

A photograph of a red wooden covered bridge with a white sign on its gable end that reads "PIPER BRIDGE BUILT 1830". A height restriction sign on the right side of the bridge reads "6'-3\"/>

West Chillisquaque Township Northumberland County, Pennsylvania

ZONING ORDINANCE

Adopted February 5, 1979

May 2024 Edition

**Douglas Hovey, Planning Consultant
1968 Strickler Road
Mifflinburg, PA 17844**

ZONING ORDINANCE

for

West Chillisquaque Township

Northumberland County, Pennsylvania

prepared by various individuals over time comprised of:

West Chillisquaque Township Planning Commission (previous and current)
West Chillisquaque Township Zoning Hearing Board (previous and current)
Lonnie C. Hill, Zoning Hearing Board Solicitor (previous)
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Original Ordinance Adopted – February 5, 1979 (Ordinance #22)

Prior Amendment History:

July 9, 1990 (Ordinance # 46)	July 13, 2010 (Ordinance # 115)
December 28, 1992 (Ordinance # 52)	October 4, 2010 (Ordinance #116)
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November 9, 1998 (Ordinance # 71)	May 14, 2012 (Ordinance # 120)
October 4, 1999 (Ordinance # 77)	August 5, 2013 (Ordinance # 122)
November 8, 1999 (Ordinance # 79)	August 10, 2015 (Ordinance # 124)
December 3, 2001 (Ordinance # 85)	September 12, 2016 (Ordinance # 126)
October 3, 2005 (Ordinance # 99)	April 2, 2018 (Ordinance # 128)
April 14, 2008 (Ordinance # 106)	April 2, 2018 (Ordinance # 129)
July 7, 2008 (Ordinance # 108)	July 1, 2019 (Ordinance # 132)
September 14, 2009 (Ordinance # 111)	May 2, 2022 (Ordinance # 139)
April 5, 2010 (Ordinance # 114)	October 3, 2022 (Ordinance # 140)

Zoning Map Amendments

April 5, 1982 (Ordinance # 28)	July 5, 1999 (Ordinance # 75)
May 16, 1988 (Ordinance # 43)	April 2, 2018 (Ordinance # 128)
July 14, 1997 (Ordinance # 64)	December 7, 2020 (Ordinance # 134)
April 6, 1998 (Ordinance # 68)	

Current Complete Compilation Ordinance Adopted – May 2, 2024 (Ordinance # 143)

Douglas Hovey, Planning Consultant
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**West Chillisquaque Township
Schedule of Uses**

Key: P - Permitted Use
SE - Special Exception
CU - Conditional Use

<u>Uses</u>	<u>See Article #</u>	<u>Zoning Districts</u>							
		<u>V</u>	<u>SR</u>	<u>RR</u>	<u>C</u>	<u>LI</u>	<u>I</u>	<u>AP</u>	<u>FC</u>
		<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>9</u>	<u>6</u>	<u>7</u>	<u>8</u>
Accessory Use or Structure		P	P	P	P	P	P	P	P
Adult Entertainment						SE			
Agricultural Business					P	P	P	P	SE
Agricultural Operation				SE				P	P
Animal Hospital		SE			SE	SE			
Animal Shelter								SE	SE
Automotive, Recreational Vehicle & Manufactured Housing Sales & Repair		SE		SE	P	P	P		
Automobile Car Wash, Convenience Market		SE			P	P	P		
Bed and Breakfast Inn		P						P	
Boarding or Rooming House		SE	SE						
Camp (Seasonal Residence)								P	
Cluster Subdivision		SE	SE	SE					
Communications Antennae & Equipment Building		P	P	P	P	P	P	P	P
Communications Tower (Height of 100 ft. or less)		P	P	P	P	P	P	P	P
Communications Tower (Height Greater than 100 ft.)					CU	CU	CU	CU	CU
Contractor's Yard					P	P	P		
Correctional Facility							CU		
Cultivation of Crops (no permit required)		P	P	P	P		P	P	P
Day Care Center		SE	SE				P		
Dwelling, Multiple Family		SE	SE						
Dwelling, Single Family Detached		P	P	P				P	
Dwelling, Two Family		P	P	P				P	
Essential Service (no permit required)		P	P	P	P	P	P	P	P
Family Based Group Home		P	P	P					
Family Day Care Home		P	P	P	P		P	P	P
Forestry		P	P	P	P	P	P	P	P
Group Care Facility			SE						
Home Based Business		SE	SE	SE	P	P	P	P	P
Home Occupation		P	P	P	P		P	P	P
Industrial Park							SE		
Junkyard or Salvage Yard							SE		
Kennel								SE	SE
Manufacturing, Laboratory, Transportation & Freight							<u>subject to criteria found in §14.15</u>		
Distribution Center						P	P		
Light Industry						P	P		
Slaughter House							CU		
Truck Plaza or Travel Plaza, Truck Terminal, Truck Wash							P		
Truck, Truck Tractor, and Truck Trailer Sales & Repair							P		
Trucking, Rail or Intermodal Freight Terminal, Warehousing						P	P		
Bus, Taxi & Passenger Terminal		SE							
Medical Marijuana Organization or Facility							SE		
Mobile Home Park			SE						
Motel, Hotel or Conference Center		SE			SE	SE	SE		
Nursing Home or Retirement Village		SE	SE						
No Impact Home Based Business		P	P	P	P	P	P	P	P
Office & Medical Uses							<u>subject to criteria found in §14.5</u>		
Drug & Alcohol Treatment Facility							CU		
Hospital						CU	CU		
Medical Office Group, Clinic, Surgery Center		SE				P	P	P	
Professional Office		SE	SE			P	P	P	
Professional Office Group		SE				P	P	P	
Rehabilitation Center		SE				P	P	P	
Outdoor Recreation Uses								SE	SE

Zoning Districts: V – Village

C – Commercial

AP – Agricultural Preservation

SR – Suburban Residential

LI – Light Industry

FC – Floodplain Conservation

RR – Rural Residential

I – Industrial

05/2024

**West Chillisquaque Township
Schedule of Uses**

Key: P - Permitted Use
SE - Special Exception
CU - Conditional Use

<u>Uses</u>	<u>See Article #</u>	<u>Zoning Districts</u>							
		<u>V</u>	<u>SR</u>	<u>RR</u>	<u>C</u>	<u>LI</u>	<u>I</u>	<u>AP</u>	<u>FC</u>
		<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>9</u>	<u>6</u>	<u>7</u>	<u>8</u>
Parking Lot (as a principal use)		SE				P	P	P	
Personal Services		SE	SE			P	P	P	
Principal Solar Energy Systems								CU	CU
Private Airport									SE
Public or Quasi-Public Use		SE	SE	SE	SE	SE	SE	SE	SE
Recreation or Entertainment Facility		SE	SE	SE	P	P		SE	SE
Rental Storage					P	P	P		
Restaurant		SE				P	P	P	
Retail, Wholesale, Service, Printing, Repair Business or Office Building		SE				P	P	P	
Shopping Center						SE	SE		
Surface Mining								CU	CU
Townhouse		P	P						
Waste Storage or Processing Facility								CU	
Wastewater Processing Facility								CU	

Zoning Districts: V – Village
C – Commercial
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ORDINANCE NUMBER #22 ENACTED February 5, 1979

Revised Total Compilation/Ordinance #143 May 2, 2024 includes all prior amendments

PREAMBLE

THIS ORDINANCE IS ADOPTED TO PROMOTE, PROTECT AND FACILITATE THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE; COORDINATED AND PRACTICAL COMMUNITY DEVELOPMENT AND PROPER DENSITY OF POPULATION; THE PROVISION OF ADEQUATE LIGHT AND AIR, VEHICLE PARKING, WATER, SEWAGE, AND RECREATION FACILITIES; AS WELL AS THE NATURAL, SCENIC AND HISTORIC VALUES OF THE ENVIRONMENT AND PRESERVATION OF AGRICULTURE, FORESTS, WETLANDS, AQUIFERS, AND FLOODPLAINS.

ARTICLE 1

General Provisions

1.1 Authority

This Ordinance is adopted by authority of and pursuant to the provisions of the Pennsylvania Municipalities Planning Code, Act of the General Assembly No. 247 approved July 31, 1968, as re-enacted and amended December 21, 1988, by Act No. 170 (P.L. 1329).

1.2 Title

This Ordinance shall be known and may be cited as the West Chillisquaque Township Zoning Ordinance.

1.3 Purpose

The provisions of this Ordinance have been designed to:

1.3.1 Promote, protect and facilitate any or all of the following: the public health, safety, morals, and the general welfare; coordinated and practical community development and proper density of population; emergency management preparedness and operations, airports, and national defense facilities, the provisions of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, public grounds, the provision of a safe, reliable and adequate water supply for

domestic, commercial, agricultural or industrial use, and other public requirements; as well as preservation of the natural, scenic and historic values in the environment and preservation of forest, wetlands, aquifers and floodplains, and natural drainage.

- 1.3.2** To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.
- 1.3.3** To preserve prime agriculture and farmland considering topography, soil type and classification, and present use.
- 1.3.4** To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.
- 1.3.5** Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
- 1.3.6** Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.
- 1.3.7** Comply with federal and state floodplain management requirements.

1.4 Statement of Community Development Objectives

This ordinance has been developed to reflect the policy goals of the Township as reflected in a statement of the community development objectives found in the West Chillisquaque Township Comprehensive Plan as may be amended from time to time.

1.5 Establishment of Controls

1.5.1 Minimum and Uniform Regulations

The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land.

1.5.2 For New Uses and Structures

In all districts, after the effective date of this Ordinance, any new building or other structure or any tract of land shall be constructed, developed and used only in accordance with the regulations specified for each district.

1.5.3 For Existing Uses and Structures

In all districts, after the effective date of this Ordinance, any existing building or other structure, or any tract of land which is not in conformity with the regulations for the district in which it is located shall be deemed as nonconforming and subject to the regulations of Article 12.

1.5.4 Types of Controls

The following minimum and uniform regulations shall apply in the respective districts:

- 1.5.4.1** Use regulations, including Permitted, Special Exception, and Conditional Uses;
- 1.5.4.2** Density and Height Regulations and Minimum Areas and Dimensions including maximum density, building coverage, impervious surface, and building height; and minimum lot areas and width; and minimum front, side, and rear building lines in those districts in which they apply;
- 1.5.4.3** Supplemental regulations for Accessory Structures; Driveways; Home Occupations; Nonconforming Lots, Structures, Buildings, and Uses; Off-street Parking and Loading; Projections into Yards; Screening and Landscaping; Signs; and other unique conditions;
- 1.5.4.4** Floodplain management provisions; and
- 1.5.4.5** Criteria for the evaluation of Special Exception and Conditional Uses.

1.6 Establishment of Zoning Districts

For the purposes of the Zoning Ordinance, the Township of West Chillisquaque is hereby divided into the following zoning districts:

- V - Village District
- SR - Suburban Residential
- RR - Rural Residential
- C - Commercial
- LI - Light Industry
- I - Industrial
- AP - Agricultural Preservation
- FC - Floodplain Conservation

1.7 Zoning District Maps

1.7.1 Adoption Of Official Zoning Map

The areas within the Township limits as assigned to each district and the location of boundaries of the districts established by this Ordinance are shown upon the Official Zoning Map, which together with all explanatory matter thereon is declared to be a part of this Ordinance and shall be kept on file with the Township Secretary. If, and whenever, changes are made in boundaries or other matter included on the Official Zoning Map, such changes in the map shall be made within five (5) days after the amendment has been approved by the Board of Supervisors.

1.7.2 Copies Of Zoning Map

Regardless of the existence of copies of the Zoning Map which may from time to time be made, the Official Zoning Map shall be that map which is on file with the Township Secretary. The Official Zoning Map shall govern in all cases where conflicting map information is identified.

1.7.3 Zoning District Boundary Lines

The zoning district boundary lines shall be as shown on the Official Zoning Map. District boundary lines are intended to coincide with lot lines, center lines and roadways and streams, the corporate boundary of the Township or as identified on the Map.

1.7.4 Interpretation Of Boundaries

If uncertainty exists as to the boundary of any district shown on the Official Zoning Map, the Governing Body shall determine the location of such boundary. The Governing Body may request a recommendation from the Township Planning Commission prior to making such decision.

1.8 Severability

Should any section or provision of this Ordinance be declared by the Courts to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the Ordinance as a whole nor the validity of any other section or provision of the Ordinance than the one so declared.

1.9 Conflicts

1.9.1 Abrogation and Greater Restrictions

This ordinance supersedes any other conflicting provisions which may be in effect including those in identified floodplain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this Ordinance, the more restrictive shall apply.

1.9.2 Relation to State Law

In all matters that are regulated by the laws of the Commonwealth of Pennsylvania, such laws shall control where their requirements are in excess of this Ordinance. The Ordinance shall control in all cases where the State requirements are less than herein contained.

1.10 Disclaimer of Liability

1.10.1 This Ordinance shall not create liability on the part of West Chillisquaque Township or any officer or employee thereof for any fire or flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

1.10.2 With regard to the floodplain management provisions of this Ordinance, the degree of flood protection sought by these provisions are considered reasonable for regulatory purposes and are based on acceptable engineering methods of study. Larger floods may occur. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside any identified floodplain areas, or that land uses permitted within such areas will be free from flooding or flood damages.

1.10.3 Access to a public system (i.e. water or sewerage systems), when stipulated by this ordinance, can not be guaranteed by the Municipality. The conditions and terms of access shall be set by the receiving authority or utility company.

1.11 Amendment to Prior Ordinance

Ordinance #143 serves as a compilation/replacement of all previous Ordinances including clerical and formatting corrections. For historical purpose the below listed Amendments served as previous updates under the terms of Section 609 of the Pennsylvania Municipalities Planning Code, Act of 1988, P.L. 805, No. 247, the prior West Chillisquaque Township Zoning Ordinance, Ordinance Number 22 enacted and ordained by the Supervisors of West Chillisquaque Township, Northumberland County, Pennsylvania, on February 5, 1979. The following are amendments to Ordinance #22:

- July 9, 1990 (Ordinance # 46)
- December 28, 1992 (Ordinance # 52)
- May 2, 1994 (Ordinance # 55)
- November 9, 1998 (Ordinance # 71)
- October 4, 1999 (Ordinance # 77)
- November 8, 1999 (Ordinance # 79)
- December 3, 2001 (Ordinance # 85)
- October 3, 2005 (Ordinance # 99)
- April 14, 2008 (Ordinance # 106)
- July 7, 2008 (Ordinance # 108)
- September 14, 2009 (Ordinance # 111)
- April 5, 2010 (Ordinance # 114)
- July 13, 2010 (Ordinance # 115)
- October 4, 2010 (Ordinance #116)
- April 11, 2011 (Ordinance # 117)
- May 14, 2012 (Ordinance # 120)
- August 5, 2013 (Ordinance # 122)
- August 10, 2015 (Ordinance # 124)
- September 12, 2016 (Ordinance # 126)
- April 2, 2018 (Ordinance # 128)
- April 2, 2018 (Ordinance # 129)
- July 1, 2019 (Ordinance # 132)
- May 2, 2022 (Ordinance # 139)
- October 3, 2022 (Ordinance # 140)
- May 2, 2024 (Ordinance # 143 – Total Replacement/Compilation)

Map Updates

- April 5, 1982 (Ordinance # 28)
- May 16, 1988 (Ordinance # 43)
- July 14, 1997 (Ordinance # 64)
- April 6, 1998 (Ordinance # 68)
- July 5, 1999 (Ordinance # 75)
- April 2, 2018 (Ordinance # 128)
- December 7, 2020 (Ordinance # 134)

1.12 Definitions

1.12.1 General Interpretation

For the purpose of this Ordinance, the terms and words listed in the Section shall have the meaning herein defined. Words not herein defined shall have the meanings given in Webster's Unabridged Dictionary.

1.12.2 Rules of Interpretation

For the purpose of this Ordinance, the following rules of interpretation shall apply:

- 1.12.2.1 Words in the present tense include the future tense.
- 1.12.2.2 Words in the singular case include the plural and words in the plural case include the singular.
- 1.12.2.3 The words "used" and "occupied" shall be construed to include the words "or intended, arranged or designed to be used to be occupied, or offered for occupancy."
- 1.12.2.4 The term "such as" shall be considered as introducing a typical, or illustrative, designation of items, and shall not be interpreted as constituting a complete list.

1.12.3 Terms Defined

Accessory Solar Energy System: 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 use. An accessory solar energy system consists of one (1) or more free-standing ground, or roof mounted solar arrays or modules, or solar related equipment and is intended to primarily reduce on-site consumption of utility power or fuels.

Accessory Dwelling: A subordinate dwelling to the principal dwelling that complies with the criteria specified in §12.2.9.

Accessory Use Or Structure: A use or structure subordinate to the principal use of a building on the same lot and serving a purpose customarily incidental to the use of the principal building or land use. An accessory structure over 2,000 sq. ft. will require a land development plan in accordance with the West Chillisquaque Township Subdivision and Land Development Ordinance, unless waived by the Township Supervisors.

Adult Entertainment: Adult book stores, theaters, dance clubs, massage parlors,

and similar establishments providing entertainment and/or the retail sale of books, magazines, newspapers, movies, slides, films, devices or other photographic or written reproductions depicting nudity or sexual conduct.

Addition: Any construction which increases the size of a building or adds to the building.

Agricultural Business: Any business related to the processing and sale of agricultural products or supplies or the sale and/or repair of agricultural equipment.

Agricultural Operation: An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry. For the purpose of this ordinance, the word Agriculture shall not include "Kennels", but shall include the use of a Roadside Stand as defined in this section.

Alley: A public or private way affording secondary means of access to abutting property.

Alteration: Construction which may change the structural parts, mechanical equipment or location of openings of a building but which does not increase the size of the building.

Animal Hospital: A facility operated by a Doctor of Veterinary Medicine for the treatment, housing or boarding of domestic animals.

Animal Shelter: A facility that houses homeless, lost or abandoned animals. The animal is kept at the shelter until it is either reclaimed by the owner, adopted by a new owner or placed with another organization.

Apartment: A living unit in a multiple family dwelling.

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

Automobile Sales or Service: An area of land or structure, other than a private garage, for the storage, sale, hire, care, repair or refinishing of self-propelled vehicles or trailers, or for the retail sale of gasoline, oil, other fuel, or accessory for motor vehicles.

Automotive Related Uses: This category shall include Automobile Sales or Service facilities, Recreational Vehicle, Trailer & Mobile Home Sales & Repair facilities, Automobile Car Washes, Convenience Markets and other automotive and pickup truck size, but not Truck Related Facilities.

Balcony: An unroofed platform, enclosed by a railing or parapet, projecting from the wall of a building for the private use of tenants or for exterior access to the above grade living units. When a balcony is roofed and enclosed with operating windows, it is considered part of the room it serves.

Base flood: A flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood" or one-percent (1%) annual chance flood).

Base flood elevation (BFE): The elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

Basement: Any area of a building having its floor below ground level on all sides. A basement shall not be considered in determining the permissible number of stories.

Bed and Breakfast Inn: A non-restaurant short-term transient lodging allowed in a residence that provides pre-arranged meals only to a limited number of lodgers, as qualified persons. It must be owner-occupied, with a minimum of signs, no special external appearance, with off-street parking required on the site screened from neighbors. Lodgers are limited to a 14 day stay to avoid becoming multi-family rental dwellings.

Board: The Zoning Hearing Board for West Chillisquaque Township, Northumberland County, Pennsylvania.

Boarding or Rooming House: A dwelling or part thereof where meals or lodgings are provided for compensation for at least three (3) but not more than fifteen (15) persons not transients. This use shall not include Family Based Group Home and Group Care Facility.

Building: Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals or property.

Building Coverage: The portion of a lot, expressed as a percentage, that may be covered by the total ground floor area of all principal and accessory buildings on a lot including covered porches, carports and breezeways.

Building Height: The vertical distance from the average finished grade at the building line to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the mean height level between eaves and ridge for gable, hip and gambrel roofs. In the floodway, the building height will be measured from 1.5 feet above the 100-year flood level as established by FEMA in Section 13.2.1.

Building Line: A line established by law or agreement, usually parallel to the property line, beyond which a structure may not extend. This generally does not apply to uncovered entrance platforms, terraces and steps.

Front Building Line: The line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of buildings and structures and the front lot line.

Rear Building Line: The line nearest the rear of and across a lot establishing the minimum open space to be provided between the rear line of buildings and structures and the rear lot line.

Side Building Line: The line nearest the side of and across a lot establishing the minimum open space to be provided between the side line of buildings and structures and the side lot line.

Camp: A part-time or seasonal dwelling.

Campground: A tract or tracts of land, or any portion thereof, used for the purpose of providing two or more spaces for travel trailers, cabins, or tents, and excluding mobile homes, with or without a fee charged for the leasing, renting or occupancy of such space. A campground may include the single family detached dwelling of the owner or operator of the facility. For the purpose of this ordinance a Campground is classified as a Outdoor Recreation Use.

Cartway: The surface of a street or alley available for vehicular traffic.

Church: A building used for public worship including separate buildings used for residential, educational, burial, recreational or other uses. For the purpose of this ordinance a church is classified as a Public or Quasi-Public Use.

Clear Site Triangle: An area of unobstructed vision at street intersections or street and driveway intersections defined by lines of sight between points at a given distance from the intersection of the street and/or driveway centerline. See Intersection Visibility in Article 12.

Cluster Subdivision: A large scale residential development of 10 acres or more, in which individual dwelling units or buildings are grouped together. Modification or reduction of the minimum yard and lot size requirements are permitted in

exchange for an equivalent amount of land in open space to be preserved for scenic, recreation, or conservation purposes. The gross residential density of the underlying district cannot be exceeded in this type of development. See Cluster Subdivision in Article 14.

Commercial: a non-manufacturing business entity established for the exchange of goods or services for monetary considerations.

Common Open Space: A parcel or parcels of land or an area of water, or a combination of land and water within a development site designed and intended for the use of enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.

Communications Antenna: Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communication signals, including without limitation omnidirectional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communication Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas.

Communication Equipment Building: An unmanned Building or cabinet containing communications equipment required for the operation of Communications Antennas and covering an area on the ground not greater than 250 square feet.

Communications Tower: A structure other than a Building such as a monopole, self-supporting or guyed tower, designed and used to support Communications Antennas.

Community System: A central water or sewerage system, the rates and service of which are not controlled by a government authority.

Completely Dry Space: A space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

Comprehensive Plan: A plan, prepared by the Planning Commission pursuant to Article III of the Municipalities Planning Code, Act of the General Assembly No. 247 approved July 31, 1968, as re-enacted and amended December 21, 1988, by Act No. 170 (P.L. 1329).

Conditional Use: A use which may not be appropriate in a particular zoning district as a whole but which may be suitable in certain locations within the district

when specific conditions and factors prescribed within this Ordinance for such cases are met. "Conditional Uses" are allowed or denied by the Board of Supervisors after recommendation by the Planning Commission.

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

Construction: The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of mobile homes.

Contractor: A person or entity that agrees and becomes obligated to furnish materials or professional services for a price.

Contractor=s Yard: Land that is used for the storage and maintenance of contractor=s construction equipment, equipment parts, materials and supplies, fabrication of subassemblies and parking of construction equipment, storage trailers, PODS and the like, and which may include office space for the contracting business.

Convenience Market: A small retail establishment that sells groceries and household items, may offer fuel sales, and is intended for the convenience of the neighborhood, but does not include automotive service stations or vehicle repair.

Correctional Facility: A institution for the housing of persons accused of or having been convicted of committing criminal offenses of a serious nature.

Cultivation Of Crops: The use of land for raising of crops and excluding the keeping of animals.

Custom Butchering: The butchering of poultry or livestock raised on the farm for sale direct from the farm. In addition, such an operation can receive poultry, livestock or game for butchering provided that the meat or poultry is returned directly to the owner or grower. For the purposes of this ordinance Custom Butchering shall be considered an Agricultural Business.

Day Care Center: A center which provides daytime care or instruction for 7 or more persons and operates on a regular basis. Day care service may include nursery schools and preschools, but shall not include services provided by a physician or nurse, or facilities operated primarily for education, or care classified as a Family Day Care Home.

Decibel: The unit of measurement for the relative loudness of sounds to each other, being approximately the smallest degree of difference detectable by the human ear.

Density: The average number of persons, families or dwellings per unit of area (acre, square mile, etc.).

Net Residential density. Density of the building site.

Gross residential density. Density of the building site plus traversing streets, alleys and drives, open space and one-half of bounding streets.

Developer: Any landowner, agent of such landowner or lessee with the permission of such landowner, who makes or causes to be made a subdivision or a land development.

Development: Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured (mobile) homes; streets, and other paving; utilities; filling, grading and excavation; drilling operations; storage of equipment or materials; and the subdivision of land.

Distribution Center: A specialized building or area where goods or products are stored in bulk quantities prior to distribution to retailers and/or wholesalers.

Driveway: A vehicular way for entrance and exit to a property and circulation within the property.

Drug and Alcohol Treatment Facility: The physical location in which ongoing, structured and systematic drug and alcohol services are provided, including residential or non-residential facilities.

Dry Space: See Completely Dry Space and Essentially Dry Space.

Dwelling: Any structure, or portion thereof, which is designed or used for residential purposes. The term dwelling shall not be deemed to include motel, boarding or rooming house, bed and breakfast inn, hotel, hospital, or nursing home.

Dwelling, Farm: A dwelling unit located on a farm which is used as the residence of the owner of that farm or of persons necessary for the operations of the farm.

Dwelling, Mobile Home: A single-family detached factory manufactured dwelling build on a chassis. A mobile home shall be constructed to remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180

consecutive days.

Dwelling, Modular Home: A structure intended for permanent occupancy as a dwelling consisting of prefabricated sections or components constructed according to nationally recognized building codes at another location and transported to the site for assembly, placement upon and attachment to a permanent foundation.

Dwelling, Multiple Family: A building designed for or containing two or more dwelling units, sharing access from a common hall, stair, or balcony.

Dwelling, Single Family Attached: See Townhouse.

Dwelling, Single Family Detached: A dwelling designed for and occupied by not more than one family and having no roof, wall, or floor in common with any other dwelling unit and having an additional lot with private yards on all four sides of the house.

Dwelling, Two- Family: Two dwelling units, each of which is attached side to side, or one above the other, each one sharing only one common wall with the other. Each unit shall have individual access to the outside.

Dwelling Unit: A residential unit providing complete, independent living facilities for one family including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Easement: Authorization by a property owner for use by another of any designated part of his property for a specified purpose.

Essentially Dry Space: A space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

Essential Services: the erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies or lot owners, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems and their essential Buildings, excluding Communications Towers and Communication Antennas, as defined herein.

Existing manufactured home park or subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an existing manufactured home park or subdivision: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Family: An individual, or two (2) or more persons related by blood or marriage, or a group of not more than five (5) persons, excluding servants, who are not related by blood or marriage, living together as a single housekeeping unit in a dwelling.

Family Based Group Home: Is a public agency licensed, supervised, or operated facility which provides resident service in a private residence to 3 or fewer individuals who are not related to the resident householder. These individuals are handicapped, aged, disabled, or in need of adult supervision and are provided 24-hour service and supervision in accordance with their individual needs. This category includes foster homes for children and group homes for mentally retarded or developmentally disabled persons. This category does not include day care centers, nursing homes, hospitals, halfway houses, prisons, or jails. No Family Based Group Home shall be established within 500 ft. of another Family Based Group Home or a Group Care Facility.

Family Day Care Home: A residence offering baby-sitting services and child care services to a maximum of six children unrelated to the resident household. A family day care home is permitted as a home occupation in the residential district.

Feed Lot: A concentrated animal or poultry operation for meat, eggs, or milk production, or stabling in pens. Also housing where animals or poultry are fed in confinement.

Flood: A temporary inundation of normally dry land areas.

Flood Insurance Rate Map (FIRM): The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study (FIS): The official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

Floodplain - A relatively flat or low land area adjoining a stream, river, or watercourse, which is subject to partial or complete inundation. The boundary of this area shall coincide with the boundary of the 100-year flood as defined in this Ordinance.

Floodplain Area: A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface water from any source.

Floodproofing: Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

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.

Garage, Private: A garage intended for and used for the storage of the private motor vehicles of the family resident upon the premises or by individuals residing in the immediate vicinity of the private garage.

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

Governing Body: The Board of Supervisors of West Chillisquaque Township, Northumberland County, Pennsylvania.

Grade:

Finish: The top surface elevation of lawns, drives, or other improved surfaces after completion of construction or grading operations.

Natural: The elevation of the original or undisturbed natural surface of the ground.

Subgrade: The elevation established to receive top surfacing or finishing materials.

Group Care Facility: Is a public agency licensed, supervised, or operated facility which provides resident services to 4 or more individuals of whom one or more are unrelated. These individuals are handicapped, aged, or disabled, are undergoing rehabilitation, and are provided 24-hour services to meet their needs. This category

includes group homes (all ages), halfway houses, resident schools, resident facilities, and foster or boarding homes. This category does not include day care centers, family-based group homes, nursing homes, hospitals, prisons, or jails. No Group Care Facility shall be established within 2,500 ft. of another Group Care Facility or Family Based Group Home.

Habitable Floor Area: Space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, attics, storage or utility spaces, and similar areas are not considered as a part of the habitable floor area.

Height of Communications Tower: The vertical distance measured from the ground level to the highest point on a Communications Tower, including antennas mounted on the tower.

Historic Structure: Any structure that is:

- (i) Listed in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (ii) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
- (iii) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (iv) Individually listed on a local inventory of historic places in communities with historic preservation programs which have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior or
 - (2) Directly by the Secretary of the Interior in states without approved programs.

Home Based Business: A business conducted on a lot in conjunction with a residential dwelling unit. Such uses are limited to lawn mower, or appliance repair shops; carpentry, woodworking, or metalworking shops. The repair of motor vehicles shall be excluded from this use.

Home Occupation: Any lawful activity limited to barber, hairdresser, seamstress,

attorney, architect, engineer, accountant, physician, dentist, insurance agent, real estate appraiser, teacher, minister, municipal official, tailor, financial advisor, claims adjuster and family day care home conducted entirely within a dwelling, accessory structure, or on a farm which is clearly consistent and subordinate to the use of the premises for residential or agricultural purposes and providing that the exterior appearance of the buildings is maintained and there is no exterior evidence of the secondary activity other than the sign permitted herein.

Homeowner's Association: An incorporated, non-profit organization operating under recorded land agreements through which, (a) each lot and/or home owner in a Cluster Subdivision or other described land area is automatically a member and (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property and (c) the charge if unpaid becomes a lien against the property.

Hospital: an institution providing medical, surgical, or psychiatric testing and treatment for people who are ill, injured, pregnant, etc. on an inpatient, outpatient, or emergency basis.

Hotel: A building used as the temporary abiding place of sixteen (16) or more individuals who are, for compensation, lodged, with or without meals and in which no provision is made for cooking in any individual room or suite. A hotel may include restaurants, newsstands and other accessory services primarily for serving its occupants and only incidentally the public.

Identified Floodplain Area: The floodplain area specifically identified in this Ordinance as being inundated by the one hundred (100) year flood.

Impervious Surface: That portion of a lot (expressed as a percentage) that does not absorb precipitation. All buildings, structures, parking areas, driveways, roads, sidewalks, and any areas in concrete, asphalt, etc. materials shall be considered impervious surfaces.

Industrial Park: A tract of land developed for industrial and manufacturing uses on individual lots usually utilizing a common access road and utilities.

Institution: A public or private facility providing for extended care of inmates or residents.

Junk Yard Or Salvage Yard: Any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled, parked, stored, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards and places or yards for storage or salvaged house wrecking and structural steel materials and equipment, but not including areas where such uses are conducted entirely within a completely enclosed building and not including pawnshops and

establishments for the sale, purchase or storage of used furniture and household machinery and the processing of used, discarded or salvaged materials as part of manufacturing operations.

Kennel: A lot or building in which four (4) or more dogs or cats at least four months of age are kept for commercial purposes while protecting the animals from injury, containing the animals, and restraining the entrance of other animals.

Laboratory: A building or part of a building equipped to conduct scientific experiments, tests, investigations, etc.

Land Development:

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

Light Industry: A manufacturing activity in which the production process results in a finished product made from sem-finished materials, requires no outside materials storage, and does not generate noise or odors detectable outside of the building housing the light industry. See Section 9.5.

Lot: A piece or parcel of land undivided by any street or right-of-way and occupied or intended to be occupied by a principal building or use or a group of buildings conforming with the regulations of this Ordinance and its accessory buildings and uses, including all open spaces required by this Ordinance, and having frontage on a road.

Lot Area: The computed area contained within the lot lines exclusive of any street right-of-ways, but including the area of any easement.

Lot, Corner: A lot abutting upon two or more roads at their intersection or upon two parts of the same road and, in either case, forming an interior angle of less than one hundred thirty-five degrees.

Lot Depth: The mean horizontal distance between the front and the rear lot lines.

Lot, Double Frontage: A lot having frontage on two non-intersecting roads, as distinguished from a corner lot.

Lot Line: A legally defined line dividing one parcel of property from another.

Lot Line, Front: The line separating the lot from roads upon which it abuts.

Lot Line, Rear: The lot line opposite and most distant from the front lot line.

Lot Line, Side: Any lot line other than a front or rear lot line.

Lot Width: The width of the lot measured at right angles to its center line, at the front building line.

Lowest Floor: The lower floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area which is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this ordinance.

Manufactured (Mobile) Home: A transportable, single-family dwelling intended for permanent occupancy, office or place of assembly, contained in one or more sections, built on a permanent chassis, which arrives at a site completed and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

Manufactured (Mobile) Home Park: A parcel of land under single ownership, which has been planned and improved for the placement of two or more manufactured homes for non-transient use.

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

Medical Marijuana: Marijuana for certified medical use as legally permitted by the Commonwealth of Pennsylvania with Act 16.

Medical Marijuana Delivery Vehicle Office: Any facility used to house delivery vehicles for supplying marijuana plants or seeds to one or more marijuana grower/processors and/or dispensaries.

Medical Marijuana Dispensary: A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit from the Department of Health (DOH) of the Commonwealth to dispense medical marijuana.

Medical Marijuana Grower/Processor: A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit from the DOH to grow and process medical marijuana.

Medical Marijuana Organization or Facility: A delivery vehicle office, dispensary, grower/processor or a transport vehicle service of marijuana for medical purposes.

Medical Marijuana Transport Vehicle Service: Any facility used to house delivery vehicles for supplying plants or seeds to one or more marijuana grower/processors and/or dispensaries.

Medical Office Group, Clinic, Surgery Center: A place where outpatients are studied or treated by generalist or specialist physicians and assisting staff practicing as a group, excluding a Drug and Alcohol Treatment Facility as defined by this Ordinance.

Minerals: The term minerals 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.

Minor Repair: The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exit-way requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

Mixed Occupancy: The use of a lot for more than one principal use.

Mobile (Manufactured) Home: See Dwelling, Mobile Home.

Mobile (Manufactured) Home Park: A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

Motel Or Conference Center: A building or group of buildings located on a lot, arranged and used for lodging of guests, including convenient parking space on the premises and facilities for service of food to lodgers and/or non-lodgers, and may include retail sale of commodities and services, and facilities for educational activities and recreation for lodgers and/or non-lodgers.

Municipalities Planning Code: Act of the Pennsylvania General Assembly No. 247 approved July 31, 1968, as re-enacted and amended December 21, 1988, by Act No. 170 (P.L. 1329).

Municipality: The municipal corporation known as the Township of West Chillisquaque, Northumberland County, Pennsylvania.

New Construction: Structures for which the start of construction commenced on or after April 15, 1977, and includes any subsequent improvements thereto.

New manufactured home park or subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

No Impact Home Based Business: A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

- (1) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- (2) The business shall employ no employees other than family members residing in the dwelling.
- (3) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- (4) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- (5) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

- (6) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- (7) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- (8) The business may not involve any illegal activity.

Nonconforming Lot: A lot the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

Nonconforming Structure: A sign or structure, the design or size of which does not conform to the regulations of this Ordinance for the district in which it is located.

Nonconforming Use: A building, structure, or premises legally existing and/or used at the time of adoption of this Ordinance, or any amendment thereto, which does not conform with the use regulations of the district in which located.

Nursing Home or Retirement Village: An institution providing for extended care of greater than three (3) residents, excluding a correction facility.

Office: A place where the affairs of a business or a profession are carried out, not including the manufacture or assembly of products or merchandise.

Office Building: A place where the affairs of one or more businesses or professions are carried out, not including the manufacture or assembly of products or merchandise.

Official Map: A map established by the Board of Supervisors pursuant to Article IV of the Municipalities Planning Code, Act of the General Assembly No. 247 approved July 31, 1968, as re-enacted and amended December 21, 1988, by Act No. 170 (P.L. 1329).

One Hundred Year Flood: A flood that, on the average, is likely to occur once every one hundred (100) years (ie. that has one (1) percent chance of occurring each year, although the flood may occur in any year).

Open Space: That portion of the land open to the sky and usually reserved in a natural state or for outdoor recreational use.

Outdoor Lighting: The use of luminare outside of a building or structure or any luminare directed such that it primarily illuminates outdoor areas.

Outdoor Recreation Use: Public or private outdoor recreational uses and activities, including but not limited to: campgrounds; recreational vehicle parks; marinas; day camps; picnic grounds; golf courses; boat launching and swimming areas; hiking, bike, and horseback riding trails; wildlife and nature preserves; game farms; fish hatcheries; trap and skeet ranges; and hunting and fishing areas; and the maintenance of farm-type animals for non-commercial purposes provided that minimum acreage and other requirements contained in the Ordinance have been fulfilled.

Parking Lot: A permanently surfaced area of one or more parking spaces designed or used for the parking of self-propelled vehicles and available to the public, whether for a fee or as an accommodation to clients or customers.

Parking Space: A permanently surfaced area of not less than one hundred eighty square feet, either within a structure or in the open, exclusive of driveways or access drives, for the parking of a motor vehicle.

Permanent Foundation: A foundation when constructed using approved methods and/or standards and materials shall remain intact for an interminable amount of time, and shall not be moveable or relocatable.

Permit: A document issued by the Municipality, authorizing an applicant to undertake certain activities.

Zoning Permit: A permit issued indicating that a proposed use, building or structure is in accordance with the provisions of this Ordinance and authorizing an applicant to proceed with the construction or development of the use, building or structure.

Occupancy Permit: A permit issued upon completion of the construction of a structure, or change in use of structure or parcel of land indicating that the premises complies with the provisions of this Ordinance and may be used for the purposes set forth in the Occupancy Permit.

Permitted Use: Any use which does not require special action by the Zoning Hearing Board or by the Board of Supervisors before a zoning permit is granted by the Zoning Officer.

Person: An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

Personal Services: Shall include barber shop, beauty parlor, laundromat, laundry or cleaning agency, manicures, massage salons, massage therapy, pedicures, self-service laundry, and other personal services that do not involve medicine.

Planning Commission: The Planning Commission of West Chillisquaque Township, Northumberland County, Pennsylvania.

Plan: A map, plat or layout showing the subdivision of land and indicating the location and boundaries of individual lots or properties.

Porch: A roofed or unroofed structure projecting from the front, side, or rear wall of the building which shall have no wall more than 30 inches high and which shall be open on all sides, except the side adjoining the building.

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 systems consist of one (1) or more free-standing ground, or roof mounted solar collector 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 Use or Structure: A building housing the main or principal use of the lot on which the building is located.

Private Airport: An airport, licensed by the Pennsylvania Department of Transportation, Bureau of Aviation, which is privately owned and which is not open or intended to be open to the public.

Professional Office: The office of a single member of a recognized profession and attending staff including an office for real estate, stock and bond broker, accountant, adjuster, appraiser, physician, lawyer, clergyman, teacher, dentist, architect, engineer, consultant, insurance agent, optician and medical and related office which do not involve the actual storage, exchange or delivery of merchandise on the premises shall be considered for this use.

Professional Office Group: The offices of more than one professional including assisting staff.

Property Line: See Lot Line.

Public Hearing: A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with the Municipalities Planning Code and this Ordinance.

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

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

Public or Quasi-Public Use: Uses or structures designed, intended or arranged for the use or service of the general public, although the fees and conditions of such use may be determined and regulated by the operator thereof, e.g. Banks, Post Offices, Churches, Cemeteries, Schools, Recreation Areas, Community Centers, Firehalls, and other uses of the same general character.

Public System: A water or sewerage system which is owned and operated by a local government authority or by a local utility company adequately controlled by a governmental authority.

Public Utility Transmission Tower: A Structure, owned and operated by a public utility electric company regulated by the Pennsylvania Public Utility Commission, designed and used to support overhead electricity transmission lines.

Recreation Areas: Areas for playgrounds, play fields, court games and/or swimming pools, but excluding social or fraternal clubs or clubhouses. For the purpose of this ordinance a Recreation Area is classified as a Public or Quasi-Public Use.

Recreation Or Entertainment Facility: A profit or non-profit business in which amusement, entertainment, cultural events, play or other exercise is offered or sold. This use shall not include the sale of products other than recreation and shall not include adult entertainment. Such facilities may include but not be limited to theaters, clubs, lodges, social halls, indoor skating rinks, gymnasiums, and exercise centers.

Recreational Vehicle: a vehicle which is (i) built on a single chassis; (ii) not more than 400 square feet, measured at the largest horizontal projection; (iii) designed to be self-propelled or permanently towable by a light-truck; (iv) not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

Recreational Vehicle Park: Any site upon which two or more recreational vehicles are, or are intended to be located. This use may include the single family detached dwelling of the owner or operator of the facility. For the purpose of this ordinance a Recreational Vehicle Park is classified as an Outdoor Recreation Use.

Regulatory Flood Elevation: The Base Flood Elevation (BFE) or estimated Flood height as determined using simplified methods plus a freeboard safety factor of one and one-half (1½) feet.

Rehabilitation Center: an institution providing medical treatment and physical or psychological therapy to bring or restore people to a normal or optimal state of health, constructive activity, etc. on an inpatient, outpatient or emergency basis.

Rental Storage Facility: A warehouse facility where separate storage spaces are available for lease or rental to the general public, usually on a self-service basis. For the purposes of this Ordinance, there shall be no residential occupancy or selling of goods conducted from such storage areas.

Repair Business: A facility where a technician or technicians perform the restoration of a broken, damaged or failed device, equipment, part or property to an acceptable operating or usable condition or state.

Restaurant: A building, or portion thereof, which is designed, intended and used for the sales and consumption of food prepared on the premises, including food consumed outdoors on landscaped terraces, designed for dining purposes, which are adjunct to the main restaurant facility.

Residual Waste: A nonhazardous waste that includes solid, liquid or gas waste material produced by industrial, mining or drilling operations.

Right-Of-Way: That portion of land dedicated to the public for use as a street, drain, ditch, stream, utility easement or cross walk.

Regulatory Flood Elevation: The one Hundred (100) year flood elevation.

Road: See Street.

Roadside Stand: A structure designed or used for the display or sale of neighborhood agricultural products or other goods produced on the premises upon which such a stand is located.

Screen Planting: A visual obstruction or suitable fence or wall at least six feet high or attractive, maintained shrubs or hedges a minimum of four feet high intended as a barrier to visibility, glare and noise between adjacent properties.

Service Business: A company that earns income by performing work or offering expertise to individuals and businesses at an offsite location.

Setback Lines: See Building Lines.

Shopping Center: A land development involving a group of commercial establishments planned, constructed, and managed as a total entity, with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements, and landscaping and signs in accord with an approved plan.

Sign: Any exterior name, identification, description, display, or illustration exposed to public view which directs attention to an object, product, place, activity, person, institution, organization or business. A projecting or free-standing sign with two faces shall be considered as a single sign. All sign material and information contained within a single frame support shall be considered as one sign.

Sign, Advertising: A sign which directs attention to a business, commodity, service, or entertainment conducted, sold or offered elsewhere than upon the premises where such sign is located, or to which it is affixed.

Sign, Area of: (a) For a sign, either free-standing or attached, the area shall be considered to include all lettering, wording and accompanying designs and symbols, together with the background, whether open or enclosed on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself.

(b) For a sign painted upon or applied to a building, the area shall be considered to include all lettering, wording and accompanying designs or symbols together with any background or a different color than the primary color of the building.

(c) For a sign consisting of individual letters or symbols attached to or painted on a surface, building, wall or window, the area shall be considered to be that of the smallest rectangle or other geometric shape which encompasses all the letters and symbols.

Sign, Business: A sign which directs attention to a business or profession conducted, or to a commodity, service, or entertainment sold or offered upon the premises where such sign is located or to which it is affixed.

Sign, Portable: Any sign or structure which is not securely attached to the ground or other structure.

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

Slaughter House: An enterprise where livestock or poultry purchased from the grower is butchered for food and resale to the wholesale marketplace.

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.

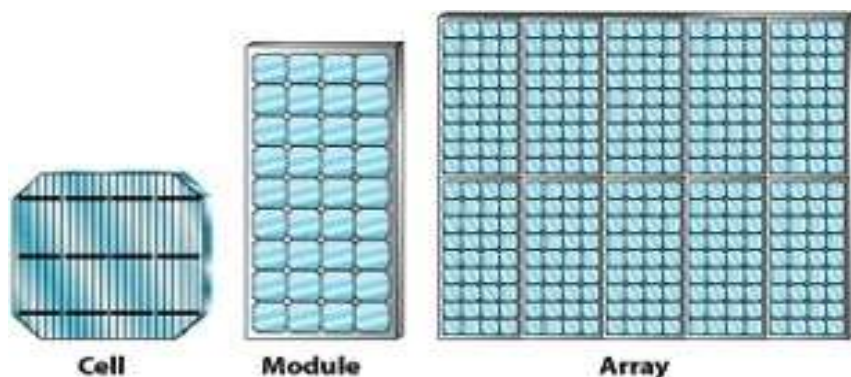
Solar Panel: That part or portion of a solar energy system containing one or more receptive cells or modules, the purpose of which is to convert solar energy for use in space heating or cooling, for water heating and/or for electricity.

Solar Related Equipment: Items including a solar photovoltaic cell, module, panel, or array, or solar hot air or 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 purpose of harvesting solar energy.

Solar Cell: The smallest basic solar electric device that generates electricity when exposed to light.

Solar Module: A grouping of solar cells with the purpose of harvesting solar energy.



Special Exception Use: A use which by its unique characteristics requires individual consideration by the Zoning Hearing Board before a zoning permit may be decided upon.

Special flood hazard area (SFHA): Means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on the FIRM

as Zone A, AO, A1 - A30, AE, A99, or, AH.

Start of construction: Includes substantial improvement and other proposed new development and means the date the Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days after the date of the permit and shall be completed within twelve (12) months after the date of issuance of the permit unless a time extension is granted, in writing, by the Floodplain Administrator. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

Story, First: The lowest story or the ground story of any building, the floor which is not more than 12 inches below the average contact ground level at the exterior walls of the building.

Story, Half: A partial story under the gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story.

Street: A public or private right-of-way of the required width which affords the principal means of access for vehicles and pedestrians to abutting property. The term "street" shall include street, avenue, drive, circle, highway or any similar term except an alley.

Street, Arterial: A street serving a large volume of comparatively high speed and long-distance traffic, including all streets classified as arterial streets in the West Chillisquaque Township Comprehensive Plan.

Street Collector: A street which, in addition to providing access to abutting properties, intercepts minor streets to provide a route to arterial streets. Collector streets are so designated in the West Chillisquaque Township Comprehensive Plan.

Street, Minor: Streets within subdivisions and developments, including marginal access streets and cul-de-sac streets, which are designed to afford primary access to abutting property.

Street, Public: All streets and rights-of-way open to public use and maintained by, or dedicated to and accepted by the Township or PennDOT.

Street, Private: All streets and rights-of-way not dedicated, accepted, and maintained as public streets.

Street Right-Of-Way Line: An established line marking the extent of the road or street right-of-way regardless of whether or not such right-of-way is dedicated.

Structure: Anything constructed or erected on the ground or attached to the ground including, but not limited to buildings, sheds, mobile homes, recreational vehicles, and other similar items. Public utility and on-lot facilities that do not require enclosure in a building (see Essential Services) shall not be considered structures.

Structural Alteration: Any change in the structural members of a building, such as walls, columns, beams or girders, or an addition to any structure.

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

Substantial Damage: Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

Substantial Improvement: Any construction, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include either:

- (i) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been

identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

- (ii) Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Surface Mining: Surface mining shall mean the extraction of minerals from the earth or from waste or stock piles or from pits or banks by removing the strata or material which overlies or is above or between them or otherwise exposing and retrieving them from the surface, including but not limited to strip, drift, and auger mining, dredging, quarrying, leaching and activities related thereto, but not including those mining operations carried out beneath the surface by means of shafts, tunnels, or other underground mine openings. "Surface mining" shall not include (i) the extraction of minerals (other than anthracite and bituminous coal) by a landowner for his own non-commercial use from land owned or leased by him; nor (ii) the extraction of sand, gravel, rock, stone, earth or fill from borrow pits for highway construction purposes, so long as such work is performed under a bond, contract and specifications which substantially provide for and require reclamation of the areas affected in accord with DEP requirements.

Tent: A collapsible shelter of canvas or other portable material used, when erected, for the temporary occupancy of one or more persons.

Theater: A building or part of a building devoted to the showing of moving picture or theatrical productions on a commercial basis. See Recreation or Entertainment Facility.

Theater, Outdoor Drive-In: An open lot or part thereof with its appurtenant facilities devoted primarily to the showing of moving pictures or theatrical productions on a commercial basis to patrons seated in automobiles or on outdoor seats. See Recreation or Entertainment Facility.

Tourist Home: See Bed and Breakfast Inn.

Townhouse: A "single-family attached dwelling" of three or more adjoining dwelling units, each of which is separated from the other by one or more unpierced firewalls from ground to roof, having individual outside access. Rows of attached townhouses shall not exceed eight dwelling units.

Township - West Chillisquaque Township, Northumberland County, Commonwealth of Pennsylvania.

Tract Size: The area of the entire development lot including all buildings, individual unit lots, open space, and required yards.

Travel Trailer: See Recreational Vehicle.

Truck Plaza or Travel Center: A commercial facility which provides re-fueling, rest, parking, and often ready-made food and other services to motorists and truck drivers.

Truck Related Facilities: This use shall include Truck Plaza or Travel Center, Truck Terminal, Truck Wash, Truck, Truck Tractor and Truck Trailer Sales & Repair.

Truck Terminal: Land and buildings used for the transfer of a load, trailer, or driver from one vehicle to another or one party to another. The terminal cannot be used for permanent or long-term accessory storage for principal land uses at other locations. The terminal facility may include storage areas for trucks and buildings or areas for the repair of trucks associated with the terminal.

Use: The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

Variance: The departure to a minor degree from the text of the Ordinance in direct regard to a hardship peculiar to an individual lot authorized by the Zoning Hearing Board in accordance with the procedures set forth in this Ordinance.

Violation: Means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

Warehousing: a building or area where wares or goods are stored, or are kept in reserve or in bond.

Waste: A material whose original purpose has been completed and which is directed to a disposal or processing facility or as otherwise disposed in accord with PA Department of Environmental Protection definitions and regulations.

Wastewater Processing Facility: A facility that receives wastewater from industrial, mining or drilling operational sources and by a combination of physical, chemical or biological processes, treats the wastewater.

Waste Storage or Processing Facility: A facility where land, structures and other appurtenances or improvements are utilized for the processing or disposal of municipal, residual or hazardous waste.

Yard: The open, unoccupied space on the plot between the property line and the front, rear and side building lines (See Building Line).

Yard Sale: The occasional sale or offering for sale of new, used or secondhand items of personal property. Included are all sales titled “garage sale”, “yard sale”, “tag sale”, “porch sale”, “lawn sale”, “attic sale”, “basement sale”, “barn sale”, “rummage sale”, “flea market sale” or any similar sale of tangible personal property. Personal property is defined as property owned, utilized and maintained by an individual or members of his or her residence. It does not include merchandise which was purchased for resale or obtained on consignment.

Zoning District: A portion of the municipal area within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

Zoning Hearing Board: The Zoning Hearing Board for West Chillisquaque Township, Northumberland County, Pennsylvania.

Zoning Map: The Official Zoning Map of West Chillisquaque Township (see Section 1.7).

Zoning Officer: The administrative officer charged with the duty of enforcing the provisions of this Ordinance.

Zoning Permit: See Permit.

ARTICLE 2

Village District

2.1 Purpose of the Village District

The purpose of the Village District is to maintain and improve the existing village community, including its' mixture of the various types of residential, public service, cultural, educational, and commercial uses.

New development of the uses noted above can be accommodated in the Village District provided that the village character is maintained, that the pertinent standards contained within this ordinance are met, and to the extent that land is available for its' use. Special attention shall be given to insure that compliance with flood plain regulations shall be achieved, that adequate and safe highway access is achieved, and that proper sewage facilities are provided.

2.2 Use Regulations for the Village District

2.2.1 Permitted Uses

- 2.2.1.1** Accessory Use or Structure (see supplemental regulation in Article 12);
- 2.2.1.2** Bed and Breakfast Inn (see supplemental regulations in Article 12);
- 2.2.1.3** Communication Antennas on an existing Public Utility Transmission Tower, Building or other Structure, and Communications Equipment Buildings (see Supplemental Regulations in Article 12);
- 2.2.1.4** Communications Towers (Height of 100 feet or less) - see Supplemental Regulations in Article 12;
- 2.2.1.5** Cultivation of Crops (no permit required);
- 2.2.1.6** Dwelling, Single Family Detached;
- 2.2.1.7** Dwelling, Two Family;
- 2.2.1.8** Essential Service (no permit required except when the proposed service includes a building or buildings);

- 2.2.1.9 Family Based Group Home (see supplemental regulation in Article 12);
 - 2.2.1.10 Family Day Care Home (see supplemental regulations under Home Occupation in Article 12);
 - 2.2.1.11 Forestry Activities;
 - 2.2.1.12 Home Occupation (see supplemental regulation in Article 12);
 - 2.2.1.13 No Impact Home Based Business; or
 - 2.2.1.14 Townhouse.
- 2.2.2 Special Exception Uses (criteria found in Article 14)**
- 2.2.2.1 Animal Hospital;
 - 2.2.2.2 Automotive, Recreational Vehicle & Manufactured Housing Sales and Repair;
 - 2.2.2.3 Automotive Car Wash, Convenience Market;
 - 2.2.2.4 Boarding or Rooming House;
 - 2.2.2.5 Bus, Taxi & Passenger Terminal;
 - 2.2.2.6 Cluster Subdivision;
 - 2.2.2.7 Day Care Center;
 - 2.2.2.8 Dwelling, Multiple Family;
 - 2.2.2.9 Home Based Business;
 - 2.2.2.10 Medical Office Group, Clinic, Surgery Center;
 - 2.2.2.11 Motel, Hotel or Conference Center;
 - 2.2.2.12 Nursing Home or Retirement Village;
 - 2.2.2.13 Parking Lot (see supplemental regulations found in Article 12);
 - 2.2.2.14 Personal Services;
 - 2.2.2.15 Professional Office;

- 2.2.2.16 Professional Office Group;
- 2.2.2.17 Public or Quasi-Public Use;
- 2.2.2.18 Recreation or Entertainment Facility);
- 2.2.2.19 Rehabilitation Center;
- 2.2.2.20 Restaurant; or
- 2.2.2.21 Retail, Wholesale, Service, Printing, Repair Business or Office Building.

2.3 Density, Height, and Coverage Regulations

2.3.1 Maximum Gross Density: 5 dwelling units per acre

2.3.2 Maximum Building Coverage

Residential:	30%
Non-Residential:	50%

2.3.3 Maximum Impervious Surface

Residential:	50%
Non-Residential:	70%

2.3.4 Maximum Building Height: 35 ft.

2.4 Minimum Areas and Dimensions

2.4.1 Single Family Detached Dwelling; Family Based Group Home; Personal Services

2.4.1.1 Minimum Lot Area

on-lot sewer and water:	43,560 sq. ft. (1 acre)
central sewer or water:	20,000 sq. ft.
central sewer and water:	10,000 sq. ft.

2.4.1.2 Minimum Lot Width

on-lot sewer and water:	100 ft.
central sewer or water:	80 ft.
central sewer and water:	65 ft.

2.4.1.3 Minimum Building Lines

front:	25 ft.
side:	8 ft.
rear - principal structure:	20 ft.
rear - accessory structure	8 ft.

2.4.2 Two Family Dwellings

2.4.2.1 Minimum Lot Area Per Family

on-lot sewer and water:	32,000 sq. ft.
central sewer or water:	16,000 sq. ft.
central sewer and water:	8,000 sq. ft.

2.4.2.2 Minimum Lot Width

on-lot sewer and water:	160 ft. or 85 ft. per family if the lot is divided.
central sewer and (or) water:	125 ft. or 70 ft. per family if the lot is divided.

2.4.2.3 Minimum Building Lines

no side Building Line required
between the units if lot is divided

front:	25 ft.
side:	8 ft.
rear - principal structure:	20 ft.
rear - accessory structure	8 ft.

2.4.3 Townhouses

2.4.3.1 Minimum Lot Area and Width

Bedrooms	Minimum Lot Area Per Unit	Minimum Lot Width
1	1600 sq. ft.	18 ft.
2	1800 sq. ft.	20 ft.
3	2000 sq. ft.	22 ft.
4	2200 sq. ft.	24 ft.
5	2400 sq. ft.	26 ft.

2.4.3.2 Minimum Tract Size

acres

3

Minimum Tract
3 acres

Size:

2.4.3.3 Minimum Building Lines

front:	25 ft.
side - between units:	zero
side - between buildings:	40 ft.
rear:	30 ft.

2.4.3.4 Water and Sewage Facilities: Water and sewage facilities shall be provided by Public or Community Systems.

2.4.4 Multiple Family Dwellings; Motel, Hotel or Conference Center; or Nursing Home or Retirement Village

2.4.4.1 Minimum Lot Area: 3 acres

2.4.4.2 Minimum Lot Width: 300 ft.

2.4.4.3 Minimum Building Lines:

front:	50 ft.
side:	20 ft.
rear:	30 ft.

2.4.4.4 Minimum Building Separation: 30 ft.

2.4.4.5 Water and Sewage Facilities: Water and sewage facilities shall be provided by Public or Community Systems.

2.4.5 Cluster Subdivision

2.4.5.1 Minimum Tract Size: 10 acres

2.4.5.2 Minimum Areas and Dimensions: See Cluster Subdivision regulation in Article 14 for permitted deviations from areas and dimensions for individual lots within the Cluster Subdivision.

2.4.5.3 Water and Sewage Facilities: Water and sewage facilities shall be provided by Public or Community Systems.

2.4.6 Animal Hospital; Automotive, Recreational Vehicle & Manufactured Housing Sales & Repair; Automobile Car Wash, Convenience Market; Bed & Breakfast Inn; Boarding or Rooming House; Day Care Center; Medical Office Group, Clinic, Surgery Center; Parking Lot (as a principal use); Professional Office; Professional Office Group; Public or Quasi-Public Use; Recreation or Entertainment Facility; Rehabilitation Center; Restaurant; Retail, Wholesale, Service, Printing, Repair Business or Office Building.

2.4.6.1 Minimum Lot Area: 43,560 sq. ft. (1 acre)

2.4.6.2 Minimum Lot Width: 150 ft.

2.4.6.3 Minimum Building Lines:

front:	40 ft.
side:	20 ft.
rear:	20 ft.

2.5 Special Building Line Considerations in the Village District

2.5.1 The Side Building Line requirement may be waived where the ground floor uses on adjoining lots are of a non-residential type.

2.5.2 The Front Building Line requirement may be reduced to the average of the adjoining lots.

ARTICLE 3

Suburban Residential District

3

3.1 Purpose of the Suburban Residential District

The purpose of the Suburban Residential District is to provide an area in the Township for primarily residential development that will be served by community water and sewer systems. A variety of residential types to serve a range of household size and income shall be encouraged provided that design considerations are made to enhance the compatibility of the different types. Nonresidential development shall be limited to types that are supportive and in harmony with the residential character of the neighborhood.

3.2 Use Regulations for the Suburban Residential District

3.2.1 Permitted Uses

- 3.2.1.1 Accessory Use or Structure (see supplemental regulation in Article 12);
- 3.2.1.2 Communication Antennas on an existing Public Utility Transmission Tower, Building or other Structure, and Communications Equipment Buildings (see Supplemental Regulations in Article 12);
- 3.2.1.3 Communications Towers (Height of 100 feet or less) - see Supplemental Regulations in Article 12;
- 3.2.1.4 Cultivation of Crops (no permit required);
- 3.2.1.5 Dwelling, Single Family Detached;
- 3.2.1.6 Dwelling, Two Family;
- 3.2.1.7 Essential Service (no permit required except when the proposed service includes a building or buildings);
- 3.2.1.8 Family Based Group Home (see supplemental regulations in Article 12);
- 3.2.1.9 Family Day Care Home (see supplemental regulation for Home Occupations in Article 12);
- 3.2.1.10 Forestry Activities;

- 3.2.1.11 Home Occupation (see supplemental regulations in Article 12);
- 3.2.1.12 No Impact Home Based Business; or
- 3.2.1.13 Townhouse.

3.2.2 Special Exception Uses (criteria found in Article 14)

- 3.2.2.1 Boarding or Rooming House;
- 3.2.2.2 Cluster Subdivision;
- 3.2.2.3 Day Care Center;
- 3.2.2.4 Dwelling, Multiple Family;
- 3.2.2.5 Group Care Facility;
- 3.2.2.6 Home Based Business;
- 3.2.2.7 Mobile Home Park;
- 3.2.2.8 Nursing Home or Retirement Village;
- 3.2.2.9 Personal Services;
- 3.2.2.10 Professional Office;
- 3.2.2.11 Public or Quasi-Public Use; or
- 3.2.2.12 Recreation or Entertainment Facility with the condition that the use shall be conducted only in a structure existing as of April 2, 2018.

3.3 Density, Height and Coverage Regulations

- 3.3.1 Maximum Gross Density: 5 dwelling units per acre, except Mobile Home Parks which shall not exceed 7 dwelling units per acre.
- 3.3.2 Maximum Building Coverage: 25%
- 3.3.3 Maximum Impervious Surface: 35%
- 3.3.4 Maximum Building Height: 35 ft.

3.4 Minimum Areas and Dimensions

3.4.1 Single Family Detached Dwelling; Family Based Group Home; Personal Services

3.4.1.1 Minimum Lot Area

on-lot sewer and water:	43,560 sq. ft. (1 acre)
central sewer or water:	20,000 sq. ft.
central sewer and water:	10,000 sq. ft.

3.4.1.2 Minimum Lot Width

on-lot sewer and water:	100 ft.
central sewer or water:	80 ft.
central sewer and water:	65 ft.

3.4.1.3 Minimum Building Lines

front:	25 ft.
side:	8 ft.
rear - principal structure:	20 ft.
rear - accessory structure:	8 ft.

3.4.2 Two Family Dwellings

3.4.2.1 Minimum Lot Area Per Family

on-lot sewer and water:	32,000 sq. ft.
central sewer or water:	16,000 sq. ft.
central sewer and water:	8,000 sq. ft.

3.4.2.2 Minimum Lot Width

on-lot sewer and water:	160 ft. or 85 ft. per family if the lot is divided.
central sewer and (or) water:	125 ft. or 70 ft. per family if the lot is divided.

3.4.2.3 Minimum Building Lines: no side Building Line required between the units if lot is divided

front: 25 ft.
side: 8 ft.
rear - principal structure: 20 ft.
rear - accessory structure: 8 ft.

3.4.3 Townhouses

3.4.3.1 Minimum Lot Area and Width

Bedrooms	Minimum Lot Area Per Unit	Minimum Lot Width
1	1600 sq. ft.	18 ft.
2	1800 sq. ft.	20 ft.
3	2000 sq. ft.	22 ft.
4	2200 sq. ft.	24 ft.
5	2400 sq. ft.	26 ft.

3.4.3.2 Minimum Tract Size: 3 acres

3.4.3.3 Minimum Building Lines

front: 25 ft.
side - between units: zero
side - between buildings: 40 ft.
rear: 30 ft.

3.4.3.4 Water and Sewage Facilities: Water and sewage facilities shall be provided by Public or Community Systems.

3.4.4 Group Care Facility, Multiple Family Dwelling, and Nursing Home or Retirement Home

3.4.4.1 Minimum Lot Area: 3 acres

3.4.4.2 Minimum Lot Width: 300 ft.

3.4.4.3 Minimum Building Lines:
front: 50 ft.
side: 20 ft.
rear: 30 ft.

3.4.4.4 Minimum Building Separation: 30 ft.

3.4.4.5 Water and Sewage Facilities: Water and sewage facilities shall be provided by Public or Community Systems.

3.4.5 Cluster Subdivision

3.4.5.1 Minimum Tract Size: 10 acres

3.4.5.2 Minimum Areas and Dimensions:

See the Cluster Subdivision regulations in Article 14 for permitted deviations from areas and dimensions for individual lots within the Cluster Subdivision.

3.4.5.3 Water and Sewage Facilities: Water and sewage facilities shall be provided by Public or Community Systems.

3.4.6 Boarding or Rooming House; Day Care Center; Professional Office; or Public or Quasi-Public Use.

3.4.6.1 Minimum Lot Area: 43,560 sq. ft. (1 acre)

3.4.6.2 Minimum Lot Width: 150 ft.

3.4.6.3 Minimum Building Lines:

front: 40 ft.
side: 20 ft.
rear: 20 ft.

3.4.7 Mobile Home Park: See Mobile Home Park regulations in the Township Subdivision and Land Development Ordinance for additional requirements.

3.4.7.1 Minimum Park Area: 5 acres

3.4.7.2 Minimum Park Lot Width: 500 ft.

3.4.7.3 Minimum Park Building Lines:

front: 80 ft.

side: 40 ft.

rear: 40 ft.

3.4.7.4 Minimum Mobile Home Lot Area: 5,500 sq. ft.

3.4.7.5 Minimum Mobile Home Lot Width: 50 ft.

3.4.7.6 Minimum Building Lines for Mobile Home Lot:

front: 20 ft.

side: 5 ft.

rear: 5 ft.

3.4.7.7 Water and Sewage Facilities: Water and sewage facilities shall be provided by Public or Community Systems.

ARTICLE 4

Rural Residential District

4 4.1 Purpose of the Rural Residential District

The purpose of the Rural Residential District is to provide a transition zone between agricultural and development uses. This district is limited primarily to single and two-family dwellings and compatible accessory uses. New agricultural operations may be considered for this district on a case by case basis. A determination shall be made that the newly proposed agricultural use shall have minimal impacts upon the existing development within close proximity to the proposed use. Community sewer systems are not projected for development in this district.

4.2 Use Regulations for the Rural Residential District

4.2.1 Permitted Uses

- 4.2.1.1** Accessory Use or Structure (see supplemental regulations in Article 12);
- 4.2.1.2** Communication Antennas on an existing Public Utility Transmission Tower, Building or other Structure, and Communications Equipment Buildings (see Supplemental Regulations in Article 12);
- 4.2.1.3** Communications Towers (Height of 100 feet or less) - see Supplemental Regulations in Article 12;
- 4.2.1.4** Cultivation of Crops (no permit required);
- 4.2.1.5** Dwelling, Single Family Detached;
- 4.2.1.6** Dwelling, Two Family;
- 4.2.1.7** Essential Service (no permit required except when the proposed service includes a building or buildings);
- 4.2.1.8** Family Based Group Home (see supplemental regulations in Article 12);
- 4.2.1.9** Family Day Care Home (see supplemental regulations under Home Occupation in Article 12); and
- 4.2.1.10** Forestry Activities;

- 4.2.1.11 Home Occupation (see supplemental regulations in Article 12); or
- 4.2.1.12 No Impact Home Based Business.

4.2.2 Special Exception Uses

- 4.2.2.1 Agricultural Operation (criteria found in Section 4.5);
- 4.2.2.2 Automotive, Recreational Vehicle & Manufactured Housing Sales and Repair;
- 4.2.2.3 Cluster Subdivision (criteria found in Article 14);
- 4.2.2.4 Home Based Business (criteria found in Article 14);
- 4.2.2.5 Public or Quasi-Public Use (criteria found in Article 14); or
- 4.2.2.6 Recreation or Entertainment Facility with the condition that the use shall be conducted only in a structure existing as of April 2, 2018.

4.3 Density, Height, and Coverage Regulations

- 4.3.1 Maximum Gross Density: 5 dwelling units per acre
- 4.3.2 Maximum Building Coverage: 20%
- 4.3.3 Maximum Impervious Surface: 30%
- 4.3.4 Maximum Building Height: 35 ft.

4.4 Minimum Areas and Dimensions

4.4.1 Single Family Detached Dwelling and Family Based Group Home

4.4.1.1 Minimum Lot Area:

- On-lot Sewer & Water: 43,560 sq. ft. (1 acre)
- On-lot Sewer/Public or Community Water: 20,000 sq. ft.

4.4.1.2 Minimum Lot Width:

- On-lot Sewer & Water: 100 ft.
- On-lot Sewer/Public or Community Water: 80 ft.

4.4.1.3 Minimum Building Lines

front:	25 ft.
side - principal structure:	10 ft.
rear - principal structure:	20 ft.
rear - accessory structure:	8 ft.

4.4.2 Two Family Dwellings

4.4.2.1 Minimum Lot Area Per Family

On-lot Sewer & Water:	32,000 sq. ft.
On-lot Sewer/Public or Community Water:	16,000 sq. ft.

4.4.2.2 Minimum Lot Width

On-lot Sewer & Water: 160 ft. or 85 ft. per family
if the lot is divided.

On-lot sewer/Public or Community Water: 125 ft. or 70 ft. per
family if the lot is divided.

4.4.2.3 Minimum Building Lines: No side Building Line required between
the units if lot is divided.

front:	25 ft.
side:	10 ft.
rear - principal structure:	20 ft.
rear - accessory structure:	8 ft.

4.4.3 Cluster Subdivision

4.4.3.1 Minimum Tract Size: 10 acres

4.4.3.2 Minimum Areas and Dimensions:

See Cluster Subdivision regulation in Article 14 for permitted
deviations from areas and dimensions for individual lots within the
Cluster Subdivision.

**4.4.4 Automotive, Recreational Vehicle & Manufactured Housing Sales and Repair;
Public or Quasi-Public Use.**

4.4.4.1 Minimum Lot Area: 43,560 sq. ft. (1 acre)

4.4.4.2 Minimum Lot Width: 150 ft.

4.4.4.3 Minimum Building Lines:

front: 40 ft.

side: 20 ft.

rear: 20 ft.

4.4.5 Agriculture

4.4.5.1 Minimum Lot Area: 10 acres

4.4.5.2 Minimum Lot Width: 400 ft.

4.4.5.3 Minimum Building Lines:

front: 100 ft.

side: 50 ft.

rear: 50 ft.

4.5 Special Exception Criteria for Agriculture In The Rural Residential District

Owners of suitable undeveloped lands in the Rural Residential district are encouraged to utilize such lands for agricultural pursuits, provided however that recognition is given to the potential conflicts inherent in mixing residential and agriculture uses. New Agricultural operations proposed shall be evaluated in terms of proximity to existing development, location of buildings, type of operation, noise, odor, dust, and access prior to the consideration for approval of an application for a special exception use permit. Agricultural use is a temporary holding action pending the development of a residential market.

ARTICLE 5

Commercial District

5.1 Purpose of the Commercial District

The purpose of the Commercial District is to permit the development of commercial centers consisting of one or more groups or establishments in buildings of integrated and harmonious design, together with adequate and properly arranged pedestrian and vehicular movement and parking, with landscaping which will provide an integrated, efficient, convenient, pleasant and safe area for shopping and which will fit harmoniously into and will have no adverse effect upon the adjoining or surrounding development.

5.2 Use Regulations for the Commercial District

5.2.1 Permitted Uses

- 5.2.1.1 Accessory Use or Structure (see supplemental regulation in Article 12);
- 5.2.1.2 Agricultural Business;
- 5.2.1.3 Automotive, Recreational Vehicle & Manufactured Housing Sales and Repair - see Supplemental Regulations in Article 14;
- 5.2.1.4 Automotive Car Wash, Convenience Market - see Supplemental Regulations in Article 14;
- 5.2.1.5 Communication Antennas on an existing Public Utility Transmission Tower, Building or other Structure, and Communications Equipment Buildings (see Supplemental Regulations in Article 12);
- 5.2.1.6 Communications Towers (Height of 100 feet or less) - see Supplemental Regulations in Article 12;
- 5.2.1.7 Contractor's Yard;
- 5.2.1.8 Cultivation of Crops (no permit required);
- 5.2.1.9 Essential Service (no permit required except when the proposed service includes a building or buildings);
- 5.2.1.10 Family Day Care Home (see supplemental regulations under Home Occupation in Article 12);

- 5.2.1.11 Forestry Activities;
- 5.2.1.12 Home Based Business (see supplemental regulations in Article 14);
- 5.2.1.13 Home Occupation (see supplemental regulations in Article 12);
- 5.2.1.14 Hospital;
- 5.2.1.15 Medical Office Group, Clinic, Surgery Center;
- 5.2.1.16 No Impact Home Based Business;
- 5.2.1.17 Parking Lot (see supplemental regulations in Article 12);
- 5.2.1.18 Personal Services;
- 5.2.1.19 Professional Office;
- 5.2.1.20 Professional Office Group;
- 5.2.1.21 Recreation or Entertainment Facility;
- 5.2.1.22 Rehabilitation Center;
- 5.2.1.23 Rental Storage Facility;
- 5.2.1.24 Restaurant; or
- 5.2.1.25 Retail, Wholesale, Service, Printing, Repair Business or Office Building.

5.2.2 Special Exception Uses (criteria found in Article 14)

- 5.2.2.1 Animal Hospital;
- 5.2.2.2 Motel, Hotel or Conference Center;
- 5.2.2.3 Public or Quasi-Public Use; or
- 5.2.2.4 Shopping Center.

5.2.3 Conditional Uses (criteria found in Article 14)

- 5.2.3.1 Communications Towers (Height greater than 100 feet); or

5.2.3.2 Drug & Alcohol Treatment Facility.

5.3 Height and Coverage Requirements

- 5.3.1 Maximum Building Coverage: 40%
- 5.3.2 Maximum Impervious Surface: 60%
- 5.3.3 Maximum Building Height: 45 ft.

5.4 Minimum Areas and Dimensions

5.4.1 Personal Services

- 5.4.1.1 Minimum Lot Area: 1 acre
- 5.4.1.2 Minimum Lot Width: 150 ft.
- 250 ft.
- 5.4.1.3 Minimum Building Lines:
 - front: 40 ft.
 - side: 20 ft.
 - rear: 20 ft.

5.4.2 Agricultural Business; Animal Hospital; Automotive, Recreational Vehicle & Manufacturing Housing Sales & Repair; Automobile Car Wash; Contractor's Yard; Medical Office Group, Clinic, Surgery Center; Parking Lot (as a principal use); Professional Office; Professional Office Group; Public or Quasi-Public Use; Recreation or Entertainment Facility; Rehabilitation Center; Rental Storage Facility; Restaurant; and Retail, Wholesale, Service, Printing, Repair Business or Office Building

- 5.4.2.1 Minimum Lot Area: 2 acres
- 5.4.2.2 Minimum Lot Width: 250 ft.

250 ft.

5.4.2.3 Minimum Building Lines:

front:	40 ft.
side:	20 ft.
rear:	20 ft.

5.4.3 Hospital; Motel, Hotel or Conference Center, or Shopping Center

5.4.3.1 Minimum Lot Area: 5 acres

5.4.3.2 Minimum Lot Width: 400 ft.

400 ft.

5.4.3.3 Minimum Building Lines:

front:	40 ft.
side:	20 ft.
rear:	20 ft.

ARTICLE 6

Industrial District

6.1 Purpose of the Industrial District

The purpose of the Industrial District is to permit the development of industrial uses on individual lots or within industrial parks, including buildings, roadways, storage yards, loading areas, parking facilities, open space, landscaping, utilities, and stormwater management facilities. Such uses shall ideally be planned as an unified development with individual buildings and lots integrated into an overall harmonious design. The industrial district shall also protect industrial development against intrusive uses which are incompatible with it.

Limited agricultural operations may be considered for this district as an accessory use to an industrial facility to maintain undeveloped or buffer areas. A determination shall be made that the proposed agricultural use shall have minimal impacts upon the existing development within close proximity to the proposed use.

6.2 Use Regulations for the Industrial District

6.2.1 Permitted Uses

- 6.2.1.1 Accessory Use or Structure (see supplemental regulations in Article 12);
- 6.2.1.2 Agricultural Business;
- 6.2.1.3 Automotive, Recreational Vehicle & Manufactured Housing Sales and Repair - see Supplemental Regulations in Article 14;
- 6.2.1.4 Automotive Car Wash, Convenience Market - see Supplemental Regulations in Article 14;
- 6.2.1.5 Communication Antennas on an existing Public Utility Transmission Tower, Building or other Structure, and Communications Equipment Buildings (see Supplemental Regulations in Article 12);
- 6.2.1.6 Communications Towers (Height of 100 feet or less) - see Supplemental Regulations in Article 12;
- 6.2.1.7 Contractor's Yard;
- 6.2.1.8 Cultivation of Crops (no permit required);
- 6.2.1.9 Day Care Center;

- 6.2.1.10** Distribution Center;
- 6.2.1.11** Essential Service (no permit required except when the proposed service includes a building or buildings);
- 6.2.1.12** Family Day Care Home (see supplemental regulations under Home Occupation in Article 12);
- 6.2.1.13** Forestry Activities;
- 6.2.1.14** Home Based Business (see supplemental regulations in Article 14);
- 6.2.1.15** Home Occupation (see supplemental regulations in Article 12);
- 6.2.1.16** Light Industry;
- 6.2.1.17** Medical Office Group, Clinic, Surgery Center;
- 6.2.1.18** No Impact Home Based Business;
- 6.2.1.19** Parking Lot (see supplemental regulations in Article 12);
- 6.2.1.20** Personal Services;
- 6.2.1.21** Professional Office;
- 6.2.1.22** Professional Office Group;
- 6.2.1.23** Rehabilitation Center;
- 6.2.1.24** Rental Storage;
- 6.2.1.25** Restaurant;
- 6.2.1.26** Retail, Wholesale, Office, Printing, or Repair Business;
- 6.2.1.27** Truck Plaza or Travel Plaza, Truck Terminal, Truck Wash;
- 6.2.1.28** Truck, Truck Tractor and Truck Trailer Sales & Repair; or
- 6.2.1.29** Trucking, Rail or Intermodal Freight Terminal, Warehousing.

6.2.2 Special Exception Uses (criteria found in Article 14)

- 6.2.2.1 Industrial Park;
- 6.2.2.2 Junkyard or Salvage Yard;
- 6.2.2.3 Medical Marijuana Organization or Facility;
- 6.2.2.4 Motel, Hotel or Conference Center; or
- 6.2.2.5 Public or Quasi-Public Use;

6.2.3 Conditional Uses (criteria found in Article 14)

- 6.2.3.1 Communications Towers (Height greater than 100 feet); or
- 6.2.3.2 Correctional Facility;
- 6.2.3.3 Hospital;
- 6.2.3.4 Principal Solar Energy Systems PSES);
- 6.2.3.5 Slaughter House;
- 6.2.3.6 Waste Storage or Processing Facility; or
- 6.2.3.7 Wastewater Processing Facility.

6.3 Height and Coverage Requirements

- 6.3.1 **Maximum Building Coverage:** 40%
- 6.3.2 **Maximum Impervious Surface:** 60%
- 6.3.3 **Minimum Green Space:** 40%
- 6.3.4 **Maximum Building Height:** 45 ft.

6.4 Minimum Areas and Dimensions

6.4.1 Day Care Center, Family Day Care Home, Home Based Business, No Impact Home Based Business, Personal Services

- 6.4.1.1 **Minimum Lot Area:** 1 acre

6.4.1.2 Minimum Lot Width: 150 ft.

6.4.1.3 Minimum Building Lines:

front: 40 ft.
side: 20 ft.
rear: 20 ft.

6.4.2 Agricultural Business; Automotive, Recreational Vehicle & Manufacturing Housing Sales & Repair; Automobile Car Wash, Convenience Market; Contractor’s Yard; Distribution Center; Hospital; Light Industry; Medical Office Group, Clinic, Surgery Center; Parking Lot (as a principal use); Professional Office; Professional Office Group; Public or Quasi-Public Use; Rehabilitation Center; Rental Storage; Retail, Wholesale, Office, Service, Printing, or Repair Business; Restaurant; or Truck, Truck Tractor and Truck Trailer Sales & Repair.

6.4.2.1 Minimum Lot Area: 3 acres

6.4.2.2 Minimum Lot Width: 250 ft.

6.4.2.3 Minimum Building Lines:

front: 40 ft.
side: 20 ft.
rear: 20 ft.

6.4.3 Industrial Park; Junkyard or Salvage Yard; Medical Marijuana Organization or Facility; Motel, Hotel or Conference Center; Truck Plaza or Travel Plaza, Truck Terminal, Truck Wash; Trucking, Rail or Intermodal Freight Terminal, Warehousing, Distribution Center.

6.4.3.1 Minimum Lot Area: 10 acres

6.4.3.2 Minimum Lot Width: 400 ft.

6.4.3.3 Minimum Building Lines:

front: 100 ft.
side: 50 ft.
rear: 50 ft.

6.4.4 Correctional Facility; Slaughter House; or Waste Storage or Processing Facility

6.4.4.1 Minimum Lot Area:

200 acres (exclusive of floodplain areas, jurisdictional wetlands, SCS designated Class I & II prime agricultural soils, or steep slopes (in excess of 15% grade).

6.4.4.2 Minimum Lot Width: 1000 ft.

6.4.4.3 Minimum Building Lines: 250 ft.

6.4.5 Wastewater Processing Facility

6.4.5.1 Minimum Lot Area: 3 acres

6.4.5.2 Minimum Lot Width: 250 ft.

6.4.5.3 Minimum Building Lines:

front: 40 ft.
side : 20 ft.
rear: 20 ft.

6.5 Special Requirements for Industrial and Manufacturing Uses and Repair Businesses

6.5.1 At least 75% of all operations shall occur within an enclosed structure excepting necessary and required off-street parking and loading facilities. All such uses which may occur outside of an enclosed structure, except off-street parking and loading facilities, shall be enclosed in a permanent fence or wall at least six (6) feet in height. Such a fence shall not interfere with traffic safety or intersection visibility.

6.5.2 Manufacturing uses generating noises and/or odors shall address such problems in building construction, screening for sound absorption, larger critical dimensions, or other methods as may be required by the municipality.

ARTICLE 7

Agricultural Preservation District

7.1 Purpose of the Agricultural Preservation District

The purpose of the Agricultural Preservation District is to protect and stabilize the existing agricultural lands and to protect and stabilize agriculture as an ongoing economic activity in the township. Agricultural business concerns and other uses supportive of the agricultural community are to be encouraged. It is also the intent of the Agricultural Preservation District to minimize conflicting land uses detrimental to agricultural enterprises, and to maintain agricultural lots or farms in sizes which will permit efficient agricultural operations.

7.2 Use Regulations for the Agricultural Preservation District

7.2.1 Permitted Uses

- 7.2.1.1** Accessory Use or Structure (see supplemental regulations in Article 12);
- 7.2.1.2** Agricultural Business;
- 7.2.1.3** Agricultural Operation;
- 7.2.1.4** Bed and Breakfast Inn (see supplemental regulations in Article 12)
- 7.2.1.5** Camp or Seasonal Residence (see supplemental regulations in Section 7.5);
- 7.2.1.6** Communication Antennas on an existing Public Utility Transmission Tower, Building or other Structure, and Communications Equipment Buildings (see Supplemental Regulations in Article 12);
- 7.2.1.7** Communications Towers (Height of 100 feet or less) - see Supplemental Regulations in Article 12;
- 7.2.1.8** Cultivation of Crops (no permit required);
- 7.2.1.9** Dwelling, Single Family Detached (see supplemental regulations in Section 7.5);

- 7.2.1.10 Dwelling, Two Family (see supplemental regulations in Section 7.5);
- 7.2.1.11 Essential Service (no permit required except when the proposed service includes a building or buildings);
- 7.2.1.12 Family Day Care Home (see supplemental regulations under Home Occupation in Article 12);
- 7.2.1.13 Forestry Activities;
- 7.2.1.14 Home Based Business (see supplemental regulations in Article 14);
- 7.2.1.15 Home Occupation (see supplemental regulations in Article 12); or
- 7.2.1.16 No Impact Home Based Business.

7.2.2 Special Exception Uses (criteria found in Article 14)

- 7.2.2.1 Animal Shelter (see criteria under Animal Hospital in Article 14);
- 7.2.2.2 Kennel (see criteria under Animal Hospital in Article 14);
- 7.2.2.3 Outdoor Recreation Uses (also see standards under Section 6.4 of the Township Subdivision and Land Development Ordinance);
- 7.2.2.4 Private Airport;
- 7.2.2.5 Public or Quasi-Public Use; or
- 7.2.2.6 Recreation or Entertainment Facility with the condition that the use shall be conducted only in a structure existing as of April 2, 2018.

7.2.3 Conditional Uses (criteria found in Article 14)

- 7.2.3.1 Communications Towers (Height greater than 100 feet);
- 7.2.3.2 Principal Solar Energy Systems (PSES); or
- 7.2.3.3 Surface Mining.

7.3 Height and Coverage Requirements

- 7.3.1 **Maximum Building Coverage:** 20%
- 7.3.2 **Maximum Impervious Surface:** 30%

7.3.3 Maximum Building Height: 45 ft.

7.4 Minimum Areas and Dimensions

7.4.1 Agricultural Business; Animal Shelter; Bed and Breakfast Inn; Kennel; Public or Quasi-Public Use.

7.4.1.1 Minimum Lot Area: 2 acres

7.4.1.2 Minimum Lot Width: 200 ft.

7.4.1.3 Minimum Building Lines:

front: 40 ft.
side: 20 ft.
rear: 20 ft.

7.4.2 Agriculture; Outdoor Recreation Uses; or Surface Mining

7.4.2.1 Minimum Lot Area: 5 acres

7.4.2.2 Minimum Lot Width: 400 ft.

7.4.2.3 Minimum Building Lines:

front: 100 ft.
side: 50 ft.
rear: 50 ft.

7.4.3 Camp (Seasonal Residence); Single Family Detached Dwelling; or Two-Family Dwelling.

7.4.3.1 Minimum Lot Area: 3 acre

7.4.3.2 Maximum Lot Area: 5 acre

7.4.3.3 Minimum Lot Width: 150 ft

7.4.3.4 Minimum Building Lines:

front: 25 ft.
side: 10 ft.
rear - principal structure: 20 ft.
rear - accessory structure: 8 ft.

7.5 Special Provisions for Creating Lots in the Agricultural Preservation District

All lots created in the Agricultural Preservation district after December 28, 1992 shall comply with the areas and dimensions noted above for the uses authorized in this district and with the following lot requirements:

7.5.1 Total Number of New Lots Permitted

<u>Lot Size (Acres) Existing In Parent Tract As of December 28, 1992</u>	<u>Total Number of New Lots Permitted</u>
0-20	2
20-50	3
50-110	4
110-180	5
180-260	6 plus one (1) dwelling for each 80 acres over 260 acres

7.5.2 Lots created after December 28, 1992, if for non-agricultural uses, should be contiguous, use a common access, and be located on the least agriculturally productive land feasible, so as to minimize interference with agricultural operations.

7.5.3 Each residence or dwelling existing on the parent tract shall be counted as a lot, and along with all lots created thereafter, be included when calculating the total number of lots permitted.

7.5.4 Where an existing structure included more than one single family unit as of December 28, 1992, the existing structure shall be considered as one lot for purposes of this provision. Should said structure be converted to fewer dwelling units, the said (number of) dwelling units shall not thereafter be increased.

7.5.5 As noted in Section 7.5.1 the lot size (acres) existing in the parent tract shall be the number of contiguous acres owned by the same person, persons or entity as of December 28, 1992. For purposes of this provision, roads, alleys, streets, highways, natural or manmade boundaries and tax map parcels shall be disregarded for the purpose of determining if acres are contiguous.

7.5.6 If lots created from the parent tract after December 28, 1992 are further subdivided, the total number of lots created shall not exceed the number authorized in Section 7.5.1.

- 7.5.7** No distinction or exception shall be made for residences or dwellings owned or occupied by person, persons, or entities owning, operating or working on a farm on which it is erected, commonly referred to as a farm dwelling. Farm dwellings shall be included in determining the number of lots permitted.
- 7.5.8** All dwellings or lots, existing or proposed under these provisions, shall be indicated on the subdivision & land development plan tract map, in order to aid in the determination of the total number of permitted lots which may be created from the parent tract.

ARTICLE 8

Floodplain Conservation District

8

8.1 Purpose of the Floodplain Conservation District

The purpose of the Floodplain Conservation District is to achieve the following:

- 8.1.1 To preserve prime agricultural lands, open spaces, water supply sources, woodland, marshlands, wildlife, scenic areas and other natural resources.
- 8.1.2 To protect areas of the floodplain subject to and necessary for flood waters.
- 8.1.3 To reduce the hazards to public safety and health from floods, water pollution and soil erosion.
- 8.1.4 To protect the natural environment from ill-conceived development.
- 8.1.5 To permit and encourage private and public recreation development in locations and natural settings which will be most beneficial to the residents of West Chillisquaque Township and its immediate region.
- 8.1.6 To minimize future financial burdens imposed on the community, its governmental units and individuals by frequent and periodic floods and overflow of lands.

8.2 Special Requirements

All uses and structure shall conform to the requirements of the township floodplain regulations (see Article 13 of this Ordinance).

8.3 Use Regulations for the Floodplain Conservation District

8.3.1 Permitted Uses

- 8.3.1.1 Accessory Use or Structure (see supplemental regulation in Article 12);
- 8.3.1.2 Agricultural Operation;

- 8.3.1.3 Communication Antennas on an existing Public Utility Transmission Tower, Building or other Structure, and Communications Equipment Buildings (see Supplemental Regulations in Article 12);
 - 8.3.1.4 Communications Towers (Height of 100 feet or less) - see Supplemental Regulations in Article 12;
 - 8.3.1.5 Cultivation of Crops (no permit required);
 - 8.3.1.6 Essential Service (no permit required except when the proposed service includes a building or buildings);
 - 8.3.1.7 Family Day Care Home (see supplemental regulations under Home Occupation in Article 12);
 - 8.3.1.8 Forestry Activities;
 - 8.3.1.9 Home Based Business (see supplemental regulations in Article 14);
 - 8.3.1.10 Home Occupation (see supplemental regulations in Article 12); or
 - 8.3.1.11 No Impact Home Based Business.
- 8.3.2 Special Exception Uses (criteria found in Article 14)**
- 8.3.2.1 Agricultural Business;
 - 8.3.2.2 Animal Shelter (see criteria under Animal Hospital in Article 14);
 - 8.3.2.3 Kennel (see criteria under Animal Hospital in Article 14);
 - 8.3.2.4 Outdoor Recreation Use (also see standards under Section 6.4 of the Township Subdivision and Land Development Ordinance);
 - 8.3.2.5 Public or Quasi-Public Use; or
 - 8.3.2.6 Recreation and Entertainment Facility.
- 8.3.3 Conditional Uses (criteria found in Article 14)**
- 8.3.3.1 Communications Towers (Height greater than 100 feet); or
 - 8.3.3.2 Surface Mining.

8.4 Height and Coverage Requirements

- 8.4.1 Maximum Building Coverage:** 20%
- 8.4.2 Maximum Impervious Surface:** 30%
- 8.4.3 Maximum Building Height:** 45 ft.

8.5 Minimum Areas and Dimensions

8.5.1 Agriculture; Outdoor Recreation Uses; or Surface Mining

- 8.5.1.1 Minimum Lot Area:** 5 acres
- 8.5.1.2 Minimum Lot Width:** 400 ft.
- 8.5.1.3 Minimum Building Lines:**
 - front: 100 ft.
 - side: 50 ft.
 - rear: 50 ft.

8.5.2 Agricultural Business, Animal Shelter, Kennel, Public or Quasi-Public Use or Recreation and Entertainment Facility.

- 8.5.2.1 Minimum Lot Area:** 2 acres
- 8.5.2.2 Minimum Lot Width:** 200 ft.
- 8.5.2.3 Minimum Building Lines:**
 - front: 40 ft.
 - side: 20 ft.
 - rear: 20 ft.

ARTICLE 9

Light Industry District

9.1 Purpose of the Light Industry District

The purpose of the Light Industry District is to permit the development of commercial centers consisting of one or more groups or establishments in buildings of integrated and harmonious design, together with adequate and properly arranged pedestrian and vehicular movement and parking, with landscaping which will provide an integrated, efficient, convenient, pleasant and safe area for shopping and which will fit harmoniously into and will have no adverse effect upon the adjoining or surrounding development. Light industrial and warehousing uses whose characteristics generate a minimum of adverse impacts and hazards of industrial operations may also be considered.

9.2 Use Regulations for the Light Industry District

9.2.1 Permitted Uses

- 9.2.1.1 Accessory Use or Structure (see supplemental regulation in Article 12);
- 9.2.1.2 Agricultural Business;
- 9.2.1.3 Automotive, Recreational Vehicle & Manufactured Housing Sales and Repair - see Supplemental Regulations in Article 14;
- 9.2.1.4 Automotive Car Wash, Convenience Market - see Supplemental Regulations in Article 14;
- 9.2.1.5 Communication Antennas on an existing Public Utility Transmission Tower, Building or other Structure, and Communications Equipment Buildings (see Supplemental Regulations in Article 12);
- 9.2.1.6 Communications Towers (Height of 100 feet or less) - see Supplemental Regulations in Article 12;
- 9.2.1.7 Contractor's Yard;
- 9.2.1.8 Distribution Center (see §9.5);
- 9.2.1.9 Essential Service (no permit required except when the proposed service includes a building or buildings);
- 9.2.1.10 Forestry Activities;

- 9.2.1.11 Home Based Business (see Article 14);
- 9.2.1.12 Light Industry (see § 9.5);
- 9.2.1.13 Medical Office Group, Clinic, Surgery Center;
- 9.2.1.14 No Impact Home Based Business;
- 9.2.1.15 Parking Lot (see supplemental regulations in Article 12);
- 9.2.1.16 Personal Services;
- 9.2.1.17 Professional Office;
- 9.2.1.18 Professional Office Group;
- 9.2.1.19 Recreation or Entertainment Facility;
- 9.2.1.20 Rehabilitation Center;
- 9.2.1.21 Rental Storage Facility;
- 9.2.1.22 Restaurant;
- 9.2.1.23 Retail, Wholesale, Service, Printing, Repair Business or Office Building; or
- 9.2.1.24 Trucking, Rail or Intermodal Freight Terminal, Warehousing.

9.2.2 Special Exception Uses (criteria found in Article 14)

- 9.2.2.1 Adult Entertainment;
- 9.2.2.2 Animal Hospital;
- 9.2.2.3 Motel, Hotel or Conference Center;
- 9.2.2.4 Public or Quasi-Public Use; or
- 9.2.2.5 Shopping Center.

9.2.3 Conditional Uses (criteria found in Article 14)

- 9.2.3.1 Communications Towers (Height greater than 100 feet).

9.3 Height and Coverage Requirements

9.3.1 Maximum Building Coverage: 40%

9.3.2 Maximum Impervious Surface: 60%

9.3.3 Maximum Building Height: 45 ft

9.4 Minimum Areas and Dimensions

9.4.1 Personal Services

9.4.1.1 Minimum Lot Area: 1 acre

9.4.1.2 Minimum Lot Width: 150 ft.

250 ft.

9.4.1.3 Minimum Building Lines:

front: 40 ft.

side: 20 ft.

rear: 20 ft.

9.4.2 Adult Entertainment; Agricultural Business; Animal Hospital; Automotive, Recreational Vehicle & Manufactured Housing Sales and Repair; Automotive Car Wash, Convenience Market; Contractor's Yard; Distribution Center; Light Industry; Medical Office Group, Clinic, Surgery Center; Parking Lot (as a principal use); Professional Office; Professional Office Group; Public or Quasi-Public Use; Recreation or Entertainment Facility; Rehabilitation Center; Rental Storage Facility; Restaurant; and Retail, Wholesale, Service, Printing, Repair Business; Trucking, or Rail or Intermodal Freight Terminal,

9.4.2.1 Minimum Lot Area: 2 acres

9.4.2.2 Minimum Lot Width: 250 ft.

9.4.2.3 Minimum Building Lines:

front: 40 ft.

side: 20 ft.

rear: 20 ft.

9.4.3 Motel, Hotel or Conference Center, or Shopping Center

9.4.3.1 Minimum Lot Area: 5 acres

ARTICLES 10 - 11

(reserved)

ARTICLE 12

Supplemental Regulations

12.1 Access To Structures

- 12.1.1** Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access by a private street approved by the Board of Supervisors in accord with the township Subdivision and Land Development Ordinance. All structures shall be located on lots so as to provide safe and convenient access for servicing, fire protection, and required off-street parking.
- 12.1.2** Ingress and egress from buildings shall be placed in relation to the finished entrance floor levels and the natural terrain and in a safe manner which will minimize concentration of traffic.
- 12.1.3** Pedestrian access to public buildings, open space and parking facilities shall include considerations for disabled and handicapped persons.

12.2 Accessory Uses and Structures

Accessory structures shall comply with all requirements for the principal structure except where specifically modified by this Ordinance and shall comply with the following limitations:

- 12.2.1** Fences, walls or planting may be constructed in required yards provided that:
- 12.2.1.1** The vision of motor vehicle operators is not impeded at intersecting streets or driveways (See Intersection Visibility regulations found in this Article).
 - 12.2.1.2** The written consent of the adjacent property owners shall be provided to the zoning officer for property line fences for a residential use.
 - 12.2.1.3** The maximum height for residential fences shall be four (4) ft. if located in front yards and six (6) ft. if located in side or rear yards.
 - 12.2.1.4** If applicable, compliance with township floodplain regulations (see Article 13) shall be maintained.
 - 12.2.1.5** A zoning permit is not required for any fence designated for non- residential purposes.
- 12.2.2** A greenhouse, storage, utility building or other accessory structures may be maintained accessory to a dwelling or other use. It shall not exceed a building height of 15 feet and shall not be located in front of the principal building. Accessory structures shall be located

no closer than eight (8) feet from any property line. Accessory structures such as swing sets, play gyms, playhouses, doghouses, and dog runs shall comply with the above standards and shall be exempt from the zoning permit requirement provided that they do not occupy more than 144 sq. ft. of area. However, in the (AP) Agricultural Preservation and (I) Industrial zones, the maximum building height limit for that zone district shall apply for all accessory structures, instead of the aforesaid 15-ft maximum height limit, provided that the accessory structure complies with the building line requirements for principal structures in that zone district.

- 12.2.3** Private non-commercial swimming pools which are designed to contain a water depth of twenty-four (24) inches or more shall be located only to the rear or side of the principal building. Pools shall not be less than ten (10) feet from side and rear property lines. There shall be a continuous child proof barrier or fence not less than four (4) feet in height above the ground or surrounding deck level.
- 12.2.4** Private tennis courts shall be permitted within required side or rear yard areas provided that such facility shall not be less than ten (10) feet from side or rear property lines, and shall comply with Floodplain regulations if appropriate.
- 12.2.5** Sidewalks and driveways shall be permitted within front, rear, and side yards.
- 12.2.6** Agricultural operations authorized as an accessory use in the Industrial District shall be limited to the housing and grazing of animals. The minimum building lines of an agricultural business use in the Industrial District shall apply to any building utilized for animal housing.
- 12.2.7** Canopies used to protect pump islands at gas stations or convenience marts shall be permitted in any yard provided that a 10 ft. minimum building setback line is maintained and the height of the canopy shall not exceed twenty (20) ft.
- 12.2.8** An accessory structure over 2,000 sq. ft. will require a land development plan in accordance with the West Chillisquaque Township Subdivision and Land Development Ordinance, unless waived by the Township Supervisors.

12.2.9 Accessory Dwelling

An accessory dwelling may be constructed pursuant to the following standards.

- 12.2.9.1** This use shall only be authorized in the Village, Suburban Residential, Rural Residential, Agricultural Preservation districts and in the AE or A Areas of the Floodplain Conservation district on a lot currently in single family residential use.
- 12.2.9.2** The lot upon which an accessory dwelling is located shall meet the minimum lot area requirements for a single-family detached dwelling set forth in the applicable zoning district. In the event the accessory dwelling is proposed for

the AE or A Areas of the Floodplain Conservation district, the minimum lot area requirements for a single-family detached dwelling in the Village District shall apply.

- 12.2.9.3** No more than one (1) accessory dwelling shall be permitted on a lot.
- 12.2.9.4** The maximum habitable floor area of the accessory dwelling shall be 800 ft², except that the area of the accessory dwelling shall not exceed 25% of the habitable floor area of the original dwelling.
- 12.2.9.5** The following types of structures may be considered for an accessory dwelling:
 - a. The remodeling of an existing carriage barn or other existing structure located on the lot.
 - b. A newly constructed detached dwelling.
 - c. A temporary removable structure, including ECHO (Elder Care Housing Opportunity) or other equivalent factory manufactured dwelling.
- 12.2.9.6** Sewage facilities shall be provided which are capable of treating the volume of effluent anticipated from both the accessory dwelling and the existing dwelling. A certification from the municipal Sewage Enforcement Officer or from the municipal authority, verifying the acceptability and /or suitability of sewage facilities for both the existing dwelling and the accessory dwelling as part of an application for an accessory dwelling use.
- 12.2.9.7** One off-street parking space shall be provided for the accessory dwelling in addition to the number required for the existing dwelling (see Section 12.13).
- 12.2.9.8** The minimum building lines for an Accessory Dwelling shall be the same as for other Accessory Structures for the zoning district.
- 12.2.9.9** The maximum building height for a new Accessory Dwelling shall be twenty-five (25) feet.

12.2.10 Accessory Solar Energy System

12.2.10.1 Residential Ground Mount Solar Systems

Unattached solar structures accessory to the residential use shall be fifteen feet (15') from all side and rear property lines, with a maximum height of ten feet (10'). Ground mounted solar systems shall not be located in the front yard of the residential dwelling.

12.2.10.2 Non-Residential Ground Mount Solar Systems

Unattached solar structures accessory to a non-residential use shall be fifteen feet (15') from all property lines, with a maximum height of ten feet (10').

12.2.10.3 Roof Mounted Solar Systems

Roof mounted solar systems shall not require a zoning permit. However, the applicant shall provide evidence that the plans comply with the Uniform Construction Code and adopted building code of the township.

12.3 Bed and Breakfast Inn

12.3.1 Intent

A Bed and Breakfast Inn shall provide temporary travelers' accommodations and breakfast in a single-family residence for a fee, on a daily or weekly room rental basis.

12.3.2 Standards

12.3.2.1 Minimal outward modification of the structure or grounds may be made only if such changes are compatible with the character of the area or neighborhood and the intent of the zoning district in which it is located.

12.3.2.2 Off-street parking shall be provided in accord with this article. The front yard shall not be for off-street parking for temporary guests unless the parking area is screened, not visible from the street, and found to be compatible with the neighborhood.

12.3.2.3 The number of guests shall generally be limited to 6 persons at any one time, except where sanitation facilities would otherwise allow more.

12.3.2.4 All necessary state and county permits, certifications, or requirements shall be obtained as a condition of approval of the bed and breakfast inn.

12.3.2.5 Room rentals to families or individuals shall not exceed 14 consecutive days.

12.3.2.6 Compliance with the sign regulations of this article shall be maintained.

12.4 Conversion of Buildings

The conversion of any non-residential building into a dwelling, or the conversion of any dwelling so as to accommodate an increased number of dwelling units or households, shall be permitted only within a district in which a new building for a similar occupancy would be permitted under this Ordinance. The resulting dwelling(s) shall comply with all requirements governing new construction in such district.

12.5 Driveway Access to Streets

12.5.1 Limited Access Highways

Direct driveway access to limited access highways shall be prohibited. The entry/exit to limited access highways shall only be accomplished via grade separated interchanges which have been approved by PennDOT.

12.5.2 Driveway Access Points

Driveway access points shall be developed in accord with Driveway Design Standards (Table 4-2) of the township Subdivision and Land Development Ordinance and in accord with Off-Street Parking and Loading regulations of this Article and shall be designed in a manner which will minimize their interference with any traffic movements on the street or highway.

Non-residential lots greater than 200 feet in width shall be limited to no more than two driveway access points from the street or highway from which they derive their principal access. For a non-residential lot at a corner location, the lot widths for both streets shall be totaled to determine the allowable number of driveway access points.

All residential lots and lots less than 200 feet wide shall only have one driveway access point.

12.5.3 Shared Access Considerations

Where a number of individual parcels or buildings are being developed jointly, or where a parcel or building is being developed adjacent to another parcel used or suitable for non-residential development, the following shall apply:

- 12.5.3.1** Consideration shall be given to the location and planning of driveway access points in order to permit their joint use from adjoining parcels so as to minimize the number of intersections with the street or highway from which they derive their access.
- 12.5.3.2** The development of parking and loading areas shall permit convenient traffic circulation between adjoining parcels.
- 12.5.3.3** Safe pedestrian circulation between adjoining parking areas and buildings shall be provided.
- 12.5.3.4** Landscaping and other features which will enhance the usability, character, and attractiveness of the area shall be provided.

12.6 Exceptions to Height Regulations

The height limitations of this Ordinance shall not apply to church spires, farm structures when permitted by other provisions of this Ordinance (e.g. silos, grain bins, elevator legs etc.), belfries, cupolas, mechanical penthouses, and domes not used for human occupancy, solar energy systems, nor to chimneys, ventilators, skylights, water tanks, utility poles, standards and necessary mechanical appurtenances usually carried above roof level. The height exceptions shall not apply to any Communications Antennas or Communications Towers.

12.7 Family Based Group Home

12.7.1 The Family Based Group Home shall be limited to residential uses only. Offices of public agencies, services to non-residents (e.g. counseling services), and other similar non-residential activities shall be excluded from this use.

12.7.2 The Family Based Group Home shall be similar in appearance to a single-family dwelling in the neighborhood.

12.7.3 The Family Based Group Home zoning approval shall not be transferrable from the original applicant to a new operator.

12.7.4 The Family Based Group Home zoning approval shall be revoked if the group home fails to meet approved conditions at all times.

12.7.5 Off-street parking spaces shall be provided for all vehicles associated with the Family Based Group Home including the householder, residents, attendant care givers, and visitors.

12.8 Home Based Business

A Home Based Business is conducted on a lot in conjunction with a residential dwelling unit. Such uses are limited to lawn mower, or appliance repair shops; carpentry, woodworking, or metalworking shops. The repair of motor vehicles shall be excluded from this use

12.8.1 The Home Based Business shall be compatible with the residential character of the dwelling and/or the immediate vicinity. The Home Based Business shall not produce offensive noise, vibrations, dust, odors, pollution, interference with radio or television reception, traffic congestion, or other objectionable conditions which are audible, visible, or otherwise detectable by human senses at the property line.

12.8.2 A Home Based Business may be conducted inside the dwelling or within an accessory building or garage, but in total shall not occupy an area exceeding 50 percent of the ground floor area of the dwelling.

12.8.3 The business shall be conducted by a resident of the dwelling with no more than 4 (four) people involved in the business.

12.8.4 All parking shall be off-street. A minimum of two (2) off-street spaces shall be provided in addition to that required of the residential use. One (1) additional off-street parking space shall be provided for each outside person involved in the business.

12.8.5 The Home Based Business shall be carried out entirely within the dwelling or accessory structure. There shall be no outside storage or sales areas associated with the Home Based Business.

12.8.6 No show windows or advertising outside of the premises shall be permitted other than one (1) sign or name plate which shall not exceed four (4) square feet in area.

12.9 Home Occupations (including Family Day Care Home)

In any district, any lawful, gainful occupation conducted by a member of the immediate family owning and residing on the premises may use a portion of the dwelling for a home occupation provided that the following conditions are met and a permit is issued by the Zoning Officer.

12.9.1 The term “Home Occupation” is defined in Article 1.

12.9.2 The Home Occupation shall be clearly incidental or secondary to the use of the property as a residence and the use of the dwelling shall not change the character thereof or show any exterior evidence of such secondary use other than one (1) sign or name plate in accord with the Sign Regulations found in Article 12 of this Ordinance.

12.9.3 Home Occupations shall be limited to the employment of not more than one assistant outside of the immediate family at any one time.

12.9.4 The Home Occupation shall be conducted wholly within the dwelling and shall not occupy more than twenty-five (25%) percent of the area of the first floor of the dwelling, nor more than five-hundred (500) square feet. The floor area standards shall not apply to family day care homes. As a special exception a home occupation may be considered in a detached structure, provided that all other criteria specified in this section are met.

12.9.5 All parking shall be off-street. Two (2) off-street spaces shall be provided in addition to that required of the residential use.

12.9.6 Any home occupation which creates objectionable noise, fumes, odor, dust, electrical interference, or excessive traffic shall be prohibited.

12.10 Intersection Visibility

Clear site triangles shall be maintained at intersections in accord with the township Subdivision and Land Development Ordinance standards which are reprinted below. Depending upon the street classifications for the intersecting streets, a clear site triangle is drawn as measured along the centerline from the point of intersection. No significant obstructions or plantings higher than

thirty (30) inches above the road surface or tree limbs lower than eight (8) feet shall be permitted within this area.

	<u>Arterial</u>	<u>Collector</u>	<u>Minor</u>
Arterial	150 feet	100 feet	100 feet
Collector	100 feet	75 feet	75 feet
Minor	100 feet	75 feet	75 feet

12.11 Nonconforming Lots, Structures, Buildings, and Uses

12.11.1 Non-conforming Lots of Record

A non-conforming lot may be used for a permitted use in the district in which it is located even though such a lot fails to meet the requirements for lot area or dimensions or both. However, all other applicable requirements including yards shall apply. The variance of yard requirements shall be obtained only through action of the Zoning Hearing Board. In the event that two (2) adjacent lots of record are held in single ownership, the lots shall be combined to be reapportioned into a conforming lot or lots.

12.11.2 Nonconforming Mobile Home Lots

The Minimum Building Line requirements for Mobile Home Lots which existed at the time of the enactment of the original Zoning Ordinance and did not have conforming building lines shall not apply to such non-conforming lots, provided they are not subsequently altered.

12.11.3 Non-conforming Structures or Buildings

12.11.3.1 Any alteration, conversion, improvement, or enlargement of a non-conforming structure shall conform to the applicable requirements of this Ordinance, excepting that a structure non-conforming as to minimum yard or maximum height requirements may be extended where the extension does not project further into the yard or does not extend further in height than the existing structure.

12.11.3.2 Should a structure or building non-conforming as to minimum yards or maximum height requirements be destroyed by any means, it shall not be reconstructed in a manner which increases its non-conformity. If reconstruction has not commenced within one (1) year of the date of destruction, the destroyed non-conforming structure shall be reconstructed in full compliance with this Ordinance and any other applicable regulations. A one (1) year extension may be granted by the zoning officer provided that the

owner shall file a notice of intent to reconstruct prior to the expiration of the initial one-year period.

- 12.11.3.3** Should a non-conforming structure be moved or replaced for any reason, it shall thereafter conform to the regulations for the district in which it is to be located.

12.11.4 Non-conforming Use of Premises

- 12.11.4.1** A new extension may be constructed to a structure housing a non-conforming use provided that the gross floor area of the extension shall not exceed fifty percent (50%) of the gross floor area of the existing structure and that other applicable requirements of this Ordinance shall be adhered to.
- 12.11.4.2** The area occupied by a nonconforming use situated outdoors may be expanded provided that the gross area of the expansion shall not exceed fifty percent (50%) of the gross area of the existing use and that other applicable requirements of this Ordinance shall be adhered to.
- 12.11.4.3** Any non-conforming use may be changed to another non-conforming use by Special Exception provided that the Zoning Hearing Board shall find the proposed use to be equally appropriate or more appropriate to the Zoning District in which it is located. The Board shall apply the criteria of Section 14.5.2 where applicable for a change of a nonconforming use. In addition, they shall rely on the minimum building line standards for the proposed new use from a zoning district where the use is an authorized use. If the standards are found in more than one zoning district the most restrictive shall apply.
- 12.11.4.4** A non-conforming use that is replaced by a permitted use shall not be allowed to revert to any non-conforming use.
- 12.11.4.5** The removal or destruction of a structure housing a non-conforming use shall eliminate the non-conforming use status of the premises unless reconstruction shall have been initiated within one (1) year of the removal or destruction. Destruction for the purpose of this subsection is defined as damage to an extent of more than ninety (90%) of the replacement cost at the time of destruction.
- 12.11.4.6** If a non-conforming use is abandoned or discontinued for a period of two (2) years, further use of the land or structure shall conform in all respects to this Chapter. A one (1) year extension may be granted by the zoning officer provided that the owner shall file a notice of intent to resume the use prior to the expiration of the initial two-year period.

12.11.5 Registration of Non-conforming Uses, Structures, and Lots

To facilitate the administration of this Chapter, it shall be the duty of the Zoning Officer to develop and maintain an accurate listing of all non-conforming uses, structures, and lots identified during the performance of his duties as zoning officer. The listing shall identify the nonconforming aspect of the property.

12.12 Outdoor Lighting Design Standard

12.12.1 The purpose of this section is to require and set minimum standards for outdoor lighting to:

12.12.1.1 Protect drivers and pedestrians from the glare of non-vehicular light sources.

12.12.1.2 Minimize light pollution, nuisance glare and stray light from poorly aimed, placed, applied or maintained light sources.

12.12.1.3 Conserve energy by efficiently directing light sources to the area intended to be illuminated and thereby minimizing wasted light emissions.

12.12.2 Exterior Lighting Plans. An exterior lighting plan shall be submitted concurrently with a submission for a Subdivision and Land Development Plan or upon submission of a Zoning Permit application in the event that a Subdivision and Land Development Plan is not required for the project. An exterior lighting plan shall contain the following minimum elements:

12.12.2.1 Height and location of all lighting fixtures.

12.12.2.2 Manufacturer's specifications, or equivalent, detailing all lighting fixtures proposed, including shielding, and mounting details and any further specifications needed by the Zoning Officer to determine full compliance with the requirements of this Section.

12.12.2.3 When the submission of the lighting plan is part of a land development plan, or is proposing to change lighting fixtures that were previously approved as part of a land development plan, a detailed grid of illumination levels as measured in footcandles are to be provided showing compliance with the prior approval.

12.12.3 The following design standards for outdoor lighting shall apply to outdoor lighting installed or altered after the effective date of this section.

12.12.3.1 Lamps intended to illuminate driveways, parking lots, sidewalks and walkways shall contain full-cutoff lighting units, or shall otherwise contain series of external or internal shields that cast light downward toward the surface that the units are intended to illuminate and away from adjacent properties and public rights-of-way.

- 12.12.3.2** Illumination levels shall not exceed 1.0 footcandle onto adjoining properties or public rights-of-way, or 0.5 footcandles on any adjoining property containing a dwelling unit. The illumination level shall be as measured horizontally on the ground surface at any given point on the receiving property.
- 12.12.3.3** Canopies and awnings. All lighting fixtures that are intended to illuminate a canopy or awning shall comply with the following requirements:
- a. Canopies and awnings shall not contain any interior illumination that is intended to attract attention to the canopy or awning, or to the facilities to which they cover.
 - b. Lamps mounted on or under canopies or awnings, shall be provided with a lamp cover that is flush with the canopy surface, or shall be recessed or flush with the bottom surface of the canopy or awning.
 - c. Lamps shall not be mounted on the top or fascia of a canopy or awning, but rather shall be mounted to the building wall with the lamp aimed downward onto the awning or canopy structure.
- 12.12.3.4** Lamps used to illuminate flags, statues or any other objects mounted on a pole, pedestal or platform shall produce only a narrow beam of light for the purpose of confining the light to the object of interest.
- 12.12.3.5** All floodlights shall be installed in a manner so that the light source is either shielded or directed downwards away from adjoining properties, so that no glare is being projected into the windows of adjoining residences, skyward or onto a public street or other public right-of-way.
- 12.12.3.6** All exterior light sources must be steady in nature, with no flashing, flickering or rotating lights permitted. Multi-colored light sources may be permitted for building accent lighting and shall be at low intensities casted onto the building wall.
- 12.12.3.7** Exceptions. The following light sources shall not be required to comply with this Section:
- a. Single family detached, semi-detached and attached dwellings, and two-family detached dwellings; except that compliance shall be required for subsections 12.12.3.3 through 12.12.3.6.
 - b. Laser lights and other light sources used for entertainment, decoration, or recreational purposes.
 - c. Emergency lighting fixtures that illuminate only during a power outage or emergency event.

- d. Any lighting source that is mandated by State or Federal Law.
- e. Streetlights and lampposts.
- f. Traffic Control Lights and Devices.
- g. Vehicle Lamps.

12.13 Off-Street Parking and Loading

Off-street parking shall be provided in accord with the requirements of this article at the time a new building or use is established or when any existing building or lot is converted to a new use or expanded in size. The facilities shall be available during the entire hours of operation of the use for which they are provided.

12.13.1 Development and Maintenance of Parking Facilities

Whenever off-street parking is required, the parking area, turning aisle and space shall be designed, constructed and maintained in accordance with the following minimum standards.

- 12.13.1.1** Parking facilities shall be located on the same lot as the use to which they are necessary unless alternate arrangements have been made to provide parking on an adjacent or nearby lot owned or controlled by the applicant (see Section 12.13.1.9), or that shared parking facilities are provided in accord with Section 12.13.1.10;
- 12.13.1.2** Adequate provisions shall be made for ingress and egress to all parking spaces using driveways and aisles within the parking lot. Access to off-street parking areas shall be limited to a minimal number of well-defined locations. In no case shall un-restricted access along the length of a street upon which the parking abuts be permitted. Parking areas shall be designed so there will be no need for motorists to back over public walkways or rights-of-ways, except that single family and double dwellings need not comply with this requirement;
- 12.13.1.3** Parking areas shall be set back from street right-of-way lines and property boundaries at a minimum distance of fifteen (15) feet, except that single family and double dwellings need not comply with this requirement. These reserve strips shall be protected by wheel bumpers or curbs and shall be planted with grass or shrubs. No parking or plantings shall be permitted within the clear sight triangle of any corner lot (see Section 12.10);

- 12.13.1.4** The parking area, service drives and entrance and exit lanes shall be constructed of a stabilized base (e.g. 4" of 2A subbase) with a suitable all weather surface, be graded for proper drainage, and maintained in good repair. If more than five (5) spaces are to be provided in a parking area, the surface of the parking area shall be considered as impervious for the purposes of preparing a storm water management plan for the site.
- 12.13.1.5** Parking spaces shall have dimensions of ten feet by twenty feet (10' x 20'). Parallel spaces shall be a minimum of nine feet by twenty-one feet (9' x 21');
- 12.13.1.6** Parking areas for all non-residential uses shall be effectively screened on each side that adjoins or faces a residential use. Such screening shall consist of a fence or wall at least four (4) feet in height, a building or meet the requirements for screen planting as set forth in Section 12.15 of this Ordinance;
- 12.13.1.7** In all cases where curb and gutter or sidewalks are existing or are adjacent to the proposed parking area, these facilities shall be retained or extended;
- 12.13.1.8** Parking areas shall be illuminated as is necessary to protect the public safety; such illumination shall be designed, directed, or shielded to effectively eliminate direct glare on adjacent property or roadways. Lighting shall not be required for agriculture uses, single and duplex dwellings, for parking lots less than 5 spaces in size, or for other uses that do not have night-time hours. At the time any exterior lighting is installed or substantially modified, an exterior lighting plan in accordance with Section 12.12, Outdoor Lighting Design Standards, shall be submitted to the Zoning Administrator in order to determine whether the requirements of this Section have been met and that adjoining property will not be adversely impacted by the proposed lighting.
- 12.13.1.9** In accordance with special exception procedures, the Zoning Hearing Board may authorize the use of an adjacent or nearby lot owned or controlled by the applicant.
- 12.13.1.10** The required parking spaces for two or more uses may be shared provided that the Zoning Hearing Board shall determine that the uses have distinct and different peak hour requirements; for example, a use with evening or Sunday hours may share parking with a use that has daytime hours.

12.13.2 Number of Off-Street Parking Spaces Required

In all districts, the required number of off-street parking spaces shall be provided as set forth in the following table. In the case of any building or premises, the use of which is not specifically mentioned herein, the provisions for a use so mentioned and to which said use is similar, in the opinion of the Zoning Officer, shall apply. In the case of mixed uses or multiple uses of one structure, the total number of required parking or loading spaces shall be the sum of the required spaces for the uses computed separately.

SCHEDULE FOR OFF-STREET PARKING SPACES

TYPE OF USE	REQUIRED SPACES - MINIMUM
Residential Uses	
Single-Family, Two-Family, Townhouse including Family Based Group Home	2 per dwelling
Multiple Family Dwelling	2 per dwelling; 1 for each dwelling for elderly housing
Rooming, Boarding Homes	1 per boarder
Mobile Home Parks	2 for mobile home lot
Institutional Uses	
Corrective/Penal Institution	1 for each 5 persons of total facility capacity + 1 for each employee on the maximum work shift
Day Care Center	1 for each 5 students/clients + 1 for each employee
Family Day Care Home	2 for dwelling unit + 2 customer spaces
Group Care Facility	1 for each 2 residents + 1 for each employee on the maximum work shift
Nursing Home or Retirement Home	1 for each 2 beds + 1 for each employee on the maximum work shift
Elementary Schools	5 for each classroom + 1 for each employee
Middle or High School, Post Secondary Facility	1 for each 4 seats of auditorium or gymnasium capacity, whichever is greater
Churches, Social Halls, and similar places of public or private assembly; government, municipal or community buildings	1 for each 3 seats of total facility capacity
Libraries, museums or other cultural facilities; fire or police stations	1 for each 200 sq. ft. of gross floor area
Hospitals or health care facilities	1 for each 2 beds + 1 for each employee in the maximum work shift

Commercial/Retail Uses	
Retail stores or service or repair business, including agricultural business and shopping centers	1 for each 400 sq. ft. of gross floor area + 1 for each employee/vendor on the maximum work shift
Restaurant, Bar or Tavern	1 for each 2.5 seats of total facility capacity + 1 for each employee in the maximum work shift
Animal Hospital or kennel	1 for each 300 sq. ft. of gross floor area + 1 for each employee on the maximum work shift
Automotive, truck or motorcycle sales or repair	1 for each employee + 2 for each service bay + 1 for each 400 ft ² of interior sales & display area only and 1 for each 7,000 ft ² of outdoor display area.
Business or professional office & financial institutions	1 for each 250 sq. ft. of gross floor area + 1 for each employee
Medical, dental or veterinary office	5 for each doctor + 1 for each employee
Home Occupation, Home Based Business	2 for dwelling + 2 customer spaces
Bed & Breakfast	1 for each guest room + 2 for the dwelling
Motel or other similar lodging establishment	1 for each guest room + 1 for each employee on the maximum work shift
Funeral Home	1 for each 50 sq. ft. of assembly area + 1 for each employee with a minimum of 20 spaces
Clubs, fraternal organizations or similar use	1 for each 150 sq. ft. of gross floor area
Industrial Uses	
Manufacturing, warehousing, industrial surface mining operation, waste storage or processing facility	1 for each employee in the maximum work shift
Distribution Center	1 for each 500 sq. ft. of gross floor area + 1 for each employee in the maximum work shift
Lumber Yard, saw mill, junk yard salvage yard, contractor shop or yard	1 for each employee + 6 customer Spaces

Recreational Use	
Parks & Playgrounds	1 for each 5 persons of total facility capacity
Commercial or Institutional Recreational Developments	1 for each 3 persons of total facility capacity + 1 for each 2 employees
Campgrounds or RV parks	2 for each camping space + 1 additional space for every 5 camping spaces.

12.13.3 Handicapped Parking

The parking lot design shall provide handicapped accessible parking spaces and sidewalks in accord with current ADA or IBC standards.

12.13.4 Off-Street Loading

12.13.4.1 Every commercial, industrial or other building which requires the receipt or distribution by vehicles of material or merchandise shall provide off-street loading space for each structure or part thereof as set forth in the accompanying table entitled, "Minimum Required Off-Street Loading Berths".

MINIMUM REQUIRED OFF-STREET LOADING BERTHS

Gross Floor Area	Minimum Number of Berths
0 – 25,000 sq. ft.	1
25,001 sq. ft. or greater.	2

12.13.4.2 The minimum area for each off-street loading space, excluding area for maneuvering, shall be two hundred fifty (250) square feet except where semi-trailers are expected to be used and then the minimum area shall be seven hundred (700) square feet.

12.13.4.3 At no time shall any part of a truck or van be allowed to extend into a public thoroughfare or the right-of-way while the truck or van is being loaded or unloaded.

12.14 Projections Into Required Yards

The following projections shall be permitted into required yards and shall not be considered in the determination of minimum building lines or lot coverage:

12.14.1 Projecting architectural features - bay windows, cornices, eaves, fireplaces, chimneys, window sills, or other architectural features, provided they do not extend more than three (3) feet into any required yard nor closer than five (5) feet to any adjacent property line.

12.14.2 Uncovered stairs.

12.14.3 Open balconies or fire escapes provided such balconies or fire escapes are not supported on the ground and do not project more than five (5) feet into any required yard nor closer than five (5) feet to any adjacent property line.

12.15 Regulations Governing Communications Antennas, Communication Equipment Buildings, and Communications Towers (Height of 100 feet or less)

12.15.1 Building mounted Communications Antennas shall not be permitted on any single family dwelling or two family dwelling.

12.15.2 Building mounted Communications Antennas shall be permitted to exceed the height limitations of the applicable Zoning District by no more than twenty (20) feet.

12.15.3 Omnidirectional or whip Communications Antennas shall not exceed twenty (20) feet in height and seven (7) inches in diameter.

12.15.4 Directional or panel Communication Antennas shall not exceed five (5) feet in height and three (3) feet in width.

12.15.5 Any applicant proposing Communications Antennas to be mounted on a Building or other Structure shall submit evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the Building or other Structure, considering wind and other loads associated with the antenna location.

12.15.6 Any applicant proposing Communication Antennas to be mounted on a Building or other Structure shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the Structure for determining compliance with this Ordinance and with any applicable Building Code or other law.

12.15.7 Any applicant proposing Communication Antennas to be mounted on a Building or other Structure shall submit evidence of agreements and/or easements necessary to provide access to the Building or Structure on which the antennas are to be mounted so that installation and maintenance of the antennas and Communication Equipment Building

can be accomplished.

12.15.8 Communications Antennas shall comply with all applicable standards established by the Federal Communication Commission governing human exposure to electromagnetic radiation.

12.15.9 Communications Antennas shall not cause radio frequency interference with other communications facilities located in the Township.

12.15.10A Communication Equipment Building shall be subject to the height and setback requirements of the applicable Zoning District for an accessory structure.

12.15.11 The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a Communications Tower, if applicable, and Communications Antennas.

12.15.12 The applicant shall demonstrate that the proposed Communications Tower and communications Antennas proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

12.15.13 Communications Towers shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation and applicable Airport Zoning Regulations.

12.15.14 Any applicant proposing construction of a new Communications Tower shall demonstrate that a good faith effort has been made to obtain permission to mount the Communications Antennas on an existing Building, Structure or Communications 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 site be contacted and that one (1) or more of the following reasons for not selecting such Structure apply:

12.15.14.1 The proposed antennas and related equipment would exceed the structural capacity of the existing Structure and its reinforcement cannot be accomplished at a reasonable cost.

12.15.14.2 The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for the existing Structure and the interference cannot be prevented at a reasonable cost.

12.15.14.3 Such existing Structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.

12.15.14.4 Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such Structure exceeding applicable standards

established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

- 12.15.14.5** A commercially reasonable agreement could not be reached with the owners of such Structures.
- 12.15.15** Access shall be provided to the Communications Tower and Communications Equipment Building by means of a public street or easement to a public street. The easement shall be a minimum width of twenty (20) feet.
- 12.15.16** A Communications Tower may be located on a lot occupied by other principal Structures and may occupy a leased parcel within a lot meeting the minimum lot size requirements for the Zoning District.
- 12.15.17** Any applicant proposing a Communications Tower shall submit detailed construction, plan view and elevations drawings for determining compliance with all applicable provisions of this ordinance.
- 12.15.18** Recording of a plat of subdivision or land development shall not be required for a lease parcel on which a Communications Tower is proposed to be constructed, provided the Communications Equipment Building is unmanned.
- 12.15.19** The applicant shall demonstrate that the proposed height of the Communications Tower is the minimum height necessary to perform its function.
- 12.15.20** The foundation and base of any Communications Tower shall be set back from a property line (not lease line) when adjoining or located in any Residential District or the Village District at least one hundred (100) feet and shall be set back from property lines (not lease line) in all other districts at least fifty (50) feet.
- 12.15.21** The base of a Communications Tower shall be landscaped so as to screen the foundation and base and Communications Equipment Building from abutting properties.
- 12.15.22** The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed Communications Tower will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/Telecommunications Industry Association and any applicable Building Code.
- 12.15.23** The applicant shall submit a copy of its current Federal Communications Commission license; the name, address and emergency telephone number for the operator of the Communications Tower; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the Communications Tower and Communications Antennas.

12.15.24 All guy wires associated with guyed Communications Towers shall be clearly marked for the first eight (8) feet from ground level so as to be visible at all times and shall be located within a fenced enclosure.

12.15.25 The site of a Communications Tower shall be secured by a fence with a height of eight feet to limit accessibility by the general public.

12.15.26 No signs or lights shall be mounted on a Communications Tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency which has jurisdiction. If lights are required, the use of white strobe lights shall be restricted to daylight hours only and shall be the minimum power necessary for the application. During nighttime hours only red lights may be utilized.

12.15.27 Communications Towers shall be protected and maintained in accordance with the requirements of any applicable Building Code.

12.15.28 If a Communications Tower remains unused for a period of twelve (12) consecutive months, the owner or operator of a Communications Tower or the property owner shall dismantle and remove the Communications Tower within six (6) months of the expiration of such twelve (12) month period. The property owner shall be responsible for removal of a Communications Tower in the event that the owner or operator fails to perform the removal.

12.15.29 One off street parking space shall be provided within the fenced area.

12.16 Screening and Landscaping

12.16.1 Vegetative Screening

Vegetative screening when specified by this Ordinance or when required in connection with a Special Exception or Conditional Use proceeding is the provision of a barrier to visibility, airborne particles, glare and noise between adjacent properties composed entirely of trees, shrubs, or other plant materials.

12.16.1.1 Plant materials used in the screen planting shall be at least six (6) feet in height when planted and of such species as will produce, within two years, a complete visual screen of at least eight (8) feet in height.

12.16.1.2 The screen planting shall be maintained properly, and any plant material which does not live shall be replaced within one year.

12.16.1.3 The screen planting shall be so placed that, at maturity, it will be not closer than three (3) feet from any street or property line.

12.16.1.4 In accordance with the provisions of Section 12.10, a clear-sight triangle shall be maintained at all street intersections and where private accessways intersect public streets.

12.16.1.5 The screen planting shall be broken only at points of vehicular or pedestrian access.

12.162 Fence or Wall Screening

A solid eight (8) ft. fence or wall may be an appropriate screen in some instances and shall comply with provisions Section 12.15.1 specifications for Vegetative Screening and/or 12.2.1 Fences, walls or plantings as appropriate.

12.163 Substitution of a Landscaping Plan for Screening

In lieu of a solid hedge, wall, or fence barrier the appropriate board may consider the substitution of an attractive and coordinated landscaping design. This design shall be detailed on the site plan or on a separate drawing. Emphasis shall be given to the integration of the parking into the landscape plan so as to minimize its visual impact upon adjacent lots and upon the neighborhood. Landscaping shall be maintained to achieve the desired effect. The Zoning Officer shall notify property owners in the event that required or approved screening or landscaping is not maintained.

12.17 Signs

12.17.1 Sign Policies

12.17.1.1 It is the policy of West Chillisquaque Township to require strict limitation on the display of signs in order to protect the character of the Township, to encourage the sound development of the land, and to protect the public welfare.

12.17.1.2 It is the purpose of these provisions to place such limitations on the display of signs as will assure that they will be appropriate to the land, building or use to which they are appurtenant and be adequate, but not excessive, for the intended purpose of identification, protection, or advertisement.

12.17.1.3 The regulations of this Ordinance relating to signs shall be strictly construed, and signs not specifically permitted by the provision of this Ordinance shall be deemed to be prohibited. Signs shall only be erected and maintained when in compliance with the provisions contained herein.

12.17.2 Maximum Sign Area

A lot upon which a building(s) is situated regardless of the number of occupants therein shall be entitled to a maximum sign area of 1½ square feet for each lineal foot of building face parallel or substantial parallel to a street line. See Section 1.13 for definition of Sign, Area of.

12.17.2.1 Where a lot fronts on more than one street the sign area allowed for the smaller building face shall be allowed for each frontage.

12.17.2.2 A lot without a building situated thereon shall be entitled to a maximum sign area of 50 sq. ft.

12.17.2.3 There shall be no limit on the total number or types of signs provided that the maximum sign area for the building shall not be exceeded and that the standards for the types of signs found in Section 12.16.3. below shall be met. Furthermore, compliance with the standards of Section 12.16.4, 5 and 6 shall be required.

12.17.3 Sign Types

12.17.3.1 Awning Sign - a sign painted on or attached to a moveable metallic frame, of the hinged roll or folding type, which may have a covering either combustible or incombustible.

- a. Such sign must be painted on or attached flat against the surface of, but not extending beyond or attached to the underside.
- b. Letters shall not exceed ten (10) inches in height.
- c. There shall be a minimum clearance of 7 feet from the sidewalk to the lowest part of the framework or fixed portion of an awning except that the bottom of the valance of canvas shall always have a minimum clearance of 6 ft. 9 inches above the sidewalk.

12.17.3.2 Permanent Business Directory Sign – is a freestanding sign stating the name(s) of a year round business located off premises.

- a. The sign area regardless of the number of businesses listed on the sign shall not exceed sixteen (16) square feet per face. Such sign shall have no more than two (2) faces.
- b. Such signs are not included in computing total sign area allowed.
- c. Such signs shall not be located upon a public right-of-way.
- d. No more than three (3) permanent or seasonal business directory signs shall be erected on a lot at any time.
- e. No more than three (3) permanent or seasonal business directory signs shall be erected in the Township by a business at any time.
- f. Written permission from the lot owner to place the sign is required.

12.17.3.3 Free Standing Sign V/C/I/AP/FC/LI Districts - is a self-supporting sign in a fixed location and not attached to any building or structure.

- a. Such sign shall have no more than two (2) faces.

- b. The area of each face shall not exceed thirty (30) square feet unless there are three (3) or more uses on the lot, then the area of each face shall not exceed fifty (50) square feet.
- c. The top of such sign may not exceed a height of twenty (20) feet above grade.
- d. A lot with a frontage of three hundred (300) feet or more may have two (2) such signs.
- e. Such signs shall be erected so as to not obstruct free egress to or from any building, or public right-of-way. Such signs shall not be located upon a public right-of-way.
- f. There must be no exposed connecting wires.

12.17.3.4 Free Standing Sign - SR/RR Districts - is a self-supporting sign in a fixed location and not attached to any building or structure.

- a. Such sign shall have no more than two (2) faces.
- b. The area if each sign face shall not exceed nine (9) square feet.
- c. The top of such sign may not exceed nine (9) feet above grade.
- d. Such signs shall be erected so as not to obstruct free egress to or from any building, or public right-of-way. Such signs shall not be located upon a public right-of-way.
- e. There must be no exposed connecting wires.

12.17.3.5 Individual Letters or Symbols - which are attached to an awning, marquee, a roof, building surface, wall, or signboard.

- a. The area to be computed is that of the smallest rectangle or other geometric shape which encompasses all of the letter or symbols.
- b. These letters or symbols shall not project more than nine (9) inches from the building surface.
- c. Letter and symbols shall not obscure architectural features of the building (including but not limited to cornices, lintels, transoms) to which the letters and symbols are attached.
- d. Such letters and symbols shall not extend above the lowest part of the roof, nor beyond the ends of the wall to which they are attached.

12.17.3.6 Projecting Sign - a permanent sign that is hung at a 90 degree angle from the face of and affixed to a building or structure and extends twelve (12) inches or beyond the building wall, structure or parts thereof.

- a. If flat, each face shall not exceed nine (9) square feet.
- b. The total area of a three-dimensional sign shall be determined by enclosing the largest cross section of the sign in an easily recognizable geometric shape (rectangle, triangle, parallelogram, circle, etc.) and computing its area which shall not exceed nine (9) square feet.
- c. Such sign must be hung at right angles, and shall not project beyond four (4) feet of the building face.
- d. The bottom of said sign shall have an eight (8) foot pedestrian clearance from sidewalk level.
- e. The top of the sign may be suspended in line with one of the following, whichever is the most successful application of scale, linear continuity and visibility as determined by the zoning officer:
 - (1) Suspended between the bottom of sills of the first level of windows of the first story; or
 - (2) The lowest point of the roof of one-story building.

12.17.3.7 Wall Sign - is a sign which is attached parallel on the exterior surface of a building or structure.

- a. A wall sign shall not project more than fifteen (15) inches from the building surface.
- b. The sign shall not obscure architectural features of the building (including but not limited to cornices, lintels, transoms) to which the sign is attached.
- c. Such signs shall not extend above the lowest point of the roof, nor beyond the ends of the wall to which it is attached.

12.17.3.8 Off-Premises Advertising Sign (Highway Billboard Sign) - - a sign with a fixed message or an electronic graphic display (see Section 2.2 for definition) stating the name of an advertised product or name(s), directions to a business and information concerning the business located off-premises (from the sign location). Requirements are as follows:

- a. The maximum sign area for such a sign shall be three hundred (300) square feet.
- b. For an electronic graphic display sign the minimum message interval shall be seven (7) seconds between the start of displays in series.
- c. Off-premises advertising signs shall be allowed only in the Industrial District.
- d. The minimum separation between Off Premises Advertising Signs shall be five hundred (500) feet.
- e. The top of such sign may not exceed a height of fifty (50) feet above the road grade adjacent to the sign.
- f. There must be no exposed connecting wires.
- g. Such signs shall not be located upon a public right-of-way.

12.17.3.9 Exempt Signs – No Permit Required - The following sign types do not require a permit or license and shall not be counted toward the maximum sign area:

- a. Any sign which is less than two (2) square feet in area, or a sign for a home occupation or home business which shall not exceed four (4) square feet in area.
- b. Public Service Sign. A sign located for the purpose of providing traffic safety, a public service message or directions towards or indication of a use not readily visible from the street (e.g. traffic signs, rest rooms, telephone, parking, office, service bay, shopping district, etc.). Such signs may bear no commercial advertising and shall not exceed four (4) square feet. Civic organization sponsored public service signs and public auction signs shall not be considered commercial advertising.
- c. Community Directory Sign. An accessory bulletin or announcement board describing the location of an event of a community service organization, institution, or public facility which shall not exceed twenty-five (25) square feet in total area if single faced or fifty (50) square feet if double faced. One such sign, not located upon a public right-of-way, is allowed for each property street frontage.
- d. Memorial signs or tablets and signs denoting the date of erection of a building.
- e. The flag, pennant or insignia of any government or of any religious, charitable or fraternal organization.

- f. Clocks, time and temperature signs and barber poles, provided that they are not larger than twenty-five (25) square feet. Any commercial advertisements attached to such structure must be permitted or licensed.
- g. Interior signs.
- h. Signs indicating “No Trespassing”, private use of a road, driveway or premises, or signs controlling fishing or hunting on the said premises, shall be allowed without a permit.
- i. Temporary Signs.
 - (1) A zoning permit shall not be required for the placement of a Temporary Sign.
 - (2) Temporary Signs shall not exceed the size or area of permanent signs in the zoning district in which it is placed.
 - (3) Temporary Signs shall not be placed within any public right-of-way.
 - (4) Temporary Signs within the clear sight triangle shall not exceed two (2’) feet in height.
 - (5) No Temporary Sign shall be placed within ten (10’) feet of a temporary sign previously placed.
 - (6) Temporary Signs shall not be placed upon or attached to utility poles, street sign poles, traffic signs, traffic light poles, trees or similar vertical structures.
 - (7) Signs offering the sale or rental of the premises upon which the sign is erected, shall be permitted without a permit, provided that not more than one (1) such sign may be erected on the premises to be sold or rented, unless such premises fronts on more than one street, in which case, one (1) sign may be erected on each street frontage.
 - (8) Temporary Signs for contractors, developers, architects, engineers, builders, artisans and lenders, erected and maintained on the premises where the work is being performed, shall be allowed without a zoning permit.
 - (9) Temporary Signs cannot be erected more than 30 days prior to the beginning of the event/situation and must be removed 10 days after the event, work is completed, item is sold, etc.
 - (10) Temporary Signs required by law or any government agency shall be allowed without a zoning permit and shall be posted for a period of time as provided by said law or government agency.

- (11) Temporary Signs advertising the sale of farm products produced on the premises or advertising auctions or events of charitable, political or public service groups.
- (12) Temporary Business Signs - A-frame and movable signs are permitted as long as the sign is secured to the ground so as to not become a hazard during windy conditions.
- (13) No Temporary Business Sign shall be placed so as to impede the normal flow of pedestrian or vehicle traffic, nor shall such signs impede the line of sight of or cover any existing business sign and traffic sign or any entrance or exit to any property or business.

12.174 Table of Allowed Sign Uses By Zoning Districts

SIGN TYPE	ZONING DISTRICT								SEE SECTION
	V	SR	RR	C	I	AP	FC	LI	
Awning	Yes	No	No	Yes	Yes	No	No	Yes	12.17.3.1
Business Directory Sign	Yes	No	No	Yes	Yes	No	No	Yes	12.17.3.2
Free Standing Sign (V/C/I/AP/FC/LI)	Yes	No	No	Yes	Yes	Yes	Yes	Yes	12.17.3.3
Free Standing Sign (SR/RR)	No	Yes	Yes	No	No	No	No	No	12.17.3.4
Individual Letters or Symbols	No	No	No	No	No	No	No	Yes	12.17.3.5
Projecting Sign	Yes	No	No	Yes	Yes	No	No	Yes	12.17.3.6
Wall Sign	Yes	No	No	Yes	Yes	No	Yes	Yes	12.17.3.7
Off Premises Billboard Sign	No	No	No	No	Yes	No	No	No	12.17.3.8

12.175 Sign Application and Permit

A sign permit shall be obtained from the Zoning Officer before any sign is erected, displayed or structurally altered so as to change its overall dimension. Every application for a sign permit shall be accompanied by payment of a permit fee required in accordance with a schedule of fees adopted by the Board of Supervisors and by plans showing: The area of the sign, the size, structure, character and design proposed; the method of illumination, if any, and the exact location proposed for the sign. In the case of a roof sign or outdoor advertising structure, complete specifications and method of anchoring and support are required. Each sign shall have the permit number and date of issuance affixed.

12.17.6 Illumination of Signs - a sign may be illuminated artificially by means of electricity, gas, oil, or fluorescent paint.

12.17.6.1 All electricity illuminated signs shall conform to the requirements of the BOCA National Building Code/1990 as amended.

12.17.6.2 Any illumination must be non-glaring or shielded to prevent direct light from shining onto any street or adjacent property.

12.17.6.3 No forms of illumination that is flashing, moving, animated or intermittent shall be allowed.

12.17.6.4 There must be no exposed connecting wires.

12.17.7 Setback Requirements - unless otherwise specified in the Code, signs are exempt from setback requirements.

12.17.8 Supports and Brackets - for a sign shall not exceed needlessly above the cornice line of the building to which the sign is attached.

12.17.9 Liability - Any organization or individual erecting a sign in or over a public right-of-way shall agree to assume liability for an indemnify and hold harmless the Township from any and all damages resulting from the existence of this sign.

12.17.10 Prohibited Signs

Prohibited Signs shall include:

12.17.10.1 Any sign which flashes, rotates, or has a motorized part that is visible from a public street.

12.17.10.2 Any sign which, by reason of its size, location, content, coloring or manner of illumination, constitutes a traffic hazard or a detriment to traffic safety in the opinion of the Zoning Officer by obstructing the vision of drivers, or detracting from the visibility of any traffic sign or control device on public streets and roads.

12.17.10.3 Any sign which obstructs free ingress to or egress from a required door, window, fire escape or other required exit way or which obstructs a window, door or other opening for providing light or air or interferes with proper function of the building.

12.17.10.4 Any sign or sign structure which:

- a. Is structurally unsafe;

- b. Constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation or abandonment;
- c. Is not kept in good repair, or;
- d. Is capable of causing electrical shocks to persons likely to come in contact with it.

- 12.17.10.5** Signs which make use of words such as STOP, LOOK, DANGER, etc., or any phrases, symbols, or characters in such a manner as to interfere with, mislead, or confuse traffic.
- 12.17.10.6** String lights used in connection with commercial premises for commercial purposes other than Christmas decorations.
- 12.17.10.7** Spinners, and streamers except as specified in Temporary Sign section.
- 12.17.10.8** Any sign now or hereafter existing which no longer advertises a bona fide business conducted or product sold. To be removed at owner's expense.
- 12.17.10.9** Any sign affixed to a fence, utility pole or structure, or tree, shrub, rock or other natural objects.
- 12.17.10.10** Off premise signs in other than C & I Districts unless a Business Directory Sign.

12.17.11 Variance

An application for variance may be filed with the Zoning Hearing Board as allowed in Article 16 of this Ordinance.

12.17.12 Maintenance

Each sign shall be maintained in a secure and safe condition. If the Zoning Officer is of the opinion that a sign is not secure, safe or in good state of repair, it shall give written notice of this fact to the person responsible for the maintenance of the sign. If the defect in the sign is not corrected within the time permitted by the Zoning Officer, the Zoning Officer may revoke the permit to maintain the sign and may remove the sign and keep possession of same until the owner pays the cost of removal.

12.18 Unique Lots and Building Locations

12.18.1 Two or More Principal Buildings on a Lot

Two or more principal buildings or uses located on a parcel in single ownership shall conform to all the requirements of this Ordinance which would normally apply to each building or use if each were on a separate lot. A Land Development shall be required to place two or more principal buildings or uses on a single lot or to add additional principal buildings or uses.

12.18.2 Side Yard of a Corner Lot

The side yard of a corner lot which abuts a street, shall be equal to the required front yard for that street.

12.19 Yard and Garage Sales

For the purposes of this ordinance, yard and garage sales shall be considered as an accessory use and shall not require a zoning permit, provided that no more than 4 yard sales shall be conducted per year by a resident from the same lot; and the duration of one yard sale shall not exceed 3 consecutive days.

ARTICLE 13

Floodplain Management Provisions

13.1 Identification of Floodplain Area

The identified floodplain area shall be any areas of West Chillisquaque Township classified as Special Flood Hazard Areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated July 16, 2008 and issued by the Federal Emergency Management Agency (FEMA) or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study.

The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by West Chillisquaque Township and declared to be a part of this ordinance.

13.2 Description and Special Requirements of Identified Floodplain Areas

The identified floodplain area shall consist of the following specific areas:

13.2.1 Floodway Area

The Floodway Area shall be those areas identified in the FIS and the FIRM as Floodway and which represent the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the Base Flood without increasing the water surface elevation by more than one (1) foot at any point. This term shall also include Floodway areas which have been identified in other available studies or sources of information for those Special Flood Hazard Areas where no Floodway has been identified in the FIS and FIRM.

13.2.1.1 Within any Floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the Township during the occurrence of the base flood discharge.

13.2.1.2 Within any floodway area, no new construction or development shall be allowed, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.

13.2.2 AE Area District

The AE Area/District shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which Base Flood Elevations have been provided.

13.2.2.1 The AE Area adjacent to the floodway shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided and a Floodway has been delineated.

13.2.2.2 The AE Area without floodway shall be those areas identified as an AE zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided but no floodway has been determined.

- (a) No permit shall be granted within any AE Zone without floodway, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed development together with all other existing and anticipated development, would not result in an increase in flood levels of more than one foot within the entire community during the occurrence of the base flood discharge.
- (b) No new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.

13.2.3 A Area/District

The A Area/District shall be those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no base flood elevations have been provided. For these areas, elevation and floodway information from other Federal, State, or other acceptable sources shall be used when available. Where other acceptable information is not available, the base flood elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site.

In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses,

computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the municipality. In the absence of any of the above data or documentation, the community may require elevation of the lowest floor to be at least three feet above the highest adjacent grade.

13.3 Changes in Identification of Area

The Identified Floodplain Area may be revised or modified by the Board of Supervisors where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change to the Special Flood Hazard Area, approval must be obtained from FEMA. Additionally, as soon as practicable, but not later than six (6) months after the date such information becomes available, a community shall notify FEMA of the changes to the Special Flood Hazard Area by submitting technical or scientific data.

13.4 Boundary Disputes

Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Zoning Officer, and any party aggrieved by this decision may appeal to the Zoning Hearing Board. The burden of proof shall be on the appellant.

13.5 Technical Provisions

13.5.1 General

13.5.1.1 No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality, and until all required permits or approvals have been first obtained from the Department of Environmental Protection Regional Office.

In addition, the Federal Emergency Management Agency and Pennsylvania Department of Community and Economic Development, Bureau of Community Planning, shall be notified prior to any alteration or relocation of any watercourse.

13.5.1.2 Any new construction, development, uses or activities allowed within any identified floodplain area, shall be undertaken in strict compliance with the provisions contained in this Ordinance and any other applicable codes, ordinances and regulations.

13.5.2 Special Requirements for Subdivisions and Development

All subdivision proposals and development proposals containing at least 50 lots or at least 5 acres, whichever is the lesser, in Identified Floodplain Areas where

base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision (CLOMR) and Letter of Map Revision (LOMR). Submittal requirements and processing fees shall be the responsibility of the applicant.

13.5.3 Elevation and Floodproofing Requirements

13.5.3.1 Residential Structures

Within any identified floodplain area, any new construction or substantial improvement of a residential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation.

13.5.3.2 Non-residential Structures

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

13.5.3.3 Space Below the Lowest Floor

Partially enclosed space below the lowest floor excluding basement (basements are prohibited) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of floodwater for the purpose of equalizing

hydrostatic forces on exterior walls. The term "partially enclosed space" also includes crawl spaces.

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

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

13.5.3.4 Accessory Structures

Structures accessory to a principal building need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:

- (a) the structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity.
- (b) floor area shall not exceed 200 square feet.
- (c) the structure will have a low damage potential.
- (d) the structure will be located on the site so as to cause the least obstruction to the flow of floodwater.
- (e) power lines, wiring, and outlets will be at least one and one-half (1 ½) feet above the one hundred (100) year flood elevation.
- (f) permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.
- (g) sanitary facilities are prohibited.

- (h) the structure should be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following criteria:
 - (1) a minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
 - (2) the bottom of all openings shall be no higher than one foot above grade.
 - (3) openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

13.5.4 Design and Construction Standards

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

13.5.4.1 Fill

If fill is used, it shall:

- (a) extend laterally at least fifteen (15) feet beyond the building line from all points;
- (b) consist of soil or small rock materials only - Sanitary Landfills shall not be permitted;
- (c) be compacted to provide the necessary permeability and resistance to erosion, scouring or settling;
- (d) be no steeper than one (1) vertical to two (2) horizontal feet, unless substantiated data, justifying steeper slopes are submitted to, and approved by the Zoning Officer; and
- (e) be used to the extent to which it does not adversely affect adjacent properties.

13.5.4.2 Drainage Facilities

Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall insure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

13.5.4.3 Water and Sanitary Facilities and Systems

- (a) All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damage and the infiltration of flood waters.
- (b) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
- (c) No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all state and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.

13.5.4.4 Other Utilities

All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

13.5.4.5 Streets

The finished elevation of all new streets shall be no more than one (1) foot below the Regulatory Flood Elevation.

13.5.4.6 Storage

All materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal, or plant life, and not listed in Section 13.5.5, Development Which May Endanger Human Life, shall be stored at least one and one-half (1½) feet above the Regulatory Flood Elevation and/or floodproofed to the maximum extent possible.

13.5.4.7 Placement of Buildings and Structures

- (a) All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.
- (b) No fences, except two-wire fences, or other structures which may impede, retard, or change the direction of the flow of flood waters or which will catch or collect debris carried by such waters shall be placed within a designated floodway, nor shall any such structure be placed where the natural flow of flood water could carry the same down stream to the damage or detriment of either public or private property adjacent to the floodplain. Split-rail, post-and-picket, chain-link, or other similar types of fencing with a minimum of 2:1 open space ratio may be permitted in a designated flood fringe, but not in the floodway area.

13.5.4.8 Anchoring

- (a) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent floatation, collapse, or lateral movement.
- (b) All air ducts, large pipes, storage tanks, and other similar objects or components located below the Regulatory Flood Elevation shall be securely anchored or affixed to prevent floatation.

13.5.4.9 Floors, Walls and Ceiling

- (a) Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
- (b) Plywood used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.
- (c) Walls and ceilings at or below the Regulatory Flood Elevation shall be designed and constructed of materials that are "water-resistant" and will withstand inundation.
- (d) Windows, doors, and other components at or below the Regulatory Flood Elevation shall be made of metal or other

"water-resistant" material.

13.5.4.10 Paints and Adhesives

- (a) Paints and other finishes used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.
- (b) Adhesives used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.
- (c) All wooden components (doors, trim, cabinets, etc.) shall be finished with a "marine" or "water-resistant" paint or other finishing material.

13.5.4.11 Electrical Components

- (a) Electrical distribution panels shall be at least three (3) feet above the one hundred (100) year flood elevation.
- (b) Separate electrical circuits shall serve lower levels and shall be dropped from above.

13.5.4.12 Equipment

Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical, or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation.

13.5.4.13 Fuel Supply Systems

All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

13.5.5 Development Which May Endanger Human Life

13.5.5.1 In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community Affairs as required by the act, any new or substantially improved structure which:

- will be used for the production or storage of any of the following dangerous materials or substances; or,

- will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or,
- will involve the production, storage, or the use of any amount of radioactive substances;

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

1. Acetone
2. Ammonia
3. Benzene
4. Calcium carbide
5. Carbon disulfide
6. Celluloid
7. Chloride
8. Hydrochloric acid
9. Hydrocyanic acid
10. Magnesium
11. Nitric acid and oxides of nitrogen
12. Petroleum products (gasoline, fuel oil, etc.)
13. Phosphorous
14. Potassium
15. Sodium
16. Sulphur and sulphur products
17. Pesticides (including insecticides, fungicides, and rodenticides)
18. Radioactive substances, insofar as such substances are not otherwise regulated.

13.5.5.2 Within any FW (Floodway Area), any structure of the kind described in Subsection 13.5.5.1, above, shall be prohibited.

13.5.5.3 Where permitted within any floodplain area, any new or substantially improved structure of the kind described in Subsection 13.5.5.1, above, shall be:

- (a) elevated or designed and constructed to remain completely dry up to at least one and one half (1 ½) feet above the one hundred (100) year flood and,
- (b) designed to prevent pollution from the structure or activity during the course of a one hundred (100) year flood.

For non-residential structures only, any such structure, or part thereof, that will be built below the Regulatory Flood Elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Flood-Proofing Regulations" (U.S. Army Corps of Engineers, June 1972 as amended March 1992), or with some other equivalent watertight standard to 1.5 ft or more above the BFE (or the 100 yr. flood).

13.5.6 Special Requirements for Mobile Homes

13.5.6.1 Where permitted within any floodplain area, all mobile homes, and any improvements thereto, shall be:

- (a) placed on a permanent foundation.
- (b) elevated so that the lowest floor of the mobile home is 1.5 ft or more above the BFE (or the 100 yr. flood).
- (c) anchored to resist floatation, collapse, or lateral movement by providing over-the-top and frame ties to the ground anchors:
 - (1) over-the-top ties shall be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations, and mobile homes less than fifty (50) feet long requiring one additional ties per side, all over-the-top ties shall be attached to ground anchors;
 - (2) frame ties shall be provided at each corner of the mobile home with five additional ties per side at intermediate points, with mobile homes less than fifty (50) feet long requiring four additional ties per side;

- (3) all components of the anchoring system shall be capable of carrying a force of 4,800 pounds;
- (4) any additions to the mobile home shall be similarly anchored.

13.5.7 Special Requirements for Campgrounds and Recreational Vehicles in Floodplain Areas

13.5.7.1 Recreational vehicles in Zones A, A1-30, AH and AE must be on the site for fewer than 180 consecutive days, and only between the dates of April 1st and November 1st of each year, and must be fully licensed and ready for highway use.

13.5.7.2 Where campground and recreational vehicles are located within any designated floodplain area, a workable evacuation plan must be submitted by the owner as part of his application for a Zoning Permit. Said plan must insure that all units will be removed from the floodplain during flood events.

13.6 Activities Prohibited Within Floodplain Areas

In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act, the following activities shall be prohibited within any identified floodplain area:

13.6.1 The commencement of any of the following activities; or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:

13.6.1.1 hospitals

13.6.1.2 nursing homes

13.6.1.3 jails or prisons

13.6.2 The commencement of, or any construction of, a new mobile home park or mobile home subdivision, or substantial improvement to an existing mobile home park or mobile home subdivision.

13.7 Existing Structures in Identified Floodplain Areas

13.7.1 Existing Structures

The provisions of this Ordinance do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of Section 13.7.2 shall apply.

13.7.2 Improvements

The following provisions shall apply whenever any improvement is made to an existing structure located within any identified floodplain area:

13.7.2.1 No expansion or enlargement of an existing structure shall be allowed within any floodway area that would cause any increase in the elevation of the one hundred (100) year flood.

13.7.2.2 Any modification, alteration, construction, reconstruction, or improvement, of any kind to an existing structure, to an extent or amount of fifty (50) percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Ordinance.

13.7.2.3 Any modification, alteration, construction, reconstruction, or improvement, of any kind to an existing structure, to an extent or amount of fifty (50) percent or less than its market value, shall be elevated and/or floodproofed to the greatest extent possible.

13.8 Variance of Floodplain Management Provisions

13.8.1 General

If compliance with any of the floodplain management provisions of this Ordinance would result in an exceptional hardship to a prospective builder, developer or landowner, the Zoning Hearing Board may, upon request, grant a relief from the strict application of these requirements.

13.8.2 Variance Procedures and Conditions

Requests for variances shall be considered by the Zoning Hearing Board in accordance with the procedures contained in Section 16.2.4 and the following:

13.8.2.1 No variance shall be granted for any construction, development, use, or activity within any floodway area that would cause any increase in the one hundred (100) year flood elevation.

- 13.8.2.2** Except for a possible modification of the Regulatory Flood Elevation requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by Development Which May Endanger Human Life (Section 13.5.5).
- 13.8.2.3** No variance shall be granted for Activities Prohibited Within Floodplain Areas (Section 13.6).
- 13.8.2.4** Whenever a variance is granted, the Township shall notify the applicant in writing that:
- (a) The granting of the variance may result in increased premium rates for flood insurance.
 - (b) Such variances may increase the risks to life and property.
- 13.8.2.5** In reviewing any request for a variance, the Zoning Hearing Board shall consider, at a minimum, that the granting of the variance will (i) neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense, (ii) nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.
- 13.8.3** A complete record of all variance requests and related actions shall be maintained by the Zoning Hearing Board. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration.
- 13.8.4** Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one hundred (100) year flood.

ARTICLE 14

Special Exception and Conditional Use Criteria

14.1 Adult Entertainment

- 14.1.1 Adult entertainment uses shall not be located within 1,000 feet of any residential structure or district; within 2,000 feet of any church, school, cemetery, park, or playground; or within 2,000 feet of any other adult entertainment use.
- 14.1.2 No materials, displays, or advertisements for an adult entertainment use shall be visible from any window, door, or exterior of the building.
- 14.1.3 In the case of an adult drive-in theater, viewing screens shall be situated and screened to prevent observation from any street or adjoining property.
- 14.1.4 An adult entertainment use shall be limited to a wall mounted sign located on the premises which shall not exceed 20 ft² in size.

14.2 Animal Hospital or Kennel

Animal Hospitals or Kennels, including treatment, breeding, boarding and grooming facilities, are to be conditioned upon, but not limited to, the following criteria:

- 14.2.1 Demonstration that the facilities will not create nuisance conditions for adjoining properties due to noise or odor.
- 14.2.2 Demonstration that all animals will be confined to the property.
- 14.2.3 Demonstration of adequate methods for sanitation and sewage disposal.
- 14.2.4 Outdoor runs shall be located at least 100 feet from any lot line.
- 14.2.5 Outdoor runs shall be screened to reduce the potential for inciting dogs to bark due to external influences. If deemed necessary by the Zoning Hearing Board, fencing to attenuate sound shall be provided.
- 14.2.6 A site plan drawn to scale shall accompany the application indicating parking facilities, screening and landscaping, driveways, sidewalks, buildings, runs, and other physical features, existing and proposed.

14.3 Cluster Subdivision

14.3.1 Statement of Purpose

Cluster subdivision is an optional form of development which allows the developer more choices of housing types, and enables him to develop lots smaller than otherwise specified in this Ordinance, provided the land saved is reserved for permanent common use, usually in the form of Open Space.

A cluster subdivision shall be designed in accord with the regulations contained in this section except that the maximum gross density of 5 dwelling units per acre for the Village, Suburban, and Rural Residential Districts shall not be exceeded.

All proposed Cluster Subdivision projects must be approved by submission of appropriate preliminary and final plans to the Township in compliance with the Township Subdivision and Land Development Ordinance, and shall be acted on within the time limits set forth in Article V of the Municipalities Planning Code. The approval by the Zoning Hearing Board for a Cluster Subdivision use for a tract of land shall in no way automatically guarantee preliminary or final plan approval without satisfactory compliance with all other applicable codes and regulations of the Township, State, or Federal Government.

14.3.2 Applications for Cluster Subdivision Development

Any developer who desires to initiate a Cluster Subdivision shall submit an application to the Zoning Hearing Board through the Zoning Officer in accord with Special Exception Use procedure. The application shall be accompanied by:

- 14.3.2.1** Location map showing the project in relation to the surrounding area;
- 14.3.2.2** Sketch plan showing:
 - 14.3.2.2.1** Property lines and easements with dimensions and area;
 - 14.3.2.2.2** Location, size, spacing, setbacks and dimensions of all existing and proposed buildings and structures;
 - 14.3.2.2.3** The building types, sections, floor plan, and site sections to clearly define the character of the project; the Zoning Hearing Board may require a model if deemed necessary;
 - 14.3.2.2.4** Topographic information showing existing features, conditions, and proposed grading;

- 14.3.2.2.5 Landscaping plans showing open spaces, planting, existing and proposed trees and recreational areas and facilities; and
- 14.3.2.2.6 Existing streets, showing access to the project, proposed roads and parking layout with dimensions.
- 14.3.2.3 Written information regarding land use designations, surrounding land uses, project design teams, development schedule, type, size, number and estimated selling price of units and density calculations; and
- 14.3.2.4 Written information regarding the following:
 - 14.3.2.4.1 The nature and extent of the common open space in the project, the proposal for maintenance and conservation of the common open space, and the adequacy of the amount and function of the open space in terms of the densities and dwelling types proposed in the plan;
 - 14.3.2.4.2 Whenever applicable, documents indicating compliance and approval of mandated State statutes or other laws shall be obtained and submitted as part of the application.

14.3.3 Criteria for Granting Special Exception Approval for Cluster Subdivision

A special exception approval for a cluster subdivision shall only be granted if evidence is presented that:

- 14.3.3.1 The proposed cluster subdivision shall be in harmony with the general purpose, goals, objectives and standards of the Comprehensive Plan, this section and the Subdivision and Land Development regulations of the Township;
- 14.3.3.2 The proposed cluster subdivision shall not have substantial or undue adverse effects, as compared to a standard development permitted by this Ordinance, upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety and general welfare;
- 14.3.3.3 The proposed cluster subdivision shall be served adequately by essential public facilities and services such as highways, streets, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewers and schools;
- 14.3.3.4 The proposed cluster subdivision shall not result in the destruction,

loss or damage of any natural, scenic or historic feature of significant importance.

14.3.4 General Qualifications

14.3.4.1 Tract Size

Minimum development tract size shall be ten (10) contiguous acres. Excluded from the determination of development tract size are all lands situated in the floodway portion of the 100 year floodplain as defined by this Ordinance and as shown on the Flood Boundary and Floodway Maps prepared by the Federal Emergency Management Agency for West Chillisquaque Township.

14.3.4.2 Density

The gross density of a cluster subdivision shall not exceed five (5) dwelling units per acre. Determination of the number of units allowable on a tract for cluster subdivision is as follows:

Gross acreage of parcel, minus the acreage in floodway portion of the 100-year floodplain, times 5 units/acre, equals total number of dwelling units permitted.

14.3.4.3 Types of Dwelling Units

Single-family detached, double dwellings, townhouses, and multiple family dwellings may be permitted in a cluster subdivision pursuant to the requirements of this article. All units proposed shall be for sale only.

14.3.4.4 Permitted Lot Area Reductions

For cluster subdivisions single family detached may be reduced up to 50% from the minimum established in Section 2.4.1. Townhouse and multiple family dwelling lot size may be reduced to the area of the building unit. Double dwellings may be reduced up to 20% from the minimum established in Section 2.4.2.

14.3.4.5 Yard Dimensions

14.3.4.5.1 Minimum Yards for Single Family Detached and Double Dwellings:

Front:	25 ft.
Side:	0 ft.

Rear: 10 ft.

14.3.4.5.2 Townhouses and Multi-Family Dwellings: All townhouse units shall be a minimum of 20 ft. from driveways and parking lots.

14.3.4.5.3 The cluster subdivision shall have a setback of 50 feet from the site perimeter for all buildings.

14.3.4.6 Landscaped Buffer Areas

Landscaped buffer areas shall be required along the exterior property lines of the proposed residential cluster development. Landscaped buffers shall consist of six feet or higher trees, shrubs, solid wood fencing or a combination thereof as approved by the Zoning Hearing Board. Also, refer to the Screening and Landscaping regulations found in Article 12.

14.3.5 Special Housing Qualifications

14.3.5.1 Townhouse Group

Not more than eight townhouses shall be attached in a single group, and no more than two contiguous townhouses in any building may be constructed in line.

14.3.5.2 Spacing Of Structures

Minimum distances between structures shall be:

- Single Family Detached: 10 feet
- Double Dwelling: 20 feet
- Townhouse: Forty (40) feet between buildings
- Multi-Family Dwelling: Forty (40) feet between buildings

14.3.6 Garages and Accessory Buildings

Single Family Detached Units may have detached accessory buildings or garages provided that a ten (10) foot separation is maintained from the principal structure and that a minimum front building line of 25 ft. is maintained.

14.3.7 Impervious Coverage

The maximum permitted impervious coverage shall be thirty percent (30%) and shall apply to the entire development, rather than to individual lots.

14.3.8 Maximum Building Height: Thirty-five (35) feet

14.3.9 Miscellaneous Regulations

14.3.9.1 Utilities

Public or community sewer and water facilities shall be provided.

14.3.9.2 Off-Street Parking

See Off-Street Parking and Loading regulations in Article 12.

14.3.9.3 Sign Regulations

See the regulations for Signs in Article 12.

14.3.9.4 Fence Regulations

See the regulations for Accessory Structures in Article 12.

14.3.9.5 Automobile Trailers and Mobile Homes

Shall not be permitted in a Cluster Subdivision.

14.3.10 Open Space Requirements

14.3.10.1 Such areas specifically designed for open space shall be fully usable and suitable for that purpose and shall be set aside by deed restriction.

14.3.10.2 Common open space may only be dedicated to public use as approved by the Township Supervisors upon favorable recommendation by the Planning Commission. The Township Supervisors reserve the right to deny dedication of open space.

14.3.10.3 Private Ownership.

When common open space, private streets and parking areas, and utilities are not dedicated and accepted to public use, it shall be protected by legal arrangements, satisfactory to the Township, sufficient to assure its maintenance and preservation for whatever purpose it is intended. Covenants or other legal arrangements shall:

-Obligate purchasers to participate in a homeowners association and

to support maintenance of the open areas by paying to the association assessments sufficient for such maintenance and subjecting their properties to a lien for enforcement of payment of the respective assessments.

-Obligate such an association to maintain the open areas and private streets and utilities.

-Empower the Township, as well as other purchasers in the development, to enforce the covenants in the event of failure of compliance.

-Provide for an agreement that, if the Township is required to perform any maintenance work pursuant to the item above, such purchasers would pay the cost thereof and that the same shall be a lien upon their properties until such a cost has been paid; provided that the developer shall be responsible for the formation of the homeowners association of which the developer, or if the developer is not the owner of the development, then such owner, shall be a member until all of the lots of record are sold. Other equivalent provisions to assure adequate perpetual maintenance may be permitted if approved by the Board of Supervisors. Assurance that such covenants or equivalent provisions will be included in the deeds or other instruments of conveyance shall be evidenced by the recordation in the Office of the Recorder of Deeds, of a perpetual maintenance of facilities as prescribed herein above and identifying the tract and each lot therein. The declaration shall be included in the deed or other instrument of conveyance of each lot of record and shall be made binding on all purchasers, provided that such declaration may, as to subsequent conveyances other than the initial conveyance of each lot of record, be incorporated by reference in the instrument of conveyance.

-Guarantee that any association formed to own and maintain common open space will not be dissolved without the consent of the Board of Supervisors and any other specifications deemed necessary by the Board of Supervisors.

14.4 Communications Towers (Height Greater Than 100 ft.)

14.4.1 The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a Communications Tower, if applicable, and Communications Antennas.

14.4.2 The applicant shall demonstrate that the proposed Communications Tower

and communications Antennas proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

14.4.3 Communications Towers shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation and applicable Airport Zoning Regulations.

14.4.4 Any applicant proposing construction of a new Communications Tower shall demonstrate that a good faith effort has been made to obtain permission to mount the Communications Antennas on an existing Building, Structure or Communications 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 site be contacted and that one (1) or more of the following reasons for not selecting such Structure apply:

14.4.4.1 The proposed antennas and related equipment would exceed the structural capacity of the existing Structure and its reinforcement cannot be accomplished at a reasonable cost.

14.4.4.2 The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for the existing Structure and the interference cannot be prevented at a reasonable cost.

14.4.4.3 Such existing Structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.

14.4.4.4 Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such Structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

14.4.4.5 A commercially reasonable agreement could not be reached with the owners of such Structures.

14.4.5 Access shall be provided to the Communications Tower and Communications Equipment Building by means of a public street or easement to a public street. The easement shall be a minimum width of twenty (20) feet.

- 14.4.6** A Communications Tower may be located on a lot occupied by other principal Structures and may occupy a leased parcel within a lot meeting the minimum lot size requirements for the Zoning District.
- 14.4.7** Any applicant proposing a Communications Tower shall submit detailed construction, plan view and elevations drawings for determining compliance with all applicable provisions of this ordinance.
- 14.4.8** Recording of a plat of subdivision or land development shall not be required for a lease parcel on which a Communications Tower is proposed to be constructed, provided the Communications Equipment Building is unmanned.
- 14.4.9** The applicant shall demonstrate that the proposed height of the Communications Tower is the minimum height necessary to performs its function.
- 14.4.10** The foundation and base of any Communications Tower shall be set back from a property line (not lease line) when adjoining any Residential District or the Village District at least one hundred (100) feet and shall be set back from property lines (not lease line) in all other districts at least fifty (50) feet.
- 14.4.11** The base of a Communications Tower shall be landscaped so as to screen the foundation and base and Communications Equipment Building from abutting properties.
- 14.4.12** The Communications Equipment Building shall comply with the required yards and height requirements of the applicable Zoning District for an accessory structure.
- 14.4.13** The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed Communications Tower will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/Telecommunications Industry Association and any applicable Building Code.
- 14.4.14** The applicant shall submit a copy of its current Federal Communications Commission license; the name, address and emergency telephone number for the operator of the Communications Tower; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount

of \$1,000,000 per occurrence covering the Communications Tower and Communications Antennas.

14.4.15 All guy wires associated with guyed Communications Towers shall be clearly marked for the first eight (8) feet from ground level so as to be visible at all times and shall be located within a fenced enclosure.

14.4.16 The site of a Communications Tower shall be secured by a fence with a height of eight feet to limit accessibility by the general public.

14.4.17 No signs or lights shall be mounted on a Communications Tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency which has jurisdiction.

If lights are required, the use of white strobe lights shall be restricted to daylight hours only and shall be the minimum power necessary for the application. During nighttime hours only red lights may be utilized.

14.4.18 Communications Towers shall be protected and maintained in accordance with the requirements of any applicable Building Code.

14.4.19 If a Communications Tower remains unused for a period of twelve (12) consecutive months, the owner or operator of a Communications Tower or the property owner shall dismantle and remove the Communications Tower within six (6) months of the expiration of such twelve (12) month period. The property owner shall be responsible for removal of a Communications Tower in the event that the owner or operator fails to perform the removal.

14.4.20 One off street parking space shall be provided within the fenced area.

14.5 General Criteria for All Uses

14.5.1 The criteria presented below shall apply to all uses listed in this Ordinance by Special Exception or Conditional Use within a particular district:

14.5.1.1 Adequate, safe, and convenient facilities for pedestrian and motor vehicles, including roadways, driveways, off-street parking and loading, sidewalks, malls, screening and landscaped areas to serve the project shall be provided. See Article XII for supplemental regulations which may apply;

- 14.5.1.2** The proposed use shall maintain or enhance the character of the area in which it is proposed to locate;
- 14.5.1.3** A proposed use shall be located so as not to hinder the natural or presumed development of the area, or detract from the value of existing development;
- 14.5.1.4** A proposed use shall not constitute a safety or health hazard, a nuisance, or have a noxious effect on the surrounding area either due to appearance or operations;
- 14.5.1.5** It shall be demonstrated that the operating requirements of the proposed use shall necessitate the location of such use or building within the vicinity served by the proposed location;
- 14.5.1.6** Special Exception uses proposed for the Village and Suburban Residential Districts are deemed most appropriate for prominent locations along collector streets, at corner locations and in areas of existing mixed residential and non-residential uses. Such use are not appropriate at locations in neighborhoods which are primarily residential in nature and where traffic impacts would be disruptive to the residential character;
- 14.5.1.7** The use or adaptation of a structure or lot in the Village or Suburban Residential Districts for a Special Exception use shall not involve the destruction of open spaces, lawns, landscaping and trees except for changes made to meet parking, screening or other requirements set forth by this Ordinance or the Zoning Hearing Board;
- 14.5.1.8** In the event sewer and water facilities are required for the proposed use, Public or Community systems shall be provided; except that DEP approved on-lot facilities may be acceptable for the following uses: Junkyard or Salvage Yard; Outdoor Recreation Use (other than Recreation Vehicle Park, Marina, or Campground Uses); Professional Office; Public or Quasi-Public Use; Restaurant; Retail, Wholesale, Office, Printing, or Repair Business; or Trucking Terminal;
- 14.5.1.9** Stormwater management facilities shall be provided which shall be designed to create no increase in the rate of runoff of stormwater by providing controlled release and recharge

area (see township Subdivision and Land Development Ordinance for standards); evidence of maintenance and liability responsibilities shall be demonstrated; and facilities shall not conflict with pedestrians, motor vehicles, and adjacent property owners;

- 14.5.1.10** Compliance with the floodplain regulations of the Township and the Commonwealth shall be demonstrated if applicable prior to granting the zoning approval;
- 14.5.1.11** Permanent screening and landscaping shall be provided in accordance with Article 12 to shield adjacent residential districts, or uses from parking lots, illumination and headlights, noise, and other objectionable influences and to enhance the overall appearance of the community;
- 14.5.1.12** Lighting facilities shall be designed to assure that glare and direct illumination does not occur onto adjacent properties and roadways;
- 14.5.1.13** Sites shall be designed and constructed in accord with the Municipal Subdivision and Land Development Ordinance.
- 14.5.1.14** Sites shall be designed as a unit for development in their entirety under single ownership and control; or satisfactory condominium arrangements shall be demonstrated; and
- 14.5.1.15** All lots and buildings shall have access by way of an internal street system and shall have convenient emergency vehicle and equipment access.

14.6 Group Care Facility

- 14.6.1** The Group Care Facility shall be limited to residential uses only. Offices of public agencies, services to non-residents (e.g. counseling services), and other similar non-residential activities shall be excluded from this use.
- 14.6.2** The Group Care Facility shall maintain a residential neighborhood character.
- 14.6.3** The Group Care Facility zoning approval shall not be transferrable from the original applicant to a new operator.
- 14.6.4** The Group Care Facility zoning approval shall be revoked if the group home fails to meet approved conditions at all times.

14.6.5 Off-street parking spaces shall be provided for all vehicles associated with the Group Care Facility including the householder, residents, attendant care givers, and visitors.

14.7 Home-Based Business

A Home-Based Business is conducted on a lot in conjunction with a residential dwelling unit. Such uses are limited to lawn mower, or appliance repair shops; carpentry, woodworking, or metalworking shops. The repair of motor vehicles shall be excluded from this use.

14.7.1 The Home-Based Business shall be compatible with the residential character of the dwelling and/or the immediate vicinity. The Home-Based Business shall not produce offensive noise, vibrations, dust, odors, pollution, interference with radio or television reception, traffic congestion, or other objectionable conditions which are audible, visible, or otherwise detectable by human senses at the property line.

14.7.2 A Home-Based Business may be conducted inside the dwelling or within an accessory building or garage, but in total shall not occupy an area exceeding 50 percent of the ground floor area of the dwelling.

14.7.3 The business shall be conducted by a resident of the dwelling, with no more than 4 (four) people involved in the business.

14.7.4 All parking shall be off-street. A minimum of two (2) off-street spaces shall be provided in addition to that required of the residential use. One (1) additional off-street parking space shall be provided for each outside person involved in the business.

14.7.5 The Home-Based Business shall be carried out entirely within the dwelling or accessory structure. There shall be no outside storage or sales areas associated with the Home-Based Business.

14.7.6 No show windows or advertising outside of the premises shall be permitted other than one (1) sign or name plate which shall not exceed four (4) square feet in area.

14.8 Surface Mining

The applicant shall submit a site plan indicating areas proposed for excavation, proposed quarry and spoil stockpiles, roadways, driveways, buildings and other structures, water bodies, and screening areas and materials.

14.8.1 The applicant shall demonstrate compliance with all pertinent environmental requirements including floodplain, wetland, erosion and sedimentation control, and surface mining regulations.

14.8.2 This use shall not be permitted within 100 ft. of the outside line of the right-of-way of any public highway or within three hundred (300) feet of any occupied dwelling, unless the consent to do so is released by the owner thereof, or any public building, school, park, or community or institutional building.

14.8.3 This use shall not be permitted within one-hundred (100) feet of any cemetery or the bank of any stream.

14.8.4 The applicant shall submit an appropriate screening plan which may make use of spoils material provided that it shall be neatly graded and vegetated. Screening may be located within the restricted zones noted above.

14.9 Waste Storage or Processing Facility

14.9.1 No application considered for Conditional Use under this section shall be processed unless fully permitted by the Pennsylvania Department of Environmental Protection, the United States Environmental Protection Agency, and such other federal or state agencies as required under the applicable enabling statutes.

14.9.2 All facilities considered for Conditional Use under this section shall not be located in the following locations (as measured from the property line of the Waste Storage or Processing Facility):

14.9.2.1 Within 2 mile of a well or spring used for a community water supply;

14.9.2.2 Within 2 mile of a stream or impoundment for a distance of 5 stream miles upstream of a surface water intake for a community water supply;

14.9.2.3 Within any 100-year floodplain or a larger area that the flood of record has inundated;

14.9.2.4 Within any wetland area;

14.9.2.5 Over any active or inactive oil or gas wells or storage areas;

- 14.9.2.6 Over any formations of carbonate bedrock;
- 14.9.2.7 Within 2 mile of any National Landmark or historic site as listed on the National Register of Historic Places;
- 14.9.2.8 Within any Agricultural Security Area;
- 14.9.2.9 In farmlands classified as Class I by the U.S.D.A. Soil Conservation Service;
- 14.9.2.10 Within one (1) mile of any school, church, hospital, clinic, day care facility, prison, jail, halfway house, rehabilitation facility, airport, retail center, nursing home, or government building;
- 14.9.2.11 Within 2 mile of any designated Aquifer Protection Area or Well-head Protection Area; or

14.9.3 Community and Environmental Impact Analysis

Applicants shall submit a Community and Environmental Impact Analysis which shall consist of the following information;

- 14.9.3.1 Hydrologic analysis and information;
- 14.9.3.2 Information concerning geologic conditions;
- 14.9.3.3 SCS soils classification information;
- 14.9.3.4 Information on mineral bearing areas;
- 14.9.3.5 Land use analysis;
- 14.9.3.6 Information regarding transportation impacts;
- 14.9.3.7 Information regarding emergency and safety services;
- 14.9.3.8 Economic impact analysis; and
- 14.9.3.9 Air quality impact analysis.

14.9.4 Application Requirements

The Applicant shall submit the following information pertaining to the site

or project:

- 14.9.4.1** A description of the specific types of wastes the applicant proposes to accept for treatment, processing, or disposal at the site;
- 14.9.4.2** A description of the specific technology and procedures the applicant proposes to use to treat, process, and dispose of the waste at the facility;
- 14.9.4.3** A preliminary site plan, preliminary facility specifications and architectural drawings of the proposed facility;
- 14.9.4.4** A statement of qualifications to operate a waste disposal facility;
- 14.9.4.5** A proposed siting agreement specifying the terms, conditions, and provisions under which the facility shall be constructed, maintained, and operated, including but not limited to the following:
- Facility construction and maintenance procedures;
 - Operating procedures and practices, the design of the facility and its associated activities;
 - Monitoring procedures, practices and standards necessary to assure safe operation of the facility;
 - The services to be offered by the applicant to the community;
 - The compensation, services and special benefits to be provided to the community by the applicant and the timing and conditions of their provision;
 - Provisions for renegotiations of any term, condition or provision of the siting agreement;
 - Provisions for resolving any disagreements in the construction and interpretation of the siting agreement that may arise between the parties;
 - Provisions for compensation to be paid to abutting landowners, residents, occupants, or impacted communities for demonstrated adverse impacts;

-Provision for direct monetary payments to the township and special services to be provided for demonstrated adverse impacts;

-Provision to assure the health, safety, comfort, convenience and social and economic security of the township;

-Provision to assure the protection of environmental and natural resources;

-Provisions to compensate the township, the county and/or other agencies for the review costs incurred due to the applicant proposal, and to allow site access for review purposes.

14.10 Wastewater Processing Facility

14.10.1 No application considered for a Conditional Use under this section shall be processed unless fully permitted by the Pennsylvania Department of Environmental Protection or the United States Environmental Protection Agency or such other federal or state agencies as required under the applicable enabling statutes.

14.10.2 All facilities considered for a Conditional Use under this section shall not be located in the following locations (as measured from the property line of the Wastewater Processing Facility):

14.10.2.1 Within 3 mile of a well or spring used for a community water supply;

14.10.2.2 Within any 100-year floodplain or a larger area that the flood of record has inundated unless the PA Department of Environmental Resources and the PA Emergency Management Agency approves in their permits methods for protecting the facility from a 100 year flood consistent with the Floodplain Management Act and the Dam Safety and Encroachment Act;

14.10.2.3 Within any wetland area;

14.10.2.4 Within 3 mile of any designated Aquifer Protection Area or Wellhead Protection Area.

14.10.3 Community and Environmental Impact Analysis

Applicants shall submit a Community and Environmental Impact Analysis which shall consist of the following information:

- 14.10.3.1** Information regarding transportation impacts;
- 14.10.3.2** Information regarding emergency and safety services; and
- 14.10.3.3** Air quality impact analysis.

14.10.4 Application Requirements

The Applicant shall submit the following information pertaining to the site or project:

- 14.10.4.1** A description of the specific types or wastewater the applicant proposes to accept for processing at the site;
- 14.10.4.2** A description of the specific technology and procedures the applicant proposes to use to process the wastewater at the facility;
- 14.10.4.3** A preliminary site plan, preliminary facility specifications and architectural drawings of the proposed facility;
- 14.10.4.4** A statement of qualifications to operate a wastewater processing facility;
- 14.10.4.5** A proposed siting agreement specifying the terms, conditions, and provisions under which the facility shall be constructed, maintained, and operated, including but not limited to the following:
 - Facility construction and maintenance procedures;
 - Operating procedures and practices, the design of the facility and its associated activities;
 - Monitoring procedures, practices and standards necessary to assure safe operation of the facility;
 - The services to be offered by the applicant to the community;
 - Provision to assure the health, safety, comfort, convenience and social and economic security of the township;
 - Provision to assure the protection of environmental and natural resources;
 - Provisions to compensate the township for the review costs incurred due to the applicant's proposal and to allow site access for review purposes.

14.11 Principal Solar Energy Systems (PSES)

14.11.1 Regulations Applicable to All Principal Solar Energy Systems:

14.11.1.1 PSES shall be permitted as a conditional use in the Industrial and Agricultural Preservation Zoning Districts.

14.11.1.2 Exemptions

PSES constructed prior to the effective date of this Section shall not be required to meet the terms and conditions of this Ordinance. Any physical modification to an existing PSES, whether or not existing prior to the effective date of this Section that materially alters the PSES shall require approval under this Ordinance. Routine maintenance or like-kind replacements do not require a permit.

14.11.1.3 The PSES layout, design and installation 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), Florida Solar Energy Center (FSEC) or other similar certifying organizations, and shall comply with the PA Uniform Construction Code as enforced by the Township and with all other applicable fire and life safety requirements.

14.11.1.4 The underground placement of on-site transmission lines and plumbing lines shall be utilized whenever possible consistent with the standard industry practices.

14.11.1.5 The owner of a PSES shall provide the Township with a written acknowledgement from the public utility company or the Regional Transmission Operator (RTO) to which the PSES will be connected that they have been informed of the customer's intent to install a grid connected PSES to their facilities.

14.11.1.6 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 allowed on any equipment of the PSES provided they comply with the prevailing sign regulations.

14.11.1.7 Glare

- 14.11.1.7.1** All PSES shall be placed such that concentrated solar radiation or glare does not project onto nearby structures or roadways.
- 14.11.1.7.2** The applicant has the burden of proving that any glare produced does not have significant adverse impact on neighboring or adjacent uses.
- 14.11.1.8** A noise study will be performed and included in the application. The noise study will be performed by an independent noise study expert and paid for by the applicant. Noise from a PSES shall not exceed 50 dBA, except during construction, as measured at the property line of non-participating landowners.
- 14.11.1.9** No trees or other landscaping otherwise required by the municipal ordinances or attached as a condition of approval of any plan, application, or permit may be removed for the installation or operation of a PSES.
- 14.11.1.10** The PSES owner and/or operator shall maintain a phone number and identify a person responsible for the public to contact with inquiries and complaints throughout the life of the project and provide this number and name to the Township. The PSES owner and/or operator shall make reasonable efforts to respond to the public's inquiries and complaints.
- 14.11.1.11** A Contingency Plan of Emergency Procedures shall be developed by the PSES owner consistent with standard operating practices of the industry and furnished to the Township, the local fire company and the County Department of Emergency Services.

14.11.1.12 Decommissioning

- 14.11.1.12.1** The PSES owner is required to notify the Township immediately upon cessation or abandonment of the operation. After the start of commercial operations of the PSES, 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.
- 14.11.1.12.2** 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. If the owner fails to dismantle and/or remove the PSES within the established timeframes, the municipality may complete the decommissioning at the owner's expense. The Township may authorize one twelve (12) month extension for just cause shown by the PSES owner.

14.11.1.12.3 At the time of issuance of the permit for the construction of the PSES, the owner shall provide evidence that financial security will be in place at the start of commercial operation in the form and amount of a bond, irrevocable letter of credit, or other financial security acceptable to the Township to secure the expense of dismantling and removing said PSES and restoration of the land to its original condition, in the amount of 110% of the estimated decommission cost minus the salvageable value. Every 5 years a new engineer's estimate of probable cost of decommissions shall be submitted for approval in the same manner as the initial submission, and the bond, letter of credit, or other financial security acceptable to the Township shall be adjusted upward or downward as necessary. An additional three percent (3%) of the total cost shall also be added to cover engineering and review costs.

14.11.1.13 Prior to the issuance of a zoning permit, PSES applicants must acknowledge in writing that the issuing of said permit 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 or other property or the growth of any trees or vegetation on such property, except as is otherwise agreed to in writing with any participating landowner; or (b) the right to prohibit the development on or growth of any trees or vegetation on such property, except as is otherwise agreed to in writing with any participating landowner.

14.11.1.14 Permit Requirements

14.11.1.14.1 PSES shall comply with the Township subdivision and land development requirements. The installation of PSES shall be in compliance with all applicable permit requirements, codes, and regulations.

14.11.1.14.2 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.

14.11.2 Ground Mounted Principal Solar Energy Systems:

14.11.2.1 Minimum lot size

5 (five) acres

14.11.2.2 Minimum Yards

14.11.2.2.1 PSES shall comply with the following minimum yards.

Fence: 25 ft.

Panels

Front: 50 ft.

Side: 50 ft.

Rear: 50 ft.

14.11.2.2.2 In all cases there shall be minimum distance of 100 (one-hundred) feet between adjacent non-participating, residential structures and any component of the PSES including fences, buildings, panels, and other equipment.

14.11.2.2.3 The minimum side and rear yards specified above may be waived in the case of adjoining tracts of land within a single PSES.

14.11.2.3 Height

Ground mounted PSES shall not exceed 20 feet in height.

14.11.2.4 Impervious Coverage

14.11.2.4.1 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 subject to the impervious surfaces limitations for the applicable Zoning District.

14.11.2.4.2 The following components of a PSES shall be considered impervious coverage and calculated as part of the impervious coverage limitations for the underlying zoning district:

(a) Foundation systems, typically consisting of driven piles or monopoles or helical screws with or without small concrete collars.

(b) All mechanical equipment of PSES including any structure for batteries or storage cells. **FOR ZONING PURPOSES ONLY**, the solar modules themselves, however, are not included as impervious cover.

(c) Gravel or paved access roads servicing the PSES.

14.11.2.5 PSES owners are required to follow the current **PA DEP Guidelines for Solar Collectors** as a best management practice for storm water management.

14.11.2.6 Ground mounted PSES shall be screened from non-participating adjoining residential uses unless landowner waives such requirement. Also highly trafficked sections of road, shall be screened as determined by the Township. The location and specifications for required screening shall be indicated on the land development plan.

14.11.2.7 In Agricultural or Agricultural Preservation Zoning Districts, neither the entire project area for development nor the actual disturbed area shall consist of more than ten (10) percent Class I and Class II prime agricultural soils as defined by the current version of the NRCS Custom Soil Resource Report.

14.11.2.8 Ground-mounted PSES shall not be placed within any legal easement or right-of-way location, or be placed within any storm water conveyance system or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system.

14.11.2.9 Security

14.11.2.9.1 All ground-mounted PSES shall be completely enclosed by a minimum six (6) foot high fence and gates shall have locks.

14.11.2.9.2 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 the PSES informing individuals of potential voltage hazards.

14.11.2.10 Access

14.11.2.10.1 At a minimum, a 25' wide access road must be provided from a state or township roadway into the site.

14.11.2.10.2 Service roads, at a minimum 16' width, shall be provided to allow access for maintenance vehicles and emergency management vehicles including fire apparatus and emergency vehicles.

14.11.2.11 The ground mounted PSES shall not be artificially lighted except to the extent required for safety or applicable federal, state, or local authority.

14.11.2.12 If a ground mounted PSES is removed, any earth disturbance resulting from the removal must be graded and reseeded.

14.11.3 Roof and Wall Mounted Principal Solar Energy Systems:

14.11.3.1 For roof and wall mounted systems, the applicant shall provide evidence that the plans comply with the Uniform Construction Code and adopted building code of the township that the roof or wall is capable of holding the load imposed on the structure.

14.11.3.2 PSES mounted on the roof or wall of any building shall be subject to the maximum height regulations of the underlying zoning district.

14.12 Uses Not Provided For

14 Whenever, under this Ordinance, a use is neither specifically permitted or denied, and an application is made by an applicant to the Zoning Officer for such a use, the Zoning Officer shall refer the application to the Board of Supervisors to hear and decide such request as a Conditional Use. The Board of Supervisors shall have the authority to permit the use or deny the use in accordance with the standards governing Conditional Use applications set forth in Section 15.2 of this Ordinance. In addition, the use may only be permitted if:

14.12.1 It is similar to and compatible with the other uses permitted in the zone where the subject property is located;

14.12.2 It is not permitted in any other zone under the terms of this Ordinance; and

14.12.3 It in no way is in conflict with the general purposes of this Ordinance.

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

be located.

14.13 Medical Marijuana Organization or Facility

14.13.1 Medical Marijuana Dispensary

- 14.13.1.1** A medical marijuana dispensary must be legally registered in the Commonwealth and possess a current valid medical marijuana permit from DOH.
- 14.13.1.2** Revocation of any required federal, state, municipal, or other required approvals shall constitute an automatic revocation of the Zoning Permit issued by West Chillisquaque Township.
- 14.13.1.3** The location of medical Marijuana Dispensaries shall comply with the use regulations of this ordinance (Article 2 thru 9).
- 14.13.1.4** 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.
- 14.13.1.5** A medical marijuana dispensary may not operate on the same site as a facility used for growing and processing medical marijuana.
- 14.13.1.6** Medical marijuana dispensaries 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.
- 14.13.1.7** Permitted hours of operation of a dispensary shall be within the limits of 8 am to 8 pm.
- 14.13.1.8** A medical marijuana dispensary shall:
 - a.** Not have a drive-through service;
 - b.** Not have outdoor seating areas;
 - c.** Not have outdoor vending machines;
 - d.** Prohibit the administering of, or the consumption of medical marijuana on the premises; and
 - e.** Not offer direct or home delivery service.

- 14.13.1.9** A medical marijuana dispensary may dispense only medical marijuana to certified patients and caregivers and shall comply with all lawful, applicable health regulations.
- 14.13.1.10** A medical marijuana dispensary may not be located within 1,000 ft. of the property line of a public, private or parochial school or a day-care center.
- 14.13.1.11** A medical marijuana dispensary shall be a minimum distance of 1,000 feet from the next nearest medical marijuana facility.
- 14.13.1.12** Any medical marijuana facility lawfully operating shall not be rendered in violation of these provisions by the subsequent location of a public, private or parochial school or a day-care center.
- 14.13.1.13** Loading and off-loading areas with the structure are preferred. If any external loading dock arrangement is designed, it should be from within a secure environment.

14.13.2 Medical Marijuana Grower/Processor

- 14.13.2.1** 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.
- 14.13.2.2** 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.
- 14.13.2.3** There shall be no emissions of dust, fumes, vapors, odors, or waste into the environment from any facility where medical marijuana growing, processing or testing occurs.
- 14.13.2.4** 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.
- 14.13.2.5** 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.

- 14.13.2.6 Grower/processors may not locate within 1,000 feet of the property line of a public, private, or parochial school or day-care center.
- 14.13.2.7 Loading and off-loading areas within the structure are preferred. If an external loading dock arrangement is designed, it should be from within a secure environment.

14.13.3 Medical Marijuana Delivery Vehicle Office or Transport Vehicle Service

- 14.13.3.1 A traffic impact study is required where the office is operated.
- 14.13.3.2 Parking requirements will follow the parking schedule found in Article 12 Off-Street Parking and Loading Regulations.
- 14.13.3.3 Entrances and driveways to a medical marijuana transport vehicle service must be designed to accommodate the anticipated vehicles used to enter and exit the premises.
- 14.13.3.4 If for some reason a medical marijuana product is to be temporarily stored at a medical marijuana transport vehicle service facility, the facility must be secured to the same level as a medical marijuana grower/producer and dispensary.
- 14.13.3.5 Loading and off-loading areas within the structure are preferred. If an external loading dock arrangement is designed, it should be from within a secure environment.

14.14 Automotive Sales or Service, Recreational Vehicle & Manufacturing Housing Sales & Repair, Automotive Car Wash and Convenience Markets

An automotive car wash, repair facility, sales facility, or service facility may be permitted only in those zoning districts as provided for in the district regulations of this Ordinance and shall comply with the provisions outlined below, as well as other municipal regulations existing or which may hereafter be enacted.

- 14.14.1 The storage of gasoline or flammable oils in bulk shall be located fully underground and not nearer than fifty (50) feet from any property line other than the street line. Additional permits may be necessary to meet State requirements regarding storage tanks. Fuel pumps may be located within the front yard but shall be at least twenty (20) feet from the front lot line.
- 14.14.2 All repair work (excluding preventive maintenance, minor adjustments

and work on large vehicles or equipment) shall be performed within a structure. All repair materials, including new, used, discarded or unusable parts of any vehicle, shall be stored within a building or dumpster.

- 14.14.3** Body work or painting of vehicles may be permitted only where the operation is to be conducted within an enclosed structure and where such structure meets the regulations of the PA Department of Labor and Industry and PA Department of Environmental Protection and is designed to contain noise, vibrations, air emissions, and odor generated by the activity.
- 14.14.4** Automatic car wash facilities may be permitted in conjunction with such uses provided that the applicant can show that his sewage treatment facilities can accommodate the discharge from such a facility.
- 14.14.5** No more than three (3) vehicles may be offered for sale at any one time at an automotive repair facility or service station.
- 14.14.6** Screening or landscaping shall be provided in accord with Article 12 when this use is adjacent to residences, churches or similar uses.

14.15 Manufacturing, Laboratory, Transportation & Freight Uses

- 14.15.1** The applicant shall provide documentation that the highway providing access to the property is capable of accommodating heavy trucks and industrial employee and related traffic.
- 14.15.2** At least 75% of all operations shall occur within an enclosed structure excepting necessary and required off-street parking and loading facilities. All such uses which may occur outside of an enclosed structure, except off-street parking and loading facilities, shall be enclosed in a permanent fence or wall at least six (6) feet in height. Such a fence shall not interfere with traffic safety or intersection visibility.
- 14.15.3** Land development plans shall be required showing all structures, roadways, pathways, parking areas, service drives, loading and unloading areas, utility and exterior lighting installations and landscaping on the site, drainage and stormwater management facilities, all existing structures and usages within two hundred (200) feet of the site boundaries, location of proposed sewage disposal and water supply facilities, and other elements as may be deemed essential by the Board of Supervisors.

ARTICLE 15

(reserved)

ARTICLE 16

Zoning Hearing Board Proceedings

16.1 Organization and Procedure

16.1.1 Establishment

Pursuant to the provisions of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended, a Zoning Hearing Board is hereby established for West Chillisquaque Township.

16.1.2 Appointment and Membership

The Zoning Hearing Board shall consist of three (3) members who are residents of West Chillisquaque Township who are appointed by Resolution of the Township Board of Supervisors. The terms of the initial appointees shall be for one, two and three years from the date of appointment. Their successors shall be appointed for the term of three (3) years after the expiration of the terms of their predecessors in office. Members of the Zoning Hearing Board shall hold no other office or employment in the municipality. A Zoning Hearing Board member may be removed by the majority vote of the appointing authority for just cause only after the member has received 15 days advanced notice of the Township's intent to take such a vote.

The Township Board of Supervisors may appoint two (2) alternate members to the Zoning Hearing Board to serve in the event of absence or conflict of interest of a regular member. The term of office of an alternate shall be three (3) years. The Chairman of the Zoning Hearing Board shall designate as many alternates as may be necessary to provide a quorum. Designation shall be made on a case-by-case basis, in rotation, according to declining seniority.

16.1.3 Appointment to Fill Vacancies

Appointments to fill vacancies shall be for the unexpired term of the member or members whose term becomes vacant. Appointments to fill such vacancies shall be made in the same manner as the original appointment.

16.2 Powers and Duties

The Zoning Hearing Board shall perform all the duties and have all the powers prescribed by the Municipalities Planning Code Act, of 1968, P.L. 805, No. 247, as reenacted and amended, including the following:

16.2.1 To Hear and Decide Requests for Special Exceptions

The Zoning Hearing Board shall hear and decide requests for special exceptions in accordance with standards and criteria of the Ordinance. In granting a Special Exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in this ordinance.

16.2.2 To Hear and Decide Appeals

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

16.2.2.2 The Zoning Hearing Board shall hear and decide appeals from a determination of the Zoning Officer or municipal engineer in the administration of any land use ordinance of the Township or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving the provisions regulating Subdivision and Land Development governed under Article V of the Pennsylvania Municipalities Planning Code.

16.2.2.3 The Zoning Hearing Board shall hear and decide appeals from a determination by the Municipal Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.

16.2.2.4 The Zoning Hearing Board shall hear and decide upon appeals from a determination of the Zoning Officer regarding any question involving the interpretation of this Ordinance, including determination of the exact location of any district boundary.

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

16.2.3.1 The Zoning Hearing Board shall hear and decide substantive challenges to the validity of any land use ordinance, except those for Landowner Curative Amendments, which shall be brought before the Governing Body pursuant to Sections 609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code, as amended.

16.2.3.2 The Zoning Hearing Board shall hear and decide challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption. Such challenges shall

be raised by an appeal taken within 30 days after the effective date of said ordinance.

16.2.4 To Hear and Decide Requests for Variances

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

The Board's decision to approve a variance request shall be made only after public notice and a public hearing (see Section 16.3).

The Zoning Hearing Board may grant a variance, provided that all of the following findings are made where relevant in a given case:

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

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

16.3 Hearing Procedures

16.3.1 Parties Appellant Before the Board

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

16.3.2 Time Limitations

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

16.3.3 Application Required

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

- 16.3.3.1** the name and address of the applicant or appellant;
- 16.3.3.2** the name and address of the owner of the parcel to be affected by such proposed change or appeal;
- 16.3.3.3** a brief description and location of the parcel to be affected by such proposed change or appeal;
- 16.3.3.4** a statement of the present zoning classification of the parcel in question, the improvements thereon and the present use thereof, and
- 16.3.3.5** a reasonably accurate description of the additions or changes intended to be made under this application, indicating the size of such proposed improvement, material and general construction thereof. In addition, there shall be attached a plot plan of the property to be affected,

indicating the location and size of the lot and size of improvements thereon and proposed to be erected thereon.

16.3.4 Procedure for Zoning Officer

- 16.3.4.1** The notice of appeal in any case where a permit has been granted or denied by the Zoning Officer shall be prescribed by the Zoning Hearing Board under general rule after notice of such action granting or denying the permit has been mailed to the applicant. The Zoning Officer shall then immediately transmit to the Zoning Hearing Board all papers constituting the record from which the appealed action was taken or in lieu thereof, certified copies of said papers.
- 16.3.4.2** The Zoning Officer may recommend to the Zoning Hearing Board a modification or reversal of recommended action in cases where substantial justice requires the same but where he does not have sufficient authority to depart from the regulations.

16.3.5 Hearing Required and Notice of Hearings

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

- 16.3.5.1** Public notice in accordance with the definition of *Public Notice* in Section 1.12 of this Ordinance;
- 16.3.5.2** Post in a conspicuous place on the property involved a written notice of the pending hearing and action, such notice shall take place at least seven (7) days prior to the public hearing;
- 16.3.5.3** Give written notice to the applicant, the Zoning Officer, the Township Secretary, Secretary of the Township Planning Agency, and to any person who has made timely request for the same, at least seven (7) days prior to the hearing. (Where the Zoning Hearing Board is requesting comments on an application from the Planning Agency, the Township Planning Agency shall be given notice at least 30 days prior to the hearing); and
- 16.3.5.4** In case of Special Exception, an appeal or a request for a variance, all adjacent property owners within 500 feet of the nearest line of the property for which the variance is sought shall be given written notice by Certified Mail within seven (7) days of the hearing.

16.3.6 Rules of Conduct

The Zoning Hearing Board shall adopt rules in accordance with the provisions of this Ordinance and Article IX of the Pennsylvania Municipalities Planning Code, as amended. Meetings of the Zoning Hearing Board shall be held at the call of the Chairman and at such other times as the Zoning Hearing Board may determine. Such Chairman or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. Irrelevant, immaterial or unduly repetitious evidence may be ruled out of order and excluded from the hearing record.

All hearings and meetings of the Zoning Hearing Board shall be open to the public. The Zoning Hearing Board shall keep a stenographic record of the hearing proceedings. Minutes shall be kept of all other meetings and shall include the vote, failure to vote, or absence from the vote of each member upon each question. Such records shall be public and shall be kept on file with the Township Secretary. A report of the Zoning Hearing Board's activities shall be submitted to the Township Supervisors once each year.

A quorum of two (2) Board Members shall be required for the Board to take action.

16.3.7 Decisions

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

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

A copy of the final decision or findings must be delivered to the applicant personally or must be mailed to him not later than the day after the date of the report. All other persons interested in the results or who filed an appearance or testified during the Hearing must be provided with a brief notice of the decision or findings and a statement indicating where the full decision may be examined.

16.3.8 Expiration of Appeal Decision

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

16.3.9 Required Interval for Hearings on Applications and Appeals after Denial

Whenever the Zoning Hearing Board, after hearing all the evidence presented upon an application or appeal under the provisions of the Ordinance, denies the same, the Zoning Hearing Board shall refuse to hold further hearings on the same or substantially similar application or appeal by the same applicant, his successor or assign for a period of one (1) year, except and unless the Zoning Hearing Board shall find and determine from the information supplied by the request for a rehearing, that changed conditions have occurred related to the promotion of the public health, safety, convenience, comfort, prosperity and general welfare and that a reconsideration is justified. Such rehearing would be allowable only upon a motion initiated by a member of the Zoning Hearing Board and adopted by the unanimous vote of the members present, which must be a majority of the total members.

16.3.10 Failure to Hold Required Hearing or Render Decision

If the Zoning Hearing Board fails to hold the required Hearing or fails to render a decision with the prescribed time periods, a decision shall be automatically rendered in favor of the applicant. However, the applicant may agree in writing to an extension of the 60 days (see Section 16.3.5) and/or 45 days (see Section 16.3.7) time requirements. When a decision is rendered in favor of the applicant due to a violation of the established time requirements, the Zoning Hearing Board must give public notice of this decision within ten (10) days from the last day it could have met to render a timely decision.

16.3.11 Stay of Proceedings

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

16.3.12 Appeals

Any person aggrieved by any decision of the Zoning Hearing Board may appeal there from within 30 days to the Court of Common Pleas of Northumberland County pursuant to the procedures established in Article X-A of the Pennsylvania Municipalities Planning Code, as amended.

ARTICLE 17

Amendments and Conditional Uses - Board of Supervisors

17.1 Amendments to Zoning Ordinance or Map

The Township Board of Supervisors may on its own motion or by petition amend, supplement, change, modify or repeal this Ordinance, including the Zoning Map, by proceeding in the following manner. For Curative Amendments, see Section 609.1, Procedure for Landowner Curative Amendments, under Article VI of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended.

17.1.1 Review by Planning Agency

Every such proposed amendment or change, whether initiated by the Township Board of Supervisors or by petition, shall be referred to the Township Planning Agency and the County Planning Commission at least 30 days before the public hearing for report thereon. If the Planning Commission(s) fail to file such a report before the Public Hearing it shall be presumed that the Planning Commission(s) have no comments or concerns regarding the proposed amendment, supplement or change.

17.1.2 Public Hearing

Before voting on the enactment of an amendment, the Township Board of Supervisors shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township along the tract together with property description to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing.

In addition to the requirement that notice be posted as required above, where the proposed amendment involves a zoning map change, notice of the public hearing shall be mailed by the Township at least thirty days prior to the date of the hearing by first class mail to the addresses to which real estate tax bills are sent for all real property located within the area being rezoned, as evidenced by tax records within the possession of the Township. The notice shall include the location, date and time of the public hearing. A good faith effort and substantial compliance shall satisfy the requirements of the subsection.

17.1.3 Opportunity to be Heard

At the public hearing, full opportunity to be heard shall be given to any citizen and all parties in interest.

17.1.4 Notice of Enactment

Prior to taking action on the amendment, the Township Supervisors shall give notice of proposed enactment by publishing the entire amendment or the title and a brief summary once in a newspaper of general circulation in the locale. Such notice shall be published one time, not more than 60 days nor less than seven (7) days prior to passage.

17.1.5 Enactment of Amendment

The adoption of an amendment shall be by simple majority vote of the Township Board of Supervisors. The vote of the Supervisors shall be within 90 days after the last public hearing on the amendment. If the Supervisors fail to take action within 90 days, the proposed amendment shall be deemed to have been denied. Within 30 days after enactment, a copy of the amendment shall be forwarded to the County Planning Commission.

17.1.6 Landowner Curative Amendments

A landowner who desires to challenge on substantive grounds the validity of a zoning ordinance or map or any provisions thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the governing body with a written request that his challenge and proposed amendment be heard and decided as provided in Section 609.1 of the Pennsylvania Municipalities Planning Code.

17.1.7 Municipal Curative Amendment

If a municipality determines that its zoning ordinance or any portion thereof is substantially invalid, it shall prepare a curative amendment to overcome such invalidity in accordance with Section 609.2 of the Pennsylvania Municipalities Planning Code.

17.2 Conditional Uses

The Township Supervisors may grant Conditional Use approval for only those instances specified in this Ordinance. In addition, the Supervisors may attach such reasonable conditions and safeguards as they deem appropriate to protect the public welfare and implement the purpose of this Ordinance.

17.2.1 Application Procedure

Applications for any Conditional Use permitted by this Ordinance shall be made to the Zoning Officer who shall refer such application to the Secretary of the Township Supervisors. Upon receipt of a Conditional Use application, the Secretary of the Township Supervisors shall forward a copy of the application to the Township Planning Agency for their review and recommendation. The Planning Commission shall conduct its review and make recommendations within 45 days of receipt of such request.

17.2.2 Written Statement

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

- 17.2.2.1** the location of the tract of land;
- 17.2.2.2** the present use of the tract for which the conditional use is requested;
- 17.2.2.3** the present use of adjoining tracts;
- 17.2.2.4** the type of conditional use for which the application is made;
- 17.2.2.5** a brief description of the type and extent of the proposed activities;
- 17.2.2.6** an estimate of the total development cost of the conditional use; and
- 17.2.2.7** the names of the applicant, the owner of the tract, the developer of the conditional use and the person or organization who will operate the conditional use.

17.2.3 Site Plan

All applications for Conditional Uses shall include a site plan of the proposed development as set forth below. The site plan shall be drawn to a scale not exceeding 50 feet to the inch and shall be placed on a sheet no smaller than 18x24". If the site plan is drawn in two (2) or more sections, a key map showing the section locations shall be placed on each sheet. The site plan shall include:

- 17.2.3.1** title block containing the name of the developer or landowner, date, scale, north arrow and the name and profession of the preparer of the plan;
- 17.2.3.2** tract boundaries showing bearings and distances;

- 17.2.3.3 existing significant natural or man-made features of the site;
- 17.2.3.4 existing and proposed streets, rights-of-way, easements, means of access and setback lines;
- 17.2.3.5 existing buildings, sewers, water mains, culverts, transmission lines, and fire hydrants on or adjacent to the site;
- 17.2.3.6 existing contours at vertical intervals of five (5) feet or less and the datum to which the elevations refer;
- 17.2.3.7 proposed grading and drainage plan;
- 17.2.3.8 proposed plan of any landscaping of the tract showing all paved and planted areas, screens or fences and erosion control measures;
- 17.2.3.9 plans of any proposed sanitary sewer or storm sewer systems and water supply systems; and
- 17.2.3.10 location, size and floor plan of all proposed buildings or structures and proposed use of all buildings or structures and open or unenclosed areas of the tract.

In cases where minor site improvement or development is required or proposed for a Conditional Use, the Township Supervisors may, upon recommendation of the Township Planning Agency, waive the requirement for submission of certain information that is deemed unnecessary for review for the application. In all cases however, the information submitted shall be adequate for review of the Conditional Use request.

17.2.4 Hearing Requirements

Within 60 days of the date of the applicant’s request for a Conditional Use, the Supervisors shall select a date, advertise pursuant to *Public Notice*, and hold a public hearing on the proposal. The burden of presentation of the Conditional Use request at the hearing shall rest with the applicant.

17.2.5 Criteria for Review and Approval of Conditional Use

The Supervisors shall, in making decisions on each application for a Conditional Use, consider the following general criteria, in addition to the special criteria established elsewhere in this Ordinance.

- 17.2.5.1 the purpose of the zone in which the requested conditional use is to be located and the compatibility of the requested conditional use with existing and potential land uses on adjacent tracts of ground;

- 17.2.5.2 whether the specific site is an appropriate location for the use, structure or condition;
- 17.2.5.3 whether the use developed will adversely affect the neighborhood;
- 17.2.5.4 whether the use will create undue nuisance or serious hazard to vehicles or pedestrians;
- 17.2.5.5 whether adequate and appropriate facilities and services will be provided to ensure the proper operation of the proposed use;
- 17.2.5.6 the economic, noise, glare, or odor effects of the conditional use on adjoining properties and properties generally in the district; and
- 17.2.5.7 whether satisfactory provision and arrangement has been made concerning the following:
 - ingress and egress to the property and structure thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow, control and access in case of fire or other emergency;
 - off-street parking and loading areas;
 - waste collection, storage or disposal;
 - utilities, with reference to location, availability and compatibility;
 - screening and buffering with reference to type, dimensions and character;
 - signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district; and
 - required yards and open spaces.

17.2.6 Decisions

The Supervisors shall render a decision or, when no decision is called for, make written findings on the Conditional Use application within 45 days after their last hearing on the proposal. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusion based thereon, together with any reasons therefor. Conclusions based on any provisions of the Pennsylvania Municipalities Planning Code, this Ordinance, or other ordinance, rule or regulation shall contain a reference to the provisions relied upon and the reason why the conclusion is deemed appropriate in light of the facts found. A copy of the final decision or, where no decision is called for, the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date.

17.2.7 Failure to Hold Required Hearing or Render Decision

Where the Township Supervisors fail to hold the required hearing or fail to render a decision within the time periods specified in Section 17.2.4 and 17.2.6 above, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing on the record to an extension of time. When a decision has been rendered in favor of the applicant because of a violation of the prescribed time periods, the Township Supervisors shall give public notice in the same manner as is done for the public hearing of the decision *within* ten (10) days from the last day they could have met to render a timely decision. If the Supervisors fail to provide such notice, the applicant may do so.

17.2.8 Expiration of Decision

Unless otherwise specified by the Supervisors at the time of their action, a Conditional Use authorization shall expire if the applicant fails to obtain any necessary Building/Zoning Permits or comply with the conditions of said authorization within six (6) months from the date of authorization.

17.2.9 Appeals

Nothing in this Section shall prejudice the right of any party opposing the application to appeal the decision in litigation.

ARTICLE 18

Administration and Enforcement

18.1 Generally: Appointment of Zoning Officer

For the purposes of administering and enforcing this Ordinance a Zoning Officer shall be appointed by the Board of Supervisors. The appointment of a Zoning Officer is generally governed by Section 614 of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as amended. The Zoning Officer shall hold no elective office in the Township and shall demonstrate to the satisfaction of the Board of Supervisors a working knowledge of municipal zoning, and shall meet such other qualifications as the Board of Supervisors deem necessary for the effective implementation of the provisions of this Ordinance. The Zoning Officer may be compensated for his work and shall have the duties specified in Section 18.2 herein.

18.2 Powers and Duties of the Zoning Officer

The Zoning Officer shall administer this 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 provisions herein. He shall have such duties and powers as are conferred on him by this Ordinance and as reasonably implied for those purposes. In addition, the Zoning Officer shall:

- 18.2.1 Receive and evaluate applications for permits, certificates, variances, special exception or conditional uses, appeals and other applications within the terms of this Ordinance;
- 18.2.2 Prescribe the form of all applications, permits and certificates required under the terms of this Ordinance;
- 18.2.3 Issue permits for the construction, alteration or erection of all buildings or structures which are in accord with the requirements of this Ordinance, within 30 days after receipt of a complete application for such a permit. In cases of applications for a Conditional Use, Special Exception, or a Variance, permits shall be issued only upon written order of the appropriate approving agency. It shall be the responsibility of the Zoning Officer to process requests for hearings before the Zoning Hearing Board or the Board of Supervisors, as appropriate;
- 18.2.4 Deny applications for permits which do not meet the requirements of this Ordinance, within 30 days following receipt of such application. Said denial shall be in writing and shall state the reasons for such action;
- 18.2.5 Examine land, buildings, and structures to determine their consistency with the

Zoning Ordinance at the time of filing an application, during the work and upon completion of the work. Inspections to enforce the provisions of this Ordinance shall be made at a reasonable hour and upon presentation of proper credentials;

- 18.2.6** Issue or deny requests for Certificates of Occupancy within ten (10) days after final inspection of the activity. A denial shall be in writing and shall state the reasons for such action;
- 18.2.7** Issue written enforcement notices as specified in Section 18.6 of this Ordinance where it appears that there has been a violation, and to institute civil enforcement proceedings with the Magisterial District Judge having jurisdiction on behalf of the Township as a means of enforcing the zoning regulations. Duplicate copies of such notices shall be referred to the Zoning Hearing Board and to the Board of Supervisors;
- 18.2.8** Review the application for the permit to determine if all other necessary government permits required by State and Federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No permit shall be issued until this determination has been made;
- 18.2.9** Serve as the Township Floodplain Administrator when assigned that duty by the Board of Supervisors;
- 18.2.10** Keep and maintain a permanent and public record and file of all activities undertaken by him in the performance of his official duties: including file copies of all applications received, permits issued, placards distributed, inspections and reports made in connection with any structure, dwelling, sign or land;
- 18.2.11** Issue preliminary opinions (in accord with Section 916.2 of the Pennsylvania Municipalities Planning Code) regarding whether a landowner's proposed use or project complies with applicable ordinances and maps based on plans and other materials submitted by the landowner, and if such opinion is favorable, to publish notice thereof once each week for two (2) successive weeks in a newspaper of general circulation in the area. Such notice shall include a general description of the proposed use or development, its location, and the places and times where the plans and other materials may be examined;
- 18.2.12** Be responsible for maintaining and updating the Official Zoning Map with respect to any amendments thereto;

18.2.13 Identify and register nonconforming premises in accord with the Nonconforming regulations of Article 12; and

18.2.14 Inform the Board of Supervisors prior to issuing violation and/or enforcement notices.

18.3 General Procedure: Zoning Permit Required

If required, persons desiring to undertake the construction, alteration, or to change the use of any structure or lot shall apply to the Zoning Officer for a Zoning Permit by filing the appropriate form and by submitting the required fee. The Zoning Officer will then either issue or refuse the permit or refer the application to the Zoning Hearing Board or the Board of Supervisors, as appropriate. After the Zoning Permit has been issued to the applicant, he may proceed to undertake the action allowed by the permit. Upon completion of such action, the applicant shall apply to the Zoning Officer for an Occupancy Permit, if applicable. If the Zoning Officer finds that the action of the applicant has been in accordance with the permit and the provisions of this Ordinance and other applicable laws and regulations, the Zoning Officer may then issue an Occupancy Permit allowing the premises to be occupied and used.

18.4 Zoning Permits and Certificates

18.4.1 Classes of Zoning Permits

Under the terms of this Ordinance, the following classes of Zoning Permits may be issued:

18.4.1.1 Permitted Use - Issued by the Zoning Officer on the authority granted herein;

18.4.1.2 Special Exception Use - Issued by the Zoning Officer after review and upon the order of the Zoning Hearing Board;

18.4.1.3 Conditional Use - Issued by the Zoning Officer after review by the Planning Agency and upon the order of the Supervisors;

18.4.1.4 Permit On Appeal or Variance - Issued by the Zoning Officer upon the order of and following review and hearing by the Zoning Hearing Board.

18.4.2 Requirement for Zoning Permits

A Zoning Permit shall be required prior to the erection, construction, addition, or alteration of any building or structure or portion thereof; prior to the use or change in use of a building, structure or land; prior to the erection or alteration

of signs, except as specified in Article 9; prior to the change or extension of a nonconforming use; or prior to development in any Floodplain District; except as listed below. It shall be unlawful for any person to commence work for the erection or alteration of any building or structure, or for a change in land use, until a Zoning Permit has been duly issued therefor. In some instances additional permits may also be needed to be obtained prior to beginning construction work or alterations.

Exemptions - Zoning Permits shall not be required for any of the following activities except when proposed in a floodplain district:

- 18.4.2.1** interior alterations when there is no increase in ground floor exterior dimension and no change in use;
- 18.4.2.2** exterior or interior maintenance and repair to existing buildings or structures; including siding, roofing, painting, storm windows, and similar activities;
- 18.4.2.3** cultivation of crops;
- 18.4.2.4** landscaping including the erection of land terraces, steps or other similar features;
- 18.4.2.5** placement or location of utility distribution lines; or
- 18.4.2.6** razing of buildings or structures.

18.4.3 Application

Each request for a Zoning Permit shall be made by completing the appropriate application form obtained from the Zoning Officer. Completed applications shall be returned to the Zoning Officer along with the required filing fee as established by Township Resolution. Incomplete applications or those not accompanied by the correct fee shall not be considered as a Zoning Permit submission.

Application for a Permit shall be made by the owner or lessee of any building or structure, or the agent of either; provided however, that if the application is made by a person other than the owner, it shall be accompanied by a written authorization from the owner. The full names and addresses of the owner, lessee, applicant or other responsible party shall be stated in the application.

The Zoning Officer shall have 30 days after receipt of a completed application to issue or deny the Permit. A denial shall be in writing and shall state the reason(s) for such action.

18.4.4 Plan Requirements

All applications for Zoning Permits shall be accompanied by plans, in duplicate, drawn to scale, showing the actual shape and dimensions of the lot, the exact size and location of any building existing on the lot, the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building or part of a building, the number of families or dwelling units the building is designed to accommodate and such other information as maybe necessary to determine compliance with this Ordinance and all other pertinent regulations including building floor plans as may be appropriate. No application shall be considered complete until all necessary documents have been filed and all fees have been paid to the Township.

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

18.4.5 Proof of Compliance

It shall be the responsibility of the applicant in all cases to furnish adequate information and to certify that the proposed use will comply with all requirements of this Ordinance and all other applicable federal, state or local regulations. Included in the information shall be a copy of a sewage permit when one is required. Also, if the PA Department of Labor and Industry, the Department of Transportation, County Conservation District (E&S Controls), PA DEP (state and federal environmental plans and/or permits, e.g. NPDES), or other regulatory agency requirements apply, the applicant shall supply evidence which shows that these regulations have been met.

18.4.6 Changes

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

18.4.7 Permit and Permit Placard

In addition to the Zoning Permits, the Zoning Officer shall issue a Permit Placard which shall be displayed or posted on the premises during the construction time period. The Permit Placard shall remain on display until completion of the project and final inspection has been made by the Zoning

Officer. Said placard shall bear the permit number, date of issuance, and the signature of the Zoning Officer.

18.4.8 Expiration of Permit

If the work approved by issuance of any Zoning Permit has not begun within one (1) year from the date of issuance, said permit shall expire. One (1) extension of up to six (6) months may be granted at the discretion of the Zoning Officer if requested in writing showing good cause by the applicant. If the work approved by issuance of any Zoning Permit has not been completed within three (3) years from the date of issuance, said permit shall expire. Further work on the premises shall not continue until a new Zoning permit has been obtained.

18.4.9 Inspections

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

18.4.10 Revocation of Permit

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

18.4.11 Temporary Use Permits

It is recognized that from time to time it may contribute to the welfare of the Township and its residents to allow the occupancy of land or structure for a temporary time period by a use other than those normally permitted. In this case, the Board of Supervisors may approve such a Temporary use, and issue a Temporary Use Permit for the time period not to exceed one (1) year, and under the conditions that will enhance the public health, safety and welfare.

18.4.12 Occupancy Permits

Prior to the use or occupancy of any land or building for which a Zoning Permit is required or to any change of use of any existing structure or land, an occupancy permit shall be secured from the Zoning Officer. A copy of the Occupancy Permit shall be kept on the premises and shall be shown to any officer of the Township upon request. All applications for Occupancy Permits

shall be in writing.

18.5 Application Requirements for Proposed Construction Within the 100 Year Flood Boundary

18.5.1 If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for Zoning Permits shall provide all the necessary information in sufficient detail and clarity to enable the Zoning Officer to determine that:

18.5.1.1 all such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;

18.5.1.2 all utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and

18.5.1.3 adequate drainage is provided so as to reduce exposure to flood hazards.

18.5.2 In addition to the filing of the Application for Zoning Permit, applicants shall file the following minimum information plus any other pertinent information (i.e., any or all of the technical information contained in Section 13.5) as may be required by the Zoning Officer to make the above determination:

18.5.2.1 A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:

- a.** north arrow, scale, and date;
- b.** topographic contour lines, if applicable;
- c.** all property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
- d.** the location of all existing and proposed buildings, structures and other improvements, including the location of any existing or proposed subdivision and land development;
- e.** the location of all existing streets, drives, and other accessways; and
- f.** the location of any existing bodies of water or watercourses, identified floodplain areas, and if available, information pertaining to the floodway, and the flow of water including direction and velocities.

18.5.2.2 Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:

- a.** the lowest floor elevation of any proposed building shall be based upon North American Vertical Datum of 1988;
- b.** the elevation of the one hundred (100) year flood;
- c.** if available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a one hundred (100) year flood; and
- d.** detailed information concerning any proposed floodproofing measures.

18.5.2.3 The following data and documentation:

- a.** a document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the one hundred (100) year flood.
- b.** Such statements shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or the development.
- c.** detailed information needed to determine compliance with Section 13.5.4.6, Storage, and Section 13.5.5, Development Which May Endanger Human Life, including:
 - i.** the amount, location and purpose of any materials or substances referred to in Sections 13.5.4.6 and 13.5.5 which are intended to be used, produced, stored or otherwise maintained on site.
 - ii.** a description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in Section 13.5.5 during a one hundred (100) year flood.
- d.** the appropriate component of the Department of Environmental Protection's "Planning Module for Land Development".

- e. where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.

18.5.3 Review by County Conservation District

A copy of all applications and plans for any proposed construction or development in any identified floodplain area to be considered for approval shall be submitted by the Zoning Officer to the County Conservation District for review and comment prior to the issuance of a building permit. The recommendations of the Conservation District shall be considered for possible incorporation into the proposed plan.

18.5.4 Review of Application by Others

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

18.6 Violations

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

18.7 Enforcement Notice

If it appears to the Zoning Officer that a violation of the zoning ordinance has occurred, the Zoning Officer, on behalf of the municipality, shall give notice of such alleged violation sending an enforcement notice stating at least the following:

18.7.1 The name of the owner of record and any other person against whom the municipality intends to take action.

18.7.2 The location of the property in violation.

18.7.3 The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the ordinance.

18.7.4 The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

18.7.5 That the recipient of the notice has the right to appeal to the zoning hearing board within a prescribed period of time in accordance with procedures set forth in the ordinance.

18.7.6 That failure to comply with the notice within the time specified, unless extended by appeal to the zoning hearing board, constitutes a violation, with possible sanctions clearly described.

18.8 Cause of Action

In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of any ordinance enacted under this act or prior enabling laws, the Board of Supervisors, or with the approval of the Board of Supervisors, an officer of the municipality, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the municipality at least 30 days prior to the time the action is begun by serving a copy of the complaint on the Board of Supervisors. No such action may be maintained until such notice has been given.

18.9 Enforcement Remedies

18.9.1 Magisterial District Judges shall have initial jurisdiction over proceedings brought under Section 18.9.2.

18.9.2 Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of any zoning ordinance enacted under this act or prior enabling laws shall, upon being found liable therefor in a civil enforcement proceeding commenced by a municipality, pay a judgement of not more than \$500 plus all court costs, including reasonable attorney fees incurred by a municipality as a result thereof. No judgement 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 judgement, the municipality may enforce the judgement pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgements, costs and reasonable attorney fees collected for the violation of zoning ordinances shall be paid over to the municipality whose ordinance has been violated.

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

judgement.

Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than West Chillisquaque Township the right to commence any action for enforcement pursuant to this section.

18.10 Filing Fees

Filing fees shall be payable to the Municipality and shall be received by the zoning officer at the time of submission of the Zoning Permit application. Filing fee amounts shall be established by a resolution of the Township Board of Supervisors.

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