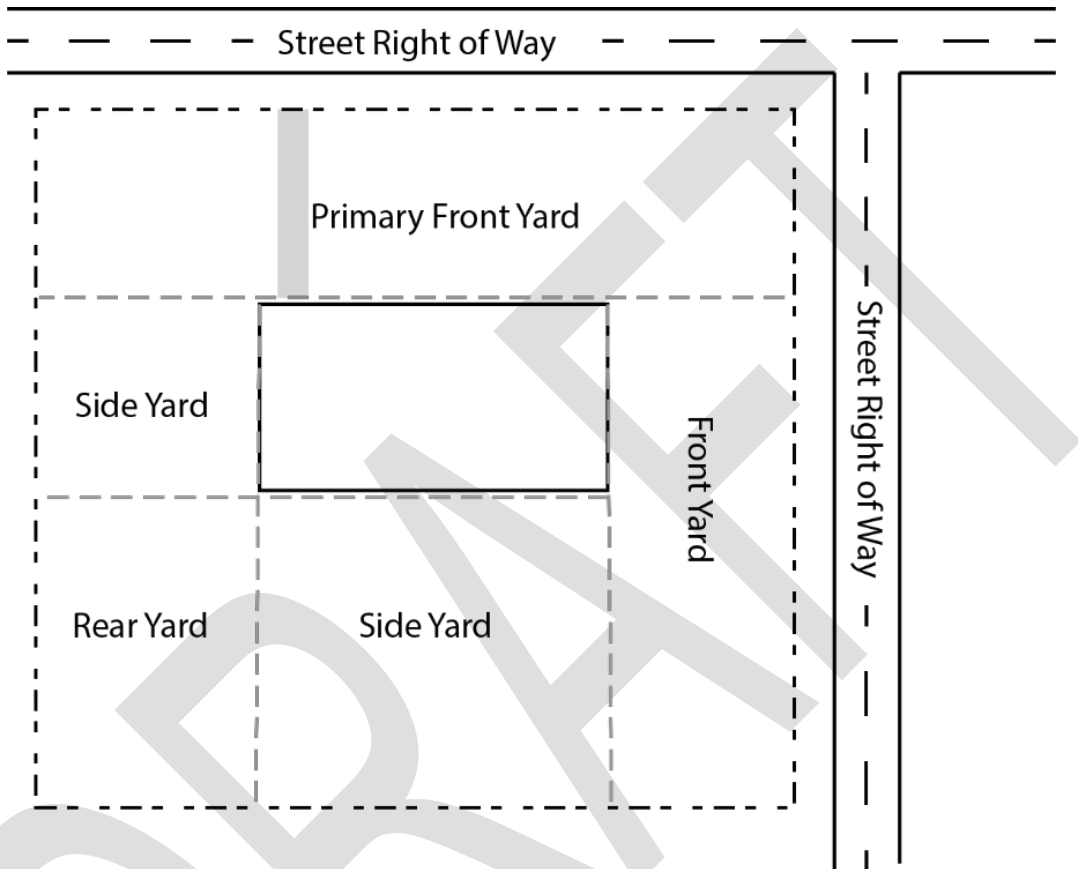
- A. Only one Principal Use, as identified in the Use Chart of this Ordinance, is permitted on a single lot or parcel.
- B. All occupied structures shall be constructed on permanent foundations.
- C. No structure in which farm animals are kept shall be closer than two hundred (200) feet to any property line. No greenhouse heating plant shall be operated within fifty (50) feet of any property line. No storage of manure or odor or dust-producing substances shall be permitted within two hundred (200) feet of any property line.

### **Section 501.2 Special Requirements for Corner Lots and Flag Lots**

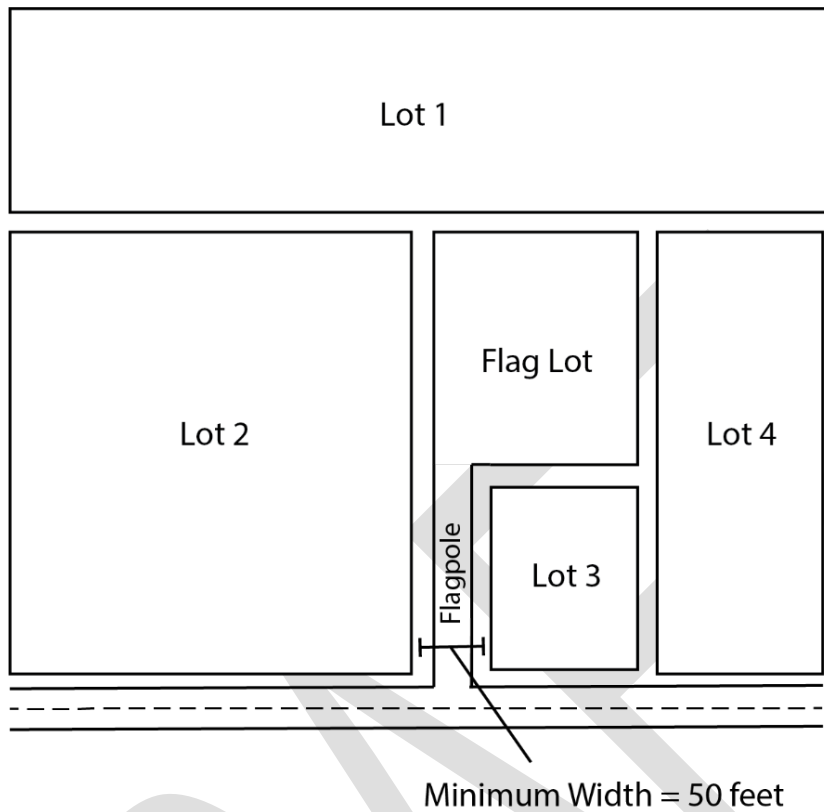
- A. Corner lots shall provide front yards on each street frontage. The rear yard shall be the yard, which is opposite the front yard on which the principal structure faces. The remaining yard or yards shall be the side yard(s).
- B. The minimum required front yard on a flag lot shall be measured from the rear lot line of the forward lot that lies between the flag lot and the public street from which the flag lot has access. Since the width of the portion of the flag lot which provides access from the public street is not buildable under the Zoning Ordinance, applying the front yard along the public street frontage is meaningless.
- C. The minimum width of the portion of the flag lot that provides access to the public street shall be fifty (50) feet.

- D. If undeveloped acreage adjoins the property proposed for a flag lot, the Planning Commission may require the width of the portion of the flag lot that provides access to the public street to be increased to provide one-half or all of the right of way required for a future public street.

**Figure 500 – Corner Lot**



**Figure 501 – Flag Lot**



**Section 501.3 Setbacks Along Route 18**

Except for signs, which are separately regulated by the sign regulations of this Ordinance, the required building line setback for all principal and accessory structures on properties with frontage on Route 18 shall be ninety (90) feet from the centerline of the existing cartway of Route 18.

**Section 501.4 Non-conforming Lots of Record (See Section 903)**

**Section 501.5 Accessory Structures**

In all Districts, the following regulations shall apply to accessory structures:

- A. Swimming Pools: All swimming pools shall be located at least ten (10) feet from the exterior walls of any dwelling. Swimming pools shall not be located in any portion of the minimum required side yard, nor shall they be located in the front yard between the front line of the building and the front lot line. Swimming pools may be located in the rear yard, provided they are located at least ten (10) feet from any rear property line.

All swimming pools shall be completely enclosed by a fence, which is at least four (4) feet in height and which has a self-latching gate.

- B. Fences and buffer areas: All walls, fences and buffer areas or landscaping material shall be located so as to not obstruct visibility for traffic on adjacent streets or traffic entering or leaving the property or adjacent properties.

- C. **Satellite Dish Antennas:** Satellite dishes with a diameter of three (3) meters (39.97 inches) or less are exempt from these regulations and from obtaining a building permit. Satellite dish antennas in excess of three (3) meters (39.97 inches) in diameter shall be subject to the following regulations. Only one (1) satellite dish antenna shall be permitted on a residential lot. In all 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 ten (10) feet. In 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 twenty (20) feet. In all Districts, the maximum height of any freestanding satellite dish antenna shall be twenty (20) feet. In all Districts, no part of any satellite dish antenna shall be located closer than twenty (20) feet to any property line.
- D. **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, Commercial, and I, Industrial, Districts, provided that:
- 1) Such structure shall not be attached to the principal building.
  - 2) Such structure shall be located at least ten (10) feet from any property line or street right-of-way.
  - 3) Such structure shall not be enclosed; and
  - 4) Such structure shall be removed immediately, once the principal use or the use of the accessory structure is discontinued.

**All Other Accessory Structures:** A detached accessory structure may be connected to the principal building by contiguous walls, breezeways, or similar connections. All other accessory structures shall not be permitted in the minimum required front and minimum required side yards and shall be located at least five (5) feet from the rear lot line. All such accessory structures shall be at least five (5) feet from any septic tank and/or leaching field.

- E. Attached accessory structures shall be considered part of the principal structure and shall be subject to setbacks for the principal structures.
- F. All detached accessory structures shall be accessed from the same road frontage as the principal structure.

## **Section 501.6 Fencing**

- A. **Farm Fences:** No permit shall be required to install a fence on a farm as defined by this Ordinance. Such fences shall be permitted in any yard. The maximum height of any such fence shall be six (6) feet. Fences made of high tensile wire or barbed wire and electrically charged fences may be permitted.
- B. **All Other Fences:** In Residential Zoning Districts, a fence permit shall be required. fences shall be permitted in the required rear or side yards, provided the maximum height of the fence shall not exceed six (6) feet in height. Fences made of high tensile wire or barbed wire and fences that are electrically charged shall not be permitted on any residential lot.
- C. In Residential Zoning Districts, no fence higher than three (3) feet shall be permitted in the required front yard. Chain link fences shall not be permitted in any front yard in a

Residential Zoning District.

- D. In Industrial and Business Park Districts, no fence shall be permitted in the required front yard and no fence more than eight (8) feet in height shall be permitted in any side or rear yard.

### **Section 501.7 Clear Sight Triangle**

- A. No object, including but not limited to, fences, signs, landscaping rocks, hedges, trees and other plantings, buildings, structures, walls and motor vehicles, shall be parked, placed, erected, planted or allowed to grow in such a manner that obscures visibility in the area between three (3) feet and ten (10) feet above the adjacent ground level within the clear sight triangle.
- B. The clear sight triangle is determined by measuring a distance of thirty (30) feet along the edge of the cartway, as defined herein, of each of two intersecting streets to a point on each street and connecting those two points with a single line to complete a triangle; or, in the case of a driveway that intersects with a street, by measuring a distance of thirty (30) feet along the paved edge of the driveway to a point on the driveway and along the edge of the cartway, as defined herein, of the intersecting street to a point on the street and connecting those two points with a single line drawn to complete a triangle. (If the driveway paving extends to the property line, the distance shall be measured along the property line.) The required clear sight triangle is illustrated in Appendix V.

## **SECTION 502 PERMITTED PROJECTIONS INTO REQUIRED YARDS**

- A. The following shall be permitted to project into any required yard in any District as follows:
  - 1) Typical architectural features, including but not limited to, bay windows, windowsills, cornices and eaves, shall be permitted to project into required yards no more than eighteen (18) inches.
  - 2) Decks and unenclosed porches without roofs shall be permitted to project into required front and side yards no more than three (3) feet and into the required rear yard no more than six (6) feet.
  - 3) Steps and open fire escapes shall be permitted to project into required yards no more than thirty-six (36) inches.

## **SECTION 503 HEIGHT EXCEPTIONS**

- A. The height limitations of this Ordinance shall not apply to the following structures: church spires, chimneys, elevator bulk heads, conveyors, flagpoles, silos, standpipes, elevated water tanks, derricks, public utility structures, and other structures not intended for human habitation.
- B. Radio, TV and microwave towers and satellite dish antennas shall meet the requirements in the supplemental regulations of this Ordinance.

## **SECTION 504 BASEMENT STRUCTURES**

Earth homes, which are designed to take advantage of the insulating qualities of earthen fill along walls and over the roof of a dwelling, shall not be considered basement structures. No Residential Uses shall be permitted in basements or cellars prior to the completion of the total structure.

## **SECTION 505            TEMPORARY STRUCTURES**

Temporary structures shall be limited to those structures authorized by temporary permits in accordance with the provisions of §1901.2 (b).

## **SECTION 506            OFF-STREET PARKING AND LOADING**

In all Districts, whenever any new use is established or an existing use is structurally altered, converted, or enlarged, off-street parking and loading spaces shall be provided in accordance with the requirements of this Section.

### **Section 506.1 Off-Street Parking Design**

Parking areas in all Districts shall comply with the following standards:

- A. **Size:** Each off-street parking space shall have an area of not less than one hundred eighty (180) square feet, exclusive of access drives or aisles, and shall be maintained free from obstruction. Parking areas shall be designed to provide sufficient turn-around area so that vehicles are not required to back onto the cartway of any public street. Parking areas serving all uses other than single family dwellings shall contain at least three (3) spaces.
- B. **Access:** 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. 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. The number of access drives from a single lot or development to any public street shall not exceed two (2) for every four hundred (400) feet of street frontage.
- C. **Driveways:** Driveways providing access to non-residential lots and parking areas that are designed for one-way travel shall be a minimum of ten (10) feet wide and a maximum of twelve (12) feet wide. Driveways providing access to lots and parking areas that are designed for two-way travel shall be a minimum of twenty (20) feet wide and a maximum of twenty-four (24) feet wide.

Except for flag lots which are lots of record at the date of adoption of this Ordinance and except for properties in the C-1, C-2 and C-3 Districts, which do not abut properties in an R-1, R-2, R-2-A or R-3 Districts where parking along the property line is authorized by Subparagraph (d), below, there shall be at least five (5) feet between a driveway and a fire hydrant, catch basin or property line. There shall be at least forty (40) feet between a driveway and the right-of-way line of an intersecting street.

- D. **Location of Parking Areas:** In all Zoning Districts other than C-1, C-2 and C-3, no parking area containing more than five (5) parking spaces shall be located closer than five (5) feet to any adjoining property line and parking authorized in front yards shall be located at least five (5) feet from the edge of the right-of-way. In the C-1, C-2 and C-3 Zoning Districts, parking spaces may be located along the property line or edge of the right of way, unless the property line adjoins property in an R-1, R-2, R-2-A or R-3 District where

the five (5) foot setback shall be maintained.

In all Zoning Districts, required parking spaces shall be located on the same lot with the principal use they serve, except that the Zoning Officer may approve parking located off the site of the principal use it serves, provided all of the following criteria are met:

- 1) Off-site parking shall not be approved if it is intended to serve any single family detached dwelling, single family attached dwelling or two-family dwelling.
  - 2) Evidence is provided that there is ownership control of the site or there is a long-term lease agreement or other acceptable means to guarantee the continued availability of the off-site parking.
  - 3) If the property on which the off-site parking is proposed is not vacant, the off-site parking shall not be approved if the use of the parking spaces for off-site parking will reduce the parking spaces available for the use located on the site below the minimum number of spaces required for the use.
  - 4) A sidewalk, employee or customer shuttle or other safe means of pedestrian access exists or will be provided to connect the off-site area with the principal use.
  - 5) Any proposal to construct an elevated pedestrian walkway over an existing public street shall be subject to permission from the owner of the right-of-way (the Township, in the case of Township streets, or Penn DOT, in the case of State roads).
  - 6) Employee parking shall be designated in the off-site parking area and shall not be permitted in the on-site parking area unless customer or visitor parking is met entirely in the on-site parking area.
  - 7) In the event that the property is sold, the off-site property must be sold to the purchaser or evidence of assignment and continuation of the lease agreement to the purchaser must be provided as a condition of change of occupancy.
- E. Properties Bisected by Zoning District Boundaries: In the C-1, C-2 and C-3 Districts, the landowner of any lot under single ownership and control that is bisected by a Zoning District boundary between the C1, C-2 or C-3 District and any "R" District may use the "R" zoned portion of the property for on-site parking to serve the non-residential Use of the "C" portion of the property, provided that the portion of the "R" zoned property used for parking does not encroach any farther into the "R" District than the deepest C-1, C-2 or C-3 boundary as measured from the centerline of Route 18. In no case shall the "R" zoned portion of the site be used for any other Principal or Accessory Use, or structure authorized in the C-1, C-2 or C-3 District.
- The on-site parking area in the "R" District shall be screened along the rear property line adjoining other "R" property by buffer area A and a minimum six (6) foot high fence shall be located between the parking area and the buffer area.
- F. Acquisition of Adjacent Residential Property for On-Site Parking: The landowner of C-1, C-2 or C-3 property may acquire adjoining "R" zoned property for the purpose of on-site parking providing all of the following requirements are met:
- 1) The "R" zoned property shall not encroach any farther into the "R" District



than the deepest C-1, C-2 or C-3 boundary as measured from the centerline of Route 18.

- 2) The landowner consolidates both properties into a single lot of record by preparing a consolidation plat, in accordance with the requirements of the Township Subdivision and Land Development Ordinance.
  - 3) Approval of the consolidation plat shall not render any existing use non-conforming.
  - 4) In no case shall the "R" zoned portion of the site be used for any other Principal or Accessory Use or structure authorized in the C-1, C-2 or C-3 District.
  - 5) The parking area in the "R" District shall be screened along the rear property line adjoining other "R" property by buffer area A and a minimum six (6) foot fence shall be located between the parking area and the buffer area.
  - 6) The parking area shall be accessed only from the C-1, C-2 or C-3 zoned property.
  - 7) All lighting devices used to illuminate the parking area shall be designed with shields, reflectors, or refractor panels which direct and cut off light at a cut-off angle that is less than sixty degrees (60°). In no case shall there be spillover lighting on adjacent Residential property in excess of 0.2 footcandle. Light fixture specifications and a photometric plan shall be submitted to the Zoning Officer that demonstrates compliance.
- G. Screening and Landscaping: Parking areas containing more than five (5) parking spaces (except those in the C-1, C-2 and C-3 Districts that abut the property line) shall be effectively screened by a buffer area as defined by this Ordinance along any property line, which adjoins a Residential Use or Zoning District classification, which is at least five (5) feet in depth as measured from the property line. In addition, a planting strip at least five (5) 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. Such planting strip shall be suitably landscaped and maintained in grass, ground cover or other landscaping material not in excess of three (3) feet in height which shall not obstruct visibility for traffic entering or leaving the lot or traveling on the public street.
- H. Surfacing: With the exception of single family and two-family dwellings, all parking areas and access drives shall have a paved, graded with positive drainage to dispose of surface water.
- I. 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 District or use and away from roads or highways.
- J. Stormwater Management: All paved parking areas shall be designed so that stormwater runoff shall not adversely affect adjacent properties. On-site retention facilities shall be provided, if warranted, and the design of such facilities shall be subject to approval by the Township Board of Supervisors.

## Section 506.2 Off-Street Parking Requirements

- A. Any new use, change of use, enlargement or expansion in any District shall comply with the following minimum requirements for the provision of off-street parking spaces.
- B. When the calculation of required parking spaces results in a requirement of a fractional parking space, any fraction shall be counted as one (1) parking space.
- C. Where more than one use exists on a lot, parking requirements for each use shall be provided.

The table of parking requirements specifies the number of spaces required for various categories of uses in any Zoning District:

**Table 500 – Off-Street Parking Requirements**

<b>Off-Street Parking Requirements</b>	
<b>Uses</b>	<b>Required Parking Spaces</b>
<b>Residential Uses</b>	
Conversion Apartments	1-1.5 Per Dwelling Unit
Mobile Home Parks	1-1.5 Per Mobile Home Lot
Multi-Family Dwellings	1-1.5 Per Dwelling Unit
Planned Residential Development	N/A
Single Family Dwelling	2 Per Dwelling Unit
Two Family Dwelling / Duplex	2 Per Dwelling Unit
Tiny House	1 per tiny home
Townhouses	1-1.5 Per Dwelling Unit
Quadruplex Dwelling	1-1.5 Per Dwelling Unit
<b>Non-Residential Uses</b>	
Agriculture	N/A
Agricultural Services	1 per 150 sf of service area
Animal Day Care	1 per employee; 1 per each visitor during peak visitor hours
Animal Shelter	1 per employee +5
Assisted Living Facility	1 per 3 units
Automotive Sales, Rental and Service	1 per employee +10; separate and apart from vehicle storage
Bakery	1 per 150 sf of service area
Bank- Financial Institution	1 per 250 sq ft of gross floor area
Banquet Facility	1 per 50 sq ft of public net floor area
Bar/Nightclub	1 per each patron seat
Barn	N/A
Bed and Breakfast	1 per guest room
Billboard	N/A

<b>Off-Street Parking Requirements</b>	
<b>Uses</b>	<b>Required Parking Spaces</b>
Builders Supply	1 per employee +10
Car Wash	1 per every on-site employee and a minimum of 1 for service activities.
Casino	1 per employee; 1 per each visitor during peak visitor hours
Cemetery	1 per 3 seats in any place of public assembly
Clinics, other than Methadone Clinics	8 per doctor
Communications Antenna, existing structure	N/A
Communications Tower	1 for service activities; may be paved or compacted gravel
Conference and Training Center	Maximum 1 per visitor at maximum occupancy + 1 per employee
Contractor's Office/Yard	1 per employee
Convenience Store	1 per employee, 1 per 200 sq feet of retail floor area
Correctional Institution	1 per employee
Crematorium	1 per employee
Day Care Center	1 for each staff member plus 4 for visitors
Distributed Antenna System	N/A
Distribution Center	1 per employee
Drug and/or Alcohol Counseling Center	1 per employee, 1 visitor parking spot for each counseling room provided
Dry Cleaning, Drop-off and Pick-up Only	1 per employee plus 3
Dry Cleaning facility With Drop-off and Pick-up	1 per employee plus 3
Dry Cleaning Without Drop-off and Pickup	1 Per employee
Emergency Services	1 per employee
Essential Services	1 for service activities
Farm	N/A
Financial Institution, with Drive-Thru Facilities	1 per 250 sq ft of gross floor area
Fire Departments (excluding rental facilities)	1 per employee, 1 per each shift member at peak shift
Forestry	N/A
Funeral Home	1 per employee; 10 for every parlor room
Gas/Fuel Station	1 per employee

<b>Off-Street Parking Requirements</b>	
<b>Uses</b>	<b>Required Parking Spaces</b>
Gas/Fuel Station with Carwash	1 per employee, 1 per every on-site employee and a minimum of 1 for service activities.
Gas/Fuel Station with Convenience Store	1 per employee, 1 per 200 sf of retail space
Gas/Fuel Station with Drive-Thru	1 per 50 sf of restaurant space, 1 per employee
Gas/Fuel station with Restaurant	1 per employee; 1 per 50sf of restaurant space
Gas/Fuel Station with Carwash, Convenience Store, Drive-True, restaurant	1 per 50 sf of restaurant space, 1 per employee
Golf Course/Country Club	4 per hole; 1 per employee
Greenhouse/Nursery	1 per employee
Government Offices	1 per employee; 1 per every chair in any public meeting space
Group Care Facility	5 per facility
Health Club/Fitness Center	1 per employee, 1 per visitor during peak service hours
Hospitals	1 per each bed; 1 per each employee during peak shift.
Hotel	1 per employee, 1 per every room
Hunting or Fishing Club	1 per employee; 1 per every visitor during peak visitor hours
Impoundment	N/A
Independent Living Facility	1 per 3 units
Indoor Amusement	1 per employee; 1 per every visitor during peak visitor hours
Junk Yard/Salvage Yard	1 per employee
Kennel	1 per employee, peak visitor parking
Landfill	1 per employee
Laundry Facility	1 per every 2 laundry appliances
Library	1 per employee; 1 per every visitor during peak visitor hours
Manufacturing Facility, Heavy	1 per employee
Manufacturing Facility, Light	1 per employee
Massage Parlor	1 per employee, 1 per visitor at maximum occupancy
Medical Marijuana Dispensary	1 per employee; 1 per every visitor during peak visitor hours

<b>Off-Street Parking Requirements</b>	
<b>Uses</b>	<b>Required Parking Spaces</b>
Medical Marijuana Grower/Processor	1 per employee; 1 per every visitor during peak visitor hours
Methadone Treatment Facility	1 per employee; 1 per treatment room
Micro-Brewery/Micro-Distillery	1 per employee; 1 per every visitor during peak visitor hours
Micro-Brewery Pub	1 per employee; 1 per every visitor during peak visitor hours
Mineral Removal	1 per employee
Motel	1 per employee; 1 per guest room
Movie Theater	1 per employee; 1 per every viewing room seat
Museum	1 per employee
Music, Art, Photo Studios	1 per employee; 1 per every visitor at peak visitor hours
Natural Gas Compressor Station	1 per employee
Natural Gas Processing Facility	1 per employee
Nursing Home	1 per 3 beds
Office - Business, Professional	1 per employee
Oil and Gas Development	1 per employee
Outdoor Amusement	1 per employee; 1 per every visitor during peak visitor hours
Parking Structure	N/A
Personal Care Boarding Home	1 per employees
Personal Services	1 per employee 1 per customer during peak hours
Pet Grooming	1 per employee
Pet Services	1 per employee; 1 per 150 sf of net floor area devoted to patron service
Place of Worship	1 per 4 seats
Private Non-Profit Multi-Purpose Sports & Recreation Facilities	1 per 300 sq ft of indoor surface area
Public Park/Playground	N/A
Public Utility Building	N/A
Radio, TV, Microwave Tower	N/A
Recycling Collection	1 per employee
Repair Garage	1 per employee

<b>Off-Street Parking Requirements</b>	
<b>Uses</b>	<b>Required Parking Spaces</b>
Research and Development, not involving the processing or production of any toxic or hazardous materials	1 per employee
Research and Development, involving the processing or production of any toxic or hazardous materials	1 per employee
Residence in Combination with Commercial Use	1 per employee of the retail business; 1 per dwelling unit
Restaurant	1 space per 50 sq ft excluding storage and food preparation; 1 per employee on peak shift
Restaurant, with Drive-Thru Facilities	1 per each employee on peak shift
Restaurant, Fast Service	1 space per 50 sq ft excluding storage and food preparation; 1 per employee
Retail Sales, Large	1 per 175 sq ft of accessible floor area to customers; 1 per employee
Retail Sales, Small	1 per 200 sq ft of accessible floor area to customers; 1 per employee
Riding Academy	1 per employee
Schools, Commercial	1 per teacher/staff; 1 per 4 classrooms; 1 per 4 students
Schools, Public or Private	1 per teacher/staff; 1 per 4 classrooms; 1 per 4 students
Sexually Oriented Business	1 per 200 sq ft of accessible floor area to customers; 1 per employee
Shopping Centers	aggregate total of parking requirements for all proposed tenets
Short-Term Rental Unit	1 per rental unit
Social Club	1 per 50 sq ft of public net floor area
Solar Energy Facility, Principal	1 per employee
Special Event Barn, Principle Use	1 per employee; 1 per occupancy limit
Stadium or Arena	1 per 3 seats
Storage Rental Facility	N/A
Theater	1 per 3 seats
Truck Stop	1 per employee
Truck Terminal	1 per employee

<b>Off-Street Parking Requirements</b>	
<b>Uses</b>	<b>Required Parking Spaces</b>
Uses Not Listed, Comparable	N/A
Veterinary Clinic	1 per employee, 1 per treatment room
Warehousing	1 per employee
Wind Energy Facility	1 per employee
Winery	1 per employee; 1 per every visitor during peak visitor hours

**Section 506.3 Off-Street Loading Design**

- A. Size: Each loading berth shall be at least fifty (50) feet in length and twelve (12) feet in width with an overhead clearance of fourteen (14) feet. The area used for loading berths shall not be used to satisfy parking area requirements.
- B. Access: Loading berths shall be designed to provide sufficient turnaround area so that vehicles are not required to back onto collector or arterial roads. Loading berths shall have direct access to a driveway and shall be maintained free from obstruction.
- C. Location: All loading berths shall be located on the same lot with the principal use. No loading berth shall be located in a required front yard. Loading berths shall be located at least thirty (30) feet from the nearest point of intersection of any two (2) streets.
- D. Screening: Loading berths shall be screened by a six (6) foot hedge, wall or fence on all sides which face Residential Use or Zoning District classification.
- E. Surfacing: All loading areas shall have a paved surface, graded with positive drainage to dispose of surface water.
- F. Lighting: Any lighting used to illuminate loading areas shall be designed to reflect away from any property adjoining Residential Use or Zoning District classification and away from any road or highway.

**Section 506.4 Off-Street Loading Requirements**

In all 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.

**Table 501 – Off-Street Loading Requirements**

<b>Off-Street Loading Requirements</b>		
<b>Use</b>	<b>1<sup>st</sup> Berth (required per square feet of building listed below)</b>	<b>2<sup>nd</sup> Berth (required per square feet of building listed below)</b>
<b>Industrial</b>		
Manufacturing	5,000	40,000
Warehouse	5,000	40,000
Storage	10,000	25,000
<b>Commercial</b>		
Wholesale	10,000	40,000
Retail	10,000	20,000
Service	10,000	40,000
Recreation	10,000	100,000
Restaurant	10,000	25,000
Hotel	10,000	100,000
Funeral Homes	10,000	100,000
<b>Residential</b>		
Apartment	25,000	100,000
<b>Institutional</b>		
Schools	10,000	100,000
Hospitals	10,000	100,000
Public Buildings Auditoriums	10,000	100,000
Arenas	10,000	100,000
Places of Worship	10,000	100,000



## **ARTICLE VI – SIGNS**

Signs in all Districts shall be categorized according to the types and classifications described below and shall comply with the requirements for those types and classifications described in this Section.

### **SECTION 600 Purpose**

This chapter is intended to:

- A. Encourage sound signage practices and standards with respect to size, lighting, spacing, placement and type for the purpose of safeguarding and enhancing properties in each of the Township's Zoning Districts.
- B. Promote the safety and welfare of the community.
- C. Protect public investment in public structures, open spaces, and thoroughfares.
- D. Establish a clear process for the review and approval of sign permit applications and variances, and guidelines for violations and penalties.
- E. Provide an environment which will promote the orderly growth and development of business and industry in the Township.

### **Section 600.1 General Regulations**

The following regulations shall apply to signs in all Zoning Districts:

#### **A. Lots with Multiple Street Frontage:**

In all Districts, lots with more than one street frontage shall be permitted to have the signs permitted for each street frontage, provided that each said sign must be located and oriented to each street frontage for which they are authorized and the total permitted sign area permitted for multiple frontages may not be combined in any way. All signs shall comply with the setback requirements for the applicable sign in the District in which the lot is located.

#### **B. Temporary Signs:**

Temporary signs are permitted in all Zoning Districts, with the exception of agriculture sales signs, which shall only be permitted in the R-1A, R-2 and R-2A Districts. Real estate, construction, political and agricultural sales signs shall be considered temporary signs, which shall be removed within thirty (30) days of the completion of sales or construction or election.

#### **C. Notification Signs:**

In all 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 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 (2) square feet. The placement and maximum number of signs permitted along road frontages shall be one (1) sign for every one hundred (100) feet of road frontage.

D. 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. All signs shall comply with the clear sight triangle requirements. Signs shall not be constructed in such a manner that obscures visibility in the area between three (3) feet and ten (10) feet above the adjacent ground level within the clear sight triangle. The clear sight triangle shall be the distance of thirty (30) feet along the edge of the cartway, as defined herein, each of two (2) intersecting streets to a point on each street and connecting those two (2) points with a single line to complete a triangle; or, in the case of a driveway that intersects with a street, by measuring a distance of thirty (30) feet along the paved edge of the driveway to a point on the driveway and along the edge of the cartway, as defined herein, of the intersecting street to a point on the street and connecting those two (2) points with a single line drawn to complete a triangle. (If the driveway paving extends to the property line, the distance shall be measured along the property line.) No sign, other than official traffic signs, shall hang over or be erected within the right-of-way of any street.

E. Illumination:

Illumination of signs shall be directed upon the sign face and not towards adjoining properties or roadways. Flood lights are not permitted as sign illuminated. All illumination must be directed upon and not illuminated beyond the edges of the sign face. Flashing or oscillating signs shall not be permitted. Lighting shall be stationary and constant in intensity and color at all times, except that electronic changeable copy signs and LED signs, where authorized by this Ordinance, may have a changing message.

F. Construction, Maintenance, and Inspection:

All signs shall be constructed of durable materials and shall be permanently attached to the ground, building, or other structure by direct attachment to a rigid wall, frame, or structure, with a footer that is installed below the frost level.

All signs shall be maintained in good condition and repair and kept clean. Any sign found to be in an unsafe or unkept 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 thirty (30) days. Upon failure of the owner to comply, the Township shall remove the sign at the owner's expense.

G. Removal of Abandoned Signs:

- 1) It shall be the responsibility of the owner of any property upon which an abandoned sign is located to remove such sign within 180 days of the sign becoming abandoned as defined in this ordinance. Removal of the abandoned sign shall include the removal of the entire sign including the sign face, supporting structure, and structural trim.
- 2) Where the owner of the property on which an abandoned sign is located fails to remove such sign in 180 days Neshannock Township may remove such sign. Any expense directly incurred in the removal of such sign shall be charged to the owner of the property. Where the owner fails to pay, Neshannock Township may file a lien upon the property for the purpose of recovering all reasonable cost associated with the removal of the sign.

#### H. Permits Required:

No permit shall be required for the following types of signs as described above: Notification, Real Estate, Construction and Agricultural Sales. Permits for all other signs shall be required. The Zoning Officer shall issue the required permits upon submission of an application which complies with all applicable provisions of this Ordinance and payment of the required fee established by Resolution of the Township Board of Supervisors.

#### I. Existing Signs on Lots Containing More Than One Business:

In the C-1, C-2, C-3, B-P, 1-1, I-1-A, and I-P Districts, if an existing business-identification sign meets the maximum permitted surface area for the District and additional businesses are created on the lot, each new business shall be eligible for an additional four (4) square feet of surface area of sign on the structure supporting the existing sign, until such time as the existing sign is replaced. Any replacement or modification of such an existing sign shall conform to the maximum surface area permitted for the District.

#### J. Maximum Surface Area Requirements by District:

- 1) In the C-1, C-2, C-3 I-P Districts, the total cumulative surface area of all signs per lot, establishment or business shall not exceed one hundred (100) square feet.
- 2) In the B-P, I-1, I-1-A Districts, the total cumulative surface area for all signs per lot, establishment or business shall not exceed one hundred fifty (150) square feet.

#### L. Surface Area of Signs:

The surface area of a sign shall be measured as described below. For two (2) sided signs, only one (1) side of an advertising panel (sign face) shall be counted in computing the surface area, provided the two (2) advertising panels are "back-to-back" without any angle of separation between the two (2) advertising panels.

- 1) In the case of an advertising panel, as defined herein, the surface area of the sign shall be the total area enclosed by one (1) continuous line connecting the extreme points or edges of the advertising panel containing the writing, representation, character, emblem or other communication material;
- 2) In the case of freestanding letters, figures or characters mounted on a wall or other surface or in the case of letters, figures or characters painted on a wall, the surface area of the sign shall be the area of the smallest triangle, rectangle or circle that wholly encloses all the letters, including the space between the letters;
- 3) In the case of freestanding ground or pole signs, the area shall not include the main supporting structure; however, logos, ornamental attachments, and framework around or connections between advertising panels shall be included. In the case of a ground sign that is erected on a raised foundation, said foundation shall not be included in calculating the surface area of the sign. In the case of a freestanding pole sign, any sheathing or other covering over the supporting structure shall not be included in the calculation of the surface area of the sign, provided no logo or other advertising is placed on the sheathing or other covering. If a logo or lettering is placed on the sheathing, the area of the outline of such logo or lettering shall be included in the calculation of the surface

area of the sign; and in the case of letters that are painted on or affixed to an awning, canopy or marquee, the surface area of the sign shall be the area of the smallest triangle, rectangle or circle that wholly encloses all of the letters, including the space between the letters.

**Section 600.2 Number, Location, and Size Regulations, by Zoning District**

**Table 600 – Sign Requirements by Zoning Districts**

<b>Sign Requirements by Zoning Districts</b>					
		<b>Zoning Districts</b>			
		<b>R-3</b>	<b>C-1/I-P</b>	<b>C-2/C-3</b>	<b>B-P/I-1/I-1A</b>
<b>Pole Signs</b>	Number	N/A	(1) per lot regardless of number of business	(1) per lot regardless of number of businesses	(1) per lot regardless of number of businesses
	Max. Size (square feet)	N/A	(40) for 1-3 businesses or (70) for 4+ businesses	(100) for 1-3 businesses or (150) for 4+ businesses	(150) for 1-3 businesses or (200) for 4+ businesses
	Height (feet)	N/A	Min. height of (12) if installed over parking or driveway. Max. Height of (20)	Min. height of (12) if installed over parking or driveway. Max. Height of (20)	Min. height of (12) if installed over parking or driveway. Max. Height of (30)
	Location (feet) measured from edge of sign	N/A	No closer than (3) to the ROW or (10) to any other property line	No closer than (3) to the ROW or (10) to any other property line	No closer than (3) to the ROW or any other property line
<b>Wall Signs</b>	Number	(1) per business or establishment	No limit provided the maximum surface area for all signs does not exceed (100) square feet	No limit provided the maximum surface area for all signs does not exceed (100) square feet	No limit provided the maximum surface area for all signs does not exceed (150) square feet
	Max. Size (square feet)	20	100	100	150
	If Projecting	N/A	(1) sign per business, Max. size of (12) square feet to be included in the surface area requirements	(1) sign per business, Max. size of (12) square feet to be included in the surface area requirements	(1) sign per business, Max. size of (40) square feet in addition to the surface area requirements
<b>Monument Signs</b>	Number	N/A	N/A	(1) per lot	(1) per lot
	Max. Size (square feet)	N/A	N/A	50	100
	Height (feet)	N/A	N/A	Top of sign max. (5) above ground level	Top of sign max. (5) above ground level

	Location (feet) measured from edge of sign	N/A	N/A	No closer than (5) to the ROW or any other property line.	No closer than (3) to the ROW or any other property line.
<b>Roof Signs</b>	Number	N/A	N/A	N/A	(1) per business
	Max. Size (square feet)	N/A	N/A	N/A	(40) in addition to the surface area requirements of the Zoning District
	Height (feet)	N/A	N/A	N/A	N/A
	Location (feet) measured from edge of sign	N/A	N/A	N/A	N/A

**A. Athletic Scoreboard**

- 1) Athletic scoreboards shall only be permitted in the R-1 District.
- 2) A maximum of one (1) scoreboard shall be permitted per athletic field.
- 3) Any athletic scoreboard shall not exceed two hundred fifty (250) square feet, with the exception of a football field score board, which shall not exceed four hundred fifty (450) square feet.
- 4) Any athletic scoreboard shall not exceed the maximum height of thirty (30) feet.
- 5) An athletic scoreboard shall be at least one hundred (100) feet from any other property line.
- 6) Speakers associated with the scoreboard shall be directed away from an adjacent Residential Use or District.
- 7) No more than twenty-five (25) percent of the surface of the scoreboard shall be devoted to team sponsorship.
- 8) All or part of the scoreboard may utilize an electric changeable copy.

**B. Billboard**

- 1) Billboards shall be only within five hundred (500) feet of the centerline of the right-of-way of Interstate 376 and may be located on property in any Zoning District classification that is located within five hundred (500) feet of the centerline of the right-of-way of Interstate 376. Billboards shall also be subject to the following regulations:
  - a) The maximum surface area for a billboard shall not exceed six hundred (600) square feet. The maximum height of a billboard shall not exceed twenty-five (25) feet.

- b) All or part of the billboard may be an electronic copy display or utilize LED display technology.
- c) No billboard shall be located within one thousand (1,000) feet of another billboard located on the same side of Interstate 376. This distance shall be measured from the centerline of the right-of-way of Interstate 376 from a point on the centerline of the right-of-way of Interstate 376 that is directly opposite and in line with the point on the billboard's advertising panel or panels (in the case of a V-shaped configuration), which is closest to the highway right-of-way.

### C. Changeable Copy Signs

- 1) Changeable copy signs shall be permitted in all Zoning Districts as any permitted sign type.
- 2) In any Residential District, changeable copy signs shall not be permitted for single-family dwelling, two-family dwellings or home occupation uses. For all other authorized uses, changeable copy signs shall meet the following requirements:
  - a) One (1) changeable copy sign per lot.
  - b) A changeable copy sign may be a portion of a permitted sign; however, a changeable copy sign must be included in the calculation for the maximum allowable number of signs and sign area permitted on a lot.
  - c) The maximum size of the sign shall not exceed twenty-four (24) square feet, and the maximum height of the sign shall not exceed six (6) feet.
  - d) Any changeable copy sign shall be at least twenty-five (25) feet from any property line adjoining a Residential Zoning District; at least three (3) feet from any public street right-of-way and at least ten (10) feet from any other property line.
  - e) Any changeable copy sign located in or adjoining to a Residential District shall cease operations between 9 p.m. and 7 a.m.
  - f) Electronic changeable copy signs shall be equipped with a day/night switch to regulate the intensity of the lighting relative to the ambient light.

### D. Development Identification Signs

- 1) Development identification signs shall be permitted in all Zoning Districts.
- 2) Multi-family Development Identification Sign
  - a) No more than one (1) sign per lot.
  - b) Any multi-family development sign shall not exceed twenty (20) square feet.
  - c) Any multi-family sign shall not exceed six (6) feet in height.

- d) Any multi-family sign shall be located no closer than ten (10) feet from any property line.

3) Mobile Home Park Identification Sign

- a) No more than one (1) sign per mobile home park.
- b) Any mobile home park identification sign shall not exceed twenty (20) square feet.
- c) Any mobile home park identification park shall not exceed six (6) feet in height.
- d) Any mobile home park identification sign shall be located at least ten (10) feet from any other property line.

4) Residential Plan or Non-Residential plan Identification Sign

- a) No more than one (1) per development site.
- b) Any residential plan or non-residential plan identification sign shall not exceed one hundred (100) square feet.
- c) Any residential plan or non-residential plan identification sign shall not exceed six (6) feet in height.

E. Directional Signs

- 1) Directional signs are permitted in all Zoning Districts provided the sign meets the following:
  - a) No more than two (2) signs per access driveway.
  - b) Any direction sign shall not exceed two (2) square feet in surface area and three (3) feet in height.
  - c) Any directional sign shall be at least one (1) foot from any property line.

F. Fast Service Restaurant Menu Boards

- 1) Fast service restaurant menu boards shall be permitted in the C-1, C-2, or C-3 Districts.
- 2) Drive-Thru
  - a) A maximum number of two (2) menu boards per business.
  - b) All menu boards shall be located between the building and drive-thru lanes.
  - c) Each sign shall not exceed forty (40) square feet in surface area and shall not exceed the maximum height of six (6) square feet.

3) In-Car Service

- a) A maximum number of one (1) sign per service position.
  - b) Any sign shall only be located in each service position.
  - c) Any menu board shall not exceed three (3) square feet in service and shall not exceed a maximum height of six (6) feet.
- 4) The two-way communication system shall be regulated so that the noise emitted shall not be directed towards any property in any Residential District.

#### G. Murals

- 1) Murals shall be permitted only in the C-1, C-2 and C-3 Zoning Districts.
- 2) No more than one (1) mural per building and may not exceed five hundred (500) square feet in surface area.

#### H. LED (Light Emitting Diode) Signs:

- 1) LED Signs shall be permitted as pole signs, monument signs, and athletic scoreboards only.
- 2) One LED sign is permitted per lot.
- 3) An LED sign may be a portion of pole sign, monument sign or athletic scoreboard, however an LED sign must be included in the calculation for the maximum allowable number of signs and sign area permitted on a lot.
- 4) Any LED sign shall be a maximum size of fifty (50) percent of the total allowable sign surface area for each pole sign or monument sign permitted, except LED athletic scoreboards and fast-service restaurant menu boards have no maximum size for the LED portion of the sign.
- 5) All LED sign images, messages and graphics displayed on the sign face must be static. Animation and video displays are prohibited.
- 6) The transition from one static display on the LED sign face to another must be instantaneous without any special effects, including but not limited to flashing, spinning revolving transition methods, scrolling from left to right or top to bottom, slot machine, splice, mesh, radar, kaleidoscope, spin, or any other transition.
- 7) The images and messages displayed must complete in themselves, without continuation in context to the next image or message or to any other sign.
- 8) Each message displayed must remain displayed continuously for a minimum of ten (10) seconds.
- 9) No sign shall be brighter than five thousand (5,000) nits between sunrise and sunset and two hundred fifty (250) nits between sunset and sunrise, measured according to recognized industry standards for brightness measurement.



## **ARTICLE VII – SUPPLEMENTAL REGULATIONS**

### **SECTION 700 OUTDOOR DISPLAY**

In the case of retail stores, which display products outdoors either temporarily, permanently, or seasonally, the product display area shall be located at least ten (10) feet from any property line or street right-of-way line. In no case shall more than twenty-five (25) percent of the total area of the lot be devoted to outdoor product display.

The outdoor display area shall not obstruct the free flow of traffic on the lot, nor shall it obstruct the use of any parking spaces on the lot. The outdoor display area shall not be located on any approved parking spaces necessary to meet the minimum parking requirements for the retail store, or in the case of a shopping center, for all the uses in the shopping center.

### **SECTION 701 SCREENING AND LANDSCAPING**

#### **Section 701.1 Landscaping of Lots**

Any portion of a lot, which is not used for buildings, other structures, loading or parking spaces, sidewalks or storage areas shall be planted with an all-season ground cover and shall be landscaped with trees and shrubs in accordance with a landscape plan submitted with an application for zoning approval. In all Zoning Districts, not less than ten (10) percent of the lot area shall be covered with vegetative material.

#### **Section 701.2 Buffer Areas Required**

For Non-residential Uses in the R-3 District and for all uses in the C-1, C-2, C-3, B-P, 1-1, I-1-A, and I-P Districts, a buffer area, as defined by this Ordinance, shall be provided along all property lines adjoining Residential Use or Zoning District classification. In the R-3, C-1, and C-2 Districts, the required buffer area shall be at least five (5) feet in depth as measured from the property line. In the B-P, 1-1, I-1-A, and I-P Districts, the required buffer area shall be at least ten (10) feet in depth as measured from the property line. Buffer areas shall include landscaping, which within three (3) years of planting, meets the standards of providing a compact, year-round visual screen at least six (6) feet in height or an existing natural or constructed physical barrier, which duplicates the effect of the required buffer area. Trees utilized shall be of a size not less than two (2) inch caliper, and the following trees shall not be planted: all varieties of poplar, willow, and aspen; common black locust; white or silver maple.

#### **Section 701.3 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 discontinued growth of the required trees, shrubs, bushes and ground cover.

### **SECTION 702 HOME OCCUPATIONS**

Any Home Occupation Use is subject to the following supplemental regulations and shall receive a home occupation permit from the Township.

- A. The employees of a home occupation may include the residents of said dwelling and a maximum of one (1) non-resident.
- B. A home occupation shall not exceed twenty-five (25) percent of the gross floor area

(GFA) of the residence, including the space to maintain the equipment needed in the occupation (business).

- C. The use shall not create any additional environmental impact other than those impacts, including, but not limited to, road infrastructure, traffic, garbage, water, and sewage, normally resulting from Residential Use.
- D. The use shall not cause an increase in the use of water, sewerage, garbage, public safety, or any other municipal services beyond that which is normal for an average residence in the neighborhood.
- E. The use shall not require internal or external alterations or construction features which change the fire rating of the structure.
- F. There shall be no use of materials or equipment except that of similar power and type normally used in a residential dwelling for domestic household, farming, or agricultural purposes.
- G. There shall be no storage of materials or equipment outside an enclosed building.
- H. The use shall not create greater vehicular or pedestrian traffic than that which is normal for the residences in the neighborhood.
- I. All needs for parking generated by the conduct of a home occupation shall be provided for on the lot.
- J. The home occupation shall not involve the use of vehicles in excess of one (1) ton capacity or nine thousand (9,000) pounds gross vehicle weight for delivery of materials to or from the premises, and such vehicles shall not be parked on the premises.
- K. There shall be no regular display of merchandise available for sale on the premises; however, merchandise may be stored on the premises for pickup and/or delivery.
- L. The following uses may be considered to be Home Occupations. All other uses shall be limited to the Districts in which they are specifically authorized as Permitted Uses or Conditioned Uses:
  - 1) Day Cares
  - 2) Personal Services
  - 3) Bakery
  - 4) Pet grooming
- M. Day care, as defined by this Ordinance, shall be considered a home occupation, provided that all of the foregoing standards for a home occupation are met:
  - 1) An adequate area for outdoor recreation shall be provided and shall be secured by a fence with a self-latching gate.
  - 2) 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.
  - 3) Any approved home occupation which requires any type of public access to the

dwelling must obtain all required approvals from the Pennsylvania Department of Labor and Industry.

- 4) Normal hours of operation shall be a maximum of 7 a.m. to 9 p.m. for customer/client traffic.
- 5) The number of children in care may not exceed six (6) children at any one time who are unrelated to the operator. (Pa. Code 3290.51 - Maximum number of children)

## **SECTION 703            COMMUNICATIONS ANTENNAS**

Where authorized by this Ordinance, communications antennas shall meet all of the following requirements:

- A. Building mounted antennas shall not be permitted on any single-family dwelling or two-family dwelling.
- B. Building mounted antennas shall be permitted to exceed the maximum building height permitted in the District by no more than twenty (20) feet. Antennas mounted on public utility storage or transmission structures shall extend no more than twenty (20) feet beyond the height of the public utility storage or transmission structure. Antennas mounted on a communications tower shall not extend more than twenty (20) feet beyond the height of the tower.
- C. Omnidirectional or whip antennas shall not exceed twenty (20) feet in height or seven (7) inches in diameter.
- D. Directional or panel antennas shall not exceed fifty (50) feet in height or two (2) feet in width.
- E. Satellite and microwave dish antennas mounted on a monopole communications tower or existing public utility storage or transmission structure shall not exceed two (2) feet in diameter.
- F. The applicant proposing a building mounted antenna shall submit evidence from a Structural Engineer certifying that the proposed installation will not exceed the structural capacity of the building considering wind loads and other loads associated with the antenna's location.
- G. Evidence of lease agreements and easements necessary to provide access to the building or structure for installation and maintenance of the antennas and placement of the equipment cabinet or equipment buildings shall be provided to the Township.
- H. Unless located within a secure building, the equipment cabinet or equipment building shall be fenced by a ten (10) foot high chain link security fence with locking gate.
- I. If vehicular access to the equipment cabinet or equipment building is not provided from a public street or paved driveway or parking area, an easement or right-of-way shall be provided which has a minimum width of twenty (20) feet and which shall be improved with a dust-free all-weather surface for its entire length.
- J. At least one (1) off-street parking space shall be provided on the site within reasonable

walking distance of the equipment cabinet or equipment building to facilitate periodic visits by maintenance workers.

## **SECTION 704            HOBBY FARMS**

Where authorized by this Ordinance, hobby farms shall meet all of the following regulations:

- A. A tract of at least three (3) acres, but less than ten (10) acres shall be required for a hobby farm.
- B. Hobby farms may include any of the activities encompassed by agriculture, as defined by this Ordinance, however, the hobby farm shall be restricted to personal use and enjoyment and any sale of animals or produce shall not constitute the principal economic activity of the residents of the hobby farm.
- C. Roadside stands or signs advertising the sale of products shall not be permitted on a hobby farm.
- D. The number of animals maintained on a hobby farm, if any, shall be reasonably related to the size of the property, the area available for grazing and the capacity of the land to sustain the animals in accordance with USDA Regulations.
- E. Any area of the property used for grazing shall be adequately fenced, to properly and efficiently enclose the animals and to protect adjacent properties.
- F. No grazing of animals shall be permitted any closer than one hundred (100) feet to any occupied dwelling, other than the owner's dwelling.
- G. No building housing animals shall be located closer than one hundred (100) feet to any occupied dwelling, other than the owner's.
- H. The owner of the hobby farm shall not permit any litter or droppings from horses or other animals to collect so as to result in the presence of fly larvae or objectionable odors.

## **SECTION 705            PRIVATE BURIAL PLOTS**

Where authorized by this Ordinance in the R-1-A, R-2 or R-2-A Districts, private burial plots shall meet all of the following regulations:

- A. The minimum site required to establish a private burial plot shall be ten (10) acres.
- B. The deed for the property shall include provisions for access to the private burial plot by family members in the event the property is sold to non-family members.
- C. The private burial plot shall be fenced and graves shall be indicated by markers.
- D. The private burial plot shall be property maintained including the elimination of weeds and brush.

## **SECTION 706            AIRPORT ZONING REGULATIONS**

Any property located within the flight approach to an airport operated by the Lawrence County

Airport Authority shall be further subject to airport zoning regulations governing the height of structures. Applicants for development within such flight approaches shall present written evidence to the Township of compliance with all applicable airport zoning regulations.

## **SECTION 707 FLOODPLAIN REGULATIONS**

Any property located within a flood hazard area designated on official maps prepared for the Township by the Federal Emergency Management Agency (FEMA) shall be further subject to the provisions of the Township's Flood Plain Management Ordinance No. 1982-2, amended by Ordinance No. 1986-3, as hereafter may be amended.

## **SECTION 708 FOOD TRUCKS (MOBILE FOOD VENDOR)**

### **A. Licensing.**

- 1) Any food truck vehicle shall be required to obtain all necessary registrations and licenses, including a health license to operate, as well as a Special Zoning Permit from the Township.
- 2) Food trucks are subject to verification and inspection, to be conducted by the Township Police Department.

### **B. Location.**

- 1) A mobile food vendor shall not be located at a stationary location for a duration exceeding eight (8) consecutive hours and cannot exceed more than eight (8) hours during any twenty-four (24) hour period. The mobile food vendor shall be open and operating during the entire period that the mobile food vendor is located at a stationary location within the Township.
- 2) A mobile food vendor shall not conduct sales in congested areas where the operation impedes vehicular or pedestrian traffic.
- 3) A mobile food vendor shall not cause any congestion of traffic flow, and, if vehicular traffic or pedestrian flow becomes impeded, the vendor shall immediately, and without delay, vacate the area so as to allow for the free flow of traffic and relief of the congestion.
- 4) No mobile food vendor shall locate on any private property without written permission from the property owner to do so and must comply if asked to leave by the property owner.
  - a) A copy of the written permission to operate in a specific location signed by the private property owner, including a contact phone number for verification, shall be included with the license application.
  - b) A copy of such written permission shall be kept in the mobile vending unit and produced upon request.
- 5) A five (5) foot clear space shall be maintained around the mobile food vending unit at all times.
- 6) No mobile food vendor shall be allowed to conduct food sales in the public road

right-of-way.

C. Time.

- 1) A mobile food vendor shall not be permitted to conduct sales between the hours of 12:00 a.m. and 6:00 a.m.

D. Signs.

- 1) A "No Smoking" sign must be posted next to the order window area.

E. Waste.

- 1) Vendors must provide a portable trash receptacle for collection of waste from their customers, and waste must be removed from the location of the mobile vending unit daily without using public waste containers or receptacles.
  - a) Each vendor shall be responsible for proper disposal of solid waste and wastewater in a sanitation facility legally accessed by the vendor.
- 2) Vendors shall not dispose of grease or other liquid waste by depositing or draining the same into storm drains, sewer drain outlets, tree pits or sidewalk areas, or any public space, including the ground or public roadways.
- 3) All areas must be cleaned following each sales period within a minimum of twenty (20) feet of the sales location.

F. Noise.

- 1) Continuous loud music or repetitive sounds shall not project from the mobile unit while parked or stopped, except those created by the normal operation of equipment typically associated with mobile food vending during the hours of operation.
- 2) The provisions of the Township's Noise Ordinance must be met during all periods of operation.

G. Fire safety.

- 1) Proper electrical power shall be maintained and installed, as per the International Electrical Code. Extension cords running from any residential living space for power will not be allowed. Township-owned power sources may not be used without the express written consent of the Township.
- 2) All vehicles shall be at a minimum of fifteen (15) feet from any structure.

**SECTION 709 HIGH-FREQUENCY AMATUER (HAM) RADIO**

- A. A ham radio antenna shall only be permitted as an accessory structure to a single-family residential structure or an agricultural operation in any Zoning District;
- B. The height of any antenna or the combined height of an antenna and antenna structure shall not exceed a maximum height of thirty-five (35) feet, including any extension. If an antenna is installed on the roof of the building, the height of the antenna shall be inclusive

- of the building height;
- C. Antennas and their support structures are limited to side and rear yards;
  - D. A maximum of one (1) amateur "HAM" radio antenna may be permitted on each building site;
  - E. Antennas must be a distance from the property line that is equal to one (1) and one (1) half times its height. Antenna shall be longer in height than power lines on the property or set back one (1) and a half times from on-lot power lines.
  - F. No signs or lights shall be mounted on an antenna and their supporting structures, except for any warning signs required by the Uniform Construction Code or other applicable governmental agencies;
  - G. All antennas and their supporting structures shall be maintained in good condition including repainting when necessary; and
  - H. The use of highly reflective material shall be prohibited.

## **SECTION 710 RECREATION VEHICLES**

- A. Any recreation vehicle shall not be permitted in the front driveway of any residential dwelling for longer than seven (7) days.
- B. Any recreational vehicle shall be fully licensed and ready for highway use or;
- C. Meet the requirements of a mobile home.

## **SECTION 711 KEEPING OF BEES**

- A. Apiaries may only be located within the R-1-A, R1, R-2, R-2-A, and R-3 Districts;
- B. No beekeeper may own or maintain an apiary within the Township without first providing proof of a Beekeeping 101 course or equivalent taught by a County beekeeping organization, master beekeeper, university or farm/business associated with beekeeping;
- C. A beekeeper owning or maintaining an apiary in the Township shall submit a signed copy of the Department's best management practices related to the keeping of honeybees along with their application. The agreement must also be on file with the Department in Harrisburg. A beekeeper owning or maintaining an apiary in the Township shall promptly notify the Township Zoning Officer without unnecessary delay, and in no event longer than forty-eight (48) hours, if the Department revokes said beekeeper's best management certification;
- D. Non-property owners that wish to own or maintain an apiary on property that the non-property owner is renting must include written permission from the property owner or landlord that explicitly indicates that the non-property owner has permission to own or maintain an apiary on the subject property. Such written permission shall be supplied to the Township as part of the annual bee keeping permit application;
- E. No beekeeper shall keep or maintain bees in any hive other than a modern movable

frame hive which permits thorough examination of every comb to determine the presence of bee disease;

- F. Hives shall not be located within ten (10) feet of any side or rear property line;
- G. Hives shall not be located within a front yard;
- H. Hives shall not be located within fifty (50) feet of a swimming pool or permanently kenneled animal;
- I. Hive entrances shall face away from neighboring property and in such a direction that bees fly across the beekeeper's property at sufficient distance to gain a height of at least six (6) feet at the property line. The use of barriers may be employed to redirect the bees' flight pathway and establish bee flight pathways above six (6) feet. Should the flight path not be able to be obtained as described above, then a "flyway barrier" shall be placed at least four (4) feet in height, shall be placed along the side of the hive(s) that contains the entrance to the hive(s), shall be located within five (5) feet of the hive(s), and shall extend at least two (2) feet on either side of the hive(s). A "flyway barrier" shall consist of a fence, permanent vegetation, hedge, or combination thereof that provides for suitable flight path of bees, as described above. No flyway is required for hives that are located on porches or balconies at least ten (10) feet above grade, except where such porch or balcony is located less than five (5) feet from a property line; and
- J. All beekeepers in the Township shall ensure that a convenient source of fresh water is available to the bees from April 1 through November 1 each year and is located closer to the apiary than any other water source.

## **SECTION 712            KEEPING OF CHICKENS AND DUCKS**

- A. No chickens or ducks are permitted on lots smaller than one and a half (1½) acres in size.
- B. On lots one and a half (1½) acres to five (5) acres in size, a maximum of five (5) chickens or ducks are permitted to be kept on the lot. Roosters are not permitted.
- C. All chickens and ducks must be kept within an enclosed structure at all times.
- D. Chicken coops shall be required on all lots, and coop shall meet all accessory structure requirements.
- E. The minimum coop size shall be three (3) square feet per chicken or duck. The maximum overall coop size shall not exceed twenty (20) square feet. All coops and runs shall be screened from the view at ground level from adjacent lots by using fencing, landscaping, or a combination thereof.
- F. On lots of five (5) acres to ten (10) acres in size, chickens may be kept ten (10) chickens or ducks/acre; and all chickens and ducks must be kept within an enclosed structure at all times.
- G. On lots of ten (10) acres in size and larger, roosters may be kept.
- H. All areas, enclosures, and structures where chickens or ducks are kept shall be kept in good repair and general cleanliness.



## **SECTION 713 RIDING ACADEMY ACCESSORY USE**

- A. Such uses shall be accessory to a farm.
- B. No building housing animals shall be closer than two hundred (200) feet to any property line.
- C. All property lines adjoining Residential Use or Zoning District classification shall be screened by a buffer area, as described in this Ordinance.
- D. All training areas and bridal paths shall be adequately fenced to protect adjoining properties.

## **SECTION 714 INDIVIDUAL WIND ENERGY SYSTEM**

- A. In the R-1-A, R-2, and R-2-A Districts, the minimum lot area required to install an individual wind energy system shall be one (1) acre. There shall be no minimum lot area required in the 1-1, I-1-A, I-P, or B-P Districts.
- B. The maximum height of an individual wind energy system in the R-1-A, R-2, and R-2-A Districts shall be sixty (60) feet. The maximum height of a personal wind energy system in the 1-1, I-1-A, I-P, and B-P Districts shall be one hundred (100) feet.
- C. The applicant shall provide evidence that the proposed height of the individual wind energy system does not exceed the height recommended by the manufacturer or distributor of the system.
- D. The applicant shall comply with all applicable regulations of the Pennsylvania Public Utility Commission (PUC) governing generation of electricity for private use.
- E. The individual wind energy system generators and alternators shall be constructed so as to prevent the emission of radio and television signals. The applicant shall correct any signal disturbance problem identified after initiation of the operation within ninety (90) days of identification.
- F. The minimum distance between the ground and any protruding blades utilized on an individual wind energy system shall be fifteen (15) feet measured at the lowest point of the arc of the blades.
- G. The lowest point of the arc of the blades utilized on an individual wind energy system shall be ten (10) feet above the height of any structure located within one hundred fifty (150) feet of the base of the individual wind energy system.
- H. The supporting tower shall be enclosed by a six (6) foot high fence, unless the tower is fitted with anti-climbing devices for a distance of twelve (12) feet above the ground.
- I. The applicant shall submit evidence from the manufacturer regarding the structural integrity of the tower, base and footings and the installation's ability to withstand expected wind loads.
- J. The individual wind energy system shall be set back a distance of one hundred fifty (150) percent of the tower height, plus the blade length from any inhabited dwelling on adjacent

property, unless notarized consent of the adjacent property owner is presented.

- K. The individual wind energy system shall be set back a distance of one hundred ten (110) percent of the height of the tower, plus the blade length, from all adjacent property lines.
- L. Individual wind energy systems shall comply with all applicable requirements of the Federal Aviation Administration (FAA).
- M. Individual wind energy systems shall not be artificially lit, unless required by the Federal Aviation Administration (FAA).
- N. No tower shall have any sign, writing or picture that may be construed as advertising.
- O. Individual wind energy system towers shall maintain a galvanized steel finish unless Federal Aviation Administration (FAA) standards require otherwise.
- P. Individual wind energy systems shall not exceed sixty (60) decibels (dBA), as measured at the closest property line, except during short term emergencies, such as utility outages and/or severe windstorms.
- Q. An individual wind energy system that is not used for twelve (12) successive months shall be deemed abandoned and shall be dismantled and removed from the property at the expense of the property owner pursuant to an enforcement notice issued in accordance with this Ordinance.

#### **SECTION 715            ACCESSORY DWELLING UNIT**

- A. The accessory dwelling unit shall not exceed forty (40) percent of the total square footage of the principal single-family detached structure.
- B. There is a limit of one (1) accessory dwelling unit per lot.
- C. The lot shall comply with all other single-family detached dwelling dimensional requirements of the pertinent Zoning District.
- D. The accessory dwelling unit shall require an on-lot sewer permit, if the unit is not connected to the public sewer system.
- E. The accessory dwelling unit shall have a separate water meter from that of the principal single-family detached dwelling structure.
- F. The owner of the property must maintain principal residency in either the principal single-family detached dwelling structure or the accessory dwelling unit.
- G. An accessory dwelling unit shall be architecturally consistent with the primary structure.
- H. A building permit for an accessory dwelling unit must be approved and issued prior to its construction.

#### **SECTION 716            ACCESSORY SOLAR ENERGY SYSTEMS**

- A. ASES shall be permitted as a use by right in all Zoning Districts. Such use shall be subordinate to the principal use.

## B. Exemptions

- 1) ASES with an aggregate collection and/or focusing area of one hundred (100) square feet or less are exempt from these regulations.

- C. The ASES layout, design, installation and on-going maintenance shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), or other similar certifying organizations; and shall comply with the PA Uniform Construction Code (UCC) as enforced by the Township; and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the application.

Upon completion of installations, the ASES shall be maintained in good working order, in accordance with the standards set forth in the Neshannock Township Zoning Ordinance. Failure of the property owner to maintain the ASES in good working order is grounds for appropriate enforcement by the Township in accordance with all applicable Ordinances.

- D. ASES installers must certify to the Zoning Officer they are listed as a "Certified Installer" on the PA Department of Environmental Protection (DEP) approved solar installer list, or that they meet, or exceed, the criteria to be a DEP-approved installer.
- E. All on-site utility, distribution lines, and plumbing shall be placed underground to the extent feasible.
- F. The owner of an ASES shall provide written confirmation to the Township Zoning Officer that the public utility company to which the ASES will be connected has been informed of the customer's intent to install a grid-connected system and such connection has been approved. Off-grid systems shall be exempt from this requirement.
- G. The display of advertising is prohibited except for reasonable size identification of the manufacturer of the system in compliance with all applicable requirements of the Neshannock Township Zoning Ordinance and as approved by the Zoning Officer.
- H. All ASES shall be placed such that concentrated solar radiation or glare does not cause a nuisance to adjacent property owners and shall be a minimum five (5) feet from the property line.

## I. Solar Easements

- 1) Where a subdivision or land development involves the use of solar energy systems, solar easements may be provided. Said easements shall be in writing and shall be subject to the same conveyance and instrument recording requirements as other easements.
- 2) Any such easement shall be appurtenant; shall run with the land benefitted and burdened; and shall be defined and limited by conditions stated in the instrument

of conveyance. Instruments creating solar easement shall include, but not be limited to:

- a) A description of the dimensions of the easement including vertical and horizontal angles measured in the degrees or hours of the day, on specified dates, during which direct sunlight to a specified surface or structural design feature may not be obstructed;
  - b) Restrictions on the placement of vegetation, structures, and other objects which may impair or obstruct the passage of sunlight through the easement;
  - c) Enumerate terms and conditions, if any, under which the easement may be revised or terminated;
  - d) Explain the compensation for the owner of the real property subject to the solar easement for maintaining the easement and for the owner of the real property benefitting from the solar easement in the event of interference with the easement;
  - e) Owner information, deed book volume and page number or document number, along with the parcel identification number.
- 3) If required, an ASES owner and/or operator must obtain any solar easements necessary to guarantee unobstructed solar access by separate agreement(s) with adjacent property owner(s).
- J. By accepting a permit issued by the Township for the ASES, the applicant shall be deemed to have acknowledged and agreed that the issuance of said permit for a solar energy system shall not, and does not, create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself:
- 1) The right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining property or other property or the growth of any trees or vegetation on such property; or
  - 2) The right to prohibit the development on or growth of any trees or vegetation on such property.
- K. Decommissioning
- 1) Each ASES and all solar-related equipment shall be removed within twelve (12) months of the date when the use has been discontinued or abandoned by the system owner and/or operator, or upon termination of the useful life of same.
  - 2) The ASES shall be presumed to be discontinued or abandoned, if no electricity is generated by such solar collector for a period of twelve (12) months.
  - 3) The ASES owner shall, at the request of the Township, provide information concerning the amount of energy generated by the ASES in the last twelve (12) months.

#### L. Permit Requirements

- 1) Zoning and/or building permit applications shall document compliance with this section and shall be accompanied by drawings showing the location of the system on building or property, including property lines. Permits must be kept on the premises where the ASES is constructed.
- 2) The zoning/building permit shall be revoked if the ASES, whether new or pre-existing, is moved or otherwise altered, either intentionally or by natural forces, in a manner which causes the ASES not to be in conformity with this Ordinance.
- 3) The ASES must be properly maintained and be kept free from all hazards, including, but limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety, or general welfare. In the event of a violation of any of the foregoing provisions, the Zoning Officer shall give written notice specifying the violations to the owner of the ASES to conform or to remove the ASES.

#### N. Roof Mounted and Wall Mounted Accessory Solar Energy Systems:

- 1) A roof or wall mounted ASES may be located on a principal or accessory structure.
- 2) ASES mounted on roofs or walls of any structure shall be subject to the maximum height regulations specified for principal and accessory structures within the underlying Zoning District in which they are located.
- 3) Wall mounted ASES shall comply with the setbacks for principal and accessory structures in the underlying Zoning District in which they are located.
- 4) For roof and wall mounted systems, the applicant shall provide evidence that the plans comply with the PA Uniform Construction Code (PA UCC) and any applicable building codes of the Township that the roof or wall is capable of bearing the load imposed on structure.

#### O. Ground Mounted Accessory Solar Energy Systems

- 1) Setbacks
  - a) Ground mounted ASES are prohibited in front yards between the principal structure and the street.
  - b) A ground mounted ASES may be located in the portion of the front yard, not between the principal structure and the street, provided that: (1) the applicant demonstrates that, due to solar access limitations, no other location exists on the property where the ASES can function effectively; and (2) vegetative screening is provided.
- 2) Height

- a) Freestanding ground mounted ASES shall not exceed the maximum accessory structure height in the underlying Zoning District and Stormwater Management Ordinance.

3) Coverage

- a) The area beneath the ground mounted ASES is considered pervious cover. However, use of impervious construction materials under the system could cause the area to be considered impervious and subject to the impervious surfaces limitations for the applicable Zoning District.

4) Screening

- a) Ground mounted ASES shall be screened from any adjacent property that is zoned, or used, for residential purposes. The screen shall consist of plant materials which provide a visual screen from the adjacent property. In lieu of a vegetative screen, a decorative fence meeting the Zoning Ordinance requirements may be used.

- 5) Appropriate safety/warning signage concerning voltage shall be placed at ground mounted electrical devices, equipment, and structures. All electrical control devices associated with the ASES shall be locked to prevent unauthorized access or entry.
- 6) Ground mounted ASES shall not be placed within any legal easement or right-of-way location.
- 7) Ground mounted ASES shall not be placed within any stormwater conveyance system or in any other manner that would alter or impede stormwater runoff from collecting in a constructed stormwater management system.

**SECTION 717      ANCILLARY COMMERCIAL IN THE B-P DISTRICT**

- A. Ancillary Commercial Uses shall not be permitted to occupy a freestanding principal building where one (1) or more Ancillary Commercial Uses are the only uses in the building.
- B. Ancillary Commercial Uses shall be limited to the ground floor or first floor of a principal building containing any Authorized Permitted use, Conditional Use or Use by Special exception in the B-P District.
- C. The total floor area devoted to Ancillary Commercial Uses shall not exceed fifteen (15) percent of the total floor area of the principal building containing the authorized permitted use, Conditional Use or Use by Special exception in the B-P District.
- D. Off-street parking shall be provided for the Ancillary Commercial Uses in accordance with the ratio specified for the use in the Off-Street Requirements section of this Ordinance.
- E. A separate business identification sign shall be permitted for each Ancillary Commercial Use, whether the use is visible from the outside of the principal building or not, provided the identification sign shall be a wall sign only and shall not exceed

twenty (20) square feet.

## **SECTION 718 PUBLIC, PRIVATE AND COMMERCIAL SCHOOLS**

- A. All property lines adjoining Residential Use or Zoning District classification shall be screened by a buffer area, as described in this Ordinance.
- B. No storage of equipment or material shall be permitted outside a structure.
- C. All lights shall be shielded and reflected away from adjoining property.
- D. Ingress, egress, and internal traffic circulation shall be designed to ensure safety and access by emergency vehicles.
- E. Adequate off-street parking and loading facilities shall be provided in accordance with the requirements of the Off-Street Parking Requirements of this Ordinance.
- F. Swimming pools shall be subject to the provisions of the Accessory Structure Requirements of this Ordinance.

## **SECTION 719 DISTRIBUTED ANTENNA SYSTEMS**

- A. Co-location, Location and Siting.
  - 1) Distributed Antennae Systems in the-ROW shall be co-located on existing poles, such as existing utility poles that already act as standard antenna support structures or light poles. If co-location is not technologically feasible, the applicant shall locate its commercial communications antennae on existing poles that do not already act as standard antenna support structures.
  - 2) Distributed Antenna Systems in the ROW are permitted in all Zoning Districts, is subject to the restrictions and conditions prescribed below and subject to the prior written approval of the Township.
  - 3) Distributed Antennae Systems shall not be located on any structures, with the exception of utility poles in the ROW, single family detached residences, single family attached residences, or any residential accessory structure. No Distributed Antenna System may be located on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places, or is eligible to be so listed, or has been designated by the Township to be of historical significance.
- B. Design Regulations.
  - 1) Antenna installations located above the surface grade in the public ROW including, but not limited to, those on streetlights and joint utility poles, shall consist of equipment components that are no more than six (6) feet in height and that are compatible in scale and proportion to the structures upon which they are mounted. All equipment shall be the smallest and least visibly intrusive equipment feasible.
  - 2) Antennae and all supporting equipment shall be treated to match the supporting structure. Facilities and accompanying equipment shall be painted, or otherwise coated, to be visually compatible with the supporting structure upon which they

are mounted.

- 3) Distributed antennae and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the Township. In addition:
    - a) Ground-mounted equipment and electrical meter cabinets shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features.
    - b) Any proposed underground vault related to commercial communication antennae shall be reviewed and approved by the Township.
- C. The applicant shall submit proof that the proposed antenna will not interfere with public safety communications, or the reception of broadband, television, radio, or other communication services enjoyed by occupants of nearby properties.
- D. Within sixty (60) days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such similar period in the case of an emergency, an owner of any antenna in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any antenna when the Township, consistent with its police powers and applicable Public Utility Commission regulations, shall have determined that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:
- 1) The construction, repair, maintenance, or installation of any Township or other public improvement in the ROW.
  - 2) The operations of the Township or other governmental entity in the ROW.
  - 3) Vacation of a street or road; or the release of a utility easement.
  - 4) An emergency, as determined by the Township.
- F. Any distributed antenna system shall be designed, constructed, operated, maintained, repaired, modified, and removed in strict compliance with all current applicable technical, safety and safety-related codes, including, but not limited to, the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code. All antennae shall, at all times, be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Township.
- G. Any distributed antenna system shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/EIA-222-E Code, as amended).
- H. The distributed antenna system shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair. Such maintenance shall be performed to ensure the upkeep of the facility, in order to promote the safety and security of the Township's residents. All maintenance activities shall



utilize nothing less than the best available technology for preventing failures and accidents.

- I. No distributed antenna may, by itself or in conjunction with other antennae, generate radio frequency emissions in excess of the standards and regulations of the FCC, including, but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields", as amended.
- J. In the event that use of a distributed antenna system is discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned antennae shall be removed as follows:
  - 1) All abandoned or unused antennae and accessory facilities shall be removed within two (2) months of the cessation of operations at the site unless a time extension is approved by the Township.
  - 2) If the antenna is not removed within two (2) months of the cessation of operations at a site, or within any longer period approved by the Township, the antenna and any related equipment may be removed by the Township and the cost of removal assessed against the owner of the antenna.
- K. Co-locations and modifications that fall within the provisions of the Pennsylvania Wireless Broadband Collocation Act.
  - 1) Section 4 (a-d) shall not apply to facilities which are governed by the Pennsylvania Wireless Broadband Collocation Act. To the extent permitted by law, the remaining provisions in Section 4 (e-1) shall apply to co-location applicants desiring to place new antennae on existing wireless communications facilities, as well as those applicants desiring to modify existing facilities. Any applicant proposing the co-location or modification of a commercial communications antenna shall submit a building permit to the Township Zoning Office.
  - 2) Within thirty (30) calendar days of the date that an application for a commercial communications antenna is filed with the Township, the Township shall notify the applicant in writing of any information that may be required to complete such application. Within ninety (90) calendar days of receipt of a complete application, the Township shall make its final decision on whether to approve the application and shall advise the applicant in writing of such decision. If additional information was requested by the Township to complete an application, the time required by the applicant to provide the information shall not be counted toward the Township's ninety (90) day review period.

## **SECTION 720 TINY HOME**

- A. The Tiny Home shall have a minimum of 150 square foot and a maximum 400 square foot of habitable floor area.
- B. The Tiny Home must be served by water and sewer. Connection to public water and/or sewer shall conform to the regulations of the Authority responsible for each utility. If public water and/or sewer is unavailable, the Tiny Home shall be physically connected to a sewage disposal and water supply system that does not exceed the total number of occupant's maximum capabilities for which the system was designed. Any connection to

and/or expansion of an individual on-lot sewage disposal system shall be reviewed by the Municipal Sewage Enforcement Officer, and the applicant shall present evidence of such review and all necessary approvals.

- C. The Tiny Home shall provide one (1) off-street parking space.
- D. The maximum density of the Zoning District may not be exceeded.
- E. The setback requirements of the underlying Zoning District shall be required.
- F. If the Tiny Home is constructed on a permanent foundation, the guidelines of the Pennsylvania Uniform Construction Code shall apply.
- G. If the Tiny Home is placed on wheels, the requirements of the Department of Housing and Urban Development (HUD) shall apply.

## **ARTICLE VIII - PLANNED RESIDENTIAL DEVELOPMENT**

### **SECTION 800            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.

### **SECTION 801            APPLICABILITY AND RELATIONSHIP TO OTHER ORDINANCES**

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 Ordinance and the Township Subdivision and Land Development Ordinance. 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 Ordinance.

### **SECTION 802            SITE AREA, OWNERSHIP, USE AND DENSITY REQUIREMENTS**

#### **Section 802.1            Site Area**

In all cases, the minimum site required for a Planned Residential Development shall be fifteen (15) 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 Planned Residential Development. Lots in a plat of subdivision previously recorded in a Plan Book Volume in the Lawrence County Recorder of Deeds Office and intended for construction of single-family dwellings shall not be consolidated to comprise any portion of a PRO site.

#### **Section 802.2            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 Ordinance. Legal, as well as equitable, ownership shall be demonstrated coincident with approval of the Final Development Plan.

#### **Section 802.3            Dwelling Units Authorized**

In the R-2 Zoning District, single family detached and attached dwellings and two (2) family dwellings may be included in a Planned Residential Development, provided that a minimum of thirty (30) percent of the total number of dwelling units in the PRO are single family detached dwellings. In the case where a PRO adjoins an established neighborhood of single family detached dwellings, the single family detached dwellings proposed in the PRO shall be located along all common property lines with the established neighborhood.

#### **Section 802.4            Recreational and Other Common Facilities for the Residents**

In addition to the Residential Uses permitted in a Planned Residential Development, recreation facilities designed for the use of the residents of the Planned Residential Development 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 Planned

Residential Development by the Board of Supervisors.

### **Section 802.5 Maximum Dwelling Unit Density**

Regardless of whether a Planned Residential Development is comprised of a mix of dwelling unit types or a single type of dwelling unit, the maximum dwelling unit density shall be six (6) units per acre.

### **Section 802.6 Minimum Lot Area**

Where dwelling units are proposed to be on lots of record in a plan of subdivision, in no case shall the minimum lot area required for a single family detached dwelling or two (2) family dwelling be reduced to less than the following minimums:

<b><u>Dwelling Type</u></b>	<b><u>Minimum Lot Area</u></b>
Single Family Detached Dwelling	15,000 square feet
Two Family Dwelling	12,500 square feet per dwelling unit

There shall be no minimum lot area required for single family attached dwellings proposed on property to be owned in common, provided maximum dwelling unit density and all other applicable requirements of this Article are met.

### **Section 802.7 Minimum Building Setback on the Perimeter of the Planned Residential Development Site**

All single family detached dwellings shall be located at least fifty (50) feet from the boundary of the Planned Residential Development site. All single family attached dwellings, two (2) family dwellings and all other principal structures shall be located at least seventy-five (75) feet from the boundary of the Planned Residential Development site. No accessory structure and no off-street parking shall be located in the minimum required perimeter setback area.

### **Section 802.8 Distance Between Buildings**

Where two (2) or more principal buildings are proposed on one (1) lot, the minimum distance between the buildings shall be twenty (20) feet.

### **Section 802.9 Design Standards for Sidewalks, Crosswalks and Street Trees.**

#### **A. Sidewalks:**

- 1) Paved sidewalks shall be provided for all new development or redevelopment.
- 2) All land developments shall provide sidewalks in areas of anticipated pedestrian use, as determined by the Township.
- 3) Sidewalks shall be located in line with existing sidewalks on adjacent lots or, where none exist, shall be located a minimum of two (2) feet from the edge of any curb or paving where practical and constructed to municipal standards.
- 4) Minimum widths for sidewalks along each type of public street shall be five (5) feet and shall follow PennDOT specifications, unless otherwise noted, where applicable. Sidewalks shall be constructed in conformity with plans and

specifications approved and inspected by the Township Engineer.

- 5) Sidewalks shall conform to the established grade of the street on which the same are laid, or to such grade as shall be fixed by the Township Engineer.
- 6) Handicapped access, ramp gradients, railing requirements, and treatment of pavement surfacing shall comply with applicable requirements of the Pennsylvania Department of Labor and Industry.

#### B. Crosswalks:

- 1) Crosswalks are required between streets, whenever necessary, to facilitate pedestrian circulation, and to give access to community facilities, such as parks, playgrounds, or Schools.
- 2) Such crosswalks shall have a minimum width of eight (8) feet with pavement markings in accordance with PennDOT Publication 408.

#### C. Street Trees:

- 1) Street trees shall be provided along the entire length of the street right-of-way and on both sides of the street, if the street lies within the development.
- 2) Street trees shall be located between the right-of-way and the front building line.
- 3) Street trees shall be located to enable the maintenance of utilities, required sight distances, and visibility of street and traffic signs.
- 4) The species chosen shall be a native variety and appropriate to the location. Factors such as microclimate, soils, habit of growth, salt and disease tolerance, proximity of sidewalks, overhead utility lines, and special conditions (likelihood of soil compaction, damage from air pollution, dogs, deer, etc.) shall be considered.
- 5) Street trees shall have the following minimum calipers at the time of planting:
  - a) Large trees, defined as those trees whose ultimate height will exceed 40 feet, shall have a minimum caliper of 2.5 to 3.0 inches DBH.
  - b) Medium trees, defined as those trees with an ultimate height of 25 to 40 feet, shall have a minimum caliper of 2.0 to 2.5 inches DBH.
  - c) Small trees, defined as those trees whose ultimate height will not exceed 25 feet, shall have a minimum caliper of 1.5 to 2.0 inches DBH.
- 6) Street trees shall be spaced with regard to the ultimate spread of the fully developed canopy.

Spacing requirements are as follows:

- a) Large and medium trees shall be spaced at a maximum distance not to exceed the average spread of the fully developed canopy plus five (5) feet.
- b) Small trees shall be spaced a maximum distance of 25 feet on center.

- 7) Mature trees, woodlands, or other high-quality existing vegetation, which remains undisturbed adjacent to the street right-of-way, may be used in place of or in conjunction with the requirements of this section.

**Section 802.10            Modifications to Otherwise Applicable Zoning and Subdivision Regulations**

- A. The Design and Construction Standards of the Township Subdivision and Land Development Ordinance shall apply to all public improvements proposed in a Planned Residential Development unless a waiver or modification is granted by the Board of Supervisors in accordance with the procedure specified in the Township Subdivision and Land Development Ordinance.
- B. Except for maximum dwelling unit density, perimeter setback and maximum building height, any of the other requirements of the underlying Zoning District classification may be modified by the Board of Supervisors in granting Tentative Approval to a Planned Residential Development, if the Board determines that the requested modification or modifications will contribute to a more beneficial use of the site, will not be contrary to the public interest and are warranted owing to unique physical circumstances or conditions unique to the particular property.
- C. All requests for modification shall be in writing and shall accompany and be a part of the application for tentative and final approval. Such written request shall specify the ordinance section from which a modification is requested and shall state the grounds for the request, the unreasonable hardship on which the request is based and the minimum modification necessary to relieve the hardship.
- D. Whenever a request for modification is granted or denied, the reasons for such grant or denial shall be stated within the official written communication to the landowner. The grant of a modification request may be subject to reasonable conditions designed to promote the purposes set forth in this Article.

**SECTION 803            ACCESS AND AVAILABILITY OF PUBLIC SERVICES**

**Section 803.1            Access and Traffic Control**

- A. The street network within the site of a Planned Residential Development (PRD) shall connect directly to an arterial or collector street, as defined by this Ordinance or shall connect to an existing local street at a point that is no more than two thousand (2,000) feet from the intersection of the existing local street with an arterial or collector street. In no case shall any proposed street within the PRD site be connected to the existing street system through any property or any existing or proposed streets located in the R-1-A District.
- B. The projected traffic volumes associated with the proposed Planned Residential Development shall be capable of being accommodated by the adjacent street network. The developer shall demonstrate, by submission of a traffic study, that the projected traffic from the Planned Residential Development shall not materially increase congestion and impair safety on adjacent public streets.
- C. Ingress and egress to and from the site shall be designed to comply with the minimum requirements of the Township Subdivision and Land Development Ordinance. All streets within the Planned Residential Development shall be dedicated to the Township.

## **Section 803.2            Public Water and Sewer Service**

All dwelling units and other principal structures in a Planned Residential Development shall be connected to a public water supply and public sanitary sewer service.

## **Section 803.3            Storm Drainage**

The developer shall provide a storm drainage system within a Planned Residential Development that shall be of sufficient size and design to collect, carry off and dispose of all predictable surface water runoff within the Planned Residential Development and shall be so constructed to conform with the statutes, ordinances and regulations of the Commonwealth of Pennsylvania and the Stormwater Management regulations contained in the Township Subdivision and Land Development Ordinance. All storm water management facilities shall be owned and maintained by the Homeowners Association or similar organization created to own and maintain the common open space with the PRD. The Homeowners Association documents shall contain provisions assigning the maintenance responsibility to the Association or similar organization, including a maintenance schedule that is reviewed and approved by the Township Engineer.

## **SECTION 804            COMMON OPEN SPACE**

### **Section 804.1            Areas Required**

- A. Common open space shall comprise at least twenty (20) percent of the total gross site area of the PRD.
- B. Of the required open space area, not more than fifty (50) percent may be covered by water.
- C. Recreational facilities or structures and their Accessory Uses located in common open space areas shall be considered improved open space, as long as the total impervious surface area constitutes no more than five (5) percent of the total common open space.
- D. To the extent feasible, steep slopes, streams, lakes, ponds, woodlands, and other environmentally sensitive areas shall be incorporated into the common open space; however, no more than twenty (20) percent of the required open space area shall be in excess of a twenty-five (25) percent slope.

### **Section 804.2            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 Planned Residential Development shall be approved subject to the submission of a legal instrument or instruments setting forth a plan for the permanent preservation, 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 dedication of 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.

### **Section 804.3            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 Section 705(f) of the Pennsylvania Municipalities Planning Code.

#### **Section 804.4 Trail Connections and Conservation Areas**

- A. Developer shall construct trail connections to existing or proposed trails and/or conservation areas, as identified in the Neshannock Township Comprehensive Plan, Neshannock Township Recreation Plan, the Lawrence County Comprehensive Plan, or other recognized and/or adopted multi-modal plans, adjacent to the edge of the proposed site.
- B. Trail connections shall be constructed in accordance with the standards approved by the Township Engineer.

#### **SECTION 805 BUFFER AREAS**

A buffer area, as defined by this Ordinance, at least ten (10) feet in depth as measured from the property line shall be provided along all property lines on the perimeter of a Planned Residential Development site adjoining an R-1-A, R-1, R-2, or R-2-A District.

#### **SECTION 806 ADMINISTRATION AND PROCEDURE**

The Planned Residential Development provisions of this Ordinance 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 Planned Residential Development.

##### **Section 806.1 Pre-Application Conference**

- A. Prior to filing an application for Tentative Approval, the applicant or his representative may meet with Township staff to obtain application forms and to discuss application procedures and applicable ordinance requirements.
- B. In addition, the developer may request a pre-application conference with the Planning Commission to discuss the conceptual design for the development of the property and the feasibility and timing of the application. The applicant shall contact the Township Zoning Officer at least five (5) calendar days prior to the regular meeting of the Planning Commission to request a pre-application conference with the Planning Commission.
- C. The pre-application conference with the Planning Commission is voluntary and no formal application or fee is required. This opportunity is afforded to the developer to obtain information and guidance before entering into binding commitments or incurring substantial expenses for plan preparation.
- D. While no formal application is required for a pre-application conference, the applicant should provide one (1) copy of readily available information with the request for a pre-application conference which shows the location of the property and any special features such as streams, floodplains or other conditions that may affect the development of the property. Readily available resources which may be used include the deed for the property, a property survey, the Tax Parcel Maps prepared by the Lawrence County Assessor's Office, U.S.G.S. Quadrangle Map showing natural features and topography, the National Flood Insurance Administration (NFIA) Flood Hazard Boundary Maps, Natural Resources Conservation Service Maps of soil types



and the U.S. Bureau of Mines coal mine maps.

- E. A pre-application conference shall not constitute formal filing of any application for approval of a Planned Residential Development, shall not bind the Planning Commission to approve any concept presented in the pre-application conference and shall not protect the application from any subsequent changes in ordinance provisions that may affect the proposed development between the pre-application conference and the official date of filing of an application for Tentative Approval of a Planned Residential Development under the terms of this Ordinance.

## **Section 806.2            Application for Tentative Approval**

At least thirty (30) calendar days prior to the regular meeting of the Planning Commission, eight (8) hard copies and one (1) digital copy of the 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:

- A. A legal description of the total tract proposed for development, including a statement of present and proposed ownership.
- B. A written statement of planning objectives to be achieved by the Planned Residential Development 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.
- C. A written statement setting forth the reasons why the proposed Planned Residential Development would be in the public interest and would be consistent with the Township's Comprehensive Plan.
- D. A written statement of the requested modifications to Township zoning and subdivision regulations otherwise applicable to the property, if any.
- E. 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 two hundred (200) feet of its boundaries, the location and distance to existing streets and highways and the names of landowners of adjacent properties.
- F. A Development Plan prepared at a scale no smaller than one (1) inch equals fifty (50) feet (1"=50') showing the following information:
  - 1) Existing contours at intervals of five (5) feet; watercourses; floodplains; wetlands; woodlands; soils; steep slopes; and other natural features.
  - 2) Proposed lot lines and subdivision plat, if any.
  - 3) 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.
  - 4) The location and size in acres or square feet of all areas to be conveyed, dedicated or reserved as common open space.
  - 5) 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 Planned Residential Development to public rights-of-way.

- 6) 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 (2) systems.
  - 7) The existing and proposed utility systems, including sanitary sewers, storm sewers and water, electric, gas and telephone lines.
  - 8) Subsurface conditions, including slope stability.
  - 9) A minimum of three (3) cross-sections showing existing and proposed contours and their relationship to proposed buildings, structures, highways, streets, parking areas, walkways and existing woodlands.
  - 10) A general landscaping plan indicating the treatment and materials proposed to be used in buffer areas and common areas on the site.
  - 11) Information required by the Township Subdivision and Land Development Ordinance including application filing and application review fees.
- G. 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.

### **Section 806.3            Review of Application by Zoning Officer and Planning Commission**

- A. The Zoning Officer shall review the application to determine whether it is complete and properly filed in accordance with all requirements of this Ordinance. If the Zoning Officer determines that the application is not complete and properly filed, written notice shall be provided to the applicant specifying the defects in the application and returning the application for resubmission. If a revised application is resubmitted within sixty (60) days of the date of the written notice from the Zoning Officer, an application filing fee shall not be required. Any application submitted after sixty (60) days shall be considered a new application and shall be accompanied by the required application filing fee.
- B. If the Zoning Officer determines that the application is complete and properly filed, the date that the application is received by the Zoning Officer shall constitute the Official Date of Filing. Within five (5) days of receipt of a complete and properly filed application, the Zoning Officer shall transmit a copy to the Lawrence County Planning Commission for review and comment and shall refer the application to the Township Planning Commission for review and recommendation.
- C. If, during review by the Planning Commission, the applicant revises the application to address comments from the Planning Commission or to demonstrate compliance with this Ordinance, a new application shall not be required. If, during review by the Planning Commission, the applicant initiates revisions to the application, which are not the result of Planning Commission comments and, which are not mandated to demonstrate compliance with this Ordinance, the applicant shall withdraw the application and submit a new application which shall be subject to the payment of the required application filing fee.
- D. The Planning Commission shall forward a written recommendation on the application for

Tentative Approval to the Board of Supervisors in time for the Board of Supervisors public hearing required by this Ordinance.

**Section 806.4 Board of Supervisors' Public Hearing on Application for Tentative Approval**

- A. Within sixty (60) days following the official date of filing of an application for tentative approval of a Planned Residential Development which contains all of the required documentation, a public hearing pursuant to public notice shall be held by the Board of Supervisors.
- B. 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. The public hearing or hearings shall be concluded within sixty (60) days of the first hearing.
- C. 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 the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended).

**Section 806.5 Tentative Approval**

Within sixty (60) days following the conclusion of the public hearings or within one hundred eighty (180) days of the date of filing of the application, whichever occurs first, the Board of Supervisors shall, by official written communication to the landowner, 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.

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 thirty (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.

**SECTION 807 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 this Ordinance; preserves the Community Development Objectives of this Ordinance; 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 Ordinance and the Township Subdivision and Land Development Ordinance 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 Ordinance 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, floodplains, 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 Planned Residential Development in the integrity of the Final Development Plan.

**SECTION 808 APPLICATION FOR FINAL APPROVAL**

Unless extended by the Board of Supervisors for good cause shown, the developer shall submit eight (8) hard copies of the application and one (1) digital set of the application, for Final Approval which shall consist of detailed plans for any phase or section of the Development Plan, within one (1) year after the Development Plan is granted Tentative Approval by the Board of Supervisors. 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 (1) year of the date of Final Approval of the phase or section by the Board of Supervisors, unless extended by the Board of Supervisors for good cause shown.

**Section 808.1 Review of Application by Zoning Officer and Planning Commission**

- A. The Zoning Officer shall review the application to determine whether it is complete and properly filed in accordance with all requirements of this Ordinance. If the Zoning Officer determines that the application is not complete and properly filed, written notice shall be provided to the applicant specifying the defects in the application and returning the application for resubmission.
- B. If the Zoning Officer determines that the application is complete and properly filed, the date that the application is received by the Zoning Officer shall constitute the official date of filing. Within five (5) days of receipt of a complete and properly filed application, the Zoning Officer shall refer the application to the Planning Commission for review and recommendation.

- C. Within thirty (30) days of receipt of a complete and properly filed application for final approval, the Planning Commission shall forward a written recommendation to the Board of Supervisors.
- D. A public hearing on an application for final approval shall not be required, provided the Development Plan is in compliance with the Development Plan given tentative approval and with any specified conditions attached thereto.

**Section 808.2            Action by Board of Supervisors on Application for Final Approval**

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 Ordinance and the official written communication granting tentative approval, the Board of Supervisors shall, within forty-five (45) days of the official date of filing, grant final approval to the Development Plan.

**Section 808.3            Variations from the Plan Granted Tentative Approval**

In the event that the Development Plan submitted contains variations from the Development Plan granted Tentative Approval, the Board of Supervisors may refuse to grant final approval and may, within forty-five (45) days of the official date of filing of the application for final approval, advise the applicant, in writing, of said refusal, setting forth in said notice the reasons why one (1) or more of the variations are not in the public interest. In the event of such refusal, the landowner may either:

- A. Refile the Application for Final Approval without the variations objected; or
- B. File a written request with the Board of Supervisors that it hold a public hearing on the Application for Final Approval.
- C. 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 thirty (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.
- D. If the landowner fails to take either of these alternate actions within said time, he shall be deemed to have abandoned the development plan.

**Section 808.4            Optional Public Hearing on Final Application That Varies from Plan Granted Tentative Approval**

- A. Any public hearing held on an Application for Final Approval shall be held pursuant to public notice within thirty (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.
- B. Within thirty (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.

**Section 808.5            Changes in the Approved Plan**

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.

## **Section 808.6            Application for Final Approval**

The application for Final Approval shall comply with all applicable ordinance provisions and the development plan shall include, as a minimum, the following information:

- A. All data required by the Township Subdivision and Land Development Ordinance for a Final Plan, including application filing, application review and inspection fees.
- B. Accurately dimensioned locations for all proposed buildings, structures, parking areas and common open space.
- C. The number of families to be housed in each residential building or structure and the intended use of each non-Residential building or structure.
- D. Building elevation drawings for all principal structures, other than single family dwellings.
- E. A lighting plan, showing the location, height and type of any exterior lighting fixtures proposed and a photometric plan showing the distribution of lighting on the site and at the site boundaries.
- F. A landscaping plan, as defined by this Ordinance, including the location and types of materials of plant materials, sidewalks, trails, and recreation facilities authorized by this Ordinance.
- G. Supplementary data, including any covenants, grants of easements or other restrictions to be imposed on the use of the land, building and structures and for the organization proposed to own, maintain and operate the common open space facilities.
- H. An engineering report which shall include the following data, wherever applicable:
  - 1) Profiles, cross-sections and specifications for proposed public and private streets.
  - 2) Profiles and other explanatory data concerning installation of water distribution systems, storm sewers and sanitary sewers.
  - 3) Feasibility of the sanitary sewerage system in terms of capacity to serve the proposed development.
- I. A grading plan prepared in compliance with the requirements of the Township Grading Ordinance.
- J. 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. The Plan shall include but not be limited to, the following:
  - 1) The topographic features of the site;
  - 2) The types, depth, slope and extent of the soils by area;

- 3) The proposed alterations to the site;
  - 4) The amount of runoff from the site area and the upstream watershed;
  - 5) The staging of earthmoving activities;
  - 6) Temporary control measures and facilities during earthmoving;
  - 7) Permanent control measures and facilities for long-term protection;
  - 8) A maintenance program for the control facilities, including disposal of materials removed from the control facilities or site area.
- K. A stormwater management plan prepared in compliance with the requirements of the Township Stormwater Management Ordinance.
- L. Performance Bond and Development Agreement as required by the Township Subdivision and Land Development Ordinance.

### **Section 808.7            Recording**

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 the Township Subdivision and Land Development Ordinance for public and private improvements in the Development Plan.

### **Section 808.8            Revocation of Final Approval**

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 Section 508 of the Pennsylvania Municipalities Planning Code after final approval has been granted, no further development shall take place on the property included in the Development Plan until a new application for tentative approval of a Planned Residential Development is submitted for said property or the property is developed in accordance with the then applicable Zoning District regulations.

## **ARTICLE IX – NON-CONFORMING USES, STRUCTURES, AND LOTS**

### **SECTION 900            APPLICABILITY**

This Article shall apply to all Non-Conforming Uses, structures and lots as defined by this Ordinance. 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 Ordinance or any amendment thereto and for which construction is completed within one (1) year from the date of issuance of the permit.

### **SECTION 901            NON-CONFORMING USES**

These regulations shall apply to any use of a structure or lot in any Zoning District which is a Non-Conforming Use as defined by this Ordinance. Whenever the boundaries of a District shall be changed so as to transfer an area from one District to another of a different classification, these regulations shall also apply to any uses which thereby become non-conforming.

#### **Section 901.1            Continuation**

Where, at the effective date of adoption or amendment of this Ordinance, a lawful use of a lot or structure exists that is made no longer permissible under the terms of this Ordinance 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.

#### **Section 901.2            Enlargement or Expansion**

- A. No Non-Conforming 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 Ordinance, unless the Zoning Hearing Board, after hearing, shall interpret that the enlargement or extension is necessary by the natural expansion and growth of trade of the non-conforming use. Any such enlargement or expansion shall conform to the area, height, and yard requirements of the District in which it is located.
- B. No Non-Conforming 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 Ordinance.

Any Non-Conforming Use may be extended throughout any part of a structure which was designed for such use at the time the use became Non-Conforming; however, a Non-Conforming 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 non-conforming.

#### **Section 901.3            Change of Use**

A Non-Conforming Use of a lot or structure may be changed to a use of equal or more restrictive zoning classification when authorized by the Zoning Hearing Board. When a Non-Conforming Use is changed to a more restrictive use, such use shall not thereafter be changed to a less restrictive use. When a Non-Conforming Use is changed to a Conforming Use, the use thereafter shall not be changed to a Non-Conforming Use. Any change from one Non-Conforming Use to another shall comply with the parking requirements of this Ordinance and shall be subject to the area, bulk, and buffer area regulations for such use in the District where such use is authorized.



## **Section 901.4            Abandonment**

A Non-Conforming Use of a structure and/or lot shall be presumed abandoned when operations associated with the use are discontinued and the use is not actively advertised for sale or lease for twelve (12) consecutive months or for eighteen (18) months during any three (3) year period, the structure and/or lot shall not hereafter be used, except in conformance with the regulations of the Zoning District in which it is located.

## **Section 901.5            Damage or Destruction**

- A. In the R-1, R-2, and R-2-A Districts, in the event that damage or destruction of a structure in which a Non-Conforming Use is conducted involves seventy-five (75) percent or less of the total floor area of the structure, repairs or reconstruction may be undertaken, provided that such restoration is started within twelve (12) months of the date of destruction. In the event that a structure in which a Non-Conforming Use is conducted is damaged or destroyed by fire or other means to an extent of more than seventy-five (75) percent of its total floor area, the structure shall be reconstructed only to house a Conforming Use.
- B. In all other Zoning Districts, any structure in which a Non-Conforming Use is conducted and which has been partially or completely damaged or destroyed by fire or other means may be repaired or reconstructed for the purpose of continuing the same Non-Conforming Use in the rebuilt structure, provided that the repair, reconstruction and re-occupancy of the structure occurs within two (2) years of the date that the original structure was damaged or destroyed. Any enlargement or expansion of the structure or change from one Non-Conforming Use to another shall be subject to approval by the Zoning Hearing Board in accordance with the Non-Conforming Use requirements of this Ordinance.

## **SECTION 902            NON-CONFORMING STRUCTURES**

These regulations shall apply to all non-conforming structures as defined by this Ordinance in all Zoning Districts.

### **Section 902.1            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.

### **Section 902.2            Damage or Destruction**

Any non-conforming 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 re-occupancy of the structure occurs within two (2) years of the date that the original structure was damaged or destroyed.

### **Section 902.3            Moving**

Should such structure be moved for any reason and for any distance whatever, it shall thereafter conform to the requirements of the Zoning District in which it is located.

## **Section 902.4 Signs**

- A. A non-conforming sign may be repaired, provided that no structural alterations are made which increase the gross surface area of the sign, reduce the setbacks or increase the height of the sign.
- B. A changeable copy sign may be added to an existing non-conforming pole sign without a variance if all other applicable requirements for the changeable copy sign are met.
- C. If the non-conforming sign is more than 50% damaged, it shall be required to be in compliance with the Sign Regulations of this Zoning Ordinance upon repair.
- D. Any reconstruction, replacement, or relocation of a non-conforming sign shall require the sign to be in compliance of the Sign regulations of this Zoning Ordinance.
- E. Any submission of a Subdivision and/or Land Development Application on the property where the sign is located, the sign shall be in compliance with the Sign Regulations of this Zoning Ordinance.

## **Section 902.5 Repair and Maintenance**

Nothing in this Ordinance 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 populace.

## **SECTION 903 NON-CONFORMING LOTS**

- A. Where two (2) or more adjacent lots of record with continuous frontage have less than the required area and width and are held by one owner, the lots shall be considered to be an undivided lot for the purpose of complying with this Ordinance. The lots shall be consolidated to meet the minimum lot area and lot width requirements of the District in which they are located, unless a structure is proposed in an application for a building permit which crosses the lot lines. Any lot that does not contain part of the proposed structure shall be consolidated in a recorded subdivision before any structures can be erected on the lots.
- B. No division of any lot shall be made which does not comply with the requirements of this Ordinance. Any change in lot lines necessary to meet the minimum requirements of this Ordinance shall constitute a revision to the recorded plan and shall meet all applicable requirements of the Township Subdivision Regulations.
- C. Any lot of record existing at the effective date of this Ordinance, and held in separate ownership different from the ownership of adjoining lots, may be used for the erection of a structure conforming to the use regulations of the District in which it is located even though its lot area and width are less than the minimum required by this Ordinance; however, such lot must comply with the yard, height and coverage standards of the Zoning District wherein it is located.

## **SECTION 904 REGISTRATION OF NON-CONFORMITY**

The owner of a Non-Conforming Use, structure or lot shall make an application for registration of a Non-Conforming Use, structure or lot and upon presentation of documentation acceptable to the Zoning Officer that the use, structure or lot was lawfully in existence prior to the effective date of this Ordinance or any amendment which created the non-conformity, the Zoning Officer shall

register the same on a map and by Lawrence County Deed and Assessment Registry, the block and lot number as a legal Non-Conforming Use, structure or lot.

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## **ARTICLE X - ZONING HEARING BOARD**

### **SECTION 1000          GENERAL**

The Board of Supervisors shall appoint a Zoning Hearing Board, in accordance with Article IX of the Pennsylvania Municipalities Planning Code. The Zoning Hearing Board may adopt rules to govern its procedures, including the requirements for giving notice as required by the Planning Code. The Zoning Hearing Board shall hold meetings, keep minutes, conduct hearings pursuant to notice, compel the attendance of witnesses, take testimony under oath and render decisions as required by law. Fees for the filing of any appeal or other proceeding before the Zoning Hearing Board shall be fixed by Resolution of the Board of Supervisors.

### **SECTION 1001          POWERS AND DUTIES**

The Zoning Hearing Board shall have all the powers and duties conferred upon it by the Pennsylvania Municipalities Planning Code.

#### **Section 1001.1          Appeals**

Any person or Township official aggrieved or affected by any provision of this Ordinance, or by any decision of the Zoning Officer or other Township official, may file an appeal. Any appeal from the action of the Township Board of Supervisors or the Zoning Officer to the Zoning Hearing Board shall be filed with the Zoning Hearing Board within thirty (30) days of the notice of such action.

#### **Section 1001.2          Jurisdiction of the Board**

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 Township 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 within thirty (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 therefore, the issuance of any cease-and-desist order or the registration or refusal to register any Non-Conforming Use, structure, or lot.
- D. Appeals from the determination by the Township Engineer or the Zoning Officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a Land Use Ordinance.
- E. Applications for variances from the terms of this Ordinance and Flood Hazard Ordinance or such provisions within a Land Use Ordinance.
- F. Applications for uses by special exception under this Ordinance or Flood Plain or Flood Hazard Ordinance or such provisions within a Land Use Ordinance.
- G. Appeals from the Zoning Officer's determination under the Pennsylvania Municipalities Planning Code.

- 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.

### **Section 1001.3      Variances**

In accordance with §912 of the Pennsylvania Municipalities Planning Code, the Zoning Hearing Board shall have the power to authorize variances from the provisions of this Ordinance. The applicant must provide evidence to the Zoning Hearing Board regarding the need for the variance based upon the following criteria:

- A. 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 not financial and is due to such unique physical conditions, and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or District in which the property is located.
- B. 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 Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- C. That such unnecessary hardship has not been created by the appellant.
- D. 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, not be detrimental to the public welfare.
- E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

In granting a variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance and the Pennsylvania Municipalities Planning Code.

### **Section 1001.4      Uses by Special Exception**

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

## **SECTION 1002      PROCEDURES**

For all applications and appeals filed before the Zoning Hearing Board, the following procedures shall apply:

### **Section 1002.1      Specificity**

Every appeal or application shall refer to the specific provisions of this Ordinance which are involved and shall set forth exactly the interpretation that is claimed, the use for which approval is sought, or the justification for the variance for which application is made.

### **Section 1002.2      Hearings**

The first hearing shall be scheduled within sixty (60) days of the applicant's request. Notice for hearings shall be given to the public, the applicant, the Zoning Officer, any person making a timely request and such other persons as the Zoning Hearing Board may designate. A notice of the hearing shall be posted conspicuously on the affected tract of land in a conspicuous location so that it is visible from the road.

### **Section 1002.3      Conduct of Hearings**

Generally, hearings shall be conducted in accordance with the provisions of §908 of the Pennsylvania Municipalities Planning Code, this Ordinance and the Rules of the Zoning Hearing Board. A Hearing Officer may be appointed consistent with the provisions of §908 of the Code.

### **Section 1002.4      Decisions**

The Zoning Hearing Board shall render a written decision within forty-five (45) days after the last hearing. Decisions shall be accompanied by findings of fact, conclusions based thereon and the reasons therefor. Any conclusions based upon this Ordinance, or the Pennsylvania Municipalities Planning Code shall contain a reference to the appropriate provision, as well as the reasons why the conclusions are deemed appropriate in view of the facts found. All decisions will be made or findings rendered at a public meeting of the Zoning Hearing Board.

### **Section 1002.5      Notice of Decision**

A copy of the decision, or the findings, shall be delivered to the applicant personally or mailed no later than the day following the date of the signing of the decision. If the applicant is present at the meeting or hearing at which the decision is rendered, the applicant will have been deemed to have received notice. A brief notice of the decision or findings shall be sent to all parties who have filed a timely appearance along with a statement that a full copy of the text thereof may be examined at the Township's Administration Building during regular office hours.

## **SECTION 1003      APPEAL FROM BOARD'S DECISION**

Within thirty (30) days of the date of a decision, any party aggrieved by any decision of the Zoning Hearing Board, has the right of appeal to the Lawrence County Court of Common Pleas, in accordance with Article X of the Planning Code or such other law of the Commonwealth as may apply.

## **ARTICLE XI - ADMINISTRATION AND ENFORCEMENT**

### **SECTION 1100 INTENT**

It is the intent of this Article to describe the procedures for administration, enforcement and amendment of this Ordinance and the duties and responsibilities of the Zoning Officer.

### **SECTION 1101 ZONING OFFICER**

For the administration of this Zoning Ordinance, a Zoning Officer, who shall not hold any elective office in Neshannock Township, shall be appointed by the Board of Supervisors. The Zoning Officer shall meet 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 administer the Zoning Ordinance in accordance with its literal terms and shall not have the power to permit any construction or any use or change of use which does not conform to the Zoning Ordinance.

#### **Section 1101.1 Receipt of Applications for Building Permits**

The Zoning Officer shall receive applications for building permits filed in accordance with application procedures of this Ordinance prior to the start of any enlargement, structural alteration, construction, reconstruction, removal, or relocation of any structure by a developer and which describes the proposed activity in sufficient detail to determine whether or not it meets the requirements of this and other applicable Township ordinances. Applications for Uses by Special Exception, Conditional Uses and Variances shall be filed in accordance with the application procedures of this Ordinance and shall be forwarded by the Zoning Officer to the appropriate decision-making body. In addition, the Zoning Officer shall receive and forward all applications for appeals to the Zoning Hearing Board.

#### **Section 1101.2 Issuance of Permits**

It shall be unlawful to use or change the use of any structure or lot or erect, structurally alter or enlarge any structure without obtaining a Building Permit, a Zoning Permit, or a Special Use Permit:

- A. Building Permit: It shall be unlawful to structurally alter, enlarge, move, remove, or construct any structure without obtaining a Building Permit. All applications shall be submitted in accordance with application procedures of this Ordinance. The Zoning Officer shall review all applications for compliance with applicable codes and ordinances and shall issue a Building Permit or a written decision denying the permit, which contains references to the ordinance requirements which have not been met within ninety (90) days of receipt of the application.
- B. Permit for Temporary Structure: Permits for temporary structures related to construction work authorized under a valid Building Permit may be issued by the Zoning Officer only for the time that construction work is in progress and for a period not to exceed six (6) months. The permit may be renewed upon demonstration of continued need for the structures; however, all temporary structures shall be removed upon completion of construction.
- C. Zoning Permit: It shall be unlawful to use or occupy any structure or lot without a Zoning Permit. Upon completion of construction, reconstruction, alteration, or movement of any structure, the holder of the Building Permit shall notify the Zoning Officer that the work has been completed and the structure is ready to be used or occupied.

In all C, Commercial, B-P, Business Park, I-P, Industrial Park and I, Industrial Districts, any change in occupancy or use of any structure or lot shall require the issuance of a Certificate of Use and Occupancy, whether or not there is any construction, reconstruction, alteration or movement of a structure. Prior to occupying the building or structure in which the change of use or occupancy is established, the landowner or lessee shall be required to make an application for a Certificate of Use and Occupancy.

Upon inspection and a determination that all applicable ordinance regulations and any conditions attached to the issuance of any permits have been met, the Zoning Officer shall issue a Certificate of Use and Occupancy.

- D. Fence Permit: A Zoning Permit shall be required before the installation of any fence, with the exception of farm fences.
- E. Sign Permit: No sign or sign structure shall be erected, displayed, altered including modifications to the sign face, or relocated, except as provided for herein, until a Sign Permit has been issued by the Zoning Officer. A separate permit shall be required for each sign requiring a permit.
  - 1) Regular, routine, and customary maintenance, including the repainting of a sign, shall not require a Sign Permit. Repairs made to damaged signs shall not require a Sign Permit, however, a Building Permit may be required.
  - 2) Applications for a Sign Permit must be submitted on a form provided by the Township. Applications must be submitted with the appropriate application fee, described in the Township's fee schedule, which is subject to change.
  - 3) If the Zoning Officer deems the Sign Application is adequately completed, complies with the regulations outlined in the sign requirements of this Ordinance, and the application fee has been paid, the Zoning Officer shall issue a Sign Permit.
- F. Exempt signs: The following signs shall not require a permit.
  - 1) Notification, real estate, construction, and agricultural sales signs.
- G. Special Zoning Permits: A Special Zoning Permit shall be required for certain uses per the use regulations including food truck, special event barns, and solar energy facilities.

### **Section 1101.3      Expiration of Permits**

- A. If, after approval of Conditional Use or a Use By Special Exception, an application for a Building Permit to undertake work described in that application has not been submitted within twelve (12) months of the date of granting of approval by the Township, approval of the Conditional Use or Use By Special Exception shall expire automatically without written notice to the applicant, unless the Board of Supervisors extend the approval upon written request by the applicant prior to its expiration.
- B. No Building Permit for the excavation, erection, demolition, alteration or removal of buildings or structures shall be valid after six (6) months from the date of issuance thereof, unless the work authorized by such permit shall have been substantially commenced within six (6) months from the date of issuance and proceeded with, with due diligence. If, however, the applicant has been delayed in proceeding with the work for which the permit was granted by virtue of any reasonable cause and not due to his



own negligence, the permit may be renewed without additional cost to the applicant.

- C. If, after commencement of construction, the work is discontinued for a period of three (3) months without reasonable cause outside the applicant's or contractor's control, such permits shall be void and work may not be commenced until a new permit shall have been issued.

#### **Section 1101.4      Revocation of Permits**

A Building Permit or Certificate of Use and Occupancy for any structure or use shall be revoked and withdrawn by the Zoning Officer, if the holder of such permit or certificate has failed to comply with the requirements of this Ordinance or with any conditions attached to the issuance of the permit or certificate. Upon revocation of a permit or certificate, the holder may also be subject to the penalties for violation specified in the enforcement regulations of this Ordinance.

#### **Section 1101.5      Inspections**

The Zoning Officer or his duly authorized representative may examine, or cause to be examined, all structures and/or land for which a Building Permit or a Certificate of Use and Occupancy has been applied for or issued. Such inspections may be made from time to time during construction and shall be made upon the termination of construction, if any, and prior to the issuance of a Certificate of Use and Occupancy.

#### **Section 1101.6      Registration of Non-conforming Uses**

The Zoning Officer shall prepare and keep up to date a register of all Non-Conforming Uses and structures.

### **SECTION 1102      RESPONSIBILITIES OF THE APPLICANT**

It shall be the responsibility of the applicant to apply for and secure all permits and certificates required by this Ordinance. The applicant shall be obligated to contact the Zoning Officer and secure a Certificate of Use and Occupancy after the completion of development and/or prior to the occupancy of any structure or lot. Failure to secure necessary permits or certificates or failure to apply for the same in a timely fashion shall constitute a violation of this Ordinance and shall be subject to the penalties for violation specified in the enforcement regulations of this Ordinance.

### **SECTION 1103      ENFORCEMENT**

#### **Section 1103.1      Violations**

Failure to comply with any provision of this Ordinance, or to secure a Building Permit, prior to the erection, construction, extension, alteration, or addition to a building, or failure to secure a Certificate of Use and Occupancy for the use or change of use or occupancy of structures or land, shall be a violation of this Ordinance.

#### **Section 1103.2      Enforcement Notice**

When it appears to the Township and/or the Zoning Officer that a violation of this Ordinance, or any amendment there to, has occurred, the Zoning Officer shall send an enforcement notice. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding the parcel and to any other person requested in writing by the owner of record. The enforcement notice shall state the following:

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

**Section 1103.3 Causes of Action**

- A. In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, the Township or the Zoning Officer of the Township, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct business or use constituting a violation.
- B. District Justices shall have initial jurisdiction over proceedings brought under this section.

**Section 1103.4 Remedies**

- A. Any person, partnership, or corporation who or which has violated or permitted the violation of the provisions of this Zoning Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred (\$500) dollars, plus all court costs, including reasonable attorney fees incurred by the Township, as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Zoning Ordinance shall be paid over to the Township.
- B. Nothing contained in this Section shall be construed or interpreted to grant any person

or entity other than the Township and its Zoning Officer the right to commence any action for enforcement pursuant to this section.

- C. Nothing in this section shall be interpreted to limit the rights and remedies of the Township to seek any other legal or equitable relief for any such violation as provided for by law. All such rights and remedies shall be cumulative.

## **SECTION 1104 APPLICATION PROCEDURES**

- A. All applications shall be submitted in a form and manner acceptable to the Township. All applications shall be accompanied by the required fee established by Resolution of the Board of Supervisors.
- B. All applications to be referred to the Planning Commission shall be filed at least six (6) working days prior to the regular meeting of the Planning Commission at which the application is to be considered.

### **Section 1104.1 Applications for Conditional Uses**

All applications for Conditional Use approval shall be submitted in writing on forms provided by the Township. The applicant shall include eight (8) hard copies of the application and one (1) digital copy. The application shall include:

- A. The required fee.
- B. A Site Development Plan, as regulated in the Applications for Approval of a Site Plan found in this Ordinance.
- C. A written statement indicating compliance with the applicable express standards and criteria of the Supplemental Regulations of this Ordinance.
- D. The Supervisors shall conduct a public hearing pursuant to Section 908(1.2) of the MPC to evaluate all applications for Conditional Use, in accordance with the requirements of this Ordinance and the express standards and criteria for the Conditional Use contained in the supplemental regulations of this Ordinance. The Township Board of Supervisors shall refer all applications for Conditional Use to the Township Planning Commission for review and written recommendation at least thirty (30) days prior to the public hearing at which the Township Board of Supervisors considers the application.
- E. In considering an application for Conditional Use, the Township Board of Supervisors may prescribe reasonable and appropriate conditions and safeguards to protect the public health, safety, and welfare.
- F. If the Township Board of Supervisors determine that the application for Conditional Use approval meets all the requirements of this Ordinance and receives assurances that any additional conditions deemed necessary shall be fulfilled, the Township Board of Supervisors shall render a written decision within 45 days of the last public hearing in accordance with Section 908(9) of the MPC and direct the Zoning Officer to issue a Building Permit for the Conditional Use.

### **Section 1104.2 Applications for Uses by Special Exception**

All applications for Uses by Special Exception shall be submitted in writing on forms provided by the Township and shall include:

- A. The required fee.
- B. A site Development Plan, as regulated in the Applications for Approval of a site plan in found this Ordinance.
- C. A written statement indicating compliance with the applicable standards and criteria of the Supplemental Regulations of this Ordinance. In considering a use by Special Exception, the Zoning Hearing Board shall conduct a hearing in accordance with the Zoning Hearing Board article of this Ordinance and shall review the application in accordance with the Zoning Hearing Board article of this Ordinance and the applicable express standards and criteria in the supplemental regulations of this Ordinance. If the Zoning Hearing Board determines that the application for Use by Special Exception meets all the requirements of this Ordinance and receives assurances that any additional conditions deemed necessary shall be fulfilled, the Zoning Hearing Board shall direct the Zoning Officer to issue a Building Permit for the use by special exception.

### **Section 1104.3            Application for Approval of a Site Plan**

All applications for approval of a Conditional Use or Use by Special Exception and all applications for a Building Permit for new construction or expansion of an existing structure in the C-1, C-2, C-3, B-P, I-1, I-1-A, and I-P Districts and for all uses in the R-3 District, except two (2) family dwellings, shall include a site Development Plan which contains the following information:

- A. A site Development Plan shall be submitted which is based on a survey of the property and which shows:
  - 1) Dates of preparation and revision;
  - 2) Evidence of preparation by a registered surveyor, architect, landscape architect or engineer, if required to guarantee compliance with these requirements;
  - 3) Area location map;
  - 4) Existing and proposed contours;
  - 5) Existing and proposed structures;
  - 6) Feasibility of proposals for disposition of stormwater and sanitary waste;
  - 7) Location and dimensions of yards and evidence of compliance with other requirements of this Ordinance;
  - 8) Traffic circulation on the site, ingress and egress to and from the site and layout of the proposed parking areas and loading areas; and
  - 9) Landscaping plan.

### **Section 1104.4            Application for Building Permits**

All applications shall be made in writing to the Zoning Officer on forms provided by the Township. All applications shall include, as a minimum, building and plot plans of a satisfactory nature, in duplicate, and drawn to scale showing all of the following:

- A. The location of all existing and proposed buildings and other structures;

- B. The location of all adjoining streets, roads and alleys;
- C. The location of all existing buildings on adjoining properties, within one hundred (100) feet of the side and rear lot lines of the subject property;
- D. A statement regarding the proposed use of the building or structure;
- E. For all applications other than single family dwellings, the Pennsylvania Department of Labor and Industry File Number; and
- F. Such other information as is necessary for the Zoning Officer to ascertain whether the proposed erection, alteration, use or change in use complies with the provisions of this Ordinance.
- G. In approving an application, the Zoning Officer may require such changes in plans as may be necessary to assure compliance with this Ordinance.

**Section 1104.5 Fees**

The Township Board of Supervisors shall establish a schedule of fees by resolution, as well as a collection procedure, for all applications submitted under the provisions of this Ordinance. The schedule of fees shall be posted in the office of the Zoning Officer.

**SECTION 1105 PROCEDURE FOR AMENDMENTS**

The Board of Supervisors may introduce and/or consider amendments to this Ordinance and to the Zoning Map, as proposed by a member of the Board of Supervisors, the Planning Commission, or by a petition of a person or persons owning property within the Township.

**Section 1105.1 Petitions**

Petitions for amendments shall be filed with the Planning Commission at least six (6) working days prior to the meeting at which the petition is to be heard. The petitioners, upon such filing, shall pay an advertising deposit and a filing fee, in accordance with a 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.

**Section 1105.2 Referral**

Any proposed amendment presented to the Supervisors without written findings and recommendations from the Planning Commission and the Lawrence County Planning Commission, shall be referred to these agencies for review at least thirty (30) days prior to public hearing by the Board of Supervisors. The Board of Supervisors shall not hold a public hearing upon such amendments until required reviews are received or the expiration of thirty (30) days from the date of referral.

**Section 1105.3 Posting of Property**

In the case where a proposed amendment involves a change to the Zoning District Map, notice of said public hearing shall be conspicuously posted at points along the street frontage or frontages of the property sufficient to notify potentially interested citizens for a minimum of seven (7) days prior to the date of the public hearing.

#### **Section 1105.4      Action**

Before acting upon a proposed amendment, the Board of Supervisors shall hold a public hearing thereon, as required by law. Notice of such hearing, containing a brief summary of the proposed amendment and reference to the place where copies of the same may be examined, shall be published in accordance with the provisions of the Pennsylvania Municipalities Planning Code.

#### **Section 1105.5      Curative Amendments**

A curative amendment may be filed only by a landowner who desires to challenge, on substantive grounds, the validity of this Ordinance or the Zoning Map or any provision thereof, which prohibits or restricts the use of development of land in which he has an interest. The landowner may submit a curative amendment to the Board of Supervisors with a written request that this challenge and proposed amendment be heard and decided as provided in Section 609.1 of the Pennsylvania Municipalities Planning Code, Act 247, as amended. As with other proposed amendments, the curative amendment shall be referred to the Planning Commission and the Lawrence County Planning Commission at least thirty (30) days before the hearing is conducted by the Board of Supervisors. Public notice shall be given in accordance with Sections 610 and any other applicable provision of the Planning Code. The hearings shall be conducted in accordance with the provisions of Sections (4) through (8) of Section 908 of the Planning Code and all references in that Section to the Zoning Hearing Board shall be references to the Board of Supervisors.

Persons aggrieved by a use or development permitted on the land of another by an ordinance or map, or any provisions thereof, who desire to challenge its validity on substantive grounds shall first submit their challenge to the Zoning Hearing Board for a decision thereon under Section 909.1(a)(1) of the Pennsylvania Municipalities Planning Code.