

Chapter 204

ZONING

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**Signage for Planned Center
Sites Less than 50,000 Square
Feet**

**Signage for Planned Center
Sites 500,000 Square Feet or
More**

[HISTORY: Adopted by the Board of Supervisors of the Township of North Middleton 6-6-2013 by Ord. No. 2013-2. Amendments noted where applicable.]

GENERAL REFERENCES

Animals — See Ch. 70.
Building construction — See Ch. 80.
Uniform construction codes — See Ch. 95.
Floodplain management — See Ch. 112.
Junkyards — See Ch. 120.

Outdoor wood-fired boilers — See Ch. 137.
Sewers and water — See Ch. 164.
Stormwater management — See Ch. 175.
Subdivision and land development — See Ch. 180.

**ARTICLE I
Background Provisions**

§ 204-1. Title.

This chapter shall be known and may be cited as the "North Middleton Township Zoning Ordinance of 2013."

§ 204-2. Purpose.

This chapter is enacted to promote, protect and facilitate the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, the provisions of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds and other public requirements, as well as to prevent overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood panic or other dangers. This chapter is enacted in accordance with an overall planning program and with consideration for the character of the Township, its various parts and the suitability of the various parts for particular uses and structures.

§ 204-3. Scope.

From and after the effective date of this chapter, the use of all land and every building or structure or portion of a building or structure erected, altered with respect to height and area, added to or relocated and every use within a building or structure or use accessory thereto in the Township shall be in conformity with the provisions of this chapter. Any lawfully existing use, building or land not in conformity with the regulations on the effective date of this chapter herein prescribed shall be regarded as nonconforming but may be continued, extended or changed subject to the special regulations herein provided with respect to nonconforming buildings, structures or uses.

§ 204-4. Interpretation.

- A. In interpreting and applying the provisions of this chapter, said provisions shall be held to be the minimum requirements for the promotion of the health, safety and general welfare of the residents of the Township.
- B. In interpreting the language of zoning ordinances to determine the extent of the restriction upon the use of the property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the governing body, in favor of the property owner and against any implied extension of the restriction.

§ 204-5. Conflict with other provisions.

It is not intended by this chapter to repeal, abrogate, annul or interfere with any existing ordinances or resolutions or with any rule, regulation or permit adopted or issued thereunder, except as provided and only to the extent permitted by § 508(4) of the Municipalities Planning Code.¹ Where this chapter imposes greater restrictions upon the use or development of structures, buildings, or land or upon the height and bulk of buildings or prescribes larger open spaces than the provisions of such other ordinance, resolution, rule, regulation or permit, then the provisions of this chapter shall control. Furthermore, except as provided for in Article IV of this chapter, if a discrepancy exists between any regulations contained within this chapter and any other Township regulations, the regulation which imposes the greater restriction shall apply.

§ 204-6. Uses not provided for.

Whenever, under this chapter, a use is neither specifically permitted nor denied and an application is made by an applicant to the Zoning Officer for such 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. The use may be permitted if it is similar to and compatible with the permitted uses in the zone in which the subject property is located, is not permitted in any other zone under the terms of this chapter and in no way is in conflict with the general purposes and intent of this chapter. The burden of proof shall be upon the applicant to demonstrate that the proposed use would not be detrimental to the public health, safety and welfare of the neighborhood.

§ 204-7. Municipal exemption.

The requirements of this chapter shall not apply to municipal-owned uses, land, facilities or structures owned by North Middleton Township, nor to land, uses or structures owned by those municipal authorities or agents authorized or created by it to provide governmental or public health and safety services. Further, the requirements of this chapter do not apply to private uses permitted by North Middleton Township, or its authorized municipal authorities or agents, to be conducted on, upon, or in Township/authority land or structures. In any

1. Editor's Note: See 53 P.S. § 10508(4).

instance in which applicable zoning provisions would be violated but for the exemption provided herein, the Board of Supervisors shall provide at least 21 days' prior written notice to the owners of property within 200 feet of the exempt tract.

§ 204-8. Establishment of zones.

A. For the purpose of this chapter, North Middleton Township is hereby divided into zones, which shall be designated as follows:

AG	Agricultural Zone (AG)
RR	Rural Resource Zone (RR)
R-1	Low-/Medium-Density Residential Zone (R-1)
R-2	Medium-/High-Density Residential Zone (R-2)
VMU	Village Mixed-Use Zone (VMU)
NC	Neighborhood Commercial Zone (NC)
C/LI	Commercial/Light Industrial Zone (C/LI)
IND	Industrial Zone (IND)

B. The following overlay zones are in addition to the above-referenced zones:

FPO	Floodplain Overlay Zone (FPO)
APO	Airport Overlay Zone (APO)
HRO	Historic Resources Overlay Zone (HRO)

§ 204-9. Zoning Map.

The areas within North Middleton Township, as assigned to each zone and the location of the zones established by this chapter, are shown upon the Zoning Map which, together with all explanatory matter thereon, is attached to and incorporated herein and is declared to be a part of this chapter.²

§ 204-10. Zone boundary lines.

The zone boundary lines shall be as shown on the Zoning Map. Zone boundary lines are intended to coincide with lot lines; center lines of streets, alleys, railroad rights-of-way and streams at time of passage of this chapter; the corporate boundary of the Township; or as dimensioned on the map. In the event of dispute about the location of the boundary of any zone, the Zoning Officer shall investigate and render a decision on the location of the line. Appeals from this decision shall be made to the Zoning Hearing Board.

2. Editor's Note: The Zoning Map is on file in the Township offices.

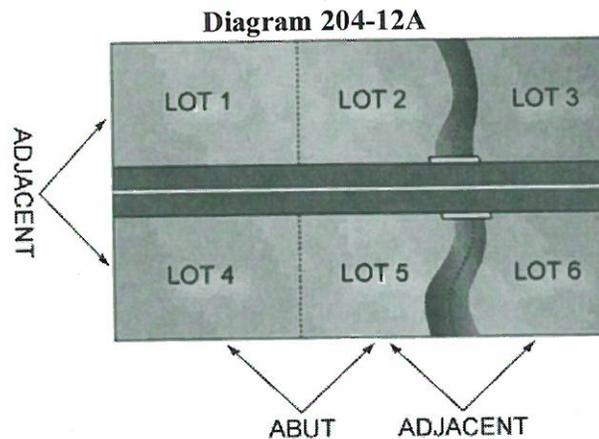
§ 204-11. Community development objectives.

This chapter is enacted in accordance with the most recent version of the North Middleton Township Comprehensive Plan and has been formulated to implement the purpose set forth in § 204-2 above. This chapter is enacted with regard to the community development objectives listed in the most recent version of the North Middleton Township Comprehensive Plan.

§ 204-12. Definitions; word usage.

- A. General word and phrase usage. Words and phrases shall be presumed to be used in their ordinary context unless such word or phrase is defined differently within this section. In situations where a term is not defined in this chapter the most recent version of the Webster's Unabridged Dictionary, or other dictionaries, shall be used to assist with interpreting, administering, and enforcing this chapter.
- B. Language interpretation. In this chapter, when not inconsistent with the context:
 - (1) Words in the present tense imply also the future tense.
 - (2) The singular includes the plural.
 - (3) The male gender includes the female gender.
 - (4) The word "person" includes an individual, incorporator's association, member(s) of a partnership or the officers of a corporation, as well as any similar entity.
 - (5) The terms "shall" or "must" are always mandatory.
- C. Specific words and phrases. The following words and phrases shall have the particular meanings assigned by this section or in other appropriate sections of this chapter:

ABUT — Areas of contiguous lots that share a common property or lot line, except not including lots entirely separated by a street or a waterway. See Diagram 204-12A. See also definition of "adjacent."



ACCESS DRIVE — A private improved surface other than a street or driveway designed and constructed to provide for vehicular movement from a street to a parking area, garage, dwelling, building or other structure within a lot or property containing any use other than one single-family dwelling unit. For purposes of this chapter, access drives shall be required for all nonresidential and multifamily uses, and all other uses not served by a driveway as defined in this chapter.

ACCESSORY APARTMENT — A separate dwelling unit that is contained upon the same lot as an owner-occupied, single-family detached dwelling and is contained within the principal dwelling building or occupies a portion of one of its accessory buildings.

ACREAGE, NET — The total land area contained within a property or proposed site, exclusive of lands within a public or private street right-of-way. (Note: one acre equals 43,560 square feet.)

ACT — The latest version of the Pennsylvania Municipalities Planning Code, as amended.³

ADJACENT — Two or more lots that share a common property or lot line, or that are separated only by a street or waterway from each other. See Diagram 204-12A. See also definition of "abut."

ADULT-RELATED TERMS AND PHRASES — Unless specifically defined elsewhere herein this chapter, the following words and phrases when used in this chapter relating to the adult-related uses shall have the meaning given to them herein this section unless the context clearly indicates otherwise:

- (1) **ADULT-RELATED USES** — An establishment that engages in one or more of the following areas of sales, services, or entertainment:
 - (a) **ADULT BATH HOUSE** — An establishment or business that provides the services of baths of all kinds, including all forms and methods of hydrotherapy during which specified anatomical areas are displayed or specified sexual activity occurs. This section shall not apply to hydrotherapy treatment practiced by, or under the supervision of a medical practitioner. A medical practitioner, for the purpose of this chapter, shall be a medical doctor, physician, chiropractor, physical therapist, or similar professional licensed by the commonwealth.
 - (b) **ADULT BODY PAINTING STUDIO** — Any establishment or business that provides the service of applying paint or other substance, whether transparent or nontransparent, to or on the human body when specified anatomical areas are exposed.
 - (c) **ADULT BOOKSTORE** — Any establishment that has a substantial or significant portion of its stock-in-trade:

3. Editor's Note: See 53 P.S. § 10101 et seq.

- [1] Books, films, magazines or other periodicals or other forms of audio or visual representation which are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas; and
- [2] Instruments, devices or paraphernalia that are designed for use in connection with specified sexual activities.
- (d) **ADULT CABARET** — A nightclub, theater, bar, or other establishment that features live or media representations of performances by topless or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.
- (e) **ADULT MASSAGE ESTABLISHMENT** — Any establishment that provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, not operated by a medical practitioner, chiropractor or professional physical therapist licensed by the commonwealth, or a person having graduated from a massage therapy training program approved by the Pennsylvania State Board of Private Licensed Schools or equivalent agency if trained in another state; by a person certified through a massage therapy certification examination approved by the National Commission for Certifying Agencies; by a person certified through the National Certification Board for Therapeutic Massage and Bodywork; or is a practitioner or member of either of the American Massage Therapy Association (AMTA), Associated Bodywork and Massage Professionals (ABMP), or International Massage Association (IMA). This definition does not include an athletic club, health club, massage therapy establishment school, gymnasium, reducing salon, spa, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.
- (f) **ADULT MINI-MOTION PICTURE THEATER** — An establishment within an enclosed or unenclosed building or structure with a capacity of less than 50 persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material that is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
- (g) **ADULT MODEL STUDIO** — An establishment where, for any form of consideration or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by persons paying such consideration or gratuity, except that this provision shall not apply to any figure studio or school of art or similar establishment that meets the requirements established in the Education Code of the Commonwealth of Pennsylvania for the issuance or conferring of, and is in fact authorized thereunder to issue and confer a diploma.

- (h) **ADULT HOTEL/MOTEL** — A hotel, motel, or similar establishment offering public accommodations for any consideration, that provides patrons with material distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
- (i) **ADULT MOTION PICTURE ARCADE** — Any establishment in which the public is permitted or invited wherein coin- or slug operated or electronically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
- (j) **ADULT MOTION PICTURE THEATER** — An establishment within an enclosed or unenclosed building or structure with a capacity of 50 or more persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time, measured on an annual basis, is devoted to the showing of material that is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
- (k) **ADULT NEWSRACK** — Any coin-operated machine or device that dispenses material substantially devoted to the depiction of specified sexual activities or specified anatomical areas.
- (l) **ADULT OUT-CALL SERVICE ACTIVITY** — Any establishment or business that provides an out-call service that consists of individuals leaving the premises upon request or by appointment to visit other premises for a period of time for the purpose of providing any service during which time specified anatomical areas are displayed or specified sexual activity occurs.
- (m) **ADULT SEXUAL ENCOUNTER CENTER** — Any establishment, agency, or person who, for any form of consideration or gratuity, provides a place where two or more persons, not all members of the same family, may congregate, assemble or associate for the purpose of engaging in specified sexual activity or exposing specified anatomical areas, excluding psychosexual workshops operated by a medical practitioner licensed by the commonwealth to engage in sexual therapy.
- (n) **ADULT THEATER** — A theater, concert hall, auditorium or other similar establishment, either indoor or outdoor in nature, that regularly features live performances that are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas for observation by patrons.
- (o) **ADULT VIDEO STORE** — An establishment that has 50% or more of its stock-in-trade consisting of videotapes, video discs, or both, which are distinguished or characterized by an emphasis, depiction or description of specified sexual activities or specified anatomical areas.

- (p) ADULT OTHER — An establishment that offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to specified anatomical areas or specified sexual activities.
- (2) SPECIFIED ANATOMICAL AREAS — Includes but is not limited to:
- (a) Less than completely and opaquely covered human genitals, pubic regions; buttocks; and female breasts below a point immediately above the top of the areola; and
 - (b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- (3) SPECIFIED SEXUAL ACTIVITIES — Includes any of the following:
- (a) Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship or the use of excretory functions in the context of a sexual relationship and any of the following depicted sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zoerasty;
 - (b) Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence;
 - (c) Use of human or animal masturbation, sodomy, oral copulation, coitus, ejaculation;
 - (d) Fondling or touching of nude human genitals, pubic region, buttocks or female breast;
 - (e) Masochism, erotic or sexually oriented torture, beating or the infliction of pain;
 - (f) Erotic or lewd touching, fondling or other contact with an animal by a human being; or
 - (g) Human excretion, urination, menstruation, vaginal or anal irrigation.

AGRIBUSINESS — Agricultural uses that involve, but are not necessarily limited to, one or more of the following conditions:

- (1) CONCENTRATED ANIMAL FEEDING OPERATION (CAFO) — An agricultural operation that meets the criteria established by the Department of Environmental Protection under authority of the act of June 22, 1937 (P.L. 1987, No. 394), known as the Clean Streams Law.
- (2) CONCENTRATED ANIMAL OPERATION (CAO) — An agricultural operation that meets the criteria established by the State Conservation Commission in regulations under the authority of 3 Pa.C.S.A. Chapter 5 (relating to nutrient

management and odor management) in Pa. Code Title 25, Chapter 83, Subchapter D (relating to nutrient management).

- (3) OTHER AGRIBUSINESS — Any agricultural operation other than a CAFO or CAO, whether involving animal, animal product, or vegetable production, which occurs within an enclosed structure exceeding 10,000 square feet per building or a cumulative total of 15,000 square feet of building area.

AGRICULTURE — The principal use of land which shall include, but not be limited to, the tilling of the soil, the raising of crops, horticulture, apiculture, floriculture, viticulture and gardening. The production, keeping or maintenance, for sale, lease or personal use, of plants and animals useful to man, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products: livestock, including beef cattle, sheep, swine horses, ponies, mules, or goats, or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals: bees and apiary products; fur animals; trees and forest products: fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program, but excluding concentrated animal operations (CAOs), concentrated animal feeding operations (CAFOs), and forestry. This definition also includes the processing and accessory retail sale of goods produced and including one detached dwelling and other necessary structures and equipment to support the agricultural activity.

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.

AIRPORT OVERLAY ZONE TERMS AND PHRASES — Unless specifically defined elsewhere herein, the following words and phrases when used in § 204-22 of this chapter relating to the Airport Overlay Zone shall have the meaning given to them herein this section unless the context clearly indicates otherwise:

- (1) AIRPORT — Airport (N94) and any area of land or water which is used, or intended to be used, for the landing and takeoff of aircraft and any appurtenant areas which are used, or intended to be used, for airport buildings or air navigation facilities for rights-of-way, together with all airport buildings and facilities thereon. As used herein, the term "airport" includes public airports, but excludes private airports and heliports. Public and private airports are defined separately in this section.
- (2) AIRPORT ELEVATION — The highest point of an airport's usable land area measured in feet above sea level. The airport elevation for Carlisle Airport (N94) is 510 feet.

- (3) AIRPORT HAZARD — Any structure or object, natural or man-made, or use of land which obstructs the airspace required for flight or aircraft in landing or taking off at an airport or is otherwise hazardous as defined in 14 CFR Part 77 and 74 Pa.C.S.A. § 5102.
- (4) AIRPORT HAZARD AREA — Any area of land or water upon which an airport hazard might be established if not prevented as provided for in § 204-22 of this chapter and the Act 164 of 1984 (Pennsylvania Laws Relating to Aviation).⁴
- (5) APPROACH SURFACE ZONE — An imaginary surface longitudinally centered on the extended runway center line and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of the runway based on the planned approach. The inner edge of the approach surface is the same width as the primary surface and expands uniformly depending on the planned approach.
- (6) CONICAL SURFACE ZONE — An imaginary surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 feet horizontally to one foot vertically or (20:1) for a horizontal distance of 4,000 feet.
- (7) FAA — Federal Aviation Administration of the United States Department of Transportation.
- (8) HEIGHT — For the purpose of determining the height limits in all Airport Overlay Zone related zones set forth in § 204-22 of this chapter and shown on the Overlay Zoning Map, the datum shall be mean sea level elevation unless otherwise specified.
- (9) HORIZONTAL SURFACE ZONE — An imaginary plane 150 feet above the established airport elevation that is constructed by swinging arcs of various radii from the center of the end of the primary surface and then connecting the adjacent arc by tangent lines. The radius of each arc is based on the planned approach.
- (10) LARGER-THAN-UTILITY RUNWAY — A runway that is constructed for and intended to be used by propeller-driven aircraft of greater than 12,500 pounds' maximum gross weight and jet-powered aircraft.
- (11) NON-PRECISION-INSTRUMENT RUNWAY — A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision-instrument approach procedure has been approved or planned.
- (12) OBSTRUCTION — Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth by § 204-22 of this chapter.
- (13) PRECISION INSTRUMENT RUNWAY — A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision

4. Editor's Note: See 74 Pa.C.S.A. § 5911 et seq.

approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

- (14) PRIMARY SURFACE ZONE — An imaginary surface longitudinally centered on the runway, extending 200 feet beyond the end of paved runways or ending at each end of turf runways. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway center line.
- (15) RUNWAY — A defined area of an airport prepared for landing and takeoff of aircraft along its length.
- (16) TRANSITIONAL SURFACE ZONE — An imaginary surface that extends outward and upward from the edge of the primary surface to the horizontal surface at a slope of seven feet horizontally to one foot vertically.
- (17) TREE — Any object of natural growth.
- (18) UTILITY RUNWAY — A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds' maximum gross weight or less.
- (19) VISUAL RUNWAY — A runway intended solely for the operation of aircraft using visual approach procedures.

AIRSTRIP — A principal or accessory use that is privately owned and operated at which the owners' aircraft are stored, take off, land, or any combination thereof. Additionally, invited guests may use an airstrip so long as no fees or other remuneration are charged for such use and such use only involves the temporary storage of aircraft.

ALLEY (or SERVICE DRIVE) — A strip of land over which there is a public or private right-of-way intended to provide vehicular access to the side, rear, or both, of properties with frontage on a street. An alley is not intended for general traffic circulation.

ALTERATIONS — An action involving any of the following:

- (1) A change in the size of a building, structure, or both;
- (2) A change in the use of property; and
- (3) A rearrangement or relocation of a building, structure, use, or any combination thereof, upon a property.

ALTERNATIVE SEWER — A public sewer system which principally relies upon natural wastewater treatment systems, rather than a man-made/mechanical treatment plant system. Examples include, but are not limited to, wetlands, aerated ponds, lagoons, and spray irrigation.

ANIMAL EQUIVALENT UNIT (AEU) — One thousand pounds live weight of livestock or poultry, regardless of the number of individual animals or birds comprising the unit.

ANIMAL HOSPITAL — An establishment offering veterinary services to all types of animals, which also includes outdoor and overnight boarding of animals.

ASSISTED-LIVING FACILITY — An establishment engaged in the coordinated and centrally managed housing including self-contained units designed to provide a supportive environment and to accommodate a relatively independent lifestyle. Such a development may contain a limited number of supportive services, such as meals, transportation, housekeeping, linen and organized social activities for residents and their invited guests. Such a use shall primarily serve persons 55 and older, persons with physical handicaps and/or the developmentally disabled. Assisted-living facilities shall be licensed as personal care centers by the Commonwealth of Pennsylvania.

ATTIC — That part of a building which is immediately below and wholly or partly within the roof framing. Within a dwelling unit, an attic shall not be counted as floor area unless it is constructed as or modified into a habitable room by the inclusion of dormer windows, an average ceiling height of five feet or more and a permanent stationary interior access stairway to a lower building story.

AUCTION — A public sale of property to the highest bidder.

AUCTION HOUSE — A building used for the conduct of auction sales of goods by a state-licensed auctioneer or apprentice auctioneer.

AUTOMATED BANKING FACILITY — An establishment whereby automated devices that perform banking or financial functions are operated by the consumer or patron primarily for those who remain in their automobile, but may also be operated by those customers who walk up to the device.

AUTOMOBILE, HEAVY EQUIPMENT AND SIMILAR MOTOR VEHICLE RENTAL/SALES — An establishment involving the indoor and/or outdoor display, sale, or rental of new and used automobiles, trailers, boats, heavy equipment, recreational vehicles, trucks, other similar private passenger, recreation and commercial motor vehicles, and mobile homes, and which may include serving and repairs, state inspections, oil changes and lubrications, and tune-ups be conducted within an completely enclosed building as an accessory use, incidental to the principal use.

AUTOMOBILE FILLING AND/OR SERVICE STATION — An establishment where motor fuel, oil, grease, batteries, tires, or automobile accessories are supplied and dispensed at retail, which may include making minor incidental repairs, state inspections, oil changes and lubrications, and tune-ups. This use specifically prohibits body work; straightening of body parts; painting; welding; storage of wrecked vehicles; sales and rental of automobiles, trailers, boats, heavy equipment, recreational vehicles, trucks, other similar private passenger, recreation and commercial motor vehicles, and mobile homes; automobile, heavy equipment and similar motor vehicle repair centers; and other major mechanical work is not permitted as part of this use. This definition excludes general convenience stores.

AUTOMOBILE, HEAVY EQUIPMENT AND SIMILAR MOTOR VEHICLE REPAIR CENTER — An establishment where major and minor servicing and repair of automobiles, trailers, boats, heavy equipment, recreational vehicles, trucks, other similar

private passenger, recreation and commercial motor vehicles, and mobile homes is conducted as a primary activity. Included in this definition are:

- (1) Repair or overhaul of engines, transmissions, differentials, axles, spring, clutches, radiators, etc.
- (2) Collision service, including body, fender and frame repair, welding, painting and refinishing and glass replacement body work; but also may include tire sale, repair, wheel balancing, and front-end alignment facilities; and oil changes.

AUTOMOBILE WRECKING, JUNK AND SCRAP STORAGE AND SALES ESTABLISHMENTS (JUNKYARD) — An establishment used for the storage, collection, baling, packing, sorting, handling, disassembling, recycling, resource recovery, purchase or sale of any material which has been used, salvaged, scrapped or reclaimed, but is capable of being reused in some form including, but not limited to, metals, fiber, paper, cloth and rags, rubber, rope, bottles, machinery, tools, appliances, fixtures, utensils, lumber, boxes, crates, pipe and pipe fittings, tires, two or more motor vehicles which are inoperable and do not have a current and valid inspection sticker as required by the Commonwealth of Pennsylvania, and motor vehicle parts, but not including garbage or other organic wastes. No material which fails to meet this definition because it is discarded and incapable of being reused in some form shall be placed in any establishment as herein defined. In no zone shall this use be considered to be accessory or incidental to another use. See "junkyard."

BED-AND-BREAKFAST — An owner-occupied or manager-occupied business which occupies an existing single-family detached dwelling and/or associated accessory structures where limited overnight lodging and breakfast is provided for compensation to guests and where said use may or may not also host accommodations for private events (e.g., such as weddings and conferences). The dwelling may or may not include a publicly accessible restaurant as a related use. Overnight lodging occurs within individual guest rooms which do not contain cooking facilities.

BILLBOARD — A sign displaying changeable advertising copy which pertains to a business, organization, event, person, place, service or product not principally located or sold on the premises upon which said sign is located, and shall include public service messages, political campaign advertisements and other noncommercial speech.

BOARD — The Zoning Hearing Board of North Middleton Township.

BOARDINGHOUSE (including "ROOMING HOUSE") —

- (1) A residential use in which:
 - (a) Room(s) that do not meet the definition of a lawful dwelling unit are rented for habitation; or
 - (b) A dwelling unit includes greater than the permitted maximum number of unrelated persons.
- (2) A boardinghouse shall not include a use that meets the definition of a treatment center, hotel, motel, life-care center, personal care, bed-and-breakfast, group home,

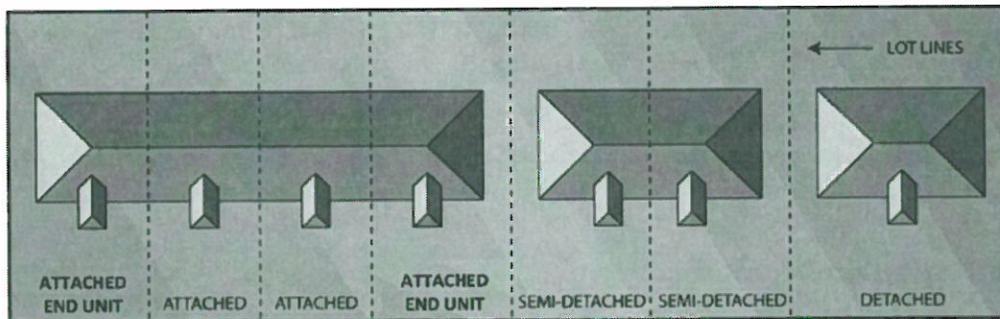
group care facility, nursing home, or similar type group living use. A boardinghouse may involve the provision of meals to residents, but shall not include a restaurant open to the public. A boardinghouse shall primarily serve persons residing on-site for five or more consecutive days.

BUFFER — An area within a property or site generally adjacent to and parallel with the lot line, either consisting of natural existing vegetation or created by the use of trees, shrubs, fences and/or berms, designed to limit continuously the view, sound and/or light from the site to adjacent sites or properties.

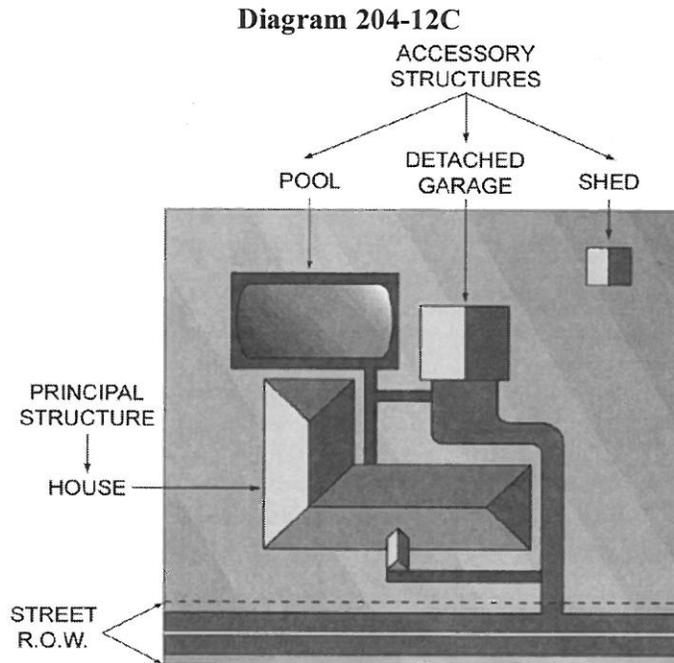
BUILDING — Any structure, either temporary or permanent, having a roof supported by columns or walls, and designed or used for the shelter or enclosure of any person, animal or property of any kind, including porches, decks, awnings, or vehicles situated on private property and used for purposes stated above. For the purposes of this chapter, the word "building" shall include gas or liquid storage tank. See Diagram 204-12B.

- (1) **ATTACHED BUILDING** — A building which is connected to another by two or more party walls in common, except for end units. For purposes of this definition, attached buildings shall each have one front yard and one rear yard, and two party walls in common with, and attached to two other buildings, except for end units, which shall each have one party wall in common and one side yard.
- (2) **DETACHED BUILDING** — A building which is completely surrounded by permanent open space. For purposes of this definition, detached buildings shall have two side yards, one front yard and one rear yard.
- (3) **SEMIDETACHED BUILDING** — A building which is connected to another building by only one party wall in common. For purposes of this definition, semidetached buildings shall each have one side yard, one front yard, one rear yard, and one party wall in common with, and attached to another building.

Diagram 204-12B



BUILDING, ACCESSORY — A detached, subordinate building, the use of which is customarily incidental and subordinate to that of the principal building, which is located on the same lot as that occupied by the principal building. Buildings associated with agriculture and not intended for habitation are considered to be accessory buildings. See Diagram 204-12C.



BUILDING, PRINCIPAL — A building which is enclosed within exterior walls or fire walls, which is built, erected, and framed of component structural parts, which is designed for housing, shelter, enclosure, and support of individuals, or property of any kind, and which is a main structure on a given lot. See Diagram 204-12C.

BUILDING AREA — The total of areas taken on a horizontal plane at the average grade level of the principal building or structure and all accessory buildings and structures, including covered porches, decks, and awnings.

BUILDING FACADE — The front exterior face, elevation, or wall of a principal building or structure, often the side of the building facing street rights-of-way (excluding alleys).

BUILDING FOOTPRINT — The area of a building or structure measured from the exterior surface of the exterior walls at grade level. Where a building or structure is elevated above grade level, the building footprint is the area the building would cover if it were located at ground level.

BUILDING HEIGHT — The vertical distance from the average finished grade in front of the building or structure where the address is taken to:

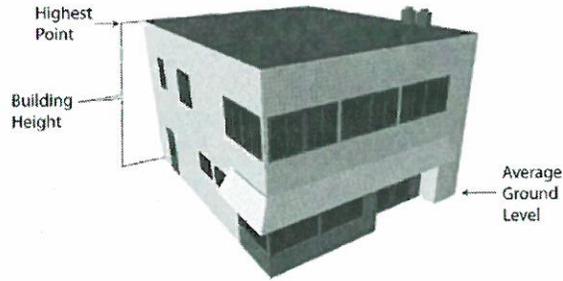
- (1) The top of the highest roof beams on a flat or shed roof;
- (2) The deck level on a mansard roof; and
- (3) The average distance between the eaves and the ridge level for gable, hip, and gambrel roofs.

Diagram 204-12D

PITCHED ROOF BUILDING



FLAT ROOF BUILDING



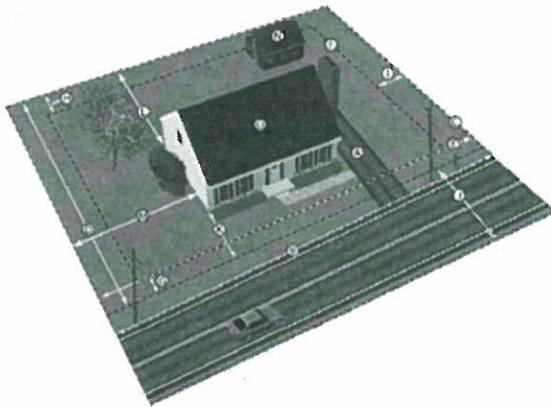
NOTE: "Average Ground Level" only shown for illustrative purposes, not to indicate how it is measured.

NOTE: "Average Ground Level" only shown for illustrative purposes, not to indicate how it is measured.

BUILDING ORIENTATION — Generally refers to the manner in which a building or structure is positioned on a lot (e.g., a front building facade parallel to a front lot line).

BUILDING SETBACK LINE — The line within a property defining the required distance between any enclosed building or structure and the abutting right-of-way, or otherwise, front, rear, and side lot lines. In the case of lot where a front and/or rear lot line does not coincide with a recorded right-of-way, the building setback line shall be measured from the associated recorded right-of-way. See Diagram 204-12E.

Diagram 204-12E



- A Driveway
- B Frontage
- C Lot line
- D Lot depth
- E Lot width
- F Setback line
- G Setback, front
- H Setback, rear
- I Setback, side
- J Right-of-way (ROW)
- K Yard, front
- L Yard, rear
- M Yard, side
- N Structure, accessory
- O Structure, principal

Rights-of-way, setbacks and other lines not drawn to scale

CAMPER — Any individual who occupies a campsite or otherwise assumes charge of, or is placed in charge of, a campsite.

CAMPGROUND or RECREATIONAL VEHICLE PARK — A state-permitted establishment, through the Pennsylvania Department of Health, in which a portion of land is used for the purpose of providing a space for trailers, recreational vehicles, or tents for camping purposes, regardless of whether a fee has been charged for the leasing, renting or occupancy of the space, in accordance with the Pennsylvania Code, Title 28,

Chapter 19. The campground may be an organized camp which includes a combination of programs and facilities established for the primary purpose of providing an outdoor group living experience for children, youth and adults with social, recreational, and educational objectives and operated and used for five or more consecutive days during one or more seasons a year.

CAMPSITE — Any plot of ground within a campground intended for exclusive occupancy by a camping unit or units under the control of a camper.

CAMPING UNIT — Any tent, trailer, cabin, lean-to, recreation vehicle, or similar structure established or maintained and operated in a campground as temporary living quarters for recreation, education, or vacation purposes.

CARPORT — An unenclosed structure for the storage of one or more vehicles in the same manner as a private garage, which may be covered by a roof supported by columns or posts.

CARTWAY or ROADWAY — The improved surface of a street, access drive, driveway or alley available for vehicular traffic, including travel lanes and parking lanes, but not including curbs, sidewalks or swales.

CAR WASH — An establishment whereby structures equipped with apparatuses is used for the interior and/or exterior cleaning, vacuuming, washing, polishing, or waxing or any combination thereof, of motor vehicles is provided.

- (1) **AUTOMATIC CAR WASH** — A self-serve car wash in which the vehicle enters a washing bay and is cleaned solely by a mechanized process.
- (2) **FULL-SERVICE CAR WASH** — A car wash in which attendants are responsible for some portion of the washing process.
- (3) **SELF-SERVICE CAR WASH** — A car wash in which the vehicle enters a washing bay and is cleaned by the vehicle's occupants.

CEMETERY — A parcel of land used as a burial ground for human or animal remains, including columbariums, crematoria, mausoleums and mortuaries when operated in conjunction with the cemetery and within the boundaries thereof.

CLEAR-SIGHT TRIANGLE — An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of the street center lines.

CLINIC, MEDICAL — An establishment where patients are admitted for examination and treatment to the general public without overnight accommodation and shall include such uses as reception areas, offices, consultation rooms, and X-ray, but may also include a pharmacy, provided that such use has access only from the interior of the building or structure, on an outpatient basis by three or more licensed medical professionals including physicians, dentists, opticians, psychologists, other similar medical personnel and vocations.

CLUB, CLUBHOUSE OR LODGE, PRIVATE — A building, structure, or part thereof, used to house an organization catering exclusively to members and their guests, or premises or buildings for social, recreational and administrative purposes which are not conducted for profit, provided there are not conducted any vending stands, merchandising or commercial activities except as required for the membership or fund-raising of such club. This use shall not include bar, boardinghouse, nightclub, restaurant, or tavern open to the general public, or an auditorium, unless that particular use is permitted in that district and the applicable requirements of that use are met, provided they are operated primarily to serve members and their guests.

CO-LOCATION — Installation of a communication antenna on an existing structure other than a communication tower. Co-location includes the installation of communication equipment on or near the existing structure. No part of the communication antenna or communication equipment may extend more than 20 feet above the highest point of the structure on which the communication antennas are attached.

COMMERCIAL RECREATION — Any establishment whose main purpose is to provide the general public with an amusing or entertaining activity, and where tickets are sold or fees are collected for the activity:

- (1) INDOOR COMMERCIAL RECREATIONAL ESTABLISHMENT — An establishment operated as a gainful business, open to the public, for the purpose of leisure-time activities, public recreation or entertainment, including, but not limited to, amusement arcade, arena, assembly hall, bingo parlor, bowling alley, gymnasium, health and fitness club, miniature golf course, skating rink, swimming pool, dance or gymnastic instructional school, tennis courts, etc., when operated within a completely enclosed building. This use does not include a theater.
- (2) OUTDOOR COMMERCIAL RECREATIONAL ESTABLISHMENT — An establishment operated as a gainful business, open to the public upon open land, wholly or partially outside of a building, for the purpose of leisure-time activities, public recreation or entertainment such as a swimming pool, tennis court, batting and pitching cages, go-carts and skating rinks, but also includes amusement rides or regular live entertainment. For purposes of this chapter, this use excludes a park, golf course and an outdoor shooting range.

COMMON OPEN SPACE — Any area of land or water, or a combination of land and water, within a development site designed and intended for use by all residents of the development or the general public. Land included within the right-of-way lines of streets and stormwater detention basins with impervious surfaces shall not be classified as common open space. Common open spaces shall not include required setbacks between buildings and street rights-of-way, driveways, access drives, parking areas and lot lines of the development. No dwelling unit, residential accessory buildings or parking or loading areas may be located within common open spaces.

COMPREHENSIVE PLAN — The most recent version North Middleton Township Comprehensive Plan, including any amendments.

COMMUNICATIONS ANTENNA — Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals including, without limitation, omnidirectional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. 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.

COMMUNICATIONS 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 350 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 antenna.

COMMUNICATIONS TRANSMITTING AND RECEIVING FACILITY — A communications tower or other facility which transmits or receives a radio, television, or other communications signal(s).

CONDITIONAL USE — A permitted use which may be appropriate to a particular zone district, only when specific conditions and criteria prescribed for such uses have been complied with. Conditional uses are reviewed by the Board of Supervisors after recommendations by the Planning Commission, in accordance with § 204-73 of this chapter.

CONDOMINIUM — A form of property ownership providing for individual ownership of a specific dwelling unit or other space, together with an undivided interest in the land or other parts of the structure in common with other owners.

CONSERVATION PLAN — A plan including a map(s) and narrative that outlines an erosion and sedimentation control plan for an identified parcel of land.

CONTINUING CARE RETIREMENT COMMUNITY — An age-restricted development or establishment that provides a continuum of accommodations and care for independent living to long-term bed care, and enters into contracts to provide lifelong care in exchange for the payment of monthly fees and an entrance fee.

CONTRACTOR'S OFFICE AND STORAGE YARD — An establishment of any general contractor or builder where equipment and materials are stored and/or where a contractor performs shop or assembly work but does not include any other yard or establishment otherwise defined or classified herein.

CONTRACTOR'S OFFICE — An establishment of any general contractor or builder in which one or more persons are employed in the management, direction or conducting of business and whose staff/employees serve clients who seek advice and consultation regarding business. Equipment and materials may not be stored nor may a contractor perform shop or assembly work at this establishment.

CONVENIENCE STORE — An establishment primarily engaged in the retail sale of frequently or reoccurring needed goods for household consumption, including but not limited to prepackaged food and beverages, foods prepared on site, magazines, lottery tickets, tobacco products, and limited household supplies, and hardware; and the rental of videotapes, DVDs and videogames, provided that an adult bookstore is specifically prohibited. Convenience stores shall not include the dispensing of gasoline or other vehicle fuels and/or the washing of automobiles, unless the dispensing of fuel and washing of automobiles are permitted in the zone and the appropriate approvals for an automobile filling/service station and car wash (as defined herein) have been obtained as applicable.

CONVENTION CENTER — A group of uses designed and constructed as an integrated development to serve those attending consumer trade shows, association conferences and meetings, sports shows, banquets, receptions and other similar functions.

COPY SHOP/BUSINESS SERVICE — An establishment primarily engaged in providing custom printing, photocopying, faxing, mailing, courier service and/or other similar business and officer support services, along with accessory sales of materials and items related to copying and mailing.

CRAFTSMAN OR ARTISAN STUDIO — An establishment primarily engaged in the on-site production, display, and sale of goods created on-site by hand manufacturing involving only the use of hand tools or domestic mechanical equipment not exceeding eight kilowatts (kW). Typical uses include painting and other media art, ceramics, fabric crafts, candle-making, and jewelry manufacturing. All such production associated with this use shall occur within a completely enclosed building.

DAY CARE — An establishment offering care or supervision of persons under the age of 16, special needs adults in lieu of care or supervision by family members, or elderly persons (generally 60 years of age and older) and/or mentally retarded and/or physically handicapped who need such daily assistance because of their limited physical abilities, Alzheimer's disease, mental abilities or mental retardation. This use shall not include persons who need oversight because of behavior that is criminal or violent. This use may involve occasional overnight stays, but shall not primarily be a residential use. The use shall involve typical stays of less than a total of 60 hours per week per person:

- (1) **DAY CARE, ACCESSORY** — An accessory use to a dwelling unit, whereby care and supervision is offered to no more than three nonresidents of the site during any calendar day. An accessory day care does not require zoning approval.
- (2) **DAY CARE, COMMERCIAL** — An establishment operated as a gainful business which the care and supervision to more than six nonresidents of the site during any calendar day. Commercial day-care facilities can be operated as principal uses or as accessory uses associated with other uses (e.g., schools, places of worship, industries, residential complex, etc.); however, in no case shall a commercial day care be considered an accessory use to an individual dwelling unit. Commercial day-care facilities shall include "group child day-care homes" and "child day-care centers," as defined and regulated by the Department of Public Welfare of the Commonwealth of Pennsylvania.

- (3) **DAY CARE, FAMILY** — An accessory use to a single-family detached dwelling, in which the care and supervision is offered to between four and six nonresidents of the site during any calendar day. Family day-care facilities must be registered with the Pennsylvania Department of Public Welfare of the Commonwealth of Pennsylvania.

DENSITY, NET — The number of dwelling units permitted in relation to the land area actually in use or proposed to be used for residential purposes, exclusive of any public, private, or both, streets.

DEP — The Pennsylvania Department of Environmental Protection.

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations.

DEVELOPMENTAL DISABILITY — A disability of a person which has continued or can be expected to continue indefinitely; a disability which is:

- (1) Attributable to mental retardation, cerebral palsy, epilepsy, autism, injury, trauma, or any combination thereof.
- (2) Found to be attributable to any other conditions found to be closely related to mental retardation because such condition results in similar impairment of general intellectual functioning or adaptive behavior to that of mentally retarded persons or requires treatment and services similar to those required for such persons.
- (3) Attributable to dyslexia resulting from a disability described in Subsections (1) and (2) of this definition.

DEVELOPMENTALLY DISABLED PERSON — A person with a developmental disability.

DISTRIBUTION — A process whereby materials, goods or products are imported, stored by one person and then delivered to another.

DOMESTIC PETS — The noncommercial keeping of no more than six adult nonfarm animals that are locally available for purchase as pets, as an accessory use to a dwelling unit.

DRIVE-IN — A business establishment, including an eating establishment, offering refreshments, entertainment, goods or services to patrons, who purchase and/or consume such refreshments, entertainment, or services on the premises and/or outside of the building or structure, including patrons who may receive services, obtain goods, or be entertained while remaining in their motor vehicles.

DRIVE-THROUGH — A portion of a business establishment dependent on providing an access drive approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure.

DRIVEWAY — A private improved surface designed and constructed to provide vehicular movement from a street to a parking area, garage, dwelling, building or

structure within a lot or property containing one single-family dwelling unit or an agricultural activity.

DWELLING — Any building or portion thereof designed and used exclusively for residential occupancy, including those listed below, but not including hospitals, hotels, motels, boarding, rooming and lodging houses, institutional houses, tourists courts, and the like, offering overnight accommodations for guests or patients. In addition, all dwellings shall be properly connected to approved and permanently designed public or on-lot sewer, public or on-lot water, electrical and other utility systems. See Diagram 204-12F.

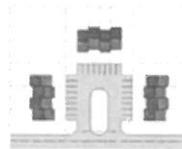
- (1) MULTIFAMILY DWELLING — A detached building, or a group of attached or semidetached buildings, containing three or more dwelling units for housing three or more families or housekeeping units.
- (2) SINGLE-FAMILY ATTACHED DWELLING — An attached building containing one dwelling unit for housing one family or housekeeping unit. For purposes of this definition, "row house" and "townhouse" are considered single-family attached dwellings.
- (3) SINGLE-FAMILY DETACHED DWELLING — A detached building containing one dwelling unit for housing one family or housekeeping unit. For purposes of this chapter, recreational vehicles, as defined herein, shall not be construed as dwellings.
- (4) SINGLE-FAMILY SEMIDETACHED DWELLING — A semidetached building containing one dwelling unit for housing one family or housekeeping unit.
- (5) TWO-FAMILY DWELLING — A detached building containing not more than two dwelling units for housing not more than two families or housekeeping units.

Diagram 204-12F

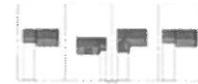
DWELLING - MULTI-FAMILY



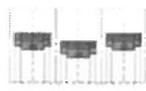
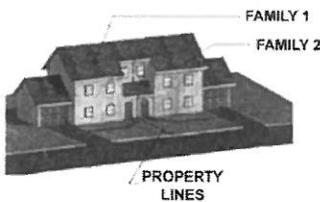
DWELLING - SINGLE FAMILY ATTACHED



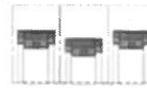
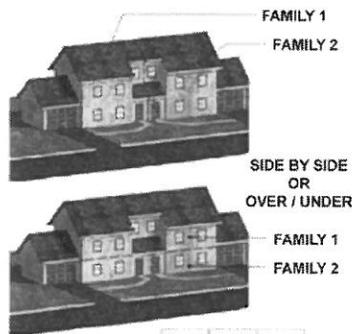
DWELLING - SINGLE FAMILY DETACHED



DWELLING - SINGLE FAMILY SEMI-DETACHED



DWELLING TWO FAMILY



DWELLING UNIT — A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EARTHMOVING ACTIVITY — Any construction or other activity which disturbs the surface of the land, including, but not limited to, excavations, embankments, land development, subdivision development, mineral extraction and the moving, depositing or storing of soil, rock or earth, excluding the tilling of the soil.

EASEMENT — A right granted for the use of private land for certain public, quasi-public, or private purposes; also the land to which such right pertains.

ESSENTIAL SERVICES — The provision by public utilities, municipal or other governmental units regulated by the Public Utility Commission (PUC) or other governmental agencies of underground or overhead gas, electrical, steam or water pipes, sewer and storm sewer facilities, and wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants and similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate services by such public utilities or municipal or governmental units or for the public health, safety or general welfare.

ENGINEER, PROFESSIONAL — A person duly registered as a professional engineer by the Commonwealth of Pennsylvania.

ENGINEER, TOWNSHIP — The Township Engineer, who will be a registered professional engineer, or any registered professional engineer or any consultant designated by the Board of Supervisors to review a subdivision plan and perform the duties of engineer on behalf of the Township.

FAMILY — One or more persons, related by blood, adoption or marriage, living and cooking together as a single housekeeping unit, or a number of persons living and cooking together as a single housekeeping unit though not related by blood, adoption or marriage.⁵

FARM OCCUPATION — A business activity administered or that is clearly conducted as an accessory use to and/or within a principal agricultural use, within an accessory structure.

FENCE — A structure designed as a barrier to restrict the movement or view of persons, animals, property, vehicles, or any combination thereof. This definition shall not include ornamental fence treatments that are located in the front yard and extend less than 1/2 the width, depth, or both, of the front yard.

FILL — Material placed or deposited so as to form an embankment or raise the surface elevation of the land, including but not limited to levees, bulkheads, dikes, jetties, embankments and causeways.

FINANCIAL INSTITUTION — A bank, savings and loan association, credit union, finance or loan company, etc.

FLOOR AREA, GROSS — The total of all floor areas of a building or structure from the exterior face of exterior walls, or from the center line of a wall separating two buildings, excluding uninhabitable cellar, basement, and attic areas used only for storage and the operation and maintenance of the building.

FLOOR AREA, NET — The total of all floor areas of a building or structure, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.

FLOOR AREA, HABITABLE — The total of all floor areas of all rooms used for habitation in a building or structure, such as living room, dining room, kitchen, or bedroom, but not excluding hallways, stairways, cellars, basements, attics, service rooms or utility rooms, bathroom, closets, nor unheated areas such as enclosed porches, nor rooms without at least one window or skylight opening onto an outside yard or court. At least half of the floor area of every habitable room shall have a ceiling height of not less than seven feet and the floor area of that part of any room where the ceiling height is less than five feet shall not be considered as part of the habitable floor area.

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

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

FOOD SERVICE FACILITY — An establishment in which food is processed and/or prepared on the premises, and which may be sold on the premises. This term shall also include bakeries and catering establishments.

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.

FRONTAGE — The linear measurement taken along a property's common boundary with an adjoining street right-of-way, other than that of a limited access highway. See Diagram 204-12E.

FUNERAL HOME — An establishment conducting embalming and cremation which may include the viewing of the deceased and ceremonies connected therewith prior to burial or cremation, but not including cemeteries, columbariums, mausoleums, and entombments.

GARBAGE — All table refuse, animal and vegetable matter, pieces, parts, remains of meat, fish and fowl, vegetables and other parts thereof and all other articles or material ordinarily used for food which have become unfit for such use or which are, for any reason, discarded. See "waste."

GARAGE, PRIVATE — An accessory building for the storage of one or more automobiles, other vehicles accessory and incidental to the primary use of the premises, or both; provided, however, that one commercial vehicle of not more than one-ton capacity may be stored therein where the use of such vehicles is not incidental to the use of the premises. No business, occupation or service shall be conducted therein, nor shall space therein for more than one vehicle be leased to a nonoccupant of the premises. (UNLESS OTHERWISE PERMITTED IN THIS CHAPTER) Where a garage is an attached integral part of a dwelling unit, the garage shall not be counted as habitable floor area unless it is constructed or modified into a habitable room by the removal of all vehicular access doors and provided adequate off-street parking is still available on the same lot as the dwelling unit.

GARAGE/YARD SALE — The public sale of household and personal items, and/or items common to the use of home ownership.

GOLF COURSE — A public or private recreational area primarily used for playing golf and which has a minimum of 5,000 yards of play in 18 holes or 2,500 yards in nine holes, and which may include accessory facilities such as a driving range, pro shop, and/or restaurant.

GOVERNING BODY — The North Middleton Township Board of Supervisors.

GROUP CARE FACILITY — An establishment providing shelter, counseling, and other rehabilitative services in a family-like environment for nine but fewer than 15 residents, plus such minimum supervisory personnel as may be required to meet standards of the licensing agency. Residents may not be legally related to the facility operators or supervisors and, by reason of mental or physical disability, chemical or alcohol dependency, or family or school adjustment problems, require a minimum level of supervision but do not require medical or nursing care or general supervision. A group care facility must be licensed and/or approved by the Pennsylvania Department of Public Welfare.

GROUP HOME — A dwelling unit directly associated with and operated by a responsible individual, family or organization with a program to provide a supportive living arrangement for individuals where special care is needed by the persons served due to age, emotional, mental, developmental or physical disability. Such administration is through the direction of paid professional staff and for supervision of residents by full-time resident staff. This definition shall expressly include facilities for the supervised care of persons with disabilities subject to protection under the Pennsylvania and Federal Fair Housing Acts, as amended. Group homes must be licensed where required by any appropriate government agencies, and a copy of any such license must be delivered to the Zoning Officer prior to the initiation of the use.

- (1) Group homes shall be subject to the same limitations and regulations by the Township as the type of dwelling unit they occupy.
- (2) It is the express intent of the Township to comply with all provisions of the Pennsylvania and Federal Fair Housing Acts, as amended, and regulations promulgated thereunder, in the construction of this term.

* NOTE: The Federal Fair Housing Act Amendments defined "handicap" as follows: "1) a physical or mental impairment which substantially limits one or more of such person's major life activities; 2) a record of having such an impairment; or 3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance as defined in § 802 of Title 21." This definition was subsequently adjusted by § 512 of the Americans with Disabilities Act to address certain situations related to substance abuse treatment.

HALFWAY HOUSE — A non-institutional living arrangement with treatment and support services for persons with substance abuse problems or for inmates and parolees approaching parole release date or release from a corrections institution. The halfway house (community corrections center) operates under the rules and regulations of the Pennsylvania Department of Health or Department of Corrections or similar authorities. The residents are provided full-time supervision and counseling on employment, vocations, finances and community living.

HAZARDOUS MATERIAL — Materials which have the potential to damage health, endanger human life or impair safety.

HAZARDOUS WASTE — Any garbage, refuse, sludge from an industrial or other wastewater treatment plant, sludge from a water supply treatment plant or air pollution facility and other discarded material including solid, liquid, semisolid or contained gaseous material resulting from municipal, commercial, industrial, institutional, mining or agricultural operations and from community activities, or any combination of the above, which because of its quantity, concentration or physical, chemical or infectious characteristics may:

- (1) Cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population; or
- (2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, exposed of or otherwise managed.

HAZARDOUS WASTE FACILITY — Any structure, group of structures, aboveground or underground storage tanks or any other area or buildings used for the purpose of permanently housing or temporarily holding hazardous waste for the storage or treatment for any time span other than the normal transportation time through the Township.

HEAVY EQUIPMENT — Machinery, vehicles and other devices that are not normally used for domestic purposes upon a residential dwelling lot. Examples include, but are not limited to, agricultural machinery, excavation equipment, commercial trucks and trailers, Class II recreation vehicles (as defined herein), yachts, industrial machinery, etc.

HELICOPTER PAD (PRIVATE) — An accessory use where no more than one helicopter may land/take off and be stored.

HELIPORT — A principal (or accessory, like airstrip) use where one or more helicopters may land/take off and be stored. Such use may also include support services such as fueling and maintenance equipment, passenger terminals and storage hangars.

HISTORIC RESOURCES PHRASES AND TERMS — Unless specifically defined elsewhere herein, the following words and phrases when used in § 204-23 of this chapter relating to the Historic Resources Overlay Zone shall have the meaning given to them herein this subsection unless the context clearly indicates otherwise:

- (1) **ADAPTIVE USE (REUSE)** — The process of converting a building to a use other than that for which it was designed.
- (2) **ALTER or ALTERATION** — A change in the appearance of a building, structure, site or object.
- (3) **ARCHITECT** — An individual with a degree from a recognized university and registered in the Commonwealth of Pennsylvania in the profession of design and construction of buildings and structures.
- (4) **ARCHITECTURE** — The art/science of building design and construction; a method or style of building; the product of construction; the recognizable features for any kind of structure; the materials and methods used to produce a structure.
- (5) **DEMOLISH or DEMOLITION** — To tear down, raze, destroy, do away with.

- (6) HISTORIC PROPERTY — A parcel of land containing one or more historic resources.
- (7) HISTORIC RESOURCE — Any building, structure, site, object or district that is listed in the National Register of Historic Places; designated as a historic property under local or state designation law or survey; certified as a contributing resource within a National Register listed or locally designated historic district; or with an opinion of certification that the property is eligible to be listed on the National Register of Historic Places either individually or as a contributing resource to a historic district. For purposes of this chapter, resources classified as Class 1 and Class 2 shall be considered historic resources.
- (8) INTEGRITY — Historic integrity is the composite of seven qualities: location, design, setting, materials, workmanship, feeling, and association. All seven qualities do not need to be present as long as the overall sense of past time and place is evident. All properties change over time. The retention of integrity depends upon the nature and degree of alteration or change. It is not necessary for a property to retain all the physical features or characteristics that it had during its period of significance. However, the property must retain the essential physical features that enable it to convey its past identity or character and therefore its significance.
- (9) MAINTENANCE — To keep in its existing state, preserve from failure or decline, upkeep.
- (10) NATIONAL REGISTER OF HISTORIC PLACES — The official federal list of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering and culture.
- (11) OBJECT — A construction primarily artistic in nature or relatively small in scale and simply constructed, such as a statue, milepost, hitching-post, etc.
- (12) RECYCLE or SALVAGE — When used in connection with historic resources, shall mean retention of reusable building materials for reuse.
- (13) SITE — The location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains.

HOME IMPROVEMENT CENTER, LUMBER, BUILDING MATERIALS SALES FACILITY — An establishment providing for the sale of home, lawn, and garden supplies, lumber, and other similar building materials and products, including hardware stores.

HOME OCCUPATION — A business activity administered or that is clearly conducted as an accessory use to and within a single-family detached dwelling.

HORTICULTURE — The growing of fruits, vegetables, flowers, or ornamental plants.

HOSPITAL — An establishment which provides medical, psychiatric, obstetrical, or surgical care on a twenty-four-hour basis. The term "hospital" shall include facilities used

for medical research and training for health-care professions, general hospitals, mental hospitals, tuberculosis hospitals, children's hospitals, and any such other facilities which provide inpatient care. A hospital use can also include attached and detached accessory uses, provided that all uses are contained upon the hospital property. A hospital shall be licensed as such by the Commonwealth of Pennsylvania. The term "hospital" shall not include any facility in which is conducted the housing of the criminally insane or provides treatment for persons actively charged with or serving a sentence after being convicted of a felony.

HOTEL — A facility which provides lodging to boarders for compensation, which contains more than eight rooms with less than 25% of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building and which may provide meals and other services as a part of the compensation.

IMPERVIOUS AREA — Any portion of a lot covered by material impenetrable by precipitation, including buildings, structures and paved areas.

IMPERVIOUS COVER — Any natural or man-made material utilized to cover, pave or resurface any portion or area of a lot, whether permeable or impermeable, excepting only soil, plants or vegetative coverings. "Impervious cover" shall include, among other materials, any form or mixture of concrete, stone, asphalt, tar, or other substance designed and intended to alter the natural state of the land.

IMPERVIOUS LOT COVERAGE — See "lot coverage."

INDUSTRIAL USE — Any enterprise in which goods are generally mass produced from raw materials on a large scale through use of an assembly line or similar process, usually for sale to wholesalers or other industrial or manufacturing uses. This term includes but is not limited to those involving manufacturing; processing; packaging; printing, publishing and binding; production; testing of materials, goods and products; conversion and assembly; industrial laundries; repair of large appliances and equipment; machine shops, and welding shops.

- (1) **GENERAL INDUSTRIAL** — An industrial use:
 - (a) Involving the processing and manufacturing of semi-finished and/or finished materials or products predominately from extracted, raw, and/or recycled materials; and/or
 - (b) Engaged in the storage of, manufacturing processes using, and/or shipping of flammable or explosive materials; and/or
 - (c) Engaged in the storage, manufacturing processes, and/or shipping of materials or products that potentially involve hazardous or commonly offensive conditions; and
 - (d) Due to the more intensive nature of the processes, materials, products, etc. such uses may disturb or endanger neighboring properties.
- (2) **LIGHT INDUSTRIAL** — An industrial use:

- (a) Involving the manufacturing, predominately from previously prepared semi-finished or finished materials products or parts, finished materials and products, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution, as well as the repair of such finished products; but
- (b) Excluding the processing of extracted, raw, and/or recycled materials; and
- (c) Due to the lower intensity nature of processes, materials, or products, produce no noise, vibration, air pollution, fire hazard or noxious emission, which would disturb or endanger neighboring properties.
- (d) Such establishments involved in the production and/or repair services when such facilities are in a completely enclosed building including home appliances; electrical instruments; office machines; precision instruments; electronic devices; timepieces; jewelry; optical goods; musical instruments; novelties; mass-produced furniture; wood products such as cabinetry, printed material; lithographic plates; type composition; machine tools; dies and gauges; ceramics; apparel; lightweight metal castings; film processing; light sheetmetal products; tinsmithing, welding, plumbing, heating, ventilating and air-conditioning plastic goods; pharmaceutical goods; and food products, but not animal slaughtering or curing nor rendering of fats.

INDUSTRY — The manufacturing, compounding, processing, assembly, or treatment of materials, articles, or merchandise.

JOINT-USE ACCESS DRIVE — An access drive shared by and constructed to provide vehicular access between multiple nonresidential or multifamily uses and a street.

JOINT-USE DRIVEWAY — A driveway shared by and constructed to provide access to two or three properties.

JUNK — Used materials, discarded materials, or both, including, but not limited to, waste, paper, rags, metal, building materials, house furnishings, machinery, vehicles or parts thereof, which are being stored awaiting potential reuse or ultimate disposal.

JUNKYARD — Any place where activity of storing or accumulating junk occurs or where business of selling, buying or dealing in junk is carried on or where two or more motor vehicles are stored which are unlicensed, inoperable, and do not have a current and valid inspection sticker as required by the Vehicle Code and other laws of the Commonwealth of Pennsylvania. See "automobile wrecking, junk and scrap storage and sales establishments (junkyards)."

KENNEL, COMMERCIAL — An establishment operated as a gainful business licensed through the Department of Agriculture, containing indoor and outdoor housing facilities for the sheltering of four or more canines, or other animals in accordance with the Pennsylvania Code, as amended or revised.

LARGE SOLAR ENERGY PRODUCTION FACILITY — An area of land or other area used for a solar collection system principally used to capture solar energy and convert it to electrical energy. Large solar energy production facilities consist of one or

more freestanding 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 and facilities. A facility is considered a large solar energy production facility if it supplies electrical or thermal power solely for off-site use.

LARGE WIND ENERGY PRODUCTION FACILITY — An area of land or other area used for a wind energy conversion system principally used to capture wind energy and convert it to electrical energy. Large wind energy production facilities consist of one or more wind turbines, tower, and associated control or conversion electronics and other accessory structures and buildings including substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities. A facility is considered a large wind energy production facility if it supplies electrical power solely for off-site use.

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

LAUNDRY AND DRY-CLEANING ESTABLISHMENT (INDUSTRIAL) — An establishment equipped with large-scale clothes-washing and dry cleaning equipment.

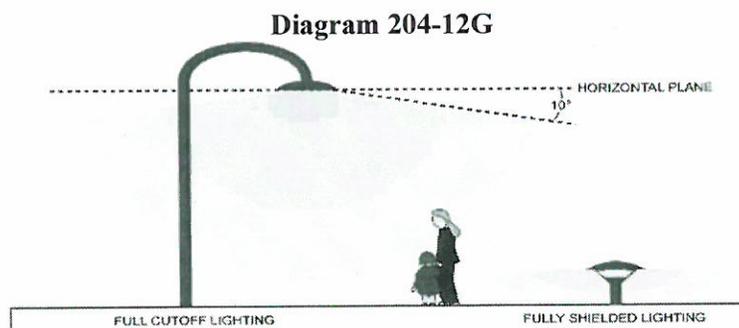
LAUNDRY AND DRY-CLEANING ESTABLISHMENT (PERSONAL) — An establishment equipped with individual clothes-washing equipment for the use of retail customers or the dropoff and pickup of clothing for dry cleaning off-site).

LIBRARY — An establishment in which literary, musical, artistic or reference material (such as books, manuscripts, recordings or films) are kept for use but not for sale.

LIGHTING-RELATED TERMS AND PHRASES — Unless specifically defined elsewhere herein, the following words and phrases when used in § 204-37 of this chapter relating to the outdoor lighting shall have the meaning given to them herein this subsection unless the context clearly indicates otherwise. See Diagram 204-12G.

- (1) **FOOTCANDLE** — Unit of light density incident on a plane (assumed to be horizontal unless otherwise specified), and measurable with an illuminance meter, aka light meter.
- (2) **FULL CUTOFF** — Attribute of a lighting fixture from which no light is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than 10% of the lamp's intensity is emitted at or above an angle 10° below that horizontal plane, at all lateral angles around the fixture.
- (3) **FULLY SHIELDED** — Attribute of a lighting fixture provided with internal and/or external shields and louvers to prevent brightness from lamps, reflectors, refractors and lenses from causing glare at normal viewing angles.
- (4) **GLARE** — Excessive brightness in the field of view that is sufficiently greater than the brightness to which the eyes are adapted, to cause annoyance or loss in visual performance and visibility, so as to jeopardize health, safety or welfare.

- (5) ILLUMINANCE — Quantity of light, measured in footcandles.
- (6) LIGHT TRESPASS — Light emitted by a lighting fixture or installation, which is cast beyond the boundaries of the property on which the lighting installation is sited.
- (7) LUMEN — As used in the context of this chapter, the light-output rating of a lamp (light bulb).



LIVESTOCK — Large animals, including, but not necessarily limited to, the following: horses, ponies, donkeys, mules, cattle, sheep, goats or swine, but also includes poultry. For purposes of this chapter, livestock shall not be considered domestic pets.

LOADING SPACE — An off-street paved space suitable for the loading or unloading of goods and having direct usable access to a street or alley.

LONG-TERM-CARE NURSING FACILITY — A facility defined and licensed by the Commonwealth of Pennsylvania Department of Health in accordance with Title 28 of the Pennsylvania Code, Chapter 201. The facility provides skilled or intermediate nursing care services 24 hours a day and seven days a week to individuals who do not require more intensive hospital-based care.

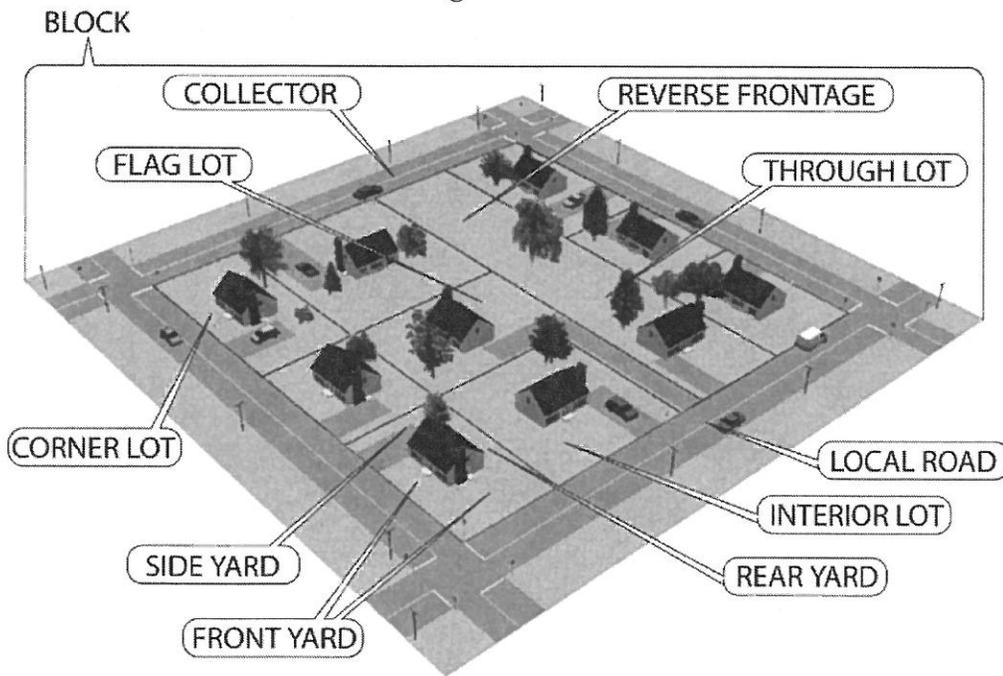
LOT — Any parcel, plot or tract of land intended as a single unit for purposes of ownership, transfer of ownership, use, rent, improvement or development. Contiguous nonconforming lots of record under single and separate ownership shall be considered one lot for the purposes of this chapter. A lot, as herein defined, may or may not coincide with a lot of record. See Diagram 204-12H.

- (1) **LOT, CORNER** — A lot which has an interior angle of less than 135° at the intersection of two street lines. A lot abutting upon a curved street shall be considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street line intersect at an interior angle of less than 135°. Corner lots, including multiple frontage lots, shall have two front yards (abutting the street), one side yard and one rear yard. For purposes of this chapter, the front lot line of the street in which the lot is addressed shall be the primary front lot line, and the other front lot line shall be the secondary front lot line. The rear lot line

shall be the lot line directly opposite of the primary front lot line. The side lot line shall be the lot line directly opposite the secondary front lot line.

- (2) LOT, FLAG — A lot whose frontage does not satisfy the minimum lot width requirements for the respective zone but that does have sufficient lot width away from the lot's frontage.
- (3) LOT, INTERIOR — A lot other than a corner lot, the sides of which do not abut a street right-of-way.
- (4) LOT, DOUBLE-FRONTAGE, THROUGH OR REVERSE-FRONTAGE — A lot having frontage on two or more parallel or approximately parallel streets. In such cases, the front yard setback will be determined by the street address, which yard along the addressed street shall be considered the front yard. The yard along the opposite parallel or approximately parallel street will be considered the rear yard for determining the minimum required rear setback. The minimum required rear setback line shall be used for all principal, accessory and temporary structures.
- (5) LOT, MULTIPLE-FRONTAGE — A corner lot that is adjacent to a street on three or more sides. (Multiple-frontage lot is not depicted in Diagram 204-12H below.)

Diagram 204-12H



LOT AREA — The area contained within the lot lines of individual parcels of land, excluding any area within a street right-of-way, but including the area of any easement.

LOT COVERAGE — That portion or percentage of the lot area covered by impervious cover.

LOT LINE — A line of record which divides one lot from another lot or from a public or private road (right-of-way) or any other public space. Where a lot abuts a public or private right-of-way, the lot line for regulatory purposes shall be the right-of-way line; also known as "road or street line." See Diagram 204-12E.

LOT OF RECORD — A lot identified on a subdivision plan or on a deed or other instrument of conveyance recorded in the office of the Recorder of Deeds in and for Cumberland County, Pennsylvania.

LOT WIDTH — The horizontal distance measured between side lot lines at the minimum front setback line for the district in which the lot is located. On corner lots, lot width shall be measured between the right-of-way line for the non-address street and the directly opposite lot line. Unless otherwise noted, lot width shall be measured at the building setback line and the street frontage. For purposes of determining compliance with required lot width standards of this chapter, in calculating required lot width, the term shall mean the "contiguous" or "unbroken" horizontal distance measured between side lot lines. See Diagram 204-12E.

MANUFACTURE — A function involving either the processing, conversion or production of materials, goods or products.

MANUFACTURED HOME — See "mobile home."

MANURE — The fecal and urinary excrement of livestock and poultry, often containing some spilled feed, bedding or litter.

MANURE DIGESTER — A facility whose main purpose is to use anaerobic digestion processes to convert livestock and poultry manure (primary catalyst) into biogas, which is generally burned on-site to produce electricity, heat, and water; as well as to manage livestock and poultry manure. Manure digesters may include "codigestion" in which the livestock and poultry manure (primary catalyst) may be mixed with other organic materials (secondary catalysts). Types of manure digesters include covered anaerobic lagoons, plug-flow, and/or complete mix (or continually stirred tank reactor), along with other appurtenant sites, structures and buildings, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

MANURE STORAGE FACILITY — A detached structure or other improvement built to store manure for future use or disposal. Types of storage facilities are as follows: underground storage, in-ground storage, earthen bank, stacking area, and aboveground storage. Manure storage facilities shall comply with all applicable federal, state, and local regulations.

MASSAGE THERAPY ESTABLISHMENT — An establishment where massage services are provided by a person having graduated from a massage therapy training program approved by the Pennsylvania State Board of Private Licensed Schools or equivalent agency if trained in another state; by a person certified through a massage therapy certification examination approved by the National Commission for Certifying Agencies; by a person certified through the National Certification Board for Therapeutic Massage and Bodywork; and/or is a practitioner or member of either of the American Massage Therapy Association (AMTA), Associated Bodywork and Massage

Professionals (ABMP), or International Massage Association (IMA). Massage therapy establishments shall not be construed to be an adult-related use as defined herein, and shall comply with all applicable federal, state, and local regulations.

MASSAGE THERAPIST — A person trained, and licensed by the Commonwealth of Pennsylvania, in manipulation of the soft tissues of the body by rubbing, stroking, kneading, etc. for therapeutic or healing purposes.

MINERAL EXTRACTION OR RECOVERY OPERATION — An enterprise engaged in the searching for or removal of rock, soil or mineral from the earth by excavating, stripping, mining, leveling, or any other process, but exclusive of excavations or grading involved in the construction of a building. Also includes any processing operations in connection with the above activities.

MINERALS — Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas.

MINI-STORAGE WAREHOUSES — An establishment providing for the enclosed storage of household items or recreational equipment, where said items are retained for direct use by their owner, who shall have direct access thereto without intermediate handling by the proprietor of the facility.

MOBILE HOME — A transportable, single-family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable again of being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations. Mobile homes placed in parks shall meet the requirements for mobile home parks listed in the North Middleton Township Mobile Home and Mobile Home Park Ordinance, as may be amended.⁶ Mobile homes placed on individual lots shall be considered dwellings and be bound by the requirements there imposed.

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

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

MOTEL — An establishment which provides transient lodging accommodations to the general public in sleeping units which each have separate access directly to the outside and which may provide such additional supporting services as restaurants, recreation facilities and living quarters for a resident manager or proprietor.

MOTOR FREIGHT TERMINAL — An area or building where freight transported by motor truck, motor carriers, or rail (full loads or less than full loads) is stored, handled,

6. Editor's Note: See Ch. 180, Subdivision and Land Development, Art. VIII, Mobile Home Park Regulations.

or transferred in the routine inter/intrastate shipment of said freight. It shall also include any area of such operations such as vehicle repair and service, truck parking, driver facilities and administrative operations located on the same parcel or tract.

MOTOR VEHICLE AUCTION — An establishment where new and used automobiles, trailers, boats, heavy equipment, recreational vehicles, trucks, other similar private passenger, recreation and commercial motor vehicles, and mobile homes, are stored, readied, and displayed on a recurring scheduled basis primarily for wholesale, but may also include retail sales.

MULTIUNIT RESIDENTIAL CONVERSION — The conversion of a single-family detached dwelling into accommodations for more than one dwelling unit.

MUNICIPAL-OWNED USES — Any establishment, use, facility, and/or structure owned and/or operated by North Middleton Township, or its authorized municipal authorities or agents.

MUNICIPALITY — North Middleton Township, Cumberland County, Pennsylvania.

NATURE PRESERVE AND WILDLIFE SANCTUARIES — An area maintained in a natural state for the preservation of both animal and plant life.

NEW CONSTRUCTION — Structures for which the start of construction commenced on or after the effective date of this chapter.

NIGHTCLUB — Any building used for on-site consumption of alcoholic or nonalcoholic beverages where live entertainment is offered. For the purposes of this definition, "live entertainment" is meant to include the use of disc jockeys for the purposes of supplying musical entertainment. Nightclubs may also provide for on-site consumption of food. Additionally, nightclubs can offer the retail sale of carry-out beer and wine as an accessory use. This is also meant to include an "under 21" club which features entertainment.

NONCOMMERCIAL KEEPING OF LIVESTOCK — An accessory use to a principal single-family detached dwelling, whereupon livestock are kept exclusively by the residents of the site.

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

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

NONCONFORMING USE — A use, whether of land or of structure, which does not comply with the applicable use provisions in this chapter or amendment heretofore or

hereafter enacted, where such use was lawfully in existence prior to the enactment of such chapter or amendment or prior to the application of such chapter or amendment to its location by reason of annexation.

NONCONFORMITY, DIMENSIONAL — Any aspect of a use that does not comply with any size, height, bulk, setback, distance, landscaping, coverage, screening or any other design or performance standard specified by this chapter, where such dimensional nonconformity lawfully existed prior to the adoption of this chapter or amendment thereto.

NONPROFIT USE — A use whose purpose or purposes do not involve pecuniary profit, incidental or otherwise.

NO-IMPACT HOME OCCUPATION — A business activity administered or that is clearly conducted as an accessory use to and within 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 the residential use. (Also known as "no-impact home based business" per the MPC.)

OBSTRUCTION — Any wall, dam, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse or flood-prone area, which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or which is placed where the flow of the water might carry the same downstream to the damage of life and property.

OFFICE, PROFESSIONAL BUSINESS — An establishment in which one or more persons are employed in the management, direction or conducting of business/commerce and whose staff/employees serve clients who seek advice and consultation regarding business/commerce. A business office may include the administrative, corporate or professional offices for profit, nonprofit or charitable organizations, but also includes real estate, stock and bond brokers, accountants, adjusters, appraisers, utility companies, lawyers, clergymen, teachers, architects, engineers, insurance agents, and similar office-oriented uses.

OFFICE, MEDICAL — An establishment where patients are admitted for examination and treatment to the general public without overnight accommodation and without a pharmacy, and shall include such uses as reception areas, offices, consultation rooms, and X-ray, provided that such uses have access only from the interior of the building or structure, on an outpatient basis by not more than two licensed medical professionals including physicians, dentists, opticians, psychologists, other similar medical personnel and vocations.

OFF-TRACK BETTING PARLOR — A commercial use at which persons can visit to wager upon and observe by remote television the outcomes of events that are taking place elsewhere.

ON-LOT SEWER SERVICE — The disposal of sewage generated by one principal use with the use of safe and healthful means within the confines of the lot on which the use is located, as approved by the Pennsylvania Department of Environmental Protection.

ON-LOT WATER SERVICE — The provision of a safe, adequate and healthful supply of water to a single principal use from a private well.

OPEN SPACE — A space unoccupied by buildings or paved surface and open to the sky on the same lot with the building.

ORNAMENTAL POND AND WADING POOL — A man-made body of water that contains less than 26.6 cubic feet (200 gallons) of water, has a maximum length or diameter of 15 feet and has a maximum depth of 18 inches.

OUTDOOR FARMERS/FLEA MARKET — A retail sales use where more than one vendor displays and sells general merchandise that is new or used in an outdoor setting.

OUTDOOR CAFE/DINING — A portion of an establishment which includes an exterior seating area associated with a food services, restaurant, tavern/bar, or other similar establishment.

OUTSIDE DISPLAY AND SALES — The display and sales of products and services primarily outside of a building or a structure.

PADEP — The Pennsylvania Department of Environmental Protection.

PARK — A use of land, which may include accessory buildings and structures, for active and/or passive outdoor recreation for the purpose of pleasure, leisure, fellowship or exercise, commonly involving a sporting activity, camping, hiking, jogging, bicycling, swimming, picnicking and other related activities which is open to the public. A park may include amenities such as ball fields, tennis courts, trails, playground equipment, rest rooms, picnic tables, cooking grills and similar facilities. For purposes of this chapter, parks shall not include improvements for or permit uses considered commercial recreational uses.

PARKING — The temporary stopping or standing of a licensed, inspected and operable vehicle, whether occupied or not, off the roadway.

PARKING COMPOUND — A public or private lot, building or structure that is designed and used for the temporary off-street storage and parking of passenger vehicles. This use shall include surface parking lots and parking structures including buildings and decks.

PARKING LOT — Any area of a lot used for off-street parking facilities, providing for the transient storage of automobiles, and other motorized and nonmotorized vehicles.

PARKING STRUCTURE — A building or structure where passenger vehicles may be stored for temporary off-street parking, including decks and buildings.

PARKING SPACE — A space within an off-street parking compound for the parking of motor vehicles or trailers.

PAVED AREA — Any area of a lot which is covered with a hard surface material, including asphalt or concrete, but not including, required public concrete sidewalks, curbs or cartways and shoulders of public streets.

PENNDOT — The Pennsylvania Department of Transportation.

PERSON — An individual, form, partnership, corporation or other legal entity.

PERSONAL CARE HOME — An establishment defined and licensed by the Commonwealth of Pennsylvania Department of Public Welfare in accordance with Title 55 of the Pennsylvania Code, Chapter 2600. A personal care home is a premises in which food, shelter and personal assistance or supervision are provided for a period exceeding 24 hours for four or more adults who are not relatives of the operator, who do not require the services in or of a licensed long-term-care facility, but who do require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation of a residence in the event of an emergency or medication prescribed for self-administration. A halfway house shall not be considered a personal care home.⁷

PERSONAL CARE HOME CENTER — See "assisted living facility."

PERSONAL SERVICE BUSINESS — An establishment where service-oriented activities for personal needs are provided to the general public, but which do not primarily involve retail sales of goods or does not involve professional advisory services. Such activities shall include and be similar to barbershops, beauty salons, health spas; photographic studios; small home appliance repair including radios and televisions; repair shops for tools, bicycles, guns, locks, shoes and watches; tailor, dressmaking, and upholstering shops, and pet grooming with no overnight boarding. Personal service establishments shall not be construed to be an adult-related use as defined herein.

PERVIOUS MATERIAL OR SURFACE — Any material that covers the land that would allow the percolation of stormwater directly into the soil, including plants or vegetative coverings or as otherwise which would permit water to penetrate and as approved by the Township Engineer. Shall not include any permeable man-made material utilized to pave any portion or area of a lot.

PESTICIDE — Any substance or mixture of substances intended for use in preventing, destroying, repelling, sterilizing or mitigating any insects, rodents, nematodes, predatory animals, fungi, weeds or other forms of plant or animal life.

PLACE OF WORSHIP — An establishment wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all buildings, accessory buildings, structures and uses customarily associated with such primary purpose including rectories, convents and church-related schools and day-care facilities. Includes synagogue, temple, mosque, or other such place for worship and religious activities.

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

PLANNED CENTER — A group of uses planned and designed as an integrated unit with controlled ingress and egress and shared off-street parking provided on the property as an integral part of the unit. Such centers also may include planned center signs as regulated herein.

PLANNING COMMISSION — The Planning Commission of North Middleton Township.

POST OFFICE — An establishment operated by the United States Postal Service, where mail is received, sorted, and delivered, and where stamps and other postal materials are sold.

PREMISES — The property upon which the activity is conducted as determined by physical facts rather than lot lines. It is the land occupied by the buildings or other physical uses that are necessary or customarily incident to the activity, including such open spaces as are arranged and designed to be used in connection with such buildings or uses. The following are not considered to be a part of the premises on which the activity is conducted and any signs located on such land are to be considered off-premises advertising:

- (1) Any land which is not used as an integral part of the principal activity, including land which is separated from the activity by a roadway, highway or other obstruction and not used by the activity; and extensive undeveloped highway frontage contiguous to the land actually used by a commercial facility, even though it might be under the same ownership.
- (2) Any land which is used for or devoted to a separate purpose unrelated to the advertised activity.
- (3) Any land which is in closer proximity to the highway than to the principal activity and developed or used only in the area of the sign site or between the sign site and the principal activity and whose purpose is for advertising purposes only. In no event shall a sign site be considered part of the premises on which the advertised activity is conducted if the site is located on a narrow strip of land which is nonbuildable land or is a common or private roadway or is held by easement or other lesser interest than the premises where the activity is located.

PRINCIPAL WASTE-HANDLING FACILITY — A principal use whereby waste is brought to the site for storage, processing, treatment, transfer or disposal.

PRIVATE AIRPORT — An airport which is privately owned and which is not open or intended to be open to the public as defined in 74 Pa.C.S.A. § 5102.

PROCESSING — A function which involves only the cleaning, sorting, sizing, packaging, or any combination thereof, of products and materials.

PUBLIC — Owned, operated, or both, by the Township, its authority, a Township-supported fire company or a Township-supported ambulance association.

PUBLIC AIRPORT — An airport which is either publicly or privately owned and which is open to the public as defined in 74 Pa.C.S.A. § 5102.

PUBLIC HEARING — A formal meeting held pursuant to public notice by the North Middleton Township Board of Supervisors or Planning Commission (as applicable), intended to inform and obtain public comment, prior to taking action on zoning-related matters.

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," and subsequent amendments.⁸

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 notice for rezoning, special exception, variance, or any combination thereof, requests shall also include the posting of a sign(s) at a conspicuous location(s) upon the site to notify potentially interested citizens; this sign(s) shall be posted at least one week prior to the hearing and will exhibit the nature, date, time and location of the hearing.

PUBLIC SEWER — A municipal sanitary sewer or a comparable common or package sanitary facility approved and permitted by the Pennsylvania Department of Environmental Protection. Such systems are capable of serving multiple users.

PUBLIC UTILITIES — Use or extension thereof which is operated, owned or maintained by a municipality or municipal authority or which is privately owned and approved by the Pennsylvania Public Utility Commission for the purpose of providing public sewage disposal, treatment, or both; public water supply, storage, treatment, or any combination thereof; or for the purpose of providing the transmission of energy or telephone service.

PUBLIC WATER — A municipal water supply system or a comparable common water facility approved and permitted by the Pennsylvania Department of Environmental Protection. Such systems are capable of serving multiple users.

PUBLIC/PRIVATE WORKS FACILITY — The erection, construction, alteration, operation or maintenance of buildings, power plants, towers, substations, water treatment plants or pumping stations, sewage disposal or pumping plants, public transportation and road maintenance facilities, and other similar public service structures by a utility, whether publicly or privately owned, or by government agency other than North Middleton Township (its authorities or agents), including the furnishing of electrical, gas, communication, water supply and sewage disposal services.

RADIOACTIVE MATERIAL — Any natural or artificially produced substance which emits radiation spontaneously.

RADIO STATION — One or more transmitters or receivers or a combination of transmitters and receivers, including the accessory equipment, necessary at one location for the transmission of AM or FM radio broadcasts.

8. Editor's Note: See 65 Pa.C.S.A. § 701 et seq.

RAIL YARD or RAILROAD YARD — A rail yard, or railroad yard, is a complex series of railroad tracks for storing, sorting, or loading/unloading, railroad cars and/or locomotives. Railroad yards have many tracks in parallel for keeping rolling stock stored off the main line, so that they do not obstruct the flow of traffic.

RECREATIONAL VEHICLE — A portable structure, primarily designed to provide temporary living quarters for recreation, camping or travel purposes. In addition to the above, any of the following attributes are characteristic of a travel trailer:

- (1) The unit is of such size or weight as not to require a special highway movement permit from the Pennsylvania Department of Transportation when self-propelled or when hauled by a standard motor vehicle on a highway.
- (2) The unit is mounted or designed to be mounted on wheels.
- (3) The unit is designed to be loaded onto or affixed to the bed or chassis of a truck.
- (4) The unit contains or was designed to contain temporary storage of water and sewage.
- (5) The unit contains some identification by the manufacturer as a travel trailer.

RECYCLING BUSINESS/CENTER, COMMERCIAL/INDUSTRIAL — A facility, other than a facility open to the public to receive commercial/industrial recyclable material, where any method, technique, or process is utilized to separate, process, modify, or convert waste so that component materials or substances may be used or reused or sold to third parties for such purposes. The use or reuse, or a solid waste may not be used in a manner that would constitute solid waste disposal.

RECYCLING BUSINESS/CENTER, HOUSEHOLD WASTE — A facility, other than a facility open to the public to receive household waste and recyclable material, where any method, technique, or process is utilized to separate, process, modify, or convert waste so that component materials or substances may be used or reused or sold to third parties for such purposes. The use or reuse of a solid waste may not be used in a manner that would constitute solid waste disposal.

RENTAL — A procedure by which services or personal property are temporarily transferred to another person for a specific time period for compensation.

REPAIR — A function involved in correcting deficiencies of products that affect its performance, appearance, or both.

RESEARCH AND DEVELOPMENT — An establishment which carries on investigations in the natural, physical, technical or social science or engineering and development as an extension of such investigation with the objective of creating end products.

RESEARCH LABORATORY — An establishment involving facilities for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products except as accessory and incidental to the main purpose of the laboratory.

RESTAURANT — An establishment that sells ready-to-consume food or drink and that routinely involves the consumption of at least a portion of such food on the premises. A restaurant may include the accessory sale of alcoholic beverages. However, if such sales is a primary or substantial portion of the total trade, the requirement of a tavern or bar as applicable must be met.

RETAIL BUSINESS — An establishment which sells goods or merchandise and repair services for goods or similar merchandise sold on the premises to the general public for personal and household consumption and rendering services incidental to the sale of such goods. Retail businesses shall not be construed to be an adult-related use as defined herein.

RETAIL — Those businesses whose primary activities involve the display and sales of goods and products to the general public. This term shall not include adult-related uses as defined herein.

RIDING SCHOOLS and HORSE BOARDING STABLES — An establishment where horses are boarded and cared for, or where instruction in riding, jumping, and showing is offered, or where horses may be hired for riding.

RIGHT-OF-WAY — A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, street, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary, storm sewer, and other similar uses, whether public or private. (See also "street line.") See Diagram 204-12E.

ROADSIDE STAND — An accessory structure which primarily involves the retail sale of agricultural and/or garden products such as fresh fruits, vegetables, herbs, flowers or plants produced on site or on property contiguous to the property on which they are offered for sale during the harvesting season.

RURAL OCCUPATION — A business activity administered or that is clearly conducted as an accessory use to a single-family detached dwelling, within an accessory structure.

SAWMILL — An establishment where timber is cut, sawed, or planed, either to finished lumber, or as an intermediary step and may include facilities for the kiln drying of lumber and may include the distribution of such products on a wholesale or retail basis.

SATELLITE DISH ANTENNA — A device incorporating a reflective surface which is solid, open mesh or bar-configured and is in the shape of a shallow dish, cone, horn or cornucopia. Such device shall be used to transmit, receive, or both, radio or electromagnetic waves between terrestrially based uses, orbitally based uses, or both. This definition is meant to include but not be limited to what are commonly referred to as "satellite earth stations," "TVROs" and "satellite microwave antennas."

SCHOOL — An establishment offering instruction in any branch of knowledge under the supervision of the Commonwealth of Pennsylvania or a lawfully constituted

ecclesiastical governing body, person, partnership, or corporation meeting the requirements of the Commonwealth of Pennsylvania.

- (1) **SCHOOL, COMMERCIAL** — A school conducted for profit for such instruction as business, art, drama, music, handicraft, dancing, and other similar type low-impact uses conducted within a completely enclosed structure.
- (2) **SCHOOL, PUBLIC OR PRIVATE** — Any public, sectarian, or private nonprofit establishment approved by the Commonwealth of Pennsylvania offering formal academic instruction and services for state-required or largely state-funded programs at the kindergarten, elementary, and secondary levels. This term shall not include those uses considered commercial schools.
- (3) **SCHOOL, VOCATIONAL** — Same as public or private school except that the primary activity is training in a trade or vocation, which may be conducted wholly or partially outside of an enclosed structure. This term shall not include those uses considered commercial schools.
- (4) **SCHOOL, POSTSECONDARY** — Any public, sectarian, or private establishment approved by the Commonwealth of Pennsylvania offering formal academic instruction and services to students who have typically achieved their high school or bachelor's diploma.

SCREENING — The provision of a barrier to visibility, airborne particles, glare and noise between adjacent properties, uses, and/or zoning districts composed of a mixture of landscaping, trees, berms, shrubs, fences, walls and/or other similar type materials, that is intended to mitigate negative impacts, such as visual and noise, of the more intense use on the less intense use or zoning district.

SCREEN PLANTING — A vegetative material of sufficient height and density to conceal from the view of passing motorists and property owners on abutting and/or adjacent properties the structures and uses on the premises on which the screen planting is located.

SETBACK — The required horizontal distance between a setback line and a property or street right-of-way line. See Diagram 204-12E.

- (1) **SETBACK, FRONT** — The distance between the street line and/or private right-of-way line and the front line of the principal building and/or structure projected to the side lines of the lot. The depth of the front setback shall be measured between the front line of principal building and/or structure and the street right-of-way line. Attached porches and decks, whether covered or uncovered, enclosed or unenclosed, shall be considered as part of principal building and/or structure and shall not project into a required front setback.
- (2) **SETBACK, REAR** — The distance between the rear line of the lot and the rear line of the principal building and/or structure projected to the side lines of the lot. The depth of the rear setback shall be measured between the rear line of the lot and the rear line of the principal building and/or structure. Attached porches and decks, whether covered or uncovered, enclosed or unenclosed, shall be considered

as part of principal building and/or structure and shall not project into a required rear setback.

- (3) **SETBACK, SIDE** — The distance between the side line of the lot and extending from the front lot line to the rear lot line. Any lot line not a rear line or a front line shall be deemed a side line. Attached porches and decks, whether covered or uncovered, enclosed or unenclosed, shall be considered as part of principal building and/or structure and shall not project into a required side setback.

SETBACK LINE — A line within a property and parallel to a property or street right-of-way line which delineates the required distance between some particular use of property and that property or street right-of-way line. See Diagram 204-12E.

SHOOTING RANGE — A place where firearms and other projectile-type weapons (e.g., guns, rifles, shotguns, pistols, air guns, archery crossbows, etc.) can be shot for recreation, competition, skill development, training, or any combination thereof. Nothing within this definition shall be construed to include hunting when conducted in accordance with the rules and regulations of the Commonwealth of Pennsylvania.

SHOPPING CENTER — A planned center of four or more tenant leasable units or stores designed for the site on which it is built, functioning as a unit, with shared off-street parking provided on the property as an integral part of the unit.

SIGN — A device for visual communication that is used to bring the subject to the attention of the public. A sign shall not include flags or other insignia of any government, fraternal, civic, charitable or similar organization, or legal notices and signs posted prohibiting trespassing, hunting or fishing.

- (1) **FLAT WALL SIGN** — A sign that is displayed, mounted, or both, upon or generally parallel to the same plane as the face of a wall, such that no portion of the sign extends more than 12 inches from said wall.
- (2) **FREESTANDING SIGN** — A sign erected upon a permanently affixed, independent structure (legs or base).
- (3) **OUTPARCEL SIGN** — A sign affixed to a unit of occupancy contained within a planned center.
- (4) **PERMANENT SIGN** — A sign that is expected to be continuously displayed during the presence of a principal land use.
- (5) **TEMPORARY SIGN** — A sign that is only for specified periods of time, associated with some temporary event or work conducted on the site.
- (6) **UNDER CANOPY SIGN** — A sign that identifies one leasable unit within a shopping center and is hung from an overhead canopy of the shopping center or is provided as a wall projecting sign attached to the front wall of the unit where no canopy is provided.

- (7) **WALL PROJECTING SIGN** — A sign that is mounted to a building wall such that its principal display area is not parallel to the building wall. A wall projecting sign can also be attached to a marquee.

SINGLE AND SEPARATE OWNERSHIP — The ownership of a lot by one or more persons, which ownership is separate and distinct from that of any abutting or adjoining lot. Ownership shall be considered separate and distinct where lots have been separately described as such, by metes and bounds, in a recorded deed or instrument of conveyance prior to the enactment of this chapter or an amendment thereto and have continued since that date to be so separately described in all subsequent recorded deeds or instruments of conveyance.

SKILLED OR INTERMEDIATE NURSING CARE — Professionally supervised nursing care and related medical and other health services provided for a period exceeding 24 hours to an individual not in need of hospitalization, but whose needs are above the level of room and board and can only be met in a long-term-care nursing facility or an inpatient basis because of age, illness, disease, injury, convalescence or physical or mental infirmity.

SMALL SOLAR ENERGY SYSTEM — A solar collection system consisting of one or more roof- and/or ground-mounted solar collector devices and solar-related equipment, and is intended to primarily reduce on-site consumption of utility power. A system is considered a small solar energy system only if it supplies electrical or thermal power solely for on-site use, except that when a property upon which the facility is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.

SMALL WIND ENERGY SYSTEM — A wind energy conversion system consisting of a wind turbine, tower, and associated control or conversion electronics, and is intended to primarily reduce on-site consumption of utility power. A system is considered a small wind energy system only if it supplies electrical power solely for on-site use, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.

SOIL SURVEY — The most recent published version of the United States Department of Agriculture's Soil Survey for Cumberland County, Pennsylvania.

SOLAR COLLECTOR SYSTEM — A solar photovoltaic cell, panel, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for collection, inversion, storage, and distribution of solar energy for electricity generation or transfer of stored heat.

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

SPECIAL EXCEPTION — A use that is generally compatible with a particular zone once specified criteria have been met. Special exception uses are listed by zone and approved by the Zoning Hearing Board in accordance with § 204-64C of this chapter.

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE (SALDO) — The most recent version of the Township's Subdivision and Land Development Ordinance, as may be amended.⁹

STORAGE — A function involving the deposition of materials, goods, products, or any combination thereof, for safekeeping, including the parking or storage of unlicensed, uninspected or inoperable motor vehicles.

STOREFRONT — The wall of a unit of occupancy which faces the front yard (oriented toward the street) within a planned center, as defined herein.

STORMWATER MANAGEMENT BASIN — Any facility used to retain or detain stormwater, that is part of a stormwater management system.

STORY — That part of a building located between a floor and the floor or roof next above. The first story of a building is the lowest story, having 75% or more of its wall area above grade level. A half-story is a story under a gable, hip or gambrel roof, the wall plate of which on at least two opposite exterior walls is not more than two feet above such story.

STREET — Includes street, avenue, boulevard, road, highway, freeway, lane, viaduct and any other dedicated and adopted public right-of-way or private right-of-way, used or intended to be used by vehicular traffic, pedestrians, or both.

STREET CENTER LINE — The horizontal line paralleling the street that bisects the street right-of-way into two equal widths. In those instances where the street right-of-way cannot be determined, the street center line shall correspond to the center of the cartway.

STREET FRONTAGE — The linear or curvilinear measurement taken along a property's street line with or street right-of-way, other than that of a limited-access highway. Street frontage must be a contiguous length when used to meet the minimum lot width requirements of this chapter.

STREET LINE or STREET RIGHT-OF-WAY LINE — A line defining the edge of a street right-of-way and separating the street from abutting property or lots. The street line shall be the same as the legal right-of-way line currently in existence, a dedicated right-of-way, or a reserve right-of-way. See Diagram 204-12E.

STREET, PRIVATE — A strip of land, including the entire right-of-way, intended for use as a means of vehicular and pedestrian circulation, but not intended to be dedicated for public use.

STREET, PUBLIC — A strip of land, including the entire right-of-way, intended to be dedicated for use as a means of vehicular and pedestrian circulation by the public.

9. Editor's Note: See Ch. 180, Subdivision and Land Development.

STRUCTURE — Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. See Diagram 204-12C.

- (1) STRUCTURE, ACCESSORY — A structure customarily incidental and subordinate to and detached from the main or principal building or structure on the same lot, the use of which is customarily incidental to that of the principal building or structure on the lot. An accessory structure shall exclude any vehicle as defined by the Pennsylvania Motor Vehicle Code, and cannot be constructed without a principal structure on the property.
- (2) STRUCTURE, PRINCIPAL — The main, primary, or predominant structure on a given lot, tract, or parcel. Any structure that is physically attached to a principal structure shall be considered part of that principal structure.
- (3) STRUCTURE, TEMPORARY — A structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

SUBSTANTIAL IMPROVEMENT — Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the fair market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the structure commences, whether or not that alteration affects the external dimensions of the structure.

SWIMMING POOL — Any pool not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than two feet. Agricultural ponds, ornamental ponds and lakes are not included, provided that swimming was not the primary purpose for their construction. See Diagram 204-12C.

TAVERN/BAR — An establishment which serves primarily alcoholic beverages for mostly on-premises consumption and which is licensed by the Pennsylvania Liquor Control Board. Taverns/bars may also serve food.

TESTING — A function involving the examination and assessment of qualities, performances, capabilities, or any combination thereof, of a product, good or material.

THEATER, INDOOR — An establishment with a building or portion thereof devoted to the showing of moving pictures or theatrical productions on a commercial basis.

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

TRAVEL PLAZA — An establishment where a range of services and goods to professional drivers and the general public are congregated, such as fuel sales, vehicle service, overnight accommodations and restaurants.

TREATMENT CENTER — A use (other than a prison or a hospital) providing housing for three or more unrelated persons who need specialized housing, treatment and/or counseling because of:

- (1) Criminal rehabilitation, such as a criminal halfway house;
- (2) Current addition to alcohol or a controlled substance that was used in an illegal manner; and/or
- (3) A type of mental illness or other behavior that causes a person to be a threat to the physical safety of others.

TOWNSHIP — The Township of North Middleton, Cumberland County, Pennsylvania, Board of Supervisors, its agents or authorized representatives.

TRUCK DROP LOT — An establishment providing for the temporary parking and transient storage of trucks and/or related truck-trailers used in cargo and freight transportation.

TURBINE HEIGHT — The distance measured from the highest point of the wind turbine rotor plane to the ground level.

USE — The specific purpose or activity for which land, structures, or buildings are designed, arranged, or intended or for which land, structures, or buildings are occupied or maintained.

- (1) USE, ACCESSORY — A use customarily incidental and subordinate to the principal use or the principal structure or building and located on the same lot with such principal use or principal structure or building. If no principal use or principal structure or building exists on a lot with a lawful accessory use, then such accessory use shall only be considered a principal use, if the use would otherwise be allowed as a permitted principal use in the zone, and which shall then be subject to provisions in this chapter relating to principal uses. The accessory use cannot not exceed 75% of the gross area square footage of the principal use on the property.
- (2) USE, PRINCIPAL — The main, primary, or predominant use of any lot or parcel of land.
- (3) USE, TEMPORARY — A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.

USE AND OCCUPANCY PERMIT — A permit issued by the Zoning Officer certifying a use's compliance with information reflected on the zoning permit and this chapter.

VARIANCE — A modification of any provision of this chapter granted by the Zoning Hearing Board subject to findings specified by the Act.

VEHICLE, MOTOR — A vehicle which is self-propelled except an electric personal assistive mobility device or a vehicle which is propelled solely by human power, and governed by the Pennsylvania Vehicle Code.¹⁰

VEHICLE, COMMERCIAL — A large motor vehicle or a combination of vehicles having a gross vehicle weight rating or gross combination weight rating in excess of 26,000 pounds primarily designed to carry cargo or freight including goods, products, supplies, and equipment. For purposes of this definition, the gross vehicle weight rating shall be the value specified on the Federal Weight Certification label by the manufacturer as the loaded weight of a single vehicle and the gross combination weight rating shall be the value specified by the manufacturer as the load weight of a combination.

VETERINARIAN'S OFFICE — An establishment used primarily for the treatment, by a veterinarian, of small domestic animals such as dogs, cats, rabbits, and birds or fowl. No outdoor boarding of animals is permitted.

WAREHOUSING, DISTRIBUTION AND WHOLESALING — An establishment engaged in the bulk storage and distribution of cargo or freight including manufactured goods, products, supplies, and equipment. Wholesaling of goods, products, supplies, and equipment shall not be open to or accessible by the general public, unless incidental to the principal warehousing operation.

WASTE — Garbage, refuse and other discarded materials, including but not limited to solid, semisolid, contained gaseous and liquid materials resulting from municipal, industrial, institutional, commercial, agricultural, residential and other activities. Such wastes shall also include biological excrement and hazardous waste materials, as defined in the Code of Federal Regulations, Title 40, Chapter 1, Part 261, dated July 1, 1984, or as amended. "Waste" shall expressly include those materials defined, at any given time, as "waste" by the Pennsylvania Department of Environmental Protection and the United States Environmental Protection Agency. For the purposes of this chapter, the difference between "waste" and "junk" or "recyclables" is that "waste" shall include materials that have entered a reasonably continuous process by which their ultimate disposal is imminent; whereas "junk" includes materials that may be stored for longer periods of time awaiting potential reuse or ultimate disposal; and whereas "recyclables" include materials that have entered a reasonably continuous process whereby their reuse is imminent.

WATERCOURSE — A permanent or intermittent stream, river, brook, run, creek, channel, swale, pond, lake or other body of surface water carrying or holding surface water, whether natural or artificial.

WATERSHED — All the land from which water drains into a particular watercourse.

WETLANDS — Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas. (The term includes but is not limited to wetland areas listed in the State Water Plan, the United States Forest Service Wetlands

10. Editor's Note: See 75 Pa.C.S.A. § 101 et seq.

Inventory of Pennsylvania, the Pennsylvania Coastal Zone Management Plan and a wetland area designated by a river basin commission. This definition is used by the United States Environmental Protection Agency and the United States Army Corps of Engineers.)

WHOLESALE — Any distribution procedure involving persons who, in the normal course of business, do not engage in sales to the general public.

WIND CHARGER — A wind-driven direct-current generator used for charging storage batteries.

WIND ENERGY CONSERVATION SYSTEM (WECS) — A device such as a wind charger, wind turbine or windmill and/or other electric-generation facility whose main purpose is to convert wind power into another form of energy such as electricity or heat, consisting of one or more wind turbine and other structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

WIND TURBINE — A device that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower and pad transformer, if any.

WIND TURBINE TOWER — The vertical component of a wind energy conversion system that elevates the wind turbine generator and attached blades above the ground.

WINDMILL — A device that runs on the energy generated by a wheel of adjustable blades or slats rotated by the wind.

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

YARD — An unoccupied and unobstructed open space between the permitted structures and the lot line. See Diagram 204-12E.

- (1) **YARD, FRONT** — The yard area extending across the full width of the lot contained between the principal structure and the front lot line or street line (excluding alleys), measured perpendicular to the structure at the closest point to the front lot line. Corner lots, including multiple-frontage lots, shall have two front yards.
- (2) **YARD, REAR** — The yard area extending across the full width of the lot contained between the principal structure and the rear lot line, which may include street lines created by alleys, measured perpendicular to the structure at the closest point to the rear lot line.
- (3) **YARD, SIDE** — The yard area(s) extending from the front yard to the rear yard contained between a principal structure and any side lot line(s), measured perpendicular to the structure at the closest point to the nearest side lot line.

ZONING — The designation of specified zone districts within the Township, reserving them for certain uses together with limitations on lot size, heights of structures and buildings, and other stipulated requirements.

ZONING CERTIFICATE OF USE AND OCCUPANCY — A statement signed by the Zoning Officer, setting forth that a building, structure, or use legally complies with this chapter, other applicable codes and regulations and the zoning permit.

ZONING OFFICER — The duly constituted municipal official designated to administer and enforce this chapter in accordance with its literal terms.

ZONING PERMIT — A document signed by a Zoning Officer, as required in this chapter, as a condition precedent to the commencement of a use, or the erection, construction, reconstruction, restoration, alteration, conversion or installation of a structure or building, that acknowledges that such use, structure or building complies with the provisions of this chapter or authorized variance therefrom.

ARTICLE II
Zone Regulations

§ 204-13. Agricultural Zone (AG).

- A. Purpose. The primary purpose of this zone is to promote and encourage the continuation of agricultural activities and related support businesses in those areas most suitable for such activities. Consequently, residential uses are generally secondary and limited, and any future inhabitants in this zone must be willing to accept the impacts associated with normal farming practices and related support businesses. This zone also acknowledges the rural and agrarian character of the area, characterized by a mixture of farms, sparsely developed residential uses, and rural businesses; this zone will continue this development trend. These areas are not likely to be served by public sewer or water facilities.
- B. Permitted uses. Only the following uses listed in Table 204-13A are permitted within this zone, provided that in addition to the specific criteria for certain uses established in Article IV and all applicable general provisions in Article III are met. Uses permitted by special exception are subject to the approval by the Zoning Hearing Board pursuant to a public hearing set forth with the provisions of Article VI. Uses permitted by conditional use are subject to approval by the Board of Supervisors pursuant to a public hearing set forth with the provisions of Article VII.

Table 204-13A				
Permitted Uses				
Agricultural Zone (AG)				
Use	Specific Criteria	Permitted by		
		Right	Special Exception	Conditional Use
Agricultural/Forestry				
Airstrips	N/A			X

Table 204-13A Permitted Uses Agricultural Zone (AG)				
Use	Specific Criteria	Permitted by		
		Right	Special Exception	Conditional Use
Agribusiness	§ 204-47A			X
Agriculture (excluding agribusiness)	§ 204-47B	X		
Forestry	§ 204-47C	X		
Natural areas or wildlife refuges	N/A	X		
Riding schools and stables	§ 204-47D		X	
Residential				
Bed-and-breakfasts	§ 204-48A	X		
Flag lot residences	§ 204-48D	X		
Group homes	§ 204-48E	X		
Single-family detached dwellings	N/A	X		
Nonresidential				
Animal hospitals/veterinary offices	§ 204-49C	X		
Communication antennas, towers and equipment	§ 204-49O			X
Kennels, commercial	§ 204-49Z		X	
Large solar energy production facility	§ 204-49AA			X
Large wind energy production facility	§ 204-49BB			X
Municipal-owned uses	N/A	X		
Place of worship	§ 204-49MM		X	
Public/private utility building or structure	§ 204-49OO			X
Schools, public or private	§ 204-49RR			X
Shooting range, indoor	N/A			X
Accessory				
Accessory structures and uses customarily incidental to the above permitted uses	N/A	X		
Day care, accessory	§ 204-50C	X		

Table 204-13A Permitted Uses Agricultural Zone (AG)				
Use	Specific Criteria	Permitted by		
		Right	Special Exception	Conditional Use
Day care, family	§ 204-50D	X		
Farm occupations	§ 204-50F	X		
Home occupations	§ 204-50G	X		
No-impact home occupation	§ 204-50H	X		
Noncommercial keeping of livestock	§ 204-50I	X		
Roadside stand	§ 204-50M	X		
Rural occupations	§ 204-50N	X		
Temporary farm employee housing	§ 204-51A	X		

N/A — Not applicable

C. Locational criteria. Applications for subdivision or land development shall be accompanied by the following information. The following information is required to allow the Township to ensure that the highest quality farmland is protected, and to ensure that new development affects agricultural operations to the minimum extent feasible. Unless otherwise required by Chapter 180, Subdivision and Land Development, the following information is not required for proposed subdivisions comprised of the lesser of 10 lots or 15% of the parent tract, as of the effective date of this chapter:

- (1) The size, shape, contour and dimensions of the property and the size, use and location of all existing buildings.
- (2) All lots previously approved.
- (3) Land under active cultivation, land used as pasture, and forested land or land within woodlots.
- (4) Soil information for the property, including soil series and soil capability class, subclass, and unit, as classified within the most recent Soil Survey of Cumberland County, Pennsylvania and Agricultural Handbook 210 of the United States Department of Agriculture Natural Resources Conservation Service.
- (5) The size, shape, contour, dimension, location, and use of all proposed lots, buildings and on-lot sewage disposal lots. The developer shall demonstrate that the following location and design considerations have been fully addressed:

- (a) All uses or lots shall be established on non-prime agricultural land (Soil Capability Classes IV–VIII), when such land is available, or on lands which cannot feasibly be farmed, due to existing features of the site such as rock outcroppings or heavily wooded areas, or due to the fact that the size and/or shape of an area suitable for farming is insufficient to permit the efficient use of farm machinery.
 - (b) Where a property is comprised entirely of prime agricultural land (Soil Capability Classes I, II, and III), the least suitable land shall be utilized for the development.
 - (c) Where all non-prime agricultural land areas have been shown by the developer to be unsuitable for development because of slope, drainage, flooding, sewage disposal, or other characteristics, the least suitable remaining farmland shall be utilized for development.
 - (d) Lots and uses shall be grouped, where possible, adjacent to other similar lots and uses, both within the subject property and in consideration of adjacent properties, to avoid a scattering of development.
 - (e) Wherever feasible, lots shall be located such that disturbance of slopes greater than 15% is minimized.
 - (f) Wherever feasible, lots shall be located such that disturbance to existing hedgerows, orchards, and other significant native vegetation is minimized.
- D. Area and design requirements. Unless further specified in the specific criteria for certain uses established in Article IV and all applicable general provisions in Article III are met, all new permitted uses within this zone shall comply with the following area and building dimensional requirements set forth in Table 204-13B.¹¹
- E. Compliance with other standards of this chapter. All uses shall comply with all applicable provisions contained within:
- (1) Overlay zones set forth herein Article II.
 - (a) Floodplain Overlay Zone (§ 204-21).
 - (b) Historic Resources Overlay Zone (§ 204-23).
 - (2) Article III, General Provisions.
 - (3) Article IV, Specific Criteria.

§ 204-14. Rural Resource Zone (RR).

- A. Purpose. This zone is meant to encourage the continued use of the land for rural, forest, and agricultural purposes, and to permit low-density residential development which will not require extensive public services or facilities. This area is not meant to support

¹¹ Editor's Note: Table 204-13B is included as an attachment to this chapter.

intensive agricultural operations. Areas of the Township classified as rural resource are, for the most part, not served by public utilities and are rural, forested, or agricultural in nature. These areas are designed to support rural-style living and development, and are designated separately from the agriculture classification because they are either predominantly wooded, or are located in proximity to existing or planned residential areas. They are not intended to encourage large influxes of residential growth.

- B. Permitted uses. Only the following uses listed in Table 204-14A are permitted within this zone, provided that, in addition, the specific criteria for certain uses established in Article IV and all applicable general provisions in Article III are met. Uses permitted by special exception are subject to the approval by the Zoning Hearing Board pursuant to a public hearing set forth with the provisions of Article VI. Uses permitted by conditional use are subject to approval by the Board of Supervisors pursuant to a public hearing set forth with the provisions of Article VII.

Table 204-14A Permitted Uses Rural Resource Zone (RR)				
Use	Specific Criteria	Permitted by		
		Right	Special Exception	Conditional Use
Agricultural/Forestry				
Agriculture (excluding agribusiness)	§ 204-47B	X		
Forestry	§ 204-47C	X		
Natural areas or wildlife refuges	N/A	X		
Riding schools and stables	§ 204-47D	X		
Residential				
Bed-and-breakfasts	§ 204-48A	X		
Flag lot residences	§ 204-48D	X		
Group homes	§ 204-48E	X		
Single-family detached dwellings	N/A	X		
Nonresidential				
Airports/airpads/heliports/helipads	§ 204-49B			X
Animal hospitals/veterinary offices	§ 204-49C	X		
Campgrounds and recreational vehicle parks	§ 204-49I		X	
Cemetery	§ 204-49K	X		

Table 204-14A Permitted Uses Rural Resource Zone (RR)				
Use	Specific Criteria	Permitted by		
		Right	Special Exception	Conditional Use
Club, clubhouse or lodge, meeting grounds - private	§ 204-49L	X		
Commercial recreation, outdoor	§ 204-49N		X	
Communication antennas, towers and equipment	§ 204-49O			X
Convention centers	§ 204-49Q			
Golf courses	§ 204-49T			X
Kennels, commercial	§ 204-49Z			X
Large solar energy production facility	§ 204-49AA			X
Large wind energy production facility	§ 204-49BB			X
Mineral extraction and recovery establishments	§ 204-49DD			X
Municipal owned uses	N/A	X		
Outdoor shooting ranges	§ 204-49KK			X
Parks, playgrounds, and other noncommercial recreational uses	§ 204-49LL	X		
Place of worship	§ 204-49MM		X	
Public/private utility building or structure	§ 204-49OO		X	
Sawmills	§ 204-49PP		X	
Schools, public or private	§ 204-49RR			X
Shooting range, indoor	N/A			X
Accessory				
Accessory structures and uses customarily incidental to the above permitted uses	N/A	X		
Day care, accessory	§ 204-50C	X		
Day care, family	§ 204-50D	X		
Farm occupations	§ 204-50F	X		
Home occupations	§ 204-50G	X		

Table 204-14A Permitted Uses Rural Resource Zone (RR)				
Use	Specific Criteria	Permitted by		
		Right	Special Exception	Conditional Use
No-impact home occupation	§ 204-50H	X		
Noncommercial keeping of livestock	§ 204-50I	X		
Roadside stand	§ 204-50M	X		
Rural occupations	§ 204-50N	X		

N/A — Not applicable

- C. Area and design requirements. Unless further specified in the specific criteria for certain uses established in Article IV and all applicable general provisions in Article III are met, all new permitted uses within this zone shall comply with the following area and building dimensional requirements set forth in Table 204-14B.¹²
- D. Compliance with other standards of this chapter. All uses shall comply with all applicable provisions contained within:
 - (1) Overlay zones set forth herein Article II.
 - (a) Floodplain Overlay Zone (§ 204-21).
 - (b) Historic Resources Overlay Zone (§ 204-23).
 - (2) Article III, General Provisions.
 - (3) Article IV, Specific Criteria.

§ 204-15. Low-/Medium-Density Residential Zone (R-1).

- A. Purpose. This zone is meant to accommodate suburban detached residential growth within the Township. This zone coincides with availability of sewer and water utility service areas; however, the actual availability of these services is likely to occur at different times, in different areas. As a result, permitted densities have been adjusted according to the availability of these public utilities.
- B. Permitted uses. Only the following uses listed in Table 204-15A are permitted within this zone, provided that, in addition, the specific criteria for certain uses established in Article IV and all applicable general provisions in Article III are met. Uses permitted by special

¹² Editor's Note: Table 204-14B is included as an attachment to this chapter.

exception are subject to the approval by the Zoning Hearing Board pursuant to a public hearing set forth with the provisions of Article VI. Uses permitted by conditional use are subject to approval by the Board of Supervisors pursuant to a public hearing set forth with the provisions of Article VII.

Table 204-15A Permitted Uses Low-/Medium-Density Residential Zone (R-1)				
Use	Specific Criteria	Permitted by		
		Right	Special Exception	Conditional Use
Agricultural/Forestry				
Agriculture (excluding agribusiness)	§ 204-47B	X		
Forestry	§ 204-47C	X		
Residential				
Bed-and-breakfasts	§ 204-48A		X	
Flag lot residences	§ 204-48D	X		
Group homes	§ 204-48E	X		
Long-term-care nursing home or personal-care facility	§ 204-48F		X	
Single-family detached dwellings	N/A	X		
Nonresidential				
Communication antennas and equipment only	§ 204-49O			X
Golf courses	§ 204-49T			X
Municipal-owned uses	N/A	X		
Parks, playgrounds, and other noncommercial recreational uses	§ 204-49LL	X		
Place of worship	§ 204-49MM		X	
Public/private utility building or structure	§ 204-49OO		X	
Schools, public or private	§ 204-49RR			X
Accessory				
Accessory structures and uses customarily incidental to the above permitted uses	N/A	X		
Day care, accessory	§ 204-50C	X		

Table 204-15A Permitted Uses Low-/Medium-Density Residential Zone (R-1)				
Use	Specific Criteria	Permitted by		
		Right	Special Exception	Conditional Use
Day care, family	§ 204-50D		X	
Home occupations	§ 204-50G		X	
No-impact home occupation	§ 204-50H	X		
Roadside stand	§ 204-50M	X		

N/A — Not applicable

- C. Area and design requirements. Unless further specified in the specific criteria for certain uses established in Article IV and all applicable general provisions in Article III are met, all new permitted uses within this zone shall comply with the following area and building dimensional requirements set forth in Table 204-15B.¹³
- D. Compliance with other standards of this chapter. All uses shall comply with all applicable provisions contained within:
 - (1) Overlay Zones set forth herein Article II.
 - (a) Floodplain Overlay Zone (§ 204-21).
 - (b) Historic Resources Overlay Zone (§ 204-23).
 - (2) Article III, General Provisions.
 - (3) Article IV, Specific Criteria.

§ 204-16. Medium-/High-Density Residential Zone (R-2).

- A. Purpose. This zone seeks to accommodate the higher-density housing needs of the Township. A wide range of housing types are encouraged with densities exceeding those permitted elsewhere in the Township. These zones are located around existing multifamily developments and major transportation routes. Both public sewer and water facilities can be made available to these areas.
- B. Permitted uses. Only the following uses listed in Table 204-16A are permitted within this zone, provided that in addition to the specific criteria for certain uses established in Article IV and all applicable general provisions in Article III are met. Uses permitted by special exception are subject to the approval by the Zoning Hearing Board pursuant to a

¹³ Editor's Note: Table 204-15B is included as an attachment to this chapter.

public hearing set forth with the provisions of Article VI. Uses permitted by conditional use are subject to approval by the Board of Supervisors pursuant to a public hearing set forth with the provisions of Article VII.

Table 204-16A Permitted Uses Medium-/High-Density Residential Zone (R-2)				
Use	Specific Criteria	Permitted by		
		Right	Special Exception	Conditional Use
Agricultural/Forestry				
Agriculture (excluding agribusiness)	§ 204-47B	X		
Forestry	§ 204-47C	X		
Residential				
Bed-and-breakfasts	§ 204-48A		X	
Continuing care retirement community facility	§ 204-48C		X	
Flag lot residences	§ 204-48D	X		
Group homes	§ 204-48E	X		
Long-term-care nursing home or personal care facility	§ 204-48F		X	
Mobile home parks	§ 204-48G			X
Multifamily dwellings/apartments	§ 204-48H	X		
Multiunit residential conversions	§ 204-48I			X
Single-family attached dwellings	§ 204-48J	X		
Single-family detached dwellings	N/A	X		
Single-family semidetached dwellings	§ 204-48K	X		
Two-family detached dwellings	§ 204-48L	X		
Nonresidential				
Communication antennas and equipment only	§ 204-49O			X
Golf courses	§ 204-49T			X
Municipal-owned uses	N/A	X		

Table 204-16A Permitted Uses Medium-/High-Density Residential Zone (R-2)				
Use	Specific Criteria	Permitted by		
		Right	Special Exception	Conditional Use
Parks, playgrounds, and other noncommercial recreational uses	§ 204-49LL	X		
Place of worship	§ 204-49MM		X	
Public/private utility building or structure	N/A		X	
Schools, public or private	§ 204-49RR			X
Accessory				
Accessory structures and uses customarily incidental to the above permitted uses	N/A	X		
Day care, accessory	§ 204-50C	X		
Day care, family	§ 204-50D		X	
Home occupations	§ 204-50G		X	
No-impact home occupation	§ 204-50H	X		
Roadside stand	§ 204-50M		X	

N/A — Not applicable

- C. Area and design requirements. Unless further specified in the specific criteria for certain uses established in Article IV and all applicable general provisions in Article III are met, all new permitted uses within this zone shall comply with the following area and building dimensional requirements set forth in Table 204-16B.¹⁴
- D. Compliance with other standards of this chapter. All uses shall comply with all applicable provisions contained within:
 - (1) Overlay zones set forth herein Article II.
 - (a) Floodplain Overlay Zone (§ 204-21).
 - (b) Airport Overlay Zone (§ 204-22).
 - (c) Historic Resources Overlay Zone (§ 204-23).

¹⁴ Editor's Note: Table 204-16B is included as an attachment to this chapter.

- (2) Article III, General Provisions.
- (3) Article IV, Specific Criteria.

§ 204-17. Village Mixed-Use Zone (VMU).

- A. Purpose. The purpose of this zone is to provide for a mix of different types of residential and neighborhood commercial uses in a traditional village-type setting. This zone includes those areas where there is currently a mix of residential and business-type uses. The locations of the village/mixed-use areas are convenient for the residents in the surrounding neighborhoods, and as such, are intended to encourage them to support the businesses in the village areas. Uses have been limited to those that residents are likely to need on a daily or regular basis. Overall, retail size has been restricted to prevent the establishment of intensive commercial uses that exceed the local orientation of this zone. These zones have been sized to permit a grouping of several businesses at locations efficiently serving several residential neighborhoods, simultaneously.
- B. Permitted uses. Only the following uses listed in Table 204-17A are permitted within this zone, provided that, in addition, the specific criteria for certain uses established in Article IV and all applicable general provisions in Article III are met. Uses permitted by special exception are subject to the approval by the Zoning Hearing Board pursuant to a public hearing set forth with the provisions of Article VI. Uses permitted by conditional use are subject to approval by the Board of Supervisors pursuant to a public hearing set forth with the provisions of Article VII.

Table 204-17A Permitted Uses Village Mixed-Use Zone (VMU)				
Use	Specific Criteria	Permitted by		
		Right	Special Exception	Conditional Use
Agricultural/Forestry				
Agriculture (excluding agribusiness)	§ 204-47B	X		
Forestry	§ 204-47C	X		
Residential				
Bed-and-breakfasts	§ 204-48A	X		
Boardinghouse	§ 204-48B		X	
Continuing care retirement community facility	§ 204-48C		X	
Flag lot residences	§ 204-48D	X		
Group homes	§ 204-48E	X		

Table 204-17A Permitted Uses Village Mixed-Use Zone (VMU)				
Use	Specific Criteria	Permitted by		
		Right	Special Exception	Conditional Use
Long-term-care nursing home or personal care facility	§ 204-48F			X
Multifamily dwellings/apartments	§ 204-48H		X	
Multiunit residential conversions	§ 204-48I		X	
Single-family attached dwellings	§ 204-48J	X		
Single-family detached dwellings	N/A	X		
Single-family semidetached dwellings	§ 204-48K	X		
Two-family detached dwellings	§ 204-48L	X		
Nonresidential				
Animal hospitals/veterinary offices	§ 204-49C	X		
Clinic, medical	N/A	X		
Club, clubhouse or lodge, meeting grounds - private	§ 204-49L	X		
Communication antennas and equipment only	§ 204-49O	X		
Contractors' office (excluding storage yard)	N/A			X
Copy shop/business service	N/A	X		
Craftsman/artisan studio	N/A	X		
Day care, commercial	§ 204-49R	X		
Financial institution	N/A	X		
Food service facility	N/A			X
Funeral homes	§ 204-49S	X		
Laundry and dry-cleaning establishment (personal)	N/A	X		
Library	N/A	X		
Massage therapy	N/A	X		
Municipal-owned uses	N/A	X		

Table 204-17A Permitted Uses Village Mixed-Use Zone (VMU)				
Use	Specific Criteria	Permitted by		
		Right	Special Exception	Conditional Use
Office, business professional	N/A	X		
Office, medical	N/A	X		
Parks, playgrounds, and other noncommercial recreational uses	§ 204-49LL	X		
Personal service business	N/A		X	
Place of worship	§ 204-49MM		X	
Post office	N/A	X		
Public/private utility building or structure	§ 204-49OO		X	
Restaurants	N/A	X		
Retail business	N/A	X		
Schools, commercial	§ 204-49QQ	X		
Schools, public or private	§ 204-49RR			X
Taverns/bars	§ 204-49UU		X	
Accessory				
Accessory apartments	§ 204-50A	X		
Accessory uses customarily incidental to the above permitted uses	N/A	X		
Automated banking facilities	§ 204-50B	X		
Day care, accessory	§ 204-50C	X		
Day care, family	§ 204-50D	X		
Home occupations	§ 204-50G	X		
No-impact home occupation	§ 204-50H	X		
Outdoor cafe/dining	§ 204-50J	X		
Outside display and sales	§ 204-50K	X		
Roadside stand	§ 204-50M	X		

N/A — Not applicable

C. Area and design requirements. Unless further specified in the specific criteria for certain uses established in Article IV and all applicable general provisions in Article III are met, all new permitted uses within this zone shall comply with the following area and building dimensional requirements set forth in Table 204-17B.¹⁵

(1) Required front building setback.

(a) Unless otherwise noted herein this subsection below, for a lot proposed for development, the distance the front facade of the principal building is set back from the street right-of-way shall generally be similar to those distances between existing principal buildings on the abutting lots and the abutting street right-of-way in accordance with the following standard:

[1] Identify the existing principal buildings on the lots abutting the lot proposed for development.

[2] Using these results, calculate the average setback distance between the existing principal buildings on the abutting lots and the street rights-of-way line.

[a] If an abutting lot is vacant, the required setback of the abutting vacant lot shall be assumed to be the minimum front setback standard defined in the underlying zone district in which it is situated.

[b] For corner lots, the standards set forth in this subsection above shall be calculated using each abutting lot, which includes those abutting lots having frontage on and the existing principal buildings oriented toward the intersecting street.

[3] The required front building setback for the building on the lot proposed for development shall be the average setback distance calculated in Subsection C(1)(a)[1] and [2] above, which may be adjusted by not more 15%, unless all buildings on the abutting lots have the same setback distance.

[a] Front building facades and/or covered front porches shall be permitted to fulfill this requirement.

[4] However, no building shall extend into any street right-of-way.

[5] Otherwise, the building on the lot proposed for development shall comply with all front setback standards defined in the underlying zone district in which it is situated.

(2) Building footprint. Unless otherwise noted herein this subsection below, for a lot proposed for development, the building footprint of the principal building shall be similar to those for existing principal buildings on abutting lots in accordance with the following standard:

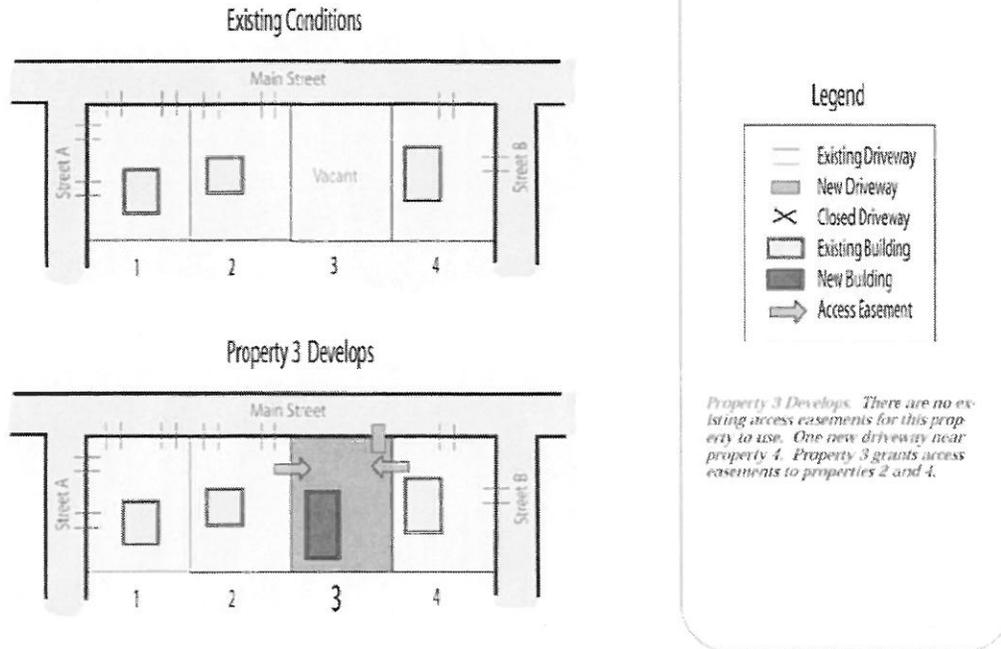
15. Editor's Note: Table 204-17B is included as an attachment to this chapter.

- (a) Building footprints shall respect and maintain the development pattern and context of the principal buildings on the abutting lots, and when feasible, should incorporate the scale and character of the majority of the existing principal buildings on the same shared block face (between two intersecting streets) along the same side of the street.
- (3) Building orientation. Unless otherwise noted herein the subsections below, for a lot proposed for development, the orientation or location of a front entrance (door) and windows for the principal building shall be similar to those building orientations for existing principal buildings on abutting lots in accordance with the following standard:
- (a) Interior lots. Principal buildings shall have their primary front facades provided with a front entrance (door) and windows oriented toward and facing the public street right-of-way.
 - (b) Corner lots. Principal buildings on lots abutting more than one public street shall have their primary front facades provided with a front entrance (door) and windows oriented towards and facing (in order of preference):
 - [1] The corner; or
 - [2] The street right-of-way upon which the majority of the principal buildings on the adjacent lots are oriented towards.
- (4) Lot access: See Figure 1 below. This figure graphically represents the recommendations of this section. Unless otherwise noted herein the subsections below, for a lot proposed for development, lot access (driveways and access drives) shall be provided in accordance with the following standard:
- (a) Lots abutting alleys.
 - [1] Lot access shall be provided at the rear of lots for lots abutting alleys.
 - [2] Lot access shall not be taken from the front of the property for lots abutting alleys.
 - [3] No lot access shall be provided along a public street for lots abutting alleys.
 - (b) Lots: general recommendations.
 - [1] Along arterial or collector streets as provided in § 204-39 of this chapter, all principal nonresidential uses within the VMU Zone shall be encouraged to share access with an abutting property within the VMU Zone. When access is available on an abutting property, the applicant may use this access, as outlined in Subsection C(4)(b)[1][a] below. If joint use access cannot be provided by an existing lot access on an abutting property, the applicant is encouraged to provide access in a way that maximizes the potential for joint use access in the future, as outlined in Subsection C(4)(b)[1][b] below.

- [a] Joint use access via existing access drives.
 - [i] When the nearest edge of an existing access drive on an abutting nonresidential property in the VMU Zone with frontage on the same arterial or collector street is within 50 feet of the applicant's tract, the applicant's tract may utilize the access drive on the abutting tract as a joint use access drive, provided a cross-access easement granting access to the applicant's tract has been recorded.
 - [ii] Joint use access may be located entirely on one lot or may be split along a common lot line.
- [b] Joint use access via a new access drive on the property.
 - [i] Where feasible, the joint use access drive shall be located on a side lot line bordering a property in the VMU Zone for future shared access.
 - [ii] The location of the access drive intersection with the street and the cross-access easement connection to the closest adjacent lot shall be subject to approval of the Township based on the access drive's ability to minimize the need for future access drives, preserve existing buildings, and/or maximize the distance from existing street and access drive intersections, including consideration of safe sight distances.
 - [iii] Parking lot entranceways taking access from existing or future joint use access drives shall generally be located in the rear or side yard behind the front facade of the principal building and shall not be located in the front yard. Parking shall not be permitted along joint use access drives between the street right-of-way line and the rear edge of the cross-access easement granting access to the abutting lot.
- (c) Each nonresidential use may provide cross-access easements in accordance with § 204-32B(9) of this chapter, for its parking aisles and access drives permitting access and use to all abutting lots within the VMU Zone.
 - [1] When applicable, the applicant shall be responsible to prepare the cross-access easements and submit to the Township Solicitor for review. The cross-access easements shall be recorded at the Cumberland County Recorder of Deeds' Office, or if part of a subdivision or land development plan, recorded with the plan.

Figure 1

An Example of How Model Vehicular Access Standards Might Work



Source: General Commercial District: Creating Commercial Areas with Character; Montgomery County Planning Commission, 2008.

(d) Off-street parking and loading.

[1] Unless otherwise noted herein this subsection below, for a lot proposed for development, parking shall be provided in accordance with the following standard:

[a] Off-street parking and loading location.

[i] Required off-street parking (lots and areas) and loading facilities shall generally be located in the rear or side yard behind the front facade of the principal building. However, off-street parking and loading for nonresidential, multifamily dwellings/apartments, single-family attached, or mixed uses, shall not be located in the front yard.

[ii] Off-street parking areas and loading facilities for nonresidential, multifamily dwellings/apartments, single-family attached, or mixed uses on corner lots, on or adjacent to the intersection of two streets shall maintain all necessary clear-sight triangles and comply with applicable

yard requirements of the underlying zoning district in which they are located. For corner lots, the distance from the center line of the parking lot entrance to the curblin or pavement edge of the street intersection shall be adequate to, in the opinion of the Township, provide a safe and sufficient margin for normal traffic patterns and pedestrians at or about the intersection in question.

- (5) Hours of operation. For proposed nonresidential and/or mixed use developments, the hours of operation and activities must be appropriately scheduled to protect the existing neighborhood and residential uses from detrimental noise, disturbance or interruption. Hours of operation for nonresidential uses shall be from 7:00 a.m. to 11:00 p.m.
- D. Compliance with other standards of this chapter. All uses shall comply with all applicable provisions contained within:
- (1) Overlay zones set forth herein Article II.
 - (a) Floodplain Overlay Zone (§ 204-21).
 - (b) Airport Overlay Zone (§ 204-22).
 - (c) Historic Resources Overlay Zone (§ 204-23).
 - (2) Article III, General Provisions.
 - (3) Article IV, Specific Criteria.

§ 204-18. Neighborhood Commercial Zone (NC).

- A. Purpose. The purpose of this zone is to provide basic convenience commercial goods and services to local residents. Uses have been limited to those that residents are likely to need on a daily or regular basis. Overall, retail size has been restricted to prevent the establishment of intensive commercial uses that exceed the local orientation of this zone. These zones have been sized to permit a grouping of several businesses at locations efficiently serving several residential neighborhoods, simultaneously. Finally, several larger and more intensive uses have been allowed because of their provision of commercial conveniences for local residents; however, numerous protective requirements have been imposed to protect adjoining land uses.
- B. Permitted uses. Only the following uses listed in Table 204-18A are permitted within this zone, provided that in addition to the specific criteria for certain uses established in Article IV and all applicable general provisions in Article III are met. Uses permitted by special exception are subject to the approval by the Zoning Hearing Board pursuant to a public hearing set forth with the provisions of Article VI. Uses permitted by conditional use are subject to approval by the Board of Supervisors pursuant to a public hearing set forth with the provisions of Article VII.

Table 204-18A Permitted Uses Table Neighborhood Commercial Zone (NC)				
Use	Specific Criteria	Permitted by		
		Right	Special Exception	Conditional Use
Agricultural/Forestry				
Agriculture (excluding agribusiness)	§ 204-47B	X		
Forestry	§ 204-47C	X		
Residential				
Bed-and-breakfasts	§ 204-48A	X		
Boardinghouses	§ 204-48B	X		
Flag lot residences	§ 204-48D	X		
Group homes	§ 204-48E	X		
Multifamily dwellings/apartments	§ 204-48H	X		
Multunit residential conversions	§ 204-48I	X		
Single-family attached dwellings	§ 204-48J	X		
Single-family detached dwellings	N/A	X		
Single-family semidetached dwellings	§ 204-48K	X		
Two-family detached dwellings	§ 204-48L	X		
Nonresidential				
Animal hospitals/veterinary offices	§ 204-49C	X		
Auction house	N/A			X
Automobile filling and/or service station	§ 204-49D			X
Clinic, medical	N/A	X		
Club, clubhouse or lodge - private	§ 204-49L		X	
Communication antennas and equipment only	§ 204-49O			X
Commercial recreation, indoor	§ 204-49M	X		
Convenience store	N/A	X		

Table 204-18A Permitted Uses Table Neighborhood Commercial Zone (NC)				
Use	Specific Criteria	Permitted by		
		Right	Special Exception	Conditional Use
Contractors' office (excluding storage yard)	N/A			X
Copy shop/business service	N/A	X		
Craftsman/artisan studio	N/A	X		
Day care, commercial	§ 204-49R	X		
Financial institution	N/A	X		
Food service facility	N/A			X
Funeral homes	§ 204-49S			X
Laundry and dry-cleaning establishment (personal)	N/A			X
Library	N/A	X		
Massage therapy	N/A			X
Municipal-owned uses	N/A	X		
Office, business professional	N/A	X		
Office, medical	N/A	X		
Parks, playgrounds, and other noncommercial recreational uses	§ 204-49LL	X		
Personal service business	N/A		X	
Place of worship	§ 204-49MM			X
Post office	N/A	X		
Public/private utility building or structure	N/A	X		
Recycling business/center - household waste	N/A			X
Restaurants	N/A	X		
Retail business	N/A	X		
Schools, commercial	§ 204-49QQ			X
Schools, public or private	§ 204-49RR			X
Shopping centers	§ 204-49TT			X
Taverns/bars	§ 204-49UU			X
Accessory				
Accessory apartments	§ 204-50A	X		

Table 204-18A Permitted Uses Table Neighborhood Commercial Zone (NC)				
Use	Specific Criteria	Permitted by		
		Right	Special Exception	Conditional Use
Accessory uses customarily incidental to the above permitted uses	N/A	X		
Automated banking facilities	§ 204-50B	X		
Day care, accessory	§ 204-50C	X		
Day care, family	§ 204-50D	X		
Drive-through facilities for permitted uses	§ 204-50E		X	
Home occupations	§ 204-50G	X		
No-impact home occupation	§ 204-50H	X		
Outdoor cafe/dining	§ 204-50J	X		
Outside display and sales	§ 204-50K	X		
Roadside stand	§ 204-50M	X		

N/A — Not applicable

C. Area and design requirements. Unless further specified in the specific criteria for certain uses established in Article IV and all applicable general provisions in Article III are met, all new permitted uses within this zone shall comply with the following area and building dimensional requirements set forth in Table 204-18B.¹⁶

- (1) Building footprint. Unless otherwise noted herein the subsection below, for a lot proposed for development, the building footprint of the principal building shall be similar to those for existing principal buildings on abutting lots in accordance with the following standard:
 - (a) Building footprints shall respect and maintain the development pattern and context of the principal buildings on the abutting lots, and when feasible, should incorporate the scale and character of the majority of the existing principal buildings on the same shared block face (between two intersecting streets) along the same side of the street.
- (2) Lot access. See Figure 1 in the Village Mixed-Use District. This figure graphically represents the recommendations of this section. Unless otherwise noted herein the

16. Editor's Note: Table 204-18B is included as an attachment to this chapter.

subsection below, for a lot proposed for development, lot access (driveways and access drives) shall be provided in accordance with the following standard:

- (a) Lots abutting alleys.
 - [1] Lot access shall be provided at the rear of lots for lots abutting alleys.
 - [2] Lot access shall not be taken from the front of the property for lots abutting alleys.
 - [3] No lot access shall be provided along a public street for lots abutting alleys.
- (b) Lots general recommendations.
 - [1] Along arterial or collector streets as provided in § 204-39 of this chapter, all principal nonresidential uses within the NC Zone shall be encouraged to share access with an abutting property within the NC Zone. When access is available on an abutting property, the applicant may use this access, as outlined in Subsection C(2)(b)[1][a] below. If joint use access cannot be provided by an existing lot access on an abutting property, the applicant is encouraged to provide access in a way that maximizes the potential for joint use access in the future, as outlined in Subsection C(2)(b)[1][b] below.
 - [a] Joint-use access via existing access drives.
 - [i] When the nearest edge of an existing access drive on an abutting nonresidential property in the NC Zone with frontage on the same arterial or collector street is within 50 feet of the applicant's tract, the applicant's tract may utilize the access drive on the abutting tract as a joint-use access drive, provided a cross-access easement granting access to the applicant's tract has been recorded.
 - [ii] Joint-use access may be located entirely on one lot or may be split along a common lot line.
 - [b] Joint-use access via a new access drive on the property.
 - [i] Where feasible, the joint-use access drive shall be located on a side lot line bordering a property in the NC Zone for future shared access.
 - [ii] The location of the joint-use access drive intersection with the street and the cross-access easement connection to the closest adjacent lot shall be subject to approval of the Township based on the access drive's ability to minimize the need for future access drives, preserve existing buildings, and/or maximize the distance from existing street and access

drive intersections, including consideration of safe sight distances.

- [iii] Parking lot entranceways taking access from existing or future joint use access drives shall generally be located in the rear or side yard behind the front facade of the principal building and shall not be located in the front yard. Parking shall not be permitted along shared access drives between the street right-of-way line and the rear edge of the cross-access easement granting access to the abutting lot.
- (c) Each nonresidential use may provide cross-access easements in accordance with § 204-32B(9) of this chapter, for its parking aisles and access drives permitting access and use to all abutting lots within the NC Zone.
- [1] When applicable, the applicant shall be responsible to prepare the cross-access easements and submit to the Township Solicitor for review. The cross-access easements shall be recorded at the Cumberland County Recorders' Office, or if part of a subdivision or land development plan, recorded with the plan.
- (d) Off-street parking and loading. Unless otherwise noted herein this subsection below, for a lot proposed for development, parking shall be provided in accordance with the following standard:
- [1] Off-street parking and loading location.
 - [a] Required off-street parking (lots and areas) and loading facilities shall generally be located in the rear or side yard behind the front facade of the principal building. However, off-street parking and loading for nonresidential, multifamily dwellings/apartments, single-family attached, or mixed uses, shall not be located in the front yard.
 - [b] Off-street parking areas and loading facilities for nonresidential, multifamily dwellings/apartments, single-family attached or mixed uses on corner lots, on or adjacent to the intersection of two streets shall maintain all necessary clear-sight triangles and comply with applicable yard requirements of the underlying zoning district in which they are located. For corner lots, the distance from the center line of the parking lot entrance to the curblineline or pavement edge of the street intersection shall be adequate to, in the opinion of the Township, provide a safe and sufficient margin for normal traffic patterns and pedestrians at or about the intersection in question.
- (3) Hours of operation. For proposed nonresidential and/or mixed use developments, the hours of operation and activities must be appropriately scheduled to protect the existing neighborhood and residential uses from detrimental noise, disturbance or

interruption. A hours of operations plan shall be submitted as part of any application for such developments.

- D. Compliance with other standards of this chapter. All uses shall comply with all applicable provisions contained within:
 - (1) Overlay zones set forth herein Article II.
 - (a) Floodplain Overlay Zone (§ 204-21).
 - (b) Airport Overlay Zone (§ 204-22).
 - (c) Historic Resources Overlay Zone (§ 204-23).
 - (2) Article III, General Provisions.
 - (3) Article IV, Specific Criteria.

§ 204-19. Commercial/Light Industrial Zone (C/LI).

- A. Purpose. The intent of this zone is to allow for more intense commercial uses, office uses, and high-tech, light industrial uses, in appropriate areas of the Township. This zone is not intended to accommodate heavy industrial uses, such as heavy manufacturing, truck terminals, or warehousing, as this zone is intended to encourage additional commercial and light industrial type uses in those areas of the Township where there is currently these and other similar type uses that will also help to build the tax base and are more compatible with other types of development.
- B. Permitted uses. Only the following uses listed in Table 204-19A are permitted within this zone, provided that in addition to the specific criteria for certain uses established in Article IV and all applicable general provisions in Article III are met. Uses permitted by special exception are subject to the approval by the Zoning Hearing Board pursuant to a public hearing set forth with the provisions of Article VI. Uses permitted by conditional use are subject to approval by the Board of Supervisors pursuant to a public hearing set forth with the provisions of Article VII.

Table 204-19A Permitted Uses Commercial/Light Industrial Zone (C/LI)				
Use	Specific Criteria	Permitted by		
		Right	Special Exception	Conditional Use
Agricultural/Forestry				
Agriculture (excluding agribusiness)	§ 204-47B	X		
Forestry	§ 204-47C	X		
Nonresidential				

Table 204-19A Permitted Uses Commercial/Light Industrial Zone (C/LI)				
Use	Specific Criteria	Permitted by		
		Right	Special Exception	Conditional Use
Adult-related uses	§ 204-49A			X
Animal hospitals/veterinary offices	§ 204-49C	X		
Auction house	N/A			X
Automobile filling and/or service stations	§ 204-49D	X		
Automobile, heavy equipment and similar motor vehicle rental/sales	§ 204-49F	X		
Automobile, heavy equipment and similar motor vehicle repair centers	204-49G			X
Car washes	§ 204-49J	X		
Clinic, medical	N/A	X		
Club, clubhouse or lodge - private	§ 204-49L	X		
Commercial recreation, indoor	§ 204-49M	X		
Communication antennas and equipment building transmitting and receiving facilities	§ 204-49O			X
Contractors' office (excluding storage yard)	N/A			X
Convenience store	N/A	X		
Copy shop/business service	N/A	X		
Craftsman/artisan studio	N/A	X		
Day care, commercial	§ 204-49R	X		
Financial institution	N/A	X		
Food service facility	N/A			X
Funeral homes	§ 204-49S	X		
Home improvement center, lumber, and building materials sales	§ 204-49U	X		
Hospitals	§ 204-49V			X
Hotels and motels	§ 204-49W	X		

Table 204-19A Permitted Uses Commercial/Light Industrial Zone (C/LI)				
Use	Specific Criteria	Permitted by		
		Right	Special Exception	Conditional Use
Industrial use, light	§ 204-49Y	X		
Laundry and dry-cleaning establishment (personal)	N/A	X		
Mini-storage warehouses	§ 204-49EE	X		
Municipal-owned uses	N/A	X		
Nightclubs	§ 204-49HH			X
Off-track betting parlors	§ 204-49II			X
Offices, business professional	N/A	X		
Offices, medical	N/A	X		
Outdoor farmer's market and/or flea market	§ 204-49JJ	X		
Parking structure	N/A	X		
Personal services business	N/A		X	
Place of worship	§ 204-49MM	X		
Post office	N/A	X		
Public/private utility building or structure	§ 204-49OO		X	
Recycling business/center - household waste	N/A			X
Research and development laboratory	N/A	X		
Restaurant	N/A	X		
Retail business	N/A	X		
Schools, commercial	§ 204-49QQ	X		
Schools, public or private	§ 204-49RR			X
Schools, vocational	§ 204-49SS	X		
Taverns/bars	§ 204-49UU	X		
Theater, indoor (excluding adult uses)	N/A	X		
Accessory				
Accessory uses customarily incidental to the above permitted uses	N/A	X		

Table 204-19A Permitted Uses Commercial/Light Industrial Zone (C/LI)				
Use	Specific Criteria	Permitted by		
		Right	Special Exception	Conditional Use
Automated banking facilities	§ 204-50B	X		
Day care, accessory	§ 204-50C	X		
Day care, family	§ 204-50D	X		
Drive-through facilities for permitted uses	§ 204-50E	X		
Outdoor cafe/dining	§ 204-50J	X		
Outside display and sales	§ 204-50K	X		
Railroad spurs (branch lines)	§ 204-50L	X		

N/A — Not applicable

- C. Area and design requirements. Unless further specified in the specific criteria for certain uses established in Article IV and all applicable general provisions in Article III are met, all new permitted uses within this zone shall comply with the following area and building dimensional requirements set forth in Table 204-19B.¹⁷
- D. Compliance with other standards of this chapter. All uses shall comply with all applicable provisions contained within:
 - (1) Overlay zones set forth herein Article II.
 - (a) Floodplain Overlay Zone (§ 204-21).
 - (b) Airport Overlay Zone (§ 204-22).
 - (c) Historic Resources Overlay Zone (§ 204-23).
 - (2) Article III, General Provisions.
 - (3) Article IV, Specific Criteria.

§ 204-20. Industrial Zone (IND).

- A. Purpose. This zone provides for a wide range of industrial activities that contribute to the well-being of the Township by diversifying its economy and providing valuable

¹⁷ Editor's Note: Table 204-19B is included as an attachment to this chapter.

employment opportunities. The required lot sizes have been kept small to accommodate the startup industries that are likely to emerge; however, larger and heavier industries have also been permitted. This zone provides for light industrial uses as permitted by right, but requires acquisition of a conditional use for heavier and potentially more-objectionable types of industrial uses. These areas have been located near existing public utility service areas and along major roads. Design standards have been imposed to create attractive site designs and moderate the objectionable impacts associated with industrial uses. Substantial setbacks are used to protect adjoining residences.

- B. Permitted uses. Only the following uses listed in Table 204-20A are permitted within this zone, provided that in addition to the specific criteria for certain uses established in Article IV and all applicable general provisions in Article III are met. Uses permitted by special exception are subject to the approval by the Zoning Hearing Board pursuant to a public hearing set forth with the provisions of Article VI. Uses permitted by conditional use are subject to approval by the Board of Supervisors pursuant to a public hearing set forth with the provisions of Article VII.

Table 204-20A Permitted Uses Industrial Zone (IND)				
Use	Specific Criteria	Permitted by		
		Right	Special Exception	Conditional Use
Agricultural/Forestry				
Agriculture (excluding agribusiness)	§ 204-47B	X		
Forestry	§ 204-47C	X		
Nonresidential				
Auction house	N/A			X
Automobile filling and/or service stations	§ 204-49D	X		
Automobile wrecking, junk and scrap storage and sales (junkyards)	§ 204-49E			X
Automobile, heavy equipment and similar motor vehicle rental/sales	§ 204-49F	X		
Automobile, heavy equipment and similar motor vehicle repair centers	§ 204-49G			X
Billboards	§ 204-49H			X
Copy shop/business service	N/A	X		

Table 204-20A Permitted Uses Industrial Zone (IND)				
Use	Specific Criteria	Permitted by		
		Right	Special Exception	Conditional Use
Communications antennas, towers, and equipment building transmitting and receiving facilities	§ 204-49O			X
Contractors' office and storage yard	§ 204-49P	X		
Home improvement center, lumber, and building materials sales	§ 204-49U	X		
Industrial use, heavy	§ 204-49X	X		
Industrial use, light	§ 204-49Y	X		
Kennels, commercial	§ 204-49Z	X		
Laundry and dry-cleaning establishment (industrial)	§ 204-49CC	X		
Mini-storage warehouses	§ 204-49EE	X		
Motor freight terminal	§ 204-49FF			X
Motor vehicle auction	§ 204-49GG	X		
Municipal-owned uses	N/A	X		
Offices, business professional	N/A	X		
Parking lot	N/A	X		
Parking structure	N/A	X		
Place of worship	§ 204-49MM	X		
Principal waste handling facilities	§ 204-49NN			X
Public/private utility building or structure	§ 204-49OO		X	
Recycling business/center - household	N/A		X	
Recycling business/center - commercial/industrial	N/A			X
Research and development laboratory	N/A	X		
Retail business	N/A	X		
Sawmills	§ 204-49PP	X		
Schools, commercial	§ 204-49QQ	X		

Table 204-20A Permitted Uses Industrial Zone (IND)				
Use	Specific Criteria	Permitted by		
		Right	Special Exception	Conditional Use
Schools, vocational	§ 204-49SS	X		
Travel plazas	§ 204-49VV	X		
Treatment center	§ 204-49WW			X
Truck drop lot	§ 204-49XX	X		
Warehousing, distribution, and wholesaling	§ 204-49YY	X		
Accessory				
Accessory uses customarily incidental to the above permitted uses	N/A	X		
Automated banking facilities	§ 204-50B	X		
Drive-through facilities for permitted uses	§ 204-50E	X		
Outside display and sales	§ 204-50K	X		

N/A — Not applicable

- C. Area and design requirements. Unless further specified in the specific criteria for certain uses established in Article IV and all applicable general provisions in Article III are met, all new permitted uses within this zone shall comply with the following area and building dimensional requirements set forth in Table 204-20B.¹⁸
- D. Compliance with other standards of this chapter. All uses shall comply with all applicable provisions contained within:
 - (1) Overlay zones set forth herein Article II.
 - (a) Floodplain Overlay Zone (§ 204-21).
 - (b) Airport Overlay Zone (§ 204-22).
 - (c) Historic Resources Overlay Zone (§ 204-23).
 - (2) Article III, General Provisions.
 - (3) Article IV, Specific Criteria.

¹⁸ Editor's Note: Table 204-20B is included as an attachment to this chapter.

§ 204-21. Floodplain Overlay Zone (FPO).

See Chapter 112, Floodplain Management, relating to floodplain areas.

§ 204-22. Airport Overlay Zone (APO).

A. Purpose. The purpose of the Airport Overlay Zone is to:

- (1) Create an overlay zone that considers safety issues around the Carlisle Airport (N94);
- (2) Regulate and restrict the heights of established uses, constructed structures and objects of natural growth;
- (3) Create related and appropriate zones, establishing the boundaries thereof and providing for changes in the restrictions and boundaries of such related and appropriate zones;
- (4) Create a permitting process for certain uses, structures, and objects within the overlay zone.

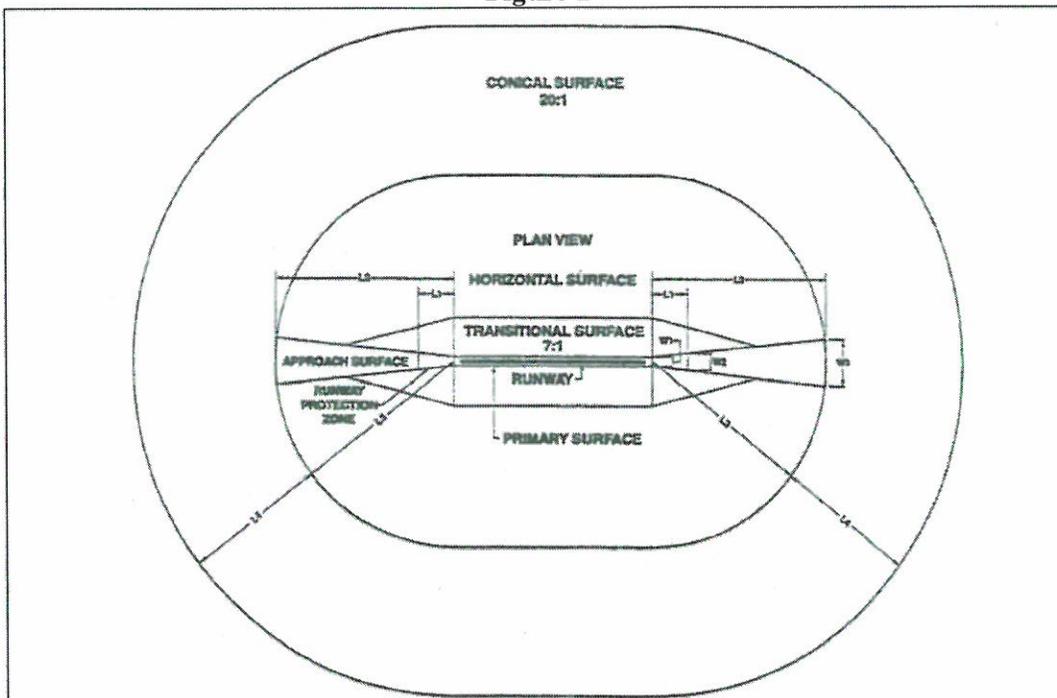
B. Relation to other zones. The Airport Overlay Zone shall not modify the boundaries of any underlying zone. Where identified, the Airport Overlay Zone shall impose certain requirements on land use, construction, and development in addition to those contained in the other applicable zones for the same areas.

C. Conflict. Wherever and whenever the requirements of § 204-22 of this chapter are at variance with the requirements of any other section of this chapter, the most restrictive, or that imposing the higher standards shall govern.

D. Establishment of airport zones and boundaries. There are hereby created and established certain zones within this § 204-22, Airport Overlay Zone, defined in § 204-12C of this chapter and depicted on Figure 2, which include:

- (1) Approach surface zone.
- (2) Conical surface zone.
- (3) Horizontal surface zone.
- (4) Primary surface zone.
- (5) Transitional surface zone.

Figure 2



FAR PART 77 "IMAGINARY SURFACES" DIMENSION¹ REQUIREMENTS

Runway Type	Runway End		Conical Surface (L4)	Horizontal Surface (L3)	Approach Surfaces			Approach Slope	Primary Surface Width	Transitional Surface
	Approach	Other			Length (L2)	Inner Width (W1)	Other Width (W3)			
Small Airplanes ²	V	V	4,000	5,000	5,000	250	1,250	20:1	250	7:1
		NP	4,000	5,000	5,000	500	1,250	20:1	500	7:1
		NP 3/4	4,000	5,000	5,000	1,000	1,250	20:1	1,000	7:1
		P	4,000	5,000	5,000	1,000	1,250	20:1	1,000	7:1
	NP	V	4,000	5,000	5,000	500	2,000	20:1	500	7:1
		NP	4,000	5,000	5,000	500	2,000	20:1	500	7:1
		NP 3/4	4,000	5,000	5,000	1,000	2,000	20:1	1,000	7:1
		P	4,000	5,000	5,000	1,000	2,000	20:1	1,000	7:1
Large Airplanes ³	V	V	4,000	5,000	5,000	500	1,500	20:1	500	7:1
		NP	4,000	10,000	5,000	500	1,500	20:1	500	7:1
		NP 3/4	4,000	10,000	5,000	1,000	1,500	20:1	1,000	7:1
		P	4,000	10,000	5,000	1,000	1,500	20:1	1,000	7:1
	NP	V	4,000	10,000	10,000	500	3,500	34:1	500	7:1
		NP	4,000	10,000	10,000	500	3,500	34:1	500	7:1
		NP 3/4	4,000	10,000	10,000	1,000	3,500	34:1	1,000	7:1
		P	4,000	10,000	10,000	1,000	3,500	34:1	1,000	7:1
Large and Small Airplanes	NP 3/4	V	4,000	10,000	10,000	1,000	4,000	34:1	1,000	7:1
		NP	4,000	10,000	10,000	1,000	4,000	34:1	1,000	7:1
		NP 3/4	4,000	10,000	10,000	1,000	4,000	34:1	1,000	7:1
		P	4,000	10,000	10,000	1,000	4,000	34:1	1,000	7:1
	P	V	4,000	10,000	10,000/40,000	1,000	4,000/16,000	50:1/40:1	1,000	7:1
		NP	4,000	10,000	10,000/40,000	1,000	4,000/16,000	50:1/40:1	1,000	7:1
		NP 3/4	4,000	10,000	10,000/40,000	1,000	4,000/16,000	50:1/40:1	1,000	7:1
		P	4,000	10,000	10,000/40,000	1,000	4,000/16,000	50:1/40:1	1,000	7:1

1 - In Feet
 2 - Less than 12,500 lbs maximum certified takeoff weight
 3 - Greater than 12,500 lbs maximum certified takeoff weight
 V = Visual approach 20:1
 NP = Nonprecision approach 3-4:1
 NP % = Nonprecision approach with visibility minimums as low as % statute miles 34:1
 P = Precision approach 50:1

Note: L1 is the length of the RPZ and W2 is the outer width of the RPZ as defined by approach visibility minimums
 Source: Federal Aviation Administration

Source: Model Zoning Ordinance Language for an Airport District Overlay; PennDOT, 2010.

E. Permit applications.

- (1) As regulated by Act 164 and defined by 14 Code of Federal Regulations Part 77.13(a) (as amended or replaced), proposals for applications to:
 - (a) Erect a new structure or establish a new use;
 - (b) Add to or increase the height of an existing structure; or
 - (c) Establish, erect, and/or maintain any use, structure, or object (natural or man-made), in the Airport Overlay Zone, shall first notify PennDOT's Bureau of Aviation (BOA) by submitting PennDOT Form AV-57 to obtain an obstruction review of the proposal at least 30 days prior to commencement thereof. PennDOT's BOA response must be included with this permit application for it to be considered complete. If PennDOT's BOA returns a determination of no penetration of airspace, the permit request should be considered in compliance with the intent of this Airport Overlay Zone. If PennDOT's BOA returns a determination of a penetration of airspace, the permit shall be denied, and the project sponsor may seek a variance from such regulations as outlined in § 204-22F of this chapter.
- (2) Exceptions. In the following circumstances notification of an approval by PennDOT's Bureau of Aviation (BOA) shall not be required:
 - (a) No permit is required for the routine maintenance and repairs to, or the replacement of parts of existing structures which do not enlarge or increase the height of an existing structure.
 - (b) In the areas lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than 75 feet or vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
 - (c) In the areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except then, because of terrain, land contour or topographic features, such tree or structure would extend above the height limit prescribed for such approach zones.
 - (d) In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zones, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic feature, would extend above the height limit prescribed for such transition zones.
 - (e) Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this overlay zone, except that no permit is required to make

maintenance repairs to or to replace parts of existing structures which do not enlarge or increase the height of an existing structure.

- F. Variances. In addition to the provisions set forth in Article VI of this chapter relating to variances, any request for a variance shall include documentation in compliance with 14 Code of Federal Regulations Part 77, Subpart B (FAA Form 7460-1 as amended or replaced). Determinations of whether to grant a variance will depend on the determinations made by the Federal Aviation Administration's (FAA) and PennDOT's BOA as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable air space. In particular, the request for a variance shall consider which of the following categories the FAA has placed the proposed construction in:
- (1) No objection. The subject construction is determined not exceed obstruction standards and marking/lighting is not required to mitigate potential hazard. Under this determination, a variance shall be granted.
 - (2) Conditional determination. The proposed construction/alteration is determined to create some level of encroachment into an airport hazard area which can be effectively mitigated. Under this determination, a variance shall be granted contingent upon implementation of mitigating measures as described in Subsection I, Obstruction marking and lighting.
 - (3) Objectionable. The proposed construction/alteration is determined to be a hazard and is thus objectionable. A variance shall be denied and the reasons for this determination shall be outlined to the applicant. Such requests for variances shall be granted where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and that relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the intent of this § 204-22 of this chapter.
- G. Use restrictions. Notwithstanding any other provisions of this § 204-22 of this chapter, no use shall be made or established within the Airport Overlay Zone in such a manner as to:
- (1) Create electrical interference with navigational signals or radio communications between the airport and aircraft;
 - (2) Make it difficult for pilots to distinguish between airport lights and others;
 - (3) Impair visibility within the Airport Overlay Zone;
 - (4) Create bird strike hazards; or
 - (5) Otherwise endanger or interfere with the landing, takeoff or maneuvering of aircraft utilizing the airport(s).
- H. Preexisting nonconforming uses, structures, and trees. The regulations prescribed by this § 204-22 of this chapter shall not be construed to require the removal, lowering, or otherwise change to, or alteration of any use, structure, or tree not conforming to the

regulations of this § 204-22 of this chapter as of the effective date of this chapter, or otherwise interfere with the continuance of a nonconforming use, structure, or tree. No nonconforming use or structure shall be altered and tree permitted to grow higher, so as to increase the nonconformity (relating to height and the use restrictions set forth in Subsection G). A nonconforming use, structure or tree, has been abandoned for more than one year or more than 80% torn down, physically deteriorated, or decayed, may only be reestablished consistent with the provisions herein this § 204-22.

- I. Obstruction marking and lighting. Any permit or variance granted pursuant to the provisions of this § 204-22 of this chapter may be conditioned according to the process described in of this Subsection F to require the owner of the structure or object of natural growth in question to permit North Middleton Township, at its own expense, or require the applicant requesting the permit or variance, to install, operate, and maintain such marking or lighting as deemed necessary to assure both ground and air safety.

§ 204-23. Historic Resources Overlay Zone (HRO).

- A. Purpose. The purpose of the Historic Resources Overlay Zone is to promote the general welfare of North Middleton Township through the following goals:

- (1) To discourage the demolition of historic resources; and
- (2) To implement the following sections of the Pennsylvania Municipalities Planning Code (MPC):¹⁹ Section 603(b)(5), which states that zoning ordinances may permit, prohibit, regulate, restrict and determine protection and preservation of natural and historic resources. . . . Section 603(g)(2), which states that "zoning ordinances shall provide for protection of natural and historic features and resources"; Section 604(1), which states that "the provisions of zoning ordinances shall be designed to promote protect and facilitate any or all of the following: . . . preservation of the natural, scenic and historic values. . . ."; and Section 605(2)(vi), whereby uses and structures at or near places having unique historical, architectural or patriotic interest or value may be regulated.

- B. Applicability.

- (1) Boundaries. The Historic Resources Overlay Zone shall conform to the boundaries of North Middleton Township. The overlay zone includes each parcel containing one or more historic resource. An identification and inventory of historic resources has been completed as part of the most recent version of the North Middleton Township Comprehensive Plan.
 - (a) All of the provisions of the applicable underlying zones shall continue to apply in addition to the provisions of this section. In the event of a conflict between the provisions of the overlay zone and the underlying zone, the provisions of this overlay zone shall apply.

19. Editor's Note: See 53 P.S. § 10101 et seq.

- (b) Should the boundaries of the overlay zone be revised as a result of legislative or administrative actions or judicial decision, the underlying zone requirements shall continue to be applicable.
 - (2) Covenants and easements. It is not intended by this section to repeal, abrogate or impair any existing easements, covenants or deed restrictions.
- C. General provisions.
- (1) Identification. The inventory shall contain a listing of parcels within the overlay zone that contain one or more historic resources.
 - (a) The overlay Zoning Map identifies every historic resource by historic name, location/street address, parcel number, and category of each resource.
 - (b) All parcels identified as containing one or more historic resource(s) governed by this section are shown on the overlay Zoning Map.
 - (2) Criteria for determination. This criteria is used to determine if a building, structure, object, site, or district is historic or not historic thereby enabling appropriate classification on the local survey. A building, structure, object, site, or district is historic if:
 - (a) It is associated with events that have made a significant contribution to the broad patterns of our local, state, or national history;
 - (b) It is associated with the lives of people, local, state, or national, who were significant in our past;
 - (c) It embodies the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction (a neighborhood or village for example); or
 - (d) It has yielded or may be likely to yield, information important in history or prehistory.
 - (3) Classifications.
 - (a) Historic resources.
 - [1] Class I: Buildings, objects, sites, or districts that are:
 - [a] Listed on or have received a Determination of Eligibility (DOE) to be listed on the National Register; or
 - [b] Resources within a district that contribute to a National Register listed or eligible district.
 - [2] Class II: Buildings, objects, sites, or districts that are:

[a] Resources that are deemed by the Township to substantially meet one or more of the criteria at the local level as per Table 4-5, Inventory of Historic Resources in the North Middleton Township Comprehensive Plan, dated December 4, 2008, or subsequent revisions.

(b) Nonhistoric resources.

[1] Class III: These are buildings that are less than 50 years old or, if more than 50 years old, have lost their integrity. These buildings are not subject to the provisions herein this overlay zone.

(4) Revisions. The Resource Inventory List and Map may be revised from time to time by a resolution from the Board of Supervisors with recommendations from the Planning Commission at a public meeting where the proposed changes shall be presented.

(a) Revisions are defined as additions to, deletions from the Resource Inventory List and Map, or changes in classification. Revisions do not include routine list maintenance to update ownership information or to add information about a change that occurred.

D. Demolition, removal or relocation of historic resources (Class I or II).

(1) General requirements. Demolition, removal or relocation of a historic resource shall be regulated in accordance with this section. No historic resource shall be demolished, removed or otherwise relocated without a permit obtained under this provision except for emergency demolitions.

(a) Emergency demolitions to protect the health, safety and welfare of the citizens of North Middleton Township are regulated under the Township Building Code,²⁰ or its successors and the provisions of that code shall take precedence over the provisions contained herein.

(2) Application procedures. All applications for demolition, removal or relocation of historic resources shall be referred by the Zoning Officer 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 or deny demolition, removal or relocation of the historic resource in accordance with the standards governing conditional use applications in accordance with Article VII of this chapter.

(3) Criteria for review. Applicants for a permit to demolish, remove, or relocate a historic resource in whole or in part must provide, as part of their conditional use application, a written statement as to whether the following statements are correct and provide detailed substantiation for each statement which is believed to be correct. In each instance, the burden of proof is on the property owner to demonstrate that the property owner has been deprived any profitable use of the relevant parcel as a whole. The recommendation of the Planning Commission and

20. Editor's Note: See Ch. 95, Construction Codes, Uniform.

the decision of the Board of Supervisors shall be based upon a review of the information submitted by the applicant against all criteria and not any one criterion. The goals and development objectives of the Township shall also be considered.

- (a) It is not feasible to continue the current use.
 - (b) Other uses permitted within the underlying zone district, either as permitted uses, special exception uses, or conditional uses, have been denied or are not feasible due to constraints on the building or structure.
 - (c) Adaptive use opportunities do not exist due to constraints related to the building, structure or property.
 - (d) The building, its permitted uses, and adaptive use potential does not provide a reasonable rate of return, based on a reasonable initial investment. Such reasonable rate of return shall be calculated with respect to the property taken as a whole.
 - (e) The applicant has not contributed to the existing conditions, either through neglect or prior renovation, conversion, alteration or similar physical action.
 - (f) The demolition will not adversely affect the character of the property, streetscape, neighborhood or community.
 - (g) A proposed new building, structure or use (if applicable) on or of the property will not adversely affect the character of the streetscape, neighborhood or community.
 - (h) The building is structurally unsound.
 - (i) The denial of demolition would result in unreasonable economic hardship to the owner.
 - (j) Sale of the building or structure is impossible or impractical.
 - (k) Denial of demolition will deprive the property as a whole of all beneficial use.
- (4) Associated land development plan. If the application for a permit for demolition, removal or relocation of a historic resource is being requested to facilitate future development of the land, the said permit shall not be issued until the following additional requirements have been satisfied.
- (a) Approval of the land development plan by the Board of Supervisors;
 - (b) Issuance of any necessary zoning approvals; and
 - (c) The recording of the approved subdivision or land development plan for the parcel where the demolition, removal or relocation is proposed.
- (5) Pre-demolition requirements. In those instances where an application for demolition is approved, the building(s) to be demolished shall be historically and

photographically documented. The extent of the documentation will be determined by the significance of the building(s). When documentation is complete, the building shall be dismantled and recycled to the greatest extent possible.

- (6) Enforcement. In addition to the enforcement provisions found in Article VII of this chapter, the Board of Supervisors may authorize action to withhold issuance of any and all zoning and building permits for a period of up to one year for any property that at the time of the enactment of these provisions, was occupied by a Class I or Class II historic resource that was subsequently demolished, removed or relocated without obtaining a permit as provided for herein. In addition, the Board of Supervisors may take other appropriate legal action, which may include equitable and injunctive relief, to enforce the provisions of this section.

ARTICLE III General Provisions

§ 204-24. Applicability.

Unless otherwise specified elsewhere herein this chapter, the regulations contained in this article shall apply to all uses within the Township.

§ 204-25. Accessory uses and structures.

Accessory uses and structures shall not be allowed in the front yard except as permitted by this section, and in the AG and RR Zones, where the principal structure is set back greater than the required minimum front building setback line, an accessory use or structure may be located between the minimum front building setback line and principal structure, but, however shall be set back no less than 50 feet.

- A. Accessory repair of personal motor vehicles. The routine maintenance, repair and servicing of personal motor vehicles owned or leased by the person performing such services when performed outside of a completely enclosed building is permitted by an occupant of the residence, but only in compliance with the following:
 - (1) Excepting one vehicle, all vehicles shall be maintained with proper registration.
 - (2) All work shall be performed on the vehicle owner's (lessee's) property of residence.
 - (3) All work shall be limited to small repair and routine maintenance, excluding major engine repair or replacement, transmission work, carriage or drivetrain work, or body repair, replacement, or painting.
 - (4) All by-product or waste fuels, lubricants, chemicals and other products shall be properly disposed of.
 - (5) No vehicle shall be stored in a jacked-up position or on blocks for more than 72 continuous hours.
 - (6) Work on vehicles must end at 10:00 p.m.

B. Alternative energy systems. Except for those associated with active farming and agricultural operations and uses on farms, alternative energy systems shall not be permitted in the front yard area of any property. However, if the principal structure is set back greater than the required front building setback line in the AG and RR Zones, the alternative energy use may be located between the minimum front building setback line and principal structure.

(1) Small solar energy systems. Small solar energy systems shall be permitted in all zones subject to the following conditions:

(a) The design and installation of small solar energy systems shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories, the American Society for Testing and Materials (ASTM), or other similar certifying organizations, and shall comply with the North Middleton Township Building Code, and with all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the application.

(b) All small solar energy systems shall be designed and located in order to prevent reflective glare toward any inhabited structure on adjacent properties as well as adjacent street rights-of-way.

(c) All on-site utility and transmission lines shall, to the extent feasible, be placed underground.

(d) All small solar energy systems shall be sited as inconspicuously as practicable.

(e) Roof- and wall-mounted small solar energy systems shall be sited in accordance with the following:

[1] Small solar energy systems located on a pitched roof of any structure shall not extend above the highest point of the existing pitched roof.

[2] Small solar energy systems located on a roof of any structure should be the same slope as, or parallel to the pitched roof.

[3] Small solar energy systems located on a flat roof shall not exceed 15 feet in height above the height of the roof, and shall be screened from view at ground level of nearby streets by parapets, walls, fences, landscaping, or other approved means.

[4] All small solar energy systems mounted on roofs and walls of any structure shall be subject to the maximum height regulations specified within each zone.

[5] No small solar energy system shall be attached to, nor otherwise sited along the front facade (wall) of any principal building.

[6] Small solar energy systems located on a wall of any structure shall not extend more than two feet into any required side or rear setback.

- (f) If the small solar energy system is unable to be located on a roof or a wall of a structure as is preferred, then placement of detached, ground mounted, freestanding small solar energy systems shall be provided in accordance with the following:
 - [1] Small solar energy systems detached, ground-mounted, freestanding from the principal structure shall not exceed 15 feet in height.
 - [2] The total surface area of all detached, ground-mounted, freestanding small solar energy systems on the lot shall not exceed more than 15% of the total lot area.
 - (g) Prior to the issuance of a permit for the installation of a small solar energy system, the applicant shall provide the Zoning Officer with evidence that the:
 - [1] Applicant's insurance policy has been endorsed to cover damage or injury that might result from the installation and operation of the small solar energy system.
 - [2] Roof, wall, or otherwise the structure in which the small solar energy system is proposed to be attached, is capable of holding the load, in the form of stamped plans certified by a licensed professional engineer registered by the Commonwealth of Pennsylvania.
 - [3] Authorization that the public utility company has been informed of the customer's intent to install an interconnected customer-owned generator and also approves of such connection. Off-grid systems shall be exempt from this requirement.
 - (h) The applicant shall maintain the small solar energy system in good and safe condition. Whenever a small solar energy system becomes structurally unsafe or endangers the safety of the structure or premises, or endangers the public safety, the Zoning Officer shall give written notice to the owner of the premises on which the small solar energy system is located that such small solar energy system shall be made safe or removed.
- (2) Small wind energy systems. Small wind energy systems are permitted in all zones subject to the following criteria:
- (a) The design and installation of all small wind energy systems shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, the American Society for Testing and Materials (ASTM), or other similar certifying organizations, or as approved under an emerging technology program such as the California Energy Commission, International Electrotechnical Commission, or any other small wind certification program recognized by the American Wind Energy Association (AWEA) or the United States Department of Energy. All small wind energy systems shall comply with the North Middleton Township

Building Code,²¹ and with all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the application.

- (b) No more than one small wind energy wind turbine shall be permitted per property in the R-1, R-2, and VMU Zones. In the AG, RR, NC, C/LI, and IND Zones, no more than two small wind energy turbines shall be permitted per property by right, and if more than two are proposed in the aforementioned zones, the additional small wind energy wind turbines above two shall be required to receive conditional use approval by the Board of Supervisors,
- (c) All on-site utility and transmission lines shall be placed underground.
- (d) All wind turbines and towers shall have a flat finish as applied by the manufacturer. The objective is to have the equipment as inconspicuous as practicable.
- (e) All small wind energy systems shall be equipped with manual—electronic or mechanical—and automatic overspeed controls to limit the blade rotation speed to within the design limits of the small wind energy system.
- (f) Small wind energy systems shall not be installed in any location where their proximity would interfere with existing fixed broadcast, retransmission, or reception antenna. This includes interference with residential radio, television, or wireless phone, or other personal communication system reception. No small wind energy system shall be installed in any location along the major axis of an existing microwave communication link where its operation is likely to produce electromagnetic interference in the link's operation.
- (g) Wind turbines shall be set back a distance equal to the total height of the wind turbine from all lot lines, and public streets or rights-of-way (including alleys), and overhead utility lines.
- (h) The maximum height of small wind energy systems shall comply with the following:
 - [1] For lots less than 1/2 acre in area, small wind turbines shall be roof-mounted and shall not be higher than 45 feet above the ground to the highest point of the rotor or blade. The maximum rotor diameter for small wind turbines shall be six feet.
 - [2] For lots between 1/2 acre but less than one acre, the tower height shall be limited to 75 feet, or 20 feet above the tree line, whichever is lower.
 - [3] For lots greater than or equal to one acre, the tower height shall be limited to 120 feet or 40 feet above tree line, whichever is lower.

21. Editor's Note: See Ch. 95, Construction Codes, Uniform.

- [4] For all small wind energy systems not otherwise mounted on a roof, unauthorized access to the turbine and tower shall be prevented by design, with a minimum of 12 feet from the ground to the bottom of the ladder. All doors to turbine and tower shall be locked.
- (i) The minimum height of the lowest position of the wind turbine shall be 30 feet above the ground.
 - (j) Small wind energy systems must comply with applicable Federal Aviation Administration (FAA) regulations.
 - (k) No portion of any small wind energy system shall extend over parking areas, access drives, driveways or sidewalks.
 - (l) Small wind energy systems shall not display advertising, except for reasonable identification of the small wind energy system's manufacturer. Such sign shall have an area of less than four square feet.
 - (m) When an accessory building is necessary for storage cells or related mechanical equipment, the accessory building shall not have a floor area exceeding 144 square feet, and shall comply with the accessory building requirements specified within each zone.
 - (n) All applications for small wind energy systems shall include the following information:
 - [1] A site plan showing:
 - [a] Lot lines and physical dimensions of the subject property within two times the total height from the tower location.
 - [b] Location, dimensions, and types of existing principal and accessory structures on the property.
 - [c] Location of the proposed small wind energy system tower, foundations, guy anchors, and associated equipment.
 - [d] The right-of-way of any public street (including alleys) that is contiguous with the property.
 - [e] Any overhead utility lines.
 - [2] Small wind energy systems system specifications, including manufacturer and model, rotor diameter, tower height, and tower type—freestanding or guyed.
 - [3] Tower and tower foundation blueprints or drawings signed by a qualified professional engineer licensed and/or registered to practice in the Commonwealth of Pennsylvania.
 - (o) Prior to the issuance of a permit for the installation of a small wind energy system, the applicant shall provide the Zoning Officer with evidence that the:

- [1] Applicant's insurance policy has been endorsed to cover damage or injury that might result from the installation and operation of the small solar energy system.
 - [2] Authorization that the public utility company has been informed of the customer's intent to install an interconnected customer-owned generator and also approves of such connection. Off-grid systems shall be exempt from this requirement.
- (p) The owner of the small wind energy system shall, at the owner's expense, complete decommissioning within 12 months after the end of the useful life of the small wind energy system. It shall be presumed that the small wind energy system is at the end of its useful life if no electricity is generated for a continuous period of 12 months.
- (q) The applicant shall maintain the small wind energy system in good and safe condition. Whenever a small wind energy system becomes structurally unsafe or endangers the safety of the structure or premises, or endangers the public safety, the Zoning Officer shall give written notice to the owner of the premises on which the small wind energy system is located that such small wind energy system shall be made safe or removed.
- (3) Outdoor wood boilers. Installation of an outdoor wood boiler shall be in accordance with Chapter 137, Outdoor Wood-Fired Boilers.
- C. Fences and walls. No fence or wall (except livestock, required junkyard or tennis court walls or fences or a retainer wall of a building permitted under the terms of this chapter) shall be erected to a height of more than three feet in a front yard within the R-1, R-2, VMU, and NC Zones, nor more than six feet in the AG, RR, C/LI and IND Zones. No fence shall block motorist view of vehicles entering or exiting the property nor be located within the street right-of-way or clear-sight triangle.
- D. Garage/yard sales. Within any zone, an owner, occupant, or both, may conduct up to four garage/yard sales per year. No garage or yard sale shall be conducted for a period longer than three consecutive days. Such sales shall be limited to personal possessions. Only two six square-foot signs shall be permitted advertising the garage/yard sale located upon the premises where the sale occurs and shall be removed promptly upon the completion of the sale. In no case shall any aspect of the garage/yard sale be conducted in a street right-of-way, except that parking may occur where permitted. The conduct of garage sales beyond the extent described herein represents a commercial business and requires appropriate zoning authorization.
- E. Man-made lakes, dams, ponds and impoundments.
- (1) All lakes, dams, ponds and impoundments located along and connected to a stream that involve any of the following shall require the acquisition of a permit from the PADEP Bureau of Dams and Waterways, Division of Dam Safety, or a letter indicating that the proposed use does not require a PADEP permit:

- (a) The dam, pond or impoundment contains a volume of at least 50 acre feet;
 - (b) The dam reaches a height of 15 feet; or
 - (c) The dam, pond or impoundment impounds the water from a watershed of at least 100 acres.
- (2) All dams, ponds and impoundments not contiguous to a stream that have an intake, outlet, or both, have an embankment within 50 feet of a stream, or any combination thereof, shall require the acquisition of a permit from the PADEP Bureau of Dams and Waterways, Division of Waterways and Stormwater Management.
 - (3) All dams, ponds and impoundments meeting the requirements of Subsection E(1) shall be located 75 feet from all adjoining lot lines, as measured from the closest point of the adjoining lot line to the maximum anticipated water surface elevation. Furthermore, all dams, ponds and impoundments, including stormwater management basins, shall be located a minimum of 50 feet from any subsurface sewage disposal system or well.
 - (4) All other dams, ponds and impoundments require the submission of statement by a qualified engineer that the proposed use is properly constructed and will not pose a threat to the public safety nor the environment during normal flow conditions and those associated with the base flood. All dams shall be constructed to a height of one foot above the water surface elevation occurring during the base flood.
 - (5) Requirements for fencing. All ponds constructed within areas subject to livestock shall be enclosed by fencing that prevents livestock from trampling the pond's shores and polluting the waters.
 - (6) Maintenance. All ponds shall be regularly maintained and floating debris shall be removed from all pipes and spillways. All ground cover shall be trimmed. Weeds, brush and trees shall not be permitted to grow on the dam or spillway.
- F. Ornamental ponds and wading pools.
- (1) Such structures shall comply with all accessory use setbacks, except that a twenty-foot setback shall apply from the street right-of-way.
 - (2) All such ponds or pools shall be maintained so as to not pose a nuisance by reason of odor or the harboring of insects, vermin, or both.
 - (3) No such pond(s) shall be used for the commercial hatching of fish or other species.
- G. Recreation courts. All recreation courts and other related facilities shall be arranged and/or fenced so as to prevent safety hazards upon nearby roads, properties, or both. All recreation courts, excluding fences, shall be set back at least 20 feet from any adjoining lot lines and include an open mesh permanent fence 10 feet in height behind each baseline. Such fence shall extend parallel to said baseline at least 10 feet beyond the court's playing surface unless the entire court is enclosed. Any lighting fixtures shall be arranged so as not to cast directly on adjoining property, roads, or both.

- H. Satellite dish antennas. Satellite dish antennas are subject to all accessory use standards. Furthermore, any satellite dish antenna located within the AG, RR, R-1, R-2, VMU, and NC Zones shall be used only to receive signals, not transmit them. All ground-mounted satellite dish antennas located within the C/LI and IND Zones that are used to transmit video format data shall be completely enclosed by an eight-foot-high, nonclimbable fence that includes signage warning of dangerous radiation levels. Any gates within the fence shall be locked when unattended. Satellite dish antennas within the C/LI and IND Zones shall comply with all principal use standards.
- I. Swimming pools. No permanent structure shall be permitted without an operable filtration system utilizing chlorine, bromine or some other antibacterial agent. All swimming pools and enclosures shall comply with all state and local building codes. The water's edge of all pools must be set back at least 20 feet from all lot lines. No water from a pool shall be discharged onto any public street or alley. These requirements shall not apply to man-made ponds, lakes or other impoundments, unless the primary purpose for their construction is swimming.
- J. Wells. All wells shall be installed to Pennsylvania Department of Environmental Protection regulations and shall be set back a minimum of 10 feet from all lot lines. Any well that is proposed to be utilized as the primary source for water to serve the public or individual for any proposed use other than agricultural or for single-family residential uses must be tested for both water quantity and quality and be proven to be an adequate and safe source of water to serve the proposed use. All local, state and federal regulations apply to the use of wells as required by law. When locating a well in or next to the AG Zone, the property owner shall be aware of and sensitive to existing and future agricultural activity on or adjacent to the property on which the well is being drilled. All efforts should be made to locate the well in an area of the property that will be the least impacted by existing or future agricultural activity.

§ 204-26. Buffering and screening.

- A. Buffering and screening shall be generally required where more intense/dense uses and zones abut less intense/dense uses and zones, unless otherwise stipulated in this section.
- B. Where nonresidential zones (C/LI and IND) and mixed-use zones (VMU and NC) abut existing residential uses and residential zones (R-1 and R-2), the required buffer yard width and levels of screening requirements herein this section and Table 204-26A shall be provided, unless otherwise stipulated in this chapter.

**Table 204-26A
Nonresidential Zones and Mixed Use Zones and Related Buffer Yards**

Level of Screening	Nonresidential Zones and Mixed Use Zones	Minimum Buffer Yard Width (feet)
1	VMU	15
1	NC	25

**Table 204-26A
Nonresidential Zones and Mixed Use Zones and Related Buffer Yards**

Level of Screening	Nonresidential Zones and Mixed Use Zones	Minimum Buffer Yard Width (feet)
2	C/LI	40
3	IND	100

C. Where permitted nonresidential uses and higher-density residential uses (single-family attached dwelling and multifamily dwelling/apartment uses) abut an existing or planned single-family detached dwelling, single-family semidetached dwelling, and/or two-family dwelling, the required buffer yard width and levels of screening requirements herein this section and Table 204-26B shall be provided, unless otherwise stipulated in this chapter.

**Table 204-26B
Nonresidential and Higher Density Residential Uses Related Buffer Yards**

Level of Screening	Zones	Minimum Buffer Yard Width (feet)
1	VMU	15
1	AG, RR, R-1, R-2, and NC	25
2	C/LI	40
3	IND	75

D. Where a lot used for nonresidential uses, higher-density residential uses (single-family attached dwelling and multifamily dwelling/apartment uses) abuts another lot of the same or similar use, no buffer yard or screening shall be required, unless otherwise stipulated in this chapter.

E. Any lot used for agricultural/forestry uses shall not be required to provide buffer yards or screening, unless otherwise stipulated in this chapter.

F. Buffer yard requirements.

- (1) Required buffer yards and screening shall extend the entire length or width of the lot line of the adjoining zone or lot.
- (2) Buffer yards may coincide within any required building setback and yard requirements.
- (3) The buffer yard shall be a landscaped, and where required, screen-planted area free of buildings; structures; dumpsters and refuse containers; commercial or industrial sales, storage and display; manufacturing or processing activity; materials; loading and unloading areas; and vehicle parking, sales, and display. Signs may be permitted in a buffer yard abutting a street right-of-way as provided in § 204-41 of this chapter.

- (4) Buffer yards may be crossed by access drives, driveways, sidewalks, or easements with a maximum width of 35 feet, provided that the center line of access drive, driveway or easement crosses the lot line and buffer yard at not less than 75°; however, no turning or maneuvering of vehicles shall be permitted in the buffer yard area.

G. Levels of screening.

- (1) Level 1 screening. This screening shall contain materials that, at maturity, provide intermittent visual obstruction from the ground to a height of four feet, as well as intermittent visual obstruction from a height of four feet to a height of 30 feet. Vegetative screening materials within intermittent visual obstruction areas shall contain horizontal openings no greater than 20 feet in width upon the plants' maturity. Grouping of plant materials is encouraged to achieve a more natural appearance.
 - (a) Evergreen trees: minimum five-foot planting height.
 - (b) Deciduous trees: minimum two-inch caliper and six-foot planting height.
 - (c) Shrubs: minimum eighteen-inch planting height, reaching a minimum of 30 inches within two years. All shrubs (deciduous or evergreen) must have a minimum spread of 12 inches to 15 inches when planted.
 - (d) Minimum planting width: 10 feet.
- (2) Level 2 screening. This screening shall contain materials which, at maturity, provide semi-opacity from the ground to a height of six feet and intermittent visual obstruction from a height of six feet to a height of 30 feet. Vegetative screening materials within intermittent visual obstruction areas shall contain horizontal openings no greater than 20 feet in width; and vegetative screening material within semi-opaque areas shall contain openings no greater than 10 feet in width upon the plants' maturity. Grouping of plant material is encouraged to achieve a more natural appearance.
 - (a) Minimum six-foot-high freestanding/retaining wall or solid fence.
 - (b) Evergreen trees: minimum five-foot planting height at a minimum planting width of 10 feet.
 - (c) Deciduous trees: minimum two-inch caliper and six-foot planting height at a minimum planting width of 10 feet.
 - (d) Shrubs: minimum eighteen inch planting height, reaching a minimum of 30 inches within two years. All shrubs (deciduous and evergreen) must have a minimum spread of 12 inches to 15 inches when planted at a minimum planting width of five feet.
- (3) Level 3 screening. This screening shall contain materials that, at maturity, provide opacity from the ground to a height of 30 feet. Vegetative screening materials within opaque areas shall contain no horizontal openings upon the plants' maturity.

Trees within this buffer shall consist primarily of Eastern white pine and Norway spruce grouped to achieve a desired opacity. Screening shall consist of a combination, in longitudinal series, of at least two of the following options:

- (a) Option A: Fence screen.
 - [1] Minimum six-foot-high freestanding/retaining wall or solid fence.
 - [2] Evergreen trees: minimum five-foot tree planting height.
 - [3] Minimum planting width: 12 feet.
- (b) Option B: Evergreen tree screen.
 - [1] Evergreen trees: minimum eight-foot tree planting height.
 - [2] Composition adequate to achieve a solid screen from zero to six feet in height two years after planting.
 - [3] Minimum planting width: 12 feet.
- (c) Option C: Berm screen.
 - [1] Berm.
 - [a] Minimum six foot planting height.
 - [b] Berm slopes 3:1 and less steep.
 - [c] Eight feet minimum top width.
 - [2] Lawn, ground cover, shrubs and trees.
 - [a] Minimum six-foot tree planting height.
 - [b] Adequate to provide a continuous bed of vegetative ground cover over at least 95% of the berm area within two years of planting.
- (d) Option D: Steep berm screen.
 - [1] Steep berm:
 - [a] Minimum six-foot tree planting height.
 - [b] Composed of lightly compacted soil with stability measures adequate to retain stable soil structure and prevent erosion.
 - [2] With slopes greater than 3:1 up to 2:1 maximum slope:
 - [a] Eight-foot minimum top width.
 - [3] Ground cover, shrubs and trees:
 - [a] Adequate to achieve a continuous bed of vegetative cover over at least 95% of the berm area within two years of planting.

[b] Ground cover and shrubs to be chosen from Subsection G(3)(d)(4), Vegetation acceptable for erosion control.

[4] Vegetation acceptable for erosion control:

[a] Composition adequate to achieve a solid screen from zero to six-foot high two years after planting considering the expected plant size two years after planting.

H. The following specific uses or features shall be screened with Level 3 screening from adjacent properties and from public view from the street right-of-way in accordance with the following:

- (1) Dumpster, trash-handling, recycling, and storage areas;
- (2) Loading docks or spaces;
- (3) Outdoor storage of any materials, stock, or equipment, including but not limited to motor vehicles, heavy equipment or other similar items (excluding the sales and display areas of permitted automobile, heavy equipment and similar motor vehicle rental/sales; home improvement centers, lumber, and building materials sales; motor vehicle auctions; outside display and sales; etc.); and
- (4) Service entrances, essential service structures, and utility facilities.

I. Screen planting.

- (1) Each buffer yard shall include the required landscape screen plantings as set forth above in this section, located in the exterior portion of the required buffer yards, and extending the length or width of the lot line in accordance with the following requirements:
 - (a) The screen planting shall be maintained permanently in a healthy condition. Any landscaping that dies or is severely damaged shall be replaced by the current property owner as soon as is practical considering growing seasons, within a maximum of 150 days.
 - (b) The screen planting shall be so placed that at maturity it will be not be closer than two feet from any street right-of-way or lot line.
 - (c) In order to aid surveillance and minimize the potential for crime, planting shall also be sited, massed, and scaled to maintain visibility of doors and first- or ground-floor windows from the street and from within the development to the greatest extent possible. Planting patterns shall not obstruct sight lines or create isolated areas, especially near pedestrian walking paths. A clear-sight triangle shall be maintained at all street intersections and at all points where access drives and driveways intersect public streets.
 - (d) The screen planting shall be interrupted only at:

- [1] Approved points of approximately perpendicular [not less than 75°] vehicle or pedestrian ingress and egress to the lot;
 - [2] Locations necessary to comply with safe sight distance requirements; and
 - [3] Locations needed to meet other specific state, Township and utility requirements.
- (e) American arborvitae and similar weak-stem plants shall not be used to meet the buffer yard requirements.
- (f) In addition to the trees and shrubs mentioned above in this section, trees and shrubs that are used in the planting of a buffer yard and elsewhere on the lot shall be in accordance with those identified within Chapter 180, Subdivision and Land Development.
- (g) Clear-sight triangles shall be provided and maintained in accordance with § 204-32B(3) of this chapter.

§ 204-27. Common open space requirements.

In those instances where common open space is required elsewhere in this chapter or when an applicant proposes the use of common open space, such common open space shall comply with the following:

- A. Required common open space shall be designed and arranged to achieve at least one of the following objectives, and the applicant shall demonstrate those specific measures employed to achieve these objectives:
- (1) Protection of important natural resources (e.g., productive agricultural soils, streams, ponds, wetlands, steep slopes, woodlands, unique geologic features, wildlife habitats, aquifer recharge areas, etc.).
 - (2) Protection of important historical sites, archaeological sites, or both.
 - (3) Provision of usable play and recreation areas that are conveniently accessible to residents within the development and the Township.
 - (4) Integration of greenbelts throughout the development that link residences with on-site or adjoining parks, schools or other similar features.
- B. An essential element of the use of common open space is a written description and plan for the disposition of ownership of common open space land designating those areas to be offered for dedication or to be owned by the specific form of organization proposed. The common open space shall be accomplished through one of the following:
- (1) An offer of dedication to the Township. The Township shall not be obligated to accept dedication of the common open space.

- (2) With permission of the Township and with appropriate deed restrictions in favor of the Township and in language acceptable to the Township Solicitor and Board of Supervisors, the developer may transfer ownership of the common open space or a portion thereof to a private nonprofit organization among whose purposes is the preservation of common open space land, natural resources, or both. The organization shall be a bona fide conservation organization with a perpetual existence, the conveyance must contain appropriate provision for reverter or retransfer if the organization is unable to maintain the land, and the organization must enter into a maintenance agreement with the Township.
- (3) The developer shall provide for and establish an organization for the ownership and maintenance of the common open space which shall be generally consistent with the requirements for unit owners' associations found in the Pennsylvania Uniform Condominium Act, 68 Pa.C.S.A. § 3101 et seq. If such an organization is created, the agreements of sale and deeds for all lots shall contain the following requirements in language acceptable to the Township Solicitor and Board of Supervisors:
 - (a) Such organization shall not dispose of the common open space by sale or otherwise, except to the Township, unless the Township has given prior written approval. Such transfer shall be made only to another organization which shall maintain the common open space in accordance with this chapter.
 - (b) The organization and all lot owners shall enter into a maintenance agreement with the Township and shall agree to be bound by the provisions of Article VII of the Pennsylvania Municipalities Planning Code relating to the maintenance of deteriorating common open space by municipalities.
 - (c) The Township may require the establishment of a reserve fund to provide for maintenance of or capital improvements to the common open space.

§ 204-28. Corner lots.

- A. Corner lots, including multiple frontage lots, shall have two front yards (abutting the street), one side yard and one rear yard.
 - (1) For purposes of this chapter, the front lot line of the street in which the lot is addressed shall be the primary front lot line, and the other front lot line shall be the secondary front lot line. The rear lot line shall be the lot line directly opposite of the primary front lot line. The side lot line shall be the lot line directly opposite the secondary lot line.
- B. On any corner lot, including multiple frontage lots, no wall, fence or other structure shall be erected, altered or maintained and no hedge, tree or other growth shall be planted or maintained which may cause danger to traffic on a street by obscuring the view. On corner lots, including multiple frontage lots, no such structure or growth shall be permitted within an area which is formed by the clear-sight triangle as set forth in § 204-32.

§ 204-29. Height limit exceptions.

- A. The height regulations do not apply to the following structures or projections, provided such structures or projections are set back a horizontal distance from any lot line at least equal to their height from the average level of the ground abutting the structure:
- (1) Water towers, antennas, utility poles, smokestacks, chimneys, farm silos, windmills, flagpoles or other similar structures.
 - (2) Rooftop structures for the housing of elevators, stairways, water storage tanks, ventilating fans and other mechanical appurtenances.
 - (3) Parapet walls or cornices used solely for ornamental purposes if not in excess of five feet above the roof line.
- B. In no case shall any freestanding or rooftop structure above the maximum permitted height be used for the purpose of providing additional floor space for residential, commercial or industrial purposes.

§ 204-30. Landscaping and vegetation preservation.

Landscaping and vegetation in all zones shall be subject to the following criteria:

- A. Any part of a nonresidential, multifamily dwelling/apartment, single-family attached, or mixed use lot which is not used for structures, access drives, driveways, loading areas, parking spaces and aisles, sidewalks and designated storage areas shall be provided with an all-season, well-maintained vegetative groundcover, and shall be landscaped with trees and shrubs.
- B. In order to aid surveillance and minimize the potential for crime, planting shall also be sited, massed, and scaled to maintain visibility of doors and first or ground floor windows from the street and from within the development to the greatest extent possible. Planting patterns shall not obstruct sight lines or create isolated areas, especially near pedestrian walking paths. A clear-sight triangle shall be maintained at all street intersections and at all points where access drives and driveways intersect public streets.
- C. Vegetation preservation. Vegetation preservation is governed by the standards in this section and the provisions of the PA MPC. The removal of trees, shrubbery, foliage, grass or other natural growth shall be permitted when in conformance with the provisions of this chapter, or Chapter 180, Subdivision and Land Development. The grubbing activity shall be permissible, upon Zoning Officer review and approval of the application as required by the Township. A permit shall be prepared and issued for an approved application. Violations and penalties associated with cutting and clearing of vegetation include:
- (1) Forestry activities of timber harvesting and/or logging shall comply with Article IV of this chapter.
 - (2) The cutting of living, damaged, or deceased trees and/or clearing of vegetation as part of required screening within a buffer yard is prohibitive, unless replaced by other suitable screening material as required by the this chapter.

§ 204-31. Minimum habitable floor area.

Unless otherwise provided herein Article IV of this chapter, the minimum residential dwelling and room sizes shall be in accordance with North Middleton Township Building Code.²²

§ 204-32. Lot access.

Every building hereafter erected or moved shall be on a lot adjacent to a public street or with access to an approved private street. The erection of buildings without approved access shall not be permitted. Approved access shall be provided in accordance with this section and Chapter 180, Subdivision and Land Development.

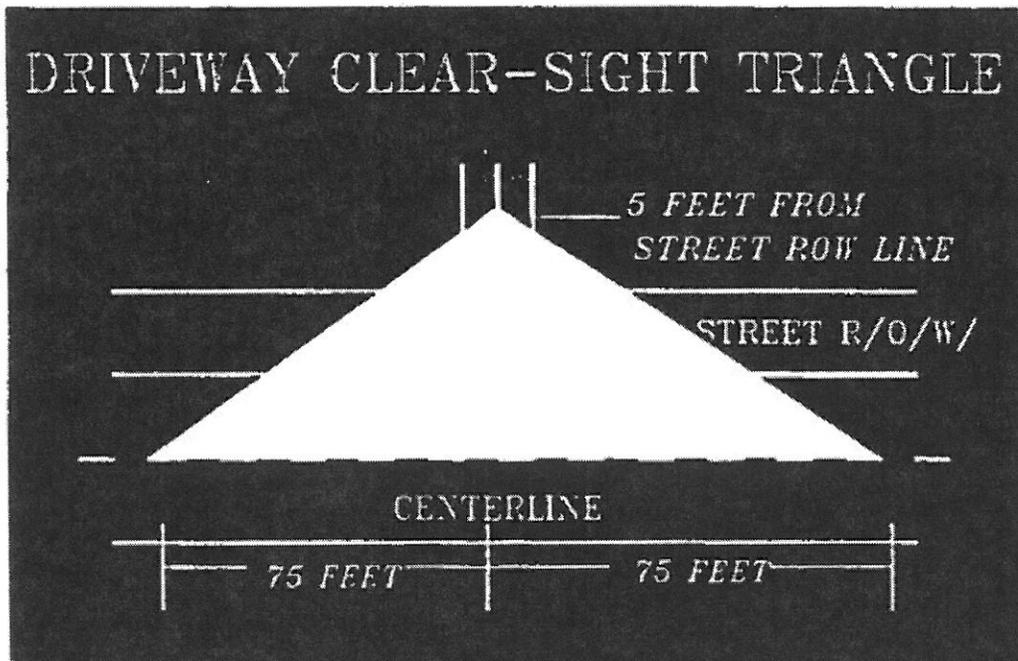
A. Driveway requirements. Driveways, as defined in Article I, shall meet the following standards:

- (1) Number per lot. No more than two driveway connections per lot shall be permitted.
- (2) Setbacks. Except as noted below in Subsection A(12) and (13), driveways shall be not less than 40 feet from the edge of the cartway of any street intersection, nor less than five feet from a fire hydrant, nor less than two feet from adjoining lot lines.
- (3) Slope. A driveway shall not exceed a slope of 8% within 25 feet of the street right-of-way lines.
- (4) Road classification. Driveway access shall be provided to the street of lesser classification when there is more than one street classification involved.
- (5) Driveway width. No driveway shall provide a curb cut exceeding 24 feet in width.
- (6) Permits required. All driveways shall require the obtainment of a driveway permit from the Pennsylvania Department of Transportation or a road occupancy permit from the Township.
- (7) Traffic movement/drainage. Driveways shall not interfere with normal traffic movement nor be constructed in a manner to be inconsistent with the design, maintenance and drainage of the street.
- (8) Plan delineation. Driveway location shall be delineated on all plans/permits as applicable.
- (9) Joint use driveways.
 - (a) Joint use driveways may be used to provide required vehicular access between dwellings and a street. The use of a joint use driveway shall only be approved when cross-access easements ensure common use, access and maintenance of the joint use driveway for each property owner relying upon said joint use driveway. Such cross-access easements shall be required in

22. Editor's Note: See Ch. 95, Construction Codes, Uniform.

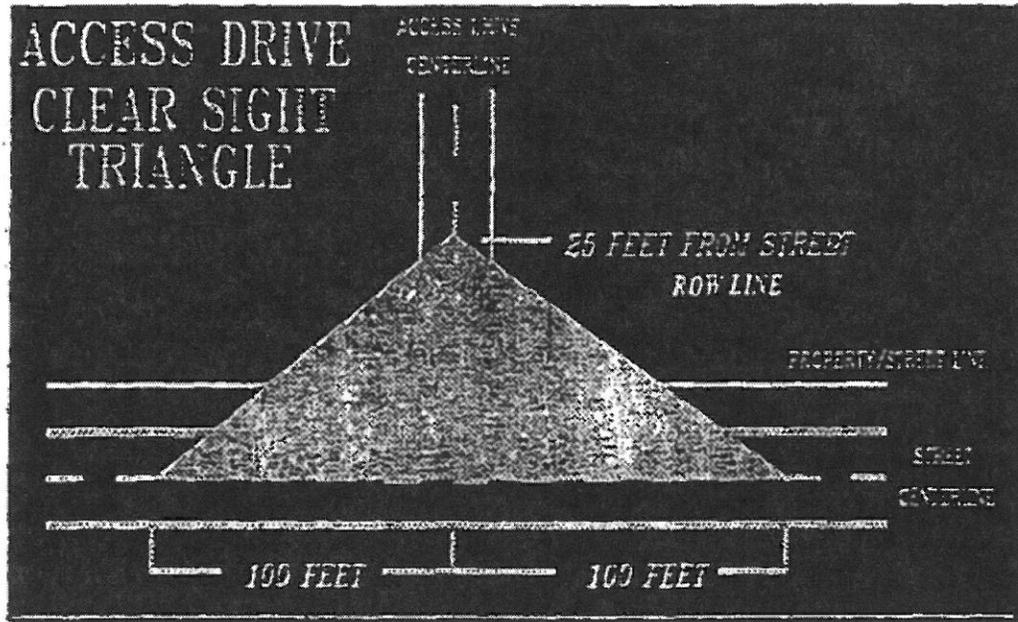
language acceptable to the Township Solicitor and the Board of Supervisors. Joint use driveways shall not exceed 1,000 feet in length.

- (b) Joint use driveways will be owned, maintained, and repaired by users of the joint use driveway in accordance with an ownership and maintenance agreement recorded in the office of the Recorder of Deeds of Cumberland County. Whenever a subdivider or developer proposes to provide access to a subdivision by a joint use driveway, the Township shall require that two copies of a proposed agreement be submitted with the plan as well as two copies of an appropriate deed restriction. The agreement and deed restriction shall establish responsibility for maintenance and repair of the joint use driveway, including mowing, snow and ice removal, maintenance of clear sight distance within the clear-sight triangle, and upkeep of the road bed and drainage facilities. References to said agreement shall be provided on the plans and recorded with the final subdivision or land development plan.
- (10) Clear-sight triangle. Driveways shall be located and constructed so that a clear-sight triangle, as depicted below, is provided. Two apexes of the triangle shall be located in both directions along the street center line, 75 feet from a point where the center line of a driveway and street intersect. The vertex of the triangle shall be located along the center line of the driveway, on the site, and five feet from the property/street right-of-way line. No building or obstructions and/or plant materials with a mature height over 18 inches high shall be placed within the clear-sight triangle.



- (11) Adequate site distance. Driveways shall be located so as to provide adequate sight distances at intersections with streets. Such sight distances shall be in compliance with Chapter 180, Subdivision and Land Development, or PennDOT.
 - (12) Single-family attached dwellings on individual lots: driveway and garage requirements. Single-family attached dwellings on individual lots are permitted to utilize driveways and garages in compliance with the following requirement:
 - (a) A detached garage located within the rear yard must be located no less than 20 feet from the rear lot line. Garages may be constructed with party walls on common lot lines.
 - (13) Single-family attached dwellings on common property: driveway and garage requirements. Single-family attached dwellings on common property are permitted to utilize driveways and garages in compliance with the following requirements:
 - (a) A driveway located within the front yard may be arranged as a side-by-side joint driveway with an adjoining townhouse. Such driveway shall be set back at least 10 feet from any lot line of an adjoining townhouse that does not share the joint driveway and 10 feet from the closest point of any building except where attached to a garage.
 - (b) A driveway located between a townhouse with an attached garage and a local road, private drive or alley must be set back a minimum of 10 feet from the closest point of any townhouse or other building not served by the driveway, other than a garage.
 - (c) A driveway located between a townhouse without an attached garage and a local road, private drive or alley must be set back a minimum of 10 feet from any townhouse or other building not served by the driveway.
 - (d) A garage located between a townhouse and a road, or private drive must be located no less than 25 feet from the street right-of-way or private drive cartway (whichever provides for the greater setback), 20 feet from the alley right-of-way or cartway (whichever provides for the greater setback), and in no case shall a garage be located in the front yard.
- B. Access drive requirements. Access drives, as defined in Article I, shall meet the following standards:
- (1) Number per lot. Except as specified elsewhere, the number of access drives intersecting with a street shall not exceed two per lot.
 - (2) Setbacks. The edge(s) of all access drives shall be set back at least:
 - (a) One hundred feet from the intersections of any street right-of-way lines;
 - (b) One hundred feet from any other access drive located upon the same lot (measured from cartway edges); and

- (c) Fifteen feet from any side and/or rear lot lines; however, this setback would not apply along one lot line when a joint parking lot is shared by adjoining uses or a joint use access drive is proposed.
- (3) Clear-sight triangle. Access drives shall be located and constructed so that a clear-sight triangle as depicted below is provided as a minimum. The apexes of the triangle shall be located along all center lines, in all directions from the intersection of street and access drive. No building or obstructions and/or plant materials over 18 inches high shall be placed within the clear-sight triangle.



- (4) Slope. Access drives shall not exceed a slope with an algebraic difference of 4% within 75 feet of the intersecting street center line.
- (5) Surfacing. All access drives shall be paved with concrete or bituminous paving material or another dust-free material suitable to the Township.
- (6) Access drive width. Access drives shall provide a twelve-foot-wide cartway for each lane of travel. However, in no case shall any access drive cartway be less than 15 feet wide if it provides for truck movement between the public right-of-way and any required off-street loading spaces as regulated by § 204-36 of this chapter. Regulations of this section are subject to modification as required by PennDOT.
- (7) Permits required. Any access drive intersecting with a state-owned or Township-owned road shall require the obtainment of a Pennsylvania Department of Transportation driveway permit or a road occupancy permit from the Township, respectively.

- (8) Plan delineation. Access drive location shall be delineated on all plans/permits as applicable.
- (9) Joint use access drives.
 - (a) Joint use access drives may be used to provide required vehicular access between nonresidential development and a street. The use of a joint use access drive shall only be approved when cross-access easements ensure common use, access and maintenance of the joint use access drive for each property owner or occupant relying upon said joint use access drive. Such cross-access easements shall be required in language acceptable to the Township Solicitor and Board of Supervisors.
 - (b) Joint use access drives will be owned, maintained, and repaired by users of the joint use access drives in accordance with an ownership and maintenance agreement recorded in the office of the Recorder of Deeds of Cumberland County. Whenever a developer proposes to provide access to a development by a joint use access drive, the Township shall require that two copies of a proposed agreement be submitted with the plan as well as two copies of an appropriate deed restriction. The agreement and deed restriction shall establish responsibility for maintenance and repair of the joint use access drive, including mowing, snow and ice removal, maintenance of clear sight distance within the clear-sight triangle, and upkeep of the road bed and drainage facilities. References to said agreement shall be provided on the plans and recorded with the final subdivision or land development plan.

§ 204-33. Materials and waste handling requirements.

- A. All nonresidential, multifamily dwellings/apartment uses shall be required to provide detailed information regarding materials and waste handling, including:
 - (1) Listing of all materials to be either used or produced on the site.
 - (2) Listing of all wastes (including but not limited to food and greases; animal; solid; medical; and hazardous, etc.) generated on the site.
- B. Evidence shall be provided indicating that the disposal of all materials and wastes will be accomplished in a manner that complies with local, state and federal regulations. Such evidence shall, at a minimum, include copies of contracts with waste haulers licensed to operate within Cumberland County which have been contracted to dispose of the materials and wastes used or generated on site or some other legal means of disposal. The zoning permit for this use shall remain valid only so long as such contracts remain in effect and all materials and wastes are properly disposed of on a regular basis. Should the nature of the use change in the future, such that the materials used or wastes generated changes significantly either in type or amount, the owner shall so inform the Zoning Officer and shall provide additional evidence demonstrating continued compliance with the requirements of this section.

§ 204-34. Number of principal use/structure per lot.

The number of principal uses and/or principal structures permitted per lot in all zones shall be subject to the following criteria:

- A. A lot in the VMU, NC, C/LI, and IND Zones may include more than one permitted principal use and/or structure, provided all other requirements of this chapter are met. If differing dimensional requirements apply for different uses on the lot, then the most restrictive requirement shall apply.
 - (1) For example, if use A requires twenty-foot setbacks and use B on the same lot requires ten-foot setbacks, then the lot shall have minimum setbacks of 20 feet.
 - (2) The lot may include a condominium form of ownership of individual buildings, with a legally binding property owner or other similar-type association, if the applicant proves to the satisfaction of the Zoning Officer, based upon review by the Township Solicitor and Board of Supervisors, that there will be appropriate legal mechanisms in place and compliance with applicable state law.
- B. A lot within the AG, RR, R-1 and R-2 Zones shall not include more than one principal use or one principal structure unless specifically permitted by this chapter.
 - (1) A mobile home park, condominium residential development, single-family attached, or multifamily dwelling/apartment development may include more than one principal building per lot, provided all other requirements of this chapter are met.
 - (2) A condominium form of ownership of individual dwelling units, with a legally binding homeowners' or other association, may be established if the applicant proves to the satisfaction of the Zoning Officer, based upon review by the Township Solicitor and Board of Supervisors, that there will be appropriate legal mechanisms in place and compliance with applicable state law.

§ 204-35. Off-street parking requirements.

- A. Off-street parking shall be required in accordance with the provisions of this section prior to the occupancy of any building or use, so as to alleviate traffic congestion on streets. Off-street parking shall be provided whenever:
 - (1) A building is constructed or a new use is established;
 - (2) The use of an existing building is changed to a use requiring more parking facilities; or
 - (3) An existing building or use is altered or enlarged so as to increase the amount of parking space required.
- B. Parking for single-family dwellings. Every single-family dwelling shall be required to provide at least two off-street parking spaces. Such spaces must be provided behind the street right-of-way line and may take the form of garages, carports or driveways. Driveways shall be in accordance with the provisions of § 204-32A of this chapter.

C. Parking for all other uses.

(1) General requirements.

- (a) Site plan. Each application for a zoning permit (or a use for which parking spaces are required) shall include a drawing (site plan) showing the proposed layout of the lot. The drawing shall clearly indicate all of the design elements required below. No zoning permit shall be issued for any use for which parking spaces are required unless the site plan has been approved or necessary variances have been obtained.
- (b) Surface. All parking lots shall be constructed and maintained with a paved surface of concrete or bituminous materials or another approved durable and dustless surface.
- (c) Drainage. Parking lots shall be graded to a minimum slope of 1% to provide for drainage. Adequately sized inlets and storm sewers shall be provided to discharge stormwater in accordance with the requirements of Chapter 180, Subdivision and Land Development, and Chapter 175, Stormwater Management.
- (d) Lighting. Adequate lighting shall be provided and arranged so in accordance with the provisions of § 204-37B(9) of this chapter.
- (e) Access drives. Every parking lot shall be connected to a street by means of an access drive. Access drives shall be in accordance with the provisions of § 204-32B of this chapter.
- (f) Location. Except as provided elsewhere, off-street parking may be located in any yard, subject to any specific requirements of this code or any code regulating parking in this chapter.

(2) Parking requirements.

- (a) Size. The following lists required minimum space sizes in feet:
 - [1] Standard car spaces:
 - [a] Parallel: 19 feet by eight feet.
 - [b] Nonparallel: 19 feet by nine feet.
- (b) Access. Parking areas for more than one dwelling shall be designed so that each vehicle may proceed to and from the parking space without requiring the moving of any other vehicle.
- (c) Marking. All parking lots shall be adequately marked and maintained for the purpose of defining parking spaces and interior drives. Where paving is required, the lines of all parking spaces and interior drives (including directional arrows, etc.) shall be solid white and four inches in width. Painted lines, arrows and dividers shall be provided and maintained to control parking and direct vehicular circulation.

- (d) Separation. Parking spaces shall be guarded by curbs or other protective devices, which are arranged so that parked cars cannot project into access and interior drives, streets, yards or walkways.
- (e) Handicapped parking. Parking spaces for handicapped persons shall be governed by the latest guidelines described under the North Middleton Township Building Code.²³
- (f) Joint parking lots.

[1] For nonresidential uses, joint parking lots may be permitted. These joint facilities can reduce the total number of parking spaces required by a maximum of 20%. Therefore, the resulting joint parking lot will be required to provide at least 80% of the total number of spaces required by the sum of all the uses. Such reduced parking spaces must be appropriately distributed on the lot to provide convenient walking distance between every vehicle and each of the uses.

[2] Required parking spaces may be provided in parking lots designated to jointly serve two or more establishments or uses, provided that the number of required spaces in such joint facility shall not be less than the total required separately for all such establishments or uses. However, where it can be conclusively demonstrated that one or more uses will be generating a demand for parking spaces, primarily during periods when the other use(s) is not in operation, the total number of required parking spaces may be reduced to:

- [a] That required number of spaces that would be needed to serve the use generating the most demand for parking; plus
- [b] Twenty percent of that number of required parking spaces needed to serve the use(s) generating the demand for lesser spaces.

- (g) Schedule of required spaces. The following lists required numbers of parking spaces by use type. Any use involving a combination of several uses shall provide the total number of spaces required for each individual use:

Table 204-35A - Agricultural/Forestry Parking Space Requirements
Agricultural and Forestry Uses

Type of Use	Minimum Required Spaces
Agribusiness	1 space per nonresident farm employee on the peak shift, plus 2 spaces per dwelling unit
Agriculture (excluding agribusiness)	1 space per nonresident farm employee on the peak shift, plus 2 spaces per dwelling unit
Forestry	1 space per employee on the peak shift

23. Editor's Note: See Ch. 95, Construction Codes, Uniform.

**Table 204-35A - Agricultural/Forestry Parking Space Requirements
Agricultural and Forestry Uses**

Type of Use	Minimum Required Spaces
Nature preserve and wildlife sanctuary	1 space per each acre or portion thereof devoted to the use
Riding school and horse boarding stable	1 space per 2 stalls, plus 1 space per every 4 seats of spectator seating, plus 2 spaces per dwelling unit

Table 204-35B - Residential Parking Space Requirements

Type of Use	Residential Uses Minimum Required Spaces
Bed-and-breakfast	2 spaces per dwelling unit, plus 1 space for each guest/sleeping room; and Other uses beyond the dwelling unit and guest/sleeping rooms, and open to the public: number of spaces normally required for similar uses listed elsewhere within this schedule
Boarding/rooming house	2 spaces per dwelling unit of owner/resident manager and other permanent residents, plus 1 space for each sleeping/rooming unit for let
Continuing care retirement facility, long-term care nursing home, and/or personal care facility (individual or in combination with the following:	Personal care or nursing care centers: 1 space for each 4 beds, plus 1 space per employee on largest shift. Apartment units: 1.25 spaces per dwelling unit. Cottage units (single-family units): 1 space per dwelling unit, plus 1 space per 5 units for guest parking. Other uses not specified herein above: number of spaces normally required for similar uses listed elsewhere within this schedule
Flag lot residence	2 spaces per dwelling unit
Group home	2 spaces per dwelling unit, plus 1 space for each 4 residents
Mobile home park	2 spaces per dwelling unit, plus 1/2 additional space per dwelling unit shall be provided in a common visitor parking compound. Such visitor parking lots shall be sized, arranged, and located so that the spaces are within 300 feet walking distance to any unit served.

Table 204-35B - Residential Parking Space Requirements

Type of Use	Residential Uses Minimum Required Spaces
Multifamily dwellings/apartments	3 spaces per dwelling unit; such parking spaces can take the form of private access drives, driveways, or garages and/or common parking lots, provided all spaces required are within 150 feet of the unit served. In addition, for developments containing more than 6 multifamily dwellings and/or conversions, there shall be provided off-street parking/storage space for boats, travel trailers, tent campers, and trailers used to transport recreation vehicles; such space shall be provided at a minimum rate of 100 square feet per dwelling unit and shall be placed at only 1 location that is no less than 50 feet from any dwelling unit; such storage space shall be screened from all dwellings.
Multiunit residential conversions	Two dwelling units: 2 spaces per dwelling unit Three or more dwelling units: 3 spaces per dwelling unit; such parking spaces can take the form of private access drives, driveways or garages and/or common parking lots; of these spaces, at least 2 must be provided on the same individual lot as the principal dwelling unit, and the remaining 1 space may be provided within common parking lots provided all spaces required are within 150 feet of the unit served. In addition, for developments containing more than 6 single-family attached, there shall be provided off-street parking/storage space for boats, travel trailers, tent campers, and trailers used to transport recreation vehicles; such space shall be provided at a minimum rate of 100 square feet per dwelling unit and shall be placed at only 1 location that is no less than 50 feet from any dwelling unit; such storage space shall be screened from all dwellings.

Table 204-35B - Residential Parking Space Requirements

Residential Uses	
Type of Use	Minimum Required Spaces
Single-family attached dwelling	<p>3 spaces per dwelling unit; such parking spaces can take the form of private access drives, driveways or garages and/or common parking lots; of these spaces, at least 2 must be provided on the same individual lot as the principal dwelling unit, and the remaining 1 space may be provided within common parking lots provided all spaces required are within 150 feet of the unit served</p> <p>In addition, for developments containing more than 6 single-family attached, there shall be provided off-street parking/storage space for boats, travel trailers, tent campers, and trailers used to transport recreation vehicles; such space shall be provided at a minimum rate of 100 square feet per dwelling unit and shall be placed at only 1 location that is no less than 50 feet from any dwelling unit; such storage space shall be screened from all dwellings</p>
Single-family detached dwelling	2 spaces per dwelling unit
Single-family semidetached dwelling	2 spaces per dwelling unit
Two-family dwellings	2 spaces per dwelling unit

Table 204-35C - Nonresidential Parking Space Requirements

Nonresidential Uses	
Type of Use	Minimum Required Spaces
Adult-related uses	1 space per 200 square feet of net floor area, plus 1 space per employee on the peak shift
Airports/air pads/heliports/helipads	1 space for each 4 air vehicles stored, plus 1 space for each employee on the peak shift
All other uses	Number of spaces normally required for similar uses listed elsewhere within this schedule
Animal hospital	2 spaces per exam table, plus 1 space per employee on the peak shift
Automobile wrecking, junk and scrap storage and sales	1 space per 1/2 acre or portion thereof, plus 1 space per employee on the peak shift

Table 204-35C - Nonresidential Parking Space Requirements
Nonresidential Uses

Type of Use	Minimum Required Spaces
Automobile, boat, heavy equipment mobile home, recreational vehicle and similar motor vehicle rental/sales, repair/service, washing and/or fuel/gas sales	1 space per employee on the peak shift plus: Rental/sales: 1 space per 15 vehicles or units of motor vehicle equipment Repair/service: 2 spaces per service bay Washing: 1 space per 200 square feet of office floor area, plus 3 stacking spaces per wash bay Fuel/gasoline sales/distribution: 1 space per fuel pump which may be provided at fuel pumps at a ratio of not more than 2 spaces per each pump (1 on each side), plus 1 space for each employee on the peak shift
Billboard	1 space per billboard
Campground	1 space per campsite, plus 1 space per employee on the peak shift, plus 1/2 of the spaces normally required for accessory uses listed elsewhere within this schedule
Cemetery	5 spaces, plus 1 space per employee on the peak shift
Clinic, medical	4 spaces per patient examination room, plus 1 space per employee on the peak shift
Club, clubhouse or lodge, private	1 space per 200 square feet of gross floor area, plus 1 space per employee on the peak shift
Commercial recreation, indoor	1 space per 200 square feet of gross floor area, plus 1 space per employee on the peak shift
Commercial recreation, outdoor	1 space per 200 square feet of gross floor area, plus 1 space per employee on the peak shift; or if completely outside of a structure 1 space per each 3 users at maximum utilization, plus 1 space per employee on the peak shift
Communication, television, and radio transmitting and receiving tower antennas, towers, and equipment	1 space per lot
Contractors' office and storage yard	1 space per 750 square feet of office gross floor area, plus 1 space per employee on the peak shift
Convenience store	1 space per 100 square feet of net floor area, plus 1 space per fuel pump, plus 1 space per employee on the peak shift
Copy shop/business service	1 space per 200 square feet of net floor area, plus 1 per employee on the peak shift

**Table 204-35C - Nonresidential Parking Space Requirements
Nonresidential Uses**

Type of Use	Minimum Required Spaces
Day care, commercial	1 space per employee on the peak shift, plus 1 space per 6 client (adult or child) enrolled
Financial services	1 space per 400 square feet of gross floor area, plus 1 space per employee on the peak shift
Food service	1 space per employee on the peak shift plus: Delivery: 1 space per vehicle stored on site Direct patron food sales/consumption: 1 space per 6 seats if restaurant is provided or 1 space per 200 square feet of gross floor area open to and accessible to the public, whichever is greater
Funeral home	25 spaces for 1st parlor, plus 10 spaces for each additional parlor
Golf course	4 spaces per hole, plus 1 space per employee on the peak shift, plus 1/2 of the spaces normally required for accessory uses listed elsewhere within this schedule
Home improvement center, lumber, and building materials sales	1 space per 500 square feet of gross floor area (indoor and outdoor) open to and accessible to the public, plus 1 space per employee on the peak shift
Hospital	2 spaces per 3 beds, plus 1 space per employee on the peak shift
Hotels	1 space per guest/sleeping room, plus 1 space per employee on the peak shift, plus 1/2 of the spaces normally required for accessory uses listed elsewhere within this schedule
Industrial use, heavy	1 space per 1,000 square feet of gross floor area of the building up to 20,000 square feet, plus 1 space for each 2,000 square feet gross floor area of the building up between 20,000 square feet and 40,000 square feet, plus 1 space for each 3,000 square feet gross floor area of the building in excess of 40,000 square feet In addition to the off-street parking requirements and when there are 10 or more loading berths provided, trailer parking spaces shall be provided at 1 trailer parking space for each 4 loading berths

**Table 204-35C - Nonresidential Parking Space Requirements
Nonresidential Uses**

Type of Use	Minimum Required Spaces
Industrial use, light	1 space per 1,000 square feet of gross floor area of the building up to 20,000 square feet, plus 1 space for each 2,000 square feet gross floor area of the building up between 20,000 square feet and 40,000 square feet, plus 1 space for each 3,000 square feet gross floor area of the building in excess of 40,000 square feet In addition to the off-street parking requirements and when there are 10 or more loading berths provided, trailer parking spaces shall be provided at 1 trailer parking space for each 4 loading berths
Kennel, commercial	1 space per each 15 animals based on maximum animal capacity, plus 1 space per employee on the peak shift
Large solar energy production facility	1 space per employee on the peak shift, plus 1 space per vehicle stored on site
Large wind energy production facility	1 space per employee on the peak shift, plus 1 space per vehicle stored on site
Laundry and dry cleaning establishment (industrial)	1 space per 1,000 square feet of gross floor area of the building up to 20,000 square feet, plus 1 space for each 2,000 square feet gross floor area of the building up between 20,000 square feet and 40,000 square feet, plus 1 space for each 3,000 square feet gross floor area of the building in excess of 40,000 square feet In addition to the off-street parking requirements and when there are 10 or more loading berths provided, trailer parking spaces shall be provided at 1 trailer parking space for each 4 loading berths
Laundry and dry cleaning establishment (personal)	1 space per 300 square feet of net floor area, plus 1 space per employee on the peak shift
Library	1 space per 400 square feet of gross floor area, plus 1 space per employee on the peak shift
Massage therapy	1 space per table, plus 1 per employee on the peak shift
Mineral extraction and recovery operation	1 space per each employee on the peak shift
Mini-storage warehouses	1 space per 25 storage units, plus 1 space per employee on the peak shift
Motor vehicle auction	2 spaces per 1,000 square feet of gross floor area of building, plus 1 space per employee on the peak shift, plus 1 space per 20 vehicle display spaces

**Table 204-35C - Nonresidential Parking Space Requirements
Nonresidential Uses**

Type of Use	Minimum Required Spaces
Motels	1 space per guest/sleeping room, plus 1 space per employee on the peak shift, plus 1/2 of the spaces normally required for accessory uses listed elsewhere within this schedule
Municipal-owned uses	Number of spaces normally required for similar uses listed elsewhere within this schedule
Nightclubs	1 space per 100 square feet of net floor area, plus 1 space per employee on the peak shift
Offices, business professional	1 per 300 square feet of gross floor area, plus 1 per employee on the peak shift
Offices, medical	2 per patient examination room, plus 1 per employee on the peak shift
Outdoor farmer's market and/or flea market	1 space per 400 square feet of gross floor area (indoor and outdoor) open to and accessible to the public, plus 1 space per employee on the peak shift
Outdoor shooting range	2 spaces per target, plus 1 space per employee on the peak shift
Parking lot and parking structure	1 space per employee on the peak shift
Parks, playgrounds and other noncommercial recreational uses	3 spaces per acre or portion thereof
Personal services	1 space per 300 square feet of net floor area, plus 1 space per employee on the peak shift
Place of worship	1 space per 3 seats based on maximum seating capacity, or 1 space per 250 square feet of gross floor area
Post office	1 space per 200 square feet of net floor area, plus 1 space per employee on the peak shift
Principal waste handling facility	1 space per employee on the largest shift, or 1 space for each 1,000 square feet of gross floor area, whichever is greater
Public/private utility buildings and structures	1 space per employee on the peak shift, plus 1 space per vehicle stored on site
Research laboratory	1 space per 400 square feet of gross floor area
Restaurant (fast food)	1 space per 2 seats, plus 1 space for each 2 employees on the peak shift
Restaurant (sit down)	1 space per 4 seats, plus 1 space for each 2 employees on the peak shift
Retail business	1 space per 200 square feet of net floor area, plus 1 space per employee on the peak shift
Sawmill	1 per employee on the peak shift

Table 204-35C - Nonresidential Parking Space Requirements
Nonresidential Uses

Type of Use	Minimum Required Spaces
School, commercial	1 space per 4 students, plus 1 space per employee on the peak shift
Schools, public or private (primary)	1 space per each 30 students enrolled, plus 1 space per employee, plus 1 space per each 30 seats for auditorium, gymnasium, or multipurpose room
Schools, public or private (secondary)	1 space per each 5 students enrolled, plus 1 space per employee, plus 1 space per each 30 seats for auditorium, gymnasium, or multipurpose room
Schools, vocational	1 space per 4 students, plus 1 space per employee on the peak shift
Shopping center	Up to 50,000 square feet of gross floor area: 1 space per 25,000 square feet, or fraction thereof, of gross leasable floor area Between 50,000 and 100,000 square feet of gross floor area: 1 space per 20,000 square feet, or fraction thereof, of gross leasable floor area Greater than 100,000 square feet of gross floor area: 5 spaces, plus 1 per 50,000 square feet, or fraction thereof, of gross leasable floor area over 100,000 square feet
Taverns/bars	1 space per 4 seats, plus 1 space for each 2 employees on the peak shift
Theater, indoor (excluding adult uses)	1 space per 3 seats based on maximum seating capacity, or 1 space per 250 square feet of gross floor area, whichever is larger
Travel plaza	1 space per employee on the peak shift, plus number of spaces normally required for similar uses listed elsewhere within this schedule (i.e., restaurant, convenience store, etc.), in addition to truck and trailer parking
Treatment center	1 space for each 3 patient/client and 1 space for each employee on the peak shift
Truck drop lot	1 space per employee on the peak shift, in addition to truck and trailer parking
Veterinary office	2 spaces per exam table, plus 1 space per employee on the peak shift

**Table 204-35C - Nonresidential Parking Space Requirements
Nonresidential Uses**

Type of Use	Minimum Required Spaces
Warehousing, distribution, and wholesaling	<p>1 space per 1,000 square feet of gross floor area of the building up to 20,000 square feet, plus 1 space for each 2,000 square feet gross floor area of the building up between 20,000 square feet and 40,000 square feet, plus 1 space for each 3,000 square feet gross floor area of the building in excess of 40,000 square feet</p> <p>In addition to the off-street parking requirements and when there are 10 or more loading berths provided, trailer parking spaces shall be provided at 1 trailer parking space for each 4 loading berths</p>

Table 204-35D - Accessory Use Parking Space Requirements

Type of Use	Accessory Uses Minimum Required Spaces
Accessory apartment	1 space per accessory apartment dwelling unit, in addition to parking spaces required with the permitted business
Automated banking facility	2 spaces when not associated with on-site principal bank or other financial service, otherwise no minimum required
Day care, accessory	2 spaces per dwelling unit as part of principal use
Day care, family	2 spaces per dwelling unit as part of principal use, plus 1 per nonresident employee, plus 1 for patron use
Drive-through facilities	No minimum required
Farm occupation	1 space per nonresident farm employee on the peak shift as part of the principal use, plus 2 spaces per dwelling unit, plus 1 space per nonresident employee of the farm occupation, plus 1 parking space per potential patron on site at one time
Home occupation	2 spaces per dwelling unit as part of principal use, plus 1 space per nonresident employee
No-impact home occupation	2 spaces per dwelling unit as part of principal use
Noncommercial keeping of livestock	2 spaces per dwelling unit as part of principal use
Outdoor cafe/dining	No minimum required
Roadside stand	In addition to the spaces required as part of the principal use, 1 space per 50 feet of gross floor area or 2 spaces, whichever is greater

Table 204-35D - Accessory Use Parking Space Requirements

Type of Use	Accessory Uses Minimum Required Spaces
Rural occupation	2 spaces per dwelling unit as part of principal use, plus 1 space per nonresident employee

- (3) Interior drives.
 - (a) Widths.

[1] Interior drives between rows of parking spaces shall have the minimum widths indicated in the following table:

Table 204-35E - Interior Drive Standards

Angle of Parking	Owne-Way Traffic Width of Driveway (feet)	Two-Way Traffic Width of Driveway (feet)
90°	25	25
60°	20	22
45°	18	22
30°	11	22
Parallel	11	22

- [2] Interior drives in areas where there is no parking permitted shall be at least 11 feet wide for each lane of traffic.
- (b) Horizontal curves. Not less than a four-foot radius of curvature shall be permitted for horizontal curves in parking areas.
- (c) Backup area. All dead-end parking lots shall be designed to provide sufficient backup area for all end spaces.
- (d) Speed bumps.
 - [1] Speed bumps, constructed as part of access or interior drives or parking lots, shall be marked with permanent, yellow diagonal stripes.
 - [2] The speed bumps shall be in the form of mounds or depressions in the pavement and shall be designed to restrain motor vehicle speed.
 - [3] There shall be a warning sign posted at each entrance to a parking area having speed bumps.
 - [4] In no case shall the overall height (or depth) of speed bumps exceed three inches.

- (4) Prohibited uses of a parking lot. Automobile parking lots are for the sole purposes of accommodating the passenger vehicles of persons associated with the use which requires them. Parking lots shall not be used for the following:
 - (a) The sale, display or storage of automobiles or other merchandise.
 - (b) Parking/storage of nonpassenger vehicles accessory to the use.
 - (c) Performing services (including services to vehicles).
 - (d) Loading and unloading purposes, except during hours when business operations are suspended.
- (5) Landscaping and screening. The following landscaping and screening requirements shall apply to all parking lots:
 - (a) Landscaped strip. When a parking lot is located in a yard which abuts a street right-of-way, a landscaped strip screened with a minimum 2 1/2 foot high hedge, berm, fence, wall or other measure to prevent distraction and confusion from parking cars' headlights, shall be provided on the property along the entire street line. If there is no building or other structure on the property, the parking lot shall still be separated from the street right-of-way by the landscaped strip. This strip shall be measured from the street right-of-way line. The strip may be located within any other landscaped strip required to be located along a street. The following lists required width of landscape strips:

Table 204-35F - Parking Lot Landscape Strip Requirements

Number of Spaces in Parking Lot, Including Joint Facilities	Landscape Strip Width Measured From Street Right-of-Way Line (feet)
Fewer than 100	15
100 to 250	20
Over 250	25

- (b) Interior landscaping.
 - [1] In any parking lot containing 20 or more parking spaces (except a parking garage), 5% of the total area of the parking lot shall be devoted to interior landscaping. Such interior landscaping may be used, for example, at the end of parking space rows to break up rows of parking spaces at least every 10 parking spaces and to help visually define travel lanes through or next to the parking lot. Landscaped areas situated outside the parking lot, such as peripheral areas and areas surrounding buildings, shall not constitute interior landscaping. For the purpose of computing the total area of any parking lot, all areas within the perimeter of the parking lot shall be counted, including all parking spaces and access drives, aisles, islands and curbed areas. Ground cover

alone is not sufficient to meet this requirement. Trees, shrubs or other approved material shall be provided as set forth in § 204-30 of this chapter. At least one shade tree shall be provided for each 300 square feet, or fraction thereof, of required interior landscaping area. Such trees shall have a clear trunk at least five feet above finished grade.

- [2] Parked vehicles may not overhang interior landscaped areas more than 2 1/2 feet. Where necessary, wheel stops or curbing shall be provided to ensure no greater overhang.
 - [3] If a parking lot of fewer than 20 spaces is built without interior landscaping and later additional spaces are added so that the total is 20 or more, the interior landscaping shall be provided for the entire parking lot.
- (c) Screening. Parking lots shall be screened in accordance with § 204-26 of this chapter.
- (6) Paved area setbacks (including off-street parking setbacks).
- (a) The paved area setbacks in this section are applicable to all districts where paved area setbacks are not specified. The setback areas required by this section shall be maintained in grass or other appropriate natural ground cover and shall not be covered with paving, except for approved access and driveway entrances and concrete sidewalks of the required widths. The setbacks required by this section shall not apply to driveways serving one or two dwellings on a lot, but shall apply to all other parking areas.
 - (b) All paved areas required by this section shall be set back a minimum of 10 feet from any right-of-way or lot line unless a larger setback is required within a particular district.

§ 204-36. Off-street loading facilities.

- A. Off-street loading shall be required in accordance with this section prior to the occupancy of any building or use, so as to alleviate traffic congestion on streets. These facilities shall be provided whenever:
- (1) A new use is established.
 - (2) The use of a property or building is changed and thereby requiring more loading space.
 - (3) An existing use is enlarged, thereby requiring an increase in loading space.
- B. General requirements.
- (1) Site plan. Each application for a zoning permit (or use for which off-street loading spaces are required) shall include a drawing (site plan) showing the proposed layout of the loading area. The drawing shall clearly indicate the design elements required below. No zoning permit shall be issued for any use for which a loading

area is required unless the site plan has been approved or necessary variances have been approved.

- (2) Location. Except as provided elsewhere, all ground level loading area should be located in side or rear yards.
- (3) Sizes. The following lists required minimum loading space sizes (excluding access drives, entrances and exits):

Table 204-36A - Loading Design Standards

Facility	Length (feet)	Width (feet)	Height (if covered or obstructed) (feet)
Industrial, wholesale and storage uses	63	12	15
All other uses	33	12	15

- (4) Separation. Off-street loading spaces shall be designed so that there will be no need for service vehicles to back over streets or sidewalks. Furthermore, off-street loading spaces shall not interfere with off-street parking lots.
- (5) Connection to street. Every loading space shall be connected to a street by means of an access drive. The access drive shall be at least 24 feet wide for two-way travel or 18 feet wide for one-way travel, exclusive of any parts of the curb and gutters.
- (6) Surface. All off-street loading facilities, including access drives, shall be constructed and maintained with a paved surface of concrete or bituminous materials.
- (7) Drainage. Off-street loading facilities (including access drives) shall be drained to prevent damage to other properties or public streets in accordance with Article X, Stormwater Management Plan and Design Criteria, set forth in Chapter 180, Subdivision and Land Development. Furthermore, all off-street loading facilities shall be designed to prevent the collection of standing water on any portion of the loading facility surface, particularly next to access drives.
- (8) Lighting. Adequate lighting shall be provided and arranged so in accordance with the lighting provisions § 204-37B(9) of this chapter.
- (9) Screening. Loading facilities shall be screened in accordance with § 204-26 of this chapter.
- (10) Schedule of required loading spaces.

Table 204-36B - Loading Space Requirements

Type of Use	Number of Spaces Per	Gross Floor Area/Dwelling Unit
Hospital or other institution	None	First 10,000 square feet
	1	10,000 to 100,000 square feet
	1	Each additional 100,000 square feet (or fraction)
Hotel, motel and similar lodging facilities	None	First 10,000 square feet
	1	10,000 to 100,000 square feet
	1	Each additional 100,000 square feet (or fraction)
Industry or manufacturing	None	First 2,000 square feet
	1	2,000 to 25,000 square feet
	1	Each additional 40,000 square feet (or fraction)
Multifamily dwelling	None	Less than 100 dwelling units
	1	100 to 300 dwelling units
	1	Each additional 200 dwelling units (or fraction)
Office building, including financial institutions	None	First 10,000 square feet
	1	10,000 to 100,000 square feet
	1	Each additional 100,000 square feet (or fraction)
Retail businesses	None	First 2,000 square feet
	1	2,000 to 10,000 square feet
	2	10,000 to 40,000 square feet
	1	Each additional 100,000 square feet (or fraction)
Shopping centers (integrated shopping centers, malls and plazas): up to 50,000 square feet of gross floor area;	1	Per 25,000 square feet, or fraction thereof, of gross leasable floor area

Table 204-36B - Loading Space Requirements

Type of Use	Number of Spaces Per	Gross Floor Area/Dwelling Unit
Shopping centers (integrated shopping centers, malls and plazas): between 50,000 and 100,000 square feet of gross floor area:	1	Per 20,000 square feet, or fraction thereof, of gross leasable floor area
Shopping centers (integrated shopping centers, malls and plazas): greater than 100,000 square feet of gross floor area:	5	Plus 1 per 50,000 square feet, or fraction thereof, of gross leasable floor area over 100,000 square feet
Theater, auditorium, bowling alley or other recreational establishment	None	First 10,000 square feet
	1	10,000 to 100,000 square feet
	1	Each additional 100,000 square feet (or fraction)
Funeral home	None	First 3,000 square feet
	1	3,000 to 5,000 square feet
	1	Each additional 10,000 square feet (or fraction)
Wholesale or warehousing (except mini-warehousing)	None	First 1,500 square feet
	1	1,500 to 10,000 square feet
	1	Each additional 40,000 square feet (or fraction)

§ 204-37. Performance standards for all uses.

All uses in all zones shall be subject to the following performance standards:

- A. All projects that require the additional use of new facilities or essential services, such as sewers, storm drains, fire hydrants, potable water, public streets, streetlighting and similar services, shall obtain such approval as required by the agency providing such service prior to project approval. No availability of essential services shall be permitted to be grounds for denying permits for additional development until such services are available. The jurisdiction is not obligated to extend or supply essential services if capacity is not available. If capacity is available, the extension of services shall be by and at the cost of

the developer, unless the jurisdiction agrees otherwise. All service extensions shall be designed and installed in full conformance with the jurisdiction's standards for such service, and shall be subject to review, permit and inspection as required by other policies or ordinances of the jurisdiction.

- B. All uses shall be subject to and comply with the following regulations, or as amended, where applicable.
- (1) Vibration. Ground vibration inherently and recurrently generated on the lot and detectable without instruments on any adjacent lot in any zone shall be prohibited, except that temporary vibration as a result of construction or vehicles which leave the lot (such as trucks, trains, airplanes and helicopters) shall be permitted. Otherwise all of the applicable rules and regulations of the Pennsylvania Department of Environmental Protection shall be complied with.
 - (2) Noise. Noise from nonresidential and mixed uses which are determined to be objectionable because of volume, frequency, or beat shall be muffled or otherwise controlled. Otherwise all of the applicable rules and regulations of the Pennsylvania Department of Environmental Protection shall be complied with.
 - (3) Air pollution. Airborne emissions and odor: No pollution of air by fly ash, dust, vapors or other substance shall be permitted which is harmful to health, animals, vegetation or other property or which can cause spoiling of property. Otherwise all of the applicable rules and regulations of the Pennsylvania Department of Environmental Protection shall be complied with.
 - (4) Odors. No malodorous gas or matter shall be permitted which is discernible at any and all lot lines of the subject property on which the odor source is located.
 - (5) Water pollution. Water pollution shall be subject to the standards established by the Pennsylvania Fish and Boat Commission, Department of Environmental Protection, and The Clean Streams Law, June 22, 1937, P.L. 1987, 35 P.S. § 691, or as amended.
 - (6) Mine reclamation and open pit setback: Pennsylvania Act 147, the "Surface Mining Conservation and Reclamation Act" of 1971, or as amended.
 - (7) Heat. Any operation producing intense heat shall be conducted within an enclosed building or with other effective screening in such a manner as to make such heat completely imperceptible from any point along the lot line. No heat from any use shall be sensed at any lot line to the extent of raising the ambient temperature of air or materials more than 5° F.
 - (8) No use or operation shall be permitted which creates a public nuisance or hazard to adjoining property by reason of fire, explosion, radiation or other similar cause. Additionally, all uses and operations shall comply with the following:
 - (a) Electromagnetic interference. In all zones, no use, activity or process shall be conducted which produces electric and/or magnetic fields which adversely affect public health, safety and welfare, including but not limited to

interference with normal radio, telephone or television reception and/or transmission off the premises where the activity is conducted.

- (b) Fire and explosive hazards. Fire protection and firefighting equipment, procedures and safety protocols acceptable to the North Middleton Township fire standards, and Township fire and building codes, and other applicable ordinance shall regulate hazards of fire and explosion arising from the storage, handling or use of substances, materials or devices and from conditions hazardous to life, property or public welfare in the occupancy of a structure or premises.
 - (c) Toxic and hazardous substance storage. Storage of toxic and hazardous substance shall meet the requirements of the Pennsylvania Department of Environmental Protection, Pennsylvania Labor and Industry, and/or the United States Environmental Protection Agency.
- (9) Outdoor lighting. Outdoor lighting is permitted subject to the following criteria:
- (a) Purpose. The purpose of this section is to require and set minimum standards for outdoor lighting to:
 - [1] Provide for and control lighting in outdoor public places where public health, safety and welfare are potential concerns.
 - [2] Protect drivers and pedestrians from the glare of nonvehicular light sources.
 - [3] Protect persons, the environment and the night sky from nuisance glare and light trespass from improperly selected, placed, aimed, applied, maintained or shielded light sources.
 - [4] Promote energy efficient lighting design and operation.
 - [5] Protect and retain the intended visual character of various scenic venues throughout North Middleton Township.
 - (b) Applicability.
 - [1] The provisions of this subsection shall apply to all lighting associated with, required or proposed with any action that constitutes land development or subdivision within North Middleton Township where there is interior or exterior lighting viewable from outside, including but not limited to residential, commercial, industrial, public and private recreational/sports and institutional uses, and sign, billboard, architectural and landscape lighting applications.
 - [2] The glare-control requirements herein contained apply to outdoor lighting in all uses, applications and locations.
 - [3] Emergency lighting, as may be required by any public agency while engaged in the performance of their duties, or for illumination of the

path of egress during an emergency as described in NFPA 75 and NFPA 101, is exempt from the requirements of this section.

- [4] Temporary seasonal decorative lighting is exempt from all but the glare-control requirements of this subsection.

(c) Criteria.

- [1] Illumination levels. Lighting, where required by this chapter, or otherwise required or permitted by the Zoning Officer, shall have intensities, uniformities and glare control in accordance with the current recommended practices of the Illuminating Engineering Society of North America (IESNA), unless otherwise directed by the Board of Supervisors.

- [2] Lighting shall conform to the North Middleton Township Building Code, including the currently adopted International Energy Conservation Code published by the International Code Council, and the standards referenced therein for required Exterior Lighting Power Densities and Exterior Lighting Power Allowances, as published by the American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc. and the Illuminating Engineering Society of North America (ASHRAE/IESNA 90.1 Standard).

- [3] Lighting fixture design.

- [a] Fixtures shall be of a type and design appropriate to the lighting application.

- [b] For the lighting of predominantly horizontal surfaces, such as but not limited to parking areas; roadways and streets; vehicular and pedestrian passage areas; sales, display, merchandising and storage areas; automobile filling/servicing facilities; automobile, heavy equipment and similar motor vehicle rental/sales, loading/unloading areas; culs-de-sac; active and passive recreational areas, building entrances; sidewalks, bicycle and pedestrian paths; and site entrances, fixtures shall be aimed straight down and shall meet IESNA full-cutoff criteria. Fixtures, except those containing directional lamps, with an aggregate rated lamp output not exceeding 500 lumens, e.g., the rated output of a standard nondirectional 40 watt incandescent or 10 watt compact fluorescent lamp, are exempt from the requirements of this subsection. In the case of decorative streetlighting, the Zoning Officer may approve the use of luminaires that are fully shielded or comply with IESNA cutoff criteria.

- [c] For the lighting of predominantly nonhorizontal surfaces, such as but not limited to building facades, landscaping, signs, billboards, fountains, sales/displays and statuary, fixtures shall be fully shielded and shall be installed and aimed so as to not project their

output into the windows of residences, adjacent uses, past the object being illuminated, skyward or onto a public street. Fixtures, except those containing directional lamps, with an aggregate rated lamp output not exceeding 500 lumens, e.g., the rated output of a standard nondirectional 40 watt incandescent or 10 watt compact fluorescent lamp, are exempt from the requirements of this subsection.

[4] Control of glare.

- [a] All lighting shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse roadways and so as not to create a nuisance by projecting or reflecting objectionable light, including excessive illumination, glare, light pollution and light trespass, onto another use or property.
- [b] Directional fixtures, such as floodlights and spotlights, shall be so shielded, installed and aimed so that they do not project their output into the windows of residences, adjacent uses, past the object being illuminated, skyward or onto a public street or pedestrianway. Floodlights, when installed on a building, pole or otherwise installed above grade on properties in residential use, except when motion-sensor actuated, shall not be aimed out more than 45° from straight down. When a floodlight creates glare as viewed from the property in residential use, the floodlight shall be required to be re-aimed and/or fitted with a shielding device to block the view of the glare source from that property.
- [c] Exterior lighting fixture types, commonly called "barn lights," "dusk-to-dawn lights," or "yard lights," when a source of glare as viewed from an adjacent property, shall not be permitted unless effectively shielded as viewed from that adjacent property.
- [d] Parking facility and vehicular and pedestrianway lighting (except for safety and security applications and all-night business operations) for nonresidential uses shall be automatically extinguished no later than 1/2 hour after the close of business or facility operation. When safety or security lighting is proposed for after-hours illumination, it shall not be in excess of 25% of the number of fixtures or illumination level required or permitted for illumination during regular business hours. When it can be demonstrated to the satisfaction of the Board of Supervisors that an elevated security risk exists, e.g., a history of relevant crime, an appropriate increase above the 25% limit may be permitted.
- [e] Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily through the use of such means as full cutoff fixtures,

shields and baffles, and appropriate application of fixture mounting height, wattage, aiming angle and fixture placement.

- [f] The illumination projected from any use onto a residential use shall at no time exceed 0.1 footcandle, measured line-of-sight from any point on the receiving residential property.
- [g] The illumination projected from any property onto a nonresidential use shall at no time exceed one footcandle, measured line-of-sight from any point on the receiving property.
- [h] Only the United States and the state flag shall be illuminated from dusk till dawn. All other flags shall not be illuminated between 11:00 p.m. and dawn. Flag-lighting sources shall not exceed 7,000 lamp lumens per flagpole. The light source shall have a beam spread no greater than necessary to illuminate the flag and shall be adequately shielded so that it is not visible at normal viewing angles.
- [i] Lighting for use underneath canopies for such applications as automobile filling/service stations, hotel/theater marquees, and automobile drive throughs shall be accomplished using flat-lens full-cutoff fixtures aimed straight down and shielded in such a manner that the lowest opaque edge of the fixture shall be below the light source at all lateral angles. The average illumination in the area directly below the canopy shall not exceed 20 footcandles and the maximum shall not exceed 30 footcandles.
- [j] The use of white strobe lighting for tall structures such as smokestacks, chimneys and radio/communications/television towers is prohibited during hours of darkness, except as specifically required by Federal Aviation Administration (FAA).
- [k] Except as permitted for certain recreational lighting and permitted elsewhere in this subsection, fixtures shall not be mounted in excess of 20 feet above finished grade of the surface being illuminated. Mounting height shall be defined as the distance from the finished grade of the surface being illuminated to the optical center of the luminaire. For uses in all commercial and industrial zones having contiguous paved parking and maneuvering areas in excess of 30,000 square feet, at the sole discretion of the Zoning Officer, North Middleton Township may permit the use of a mounting height not to exceed 25 feet for fixtures meeting IESNA full-cutoff criteria when it can be demonstrated to the Zoning Officer that light trespass and glare control requirements in this section have been met. For recreational lighting maximum mounting height requirements, refer to § 204-37B(9)(f) relating to recreational uses.

- [l] Illumination of all building facades and/or surrounding landscapes for decorative, advertising or aesthetic purposes serving businesses, shall be extinguished automatically no later than 11:00 p.m. until dawn, except that such illumination for businesses that remain open past 11:00 p.m. is permitted while the establishment is actually open for business, and until 1/2 hour after closing.
- [m] Illumination of signs and billboards. The lighting of new or relighting of existing billboards and signs shall require a building permit, which shall be granted when the Zoning Officer is satisfied that excessive illumination, glare, light pollution and light trespass have been adequately mitigated, and shall be subject to the standards in § 204-41, relating to signs, § 204-49, relating to billboards, as well as the following requirements:
 - [i] The illumination of billboards shall be limited to IND Zone and the illumination of billboards within 1,000 feet from property in the residential zones (R-1 and R-2) or existing residential use.
 - [ii] Illumination by light-emitting diode (LED) type lighting. Illumination of all signs (excluding billboards) by LED type lighting shall only be permitted in the VMU, NC, C/LI, and IND zones and shall be static. Illumination of all billboards by LED type lighting shall be static. The LED output shall be automatically reduced to a brightness level that does not create glare during hours of darkness.
 - [iii] Illumination of all signs and billboards serving businesses shall be extinguished automatically no later than 11:00 p.m. and remain extinguished until dawn, except that illumination of all signs (excluding billboards) for businesses that remain open past 11:00 p.m. is permitted while the establishment is actually open for business, and until 1/2 hour after closing.
 - [iv] Externally illuminated signs and billboards shall have fixtures mounted at the top of the billboard or sign and aimed downward. The fixtures shall be designed, fitted and aimed to shield the source from off-site view and to place the light output onto and not beyond the sign or billboard. Lighting shall be by linear fluorescent unless it can be demonstrated to the satisfaction of the Zoning Officer that such a mounting arrangement is not possible. At no point on the face of the sign or billboard and at no time shall the illumination exceed 30 footcandles during hours of darkness.
 - [v] Internally illuminated signs and billboards shall have a dark field and light message. The aggregate output of the light

sources shall not exceed 500 lumens per square foot of sign face per side.

[vi] The use of highly reflective signage that creates nuisance glare or a safety hazard shall not be permitted.

[vii] Rotating, traveling, pulsing, flashing or oscillating light sources, lasers, beacons, searchlights or strobe lighting shall not be permitted.

[5] Installation.

[a] Electrical feeds for lighting standards shall be run underground, not overhead, and shall be in accordance with the North Middleton Township Building Code.²⁴

[b] Poles supporting lighting fixtures for the illumination of parking areas and located directly behind parking spaces, or where they could be hit by snow plows or wide-swinging vehicles, shall be placed a minimum of five feet outside paved area or tire stops, or placed on concrete pedestals at least 30 inches high above the pavement, or suitably protected by other methods approved by the Zoning Officer.

[c] Pole-mounted fixtures for lighting horizontal tasks shall be aimed straight down and poles shall be plumb/vertical.

[d] Poles and brackets for supporting lighting fixtures shall be those specifically manufactured for that purpose and shall be designed and rated for the weights and wind loads involved.

[e] Pole foundations shall be designed consistent with the wind loads and local soil conditions involved.

[6] Maintenance. Lighting fixtures and ancillary equipment shall be maintained so as to always meet the requirements of this section.

(d) Plan submission. Where site lighting is required by this chapter, is otherwise required by the Zoning Officer, or is proposed by applicant, lighting plans shall be submitted to the Township for review and approval for all zoning permit, building permit, subdivision and land development, conditional use, special exception and variance applications. The submitted information shall contain the following:

[1] A plan or plans of the site, complete with all existing and proposed structures, parking spaces, building entrances, traffic areas (both vehicular and pedestrian), existing and proposed trees and adjacent uses that might be adversely impacted by the lighting. The lighting plan shall contain a layout of all existing and proposed exterior lighting fixtures,

24. Editor's Note: See Ch. 95, Construction Codes, Uniform.

including but not limited to area, architectural, building entrance, canopy, soffit, landscape, flag, sign, etc., by location, orientation, aiming direction, mounting height, lamp, photometry and type.

- [2] A ten-foot-by-ten-foot illuminance grid (point-by-point) plot of maintained horizontal footcandles overlaid on the site plan, plotted out to 0.0 footcandles, which demonstrates compliance with the light trespass, illuminance and uniformity requirements as set forth in this chapter or as otherwise required by the Zoning Officer. When the scale of the plan, as judged by the Zoning Officer, makes a ten-foot-by-ten-foot grid plot illegible, a larger grid spacing may be permitted.
- [3] The maintenance (light-loss) factors, IES candela test-filename, lamp-lumen ratings and specific lamp manufacturer's lamp ordering nomenclature, used in calculating the presented illuminance levels.
- [4] Description of the proposed equipment, including fixture catalog cuts, photometrics, glare reduction devices, lamps, on/off control devices, mounting heights, pole foundation details, pole protection means and mounting methods.
- [5] When landscaping plans are involved, they shall contain the lighting fixture locations and shall demonstrate that the site lighting and landscaping have been coordinated to minimize conflict between vegetation and intended light distribution, both initially and at vegetation maturity.
- [6] When requested by the Township, applicant shall also submit a visual-impact plan that demonstrates appropriate steps have been taken to mitigate the potential consequences of on-site and off-site glare. This plan may require the inclusion of footcandle values at specific off-site venues, e.g., bedroom windows of adjacent residential uses.
- [7] Plan notes. The following notes shall appear on the lighting plan:
 - [a] Postapproval alterations to lighting plans or intended substitutions for approved lighting equipment shall be submitted to North Middleton Township for review and approval. Requests for substitutions shall be accompanied by catalog cuts of the proposed equipment and lighting plans, including a point-by-point plot, as required above, that demonstrate full compliance with the plan previously approved by North Middleton Township.
 - [b] The Township reserves the right to conduct postinstallation inspections to verify compliance with the chapter requirements and approved lighting plan commitments, and if deemed appropriate by the Zoning Officer, to require remedial action at no expense to the Township.

- [c] All exterior lighting shall meet IESNA full-cutoff criteria unless otherwise specifically approved by the Board of Supervisors.
 - [d] Installer shall notify North Middleton Township to arrange for inspection and approval of all exterior lighting, including building-mounted lighting, prior to its installation.
- (e) Residential development fixture placement.
- [1] For residential developments where lot sizes are or average less than 20,000 square feet, streetlighting shall be provided at the following locations:
 - [a] Intersections of public roads with entrance roads to the proposed development.
 - [b] Intersections involving proposed public or nonpublic major thoroughfares, including collector and arterial roads within or immediately adjacent to the proposed development.
 - [c] The apex of the curve of any major-thoroughfare road, public or nonpublic, within the proposed development, having a radius of 300 feet or less.
 - [d] Cul-de-sac bulbs.
 - [e] Terminal ends of center median islands having concrete structure curbing, trees and/or other fixed objects not having breakaway design for speeds of 25 m.p.h. or greater.
 - [f] Defined pedestrian crossings located within the development.
 - [g] At other locations along the street as deemed necessary by the Zoning Officer but, in no case, shall lighting fixtures be spaced more than 500 feet apart.
 - [2] Where lot size limits the parking of less than two vehicles on the residential lot, thereby necessitating on-street parking, streetlighting may be required along the length of the street.
 - [3] In multifamily developments, common parking areas of five spaces or greater shall be illuminated.
 - [4] In residential developments with lots of less than 20,000 square feet, where five or more common contiguous parking spaces are proposed, such spaces shall be illuminated.
- (f) Recreational uses. The nighttime illumination of outdoor recreational facilities for such aerial sports as baseball, basketball, soccer, tennis, track and field, and football typically necessitate higher than normally allowed fixture mounting heights and aiming angles, utilize very high-wattage lamps and potentially produce unacceptable levels of light trespass and glare when

located near residential properties. Permission to illuminate such facilities shall be granted only when the Zoning Officer is satisfied that the health, safety and welfare rights of nearby property owners and the Township as a whole have been properly protected. When recreational uses are specifically permitted by the Zoning Officer for operation during hours of darkness, the following requirements shall apply:

- [1] Race tracks and such recreational venues as golf driving ranges and trap-shooting facilities shall not be permitted to be artificially illuminated unless it can be demonstrated to the Zoning Officer that such lighting will not create a nuisance, shine on or into any residential properties or be visible to traffic on any nearby streets, roads or institutional or commercial parking lots. In any case, illumination shall not be accomplished by using any horizontally aimed fixture or floodlights nor shall these fixtures be aimed at an angle greater than 45° from the vertical.
- [2] Recreational facilities for basketball, baseball, football, soccer, miniature golf, tennis or track shall not be illuminated if located within a residential district or sited on a nonresidential property located within 1,000 feet of a residential district.
- [3] Sporting events at all recreational facilities shall be timed to end at such time that all lighting in the sports facility, other than lighting for safe exit of spectators and participants shall be extinguished by 11:00 p.m., regardless of such occurrences as extra innings or overtimes.
- [4] Maximum mounting heights for recreational lighting shall be in accordance with the following:
 - [a] Basketball: 20 feet.
 - [b] Football: 70 feet.
 - [c] Soccer: 70 feet.
 - [d] Little league baseball.
 - [i] Two-hundred-foot radius: 60 feet.
 - [ii] Three-hundred-foot radius: 70 feet.
 - [e] Miniature golf: 20 feet.
 - [f] Swimming pool aprons: 20 feet.
 - [g] Tennis: 30 feet.
 - [h] Track: 20 feet.
- [5] To assist the Zoning Officer in determining whether lighting will be permitted, applications for illuminating recreational facilities shall be

accompanied not only with the information required under this subsection below but also by a visual impact plan that contains the following:

- [a] Plan views containing a layout of the recreational facility and showing pole locations and the location of residences on adjoining properties.
 - [b] Elevations containing pole and fixture mounting heights, horizontal and vertical aiming angles and fixture arrays for each pole location.
 - [c] Elevations containing illuminance plots at the boundary of the site, taken at a height of five feet line-of-sight.
 - [d] Elevations containing illuminance plots on the windowed facades of all residences facing and adjacent to the recreational facility. Such plots shall demonstrate compliance with the light trespass and glare control requirements of this chapter.
 - [e] Proposed frequency of use of the facility during hours of darkness on a month-by-month basis and proposed time when the sports lighting will be extinguished.
 - [f] A narrative describing the measures proposed to achieve minimum off-site disturbance.
- (g) Streetlighting dedication.
- [1] When streetlighting is proposed to be dedicated to the Township, the applicant shall be responsible for all costs involved in the lighting of streets and street intersections until such time as the streets and streetlighting are accepted by the Township for dedication.
 - [2] Prior to dedication and acceptance of any streetlighting by the Township, in the event of the formation of a homeowners' association or other ownership association, the Board of Supervisors shall require the declarant and/or association to enter into an agreement for the payment of and guaranty of the payment of all costs associated with streetlighting to be dedicated. Such costs shall include, but not be limited to, the Township's administrative costs, collection costs, insurance costs, electrical utility charges, maintenance, repair and replacement costs for fixtures, standards, poles and associated equipment. The agreement shall include a provision allowing the Township to assess the declarant, the association and/or each individual property, as the case may be necessary and appropriate, to collect all of the above-referenced costs and expenses. All costs associated with the establishment of the agreement and the establishment of any lighting district necessary to implement the provisions of this paragraph shall be paid by the applicant, declarant or association, as the case may be.

- (10) In order to determine whether a proposed use will conform to the requirements of this section, North Middleton Township may obtain a qualified consultant's report, whose cost for services shall be borne by the applicant.

§ 204-38. Required licenses, certificates, and permits.

All uses must comply with all applicable Township building, health, housing, rental, safety, property and other applicable local, county, state, and federal code and licensing requirements. All such licenses, certificates, and permits shall have been obtained and presented to the Township as part of any application or shall be a condition of approval.

§ 204-39. Roadway classifications.

For the purposes of this chapter, the Township's roads shall be classified in the following categories:

Table 204-39A - Roadway Classifications

Roadway Classifications	
	Route No.
Arterial Roads	
Pennsylvania Turnpike	Interstate 76
Harrisburg Pike	Interstate United States 11, State Route 890
Spring Road	State Route 0034
West Trindle Road	State Route 0641
Newville Road	State Route 0641
Collector Roads	
Cavalry Road	State Route 1001
Claremont Road	State Route 2002
Cranes Gap Road	Township Route T-531
Enola Road	State Route 0944
Longs Gap Road	Township Route T-494
McClures Gap Road	State Route 4027; Legislative Route 21033
North Middleton Road	Township Route T-495
Waggoners Gap Road	State Route 0074; Legislative Route 21032
Local Roads	
All roads not listed as arterials or collectors	

§ 204-40. Setback modifications and obstructions prohibited in easements and rights-of-way.

- A. Front setback of buildings on built-up streets. Where at least two adjacent buildings within 100 feet of a property are set back a lesser distance than required, the average of the lesser distances becomes the required minimum front setback for the property.

However, in no case shall the setback line be less than 15 feet from any abutting street right-of-way line.

- B. Accessory or appurtenant structures. Except for decks, porches and patios, whether covered or not, setback regulations do not apply to the following accessory or appurtenant structures:
- (1) Bus shelters; telephone booths; and cornices, eaves, chimneys, steps, canopies and similar extensions.
 - (2) Open fire escapes.
 - (3) Minor public utility structures, articles of ornamentation or decoration.
 - (4) Fences, hedges and retaining walls.
 - (5) Compost piles.
 - (6) Air-conditioning units.
 - (7) Propane tank.
- C. Easement/right-of-way obstructions.
- (1) The erection, construction, placement, locating or planting of any improvement, fixture, fence, landscaping, vegetation, trees, shrubbery, or other object, whether permanent or temporary, within any public or private easement or Township right-of-way, with the exception of mailboxes on a single post, shall be prohibited.
 - (2) Any violation of this chapter shall entitle the Township, at its discretion, to remove such improvement, fixture, fence, landscaping, vegetation, and the Township shall not be responsible for replacement thereof.²⁵

§ 204-41. Signs.

- A. General intent. The sign regulations, controls and provisions set forth in this section are made in accordance with an overall plan and program for the provision of public safety, land development, preservation of property values and the general welfare of the Township of North Middleton and are intended to:
- (1) Aid in traffic control and traffic safety.
 - (2) Preserve and protect property values.
 - (3) Lessen congestion of land and air space.
 - (4) Provide against undue concentrations of signs which distract and endanger traffic safety and traffic flow.

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

- (5) Establish reasonable standards for commercial and other advertising through the use of signs in order to maintain and encourage business activity and development.
- (6) Recognize the rights of the public in roads, streets, highways and the areas adjacent to those roads, streets and highways.

B. General regulations for all signs.

- (1) Signs must be constructed of durable material and maintained in good condition.
- (2) No sign shall be maintained within the Township in such a state of disrepair as to have the appearance of complete neglect, which is rotting or falling down, which is illegible or has loose parts separated from original fastenings.
- (3) Whenever a sign becomes structurally unsafe or endangers the safety of the building or premises or endangers the public safety, the Zoning Officer shall give written notice to the owner of the premises on which the sign is located that such sign must be made safe or removed within five days.
- (4) Advertising painted upon or displayed upon a barn or other building or structure shall be regarded as a flat wall sign and the regulations pertaining thereto shall apply.
- (5) Each sign shall be removed when the circumstances leading to its erection no longer apply.
- (6) Lighted signs shall comply with § 204-37B(9) relating to outdoor lighting, illumination of signs and billboards, other applicable standards herein this section, as well as the provisions below:
 - (a) Signs may be interior lighted with nonglaring lights or may be illuminated by floodlights or spotlights that are shielded so there is no direct light transmitted to other properties or public rights-of-way.
 - (b) Directly illuminated signs, designed to give forth artificial light directly or through transparent or translucent material from a source of light within such sign, including but not limited to neon, will be permitted, provided that the light being emitted from the sign shall not cause a glare or emit light onto the surrounding area.
- (7) No sign shall be located so as to interfere with visibility for motorists at street or driveway intersections.
- (8) No sign located within 300 feet of any traffic light shall be illuminated with red, green or yellow lights or red, green or yellow neon tubing in accordance with Pennsylvania Department of Transportation (PennDOT).
- (9) All signs shall be constructed to the standards of the current North Middleton Township Building Code.
- (10) Signs must be positioned so that they do not interfere with any clear-sight triangle.

- (11) No loud, vulgar, indecent or obscene advertising matter shall be displayed in any manner, including but not limited to:
 - (a) Any graphic illustration pertaining to specified sexual activities, specified anatomical areas, or both.
 - (b) Scenes wherein artificial devices are employed to depict or drawings are employed to portray any of the prohibited signs, photographs or graphic representations described above.
- (12) No sign shall be erected or located as to prevent free ingress or egress from any window, door or fire escape.
- (13) No sign shall be placed in such a position that it will obscure light or air from a building or which would create a traffic danger.
- (14) No sign shall be permitted to be attached to public utility poles or trees which are within the right-of-way of any street.
- (15) No sign shall be located within § 204-21, Floodplain Overlay Zone (FPO).
- (16) In the event that a symbol, trademark or other such figure is used as a sign post or standard which could be construed to indicate or identify a particular use or business, that symbol, trademark or figure is to be computed as part of the total allowable sign area.
- (17) Except for flat wall signs affixed to bus shelters, no point of any sign, including trim, border and supports, shall be located within 10 feet of any property or street right-of-way line.
- (18) Any sign attached to a building shall not be placed on the roof or be higher than the wall to which it is attached.
- (19) No point of a wall projecting sign shall be located less than 8 1/2 feet above the grade directly below the sign.
- (20) Nothing in these regulations shall be construed as prohibiting signs intended for viewing principally from within a building or signs temporarily attached to the inside face of a display window, announcing a sale or similar feature, provided that the latter shall not occupy more than 33 1/3% of the total display window area.
- (21) Determination of size of sign area.
 - (a) The area of a sign shall be construed to include all lettering, wording and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, including any border framing or decorative attachments, but not including any supporting framework or bracing incidental to the display itself. Where the sign consists of individual letters or symbols attached to a building, wall or window, the area of the sign shall be considered to be that of the smallest rectangle or other regular geometric shape which encompasses all of the letters and symbols.



- (b) Where a sign has two or more faces, the area of the larger face shall be used in determining the area of the sign.
- (22) No sign shall be placed on nor affixed to vehicles and/or trailers:
- (a) In such a manner that the carrying of such sign is no longer incidental to the vehicle's primary purpose of transporting persons and goods; and
 - (b) That are parked on a public right-of-way, public or private property so as to be visible from a public right-of-way are prohibited where the apparent purpose is to advertise a product or direct people to a business, organization, or other activity.
- C. Specific sign regulations.
- (1) See Tables 204-41A, 204-41B, 204-41C, and 204-41D.²⁶
 - (2) Nameplates or identification sign. Only the following types of nonilluminated, nonadvertising signs are permitted in all districts without the necessity of securing a building or zoning permit for such sign:
 - (a) Signs indicating the name and address of the occupant or a permitted home occupation, provided that they shall not be larger than four square feet in area. Only one such sign per dwelling unit shall be permitted, except in the case of corner lots where two such signs (one facing each street) shall be permitted for each dwelling unit.
 - (b) For buildings other than dwellings, a single identification sign not exceeding four square feet in area and indicating only the name and address of the building and the name of the management may be displayed, provided that on a corner lot, two such signs (one facing each street) shall be permitted.

26. Editor's Note: These tables are included as attachments to this chapter.

- D. Sign permits. For signs requiring permits, the following requirements shall apply prior to the erection of said signs:
- (1) Permit applications.
 - (a) Application for a building or zoning permit shall be made at the Township Municipal Office.
 - (b) Application shall be made on a form to be provided by the Township and shall contain the following information and documentation:
 - [1] The name(s) and address(es) of the sign owner and the landowner.
 - [2] A drawing to scale showing the location of the sign with reference to the adjoining lot lines and streets.
 - [3] A drawing to scale showing all dimensions of the sign. For a directional sign or an on-premises sign advertising activities being conducted on the property, the drawing shall also contain an accurate representation of the advertising or informative contents of the sign.
 - [4] A description of the construction materials of the sign and its manner of installation.
 - (c) Each application shall be accompanied by the appropriate fee, as established by the Board of Supervisors.
 - (2) All applications shall be reviewed and permits issued by the Zoning Officer. No sign permit shall be issued, except in conformity with the regulations of this chapter, except upon order of the Zoning Hearing Board, granted pursuant to the procedures established for the issuance of a variance.
 - (3) Permit issuance. Following permit application approval, a sign permit will be issued by the Zoning Officer upon receipt of all required fees.
 - (4) If there is any change in location or dimensions of any sign or in advertising or informative contents of a sign, a new permit shall be required.
 - (5) Revocation of permits.
 - (a) All permits shall be subject to revocation upon 15 days' written notice for violation of any provision or upon change of information provided in the application.
 - (b) Revocation of a permit shall not be cause for refund of the permit fee.

§ 204-42. Temporary construction trailers or sheds.

Temporary construction trailers or sheds are permitted in all zones subject to the following criteria:

- A. Temporary construction trailers or sheds shall be permitted only during the period that the construction work is in progress. A permit for the temporary structure shall be obtained from the Zoning Officer prior to the commencement of construction and shall be renewed every 180 days.
- B. Temporary construction trailers or sheds shall be located on the lot on which the construction is progressing and shall not be located within 10 feet of any lot line abutting an existing residential use.
- C. Temporary construction trailers or sheds shall be used only as temporary field offices and for storage of incidental equipment and supplies and shall not be used for any dwelling use.
- D. A temporary construction trailer may be permitted for use as a sales center for residential lots. The maximum gross floor area of such a temporary sales center shall be 500 square feet.

§ 204-43. Temporary personal storage.

The use of temporary, nontraditional storage units, including those commercially known as "PODS®," enclosed "container" of a box trailer, and commercial truck and trailers with or without wheels, but also vehicles such as limited to cars, trucks, buses, campers and mobile homes for storage of household items, shall not be permitted in the R-1, R-2, VMU, and NC Zones, nor upon any property with an existing residential use except in accordance with following:

- A. In the event of emergency storage needs arising from displacement of the occupants of the dwelling due to fire, flood, wind, other natural occurrence, or relocation of occupant. This exception will only be granted after the issuances of a temporary zoning permit by the Zoning Officer. The zoning permit shall expire 180 days from the date the permit was originally issued. Upon written request by the permit holder the zoning permit may be granted a time extension in sixty day intervals.
- B. Temporary, nontraditional storage units, including those commercially known as "PODS®," enclosed "container" of a box trailer, and commercial truck and trailers with or without wheels, but also vehicles such as limited to cars, trucks, buses, campers and mobile homes shall not be located within 10 feet of any lot line.

§ 204-44. Unenclosed storage.

- A. Recreational vehicles, boats, campers, trucks, and utility trailers. Within the R-1 and R-2 Zones or upon any property used principally for residential purposes, the storage of recreational vehicles, travel trailers, trucks, boats [including trailers used solely for the transport of the residents' recreational vehicle(s)], and utility trailers, is permitted only according to the following requirements:
 - (1) For purposes of this section, recreational vehicles, travel trailers, boats [including trailers used solely for the transport of the residents' recreational vehicle(s)], and utility trailers are divided into two separate categories, as follows:

- (a) Class I vehicles: those recreational vehicles, travel trailers, boats [including trailers used solely for the transport of the resident's recreational vehicle(s)], and utility trailers that possess no more than 200 square feet, as measured to the vehicle's outermost edges, nor exceed a height of 10 feet, as measured from the ground to the highest point of the main body of the vehicle. Vehicle height shall not be measured on vehicle accessories (e.g., air conditioners, vents, hatches, masts, antennas, outrigging fishing poles, etc.), but will be measured to the highest point of any flybridge or other boat console.
 - (b) Class II vehicles: those recreational vehicles, travel trailers, boats [including trailers used solely for the transport of the residents' recreational vehicle(s)], and utility trailers that possess more than 200 square feet, as measured to the vehicle's outermost edges, exceed a height of 10 feet, as measured from the ground to the highest point of the main body of the vehicle, or both. Vehicle height shall not be measured on vehicle accessories (e.g., air conditioners, vents, hatches, antennas, masts, outrigging fishing poles, etc.), but will be measured to the highest point of any flybridge or other boat console.
- (2) The temporary parking of one Class I or Class II vehicle for periods not to exceed 72 hours during any seven-day period is permitted on a paved or gravel surface in any yard, so long as the vehicle is set back no less than 10 feet from any street right-of-way and five feet from adjoining lot lines.
 - (3) The storage of two Class I vehicles shall be permitted per lot behind the building setback line, so long as the unit is set back no less than 10 feet from any adjoining lot line. All areas used for the storage of Class I vehicles shall be maintained so as to keep vegetation properly trimmed and debris or litter disposed of regularly. All vehicles shall maintain required registration and prevent the leakage of fuels, lubricants, or both, into the ground.
 - (4) The storage of one Class II vehicle on a residentially zoned parcel or a parcel used for a principal residence is permitted, subject to the following requirements:
 - (a) In no case shall the vehicle contain more than 320 square feet, as measured to the vehicle's outermost edges, nor exceed a height of 13 feet, as measured from the ground to the highest point of the vehicle's main body. Vehicle height shall not be measured on vehicle accessories (e.g., air conditioners, vents, hatches, antennas, masts, outrigging fishing poles, etc.), but will be measured to the highest point of any flybridge or other boat console.
 - (b) All vehicles shall be set back a horizontal distance equal to the zone's principal use setbacks, or 10 feet, whichever is greater.
 - (c) No vehicle shall be stored in front of the building setback line. On vacant lots, the vehicle must be stored behind the required front yard setback line, as specified for principal uses.
 - (d) All areas used for the storage of Class II vehicles shall be maintained so as to keep vegetation properly trimmed and debris or litter disposed of regularly.

All vehicles shall maintain required registration and prevent the leakage of fuels, lubricants, or both, into the ground.

- (5) The storage or parking of one truck upon any property used principally for residential purposes is permitted for commercial vehicles weighing less than 10,000 pounds gross vehicle weight.
 - (6) In addition to the above, one utility trailer not exceeding 8,000 pounds rated hauling capacity shall be allowed in conjunction with the parking or storage of a Class I or Class II vehicle as described in this section, and must comply with all setback requirements described in this section.
 - (7) Grandfathering. Existing recreational vehicles, boats, campers, trucks, and utility trailers are permitted to continue to remain in a nonconforming condition; however, registration of an existing recreational vehicle, boat, camper, truck, or utility trailer to a new owner of record after the adoption date of this chapter shall forfeit its grandfathered status and shall comply with the aforementioned requirements.
- B. Outdoor stockpiling. In all zones, the unenclosed stockpiling of any material, except fire wood, cut, split and stacked shall be prohibited.
- C. Trash, garbage, refuse or junk. Except as provided in this chapter, the outdoor accumulation of trash, garbage, refuse or junk for a period exceeding 10 days is prohibited.
- D. Dumpsters/recycling. All trash dumpsters and recycling containers exceeding 25 cubic yards (excluding those curbside containers used for municipal trash disposal) shall be located within a side or rear yard. Trash dumpsters and recycling containers shall not encroach into required setbacks or buffer yards. Trash dumpsters and recycling containers shall be screened in accordance with § 204-26 of this chapter, and equipped with a self-latching door or gate.
- E. Domestic composts. The placement of framed enclosure composts as an accessory residential use is permitted. Only waste materials from the residential site shall be deposited within the compost and in no case shall meat or meat by-products be composted. All composts shall be properly maintained so as not to become a nuisance to nearby properties.
- F. Parking or storage of unlicensed or uninspected motor vehicles. No more than one unlicensed motor vehicle in good running condition, per occupied dwelling, may be stored on a graveled or paved driveway that is provided for customary residential use. Motor vehicles without current, valid license plates or inspection stickers which are more than 60 days beyond their expiration date shall not be parked or stored in any zone other than in a completely enclosed building that complies with accessory structure setbacks. The requirements of this section shall not be applicable to farm implements and other farm vehicles not normally used as a means of conveyance on public highways. Nothing contained herein shall be deemed to authorize the parking or storage of any motor vehicle in any zone, unless such motor vehicle is an accessory use to the present use of the lot. Notwithstanding the foregoing, this section, in and of itself, shall not be

interpreted to prevent the unenclosed storage of motor vehicles without current, valid license plates or current, valid inspection stickers if such storage is performed in conjunction with the legal operation of a automobile wrecking, junk and scrap storage and sales establishment, impoundment yards, and motor vehicle auctions.

§ 204-45. Use of on-lot sewage disposal systems.

- A. Regardless of any lot area requirements listed elsewhere in this chapter, the minimum required lot size may be increased to ensure an acceptable level of nitrate-nitrogen in the adjoining groundwater. Such determinations will be made by the PADEP through its sewer module review process. In those cases where applicable maximum lot area requirements are exceeded to protect groundwater quality, the applicant shall furnish evidence that the amount of land needed to protect local groundwater is the minimum necessary for such protection.
- B. Every use relying upon on-lot sewage disposal systems shall be required to properly maintain and repair such systems.

ARTICLE IV

Specific Criteria and Supplemental Regulations for Specific Uses

§ 204-46. Applicability.

- A. In addition to the general provisions for principal, accessory and/or temporary uses, buildings, and structures within a particular zone established in Article II of this chapter; the additional general provisions for uses, buildings, and structures established in the Article III and elsewhere in the chapter, this article sets forth the specific standards and supplemental regulations that shall be applied to each principal, accessory and/or temporary use identified herein. These specific use standards and supplemental regulations must be satisfied prior to approval of any application for a zoning permit, building permit, occupancy permit, temporary permit, special exception and/or conditional use. The applicant shall be required to demonstrate compliance with these standards and regulations and must furnish whatever evidence is necessary to demonstrate such compliance.
- B. All principal, accessory, and/or temporary uses identified subsequently herein this article, must comply with the general provisions for uses within a particular zone in which the use is to be located, unless different standards are established herein the subsequent sections of Article II of this chapter; in any case, the more restrictive of the general and specific provisions shall apply.
- C. For uses permitted within a specific zone as conditional uses and/or special exceptions, see also the procedures and standards in Articles VI or VII of this chapter, as applicable.

§ 204-47. Principal agricultural/forestry uses.

- A. Agribusiness. Agribusiness is permitted subject to the following criteria:

- (1) The following setbacks are required:
 - (a) Except for dwellings and residential accessory use and structures which shall comply with the residential area and design requirements of underlying zone districts, all structures shall be set back a minimum of 50 feet from any lot line.
 - (b) For new agribusiness operations or expansions of existing agribusiness operations, any manure storage facility shall be located in accordance with the setback requirements established by Act 38 of 2005 known as "ACRE."²⁷
- (2) The applicant shall demonstrate that the methods of disposing of dead animals are in strict compliance with applicable standards established by PADEP. Dead turkeys, chickens, or piglets shall be kept in airtight containers. Larger dead animals shall be kept in a manner so as to minimize the spread of odors and disease.
- (3) The applicant shall demonstrate that the farming operation allows for the safe and efficient movement of all vehicles associated with the operation.
- (4) All areas utilized for grazing or pasture areas shall be fenced.
- (5) All proposed entrances and exits to the operation shall be designed and improved in a manner which does not allow mud or gravel to be deposited or accumulate on or along abutting public streets.
- (6) Areas designed for outdoor storage of pallets, machinery, or other materials shall be provided with buffering and screening in accordance with Article III of this chapter.
- (7) A land development plan shall be submitted to, and approved by, the Township in accordance with the requirements of Chapter 180, Subdivision and Land Development.
- (8) All uses must comply with Township building, health, safety, property and other applicable local, county, state, and federal code and licensing requirements. All such licenses, certificates, and permits shall have been obtained and presented to the Township, or shall be a condition of approval. Specifically, new agribusiness operations, or expansions of existing agribusiness operations, which require a nutrient management plan in accordance with Act 38 of 2005 known as "ACRE" and all current regulations, the applicant shall demonstrate that such plan has been prepared and submitted to the Cumberland County Conservation District for review prior to the hearing for approval. Further, the applicant shall demonstrate that such plan has been approved by the Cumberland County Conservation District prior to the issuance of the zoning permit.

B. Agriculture. Agriculture is permitted subject to the following criteria:

27. Editor's Note: See 3 Pa.C.S.A. § 311 et seq.

- (1) The following setbacks are required:
 - (a) Except for dwellings and residential accessory use and structures which shall comply with the residential area and design requirements of underlying zone districts, all structures shall be set back a minimum of 50 feet from any lot line.
 - (b) Any manure storage facility shall be located in accordance with the setback requirements established by Act 38 of 2005²⁸ known as "ACRE," and all current regulations.
 - (2) The applicant shall demonstrate that the methods of disposing of dead animals are in strict compliance with applicable standards established by PADEP. Dead turkeys, chickens, or piglets shall be kept in airtight containers. Larger dead animals shall be kept in a manner so as to minimize the spread of odors and disease.
 - (3) The applicant shall demonstrate that the farming operation allows for the safe and efficient movement of all vehicles associated with the operation.
 - (4) All areas utilized for grazing or pasture areas shall be fenced.
 - (5) All proposed entrances and exits to the operation shall be designed and improved in a manner which does not allow mud or gravel to be deposited or accumulate on or along abutting public streets.
 - (6) Areas designed for outdoor storage of pallets, machinery, or other materials shall be provided with buffering and screening in accordance with Article III of this chapter.
 - (7) Surface water runoff from areas where animals are enclosed shall be diverted away from adjacent properties and shall not contaminate downstream watercourses.
 - (8) Any new operation or expansion of an existing agriculture operation shall not be approved by the Township until a soil erosion and sedimentation control plan has been prepared, and found satisfactory by the County Conservation District.
 - (9) All uses must comply with Township building, health, housing, rental, safety, property and other applicable local, county, state, and federal code and licensing requirements. All such licenses, certificates, and permits shall have been obtained and presented to the Township, or shall be a condition of approval. A list of all chemicals utilized in the propagation and care of farm products shall be filed annually with the Zoning Officer.
- C. Forestry. Forestry or commercial timber harvesting, excluding the cutting of trees for the personal use of the landowner or for precommercial timber stand improvement, is permitted subject to the following criteria:

28. Editor's Note: See 3 Pa.C.S.A. § 311 et seq.

- (1) All timber harvesting practices must protect nearby structures and utility lines. No uncontrolled felling shall be allowed.
 - (2) Preparation of a logging plan.
 - (a) Every landowner on whose land timber harvesting is to occur shall prepare a written logging plan in the form specified in this subsection and by state law.
 - (3) Compliance with applicable regulations.
 - (a) The logging plan shall address and comply with the requirements of all applicable state laws and regulations and Township ordinances, including but not limited to the following:
 - [1] Soil erosion and sedimentation control regulations and standards of the County Conservation District and/or PADEP requirements.
 - [2] Stream crossing and wetlands protection regulations of PADEP and/or the United States Army Corps of Engineers.
 - (b) Relationship of state laws, regulations, and permits to the logging plan. Any permits required by state laws and regulations shall be attached to and become part of the logging plan. A soil erosion and sedimentation control plan that satisfies the requirements of 25 Pennsylvania Code, Chapter 102, shall also satisfy the minimum requirements for the logging plan and associated map specified previously, provided that all information required by these subsections is included or attached.
 - (4) Responsibility for compliance. The landowner and the operator shall be jointly and severally responsible for complying with the terms of the logging plan.
 - (5) Responsibility for road maintenance and repair; road bonding. The landowner and the operator shall be responsible for repairing any damage to Township streets caused by traffic associated with the timber harvest operation pursuant to the provisions of 67 Pennsylvania Code, Chapter 189, hauling in excess of posted weight limit. The Township may require the landowner and/or operator to furnish a bond to guarantee the repair of any such damage, pursuant to the said provisions of the Pennsylvania Code.
- D. Riding schools and stables. Riding schools and stables are permitted subject to the following criteria:
- (1) All structures used for the boarding of horses and all outdoor training or show facilities or areas shall be set back at a minimum of 50 feet from any lot line.
 - (2) All outdoor training, boarding, or pasture areas shall be enclosed by a fence, a minimum of four feet high, or a natural or man-made barrier a minimum of 10 feet from any public road right-of-way.
 - (3) All stables shall be maintained and all animal wastes shall be properly stored and disposed of so to minimize odors perceptible at the lot line.

- (4) The applicant shall furnish evidence of an effective means of animal waste disposal which shall be implemented.

§ 204-48. Principal residential uses.

- A. Bed-and-breakfasts. Bed-and-breakfasts are permitted subject to the following criteria:
- (1) The building must be an existing single-family detached dwelling.
 - (2) All principal buildings permitted to be bed-and-breakfast uses shall maintain an exterior appearance that resembles and is compatible with any existing dwellings in the neighborhood. No modification to the external appearances of the building (except fire and safety requirements) which would alter its residential character shall be permitted.
 - (3) Fire escapes, where required, shall be located in the rear of the building and shall not be located on any wall facing a public street right-of-way.
 - (4) Accommodations shall be limited to no more than 10 guest bedrooms available or used in any one structure.
 - (5) The owner of the facility or resident manager must reside therein, and must be on the premises when guests are present.
 - (6) Overnight guests shall not occupy the facility for more than 14 consecutive nights in a thirty-day period.
 - (7) No cooking facilities shall be provided or permitted in individual guest bedrooms.
 - (8) Accessory uses, customarily incidental to the use of a bed-and-breakfast, shall be permitted so long as they complement the bed-and-breakfast use and do not encumber activities of surrounding lots.
 - (9) All parking areas shall be screened from abutting property in the residential zones (R-1 and R-2) or existing residential use.
 - (10) The applicant shall obtain any required land development approvals in accordance with the requirements of Chapter 180, Subdivision and Land Development.
 - (11) The applicant shall obtain all required building permits under the North Middleton Township Building Code and a proper zoning permit.
- B. Boardinghouses. Boardinghouses are permitted subject to the following criteria:
- (1) The total number of tenant/guest rooms for rent shall be three accommodating not more than six tenants/guests total.
 - (2) All tenant/guest rooms shall be limited to two tenants/guests each.
 - (3) The owner of the facility or resident manager must reside therein the boardinghouse.

- (4) All tenant/guest rooms available for boarding shall be located within the principal building.
 - (5) Entry access to all boarding rooms shall be through the interior of the building. No exit doors from individual boarding rooms shall lead directly to the exterior of the building.
 - (6) Residents must have access on site to shared common areas for cooking and eating. A common kitchen facility equipped for cooking meals located on site must be available to the residents, or daily meals must be provided on site for the residents of the boardinghouse.
 - (7) Meals for compensation shall be provided only to registered tenants/guests of the boardinghouse. No cooking facilities shall be provided or permitted in the individual tenant/guest rooms.
 - (8) Each floor must contain at least one fully equipped bathroom for each five tenants/guests that is accessible from a common hallway.
 - (9) All tenants/guests must execute a lease before occupancy.
 - (10) Tenant/guest rooms must be leased to the same tenant/guest for at least seven consecutive days.
 - (11) All parking areas shall be screened from abutting property in the residential zones (R-1 and R-2) or existing residential use.
 - (12) Public water and public sewer shall be required.
 - (13) The applicant shall obtain any required land development approvals in accordance with the requirements of Chapter 180, Subdivision and Land Development.
 - (14) The applicant shall obtain all required building permits under the North Middleton Township Building Code and a proper zoning permit.
- C. Continuing care retirement community facility. Continuing care retirement facilities are permitted subject to the following criteria:
- (1) Whenever a party or parties seeks to establish a continuing care retirement facility, the party or parties shall file a detailed statement of intent with the Township describing the proposed use and development of the lot. Such statement shall detail the proposed number and nature of the anticipated occupants and uses. The statement shall identify how said use satisfies a demonstrative need and shall be conducted in a responsible manner without detriment to surrounding properties and neighborhood.
 - (2) The continuing care retirement community is designed primarily for persons aged 55 and over.
 - (3) The subject property shall front on or have direct access via a public street to an arterial or collector road as provided in § 204-39 of this chapter.

- (4) The following uses shall be permitted as principal uses within a continuing care retirement community.
 - (a) Residential uses.
 - [1] Long-term care nursing centers.
 - [2] Personal care centers.
 - [3] Single-family attached dwellings.
 - [4] Single-family detached dwellings.
 - [5] Single-family semidetached dwellings.
 - [6] Two-family detached dwellings.
 - [7] Multifamily dwellings/apartments.
 - (b) Public-semipublic uses.
 - [1] Parks, other outdoor recreational uses.
 - [2] Libraries and community activity buildings.
 - [3] Indoor recreation uses and structures operated for the benefit or use of the community.
 - [4] Post office.
 - (c) Institutional uses.
 - [1] Places of worship.
- (5) The following uses shall be permitted as accessory uses in the continuing care retirement community for the use of residents and guests:
 - (a) Accessory service uses.
 - [1] Day-care facilities.
 - [2] Medical offices and clinics.
 - [3] Common dining facilities.
 - [4] Indoor recreation facilities.
 - [5] Outdoor recreational facilities.
 - (b) Accessory commercial uses.
 - [1] Financial institutions.
 - [2] Food services.
 - [3] Retail businesses.

- [4] Personal services.
- [5] Restaurants (no drive in or drive through).
- (c) Each accessory use shall be located in a building occupied by residential uses or in a community activities building.
- (d) Each accessory commercial use shall not exceed 2,500 square feet of net floor area.
- (e) The total area reserved of commercial accessory uses shall not exceed 4% of the total gross land area of the original tract/lot, and no more than 25,000 square feet, whichever is less.
- (6) Continuing care retirement communities shall meet the following area, density, coverage and setback requirements:
 - (a) Minimum lot area shall be 10 acres.
 - (b) Maximum density shall be 12 units per acre.
 - (c) Maximum impervious lot coverage shall be 60%.
 - (d) Minimum vegetative coverage shall be 30%.
 - (e) No building shall be within 25 feet of the lot line of the continuing care retirement community, nor within 35 feet of an outside or public street right-of-way.
 - (f) In instances where there is more than one building on a single lot, the following minimum building setback requirements shall be met:
 - [1] Front to front: 70 feet.
 - [2] Front to side: 50 feet.
 - [3] Front to rear: 40 feet.
 - [4] Side to rear: 20 feet.
 - [5] Side to side: 15 feet.
 - [6] Rear to rear: 30 feet.
 - [7] Corner to corner: 20 feet.
 - (g) Staging of development. When the continuing care retirement community is to be developed in stages, the following criteria must be met:
 - [1] The land development plan presented to the Township must show the approximate location and type of use for each stage of the development.
 - [2] If nonresidential uses will be a part of the development, the sequencing shall be shown so that not all residential development is constructed

prior to the construction of the nonresidential development, unless the development involves an existing continuing care retirement community that already includes existing nonresidential components, in which case the staging requirement would not apply.

- (7) Safe vehicular access and areas for discharging and picking up guests shall be provided.
 - (8) The location, orientation and lot circulation shall be coordinated with the Township in order to minimize the disturbance of adjacent land uses and neighborhood, and traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
 - (9) Deed restrictions or covenants should be included to provide for the creation of a property owners' association or board of trustees for the proper protection and maintenance of the development improvements in the future; at a minimum, all development improvements relating to internal streets, sidewalks, curbs, parks, parking areas, etc., shall remain private and the responsibility of the landowner and/or the operator. Should the property owners' association or board of trustees, or landowner and/or the operator neglect to maintain the designated improvements, as depicted on the plan, the Township may then maintain said areas and assess the responsible party for any costs incurred.
 - (10) The institution shall submit a copy of its emergency operations plan (EOP) to the local and county emergency management agency coordinator. The EOP shall also include detailed information regarding solid, medical and hazardous materials and waste handling, including a listing of all medical and hazardous materials and wastes used and generated on site and evidence indicating the disposal of all materials and wastes will be accomplished in a manner that complies with Township, state, and federal regulations.
 - (11) The applicant shall obtain any required land development approvals in accordance with the requirements of Chapter 180, Subdivision and Land Development.
- D. Flag lot residences. Flag lot residences are permitted subject to the following criteria:
- (1) For the purposes of this section, a flag lot shall be described as containing two parts:
 - (a) The "flag" shall include that portion of the lot that is the location of the principal and accessory buildings.
 - (b) The "pole" shall be considered that portion of the site that is used for vehicular access between the site and its adjoining road.
 - (2) Requirements for the flag.
 - (a) The minimum lot area and lot width requirements of the underlying zone area and design requirements shall be measured exclusively upon the flag.
 - (b) For purposes of determining required yards and setbacks, the following shall apply:

- [1] Front yard: the area between the principal structure and that lot line of the flag which is most parallel to the street providing vehicular access to the site. Additionally, all areas of the pole shall be considered to be within the front yard.
 - [2] Rear yard: the area between the principal structure and that lot line of the flag that is directly opposite the front yard, as described above.
 - [3] Side yards: the area between the principal structure and that one outermost lot line which forms the flag and pole, plus the area on the opposite side of the principal structure.
- (3) The flag lot shall contain adequate driveway dimension for vehicular backup so that ingress to and egress from the lot is in the forward direction.
 - (4) Requirements for the pole.
 - (a) The pole shall maintain a minimum width of 50 feet.
 - (b) The pole shall not exceed 600 feet in length, unless additional length is needed to avoid the disturbance of productive farmlands, prime agricultural soils, or some other significant natural or cultural feature.
 - (c) No part of the pole shall be used for any portion of an on-lot sewage disposal system, nor any other improvement except a driveway and other permitted improvements, such as landscaping, fencing, utility connections to off-site facilities, mailboxes and signs.
 - (d) The cartway contained on the pole shall be located at least six feet from any adjoining lot line and 20 feet from any existing structures on the site or any adjoining lot.
 - (e) No pole shall be located within 200 feet of another on the same side of the street, unless an adjoining pole utilizes a joint use driveway, regulated as follows:
 - (5) Joint use driveways.
 - (a) When one or more flag lots are proposed, such lots may rely upon a joint use driveway for vehicular access.
 - (b) A joint use driveway may serve up to a maximum of three total lots.
 - (c) All joint use driveways shall have a minimum cartway width of 14 feet.
 - (d) Joint use driveways shall be provided with cross-access easements in accordance with § 204-32A(9) of this chapter.

E. Group homes. Group homes are permitted subject to the following criteria:

- (1) Whenever a party or parties seeks to occupy a dwelling or other building as a group home facility, the party or parties shall file a detailed statement of intent with the Township describing the proposed use of the dwelling or building. Such

statement shall detail the proposed number and nature of the anticipated occupants. The statement shall identify how said use satisfies a demonstrative need and shall be conducted in a responsible manner without detriment to surrounding properties and neighborhood.

- (2) No portion of a group home shall be located within 500 feet of another group home facility.
 - (3) All principal structures permitted to be group home uses shall maintain an exterior appearance that resembles and is compatible with any existing dwellings in the neighborhood. No modification to the external appearances of the building (except fire and safety requirements) which would alter its residential character shall be permitted.
 - (4) Fire escapes, where required, shall be located in the rear of the building and shall not be located on any wall facing a street right-of-way.
 - (5) Under no circumstances shall any uses qualifying for or falling under the definition of a "half-way house" or "treatment center" be considered a group home facility.
 - (6) Occupants of the group home facility shall live as a family unit.
- F. Long-term care nursing home or personal care facility. Long-term care nursing homes and/or personal care facilities are permitted subject to the following criteria:
- (1) Whenever a party or parties seeks to establish a long-term nursing home or personal care facility on a lot or occupy a dwelling or other building as a long-term nursing home or personal care facility, the party or parties shall file a detailed statement of intent with the Township describing the proposed use and development of the lot or dwelling or building. Such statement shall detail the proposed number and nature of the anticipated occupants. The statement shall identify how said use satisfies a demonstrative need and shall be conducted in a responsible manner without detriment to surrounding properties and neighborhood.
 - (2) In addition to residential units (living and sleeping quarters with or without kitchen facilities), the following accessory uses may be provided for the exclusive use of residents and their guests:
 - (a) Dispensaries.
 - (b) Medical offices and clinics.
 - (c) Common dining facilities.
 - (d) Parks and other noncommercial recreation uses.
 - (e) Indoor recreation uses.
 - (f) Day cares.
 - (g) Financial institutions.
 - (h) Retail business.

- (i) Personal service.
- (3) Buildings on the same lot shall meet the following minimum setback requirements between buildings:
 - (a) Front to front: 70 feet.
 - (b) Front to side: 50 feet.
 - (c) Front to rear: 20 feet.
 - (d) Side to rear: 20 feet.
 - (e) Side to side: 15 feet.
 - (f) Rear to rear: 30 feet.
 - (g) Corner to corner: 20 feet.
 - (4) Minimum vegetative coverage shall be 40%.
 - (5) All principal structures permitted to be long-term nursing homes and personal care facilities shall maintain an exterior appearance that resembles and is compatible with any existing dwellings in the neighborhood. No modification to the external appearances of the building (except fire and safety requirements) which would alter its residential character shall be permitted.
 - (6) Fire escapes, where required, shall be located in the rear of the building and shall not be located on any wall facing a street right-of-way.
 - (7) The location, orientation and lot circulation shall be coordinated with the Township in order to minimize the disturbance of adjacent land uses and neighborhood, and traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
 - (8) A long-term nursing home or personal care facility shall be directly affiliated with a parent institution or organization, which shall provide full-time supervision and administration to the residents of the long-term nursing home or personal care facility.
 - (9) The institution shall submit a copy of its emergency operations plan (EOP) to the local and county emergency management agency coordinator. The EOP shall also include detailed information regarding solid, medical and hazardous materials and waste handling, including a listing of all medical and hazardous materials and wastes used and generated on site and evidence indicating the disposal of all materials and wastes will be accomplished in a manner that complies with Township, state, and federal regulations.
 - (10) A land development plan shall be submitted to, and approved by, the Township in accordance with the requirements of Chapter 180, Subdivision and Land Development.

- G. Mobile home parks. Mobile home parks are permitted subject to Chapter 180, Subdivision and Land Development, and the applicable regulations set forth elsewhere in this chapter.
- (1) All uses must comply with Township building, health, safety, property and other applicable local, county, state, and federal code and licensing requirements. All such licenses, certificates, and permits shall have been obtained and presented to the Township, or shall be a condition of approval.
- H. Multifamily dwellings/apartments. Multifamily dwellings/apartments are permitted subject to the following criteria:
- (1) Minimum required lot area shall be one acre.
 - (2) Maximum density shall be 12 units per acre.
 - (3) Minimum required lot width shall be:
 - (a) One hundred fifty feet at building setback line.
 - (b) One hundred fifty feet at the lot frontage.
 - (4) Maximum impervious lot coverage shall be 55%.
 - (5) Minimum required setbacks shall be:
 - (a) Front: 35 feet.
 - (b) Side: 30 feet one side, and 60 feet both sides.
 - (c) Rear: 35 feet.
 - (6) Maximum permitted building height: 35 feet.
 - (7) All principal buildings permitted to be multifamily dwelling/apartment facilities shall maintain an exterior appearance that resembles and is compatible with any existing dwellings in the neighborhood. No modification to the external appearances of the building (except fire and safety requirements) which would alter its residential character shall be permitted.
 - (8) Fire escapes, where required, shall be located in the rear of the building and shall not be located on any wall facing a street right-of-way.
 - (9) In those instances where more than one multifamily dwelling/apartment building is located on the same lot, the following separation distances will be provided between each building:
 - (a) Front to front, rear to rear, parallel buildings shall have at least 45 feet between faces of the building.
 - [1] If the front or rear faces are obliquely aligned, the above distances may be decreased by as much as 10 feet at one end if increased by similar or greater distance to the other end.

- (b) A minimum distance of 25 is required between end walls of buildings.
 - [1] If the buildings are at right angles to each other, the distance between the corners of the end walls of the building may be reduced to a minimum of 15 feet.
 - (c) A minimum distance of 25 feet is required between end walls and front or rear faces of buildings.
 - (d) All multifamily dwelling/apartment buildings shall be set back a minimum of 15 feet from any interior access drives or parking facilities contained on commonly held lands.
 - (e) In no case shall there be more than 12 dwelling units per building.
- (10) A minimum of 30% of the total tract area shall be designated and maintained as common open space. Responsibility for maintenance of the open space area shall be with the landowner.
- (11) The location, orientation and lot circulation shall be coordinated with the Township in order to minimize the disturbance of adjacent land uses and neighborhood, and traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
- (12) Public water and public sewer shall be required.
- I. Multiunit residential conversions. Multiunit residential conversions are permitted subject to the following criteria:
- (1) The building must be a single-family detached dwelling that existed on the effective date of this chapter, and contained (at that time) at least 2,400 square feet of habitable floor area.
 - (2) All multiunit residential conversions shall comply with the applicable area and design requirements for applicable use in the underlying zone shall apply [i.e., a multiunit residential conversion resulting in not more than two total dwelling units (including the original dwelling unit), then two-family dwelling area and design requirements apply; a multiunit residential conversion resulting in not more than three or more total dwelling units (including the original dwelling unit), then multifamily dwelling area and design requirements apply].
 - (3) The total number of dwelling units permitted per lot shall be:
 - (a) Three in the R-2 Zone.
 - (b) Four in VMU and NC Zones.
 - (4) All principal buildings permitted as part of a multiunit residential conversion use shall maintain an exterior appearance that resembles and is compatible with any existing dwellings in the neighborhood. No modifications to the external appearance of the building (except fire escapes) which would alter its residential character shall be permitted.

- (5) Fire escapes, where required, shall be located in the rear of the building and shall not be located on any wall facing a street right-of-way.
 - (6) All units contained on floors above or below grade shall have a direct means of escape to ground level.
 - (7) No dwelling unit shall be less than 600 square feet.
 - (8) All dwelling units shall be located within the principal building.
 - (9) All dwelling units must have separate kitchen and bathroom facilities as well as living/sleeping spaces.
 - (10) The location, orientation and lot circulation shall be coordinated with the Township in order to minimize the disturbance of adjacent land uses and neighborhood, and traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
 - (11) Public water and public sewer shall be required.
- J. Single-family attached dwellings. Single-family attached dwellings are permitted subject to the following criteria:
- (1) Minimum required lot area shall be:
 - (a) One acre of contiguous undeveloped property in single ownership.
 - (b) Two thousand square feet for individual lots.
 - (2) Maximum density shall be eight units per acre.
 - (3) Minimum required lot width shall be:
 - (a) Twenty feet at the building setback line.
 - (b) Twenty feet at the lot frontage.
 - (4) Maximum impervious lot coverage shall be:
 - (a) Fifty-five percent for the entire development.
 - (b) Fifty-five percent for individual lots.
 - (5) Minimum required setbacks shall be:
 - (a) Front: 35 feet.
 - (b) Side: zero feet for common and interior lots (attached units) and 30 feet for end units.
 - (c) Rear: 35 feet.
 - (6) Maximum permitted building height: 35 feet.
 - (7) The maximum number of dwelling units in a row shall be six, but where four or more dwelling units are in a row, then no more than 60% shall have the same front

setback and roofline that generally parallel the ground along the same horizontal plane.

- (8) Each group of single-family attached dwellings shall be set back a minimum of 30 feet from any other group of such dwellings.
 - (9) No more than two abutting units shall have the same front setback and roofline that generally parallel the ground along the same horizontal plane.
 - (10) The minimum front setback variation shall be four feet.
 - (11) The location, orientation, and lot circulation shall be coordinated with the Township in order to minimize the disturbance of adjacent land uses and neighborhood, and traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
 - (12) Public water and public sewer shall be required.
 - (13) The applicant shall obtain any required land development approvals.
- K. Single-family semidetached dwellings. Single-family semidetached dwellings are permitted subject to the following criteria:
- (1) Public water and public sewer shall be required.
- L. Two-family detached dwellings. Two-family detached dwellings are permitted subject to the following criteria:
- (1) Public water and public sewer shall be required.

§ 204-49. Principal nonresidential uses.

- A. Adult-related uses. Adult-related uses are permitted, subject to the following criteria:
- (1) The subject property shall front on or have direct access via a public street to an arterial or collector road as provided in § 204-39 of this chapter.
 - (2) Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
 - (3) No portion of an adult-related use shall be located within 500 feet of another adult-related use.
 - (4) No portion of a building occupied by an adult-related use shall be located within 500 feet from property in the residential zones (R-1 and R-2) or existing residential use.
 - (5) No portion of a building occupied by an adult-related use shall be located within 500 feet of any property which contains any one or more of the following specified land uses where minors may congregate:

- (a) Commercial recreation facility, indoor/outdoor.
 - (b) Day-care facility primarily for children.
 - (c) Library.
 - (d) Park, playground, playfield.
 - (e) Place of worship.
 - (f) School, private/public.
 - (g) Swimming pool, public.
 - (h) Other lands, buildings, and uses where minors are permitted to congregate.
- (6) No materials, merchandise, or film offered for sale, rent, lease, loan, or for view upon the premises shall be exhibited or displayed outside of a building or structure.
 - (7) Any building or structure used and occupied as an adult-related establishment shall be windowless, or have an opaque covering over all windows or doors of any area in which materials, merchandise, or film are exhibited or displayed, and no sale materials, merchandise, or film shall be visible from outside of the building or structure.
 - (8) All signs shall comply with § 204-41 of this chapter. No sign shall be erected upon the premises pictorially depicting or giving a visual representation of the type of materials, merchandise or film offered therein.
 - (9) Each entrance to the premises shall be posted with a notice specifying that persons under the age of 18 years are not permitted to enter therein and warning all other persons that they may be offended upon entry.
 - (10) No adult-related use may change to another adult-related use, except upon additional approval by the entity with jurisdiction for initial approval.
 - (11) The use shall not create an enticement for minors because of its proximity to nearby uses where minors may congregate.
 - (12) No unlawful sexual activity or conduct shall be permitted.
 - (13) No more than one adult-related use may be located within one building or on one lot.
- B. Airports/heliports. Airports/heliports are permitted, subject to the following criteria:
- (1) Minimum lot area shall be:
 - (a) Thirty acres for airports; and
 - (b) Three acres for heliports.
 - (2) No part of the takeoff/landing strip and/or pad shall be located nearer than 300 feet from any lot line.

- (3) All facilities shall be designed and operated in strict compliance with all applicable state and federal laws and regulations.
 - (4) The applicant shall furnish evidence of the obtainment of a license from the Pennsylvania Department of Transportation, Bureau of Aviation, prior to the approval of the application.
- C. Animal hospitals/veterinary offices. Animal hospitals/veterinary offices are permitted, subject to the following criteria:
- (1) Minimum lot area. Unless animals are kept inside at all times, each site shall contain at least five acres; otherwise, the minimum lot area requirement of the underlying zone shall apply.
 - (2) Unless animals are kept inside at all times, all animal boarding and related buildings that are not completely enclosed, and any outdoor animal pens, stalls or runways shall be located within the rear yard, shall be provided with buffering and screening in accordance with § 204-26 of this chapter, and shall be a minimum of: 100 feet from all lot lines; and 200 feet from property in the residential zones (R-1 and R-2) or existing residential use. Otherwise, the setback requirements of the underlying zone shall apply.
 - (3) All structures where animals are kept shall be soundproofed in a manner to prevent sound and odor from traveling outside, such as solid core doors, sound absorbent ceilings and forced air ventilation.
 - (4) All areas used for outdoor exercise shall be enclosed or securely fenced to prevent the escape of animals.
 - (5) All outdoor pasture areas shall be enclosed and securely fenced by a minimum four-foot-high fence.
 - (6) Where permitted, animals may exercise outside daily between the hours of 8:00 a.m. to 8:00 p.m.
- D. Automobile filling and/or service stations. Automobile filling and/or service stations are permitted subject to the following criteria:
- (1) The subject property shall front on or have direct access via a public street to an arterial or collector road as provided in § 204-39 of this chapter.
 - (2) Vehicles shall not occupy any part of the existing or future street right-of-way (including sidewalks) or required off-street parking areas.
 - (3) Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
 - (4) On-lot traffic circulation channels, storage, and parking areas shall be clearly delineated. Fuel delivery shall not impede traffic-flow patterns.
 - (5) All areas used for the storage, parking, and otherwise permitted servicing of vehicles shall be aligned and displayed in an orderly fashion so that circulation for fire safety can be maintained at all times.

- (6) All areas used for the storage, parking, and otherwise permitted servicing of vehicles shall be graded for proper drainage and shall be surfaced so as to provide a durable and dustless surface.
 - (7) All permitted activities, except for parking, storage, and those normally required to be performed at the gasoline/fuel and air pumps, and washing and vacuuming areas shall be performed within a completely enclosed building.
 - (8) In no case shall any vehicle in any state of servicing/repair be permitted to be stored in the front yard.
 - (9) All ventilation equipment outlets, fume collection, and other similar equipment associated with the service/repair work area(s) and/or service/repair and wash bay doors/opening shall not be located or oriented directly toward any property in the residential zones (R-1 and R-2) or existing residential use.
 - (10) The demolition or junking of vehicles is prohibited. The storage of inoperable vehicles and related parts shall be within a completely enclosed building.
 - (11) The outdoor storage of vehicles on the property without current registration is prohibited.
 - (12) No vehicle, except those with current registration, shall be stored upon the site for more than 35 days.
- E. Automobile wrecking, junk and scrap storage and sales (junkyards). Automobile wrecking, junk and scrap storage and sales (junkyards) are permitted subject to the following criteria:
- (1) Minimum lot area shall be 10 acres.
 - (2) No garbage or other organic waste shall be stored on such premises.
 - (3) All junk, scrap, machinery or equipment stored outside shall not be permitted in required front, side, or rear building setback or buffer yard areas.
 - (4) All junk, scrap, machinery and equipment stored outside shall be at least 100 feet from property in the residential zones (R-1 and R-2) or existing residential use and 40 feet from any street right-of-way.
 - (5) The entire premises shall be enclosed by a minimum six-foot-high fence consisting either heavy-duty steel and supported upon steel posts of a solid masonry or metal wall of a uniform design and texture.
 - (a) The height of the fence may be increased above the maximum height permitted in § 204-25 of this chapter to ensure no material may be stored or stacked so that it is visible from abutting properties or adjoining street rights-of-way; and
 - (b) Level 3 screening in accordance with § 204-26 of this chapter shall be provided around the entire premises, outside of the required fencing.

- (6) All junk shall be stored or arranged so as to permit access by firefighting equipment and to prevent the accumulation of water, and with no junk, scrap, machinery or equipment piled to a height greater than 10 feet.
 - (a) There shall be a minimum of 20 feet of clear space between rows, with each row to be no greater in width than 40 feet.
 - (7) No material shall be placed in any establishment in such a manner that it is capable of being transferred off the premises by wind, water or other natural causes.
 - (a) All paper, cloth and rags and other fibers, and activities involving the same, other than loading and unloading, shall be within fully enclosed building.
 - (8) No material shall be burned or incinerated at any time.
 - (9) No automotive wrecking, junk, scrap storage and sales establishments shall be located on land with a slope in excess of 5%.
 - (10) All vehicles within the automotive wrecking, junk, scrap storage and sales establishments shall be completely drained of fuel, lubricants, battery fluid, transmission fluid, brake fluids, coolants, and air-conditioning fluids.
 - (11) All additional federal and state laws shall be satisfied.
 - (12) The establishment shall at all times be maintained in such a manner as to prevent:
 - (a) Any menace to public health and safety.
 - (b) Offensive or obnoxious odors.
 - (c) The breeding, harboring or infestation of rats and other rodents and vermin.
 - (d) Violation of any health, sanitary law, ordinance, or regulation of North Middleton Township and/or the Commonwealth of Pennsylvania.
 - (13) Every structure erected upon the lot after the effective date of this chapter shall be of fireproof construction with the exception of fences.
 - (14) The use shall otherwise comply with all provisions of Chapter 120, Junkyards.
- F. Automobile, heavy equipment and similar motor vehicle rental/sales. Automobile, heavy equipment and similar motor vehicle rental/sales are permitted subject to the following criteria:
- (1) The subject property shall front on or have direct access via a public street to an arterial or collector road as provided in § 204-39 of this chapter.
 - (2) Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
 - (3) Vehicles as part of inventory/display/sales shall not occupy any part of the existing or future street right-of-way (including sidewalks) or required off-street parking areas.

- (4) Vehicles as part of inventory/display/sales shall be permitted within the front yard and/or front required setback area, but shall not be closer than 20 feet from the front lot line.
 - (5) Vehicles as part of inventory/display/sales shall not be permitted in any required side or rear building setback areas.
 - (6) On-lot traffic circulation channels, storage, inventory/display/sales, and parking areas shall be clearly delineated.
 - (7) All areas used for the storage, inventory/display/sales, parking, and otherwise permitted servicing of vehicles shall be aligned and displayed in an orderly fashion so that circulation for fire safety can be maintained at all times.
 - (8) All areas used for the storage, inventory/display/sales, parking, and otherwise permitted servicing of vehicles shall be graded for proper drainage and shall be surfaced so as to provide a durable and dustless surface.
 - (9) All permitted activities except for the storage, inventory/display/sales, parking, and those normally required to be performed at the gasoline/fuel and air pumps, and washing and vacuuming areas shall be performed within a completely enclosed building.
 - (10) Where outside vehicle storage, sales/rental inventory/display areas abut a street right-of-way, a perimeter landscape strip in accordance with § 204-26 of this chapter shall be provided.
 - (11) In no case shall any permitted motor vehicle in any state of servicing/repair be permitted to be stored in the front yard.
 - (12) All ventilation equipment outlets, fume collection, and other similar equipment associated with the service/repair work area(s) and/or service/repair and wash bay doors/opening shall not be located or oriented directly toward any property in the residential zones (R-1 and R-2) or existing residential use.
 - (13) The demolition or junking of vehicles is prohibited. The storage of vehicles and related parts shall be within a completely enclosed building.
 - (14) The outdoor storage of vehicles on the property without current registration is prohibited.
 - (15) No vehicle, except those with current registration and offered for sales/rental, shall be stored upon the site for more than 35 days.
- G. Automobile, heavy equipment and similar motor vehicle repair centers. Automobile, heavy equipment and similar motor vehicle repair centers are permitted subject to the following criteria:
- (1) The subject property shall front on or have direct access via a public street to an arterial road as provided in § 204-39 of this chapter.

- (2) These uses include service and repair of excavation machinery, commercial trucks, buses, farm equipment, mobile homes, trailers or other similar machinery.
- (3) All service and/or repair activities shall be conducted within a completely enclosed building.
- (4) All uses involving drive-through service shall provide sufficient on-site stacking lanes to prevent vehicle backups on adjoining roads.
- (5) All exterior storage areas shall be screened from adjoining residentially zoned properties as provided in § 204-26 of this chapter. All exterior storage areas shall be set back at least 50 feet from adjoining street lines and shall be covered in an all-weather, dust-free surface.
- (6) The storage of junked vehicles, boats, machinery, trucks, trailers, mobile homes and heavy equipment vehicles on the property is prohibited.
- (7) Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directed toward any residentially zoned property or residential use.
- (8) All vehicles shall be repaired and removed promptly from the premises.
- (9) The applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with state and federal regulations.

H. Billboards. Billboards are permitted subject to the following criteria:

- (1) The subject property shall front on or have direct access via a public street to an arterial or collector road as provided in § 204-39 of this chapter.
- (2) No billboard shall be located within 500 feet of another billboard, including billboards on either side of a street and any existing billboards in other municipalities.
 - (a) No lot or structure shall include more than one billboard, except that a billboard may have two sign faces if they are placed approximately back-to-back.
- (3) All billboards shall be a minimum of 35 feet from all side and rear lot lines.
- (4) All billboards shall be set back at least 25 feet from any street right-of-way lines.
- (5) No billboard shall be located within 250 feet from property in the residential zones (R-1 and R-2) or existing residential use.
- (6) No billboard shall obstruct the view of motorists on adjoining roads, or the view of abutting business uses which depend upon visibility for identification.
- (7) No billboard shall be attached in any way to a building. Additionally, no billboard shall be attached in any way to any other billboard, except that a billboard may have two sign faces if they are placed approximately back-to-back.
- (8) No billboard shall be placed on nor affixed to any vehicle or trailer:

- (a) In such a manner that the carrying of such sign is no longer incidental to the vehicle's primary purpose of transporting persons and goods; and
 - (b) That is parked on a public right-of-way, public or private property so as to be visible from a public right-of-way are prohibited where the apparent purpose is to advertise a product or direct people to a business, organization, or other activity.
- (9) No billboard shall exceed an overall size of 300 square feet.
- (10) Maximum height. Whichever is less of the following:
- (a) Twenty-five feet above the ground level upon which the billboard is located; or
 - (b) Twenty-five feet above the elevation of the center line of pavement of the adjacent street at the point nearest the billboard.
- (11) Billboards shall comply with sign lighting standards set forth in § 204-41 and § 204-37B(9) of this chapter relating to outdoor lighting, illumination of signs and billboards.
- (12) Landscaping requirements.
- (a) A decorative landscaped strip shall be located immediately adjoining the supporting structure of the billboard in all directions.²⁹
 - (b) A hedge or other desirable planting of at least 2 1/2 feet in height shall extend the entire length and breadth of the required landscaped strip.
 - (c) The rear side of a single-faced billboard shall be of one color and screened by with Level 2 screening in accordance with § 204-26 of this chapter.
- I. Campgrounds and recreational vehicle parks. Campgrounds and recreational vehicle parks are permitted subject to the following criteria:
- (1) The minimum tract size for a campground or recreational vehicle park shall be 10 acres.
 - (2) All campgrounds or recreational vehicle parks containing more than 100 campsites or recreational vehicle spaces shall front on or have direct access via a public street to an arterial or collector road as provided in § 204-39 of this chapter.
 - (3) For all campgrounds or recreational vehicle parks, traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
 - (4) All camping or recreational vehicle spaces shall be located at least 50 feet from any side or rear lot line and at least 100 feet from any public street right-of-way.
 - (5) Each camping or recreational vehicle space shall be numbered.

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

- (6) The minimum size, dimensions and separation from other sites of each camping or recreational vehicle space shall be as follows:
 - (a) Primitive tent space: 400 square feet (20 feet by 20 feet).
 - (b) Standard tent space: 1,600 square feet (40 feet by 40 feet).
 - (c) Recreational vehicles: 3,600 square feet (60 feet by 60 feet).
- (7) Each recreational vehicle space may be provided with individual electrical, sewage, and water connections. These element provisions generally do not apply to primitive and standard tent sites.
- (8) Every campground and recreational vehicle park shall be provided with a public comfort station, including showers, rest room facilities and a sheltered drinking fountain in accordance with requirements of the Commonwealth of Pennsylvania, including 28 Pa. Code Chapter 19, relating to organized camps and campgrounds.
- (9) Every campground and recreational vehicle park shall be provided with a paved sanitary station for the disposal of wastes from vehicle holding tanks that shall be set back a minimum of 100 feet from any lot line. All sanitary stations shall be designed in accordance with PADEP requirements and other applicable laws of the commonwealth.
- (10) Every campground and recreational vehicle park shall be provided with centralized garbage collection facilities that shall be set back a minimum of 100 feet from any lot line.
- (11) A minimum of 10% of the gross area of the campground or recreational vehicle park or 500 square feet per camping or recreational vehicle space, whichever is greater, shall be set aside for recreation and open space use exclusively by all registered occupants (and their guests) of the facility. Such facilities shall be set back at least 50 feet from any lot line, and 100 feet from property in the residential zones (R-1 and R-2) or existing residential use.
- (12) Camping spaces shall be improved to provide an adequate foundation for the placement of a camping unit. Where camping units are intended to include travel trailers, recreational vehicles or other similar portable units, such foundation shall consist of at least a durable, dust-free all-weather surface.
- (13) Standard tent sites (nonprimitive) shall be provided with a leveling area (tent pad) for the placement of tents.
- (14) Camping and recreational vehicle spaces shall be appropriately segregated and buffered to promote safety and compatibility among users and to eliminate nuisances.
- (15) No permanent structures shall be permitted on any individual campsite or recreational vehicle site other than fire places, improved pads, and required utility facilities.

- (16) An internal road system shall be provided. All roads, streets, and access drives shall be designed, constructed and maintained dust free.
 - (17) Existing trees and vegetation shall be preserved, to the extent possible, to keep the area as close as possible to its original condition.
 - (18) Campgrounds or recreational vehicle parks shall provide screening and buffering along the exterior/boundary lot lines of the campground and recreational park in accordance with § 204-26 of this chapter.
 - (19) Any accessory retail or service commercial uses shall be solely designed and constructed to serve only the campground's or recreational vehicle park's registered occupants and their visitors. Any parking spaces provided for these commercial uses shall only have vehicular access from the campground's or recreational vehicle park's internal road rather than the public street right-of-way.
 - (20) Campgrounds and recreation vehicle parks shall be designed for intermittent recreational use. No persons or occupants shall be permitted to permanently reside on any campsite or recreational vehicle site, except the campground or recreational vehicle park owner and/or resident manager.
 - (21) It shall be the responsibility of the campground and/or recreational vehicle park owner to maintain all improvements and facilities, including but not limited to areas and facilities designated for internal roads, sewage disposal, water supply, stormwater management, open space, and solid waste collection.
- J. Car washes. Car washes, where permitted, are subject to the following criteria:
- (1) The subject property shall front on or have direct access via a public street to an arterial or collector road as provided in § 204-39 of this chapter.
 - (2) Minimum required lot width shall be:
 - (a) One hundred fifty feet at building setback line.
 - (b) One hundred fifty feet at the lot frontage.
 - (3) Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
 - (4) Car washes must be provided with separate entrance and exitways with paved access drives.
 - (5) On-lot traffic circulation channels and parking areas shall be clearly marked.
 - (6) For automatic and self-service car washes:
 - (a) Each washing bay shall provide a minimum one-hundred-foot long on-site stacking lane which precedes the washing process; and
 - (b) A post-washing drying area shall be provided for no fewer than two vehicles per washing lane.
 - (7) For full-service car washes:

- (a) Each washing bay shall provide a minimum of three-hundred-foot per lane long on-site stacking lane which precedes the washing process; and
 - (b) A post-washing drying area shall be provided for no fewer than four vehicles per washing lane.
- (8) The applicant shall provide evidence that adequate measures will be in place to prevent pollutants from being washed into the groundwater or waterways. Any chemicals that may be hazardous to aquatic life shall be stored within an area that will completely contain any leaks or spills.
 - (9) Gray water recycling is mandatory.
 - (10) Water from the car wash operation shall not flow onto sidewalks or streets in such a manner as could cause ice hazards.
 - (11) Exterior trash receptacles shall be provided. Such receptacles shall be routinely emptied so as to prevent the scattering of litter and debris. All applications shall include a description of a working plan for the cleanup of litter.
- K. Cemetery. Cemeteries are permitted subject to the following criteria:
- (1) The minimum lot area shall be 2.5 acres.
 - (2) The total impervious lot coverage shall not exceed 10% of the lot area.
 - (3) All burial plots and all structures shall be located at least 25 feet from any lot line or street right-of-way line.
 - (4) No burial plot shall be permitted in any floodplain or flood fringe area.
 - (5) The applicant shall file a site plan with the Township to demonstrate the design and layout specifically illustrating the:
 - (a) Proposed drainage plan.
 - (b) Internal circulation plan.
 - (c) Location of building(s) and structure(s).
 - (6) The owner(s) and operator(s) of a cemetery shall incorporate best management practices as outlined in the Pennsylvania Handbook of Best Management Practices for Developing Areas to minimize negative impacts of erosion, siltation and surface water and groundwater contamination.
 - (7) At no time shall a corpse be exposed or visible from a public right-of-way or adjacent property.
 - (8) Any escrow account provided for by state or federal law shall be established in favor of North Middleton Township.
 - (9) The use shall comply with all applicable state laws.

- L. Club, clubhouse or lodge, meeting grounds: private or any combination thereof. Private clubs, clubhouses or lodges, meeting grounds are permitted subject to the following criteria:
- (1) The subject property shall front on or have direct access to an arterial or collector road as provided in § 204-39 of this chapter.
 - (2) Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
 - (3) All outdoor recreation/activity areas shall be set back at least 50 feet from any lot line.
 - (4) No sign advertising the sale of food and/or beverages shall be permitted.
 - (5) The owner(s) and operator(s) shall be responsible for the conduct and safety of the members and their guests.
- M. Commercial recreation, indoor. Indoor commercial recreation facilities are permitted subject to the following criteria:
- (1) All activities shall take place in a completely enclosed building.
 - (2) All structures where indoor commercial recreation occurs shall be soundproofed in a manner to prevent sound from traveling outside, such as solid core doors, sound absorbent ceilings and forced air ventilation.
 - (3) Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
- N. Commercial recreation, outdoor. Outdoor commercial recreation facilities are permitted subject to the following criteria:
- (1) Minimum lot area shall be five acres.
 - (2) The subject property shall front on or have direct access via a public street to an arterial or collector road as provided in § 204-39 of this chapter.
 - (3) Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
 - (4) Required setbacks.
 - (a) All outdoor recreation/activity areas shall be set back at least 50 feet from the street right-of-way and from property in the residential zones (R-1 and R-2) or existing residential use.
 - (b) Any structures exceeding the maximum permitted height may be permitted so long as they are set back from all lot lines at least the horizontal distance equal to their height, plus an additional 50 feet. Furthermore, such structures shall not be used for occupancy.
 - (c) Any booths or other structures used for the collection of admission and/or parking fees shall be set back and arranged to prevent vehicle backups on abutting roads and streets during peak arrival periods. Any other collection of

fees (roaming parking lot attendants) shall be conducted in a manner to prevent vehicle backups on adjoining streets.

- (d) Otherwise all structures shall comply with the underlying zone setbacks.
 - (5) Any exterior microphone/speaker system shall be oriented, arranged and/or screened to prevent any objectionable noise impact on adjoining properties.
 - (6) Exterior trash and recycling receptacles shall be provided. Such receptacles shall be routinely emptied so as to prevent the scattering of litter and debris. All applications shall include a description of a working plan for the cleanup of litter.
- O. Communication antennas, towers, and equipment building transmitting and receiving facilities or any combination thereof. Communication antennas, towers, and equipment buildings transmitting and receiving facilities are permitted subject to the following criteria:
- (1) Applications for the construction of communication antennas, support structures, and related facilities shall include a written report containing the following:
 - (a) Information describing the tower height and design.
 - (b) A cross section of the structure.
 - (c) Engineering specifications detailing construction of tower, base, and guy wire anchorage.
 - (d) Information describing the proposed painting and lighting schemes.
 - (e) Information describing the tower's capacity, including the number and type of antennas that it can accommodate.
 - (f) All tower structure information shall be certified by a licensed professional engineer.
 - (g) Certification that there is not suitable space on existing sites or structures where the intended facility can be accommodated and function as required without reasonable modification.
 - (h) Technological evidence that the facility must go where proposed in order to satisfy its function in the grid system and provide the quality of service required by law.
 - (i) Written authorization from the property owner of the proposed site.
 - (j) Inventory of existing towers and potential antenna support structures within a two-mile radius of the proposed site, discussing the unavailability of sites and reasons therefor.
 - (k) Evidence of the applicant's good faith efforts to locate the antenna on an existing structure.

- (1) Applicant shall demonstrate that he/she is licensed by the FCC to operate a communications tower and/or communications antenna.
- (2) Communication towers and related buildings shall not be permitted in the residential zones (R-1 and R-2) and mixed use zones (VMU and NC).
- (3) Communication antennas located in the residential zones (R-1 and R-2) and mixed use zones (VMU and NC) shall employ stealth siting and design solutions.
- (4) All other uses ancillary to the antenna, tower, and associated equipment are prohibited (except accessory equipment buildings), unless otherwise permitted in the underlying zone in which the site is located. This includes, but is not limited to, business offices, maintenance depots and vehicle storage.
- (5) Any utilities extended to the tower site shall be placed underground.
- (6) Other standards of approval for antenna support structures and antenna-related facilities include the following:
 - (a) Setbacks are subject to the following criteria:
 - [1] Antenna support structures shall be set back from all lot lines a distance equal to the height of the antenna.
 - [2] The structure shall be self-collapsing or have a clear fall area setback equal to the height of the structure and any attached antennas.
 - (b) Antenna support structure height is subject to the following criteria:
 - [1] The maximum height of any single antenna support structure located at a single site for one antenna shall be at the lowest height to function at the proposed location, based upon specific engineering data pertaining to the function of the antenna support structure to be supplied by the applicant.
 - [2] An antenna support structure may exceed the maximum allowable height to allow for the co-location of another antenna, provided that the applicant shows evidence that the antenna support structure will be a shared location site.
 - (c) Landscaping and screening are subject to the following criteria:
 - [1] If the antenna support structure site is located in an area of existing trees and vegetation, the existing trees and vegetation shall be preserved to the fullest extent possible to keep the area as close as possible to its original condition. The existing trees and vegetation shall be supplemented as needed to fully screen the antenna support base.
 - [2] If the site lacks adequate trees and vegetation, the entire perimeter of the fence surrounding the antenna support structure compound shall be provided with Level 2 screening in accordance with § 204-26 of this chapter.

- (d) Equipment or accessory buildings for towers. Accessory buildings must conform to the applicable building requirements for the underlying zone in which the tower is located.
- (e) Security, maintenance, and fencing are subject to the following criteria:
 - [1] The site shall be completely enclosed by a minimum eight-foot-high fence with a self-locking gate, or the climbing apparatus shall be fully contained and locked within the tower structure.
 - [2] All guy wires shall be clearly marked so as to be visible at all times and shall be located within the fence enclosure.
 - [3] All equipment and buildings must comply with Township building, health, safety, property and other applicable local ordinances.
- (f) Lighting and signs are subject to the following criteria:
 - [1] No signs shall be mounted on a communications tower except as may be required by the Federal Communications Commission (FCC), Federal Aviation Administration (FAA), or other governmental agency which has jurisdiction.
 - [2] All communications towers shall have lights as may be required by the FCC, FAA, or other governmental agencies which have jurisdiction. If lighting is not required by other agencies, then lighting acceptable to the Township shall be required.
- (g) Antenna support structures shall be painted in the color that best allows it to blend into the surroundings unless otherwise required by the FAA regulations. The use of grays, blues, and greens may be appropriate.
- (h) Antenna support structure design and structural integrity. The owner of the antenna or antenna support structure shall provide a registered professional engineer's report documenting that the structure meets the structural standards of the in North Middleton Township Building Code.
- (i) Other provisions.
 - [1] Prior to issuance of a zoning permit for the erection of an antenna or antenna support structure, the applicant shall obtain any required land development approvals.
 - [2] A formal land development plan is not required if the antenna is to be mounted on an existing structure.
 - [3] Evidence shall be submitted from a registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or structure, taking into consideration winds and other loads associated with location.

- [4] The applicant, owner, or operator of the antenna shall be licensed by the FCC.
 - [5] The tower shall comply with all applicable FAA and PennDOT Bureau of Aviation regulations.
 - [6] Certification of insurance evidencing general liability in the minimum amount of \$1,000,000 per incident and property damage coverage in the minimum amount of \$1,000,000 per incident is required to cover the tower, antenna and structures.
- (j) Abandonment.
- [1] If an antenna support structure is unused, as evidenced by notice to the FCC of intent to cease operations, for a continuous period of 12 months after said notice, it shall be deemed abandoned.
 - [2] Any antenna support structure or antenna that is deemed to be "abandoned" must be removed within 90 days.
 - [3] Removal of the antenna support structure shall be the responsibility of the owner of the antenna support structure. At the time of land development plan approval, the owner and/or his successors and assigns of the antenna support structure must enter into an agreement with the Township regarding the removal of an abandoned antenna support structure, as herein defined.
 - [4] In the case of multiple operators sharing the use of a single tower, this provision shall become effective when all users cease operation.
- P. Contractors' offices and storage yards. Contractors' offices and storage yards are permitted subject to the following criteria:
- (1) No machinery, equipment, or materials shall be stored in required front, side, or rear building setback areas.
 - (2) On-lot traffic circulation channels, storage/inventory, and parking areas shall be clearly delineated.
 - (3) All outdoor storage areas shall not occupy any part of the existing or future street right-of-way or required off-street parking areas.
 - (4) All areas used for the storage and parking areas shall be aligned and displayed in an orderly fashion so that circulation for fire safety can be maintained at all times.
 - (5) All areas used for the storage/inventory and parking areas shall be graded for proper drainage and shall be surfaced so as to provide a durable and dustless surface.
 - (6) Except in the Industrial Zone, all permitted accessory activities which are clearly incidental to the principal use, including drilling, cutting, sawing, mixing, crushing,

or some other preparation of building materials, plus any testing or repair of motorized equipment, shall be conducted within a completely enclosed building.

- (7) There shall be no retail or wholesale sales of contractor's equipment or building materials.
- (8) Any exterior microphone/speaker system shall be oriented, arranged and/or screened to prevent any objectionable noise impact on adjoining properties.

Q. Convention centers. Convention centers are permitted subject to the following criteria:

- (1) Convention centers may include any of the following uses, provided such uses are primarily sized, located and designed as one integrated development to serve those persons or groups of persons attending the convention center and not the general public of the Township per se:
 - (a) Banquet and social halls.
 - (b) Commercial day-care facilities.
 - (c) Indoor commercial recreation facilities.
 - (d) Hotels and motels.
 - (e) Indoor theaters.
 - (f) Information centers and booths.
 - (g) Meeting rooms.
 - (h) Offices.
 - (i) Personal service businesses.
 - (j) Restaurants.
 - (k) Retail businesses and concessionaires.
 - (l) Taverns and nightclubs.
- (2) The subject property shall front on or have direct access via a public street to an arterial or collector road as provided in § 204-39 of this chapter.
- (3) For all facilities, traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
- (4) Any booths or other structures used for the collection of admission and/or parking fees shall be set back and arranged to prevent vehicle backups on abutting roads and streets during peak arrival periods. Any other collection of fees (roaming parking lot attendants) shall be conducted in a manner to prevent vehicle backups on adjoining streets.
- (5) All uses within the convention center shall be linked with sidewalks and/or pathways to facilitate safe and efficient pedestrian movements.

- (6) Any outside pedestrian waiting lines shall be provided with a means of shade.
 - (7) Any exterior microphone/speaker system shall be oriented, arranged and/or screened to prevent any objectionable noise impact on adjoining properties.
 - (8) Exterior trash and recycling receptacles shall be provided. Such trash receptacles shall be routinely emptied so as to prevent the scattering of litter and debris. All applications shall include a description of a working plan for the cleanup of litter.
 - (9) Convention centers are eligible to utilize signage applicable to planned centers, as listed in § 204-41 of this chapter.
 - (10) The applicant shall submit a traffic study prepared in accordance with Chapter 180, Subdivision and Land Development.
- R. Day care, commercial. Commercial day cares are permitted subject to the following criteria:
- (1) Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
 - (2) An outdoor play areas for children shall be provided. Off-street parking lots and areas shall not be used as outdoor play areas. Outdoor play areas shall not be located in the front yard. All outdoor play areas must provide a means of shade, such as a shade tree(s) or pavilion(s). Any vegetative materials located within the outdoor play areas shall be of a nonharmful type (poisonous, thorny, allergenic, etc.).
 - (a) Additionally, in the mixed use zones (VMU and NC) outdoor play areas shall be located at least 20 feet from property of an existing residential use, and screened with Level 2 screening in accordance with § 204-26 of this chapter, along with a fence at least four feet in height. Outdoor play areas shall be limited to use between 8:00 a.m. and 8:00 p.m.
 - (3) Off-street parking areas shall be provided and arranged so that persons and/or children do not have to cross streets on or adjacent to the site.
 - (4) Primary passenger dropoff and pickup areas should be provided on site and arranged so that the passengers do not have to cross traffic lanes on or adjacent to the site, and passenger dropoff and pickup areas shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.
 - (5) Enrollment shall be defined as the largest number of persons and/or children under day-care supervision at any one time during a seven-day period.
- S. Funeral homes. Funeral homes are permitted subject to the following criteria:
- (1) The subject property shall front on or have direct access via a public street to an arterial or collector road as provided in § 204-39 of this chapter.
 - (2) No vehicles will be allowed to form or stack on an arterial road as provided in § 204-39 of this chapter.

- (3) All rooms available for funerals and viewing shall be located within the principal building.
- (4) There shall be no receiving vault, preparation room, or display of merchandise visible from outside of the principal building.

T. Golf courses. Golf courses are permitted subject to the following criteria:

- (1) In no case shall the golf course design permit or encourage a golf ball to be driven across any building, building lot, parking lot, street, access drive, or driveway.
- (2) Golf paths.
 - (a) Golf paths shall be graded so as to discharge stormwater runoff. Surface conditions of paths shall be provided with a durable and dustless surface.
 - (b) The golf course design shall minimize golf path crossings of streets, access drives and driveways. Easily identifiable golf paths must be provided for crossings of streets, access drives or driveways. The golf course design shall both discourage random crossing and require use of the golf path crossings of streets, access drives and driveways. Golf path crossings shall conform with the following:
 - [1] Each crossing shall be perpendicular to the traffic movements.
 - [2] Only one street, access drive or driveway may be crossed at each location.
 - [3] No crossing is permitted between a point 15 feet and 150 feet from the cartway edge of a street or access drive.
 - [4] The crossing must be provided with a clear-sight triangle of 75 feet, measured along the street, access drive or driveway center line and the golf path center line, to a location on the center line of the golf path, five feet from the edge of the roadway. No permanent obstruction over three feet high shall be placed within this area.
 - [5] Sight distance. Golf path intersections shall be designed to provide adequate sight distance with regard to both horizontal and vertical alignment. The required sight distance shall be provided as set forth in the requirements of Chapter 180, Subdivision and Land Development.
 - [6] The golf cart path shall not exceed a slope of 8% within 25 feet of the cartway crossing.
 - [7] Golf path crossings shall be signed warning motorists and pedestrians and golfers. The surface of the golf path shall be brightly painted with angle stripes.
 - [8] Golf path crossings of collector or arterial streets (as provided in § 204-39 of this chapter) shall consist of a tunnel that is located below street grade. The golf course design shall both prohibit on-grade

crossing of collector or arterial streets and require the use of the tunnel. The construction of the collector or arterial roadway crossing of the tunnel shall comply with PennDOT standards.

- (3) All golf course buildings shall be set back 75 feet from any adjoining roads and 100 feet from property in the residential zones (R-1 and R-2) or existing residential use.
- (4) Golf courses may include the following accessory uses:
 - (a) Clubhouse, which may consist of:
 - [1] Restaurant, snack bar, lounge and banquet facilities.
 - [2] Locker and rest rooms.
 - [3] Pro shop.
 - [4] Administrative offices.
 - [5] Golf cart and maintenance equipment storage and service facilities.
 - [6] Guest lodging for those using the golf course, provided:
 - [a] No lodging units have separate exterior means of ingress/egress.
 - [b] All lodging units shall be contained within the main clubhouse.
 - [c] Such guest lodging shall have a total occupancy of no more than 20 units.
 - [7] Fitness and health equipment, including workout machines, spas, whirlpools, saunas and steam rooms.
 - [8] Game rooms, including card tables, billiards, ping-pong, video games, pinball machines and other similar table games.
 - [9] Baby-sitting rooms and connected fence-enclosed play lots.
 - (b) Accessory recreation amenities located outside of a building, including:
 - [1] Driving range, provided that all lighting has been arranged to prevent glare on adjoining properties and streets.
 - [2] Practice putting greens.
 - [3] Swimming pools.
 - [4] Tennis, platform tennis, handball, racquetball, squash, volleyball and badminton courts.
 - [5] Bocce ball, croquet, shuffleboard, quoits, horseshoe pits and washers courses.

- [6] Picnic pavilions, picnic tables, park benches and barbecue pits.
- [7] Hiking, biking, horseback riding and cross-country ski trails.
- [8] Playground equipment and play lot games, including four-square, dodgeball, tetherball and hopscotch.

(c) Freestanding maintenance equipment and supply buildings and storage yards.

U. Home improvement center, lumber, and building materials sales. Home improvement centers, lumber, and building materials sales are permitted subject to the following criteria:

- (1) The subject property shall front on or have direct access via a public street to an arterial or collector road as provided in § 204-39 of this chapter.
- (2) Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
- (3) On-lot traffic circulation channels, storage, inventory/display/sales, and parking areas shall be clearly delineated.
- (4) All outdoor storage, sales, display, and inventory areas shall comply with § 204-50K of this chapter relating to outside display and sales.
- (5) All permitted activities, including drilling, cutting, sawing, mixing, crushing, or some other preparation of building materials, plus any testing or repair of motorized equipment, except for the inventory/display/sales, parking, shall be conducted within a completely enclosed building.
- (6) Where outdoor storage, sales, display, and inventory areas abut a street right-of-way, a perimeter landscape strip in accordance with § 204-26 of this chapter shall be provided.
- (7) Any exterior microphone/speaker system shall be oriented, arranged and/or screened to prevent any objectionable noise impact on adjoining properties.

V. Hospitals. Hospitals are permitted subject to the following criteria:

- (1) The subject property shall front on or have direct access via a public street to an arterial or collector road as provided in § 204-39 of this chapter.
- (2) Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
- (3) Emergency entrances shall not be located or oriented directly toward any from property in the residential zones (R-1 and R-2) or existing residential use and must be separated by at least 200 feet from property in the residential zones (R-1 and R-2) or existing residential use.
- (4) Primary visitor or passenger dropoff and pickup areas should be provided on site and arranged so that the passengers do not have to cross traffic lanes on or adjacent to the site.

- (5) Sufficient off-street stacking area for the movement of the emergency vehicles shall be provided on the site. A minimum one-hundred-foot long on-site stacking area for the emergency vehicles shall be provided on the site. No emergency vehicle will be allowed to stack or be stored on public streets.
- (6) The institution shall submit a copy of its emergency operations plan (EOP) to the local and county emergency management agency coordinator.
- (7) Maximum permitted height. The maximum permitted height is 90 feet, provided that an additional two feet of required building setback shall be provided for each one foot of height for that portion of building height exceeding 35 feet. Furthermore, any building with floor space exceeding 35 feet in height shall require the applicant to obtain a letter to the local and county emergency management agency coordinator indicating that adequate provision has been made for firefighting and rescue activities.
- (8) Accessory uses shall be integrated into the site function and design consistent with the creation of a campus-like environment.
- (9) The applicant shall furnish a description of the effect of the proposed use on the delivery of ambulance service. This description shall include a letter from the agency responsible for ambulance service in the site's vicinity. Such letter shall describe the adequacy/inadequacy of existing facilities and services to accommodate the proposed use and any suggestions that might enhance ambulance service. Should it be determined that the proposed use would overburden local ambulance service, the Township may attach conditions of approval that seek to assure adequate levels of service.
- (10) The applicant shall submit a traffic study prepared in accordance with Chapter 180, Subdivision and Land Development.

W. Hotels and motels. Hotels and motels are permitted subject to the following criteria:

- (1) Each rental unit/room shall have its own toilet and bathing or shower facilities.
- (2) No guest vehicles will be allowed to form or stack on an arterial road as provided in § 204-39 of this chapter.
- (3) For hotels.
 - (a) Any accessory eating, drinking, retail, personal service, and/or meeting room use should be directly accessible by passing through the principal hotel building:
 - [1] But in no case shall drive-through facilities be permitted; and
 - [2] One additional sign (in addition to those permitted for the principal hotel use) shall be permitted, but shall not be larger than 12 square feet and shall comply with all other applicable provisions of § 204-41 of this chapter.
- (4) For motels.

- (a) Any accessory eating, drinking, retail, personal service and/or meeting room use shall be physically attached to the principal motel building subject to the following:
 - [1] But in no case shall drive-through facilities be permitted; and
 - [2] One additional sign (in addition to those permitted for the principal hotel use) shall be permitted, but shall not be larger than 12 square feet and shall comply with all other applicable provisions of § 204-41 of this chapter.
- X. Industrial use, heavy. General industrial uses are permitted subject to the following criteria:
- (1) The subject property shall front on or have direct access via a public street to an arterial or collector road as provided in § 204-39 of this chapter.
 - (2) Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
 - (3) The applicant shall provide a detailed description of the proposed use in each of the following topics:
 - (a) The nature of the on-site processing operations, the materials used in the process, the products produced, and the generation and methods for disposal of any by-products. In addition the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with state and federal regulations.
 - (b) The general scale of the operation, specific floor space requirements, the total number of employees on each shift, and an overall needed site size.
 - (c) Any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, stormwater, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish expert evidence that the impacts generated by the proposed use fall within acceptable levels as regulated by applicable laws and ordinances, including but not limited to those of § 204-37 of this chapter.
 - (4) No machinery, equipment, or materials shall be stored in required front, side, or rear building setback areas.
 - (5) All machinery, equipment, or materials shall be stored or arranged in an orderly fashion so that circulation for fire safety can be maintained at all times.
- Y. Industrial use, light. Light industrial uses are permitted subject to the following criteria:
- (1) The applicant shall provide a detailed description of the proposed use in each of the following topics:
 - (a) The nature of the on-site processing operations, the materials used in the process, the products produced, and the generation and methods for disposal

of any by-products. In addition, the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with state and federal regulations.

- (b) The general scale of the operation, specific floor space requirements, the total number of employees on each shift, and an overall needed site size.
 - (c) Any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, stormwater, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish expert evidence that the impacts generated by the proposed use fall within acceptable levels as regulated by applicable laws and ordinances, including but not limited to those of § 204-37 of this chapter.
- (2) No machinery, equipment, or materials shall be stored in required front, side, or rear building setback areas.
 - (3) All unpaved building setback areas shall be covered with grass or similar vegetative material and shall at all times be clean, vacant and well maintained.
 - (4) All machinery, equipment, or materials shall be stored or arranged in an orderly fashion so that circulation for fire safety can be maintained at all times.
- Z. Kennels, commercial. Commercial kennels are permitted subject to the following criteria:
- (1) Minimum lot area. Unless animals are kept inside at all times, each site shall contain at least five acres; otherwise, the minimum lot area requirement of the underlying zone shall apply.
 - (2) Unless animals are kept inside at all times, all animal boarding and related buildings that are not completely enclosed, and any outdoor animal pens, stalls or runways shall be located within the rear yard and shall be provided with buffering and screening in accordance with § 204-26 of this chapter, and shall be a minimum of 250 feet from all lot lines in the residential zones (R-1 and R-2) or existing residential use. Otherwise, the setback requirements of the underlying zone shall apply.
 - (3) All structures where animals are kept shall be soundproofed in a manner to prevent sound and odor from traveling outside, such as solid core doors, sound-absorbent ceilings and forced air ventilation.
 - (4) All areas used for outdoor exercise shall be enclosed or securely fenced to prevent the escape of animals.
 - (5) Where permitted, animals may exercise outside daily between the hours of 8:00 a.m. to 8:00 p.m.
- AA. Large solar energy production facility. Large solar energy production facilities are permitted subject to the following criteria:

- (1) The layout, design, and installation of large solar energy production facilities shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), or other similar certifying organizations, and shall comply with the North Middleton Township Building Code, and with all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the application.
- (2) All on-site utility and transmission lines shall, to the extent feasible, be placed underground.
- (3) All large solar energy production facilities shall be designed and located in order to prevent reflective glare toward any inhabited buildings on adjacent properties as well as adjacent street rights-of-way.
- (4) Large solar energy production facilities mounted on the roof of any building shall be subject to the maximum height regulations specified within each the underlying zone.
- (5) The owner shall provide evidence in the form of stamped plans certified by a licensed professional engineer registered by the Commonwealth of Pennsylvania that the roof is capable of holding the load.
- (6) A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations or fence.
- (7) The large solar energy production facility owner is required to notify the Township immediately upon cessation or abandonment of the operation. The large solar energy production facility owner shall then have 12 months in which to dismantle and remove the large solar energy production facility from the property. At the time of issuance of the permit for the construction of the large solar energy production facility, the owner shall provide financial security in form and amount acceptable to the Township to secure the expense of dismantling and removing said structures.
- (8) The owner of the large solar energy production facility shall be required to provide a certificate of insurance to the Township providing evidence of liability insurance of not less than \$1,000,000 and naming the Township as an additional insured on the policy or policies of the owner and/or lessee.

BB. Large wind energy production facility. Large wind energy production facilities are permitted subject to the following criteria:

- (1) The layout, design, and installation of large wind energy production facilities shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), Det Norske Veritas, Germanischer Lloyd Wind Energies, the American Society for Testing and Materials (ASTM), or other similar certifying organizations, and shall comply with the North Middleton Township Building Code, and with all other applicable fire

and life safety requirements. The manufacturer specifications shall be submitted as part of the application.

- (2) All on-site utility and transmission lines shall be placed underground.
- (3) All large wind energy production facilities shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Staff regulation shall not be considered a sufficient braking system for overspeed protection.
- (4) Noise from small wind turbines shall not exceed 55 decibels, or 10 decibels above ambient noise in any one hour, whichever is higher. Noise is measured from the closest neighboring inhabited dwelling or nearest habitable dwelling setback on abutting property, whichever is closer.
 - (a) The ambient sound measurement, known as "A-weighted sound level" is taken where the noise from the small wind turbine cannot be heard, or with the small wind turbine shut down. The ambient sound level is rarely found to be constant over time, and is usually quite variable. The ambient sound level is considered to be the level that is exceeded 90% of the time when the noise measurements are taken. The 55 decibel or 10 decibel level may be exceeded during short-term events, such as utility outages and severe wind storms.
- (5) Large wind energy production facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration (FAA).
- (6) Wind turbines and towers shall not display advertising, except for reasonable identification of the large wind energy production facility's manufacturer. Such sign shall have an area of less than four square feet.
- (7) Wind turbines and towers shall be a nonobtrusive color such as white, off-white or gray.
- (8) All large wind energy production facilities shall, to the extent feasible, be sited to prevent shadow flicker on any occupied building on adjacent property.
- (9) A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations or fence.
- (10) All access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by nonauthorized persons.
- (11) All large wind energy production facilities shall be independent of any other structure and shall be located a minimum distance of 1.1 times the turbine height from any inhabited structure, lot line, street right-of-way, or overhead utility line.
- (12) The minimum height of the lowest position of the wind turbine shall be 30 feet above the ground.
- (13) All large wind energy production facilities shall be completely enclosed by a minimum eight-foot high fence with a self-locking gate, or the wind turbines'

climbing apparatus shall be limited to no lower than 12 feet from the ground, or the wind turbines' climbing apparatus shall be fully contained and locked within the tower structure.

- (a) Any required fencing shall be provided with Level 2 screening in accordance with § 204-26 of this chapter.
- (14) The large wind energy production facility owner is required to notify the Township immediately upon cessation or abandonment of the operation. The large wind energy production facility owner shall then have 12 months in which to dismantle and remove the large wind energy production facility from the property. At the time of issuance of the permit for the construction of the large wind energy production facility, the owner shall provide financial security in form and amount acceptable to the Township to secure the expense of dismantling and removing said structures.
- (15) The owner of the large wind energy production facility shall be required to provide a certificate of insurance to the Township providing evidence of liability insurance of not less than \$1,000,000 and naming the Township as an additional insured on the policy or policies of the owner and/or lessee.

CC. Laundry and dry cleaning establishment (industrial). Laundry and dry cleaning establishments (industrial) are permitted subject to the following criteria:

- (1) The applicant shall provide a detailed description of the proposed use in each of the following topics:
 - (a) The nature of the on-site processing operations, the materials used in the process, and the generation and methods for disposal of any by-products. In addition the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with state and federal regulations.
 - (b) The general scale of the operation in terms of its market area, specific floor space requirements for each step of the industrial process, the total number of employees on each shift, and an overall needed site size.
 - (c) Any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust litter, glare, vibration, electrical disturbance, wastewater, stormwater, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish expert evidence that the impacts generated by the proposed use fall within acceptable levels as regulated by applicable laws and ordinances, including but not limited to those of § 204-37 of this chapter.
- (2) No equipment or materials shall be stored in required front, side, or rear building setback areas.
- (3) All equipment or materials shall be stored or arranged in an orderly fashion so that circulation for fire safety can be maintained at all times.

DD. Mineral extraction and recovery establishments. Mineral extraction and processing establishments are permitted subject to the following criteria:

- (1) General - operations:
 - (a) May not injure or detract from the lawful existing or permitted use of neighboring properties.
 - (b) Must demonstrate compliance with a water feasibility study in accordance with the requirements of Chapter 180, Subdivision and Land Development.
 - (c) May not adversely affect the local, efficient and economical extensions of public services, facilities and utilities throughout the Township.
 - (d) May not create any significant damage to the health, safety, or welfare of the Township and its residents and property owners.
 - (e) May not result in the land area subject to mining operations being placed in a condition that will prevent the use of that land for economically and ecologically productive uses upon completion of the mining operation.
 - (f) Must demonstrate compliance with all applicable state and federal regulations at all times.
- (2) Site plan requirements.
 - (a) As a part of each application, the applicant shall furnish an accurately surveyed site plan on a scale no less than 1:2,400 showing the location of the tract or tracts of land to be affected by the operation. The surveyed site plan shall be certified by a registered professional engineer or a registered professional land surveyor with assistance from experts in related fields and shall include the following:
 - [1] The boundaries of the proposed land affected, together with the drainage area above and below the area.
 - [2] The location and names of all streams, roads, railroads, and utility lines on or immediately adjacent to the area.
 - [3] The location of all buildings within 1,000 feet of the outer perimeter of the area affected, and the names and addresses of the owners and present occupants;
 - [4] The purpose for which each building is used.
 - [5] The name of the owner of the affected area and the names of adjacent landowners, the municipality, and the county.
- (3) Minimum lot area. The minimum lot area will be 100 acres.
- (4) Screening and buffering. A fence measuring at least eight feet in height must enclose the area of actual mining operations. All fencing shall be provided with buffering and screening in accordance with § 204-26 of this chapter. Earthen

berms are preferred and shall be provided in accordance with the minimum standards:

- (a) Shall have a slope of not less than one vertical to two horizontal and must extend at least eight feet above the ground level of the highest target.
 - (b) The crest of the berm at the eight-foot minimum height limit shall be at least four feet in width as measured between the wall of the berm facing the range and the opposite wall.
- (5) Setback. The following table identifies minimum setbacks imposed upon specific features of the mining and other extractive-related uses from abutting and/or adjacent uses:

Quarry-Related Feature	Existing Residential Use (feet)	Existing Nonresidential Building (feet)	Residentially Zoned District (feet)	Adjoining Street (feet)	Public/Nonprofit Park (feet)	Cemetery or Stream Bank (feet)	Abutting Property (feet)
Stock piles or spoil piles	300	300	1,000	100	300	100	100
Mineral processing equipment (e.g., rishers, sorters, conveyors, dryers, etc.)	300	300	1,000	100	300	100	100
Quarry pit	300	300	1,000	100	300	100	100
On-site access roads and off-street parking, loading and vehicle storage and weighing facilities	300	300	500	100	300	100	100
Other operational equipment, structures and/or improvements	300	300	500	100	300	100	100

- (6) Access.
- (a) The subject property shall front on or have direct access via a public street to an arterial or collector road as provided in § 204-39 of this chapter.
 - (b) Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
 - (c) All access drives shall be designed and located in accordance with the requirements of § 204-32 and Chapter 180, Subdivision and Land Development.
 - (d) All access drives serving the site shall have a paved minimum thirty-five-foot wide cartway for a distance of at least 200 feet from the intersecting street right-of-way line. In addition, a fifty-foot-long gravel section of access drive should be placed just beyond the preceding two-hundred-foot paved section to help collect any mud that may have attached to a vehicle's wheels.
- (7) Traffic impact. The applicant shall provide a traffic study prepared in accordance with the requirements of Chapter 180, Subdivision and Land Development.

- (8) Reclamation. The applicant shall demonstrate compliance with Section 7(c) of the Pennsylvania Act No. 1984-219, as may be amended.³⁰ The applicant shall provide a detailed description of the proposed use of the site, once reclamation has been completed, including a description of any zoning and/or subdivision approvals or remedies that would be necessary to accommodate the proposed use. Finally, the applicant shall provide written notification to the Township within 30 days whenever a change in the reclamation plan is proposed to the PADEP.
 - (9) Operations progress report. Within 90 days after commencement of surface mining operations, and each year thereafter, the operator shall file an operations and progress report with the Zoning Officer setting forth all of the following:
 - (a) The name or number of the operation.
 - (b) The location of the operation with reference to the nearest public road.
 - (c) A description of the tract or tracts, including a site plan showing the location of all improvements, stockpile, mining pits, etc.
 - (d) The name and address of the landowner or his duly authorized representative.
 - (e) An annual report of the type and quantity of mineral produced.
 - (f) The current status of the reclamation work performed in pursuance of the approved reclamation plan.
 - (g) A maintenance report for the site that verifies that all required fencing, berming and screening has been specifically inspected for needed repairs and/or maintenance and that such needed repairs and/or maintenance has been performed.
 - (h) Verification that the proposed use continues to comply with all applicable state regulations. The operation shall furnish copies of any approved permits and/or any notices of, violation issued by the PADEP.
 - (10) Responsibility for road maintenance and repair; road bonding. The landowner and the operator shall be responsible for repairing any damage to Township roads caused by traffic associated with the mineral extraction or recovery operations pursuant to the provisions of 67 Pa. Code Chapter 189, hauling in excess of posted weight limit. The Township may require the landowner and/or operator to furnish a bond to guarantee the repair of any such damage, pursuant to the said provisions of the Pennsylvania Code.
- EE. Mini-storage warehouses. Mini-storage warehouses are permitted subject to the following criteria:

30. Editor's Note: See 52 P.S. § 3307(c).

- (1) Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
- (2) All areas used for storage and loading, interior traffic aisles, and required off-street parking areas, shall be graded for proper drainage and shall be surfaced so as to provide a durable and dustless surface.
- (3) Parking may be provided along interior traffic aisles adjacent to the buildings. These aisles shall be at least 26 feet wide when storage units open onto one side of the aisle only and at least 30 feet wide when storage units open onto both sides of the aisle.
- (4) Nothing shall be stored in interior traffic aisles, required off-street parking areas, or loading areas.
- (5) Outdoor storage shall be limited to vehicles, boats and trailers.
- (6) The storage of inoperable, unlicensed, or inspected motor vehicles outside of a completely enclosed building shall be prohibited.
- (7) All mini-storage units shall be of fire-resistant construction.
- (8) Mini-storage units shall be used solely for the dead storage of property. The following lists examples of uses expressly prohibited upon the site:
 - (a) Auctions, except for disposition of storage contents by storage property owner or representative.
 - (b) Commercial wholesale or retail sales, or garage sales.
 - (c) Offices, except for an office that is part of the mini-storage operation, or residential dwellings.
 - (d) The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment.
 - (e) The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment.
 - (f) The establishment of a transfer and storage business.
 - (g) The storage of trash, radioactive or highly toxic substances, garbage, refuse, explosives or flammable materials, hazardous substances, animal carcasses or skins, or similar items that are dangerous, noxious or offensive because of odors, dust, noise, fumes, or vibrations.
 - (h) The applicant shall adequately demonstrate that all mini-storage/rental and/or use contracts shall specifically prohibit these uses.
- (9) All garage doors of mini-storage units or outdoor storage areas shall not be located directly facing toward any property in the residential zones (R-1 and R-2) or existing residential use.

- (10) Minimum separation between buildings shall be 20 feet which shall allow passage by emergency vehicles.
 - (11) Exterior trash and recycling receptacles shall be provided. Such receptacles shall be routinely emptied so as to prevent the scattering of litter and debris. All applications shall include a description of a working plan for the cleanup of litter.
- FF. Motor freight terminal. Motor freight terminals are permitted subject to the following criteria:
- (1) The subject property shall front on or have direct access via a public street to an arterial or collector road as provided in § 204-39 of this chapter.
 - (2) Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
 - (3) The subject property shall be located no closer than 500 feet from the residential zones (R-1 and R-2) and/or property containing a school, day-care facility, park, playground, library, hospital, or nursing, rest or retirement home.
 - (4) All structures (including but not limited to air compressors, fuel pump islands, kiosks) shall be set back at least 50 feet from any street right-of-way line.
 - (5) Access driveways shall be a minimum of 28 feet, and a maximum of 35 feet wide. All access drives onto the same road shall be set back at least 150 feet from one another, as measured from closest points of cartway edges.
 - (6) Off-street parking shall be provided at a rate equal to that required for each of the respective uses comprising the truck stop. The applicant shall also present credible evidence that the number of oversized off-street parking spaces provided for trucks will be adequate to accommodate the expected demand generated by truck patrons. Any gates or other barriers used at the entrance to parking areas shall be set back and arranged to prevent vehicle backups onto adjoining roads during peak arrival periods.
 - (7) Trash receptacles shall be provided amid off-street parking areas that shall be routinely emptied. Furthermore, a working plan for the regular cleanup of litter shall be furnished and continuously implemented by the applicant.
 - (8) All uses involving drive-through restaurants and/or drive-through vehicle service and/or washing shall provide sufficient on-site stacking lanes to prevent vehicle backups on adjoining roads.
 - (9) All vehicle service and/or repair activities shall be conducted within a completely enclosed building. No outdoor storage of parts, equipment, lubricants, fuels, or other materials used or discarded in any service or repair operations shall be permitted.
 - (10) The outdoor storage of unlicensed vehicles is prohibited.
 - (11) All vehicles and machinery shall be repaired and removed from the premises promptly.

- (12) The demolition or junking of vehicles and machinery is prohibited. Demolished vehicles and/or parts thereof shall be removed within two weeks after arrival.
- (13) Any exterior public address system shall be designed and operated so that the audible levels of any messages conveyed over the system will not exceed the ambient noise levels of the use as measured at each of the property lines.
- (14) The applicant shall submit a traffic study prepared in accordance with Chapter 180, Subdivision and Land Development.
- (15) The applicant shall furnish evidence that the storage and disposal of materials and wastes will be accomplished in a manner that complies with all applicable state and federal regulations.

GG. Motor vehicle auction. Motor vehicle auctions are permitted subject to the following criteria:

- (1) Any site used for the sale, parking and/or storage of more than 150 vehicles shall front on or have direct access via a public street to an arterial or collector road as provided in § 204-39 of this chapter.
- (2) Vehicles as part of inventory/display/sales shall not occupy any part of the existing or future street right-of-way (including sidewalks) or required off-street parking areas.
- (3) Vehicles as part of inventory/display/sales shall not be permitted in required front, side, or rear building setback areas.
- (4) Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
- (5) On-lot traffic circulation channels, storage, inventory/display/sales, and parking areas shall be clearly delineated.
- (6) All areas used for the storage, inventory/display/sales, parking, and otherwise permitted servicing of vehicles shall be aligned and displayed in an orderly fashion so that circulation for fire safety can be maintained at all times.
- (7) All areas used for the storage, inventory/display/sales, parking, and otherwise permitted servicing of vehicles shall be graded for proper drainage and shall be surfaced so as to provide a durable and dustless surface.
- (8) All permitted activities except for the storage, inventory/display/sales, parking, and those normally required to be performed at the gasoline/fuel and air pumps, and washing and vacuuming areas shall be performed within a completely enclosed building.
- (9) All ventilation equipment outlets, fume collection, and other similar equipment associated with the service/repair work area(s) and/or service/repair and wash bay doors/opening shall not be located or oriented directly toward any from property in the residential zones (R-1 and R-2) or existing residential use.

- (10) The demolition or junking of vehicles is prohibited. The storage of vehicles and related parts shall be within a completely enclosed building.
- (11) No vehicle, except those with current registration and offered as part of the inventory/display/sales, shall be stored upon the site for more than 35 days.
- (12) The applicant shall submit a traffic study prepared in accordance with Chapter 180, Subdivision and Land Development.

HH. Nightclubs. Nightclubs are permitted subject to the following criteria:

- (1) A nightclub serving and/or selling alcohol shall be located in accordance and otherwise comply with the provisions of the Pennsylvania Liquor Control Board.
- (2) All buildings shall be completely enclosed and soundproofed in a manner to prevent sound from traveling outside, such as solid core doors.
- (3) The owner(s) and operator(s) of a nightclub shall be responsible for the conduct and safety of the patrons.

II. Off-track betting parlors. Off-track betting parlors are permitted subject to the following criteria:

- (1) The subject property shall front on or have direct access via a public street to an arterial or collector road as provided in § 204-39 of this chapter.
- (2) Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
- (3) No portion of an off-track betting parlor shall be located within 500 feet of another off-track betting parlor.
- (4) No portion of a building occupied by an off-track betting parlor shall be located within 500 feet from property in the residential zones (R-1 and R-2) or existing residential use.
- (5) No portion of a building occupied by an off-track betting parlor shall be located within 500 feet of any property which contains any one or more of the following specified land uses where minors may congregate:
 - (a) Commercial recreation facility, indoor/outdoor;
 - (b) Day-care facility primarily for children;
 - (c) Library;
 - (d) Park, playground, playfield;
 - (e) Place of worship;
 - (f) School, private/public;
 - (g) Swimming pool, public; or
 - (h) Other lands, buildings, and uses where minors are permitted to congregate.

- (6) No more than one off-track betting parlor may be located within one building or on one lot.

JJ. Outdoor farmer's market and/or flea market. Outdoor farmer's markets and/or flea markets are permitted subject to the following criteria:

- (1) The retail display/sales area shall be considered to be that of the smallest rectangle, or other regular geometric shape which encompasses all display stands, booths, tables or stalls, plus any adjoining aisles and/or walkways from which consumers can inspect items for sale. The retail display/sales area shall include all indoor and/or outdoor areas as listed above.
- (2) All areas used for outdoor retail display/sales area shall not be permitted in required front, side, or rear building setback areas.
- (3) All outdoor display and sales of merchandise shall begin no earlier than one hour before official sunrise, and must be completed no later than one hour after official sunset.
- (4) Any exterior microphone/speaker system shall be oriented, arranged and/or screened to prevent any objectionable noise impact on adjoining properties.
- (5) Exterior trash and recycling receptacles shall be provided amid any outdoor sales area. Such receptacles shall be routinely emptied so as to prevent the scattering of litter and debris. All applications shall include a description of a working plan for the cleanup of litter.

KK. Outdoor shooting ranges. Shooting ranges are permitted subject to the following criteria:

- (1) A development or site plan shall identify the safety fan for each firing range. The safety fan shall include the area necessary to contain all projectiles, including direct fire and ricochet. The safety fan configuration shall be based upon qualified expert testimony regarding the trajectory of the bullet and the design effectiveness of berms, overhead baffles, or other safety barriers to contain projectiles to the safety fan.
- (2) The firing range, including the entire safety fan, shall be enclosed with a six-foot-high, nonclimbable fence to prevent unauthorized entry into the area. Range caution signs with eight-inch tall, red letters on a white background shall be posted at a maximum fifty-foot intervals around the range perimeter. Signs shall read "SHOOTING RANGE AREA. KEEP OUT!".
- (3) The firing range shall also be provided with buffering, landscaping and screening in accordance with § 204-26 of this chapter.
- (4) All surfaces located within the safety fan, including the backstop, overhead baffles, berms and range floor, shall be free of hardened surfaces, such as rocks or other ricochet-producing materials.

- (5) The applicant shall present credible evidence that the sounds of shooting to the nearest property containing an existing residential use does not exceed the ambient noise level.
 - (6) The range boundaries must be set back at least 500 feet from any lot line or street right-of-way line, and also located at least 1,000 yards from property in the residential zones (R-1 and R-2) or existing residential use. The range boundaries shall be determined as a one-hundred-fifty-yard radius from each of the stands.
 - (7) The facility shall be operated no earlier than one hour after official sunrise, and must be completed no later than one hour before official sunset.
 - (8) All operations shall be conducted in accordance with National Rifle Association guidelines.
- LL. Parks, playgrounds and other noncommercial recreational uses. Parks, playgrounds and other noncommercial recreational uses are permitted subject to the following criteria:
- (1) Parks, playgrounds, and other noncommercial recreational uses shall be developed in a manner that preserves natural features, watercourses, unique rock outcrops, slopes of greater than 15% and vegetation.
 - (2) Hours of operation and activities shall comply with all applicable Township policies and regulations relating to parks and public outdoor facilities.
 - (3) Exterior trash and recycling receptacles shall be provided. Such receptacles shall be routinely emptied so as to prevent the scattering of litter and debris. All applications shall include a description of a working plan for the cleanup of litter.
- MM. Place of worship. Places of worship are permitted subject to the following criteria:
- (1) Primary passenger dropoff and pickup areas should be provided on site and arranged so that the passengers do not have to cross traffic lanes on or adjacent to the site, and passenger dropoff and pickup areas shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.
 - (2) All places of worship with attendance or seating capacity of 250 or more students shall front on or have direct access via a public street to an arterial or collector road as provided in § 204-39 of this chapter.
 - (3) Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
 - (4) Off-street parking areas shall be provided and arranged so that persons do not have to cross streets on or adjacent to the site.
- NN. Principal waste handling facilities. Principal waste handling facilities are permitted subject to the following criteria:
- (1) Any processing of solid waste (including but not limited to incineration, composting, shredding, compaction, material separation, refuse derived fuel, pyrolysis, etc.) shall be conducted within a completely enclosed building.

- (2) No refuse shall be deposited or stored, and no building or structure shall be located within 100 feet of any lot line, and 250 feet of any from property in the residential zones (R-1 and R-2) or existing residential use.
- (3) Any external area used for the unloading, transfer, storage or depositing of waste shall be surrounded by a fence or wall at least six feet in height. Such fence shall be completely sight obscuring and maintained in good condition. Any gate in a fence shall be similarly constructed and maintained and shall be kept securely locked at all times when the establishment is not in operation.
- (4) All facilities shall provide sufficiently long stacking lanes into the facility, so that vehicles waiting will not have to back upon onto public roads.
- (5) All access drives serving the site shall have a paved minimum thirty-five-foot-wide cartway for a distance of at least 200 feet from the intersecting street right-of-way line. In addition, a fifty-foot-long gravel section of access drive should be placed just beyond the preceding two-hundred-foot paved section to help collect any mud that may have attached to a vehicle's wheels. The owner and/or operator shall be responsible for removing any mud from public roads caused by persons traveling from the site.
 - (a) Otherwise, all access drives shall be designed and located in accordance with the requirements of § 204-32 of this chapter and Chapter 180, Subdivision and Land Development.
- (6) Access to the site shall be limited to those posted times when an attendant is on duty. In order to protect against the indiscriminate and unauthorized dumping, all areas of the site shall be protected by locked barricades, fences, gates or other positive means designed to deny access to the area at unauthorized times or locations.
- (7) Hazardous waste, as defined in the Code of Federal Regulations, Title 40, Chapter 1, Part 261, or as amended, shall not be disposed of within the proposed area.
- (8) Litter control shall be exercised to prevent the scattering of wind-borne debris, and a working plan for the cleanup of litter shall be submitted to the Township.
- (9) The unloading, processing, transfer, and deposition of solid waste shall be continuously supervised by a qualified facility operator.
- (10) Any waste that cannot be used in any disposal process, or material that is to be recycled, shall be stored in leak- and vector-proof containers. Such containers shall be designed to prevent their being carried by wind or water. These containers shall be stored within a completely enclosed building.
- (11) All storage of solid waste shall be indoors in a manner that is leak- and vector-proof. During normal operation, no more solid waste shall be stored on the property than is needed to keep the facility in constant operation; but, in no event, for more than 72 hours.

- (12) A contingency plan for the disposal of solid waste during a facility shutdown shall be submitted to the Township.
- (13) Leachate from the solid waste shall be disposed of in a manner in compliance with any applicable state and federal laws or regulations. If leachate is to be discharged to a municipal sewage facility, pretreatment shall be required and appropriate permits shall be obtained from the applicable agencies and authorities. In no event shall leachate be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with the PADEP regulations.
- (14) All structures shall be set back at least a distance equal to their height.
- (15) A water supply feasibility report shall be prepared in accordance with Chapter 180, Subdivision and Land Development, to demonstrate that sufficient water resources are available to serve the proposal.
- (16) Any sanitary landfill must be owned and operated by a county or municipality or their authorities.
- (17) The applicant shall submit a traffic study prepared in accordance with Chapter 180, Subdivision and Land Development.

OO. Public/private utility building or structure. Public/private utility buildings or structures are permitted subject to the following criteria:

- (1) The applicant must demonstrate that the selected location is necessary for public service and the use cannot be supplied if located elsewhere.
- (2) In the residential zones (R-1 and R-2) and mixed use zone (VMU and NC), any permitted public building shall maintain an exterior appearance that resembles and is compatible with any existing dwellings and buildings in the neighborhood, and building height and setbacks shall be consistent with surrounding development in the neighborhood. In all other zones all height, area, setback and coverage standards within the underlying zone shall apply.
- (3) In the residential zones (R-1 and R-2) and mixed use zones (VMU and NC), the outdoor storage of vehicles, materials, and equipment shall not be permitted.
- (4) Buildings and structures shall be set back at least 50 feet from any property line in the residential zones (R-1 and R-2) or existing residential use.

PP. Sawmills. Sawmills are subject to the following criteria:

- (1) The subject property shall front on or have direct access via a public street to an arterial or collector road as provided in § 204-39 of this chapter.
- (2) Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
- (3) All access drives serving the site shall have a paved minimum thirty-five-foot-wide cartway for a distance of at least 200 feet from the intersecting street right-of-way line. In addition, a fifty-foot-long gravel section of access drive should be placed

just beyond the preceding two-hundred-foot paved section to help collect any mud that may have attached to a vehicle's wheels.

- (a) All access drives shall be designed and located in accordance with the requirements of § 204-32 of this chapter and Chapter 180, Subdivision and Land Development.
- (4) On-lot traffic circulation channels, storage, loading, and parking areas shall be clearly delineated.
- (5) All areas used for storage, loading, and parking shall be aligned and displayed in an orderly fashion so that circulation for fire safety can be maintained at all times.
- (6) Except in the IND Zone, all buildings, structures, storage and loading areas shall be a minimum of 250 feet from all lot lines.
- (7) Storage and loading areas and other activities of similar nature shall not occupy any part of the street right-of-way or required off-street parking areas.
- (8) Except in the IND Zone, all cutting, sawing, grinding, or other processing shall be conducted within a completely enclosed building.
- (9) Except the IND Zone, sawmills shall only operate no earlier than one hour after the official sunrise, and must be completed no later than one hour before official sunset on weekdays. No weekend or holiday operation shall be permitted.

QQ. Schools, commercial. Commercial schools are permitted subject to the following criteria:

- (1) All schools with an enrollment of 250 or more students shall front on or have direct access via a public street to an arterial or collector road as provided in § 204-39 of this chapter.
- (2) Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
- (3) Enrollment shall be defined as the largest number of students under educational supervision at any one time during a seven-day period.

RR. Schools, public or private. Public or private schools are permitted subject to the following criteria:

- (1) All schools with an enrollment of 250 or more students shall front on or have direct access via a public street to an arterial or collector road as provided in § 204-39 of this chapter.
- (2) Primary passenger dropoff and pickup areas should be provided on site and arranged so that the passengers do not have to cross traffic lanes on or adjacent to the site, and passenger dropoff and pickup areas shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.
- (3) Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.

- (4) "Enrollment" shall be defined as the largest number of students under educational supervision at any one time during a seven-day period.

SS. Schools, vocational. Vocational schools are permitted subject to the following criteria:

- (1) All schools with an enrollment of 250 or more students shall front on or have direct access via a public street to an arterial or collector road as provided in § 204-39 of this chapter.
- (2) Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
- (3) On-lot traffic circulation channels, storage, loading, and parking areas shall be clearly delineated.
- (4) All areas used for storage, loading, and parking shall be aligned and displayed in an orderly fashion so that circulation for fire safety can be maintained at all times.
- (5) All areas used for the storage, loading, and parking areas shall be graded for proper drainage and shall be surfaced so as to provide a durable and dustless surface.
- (6) Enrollment shall be defined as the largest number of students under educational supervision at any one time during a seven-day period.
- (7) The applicant shall provide a detailed description of the proposed use in each of the following topics:
 - (a) The nature of the on-site activities and operations, the types of materials stored, the duration period of storage of materials, and the methods for disposal of any surplus or damaged materials. In addition, the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with state and federal regulations.
 - (b) Any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, stormwater, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinance, including but not limited to those listed in § 204-37 of this chapter.

TT. Shopping centers. Shopping centers are permitted subject to the following criteria:

- (1) The subject property shall front on or have direct access via a public street to an arterial or collector road as provided in § 204-39 of this chapter.
- (2) All access drives shall be set back at least 200 feet from the intersection of any street right-of-way lines.
- (3) Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
- (4) On-lot traffic circulation channels and parking areas shall be clearly delineated.

- (5) For off-street parking and loading, refer to §§ 204-35 and 204-36. For landscaping, refer to § 204-30.³¹
- (6) In addition to vehicular access to the property, the applicant shall be required to design and construct pedestrian linkages with any adjoining area within the residential zones (R-1 and R-2) or mixed use zones (VMU and NC), even if they are not yet developed. Such pedestrian linkages shall be located so as to provide safe and convenient access to the shopping center from the nearby areas.

UU. Taverns/bars. Taverns/bars are permitted subject to the following criteria:

- (1) A tavern/bar shall be located in accordance with the provisions of the Pennsylvania Liquor Control Board.
- (2) The owner(s) and operator(s) of a tavern/bar shall be responsible for the conduct and safety of the patrons.

VV. Travel plazas. Travel plazas are permitted subject to the following criteria:

- (1) Travel plazas may include a wide range of services and goods to professional drivers and the general public are congregated, such as fuel sales, vehicle service, overnight accommodations and restaurants subject to the specific standards for each use in accordance with the provisions in Articles III and IV of this chapter.
- (2) The subject property shall front on or have direct access via a public street to an arterial or collector road as provided in § 204-39 of this chapter.
- (3) Travel plazas must be provided with separate entrance and exitways with paved access drives.
- (4) All access drives serving the site shall have a paved minimum thirty-five-foot-wide cartway for a distance of at least 200 feet from the intersecting street right-of-way line.
 - (a) All access drives shall be designed and located in accordance with the requirements of § 204-32 and Chapter 180, Subdivision and Land Development.
- (5) Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
- (6) On-lot traffic circulation channels, storage, and parking areas shall be clearly delineated. Fuel delivery shall not impede traffic-flow patterns.
- (7) The applicant shall submit a traffic study prepared in accordance with Chapter 180, Subdivision and Land Development.

WW. Treatment center. Treatment centers are permitted subject to the following criteria:

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

- (1) A treatment center shall be directly affiliated with a parent institution or organization which shall provide full-time supervision and administration to the residents of the treatment center.
- (2) A common cooking and eating area must be provided; no cooking or dining facilities shall be provided in individual rooms or suites.
- (3) The residents of the treatment center shall reside on the premises to benefit from the services provided.
- (4) No portion of a treatment center shall be located within 500 feet of another treatment center, group home facility, group care facility, and/or halfway house, but in no case shall be located within the same block.
- (5) No portion of a building occupied by a treatment center use shall be located within 500 feet of any property which contains any one or more of the following specified land uses where minors may congregate:
 - (a) Commercial recreation facility, indoor/outdoor;
 - (b) Day-care facility primarily for children;
 - (c) Library;
 - (d) Park, playground, playfield;
 - (e) Place of worship;
 - (f) School, private/public;
 - (g) Swimming pool, public; or
 - (h) Other lands, buildings, and uses where minors congregate.
- (6) Each application shall be accompanied by a statement describing the following:
 - (a) The composition of the treatment center;
 - (b) The policies and goals of the treatment center and the means proposed to accomplish those goals;
 - (c) The characteristics of the residents and number of residents to be served;
 - (d) The operating methods and procedures to be used; and
 - (e) Any other facts relevant to the proposed operation of the treatment center.
- (7) No treatment center may change the type or maximum number of clients being housed, except upon additional approval by the entity with jurisdiction for initial approval.
- (8) The institution shall submit a copy of its emergency operations plan (EOP) to the local and county emergency management agency coordinator.

XX. Truck drop lot. Truck drop lots are permitted subject to the following criteria:

- (1) The subject property shall front on or have direct access via a public street to an arterial or collector road as provided in § 204-39 of this chapter.
- (2) Truck drop lots must be provided with separate entrance and exitways with paved access drives.
- (3) All access drives serving the site shall have a paved minimum thirty-five-foot-wide cartway for a distance of at least 200 feet from the intersecting street right-of-way line.
 - (a) Otherwise, all access drives shall be designed and located in accordance with the requirements of § 204-32 and Chapter 180, Subdivision and Land Development.
- (4) Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
- (5) On-lot traffic circulation channels, storage, and parking areas shall be clearly delineated. Fuel delivery shall not impede traffic flow patterns.
- (6) The applicant shall submit a traffic study prepared in accordance with Chapter 180, Subdivision and Land Development.
- (7) Truck drop lots shall provide permanent bathroom facilities connected to the public sewerage system or, if public sewerage is not available, to an on-lot septic system(s). The facilities shall always be available to full- and part-time workers at the drop lot, and drivers and associated personnel visiting the lot.

YY. Warehousing, distribution, and wholesaling. Warehousing, distribution, and wholesaling establishments are permitted subject to the following criteria:

- (1) The subject property shall front on or have direct access via a public street to an arterial or collector road as provided in § 204-39 of this chapter.
- (2) Storage, loading, parking areas, and other activities of similar nature shall not occupy any part of the existing or future street right-of-way (including sidewalks) or required off-street parking areas.
- (3) Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
- (4) On-lot traffic circulation channels, storage, loading, and parking areas shall be clearly delineated.
- (5) All areas used for storage, loading, and parking shall be aligned in an orderly fashion so that circulation for fire safety can be maintained at all times.
- (6) All areas used for the storage, loading, parking areas shall be graded for proper drainage and shall be surfaced so as to provide a durable and dustless surface.
- (7) The applicant shall provide a detailed description of the proposed use in each of the following topics:

- (a) The nature of the on-site activities and operations, the types of materials stored, the frequency of distribution and restocking, the duration period of storage of materials, and the methods for disposal of any surplus or damaged materials. In addition, the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with state and federal regulations.
 - (b) The general scale of the operation, in terms of its market area, specific floor space requirements for each activity, the total number of employees on each shift and an overall needed site size.
 - (c) Any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, stormwater, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinance, including but not limited to those listed in § 204-37 of this chapter.
- (8) The applicant shall submit a traffic study prepared in accordance with Chapter 180, Subdivision and Land Development.

§ 204-50. Accessory uses.

- A. Accessory apartments. Accessory apartments are subject to the following criteria:
- (1) Only one accessory apartment shall be permitted as an accessory use to a principal owner-occupied, single-family detached dwelling.
 - (2) An accessory apartment may be contained within a portion of an accessory building or within a portion of the main structure.
 - (3) No accessory apartment shall comprise more than 30% of the habitable floor space of the principal dwelling.
 - (4) The applicant shall demonstrate that an approved means of sewage disposal and reliable water supply shall be used.
 - (5) All units contained on floors above or below grade shall have a direct means of escape to ground level.
 - (6) Any modifications to the external appearance of the building (except fire escapes) shall complement its residential character.
- B. Automated banking facilities. Automated banking facilities are permitted subject to the following criteria:
- (1) Within the VMU Zone, drive-through facilities shall be prohibited.
 - (2) Otherwise, all drive-through automated banking facilities shall comply with the provisions for drive-through facilities herein § 204-50E of this chapter.

- (3) Otherwise, automated banking facilities are permitted, subject to the following criteria:
 - (a) Trash receptacles shall be provided and routinely emptied to prevent the scattering of litter, and the applicant shall furnish and implement a working plan for the cleanup of litter and debris.
 - (b) All automated teller machines shall be located, or contain convenient parking spaces, so that the movement of vehicles will not be hampered by those cars belonging to persons using the automated teller machines.
 - (c) Where practicable, all automated teller machines shall be located on a building wall facing away from an adjoining property within the residential zones (R-1 and R-2) and any existing, adjacent residential use.
- C. Day care, accessory. Accessory day cares are exempted from zoning permit requirements, except that the principal residential dwelling must comply with all other applicable requirements of this chapter.
- D. Day care, family. Family day-care uses are permitted subject to the following criteria:
 - (1) Family day-care facilities shall be conducted within a single-family detached dwelling.
 - (2) A family day-care facility shall offer care and supervision to no more than six different nonresident persons during any calendar day.
 - (3) All principal structures permitted to be family day-care facilities shall maintain an exterior appearance that resembles and is compatible with any existing dwellings in the neighborhood. No modification to the external appearances of the building (except fire and safety requirements) which would alter its residential character shall be permitted.
 - (4) Fire escapes, where required, shall be located in the rear or side (in order of preference) of the building and shall not be located on any wall facing a street right-of-way.
 - (5) An outdoor play area for children shall be provided. Off-street parking lots and areas shall not be used as outdoor play areas. Outdoor play areas shall not be located in the front yard. All outdoor play areas must provide a means of shade, such as a shade tree(s) or pavilion(s). Any vegetative materials located within the outdoor play areas shall be of a nonharmful type (poisonous, thorny, allergenic, etc.)
 - (a) Additionally, outdoor play areas shall be located at least 20 feet from property in the residential zones (R-1 and R-2) or existing residential use, and screened in accordance with § 204-26 of this chapter, along with a fence at least four feet in height. Outdoor play areas shall be limited to use between 8:00 a.m. and 8:00 p.m.

- (6) Off-street parking areas shall be provided and arranged so that persons do not have to cross streets on or adjacent to the site.
 - (7) Primary passenger dropoff and pickup areas should be provided on site and arranged so that the passengers do not have to cross traffic lanes on or adjacent to the site, and passenger dropoff and pickup areas shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.
 - (8) All parking areas shall be screened from abutting property in the residential zones (R-1 and R-2) or existing residential use.
 - (9) "Enrollment" shall be defined as the largest number of persons under day-care supervision at any one time during a seven-day period.
 - (10) All family day centers must comply with the current Uniform Construction Code regulations.
- E. Drive-through facilities for permitted uses. Drive-through facilities for permitted uses are permitted subject to the following criteria:
- (1) The subject property shall front on an arterial or collector road as provided in § 204-39 of this chapter.
 - (2) No drive-through facility shall be located within 25 feet from an abutting property in the residential zones (R-1 or R-2) Zones or existing residential use.
 - (3) Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets. Ingress and egress standards shall meet the requirements set forth in Chapter 180, Subdivision and Land Development.
 - (4) All drive-through facility buildings and structures shall be designed and planned to take advantage of and be compatible with natural and built features of the site and area.
 - (5) Where practicable, all drive-through window and lanes shall be separated from the parking lot's interior driveways.
 - (6) Where practicable, all drive-through window facilities and lanes shall be located on a building wall facing away from an abutting property in the residential zones (R-1 and R-2) or existing residential use.
 - (7) Where practicable, all drive-through window facilities and lanes shall be located on a building wall facing away from a public street right-of-way.
 - (8) On-lot traffic circulation channels and parking areas shall be clearly delineated.
 - (9) Sufficient stacking lanes shall be provided associated with drive-through windows to prevent vehicle backups on adjoining streets. A minimum one-hundred-foot-long on-site stacking area for the vehicles shall be provided on the site. No vehicle will be allowed to stack or form on public streets. Furthermore, each drive-through lane

shall have on-site directional signs, indicator lights or pavement markings identifying the direction of travel and lane status (i.e., open vs. closed).

- (10) Any exterior microphone/speaker system shall be oriented, arranged and/or screened to prevent any objectionable noise impact on abutting property in the residential zones (R-1 and R-2) or existing residential use.
- (11) A traffic impact study is required to demonstrate safe access and control of traffic into and out of the facility in accordance with Chapter 180, Subdivision and Land Development.

F. Farm occupations. Farm occupation uses are permitted subject to the following criteria:

- (1) For the purposes of this section, farm occupations may involve any one of a wide range of uses, so long as there is no more than one farm occupation per lot, and it remains secondary and clearly incidental to and compatible with the active agricultural operation and/or farm use of at least 10 acres.
- (2) For farm or agricultural parcels of up to 50 acres in size, while the farm occupation is in operation, no non-farm subdivision of the site shall be permitted.
- (3) No more than four nonresidents shall be employed by the farm occupation, and at least one owner of the farm occupation must be engaged in the farm occupation.
- (4) Activities associated with the farm occupation shall be conducted in such a way that no traffic congestion, noise, glare, air pollution, odor, smoke, vibration, fire hazards, safety hazards, electromagnetic interference, or otherwise, shall be noticeable at or beyond the lot line.
- (5) A description of the operations proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, vibration, fire hazards, safety hazards, or the emission of any potentially harmful or obnoxious matter or radiation and other performance standards in accordance with this chapter.
- (6) The farm occupation shall not be conducted in a manner that its noise exceeds at the lot line the ambient noise level of the applicable time of day.
- (7) Except as otherwise provided herein this section, all activities associated with the farm occupation shall take place in one completely enclosed building. Where practicable, the farm occupation shall be conducted within an existing farm or agricultural operation building:
 - (a) However, any new building constructed for use by the farm occupation shall be located to the rear (behind) the agricultural operation's or farm's principal buildings, and must be no less than 100 feet from any adjoining roads or properties.
 - (b) Any new building constructed for use by the farm occupation shall be of a design so that it is compatible with the surrounding buildings and can be

readily converted to agricultural operation or farm use, or removed, if the farm occupation is discontinued.

- (8) The sales of goods or merchandise may occur on the premises, limited to those goods or merchandise that are produced on the premises, or are customarily incidental to the business use and directly related thereto.
 - (9) No manufacturing, repairing, or other mechanical work shall be performed in any outdoor area. Such activity shall be conducted within a completely enclosed building in such a way that no noise, odor, vibration, electromagnetic interference, or smoke shall be noticeable at or beyond the lot line.
 - (10) All parking, loading, and outdoor storage areas shall be screened from adjoining roads and properties:
 - (a) Parking and loading areas must be located to the side or rear (behind) of the building containing the farm occupation; and
 - (b) Outdoor storage of goods and materials must be located to the rear (behind) the building containing the farm occupation.
 - (11) No part of a farm occupation shall be located within 75 feet of any side or rear lot line, nor 150 feet from an abutting property in the residential zones (R-1 or R-2 Zones) or existing residential use.
 - (12) The farm occupation shall occupy no more than 4,000 square feet of gross floor area, nor more than one acre of lot area. However, any driveway serving the farm occupation and the agricultural operation or farm use, shall not be calculated as land serving the farm occupation.
 - (13) No more than 50% of the land devoted to a farm occupation shall be covered by buildings, structures, parking or loading areas, or any other impervious surfaces.
 - (14) Vehicular access to the farm occupation shall be limited to the same driveway connection with the public street right-of-way that serves the agricultural operation or farm use and/or related dwelling. No additional roadway connection shall be permitted for the farm occupation.
 - (15) Drive-throughs shall be prohibited.
 - (16) Sign(s) advertising a farm occupation shall comply with § 204-41 of this chapter or maximum 10 square feet.
- G. Home occupations. Home occupation uses are permitted subject to the following criteria:
- (1) For the purposes of this section, home occupations may involve any one of a wide range of uses, so long as there is no more than one home occupation per lot, and it remains secondary and clearly incidental to and compatible with the primary use of the premises as a single-family detached dwelling for living purposes.
 - (2) No more than two nonresidents shall be employed by the home occupation, and at least one resident of the dwelling must be engaged in the home occupation.

- (3) No modifications to the external appearance of the building which would alter its residential character shall be permitted.
- (4) Activities associated with the home occupation shall be conducted in such a way that no traffic congestion, noise, glare, air pollution, odor, smoke, vibration, fire hazards, safety hazards, electromagnetic interference, or otherwise, shall be noticeable at or beyond the lot line.
- (5) A description of the operations proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, vibration, fire hazards, safety hazards, or the emission of any potentially harmful or obnoxious matter or radiation and other performance standards in accordance with this chapter.
- (6) The home occupation shall not be conducted in a manner that its noise exceeds at the lot line the ambient noise level of the applicable time of day.
- (7) All activities associated with the home occupation shall take place in a completely enclosed building.
- (8) No sales of any goods or merchandise shall occur on the premises, other than those goods or merchandise that are produced on the premises, or are customarily incidental to the business use and directly related thereto, such as hair care products by a barber or beautician.
- (9) No manufacturing, repairing, or other mechanical work shall be performed in any outdoor area. Such activity shall be conducted within a completely enclosed building in such a way that no noise, odor, vibration, electromagnetic interference, or smoke shall be noticeable at or beyond the lot line.
- (10) No goods or materials shall be displayed or stored so as to be visible from the exterior of the premises.
- (11) Home occupations shall be limited to not more than 25% of the habitable floor area of the dwelling unit, or 500 square feet of gross floor area, whichever is less.
- (12) All parking areas shall be screened from abutting property in the residential zones (R-1 and R-2) or existing residential use.
- (13) Vehicular access to the home occupation shall be limited to the same driveway connection with the public street right-of-way that serves the single-family detached dwelling. No additional roadway connection shall be permitted for the home occupation.
- (14) The home occupation shall not require delivery or pickup by tractor-trailer trucks.
- (15) Drive throughs shall be prohibited.
- (16) No accessory building or structure shall be utilized as a home occupation, except that an accessory building or structure may be used as storage area for the home occupation, provided that said area shall be included in the total area permitted for

a home occupation use and, further, that no such accessory building or structure shall be accessible to the public for business purposes.

- (17) Sign(s) advertising a home occupation shall comply with § 204-41 of this chapter.
- H. No-impact home occupation. No-impact home occupation uses are permitted subject to the following criteria:
- (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 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 may not use any equipment or process that creates noise, vibration, glare, fumes, odors or electrical 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 activities.
- I. Noncommercial keeping of livestock. Noncommercial keeping of livestock shall be permitted subject to the following specific criteria:
- (1) The following lists minimum lot areas for housing or keeping noncommercial livestock.
 - (a) Minimum lot area shall be one acre. Additionally, the following list specifies additional lot area requirements by size of livestock kept:
 - [1] Group 1: livestock whose average adult weight is less than 10 pounds shall be permitted at a livestock density of 12 per acre, with a maximum number of 50 livestock.
 - [2] Group 2: livestock whose average adult weight is between 10 and 65 pounds shall be permitted at an animal density of two per acre, with a maximum number of 20 livestock.
 - [3] Group 3: livestock whose average adult weight is greater than 65 pounds shall be permitted at an animal density of one per acre, with a maximum number of 10 livestock.

- (2) The keeping of a combination of animal types (Groups 1, 2 and 3) shall require an animal density equal to the ratio of the number of livestock, by type. In no case shall a lot contain more than 50 total livestock.
 - (3) The following lists minimum setbacks (from all lot lines) imposed upon the placement of any structure used to house noncommercial livestock. Should one structure be used to house a combination of animal types, the most restrictive setback shall apply:
 - (a) Livestock less than 10 pounds: a twenty-five-foot setback.
 - (b) Livestock greater than or equal to 10 but less than or equal to 65 pounds: a forty-foot setback.
 - (c) Livestock greater than 65 pounds: a fifty-foot setback.
 - (4) Structures used to house noncommercial livestock shall not be permitted in the front yard.
 - (5) All outdoor pasture/recreation areas shall be enclosed with fencing to prevent the escape of the livestock. Such fencing must be set back at least 10 feet from all lot lines.
 - (6) All livestock housing structures and all animal wastes shall be properly stored and disposed of so to minimize odors perceptible at the lot line.
 - (7) The applicant shall furnish evidence of an effective means of livestock waste disposal which shall be implemented. All manure management practices and operations shall comply with the provisions set forth in the Pennsylvania Nutrient Management Act, as amended.³²
- J. Outdoor cafe/dining. Outdoor cafes/dining are permitted subject to the following criteria:
- (1) Outdoor furnishings shall be limited to tables, chairs, umbrellas, benches, trash/recycling type facilities, outdoor heaters, and reservation podium.
 - (2) Outdoor furnishings shall be stored in an enclosed facility after normal operating hours.
 - (3) The limits of the outdoor dining area shall be defined. In addition to decorative fencing and landscaping, decorative planters, posts with ropes, and other removable enclosures, as well as reservation podium, are encouraged as a way of defining the area occupied by the outdoor dining area.
 - (4) Any exterior microphone/speaker system shall be oriented, arranged and/or screened to prevent any objectionable noise impact on abutting property in the residential zones (R-1 and R-2) or existing residential use.
 - (5) Exterior trash and recycling receptacles shall be provided amid any outdoor dining area. Such trash receptacles shall be routinely emptied so as to prevent the

32. Editor's Note: See 3 Pa.C.S.A. § 501 et seq.

scattering of litter and debris. All applications shall include a description of a working plan for the cleanup of litter.

- (6) Advertising or promotional features, other than permitted signs in accordance with § 204-41 of this chapter, shall be limited to umbrellas and canopies.
 - (7) Outdoor dining shall not impede public sidewalks. Where permission is granted by the entity having jurisdiction over the public right-of-way in which the outdoor dining is proposed, a minimum of six feet uninterrupted (obstacle free) pathway can be continuously maintained, public sidewalks may be utilized for outdoor dining areas.
 - (8) All reasonable provisions shall be made to prevent or minimize noise, odor, and vibration, light or electrical interference on abutting property in the residential zones (R-1 and R-2) and existing residential use in accordance with § 204-37 of this chapter.
- K. Outside display and sales. Outdoor display and sales are permitted subject to the following criteria:
- (1) To be considered outside display and sales, the goods, material, and merchandise which are being displayed must be offered for sale to customers. Otherwise, it shall be considered outdoor storage or stockpiling must comply with outdoor storage and outdoor stockpile provisions set forth elsewhere in this chapter.
 - (2) Except as provided herein in subsections below, outside display and sales of goods, material, and merchandise offered for sale shall not occupy any public right-of-way (including public sidewalk areas), required setbacks, buffer yards, nor required parking and loading areas. In no case shall the location of such outside display and sales areas occur within any area used for pedestrian or vehicular circulation, parking or loading, or emergency vehicle access (e.g., fire lanes).
 - (3) The location of the outside display and sales shall not interfere with or otherwise obstruct pedestrian and vehicular traffic:
 - (a) Traveling within a public right-of-way including sidewalks and streets.
 - (b) Entering or leaving the lot or adjacent lots (including access drives and driveways).
 - (c) Shall be not located within a clear-sight triangle.
 - (4) No outside display and sales shall occur on areas with a slope in excess of 15% or within any area designated as the floodway as provided for in Chapter 112, relating to floodplain management.
 - (5) Outside display and sales areas shall be graded for proper drainage and shall be surfaced so as to provide a durable and dustless surface.
 - (6) Outside display and sales areas shall be aligned and displayed in an orderly fashion so that circulation for fire safety can be maintained at all times.

- (7) No signage, except as authorized by § 204-41, shall be permitted.
 - (8) Intended outside sale and display areas shall be graphically depicted and other uses indicated upon any permits and/or plans required by the Township.³³
- L. Railroad spurs (branch lines). Railroad spurs (branch lines) for permitted uses are permitted subject to the following criteria:
- (1) The subject property shall abut and have direct access to main or trunk rail line.
 - (2) There shall be no setback requirement where a property abuts a main or trunk rail line.
 - (3) The railroad spur, and all related rail outdoor loading/unloading shall not be located or oriented directly toward any property in the residential zones (R-1 and R-2) or existing residential use.
- M. Roadside stand. Roadside stands are permitted subject to the following criteria:
- (1) There shall not be more than one roadside stand permitted per lot.
 - (2) The sale of products shall be conducted from a portable roadside stand.
 - (a) Roadside stands may be located in any required front yard area, provided they are at least 30 feet from any street right-of-way and any lot line and at least 50 feet from any side or rear lot line:
 - [1] Portable roadside stands shall be dismantled at the end of the harvesting season;
 - [2] All portable structures and signage used as part of the roadside stand operation shall be moved to an area to the side or rear of the principal structure and appropriately screened from view; and
 - [3] Otherwise a permanent roadside stand structure shall be permitted under the following conditions:
 - [a] The permanent roadside stand structure shall be located at least 50 feet from the street right-of-way line;
 - [4] The maximum floor area of the structure used as a roadside stand shall not exceed 300 square feet.
 - (3) In addition to the required parking spaces, beyond those required for the permitted principal use, roadside stand parking shall be provided on the lot in accordance with § 204-35 of this chapter.
 - (4) Unless otherwise specified herein this subsection, signs shall comply with § 204-41 of this chapter:

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

- (a) The maximum number signs permitted on the lot per roadside stand shall be two and they shall be attached to the produce stand;
 - (b) The maximum sign area for any one sign shall be five square feet.
- N. Rural occupations. Rural occupation uses are permitted subject to the following criteria:
- (1) For the purposes of this section, rural occupations may involve any one of a wide range of uses, so long as there is no more than one rural occupation per lot, and it remains secondary and clearly incidental to and compatible with the single-family detached dwelling on a lot of least five acres.
 - (2) No more than four nonresidents shall be employed by the rural occupation, and at least one owner of the rural occupation must be engaged in the rural occupation.
 - (3) Activities associated with the rural occupation shall be conducted in such a way that no traffic congestion, noise, glare, air pollution, odor, smoke, vibration, fire hazards, safety hazards, electromagnetic interference, or otherwise, shall be noticeable at or beyond the lot line.
 - (4) A description of the operations proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, vibration, fire hazards, safety hazards, or the emission of any potentially harmful or obnoxious matter or radiation and other performance standards in accordance with this chapter.
 - (5) The rural occupation shall not be conducted in a manner that its noise exceeds at the lot line the ambient noise level of the applicable time of day.
 - (6) Except as otherwise provided herein this subsection, all activities associated with the rural occupation shall take place in one completely enclosed building. Where practicable, the rural occupation shall be conducted within an existing agricultural, farm, or other accessory building:
 - (a) However, any new building constructed for use by the rural occupation shall be located to the rear (behind) of the single-family detached dwelling, and must be no less than 100 feet from any adjoining roads or properties.
 - (b) Any new building constructed for use by the rural occupation shall be of a design so that it is compatible with the surrounding buildings and can be readily converted to another permitted use, or removed, if the rural occupation is discontinued.
 - (7) The sales of goods or merchandise may occur on the premises, limited to those goods or merchandise that are produced on the premises, or are customarily incidental to the business use and directly related thereto.
 - (8) No manufacturing, repairing, or other mechanical work shall be performed in any outdoor area. Such activity shall be conducted within a completely enclosed building in such a way that no noise, odor, vibration, electromagnetic interference, or smoke shall be noticeable at or beyond the lot line.

- (9) All parking, loading, and outdoor storage areas shall be screened from adjoining roads and properties:
 - (a) Parking and loading areas must be located to the side or rear (behind) of the building containing the rural occupation; and
 - (b) Outdoor storage of goods and materials must be located the rear (behind) the building containing the rural occupation.
- (10) No part of a rural occupation shall be located within 75 feet of any side or rear lot line, nor 150 feet from an abutting property in the residential zones (R-1 or R-2 Zones) or existing residential use.
- (11) The rural occupation shall occupy no more than 2,000 square feet of gross floor area, nor more than the building footprint (coverage or area) of the single-family detached dwelling, nor more than one acre of lot area. However, any driveway serving the rural occupation and the single-family detached dwelling shall not be calculated as land serving the rural occupation.
- (12) No more than 50% of the land devoted to a rural occupation shall be covered by buildings, structures, parking or loading areas, or any other impervious surfaces.
- (13) Vehicular access to the rural occupation shall be limited to the same driveway connection with the public street right-of-way that serves the single-family detached dwelling. No additional roadway connection shall be permitted for the rural occupation.
- (14) Drive throughs shall be prohibited.
- (15) Sign(s) advertising a rural occupation shall comply with § 204-41 of this chapter.
- (16) Proof of tax identification number shall be provided and placed on the zoning permit.

§ 204-51. Temporary uses.

- A. Temporary farm employee housing. Temporary farm employee housing is permitted subject to the following criteria:
 - (1) For the purposes of this section, active agricultural operations and/or farm uses of at least 10 acres shall be permitted one additional dwelling unit to house farm workers (and their families) who are employed by the owner of the agricultural operation and/or farm, for such time as the employee works the land of the owner.
 - (2) The dwelling unit shall be located within the rear yard of the principal farm dwelling and shall further comply with all setback requirements imposed upon single-family detached dwellings.
 - (3) The dwelling unit shall be occupied at least 120 days a year by at least one person who is employed on the farm where the dwelling unit is located. If this condition is not satisfied, the dwelling unit shall be removed within 120 days.

- (4) Upon the proper installation of the dwelling unit, the Zoning Officer shall issue a temporary use and occupancy permit. Such permit shall be reviewed every 12 months until such time as it is required to be removed. A fee, in the amount to be set by the Board of Supervisors, shall be paid by the landowner upon each renewal of the temporary use and occupancy permit. Such fee shall be based upon the cost of the annual review of the permit.

ARTICLE V Nonconformities

§ 204-52. Continuation.

Any use, building or structure lawfully existing at the time of enactment of this chapter may be continued, although it is not in conformity with the regulations specified by this chapter.

§ 204-53. Abandonment.

If a nonconforming use of land or of a building or structure ceases or is discontinued for a continuous period of one year or more, subsequent use shall be in conformity with the provisions of this chapter. Vacating of buildings or structures, nonuse of land or nonoperative status of use constitutes evidence of a discontinued use.

§ 204-54. Extension of a nonconforming use of land.

Any lawful nonconforming use of land, exclusive of buildings and structures and the use contained therein, may be extended upon the lot upon which it exists at the time of the effective date of this chapter, but such extension shall conform to area and lot regulations and the design standards of this chapter and to the percentage limitation as set forth in § 204-55 of this chapter. The extension of a nonconforming use on a lot shall be limited to the lot which was in existence on the effective date of this chapter.

§ 204-55. Expansion or alteration.

- A. Any nonconforming use may be expanded or altered through the acquisition of a special exception and subject to the following criteria and those contained in § 204-64C of this chapter:
 - (1) Expansion of the nonconformity shall be confined to the lot on which it was located at the time the use became nonconforming.
 - (2) The total of all such expansions or alterations of use shall not exceed an additional 50% of the area of those buildings or structures or land devoted to the nonconforming use as they existed on the date on which the use of such buildings, structures or land first became nonconformities. The applicant shall furnish conclusive evidence as to the extent of the nonconformity when it was created.

- (3) Provision for vehicular access, off-street parking and off-street loading shall be consistent with standards required by this chapter.
 - (4) Provision for yards, building height and building area shall be consistent with the standards required for permitted uses in the zone in which the nonconformity in question is located.
 - (5) Appearance should be harmonious with surrounding properties. This feature includes but is not limited to landscaping, enclosure of principal and accessory uses, height control, sign control, architectural control and maintenance of all improvements and open spaces.
 - (6) Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, plantings and open spaces.
 - (7) The expansion shall not create new dimensional nonconformities or further increase existing dimensional nonconformities.
 - (8) No expansion of a nonconforming structure or a nonconforming use located outside of a structure existing on the effective date of this chapter shall be permitted in the Floodplain Zone.
 - (9) Excluding expansion, any modification, alteration, repair, reconstruction or improvement of any kind to a nonconforming use or structure located in the Floodplain Overlay Zone shall comply with § 204-21 of this chapter.
 - (10) Excluding expansion, any modification, alteration, repair, reconstruction or improvement of any kind to a nonconforming use or structure located in the Airport Overlay Zone shall comply with § 204-22 of this chapter.
- B. Any dimensional nonconformity may be reduced by permitted use. The extension or enlargement of a dimensional nonconformity may also be permitted by right; however, such extension or enlargement shall be limited to a total of a 10% increase of the dimensional nonconformity when it was originally created.

§ 204-56. Substitution or replacement.

Any nonconforming use may be replaced or substituted by another nonconforming use by special exception, if the Zoning Hearing Board determines that the proposed use is at least equally compatible with the surrounding area, as the original nonconforming use. In addition, the proposed nonconforming use shall not increase any dimensional nonconformities. The Zoning Hearing Board may attach reasonable conditions to the special exception to keep the use compatible within its surroundings.

§ 204-57. Restoration.

Any lawful nonconforming use or structure which has been involuntarily damaged or destroyed by fire, explosion, windstorm or other similar active cause may be reconstructed in the same location, provided that:

- A. A nonconforming use or structure which has been damaged or destroyed to the extent of whereby the cost of restoring the use or structure to its before-damaged condition would equal or exceed 50% or more of the market value of the use or the structure before the damage occurred shall not be restored except in conformity with the regulations of the zoning district in which it is located and all other applicable standards of this chapter.
- B. A nonconforming use or structure which has been damaged or destroyed to the extent of whereby the cost of restoring the use or structure to its before-damaged condition would be less than 50% of the market value of the use or the structure before the damage occurred may be repaired or reconstructed and used as before the time of the damage, provided that:
 - (1) Such repairs or reconstruction are commenced within one year of the date of such damage and shall be carried on without interruption; and
 - (2) The reconstructed use or structure does not exceed in height, area, and volume, of the use or building destroyed.

§ 204-58. Previously expanded nonconforming uses and structures.

It is the express intent and purpose of this chapter that if a building, structure, sign or land was expanded or extended to the limits of expansion for a nonconforming building, structure, sign or use of land as authorized by a prior zoning regulation or ordinance, no further expansion of said building, structure, sign or land shall be authorized. In the event a nonconforming building, structure, sign or use of land was expanded to a portion of the limits of expansion authorized by a prior zoning regulation or ordinance, additional expansion if permitted by this chapter shall only be authorized to the amount of expansion not previously utilized pursuant to said prior zoning regulation or ordinance.

§ 204-59. Nonconforming lots.

A lot owned individually and separately and separated in ownership from any adjoining tracts of land on the effective date of this chapter, which has a total lot area or lot width less than prescribed in this chapter, provided that the lot was and still is in single ownership and no opportunity is present to consolidate two or more contiguous lots into a lot conforming to the district requirement, may be used provided such lot shall be developed in conformity with all applicable district regulations other than the minimum lot area, lot width and yards. Existing small lots meeting the above stipulations shall comply with the following permitted reductions:

- A. Side yards may be proportionately reduced based upon the percentage that the existing small lot is not in compliance, but in no event shall the side yard be less than five feet.

For example, if the existing small lot is 25% less than the minimum lot size requirement, the side yard may be reduced by 25%.

- B. Rear yards may be proportionately reduced in the same manner as in Subsection A above, but in no event shall the rear yard be less than 10 feet.
- C. Front yard relief shall comply with the average setback of the two existing principal buildings with the greatest setbacks located within 100 feet on each side of the proposed building.

ARTICLE VI Zoning Hearing Board

NOTE: This article predominantly presents regulations contained within the MPC (53 P.S. § 10101 et seq.). Should the MPC be revised subsequent to adoption of this chapter in a way that is inconsistent with the contents of this Article VI, the language of the revised MPC shall apply.

§ 204-60. Establishment and membership.

- A. There shall be a Zoning Hearing Board which shall consist of three members who shall be appointed by resolution by the Board of Supervisors. The membership of the Zoning Hearing Board shall consist of residents of the Township. Their terms of office shall be three years and shall be so fixed that the term of office of one member shall expire each year. The Zoning Hearing Board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Zoning Hearing Board shall hold no other office in the Township. Any member of the Zoning Hearing Board may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors taken after the member has received 15 days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.
- B. The Board of Supervisors may appoint by resolution at least one but no more than three residents of the municipality to serve as alternate members of the Zoning Hearing Board. The term of office of an alternate member shall be three years. When seated pursuant to the provisions of § 204-61, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this chapter and as otherwise provided by law. Alternates shall hold no other office in the municipality, including membership on the Planning Commission and Zoning Officer. Any alternate may participate in any proceeding or discussion of the Zoning Hearing Board but shall not be entitled to vote as a member of the Zoning Hearing Board nor be compensated unless designated as a voting alternate member pursuant to § 204-61 of this chapter.

§ 204-61. Organization of Zoning Hearing Board.

The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the Zoning Hearing Board, but the Zoning Hearing Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Zoning Hearing Board as provided in § 204-63. If, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Zoning Hearing Board shall designate as many alternate members of the Zoning Hearing Board to sit on the Zoning Hearing Board as may be needed to provide a quorum. Any alternate member of the Zoning Hearing Board shall continue to serve on the Zoning Hearing Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Zoning Hearing Board has made a final determination of the matter or case. Designation of an alternate pursuant to this section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates. The Zoning Hearing Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the Township and laws of the commonwealth. The Zoning Hearing Board shall keep full public records of its business, which records shall be the property of the Township and shall submit a report of its activities to the Board of Supervisors upon request.

§ 204-62. Expenditures for services.

Within the limits of funds appropriated by the Board of Supervisors, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Zoning Hearing Board may receive compensation for the performance of their duties, as may be fixed by the Board of Supervisors. Alternate members of the Zoning Hearing Board may receive compensation, as may be fixed by the Board of Supervisors, for the performance of their duties when designated as alternate members pursuant to § 204-61, but in no case shall such compensation exceed the rate of compensation authorized to be paid to the members by the Board of Supervisors.

§ 204-63. Hearings.

- A. The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements:
- (1) Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer, such other persons as the governing body shall designate by ordinance and to any person who has made timely request for the same. Such mailed notices shall state the location of the site and the nature of the request. It shall also state the time, date and location of the proposed hearing. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.

- (2) The governing body may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.
 - (3) The first hearing before the Board or hearing officer shall be commenced within 60 days from the date of receipt of the applicant's application, unless the applicant has agreed, in writing, to an extension of time. Each subsequent hearing before the Board or hearing officer shall be held within 45 days of the prior hearing, unless otherwise agreed to by the applicant, in writing, or on the record. An applicant shall complete the presentation of his case-in-chief within 100 days of the first hearing. Upon the request of the applicant, the Board or hearing officer shall assure that the applicant receives at least seven hours of hearings within the 100 days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within 100 days of the first hearing held after the completion of the applicant's case-in-chief. And applicant may, upon request, be granted additional hearings to complete his case-in-chief, provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and municipality, be granted additional hearings to complete their opposition to the application, provided the applicant is granted an equal number of additional hearings for rebuttal.
- B. The hearings shall be conducted by the Zoning Hearing Board or the Zoning Hearing Board may appoint any member as a hearing officer. The decision or, where no decision is called for, the findings shall be made by the Zoning Hearing Board; however, the appellant or the applicant, as the case may be, in addition to the municipality may, prior to the decision of the hearing, waive decision or findings by the Zoning Hearing Board and accept the decision or findings of the hearing officer as final.
 - C. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Zoning Hearing Board and any other person, including civic or community organizations permitted to appear by the Zoning Hearing Board. The Zoning Hearing Board shall have power to require that all persons who wish to be considered parties enter appearances, in writing, on forms provided by the Zoning Hearing Board for that purpose.
 - D. The Chairman or Acting Chairman of the Zoning Hearing Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
 - E. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

- F. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
- G. The Zoning Hearing Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Zoning Hearing Board. The cost of the original transcript shall be paid by the Zoning Hearing Board, if the transcript is ordered by the Zoning Hearing Board or hearing officer, or shall be paid by the person appealing the decision of the Zoning Hearing Board if such appeal is made, and, in either event, the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.
- H. The Zoning Hearing Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed, and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
- I. The Zoning Hearing Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the Zoning Hearing Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons therefor. Conclusions based on any provisions of the Act or of this chapter, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer and there has been no stipulation that his decision or findings are final, the Zoning Hearing Board shall make his report and recommendations available to the parties within 45 days, and the parties shall be entitled to make written representations thereon to the Zoning Hearing Board prior to final decision or entry of findings, and the Zoning Hearing Board's decision shall be entered no later than 30 days after the report of the hearing officer. Where the Zoning Hearing Board fails to render the decision within the period required by this subsection or fails to hold the required hearing within 60 days from the date of the applicant's request for hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed, in writing, or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Zoning Hearing Board to meet or render a decision as herein above provided, the Zoning Hearing Board shall give public notice of said decision within 10 days from the last day it could have met to render a decision in the same manner as provided in § 204-63A of this chapter. If the Zoning Hearing Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.
- J. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its

date. To all other persons who have filed their name and address with the Zoning Hearing Board not later than the last day of the hearing, the Zoning Hearing Board shall provide, by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

K. Effect of Zoning Hearing Board's decision:

- (1) If the variance or special exception is granted or the issuance of a permit is approved or other action by the appellant is authorized, the necessary permit shall be secured and the authorized action begun within two years after the date when the variance or special exception is finally granted or the issuance of a permit is finally approved or the other action by the appellant is authorized and the building or alteration, as the case may be, shall be completed within three years of said date. For good cause, the Zoning Hearing Board may at any time, upon application in writing, extend either of these deadlines.
- (2) Should the appellant or applicant fail to obtain the necessary permits within said two-year period or, having obtained the permit, should he fail to commence work thereunder within such two-year period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn or abandoned his appeal or his application, and all provisions, variances and permits granted to him shall be deemed automatically rescinded by the Zoning Hearing Board.
- (3) Should the appellant or applicant commence construction or alteration within said two-year period, but should he fail to complete such construction or alteration within said three-year period, the Zoning Hearing Board may, upon 10 days' notice in writing, rescind or revoke the granted variance or special exception or the issuance of the permit or permits or the other action authorized to the appellant or applicant, if the Zoning Hearing Board finds that no good cause appears for the failure to complete within such three-year period and if the Zoning Hearing Board further finds that conditions have so altered or changed in the interval since the granting of the variance, permit or action, that revocation or rescission of the action is justified.
- (4) As an alternative to the preceding, an applicant can request, as part of the original application before the Zoning Hearing Board, the granting of a timetable associated with the request which would supersede the deadlines imposed in Subsection K(1) thorough (3) above. In so doing, the applicant must demonstrate that the times requested are logically related to normal and expected progress of the project. In approving a timetable under this section, the Zoning Hearing Board must establish and bind a definite timeframe for the issuance of a zoning permit and the completion of construction of the project.

§ 204-64. Zoning Hearing Board's functions.

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

- A. Substantive challenges to the validity of the Zoning Ordinance, except those brought before the Board of Supervisors pursuant to § 204-72F of this chapter.
- (1) If a challenge heard by a Zoning Hearing Board is found to have merit, the decision of the Zoning Hearing Board shall include recommended amendments to the challenged ordinance which will cure the defects found. In reaching its decision, the Zoning Hearing Board shall consider the amendments, plans and explanatory material submitted by the landowner and shall also consider:
 - (a) The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities.
 - (b) If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the ordinance or Zoning Map.³⁴
 - (c) The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features.
 - (d) The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts.
 - (e) The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.
 - (2) Public notice of the hearing shall be provided as specified in § 204-72B(2) of this chapter.
 - (3) The Zoning Hearing Board shall commence its hearings within 60 days after the request is filed unless the landowner requests or consents to an extension of time.
 - (4) The Zoning Hearing Board shall render its decision within 45 days after the conclusion of the last hearing. If the Board fails to act on the landowner's request within this time limit, a denial of the request is deemed to have occurred on the 46th day after the close of the last hearing.
- B. Challenges to the validity of the Zoning Ordinance, raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within 30 days after the effective date of the ordinance.
- C. Special exceptions, as provided for in this chapter and subject to all applicable requirements, including but not limited to:

34. Editor's Note: The Zoning Map is on file in the Township offices.

- (1) Filing requirements. In addition to the required zoning permit information (see § 204-70) each special exception application shall include the following:
 - (a) Ground floor plans and elevations of proposed structures.
 - (b) Names and address of adjoining property owners, including properties directly across a public right-of-way.
 - (c) A scaled drawing (site plan) of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this chapter.
 - (d) A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this chapter.
- (2) General criteria. Each applicant must demonstrate compliance with the following:
 - (a) The proposed use shall be consistent with the purpose and intent of the Zoning Ordinance.
 - (b) The proposed use shall not detract from the use and enjoyment of adjoining or nearby properties.
 - (c) The proposed use will not substantially change the character of the subject property's neighborhood.
 - (d) Adequate public facilities are available to serve the proposed use (e.g., schools, fire, police and ambulance protection, sewer, water and other utilities, vehicular access, etc.).
 - (e) For development within the Floodplain Overlay Zone, that the application complies with those requirements listed in § 204-21 of this chapter.
 - (f) The proposed use shall comply with those criteria specifically listed in Article IV of this chapter. In addition, the proposed use must comply with all other applicable regulations contained in this chapter.
 - (g) The proposed use will not substantially impair the integrity of the Township's Comprehensive Plan.
- (3) Conditions. The Zoning Hearing Board, in approving special exception applications, may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same zone. These conditions shall be enforceable by the Zoning Officer, and failure to comply with such conditions shall constitute a violation of this chapter and be subject to the penalties described in Article VII.
- (4) Site plan approval. Any site plan presented in support of the special exception pursuant to § 204-64C shall become an official part of the record for said special exception. Approval of any special exception will also bind the use in accordance with the submitted site plan. Therefore, should a change in the site plan be required as part of the approval of the use, the applicant shall revise the site plan

prior to the issuance of a zoning permit. Any subsequent change to the use on the subject property not reflected on the originally approved site plan shall require the obtainment of another special exception approval.

- D. Variances. The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this chapter inflict unnecessary hardship upon the applicant. The Zoning Hearing Board may, by rule, prescribe the form of application to the Zoning Officer. The Zoning Hearing Board may grant a variance, provided that all of the following findings are made where relevant in a given case:
- (1) That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this chapter in the neighborhood or zone in which the property is located.
 - (2) That because of such physical circumstances or conditions, there is not possibility that the property can be developed in strict conformity with the provisions of this chapter and that the authorization of a variance is therefore necessary to enable reasonable use of the property.
 - (3) That such unnecessary hardship has not been created by the appellant.
 - (4) That the variance, if authorized, will not alter the essential character of the zone or neighborhood in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
 - (5) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulations in issue.
 - (6) That variances within the Floodplain Overlay Zone shall comply with § 204-21 of this chapter.
 - (7) In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this chapter. These conditions shall be enforceable by the Zoning Officer, and failure to comply with such conditions shall constitute a violation of this chapter and subject to the penalties described in Article VII.
 - (8) Filing requirements. In addition to the required zoning permit information (see § 204-70), each variance application shall include the following:
 - (a) Ground floor plans and elevations of existing and/or proposed structures.
 - (b) Names and addresses of adjoining property owners, including properties directly across a public right-of-way.

- (c) A scaled drawing (site plan) of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this chapter.
- (d) A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this chapter.
- (9) Conditions. The Zoning Hearing Board, in approving variance applications, may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same zone. These conditions shall be enforceable by the Zoning Officer, and failure to comply with such conditions shall constitute a violation of this chapter and be subject to the penalties described in Article VII.
- (10) Site plan approval. Any site plan presented in support of a variance shall become an official part of the record for said variance. Approval of any variance will also bind the use in accordance with the submitted site plan.
- E. Appeals from the determination of the Zoning Officer, including but not limited to the granting or denial of any permit or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
- F. Appeals from a determination by a Municipal Engineer or the Zoning Officer with reference to the administration of any provisions contained within the Floodplain Zone.
- G. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of the Zoning Ordinance.
- H. Appeals from the Zoning Officer's determination under § 204-65 (and any subsequent amendments of the Act).³⁵
- I. Appeals from the determination of the Zoning Officer or Municipal Engineer in the administration of any land use ordinance with reference to sedimentation and erosion control and/or stormwater management for applications not involving a subdivision/land development, or a planned residential development as regulated in Articles V and VII of the Act, respectively.³⁶

§ 204-65. Parties appellant before Zoning Hearing Board.

Appeals under § 204-64E, F, G, H and I and proceedings to challenge this chapter under § 204-64A and B may be filed with the Zoning Hearing Board, in writing, by the landowner affected, any officer or agency of the Township or any person aggrieved. Requests for a variance under § 204-64D and for special exception under § 204-64C may be filed with the Zoning Hearing Board by any landowner or any tenant with the permission of such landowner. Any appeal shall state:

35. Editor's Note: See 53 P.S. § 10101 et seq.

36. Editor's Note: See 53 P.S. § 10501 et seq. and 53 P.S. § 10701 et seq.

- A. The name and address of the appellant and applicant.
- B. The name and address of the landowner of the real estate to be affected.
- C. A brief description and location of the real estate to be affected by such proposed change together with a plot plan drawn to scale with sufficient clarity to show the nature and character of the request.
- D. A statement of the present zoning classification of the real estate in question, the improvements thereon and the present use thereof.
- E. A statement of the section of this chapter under which the request may be allowed and reasons why it should or should not be granted.

§ 204-66. Time limitations.

- A. 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 the Zoning Officer or the agency responsible for granting such approval 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 or knowledge or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest.
- B. The failure of anyone other than the landowner to appeal from an adverse decision by the Zoning Officer on a challenge to the validity of this chapter or the Official Zoning Map,³⁷ pursuant to § 204-65, as amended, shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative preliminary approval.

§ 204-67. Stay of proceeding.

- A. Upon filing of any proceeding referred to in § 204-65 and during its pendency before the Zoning Hearing Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body and all official action thereunder shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Zoning Hearing Board facts indicating that such stay would cause imminent peril to life or property, in which case, the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Hearing Board or by the court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Zoning Hearing Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Zoning Hearing Board. After the petition is presented, the court shall hold a

37. Editor's Note: The Zoning Map is on file in the Township offices.

hearing to determine if the filing of the appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous, it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him if an appeal is taken from a final decision of the court. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.

- B. If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond and the appellate court sustains the order of the court below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses and attorneys' fees incurred by the petitioner.

§ 204-68. Appeal.

Any person, taxpayer or the Township aggrieved by any decision of the Zoning Hearing Board may within 30 days after such decision of the Zoning Hearing Board seek review by the Court of Common Pleas of such decision in the manner provided by the laws of the Commonwealth of Pennsylvania and Article X-A of the Act,³⁸ as amended.

ARTICLE VII Administration

§ 204-69. Administration and enforcement; violations and penalties.

A. Administration.

- (1) Zoning Officer. The provisions of this chapter shall be enforced by the Zoning Officer, appointed by the Board of Supervisors, who shall be known as the "Zoning Officer." The Zoning Officer shall be appointed at the first meeting of the Board of Supervisors in January to serve until the first meeting of January next following and shall thereafter be appointed annually to serve for a term of one year and/or until his successor is appointed. The Zoning Officer may succeed himself. He/she shall receive such fees or compensation as the Board of Supervisors may, by resolution, provide. The Zoning Officer shall not hold any elective office within the Township. The Zoning Officer may designate an employee of the Township as his assistant, subject to the approval of the Board of Supervisors, who shall exercise all the powers of the Zoning Officer during the temporary absence or disability of the Zoning Officer.³⁹

38. Editor's Note: See 53 P.S. § 11001-A et seq.

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

- (2) Duties. The duties of the Zoning Officer shall be:
- (a) To receive, examine and process all applications and permits as provided by the terms of this chapter. The Zoning Officer shall also issue zoning permits for special exception and conditional uses or for variances after the same have been approved.
 - (b) To record and file all applications for zoning permits or certificates of use and occupancy and accompanying plans and documents and keep them for public record.
 - (c) To inspect properties to determine compliance with all provisions of this chapter as well as conditions attached to the approval of variances, special exceptions, conditional uses and curative amendments.
 - (d) To inspect nonconforming uses, structures and lots and to keep a filed record of such nonconforming uses and structures, together with the reasons why the Zoning Officer identified them as nonconformities, as a public record and to examine them periodically, with the view of eliminating the nonconforming uses under the existing laws and regulations.
 - (e) Upon the request of the Board of Supervisors or the Zoning Hearing Board, present to such bodies facts, records and any similar information on specific requests to assist such bodies in reaching their decisions.
 - (f) To be responsible for keeping this chapter and the Official Zoning Map up to date, including any amendments thereto.
 - (g) Upon the approval by the Zoning Hearing Board of a special exception or upon the approval of a conditional use by the Board of Supervisors for development located within the Floodplain Zone, written notice of the approval shall be sent by registered mail from the Zoning Officer to the Pennsylvania Department of Community and Economic Development.
 - (h) To remain eligible for the National Flood Insurance Program, the Zoning Officer shall submit a biannual report to the Federal Insurance Administration concerning the status of the program in the Township (the report form shall be provided by the Federal Insurance Administration).
 - (i) To render a preliminary opinion regarding a proposed land use in accordance with § 204-65.
 - (j) To revoke a permit or approval issued under the provisions of this chapter in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based or for any other cause set forth in this chapter or otherwise permitted by law.
 - (k) To provide for reasonable accommodation in accordance with the following:
 - [1] North Middleton Township complies with the Federal Fair Housing Act, as amended, and/or the Americans with Disabilities Act, as amended, to

insure that policies and regulations, including but not limited to this chapter, do not discriminate against persons on the basis of race, color, religion, national origin, disability, or family status.

- [2] The Township shall grant requests for reasonable accommodations if such requests provide equal housing and accessibility opportunities to persons with disabilities, and such requests do not constitute substantial changes or deviations to standards and provisions herein this chapter.
- [3] Persons requesting reasonable accommodation under the Fair Housing Amendments Act and/or the Americans with Disabilities Act shall submit a request, in writing, to the Zoning Officer, which shall at a minimum, include the following information:
 - [a] The name and address of the applicant.
 - [b] Specific section standards and provisions of this chapter from which reasonable accommodation is being requested.
 - [c] The specific description of the reasonable accommodation being sought and the other pertinent information, including a detailed listing of any proposed structural or location related accommodations.
 - [d] The specific condition(s) of the applicants for which reasonable accommodation is sought.
 - [e] A description of the hardship, if any, that the applicants will incur should the request for reasonable accommodation being sought not be granted.
 - [f] A description of any alternative methods of relieving the claimed hardship that have been considered, as well as the reason, if any, why the applicants have rejected such alternatives.
 - [g] A statement describing why the requested accommodation is necessary to afford the applicants an opportunity equal to a nonhandicapped or nondisabled person to use and enjoy the dwelling, building, or structure in question.
 - [h] A description of the manner in which the accommodation, if granted, will be removed, terminated, and/or discontinued if no longer required to afford equal opportunity to a nonhandicapped or nondisabled person to use and enjoy the dwelling, building, or structure in question
 - [i] A statement of any facts indicating whether or not nonhandicapped or nondisabled persons would be permitted to utilize the property in question in a manner similar sought by applicants.

- [4] The Zoning Officer may hold any meetings and/or hearing necessary in his discretion to elicit information or argument pertinent to the request for accommodation.
- [5] The Zoning Officer's decision shall be in writing and state the reasons for the decision (including references to the specific sections of this chapter and any other relevant and related chapters of the Code of North Middleton Township).
- [6] The Zoning Officer shall issue his written decision to the applicants and the Township within 30 days of filing of the request for accommodation.
- [7] A request for reasonable accommodation should be directed in the first instance to the Zoning Officer. In considering a request for reasonable accommodation, the Zoning Officer shall, with the advice of the counsel of the Township Solicitor, apply the following criteria.
 - [a] Whether the applicants are handicapped or disabled within the meaning of the Federal Fair Housing Act Amendments or the Americans with Disabilities Act.
 - [b] The degree to which the accommodation sought is related to the handicap or disability of the applicant.
 - [c] A description of hardship, if any, that the applicants will incur should the request for reasonable accommodation being sought not be granted.
 - [d] The extent to which the requested accommodation is necessary to afford the applicant(s) opportunities equal to a nonhandicapped or nondisabled person to use and enjoy the dwelling, building, or structure in question.
 - [e] The extent to which the proposed accommodation may impact other property owners in immediate vicinity.
 - [f] The extent to which the proposed accommodation may be consistent with or contrary to the zoning purposes promoted by this chapter, the most recent version of the North Middleton Township Comprehensive Plan, and the community development objectives set forth in Article I of this chapter.
 - [g] The extent to which the requested accommodation would impose financial and administrative burdens upon the Township.
 - [h] The extent to which the requested accommodation would impose an undue hardship upon the Township.

- [i] The extent to which the accommodation would require a fundamental alteration in the nature of the Township's regulatory policies, objectives and regulations.
 - [j] The extent to which the requested accommodation would result in a subsidy, privilege, or benefit not available to nonhandicapped or disabled persons.
 - [k] The permanency of the requested accommodation and the conditions under which such accommodation will be removed, terminated, and/or discontinued when no longer needed to provide handicapped or disabled persons with equal opportunity to use and enjoy the dwelling (building or structure) in question.
 - [l] The extent to which the requested accommodation will increase the value of the property during and after its occupancy by applicants.
- [8] Persons aggrieved by the Zoning Officer's determination may appeal to the Zoning Hearing Board in accordance with Article VI of this chapter.
- B. Enforcement. This chapter shall be enforced by the Zoning Officer of the Township. No zoning permit or certificate of use and occupancy shall be granted by him/her for any purpose except in compliance with the literal provisions of this chapter. The Zoning Officer may be authorized to institute civil enforcement proceedings as a means of enforcement when acting within his/her scope of employment.
- C. Violations.
- (1) Failure to secure a zoning permit prior to a change in use of land or structure or the erection, construction or alteration of any structure or portion thereof shall be a violation of this chapter. It shall also be a violation of this chapter to undertake other deliberate actions which are contrary to the terms of this chapter and any conditions placed upon the approval of special exceptions, variances and conditional uses. Each day that a violation is continued shall constitute a separate offense.
 - (2) If it appears to the Township that a violation of this chapter enacted under the Act or prior enabling laws has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in the following:
 - (a) The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel and to any other person requested, in writing, by the owner of record.
 - (b) An enforcement notice shall state at least the following:
 - [1] The name of the owner of record and/or any other person against whom the Township intends to take action.
 - [2] The location of the property in violation.

- [3] The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this chapter.
 - [4] The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 - [5] That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this chapter.
 - [6] That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.
- D. Enforcement remedies. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this chapter enacted under the Act or prior enabling laws shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500 plus all court costs, including reasonable attorneys' fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the Magisterial District Judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the Magisterial District Judge, and thereafter, each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorneys' fees collected for the violation of this chapter shall be paid over to the Township.
- E. Causes of action. In case any building, structure, landscaping or land is or is proposed to be erected, constructed, reconstructed, altered, repaired, converted, maintained or used in violation of this chapter enacted under the Act or prior enabling laws, the governing body or, with the approval of the governing body, 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 governing body of the municipality. No such action may be maintained until such notice has been given.

§ 204-70. Permits.**A. General requirements for zoning permits.**

- (1) In all activities where a building permit or land development plan is not required, a zoning permit shall be required prior to a change in use of land or structure or the erection, construction, improvement or alteration of any structure or portion thereof or the alteration or development of any improved or unimproved real estate, including but not limited to mining, dredging, filling, grading, paving, excavation or drilling operations or the erection or alteration of any signs specified in § 204-41 of this chapter. Zoning permits shall also be required for the construction or installation of animal waste impoundments, lakes, ponds, dams or other water retention basins. No zoning permit shall be required for repairs or maintenance of any structure or land, provided such repairs do not change the use or the exterior dimensions of the structure or otherwise violate the provisions of this chapter.
- (2) Application for zoning permits shall be made, in writing, to the Zoning Officer.
- (3) Such zoning permits shall be granted or refused within 90 days from date of application.
- (4) No zoning permit shall be issued except in conformity with:
 - (a) All applicable regulations of this chapter.
 - (b) Any conditions imposed upon the site by the Zoning Hearing Board or the Board of Supervisors.
 - (c) Any recorded subdivision or land development plan.
- (5) In all instances in which the Zoning Officer expresses a reasonable doubt as to the ability of a proposed use to meet all of the above-described requirements, it will be incumbent upon the applicant to furnish adequate evidence in support of his application. If such evidence is not presented, the zoning permit will be denied.
- (6) Application for a zoning 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 of the owner or the qualified person making an application, that the proposed work is authorized by this owner. The full names and addresses of the owner, lessee, applicant and of the responsible officers, if the owner or lessee is a corporate body, shall be stated in the application.
- (7) The Zoning Officer may call upon other Township staff and/or Township-appointed consultants in the review of submitted materials for applications.
- (8) The Zoning Officer may revoke a zoning permit or approval issued under the provisions of this chapter in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based or for any other cause set forth in this chapter.

- (9) Where a zoning or building permit is required by this chapter, but the work is commenced or the use is commenced or changed prior to obtaining such permit, the fees set by ordinance or resolution of the Township Board of Supervisors for such permit shall be doubled. The doubling of the permit fee shall be required to reflect the additional expense incurred by the Township resulting from the need to inspect the property, respond to any complaints, issue any enforcement notices and/or process the application as soon as it is received. The payment of such increased permit fee shall not relieve any person from complying with all requirements of this chapter or any other applicable Township ordinances or from any penalties or enforcement actions authorized by this chapter or the Act.
- (10) Issuance of permits. Upon receiving the application, the Zoning Officer shall examine the same within a reasonable time after filing. If the application or plans do not conform to the provisions of all pertinent local laws, he shall reject such application in writing, stating the reasons therefor. He shall inform the applicant of his right to appeal to the Zoning Hearing Board in the event such application is rejected. If satisfied that the proposed work and/or use conforms to the provisions of this chapter and all laws and ordinances applicable thereto and that the certificate of use and occupancy as required herein has been applied for, he shall issue a zoning permit therefor as soon as practical but not later than 90 days from receipt of the application.
- (11) Reconsideration of application. An applicant whose request for a zoning permit has been denied by the Zoning Officer may make a later application for a permit, provided that all deficiencies which were the basis for the prior denial of the permit have been eliminated. The Zoning Officer shall not be required to make a new inspection of the application if this condition is not met.
- (12) Expiration of permit. The zoning permit shall expire after one year from the date of issuance; provided, however, that the same may be extended every six months for a period not to exceed an additional two years, upon written request by the applicant which demonstrates good cause to the Zoning Officer.
- (13) Compliance with ordinance. The zoning permit shall be a license to proceed with the work and should not be construed as authority to violate, cancel or set aside any of the provisions of this chapter, except as stipulated by the Zoning Hearing Board.
- (14) Compliance with permit and plot plan. All work or uses shall conform to the approved application and plans for which the zoning permit has been issued as well as the approved plot plan.
- (15) Display of zoning permit. All approved zoning permits shall be prominently displayed on the subject property during construction, renovation, reconstruction, repair, remodeling or the conduct of other site improvements. Such permit displays shall occur within five days of permit issuance or prior to the commencement of actual work on the site, whichever occurs first. Such permit display shall be continuous until the site receives its certificate of use and occupancy.

(16) Temporary use permits. It is recognized that it may be in accordance with the purpose of this chapter to permit temporary activities for a limited period of time, which activities may be prohibited by other provisions of this chapter. If such uses are of such a nature and are so located that, at the time of application, they will:

- (a) In no way exert a detrimental effect upon the uses of land and activities normally permitted in the zone, they may be permitted by special exception.
- (b) Contribute materially to the welfare of the Township, particularly in a state of emergency, under conditions peculiar to the time and place involved, then the Board of Supervisors may direct the Zoning Officer to issue a permit, by right, for a period not to exceed six months. Such permits may be extended not more than once for an additional period of six months.

B. Application for all zoning permits.

(1) Applications shall contain a general description of the proposed work, development, use or occupancy of all parts of the structure or land and shall be accompanied by plans in sufficient detail as the Zoning Official deems necessary from the following:

- (a) Dimensions and shape of lot to be developed.
- (b) Location and dimensions of any structures to be erected, constructed and altered.
- (c) Existing and proposed uses, including the number of occupied units, businesses, etc., all structures are designed to accommodate.
- (d) Off-street parking and loading spaces.
- (e) Utility systems affected and proposed.
- (f) Alteration or development of any improved or unimproved real estate.
- (g) The size of structures and the number of employees anticipated.
- (h) Any other lawful information that may be required by the Zoning Officer to determine compliance with this chapter.
- (i) Copies of any applicable approved subdivision or land development plans.

(2) If the proposed activity requiring a zoning permit, other than as regulated in § 204-21, is located within the Floodplain Overlay Zone, the information required in § 204-21 of this chapter shall be provided.

§ 204-71. Determination of fees.

The Board of Supervisors may, by resolution, establish fees for the administration of this chapter. All fees shall be determined by a schedule that is made available to the general public. The Board of Supervisors may reevaluate the fee schedule and make necessary alterations to it by resolution or ordinance. Such alterations shall not be considered an

amendment to this chapter and may be adopted at any public meeting of the Board of Supervisors.

§ 204-72. Amendments.

- A. Power of amendment. The Board of Supervisors may, from time to time, amend, supplement, change or repeal this chapter, including the Official Zoning Map. Any amendment, supplement, change or repeal may be initiated by the Township Planning Commission, the Board of Supervisors or by a petition to the Board of Supervisors by an interested party.
- B. Hearing and enactment procedures for zoning amendments.
- (1) Public hearing. Before hearing and enacting zoning ordinance and/or Zoning Map amendments, the Board of Supervisors shall conduct a public hearing to inform the general public of the nature of the amendment and to obtain public comment. Such public hearing shall be conducted after public notice (as defined herein and listed below) has been given.
 - (2) Public notice. Before conducting a public hearing, the Board of Supervisors shall provide public notice as follows:
 - (a) Notice shall be 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. Publication of the proposed amendment shall include either the full text thereof or the title and brief summary, prepared by the Municipal Solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:
 - [1] A copy of the full text shall be supplied to a newspaper of general circulation in the municipality at the time the public notice is published.
 - [2] An attested copy of the proposed ordinance shall be filed in the county law library or other county office designated by the County Commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said ordinances.
 - (b) For Zoning Map amendments, public notice shall also include the posting of a sign at conspicuous locations along the perimeter of the subject property. These sign(s) shall be posted at least one week prior to the hearing and will exhibit the nature, date, time and location of the hearing.
 - (c) For curative amendments, public notice shall also indicate that the validity of the ordinance and/or map is in question and shall give the place where and the times when a copy of the request, including any plans, explanatory material or proposed amendments, may be examined by the public.

- (d) If, after any public hearing held upon an amendment, the proposed amendment is changed substantially or is revised to include land previously not affected by it, the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
- (3) Enactment notice. In addition to the public notice requirements defined herein, the Board of Supervisors must publish a reference to the time and place of the meeting at which passage of the ordinance or amendment will be considered and a reference to a place within the municipality where copies of the proposed ordinance or amendment may be examined without charge or obtained for a charge not greater than the cost thereof. Enactment notice shall be published at least once in one newspaper of general circulation in the municipality not more than 60 days nor less than seven days prior to passage. The published content of the enactment notice shall be the same as that required for public notice described in the preceding Subsection B(2)(a).
- (4) Township Planning Commission referrals. For amendments proposed by parties other than the Township Planning Commission, the Board of Supervisors shall submit each amendment at least 30 days prior to public hearing to the Township Planning Commission for review and comment. The Township Planning Commission shall submit a report of its review, together with any recommendations, to the Board of Supervisors within 45 days from the date of said referral. The recommendation of the Township Planning Commission may include a specific statement as to whether or not the proposed amendment is in accordance with the intent of this chapter and any officially adopted Comprehensive Plan of the Township. The Board of Supervisors cannot act upon the amendment until it has received a recommendation from the Township Planning Commission; however, should the Township Planning Commission fail to submit its recommendation within 45 days, the Board of Supervisors may proceed without its recommendation.
- (5) County Planning Department referrals. All proposed amendments shall be submitted to the County Planning Department at least 30 days prior to public hearing on such amendments. The County Planning Department may submit recommendations to the Board of Supervisors within 45 days of such referral. The Board of Supervisors cannot act upon the amendment until it has received a recommendation from the County Planning Department; however, should the County Planning Department fail to submit its recommendation within 45 days, the Board of Supervisors may proceed without its recommendation.
- (6) Adjournment of public hearing. If during the public hearing process, the Board of Supervisors needs additional time to understand the proposal, inform the public, receive public comment and/or render a decision, it may adjourn the public hearing to a specific time and place.
- (7) Within 30 days after enactment, a copy of the amendment to this chapter shall be forwarded to the Cumberland County Planning Department.

- C. Amendments initiated by the Township Planning Commission. When an amendment, supplement, change or repeal is initiated by the Township Planning Commission, the proposal shall be presented to the Board of Supervisors which shall then proceed in the same manner as with a petition to the Board of Supervisors which has already been reviewed by the Township Planning Commission.
- D. Amendment initiated by the Board of Supervisors. When an amendment, supplement, change or repeal is initiated by the Board of Supervisors, such amendment, supplement, change or repeal shall follow the procedure prescribed for a petition under § 204-72B.
- E. Amendment initiated by a petition from an interested party. A petition for amendment, supplement, change or repeal for a portion of this chapter shall include an accurate legal description and surveyed plan of any land to be rezoned and all of the reasons supporting the petition to be considered. The petition shall also be signed by at least one record owner of the property in question whose signature shall be notarized attesting to the truth and correctness of all the facts and information presented in the petition. A fee to be established by the Board of Supervisors shall be paid upon the filing of such petition for change and for the purpose of defraying the costs of the proceedings prescribed herein. The Board of Supervisors may require duplicate sets of petition materials.
- F. Curative amendment by a landowner. A landowner, who desires to challenge on substantive grounds the validity of the ordinance or the Official Zoning Map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest, may submit a curative amendment to the Board of Supervisors (including all of the reasons supporting the request to be considered) with a written request that his challenge and proposed amendment be heard and decided as provided in § 609.1 and 916.1 of the Act, as amended.⁴⁰ The Board of Supervisors shall commence a hearing thereon within 60 days of the request. The curative amendment shall be referred to the Township and Cumberland County Planning Department as provided for in § 204-72B and public notice of the hearing shall be provided as defined herein.
- (1) In reviewing the curative amendment, the Board of Supervisors may deny the request, accept the request as submitted or may adopt an alternative amendment which will cure the challenged defects. The Board of Supervisors shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:
- (a) The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities.
- (b) If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the ordinance or map.

40. Editor's Note: See 53 P.S. §§ 10609.1 and 10916.1.

- (c) The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources, and other natural features.
 - (d) The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts.
 - (e) The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.
- (2) The Board of Supervisors shall render its decision within 45 days after the conclusion of the last hearing.
 - (3) If the Board of Supervisors fails to act on the landowner's request within the time limits referred to in § 204-72F(2), a denial of the request is deemed to have occurred on the 46th day after the close of the last hearing.
 - (4) Public notice of the hearing shall include notice that the validity of the ordinance or Zoning Map is in question and shall give the place where and the times when a copy of the request, including any plans, explanatory material or proposed amendments may be examined by the public.
 - (5) The challenge shall be deemed denied when:
 - (a) The Board of Supervisors fails to commence the hearing within 60 days.
 - (b) The Board of Supervisors notifies the landowner that it will not adopt the curative amendment.
 - (c) The Board of Supervisors adopts another curative amendment which is unacceptable to the landowner.
 - (d) The Board of Supervisors fails to act on the request 45 days after the close of the last hearing on the request, unless the time is extended by mutual consent by the landowner and municipality.
 - (6) Where, after the effective date of the Act, a curative amendment proposal is approved by the grant of a curative amendment application by the Board of Supervisors pursuant to this section or a validity challenge is sustained by the Zoning Hearing Board pursuant to 53 P.S. § 10609.1 or the court acts finally on appeal from denial of a curative amendment proposal or a validity challenge and the proposal or challenge so approved requires a further application for subdivision or land development, the developer shall have two years from the date of such approval to file an application for preliminary or tentative approval for a subdivision, land development or planned residential development. Within the two-year period, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant as granted in the curative amendment or the

sustained validity challenge. Upon the filing of the preliminary or tentative plan, the provisions of § 508(4) of the Act shall apply.⁴¹

- (7) Where the proposal appended to the curative amendment application or the validity challenge is approved but does not require further application under any subdivision or land development ordinance, the developer shall have one year within which to file for a zoning permit. Within the one-year period, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant as granted in the curative amendment or the sustained validity challenge. During these protected periods, the court shall retain or assume jurisdiction for the purpose of awarding such supplemental relief as may be necessary.

G. Curative amendment by the Board of Supervisors.

- (1) The Board of Supervisors, by formal action, may declare this chapter or portions thereof substantively invalid and propose to prepare a curative amendment to overcome such invalidity. Within 30 days following such declaration and proposal, the Board of Supervisors shall:
 - (a) By resolution, make specific findings setting forth the declared invalidity of the ordinance or portions thereof which may include:
 - [1] References to specific uses which are either not permitted or not permitted in sufficient quantity;
 - [2] References to a class of use or uses which require revision; or
 - [3] References to the entire ordinance which requires revisions.
 - (b) Begin to prepare and consider a curative amendment to the ordinance to correct the declared invalidity.
- (2) Within 180 days from the date of the declaration and proposal, the Board of Supervisors shall enact a curative amendment to validate or reaffirm the validity of this chapter pursuant to the provisions required by § 609 of the Act in order to cure the declared invalidity of the ordinance.⁴²
- (3) Upon the date of the declaration and proposal, the Board of Supervisors shall not be required to entertain or consider any curative amendment filed by a landowner. Nor shall the Zoning Hearing Board be required to give a report, upon request, for a challenge to the validity of the ordinance under 53 P.S. § 10609.1 subsequent to the declaration and proposal, based upon the grounds identical to or substantially similar to those specified in the resolution required by this section. Upon the enactment of a curative amendment to or the reaffirmation of the validity of this chapter, no rights to a cure by amendment or challenge shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive

41. Editor's Note: See 53 P.S. § 10508(4).

42. Editor's Note: See 53 P.S. § 10609.

invalidity of the unamended zoning ordinance for which the Board of Supervisors propose to prepare a curative amendment.

- (4) The Board of Supervisors, having utilized the procedures as set forth in this section, may not again utilize said procedures for a thirty-six-month period following the date of the enactment of a curative amendment or reaffirmation of the validity of the ordinance; provided, however, that if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the Township by virtue of a decision by any court of competent jurisdiction, the Board of Supervisors may utilize the provisions of this section to prepare a curative amendment to the ordinance to fulfill this duty or obligation.

H. Authentication of Official Zoning Map. Whenever there has been a change in the boundary of a zone or a reclassification of the zone adopted in accordance with the above, the change on the Map (and any duly adopted Overlay Zoning Map) shall be made and shall be duly certified by the Township Secretary and shall thereafter be refiled as part of the permanent records of the Township.

§ 204-73. Conditional uses.

A. Filing of conditional use. For any use permitted by conditional use, a conditional use must be obtained from the Board of Supervisors. In addition to the information required on the zoning permit application, the conditional use application must show:

- (1) Ground floor plans and elevations of proposed structures.
- (2) Names and addresses of adjoining property owners, including properties directly across a public right-of-way.
- (3) A scaled drawing (site plan) of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this chapter.
- (4) A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this chapter.

B. General criteria. Each applicant must demonstrate compliance with the following:

- (1) The proposed use shall be consistent with the purpose and intent of this chapter.
- (2) The proposed use shall not detract from the use and enjoyment of adjoining or nearby properties.
- (3) The proposed use will not affect a change in the character of the subject property's neighborhood.
- (4) Adequate facilities are available to serve the proposed use (e.g., schools, fire, police and ambulance protection, sewer, water and other utilities, vehicular access, etc.).
- (5) For development within the Floodplain Overlay Zone, that the application complies with those requirements of Chapter 112, Floodplain Management.

- (6) The proposed use shall comply with those criteria specifically listed in Article IV of this chapter. In addition, the proposed use must comply with all other applicable regulations of this chapter.
 - (7) The proposed use will not substantially impair the integrity of the Township's Comprehensive Plan.
- C. Conditions. The Board of Supervisors, in approving conditional use applications, may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same zone. These conditions shall be enforceable by the Zoning Officer, and failure to comply with such conditions shall constitute a violation of this chapter and be subject to the penalties described in this article.
- D. Site plan approval. Any site plan presented in support of the conditional use pursuant to Subsection A shall become an official part of the record for said conditional use. Approval of any conditional use will also bind the use in accordance with the submitted site plan; therefore, should a change in the site plan be required as part of the approval of the use, the applicant shall revise the site plan prior to the issuance of a zoning permit. Any subsequent change to the use on the subject property not reflected on the originally approved site plan shall require the obtainment of another conditional use approval.
- E. Hearing procedures.
- (1) Before voting on the approval of a conditional use, the Board of Supervisors shall hold a public hearing thereon, pursuant to public notice. The Board of Supervisors shall submit each such application to the Township Planning Commission at least 30 days prior to the hearing on such application to provide the Township Planning Commission an opportunity to submit recommendations. If, after any public hearing held upon an application, the proposed application is revised, the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the application.
 - (2) Public notice, as defined herein, and written notice shall be given to the applicant, the Zoning Officer, such other persons as the Board of Supervisors shall designate by ordinance and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by ordinance or, in the absence of ordinance provision, by rules of the Board of Supervisors. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.
 - (3) The Board of Supervisors may prescribe reasonable fees with respect to hearings. Fees for said hearings may include compensation for the Secretary, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses, expenses for engineering, architectural or other technical consultants or expert witness costs.
 - (4) The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board of

Supervisors and any other person, including civic or community organizations permitted to appear by the Board of Supervisors. The Board of Supervisors shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board of Supervisors for that purpose.

- (5) The Chairman or Acting Chairman of the Board of Supervisors shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- (6) The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- (7) Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
- (8) The Board of Supervisors may keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board of Supervisors. The cost of the original transcript shall be paid by the Board of Supervisors if the transcript is ordered by the Board of Supervisors, or shall be paid by the person appealing the decision of the Board of Supervisors if such appeal is made, and, in either event, the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.
- (9) The Board of Supervisors shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed, and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
- (10) The governing body shall render a written decision or, when no decision is called for, make written findings on the conditional use application within 45 days after the last hearing before the governing body. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefor. Conclusions based on any provisions of this chapter or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.
- (11) Where the governing body fails to render the decision within the period required by this subsection or fails to hold the required hearing within 60 days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed, in writing, or on the record to an extension of time. When a decision has been rendered in

favor of the applicant because of the failure of the governing body to meet or render a decision as herein above provided, the governing body shall give public notice of the decision within 10 days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of this chapter. If the governing body shall fail to provide such notice, the applicant may do so.

- (12) Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date.

F. Time limitation.

- (1) If a conditional use is granted, the necessary permit shall be secured and the authorized action begun within two years after the date when the conditional use is finally granted and the building or alteration, as the case may be, shall be completed within three years of said date. For good cause, the Board of Supervisors may at any time, upon application in writing, extend either of these deadlines.
- (2) Should the appellant or applicant fail to obtain the necessary permits within said two-year period or having obtained the permit should he fail to commence work thereunder within such two-year period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn or abandoned his application, and all approvals and permits granted to him shall be deemed automatically rescinded by the Board of Supervisors.
- (3) Should the appellant commence construction or alteration within said two-year period, but should he fail to complete such construction or alteration within said three-year period, the Board of Supervisors may, upon 10 days' notice in writing, rescind or revoke the granted conditional use, if the Board of Supervisors finds that no good cause appears for the failure to complete within such three-year period and if the Board of Supervisors further finds that conditions have altered or changed in the interval since the granting of the conditional use that revocation or rescission of the action is justified.
- (4) As an alternative to the preceding, an applicant can request, as part of the original application before the Board, the granting of a timetable associated with the request which would supersede the deadlines imposed in § 204-73F(1) through (3). In so doing, the applicant must demonstrate that the times requested are logically related to normal and expected progress of the project. In approving a timetable under this section, the Board must establish and bind a definite timeframe for the issuance of a zoning permit and the completion of construction of the project.