

Chapter 119

ZONING

GENERAL REFERENCES

Planning Commission — See Ch. 20.

Building numbering and street naming — See Ch. 35.

Uniform construction codes — See Ch. 41.

Junk dealers — See Ch. 64.

Official Map — See Ch. 72.

Obscenity — See Ch. 76.

Sewage disposal systems — See Ch. 88.

Stormwater management — See Ch. 92.

Streets and sidewalks — See Ch. 95.

Subdivision and land development — See Ch. 98.

Swimming pools — See Ch. 102.

Timeshares — See Ch. 111.

ARTICLE I
Administration

§ 119-1. Applicability.

This chapter shall apply throughout the Township of Chestnuthill. Any activity regulated by this chapter shall only occur in such a way that conforms with the regulations of this chapter. See § 119-3A.

§ 119-2. Purposes and community development objectives.

This chapter is hereby adopted:

- A. In accordance with the requirements and purposes [including Sections 604 and 605 or their successor section(s), which are included by reference] of the Pennsylvania Municipalities Planning Code, as amended;¹
- B. In accord with the goals and objectives of the Chestnuthill Township Comprehensive Plan, as amended or updated, and the Monroe 2020 Comprehensive Plan, as amended or updated; and **[Amended 5-1-2014 by Ord. No. 2014-01]**
- C. To carry out the following major objectives:
 - (1) To make sure that development carefully relates to natural features, and to avoid overly intense development of environmentally sensitive land;
 - (2) To minimize disturbance of creek valleys and steep woodlands;
 - (3) To avoid overextending groundwater supplies, and to encourage groundwater recharge;
 - (4) To protect the quality of groundwater and surface waters;
 - (5) To encourage the continuation of farming;
 - (6) To promote compatibility between land uses;
 - (7) To seek coordinated development and roads across municipal borders;
 - (8) To provide for a variety of residential densities and meet legal obligations to provide opportunities for all housing types;
 - (9) To promote development that retains the rural character of the Township;
 - (10) To encourage rehabilitation and avoid demolition of historic buildings;

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

- (11) To direct higher density development to areas that are physically suitable, accessible by major roads and that have the potential of central water supply and central sewage disposal; **[Amended 5-1-2014 by Ord. No. 2014-01]**
- (12) To coordinate development with future central water supply and central sewage disposal areas; **[Amended 5-1-2014 by Ord. No. 2014-01]**
- (13) To direct industrial development to locations that will minimize conflicts with homes;
- (14) To direct commercial businesses to existing commercial areas, while avoiding new strip commercial areas that would cause traffic congestion and safety problems and conflicts with homes; and
- (15) To promote new commercial and industrial development in appropriate areas that will provide additional tax revenue and job opportunities.

§ 119-3. Permits and certificates.

A. Applicability.

- (1) Any of the following activities or any other activity regulated by this chapter shall only be carried out in conformity with this chapter:
 - (a) Erection, construction, movement, placement or extension of a structure, building or sign;
 - (b) Change of the type of use or expansion of the use of a structure or area of land;
 - (c) Creation of a lot or alteration of lot lines; and/or
 - (d) Creation of a new use.
- (2) Zoning permit. A zoning permit indicates that a zoning application complies with this chapter to the best knowledge of the applicable Township staff.
 - (a) A zoning permit is required to be issued prior to the start of any of the following activities:
 - [1] Erection, construction, movement, placement or expansion of a structure, building or sign;
 - [2] Change of the type of use or expansion of the use of a structure or area of land;
 - [3] Creation of a new use; and/or
 - [4] Demolition of a building.

- (b) The Township may, at its option, issue combined or separate building permits and zoning permits and/or may utilize a single or separate applications for the permits.
 - (c) When authorized by the issuance of a zoning permit, any permitted building construction or establishment of a permitted use shall be initiated within one year of the permit issuance date and be completed within two years of the permit issuance date. The zoning permit shall automatically expire for failure to comply with the required initiation and completion periods. **[Added 7-16-2019 by Ord. No. 2019-01]**
- (3) Certificate of use and occupancy.
- (a) It shall be unlawful to use and/or occupy any new principal building or establish any new or replacement principal nonresidential use until a certificate of use and occupancy for such building or use has been issued by the Township staff.
 - (b) The Township staff may permit the zoning permit application to serve as the application for the certificate of use and occupancy.
 - (c) The certificate of use and occupancy shall only be issued by the Zoning Officer if the Zoning Officer determines that the activity complies with this chapter, to the best knowledge of the Zoning Officer. The Township may also withhold issuance of the certificate until there is compliance with other Township ordinances.
 - (d) The applicant shall keep a copy of the certificate of use and occupancy available for inspection.
 - (e) Upon the request of an applicant, the Zoning Officer may issue a temporary certificate of use and occupancy. Such temporary certificate may permit an activity to occur in all or part of a structure before the entire work covered by the permit has been completed.
- (4) However, such temporary certificate shall only be issued if the applicant proves to the Zoning Officer that the activity or occupancy can occur safely without endangering public health or safety.
- (5) The temporary certificate shall establish in writing a maximum time period under which it is valid. A six-month maximum time period shall apply if not otherwise specified.
- (6) Failure to receive a permanent certificate of use and occupancy within such time period shall be a violation of this chapter.
- (7) The temporary certificate may be conditioned upon compliance with certain specific requirements within certain time periods.

- (8) See also Subsection G.
- B. Repairs and maintenance. Ordinary repairs and maintenance to existing structures shall not by itself be regulated by this chapter. Examples of such work include replacement of a roof or porch that does not involve enclosure of space. (However, a construction permit under any Township building code² may be needed for such work.)
- C. Types of uses.
- (1) Permitted by right uses. The Zoning Officer shall issue a permit under this chapter in response to an application for a use that is "permitted by right" if it meets all of the requirements of this chapter.
 - (2) Special exception use or application requiring a variance. A permit under this chapter for a use requiring a special exception or variance shall be issued by the Zoning Officer only in response to a written approval by the Zoning Hearing Board following a hearing.
 - (3) Conditional use. A use requiring zoning approval by the Board of Supervisors under § 119-18.
- D. Applications.
- (1) Submittal. All applications for a zoning permit or a decision by the Zoning Hearing Board shall be made in writing on a form provided by the Township. Such completed application, with required fees, shall be submitted to a designated Township staff-person.
 - (2) Site plan. The applicant shall submit a minimum of two copies of a site plan with the application if the application involves a new principal building, expansion of a principal building or addition of three or more parking spaces. The site plan shall be drawn to scale and show the following:
 - (a) Locations, dimensions and uses of existing and proposed structures, parking and loading areas, and locations of existing and proposed uses of areas of land, with existing features clearly distinguished from proposed features;
 - (b) Notes showing the dimensions of all buildings from lot lines and street rights-of-way;
 - (c) Locations of any watercourses and any one-hundred-year floodplain;
 - (d) Proposed lot areas, lot widths and other applicable dimensional requirements;
 - (e) Locations and widths of existing and proposed sidewalks;

2. Editor's Note: See Ch. 41, Construction Codes, Uniform.

- (f) Well and primary and alternate on-lot sewage disposal system locations (see § 119-30); and **[Amended 5-1-2014 by Ord. No. 2014-01]**
 - (g) All areas or features of the project parcel which are subject to the Township Official Map and the type of reservation as specified on the Official Map. **[Added 12-7-2004 by Ord. No. 2004-06]**
- (3) Additional information. Any application under this chapter shall include the following information, unless the Zoning Officer determines such information is unnecessary to determine compliance with this chapter:
- (a) The address of the lot;
 - (b) Name and address of the applicant, and of the owner of the property if different from the applicant;
 - (c) A description of the proposed use of the property;
 - (d) All other applicable information listed on the official Township application form;
 - (e) If the applicant is incorporated, the legal names and day telephone numbers of officers of the organization/corporation; and
 - (f) Such additional information that the Zoning Officer may determine is reasonably necessary to determine compliance with this chapter.
- (4) Submittals to the Board. In addition to the information listed in Subsection D(3) above, an application requiring a site plan and action by the Zoning Hearing Board shall also include the following information, unless the Zoning Officer determines that such information is unnecessary to determine compliance with this chapter:
- (a) The present zoning district and major applicable lot requirements;
 - (b) For a nonresidential use:
 - [1] A description of the proposed nonresidential operations and storage in sufficient detail to indicate potential nuisances and hazards regarding noise, large truck traffic, glare, odors, dust, fire or toxic or explosive hazards or other significant public health and safety hazards;
 - [2] A list of the maximum hours of operation;

- (c) The existing directions of stormwater flow (and any proposed revisions), and any proposed methods of stormwater management;
 - (d) A listing of any sections of this chapter being appealed, with the reasons for any appeal;
 - (e) Approximate locations of principal buildings and locations of streets and alleys and zoning district boundaries within 100 feet of the boundaries of the tract, and description of uses of adjoining properties (such as "drug store" or "single-family detached dwelling");
 - (f) Heights, locations, methods of illumination and intensity of exterior lighting and sign lighting;
 - (g) Name and address of person who prepared the site plan;
 - (h) Signed acknowledgement of the site plan by the applicant; and
 - (i) Such additional information required under applicable sections of this chapter.
- (5) Ownership. No person other than a landowner or their specifically authorized agent or a tenant or lessee with written permission of the landowner shall submit a zoning application (see definition of "landowner" in Article II).

E. Issuance of permits.

- (1) At least one copy of each permit application and any other zoning approval shall be retained in Township files.
- (2) PennDOT permit. Where necessary for access onto a state road, a Township zoning or building permit shall be automatically conditioned upon issuance of a PennDOT highway occupancy permit.

F. Revocation of permits; appeal of permit or approval.

- (1) Revocation. The Zoning Officer shall revoke, withhold or suspend a permit or approval issued under the provisions of this chapter in case of one or more of the following:
 - (a) Any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based (Note: The Pennsylvania Crimes Code³ provides for penalties for providing false information to a municipal employee in the carrying out of his/her duties);
 - (b) Upon violation of any condition lawfully imposed by the Zoning Hearing Board upon a special exception use or variance;

3. Editor's Note: See 18 Pa.C.S.A. § 101 et seq.

- (c) Any work being accomplished or use of land or structures in such a way that does not comply with this chapter or an approved site plan or approved permit application; and/or
 - (d) For any other just cause set forth in this chapter.
- (2) Appeals. A party with legitimate standing, or as otherwise provided by state law, may appeal decisions under this chapter within the provisions of the State Municipalities Planning Code.⁴ Any such appeal shall occur within the time period established in the State Municipalities Planning Code (as of the adoption date of this chapter, such provisions were in Sections 914.1 and 1002-A⁵).
- G. Zoning permit for temporary uses and structures.
- (1) A zoning permit for a temporary use or structure may be issued by the Zoning Officer for any of the following:
 - (a) A temporary permit may be issued for customary, routine and accessory short-term special events, provided that:
 - [1] Only a well-established nonprofit organization or a permitted place of worship proposing a temporary use to clearly primarily serve a charitable, public service or religious purpose shall be eligible to receive approval for commercial-type activities in a district where a commercial use would not otherwise be permitted;
 - [2] Such total events shall be limited to a maximum of 45 days for Christmas tree sales and 12 total days per calendar year for all other activities; and
 - [3] The applicant shall prove to the Zoning Officer that sufficient parking and traffic control will be available for the special event, without obstructing parking that is required to serve other uses on the site.
 - (b) A temporary permit may be issued for temporary storage and office trailers that are necessary to serve on-site construction, while such construction is actively underway under a valid Township permit.
 - (c) A temporary permit may be issued for such other activities that the applicant proves to the Zoning Officer are clearly routine, customary, temporary and not in conflict with existing uses within the vicinity.
 - (2) Time period. The Zoning Officer shall state a reasonable maximum time period on the temporary permit. If no time limit is stated, then

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

5. Editor's Note: See 53 P.S. §§ 10914.1 and 11002-A.

a seven-day maximum period shall apply. A temporary permit may be renewed for just cause.

- (3) Temporary retail sales. Except as provided for in Subsection G(1)(a)[1] above, and except for agricultural sales allowed by § 119-27, a lot shall only be used for temporary retail sales if all of the following conditions are met:
 - (a) The property is located within a zoning district that allows retail sales.
 - (b) The operator shall have received any business permits required by the Township.
 - (c) No off-street parking spaces shall be obstructed that are required to serve permanent uses on the lot.
 - (d) Any signs visible from a public street shall comply with this chapter.
 - (e) If food or beverages are sold that are not prepackaged, the applicant shall prove compliance with state health regulations, including having on-site facilities for workers to wash their hands. Proper bathroom facilities shall also be available for workers.
 - (f) Any structure shall meet applicable minimum setbacks.
 - (g) A permit under this chapter shall be required from the Township, which shall be displayed while the activity is open for business.
 - (h) The application may be rejected if the Zoning Officer has reason to believe that the activity would obstruct safe sight distances.
- H. Compliance with Chapter 98, Subdivision and Land Development. If an application under this chapter would also be regulated by Chapter 98, Subdivision and Land Development, then any permit or approval under this chapter shall automatically be conditioned upon compliance with Chapter 98, Subdivision and Land Development. See the definitions of "land development" and "subdivision" in Chapter 98, Subdivision and Land Development.
 - (1) For example, if an applicant applies for a single-family detached dwelling on a proposed new lot, the construction permit for such dwelling shall not be valid until after the lot is granted final subdivision approval and the lot is officially recorded by the County Recorder of Deeds.

§ 119-4. Effect of Official Map. [Added 12-7-2004 by Ord. No. 2004-06]

All activities subject to this chapter shall also be subject to the reservations shown and established by the Chestnuthill Township Official Map which has been enacted by ordinance pursuant to Article IV of the Pennsylvania Municipalities Code.⁶ The applicant shall, prior to submitting an application, determine if in any of the land proposed for subdivision or land development is subject to the Chestnuthill Township Official Map. If any of the land is subject to the Official Map, the applicant is encouraged to contact the Township Zoning Officer prior to submitting the application.

§ 119-5. General procedure for permits.

- A. After receiving a proper application, the Zoning Officer shall either:
- (1) Issue the applicable permit(s); or
 - (2) Deny the application(s) as submitted, indicating one or more reasons.
- B. After the permit under this chapter has been issued, the applicant may undertake the action specified by the permit, in compliance with other Township ordinances. However, it is recommended that applicants wait 30 days to begin construction if there is a possibility of an appeal by another party to have the permit revoked. Any commencement of construction or a use within this thirty-day appeal period shall be at the risk of the applicant.

§ 119-6. Interpretation; uses not regulated.

- A. Minimum requirements. Where more than one provision of this chapter controls a particular matter, the provision that is more restrictive upon uses and structures shall apply. The provisions of this chapter are in addition to any other applicable Township ordinance.
- B. Uses not specifically regulated. This § 119-6B addresses, by special exception, a proposed use which is neither specifically permitted nor specifically denied in any zoning district established under this chapter and which is not permitted in a zoning district in another participating municipality by intermunicipal agreement in accord with § 119-27E. **[Amended 5-1-2014 by Ord. No. 2014-01]**
- (1) Jurisdiction. Whenever an application is made to the Zoning Officer for such a use, the application shall be submitted to the Zoning Hearing Board, which shall have the authority to permit the use or deny the use as a special exception.

6. Editor's Note: See Ch. 72, Map, Official.

- (2) Findings. The use may be permitted only if the Zoning Hearing Board makes all of the following findings, and the burden of proof shall be upon the applicant:
 - (a) The use is similar to and compatible with the uses listed for the subject zoning district by the Schedule of Use Regulations.⁷
 - (b) The use in no way conflicts with the intent of the zoning district and the general purpose and intent of this chapter.
 - (c) The use is not permitted in any other zoning district in the Planning Area.
 - (d) The use where proposed would be consistent with the Chestnuthill Township Comprehensive Plan.
 - (3) Planning Commission review. At the time the application is submitted to the Zoning Hearing Board, the Zoning Officer shall also provide a copy to the Township Planning Commission and the Regional Planning Committee for review and recommendation. The Zoning Hearing Board shall not conduct a public hearing on the application until 30 days have passed from the time the application was referred to the Township Planning Commission and the Regional Planning Committee.
 - (4) Conditions. The Zoning Hearing Board may attach reasonable conditions and safeguards to any special exception approval granted for a use not specified in the Schedule of Uses, incorporating standards in this chapter for similar uses in the district and such other conditions as the Zoning Hearing Board may deem necessary to protect and promote the public health, safety, morals and welfare and to implement the purposes of this chapter and the Pennsylvania Municipalities Planning Code.
- C. Interpretation of chapter text and boundaries.
- (1) The Zoning Officer shall literally apply the wording of this chapter and the location of all district boundaries to particular applications. In any case, the Zoning Officer may also request an advisory opinion from the Township Solicitor or the Zoning Hearing Board Solicitor to aid in the Zoning Officer's determination.
 - (2) If an applicant disagrees with the Zoning Officer's determination and believes that the chapter should be interpreted in the applicant's favor, the applicant may appeal to the Zoning Hearing Board. See § 119-12.
- D. Undefined terms/interpretation of definitions. See § 119-20.
- E. Interpretation of zoning boundaries. See § 119-25.

7. **Editor's Note: The Schedule of Use Regulations is included as an attachment to this chapter.**

§ 119-7. Enforcement, violations and penalties.

All of the enforcement, violations and penalty provisions of the State Municipalities Planning Code, as amended, are hereby incorporated into this chapter by reference. (Note: As of the adoption date of this chapter, these provisions were primarily in Sections 616.1, 617 and 617.2 of such Act.⁸)

- A. Violations. Any person who shall commit or who shall permit any of the following actions violates this chapter:
- (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, or the excavation of land to prepare for the erection, construction or alteration of any structure or portion thereof.
 - (2) Placement of false statements on or omitting relevant information from an application for a zoning permit.
 - (3) Undertaking any action in a manner which does not comply with a zoning permit.
 - (4) Violation of any condition imposed by a decision of the Zoning Hearing Board in granting a variance or special exception or other approval.
- B. Enforcement notice. If the Township has reason to believe that a violation of a provision of this chapter has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in Section 616.1 of the State Municipalities Planning Code. Prior to sending an official enforcement notice, the Zoning Officer may at his/her option informally request compliance.
- C. Time limits. An official enforcement notice shall state the deadline to complete bringing the property into compliance with this chapter, and shall state that the applicant has 30 days from the receipt of the notice to appeal to the Zoning Hearing Board.
- D. Causes of action; enforcement remedies. The causes of action and enforcement remedies provisions of the State Municipalities Planning Code, as amended, are hereby incorporated by reference. (Note: As of the adoption date of this chapter, such provisions were in Sections 617 and 617.2 of such law.) **[Amended 2-7-2006 by Ord. No. 2006-03]**
- (1) Enforcement action. If the enforcement notice is not complied with promptly, the Zoning Officer shall notify the Board of Supervisors. The Supervisors may request the Township Solicitor to institute in the name of the Township any appropriate action or proceeding at law or in equity to prevent, restrain, correct or abate such violation

8. Editor's Note: See 53 P.S. §§ 10616.1, 10617 and 10617.2.

or to require the removal or termination of the unlawful use of the structure, building, sign, landscaping or land in violation of the provisions of this chapter or the order or direction made pursuant thereto. The Board of Supervisors may also direct the Zoning Officer or Township Solicitor to institute a civil enforcement proceeding before a district justice.

- (2) Violations and penalties. Any person who has violated or permitted the violation of the provisions of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500 plus all court costs, including the reasonable attorney's fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day that a violation continues shall constitute a separate violation, unless a District Justice determining that there has been a violation further determines that there was a good faith basis for the person 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 District Justice, and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney's fees collected for the violation of this chapter shall be paid over to the Township for the general use of the Township.
 - (3) Remedies. In case any building, structure, sign or landscaping is erected, constructed, reconstructed, altered, repaired, converted or maintained; or any building, structure, sign or land is used; or any hedge, shrub, tree or other growth is maintained in violation of this chapter or of any of the regulations made pursuant thereto or any of the permits or certificates of use and occupancy issued under this chapter or any conditions imposed upon the grant of a special exception or variance by the Zoning Hearing Board or upon the grant of a conditional use, then, in addition to any other remedies provided by law, any appropriate action or proceeding may be instituted or taken to prevent or restrain such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use or to prevent any illegal act, conduct, business or use in and about such premises.
- E. Enforcement evidence. In any appeal of an enforcement notice to the Zoning Hearing Board, the Township shall have the responsibility of presenting its evidence first.

§ 119-8. Fees.

A Township fee schedule for permits and applications may be established and amended by written resolution of the Board of Supervisors.⁹ No application or appeal shall be considered filed until all fees are paid.

§ 119-9. Amendments to chapter.

Within the requirements of the State Municipalities Planning Code, the Board of Supervisors may amend or repeal any or all portions of this chapter on its own motion or after agreeing to hear a written request of any person, entity, landowner or the Planning Commission.

§ 119-10. Curative amendments.

The applicable provisions of the State Municipalities Planning Code shall apply. (Note: As of the adoption date of this chapter, these provisions were primarily in Sections 609.1, 609.2 and 916.1 of such Act.¹⁰)

§ 119-11. Zoning Officer.

- A. Appointment. The Zoning Officer shall be appointed by the Board of Supervisors. The Zoning Officer may designate other Township staff-persons to serve as Assistant Zoning Officer(s). Such designations may be subject to concurrence by the Board of Supervisors. Assistant Zoning Officers may serve with the same authority and duties as the Zoning Officer. The Zoning Officer shall not hold any elective office within the Township, but may hold other appointed offices.
- B. Duties and powers. The Zoning Officer's duties and powers shall include the following:
- (1) Administer this chapter in accordance with its literal terms, including to receive and examine all applications required under the terms of this chapter, and issue or refuse permits within the provisions of this chapter;
 - (2) Conduct inspections to determine compliance, and receive complaints of violation of this chapter;
 - (3) Keep records of applications, permits, certificates, written decisions, and variances granted by the Board, and of enforcement orders, with all such records being the property of the Township and being available for public inspection;
 - (4) Review proposed subdivisions and land developments for compliance with this chapter; and

9. Editor's Note: Said fee schedule is on file in the Township offices.

10. Editor's Note: See 53 P.S. § 10609.1, 10609.2 and 10916.1.

- (5) Take enforcement actions as provided by the State Municipalities Planning Code, as amended.

§ 119-12. Zoning Hearing Board actions and variances.

A. Membership of Board.

- (1) The Zoning Hearing Board shall consist of five residents of the Township appointed by the Board of Supervisors. The existing terms of office shall continue, with terms of office being five years, and with the terms being so fixed that the term of office of one member shall expire each year. Members of the Board shall hold no other office in the Township.
- (2) Alternate members. The Board of Supervisors may appoint alternate members of the Zoning Hearing Board within the applicable provisions of the State Municipalities Planning Code. [Note: As of the adoption date of this chapter, such provisions were in Section 903(b) of such Act.¹¹]

B. Vacancies. Appointments to fill vacancies shall be only for the unexpired portion of a term.

C. Organization. The applicable provisions of the State Municipalities Planning Code, as amended, shall apply. [As of the adoption date of this chapter, these provisions were in Section 906(a), (b) and (c) of such Act.¹²]

D. Zoning Hearing Board jurisdiction and functions. The Zoning Hearing Board shall be responsible for the following:

- (1) Appeal of a decision by the Zoning Officer.
 - (a) The Board shall hear and decide appeals where it is alleged by an affected person, entity or the Board of Supervisors that the Zoning Officer has improperly acted under the requirements and procedures of this chapter.
 - (b) See time limitations for appeals in Subsection E.
- (2) Challenge to the validity of the chapter or map. The applicable provisions of the State Municipalities Planning Code, as amended, shall apply. (Note: As of the adoption date of this chapter, these provisions were primarily in Sections 909.1 and 916 of such Act.¹³)
- (3) Variance.
 - (a) The Board shall hear requests for variances filed with the Township staff in writing.

11. Editor's Note: See 53 P.S. § 10903(b).

12. Editor's Note: See 53 P.S. § 10906(a), (b) and (c).

13. Editor's Note: See 53 P.S. §§ 10909.1 and 10916.

- (b) Standards. The Board may grant a variance only within the limitations of state law. [Note: As of the adoption date of this chapter, the Municipalities Planning Code provided that all of the following findings must be made, where relevant:
 - [1] There are unique physical circumstances or conditions (including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property) and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this chapter in the neighborhood or district in which the property is located;
 - [2] Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this chapter and a variance is therefore necessary to enable the reasonable use of the property;
 - [3] Such unnecessary hardship has not been created by the appellant;
 - [4] The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and
 - [5] The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.]
 - (c) In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this chapter.
- (4) Special exception.
 - (a) The Board shall hear and decide requests for all special exceptions filed with the Township staff in writing. The Board shall only permit a special exception that is authorized by this chapter. See § 119-17.
 - (b) Conditions. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in the chapter, as it may deem necessary to implement the purposes and intent of this chapter.
 - (5) Persons with disabilities. After the Zoning Officer receives a complete written application, the Zoning Hearing Board shall grant

a special exception allowing modifications to specific requirements of this chapter that the applicant proves to the satisfaction of the Zoning Hearing Board are required under applicable federal law to provide a "reasonable accommodation" to serve persons who the applicant proves have "disabilities" as defined in and protected by such laws.

- (a) Such reasonable accommodations shall be requested in accordance with the U.S. Fair Housing Act Amendments and/or the Americans with Disabilities Act, as amended.
 - (b) If the applicant is requesting a reasonable accommodation under the United States Fair Housing Act Amendments of 1988 or the Americans with Disabilities Act, the applicant shall identify the disability which is protected by such statutes, the extent of the modification of the provisions of this chapter necessary for a reasonable accommodation, and the manner by which the reasonable accommodation requested may be removed when such person(s) with a protected disability no longer will be present on the property.
 - (c) Any modification approved under this section may be limited to the time period during which the persons with disabilities occupy or utilize the premises.
- (6) The Zoning Hearing Board shall also hear any other matters as set forth in the State Municipalities Planning Code, as amended. (Note: As of the adoption date of this chapter, such provisions were primarily within Section 909.1 of such law.¹⁴)
- E. Time limits for appeals. The applicable provisions of the State Municipalities Planning Code, as amended, shall apply. (Note: As of the adoption date of this chapter, these provisions were in Section 914.1 of such Act.¹⁵)
- F. Stay of proceedings. The stay of proceedings provisions of the State Municipalities Planning Code, as amended, shall apply. (Note: As of the adoption date of this chapter, such provisions were in Section 915.1 of such Act.¹⁶)
- G. Time limits on permits and approvals.
- (1) After a variance is approved or other zoning approval is officially authorized, then any applicable zoning and building permits shall be secured by the applicant within 12 months after the date of such approval or authorization. The work authorized by such permits shall then be completed within 12 months after the issuance of the permits.

14. Editor's Note: See 53 P.S. § 10909.1.

15. Editor's Note: See 53 P.S. § 10914.1.

16. Editor's Note: See 53 P.S. § 10915.1.

- (2) Extension. In response to an applicant stating good cause in writing, the Zoning Officer may extend in writing the time limit for completion of work to a maximum total of 36 months after permits are issued.
- (3) If an applicant fails to obtain the necessary permits or begin construction within the above time periods, or allows interruptions in substantial construction of longer than 12 months, the Zoning Officer may conclusively presume that the applicant has waived, withdrawn or abandoned approvals and permits under this chapter and may consider all such approvals and permits to have become null and void.

H. Multiple applications. No more than one application for the same property shall be pending before the Zoning Hearing Board for special exception approval at any time.

§ 119-13. Zoning Hearing Board hearings and decisions. [Amended 2-7-2006 by Ord. No. 2006-03]

The procedures and requirements of Section 908 of the State Municipalities Planning Code, as amended,¹⁷ shall apply to notice, conduct and decisions for hearings before the Zoning Hearing Board.

§ 119-14. Appeals to court.

The provisions for appeals to court that are stated in the State Municipalities Planning Code, as amended, shall apply. (Note: As of the adoption date of this chapter, these provisions were in Sections 1001-A, 1002-A, 1003-A, 1004-A, 1005-A and 1006-A of such Act.¹⁸)

§ 119-15. Limited public utility exemptions.

See the provisions of the State Municipalities Planning Code, as amended. (Note: As of the adoption date of this chapter, such provisions were within Section 619 of such Act.¹⁹)

§ 119-16. Limited Township and municipal authority exemption.

The minimum lot area, minimum lot width and minimum street frontage requirements of this chapter shall not apply to uses or structures owned by Chestnuthill Township or by a municipal authority created solely by Chestnuthill Township for uses and structures that are intended for a public utility, stormwater or public health and safety purpose.

§ 119-17. Special exception use process.

17. Editor's Note: See 53 P.S. § 10908.

18. Editor's Note: See 53 P.S. § 11001-A et seq.

19. Editor's Note: See 53 P.S. § 10619.

- A. Purpose. The special exception process is designed to allow careful review of uses that have some potential of conflicts with adjacent uses or areas.
- B. Special exception procedure.
- (1) A site plan shall be submitted, which shall contain the information required in § 119-3D. If a fully engineered subdivision or land development plan will be required, it may be submitted separately, such as after a special exception is approved.
 - (2) The Zoning Officer should provide a review to the Zoning Hearing Board regarding the compliance of the application with this chapter.
 - (3) The Zoning Hearing Board shall follow the procedures provided in § 119-13.
 - (4) The Township staff should offer a special exception application to the Township Planning Commission for any advisory review that the Commission may wish to provide. However, the Zoning Hearing Board shall meet the time limits of state law for a decision, regardless of whether the Township Planning Commission has provided comments.
- C. Consideration of special exception applications. When special exceptions are allowed by this chapter, the Zoning Hearing Board shall hear and decide requests for such special exceptions in accordance with standards established by this chapter, including the following:
- (1) Compliance with this chapter. The applicant shall establish by credible evidence that the application complies with all applicable requirements of this chapter. The applicant shall provide the Board with sufficient plans, studies or other data to demonstrate this compliance.
 - (2) Compliance with other laws. The approval may be conditioned upon proof of compliance with other specific applicable Township, state and federal laws, regulations and permits. Required permits or other proof of compliance may be required to be presented to the Township prior to the issuance of any zoning permit, building permit, certification of occupancy and/or recording of an approved plan.
 - (3) Traffic. The applicant shall establish that the traffic from the proposed use will be accommodated in a safe and efficient manner that will minimize hazards and congestion, after considering any improvements proposed to be made by the applicant as a condition on approval.

- (4) Site planning. The application shall include proper site layout, internal circulation, parking, buffering, and all other elements of proper design as specified in this chapter.
 - (5) Neighborhood. The proposed special exception shall not substantially harm any surrounding residential neighborhood, after considering any proposed conditions upon approval.
 - (6) Safety. The proposed use shall not create a significant hazard to the public health and safety, such as fire, toxic or explosive hazards.
- D. Conditions. In granting a special exception, the Board may require such reasonable conditions and safeguards (in addition to those expressed in this chapter) as it determines are necessary to implement the purposes of this chapter. Conditions imposed by the Zoning Hearing Board shall automatically become conditions of the building permit issued pursuant thereto, and any failure to comply with said conditions shall be a violation of this chapter.

§ 119-18. Conditional use process.

- A. Purpose. The conditional use approval process is designed to allow the Board of Supervisors to review and approve certain uses that could have significant impacts upon the community and the environment.
- B. Procedure. The Board of Supervisors shall consider the conditional use application and render its decision in accordance with the requirements of the State Municipalities Planning Code.
 - (1) Submittal. A site plan shall be submitted, which shall contain the information listed in § 119-3D. Detailed site engineering (such as stormwater calculations and profiles) are not required at the conditional use stage. If a fully engineered subdivision or land development plan will be required, it may be submitted separately, such as after a conditional use is approved; or, an applicant may voluntarily choose to submit a subdivision or land development plan for review at the same time as a conditional use application.
 - (2) Reviews.
 - (a) The Zoning Officer should provide a review to the Board regarding the compliance of the application with this chapter.
 - (b) The Township staff shall submit a conditional use application to the Planning Commission for any review that the Commission may wish to provide. However, the Board of Supervisors shall meet the time limits for a decision, regardless of whether the Planning Commission has provided comments.
 - (3) The only uses that shall be approved as conditional uses shall be those listed as conditional uses in Article III.

- (4) Time limits. Conditional uses shall be processed in accord with the time frame established by the PA Municipalities Planning Code. **[Amended 7-16-2019 by Ord. No. 2019-01]**
- C. Consideration of conditional use application. The Board of Supervisors shall determine whether the proposed conditional use would meet the applicable requirements of this chapter. The same standards shall apply to a conditional use as are listed in § 119-17C for a special exception use.
- D. Conditions. In approving conditional use applications, the Board of Supervisors may attach conditions it considers necessary to protect the public welfare and meet the standards 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 be subject to the penalties described in this chapter.

§ 119-19. Liability.

- A. Any review of activity within the floodplain, site plan review, subdivision or land development approval, erosion control review, wetland delineation review, stormwater runoff review, review of activity on steep slopes, or any other review, approval or permit under this chapter by an officer, employee, board, commission, solicitor, consultant or agency of the Township shall not constitute a representation, guarantee or warranty of any kind by the Township, or its employees, officials, boards, solicitor(s), consultants or agencies of the practicality or safety of any structure, use or subdivision, and shall create no liability upon nor a cause of action against such entity or person for any damage that may result pursuant thereto.
- B. If the Zoning Officer mistakenly issues a permit under this chapter, the Township shall not be liable for any later lawful withdrawal of such permit.

ARTICLE II
Definitions

§ 119-20. Interpretation and usage.

For the purposes of this chapter, words and terms used herein shall be interpreted as follows:

- A. Words in the present tense shall include the future tense.
- B. "Used" or "occupied" as applied to any land or building includes the words "intended, arranged, or designed to be used or occupied."
- C. "Should" means that it is strongly encouraged but is not mandatory. "Shall" is always mandatory.
- D. "Sale" shall also include rental.
- E. Unless stated otherwise, the singular shall also regulate the plural, and the masculine shall include the feminine, and vice versa.
- F. If a word or term is not defined by this chapter, but is defined in Chapter 98, Subdivision and Land Development, then the definition in Chapter 98, Subdivision and Land Development, shall apply. If a word or term is not defined by this chapter or by Chapter 98, Subdivision and Land Development, but is defined in the State Municipalities Planning Code, then the definition in the State Municipalities Planning Code shall apply. If a word or term is not defined in this chapter, Chapter 98 or the State Municipalities Planning Code, then the word or term shall have its plain and ordinary meaning within the context of the section. A standard reference dictionary should be consulted. **[Amended 2-7-2006 by Ord. No. 2006-03]**
- G. The words "such as," "includes," "including" and "specifically" shall provide examples. These examples shall not, by themselves, limit a provision to the examples specifically mentioned if other examples would otherwise comply with the provision.
- H. The word "person" includes a firm, company, corporation, partnership, trust, organization or association, as well as an individual.

§ 119-21. Definitions. [Amended 12-7-2004 by Ord. No. 2004-06; 9-20-2005 by Ord. No. 2005-02; 2-7-2006 by Ord. No. 2006-03; 2-13-2006 by Ord. No. 2006-04; 5-1-2014 by Ord. No. 2014-01]

When used in this chapter, the following words, terms and phrases shall have the following meanings, unless expressly stated otherwise or unless the context clearly indicates otherwise:

ABANDONED OR JUNKED VEHICLE — Any unregistered, unlicensed or abandoned automobile, truck, trailer, motorcycle, bus, farm machinery, or other motor vehicle, including dismantled, or wrecked or junked, or held or stored for scrap or for salvage. "Junk vehicle" shall not mean any motor

vehicle classified as an "antique motor vehicle" by the Motor Vehicle Code of the State of Pennsylvania (75 Pa.C.S.A. § 101 et seq.); said classification consisting of any self-propelled vehicle, but not a reproduction thereof, owned and operated as an exhibition piece or collector's item, provided that such vehicle shall have noted on its registration record the fact that it is such a special-purpose vehicle, or any self-propelled vehicle manufactured more than 25 years prior to the current year which is used for participation in club activities, exhibits, tours, parades, occasional transportation and similar uses but is not used for general daily transportation.

ABUSED PERSON SHELTER — See "domestic violence shelter." A nonprofit residential use in which rooms are provided to serve as a temporary safe and supportive environment for persons who, because of actual or threatened physical or mental abuse, are forced to leave their previous living arrangement. Such facilities shall be designed to provide in-house living for persons only until a safe, permanent living arrangement can be obtained.

ABUT or ABUTTING — Areas of contiguous lots that share a common lot line, except not including lots entirely separated by a street or a perennial waterway. See "adjacent."

ACCESSORY STRUCTURE (includes ACCESSORY BUILDING) — A structure serving a purpose customarily incidental to and subordinate to the use of the principal use and located on the same lot as the principal use. Accessory structures include, but are not limited to, a household garage, household storage shed, detached carport, a household swimming pool, or an accessory storage building to a business use. An "accessory building" is any accessory structure that meets the definition of a "building." A portion of a principal building used for an accessory use shall not be considered an accessory building.

ACCESSORY USE — A use or structure customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use.

ACCESS POINT — One combined entrance/exit point, or one clearly defined entrance point, or one clearly defined entrance point separated from another clearly defined exit point. This term shall not include accessways or driveways that are strictly and clearly limited to use by only emergency vehicles; such accesses are permitted by right as needed.

ADDITION — An extension or increase in floor area or height of a building or structure. See also "alteration" and "repair."

ADJACENT — Two or more lots that share a common lot line or that are separated only by a street or waterway from each other.

ADJUSTED TRACT AREA (ATA) — See "tract area, adjusted."

ADULT BUSINESS —

A. Any of the following:

- (1) A use of a building or land for a business which has obscene materials as a substantial or significant portion of its stock-in-trade.
- (2) Any nightclub, bar, restaurant, arcade, theater, or any other establishment that conducts live performances as a principal part of its business that are characterized by the exposure of specified anatomical areas or by specified sexual activities, or films, motion pictures, videocassettes, slides, or other photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas, or where any specified sexual activities are conducted for economic gain or any other form of consideration.
- (3) Any of the following as defined in this Article II:
 - (a) Adult arcade.
 - (b) Adult bookstore or adult video store.
 - (c) Adult live entertainment use or facility.
 - (d) Adult motel.
 - (e) Adult motion-picture theater.
 - (f) Adult theater.
 - (g) Escort agency.
 - (h) Massage parlor.
 - (i) Nude model studio.
 - (j) Sexual encounter center.

B. Additional definitions associated with adult businesses include:

- (1) ADULT ARCADE — Any place to which the public is permitted or invited wherein coin-operated or token-operated or electronically, electrically or mechanically controlled still- or motion-picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas. Considered an *adult business* for regulation by this chapter.
- (2) ADULT BOOKSTORE or ADULT VIDEO STORE —
 - (a) A commercial establishment which, as one of its principal business purposes or as a substantial part of its business, offers for sale or rental, for any form of consideration, any

one or more of the following: (The term "adult bookstore" shall include, but not be limited to, an adult video store, and all such uses shall be considered an *adult business* for regulation by this chapter.)

- [1] Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video, or video reproductions, slides or other visual representations which depict or describe specified sexual activities or specified anatomical areas; or
 - [2] Instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.
- (b) A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be categorized as an adult bookstore or adult video store. Such other business purposes will not serve to exempt such commercial establishment from being categorized as an adult bookstore or adult video store so long as one of its principal business purposes is the offering for sale or rental, for consideration, the specified materials which depict or describe specified sexual activities or specified anatomical areas.
- (3) ADULT LIVE ENTERTAINMENT USE OR FACILITY — A commercial use (including, but not limited to, a use selling food or beverages) including live entertainment involving: (Considered an *adult business* for regulation by this chapter.)
- (a) Persons (which may include, but is not limited to, waiters, waitresses, dancers, clerks, bartenders, contractors or others) appearing in a state of nudity; or
 - (b) Live performances which are characterized by the exposure of specified anatomical areas or simulated or actual specified sexual activities; or
 - (c) Films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- (4) ADULT MOTEL — A hotel, motel or similar commercial establishment which: (Considered an *adult business* for regulation by this chapter.)
- (a) Offers accommodations to the public, for any form of consideration, and provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, slides or other photographic reproductions

which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

- (b) Offers sleeping rooms for rent three or more times in one calendar day.
- (5) ADULT MOTION-PICTURE THEATER — A commercial establishment where, for any form of consideration, films, motion pictures, videocassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas. Considered an *adult business* for regulation by this chapter.
- (6) ADULT THEATER — A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified sexual activities or specified anatomical areas. Considered an *adult business* for regulation by this chapter.
- (7) ESCORT — A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
- (8) ESCORT AGENCY — A person or business association or establishment which furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration. Considered an *adult business* for regulation by this chapter.
- (9) MASSAGE — Pressing, squeezing, stretching, or stimulating the face, scalp, neck, limbs, or other parts of the human body, with or without cosmetic preparation, either by hand, or with mechanical or electrical appliances.
- (10) MASSAGE PARLOR — A person or business association or establishment which furnishes, offers to furnish or advertises to furnish, as one of its primary business purposes, for a fee, tip or other consideration, a massage which involves the exposure of any specified anatomical areas. Considered an *adult business* for regulation by this chapter.
- (11) NUDE MODEL STUDIO — Any place where a person who appears in a state of nudity or displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Considered an *adult business* for regulation by this chapter. **[Amended 4-23-2015 by Ord. No. 2015-04]**

- (12) NUDITY or A STATE OF NUDITY — The showing of the human male or female genitals or pubic area with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering or any portion thereof below the top of the areola.
- (13) OBSCENE MATERIALS — Any literature, book, magazine, pamphlet, newspaper, paper, comic book, drawing, photograph, figure, image, motion picture, sound recording, article, instrument or any other written or recorded matter which depicts or describes any specified sexual activities and/or specified anatomical areas.
- (14) SEXUAL ENCOUNTER CENTER — A business or commercial enterprise that, as one of its primary business purposes, offers, for any form of consideration, activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or seminude. Considered an *adult business* for regulation by this chapter.
- (15) SPECIFIED ANATOMICAL AREAS — Any of the following:
- (a) Less than completely and opaquely covered human genitals, pubic region, anus, or female breasts below a point immediately above the top of the areola.
 - (b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- (16) SPECIFIED SEXUAL ACTIVITIES — Any of the following:
- (a) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts.
 - (b) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy.
 - (c) Masturbation, actual or simulated.
 - (d) Excretory functions as part of or in connection with any of the activities set forth in Subsections (1), (2) and (3) above.

AFTER-HOURS CLUB — A use that permits the consumption of alcoholic beverages by five or more unrelated persons between the hours of 2:00 a.m. and 6:00 a.m. and that involves some form of monetary compensation paid by such persons for the alcohol or for the use of the premises.

AGENT — Any person other than the owner who, acting for the owner, submits an application for the purpose of obtaining approval in accord with this chapter.

AGRICULTURAL USE — 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 in by farmers or are consistent with technological development within the agricultural industry. It includes necessary structures within the limits of the parcel and the storage of equipment necessary for production. It excludes agricultural products processing operations, riding academies, livery or boarding stables and dog or other animal kennels.

AGRICULTURE PRODUCTS PROCESSING — An industry that involves the processing of raw agricultural products and transforming those products into a more-refined, prepared or marketable state. It includes, but is not limited to, such uses as sawmills, wood pellet production, firewood cutting and sales, wood chipping operations, tanneries, dairies and food canning and freezing operations.

AGRITOURISM — Any activity carried out on a working agricultural operation, such as a farm, orchard or vineyard, that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities directly related to or part of the agricultural operation, including farming, wineries, historical, cultural, harvest-your-own activities, or natural activities and attractions. An activity is an agritourism activity whether or not the participant paid to participate in the activity.

AIR B&B — See "short-term rental."**[Added 7-16-2019 by Ord. No. 2019-01]**

AIRPORT — A tract of land, with or without buildings, where airplanes, jets, helicopters and/or any other type of aircraft land and take off.

ALLEY — A right-of-way, privately or publicly owned, primarily for service access to the rear or sides of properties.

ALTERATION — Any construction or renovation to an existing structure other than a repair or an addition. See also "addition" and "repair."

AMUSEMENT ARCADE — A building or part of a building in which pinball machines, video games, or other similar player-operated amusement devices are maintained, excluding the use of less than five such devices as an accessory use to any lawful principal use.

AMUSEMENT PARK — A commercially operated outdoor park or outdoor facility with various devices for entertainment, including, but not limited to, rides, games, electronic games and similar devices, food stands and other associated facilities.

ANIMAL HOSPITAL — See "veterinary clinic."

ANIMAL HUSBANDRY, COMMERCIAL — The raising and keeping of livestock, small animals and fowl and/or fur-bearing animals with the intent of producing capital gain or profit or with the intent of selling any livestock and/or poultry products.

ANIMAL HUSBANDRY, HOME USE — The raising and keeping of livestock and/or small animals and fowl for personal satisfaction or consumption and with no intent of producing capital gain or profit or with no intent of selling any livestock and/or poultry products.

ANIMAL SHELTER — A facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by a public body, established humane society, animal welfare society (such as the Society for the Prevention of Cruelty to Animals), other nonprofit organization or person devoted to the welfare, protection and humane treatment of animals.

ANTENNA, STANDARD — A device, partially or wholly exterior to a building, that is used for receiving television or radio signals for use on-site or for transmitting short-wave or citizens-band radio signals.

APARTMENT — See "dwelling, apartment unit."

APPLICANT — An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization or other entity acting as a unit, and his/her/its heirs, successors and assigns, which is seeking an approval or permit pursuant to this chapter.

APPLICATION — Any application required to be filed for approval in accord with the requirements of this chapter.

ARCADE — A series of outdoor spaces located under a roof or overhang and supported by columns or arches.

ARCHERY RANGE, INDOOR — Any fully enclosed building used for shooting of arrows for recreational or training purposes. Any such commercial operation, any such area operated by any private, nonprofit entity, any community association, any such area operated by any sportsman's, recreation or fraternal club or association with 25 or more members, and any such area which is used or is intended to be used for more than five hours in any one week shall be considered an indoor archery range for the purposes of this chapter. Considered a *recreation facility, commercial* for regulation by this chapter.

ARCHERY RANGE, OUTDOOR — Any area not within a fully enclosed building used for the shooting of arrows for recreational or training purposes which is a commercial operation.

ART OR CRAFT STUDIO — An establishment or work space for the creation, manufacture, and/or preparation of individually crafted art work, jewelry, furniture, sculpture, pottery, art photography, leather craft, hand-woven articles, and related items; it may also include the sale, loan, or display of such items.

ASSISTED CARE DWELLING UNIT FOR RELATIVE — A dwelling unit especially erected for and limited to the temporary occupancy by a person who is part of the family (see definition) of the permanent residents of the principal dwelling unit on the parcel. Such use shall be restricted to a relative who needs such accommodations because of old age, developmental disability, illness, mental illness that does not threaten

physical harm to others, or physical handicap. See § 119-41. **[Amended 4-23-2015 by Ord. No. 2015-04]**

ASSISTED LIVING FACILITY — Coordinated and centrally managed rental 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 — Nonliving space in or above a dwelling, unheated, with head space of less than 6.5 feet.

AUCTION HOUSE — A place where objects of art, furniture, and other goods are offered for sale to persons who bid on the object in competition with each other.

AWNING — A secondary covering attached to the exterior wall of a building, typically composed of canvas, woven of acrylic, cotton or polyester yarn, or vinyl laminated to polyester fabric that is stretched tightly over a light structure of aluminum, iron or steel, located above a window, door, or above the area along a sidewalk.

BANK — An establishment for the custody, loan, exchange or issue of money, for the extension of credit, and for facilitating the transmission of funds.

BASEMENT — An enclosed floor area partly or wholly below the finished grade with at least 1/2 of its floor-to-finished height above the average level of the adjoining finished grade, and with a floor-to-ceiling height of not less than 6.5 feet. A basement shall be counted as a story for the purpose of the building height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet. See "cellar."

BED-AND-BREAKFAST INN — An owner- or operator-occupied single-family dwelling in which transient visitors to the area are lodged for compensation, meals for lodging guests may or may not be included, and no cooking facilities are provided in any rental room. See § 119-40.

BILLBOARD — See "sign, off-premises."

BILLIARD HALL — An establishment with the principal use of playing cue sports such as pool, snooker or carom billiard.

BITUMINOUS CONCRETE BATCH PLANT — An operation which combines asphalt or bituminous materials and aggregates and heat to manufacture a bituminous seal coat or bituminous concrete product. Considered *industry* for regulation by this chapter.

BLOCK — A tract of land, a lot or groups of lots, bounded by streets, public parks, watercourses, municipal boundary lines, unsubdivided land or by any combination of the above.

BOARDINGHOUSE (includes ROOMING HOUSE) — A residential use in which:

- A. A room or rooms not meeting 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. A boardinghouse shall not include a use that meets the definition of a hotel, dormitory, motel, life care center, personal care center, bed-and-breakfast inn, group home or nursing home. A college fraternity or sorority house used as a residence shall be considered a type of boardinghouse. A boardinghouse may either involve or not involve the providing of meals to residents but shall not include a restaurant open to the public unless the use also meets the requirements for a restaurant. A boardinghouse shall primarily serve persons residing on-site for five or more consecutive days.

BOARD OF SUPERVISORS or SUPERVISORS — The Board of Supervisors of Chestnuthill Township, Monroe County, Pennsylvania.

BOMB SHELTER — An enclosed space or structure designed to protect people from explosive weapons such as bombs or missiles. If not located within a principal structure, a bomb shelter is considered an accessory structure subject to applicable requirements. **[Added 7-16-2019 by Ord. No. 2019-01]**

BONA FIDE NONPROFIT CONSERVATION ORGANIZATION — A nonprofit organization, created in accord with United States Code Title 26, Subtitle A, Chapter 1, Subchapter F, Part I, Section 501(c)(3), which is devoted to the conservation of open space.

BREWERY — A facility for the production and packaging of malt beverages of alcoholic and/or nonalcoholic content for retail or wholesale distribution, on or off the premises, and which produces 15,000 gallons or more of malt beverages per year. Considered *agricultural products processing* for regulation by this chapter. (See also "microbrewery.")

BREW PUB — A restaurant or tavern, as defined herein, that includes as an accessory use the brewing of malt beverages of alcoholic and/or nonalcoholic content which produces less than 15,000 gallons of malt beverages per year. Considered a *restaurant* for regulation by this chapter. (See also "microbrewery.")

BUFFER — A strip of land with fencing, dense vegetative planting, additional setback distances, berms or a combination thereof, that separates one use from another use or feature and is not occupied by any building, parking, outdoor storage or any use other than open space or approved pedestrian pathways, permitted vehicular access aisles or improvements, which is used to provide separation between incompatible uses to effect a visual barrier, block physical passage between uses, and reduce noise, dust and litter. See § 119-71D.

BUFFER, SCREENING — A predominantly evergreen perimeter landscape planting intended to provide denser screening and separation between neighboring developments.

BUFFER, SOFTENING — A perimeter landscape planting intended to provide partial screening and separation between neighboring developments.

BUFFER, WATER QUALITY — The area of land immediately adjacent to any wetland, lake, pond, vernal pond, or stream, measured perpendicular to and horizontally from the delineated edge of the wetland, lake, pond, or vernal pond, or the top-of-bank on both sides of a stream, to provide separation from an intensive land use area (e.g., subdivision, farm) and minimize sediment and other pollutant loading; also referred to as "filter strips," "vegetated filter strips," and "grassed buffers."

BUILDING — Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, services, goods or materials of any kind or nature.

BUILDING, ACCESSORY — See "accessory structure."

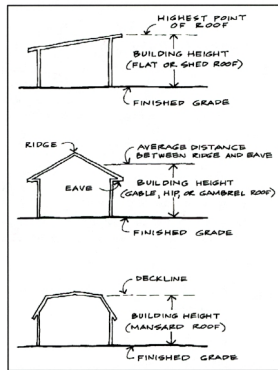
BUILDING, ATTACHED — A building which has one or more walls or portions thereof in common with an adjacent building. See "addition."

BUILDING COVERAGE — The percentage of the area of the lot covered or occupied by the total horizontal projected surface area of all buildings on the lot and including accessory buildings and structures (including covered porches, carports and breezeways, but excluding open and uncovered patios and decks).

BUILDING, DETACHED — A building surrounded by open space on all four sides within the same lot.

BUILDING ENVELOPE — An area on a lot or development parcel which has been designated as the area in which development may occur. Building envelopes are identified by building setbacks, conservation areas, site conditions and other factors and shall be specifically designated on the development plan and established by deed covenants and restrictions.

BUILDING HEIGHT — The average vertical distance from finished grade at the front and rear of the building to the top of the highest roof beams on a flat or shed roof, to the deck level on a mansard roof, and the average distance between the eaves and the ridge level for gable, hip, and gambrel roofs, not including chimneys, spires, elevator shaft extensions, mechanical appurtenances, and similar projections. See § 119-70 for exemptions for certain types of structures.



BUILDING, PRINCIPAL — A building in which the primary or predominate use of a lot is conducted, including any structure that is physically attached to the principal building.

BUILDING WIDTH — The horizontal measurement between two vertical structural walls that are generally parallel of one building, measured in one direction that is most closely parallel to the required lot width. For attached housing, this width shall be the width of each dwelling unit, measured from the center of each interior party wall and from the outside of any exterior wall. For detached buildings, this width shall be measured from the outside of exterior walls.

BULK FUEL STORAGE FACILITY — Any facility where gasoline is stored in bulk for distribution by delivery truck, or fuel, including, but not limited to, kerosene, home heating oil, diesel fuel, gasoline, or propane, is stored in large volume tanks for distribution to retail or wholesale establishments; or any retail home heating fuel distributor where the storage of fuel on the site exceeds a combined total of 20,000 gallons. **[Amended 4-23-2015 by Ord. No. 2015-04]**

BUSINESS OFFICE — A use comprised primarily of administrative and clerical services and involving no retail trade, lodging, warehousing or manufacturing. Such uses include, but are not limited to, financial services, legal services, travel agencies, insurance agencies, corporate offices and other similar uses.

BUSINESS SERVICES — Establishments primarily engaged in rendering services to businesses, including such activities as advertising and mailing, credit reporting and collection, duplicating, mailing, telemarketing, stenographic services, employment services, research and development and other similar services.

BUS, LIMOUSINE OR TAXI TERMINAL — An area and/or building where buses, limousines, and/or taxis are stored or parked on a regular basis with or without maintenance and repair facilities.

BUS SHELTER — Any shed-like structure, usually open on one or more sides, located along the regular route of a public bus, van or other vehicle, including an official school bus, whose purpose is to provide temporary shelter for the users of the vehicle while they are waiting.

BUS STATION — An area and/or building where passengers load on and unload from buses, and where parking for passenger vehicles and ticket sales are normally part of the operation, but without bus maintenance and repair facilities.

CAMPGROUND or RECREATIONAL VEHICLE PARK — A plot of ground upon which two or more campsites are located, established or maintained for temporary occupancy by persons using tents or recreational vehicles, and which is not be used for long-term residency of occupants.

CAMP/RETREAT — A parcel or parcels of land with lodging facilities where transient clientele participate in organized recreation, receive instruction or training, or are afforded peace, quiet, privacy or security.

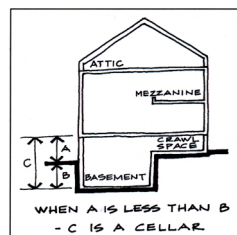
CANOPY — An overhanging projection or covering, usually supported on poles, and made of canvas, fabric, plastic or other materials; or a roof over an accessory structure, including, but not limited to, gasoline pumps and an ATM (automated teller machine).

CARPORT — A roofed building intended for the storage of one or more motor vehicles, but which is not enclosed on all sides by walls or doors. If any portion of a carport is attached to a principal building, it shall be considered to be part of that building.

CARTWAY — The portion of a street right-of-way, paved or unpaved, intended for vehicular use, including the travelway and shoulders.

CAR WASH — Any building or premises or portions thereof used for commercial purposes for washing motorcycles, passenger cars and other two-axle, four-tire, single-unit vehicles without trailers. See "truck wash."

CELLAR — An enclosed floor area partly or wholly below the finished grade with at least 1/2 of its floor-to-finished height below the average level of the adjoining finished grade, or with a floor-to-ceiling height of less than 6.5 feet. See "basement."



CEMETERY — A place for the interment of deceased pets or human beings, by cremation or in a grave, mausoleum, vault, columbarium or other receptacle, or a memorial garden/area for the dispersal of cremated remains, but not including a private family cemetery.

CERTIFICATE OF USE/OCCUPANCY — A document issued by the Township stating that a newly constructed or altered building, structure, and/or use complies with this chapter and/or the Uniform Construction Code and may be lawfully used.

CHANGE OF USE — Any conversion of a use from one use as regulated by this chapter to a different regulated use.

CHAPTER, THIS — The Chestnuthill Township Zoning Ordinance, including the Official Zoning Map, as amended, codified as Chapter 119, Zoning, of the Code of the Township of Chestnuthill.

CHARGING STATION — The physical device that provides a connection from a power source to an electric vehicle.

CHRISTMAS TREE FARM or TREE FARM — A type of crop farming involving the raising and harvesting of evergreen trees for commercial purposes. This may include the retail sale during November and December of trees that were produced on the premises. Regulated as *crop production* by this chapter.

CHURCH — See "place of worship."

CLEAR CUTTING — A logging method that removes all trees or the vast majority of trees from a mostly wooded area.

CLEAR SIGHT TRIANGLE — An area of unobstructed vision at street intersections defined by the right-of-way lines of the streets and by a line of sight between points on the street right-of-way lines at a given distance from the intersection of the right-of-way lines.

CLINIC — An establishment where patients are admitted for examination and treatment on an outpatient basis by one or more physicians, dentists, other medical personnel, psychologists, or social workers and where patients require a stay of less than 24 hours. Considered a *health facility* for regulation by this chapter.

CLUB/LODGE, PRIVATE — An area of land or building used by a nonprofit civic, social, fraternal, recreational, religious, political, labor union, or educational association of persons (established via a meaningful and substantial membership system as opposed to a token system) to pursue common goals, interests, or activities, usually with the payment of fees and dues, regular meetings, and a charter and bylaws, but which is not routinely open to members of the general public and which is not primarily operated as a for-profit business. A club/loodge, private shall not include commercial recreation clubs such tennis or racquetball clubs or any other use which is specifically defined by this chapter. This use does not include a target range for outdoor shooting, a boardinghouse, a tavern, a restaurant, an auditorium or any other use specifically listed on the Table of Permitted Uses, unless that particular use is permitted in that zoning district and the requirements of that use are met. See § 119-40. See also "after-hours club."

COLLEGE — An educational institution authorized by the state to award associate, baccalaureate, or higher degrees.

COLUMN — A vertical support, usually cylindrical, consisting of a base, shaft and capital, either monolithic or built up of drums the full diameter of the shaft.

COMMERCIAL COMMUNICATION ANTENNA — Any structure, antenna, equipment, cabinet or other device which is intended for commercial or governmental use in transmitting or receiving wireless television, radio, telephone or other electronic communications, including internal or agency communications, but excluding the following which are not appropriate subjects of this chapter: (See standards in § 119-40.)

- A. Industrial, scientific and medical equipment as regulated by the Federal Communications Commission in 47 CFR 18.
- B. Military and government radar antennas and associated communication towers used for navigational purposes as regulated by 47 CFR 87.
- C. Amateur (ham) and citizens' band transmitting and receiving antennas and associated communication towers as regulated by 47 CFR 97 and 47 CFR 95.
- D. Radio transceivers normally hand-held or installed in a vehicle, such as an automobile, truck, trailer or watercraft.
- E. A radio frequency machine which is designated and marketed as a consumer product, such as auditory assistance devices, biomedical telemetry devices, carrier current systems, Class A or B digital devices, field disturbance sensors, perimeter protection systems, power line carrier systems, microwave ovens or radio-controlled devices regulated by 47 CFR 15.
- F. Privately owned antennas for receiving commercial television or radio serving a dwelling.
- G. Towers and equipment used exclusively for emergency services or government communications.

COMMERCIAL COMMUNICATION DEVICE SUPPORT STRUCTURE — Any pole, telescoping mast, tower, tripod, or any other structure which supports a commercial communication device.

COMMERCIAL COMMUNICATION DEVICE SUPPORT STRUCTURE HEIGHT — The vertical distance measured from the base of the support structure at average grade to the highest point of the structure, including antennas.

COMMERCIAL DISTRICT — The VC Village Commercial/Residential, GC General Commercial, BP Business Park Overlay, I Institutional and LIC Light Industrial/Commercial Zoning Districts. The LIC Light Industrial/Commercial District may be considered a commercial or an industrial district.

COMMERCIAL USE — An occupation, employment, or enterprise carried on for profit by the owner, lessee, or licensee. The sale of goods or services from a vehicle on a lot shall also be considered to be a commercial use.

COMMISSION — The Planning Commission of Chestnuthill Township, Monroe County, Pennsylvania.

COMMON AREA — All of the real property and improvements dedicated for the common use and enjoyment of the residents of a particular development, including, but not limited to, open land, development improvements, common facilities, and recreation area.

COMMON FACILITIES — Improvements in a development that are not required by the Township but have been constructed as part of a development for the common use and enjoyment of the residents of that development, including, but not limited to, community centers, recreation buildings and structures, and administrative and maintenance buildings.

COMMUNITY ASSOCIATION — See "property owners' association."

COMMUNITY CENTER — A use that exists solely to provide primarily indoor leisure and educational activities and programs and meeting space to members of the surrounding community and/or certain age groups, and which does not involve substantial use of machinery or noise-producing equipment. The use also may include the preparation and/or provision of meals to low-income elderly persons as accessory to leisure activities. This shall not include residential uses or a treatment center.

COMPOSTING — The process by which organic solid waste is biologically decomposed under controlled anaerobic or aerobic conditions to yield a humus-like product.

COMPOSTING FACILITY — A facility using land for processing of municipal waste by composting. The term includes land thereby affected during the lifetime of the operations, including, but not limited to, areas where composting actually occurs, support facilities, borrow areas, offices, equipment sheds, air and water pollution control and treatment systems, access roads, associated on-site or contiguous collection, transportation and storage facilities, closure and post-closure care and maintenance activities and other activities in which the natural land surface has been disturbed as a result of or incidental to operation of the facility. The term does not include a facility for composting residential municipal waste that is located at the site where the waste was generated.

COMPREHENSIVE PLAN — The most-recent Comprehensive Plan (which may be a regional plan) adopted by Chestnuthill Township, including all maps, charts and textual matter.

CONCENTRATED ANIMAL FEEDING OPERATION (CAFO) — Any livestock operation which is defined as a concentrated animal feeding operation by Commonwealth of Pennsylvania regulations.

CONCRETE BATCH PLANT — A facility in which materials (portland cement, aggregates, water, admixtures) are combined by a central mixer to produce concrete for transportation to and use at another site, and shall include customary accessory uses, including offices, maintenance and storage garages, material storage facilities, equipment and truck storage areas, scales, conveyors, water storage and heating facilities, stormwater

management, sediment basins, concrete recycling/reclamation equipment and other uses customarily necessary to produce, sell and transport mixed concrete. Considered *industry* for regulation by this chapter.

CONDITIONAL USE — A use in a particular zoning district to be allowed or denied by the Board of Supervisors pursuant to public notice and hearing and recommendation of the Township Planning Commission as authorized by Section 603(c)(2) of the Municipalities Planning Code.²⁰ See § 119-18 and § 119-27.

CONFERENCE CENTER — A facility used for conferences and seminars, with accommodations for sleeping, food preparation and eating, recreation, entertainment, resource facilities, meeting rooms, fitness and health center, and retail stores and services primarily for conference center guests.

CONSERVATION AREA, PRIMARY — Those areas of a development tract included in conservation open space and which are comprised of primary resources on which development is minimized.

CONSERVATION AREA, SECONDARY — Lands containing secondary resources that are conserved as a part of conservation open space.

CONSERVATION DESIGN SUBDIVISION — A subdivision designed at the regulated dwelling unit density where individual lots are reduced in size, important natural resources are conserved, and the resultant open space is preserved in perpetuity.

CONSERVATION EASEMENT — A right or interest in land granted primarily for the preservation of the land in its undeveloped state but which may allow limited development (e.g., a residential structure) and other compatible uses such as agriculture and forestry.

CONSERVATION OPEN SPACE — See "open space, conservation."

CONSTRAINED LAND — Selected resources and areas of restricted land multiplied by a protection factor, totaled and used for the calculation of adjusted tract area related to conservation design development.

CONSTRUCTION — The erection, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building or structure, including the placement of mobile homes. **[Amended 4-23-2015 by Ord. No. 2015-04]**

CONTRACTOR'S YARD — Any premises used as the base of operation by any tradesman or contractor for the storage of equipment, vehicles and supplies.

CONVENIENCE STORE — A retail establishment of up to 5,000 square feet selling prepackaged food products, household items, newspapers and magazines, candy, and beverages, a limited amount of freshly prepared foods such as sandwiches and salads for off-premises consumption, self-service fuel or other goods commonly associated with the same.

20. Editor's Note: See 53 P.S. § 10603.

CONVENTIONAL DESIGN DEVELOPMENT — A subdivision or land development designed at the dwelling unit density specified in this chapter where individual lot reduction is not permitted.

CORRAL — An enclosure for confining livestock and which is typically attached to or situated in close proximity to a stable or barn; as contrasted to a pasture.

CORRECTIONAL FACILITY — A public or private facility used to house and/or rehabilitate adults or juveniles detained, sentenced or adjudicated delinquent by the criminal justice system, including, but not limited to, jails, prisons, penitentiaries, reformatories, halfway houses, transitional living facilities, juvenile detention facilities, and similar facilities.

COUNTRY CLUB — A recreational property owned and managed by a nonprofit membership organization and including recreational facilities, restaurant and meeting rooms. Property owners' associations and/or the property they maintain shall not be considered, however, as country clubs, nor shall other residential or commercial properties operated for profit.

COUNTY — The County of Monroe, Commonwealth of Pennsylvania.

COUNTY PLANNING COMMISSION — The Planning Commission of Monroe County, Pennsylvania.

COVERAGE, LOT — See "lot coverage."

CRAWL SPACE — An enclosed portion of a building or an open pier area, not exceeding six feet in height from floor to ceiling, located below the first occupied floor of a building and not used for business or dwelling purposes. A crawl space shall not be counted as a story for the purpose of building height measurement or determining the gross floor area of a building.

CREMATORIUM — A furnace or establishment for the incineration of human or animal corpses.

CROP PRODUCTION — An agricultural use involving the use of land for the raising of cultivated plants or agricultural produce such as grain, vegetables, silage, or fruit. The definition excludes commercial greenhouses as defined by this chapter.

CRUSHER PLANT — An operation which processes minerals or other materials and crushes them to various sizes for the purpose of resale or use. Considered *industry* for regulation by this chapter.

CULTURAL CENTER — A public or nonprofit operated building open to the public which contains exhibits of a cultural interest, such as a museum, art gallery, nature center, library, etc.

CURATIVE AMENDMENT, LANDOWNER — A process provided in the Pennsylvania Municipalities Planning Code that permits a landowner to seek to prove the invalidity of portions of a zoning ordinance.

CURATIVE AMENDMENT, MUNICIPAL — A process provided in the Pennsylvania Municipalities Planning Code that permits a municipality to

address the potential invalidity of portions or all of its own Zoning Ordinance.

DAY-CARE CENTER — A facility which cares for seven or more children or adults for periods of less than 24 hours per day at any hours of any day of the year. See § 119-40.

DAY CARE, FAMILY HOME — A private residence where six or fewer children or adults receive care or supervision for periods of less than 18 hours per day at any hours between 6:00 a.m. and 12:00 midnight. See § 119-41.

DBH (DIAMETER AT BREAST HEIGHT) — Tree trunk diameter measured in inches at a height of 4.5 feet above the ground. If a tree divides or splits into multiple trunks below 4.5 feet, the trunk is measured at its most-narrow point beneath the split.

DECISION — A final adjudication of any board or other body granted jurisdiction under this chapter to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to a court of competent jurisdiction.

DECK — An attached or unattached platform structure elevated more than six inches and constructed with no walls and with no roof.

DELIVERY AND LOADING AREA — Loading docks or bays and the vehicular maneuvering areas serving them.

DENSITY — The total number of dwelling units per unit of land.

DEP — The Pennsylvania Department of Environmental Protection and its relevant bureaus.

DETACHED BUILDING — See "building, detached."²¹

DETERMINATION — Final action by an officer, body or agency charged with the administration of this chapter or applications hereunder, which has that authority as stated in various parts of this chapter. Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

DEVELOPER — Any landowner or agent thereof, or tenant or equitable owner under an agreement of sale having the permission of the landowner, who makes or causes to be made a subdivision of land or a land development.

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, the placement of mobile homes, streets and other paving, utilities, filling, grading, excavation, mining, dredging or drilling operations and the subdivision of land. **[Amended 4-23-2015 by Ord. No. 2015-04]**

DEVELOPMENT IMPROVEMENTS — All the physical additions and changes to a tract and the constructed facilities necessary and/or required

21. Editor's Note: The former definition of "detached structure," which immediately followed this definition, was repealed 4-23-2015 by Ord. No. 2015-04.

by the Township to produce a usable and functional development, including, but not limited to roads, parking areas, stormwater controls and drainage easements, landscaped areas, utilities, and water supplies and sewage disposal systems.

DEVELOPMENT PLAN — A proposed development, prepared in accord with this chapter and the Township Subdivision Ordinance, including a plat of the subject parcel and any subdivision, locations of various uses, and all covenants relating to uses, locations and sizes of buildings and other structures, intensity of use or density of development, streets, ways, and parking facilities, common open spaces and public facilities.

DEVELOPMENT SALES OFFICE — Any structure erected within the confines of a subdivision for use by the owner or developer of the subdivision as an office on a short-term basis for the promotion of sales of real estate exclusively within the confines of the subdivision, with ultimate use of the structure in conformance with the standards applicable in the district in which the structure is located.

DISTRIBUTION CENTER/TRUCK TERMINAL — An establishment engaged in the receipt, storage and distribution of goods, products, cargo and materials, including transshipment by boat, rail, air or motor vehicle. Breakdown of large orders from a single source into smaller orders and consolidation of several orders into one large one for distribution to several recipients and vice versa are often part of the operation. The operation may include the storage or parking of trucks awaiting cargo as well as facilities for servicing of trucks. Storage facilities, such as warehouses, incidental to the principal use may also be part of the operation. Retail sales, manufacturing and assembly, or product processing, are not considered part of a distribution center/truck terminal.

DISTRICT (or ZONE or ZONING DISTRICT) — A land area within the Township within which certain uniform regulations and requirements apply under the provisions of this chapter.

DOMESTIC VIOLENCE SHELTER — A residence providing food, shelter, medical care, legal assistance, personal guidance, or other services to persons who have been victims of domestic violence, including any children of such victims, and who temporarily require shelter and assistance in order to protect their physical or psychological welfare.

DORMITORY — A building used as group living quarters for a student body or religious order as an accessory use to a college, university, boarding school, convent, monastery, or similar institutional use, which is owned by and is located on the same parcel as the institution it serves.

DRIVE-IN STAND/USE — An establishment that, by design, physical facilities, service, or packaging procedures, encourages or permits customers to receive services or obtain goods while remaining in their motor vehicles.

DRIVE-IN THEATER — See "theater, drive-in."

DRIVEWAY — A privately owned and constructed vehicular access from an approved private or public road into a lot or parcel having frontage or legal access on the said road.

DUMP — See "solid waste landfill."

DWELLING — A structure or portion thereof which is used exclusively for human habitation.

DWELLING, APARTMENT UNIT — One or more rooms, with private bath and kitchen facilities, constituting an independent, self-contained dwelling unit in a building containing three or more dwelling units.

DWELLING, LOT LINE — A single-family, detached dwelling on an individual lot, with the building set on, or close to, one side property line, so that the lot essentially has only one side yard. This side yard and the rear yard constitute the primary outdoor living areas for the dwelling. Typically, no windows are placed in the building wall that is on the lot line. If the building is set on the lot line, a five-foot easement is provided on the adjacent property along the lot line for necessary access and maintenance of the building wall.



DWELLING, MULTIFAMILY — A building or buildings designed for occupancy by three or more families living independently of each other in separate dwelling units. The term "multifamily dwelling" shall include condominium as well as noncondominium housing units, including the following construction types: **[Amended 4-23-2015 by Ord. No. 2015-04]**

- A. SINGLE-FAMILY ATTACHED/TOWNHOUSE — A dwelling unit located in a multifamily dwelling structure in which each unit has its own front access to the outside and may have a rear access to the outside, no unit is located over another unit and each unit is separated from any other unit by one or more vertical common fire-resistant walls.
- B. GARDEN APARTMENT BUILDING — A multifamily dwelling structure, originally designed as such, containing three to 10 apartment units

and not exceeding 2.5 stories or 35 feet in height, with access to each apartment unit usually from a common hall with the apartment units located back-to-back, adjacent, or one on top of another.

- C. APARTMENT BUILDING — A multifamily dwelling structure, originally designed as such, containing three or more apartment units, which is more than 2.5 stories but not exceeding the height limitations (in feet) of this chapter.
- D. RESIDENTIAL CONVERSION TO APARTMENT — The conversion of an existing single-family detached dwelling into three to five dwelling units.

DWELLING, QUADRAPLEX — Four attached single-family dwellings in one building in which each unit has two open space exposures and shares one or two walls with adjoining unit or units.

DWELLING, SINGLE-FAMILY DETACHED — A building containing one dwelling unit that is not attached to any other dwelling by any means and is surrounded by open space or yards.

DWELLING, TWO-FAMILY — A building containing two dwelling units either attached side-by-side through the use of a vertical party wall and having one side yard adjacent to each dwelling unit; or upstairs/downstairs units. **[Amended 4-23-2015 by Ord. No. 2015-04]**

DWELLING UNIT — One or more rooms, occupied or intended for occupancy, as separate living quarters by a single family maintaining a household, the members of which have unrestricted access to all other parts thereof, with cooking, sleeping, and sanitary facilities provided therein, for the exclusive use of that single family. **[Amended 7-16-2019 by Ord. No. 2019-01]**

EARTH DISTURBANCE 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.

EASEMENT — A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation, or another person or entity.

EAVE — The overhang at the lower edge of the roof and which usually projects out over the exterior walls of the structure.

EMERGENCY SERVICES STATION — A building for the housing of fire, emergency medical or police personnel and equipment and for related activities and which may, as an accessory use, include housing for emergency personnel while on call.

EMPLOYEE — A worker or proprietor (including both part-time and full-time, both compensated and volunteer, and both employee and contractor) present on a lot at any one time, other than clearly temporary and occasional persons working on physical improvements to the site.

ENCROACHMENT — Construction of any building, structure or any obstruction or illegal or unauthorized intrusion within the boundaries of any adjacent land, right-of-way, street, setback, watercourse or public or reserved ground shown or laid out on any official map, Township-approved plot plan or in violation of any provision set forth in this chapter.

ENGINEER, TOWNSHIP — A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the Engineer of the Township.

ERECT — To build, construct, alter, repair, display, relocate, attach, hang, place, suspend or affix any building or structure.

ESSENTIAL SERVICES — Municipal or utility facilities that do not require enclosure in a building, which are necessary for the public health and safety, and which are routine, customary and appropriate to the character of the area in which proposed, including such facilities as poles, towers, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment. Buildings, sewage treatment plants, solid waste disposal facilities, commercial communication towers, utility company offices, storage of trucks or equipment and bulk storage, any commercial communications devices and any other use specifically defined by this chapter shall not be considered essential services. For essential services requiring enclosure in a building, see "semipublic building or use."

EXERCISE CLUB — An establishment that offers facilities such as the following: weight rooms, exercise equipment, nonhousehold pool and racquetball courts. Considered a *service establishment* for regulation by this chapter.

FAMILY[Amended 7-16-2019 by Ord. No. 2019-01] —

A. A person living alone or any of the following groups living together as a single, stable, nontransient housekeeping unit and sharing common living, sleeping, cooking, and eating facilities:

- (1) Any number of people related by blood, marriage, adoption, guardianship or other duly authorized custodial relationship resulting in one of the following relationships: husband, wife, brother, sister, parent, child, grandparent, great-grandparent, grandchild, great-grandchild, uncle, aunt, nephew, niece, sister-in-law, brother-in-law, father-in-law, mother-in-law or first cousin;
- (2) Three unrelated people;
- (3) Two unrelated people and any children related to either of them;
- (4) Not more than the number of residents of a group home meeting the requirements of § 119-40A(19).
- (5) Not more than eight people who are granted a special exception as a single nonprofit housekeeping unit (a "functional family") pursuant to § 119-40A(18).

B. The definition of a "family" does not include:

- (1) Any society, club, fraternity, sorority, association, lodge, combine, federation, coterie, or like organization;
- (2) Any group of individuals whose association is temporary or seasonal in nature;
- (3) Any group of individuals who are in a group living arrangement as a result of criminal offenses; and
- (4) Any person or group of individuals occupying, in whole or in part, a building or portion thereof as a short-term rental.

FARM-RELATED BUSINESS — See § 119-41D(6).

FARM STAND — A booth or stall on a farm and from which produce and farm products grown on the premises are sold to the general public.

FENCE or WALL — Any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land or to be used as a means of protection or confinement; also, a structure which permanently or temporarily prohibits or inhibits unrestricted travel between properties or portions of properties or between the street or public right-of-way and a property. The term "wall" does not include engineering retaining walls, which are permitted uses as needed in all districts. The terms "fence" and "wall" do not include hedges, trees or shrubs. See § 119-41.

FINANCIAL INSTITUTION — See "bank."

FIREWOOD CUTTING AND SALES — The importing of trees or firewood from any property to any other property for cutting or sale for use as firewood. This may include the storage of the cut trees and firewood, and customers on the site to purchase firewood, but no other retail sales. This shall not include the cutting by a property owner of trees growing on his property for sale as firewood. Considered *agricultural products processing* for regulation by this chapter.

FLEA MARKET, INDOOR — Any sales activity conducted entirely in an enclosed building, where stalls or sales areas may be set aside and rented or otherwise provided which are intended for use by various unrelated individuals, at which articles that are either homemade, homegrown, handcrafted, old, obsolete, or antique are sold, and which may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade. Considered a *retail business* for regulation by this chapter.

FLEA MARKET, OUTDOOR — Any sales activity conducted in the open air or under any pavilion or other building, tent or structure which is not fully enclosed, where stalls or sales areas may be set aside and rented or otherwise provided which are intended for use by various unrelated individuals, at which articles that are either homemade, homegrown, handcrafted, old, obsolete, or antique are sold, and which may include the

selling of goods at retail by businesses or individuals who are generally engaged in retail trade.

FLOOD (and related definitions) — See § 119-45.

FLOOR AREA, GROSS — The sum of the total horizontal areas of all floors of a building measured from the exterior face of exterior walls, or from the center line of a wall separating two buildings, but not including interior parking spaces, loading space for vehicles, any space where the floor-to-ceiling height is less than six feet, elevator shafts, common stairwells in an apartment building, and unenclosed porches, decks and breezeways.

FLOOR AREA, HABITABLE — That portion of the gross floor area within a building having a distance between floor and ceiling of at least seven feet for residential structures and at least 7 1/2 feet for nonresidential structures, and not including garage or accessory building space.

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

FORESTRY — The management of forests and timberlands when practiced in accord with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any of the following: a land development, the operation of a sawmill or the operation of any other wood manufacturing business.

FRATERNITY OR SORORITY HOUSE — A building containing sleeping rooms, bathrooms, common rooms, and a central kitchen and dining room maintained exclusively for fraternity or sorority members currently enrolled and their guests or visitors and affiliated with an institution of higher learning.²²

FUNERAL HOME — A building or part thereof used for human or animal funeral services. (A "crematorium" is a separate regulated use.) Such building may contain space and facilities for any of the following:

- A. Embalming and the performance of other services used in preparation of the dead for burial.
- B. The performance of autopsies and other surgical procedures.
- C. The storage of caskets, funeral urns, and other related funeral supplies.
- D. The storage of funeral vehicles.

FUR-BEARING ANIMAL — Animals raised or trapped in the wild for their pelts, such as mink, sable, and ermine.

22. Editor's Note: The former definition of "frontage" which immediately followed this definition, was repealed 4-23-2015 by Ord. No. 2015-04.

GAMING ESTABLISHMENT —

- A. Any facility in which any form of gaming is conducted as authorized by the laws of the Commonwealth of Pennsylvania, including, without limitation, gaming authorized by:
- (1) The Pennsylvania Racehorse Development and Gaming Act, P.L. 572, No. 71, 4 Pa. C.S.A. § 1101 et seq., as amended from time to time (the Racehorse Development and Gaming Act); and
 - (2) The Racehorse Industry Reform Act, P.L. 435, No. 135, 4 P.S. § 325.101 et seq., as amended from time to time (the Racehorse Reform Act).
- B. Notwithstanding the foregoing, for purposes of this chapter, the term "gaming establishments" shall not include or encompass facilities or establishments at which small games of chance are played or facilities participating in any lottery authorized by the Commonwealth of Pennsylvania.

GARAGE — A deck, building, or parking structure, or part thereof, used or intended to be used for the parking and storage of vehicles.

GARAGE, PRIVATE CUSTOMER AND EMPLOYEE — A structure that is accessory to an institutional, commercial, or manufacturing establishment, building, or use and is primarily for the parking and storage of vehicles operated by the customers, visitors, and employees of such building and that is not available to the general public.

GARAGE, PRIVATE RESIDENTIAL — A structure that is accessory to a single- or two-family dwelling, is used for the parking and storage of vehicle(s) owned and operated by the residents thereof, and is not a separate commercial enterprise available to the general public.

GARAGE, PUBLIC PARKING — A structure or portion thereof, other than a private customer and employee garage or private residential garage, used primarily for the parking and storage of vehicles and available to the general public.

GARAGE SALE — See "yard sale."

GARDEN CENTER, RETAIL — A retail establishment engaged in the sale of ornamental trees, shrubs and plants and supplies for gardening and landscaping. Considered *retail business* for regulation by this chapter.

GAZEBO — An unenclosed, detached, covered accessory structure primarily used for recreation or socializing.

GLARE — A sensation of brightness within the visual field which causes annoyance, discomfort or loss in visual performance, visibility and/or ability to focus. See § 119-48.

GLAZING — The panes or sheets of glass or other nonglass material made to be set in frames, as in windows or doors.

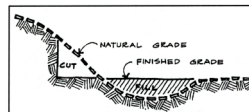
GOLF COURSE — A tract of land for playing golf, improved with trees, greens, fairways, and hazards, and which may include clubhouses and shag ranges, but does not include miniature golf courses or golf driving ranges.

GOLF COURSE, MINIATURE — A novelty version of golf played with a putter and golf ball on a miniature course, typically with artificial playing surfaces, and including obstacles such as bridges and tunnels. Considered a *recreation facility, commercial* for regulation by this chapter.

GOLF DRIVING RANGE — A facility arranged with golf tees and used for longer-range play of golf balls where balls are supplied for a fee. It may also include a putting green. Considered a *recreation facility, commercial* for regulation by this chapter.

GOVERNING BODY — The Board of Supervisors of Chestnuthill Township.

GRADE — The elevation of ground or paving.



GRADE, FINISHED — The final elevation of the average ground level, after development, adjoining a building at all exterior walls or adjoining other improvements.

GRADE, NATURAL — The elevation of the ground level in its natural state before construction, filling, or excavation.

GRAIN STORAGE, DISTRIBUTION, PROCESSING AND MILLING OPERATIONS — A facility, including necessary structures, where grain is received and stored on site until it is prepared for reshipment or is prepared for use as an ingredient in other products and is then shipped to other manufacturers. Considered *agricultural products processing* for regulation by this chapter.

GREEN BOX TRANSFER STATION/RECYCLING FACILITY — A facility meeting applicable DEP requirements which is operated by a municipality or a property owners' association (see definition) where municipal waste and recyclables are collected for transport to another site for disposal or processing.

GREENHOUSE, COMMERCIAL — A structure, typically constructed of metal or wood framework and covered with glass or plastic, used for the propagation of plants for wholesale distribution, and including associated structures for office space and storage, but not including retail sales of any products or services.

GREENHOUSE, PRIVATE — An accessory structure, typically constructed of metal or wood framework and covered with glass or plastic, for private noncommercial use.

GREEN ROOF — An engineered, multilayered roofing system sustaining the growth of plants on a rooftop while protecting the integrity of the

underlying structure. The components of a green roof typically consist of a waterproofing membrane, root barrier, drainage layer, retention layer, filter fabric, growing medium and plants.

GROSS FLOOR AREA — See "floor area, gross."

GROSS TRACT AREA — See "tract area, gross."

GROUP HOME — The use of any lawful dwelling unit which meets all of the following criteria: (See standards in § 119-40.)

- A. Involves the care of the maximum number of persons permitted by the group home standards of § 119-40A(19) and meets all other standards of such section.
- B. Involves persons functioning as a common household.
- C. Involves providing nonroutine support services and oversight to persons who need such assistance to avoid being placed within an institution, because of physical disability, old age, mental impairment or other handicap* as defined by applicable Federal law.
- D. Does not involve the housing or treatment of persons who could reasonably be considered a threat to the physical safety of others.

*NOTE: As of 1992, the Federal Fair Housing Act 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.

GROUP HOME, INSTITUTIONAL — A use that would otherwise meet the definition of "group home" but which includes more than the permitted number of residents specified in § 119-40.

GUARD SHACK — An accessory building or structure, together with any associated gates and related equipment, which is designed, occupied and operated for the purpose of controlling vehicular access.

HAZARDOUS SUBSTANCES — A product or waste, or combination of substances, that, because of the quantity, concentration, physical or infectious characteristics, if not properly treated, stored, transported, used or disposed of, or otherwise managed, would create a potential threat to public health through direct or indirect introduction into groundwater resources and the subsurface environment, which includes the soil and all subsequent materials located below. Such hazardous material includes, but is not limited to, materials which are included in the latest edition of one or more of the following lists:

- A. Hazardous substances as defined pursuant to Section 311 of the Federal Clean Water Act, or its successor provisions.

B. Hazardous substances as defined pursuant to the Federal Comprehensive Environmental Response, Compensation and Liability Act, or its successor provisions.

HAZARDOUS SUBSTANCES, EXTREMELY — Hazardous substances included on the list of "Extremely Hazardous Substances" in 29 Code of Federal Regulations Part 355, or its successor provisions.

HEALTH FACILITY — An establishment primarily engaged in providing services for human health maintenance, including medical and dental clinics and hospitals, whether publicly or privately operated.

HEARING — An administrative proceeding conducted by the Planning Commission, Board of Supervisors, or Zoning Hearing Board pursuant the requirements of this chapter.

HEIGHT, BUILDING — See "building height."

HELIPORT — An area, either at ground level or elevated on a structure, licensed by the federal government and/or the commonwealth, for the loading, landing, and takeoff of helicopters, and including auxiliary facilities, such as parking, waiting room, fueling, and maintenance equipment.

HELISTOP — A heliport without auxiliary facilities, such as parking, waiting room, fueling, and maintenance equipment, limited to a maximum total of 15 flights or take-offs in any seven-day period (in addition to flights necessary for emergency medical purposes) and that is not available for use by the general public.

HOMELESS SHELTER — A government or nonprofit corporation facility providing temporary housing to indigent, needy or homeless persons.

HOME OCCUPATION — The use of a portion of a dwelling unit, such as an office, studio or workroom, for a commercial occupation at home by persons residing in the dwelling unit. See § 119-41 for standards. See also "no-impact home-based business."

HOMEOWNERS' ASSOCIATION — See "property owners' association."

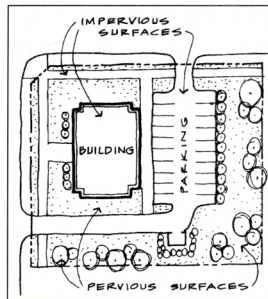
HORSE — Any animal of the horse family or resembling a horse, including, but not limited to, horses, ponies, mules and donkeys.

HOSPITAL — An institution or establishment providing primary health services and medical or surgical care to persons, primarily inpatients, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities training facilities, medical offices, or staff residences. Considered a *health facility* for regulation by this chapter.

HOTEL — A facility offering temporary (generally for periods of two weeks or less and not intended to be used as a residence) lodging accommodations to the general public, typically on the basis of daily or weekly rentals, and providing additional services such as restaurants, meeting rooms and recreational facilities.

HUNTING/FISHING CLUBS OR CAMPS — Land and/or a stream or body of water and adjacent area on any bank thereof, owned or leased by a person or group of persons duly formed as a club, used principally for hunting/fishing, open only to members and guests and involving no buildings other than those for lodging, eating and sanitary facilities for members and guests and accessory structures.

IMPERVIOUS SURFACE — A surface that prevents the percolation of water into the ground, such as rooftops, pavement, sidewalks, driveways, gravel drives, roads and parking, and compacted fill, earth or turf to be used as such.



IMPROVEMENTS — See "development improvements."

INDUSTRIAL DISTRICT — The LIC Light Industrial/Commercial, BP Business Park Overlay and GI General Industrial Zoning Districts.

INDUSTRIAL WASTEWATER TREATMENT FACILITY — A facility not located on the same lot where the wastewater is generated which is used for treating and removing any harmful chemicals, compounds (including the flow back water and solutions used in the process of hydraulic fracturing for natural gas), nutrients, organics, solids, radionuclides or other materials prior to being transported off site for reuse or discharged into a stream or into the soil. Such a facility typically includes a multibay truck loading/unloading station, skim ponds for oil/water separation, water clarifiers, sludge dewatering facilities, reverse-osmosis units, evaporators, chemical feed equipment, pumps and other appurtenances.

INDUSTRY — Establishments engaged in the basic mechanical, chemical or other transformation of extracted or raw materials or substances into new products or materials, including, but not limited to, the manufacturing or transformation of products for use by other manufacturers, the blending of materials such as lubricating oils, plastics, resins or liquors, other basic industrial processes, mineral processing, and any facility involving processes resulting in the nonincidental storage of hazardous materials or the generation of hazardous waste products, or other environmentally hazardous processes.

INTERNAL BLOCK — One or more lots, tracts, or parcels of land bounded by internal circulation routes, railroads, or subdivision boundary lines.

INTERNAL CIRCULATION ROUTE — Either a public street or a private drive edged by a curb or delineator device within a development, functioning as part of an internal circulation system for a large-scale retail/commercial development.

JUNK —

A. Any scrap, waste, refuse, reclaimable material or debris, vehicles, appliances, equipment or machinery, or parts thereof, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition. Junk shall include, but shall not be limited to:

- (1) Scrap iron, tin, brass, copper, lead, zinc and all other metals and alloys; bones, rags, paper, used cloth, used rubber, used rope, and similar materials; old or used, or parts of machinery, vehicles, tools, appliances, furniture, plumbing, heating and other fixtures, and pipe and pipe fittings;
- (2) Used lumber, boxes, crates and pallets;
- (3) Used tires;
- (4) Other worn, deteriorated, or obsolete manufactured goods which are unusable;
- (5) Mobile homes that are not in habitable condition; and
- (6) Abandoned or junked vehicles.

B. Junk shall not include:

- (1) Any solid or liquid waste, the disposal of which is regulated by the Pennsylvania Department of Environmental Protection.
- (2) Agricultural vehicles and implements, such as tractors, mowers, etc., for use as parts for equipment and machinery used as part of an active, ongoing agricultural operation, provided such equipment is stored on the premises of the operation, can be legitimately used for parts, and is adequately screened.
- (3) Construction and contractor's equipment for use as parts for equipment and machinery used as part of an active, ongoing contracting business legally operating in accord with this chapter, provided such equipment is stored on the premises of the operation, can be legitimately used for parts, and is adequately screened.

JUNKYARD — An area of land, with or without buildings, used for the storage, outside a completely enclosed building, of junk, as defined by this chapter, with or without the dismantling, processing, salvage, sale or other use or disposition of the same. Vehicle sales lots managed by licensed vehicle dealers operated in accord with this chapter shall not be considered junkyards. The following shall also be considered junkyards:

- A. The outside storage or deposit on a lot of two or more abandoned or junked vehicles if not screened. (See definition of "screened.") This shall not apply to such vehicles stored as part of a vehicle repair operation conducted in accord with this chapter.
- B. The outside storage or deposit on a lot of one or more mobile homes that are not in habitable condition.
- C. A junkyard specifically shall include but not be limited to a metal scrap yard or auto salvage yard.

KENNEL — Any of the following:

- A. Any commercial establishment where dogs, cats, or other household pets are housed or boarded and where grooming, breeding, training, or selling of animals may be conducted.
- B. As defined by the Pennsylvania Department of Agriculture, Bureau of Dog Law Enforcement: pet shop kennels, dealer kennels, rescue network kennels, research kennels, boarding kennels, nonprofit kennels and commercial kennels.
- C. Any veterinary clinic with outdoor animal runs.
- D. The keeping of a greater number of dogs and/or cats than are permitted under the "keeping of pets" provisions in § 119-41D(11).

LAKE or POND — A natural or artificial body of water, 0.25 acre or larger, which retains water year-round. Artificial ponds may be created by dams or result from excavation.

LAND DEVELOPMENT[**Amended 7-16-2019 by Ord. No. 2019-01**] —

- A. Any of the following activities:
 - (1) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - (a) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - (b) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups or other features.
 - (2) A subdivision of land.
- B. The definition of "land development" shall not include the following:
 - (1) The conversion of an existing single-family detached dwelling or single-family semidetached dwelling into not more than three

residential units, unless such units are intended to be a condominium.

- (2) The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.
- (3) The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this subsection, an "amusement park" is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by the Township.

LANDFILL — See "solid waste facility."

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.

LARGE-SCALE RETAIL/COMMERCIAL DEVELOPMENT — An individual freestanding building or multiple-building development in which the combined total of all structures and outdoor sales areas within the development (regardless of diverse lotting, use or tenancy) equals 20,000 square feet or more of gross floor area, used for conference centers; gaming establishments; hotels; motels; recreation facilities, commercial; restaurants; retail businesses; service establishments; taverns; theaters; or similar patron-based uses; but not including camps/retreats, country clubs, and resorts.

LIBRARY — See "cultural center."

LIGHTING, DIFFUSED — Illumination that passes from the source through a translucent cover or shade.

LIGHT MANUFACTURING — See "manufacturing, light."

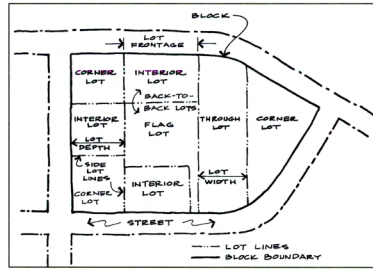
LIVESTOCK — Cattle, bison, sheep, goats, llamas, alpacas, swine, ostriches, emus, and similar animals.

LIVESTOCK OPERATION — See "animal husbandry."

LOADING/UNLOADING SPACE — An interior or exterior off-street space or berth used for the loading or unloading of people, cargo, products, or materials from vehicles.

LONG-TERM RESIDENCY — See "residency, long-term."

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



LOT AREA — The horizontal land area contained within the lot lines of a lot (measured in acres or square feet). See also "lot area, minimum required."**[Amended 4-23-2015 by Ord. No. 2015-04; 7-16-2019 by Ord. No. 2019-01]**

LOT AREA, GROSS — The horizontal land area contained within the property lines of a lot measured in acres or square feet. The term includes area of land, land area, lot size, parcel area, parcel size, tract area and any similar terms as related to the gross area.**[Added 7-16-2019 by Ord. No. 2019-01]**

LOT AREA, MINIMUM REQUIRED — The horizontal land area contained within the lot lines of a lot (measured in acres or square feet) determined by deducting from the total lot size the areas as specified in § 119-38D(4)(a).**[Added 7-16-2019 by Ord. No. 2019-01]**

LOT, CORNER — A lot or parcel of land abutting two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than 135°. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangent to the curve at the points beginning within the lot or at the points of intersection of the side lot lines with the street lines intersects at an angle of less than 135°.

LOT COVERAGE — That portion of the lot covered by all created improvements, including, but not limited to, primary buildings, decks, porches, accessory buildings, paving, patios, sidewalks, pools and other impervious areas, provided that where a municipal boundary bisects a lot, the total area of the lot, regardless of the municipal boundary, shall be used for the purpose of determining compliance with the permitted lot coverage.

LOT DEPTH — The horizontal distance between the midpoint of the front lot line and the midpoint of the rear lot line.

LOT, EXISTING OF RECORD — Any lot or parcel of property which was legally in existence and properly on file with the County Recorder of Deeds prior to the effective date of the original Township Zoning Ordinance. (See "parent tract.")

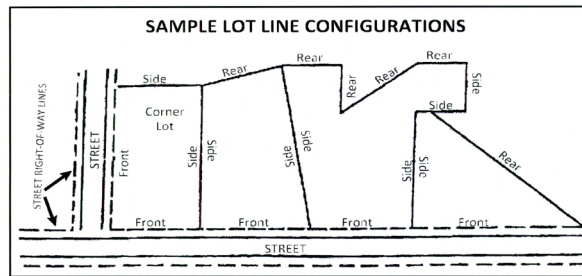
LOT, FLAG — A lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way or driveway.²³

23. Editor’s Note: See “lot, reverse-frontage” for the flag lot diagram.

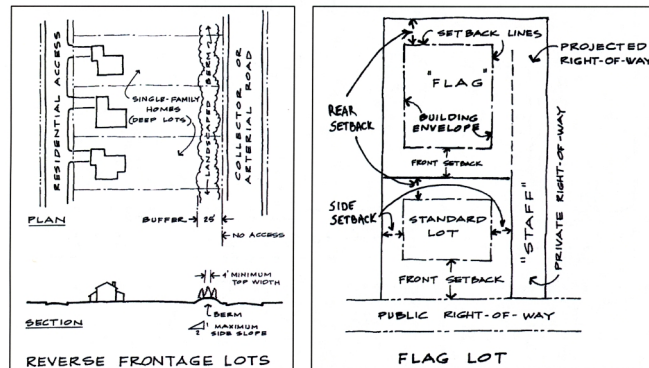
LOT, INTERIOR — A lot other than a corner lot, the sides of which do not abut a street.

LOT LINES — The property lines bounding the lot. Wherever a property line borders a public street, for the purposes of determining setbacks, the "lot line" is considered to be the existing street right-of-way line or that which will exist at the time of completion of a subdivision or development.

- A. LOT LINE, FRONT — The lot line(s) separating the lot from any street. For a corner lot, see § 119-71B.
- B. LOT LINE, REAR — The lot line(s) most distant from and most parallel to the front lot line.
- C. LOT LINE, SIDE — Any lot line other than a front or rear lot line.



LOT, REVERSE-FRONTAGE — A through lot with frontage on two streets, with vehicular access restricted to only one of the streets.



LOT, THROUGH — A lot that fronts on two parallel streets or that fronts on two streets that do not intersect at the boundaries of the lot.

LOT WIDTH — The horizontal distance between the side lines of a lot, measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required or approved front and rear building lines. In the case of a lot fronting on a cul-de-sac turnaround or curve, along a chord perpendicular to a radial line located equidistant between the side lot lines, the said chord shall intersect the radial line at a point located at the required or approved building setback line. (Note: Chapter

98, Subdivision and Land Development, includes provisions allowing reduction of lot widths in certain circumstances, including around cul-de-sac ends, and to allow flag lots within conservation design developments.)

LUMBERING — See "forestry."

LUMBERYARD — An area, with or without structures, used for the storage, distribution or sale of finished or rough-cut lumber and lumber products.

MANUFACTURED HOME SALES — See "vehicle and equipment sales operation."

MANUFACTURING, LIGHT —

A. Facilities involving generally unobtrusive processes carried on entirely within a fully enclosed building and not resulting in the nonincidental storage of hazardous materials or the generation of hazardous waste products or other environmentally hazardous processes. Light manufacturing includes, but is not limited to:

- (1) Fabrication, processing, assembly, repair, testing, packing and/or storage of products made from previously prepared materials, products, components and parts, such as cloth, plastic, food, paper, glass, leather, stones, and electronic components.
- (2) Research, engineering or testing laboratories.
- (3) Textile and clothing manufacturing.
- (4) Furniture or other wood products production.

B. Light manufacturing does not include:

- (1) Basic industrial processing as defined by "industry."
- (2) Processing of raw materials, except for milling and processing of grain.
- (3) Slaughterhouses or the production of fish or meat products, or other uses as defined by "agricultural products processing."
- (4) Rendering of fats and oils.

MASSAGE — Pressing, squeezing, stretching, or stimulating the face, scalp, neck, limbs, or other parts of the human body with or without cosmetic preparation, either by hand or with mechanical or electrical appliances.

MASSAGE FACILITY, THERAPEUTIC — A service establishment that meets all of the following criteria:

- A. Massages are conducted for a fee, tip or other consideration; and
- B. The person conducting the massage is licensed by the Commonwealth of Pennsylvania as a health care professional or a therapeutic massage therapist or is certified by the National Certification Board for Therapeutic Massage and Bodywork or other recognized therapeutic

massage organization that requires substantial professional training;
and

C. The establishment does not meet the definition of "massage parlor."

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

MEETING, ASSEMBLY, OR BANQUET HALLS — A structure designed for an assemblage of persons, including fraternal organizations, banquet facilities within eating and drinking establishments, catering facilities, and areas located within the grounds of churches to service gatherings such as weddings, parties, etc.

MENAGERIE — A collection of animals which are kept in cages or enclosures, inside a building or outdoors, for exhibition or educational purposes, with or without charge.

MICROBREWERY — A facility for the production, packaging and sampling of malt beverages of alcoholic and/or nonalcoholic content for retail or wholesale distribution, on or off the premises, and which produces less than 15,000 gallons of malt beverages per year.

MINERAL — 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.

MINERAL EXTRACTION — The mining, removal or recovery, by any means whatsoever (including, but not limited to, open excavations and quarries, subsurface mining and drilling), of minerals as defined in this Article II, and including the incidental screening, washing, crushing and grading of materials originating on the site. Mineral extraction shall not include:

- A. The salvage removal of already quarried stone from existing quarries where no additional blasting, ripping or other mechanical operations are required.
- B. The extraction of minerals by a landowner for the landowner's noncommercial use from land owned or leased by the landowner.
- C. The extraction of sand, gravel, rock, stone, earth or fill from borrow pits for public road construction undertaken by a public entity or the extraction of minerals associated with a public construction contract.
- D. The handling, processing or storage of slag on the premises of a manufacturer as a part of the manufacturing process.
- E. The extraction, handling, processing or storing of minerals from a building construction excavation on the site of the construction if the minerals removed are incidental to the building construction

excavation, regardless of the commercial value of the minerals. The minerals removed are incidental if the excavator demonstrates that:

- (1) Extraction, handling, processing or storing is conducted concurrently with construction.
- (2) The area mined is limited to the area necessary to construction.
- (3) The construction is reasonably related to the use proposed for the site.

MINERAL PROCESSING — The refinement of minerals by the removal of impurities, reduction in size, transformation in state, or other means to specifications for sale or use, and the use of minerals in any manufacturing process such as, but not limited to, concrete or cement batching plants, asphalt plants and manufacture of concrete and clay products. This shall not include activities typically part of a pipeline compressor station, metering station or operation/maintenance facility. Mineral processing is considered *industry* for the purposes of regulation by this chapter.

MINI-MART — See "convenience store."

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

MOBILE HOME LOT — A parcel of land in a mobile home park which is leased by the park owner to the occupants of the mobile home erected on the lot and which is improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

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

MODEL HOME — Any structure erected for use as a display to promote the sale of similar residential structures, which may be utilized on a short-term basis as an office, with ultimate use of the structure to conform to a permitted use in the district in which the structure is located. (See also "sample home.")

MOTEL — A facility offering temporary (generally for periods of two weeks or less) lodging accommodations to the general public, typically on the basis of daily or weekly rentals, with at least 25% of the rooms having direct access to the outside. Rooms in the facility shall not be used as a principal residence, except for an employee (i.e., caretaker).

MUNICIPALITIES PLANNING CODE (MPC) or STATE PLANNING CODE — The Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended.²⁴

MULTIPLE-OCCUPANT COMMERCIAL BUILDING — A building containing two or more independent, nonresidential uses, such uses being permitted in the district where the multiple-occupant building is proposed.

MUNICIPALITY — Chestnuthill Township, Monroe County, Pennsylvania.

MUSEUM — See "cultural center."

NATURAL GAS PROCESSING PLANT — A facility designed and constructed to remove materials such as ethane, propane, butane, and other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets, but not including facilities or equipment that is designed and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from the natural gas. A natural gas processing plant is considered *industry* for the purposes of regulation by this chapter. (See also "pipeline compressor station, metering station or operation/maintenance facilities.")

NEIGHBORHOOD — A development of five to 25 single-family, detached dwellings clustered in a concentrated area which is surrounded by open land or recreation area.

NIGHTCLUB — An establishment dispensing food and drink and in which music, dancing, or entertainment is an integral and significant part of the operation.

NO-IMPACT HOME-BASED BUSINESS — A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements as set forth in Section 107 of the Pennsylvania Municipalities Planning Code.²⁵

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. The business shall employ no other employees other than family members residing in the dwelling.
- C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- D. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.

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

25. Editor's Note: See 53 P.S. § 10107.

- E. The business activity shall not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- F. The business activity shall not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- G. The business shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- H. The business shall not involve any illegal activity.

NONCONFORMING LOT — Any lot which does not conform with the minimum width, depth and area dimensions specified for the district where such a lot is situated, such lot having been created and recorded in the office of the Monroe County Recorder of Deeds prior to the effective date of this chapter, as amended. See § 119-73.

NONCONFORMING STRUCTURE — A structure or part of a structure which does not comply with the applicable district limitations on structure size and location on a lot, where such structure legally existed prior to the enactment of this chapter, as amended, and including, but not limited to, nonconforming signs. See § 119-73.

NONCONFORMING USE — A use, whether of land or of a structure, which does not comply with the applicable use provisions in this chapter, or amendments hereto, where such use legally existed prior to the enactment of this chapter, as amended. See § 119-73.

NURSERY, WHOLESALE — The growing, cultivation, storage, and sale of garden plants, flowers, trees, and shrubs to landscapers, developers, builders, and retail establishments.

NURSING HOME — See "personal care home."

OCCUPANCY — Any use of or activity upon a particular premises or holding real property by being in possession.

OFFICE — A use that involves administrative, clerical, financial, governmental or professional operations and operations of a similar character. This use shall include neither retail nor industrial uses but may include business offices, medical offices, laboratories, photographic studios and/or television or radio broadcasting studios.

OFFICE BUILDING — A building or part of a building used primarily for conducting the affairs of a business, profession, service, industry or government, or like activity. It may include ancillary services for office workers, such as a restaurant, coffee shop, newspaper or candy stand, and day-care facilities.

OFFICIAL MAP — The Chestnuthill Township Official Map, adopted by ordinance pursuant to Article IV of the Pennsylvania Municipalities Code,

which shows lands reserved by the Township for easement or acquisition for public purposes.

OFFICIAL ZONING MAP — The Official Zoning Map of Chestnuthill Township, Monroe County, Pennsylvania.

OFF-TRACK WAGERING FACILITY — A facility licensed pursuant to the provisions of the Racehorse Reform Act for the purpose of gaming authorized at a nonprimary location pursuant to the provisions of the Racehorse Reform Act. Considered a *gaming establishment* for regulation by this chapter.

OIL OR GAS WELL — A type of mineral extraction involving a bore hole drilled or being drilled for the purpose of or to be used for producing, extracting or injecting any gas, petroleum or other liquid related to oil or gas production or storage, including brine disposal, but excluding bore holes drilled to produce potable water to be used as such. The term "well" does not include a bore hole drilled or being drilled for the purpose of or to be used for systems of monitoring, producing or extracting gas from solid waste disposal facilities, as long as the wells are subject to the Act of July 7, 1980 (P.L. 380, No. 97), known as the "Solid Waste Management Act," and do not penetrate a workable coal seam.²⁶

OPEN SPACE — An area that is intended to provide light and air, and is designed for environmental, scenic, recreational, resource protection, amenity and/or buffer purposes, and which contains no development improvements which are not specifically permitted by this chapter or the Township Subdivision and Land Development Ordinance.²⁷

OPEN SPACE, COMMON — Open space that is part of a particular conservation design subdivision development tract set aside for the use and enjoyment of residents of such development.

OPEN SPACE, CONSERVATION — Open space that is part of a particular conservation design subdivision development tract set aside for the protection of sensitive natural features, farmland, forest land, scenic views and other primary and secondary conservation areas and which is permanently restricted from further development except as permitted by this chapter and cannot be used as a basis for density for any other development. Conservation open space may be accessible to the residents of the development and/or the Township, or it may contain areas of farmland or forest land which are not accessible to project residents or the public.

OPEN SPACE, REQUIRED PUBLIC — Open space that is dedicated or reserved for the use of the general public in accord with the requirements of the Township Subdivision and Land Development Ordinance.²⁸

OUTDOOR ENTERTAINMENT — Any commercial activity or activity associated with a commercial use where concerts, theater arts, movies

26. Editor's Note: See 35 P.S. § 6018.101 et seq.

27. Editor's Note: See Ch. 98, Subdivision and Land Development.

28. Editor's Note: See Ch. 98, Subdivision and Land Development.

or any other type of entertainment is provided outside a fully enclosed building.

OWNER — An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to submit an application for the development or use of land.

PA — The Commonwealth of Pennsylvania.

PADEP or DEP — The Pennsylvania Department of Environmental Protection.

PA DOT or PennDOT — The Pennsylvania Department of Transportation.

PAD-SITE BUILDING — A building that is intended for a single commercial use and that is physically separate from the other buildings on the site; typically used in the context of retail shopping center development, a building or building site that is physically separate from and smaller than the principal building and reserved for freestanding commercial uses. Typical pad-site uses include, by way of illustration only, freestanding restaurants, banks and service stations.

PARAPET — The portion of a wall that extends above the roofline.

PARCEL — See "lot."

PARENT TRACT — Any lot or parcel of property which was legally in existence and properly on file with the County Recorder of Deeds prior to the effective date of the original Township Zoning Ordinance and from which a lot or lots have been subdivided or are proposed for subdivision. (See "lot, existing of record.")

PARK-AND-RIDE FACILITY — A parking lot designed for drivers to leave their cars and share a ride with another driver or use mass transit facilities beginning, terminating, or stopping at or near the park-and-ride facility.

PARKING AREA — Any public or private area, under or outside of a building or structure, designed and used for parking motor vehicles, including parking lots, garages, private driveways, and legally designated areas of public streets. See "garage."

PARKING AREA, PRIVATE — A parking area for the exclusive use of the clients, customers or owners of the lot on which the parking area is located or whomever else they permit to use the parking area.

PARKING AREA, PUBLIC — A parking area available to the public, with or without payment of a fee.

PARKING SPACE, OFF-STREET — A temporary storage area for a motor vehicle that is directly accessible to an access aisle and that is not located on a dedicated street right-of-way.

PARKING SPACE, ON-STREET — A temporary storage area for a motor vehicle that is located on a public or private street right-of-way.

PATIO — An open recreational area or structure, constructed no higher than six inches from the ground level and resting directly on the ground.

It may be attached to or detached from the principal building and may be constructed using wood, masonry, pavement, stone, or other material suitable for that purpose.

PERMANENT FOUNDATION — A permanent foundation which meets the requirements of the Uniform Construction Code.

PERMIT — A document issued by the proper authority documented on the required application which authorizes the applicant to undertake certain activities in compliance with all the applicable codes and ordinances.

- A. **ZONING PERMIT** — Indicates that a proposed use, building or structure as documented in the development application will comply with the requirements of this chapter; issued by the Zoning Officer for principal permitted uses, accessory uses and signs following confirmation of compliance with applicable standards, for conditional uses following approval by the Board of Supervisors, and for special exceptions following approval by the Zoning Hearing Board.
- B. **BUILDING PERMIT or CONSTRUCTION PERMIT** — Issued by the Building Code Official and indicates that a proposed construction, alteration, or reconstruction of a structure will comply with the Township construction code.
- C. **CERTIFICATE OF USE/OCCUPANCY** — A document issued by the Township stating that a newly constructed or altered building, structure, and/or use complies with this chapter and/or the Uniform Construction Code and may be lawfully used.

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

PERSONAL CARE HOME — A facility licensed by the Commonwealth of Pennsylvania for the housing and intermediate or fully skilled nursing care of three or more persons needing such care because of old age or a physical illness or disability or a developmental disability.

PERSONAL SERVICE — See "service establishment."

PET — Domestic cats and domestic dogs, and other animals which are commonly kept primarily inside a dwelling unit for companionship or personal satisfaction (not for consumption or utilitarian use) such as parakeets, parrots and similar birds, ferrets, mice, guinea pigs, hamsters and similar rodents, nonpoisonous snakes, and fish. Pet does not include livestock, small animals and fowl, pot-bellied pigs and miniature horses.

PICNIC GROVE, PRIVATE — An area of open space and pavilions that is not publicly owned and is used for group picnics and related outdoor recreation, and which is used on a commercial basis. Considered a *recreation facility, commercial* for regulation by this chapter.

PIPELINE COMPRESSOR STATION, METERING STATION or OPERATION/ MAINTENANCE FACILITIES — A facility at which a petroleum product

passing through a pipeline is pressurized by a turbine, motor, or engine, the volume of flow is measured or permanent facilities are installed for pipeline operation/maintenance and which compress, decompress, process, heat, dehydrate, alter or transform the pipeline product. The facility may contain some type of liquid separator consisting of scrubbers and filters that capture any liquids or other undesirable particles from the pipeline. The definition also includes utility transfer stations which are owned, operated and maintained by the local natural gas utility and mark the point at which it assumes official control of the gas. The definition excludes pipeline valves, metering stations, pig launchers/receivers, and other components which are located within the pipeline right-of-way and do not compress, decompress, process, heat, alter or transform the pipeline product.

PLACE OF WORSHIP — Buildings, synagogues, churches, temples, cathedrals, chapels, religious retreats, monasteries, seminaries and shrines used primarily for religious and/or spiritual worship and that are operated by a tax-exempt organization qualifying under Section 501(c)(3) of the Internal Revenue Code for nonprofit and noncommercial purposes, which people regularly attend to participate in or hold religious services, meetings or functions, or religious instruction, and which may include customary incidental accessory uses such as day-care centers, meeting and activity rooms, and recreation facilities.

PLANNING COMMISSION — The Planning Commission of Chestnuthill Township, Monroe County, Pennsylvania.

PLAT or PLAT PLAN — A map or plan of a subdivision or land development, whether preliminary or final.

POND or LAKE — A natural or artificial body of water 0.25 acre or larger which retains water year-round. Artificial ponds may be created by dams or result from excavation.

PORCH — An attached, roofed accessory structure projecting from a wall of a building, which may be open or screened and with walls no higher than four feet above the floor level.

PORTICO — A porch or walkway with a roof supported by columns, often leading to the entrance of a building.

POWER PLANT — Any facility, including structures, machinery and associated equipment, which generates electric energy from another source of energy, such as nuclear reactions, hydroelectric dams, or natural gas or coal-fired plants, the primary purpose of which is the commercial sale of the energy which is generated. Power plants which produce electric energy, 75% or more of which is used on the site of production, shall be considered part of the principal permitted use for which the energy is used (excluding solar and wind energy).

PRIMARY RESOURCES — See "resources, primary."

PRIME AGRICULTURAL LAND — Land used for agricultural purposes that contains soils of the first, second or third class as defined by the United

States Department of Agriculture, Natural Resources Conservation Service, County Soil Survey.

PRINCIPAL BUILDING — A building in which the primary or predominate use of a lot is conducted, including any structure that is physically attached to the principal building.

PRINCIPAL ENTRANCE — The place of ingress and egress most frequently used by the public.

PRINCIPAL PERMITTED USE — A use allowed in a particular zoning district which is approved by the Zoning Officer provided the application complies with all requirements of this chapter.

PRINCIPAL ROAD — The road with the highest priority that is adjacent to the lot or site. Road priorities are as follows, from highest to lowest: arterial, collector, local access. If a lot is adjacent to more than one road of equally high priority, the principal road is the road with transit service. If the roads do not have transit service, the priority shall be designated by the owner.

PRINCIPAL STRUCTURE — The structure in which the principal use of a lot is conducted. Any structure that is physically attached to a principal structure shall be considered part of that principal structure.

PRINCIPAL USE — The primary or predominate use of a lot.

PROFESSIONAL OFFICE — The office of a member of a recognized profession, such as an accountant, architect, author, dentist, engineer, insurance agent, landscape architect, lawyer, minister, optometrist, planner, physician, or realtor.

PROPERTY OWNERS' ASSOCIATION — A nonprofit corporation organized by the developer or homeowners for the purpose of establishing an association of all property owners in a private development, the purposes of which shall include the ownership and maintenance of open space, common areas and all development improvements.

PUBLIC BUILDINGS AND USES — Any structure, building or use owned and operated by a government body or agency, including such things as public schools, parks, civic centers, and municipal buildings; but excluding solid waste disposal facilities, institutional uses, nursing homes, hospitals, and other uses specifically defined by this chapter.

PUBLIC HEARING — A formal meeting held pursuant to public notice by the Planning Commission or the Board of Supervisors, intended to inform and obtain public comment, prior to taking action in accord with Pennsylvania Municipalities Planning Code.²⁹

PUBLIC MEETING — A forum held pursuant to notice under the act of July 3, 1986 (P.L. 388, No. 84), as amended, known as the "Sunshine Act."³⁰

PUBLIC NOTICE — Notice published once each week for two consecutive weeks in a newspaper of general circulation in the Township. Such notice

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

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

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 UTILITY — Any agency or entity that, under public ownership, or under a certificate of convenience and necessity issued by the Pennsylvania Public Utility Commission, or by grant of authority by a governmental agency, provides the public with electricity, gas, heat, steam, communication, transportation, water, sewage collection, or other similar service.

RACETRACK — A road course, either oval, circuitous or straight, where motor vehicles, including, but not limited to, automobiles, trucks, go-carts, motorcycles, motor scooters, dune buggies and the like, are driven for recreation, testing or competition; or any course where animals are raced for competition.

RECREATIONAL VEHICLE — A vehicle primarily designed and utilized as temporary living quarters for recreational, camping or travel use, whether self-propelled or mounted on or drawn by another vehicle, and including travel trailers, recreational trailers, camping trailers, truck campers, motor homes and similar types of vehicles.

RECREATIONAL VEHICLE PARK — See "campground or recreational vehicle park."

RECREATION AREA — A private or public space associated with a residential development, including accessory structures, such as fences, backstops and bleachers, used for play and/or recreation by individuals.

RECREATION AREA, ACTIVE — A private or public space associated with a residential development, including accessory structures, such as fences, backstops and bleachers, and other equipment, used for play and/or recreation by individuals, and including, but not limited to, golf courses, basketball, volleyball and tennis courts, baseball, football and soccer fields, and playgrounds.

RECREATION AREA, PASSIVE — A private or public space associated with a residential development, not including any accessory structures used for active recreation by individuals, and including, but not limited to, trails, picnic areas, community gardens, and lawns.

RECREATION FACILITY, COMMERCIAL — Outdoor or indoor areas or structures, operated by private nonprofit or private commercial entities, open to the public, which may contain entertainment and amusement devices or attractions, including, but not limited to, picnic groves, tennis and racquetball courts, ski areas, miniature golf courses, golf driving ranges, and the like, but excluding golf courses, theaters, public parks and playgrounds and any other use specifically listed on the Table of Permitted Uses.

RECREATION FACILITY, PUBLIC — Parks, swimming pools, playgrounds, tennis courts, and other recreational facilities owned and operated by the

Township, county, school district, state, or federal government. See "public buildings and uses."

RECYCLING FACILITY — A facility employing a technology that is a process that separates or classifies municipal waste (as defined by Pa. Code Title 25, § 271.1) and creates or recovers reusable materials that can be sold to or reused by a manufacturer as a substitute for or a supplement to virgin raw materials. The term does not include solid waste facilities, a resource-recovery facility, or a green box transfer station/recycling facility, as defined herein, or an accessory drop-off point or collection center for recycling.

REGIONAL COMPREHENSIVE PLAN — See "Comprehensive Plan."

REGIONAL PLANNING COMMITTEE — The Committee established by intergovernmental agreement in accord with the adopted Regional Comprehensive Plan.

REGIONAL USE — A specific land use which is permitted within the Planning Region consistent with the Regional Comprehensive Plan and specifically identified in § 119-27E(4).

RELIGIOUS QUARTERS — A dwelling associated with a place of worship in which reside individuals directly involved with the administration or function of a place of worship, including clergy and staff and immediate family members.

REPAIR — The reconstruction or renewal of any part of an existing building for the purpose of its maintenance. See also "addition" and "alteration."

REPAIR SERVICE — Shops for the repair of appliances, watches, guns, bicycles and other household items. Considered a *service establishment* for regulation by this chapter.

RESERVOIR SPACE — A parking place provided to accommodate a vehicle which is queued in a lane awaiting service in a drive-in facility such as a bank, fast-food restaurant or a car/truck wash.

RESIDENCY (or OCCUPANCY), LONG-TERM — Occupancy of a dwelling, generally for periods of 30 days or more, as opposed to temporary visits to bed-and-breakfast establishments, short-term rentals, motels, hotels, campgrounds and recreational vehicles, and which serves as the legal address for the occupant. It also includes any dwelling or structure where children who attend school reside. **[Amended 7-16-2019 by Ord. No. 2019-01]**

RESIDENTIAL ACCESSORY STRUCTURE (includes BUILDING) OR USE — A use or structure that is clearly accessory, customary and incidental to a principal residential use on a lot, including the following uses and uses that are very similar in nature: garage (household), carport, tennis court, garage sale, basketball backboard, household swimming pool, gazebo, storage shed, greenhouse, children's playhouse or children's play equipment. It does not include any business conducted in a household garage or storage shed that is accessory to a dwelling, except as may be allowed as a home occupation.

RESIDENTIAL DISTRICT — The CR Conservation Residential, RR Rural Residential, R-S Special Residential, R-1 Low Density Residential, R-2 Medium Low Density Residential and R-3 Medium High Density Residential Zoning Districts.

RESIDENTIAL LOT LINES — The lot line of a lot that contains an existing primarily residential use or is undeveloped and zoned as a residential district.

RESORT — A business combining lodging, eating and recreational facilities for lodgers and/or nonlodgers as a single enterprise offered to the public at large or any segment thereof, not including bed-and-breakfast establishments, campgrounds, recreational vehicle parks or mobile home parks. Amenities may include conference centers, retail sales, spas, beauty salons, barbershops, restaurants, indoor and outdoor recreational facilities, health centers, day-care centers, facilities for commercial special events, and employee living quarters.

RESOURCE-RECOVERY FACILITY — A processing facility that provides for the extraction and utilization of materials or energy from municipal waste (as defined by Pa. Code Title 25, § 271.1).

- A. The term includes a facility that mechanically extracts materials from municipal waste, a combustion facility that converts the organic fraction of municipal waste to usable energy and a chemical and biological process that converts municipal waste into a fuel product.
- B. The term includes a facility for the combustion of municipal waste that is generated off site, whether or not the facility is operated to recover energy.
- C. The term includes land affected during the lifetime of operations, including, but not limited to, areas where processing activities actually occur, support facilities, borrow areas, offices, equipment sheds, air- and water-pollution control and treatment systems, access roads, associated on-site or contiguous collection, transportation and storage facilities, closure and post-closure care and maintenance activities and other activities in which the natural land surface has been disturbed as a result of or incidental to operation of the facility.
- D. The term does not include:
 - (1) A composting facility, as defined herein.
 - (2) Methane gas extraction from a municipal waste landfill.
 - (3) A recycling facility, as defined herein, an accessory drop-off point or collection center for recycling, or a source separation or collection center for composting leaf waste.

RESOURCES, PRIMARY — Natural features consisting of one-hundred-year floodplain (including the floodway), wetlands and prohibitive steep slopes (greater than 25%). In conservation subdivisions, all conserved lands containing primary resources are called "primary conservation areas."

RESOURCES, SECONDARY — Natural or cultural features outside primary conservation areas that are worthy of conservation by inclusion in conservation open space. See the prioritized list of such features in the Subdivision and Land Development Ordinance.³¹ Lands containing secondary resources that are conserved are called "secondary conservation areas."

RESTAURANT — An establishment where food and drink are prepared, served, and consumed, mostly within the principal building, which may include limited forms of musical entertainment to accompany the dining experience; however, restaurants that provide dancing and stage shows shall be considered a nightclub.

RESTAURANT, OUTDOOR — Any part of a food establishment located outdoors, not used for any other purposes, and open to the sky, with the exception that it may have a retractable awning or umbrellas, and may contain furniture, including tables, chairs, railings, and planters that are readily movable.

RESTAURANT, TAKE-OUT — An establishment where food and/or beverages are sold in a form ready for consumption, where all or a significant part of the consumption takes place outside the confines of the restaurant, and where ordering and pickup of food may take place from a vehicle.

RETAIL BUSINESS — An establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

RETAIL HOME HEATING FUEL DISTRIBUTORS — An establishment that delivers kerosene, home heating oil, and propane to individual dwellings or commercial establishments for use on that premises and not for resale, and where the storage of fuel on the site of the retail home heating fuel distributor does not exceed a combined total of 20,000 gallons. Any such establishment where the storage of fuel on the site exceeds a combined total of 20,000 gallons shall be considered a *bulk fuel storage facility*. **[Amended 4-23-2015 by Ord. No. 2015-04]**

RETAINING WALL — A solid or integrated vertical structure in excess of four feet in height designed for the separation or retention of varying ground levels.

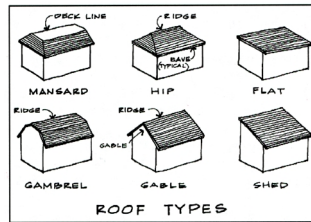
RETIREMENT COMMUNITY — A residential development consisting of living units exclusively serving older persons. Such a development may include facilities for health, disability or convalescent care, ancillary support services and community services to service persons of retirement age in the surrounding area. At least one resident of each household shall be at least 55 years of age or be the surviving spouse of a deceased resident who was at least 55 years of age. In addition, the care of persons with disabilities shall be permitted in assisted living facilities.

31. Editor's Note: See Ch. 98, § 98-76B(2), **Priorities for conservation open space.**

RIGHT-OF-WAY — Land reserved for use as an access, street, drainage facility or other private, public or community use.

ROAD — See "street."

ROOF — The outside top covering of a building.



ROOMING HOUSE — See "boardinghouse."

SAMPLE HOME — An unoccupied single-family dwelling associated with a principal permitted commercial use and not intended for permanent occupancy, and used solely for demonstration purposes to inform potential purchasers of the types of homes available from the seller. (See also "model home.") The display and sale of such homes is considered a *retail business* for regulation by this chapter.

SATELLITE DISH ANTENNA or SATELLITE ANTENNA — Apparatus designed for transmitting radio energy to satellites or receiving it from satellites, and including any attached mountings or brackets.

SAWMILL — A commercial operation where timber is sawed into boards. This does not include a portable sawmill operating temporarily as an accessory to a timber harvest.

SCHOOL, PUBLIC OR PRIVATE PRIMARY OR SECONDARY SCHOOL — An educational institution that primarily provides state-required or largely state-funded educational programs. This term shall not include trade schools.

SCREENED — Visibly shielded or obscured from any adjoining or neighboring property, any public or private road right-of-way, or any other premises which is accomplished by topography, fencing, berms, natural and planted vegetation or other means approved by the Township.

SCREENING — A method of visually shielding or obscuring a structure or use from another by topography, fencing, walls, berms, planted vegetation or a combination of these methods.

SECONDARY RESOURCES — See "resources, secondary."

SELF-STORAGE FACILITY — A building or group of buildings containing separate, individual, and private storage spaces of varying sizes available for lease or rent for varying periods of time.

SEMIPUBLIC BUILDING OR USE — A building or use operated by nonprofit, community-based organizations for the general use of Township residents, including emergency services buildings, libraries and the like,

but excluding institutional uses such as nursing homes, hospitals, sanitariums and clinics. It shall also include essential services and public utilities that require enclosure within any structure or building.

SENIOR ACTIVE-ADULT RESIDENTIAL DEVELOPMENT — A senior active-adult residential development (the development) is defined as a residential development with the following characteristics:

- A. Occupancy of each dwelling shall be restricted to individuals 62 years of age or older; subject, however, to the applicable rules and regulations of the Pennsylvania Housing Finance Agency (PHFA).
- B. Established and maintained in compliance with the Housing for Older Persons Act of 1995, 42 U.S.C. §§ 3601-3619 (the "Older Persons Act").
- C. Designed to accommodate the social and passive recreational needs of the residents.
- D. Dwelling units in the development shall be leased in accord with the rules and regulations of the PHFA.
- E. Each senior active-adult residential development dwelling unit shall be designed to be occupied in accord with the rules and regulations of the PHFA. Each dwelling unit shall contain, at a minimum, all of the following elements:
 - (1) A kitchen equipped with at least a sink, storage facilities, a stove or range, and a refrigerator;
 - (2) A bathroom equipped with a toilet, either a bathtub equipped with a shower or a stall shower, and a sink;
 - (3) A living area, dining area, kitchen and at least one bedroom.
- F. The density, minimum lot sizes, minimum setbacks, minimum lot width, and other bulk standards shall conform to the VC District standards, except as follows:
 - (1) The maximum density permitted shall be 15 dwelling units per adjusted tract acre.
 - (2) The minimum lot size shall be at least two acres of adjusted tract acreage [see § 119-38D(4)], which acreage may be in more than one political subdivision.
 - (3) A senior active-adult residential development shall contain passive and/or active recreational or common areas suitable for the residents of the development, which recreational areas may be in a combination of exterior and interior areas, which aggregate a minimum of 10% of the total site area. The recreational and/or common areas shall be for the common use of the residents of the development.

(4) Each multifamily senior housing unit shall have one off-street parking space per dwelling unit.

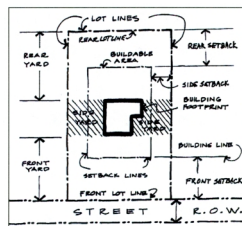
G. Where a development is proposed as an affordable senior active-adult housing project under the rules and regulations of the PHFA Federal Low-Income Housing Tax Credit Program, the owner or developer of the development shall pay, in lieu of any then-applicable recreational fee due the Township under the provisions of any Township ordinance, a fair-share contribution to the Township of \$200 per year per unit for five consecutive years commencing with the occupancy of the first unit. Developments which do not qualify for the PHFA Federal Low-Income Housing Tax Credit Program shall pay the recreational fees otherwise due under the provisions of this chapter or any other applicable ordinance of this Township.

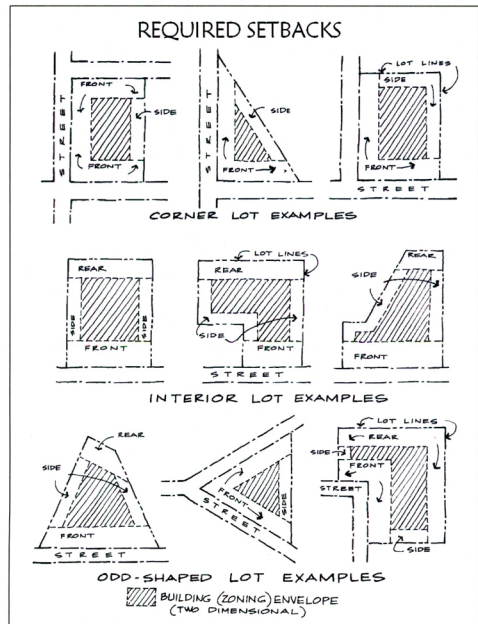
SERVICE ESTABLISHMENT — An establishment engaged in providing services involving the care of a person or a person's goods or apparel, such as cleaning and garment services, beauty and barber shops, shoe repair, dry-cleaning and laundries, photographic studios, etc., and which is not otherwise listed as a use in the Table of Permitted Uses.

SETBACK, FRONT — The required minimum open space extending the full width of the lot between the principal structure(s) and accessory structure(s) and the front lot line. See also "yard" and "lot line."

SETBACK, REAR — The required minimum open space extending the full width of the lot between the principal structure(s) and accessory structure(s) and the rear lot line. See also "yard" and "lot line."

SETBACK, REQUIRED — The required minimum open space between the principal structure(s) and accessory structure(s) and the nearest lot line or right-of-way as provided by this chapter. See also "yard" and "lot line." (See illustrations which follow.)





SETBACK, SIDE — The required minimum open space extending from the front setback to the rear setback between the principal structure(s) and accessory structure(s) and the side lot line. See also "yard" and "lot line."

SEVER — As used in reference to transferable development rights, the division or separation of development rights from the total bundle of rights associated with a parcel of land in accord with the provisions of § 119-34 of this chapter.

SEWAGE DISPOSAL, CENTRAL LAND DISPOSAL OF SEWAGE EFFLUENT — A central sewage disposal system approved by the Pennsylvania Department of Environmental Protection (DEP) where domestic sewage effluent is applied to the land in accord with DEP regulations, and which includes an appropriate mechanism to ensure long-term professional operation and maintenance of the system, which could include public sewage disposal. Such systems may include a central system using drip irrigation, spray irrigation, disposal beds, or other method approved by DEP.

SEWAGE DISPOSAL, CENTRAL, OFF-SITE OR COMMUNITY — A sanitary sewage collection system in which sewage is carried from individual lots or dwelling units by a system of pipes to a central treatment and disposal system or sewage treatment plant which may be publicly or privately owned and operated. A system designed to serve a two-family dwelling or two dwelling units located on the same property or adjacent properties shall not be considered as off-site sewage.

SEWAGE DISPOSAL, ON-SITE — A single system of piping, tanks or other facilities serving only a single lot and disposing of sewage in whole or in part into the soil on that lot or as may be permitted on common open space in a conservation subdivision design development. A system designed to serve a two-family dwelling or two dwelling units located on the same

property or adjacent properties shall be considered on-site sewage disposal, and all development standards will apply the same for each dwelling or unit as any single-family unit.

SEWAGE ENFORCEMENT OFFICER (SEO) — The Township official certified by the Pennsylvania Department of Environmental Protection who reviews permit applications and sewage facilities planning modules, issues permits as authorized by the Pennsylvania Sewage Facilities Act, as amended, and conducts investigations and inspections that are necessary to implement the Act and its regulations.³²

SHED — A detached accessory structure used for the storage of tools, minor equipment, and materials, but too small for the storage of an automobile.

SHOOTING PRESERVE — Any area of land which is used for hunting of animals where a fee or other consideration is charged.

SHOOTING RANGE, INDOOR — Any fully enclosed building used for the discharge of any firearm for recreational or training purposes which is a commercial operation, or which is operated by any government entity, private nonprofit entity, or any sportsman's, recreation or fraternal club or association.

SHOOTING RANGE, OUTDOOR COMMERCIAL — Any area not within a fully enclosed building used for the discharge of any firearm for recreational or training purposes which is a commercial operation, or which is operated by any government entity, private nonprofit entity, or any sportsman's, recreation or fraternal club or association.

SHOPPING CENTER or MALL — A group of independent (i.e., not dependent on each other for operation) commercial establishments occupying spaces separated by walls which are planned, constructed and managed as a total entity, with customer and employee parking provided on site, provision for goods delivery separated from customer access, aesthetic considerations, landscaping, and signs.

SHORT-TERM RENTAL — Granting or allowing the occupancy or possession, in whole or in part, of a dwelling unit for a transient use, for compensation or remuneration of any kind. This definition applies to all types of dwelling units, including (but not limited to) single-family, two-family and multifamily dwelling units, whether or not otherwise primarily used as permanent residences or seasonal or vacation homes. **[Added 7-16-2019 by Ord. No. 2019-01]**

SIGN — Any physical device for visual communication that is used for the purpose of attracting attention from the public and that is visible from beyond an exterior lot line, including all symbols, words, models, displays, banners, flags, devices or representations. See definitions of types of signs in § 119-57. This shall not include displays that only involve symbols that are clearly and entirely religious in nature and which do not include advertising.

SIGN AREA — See § 119-57.

32. Editor's Note: See 35 P.S. § 750.1 et seq.

SIGN, OFF-PREMISES — A sign which directs attention to an object, product, service, place, activity, person, institution, organization, or business that is primarily offered or located at a location other than the lot upon which the sign is located.

SLAUGHTERHOUSE — An agricultural products processing use involving the killing of animals for the production of food or some other commercial product. A commercial stockyard or similar facility that primarily involves the bulk storage or transferring of animals on the way to slaughter shall also be considered a slaughterhouse. Considered *agricultural products processing* for regulation by this chapter. Slaughterhouse does not include a custom butcher shop that does not involve killing of animals, which is considered a *retail business*.

SMALL ANIMALS AND FOWL — Rabbits, bees, insects, chickens, turkeys, ducks, geese, pheasants, pigeons and any other similar animals.

SOLAR COLLECTOR — A device or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy.

SOLAR COLLECTOR, ACCESSORY — A device, combination of devices, structures, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy which is sized and intended to be used to generate electricity for the principal structure to which it is accessory.

SOLAR ENERGY STORAGE FACILITY — Equipment consisting of containers, heat exchangers, piping, and other transfer mechanisms (including fluids, gases, or solids), controls, and related structural support for transporting and storing collected energy (from solar energy systems), including structural elements designed for use in passive solar energy systems.

SOLAR ENERGY SYSTEM — A complete design or assembly consisting of a solar energy collector, an energy storage facility (where used), and components for the distribution of transformed energy.

SOLAR POWER GENERATION, COMMERCIAL — A facility where one or more solar collectors and/or other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities, are located and are used for the generation of electricity which is sold on the open market.

SOLID WASTE — Waste, including, but not limited to, municipal, residual, construction/demolition or hazardous wastes (as defined by Pa. Code, Title 25, § 271.1), including solid, liquid, semisolid or contained gaseous materials.

SOLID WASTE FACILITY — Any facility or operation, other than a solid waste landfill, involving the management, processing and/or disposal of solid waste, including, but not limited to, solid waste transfer facilities, solid waste staging areas and solid waste incinerators. The term does not

include a composting facility or a recycling facility, as defined herein, or an accessory drop-off point or collection center for recycling. **[Amended 7-16-2019 by Ord. No. 2019-01]**

SOLID WASTE LANDFILL — A facility using land for disposing of solid waste. The facility includes land affected during the lifetime of operations, including, but not limited to, areas where disposal or processing activities actually occur, support facilities, borrow areas, offices, equipment sheds, air- and water-pollution control and treatment systems, access roads, associated onsite and contiguous collection, transportation and storage facilities, closure and post-closure care and maintenance activities and other activities in which the natural land surface has been disturbed as a result of or incidental to operation of the facility. The term does not include a facility for the land application of sewage sludge.

SOLID WASTE STAGING AREA — Any area where vehicles or containers which contain or have contained solid waste are parked or located. Considered a solid waste facility for regulation by this chapter. **[Added 7-16-2019 by Ord. No. 2019-01]**

SOLID WASTE TRANSFER FACILITY — A type of solid waste facility which receives and processes or temporarily stores solid waste at a location other than the generation site, and which facilitates the transportation or transfer of the waste to a processing or disposal facility. The term does not include a composting facility, a green box transfer station/recycling facility, a recycling facility, or a resource-recovery facility, as defined herein, or an accessory drop-off point or collection center for recycling.

SOUND LEVEL — The intensity, in decibels, measured by a sound-level meter satisfying the requirements of American National Standards Institute Specification for Sound-Level Meters S1.4-1971. Sound level is the frequency-weighted sound-pressure level obtained with the standardized dynamic characteristic "fast" or "slow" and weighting A, B or C; unless indicated otherwise, the A-weighting is understood. The unit of any sound level is the decibel, having the unit symbol "dB."

SOUND LEVEL, EQUIVALENT — The level of a constant sound which, over a given time interval and situation, has the same sound energy as a time-varying sound.

SPECIAL EXCEPTION — A use in a particular zoning district to be allowed or denied by the Zoning Hearing Board pursuant to public notice and hearing and recommendation of the Township Planning Commission as authorized by Section 603(c)(1) of the Municipalities Planning Code.³³ See § 119-17.

SPECIMEN TREE — A unique, rare, or otherwise specifically selected plant or tree considered worthy of conservation by the Township because of its species, size, age, shape, form, historical importance, or any other significant characteristic, including listing as a "species of special concern"

33. Editor's Note: See 53 P.S. § 10603.

by the State of Pennsylvania, particularly as applied to trees over 20 inches dbh.

STABLE, COMMERCIAL — A structure or land where horses are kept for remuneration, hire, sale, boarding, training, riding or show, and which includes the commercial hire of horses to the general public for riding or other purposes.

STABLE, PRIVATE — An accessory structure or use of land where horses are kept for the sole use of the residents of the principal structure, and which includes no remuneration, hire, boarding or other commercial use.

STATE — The Commonwealth of Pennsylvania and its agencies.

STORAGE CONTAINER — A receptacle, such as a wooden or metal box or a trailer of a tractor trailer with wheels removed, in which raw materials, products or other items are stored.

STORAGE YARD FOR FOREST PRODUCTS AND MINERALS — An area, not on the same parcel where the products are initially harvested or gathered, to which trees, forest products, flagstone, landscaping stone, wall stone or other minerals are hauled and stored, and which does not involve any land development, the operation of a sawmill, the operation of any other wood manufacturing business, or the operation of any natural resources processing.

STREAM — A natural watercourse. See "watercourse."

STREET — A public or private thoroughfare which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except an alley. Public rights-of-way shall be those open to the general use of the public, not necessarily publicly dedicated.

STREET CLASSIFICATION (EXISTING STREETS) — Based primarily upon the Comprehensive Plan, the following classifications shall apply for existing streets:

- A. **ARTERIAL STREETS** — U.S. Route 209, Pennsylvania Route 115, State Route 3017 (old Route 115 south of U.S. Route 209).
- B. **COLLECTOR STREETS** — Jonas Road, Sugar Hollow Road, Merwinsburg Road, Pennsylvania Route 715, Effort-Neola Road, Gilbert Road, and Weir Lake Road.
- C. All other existing streets shall be considered local streets for the purposes of this chapter. This classification is not intended to distinguish public versus private streets.

STREET CLASSIFICATION (PROPOSED STREETS) — See § 98-19.

STREET-FACING FACADE — A wall of a building that is within 60° of parallel to a street lot line, and is not behind another wall, as determined by measuring perpendicular to the street lot line. The length of a street-facing facade is measured parallel to the street lot line.

STRUCTURAL ALTERATION — See "alteration."

STRUCTURE — Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. Any structure shall be subject to the principal or accessory setbacks of this chapter, as applicable, unless specifically exempted or unless a specific setback is established for that particular type of structure by this chapter. For the purposes of this chapter, wells and septic systems shall not be considered structures and shall not be subject to minimum zoning setback requirements.

STRUCTURE, PERMANENT — Anything constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.

STRUCTURE, PORTABLE — Anything constructed that is not permanently affixed to the ground but is designed to be moved from place to place.

SUBDIVISION — The division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted. (See Chapter 98, Subdivision and Land Development, for details.)

SUBDIVISION ORDINANCE or SUBDIVISION AND LAND DEVELOPMENT ORDINANCE — Chapter 98, Subdivision and Land Development, as amended.

SUPERVISORS — The Board of Supervisors of Chestnuthill Township.

SWIMMING POOL — A body of water or receptacle for water having a depth at any point greater than two feet, which is used or intended to be used for swimming or bathing and constructed or maintained in or above the ground.

TATTOO, BODY PIERCING, SCARIFYING OR BRANDING PARLOR — An establishment engaged in any of the following: (Considered a *service establishment* for regulation by this chapter.)

- A. The perforation or cutting of any human body part or tissue and the placement of a foreign object in the perforation to prevent the perforation from closing, but not including the use of mechanized, presterilized ear-piercing system that penetrates the outer perimeter or lobe of the ear.
- B. The placement of indelible pigment, inks, or scarification beneath the skin by use of needles for the purpose of adornment or art. This does not include the practice of permanent makeup and micropigmentation when such procedures are performed as incidental services in a medical office or in a personal services establishment such as a hair or nail salon.

- C. The cutting or tearing of human skin for the purpose of creating a permanent mark or design on the skin.
- D. The use of heat, cold, or any chemical compound to imprint permanent markings on human skin by any means other than tattooing.

TAVERN — A place where alcoholic beverages are served as a primary or substantial portion of the total trade and where the sale of food may also occur. Considered a *restaurant* for regulation by this chapter.

TEMPORARY CONSTRUCTION BUILDING — A building erected on a lot for temporary use in conjunction with construction on that lot.

TEXTURE — The visual and tactile quality of a surface apart from its color and form. A building texture refers to the variations in exterior facade and may be described in terms of roughness of the surface material, the patterns inherent in the material or the patterns in which the material is placed.

THEATER — A building or part of a building devoted to the showing of motion pictures or theatrical or performing arts productions as a principal use where patrons are seated in the building, but not including an adult movie theater.

THEATER, DRIVE-IN — An area of land which may include accessory uses such as the sale of snacks and which is devoted to the showing of motion pictures which are viewed by persons in vehicles.

TIRE STORAGE, BULK — The storage of more than 150 used tires on a lot. See "outdoor storage" in § 119-41.

TOWNSHIP — The Township of Chestnuthill, Monroe County, Pennsylvania.

TOWNSHIP BUILDINGS AND USES — Any building, structure, service or use under the jurisdiction of Chestnuthill Township, Monroe County, Pennsylvania.

TOWNSHIP ENGINEER — A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the Engineer for Chestnuthill Township.

TRACT — See "lot."

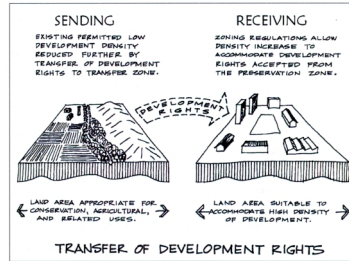
TRACT AREA, ADJUSTED (ATA) — The tract area remaining when the specified constrained land has been deducted from the gross tract acreage. ATA is used to calculate both density and open space.

TRACT AREA, GROSS — See "lot area, gross."**[Amended 7-16-2019 by Ord. No. 2019-01]**

TRADE SCHOOL — A facility that is primarily intended for education of a work-related skill or craft or a hobby and that does not primarily provide state-required education to persons under age 16.

TRADESPERSON — A person involved with building trades, such as, but not limited to, plumbing, electrical work, building construction, building remodeling, and roofing.

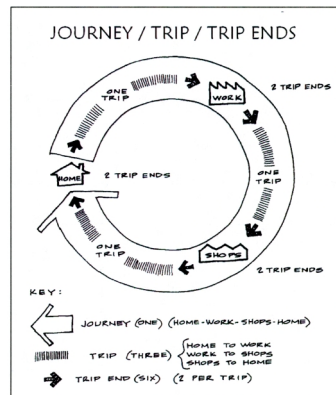
TRANSFERABLE DEVELOPMENT RIGHTS — The attaching of development rights to specified lands which are desired by the Township to be kept undeveloped, but permitting those rights to be transferred from those lands so that the development potential which they represent may occur on other lands where more-intensive development is deemed to be appropriate. See § 119-34.



TRANSIENT USE — Occupancy, use or possession of a dwelling unit by persons other than the owner(s) or tenant(s) with a lease for 30 consecutive days or more, of that dwelling unit, and/or the family of such owner(s) or tenants, for a period of less than 30 consecutive days; but excluding temporary stays by unrelated individuals who are guests of such owners/tenants or the family of such owners/tenants, without the payment of any type of compensation or other remuneration. **[Added 7-16-2019 by Ord. No. 2019-01]**

TRAVEL PLAZA — Any building, premises, or land in which or upon which a business or service involving the maintenance, servicing, storage, or repair of automobiles, trucks, recreational and other vehicles is conducted or rendered as a service to travelers, including the dispensing of motor fuel or other petroleum products directly into motor vehicles and the sale of accessories or equipment for trucks and similar commercial vehicles, and which may include overnight accommodations and restaurant facilities.

TRIP — A single or one-way motor vehicle movement either to or from a subject property or study area.



TRIP DISTRIBUTION — The measure of the number of vehicles or passenger movements that are or will be made between geographic areas.

TRIP ENDS — The total of single or one-direction vehicle movements entering and leaving a specified land use or site over a designated period of time.

TRIP GENERATION — The total number of vehicle trip ends produced by a specific land use or activity.

TRUCK STOP — See "travel plaza."

TRUCK TERMINAL — See "distribution center/truck terminal."

TRUCK WASH — Any building or premises or portions thereof used for commercial purposes for washing any vehicle with more than two axles, or more than four tires, or with a trailer.

UNREGISTERED VEHICLE — Any motor vehicle or trailer that does not display a license plate with a current registration sticker and does not have a valid state safety inspection sticker. This term shall not apply to vehicles (such as licensed antique cars) for which state regulations do not require an inspection sticker. The term also shall not include motor vehicles displaying a license and inspection stickers that have each expired less than 90 days previously. See also "abandoned or junk vehicle."

USE — The specific purpose for which land or a building is designed, arranged, intended, or for which land is or may be occupied or maintained.

UTILITY, PUBLIC — See "public utility."

VACATION RENTAL — See "short-term rental."**[Added 7-16-2019 by Ord. No. 2019-01]**

VARIANCE — Relief granted pursuant to the provisions of this chapter and Articles VI and IX of the Pennsylvania Municipalities Planning Code. See § 119-12.

VEHICLE — Any device in, upon or by which any person or property is or may be transported or drawn upon a public highway or upon any land, including, but not limited to, automobiles, trucks, vans, buses, utility trailers, tractors, truck tractors, recreational vehicles, motor homes, travel trailers, motorcycles, snowmobiles, machinery, trailers, farm machinery and implements, and other wheeled equipment; boats; and aircraft.

VEHICLE AND EQUIPMENT RENTAL OPERATION — An establishment which rents vehicles and/or equipment to the general public, and which may or may not include the repair of the vehicles and equipment which is for rent. Equipment rental operations conducted entirely within an enclosed building shall be considered a *retail business* for regulation by this chapter.

VEHICLE AND EQUIPMENT REPAIR OPERATION — An establishment engaged in the service and/or repair of any motor vehicle as its principal use, including, but not limited to, auto body shops, repair garages, truck repair garages and agriculture equipment repair.

VEHICLE AND EQUIPMENT SALES OPERATION — The use of any building, land area or other premises for the display and sale of new and used automobiles of operable condition; panel trucks or vans; mobile homes or trailers; manufactured homes; recreation vehicles; or farm or construction equipment; or other vehicles, including any warranty repair work and other repair service as an accessory use. No business or facility which generates less than 50% of its gross sales from the actual sale of new or used vehicles or equipment of the type herein described (excluding parts and repairs) shall be considered a vehicle and equipment sales operation.

VERNAL POOL — An isolated, contained depression that holds water for at least two months in the spring or summer, critical to several amphibian, reptile and invertebrate species, which also provides important storage for stormwater runoff and spring snow melt that would otherwise contribute to downstream flooding.

VETERINARY CLINIC — A place where animals or pets are given medical or surgical treatment and the keeping of animals is limited to short-term care incidental to the clinic use, and no outdoor kennels, pens or paddocks are on the premises.

VETERINARY CLINIC, OUTDOOR FACILITIES — A place where animals or pets are given medical or surgical treatment and the keeping of animals is limited to short-term care incidental to the clinic use, with outdoor kennels, pens or paddocks on the premises.

VT — Visible transmittance.

WALL — See "fence or wall."

WAREHOUSE — A building or group of buildings primarily used for the indoor storage, transfer and distribution of products and materials, but not including retail sales or a truck terminal.

WATER BODY — Any natural or man-made freshwater pond, lake or stream. This shall not include any pond or facility designed and constructed solely to contain stormwater.

WATERCOURSE — Any channel of conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial, intermittent or seasonal flow.

WATER EXTRACTION/BOTTLING — Any use which involves the pumping or removal of water from groundwater sources, with or without bottling, for retail or wholesale sale. Considered *industry* for the purposes of regulation by this chapter.

WATER SUPPLY, CENTRAL, OFF-SITE OR COMMUNITY — A drinking water supply system in which drinking water is carried to individual lots or dwelling units by a system of pipes from a central source not located on any of the served lots and which may be publicly or privately owned and operated.

WATER SUPPLY, INDIVIDUAL SYSTEM ON CONSERVATION LAND — A system for supplying and transmitting drinking water to a single dwelling

or other use from a source located on adjacent conservation land via a use and access easement.

WATER SUPPLY, ON-SITE — A system for supplying and transmitting drinking water to a single dwelling or other use from a source located on the same lot.

WATER WITHDRAWAL FACILITY — A facility, immediately adjacent to a water body or stream, that typically contains a submerged suction line, pumps, water main, multiple hydrants, truck loading and staging area, and water storage tanks, and which stores water on a temporary basis that is intended to be transported by vehicle to another site.

WETLAND — Those areas that are inundated or saturated by surface water or groundwater 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, fens, and similar areas, and which are defined as such by the Federal Manual for Identifying and Delineating Jurisdictional Wetlands.

WHOLESALE BUSINESS — Establishments or places of business with no onsite manufacturing, primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

WILD OR EXOTIC ANIMAL — Any species of animal whose natural or usual habitat within Pennsylvania is either in the wild or in a zoo, as opposed to a domesticated environment, regardless of whether such animal poses an actual or apparent threat to persons, other animals or property.

WIND ENERGY FACILITY, COMMERCIAL — A facility where one or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities, are located and are used for the generation of electricity which is used onsite for commercial purposes or which is sold on the open market. A wind turbine accessory to a principal structure which is sized and intended to be used to generate electricity primarily for the principal structure to which it is accessory shall not be considered a wind energy facility, commercial.

WIND ROTOR — The propeller or blades, plus the hub to which the propeller or blades are attached, that are used to capture wind for the purpose of energy conversion. The wind rotor is mounted on a pole, tower or other structural support system along with other generating, electrical and accessory equipment to form a wind energy conversion system.

WIND TURBINE GENERATOR, ACCESSORY — A wind energy conversion system 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, and which is sized and intended to be used to generate electricity primarily for the principal structure to which it is accessory.

WINERY — An establishment with facilities for fermenting and bottling wine which does not meet the definition of a "winery, farm." Considered *agricultural products processing* for regulation by this chapter.

WINERY, FARM — An establishment located on a farm with a producing vineyard, orchard, or similar growing area and producing wine on the premises from grapes or other fruit grown primarily on the premises. It may include tasting of wine produced on the premises and retail sales of wine-related items and gifts, books, souvenirs, specialty items relating to history, original and handmade arts and products, collectibles, crafts, and floral arrangements.

WOOD-CHIPPING OPERATION — The importing of trees or other wood from any property to any other property for producing wood chips. This may include the storage of the cut trees and wood chips, and customers on the site to purchase wood chips, but no other retail sales. This shall not include the cutting by a property owner of trees growing on his property for wood chip production or the temporary production of wood chips accessory to a timber harvest. Considered *agricultural products processing* for regulation by this chapter.

YARD — The area between the principal structure(s) and the adjoining lot line or right-of-way. (See also "setback.")

YARD, LAWN, GARAGE, TAG OR ESTATE SALE — A sale, open to the public, of new, used or previously owned personal property, including, but not limited to, goods, wares, merchandise and clothing, held on vacant property or on the lawn, yard, porch, patio or in the garage or residence, or in the principal building or outbuilding, of the person who is conducting the sale. The buying and selling of new or used items or surplus material shall be considered a commercial operation and shall be prohibited, except as otherwise permitted and regulated by this chapter. See § 119-41.

ZONING HEARING BOARD — The Zoning Hearing Board of Chestnuthill Township.

ZONING MAP — The Official Zoning Map of Chestnuthill Township.

ZONING OFFICER — The administrative officer charged with the duty of enforcing the provisions of this chapter.

ZONING ORDINANCE — The Chestnuthill Township Zoning Ordinance, as amended.

ZONING PERMIT — See "permit."

ZOO — A collection of animals which are maintained in a park by an educational, nonprofit or governmental entity.

ARTICLE III
Establishment and Regulation of Districts

§ 119-22. Designation and purposes of districts.

- A. For the purpose of this chapter, Chestnuthill Township is hereby divided into the following zoning districts, with the following abbreviations:
[Amended 4-17-2007 by Ord. No. 2007-01]

CR	Conservation Residential District
RR	Rural Residential District
R-1	Low Density Residential District
R-2	Medium Low Density Residential District
R-3	Medium High Density Residential District
R-S	Special Residential District
VC	Village Commercial/Residential District
GC	General Commercial District
LIC	Light Industrial/Commercial District
GI	General Industrial District
BP	Business Park Overlay District
I	Institutional District

- B. For the purposes of this chapter, the zoning districts named in Subsection A shall be of the number, size, shape and location shown on the Official Zoning Map.³⁴ Any use of the abbreviations listed in Subsection A shall mean the district name that is listed beside the abbreviation.
- C. Overlay districts.
- (1) Floodplain Overlay District. The floodplain area, as defined by Article V, shall serve as an overlay district to the applicable underlying district.
 - (2) The Conservation Subdivision Design Overlay District is hereby created to promote the conservation of open lands in the Township. The district shall apply in CR, RR, R-1, R-2 and R-3 Districts and in addition to all the applicable standards of this chapter, the requirements of § 119-38 shall apply.
- D. Purposes of each district. In addition to serving the overall purposes of this chapter, the specific purposes of each zoning district are summarized below:
- (1) CR Conservation Residential District. To provide for very low-intensity development in areas with significant important natural

34. Editor's Note: The Official Zoning Map is included as an attachment to this chapter.

features, such as wetlands, flood-prone lands and very steeply sloped areas. To protect the water quality and habitats along creeks, and promote groundwater recharge. To recognize that certain of these areas do not have sufficient road access for intense development. To provide a certain amount of flexibility in lot layout through conservation design so that development can be clustered on the most suitable portions of a tract of land. To encourage the voluntary transfer of density from these areas to areas that are suitable for more intense development. **[Amended 4-23-2015 by Ord. No. 2015-04]**

- (2) RR Rural Residential District. To provide for low-intensity development in areas that are unlikely to ever be served by public water and sewage services. To recognize that many of these areas include sensitive natural features, particularly steep slopes and wetlands. To protect the water quality and habitats along creeks, and promote groundwater recharge. To provide a certain amount of flexibility in lot layout through conservation design so that development can be clustered on the most suitable portions of a tract of land. To encourage the voluntary transfer of density from these areas to areas that are suitable for more intense development. **[Amended 4-23-2015 by Ord. No. 2015-04]**
- (3) R-1 Low Density Residential District. To provide for low density residential neighborhoods that are primarily composed of single-family detached dwellings. To protect these areas from incompatible uses.
- (4) R-2 Medium Low Density Residential District. To provide for medium low density residential neighborhoods. To protect these areas from incompatible uses. To encourage "one home, one lot" development in order to promote home ownership and neighborhood stability. To make sure that "infill" development is consistent with neighboring development.
- (5) R-3 Medium Density Residential District. To provide for medium density residential neighborhoods with a mix of housing types. To protect these areas from incompatible uses. To meet requirements of state law to provide opportunities for mobile home parks, in addition to other housing types. To make sure that these uses are compatible with adjacent uses. **[Amended 5-1-2014 by Ord. No. 2014-01]**
- (6) R-S Special Residential District. See § 119-29A.
- (7) VC Village Commercial/Residential District. To preserve the historic character of the older villages of the Township. To promote an appropriate mix of retail, service, office, public, institutional and residential uses. To avoid heavy commercial uses that are most likely to conflict with the historic character, and which are most likely to cause demolition of historic buildings. To primarily provide

for smaller-scale uses that utilize existing historic buildings, as opposed to uses that would involve substantial demolition. To avoid heavy commercial uses that would be incompatible with nearby homes. To promote uses that will provide a pedestrian-orientation and that promote bicycling. To seek to extend the best features of older development into newer development.

- (8) GC General Commercial District. To provide for a variety of commercial uses in areas that have few historic buildings and that include few homes. To provide for uses that are more auto-related (such as car washes and gas stations) than uses allowed in the VC district. To carefully locate commercial areas and commercial driveways to minimize traffic safety and congestion problems along major roads.
- (9) LIC Light Industrial/Commercial District. To provide for light industrial, office and commercial development in a manner that is compatible with any nearby homes. To carefully control the types of industrial operations to avoid nuisances (such as excessive noise) and hazards. To avoid residential uses that would conflict with industries. To encourage coordinated development, particularly in regard to traffic access.
- (10) GI General Industrial District. To meet requirements of state law to provide opportunities for a wide range of business uses. To carefully control industrial uses to avoid significant nuisances and hazards, particularly to neighboring residences.
- (11) BP Business Park Overlay District. To provide an optional type of development if an applicant submits a proposal for a fully unified development tract. To provide for light industrial, office and some related commercial development in a manner that is compatible with any nearby homes. To carefully control the types of industrial operations to avoid nuisances (such as excessive noise) and hazards. To encourage coordinated development, particularly in regard to traffic access, with use of interior roads.
- (12) I Institutional District. To establish areas for both public and private institutional uses, such as schools, recreation facilities, hospitals, public buildings and similar uses where such uses are not intermingled with residential development. To provide performance standards specific to such institutional uses while affording protection to adjoining uses. **[Added 4-17-2007 by Ord. No. 2007-01]**

§ 119-23. Application of district regulations.

- A. The regulations set by this chapter shall apply uniformly to each class or kind of structure or land, except as provided for in this chapter.

- B. No structure shall hereafter be erected, used, constructed, reconstructed, structurally altered or occupied and no land shall hereafter be used, developed or occupied unless it is in conformity with the regulations herein specified for the use and district in which it is located.
- C. No setback or lot existing at the time of passage of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Setbacks or lots created after the effective date of this chapter shall meet at least the minimum requirements established by this chapter. **[Amended 5-1-2014 by Ord. No. 2014-01]**
- D. Boundary change. Any territory which may hereafter become part of the Township through annexation or a boundary adjustment shall be classified as the RR Zoning District of Chestnuthill Township until or unless such territory is otherwise classified by Board of Supervisors.

§ 119-24. Zoning Map.

- A. A map entitled "Chestnuthill Township Zoning Map" accompanies this chapter and is declared a part of this chapter. The Official Zoning Map, which should bear the adoption date of this chapter and the words "Official Zoning Map," shall be retained in the Township Building.
- B. Map changes. Changes to the boundaries and districts of the Official Zoning Map shall only be made in conformity with the amendment procedures specified in the Pennsylvania Municipalities Planning Code. All changes should be noted by date with a brief description of the nature of the change, either on the map or within an appendix to this chapter.
- C. Replacement map. If the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of changes and additions, or needs to have drafting errors or omissions corrected, Township Supervisors may, by resolution, adopt a new copy of the Official Zoning Map which shall supersede the prior Official Zoning Map. Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any remaining parts shall be preserved together with all available records pertaining to its previous adoption or amendment.

§ 119-25. District boundaries.

The following rules shall apply where uncertainty exists as to boundaries of any district as shown on the Zoning Map:³⁵

- A. District boundary lines are intended to follow or be parallel to the center line of street rights-of-way, streams and railroads, and lot lines as they existed on a recorded deed or plan of record in the County

35. Editor's Note: The Official Zoning Map is included as an attachment to this chapter.

Recorder of Deeds' office at the time of the adoption of this chapter, unless such district boundary lines are fixed by dimensions as shown on the Official Zoning Map.

- B. Where a district boundary is not fixed by dimensions and where it approximately follows lot lines, such boundary shall be construed to follow such lot lines unless specifically shown otherwise.
- C. The location of a district boundary on unsubdivided land or where a district boundary divides a lot shall be determined by the use of the scale appearing on the Zoning Map unless indicated otherwise by dimensions.
- D. Where a municipal boundary divides a lot, the minimum lot area shall be regulated by the municipality in which the principal use(s) are located, unless otherwise provided by applicable case law. The land area within each municipality shall be regulated by the use regulations and other applicable regulations of each municipality.

§ 119-26. Setbacks across municipal boundaries.

- A. Intent: to continue the objective of compatible land uses across municipal boundaries.
- B. This chapter requires additional setbacks and the provision of buffer yards when certain uses would abut an existing dwelling or a residential zoning district.
- C. These same additional setback and buffer yard provisions shall be provided by uses proposed within Chestnuthill Township regardless of whether such abutting existing dwelling or principally residential zoning district is located in an abutting municipality and/or in Chestnuthill Township.

§ 119-27. Table of permitted uses by district.³⁶

- A. For the purposes of this § 119-27, the following abbreviations shall have the following meanings:
 - P = Permitted by right (zoning decision by Zoning Officer).
 - SE = Special exception use (zoning decision by Zoning Hearing Board).
 - C = Conditional use (zoning decision by Board of Supervisors).
 - N = Not permitted.
 - (§ 119-40) = See additional requirements in § 119-40.
 - (§ 119-41) = See additional requirements in § 119-41.

36. Editor's Note: The Table of Permitted Uses is included as an attachment to this chapter.

B. Permitted uses.

- (1) Unless otherwise provided by state or federal law or specifically stated in this chapter (including § 119-6B), any land or structure shall only be used or occupied for a use specifically listed in this chapter as permitted in the zoning district where the land or structure is located. Such uses shall only be permitted if the use complies with all other requirements of this chapter.
- (2) This table is divided into two sections:
 - (a) Primarily residential districts; and
 - (b) Primarily nonresidential districts.
- (3) See § 119-6B which generally provides a process for approval of a use that is not listed, based upon similarity to permitted uses and other criteria. Except as provided in such § 119-6B, any other principal use that is not specifically listed as P or SE in the applicable district in this table is prohibited in that district.
- (4) For temporary uses, see § 119-3.
- (5) Standard subdivisions are permitted on any size parcel of land in the zoning districts stipulated in this § 119-27 and in accord with the dimensional requirements of § 119-28. See the definition of "lot area" in § 119-21 which requires the deduction of certain areas of constrained land for the calculation of lot area in standard subdivisions not using conservation design. Conservation subdivisions are permitted on any parcel of land six acres or more in the zoning districts stipulated in § 119-27 and in accord with § 119-38. **[Amended 4-23-2015 by Ord. No. 2015-04]**

C. Permitted accessory uses in all districts. An accessory use of a dwelling is only permitted if such use is customarily incidental to the residential use and is specifically permitted by this chapter. The following are permitted by right as accessory uses to a lawful principal use in all districts, within the requirements of § 119-41 and all other requirements of this chapter:

- (1) Standard antennas, including antennas used by contractors to communicate with their own vehicles. (Note: See standard in § 119-41.)
- (2) Fence or wall. (Note: See standard in § 119-41.)
- (3) Garage, household.
- (4) Garage sale. (Note: See standard in § 119-41.)
- (5) Pets, keeping of. (Note: See standard in § 119-41.)
- (6) Parking or loading, off-street, only to serve a use that is permitted in that district.

- (7) Recreational facilities, limited to use by residents of a development or students at a primary or secondary school or center for the care and treatment of youth, and their occasional invited guests.
 - (8) Residential accessory structure (see definition in Article II). (Note: See standard in § 119-41.)
 - (9) Signs, as permitted by Article VII.
 - (10) Swimming pool, household. (Note: See standard in § 119-41.)
 - (11) Such other accessory use or structure that the applicant proves to the satisfaction of the Zoning Officer is clearly customary and incidental to a permitted by right, special exception or conditional principal use.
 - (12) Accessory solar collectors meeting § 119-41. **[Added 5-1-2014 by Ord. No. 2014-01]**
 - (13) Accessory wind turbine generators meeting § 119-41. **[Added 5-1-2014 by Ord. No. 2014-01]**
- D. Permitted accessory uses to business and institutional uses. The following are permitted by right accessory uses only to a permitted by right, special exception or conditional commercial, industrial or institutional use, provided that all requirements of this chapter are met:
- (1) Storage of fuels for on-site use or to fuel company vehicles.
 - (2) The following accessory uses, provided that the use is clearly limited to employees, patients, residents and families of employees of the use and their occasional invited guests:
 - (a) Internal cafeteria without drive-through service;
 - (b) Day-care center; or
 - (c) Recreational facilities.
 - (3) Bus shelters. **[Amended 4-23-2015 by Ord. No. 2015-04]**
 - (4) Automatic transaction machine.
 - (5) Storage sheds meeting the requirements of § 119-28A.
- E. Intermunicipal cooperation. **[Added 5-1-2014 by Ord. No. 2014-01]**
- (1) Regional Comprehensive Plan. This chapter is enacted in accord with an intergovernmental cooperation agreement adopted by Chestnuthill Township and other participating municipalities, herein referred to as the "Planning Region," to implement the Regional Comprehensive Plan. The adopted Regional Comprehensive Plan includes a Future Land Use Map which identifies what future land uses would be most appropriate throughout the region and at what density. Future land use

recommendations are based on a variety of factors: the patterns of development and existing conditions within the municipalities; the anticipated path of future growth in the region; existing environmental conditions and natural resources; capacity of public facilities and infrastructure; and goals of the Monroe County Comprehensive Plan.

- (2) Regional approach. The Zoning Ordinances and Zoning Maps adopted by the participating municipalities provide for a variety of housing types and densities and accommodate all categories of land uses within the Planning Region and are consistent with the Regional Comprehensive Plan.
- (3) Pennsylvania Municipalities Planning Code. This is consistent with Sections 916.1, 1006-A(b.1) and 1105 of the Pennsylvania Municipalities Planning Code. Section 1006-A(b.1) states: "Where municipalities have adopted a multimunicipal comprehensive plan pursuant to Article XI but have not adopted a joint municipal ordinance pursuant to Article VIII-A and all municipalities participating in the multimunicipal comprehensive plan have adopted and are administrating zoning ordinances generally consistent with the provisions of the multimunicipal comprehensive plan, and a challenge is brought to the validity of a zoning ordinance of a participating municipality involving a proposed use, then the court shall consider the availability of uses under zoning ordinances within the municipalities participating in the multimunicipal comprehensive plan within a reasonable geographic area and shall not limit its consideration to the application of the zoning ordinance on the municipality whose zoning ordinance is being challenged."
- (4) Regional uses. The uses listed in the Regional Uses Table are available within the Planning Region as provided by the Pennsylvania Municipalities Planning Code. **[Amended 4-23-2015 by Ord. No. 2015-04]**

REGIONAL USES

Land Use	Zoning District Allowed				
	Chestnuthill	Jackson	Eldred	Ross	Polk
Adult business	Not permitted	I	Not permitted	Not permitted	Not permitted
Agriculture products processing	Not permitted	I	Not permitted	Not permitted	I
Animal shelters	Not permitted	Not permitted	Not permitted	GC	C

REGIONAL USES

Land Use	Zoning District Allowed				
	Chestnut Hill	Jackson	Eldred	Ross	Polk
Bulk fuel storage facility	Not permitted	I	I	Not permitted	I
Concentrated animal feeding operation	Not permitted	Not permitted	Not permitted	RR	RR
Correctional facility	Not permitted	Not permitted	Not permitted	GC	Not permitted
Distribution center/truck terminal	Not permitted	I	Not permitted	GC	Not permitted
Flea market, outdoor	VC, GC	Not permitted	Not permitted	GC	C
Industrial wastewater treatment facility	Not permitted	I	Not permitted	Not permitted	Not permitted
Industry	Not permitted	I	I	Not permitted	I
Junkyard	Not permitted	Not permitted	Not permitted	RR	Not permitted
Kennel	Not permitted	Not permitted	RR	Not permitted	C
Mineral processing	Not permitted	I	I	Not permitted	Not permitted
Mobile home park	R-3	Not permitted	Not permitted	R-2	R-2
Pipeline compressor station, metering station or operation/maintenance facilities	LIC, GI	I	Not permitted	GC	Not permitted
Power plant	Not permitted	I	Not permitted	Not permitted	Not permitted

REGIONAL USES

Land Use	Zoning District Allowed				
	Chestnuthill	Jackson	Eldred	Ross	Polk
Racetrack	Not permitted	Not permitted	RR	GC	Not permitted
Recycling facility	GI	I	I	Not permitted	Not permitted
Resource recovery facility	Not permitted	I	Not permitted	Not permitted	Not permitted
Retail/commercial development, large-scale	VC, GC, LIC*	C	C	GC	C
Shooting range, outdoor commercial	RR	Not permitted	Not permitted	RR	Not permitted
Solid waste landfill	Not permitted	Not permitted	Not permitted	RR	Not permitted
Solid waste facility	Not permitted	I	Not permitted	Not permitted	Not permitted
Travel plaza	Not permitted	C	Not permitted	GC	Not permitted
Wind energy facility, commercial	Not permitted	Not permitted	RR	RR	Not permitted
Zoo or menagerie	Not permitted	RC	Not permitted	Not permitted	Not permitted

*See the Table of Permitted Uses (119 Attachment 2) for compliance requirements.

Chestnuthill Township

Eldred Township

Polk Township

RR - Rural Residential

RR - Rural Resource

RR - Rural Residential

R-3 - Medium High Density Residential

C - Commercial

R-1 - Rural Residential

Residential

I - Industrial

R-2 - Rural/Village Residential

Chestnuthill Township

VC - Village
Commercial/
Residential
GC - General
Commercial
GI - General
Industrial
LIC - Light
Industrial/
Commercial

Eldred Township

Jackson Township
RC - Recreation
Commercial
C - Commercial
I - Industrial
Ross Township
RR - Rural
Residential
R-2 - Medium
Density Residential
GC - General
Commercial

Polk Township

R-3 - Village Center
District
C - Commercial
District
I - Industrial District

F. Developments of regional significance. **[Added 5-1-2014 by Ord. No. 2014-01]**

- (1) All subdivision and/or land development classified by intergovernmental agreement as having regional significance shall be brought before the Regional Planning Committee for review and comment. A development of regional significance shall be defined per Section 107 of the Pennsylvania Municipalities Planning Code³⁷ as "any land development that, because of its character, magnitude, or location, will have substantial effect upon the health, safety, or welfare of citizens in more than one municipality." Determination of regional significance in the Planning Region shall be based on the following guidelines: **[Amended 4-23-2015 by Ord. No. 2015-04]**

Type of Development	Threshold
Adult business	New facility or expansion of use of existing facility by 50% or more; and located within 1/2 mile of a jurisdictional boundary
Airports and heliports	Any new airport with a paved runway; or runway additions of more than 25% of existing runway length or within 1/2 mile of a jurisdictional boundary

37. Editor's Note: See 53 P.S. § 10107.

Type of Development	Threshold
Commercial (including retail, mixed-commercial and office centers) not classified below	Greater than 150,000 square feet; or 75,000 square feet if within 1/2 mile of a jurisdictional boundary
Concentrated animal feeding operations (CAFO)	New facility or expansion of existing facility by more than 50% or within 1/2 mile of a jurisdictional boundary
Fuel storage facilities	Storage capacity greater than 75,000 gallons if within 1,000 feet of any water supply; otherwise, storage capacity greater than 150,000 gallons; and located within 1/2 mile of a jurisdictional boundary
Gambling/betting facilities	New facility or expansion of existing facility by more than 50% or within 1/2 mile of a jurisdictional boundary
Hospitals and other major medical centers	New facility or expansion of use of an existing facility by 50% or more and within 1/2 mile of a jurisdictional boundary
Housing	Housing developments (single-family, two-family or multifamily) if in excess of 50 or more dwelling units, or resulting in the development of 25 dwelling units or more and within 1,000 feet of the Township boundary line.
Industrial facilities	New facility or expansion of use of an existing facility by 50% or more or within 1/2 mile of a jurisdictional boundary
Infrastructure projects	Infrastructure projects within 1/2 mile of adjoining municipal boundaries; projects outside 1/2 mile may be reviewed on a discretionary basis as desired by the host municipality
Intermodal terminals (intermodal-facility or system that transfers people, goods, or information between 2 or more transport modes or networks between an origin and destination)	New facility or expansion of existing facility by more than 50% or within 1/2 mile of a jurisdictional boundary

Type of Development	Threshold
Kennels	New facility or expansion of existing facility by more than 50% and within 1/2 mile of a jurisdictional boundary
Lodging facilities	Greater than 150 rooms and within 1/2 mile of a jurisdictional boundary
Mineral extraction or mineral processing	New facility or expansion of existing facility by more than 50% and located within 1/2 mile of a jurisdictional boundary
Mixed residential and nonresidential uses	Greater than 150,000 square feet; or 75,000 square feet if within 1/2 mile of a jurisdictional boundary
Schools/colleges	New facility with a capacity of more than 750 students, or expansion by at least 25% of capacity and within 1/2 mile of a jurisdictional boundary
Solid waste facilities	New facility or expansion of use of an existing facility by 50% or more
Sports complexes, attractions and regional recreational facilities	New facility or expansion of use of an existing facility by 50% or more; or located within 1/2 mile of a jurisdictional boundary
Truck terminals	A new facility with more than 3 diesel fuel pumps; or containing 1/2 acre of truck parking or 10 truck parking spaces; and within 1/2 mile of a jurisdictional boundary
Wastewater treatment facilities	New facility or expansion of existing facility by more than 50% and located within 1 mile of a jurisdictional boundary
Water supply (quantity or quality) intakes/reservoirs	New facilities or expansion of use by 50% or more and within 1/2 mile of a jurisdictional boundary
Wholesale or distribution facilities	Greater than 100,000 square feet or expansion of an existing use by 50% or more and within 1/2 mile of a jurisdictional boundary

Type of Development	Threshold
Any other land development types not identified above (includes parking facilities)	Generate new vehicle trips in excess of 1,000 average daily trips (ADT) or has the potential to generate adverse environmental or human impacts, stormwater runoff, wastewater collection or treatment and within 1/2 mile of a jurisdictional boundary

§ 119-28. Dimensional requirements in each district.

A. Area, setback and building requirements. **[Amended 4-23-2015 by Ord. No. 2015-04]**

- (1) The following area, setback and building requirements³⁸ shall apply for the specified zoning district, unless a more-restrictive requirement for a specific use is required by § 119-40 or 119-41 or another section of this chapter. All measurements shall be in feet unless otherwise stated. See definitions of terms (such as "lot width") in § 119-21. **[Amended 5-1-2014 by Ord. No. 2014-01]**
- (2) Standard subdivisions are permitted on any size parcel of land in the zoning districts stipulated in § 119-27 and in accord with the dimensional requirements of this § 119-28. See the definition of "lot area" in § 119-21 which requires the deduction of certain areas of constrained land for the calculation of lot area in standard subdivisions not using conservation design. Conservation subdivisions are permitted on any parcel of land six acres or more in the zoning districts stipulated in § 119-27 and in accord with § 119-38. **[Amended 4-23-2015 by Ord. No. 2015-04]**

B. Height. Except as provided in § 119-70 and Subsection B(3) below, or as specified otherwise in this chapter for a particular use, the following maximum structure height shall apply in all zoning districts: **[Amended 4-17-2007 by Ord. No. 2007-01]**

- (1) Any structure that is accessory to a dwelling on a lot of less than five acres shall have a maximum height of 1.5 stories (with the half-story limited to nonhabitable storage areas) or 25 feet, whichever is more restrictive; and
- (2) The maximum height for any other structure shall be 2.5 stories or 40 feet, whichever is more restrictive.
- (3) In the Institutional District the maximum height of principal structures shall not exceed 3.0 stories or 40 feet, whichever is more restrictive. Structure height may be increased to 45 feet where the space which comprises the additional height is not intended for

38. Editor's Note: The Table of Area, Setback and Building Requirements is included as an attachment to this chapter.

human occupancy. (e.g., auditoriums, gymnasiums, and field houses.)

C. Accessory structures and uses. **[Amended 5-1-2014 by Ord. No. 2014-01]**

- (1) Accessory structures and uses shall meet the minimum setbacks provided for in Subsection A, unless otherwise provided for in this chapter, including this Subsection C.
- (2) An eight-foot-wide minimum side and rear setback shall apply for a permitted detached structure that is accessory to a dwelling, except:
 - (a) The minimum side and rear setback may be reduced to three feet for a residential accessory storage shed having a total floor area of less than 150 square feet.
 - (b) No setback is required for a structure that is accessory to a dwelling from a lot line along which two dwellings are attached (such as a lot line shared by twin dwellings).
 - (c) A residential porch or wood deck that is open along sides not attached to the principal building may extend into a required setback. However, a raised wood deck shall be set back a minimum of: five feet along a side lot line where buildings are detached and 20 feet along a rear lot line. Space under an unenclosed porch may be used for household storage.
 - (d) See § 119-41 for swimming pools.

§ 119-29. Additional requirements within R-S Special Residential District.

- A. Purposes. This district is primarily intended to address areas where there are concentrations of undersized lots and many failing on-lot sewage disposal systems. This district is intended to encourage the merger of undersized lots to reduce on-lot sewage disposal problems and to provide adequate separation distances between wells and on-lot sewage disposal systems. Many lots are so small that it is extremely difficult to install a modern on-lot sewage disposal system or to upgrade or replace an existing inadequate on-lot sewage disposal system. This district also is intended to encourage the development of a central water supply and central sewage disposal system in the future to serve this area. This district is also intended to decrease the number and severity of nonconformities. **[Amended 5-1-2014 by Ord. No. 2014-01]**
- B. Within the R-S District, if a principal building is proposed to be constructed, erected or placed on a nonconforming lot, then the following additional requirements shall apply:

- (1) The applicant shall prove compliance with all applicable well and on-lot sewage disposal system requirements of this chapter, state regulations and other applicable ordinances. See § 119-30 below. **[Amended 5-1-2014 by Ord. No. 2014-01]**
 - (2) The applicant shall prove compliance with all minimum setback requirements of this chapter, and all other requirements of this chapter, except as may be modified by § 119-73 concerning nonconformities. See also Subsection C.
 - (3) A lot with a nonconforming lot area in the R-S District shall only be developed as a single permitted by right use and its customary accessory uses.
 - (4) See § 119-69A regarding improvements to abutting streets.
- C. Merger of nonconforming lots. Within the R-S District, if two abutting lots each have a nonconforming lot area and are held in common ownership at the time of adoption of this chapter, then the lots shall hereby be merged into a single lot.
- (1) For the purposes of this chapter, at the effective date of this chapter, such nonconforming lots shall hereby be considered to be a single lot and shall not be individually sold, conveyed or developed.
 - (2) Before any permit is issued for any building construction, expansion, placement or replacement on a lot regulated by this Subsection C, the applicant shall be required to provide evidence that the deeds have been recorded in a manner that states that the nonconforming lots have been merged into a single lot.
 - (3) This Subsection C shall only apply if one or both of the lots does not include a principal building at the time of adoption of this chapter.
 - (4) This Subsection C shall not apply if a lot has a lot area that is equal to 80% or greater of the minimum lot area required in the R-S District. For the sole purposes of determining nonconforming lot area under this Subsection C, wetlands and steep slopes shall not be deleted from the minimum lot area, and the larger lot area requirements of § 119-31 within steep slopes shall not apply.

§ 119-30. Sewage disposal and water supply. [Amended 5-1-2014 by Ord. No. 2014-01]

- A. Central water supply. A use shall not be considered to be served by Township-approved central water supply unless:
- (1) All applicable requirements of state regulations and Chapter 98, Subdivision and Land Development, are met;
 - (2) The applicant proves to the satisfaction of the Township that there will be an appropriate system in place to guarantee and properly

fund the long-term operation and maintenance of the system by a qualified professional operator; and

- (3) The applicant proves to the satisfaction of the Township, based upon review of the Township Engineer, that the system will include adequate supply, transmission capacity and pressure to serve the development.
- B. Central sewage disposal. A use shall not be considered to be served by Township-approved central sewage disposal unless:
- (1) All applicable requirements of state regulations and Chapter 98, Subdivision and Land Development, are met;
 - (2) The applicant proves to the satisfaction of the Township that there will be an appropriate system in place to guarantee and properly fund the long-term operation and maintenance of the system by a qualified professional operator; and
 - (3) The applicant proves to the satisfaction of the Township, based upon review of the Township Engineer, that the system will include adequate treatment capacity and conveyance capacity to serve the development.
- C. Connection to a larger system. Any new nonpublic central water supply or central sewage disposal system shall be engineered and constructed in such a manner as to allow its efficient interconnection in the future into a larger regional system. For example, a development shall include adequate utility easements extending to the borders of the development to allow future interconnections at logical points.
- (1) Such a system shall include appropriate easements and/or rights-of-way within property controlled by the developer to allow the system to efficiently interconnect with a larger system in the future.
 - (2) If requested by the Board of Supervisors at time of subdivision or land development approval, a central water supply or central sewage disposal system shall be dedicated to a Township authority after completion of the development, or at such other time as is mutually agreed upon. A developer who dedicates a central water supply or central sewage disposal system to a Township authority shall retain the right to use or sell the capacity of the system that was funded by the developer. The Township may require a developer to post a bond to guarantee proper operation of a system for at least two years after dedication.
- D. On-site sewage disposal system. **[Amended 7-16-2019 by Ord. No. 2019-01]**

- (1) Purpose. To ensure that a suitable location is available for a new on-site sewage disposal system if the original on-site sewage disposal system should malfunction.
 - (2) This Subsection D shall only apply to a lot that is officially submitted for subdivision or land development approval after the adoption of this chapter. This Subsection D shall not apply to lot mergers or lot line adjustments.
 - (3) Each lot, including lots of 10 acres or more, shall include both a primary and a reserve on-site sewage disposal system location. Both locations shall be determined by the Township Sewage Enforcement Officer to meet Pennsylvania Department of Environmental Protection regulations for an on-site sewage disposal system location prior to approval of the final subdivision or land development plan.
 - (4) In cases where a proposed lot has an existing functioning sewage disposal system, as determined by the Township Sewage Enforcement Officer, a reserve on-site sewage disposal system location shall not be required.
 - (5) The requirement for a reserve on-site sewage disposal system location shall not apply to the following:
 - (a) The simple merger of two or more existing lots;
 - (b) A vacant lot that includes a permanent deed restriction or conservation easement prohibiting any construction of buildings on the lot; or
 - (c) Lots within a subdivision or land development that will abut a central or community system with adequate capacity constructed by the developer, the design of which has been approved by the Township.
 - (6) The reserve on-site sewage disposal system location shall be kept clear of buildings and parking and shall be shown on any subsequent applications for new or expanded buildings or parking.
 - (7) Permit expiration. If a permit for a new on-site sewage disposal system was previously approved for a lot, but such system was not constructed, and the testing related to such permit is current per PA DEP regulations, then such permit shall only be permitted to be renewed once after the adoption date of this chapter. If the on-site sewage disposal system is not constructed before the permit expires, then a new permit and new testing shall be required in full conformance with current state and Township requirements.
- E. Well and on-site sewage disposal system locations. Every plan for a subdivision or land development and every application for a building permit for a new principal building that will be served by a well and/or

on-site sewage disposal system shall designate the proposed well and primary and alternate on-site sewage disposal system locations.

- (1) Such plan shall show that the proposed locations will meet the minimum isolation distances established by PADEP regulations between a well and on-site sewage disposal systems on the subject lot and all adjacent lots.
 - (2) A plan may show the outer extent of potential well locations, instead of one exact location, provided all of the potential area would still meet the isolation distance.
 - (3) If the well or on-site sewage disposal system location is proposed to be changed from the location shown on the submitted plan, then a site plan showing the revised location shall be submitted for approval by the Zoning Officer and Sewage Enforcement Officer prior to issuance of the building permit.
 - (4) It is requested that well sites be placed in the front yard, thereby allowing on-site sewage disposal systems to be placed in the rear yard. The intent is to minimize the visibility of any on-site sewage disposal mound systems. In addition, if wells are located in consistent locations within a subdivision, it will make it easier for adjacent property owners to meet minimum separation distances between on-site sewage disposal systems and wells.
- F. Expansion of on-site sewage disposal use. If the Zoning Officer has reason to believe that a proposed increase in the number of dwelling units or expansion or change of a nonresidential use would result in increased flow to an on-site sewage disposal system, then the application shall be referred to the Sewage Enforcement Officer. The Sewage Enforcement Officer shall require modification, expansion or replacement of the on-site sewage disposal system if necessary to handle the proposed flow.

§ 119-31. Steep slopes.

- A. Regrading. Non-man-made slopes of over 15% shall not be regraded after the adoption of this chapter in such a manner that circumvents the requirements of this chapter. This section shall not regulate slopes that were clearly man-made prior to the adoption of this chapter.
- B. Slopes over 25%. Any area with a slope over 25% shall not be counted towards the minimum lot area of a lot, for the purposes of determining compliance with any minimum lot area or any tract area requirements of this chapter.
- C. Single-family dwellings and steep slopes.
 - (1) Any lot proposed to be used for a single-family detached dwelling shall include a proposed building area with a minimum of 5,000 square feet. Such building area shall not include land within the

minimum principal building setbacks. Such building area shall contain the proposed location of the dwelling and any primary and alternate on-lot sewage disposal system locations. **[Amended 5-1-2014 by Ord. No. 2014-01]**

- (a) If such building area for each lot includes an average slope of greater than 15% and less than 25%, then the minimum lot area shall be two acres, unless a larger lot area is required by another section of this chapter.
 - (b) If such building area for each lot includes an average slope of 25% or greater, then the minimum lot area shall be five acres. This five acre minimum lot area may be calculated without deleting slopes over 25%.
 - (c) Through designations on the Township-approved site plan, an applicant may limit the area upon which new principal buildings are permitted. In such case, an applicant may provide that no new principal building shall be located on slopes of over 15% or slopes of 25% or greater, and thereby avoid the regulations of this section.
- (2) Access. Each lot shall be accessible from an existing or proposed street by means of a driveway or private accessway with a maximum grade of 15%.
- D. Steep slopes and other uses. A lot shall only be used for buildings for principal uses other than single-family detached dwellings if the proposed building area includes an average slope of less than 15%.
- (1) For such uses, the building area shall include locations of all proposed buildings and parking areas and outdoor storage areas and an area 20 feet around buildings, parking and storage areas. Such building area shall also contain the proposed locations of any primary and alternate on-lot sewage disposal systems. **[Amended 5-1-2014 by Ord. No. 2014-01]**
 - (2) Access. Each dwelling and each parking area shall have vehicle access from an existing or proposed street by means of a driveway or private accessway with a maximum grade of 10%.
- E. Site plan and tree protection. If an applicant proposes to alter or build upon slopes of 15% or greater, then a site plan shall be submitted to the Zoning Officer. A separate site plan is not required if the same information was included in an approved subdivision or land development plan.
- (1) Site plan. The site plan shall show:
 - (a) The proposed lot lines;
 - (b) The existing and proposed contours; and

- (c) Existing and proposed building locations, and the outer perimeter of the proposed building area as described above.
- (2) Mature trees. Where building or alteration is proposed on slopes of over 15%, the applicant shall prove to the satisfaction of the Zoning Officer that the removal of healthy trees with a trunk width of over six inches (measured at a height 3.5 feet above the ground level) and other attractive natural vegetation will be minimized. The Zoning Officer may ask for reviews by the Township Engineer or Planning Commission. The site plan shall show wooded areas to be removed or preserved, and methods to be used to make sure trees are protected by temporary fences or other measures during the construction process.

§ 119-32. (Reserved)³⁹

§ 119-33. Setback from creeks.

- A. No new or expanded building and no new or expanded off-street parking area or commercial or industrial storage area shall be located within:
 - (1) One hundred feet from the center line of the Pohopoco Creek and McMichael Creek; and
 - (2) Seventy-five feet from the center line of any other perennial creek, as shown on the USGS quadrangle maps.
- B. Any street or driveway crossing of a perennial creek shall be approximately perpendicular to the waterway, to the maximum extent reasonable.

**§ 119-34. Optional transferable development rights (TDR).
[Amended 9-20-2005 by Ord. No. 2005-02]**

- A. Purpose. The primary purpose of establishing the transferable development rights (TDR) program is to permanently preserve prime farmland, sensitive natural areas, and rural community character that would be lost if the land were developed. In addition, this section is intended to enable landowners who desire to preserve their land the opportunity to sell on the free market their right to develop to other areas of Chestnuthill Township deemed appropriate for higher density development based on the availability of community facilities and infrastructure.
- B. Basic concept and authorization.
 - (1) Sending properties and receiving properties. The provisions of this chapter which permit transferable development rights allow

39. Editor's Note: Former § 119-32, Lot averaging (optional open space development), was repealed 2-7-2006 by Ord. No. 2006-02.

owners of parcels in Chestnuthill Township proposed for conservation, called sending properties, to sell the right to develop all or a portion of their land to the owners of qualifying parcels in Chestnuthill Township proposed for additional development, called receiving properties.

- (2) Pennsylvania Municipalities Planning Code. The transferable development rights provisions set forth in this section are specifically authorized under Section 603(c)(2.2) and Section 619.1 of the Pennsylvania Municipalities Planning Code,⁴⁰ under the terms of which development rights are acknowledged to be severable and separately conveyable from a sending property to a receiving property.
- (3) Development rights. When landowners sell their right to develop all or a portion of their land, they must restrict that portion of land from which development rights are sold against any future development as provided in this chapter, although the land may still be used for purposes that do not involve development, such as agriculture, forestry, public park land, conservation area, and similar uses. When the owner of a receiving property buys the development rights from the owner of a sending property, they receive the right to build more dwelling units on their land than they would have been allowed had they not purchased development rights.
- (4) Voluntary agreement. The owners of the sending property and receiving property shall voluntarily commit to participate in the transfer of development rights. Once the required conservation easement is established, it shall be binding upon all current and future owners of the sending property. The applicant for the receiving property is responsible to negotiate with, and pay compensation to, the owner of the sending property for the conservation easement.
- (5) Conservation easement. The conservation easement imposed on the sending property will not prohibit the landowner's sale of the land after the development rights have been severed, although such land cannot thereafter be used for development purposes. The easement shall be held by the Township and a bona fide nonprofit conservation organization [a nonprofit organization created in accord with U.S. Code Title 26, Subtitle A, Chapter 1, Subchapter F, Part I, Section 501(c)(3), which is devoted to the conservation of open space] acceptable to the Township.
- (6) Disposition of development rights. The owner of the sending property from which the development rights are severed or any subsequent purchaser or purchasers of the development rights may declare the development rights for sale, may hold the development

40. Editor's Note: See 53 P.S. §§ 10603(c)(2.2) and 10619.1, respectively.

rights, or may resell the development rights. The only use which may be made of the development rights is the ultimate transfer to a developer with a receiving property. The Township shall have no obligation to purchase the development rights which have been severed from a sending property.

- (7) Donations or intermediaries. The development rights from a sending property may be purchased by or may be donated to the Township, the county, the commonwealth, or a bona fide conservation organization acceptable to the Township. A permanent conservation easement shall be established on the sending property at the time of such purchase or donation.
 - (8) Permanent severance. Once severed from a sending property, development rights shall remain a separate estate in land and shall not be joined with the antecedent estate.
 - (9) Term of development rights. The development rights severed from a sending property shall have no term regardless of the number of intermediate owners unless such rights are legally extinguished.
- C. Sending property qualifications, calculations and requirements. Owners of qualifying tracts may sell their development rights in accord with the following:
- (1) Sending property qualifications.
 - (a) The sending property shall be identified on the Chestnuthill Township Official Map as one of the following:
 - [1] Private recreational and water authority considerations.
 - [2] Parkland/open space considerations.
 - [3] Agricultural easement considerations.
 - (b) At least 80% of the sending property shall be restricted from future development by a conservation easement in accord with this section.
 - (c) The restricted acreage shall be contiguous and shall not be less than 75 feet in the narrowest dimension at any point except for such lands specifically serving as trail links.
 - (d) The portion of the parcel which will not be restricted shall be usable under the use, area, dimensional, performance and other standards of this and other Township ordinances.
 - (2) Development rights certification by Township. Any owner of a qualified sending property may request a written certification from the Township of the number of development rights that may be severed, which certification shall not be unreasonably withheld.

Such request shall be made to the Zoning Officer on the form provided by the Township.

- (3) Calculation of transferable development rights.
 - (a) Determination of number of development rights. The Township shall determine the total number of development rights available from a sending property by dividing the adjusted tract acreage as calculated for the property in accord with § 119-38D(4) of this chapter by the applicable zoning district minimum lot size requirement for lots with on-lot sewage service and on-lot water service.
 - (b) Conditional use submission. In lieu of Township determination of the number of development rights, the applicant may submit information to document the number of available development rights from a sending property by dividing the adjusted tract acreage as calculated for the property in accord with § 119-38D(4) of this chapter by the applicable zoning district minimum lot size requirement for lots with on-lot sewage service and on-lot water service. Such submission shall be considered a conditional use.
 - (c) Conditional use plan requirement. In the case of a conditional use submission, the applicant shall provide a plan prepared by a professional consultant as defined by the Pennsylvania Municipalities Planning Code to document to the satisfaction of the Township the determination of adjusted tract acreage. At a minimum, the plan shall show the site features enumerated in § 119-38D(4) of this chapter.
 - (d) Partial severance. If the severance of development rights would entail less than an entire parcel, the portion of the parcel from which the development rights are severed shall be clearly identified on a plan of the entire parcel drawn to scale, the accuracy of which shall be satisfactory to the Township. No development or subdivision of such parcel shall be permitted which violates any provision of the conservation easement.
 - (e) Preserved land. Land previously restricted against development by covenant, easement or deed restriction shall not be eligible for transferable development rights unless and until such time as said covenant, restriction or easement is dissolved or rescinded with agreement of all beneficiaries of such covenant, restriction or easement.
- (4) Severance of transferable development rights.
 - (a) Severance. Transferable development rights to be severed shall be conveyed by a deed of transferable development rights duly recorded in the office of the Monroe County Recorder of Deeds. The deed of transferable development rights shall

specify the tract of land to which the rights shall be permanently attached or that the rights shall be transferred to the Township, retained by the owner of the sending property, or another person in gross.

- (b) Conservation easement. The deed of transferable development rights which severs the development rights from the sending property shall be accompanied by a conservation easement which shall permanently restrict development of the sending property as provided below and which shall be recorded in the office of the Recorder of Deeds at the same time as or prior to the deed of transferable development rights.
- (c) Township approval of easement. All deeds of transferable development rights and conservation easements shall be endorsed by the Township Board of Supervisors prior to recording, which endorsement shall not be unreasonably withheld.
 - [1] Deeds submitted to the Township for endorsement shall be accompanied by a title search of the sending property and a legal opinion affirming that the development rights being transferred by the deed have not been previously severed from or prohibited upon the sending property.
 - [2] A tide report shall be prepared not less than 10 days prior to submission of the deed, and the legal opinion must meet the reasonable approval of the Township Solicitor.
- (d) Partial sale of severed rights. If a sale of development rights would entail less than the entire number of development rights represented by a recorded deed of transferable development rights, the applicant shall indicate in the deed the disposition of the remaining development rights.
- (5) Sending property conservation easement. Any sending property from which development rights have been severed must be permanently restricted from future development by a conservation easement provided by the Township which meets the following minimum requirements:
 - (a) Development restricted. The conservation easement shall permanently restrict the land (or the portion thereof) from which development rights have been severed from future development for any purpose other than agriculture, forestry, public park land, conservation area and similar uses.
 - (b) Township approval. The conservation easement shall be approved by the Board of Supervisors of Chestnuthill Township, in consultation with the Township Solicitor.

- (c) Enforcement rights. The conservation easement shall designate Chestnuthill Township, and a bona fide conservation organization acceptable to the Township, as the beneficiary/grantee, but shall also designate the following parties as having separate and independent enforcement rights with respect to the easement:
 - [1] All future owners of any portion of the sending property; and
 - [2] All future owners of any portion of any parcel to which the transferable development rights are permanently attached.
 - (d) Specification of rights sold and retained. The conservation easement shall specify the number of development rights to be severed as well as any to be retained.
 - (e) Lot area and required setback prohibition. No portion of the tract area used to calculate the number of development rights to be severed shall be used to satisfy minimum setbacks or lot area requirements for any development rights which are to be retained or for any other subdivision or development. **[Amended 5-1-2014 by Ord. No. 2014-01]**
 - (f) Other provisions. The conservation easement shall include all other necessary provisions to address the specific circumstances of the subject property in terms of meeting the requirements of this section.
 - (g) Legal interest owners. All owners of all legal and beneficial interest in the tract from which development rights are severed shall execute the conservation easement. All lien holders of the tract from which development rights are severed shall execute a joinder and/or consent to the conservation easement.
 - (h) Development approval. Final approval for any subdivision or land development plan using transferred development rights shall not be granted prior to the recording of the required conservation easement and other applicable documents at the Monroe County Recorder of Deeds.
- D. Receiving property qualifications, calculations and requirements. Owners of tracts which meet the following requirements may use development rights that are purchased from sending property owners.
- (1) Receiving property prohibition. Development rights shall not be transferred to any property identified on the Chestnuthill Township Official Map as any of the following:
 - (a) Private recreational and water authority considerations.

- (b) Parkland/open space considerations.
 - (c) Agricultural easement considerations.
- (2) Residential; central water supply and central sewage disposal; other receiving property qualifications. Residential density on a receiving property may be increased through the use of TDRs in accord with the provisions of this § 119-34 when the receiving property is served by central sewage disposal and central water supply, and the following: **[Amended 5-1-2014 by Ord. No. 2014-01]**
- (a) The property is located in an R-2, R-3 or VC District, and the development rights are used for dwelling types permitted in the district where proposed, except that development rights shall not be used for mobile home parks.
 - (b) The property is located in an R-1 District and is developed in accord with § 119-38, Conservation subdivision design.
 - (c) The property is located in an RR District and:
 - [1] The property is developed in accord with § 119-38, Conservation subdivision design; and
 - [2] The dwellings are limited to occupancy by at least one resident not less than 55 years of age and persons under 18 years of age shall not reside in the unit for more than 30 days per year; and
 - [3] The property has direct access to State Route 115, State Route 209, or State Route 715 which meets the requirements for a PennDOT highway occupancy permit.
- (3) Receiving property base residential density. The base residential density of the receiving property shall be determined by dividing the adjusted tract acreage as calculated for the property in accord with § 119-38D(4) of this chapter by the applicable zoning district minimum lot size requirement for lots served by central sewage disposal and central water supply. **[Amended 5-1-2014 by Ord. No. 2014-01]**
- (4) Senior housing multiplier. Development rights transferred to a receiving property for the development of dwellings limited to residents not less than 55 years of age shall be valued at 1.25 dwelling units per development right acquired from a sending property.
- (5) Receiving property increase in permitted residential density; bulk and density standards. The number of dwelling units on a receiving property may be increased above the receiving property base density in accord with the following bulk and density standards and

provided all other applicable Township ordinance requirements are satisfied: **[Amended 5-1-2014 by Ord. No. 2014-01]**

Standards	Zoning District	
	R-2, VC	R-3
Minimum lot area for single-family dwellings	7,500 square feet	7,500 square feet
Minimum average lot area per dwelling unit for other permitted dwelling types (see Note C in the Table of Area, Setback and Building Requirements ⁴¹)	7,500 square feet	7,500 square feet
Minimum lot width at the required minimum building setback line	65 feet	
Minimum street frontage	20 feet	
Flag lots	Permitted in accord with provisions of Chapter 98, Subdivision and Land Development	
Setback regulations	The principal building position and orientation should be varied	
Minimum front	20 feet	
Minimum rear	30 feet; 20 feet where the rear setback adjoins conservation open space	
Minimum side	1 side setback not less than 8 feet and total of both side setbacks not less than 25 feet	
Maximum impervious coverage	30% per individual lot	
Maximum height regulations	See § 119-28B	
RR and R-1 Zoning Districts	Section 119-38, Conservation subdivision design, shall apply and the open space preserved on the sending property may be used to meet 50% of the minimum conservation open space required by § 119-38	

E. Plan submission process.

41. Editor's Note: The Table of Area, Setback and Building Requirements is included as an attachment to this chapter.

- (1) Plans required. All applicants for use of transferable development rights shall submit subdivision or land development plans in accord with Chapter 98, Subdivision and Land Development, for the development to which the transferable development rights will be added. A conditional use application shall be submitted where applicable. Such plans shall, in addition to meeting all other applicable provisions, include the following:
 - (a) Proof of available development rights. A deed of transferable development rights or an agreement of sale for all development rights proposed to be purchased from the sending property.
 - (b) Dwelling unit numbers. A note on the plan showing the total number of dwelling units proposed on the receiving property, the total number that could be built not using TDR's, and the incremental difference between the two.
 - (c) Plan. The adjusted tract acreage plan of the sending property required by Subsection C(3)(c) from which the applicant proposes to purchase development rights. If the applicant is purchasing development rights from a portion of a sending property, the plan required by Subsection C(3)(d) shall also be provided. If the development rights have previously been severed from a sending property, a copy of the recorded deed of transferable development rights shall be submitted.
 - (d) Title search. A title search of the sending property sufficient to determine all owners of the tract and all lien holders. If the development rights have previously been severed from the sending property, a title search of the rights set forth in the deed of transferable development rights sufficient to determine all of the owners of the development rights and all lien holders shall be provided to the Township.
 - (2) Final approval; conservation easement. In order to receive final plan approval, the applicant must provide documentation that the required conservation easement has been recorded for all sending property lands whose development rights are being used by the applicant. This conservation easement must meet the requirements stipulated herein. The conservation easement on the sending property shall be recorded first, followed by a deed of transfer, in accord with the provisions of the Pennsylvania Municipalities Planning Code, which transfers the development rights from the sending property landowner to the receiving property landowner.
- F. Public acquisition. Chestnuthill Township may purchase development rights and may accept ownership of development rights through transfer by gift. All such development rights may be resold or retired by the Township. Any such purchase or gift shall be accompanied by the conservation easement required by Subsection C(5).

G. Amendment and/or extinguishment.

- (1) Amendment. The Township reserves the right to amend this chapter in the future, and expressly reserves the right to change the manner in which the number of development rights shall be calculated for a sending property and the manner in which development rights can be conveyed.
- (2) Termination. The Township further expressly reserves the right to terminate its transferable development rights program at any time.
- (3) Claims. No owner of the land or owner of development rights shall have any claim against the Township for damages resulting from a change in this chapter relating to the regulations governing the calculation, transfer and use of development rights or the abolition of the transferable development rights program.
- (4) Vested rights. If the transferable development rights program is abolished by the Township, only those rights which were severed prior to the effective date of the ordinance abolishing the transferable development rights program may be attached to any receiving property. This shall also apply in the case where an application for severance in conformity with the provisions of this § 119-34 was filed prior to the effective date of such ordinance, and the application thereafter is continuously processed to approval.

§ 119-35. Wetlands and lakes.

- A. Lot area. Wetlands (as officially defined under federal and/or state regulations) and lakes shall not be counted toward the minimum lot area of any lot or tract of land. This Subsection A shall only apply to a subdivision or land development submitted for approval after the adoption of this chapter.
- B. Wetland studies. It shall be the responsibility of each applicant to determine whether land areas proposed for alteration meet the federal or state definition of a wetland prior to submittal of development plans to the Township. If the Zoning Officer has reason to believe that wetlands may be present on a site proposed for development or subdivision, the Zoning Officer may require that the applicant provide a suitable wetland delineation study prepared by a qualified professional.

§ 119-36. Commercial uses within developments of 50 or more dwelling units.

- A. If a subdivision includes a minimum of 50 dwelling units, then, as a special exception use, a maximum of two acres within the subdivision may be used for commercial development meeting the requirements of the VC District. The applicant shall prove to the Zoning Hearing Board that the commercial development has been designed and located with traffic access that is fully coordinated with the residential development.

To the maximum extent feasible, traffic access shall be fully coordinated with adjacent development.

- B. Timing. No commercial use shall be open for business until after a minimum of 25 dwelling units within the subdivision have been completed.
- C. Hours. No commercial use approved under this § 119-36 shall be open to the public nor receive truck deliveries between the hours of 10:00 p.m. and 7:00 a.m.

§ 119-37. Additional requirements for BP Business Park Overlay District.

- A. Purposes: to provide appropriate locations for light industries, offices and related types of commercial uses, in a manner that is fully compatible with any nearby homes; to carefully control the types of uses and use performance standards to protect the public health and safety and avoid nuisances; to maintain an attractive physical environment that will aid in attracting new employers, including provision of extensive landscaping and the encouragement of attractive masonry facades; to encourage development to occur within business parks, as opposed to development on scattered individual lots: to encourage the establishment of private deed restriction controls and carefully coordinated interior vehicle access; to make sure that new development occurs with access onto interior roads, as opposed to numerous driveways onto existing roads or use of hazardous intersections.
- B. Overlay district. The BP District is an "overlay" district. This allows an optional type of business development that a property owner may choose to use in place of the regular underlying zoning districts. Once a planned business development is submitted and approved as a conditional use then, then the regulations of this BP District shall apply in place of the underlying zoning district. Until such time as a planned business development may be approved, the underlying zoning district shall apply.
- C. Definition of "planned business development." This term shall mean a development approved as a "planned business development" as a conditional use under the standards of this § 119-37. A planned business development is a tract designed with fully coordinated interior road access, stormwater management, landscaping and buffering.
- D. Uses. Section 119-27 lists the uses allowed within the BP District. These uses shall only be allowed after conditional use approval has been granted for a "planned business development" under this section. The conditional use approval shall primarily addresses coordinated road access and compatibility with adjacent properties. Once conditional use approval is granted, the applicant shall have the flexibility for apply for individual uses allowed in the BP District without needing conditional

use approval for each individual use. However, individual uses shall only be allowed if they are consistent with the conditional use approval.

- E. Standards for approval of a planned business development. To ensure compliance with the purposes and requirements of this district, review and approval of a planned business development shall be required as a conditional use.
- (1) Minimum lot area at the time of conditional use application. 40 acres. Once a planned business development is approved, then the applicant may obtain subdivision approval for smaller lots, provided they meet § 119-28.
 - (a) If an applicant within the BP District does not control 40 acres, he/she may submit an application with a neighboring property owner showing fully coordinated development of at least 40 acres.
 - (b) At least 40 acres must be approved at one time. However, the submittal of detailed subdivision plans and the actual development may be phased.
 - (c) If an applicant controls additional land beyond the amount within the planned business development, the applicant shall submit a sketch showing how the additional land might eventually be connected into the planned business development in the future, including a fully coordinated road system.
 - (2) Submittal. The applicant shall submit plans and accompanying information meeting § 119-18. The applicant shall provide sufficient information to determine compliance with this chapter. Detailed engineering of stormwater, grading, profiles and similar matters that are addressed under Chapter 98, Subdivision and Land Development, is not required at the conditional use stage.
 - (3) Information. The applicant shall present whatever information is available on the types of tenants or uses that are intended or expected in different portions of the development. However, it is recognized that the applicant may not know all of the prospective uses at the time of conditional use approval.
 - (4) Relationship to surroundings. The applicant shall show how the development will be fully coordinated with surrounding lands, land uses and streets.
 - (5) Green space and landscaping. The application shall show an overall plan of green spaces and landscaping. This plan shall be carried out through a system of deed restrictions on each lot.
 - (6) Access.

- (a) Coordinated access. Any planned business development shall make the absolute maximum use possible of interior streets, as opposed to numerous driveways entering onto an arterial street. In addition, the applicant shall prove that street access has been designed to minimize use of existing hazardous intersections, or for the applicant to commit to improve such intersection so that it is not hazardous. Deed restrictions shall be placed on individual lots to require compliance with the approved traffic access system.
 - (b) Access to other than arterial streets. Based upon any PennDOT review comments and reviews by the Planning Commission and Township Engineer, the Board of Supervisors require that a planned business development not have any direct access that would involve left-hand turns onto and off of an arterial street (except at an intersection planned for or with an existing traffic signal) if reasonable access could be provided off of and onto another suitable street.
 - (c) Easements for access. The Board of Supervisors may, at the time of approval of a subdivision or land development within the BP District, require a lot or tract to provide an easement, stub street extension and/or street right-of-way extension for vehicular traffic to adjoining tracts to allow an efficient interior access system.
- (7) Staged construction. If development is to occur in progressive stages, each stage shall be planned and occur so that the purposes and requirements of this chapter are fully complied with at the completion of each stage. Each stage shall be shown on the plan.
 - (8) Lot regulations. Each proposed lot be capable of complying with the lot and setback regulations of the BP District.
 - (9) Information on covenants. A planned business development shall include a reasonable set of deed restrictions or covenants imposed by the developer on each lot. These covenants should cover types of uses, maintenance of lots and industrial operations, with a proper means for enforcement. The covenants shall also be written to carry out the purposes and requirements of a planned business development. The substance of these covenants shall be presented before a planned business development is approved.
 - (a) Facade materials. It is strongly encouraged that a minimum of 75% of the facades of buildings facing onto streets consist of glass, brick or other decorative masonry. This provision is intended to avoid metal or cinderblock construction, at least as visible from a street. Subdividers are strongly encouraged to place such a requirement on each lot through deed restrictions.
- (10) Additional setbacks from dwellings and residential districts.

- (a) Any portion of a building used for industrial operations and any area routinely used for the parking, storage, loading or unloading of two or more tractor-trailer trucks or refrigerated trucks shall be set back a minimum of 200 feet from any residentially zoned lot that is not within the Business Park District.
- (b) As a condition of conditional use approval, the Board of Supervisors may require an earth berm to be constructed between a planned business development and any existing or prospective residential lots if the Board determines it will be necessary to ensure compatibility between uses.
 - [1] The height of the berm shall average at least five feet, unless the Board of Supervisors determines that a differing height is appropriate considering the topography of the site.
 - [2] The maximum slope of the berm (on sides visible from outside of the planned business development) shall be three feet measured horizontally for each one foot measured vertically.
 - [3] The plant screening required by § 119-71 shall be placed towards the top, on the residential side, of the berm. Portions of the berm that are visible from outside of the planned business development shall be maintained with attractive vegetation.
- (11) Landscaped front setbacks. A maximum of 80% of the required minimum front setback area shall be maintained in landscaped green space. The intent is that the remaining 20% would be used for driveways, fire lanes, visitor parking, handicapped parking and walkways. Other vehicle parking is intended to primarily be placed to the side or rear of buildings. **[Amended 5-1-2014 by Ord. No. 2014-01]**
- (12) Loading docks. An applicant shall prove to the satisfaction of the Township that loading docks routinely serving three or more tractor-trailer trucks have been located within reason to seek to minimize their visibility from dwellings, public streets and existing and planned expressways. No loading dock routinely served by tractor-trailer trucks shall be located within 75 feet of the existing right-of-way of a public street.
- (13) Coordinated stormwater management. A planned business development shall include a coordinated system of stormwater management. At best, where feasible, this should include sufficient land set aside for a minimal number of stormwater basins, with each lot owner assessed sufficient fees each year to properly maintain the basins.

- (14) Sewage and water services. The applicant shall provide evidence concerning the general feasibility of methods that will be used to provide sewage and water services. However, the detailed engineering of such services may be delayed until approval is sought under Chapter 98, Subdivision and Land Development.

§ 119-38. Conservation subdivision design.

A. Purposes and development options.

- (1) Purposes. In conformance with the Pennsylvania Municipalities Planning Code, the purposes of this section, among others, are as follows:
- (a) To conserve open land, including those areas containing unique and sensitive natural features such as woodlands, steep slopes, streams, floodplains and wetlands, by setting them aside from development.
 - (b) To provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce length of roads, utility runs, and the amount of paving required for residential development.
 - (c) To reduce erosion and sedimentation by the retention of existing vegetation, and the minimization of development on steep slopes.
 - (d) To provide for a diversity of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups, and residential preferences, so that the community's population diversity may be maintained.
 - (e) To implement adopted municipal policies to conserve a variety of irreplaceable and environmentally sensitive resource lands as set forth in the West End Open Space and Recreation Plan or successor document including provisions for reasonable incentives to create a conservation open space system for the benefit of present and future residents.
 - (f) To implement adopted land use, transportation, and community policies, as identified in the Township's Comprehensive Plan.
 - (g) To protect areas of the Township with productive agricultural soils for continued or future agricultural use, by conserving blocks of land large enough to allow for efficient farm operations.
 - (h) To create neighborhoods with direct visual access to open land, with amenities in the form of neighborhood open space, and with a strong neighborhood identity.

- (i) To provide for the conservation and maintenance of open land within the Township to achieve the above-mentioned goals and for active or passive recreational use by residents.
 - (j) To provide multiple options for landowners in order to minimize impacts on environmental resources (sensitive lands such as wetlands, floodplain, and steep slopes) and disturbance of natural or cultural features (such as mature woodlands, hedgerows and tree lines, critical wildlife habitats, historic buildings, and fieldstone walls).
 - (k) To provide standards reflecting the varying circumstances and interests of individual landowners, and the individual characteristics of their properties.
 - (l) To conserve scenic views and elements of the Township's rural character, and to minimize perceived density, by minimizing views of new development from existing roads.
- (2) By-right development options. In order to achieve these purposes, this § 119-38 provides for flexibility in designing new residential subdivisions by allowing two forms of by-right development referred to as options, as summarized below:
- (a) Option 1, neutral density and basic conservation, providing for residential uses at the density permitted by the underlying zoning with not less than 50% of the tract comprised of conservation open space.
 - (b) Option 2, greater density with greater conservation, providing residential uses at a density higher than the density permitted by the underlying zoning with not less than 60% of the tract comprised of conservation open space.
- (3) Densities and required open space percentages: see Subsection D.
- B. General regulations. The design of all conservation subdivisions shall be governed by the following minimum standards:
- (1) Ownership. The tract of land shall be controlled by the applicant and shall be developed as a single entity.
 - (2) Site suitability. As evidenced by the existing resources/site analysis plan, the preliminary subdivision plan, and the final subdivision plan, the tract incorporating this design option shall be suitable for supporting development in terms of environmental conditions, its size, and configuration.
 - (3) Combining the design options. The various layout and density options described in this section may be combined at the discretion of the Township, based upon demonstration by the applicant that such a combination would better fulfill the intent of this chapter, in

particular the stated purposes of this section, as compared with applying a single option to the property.

- (4) Intersections and access. The number of driveways entering onto existing public streets shall be minimized. Instead, the development shall make maximum use of driveways entering onto an internal local street. Intersections and access shall be governed by Chapter 98, Subdivision and Land Development.
 - (5) Sensitive area disturbance. The proposed design shall strictly minimize disturbance of environmentally sensitive areas, as shown on the existing resources and site analysis plan. Lands within the one-hundred-year floodplain, or having slopes in excess of 25%, and rock outcrops constitute such environmentally sensitive areas, where disturbance shall be strictly minimized. Demonstration by the applicant that these features will be protected by the proposed application shall be prerequisite to approval of both the preliminary subdivision plan and the final subdivision plan.
- C. Minimum parcel size and use regulations. Tracts of six acres or more in the Conservation Design Overlay District may be used for the following purposes:
- (1) Single-family detached dwellings. In CR, RR, R-1, R-2 and R-3 districts, single-family detached dwellings in subdivisions using Option 1, basic conservation, or Option 2, greater conservation.
 - (2) Twin dwelling units, and townhouses or rowhouses. In CR, RR and R-1 districts, twin dwelling units and townhouses or rowhouses in subdivisions or land developments using Option 1, basic conservation, or Option 2, greater conservation, at the same density as single-family dwellings.
 - (3) Conservation open space. Conservation open space comprising a portion of residential development, as specified above and according to requirements of Subsection F and Chapter 98, Subdivision and Land Development.
 - (4) Nonresidential uses. The following nonresidential uses in accordance with the standards of Subsection F:
 - (a) Agricultural uses, including horticultural, wholesale nurseries, and the raising of crops, and buildings related to the same.
 - (b) Wood lots, arboreta, and other similar silvicultural uses.
 - (c) Woodland preserve, game preserve, wildlife sanctuary, or other similar conservation use.
 - (d) Municipal or public uses; public park or recreation area owned and operated by a public or private nonprofit entity or agency; governmental or public utility building or use; not to include business facilities, storage of materials, trucking or repair

facilities, the housing of repair crews, private or municipal solid waste disposal facilities.

- (5) Accessory uses. Accessory uses shall be permitted on the same lot with and customarily incidental to any permitted use and not conducted as an independent principal use.
- (6) Retail stores and service establishments. In developments of 200 or more dwelling units, retail stores [excluding uses listed individually in the Table of Permitted Uses, Primarily Nonresidential Districts,⁴² adopted under § 119-27B(2)], exercise clubs, laundromats, personal services, and financial institutions as defined by this chapter, may be permitted as a conditional use. Such uses shall be an integral part of the design of the development and shall primarily serve the residents of the development. The development standards for the VC District shall apply. **[Added 9-20-2005 by Ord. No. 2005-02]**

D. Density determination and dimensional standards.

- (1) Standards for Option 1, neutral density and basic conservation.
 - (a) Density factor. One dwelling unit per the required area for the district (density factor) as shown in the following Table 119-38D(1)(a), as determined through the adjusted tract acreage approach described in Subsection D(4). **[Amended 9-20-2005 by Ord. No. 2005-02; 5-1-2014 by Ord. No. 2014-01]**

Table 119-38D(1)(a)

Option 1

Neutral Density with Basic Conservation

Density Requirements for All Permitted Dwelling Types

District	Density Factor (required area per dwelling unit [§ 119-38D(4)])
CR Conservation Residential District	217,800 sq. ft. (5 acres)
RR Rural Residential District and R-1 Low Density Residential District	87,120 sq. ft. (2 acres)
R-2 Medium Low Density Residential District	Without either Township-approved central water supply or central sewage disposal 43,560 sq. ft.

42. Editor's Note: The Table of Permitted Uses is included as an attachment to this chapter.

**Table 119-38D(1)(a)
Option 1**

**Neutral Density with Basic Conservation
Density Requirements for All Permitted Dwelling Types**

District	Density Factor (required area per dwelling unit [§ 119-38D(4)])
With Township-approved central water supply or central sewage disposal	39,000 sq. ft.
With both Township-approved central water supply and central sewage disposal	20,000 sq. ft.
R-3 Medium Density Residential District	
Without either Township-approved central water supply or central sewage disposal	43,560 sq. ft.
With Township-approved central water supply or central sewage disposal	39,000 sq. ft.
With both Township-approved central water supply and central sewage disposal	12,000 sq. ft.

- (b) Minimum required conservation open space. The subdivision must include at least 50% of the adjusted tract acreage plus all of the constrained land calculated in Subsection D(4)(a), as conservation open space.
- (c) Dimensional standards. The dimensional standards in Table 119-38D(1)(c) shall apply. **[Amended 5-1-2014 by Ord. No. 2014-01]**

**Table 119-38D(1)(c)
Option 1**

**Neutral Density and Basic Conservation
Dimensional Standards for Single-Family Detached and
Twin Dwellings**

Minimum individual lot area	10,000 sq. ft.
Minimum lot width at building line	80 feet
Minimum street frontage	20 feet
Flag lots	Permitted in accord with provisions of Chapter 98, Subdivision and Land Development
Setback regulations	The principal building position and orientation should be varied
Minimum front	20 feet
Minimum rear	30 feet; 20 feet where the rear setback adjoins conservation open space
Minimum side	30 feet separation of principal buildings; no side setback less than 5 feet
Maximum impervious coverage	25% per individual lot
Maximum height regulations	See § 119-28B
Dimensional standards for townhouses and rowhouses	See § 119-38D(3)

(2) Standards for Option 2, greater density with greater conservation.

(a) Density factor. One dwelling unit per the required area for the district (density factor) as shown in the following Table 119-38D(2)(a), as determined through the adjusted tract acreage approach described in § 119-38D(4). The intent is to reduce the density factor by 5%. **[Amended 9-20-2005 by Ord. No. 2005-02; 5-1-2014 by Ord. No. 2014-01]**

**Table 119-38D(2)(a)
Option 2**

Greater Density with Greater Conservation

Density Requirements for All Permitted Dwelling Types

District	Density Factor (required area per dwelling unit [§ 119-38D(4)])
CR Conservation Residential District	206,910 sq. ft.
RR Rural Residential District and R-1 Low Density Residential District	82,765 sq. ft.
RR Rural Residential District and R-1 Low Density Residential District with central sewage disposal using land disposal of sewage effluent	65,340 sq. ft.
R-2 Medium Low Density Residential District	
Without either Township-approved central water supply or central sewage disposal	41,380 sq. ft.
With Township-approved central water supply or central sewage disposal	37,050 sq. ft.
With both Township-approved central water supply and central sewage disposal	19,000 sq. ft.
R-3 Medium Density Residential District	
Without either Township-approved central water supply or central sewage disposal	41,380 sq. ft.
With Township-approved central water supply or central sewage disposal	37,050 sq. ft.
With both Township-approved central water supply and central sewage disposal	11,400 sq. ft.

(b) Minimum required conservation open space. The subdivision must include at least 60% of the adjusted tract acreage plus all of the constrained land calculated in Subsection D(4)(a), as

conservation open space. Conservation open space shall not be used for residential lots, except as provided below.

- (c) Dimensional standards. The dimensional standards in Table 119-38D(2)(c) shall apply: **[Amended 5-1-2014 by Ord. No. 2014-01]**

Table 119-38D(2)(c)

Option 2

**Greater Density with Greater Conservation
Dimensional Standards for Single-Family Detached and
Twin Dwellings**

Minimum individual lot area	10,000 sq. ft. (up to 20% of total lots may be reduced to a minimum of 7,500 sq. ft.)
Minimum lot width at building line	80 feet
Minimum street frontage	20 feet
Flag lots	Permitted in accord with provisions of Chapter 98, Subdivision and Land Development
Setback regulations	The principal building position and orientation should be varied
Minimum front	20 feet
Minimum rear	30 feet; 20 feet where the rear setback adjoins conservation open space
Minimum side	25 feet separation of principal buildings; no side setback less than 5 feet
Maximum impervious coverage	30% per individual lot
Maximum height regulations	See § 119-28B
Dimensional standards for townhouses and rowhouses	See § 119-38D(3)

- (3) Dimensional standards for townhouses and rowhouses in Option 1, neutral density and basic conservation, and Option 2, greater density with greater conservation, subdivisions. The standards in Table 119-38D(3) shall apply: **[Amended 5-1-2014 by Ord. No. 2014-01]**

Table 119-38D(3)
Option 1 and Option 2 Dimensional Standards for
Townhouses and Rowhouses

Minimum individual lot area	None
Maximum lot depth to width ratio	5: 1
Minimum lot width at building line	18 feet (24 feet if a 2-car garage or parking of 2 cars side-by-side is provided in the front)
Setback regulations	The principal building position and orientation should be varied
Minimum front	20 feet
Minimum rear	20 feet
Minimum side	35 feet separation of principal buildings
Maximum impervious coverage	70% per individual lot
Maximum height regulations	See § 119-28B
Maximum number of dwelling units per building	See § 119-40A(43)(a)

(4) Density determination for Option 1, neutral density and basic conservation, and Option 2, greater density with greater conservation, subdivisions. Applicants shall determine the maximum permitted residential building density on their properties as follows: **[Amended 9-20-2005 by Ord. No. 2005-02]**

(a) Adjusted tract acreage approach. Determination of the maximum number of permitted dwelling units on any given property shall be based upon the adjusted tract acreage of the site. The adjusted tract acreage shall be determined by multiplying the acreage classified as being in the categories of constrained land (described below) by the numerical "density factor" for that category of constrained land, summing all factored constrained land areas, and then deducting the total from the gross tract area.

[1] The following areas of constrained land shall be deducted from the gross (total) tract area:

[a] Rights-of-way: multiply the acreage of land within the rights-of-way of existing public streets or highways, or within the rights-of-way for existing or proposed overhead rights-of-way of utility lines or any other rights-of-way by 1.0.

- [b] Private streets: multiply the acreage of land under existing private streets by 1.0.
 - [c] Wetlands: multiply the acreage of designated wetlands by 0.95.
 - [d] Floodway: multiply the acreage within the floodway by 1.0.
 - [e] Floodplain: multiply the nonwetland portion of the one-hundred-year floodplain by 1.0.
 - [f] Steep slopes: multiply the acreage of land with natural ground slopes exceeding 25% by 0.80.
 - [g] Moderately steep slopes: multiply the acreage of land with natural ground slopes of between 15% and 25% by 0.60.
 - [h] Extensive rock outcroppings: multiply the total area of rock outcrops and boulder-fields more than 1,000 square feet by 0.90.
 - [i] Ponds, lakes and streams: multiply the acreage of ponds, lakes and streams by 1.0.
- [2] If a portion of the tract is underlain by more than one natural feature subject to a deduction from the total tract acreage, that acreage shall be subject to the most restrictive deduction only.
 - [3] Since acreage that is contained within the public or private rights-of-way, access easements or access strips is excluded from usable lot area, any portion of these items that also contains a natural feature subject to a deduction from the total tract acreage should not be included when calculating the adjusted tract acreage.
- E. Design standards for Option 1, basic conservation, and Option 2, greater conservation.
- (1) Dwelling lots. Dwelling lots shall not encroach upon primary conservation areas and the layout shall respect secondary conservation areas as identified in Chapter 98, Subdivision and Land Development.
 - (2) Setbacks. All new dwellings shall meet the following setback requirements in Table 119-38E(2):

**Table 119-38E(2)
Dwelling Setbacks**

Setback From	Dwelling Type	
	Single-Family and Twin	Townhouses Rowhouses
External road rights-of-way	100 feet	300 feet
Other tract boundaries	50 feet	200 feet
Crop land or pasture land	100 feet	
Buildings or barnyards housing livestock	300 feet	

(3) Exterior views. Views of dwellings from exterior roads and abutting properties shall be minimized by the use of changes in topography, existing vegetation, or additional landscaping which meets the landscaping requirements of Chapter 98, Subdivision and Land Development.

(4) Dwelling access. Dwellings shall generally be accessed from interior streets, rather than from roads bordering the tract.

F. Conservation open space use and design standards. Protected conservation open space in all conservation subdivisions shall meet the following standards:

(1) Uses permitted on conservation open space. The following uses are permitted in conservation open space areas:

- (a) Conservation of open land in its natural state (for example, woodland, fallow field, or managed meadow).
- (b) Agricultural and horticultural uses, including raising crops or livestock, wholesale nurseries, associated buildings, excluding residences that are specifically needed to support an active, viable agricultural or horticultural operation. Specifically excluded are commercial livestock operations involving swine, poultry, mink, and other animals likely to produce highly offensive odors.
- (c) Pasture land for horses used solely for recreational purposes. Equestrian facilities shall be permitted but may not consume more than half of the minimum required conservation open space.
- (d) Silviculture, in keeping with established standards for selective harvesting and sustained-yield forestry.
- (e) Neighborhood open space uses such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreational uses specifically excluding

motorized off-road vehicles, rifle ranges, and other uses similar in character and potential impact as determined by the Township.

- (f) Active noncommercial recreation areas, such as playing fields, playgrounds, courts, and bikeways, provided such areas do not consume more than half of the minimum required conservation open space or five acres, whichever is less.
 - (g) Golf courses may comprise up to half of the minimum required conservation open space, but shall not include driving ranges or miniature golf. Their parking areas and any associated structures shall not be included within the fifty-percent minimum conservation open space requirement; their parking and access ways may be paved and lighted.
 - (h) Water supply and sewage disposal systems, and stormwater detention areas designed, landscaped, and available for use as an integral part of the conservation open space. However, water treatment plants and storage tanks, central sewage treatment plants and lagoons, and a fifty-foot buffer around such facilities shall not be included within the fifty-percent minimum conservation open space requirement. In cases where any sewage disposal system serving an individual dwelling is located in a conservation open space area, the developer shall provide for on-site system maintenance via deed covenants and restrictions or other means approved by the Township. This shall include, but not be limited to, the inspection of the on-site systems and the pumping of on-lot sewage disposal tanks at intervals of not less than three years from the date of the operation of each system. **[Amended 5-1-2014 by Ord. No. 2014-01]**
 - (i) Easements for drainage, access, sewer or water lines, or other public purposes.
 - (j) Underground utility rights-of-way. Aboveground utility and street rights-of-way may traverse conservation areas but shall not count toward the minimum required conservation open space.
- (2) Conservation open space design standards.
- (a) Conservation areas. Conservation open space shall be laid out in general accordance with the Township's Map of Potential Conservation Lands to ensure that an interconnected network of open space will be provided. The required conservation open space consists of a mixture of primary conservation areas, all of which must be included, and secondary conservation areas. Primary conservation areas comprise those areas listed in Subsection D(4)(a) as being subtracted from the total parcel

acreage to produce the adjusted tract acreage. Secondary conservation areas include special features of the property that would ordinarily be overlooked or ignored during the design process and such features are listed in Chapter 98, Subdivision and Land Development.

- (b) In Option 1, basic conservation, and Option 2, greater conservation, subdivisions, the conservation open space shall generally remain undivided and may be owned and maintained by a homeowners' association, land trust, another conservation organization recognized by the municipality, or by a private individual or entity. The amount of land available for the common use and passive enjoyment of the subdivision residents shall be provided in accord with Chapter 98, Subdivision and Land Development. These ownership options may be combined so that different parts of the conservation open space may be owned by different entities.
 - (c) Dedication requirement. See the open space and recreation fee provisions in Chapter 98, Subdivision and Land Development.
 - (d) Buffers for adjacent public land. Where the proposed development adjoins public park, state forest or state game land, a natural conservation open space buffer at least 150 feet deep shall be provided within the development along its common boundary with such public land, within which no new structures shall be constructed. Where this buffer is unwooded, the Township may require vegetative screening to be planted, or that it be managed to encourage natural forest succession through no-mow policies and the periodic removal of invasive alien plant and tree species.
- (3) Other requirements.
- (a) No portion of any building lot may be used for meeting the minimum required conservation open space. However, active agricultural land with farm buildings, excluding areas used for residences, may be used to meet the minimum required conservation open space.
 - (b) Pedestrian and maintenance access shall be provided to conservation open space, excluding those lands used for permitted agricultural or horticultural purposes, in accordance with the following requirements:
 - [1] Each neighborhood shall provide one centrally located access point per 15 lots, a minimum of 35 feet in width.
 - [2] Access to conservation open space used for agriculture may be appropriately restricted for public safety and to prevent interference with agricultural operations.

- G. Permanent conservation open space protection through conservation easements. In Option 1 and Option 2 subdivisions, the conservation open space that is required to be reserved and created through the subdivision process shall be subject to permanent conservation easements prohibiting future development and defining the range of permitted activities. (For example, the clearing of woodland habitat shall generally be prohibited, except as necessary to create trails, active recreation facilities, and to install subsurface on-lot sewage disposal systems or spray irrigation facilities.) The determination of necessity shall lie with the Township. Uses permitted in conservation open space are listed in Subsection F. **[Amended 5-1-2014 by Ord. No. 2014-01]**
- H. Ownership and maintenance of conservation open space and common facilities. The ownership and maintenance of conservation open space, open land, recreation land and common facilities shall be accomplished in accord with Chapter 98, Subdivision and Land Development.

ARTICLE IV
Additional Requirements for Specific Uses

§ 119-39. Applicability.

- A. This article establishes additional specific requirements for certain specific uses, in addition to the sign, parking, environmental and other general requirements of this chapter and the requirements of each district. Wherever two requirements conflict, the stricter requirement shall apply.
- B. For uses allowed within a specific zoning district as "special exception" uses, see also the procedures and standards in § 119-17.

§ 119-40. Additional requirements for specific principal uses.

- A. Each of the following uses shall meet all of the following requirements for that use:
- (1) (Reserved)⁴³
 - (2) Adult day-care center. See § 119-40A(16). **[Amended 5-1-2014 by Ord. No. 2014-01]**
 - (3) After-hours club. As a condition of any approval under this chapter, the applicant shall prove full compliance with State Act 219 of 1990, as amended (Section 7327 of Title 18 of the Pennsylvania statutes).⁴⁴
 - (4) Animal cemetery. See § 119-40A(13). **[Amended 5-1-2014 by Ord. No. 2014-01]**
 - (5) Assisted living facility/personal care home. A minimum of 20% of the lot shall be suitable and developed for passive recreation. This area shall include outdoor sitting areas and pedestrian walks. **[Amended 5-1-2014 by Ord. No. 2014-01]**
 - (6) Vehicle and equipment sales (including mobile homes). **[Amended 5-1-2014 by Ord. No. 2014-01]**
 - (a) No vehicle, equipment or home on display shall occupy any part of the existing or future street right-of-way or required customer parking area. See buffer yard provisions in § 119-71D.
 - (b) See light and glare standards in § 119-48.
 - (c) See parking requirements in § 119-76. **[Amended 4-23-2015 by Ord. No. 2015-04]**

43. Editor's Note: Former Subsection A(1), Adult uses, was repealed 5-1-2014 by Ord. No. 2014-01.

44. Editor's Note: See 18 Pa.C.S.A. § 7327.

- (d) Any mobile homes on a sales site shall meet the required principal building setbacks from the perimeter lot lines.
- (7) Vehicle and equipment repair. **[Amended 5-1-2014 by Ord. No. 2014-01]**
 - (a) All activities except those to be performed at the fuel or air pumps shall be performed within a building.
 - (b) Fuel pumps shall be at least 25 feet from the existing street right-of-way and shall meet principal building side setback requirements.
 - (c) Fuel pump and any other similar canopies shall have pitched roofs, either gable or single slant. Canopy ceilings shall maintain a pitch of at least 12:1 or steeper. The lighting shall be from luminaires recessed into the ceilings of said canopies, so that the lighting elements are not visible from or beyond the lot lines. Lighting shall comply with § 119-48.
 - (d) All paint work shall be performed within a building, with a fume collection and ventilation system that directs fumes away from any adjacent dwellings. Outdoor major repairs (such as body work and grinding) and outdoor welding shall not occur within 250 feet of a residential lot line.
 - (e) All reasonable efforts shall be made to prevent or minimize noise, odor, vibration, light or electrical interference to adjacent lots. See standards in Article V. See buffer yard requirements in § 119-71D.
 - (f) Service bay doors shall not face directly towards an abutting dwelling (not including a dwelling separated from the garage by a street) if another reasonable alternative exists.
 - (g) Outdoor storage of motor vehicles shall not be within any required buffer yard or street right-of-way.
 - (h) Overnight outdoor storage of junk shall be prohibited within view of a public street or dwelling. Any junk vehicle stored outside overnight shall be screened from view of adjacent dwellings.
 - (i) Any junk vehicle (as defined by Article II) shall not be stored more than 20 days within view of a public street or a dwelling. No junk vehicles shall be stored within 20 feet of an existing street right-of-way. No more than six junk vehicles shall be stored on the lot outside of an enclosed building at any point in time.
- (8) (Reserved)⁴⁵
- (9) Bed-and-breakfast inn.

- (a) Within a residential district (where permitted under Article III), a maximum of five rental units shall be provided and no more than three adults may occupy one rental unit. No maximums shall apply within other permitted districts.
 - (b) One off-street parking space shall be provided for each rental unit. The off-street parking spaces for the bed-and-breakfast inn shall be located either to the rear of the principal building or screened from the street and abutting dwellings by landscaping.
 - (c) There shall not be any signs, show windows or any type of display or advertising visible from outside the premises, except for a single sign with a maximum sign area of six square feet on each of two sides and with a maximum height of eight feet. No internal lighting of the sign shall be permitted.
 - (d) The use shall have a residential appearance and character.
 - (e) The use shall be operated and/or managed by permanent residents of the lot.
 - (f) There shall not be separate cooking facilities in any guest room. Food shall only be served to guests who are staying overnight, unless a restaurant is also permitted.
 - (g) No guest shall stay for more than 14 days in any month.
 - (h) The use shall be restricted to buildings that existed prior to January 1, 1940.
- (10) Boardinghouse (includes rooming house).
- (a) Minimum lot area: two acres.
 - (b) Minimum side building setback: 30 feet side. **[Amended 4-23-2015 by Ord. No. 2015-04]**
 - (c) Minimum lot width: 200 feet.
 - (d) Maximum density: six bedrooms per acre; shall serve a maximum total of 20 persons.
 - (e) Each bedroom shall be limited to two adults each.
 - (f) A buffer yard with screening meeting § 119-71 shall be provided between any boardinghouse building and any abutting dwelling.
 - (g) See also standards for assisted living facility, which is a separate use.

- (h) Signs shall be limited to two wall signs with a maximum of two square feet each.
 - (i) Rooms shall be rented for a minimum period of five consecutive days.
- (11) Campground or recreational vehicle park. **[Amended 5-1-2014 by Ord. No. 2014-01]**
- (a) For each acre of total lot area, there shall be a maximum average of three recreational vehicle sites or four tent sites. Such sites may be clustered in portions of the tract.
 - (b) Any store shall be limited to sales of common household and camping items to persons camping on the site.
 - (c) A commercial campground shall include at least one gravel or paved entrance road from a public street, with a minimum width of 20 feet. The first 100 feet of the campground road from the public street cartway shall be paved.
 - (d) Minimum lot area: five acres in a commercial or industrial district, 30 acres in any other district where the use is permitted under Article III.
 - (e) All campsites, recreational vehicle sites, buildings and vehicle parking shall be set back a minimum of 150 feet from all residential lot lines. Any existing healthy trees within such setback shall be preserved, except at needed perpendicular entrance road and utility crossings.
 - (f) No campsites or buildings shall be located on slopes over 15% slope.
 - (g) Maximum impervious coverage: 10%.
 - (h) At least one gravel or paved entrance road shall be provided from a public street, with a minimum width of 20 feet.
 - (i) No person other than a bona fide resident manager/caretaker shall reside on the site for more than six months in any calendar year. No recreational vehicle shall be occupied on the site for more than six months in any calendar year by any one individual or one family.
- (12) Car or truck wash. **[Amended 5-1-2014 by Ord. No. 2014-01]**
- (a) Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets. On-lot traffic circulation channels and parking areas shall be clearly marked.
 - (b) Adequate provisions shall be made for the proper and convenient disposal of refuse. 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 or polluted runoff that may be hazardous to aquatic life shall be stored within an area that will completely contain any leaks or spills.

- (c) Water from the car or truck wash operation shall not flow onto sidewalks or streets in such a manner as could cause ice hazards.
- (d) Any car or truck wash that is located within 250 feet of an existing dwelling shall not operate between the hours of 10:00 p.m. and 7:00 a.m.
- (e) No portion of a car or truck wash shall be located within 100 feet from the center line of a perennial waterway.

(13) Cemetery.

- (a) Minimum lot area: two acres, which may on the same lot as an allowed place of worship.
- (b) A crematorium, where allowed, shall be set back a minimum of 250 feet from all lot lines of existing dwellings and all undeveloped residentially zoned lots.
- (c) All structures and graves shall be set back a minimum of 30 feet from the lot line of an abutting dwelling or any undeveloped residentially zoned lot, 20 feet from the future right-of-way of any public street and 10 feet from the cartway of an internal driveway or any other lot line.
- (d) No grave sites shall be located within the one-hundred-year floodplain.
- (e) The applicant shall prove to the satisfaction of the Zoning Officer, based upon review by the Township Solicitor, that the use will include an appropriate financial system to guarantee perpetual maintenance.

(14) Commercial communications antennas as principal or accessory use.

- (a) An accessory commercial communications antenna shall be permitted-by-right in any district if it meets the following requirements:

[1] In a district other than a commercial or industrial district, the antenna shall extend a maximum of 20 feet beyond the existing structure to which it is attached. The antenna shall be attached to one of the following existing lawful structures:

- [a] A principal agricultural building or silo;

- [b] An electric high voltage transmission tower;
 - [c] An existing lawful commercial communications tower;
 - [d] A fire station or steeple or bell tower of a place of worship; or
 - [e] A water tower.
- [2] In a commercial or industrial district, the antennas shall extend a maximum of 40 feet beyond an existing building or structure (other than a dwelling), provided the antenna is set back a distance equal to its total height above the ground from any lot line of a dwelling on another lot.
- (b) Any commercial communications antenna/tower that does not meet Subsection A(14)(a) above shall only be allowed where specifically authorized in § 119-27, and in compliance with the following additional regulations:
- [1] Such antenna/tower shall be set back the following distances from lot lines, whichever is greater:
 - [a] A distance from the lot line of a lot occupied by an existing dwelling (or that is approved for a new dwelling) that is greater than the total height of the antenna/tower above the surrounding ground level; or
 - [b] The applicable principal building setback.
 - [2] A new tower, other than a tower on a lot of an emergency services station, shall be set back a minimum distance of 200 feet plus the total height of the tower above the surrounding ground level from any existing dwelling.
 - [3] A tower attached to the ground shall be surrounded by a security fence/gate with a minimum height of eight feet and evergreen plantings or preserved vegetation with an initial minimum height of four feet.
 - [4] The applicant shall provide a written statement sealed by a professional engineer stating that the communications antenna/tower will meet the structural and wind resistance requirements of the latest published version of the International Building Code, or its successor code. **[Amended 2-7-2006 by Ord. No. 2006-03]**
 - [5] The applicant shall describe in writing the policies that will be used to offer space on a tower to other communications providers, which shall serve to minimize the total number of towers necessary in the region.

- [6] An applicant for a new commercial communications tower shall provide evidence to the Zoning Hearing Board that they have investigated collocating their facilities on an existing tower and other tall structures and have found such alternative to be unworkable. The reasons shall be provided. At an absolute minimum, placement upon existing or approved towers within a one mile radius shall be considered, in addition to other reasonable opportunities. The Zoning Hearing Board may require that an applicant reimburse the Township a maximum amount of \$1,000 to conduct an independent professional review of the applicant's evidence.
- [7] A maximum total height of 200 feet above the ground shall apply in a commercial and industrial district and 150 feet in any other district where it may be allowed, unless the applicant proves to the Zoning Hearing Board that a taller height is absolutely necessary and unavoidable.
- [8] The Zoning Hearing Board may require lighting of an antenna even if it will not be required by the Federal Aviation Administration. Such lighting is intended to provide protection for emergency medical helicopters.
- [9] A new tower shall only be granted special exception approval in the CR or RR districts if the applicant proves to the satisfaction of the Zoning Hearing Board that there are no suitable locations for the antenna on existing towers and/or within commercial and industrial districts.
- [10] A new tower shall be designed in a manner that minimizes its visual intrusiveness and environmental impacts to the maximum extent feasible. For example, monopole designs are preferred over lattice designs. Self-supporting towers are preferred over towers with guy wires that would require removal of larger numbers of trees.
- (c) Purposes. These provisions for commercial communications antenna/towers are primarily designed to serve the following purposes, in addition to the overall objectives of this chapter:
- [1] To protect property values.
- [2] To minimize the visual impact of antenna/towers, particularly considering the importance of the scenic beauty of the area in attracting visitors for outdoor recreation.
- [3] To minimize the number and heights of towers in a manner that still provides for adequate telecommunications services and competition.

- (d) A tower/antenna that serves emergency communications by a Township-recognized police, fire or ambulance organization, and is on the same lot as an emergency services station, shall be permitted by right. Such tower/antenna may also serve commercial purposes.
 - (e) Any antenna and tower that is no longer in active use shall be completely removed within six months after the discontinuance of use. The operator shall notify the Zoning Officer in writing after the antenna or tower use is no longer in active use. Any lease shall require such removal by the owner of the antenna/tower. Any lease should provide that the lease shall expire once the antenna/tower is removed.
 - (f) All accessory utility buildings or cabinets shall have a maximum total floor area of 400 square feet (which may be divided among adjacent buildings serving separate companies), have a maximum height of 10 feet and meet principal building setbacks.
 - (g) If a tower would be within 150 feet of the center line of a perennial creek, natural gas or propane is recommended for any emergency power source, instead of battery- and/or gasoline-powered generators.
 - (h) If a new tower is proposed within one mile of the Appalachian Trail, a letter shall be sent to the Appalachian Trail Conference notifying them of the proposal at least 10 days before any hearing.
 - (i) If an environmental impact study or environmental assessment is required by federal regulations, a copy shall be submitted to the Zoning Officer at the same time it is submitted to the applicable federal agency.
- (15) Conversion of an existing building (including an existing dwelling) into dwelling units.
- (a) See Article III, which regulates where conversions are permitted. Applicable state fire safety requirements shall be met.
 - (b) The following regulations shall apply to the conversion of an existing one-family dwelling into a greater number of dwelling units:
 - [1] The building shall maintain the appearance of a one-family dwelling with a single front entrance. Additional entrances may be placed on the side or rear of the structure. The dwelling units may internally share the single front entrance.

[2] The conversion shall not be permitted if it would require the placement of an exterior stairway on the front of the building, or would require the placement of more than three off-street parking spaces in the required front setback. **[Amended 4-23-2015 by Ord. No. 2015-04]**

- (c) A previously residential building shall maintain a clearly residential appearance, except as may be necessary for restoration of a historic building.
- (d) Dumpster screening: see § 119-74.
- (e) The number of dwelling units permitted shall be based on the applicable unit density requirements for the zoning district of location. **[Amended 5-1-2014 by Ord. No. 2014-01]**
- (f) Each unit shall meet the definition of a dwelling unit and shall meet the minimum floor area requirements of § 119-69C.

(16) Day-care center, child.

- (a) See also "day-care: family day-care home or group day-care" as an accessory use in § 119-41.
- (b) The use shall comply with any applicable state and federal regulations, including having an appropriate Pennsylvania Department of Public Welfare (or its successor agency) registration certificate or license.
- (c) Convenient parking spaces within the requirements of § 119-76 shall be provided for persons delivering and waiting for children. **[Amended 4-23-2015 by Ord. No. 2015-04]**
- (d) In residential districts, where permitted as a principal use, a day-care use shall have a minimum lot area of one acre and a minimum setback of 20 feet from an abutting residential lot line.
- (e) The use shall include secure fencing around outdoor play areas.
- (f) Outdoor play areas of a day-care center involving the care of 25 or more children at any one time shall be set back a minimum of 25 feet from the exterior walls of an abutting existing dwelling.
- (g) This use shall not be conducted in a dwelling that is physically attached to another dwelling that does not have a common owner.
- (h) In residential districts, any permitted day-care use shall maintain an exterior appearance that resembles and is compatible with any existing dwellings in the neighborhood.

- (i) A day-care use may occur in a building that also includes permitted or nonconforming dwelling units.
- (j) See also the standards for a place of worship in this section, which allows a day-care center as an adjunct use.

(17) Forestry.

- (a) The following shall apply to commercial forestry involving more than five acres in any calendar year, other than routine thinning of woods:
 - [1] A forestry management plan shall be prepared, submitted to the Zoning Officer and followed. This plan shall be prepared by a professional forester. The forestry management plan shall be consistent with the Timber Harvesting Guidelines of the Pennsylvania Forestry Association.
 - [2] The forestry management plan shall include an appropriate method to ensure reforestation, except for areas that have received development approval.
 - [3] An erosion and sedimentation control plan shall be submitted to the County Conservation District for any review and recommendation.
- (b) Clear cutting shall be prohibited on areas greater than two acres, except as is necessary as part of an approved development. A minimum of 20% of the forest cover (canopy) shall be kept and the residual trees shall be well distributed.
- (c) A sawmill shall be an allowed accessory use to a forestry operation.

(18) Functional families. **[Amended 5-1-2014 by Ord. No. 2014-01]**

- (a) Purpose. This § 119-40A(18) is to provide for the regulation of functional families that may request to reside in a dwelling unit and to prohibit larger groups of unrelated persons from residing in dwelling units. Larger groups of unrelated persons have been frequently shown to have a detrimental effect on residential neighborhoods since larger groups of unrelated persons do not live as a family unit and do not have significant economic or emotional ties to the neighborhood.
- (b) Special exception; standards. The Zoning Hearing Board shall consider each application for a functional family as a special exception in accord with the applicable standards of this chapter and, among others, the following considerations:
 - [1] The proposed occupants:

- [a] Share a strong bond or commitment to a single purpose (e.g., religious orders);
 - [b] Are not legally dependent on others not part of the functional family;
 - [c] Can establish legal domicile as defined by Pennsylvania law;
 - [d] Share costs of food, rent or ownership, utilities and other household expenses;
 - [e] Prepare food and eat together regularly;
 - [f] Share in the work to maintain the premises;
 - [g] Legally share in the ownership or possession of the premises; and
 - [h] Share the entire dwelling unit or act as separate roomers.
- [2] Whether the household has stability akin to a permanent family. The criteria used to make this determination shall include, among others, the following:
- [a] The length of stay together among the occupants in the current dwelling unit or other dwelling units;
 - [b] The presence of minor, dependent children regularly residing in the household;
 - [c] Whether the household is a temporary living arrangement or a framework for transient living; and
 - [d] Whether the composition of the household changes from year to year or within the year.
- [3] Any other factor reasonably related to whether or not the group of persons is the functional equivalent of a family.
- (c) Conditions. The Zoning Hearing Board may impose such additional conditions as it deems necessary for the general welfare, for the protection of individual property rights, and for ensuring that the intent and objectives of this chapter will be observed.
- (19) Group homes. Group homes are permitted within a lawful dwelling unit, provided the following additional requirements are met:
- (a) See definition in § 119-21.
 - (b) A group home shall not include any use meeting the definition of a treatment center.

- (c) A group home shall include the housing of a maximum of six unrelated persons, except:
 - [1] If a more restrictive requirement is established by another Township code;
 - [2] The number of bona fide paid professional staff shall not count towards such maximum; and
 - [3] As may be approved by the Zoning Hearing Board under § 119-12D.
 - (d) The facility shall have adequate trained staff supervision for the number and type of residents. If the facility involves five or more residents, then twenty-four-hour on-site staffing shall be provided.
 - (e) The applicant shall provide evidence of any applicable federal, state or county licensing or certification to the Zoning Officer.
 - (f) The group home shall register in writing its location, general type of treatment/care, maximum number of residents and sponsoring agency with the Zoning Officer.
 - (g) Any medical or counseling services shall be limited to a maximum of three nonresidents per day. Any staff meetings shall be limited to a maximum of five persons at one time.
 - (h) Parking: see § 119-76. **[Amended 4-23-2015 by Ord. No. 2015-04]**
 - (i) If a group home is in a residential district, an appearance shall be maintained that is closely similar to nearby dwellings, and no sign shall identify the use.
 - (j) The persons living on site shall function as a common household unit.
- (20) Hotel or motel.
- (a) See definitions in Article II, which distinguish a hotel/motel from a boardinghouse.
 - (b) Buildings and tractor-trailer truck parking shall be a minimum of 50 feet from any residential lot line.
- (21) Junkyard (includes automobile salvage yard).
- (a) Storage of garbage or biodegradable material is prohibited, other than what is customarily generated on-site and routinely awaiting pickup.
 - (b) Outdoor storage of junk shall be at least:
 - [1] One hundred feet from any residential lot line; and

- [2] Fifty feet from any other lot line and the existing right-of-way of any public street.
- (c) The site shall contain a minimum of two exterior points of access, each of which is not less than 20 feet in width. One of these accesses may be limited to emergency vehicles. Cleared driveways shall be provided throughout the entire use to allow access by emergency vehicles. Adequate off-street parking areas shall be provided for customers.
 - (d) Outdoor storage shall be completely enclosed (except at approved driveway entrances) by a forty-foot-wide buffer yard which complies with § 119-71, unless such storage is not visible from an exterior lot line or street. The initial height of the evergreen planting shall be six feet. Secure fencing with a minimum height of eight feet shall be provided and well-maintained around all outdoor storage areas. Such fencing shall be provided inside of the evergreen screening.
 - (e) Burning or incineration is prohibited.
 - (f) See the noise or dust regulations of Article V.
 - (g) All gasoline, antifreeze and oil shall be drained from all vehicles and properly disposed of. All batteries shall be removed from vehicles and properly stored in a suitable area on an impervious and properly drained surface.
 - (h) Lot area: two acres minimum; 20 acres maximum.
 - (i) Tires: see the outdoor storage and display standards in § 119-41.
 - (j) Any storage of junk shall be maintained a minimum distance of 100 feet from the center line of any waterway, and shall be kept out of a drainage swale.
- (22) Kennel. Kennels are considered regional uses permitted only in certain districts in the Planning Region in accord with § 119-27E and are not permitted in Chestnuthill Township. Changes and expansions of nonconforming kennels in Chestnuthill Township shall be subject to the following requirements: **[Amended 5-1-2014 by Ord. No. 2014-01]**
- (a) All buildings in which animals are housed and all runs shall be located at least 200 feet from all residential lot lines.
 - (b) Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be heard within any adjacent principal building.
 - (c) No animal shall be permitted to use outdoor runs from 8:00 p.m. to 8:00 a.m. that are within 250 feet of an existing

dwelling. Runs for dogs shall be separated from each other by visual barriers a minimum of four feet in height, to minimize dog barking.

- (d) See state law regulating kennels.
 - (e) Minimum lot area: six acres.
- (23) Animal husbandry, commercial. **[Amended 5-1-2014 by Ord. No. 2014-01]**
- (a) Minimum lot area: five acres.
 - (b) Any structure or concentrated feeding areas for the keeping of livestock or poultry shall be located a minimum of 300 feet from any lot line of an existing dwelling and 100 feet from all other exterior lot lines. As a special exception use, the Zoning Hearing Board may approve a smaller setback for the expansion of facilities that existed prior to the adoption of this section where the applicant proves that there is no reasonable and feasible alternative.
 - (c) The setbacks from property lines shall not apply from dwellings or residential lots owned by the operator or owner of the livestock use, or affected property owners providing a written notarized letter waiving such setback.
 - (d) Fencing shall be used as necessary and practical to prevent livestock from entering streets or unauthorized property.
 - (e) The keeping of minks or garbage-fed pigs shall be set back a minimum of 600 feet from all lot lines. For any garbage-fed pigs, the applicant shall provide a written statement of the methods to be used to control odors, pests, rodents and health hazards.
 - (f) For any new or expanded operation regulated under the Pennsylvania Agricultural Code (3 Pa.C.S.A. § 501 et seq.), the applicant shall provide evidence to the Township that the nutrient management plan and other requirements of the Act and accompanying regulations are being complied with.
 - (g) New or expanded manure storage facilities or structures or concentrated feeding areas used for the keeping of livestock or poultry shall:
 - [1] Not be located within the one-hundred-year floodplain;
 - [2] Not be located within 100 feet of a perennial stream, river, spring, lake, pond or reservoir;
 - [3] Not be located within 100 feet of a private water well or open sinkhole;

[4] Not be located within 100 feet of an active public drinking well or an active intake for a public water supply.

- (h) New or expanded manure storage facilities shall not be located within 200 feet of a property line.
- (i) The maximum building coverage shall be 10%, unless a more-restrictive requirement applies under another section.
- (j) See also composting in § 119-41.

(24) Mineral extraction.

- (a) Application requirements. A copy of all site plan information that will be required by the PADEP shall also be submitted to the Township as part of the zoning application.
- (b) A detailed and appropriate land reclamation and reuse plan of the area to be excavated shall be submitted to the Zoning Officer. Compliance with such plan shall be a condition of Township permits.
- (c) After areas are used for mineral extraction, those areas shall be reclaimed in phases to a nonhazardous and environmentally sound state permitting some productive or beneficial future use.
- (d) A seventy-five-foot-wide yard covered by natural vegetative ground cover (except at approved driveway crossings) shall be required along all exterior lot lines that are within 250 feet of an area of excavation. This yard shall include an earth berm with a minimum average height of six feet and an average of one shade tree for each 50 feet of distance along the lot lines. Such shade trees shall be planted outside of any berm and any fence.
- (e) The following minimum setbacks shall apply for the excavated area of a mineral extraction use from property that is not owned by the owner or operator of the mineral extraction use:
 - [1] One hundred feet from the existing right-of-way of public streets and from all exterior lot lines of the property;
 - [2] One hundred fifty feet from a commercial or industrial building, unless released by the owner thereof;
 - [3] Four hundred feet from a residential lot line, other than a dwelling owned by the owner of the mineral extraction use;
 - [4] One hundred fifty feet from the lot line of a publicly owned recreation area that existed at time of the application for the use or expansion.

- (f) The excavated area of a mineral extraction use shall be set back 150 feet from the average waterline of a perennial stream or the edge of a natural wetland of more than two acres.
 - (g) Truck access to the use shall be located to reasonably minimize: hazards on public streets and dust and noise nuisances to residences.
 - (h) Fencing. The Zoning Hearing Board may require secure fencing in locations where needed to protect public safety. As an alternative, the Zoning Hearing Board may approve the use of thorny vegetation to discourage public access. Also, warning signs shall be placed at intervals of not less than 100 feet around the outer edge of the use.
 - (i) Noise and performance standards: see Article V.
 - (j) County Conservation District. A soil erosion and sedimentation plan shall be prepared by the applicant and found to be acceptable to the County Conservation District.
 - (k) Hours of operation. The Zoning Hearing Board, as a condition of special exception approval, may reasonably limit the hours of operation of the use and of related trucking and blasting operations to protect the character of adjacent residential areas.
 - (l) The activities and residual effects shall not create conditions that are significantly hazardous to the health and safety of neighboring residents.
- (25) Club/lodge, private. **[Amended 5-1-2014 by Ord. No. 2014-01]**
- (a) See definition in Article II.
 - (b) Any active outdoor play areas shall be set back at least 30 feet from any abutting residential lot line.
 - (c) The use shall comply with the provisions for an after-hours club if applicable.
- (26) Mobile home, installed on an individual lot or within a mobile home park approved after the adoption of this chapter. **[Amended 2-7-2006 by Ord. No. 2006-03; 5-1-2014 by Ord. No. 2014-01]**
- (a) Construction. Any mobile home placed on any lot after the adoption of this chapter shall be constructed in accordance with 1976 or later Safety and Construction Standards of the United States Department of Housing and Urban Development. (Note: These federal standards supersede any International Code for the actual construction of the home itself.)

- (b) Each site shall be graded to provide a stable and well-drained area.
- (c) Each home shall have hitch and tires removed.
- (d) Anchoring. A mobile home on an individual lot or mobile home park shall include a system that properly secures the home to the ground to prevent shifting, overturning or uneven settling of the home, with a secure base for the tie-downs. The anchoring devices shall extend below the frost line.
- (e) Foundation. The home shall be placed on a foundation meeting the requirements of the Pennsylvania Uniform Construction Code.
- (f) (Reserved)
- (g) See also the regulations of § 119-28.

(27) Mobile home park. **[Amended 5-1-2014 by Ord. No. 2014-01]**

- (a) Plans and permits. Plans shall be submitted and reviewed by the Township for all mobile home parks in compliance with the mobile home park provisions of Chapter 98, Subdivision and Land Development, and all other provisions of such ordinance that apply to a land development, including the submission, approval and improvements provisions (other than specific provisions altered by this section). Where this chapter and Chapter 98, Subdivision and Land Development, both regulate the same matter concerning a mobile home park, and the sections conflict, then the provisions of this chapter shall apply concerning that matter.
- (b) The minimum tract area shall be five contiguous acres, which shall be under single ownership, but which may include land in an abutting existing mobile home park. The tract shall have a minimum width at the minimum building setback line of 200 feet. Two abutting lots may be merged together to form a single mobile home park.
- (c) Density. The maximum average overall density shall be three dwelling units per acre. See § 119-34 which provides a method to increase this density.
 - [1] To calculate this density, land in common open space or proposed streets within the park may be included, but land within the one-hundred-year floodplain, wetlands and slopes over 15% shall not be included.
 - [2] Phases. If an existing mobile home park is to be expanded into an area not previously part of that mobile home park, the maximum density and minimum common open space for the new area shall be considered separately from the

previously approved areas of the mobile home park. All expansions outward of an existing park shall meet all provisions of this and other applicable ordinances.

- (d) Landscaped perimeter. Each mobile home park shall include a twenty-five-foot-wide landscaped area including substantial attractive evergreen and deciduous trees around the perimeter of the site, except where such landscaping would obstruct safe sight distances for traffic. A planting plan for such area shall be approved by the Zoning Hearing Board as part of any required special exception approval. Such landscaped area shall not be required between adjacent mobile home park developments. This landscaped area shall be 35 feet wide abutting existing single-family detached dwellings. The same area of land may count towards both the landscaped area and the building setback requirements.
- (e) A dwelling, including any attached accessory building, shall be set back a minimum of 25 feet from another dwelling within the mobile home park, except that unenclosed porches, awnings and decks may be 15 feet from the walls of another dwelling.
- (f) The minimum separation between homes and edge of interior street cartway or parking court cartway shall be 25 feet.
- (g) The minimum principal and accessory building setbacks from exterior/boundary lot lines shall be 40 feet.
- (h) Each home shall comply with the above requirements for mobile homes in this § 119-40.
- (i) Accessory structures. A detached accessory structure or garage shall be separated a minimum of 15 feet from any dwelling units which the accessory structure is not accessory to.
- (j) Common open space for a mobile home park. A minimum of 20% of the total lot area of the entire mobile home park shall be set aside as common open space for the residents. The applicant shall prove that these areas will be suitable for active or passive recreation. If a development will not be restricted to persons over age 55, then the common open space shall at a minimum include a rectangular grass field suitable for free play by young persons. If a development will be restricted to persons over age 55, then the common open space shall at a minimum include landscaped paved trails. A recreation building or pool available to all residents of the development may count towards this requirement. Areas with a width of less than 50 feet shall not count towards this requirement, except in the perimeter buffer yard. This requirement shall be in place of any requirement for recreation land or fees under Chapter 98, Subdivision and Land Development.

(k) Streets.

[1] Access to individual mobile home spaces shall be from interior parking courts, access drives or private streets and shall not be from public streets exterior to the development.

[2] Streets within the mobile home park that provide access to reach 20 or more dwellings shall have a minimum paved cartway of 24 feet, and other local private streets or parking courts serving less than 20 homes shall have a minimum paved cartway of 20 feet.

[3] Curbs and sidewalks are not required on the private streets, but all private streets shall meet all other Township cartway construction standards.

(l) Utilities. All units within the mobile home park shall be connected to a public water and a public sewage system. The system shall meet appropriate minimum water pressure/fire flow and hydrant requirements.

(m) The following provisions shall apply to mobile home parks that lawfully existed prior to the adoption of this chapter:

[1] The number of dwelling units shall not be increased, except in compliance with all of the provisions of this Subsection A(27).

[2] One or more existing mobile home(s) may be replaced with a different mobile home as a permitted by right use without meeting all of the requirements of this Subsection A(27), provided that all of the following requirements are met:

[a] The perimeter building setbacks of the property shall not be reduced from what previously existed, except as is necessary to accommodate a maximum fourteen-foot-wide, seventy-foot-long dwelling where a more narrow or shorter dwelling previously existed.

[b] The replacement dwelling shall meet all provisions of Subsection A(26) above, and a minimum setback of 15 feet shall be maintained between the enclosed walls of each dwelling unit.

(n) Where the provisions of this Subsection A(27) directly conflict with the provisions of Chapter 98, Subdivision and Land Development, the provisions of this subsection shall prevail.

(28) Motor vehicle racetrack. Motor vehicle racetracks are considered regional uses permitted only in certain districts in the Planning Region in accord with § 119-27E and are not permitted in

Chestnuthill Township. Changes and expansions of nonconforming motor vehicle racetracks in Chestnuthill Township shall be subject to the following requirements: **[Amended 5-1-2014 by Ord. No. 2014-01]**

- (a) All areas used for the racing, testing and maintenance of motor vehicles shall be set back a minimum of 400 feet from the lot line of an existing dwelling.
 - (b) All buildings, parking, loading and unloading areas shall be set back a minimum of 150 feet from the lot line of an existing dwelling.
 - (c) The applicant shall prove that the standards of Article V will be met, including noise, lighting and dust.
 - (d) Minimum lot area: 50 acres.
- (29) (Reserved)⁴⁶
- (30) Outdoor storage and display. See this use under § 119-41.
- (31) Picnic grove, private.
- (a) All activity areas shall be a minimum of 250 feet of an existing dwelling on another lot. All parking areas shall be set back 100 feet from any residential lot line. The use shall not operate between the hours of 11:00 p.m. and 7:00 a.m.
 - (b) See noise and glare standards in Article V.
 - (c) Minimum lot area: 10 acres.
- (32) Place of worship.
- (a) Minimum lot area: three acres, except one acre in the VC or GC district.
 - (b) Weekly religious education rooms and meeting rooms are permitted accessory uses provided that such uses are of such a character and intensity that they would be clearly customary and incidental to the place of worship. A primary or secondary school and/or a child or adult day-care center may be approved on the same lot as a place of worship provided the requirements for such uses are also met. Noncommercial buses used primarily to transport persons to and from religious services or a permitted school on the lot may be parked on the lot. Other uses shall only be allowed if all of the requirements for such uses are also met, including being permitted in the applicable district.

46. Editor's Note: Former Subsection A(29), Nursing home, was repealed 5-1-2014 by Ord. No. 2014-01.

- (c) A maximum of one dwelling unit may be accessory to a place of worship on the same lot. Such dwelling shall only be used to house one family. No other residential use shall be allowed.
 - (d) If within a residential district, any new place of worship shall be adjacent to an existing collector or arterial street that is in public ownership. See street classifications under "streets" in § 119-21.
 - (e) Minimum building setback from a lot line of an existing dwelling in a residential district: 100 feet.
 - (f) Minimum parking setback from a lot line of an existing dwelling in a residential district: 40 feet.
- (33) Recreation, outdoor commercial (other than publicly owned recreation). **[Amended 5-1-2014 by Ord. No. 2014-01]**
- (a) Any outdoor activity area shall be located no closer to any lot line than the required front setback depth and shall be screened and, if necessary, sound insulation shall be provided to protect the neighborhood from any possible noise. **[Amended 4-23-2015 by Ord. No. 2015-04]**
 - (b) A twenty-foot-wide buffer yard in accordance with § 119-71 shall be required.
 - (c) Any swimming pool shall meet the requirements for such use, as stated in this article.
 - (d) Lighting, noise and glare control: see Article V.
 - (e) The minimum lot area shall be 10 acres, unless a more restrictive lot area is established by another section of this chapter.
 - (f) Maximum impervious coverage in any residential district: 5%.
 - (g) Maximum building coverage in any nonresidential district: 15%.
 - (h) A site plan meeting the requirements of Article I shall be submitted to the Township.
 - (i) Any restaurant, tavern, retail establishment, shooting range, campground, picnic grove, or other recreation use shall only be allowed if those uses are permitted in the applicable district and if all requirements for each such use(s) are also met.
 - (j) Wherever woods exist adjacent to an exterior lot line of the use, such woods shall be preserved within at least 50 feet of such lot line, except for approved driveway, utility and trail crossings.

- (k) Hours of operation. The use shall be conducted only between the hours of 9:00 a.m. and 10:00 p.m., unless more restrictive hours are established as a condition of any needed approval.
- (l) Any restaurant, tavern, retail store, target range, campground or picnic ground use shall only be allowed if those uses are permitted in the applicable district and if all requirements for each such use(s) are also met.

(34) Recycling facility. **[Amended 5-1-2014 by Ord. No. 2014-01]**

- (a) This use shall not be bound by the requirements of a solid waste disposal facility.
- (b) All materials shall be kept in appropriate containers, with appropriate sanitary measures and frequent enough emptying to prevent the attraction of insects or rodents and to avoid fire hazards.
- (c) Adequate provision shall be made for movement of trucks if needed and for off-street parking.
- (d) A twenty-foot-wide buffer yard with screening as described in § 119-71 shall be provided between this use and any abutting residential lot line.
- (e) This use may be a principal or accessory use, including being an accessory use to a commercial use, an industrial use, a public or private primary or secondary school, a place of worship or a Township-owned use, subject to the limitations of this section.
- (f) Materials to be collected shall be of the same character as the following materials: paper, fabric, cardboard, plastic, metal, aluminum and glass. No garbage shall be stored as part of the use, except for that generated on-site and that accidentally collected with the recyclables. Only materials clearly being actively collected for recycling may be stored on site.
- (g) The use shall only include the following operations: collection, sorting, baling, loading, weighing, routine cleaning and closely similar work. No burning or landfilling shall occur. No mechanical operations shall routinely occur at the site other than operations such as baling of cardboard.
- (h) The use shall not include the collection or processing of pieces of metal that have a weight greater than 50 pounds, except within an industrial district.
- (i) The use shall include the storage of a maximum of 50 tons of materials on the site if the use is within a residential district and within 500 feet of an existing dwelling.

- (35) Residential conversions. See "conversions of an existing building" within this section.
- (36) Restaurant or tavern. **[Amended 5-1-2014 by Ord. No. 2014-01]**
- (a) Screening of dumpster and waste containers: see § 119-74.
 - (b) See "drive-in" service in § 119-41.
 - (c) Drive-in service shall only be provided where specifically permitted in the applicable district regulations.
- (37) School, public or private, primary or secondary.
- (a) Minimum lot area: three acres.
 - (b) No children's play equipment, basketball courts or illuminated recreation facilities shall be within 50 feet of a residential lot line.
 - (c) The use shall not include a dormitory unless specifically permitted in the district.
- (38) Self-storage facility. **[Amended 5-1-2014 by Ord. No. 2014-01]**
- (a) All storage units shall be of fire-resistant construction.
 - (b) Outdoor storage shall be limited to recreational vehicles, boats and trailers. No junk vehicles shall be stored within view of a public street or a dwelling.
 - (c) Trash, radioactive or highly toxic substances, garbage, refuse, explosives or flammable materials, hazardous substances, animal carcasses or skins, or similar items shall not be stored.
 - (d) Nothing shall be stored in interior traffic aisles, required off-street parking areas, loading areas or accessways.
 - (e) The use shall not include a commercial auto repair garage unless that use is permitted in the district and the use meets those requirements.
 - (f) Adequate lighting shall be provided for security, but it shall be directed away or shielded from any adjacent residential uses.
 - (g) See § 119-71 concerning buffer yards. In addition, any outdoor storage or garage doors within 200 feet of a street right-of-way and visible from the street shall be screened from that street by a buffer yard meeting § 119-71. Any fencing shall be placed on the inside of the plantings.
 - (h) Minimum separation between buildings: 20 feet. Maximum length of any building: 300 feet.

(39) Solid waste transfer facility, solid waste landfill or solid waste-to-energy facility: see definition in Article II. Solid waste transfer facilities, solid waste landfills or solid waste-to-energy facilities are considered regional uses permitted only in certain districts in the Planning Region in accord with § 119-27E and are not permitted in Chestnuthill Township. Changes and expansions of nonconforming solid waste transfer facilities, solid waste landfills or solid waste-to-energy facilities in Chestnuthill Township shall be subject to the following requirements: **[Amended 5-1-2014 by Ord. No. 2014-01]**

- (a) All solid waste storage, disposal, incineration or processing shall be at least 200 feet from the following: public street right-of-way, exterior lot line, one-hundred-year floodplain, edge of a surface water body (including a water-filled quarry) or wetland of more than 1/2 acre in area.
- (b) All solid waste storage, disposal, incineration or processing shall be a minimum of 500 feet from any residential district, perennial creek, publicly owned park or any existing dwelling that the applicant does not have an agreement to purchase.
- (c) The use shall be served by a minimum of two paved access roads, each with a minimum cartway width of 24 feet. One of these roads may be restricted to use by emergency vehicles.
- (d) No burning or incineration shall occur, except within an approved waste-to-energy facility.
- (e) The operation and day-to-day maintenance of the solid waste disposal area shall comply with all applicable state and federal regulations as a condition of the continuance of any permit of the Township. Violations of this condition shall also be considered to be violations of this chapter.
- (f) Open dumps and open burning of refuse are prohibited.
- (g) The applicant shall prove to the satisfaction of the Zoning Hearing Board that the existing street network can handle the additional truck traffic, especially without bringing extraordinary numbers of trash hauling trucks through or alongside existing residential or residentially zoned areas and especially considering the width and slopes of streets in the Township.
- (h) The applicant shall prove to the satisfaction of the Zoning Hearing Board that the use would not routinely create noxious odors off of the tract.
- (i) A chain link or other approved fence with a minimum height of eight feet shall surround active solid waste disposal areas to prevent the scattering of litter and to keep out children, unless

the applicant proves to the satisfaction of the Zoning Hearing Board that this is unnecessary. The Board shall require earth berms, evergreen screening and/or shade trees as needed shall be used to prevent landfill operations from being visible from an expressway or arterial streets or dwellings.

- (j) A minimum lot area of 15 acres shall be required for the first 250 tons per day of capacity to treat or dispose of waste, plus one acre for each additional 100 tons per day of capacity. A solid waste facility shall have a maximum total capacity of 500 tons per day.
- (k) Health hazards. Any facility shall be operated in such a manner to prevent the attraction, harborage or breeding of insects, rodents or vectors.
- (l) Attendant. An attendant shall be present during all periods of operation or dumping.
- (m) Gates. Secure gates, fences, earth mounds and/or dense vegetation shall prevent unauthorized access.
- (n) Emergency access. The operator of the use shall cooperate fully with local emergency services. This should include allowing practice exercises on the site and the provision of all information needed by the emergency services to determine potential hazards. Adequate means of emergency access shall be provided.
- (o) Under authority granted to the Township under Act 101 of 1988,⁴⁷ the hours of operation shall be limited to between 7:00 a.m. and 9:00 p.m.
- (p) Tires. See "outdoor storage and display" in § 119-41.
- (q) Litter. The operator shall regularly police the area of the facility and surrounding streets to collect litter that may escape from the facility or trucks.
- (r) Dangerous materials. No radioactive, hazardous, chemotherapeutic or infectious materials may be stored, processed, disposed or incinerated. Infectious materials are defined as medical wastes used or created in the treatment of persons or animals with seriously contagious diseases.
- (s) The applicant shall provide sufficient information for the Township to determine that the requirements of this chapter will be met.
- (t) State requirements. Nothing in this chapter is intended to supersede any state requirements. It is the intent of this

47. Editor's Note: See 53 P.S. § 4000.101 et seq.

chapter that when similar issues are regulated on both the Township and state levels, that the stricter requirement shall apply for each aspect, unless it is determined that an individual state regulation preempts Township regulation in a particular aspect. The applicant shall provide the Zoning Officer with a copy of all written materials and plans that are submitted to PADEP at the same time as they are submitted to DEP.

- (u) All loading and unloading of solid waste shall only occur within an enclosed building, and over an impervious surface drains to a holding tank that is then adequately treated. All solid waste processing and storage shall occur within enclosed buildings or enclosed containers.
- (40) Stable, commercial (includes riding academies; see also "keeping of pets" in § 119-41). **[Amended 5-1-2014 by Ord. No. 2014-01]**
- (a) Minimum lot area: two acres for first two horses, plus 1/2 acre for each horse over two.
 - (b) Any horse barn, feed areas, manure storage areas or stable shall be a minimum of 250 feet from any residential lot line. Any corral or fenced-in area shall be set back a minimum of 50 feet from any residential lot line.
 - (c) Manure shall be regularly collected and disposed of in a sanitary manner that avoids nuisances to neighbors. Manure shall be stored in a manner that prevents it from being carried off by runoff into a creek. Manure shall not be stored within 100 feet of a perennial waterway.
- (41) Swimming pool, commercial. **[Amended 5-1-2014 by Ord. No. 2014-01]**
- (a) The water surface shall be set back at least 50 feet from any existing dwelling.
 - (b) Minimum lot area: one acre.
 - (c) Any water surface within 100 feet of an existing dwelling shall be separated from the dwelling by a buffer yard meeting § 119-71.
 - (d) The water surface shall be surrounded by a secure, well-maintained fence at least six feet in height.
 - (e) Drainage. A proper method shall be provided for drainage of the water from the pool that will not flood other property.
- (42) Shooting range, outdoor commercial. **[Amended 5-1-2014 by Ord. No. 2014-01]**

- (a) All commercial outdoor shooting ranges shall have a barrier behind the target area which is of sufficient height and thickness to adequately protect the public safety.
 - (b) The design of the range shall be compared by the applicant with applicable published guidelines of the National Rifle Association. The Board of Supervisors may consider such guidelines to be the generally accepted standard for the safety of these facilities.
 - (c) The range and any firing stations shall be located a minimum of 250 feet from any residential lot line. Clay pigeon shooting shall be directed away from homes and streets.
 - (d) The range shall be properly posted. The Board of Supervisors may require fencing as necessary.
 - (e) The applicant shall provide evidence that the noise limits of Article V will be met.
 - (f) The range shall be adequately ventilated and/or air-conditioned to allow the building to remain completely enclosed.
 - (g) The range shall only be used for types of firearms or other weapons for which it was specifically designed. Automatic weapons shall not be used.
 - (h) The range shall not be used during nighttime hours. Maximum hours and days of operation may be established as a condition of the zoning approval.
 - (i) Minimum lot area for a commercial outdoor shooting range: 10 acres, unless a more-restrictive provision is established by another provision of this chapter.
 - (j) See § 119-71. Wherever woods exist adjacent to an exterior lot line of a proposed range, such woods shall be preserved within at least 100 feet of each such lot line, except for approved driveway, utility and trail crossings.
- (43) Townhouses and apartments. **[Amended 5-1-2014 by Ord. No. 2014-01]**
- (a) Maximum number of townhouses attached in any manner: eight.
 - (b) Paved area setback. All off-street parking spaces, except spaces on driveways immediately in front of a carport or garage entrance, shall be set back a minimum of 10 feet from any dwelling.

- (c) Garages. It is strongly recommended that all townhouses be designed so that garages and/or carports are not an overly prominent part of the view from public streets. For this reason, parking courts, common garage or carport structures or garages at the rear of dwellings are encouraged instead of individual garages opening onto the front of the building, especially for narrow townhouse units.
 - (d) Mailboxes. Any mailboxes provided within the street right-of-way should be clustered together in an orderly and attractive arrangement or structure. Individual freestanding mailboxes of noncoordinated types at the curbside are specifically discouraged.
 - (e) Access. Vehicular access points onto all arterial and collector streets shall be minimized to the lowest reasonable number. No townhouse dwelling within a tract of five or more dwelling units shall have its own driveway entering onto an arterial or collector street.
 - (f) Common open space. A minimum of 20% of the total lot area of the development shall be set aside as common open space for the residents. The applicant shall prove that these areas will be suitable for active or passive recreation. If a development will not be restricted to persons over age 55, then the common open space shall at a minimum include a rectangular grass field suitable for free play by young persons. If a development will be restricted to persons over age 55, then the common open space shall at a minimum include landscaped paved trails. A recreation building or pool available to all residents of the development may count towards this requirement. Areas with a width of less than 50 feet shall not count towards this requirement. This requirement shall be in place of any requirement for recreation land or fees under Chapter 98, Subdivision and Land Development.
- (44) (Reserved)⁴⁸
- (45) Veterinarian clinic and veterinarian clinic, outdoor facilities.
[Amended 5-1-2014 by Ord. No. 2014-01]
- (a) Minimum lot area: one acre.
 - (b) Any structure in which animals are treated or housed shall be a minimum of 50 feet from any residential lot line. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be perceived within any adjacent dwellings.

48. Editor's Note: Former Subsection A(44), Treatment centers, was repealed 5-1-2014 by Ord. No. 2014-01.

- (c) In the case of veterinarian clinics with outdoor facilities, outdoor runs for small animals shall be permitted for use between 8:00 a.m. and 8:00 p.m., provided that the runs for dogs are separated from each other by visual barriers a minimum of four feet in height, to minimize dog barking. All outdoor facilities shall be at least 150 feet from any existing dwelling.
 - (d) Although animals may be kept as an accessory use, a commercial kennel shall only be allowed if a kennel is permitted in that district and if the applicable requirements are met.
- (46) Additional requirements for land development in the GC General Commercial District. **[Added 5-1-2014 by Ord. No. 2014-01]**
- (a) General provisions.
 - [1] Applicability. This § 119-40A(46) applies to all land development in the GC District.
 - [2] Authority. In addition to the authority granted by Article VI of the Pennsylvania Municipalities Planning Code, as amended, this section is adopted pursuant to Article VII-A of said code, which authorizes traditional neighborhood development.
 - [3] Intent.
 - [a] This section addresses the physical relationship between commercial development and adjacent properties, public roads, neighborhoods, and natural features, in order to implement Chestnuthill Township's vision for an attractive, efficient, and livable community as described in the Chestnuthill Township Comprehensive Plan.
 - [b] The general intent of this section is to promote sustainable business development by providing and requiring a unified and organized arrangement of buildings, signs, service and parking areas, together with adequate off-street circulation among neighboring businesses and harmoniously landscaped open space, planned and designed as an integrated unit, and in a manner to provide efficient, safe, convenient and attractive shopping and service areas in an area of the Township accessible to the regional road system.
 - [c] More specifically, commercial development shall:

- [i] Create safe and efficient pedestrian and vehicular circulation patterns;
- [ii] Protect existing residential areas from incompatible land uses;
- [iii] Result in well-planned and well-designed development in scale and character with the setting;
- [iv] Minimize the conflict between nonresidential and residential uses;
- [v] Manage access along the Township's commercial road frontages;
- [vi] Enhance streetscapes along road corridors and monitor and control signs;
- [vii] Provide for the extension of existing and future planned pedestrian and bicycle systems through commercial areas in the Township;
- [viii] Accommodate planned interconnected Township and regional open space within commercial areas;
- [ix] Protect large trees and other natural resources in accord with § 98-31, Conservation design process; and
- [x] Protect property values.

(b) Standards.

- [1] Density, area and bulk regulations.
 - [a] Density shall be determined by meeting all standards herein, as well as all requirements of the zoning district in which the tract is located and the applicable requirements of the Township Subdivision and Land Development Ordinance.⁴⁹
 - [b] In the case of conflict between this § 119-40A(46) and the other requirements of this chapter or the Subdivision and Land Development Ordinance, the standards in this § 119-40A(46) shall apply.
 - [c] Large-scale retail/commercial uses in the GC District shall comply with the standards in § 119-40A(48).
 - [d] Height.

49. Editor's Note: See Ch. 98, Subdivision and Land Development.

- [i] The minimum building height shall be 1.5 stories, and the maximum building height shall be two stories not to exceed 30 feet, excluding parapet walls.
 - [ii] The minimum upper-story height shall be nine feet, and the maximum upper story height shall be 14 feet, measured from finished floor to ceiling. In the case of a pitched interior ceiling, the measurement may be made to the highest point.
- [2] Traffic design. Commercial land developments shall comply with the design standards in § 98-76.1B.
- [3] Common open space. Common open space shall be provided in accord with the recreation land dedication requirements in § 98-60. As an alternative, the Township may require a fee in lieu of dedication in accord with § 98-60E.
- [a] The common open spaces shall include pedestrian amenities such as outdoor seating, fountains, planting, patios, plazas and gathering places for use by employees, customers and visitors to the development. Each common open space shall have a minimum depth and width of 10 feet and a minimum total area of 300 square feet.
 - [b] Areas not credited. Lands within the following areas shall not be counted towards private common open space or pedestrian amenities required by this section:
 - [i] Private yards;
 - [ii] Landscaping and screening otherwise required by this chapter and Chapter 98;
 - [iii] Public or private roads or rights-of-way;
 - [iv] Parking areas and driveways; and
 - [v] Water quality and stormwater detention ponds.
- [4] Outdoor display, storage and sales areas. Such areas shall be permitted only where clearly depicted and labeled on the approved land development plan.
- [a] Outdoor display areas. All exterior display areas shall be separated by a minimum of 10 feet from motor vehicle routes by a physical barrier visible to drivers and pedestrians. A minimum walkway width of 10 feet

shall be maintained between the display items and any vehicle drives.

- [b] Outdoor storage areas. Such areas include exterior storage structures or uses, including the parking or storage of service vehicles, trailers, equipment, containers, crates, pallets, merchandise, materials, forklifts, and all other exterior stored items. Such outdoor storage uses and areas shall be appropriately screened as required by § 119-71D.
- [c] Outdoor sales areas.
 - [i] Outdoor sales areas shall be considered as part of the gross floor area of the retail establishment.
 - [ii] Outdoor sales areas shall be incorporated into the overall design of the building and the landscaping and shall be permanently defined and screened with walls and/or fences. Materials, colors and design of screening walls and/or fences shall conform to those used as predominant materials and colors on the building.
 - [iii] If such areas are to be covered, then the covering shall be similar in materials and colors to those that are predominantly used on the building facade.
- (c) Landscaping. Landscaping, to include street trees, parking lot landscaping, buffering and screening, shall be provided as required herein and by § 119-71D and § 98-71.
- (d) Screening.
 - [1] Mechanical equipment.
 - [a] All ground-mounted and wall-mounted mechanical equipment and any permitted outdoor storage shall be fully screened from on-site and off-site ground-level views, with materials identical to or of equal quality to those used on the building exterior.
 - [b] All rooftop mechanical equipment shall be screened by parapets, upper stories, or other areas of exterior walls or roofs to not be visible from adjoining properties and public streets adjacent to or within 1,000 feet of the subject property. Fences, chain link, wire mesh or wood or similar rooftop screening devices may not be used to meet this requirement.
 - [2] Loading docks. Loading docks shall be completely screened from surrounding roads and properties. Said

screening may be accomplished through loading areas internal to buildings, screen walls, which match the building exterior in materials and design, fully opaque landscaping at time of planting, or combinations of the above. Landscaping shall meet the requirements of § 119-71D and § 98-71 of the Subdivision and Land Development Ordinance.

[3] Dumpsters, refuse containers and other solid waste collection, storage, and conveyance facilities shall, in addition to the requirements of § 119-74, be screened in accord with § 119-71D.

(e) Pedestrian and bicycle facilities. The land development shall provide for safe pedestrian and bicycle access as set forth in § 98-76.1B.

(47) Additional requirements for development in the VC Village Commercial/Residential District. **[Added 5-1-2014 by Ord. No. 2014-01]**

(a) General provisions.

[1] Applicability. This § 119-40A(47) applies to all land development in the VC District.

[2] Authority. In addition to the authority granted by Article VI of the Pennsylvania Municipalities Planning Code, as amended, this section is adopted pursuant to Article VII-A of said code, which authorizes traditional neighborhood development.

[3] Intent.

[a] This section addresses land development in the Township's Village Commercial/Residential Zoning District, in order to implement Chestnuthill Township's vision for an attractive, efficient, and livable community as described in the Chestnuthill Township Comprehensive Plan.

[b] The general intent of this section is to promote sustainable business development by providing for mixed-use village development which allows a range of complementary residential, commercial and civic uses.

[c] More specifically, development in the Village Commercial District shall:

[i] Promote traditional village building and site development patterns with an interconnected and generally rectilinear pattern of streets and blocks,

providing for a balanced mix of pedestrians and automobiles;

- [ii] Create safe and efficient pedestrian and vehicular circulation patterns;
- [iii] Protect existing residential areas from incompatible land uses;
- [iv] Encourage economic development while encouraging the traditional main street environment;
- [v] Encourage the rehabilitation and adaptive reuse of historic structures in accord with the Chestnuthill Township Comprehensive Plan;
- [vi] Manage access along the Township's commercial road frontages;
- [vii] Promote residential uses in upper stories;
- [viii] Provide for the extension of existing and future planned vehicular, pedestrian and bicycle systems through commercial areas in the Township;
- [ix] Accommodate planned interconnected Township and regional open space within commercial areas;
- [x] Protect large trees and other natural resources in accord with § 98-31, Conservation design process; and
- [xi] Protect property values.

(b) Standards.

[1] Density, area and bulk regulations.

- [a] Density shall be determined by meeting all standards herein, as well as all requirements of 119 Attachment 3, Table of Area, Setback and Building Requirements, and the applicable requirements of Chapter 98.
- [b] In the case of conflict between this § 119-40A(47) and the other requirements of this chapter or Chapter 98, the more-restrictive standard shall apply.
- [c] Height.
 - [i] The minimum building height shall be 1.5 stories, and the maximum building height shall be three stories not to exceed 40 feet, excluding parapet walls.

- [ii] The minimum first-story height shall be 10 feet, and the maximum first-story height shall be 15 feet, as measured from finished floor to ceiling.
 - [iii] The minimum upper-story height shall be nine feet, and the maximum upper-story height shall be 14 feet, measured from finished floor to ceiling. In the case of a pitched interior ceiling, the measurement may be made to the highest point.
 - [d] Incentive for providing upper-story uses. Applicants who provide upper-story uses shall receive a 50% reduction in parking requirements for the usable square footage of the upper story.
- [2] Traffic design. The design of vehicular and pedestrian traffic systems shall be in accord with § 98-76.1B.
- [3] Greening elements. Land development in the VC District shall be exempt from the recreation land dedication requirements in § 98-60 of the Township Subdivision and Land Development Ordinance; provided that for each parcel subject to subdivision and/or land development approval, applicants provide one of the following greening elements, selected from § 119-40A(47)(b)[3][a] through [d] below:
- [a] Common open space. An applicant may provide one common open space in the form of a plaza, outdoor seating or dining area, village green, etc.
 - [i] Area requirement. Common open space shall have a minimum depth and width of 10 feet and a minimum total area of 300 square feet for each parcel subject to land development. For tracts over one acre, an additional 300 square feet of common open space shall be provided per 15,000 square feet of tract area. The common open space shall include pedestrian amenities such as outdoor seating, fountains, planting, patios, plazas and gathering places for use by employees, customers and visitors to the development.
 - [ii] Areas not credited. Lands within the following areas shall not be counted towards private common open space or pedestrian amenities required by this section:
 - [A] Private yards;

- [B] Landscaping and screening otherwise required by this chapter and Chapter 98;
 - [C] Public or private roads or rights-of-way;
 - [D] Parking areas and driveways; and
 - [E] Water quality and stormwater detention ponds.
- [b] Greenway and trail connections. Where an existing or planned public trail or open space adjoins the parcel, as identified on the Chestnuthill Township Official Map, an applicant may meet the requirements of this section by continuing an existing trail or greenway across the parcel.
- [c] Streetscape amenities. An applicant may provide any three features from the following:
- [i] Window box or boxes: provided along ground-floor windows for a minimum length of 48 inches. The planting area within the window box shall be a minimum of six inches deep, vertically and horizontally, and shall be planted with shrubs, groundcovers or flowers.
 - [ii] Window box or boxes: same as above, but provided along upper-story windows.
 - [iii] Additional planting area: trees, shrubs, groundcover and flowers, planted within an area 40 square feet or greater. Such planting shall be in addition to landscaping and buffering required in this chapter and in the Subdivision and Land Development Ordinance.
 - [iv] Street planter: two planters, minimum size of 24 inches in diameter, and plantings.
 - [v] Bench: minimum five feet in length.
 - [vi] Public art: public art, in the form of a sculpture or mural, visible from the principal street.
 - [vii] Water feature: an outdoor fountain or waterfall, visible from the principal street.
 - [viii] Bicycle parking: parking racks for bicycles at the rate of three bicycle spaces per 50 vehicle parking spaces; or three bicycle spaces per parcel, whichever is greater.

- [d] Green roof: a green roof, covering at least 30% of the surface area of the roof of the principal structure.
- (c) Building design standards. Any building facade in a land development, visible from a public street, shall demonstrate compliance with the building design standards in § 98-76.1D.
- (d) Outdoor display, storage and sales areas. Such areas shall be permitted only where clearly depicted and labeled on the approved land development plan.
 - [1] Outdoor display areas. All exterior display areas shall be separated by a minimum of 10 feet from motor vehicle routes by a physical barrier visible to drivers and pedestrians. A minimum walkway width of 10 feet shall be maintained between the display items and any vehicle drives.
 - [2] Outdoor storage areas. Such areas include exterior storage structures or uses, including the parking or storage of service vehicles, trailers, equipment, containers, crates, pallets, merchandise, materials, forklifts, and all other exterior stored items. Such outdoor storage uses and areas shall be appropriately screened as required by § 98-71 and § 119-71D.
 - [3] Outdoor sales areas.
 - [a] Outdoor sales areas shall be considered as part of the gross floor area of the retail establishment.
 - [b] Outdoor sales areas shall be incorporated into the overall design of the building and the landscaping and shall be permanently defined and screened with walls and/or fences. Materials, colors and design of screening walls and/or fences shall conform to those used as predominant materials and colors on the building.
 - [c] If such areas are to be covered, then the covering shall be similar in materials and colors to those that are predominantly used on the building facade.
- (e) Exterior lighting. Lighting shall comply with the standards in § 119-48.
- (f) Landscaping. Development in the VC District shall provide landscaping in the form of street trees and parking lot landscaping and, when required, buffering and screening. Landscaping shall meet the requirements of § 98-71 and § 119-71.

- (g) Parking. In addition to the landscaping and screening requirements for parking lots in § 119-40A(47)(f), parking shall meet the requirements of § 119-76. **[Amended 4-23-2015 by Ord. No. 2015-04]**
 - (h) Screening.
 - [1] Mechanical equipment.
 - [a] All ground-mounted and wall-mounted mechanical equipment and any permitted outdoor storage shall be fully screened from on-site and off-site ground-level views, with materials identical to or of equal quality to those used on the building exterior.
 - [b] All rooftop mechanical equipment shall be screened by parapet walls, upper stories, or other areas of exterior walls or roofs to not be visible from adjoining properties and public streets adjacent to or within 1,000 feet of the subject property. Fences, chain link, wire mesh or wood or similar rooftop screening devices may not be used to meet this requirement.
 - [2] Loading docks. Loading docks shall be screened from surrounding roads and properties. Said screening may be accomplished through loading areas internal to buildings, screen walls, which match the building exterior in materials and design, fully opaque landscaping at time of planting, or combinations of the above. Landscaping shall meet the requirements of § 98-71B(3)(c)[2].
 - [3] Solid waste. Dumpsters, refuse containers and other solid waste collection, storage, and conveyance facilities shall, in addition to the requirements of § 119-74, be screened in accord with § 98-71B(3)(c)[2].
 - (i) Signs. All signs shall comply with the regulations in Article VII of the Township Zoning Ordinance.
 - (j) Pedestrian and bicycle facilities. The land development shall provide for safe pedestrian and bicycle access as set forth in § 98-76.1B.
- (48) Additional requirements for large-scale retail/commercial land development. **[Added 5-1-2014 by Ord. No. 2014-01]**
- (a) General provisions.
 - [1] Applicability. This § 119-40A(48) applies to all large-scale retail/commercial land development in the GC and LIC Districts.
 - [2] Intent.

- [a] This section addresses the physical relationship between large-scale retail/commercial land development and adjacent properties, public roads, neighborhoods, and natural features, in order to implement Chestnuthill Township's vision for an attractive, efficient, and livable community as described in the Chestnuthill Township Comprehensive Plan.
- [b] The general intent of this section is to promote sustainable business development by providing and requiring a unified and organized arrangement of buildings, signs, service and parking areas, together with adequate off-street circulation among neighboring businesses and harmoniously landscaped open space, planned and designed as an integrated unit, and in a manner so as to provide efficient, safe, convenient and attractive shopping and service areas in an area of the Township accessible to a regional road system.
- [c] More specifically, large-scale retail/commercial development shall:
 - [i] Create safe, efficient and separate pedestrian and vehicular circulation patterns;
 - [ii] Protect existing residential areas from incompatible land uses;
 - [iii] Result in well-planned and well-designed development in scale and character with the setting;
 - [iv] Minimize the conflict between nonresidential and residential uses;
 - [v] Manage access along the Township's commercial road frontages;
 - [vi] Enhance streetscapes along road corridors and monitor and control billboards and other large signs;
 - [vii] Provide for the extension of existing and future planned pedestrian and bicycle systems through commercial areas in the Township;
 - [viii] Accommodate planned interconnected Township and regional open space within commercial areas;

- [ix] Protect large trees and other natural resources in accord with § 98-31, Conservation design process; and
 - [x] Protect property values.
- (b) In the case of conflict between this § 119-40A(48) and the other requirements of this chapter or Chapter 98, the more-restrictive standard shall apply.
- (c) Land development standards.
- [1] Intensity of development, area and bulk regulations. Intensity of development shall be determined by meeting all standards herein, as well as all requirements of the zoning district in which the tract is located and the applicable requirements of the Township Subdivision and Land Development Ordinance.
 - [2] Traffic design. Large-scale retail/commercial land developments shall comply with the traffic and circulation design standards in § 98-76.1B.
 - [3] Pad sites as part of large-scale retail/commercial development. For pad site buildings located within 150 feet of a perimeter road of any classification, parking and aboveground utilities, including mechanical equipment and trash collection areas, shall be prohibited between the building and the road, but driving aisles shall be permitted between the building and the road.
 - [4] Common open space. Common open space shall be provided in accord with the recreation land dedication requirements in § 98-60.
 - [a] The common open spaces shall follow the design requirements in § 98-77C.
 - [b] In calculating common open space as required by § 98-60, the following standards shall apply:
 - [i] Areas not credited. Lands within the following areas shall not be counted towards common open space or pedestrian amenities required by this section:
 - [A] Private yards;
 - [B] Landscaping and screening otherwise required by this chapter and Chapter 98;
 - [C] Public or private roads or rights-of-way;

- [D] Parking areas and driveways for dwellings;
and
 - [E] Water quality and stormwater detention ponds.
 - [ii] Dimensional requirements. Common open space areas shall have a minimum area of 300 square feet, and in no case shall the length or width be less than 10 feet. Common open space shall not exceed 20,000 square feet except where continuing an adjacent trail, park, or continuation of greenway land.
- (d) Building design standards. Any building facade in a commercial land development, visible from a public street, shall demonstrate compliance with the building design standards in § 98-76.1D. Building facades facing loading areas, rear service areas, or facades adjoining other buildings (attached to at least 50% of the sidewall) are exempt.
- (e) Outdoor display, storage and sales areas. Such areas shall be permitted only where clearly depicted and labeled on the approved land development plan.
- [1] Outdoor display areas. All exterior display areas shall be separated by a minimum of 10 feet from motor vehicle routes by a physical barrier visible to drivers and pedestrians. A minimum walkway width of 10 feet shall be maintained between the display items and any vehicle drives.
 - [2] Outdoor storage areas. Such areas include exterior storage structures or uses, including the parking or storage of service vehicles, trailers, equipment, containers, crates, pallets, merchandise, materials, forklifts, and all other exterior stored items. Such outdoor storage uses and areas shall be appropriately screened as required by § 119-71D.
 - [3] Outdoor sales areas.
 - [a] Outdoor sales areas shall be considered as part of the gross floor area of the retail establishment.
 - [b] Outdoor sales areas shall be incorporated into the overall design of the building and the landscaping and shall be permanently defined and screened with walls and/or fences. Materials, colors and design of screening walls and/or fences shall conform to those used as predominant materials and colors on the building.

- [c] If such areas are to be covered, then the covering shall be similar in materials and colors to those that are predominantly used on the building facade.
- (f) Landscaping. Landscaping shall meet the requirements of § 98-71 and § 119-71D.
- (g) Parking. Parking shall meet the requirements of § 119-76. **[Amended 4-23-2015 by Ord. No. 2015-04]**
- (h) Screening. In addition to the requirements in this § 119-40A(48)(h), screening shall also meet the requirements of § 98-71B(3). In the case of conflict, the more-restrictive shall apply.
 - [1] Mechanical equipment.
 - [a] All ground-mounted and wall-mounted mechanical equipment, and any permitted outdoor storage, shall be fully screened from on-site and off-site ground-level views, with building materials identical to or of equal quality to those used on the building exterior.
 - [b] All rooftop mechanical equipment shall be screened by parapets, upper stories, or other areas of exterior walls or roofs to not be visible from public streets adjacent to or within 1,000 feet of the subject property. Fences, chain link, wire mesh or wood or similar rooftop screening devices may not be used to meet this requirement.
 - [2] Loading docks. Loading docks shall be screened from surrounding roads and properties. Said screening may be accomplished through loading areas internal to buildings, screen walls, which match the building exterior in materials and design, fully opaque landscaping at time of planting, or combinations of the above. Landscaping shall meet the requirements of § 98-71 and § 119-71D.
 - [3] Solid waste. Dumpsters, refuse containers and other solid waste collection, storage, and conveyance facilities shall, in addition to the requirements of § 119-74, be screened in accord with § 98-71 and § 119-71D.
- (i) Pedestrian and bicycle facilities. The land development shall provide for safe pedestrian and bicycle access as set forth in § 98-76.1B.
- (j) Signs. All signs shall comply with the regulations in Article VII.
- (49) Solar power generation, commercial. In addition to all other applicable standards in this chapter, the following regulations shall apply to commercial solar power generation facilities, which shall

be permitted only in the districts as provided by the Use Regulations.⁵⁰ **[Added 5-1-2014 by Ord. No. 2014-01]**

(a) Purposes.

- [1] Location and number: accommodate the need for solar power facilities while regulating their location and number in the Township in recognition of the need to protect the public health, safety and welfare.
- [2] Critical development areas: avoid development of land-intensive solar facilities in areas designated for other uses critical to community and economic development.
- [3] Grid infrastructure costs: minimize utility grid infrastructure development costs by requiring solar facilities to be near substations with the capacity to accommodate the generated electricity.
- [4] Traffic: reduce traffic impacts by requiring solar facility access to roads with adequate capacity.

(b) Permits; use regulations.

- [1] Permits. A permit shall be required for every solar power facility installed in the Township.
- [2] Associated use. All other uses ancillary to the solar power facility (including a business office, maintenance depot, etc., greater than 1,000 square feet) are prohibited from the solar power facility, unless otherwise permitted in the zoning district in which the solar power facility is located. This shall not prohibit the installation as accessory structures of equipment containers not intended for human occupancy to house only equipment necessary for the operation of the solar power facility.
- [3] Solar power facility as a second principal use. A solar power facility shall be permitted on a property with an existing use, subject to the following land development standards:
 - [a] The minimum lot area, minimum setbacks and maximum height required by this chapter for the solar power facility shall apply, and the land remaining for accommodation of the existing principal use(s) on the lot shall also continue to comply with the minimum lot area, density and other requirements.

- [b] The vehicular access to the equipment building shall, whenever feasible, be provided along the circulation driveways of the existing use.
 - [c] The applicant shall present documentation that the owner of the property has granted an easement or other legal interest for the land for the proposed solar power facility and that vehicular access is provided to the solar power facility.
- (c) Standards and design.
- [1] Parcel size; location; setbacks; lot coverage.
 - [a] The minimum parcel size shall be 10 acres.
 - [b] The parcel shall not be more than three miles from a utility substation with the capacity to service the proposed facility.
 - [c] The setback for solar collectors, all structures, equipment containers and any associated mechanical facilities shall be 100 feet from property lines.
 - [d] The maximum lot coverage shall be 75%, and the area of the solar collectors shall be included in the calculation of lot coverage.
 - [2] Height. Solar collectors shall not exceed the principal structure height limitations for the underlying zoning district.
 - [3] Fencing. A fence may be required around the facility or portions of the facility for safety reasons.
 - [4] Landscaping. Landscaping may be required to screen as much of the solar power facility ground features as possible, the fence surrounding the support structure, and any other ground-level features (such as a building), and in general buffer the solar power facility ground features from neighboring properties. The Township may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if the same achieves the same degree of screening as the required landscaping.
 - [5] Licenses; other regulations; insurance. The applicant shall demonstrate that it has obtained the required licenses from governing state and federal agencies and agreement from the local electric utility. The applicant shall also document compliance with all applicable state and federal regulations. The applicant shall submit the name, address and emergency telephone number for the operator of the

solar power facility; and a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the solar power facility.

- [6] Access; required parking. Access to the solar power facility shall be provided by means of a public street or easement to a public street. The easement shall be a minimum of 20 feet in width and shall be improved to a width of at least 10 feet with a gravel or better surface for its entire length. If the solar power facility site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, the number of required parking spaces shall equal the number of people on the largest shift.
- [7] Communications interference. The applicant shall document that the radio, television, telephone or reception of similar signals for nearby properties shall not be disturbed or diminished, and this may be accomplished by remedial measures instituted by the solar power facility developer.
- [8] Glare. The applicant shall provide details about anticipated glare from the facility, including the time of day, time of year and direction of peak glare periods, and document how potential nuisances to area properties and on public roads shall be controlled.
- [9] Historic structures. A solar power facility shall not be located within 500 feet of any structure listed on any public historic register.
- [10] Standards; certification. The design of the solar power facility shall conform to applicable industry standards, including those of the American National Standards Institute. The applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters' Laboratories or other similar certifying organizations. The operator shall repair, maintain and replace the solar collectors and associated equipment in like manner as needed to keep the facility in good repair and operating condition.
- [11] Uniform Construction Code. To the extent applicable, the solar power facility shall comply with the Pennsylvania Uniform Construction Code.
- [12] Electrical components. All electrical components of the solar power facility shall conform to relevant and

applicable local, state and national codes and relevant and applicable international standards.

- [13] Warnings. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations. Visible, reflective, colored objects, such as flags, reflectors, or tape, shall be placed on the anchor points of guy wires and along the guy wires up to a height of 10 feet from the ground.
- [14] Signs. No advertising material or signs, other than warning, manufacturer and equipment information or indication of ownership, shall be allowed on any equipment or structures.
- [15] Transmission and power lines. On-site transmission and power lines shall, to the greatest extent possible, be placed underground.
- [16] Stray voltage/electromagnetic fields (EMF). The operator shall use good industry practices to minimize the impact, if any, of stray voltage and/or EMF.
- [17] Emergency services. The applicant shall provide details about any fire-suppression system installed in any accessory structure or equipment container associated with the solar power facility. Upon request, the applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the solar power facility.
- [18] Site plan. A full site plan shall be required for all solar power facility sites, showing the solar power facility, fencing, screening, buffers, access, and all other items required by this chapter.
- (d) Public inquiries and complaints. The solar power facility owner and operator shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project, and the solar power facility owner and operator shall make reasonable efforts to respond to the public's inquiries and complaints.
- (e) Decommissioning.
- [1] Time limit. The solar power facility owner and operator shall, at its own expense, complete decommissioning of the solar power facility, or individual components, within 12 months after the end of the useful life of the solar power facility or individual components. The solar power facility or individual components shall be presumed to be at the

end of their useful life if no electricity is generated for a continuous period of 12 months.

- [2] Depth requirement. Decommissioning shall include removal of collectors, buildings, cabling, electrical components, roads, foundations to a depth of 36 inches, and any other associated facilities.
- [3] Disturbed earth. Disturbed earth shall be graded and reseeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.
- [4] Professional engineer. An independent and certified professional engineer shall be retained to estimate the total cost of decommissioning (decommissioning costs) without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment (net decommissioning costs). Said estimates shall be submitted to the Township after the first year of operation and every fifth year thereafter.
- [5] Financial security bond. The solar power facility owner or operator, prior to the issuance of a zoning permit, shall provide a financial security bond with the Township as payee in an amount approved by the Township Supervisors, but not less than \$50,000, from a company and in a form and content acceptable to the Township Supervisors, to insure the decommissioning within 180 days of the expiration of the license or lease and/or cessation of use. The bond shall remain in place for as long as the facilities exist at the site.
- [6] Funds. Decommissioning funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to the Township.
- [7] Landowner responsibility. If the solar power facility owner or operator fails to complete the decommissioning within the prescribed time period, then the landowner shall have 180 days to complete decommissioning.
- [8] Township intervention. If neither the solar power facility owner or operator nor the landowner complete decommissioning within the prescribed periods, then the Township may take such measures as necessary to complete decommissioning. The entry into the record and submission of evidence of a participating landowner agreement to the Township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the Township may take

such action as necessary to implement the decommissioning plan.

- [9] Release of decommissioning funds. The escrow agent shall release the decommissioning funds when the solar power facility owner or operator has demonstrated and the Township concurs that decommissioning has been satisfactorily completed, or upon written approval of the Township in order to implement the decommissioning plan.

(50) Short-term rentals. **[Added 7-16-2019 by Ord. No. 2019-01]**

- (a) License. Possession of a current valid short-term rental license issued by the Township in accordance with the Chestnuthill Township Short-Term Rental License Ordinance.⁵¹
- (b) Meals. Meals shall not be provided to overnight guests of the establishment.
- (c) Sewage disposal and occupancy. Sewage disposal meeting the requirements of the Township and PA DEP shall be provided. Occupancy shall be limited by the capacity of the sewage disposal system.
- (d) Nonconforming lots. Short-term rentals shall not be permitted on lots which are nonconforming in minimum area.
- (e) Parking. Adequate off-street parking shall be provided in accord with § 119-76.
- (f) PA Uniform Construction Code. All short-term rentals shall comply with PA Uniform Construction Code requirements, as amended.
- (g) Information required. In addition to the other information required by this chapter, the applicant shall include with the application:
- [1] The name, address, telephone number and email address of the owner of the short-term rental for which the permit is issued. If the owner does not have a managing agency, agent or local contact person, then the owner shall provide a twenty-four-hour telephone number.
- [2] The name, address, and twenty-four-hour telephone number of the managing agency, agent or local contact person for the owner of the short-term rental.
- [3] The number of bedrooms and the maximum number of overnight occupants.

51. Editor's Note: See Ch. 100, Short-Term Rentals.

- [4] If the building is a two-family or multifamily dwelling structure, the number of dwelling units and the number of dwelling units being used as a short-term rental.
- [5] A diagram or photograph of the premises showing and indicating the number and location of designated on-site parking spaces and the maximum number of vehicles allowed for overnight occupants.
- [6] Copy of a current Monroe County hotel room excise tax certificate and current Pennsylvania sales tax license.

§ 119-41. Additional requirements for accessory uses.

- A. General. Accessory buildings, structures or uses that are clearly customary and incidental to a permitted by right, special exception or conditional use are permitted by right, except as is provided for in this chapter. A business shall only be conducted as an accessory to a dwelling if specifically permitted by this chapter.
- B. Accessory setbacks. The accessory setback requirements of the applicable district shall apply to every accessory building, structure or use unless a standard that is clearly meant to be more restrictive or less restrictive is specifically stated in this article for a particular accessory use. Accessory structure setback requirements shall not apply to permitted surface parking lots, fences or permitted accessory signs.
- C. Front setback. No accessory structure, use or building shall be permitted in a required front setback in any district, unless specifically permitted by this chapter. **[Amended 4-23-2015 by Ord. No. 2015-04]**
- D. Special standards. Each accessory use shall comply with all of the following standards listed for that use:
 - (1) Antenna, standard (includes amateur radio antenna).
 - (a) Height. No standard antenna, including its supporting structure, shall have a total height above the average surrounding ground level of greater than 75 feet.
 - (b) Anchoring. An antenna shall be properly anchored to resist high winds.
 - (2) Bees, keeping of.
 - (a) Facilities for the keeping of bees shall be set back a minimum of 40 feet from any lot line and shall be fenced if within 100 feet of a lot line. Signs shall be erected as necessary to warn persons of the presence of bees.

- (b) The bee facilities shall be located and managed in such a manner as to minimize the potential of the bees entering streets, sidewalks or unauthorized properties.
- (3) Composting as a principal or accessory use (other than raising of mushrooms).
 - (a) All composting shall be conducted in such a manner that does not create a fire, rodent or disease-carrying insect hazard and does not cause noxious odors off of the subject property.
 - (b) Composting shall be permitted as an accessory use, provided that the composting is limited to biodegradable vegetative material, including trees, shrubs, leaves and vegetable waste. Such composting shall be kept free of other garbage and animal fats.
 - (c) Any composting of manure shall be restricted to lots of five acres or greater. Such composting shall comply with the published manure management standards of the Pennsylvania State University Cooperative Extension Service.
 - [1] Commercial bulk composting of manure brought to a site from land of four or more different landowners for off-site use or any bulk mushroom production shall be restricted to the RR or CR districts and shall require special exception approval. Such composting shall meet all of the following requirements:
 - [a] Be a minimum of 500 feet from any residential lot line;
 - [b] Involve all leachate and compost pad runoff being collected and properly treated;
 - [c] Include compost wharves being constructed of an acceptable all-weather impervious surface;
 - [d] Require that the applicant prove to the satisfaction of the Zoning Hearing Board that significant nuisances and health hazards will not be generated, through adequate setbacks, procedures, siting and structures; and
 - [e] In addition, the Zoning Hearing Board may require that the operations occur within a completely enclosed building.
 - (d) Setbacks. Composting areas of greater than one acres shall be set back 75 feet from lot lines of abutting residential lot lines.
- (4) Day-care as accessory to a dwelling. **[Amended 5-1-2014 by Ord. No. 2014-01]**

- (a) See § 119-27 and the definitions in § 119-21 concerning the number of children who can be cared for in different zoning districts in a family day-care home or a day-care center.
 - (b) In any case, seven or more children (other than children who are related to the primary caregiver) shall only be cared for at one time within a single-family detached dwelling with a minimum lot area of one acre and a twenty-foot minimum setback from all existing dwellings on another lot(s). Four to six children, in addition to children who are related to the primary caregiver, shall only be cared for at one time within a dwelling that is not attached to another dwelling. The care of fewer numbers of children may occur within any lawful dwelling unit.
 - (c) The dwelling shall retain a residential appearance with no change to the exterior of the dwelling to accommodate the use, other than cosmetic improvements.
 - (d) Any day-care center involving seven or more children shall be considered a principal use and meet the standards of § 119-40 for such use, if permitted.
 - (e) The use shall be actively operated by a permanent resident of the dwelling.
 - (f) If four or more children who are not related to a permanent resident of the dwelling are cared for, then a minimum of 200 square feet of safe exterior play area shall be available.
 - (g) See also day-care center as a principal use in § 119-40, and day care as accessory to a place of worship in the Table of Permitted Uses adopted under § 119-27B.
 - (h) The use shall comply with any applicable state and federal regulations, including having an appropriate State Department of Public Welfare (or its successor agency) registration certificate or license if required by such agency.
 - (i) The use shall include a secure fence around any outdoor areas abutting streets that are routinely used for outdoor play.
- (5) Drive-in stand/use. **[Amended 5-1-2014 by Ord. No. 2014-01]**
- (a) The proposed traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
 - (b) On-lot traffic circulation and parking areas shall be clearly marked.
 - (c) A drive-in stand/use shall be designed with space for an adequate number of waiting vehicles while avoiding conflicts with traffic onto, around and off of the site. Any drive-through

facilities shall be designed to minimize conflicts with pedestrian traffic.

- (6) Farm-related business. This use shall be permitted by right on a lot of at least 25 acres, provided the following regulations are met for nonagricultural activities:
 - (a) A farm-related business shall be defined as a low-intensity commercial or industrial activity that functions as a customary accessory use to an on-site principal agricultural use. Farm-related businesses are intended to provide supplemental income to farmers to encourage the continuation of farming, and to provide needed services to other farmers.
 - (b) A farm-related business shall be conducted by a resident or owner of the property, his/her relatives, and a maximum total of four other on-site employees, in addition to employees of the agricultural use. In addition, a barn that was constructed for agricultural purposes prior to the adoption of this chapter may be leased to a nonresident for a use meeting these standards.
 - (c) To the maximum extent feasible, a farm-related business should use an existing building. Buildings that existed prior to the effective date of this section may be used for a farm-related business. Any new building constructed for a farm-related business and any new parking area for trucks shall be set back a minimum of 100 feet from any lot line of an existing dwelling, unless a larger setback is required by another section of this chapter. The total of all building floor areas used for a farm-related business shall not exceed 6,000 square feet. The total area used by the farm-related business, including parking, shall not exceed three acres.
 - (d) The farm-related business shall not routinely require the overnight parking of more than one tractor-trailer truck.
 - (e) Any manufacturing operations shall be of a custom nature and shall be conducted indoors.
 - (f) The business shall not generate noxious odors, noise or glare beyond amounts that are typically generated by agricultural operations. Nonagricultural operations shall not routinely occur in a manner that generates traffic or noise heard by neighbors between the hours of 9:00 p.m. and 7:00 a.m.
 - (g) Any retail sales shall only be occasional in nature, and shall occur by appointment or during a maximum of 20 hours per week. This provision shall not restrict permitted sale of agricultural products.
 - (h) Only one sign shall advertise a farm-related business, which shall have a maximum sign area of 12 square feet on each of

two sides, and which shall not be internally illuminated, and which shall have a maximum height of 10 feet.

(i) Permitted activities.

[1] The following activities, and activities that the applicant proves to the Zoning Officer are closely similar, shall be permitted as farm-related businesses:

[a] Farm equipment, farm vehicle or buggy repair;

[b] Occasional repair of one motor vehicle at a time, beyond those vehicles owned or leased by a resident of the property or his/her relative, but not including a junkyard, auto body shop or spray painting;

[c] Light welding and custom machining of parts;

[d] Sale or mixing of seeds, feed and fertilizers, or mulch sales, provided a use that involves significant tractor-trailer truck traffic shall be located along an arterial or collector street;

[e] Barber/beauty shops;

[f] Construction tradesperson's headquarters;

[g] Music, hobby, trade or art instruction for up to 10 persons at a time;

[h] Small engine repair;

[i] Custom woodworking or wood refinishing;

[j] Custom blacksmithing or sharpening services;

[k] Installation of accessories to motor vehicles;

[l] Rental storage of household items and vehicles;

[m] Boarding of animals, not including a kennel or a stable, which are treated separately;

[n] Custom butchering, not including a commercial slaughterhouse or stockyard;

[o] Processing and storage of agricultural products;

[p] Sawmill;

[q] Commercial farm tourism and special events, such as farm tours and Halloween activities.

[2] See also stables and retail sales of agricultural products, which are treated as separate uses.

- (j) This subsection shall not regulate agricultural uses that are permitted under other provisions of this chapter.
 - (k) If an activity would be permitted as either a farm-related business or a home occupation, then the applicant may choose which set of provisions shall apply.
 - (l) One off-street parking space shall be provided per nonresident employee, plus parking for any dwelling. In addition, the applicant shall prove to the Zoning Officer that sufficient parking will be available for customers, which is not required to be paved.
 - (m) All existing and new buildings shall maintain a residential or agricultural appearance, as viewed from a public street.
 - (n) The use shall not involve the storage or use of highly hazardous, toxic, radioactive, flammable or explosive substances, other than types typically used in agriculture or a household.
 - (o) Landscaping shall be placed between any outdoor storage of nonagricultural materials or products and any adjacent dwelling from which storage would be visible.
 - (p) The applicant shall prove that adequate space will be provided for truck movements.
- (7) Fences and walls.
- (a) Fences and walls are permitted by right in all districts. Any fence or wall shall be durably constructed and well-maintained. Fences that have deteriorated shall be replaced or removed.
 - (b) No fence, wall or hedge shall obstruct the sight requirements of § 119-71C.
 - (c) Fences.
 - [1] Front setback. Any fence located in the required minimum front setback of a lot in a residential or VC District shall: **[Amended 4-23-2015 by Ord. No. 2015-04]**
 - [a] Be an open-type of fence (such as picket or split rail) with a minimum ratio of 1:1 of open to structural areas;
 - [b] Not exceed five feet in height; and
 - [c] Be constructed entirely of wood (plus any required fasteners and any wire mesh attached on the inside of the fence), or wrought iron or other material that closely resembles wood or wrought iron.

- [2] On a corner lot, a fence or wall shall meet the same requirements along both streets as would apply within a front yard. A fence shall not be required to comply with minimum setbacks for accessory structures.
 - [3] Height. No maximum height shall apply to fences that are not within a residential district. A fence located in a residential district in a location other than a required front setback shall have a maximum height of 6.5 feet, except a maximum of height of 12 feet shall be permitted where the applicant proves to the Zoning Officer that such taller height is necessary to protect public safety around a specific hazard. **[Amended 4-23-2015 by Ord. No. 2015-04]**
 - [4] Setbacks. No fence shall be built within an existing street right-of-way. A fence may be constructed without a setback from a lot line, except where buffer plantings are required by § 119-71. Where no setback is required, a one foot or greater setback is recommended to provide for future maintenance of the fence and to account for possible inaccurate lot lines.
 - [5] Fence materials. Barbed wire shall not be used as part of fences around dwellings. Electrically charged fences shall only be used to contain farm animals, and shall be of such low intensity that they will not permanently injure humans. No fence shall be constructed out of fabric, junk, junk vehicles, appliances, tanks or barrels.
- (d) Walls.
- [1] Engineered retaining walls necessary to hold back slopes are exempted from setback regulations and the regulations of this section, and are permitted by right as needed in all districts.
 - [2] No wall of greater than three feet shall be located in the required front setback in a residential district, except as a backing for a permitted sign as permitted in Article VII. **[Amended 4-23-2015 by Ord. No. 2015-04]**
 - [3] A wall in a residential district outside of a required front setback shall have a maximum height of three feet if it is within the minimum accessory structure setback. **[Amended 4-23-2015 by Ord. No. 2015-04]**
 - [4] Walls that are attached to a building shall be regulated as a part of that building.
- (8) Yard, lawn, garage, tag or estate sale. **[Amended 5-1-2014 by Ord. No. 2014-01; 7-16-2019 by Ord. No. 2019-01]**

- (a) See definition in § 119-21. The sale shall not include wholesale sales, nor sale of new merchandise of a type typically found in retail stores.
 - (b) If accessory to a dwelling, the number of sales shall be limited to four times per year and each sale shall not exceed two days.
- (9) Home occupations and no-impact home-based businesses.
[Amended 5-1-2014 by Ord. No. 2014-01]
- (a) All home occupations shall meet the following requirements:
 - [1] The use shall be conducted primarily by a permanent resident of the dwelling and involve a maximum of one person working on-site at any one time who does not reside within the dwelling. A maximum of one nonresident employee shall visit the property on a daily basis or operate a vehicle based at the property.
 - [2] The use shall be conducted indoors. No outdoor storage or display related to the home occupation shall be permitted. No changes shall occur to the exterior of a building that would reduce its residential appearance as viewed from a street.
 - [3] The use shall occupy an area that is not greater than 25% of the total floor area of the principal dwelling unit. The use shall clearly be secondary to the residential use.
 - [4] One off-street parking space shall be required per nonresident employee. In addition, for a general home occupation, the Zoning Hearing Board shall require additional off-street parking if the Board determines it is necessary for customer parking.
 - [5] The use shall not require delivery by tractor-trailer trucks.
 - [6] The regulations of Subsection D(12)(d) regarding parking of trucks shall apply to a home occupation. No excavating equipment shall be parked overnight on a residential lot or an adjacent street as part of a home occupation.
 - [7] No equipment or machinery shall be permitted that produces noise, noxious odor, vibration, glare, electrical or electronic interference detectable on another property. The use shall not involve the storage or use of hazardous, flammable or explosive substances, other than types and amounts typically found on a residential property. The use shall not involve the storage or use of "toxic" or highly hazardous substances.

- [8] A home occupation shall not be conducted in a manner that is perceptible to other residents between the hours of 9:00 p.m. and 7:30 a.m.
- [9] Any tutoring or instruction shall be limited to a maximum of three students at a time.
- [10] A barbershop or beauty shop shall not include any nonresident employees.
- [11] The main office of a medical doctor, chiropractor or dentist shall not be permitted as a home occupation.
- [12] A home occupation may include one two square foot nonilluminated sign, as permitted by Article VII.
- [13] The Zoning Hearing Board shall deny a general home occupation application, or limit its intensity through conditions, if the Board determines the use would be too intense for the proposed location. In making such determination, the Board shall review the likely amounts of traffic, the types of operations involved and related nuisances, the amount of off-street and on-street parking that is available, the density of the neighborhood, whether the use would be adjacent to another dwelling, and setbacks from other dwellings. The Zoning Hearing Board may also permit up to three nonresident employees as a special exception if the Board, after considering the above criteria, determines that the property is especially well-suited to a more intense use.
- [14] The use shall not involve manufacturing, other than of custom crafts and sewing. The use shall not involve commercial repair of motor vehicles.
- [15] The use may include sales using telephone, mail order or electronic methods. On-site retail sales shall only be permitted within a general home occupation, and if specifically approved as part of a special exception approval. Such retail sales shall be limited to sales that are clearly accessory to an approved barbershop or similar on-site service.
- [16] If more than one home occupation is accessory to a dwelling, the total aggregate impact of the home occupations shall be considered in determining compliance with this chapter.
- [17] A zoning permit shall be required for any home occupation.

- (b) A no-impact home-based businesses, as defined in § 119-21, shall be a permitted-by-right accessory use in all zoning districts.
- (10) Outdoor storage and display, commercial or industrial as a principal or accessory use.
- (a) Location. Outdoor storage or display shall not occupy any part of any of the following: the existing or future street right-of-way, sidewalk or other area intended or designed for pedestrian use or required parking area.
 - (b) No such storage or display shall occur on areas with a slope in excess of 25% or within the one-hundred-year floodplain.
 - (c) Screening: see § 119-71.
 - (d) For tires not mounted on a motor vehicle, any outdoor storage of more than 25 tires on a lot in a residential district or more than 150 used tires in a nonresidential district shall only be permitted as part of a Township-approved junkyard.
 - (e) Where allowed, any storage of used tires shall involve stacks with a maximum height of 15 feet, and that cover a maximum of 400 square feet. Each stack shall be separated from other stacks from all lot lines by a minimum of 75 feet.
- (11) Pets, keeping of.
- (a) This is a permitted by right accessory use in all districts.
 - (b) No use shall involve the keeping of animals in such a manner or of such types of animals that it creates a nuisance (including noise or odor), a health hazard or a public safety hazard. The owner of the animals shall be responsible for collecting and properly disposing of all fecal matter from pets. No dangerous animals shall be kept outdoors in a residential district, except within a secure, completely enclosed cage or fenced area of sufficient height or on a leash under full control of the owner. **[Amended 4-23-2015 by Ord. No. 2015-04]**
 - (c) On a lot of less than five acres, a maximum combined total of six dogs and cats shall be permitted to be kept by residents of each dwelling unit.
 - [1] Such limits shall only apply to dogs or cats over six months in age.
 - [2] Any greater number of dogs and/or cats shall need approval as a kennel.
 - (d) The keeping of one or two total pigeons (except as may be preempted by the State Carrier Pigeon Law⁵²), chickens,

ducks, geese and/or similar fowl shall be permitted on lot with a minimum lot area of 10,000 square feet. One additional fowl may be kept for each additional lot area of 5,000 square feet. Fowl shall in all cases be confined to the property of the owner of the fowl. **[Amended 4-23-2015 by Ord. No. 2015-04]**

- (e) Any keeping of pets shall only be permitted provided it does not create unsanitary conditions or noxious odors for neighbors.
 - (f) Minimum lot area for the keeping of horses: two acres, plus 1/2 acre for each horse in excess of two horses. **[Amended 2-7-2006 by Ord. No. 2006-03]**
 - (g) Only those pets that are domesticated and are compatible with a residential character shall be permitted as keeping of pets. Examples of permitted pets include dogs, cats, rabbits, gerbils and lizards, but do not include bears, goats, wolves, wolf-dog hybrids, cows, venomous snakes that could be toxic to humans, hogs or sheep.
 - (h) It shall be unlawful on a residential lot to keep any "exotic wildlife" as defined by the Pennsylvania Game and Wildlife Code, whether or not an exotic wildlife possession permit has been issued.
- (12) Residential accessory structure or use (see definition in Article II).
- (a) Accessory structures and uses (other than fences) shall not be located within the required accessory use setback as stated in § 119-28A, unless specifically exempted by this chapter. Accessory structures shall not be located within a front yard, nor within any yard required to be equal in width to a front yard along a street on a corner lot.
 - (b) Accessory buildings in a residential district on a lot of less than two acres shall meet the following requirements:
 - [1] Maximum total floor area of all accessory buildings: 1,000 square feet.
 - [2] Maximum of two accessory buildings per lot.
 - (c) Height: see § 119-28B.
 - (d) Parking of commercial trucks. The overnight outdoor parking of commercial trucks on a primarily residential lot in a residential district is prohibited, except that one of the following shall be permitted if such vehicle(s) is used by residents of the dwelling to travel to and from work:

- [1] The parking of a maximum of two vehicles, each of up to 15,000 pounds aggregate gross vehicle weight; or
 - [2] The parking of one vehicle with an aggregate gross vehicle weight of over 15,000 pounds aggregate gross vehicle weight, provided such vehicle is kept a minimum of 50 feet from any dwelling on another lot.
- (e) Repairs. Repairs of the following shall not occur on a principally residential lot:
- [1] Trucks with an aggregate gross vehicle weight of over 15,000 pounds aggregate gross vehicle weight; or
 - [2] Vehicles not owned or leased by a resident of the lot or his/her relative.
- (f) See setback exceptions in § 119-71B.
- (g) Unregistered vehicles. A maximum of two unregistered vehicles shall be kept outside of an enclosed building on a residential lot of less than 50 acres. See also the definition of "junkyard."
- (13) Retail sales of agricultural products as an accessory use.
- (a) The use shall be an accessory use incidental to a crop farming, greenhouse, plant nursery, orchard, winery or raising of livestock use.
 - (b) The only retail sales shall be of agricultural products and horticultural products, in addition to any handmade crafts produced by the operator of the market and/or his/her family. An average of not less than 30% of the products sold on-site shall have been produced by the operator or his/her family. This percentage may vary month to month, provided that the average is met.
 - (c) Off-street parking shall be provided in compliance with the provisions of § 119-76. No parking shall be permitted in such a way that it creates a safety hazard. **[Amended 4-23-2015 by Ord. No. 2015-04]**
 - (d) Any structure erected for this use that are not clearly permanent in nature shall be disassembled during seasons when products are not offered for sale.
 - (e) Signs: see § 119-64.
 - (f) No stand shall be located closer than: 50 feet from a lot line of an existing dwelling, 25 feet from any other lot line or 100 feet from the closest intersecting point of street rights-of-way at a

street intersection, unless the sales occur within a dwelling or barn that existed prior to the adoption of this chapter.

- (g) A maximum total of 10,000 square feet of building floor area shall be used for such use.
 - (h) The use may occur within an existing dwelling, a barn or a separate stand. Any stand shall be maintained in good condition.
 - (i) The retail sales shall be located on land owned by the operator of the market or upon a tract of five acres or more which the operator of the market actively farms.
 - (j) The applicant shall prove to the Zoning Officer that the driveway has adequate sight distance, based upon the PennDOT standards that would apply to a normal commercial establishment along a state road, regardless of whether a PennDOT permit would be needed.
- (14) Swimming pool, household (referred to hereafter as "pool"). Any pool shall comply with Chapter 102 of the Code of the Township of Chestnuthill, or its successor chapter. Such chapter includes a requirement for secure fencing around a pool.
- (15) (Reserved)⁵³
- (16) Fuel pump and other similar canopies. Fuel pump and any other similar canopies accessory to commercial uses shall have pitched roofs, either gable or single slant. Canopy ceilings shall maintain a pitch of at least 12:1 or steeper. The lighting shall be from luminaires recessed into the ceilings of said canopies, so that the lighting elements are not visible from or beyond the lot lines. Lighting shall comply with § 119-48. **[Added 5-1-2014 by Ord. No. 2014-01]**
- (17) Driveways/accessways. See § 119-76, Construction requirements for driveways/accessways. **[Added 7-16-2019 by Ord. No. 2019-01]**

53. Editor's Note: Former Subsection D(15), regarding unit care for relatives, was repealed 7-16-2019 by Ord. No. 2019-01.

ARTICLE V
Environmental Protection

§ 119-42. Erosion control.

The landowner, person and/or entity performing any earth disturbance shall utilize sufficient measures to prevent soil erosion and sedimentation of creeks. See Chapter 92, Stormwater Management.

- A. The disturbed land area and the duration of exposure shall be kept to a practical minimum.
- B. Any earth disturbance over 5,000 square feet of land area shall require the submission of an adequate erosion and sedimentation control plan to the Monroe County Conservation District.
- C. See state erosion control regulations. (Note: As of 1999, in 25 Pa. Code Chapter 102.)
- D. If any earth materials are removed from a site (such as a burrow pit), the site shall be regraded and revegetated in a manner that controls soil erosion and that allows a suitable reuse of the site.

§ 119-43. Nuisances and hazards to public safety.

- A. No landowner, tenant nor lessee shall use or allow to be used any land or structures in a way that results or threatens to result in any of the following conditions:
 - (1) Transmission of communicable disease, including conditions that may encourage the breeding of insects or rodents.
 - (2) A physical hazard to the public, or a physical hazard that could be an attractive nuisance that would be accessible by children.
 - (3) Pollution to groundwaters or surface waters, other than as authorized by a state or federal permit.
 - (4) Risks to public health and safety, such as but not limited to explosion, fire or biological hazards.
 - (5) Interference with the reasonable use and enjoyment of property by a neighboring landowner of ordinary sensitivities.
- B. Additional information. If the Zoning Officer has reason to believe that the proposed use may have difficulty complying with the standards of this article, then the Zoning Officer may require an applicant to provide written descriptions of proposed machinery, hazardous substances, operations and safeguards.
- C. Right-to-know. Uses storing or utilizing hazardous materials shall comply with the State Right-to-Know Law,⁵⁴ including providing written notifications to local fire companies.

§ 119-44. Wetlands.

See § 119-35.

§ 119-45. Floodplain management. [Amended 4-16-2013 by Ord. No. 2013-01]

A. Statutory authorization. The Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Flood Plain Management Act of 1978, delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizenry. Therefore, in addition to the authority provided by the Pennsylvania Municipalities Planning Code, this § 119-45 is adopted as authorized by the Pennsylvania Flood Plain Management Act of 1978.⁵⁵

B. Definitions; general provisions.

- (1) Definitions. Words and phrases used in this § 119-45 shall have the meanings set forth in this § 119-45B(1). Words and phrases not defined in this § 119-45B(1), but defined in § 119-21, shall be given the meanings set forth in § 119-21. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise.

BASE FLOOD — A flood which has a one-percent chance of being equaled or exceeded in any given year (formerly called the "one-hundred-year flood").

BASE FLOOD ELEVATION — The elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE that indicates the water surface elevation resulting from a flood that has a one-percent or greater chance of being equaled or exceeded in any given year.

BASE FLOOD DISCHARGE — The volume of water resulting from a base flood as it passes a given location within a given time, usually expressed in cubic feet per second (cfs).

BASEMENT — Any area of the building having its floor below ground level on all sides.

COMPLETELY DRY SPACE — A space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

CONDITIONAL LETTER OF MAP REVISION (CLOMR) — The Federal Emergency Management Agency's (FEMA) comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood

54. Editor's Note: See 65 P.S. § 66.1 et seq.

55. Editor's Note: See 32 P.S. § 679.101 et seq.

Hazard Area (SFHA). The letter does not revise an effective National Flood Insurance Program Map, it indicates whether the project, if built as proposed, would be recognized by FEMA. FEMA charges a fee for processing a CLOMR to recover the costs associated with the review. Building permits cannot be issued based on a CLOMR, because a CLOMR does not change the NFIP Map. Once a project has been completed, the community must request a revision to the Flood Insurance Rate Map (FIRM) to reflect the project. "As-built" certification and other data must be submitted to support the revision request.

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

ESSENTIALLY DRY SPACE — A space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

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

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION — The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD — A temporary inundation of normally dry land areas.

FLOOD INSURANCE RATE MAP — The official map on which the Federal Emergency Management Agency has delineated both the areas of special hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY — The official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

FLOODPLAIN AREA — A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or

nearly stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

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

HISTORIC STRUCTURE — Any structure that is any of the following:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior.
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

LETTER OF MAP REVISION (LOMR) — The Federal Emergency Management Agency's modification to an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFES), or the Special Flood Hazard Area (SFHA). The LOMR officially revises the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM), and sometimes the Flood Insurance Study (FIS) report, and when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM, FBFM, or FIS report.

LOWEST FLOOR — The lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood-resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space

is not designed and built so that the structure is in violation of the applicable nonelevation design requirements of this § 119-45.

MANUFACTURED HOME — A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

MANUFACTURED HOME PARK — A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

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

NEW CONSTRUCTION — Structures for which the start of construction commenced on or after May 2, 2013, the effective date of this § 119-45, as amended, and includes any subsequent improvements to such structures. Any construction started after February 17, 1988, the date of the first floodplain management standards adopted by the Township, and before May 2, 2013, the effective date of this § 119-45, as amended, is subject to the ordinance in effect at the time the permit was issued, provided that the start of construction was within 180 days of permit issuance.

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

PRACTICABLE ALTERNATIVE — An alternative that is available and capable of being done after taking into consideration cost, existing technology and logistics in light of overall project purposes.

RECREATIONAL VEHICLE — A vehicle which is:

- (a) Built on a single chassis.

- (b) Designed to be self-propelled or permanently towable by a light-duty truck.
- (c) Not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOOD ELEVATION — The base flood elevation plus a freeboard safety factor of 1 1/2 feet.

REPETITIVE LOSS — Flood-related damages sustained by a structure on two separate occasions for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25% of the market value of the structure before the damages occurred.

SPECIAL FLOOD HAZARD AREA (SFHA) — An area in the floodplain subject to a one-percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A3-A30, AE, A99, or AH.

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

STRUCTURE — Anything constructed or erected on the ground or attached to the ground, including but not limited to buildings, sheds, manufactured homes, fences, walls, storage tanks, and other similar items. This term includes any man-made object having an ascertainable stationary location on or in land or water whether or not affixed to land.

SUBSTANTIAL DAMAGE — Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% or more of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT — Any reconstruction, rehabilitation, addition, or other improvement of a structure, of which the cost equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" or "repetitive loss" regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

- (a) Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined in this section, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic Places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

UNIFORM CONSTRUCTION CODE (UCC) — The statewide building code adopted by the Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, the code adopted the International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the state floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

VIOLATION — The failure of a structure or other development to be fully compliant with the requirements of this section. A structure or other development without the elevation certificate, other certificates, or other evidence of compliance required in 44 CFR § 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

- (2) General provisions.

- (a) Intent. This § 119-45 is intended to:

- [1] Promote the general health, welfare, and safety of the community.
 - [2] Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
 - [3] Minimize danger to public health by protecting water supply and natural drainage.
 - [4] Reduce financial burdens imposed on the community, its governmental units, and its residents by preventing excessive development in areas subject to flooding.
 - [5] Maintain the existing hydrologic regime through the sound management of floodplains for their capacity to convey, transport, store and dissipate flood flow volumes and velocities, to protect water quality and to maintain stream channel stability.
- (b) Applicability. This § 119-45 shall apply to all new construction, development, and improvements, including the placement of fill material, in any identified floodplain area.
- [1] It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within Chestnuthill Township unless a permit has been obtained from the Floodplain Administrator.
 - [2] A permit shall not be required for minor repairs to existing buildings or structures unless required by other provisions of this chapter.
- (c) Warning and disclaimer of liability.
- [1] The degree of flood protection sought by the provisions of this § 119-45 is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study.
 - [2] Larger floods may occur or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This § 119-45 does not imply that areas outside any identified floodplain areas, or that land uses permitted within such areas, will be free from flooding or flood damages.
 - [3] This § 119-45 shall not create liability on the part of the Township or any officer or employee thereof for any flood damages that result from reliance on this § 119-45 or any administrative decision lawfully made thereunder.

- (d) Abrogation and greater restrictions. This § 119-45 supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this § 119-45, the more restrictive shall apply.
- (e) Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this § 119-45 shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the chapter, which shall remain in full force and effect, and for this purpose the provisions of this § 119-45 are hereby declared to be severable.

C. Administration.

- (1) Designation of the Floodplain Administrator. The Chestnuthill Township Zoning Officer is hereby appointed to administer and enforce this § 119-45 and is referred to herein as the "Floodplain Administrator."
- (2) Zoning permits required. A zoning permit shall be required before any construction or development is undertaken within any area of Chestnuthill Township, including identified floodplain areas.
- (3) Duties and responsibilities of the Floodplain Administrator. In addition to the duties and responsibilities of the Zoning Officer established by this chapter, the Floodplain Administrator shall:
 - (a) State and federal laws. Prior to the issuance of any permit, review the application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the United States Clean Water Act, Section 404 (33 U.S.C. § 1344). No permit shall be issued until this determination has been made.
 - (b) Repetitive loss. In the case of existing structures, review the history of repairs to the subject building prior to the issuance of any zoning permit so that any repetitive loss issues can be addressed before the permit is issued.
 - (c) Construction codes. The Floodplain Administrator shall consider the requirements of the 34 Pa. Code and the 2009 IBC and the 2009 IRC or latest revisions thereof.
- (4) Application procedures and requirements. Applications shall be made in accordance with § 119-3 of this chapter and, in addition to

all other information required by this chapter, applications shall include the following:

- (a) Listing of other permits required.
- (b) Brief description of proposed work and estimated cost, including a breakout of flood-related cost and the market value of the building before the flood damage occurred, where appropriate.
- (c) If any proposed construction or development is located entirely or partially within any identified floodplain area, the applicant shall provide all the necessary information in sufficient detail and clarity to enable the Floodplain Administrator to determine that:
 - [1] All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances.
 - [2] All utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage.
 - [3] Adequate drainage is provided so as to reduce exposure to flood hazards.
 - [4] Structures will be anchored to prevent flotation, collapse, or lateral movement.
 - [5] Building materials are flood resistant.
 - [6] Appropriate practices that minimize flood damage have been used.
 - [7] Electrical, heating, ventilation, plumbing, air-conditioning equipments, and other service facilities have been designed and/or located to prevent water entry or accumulation.
- (d) A plan of the entire site, clearly and legibly drawn at a scale of one inch being equal to 50 feet or less, showing the following:
 - [1] North arrow, scale, and date.
 - [2] Topographic contour lines, if available.
 - [3] The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and development.
 - [4] The location of all existing streets, drives, and other accessways.

- [5] The location of any existing bodies of water or watercourses, identified floodplain areas, limits of earth disturbance, and, if available, information pertaining to the floodway, and the flow of water, including direction and velocities.
- (e) Plans of all proposed buildings, structures and other development, drawn at suitable scale showing the following:
- [1] The proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988.
 - [2] The elevation of the base flood.
 - [3] Supplemental information as may be necessary under 34 Pa. Code, the 2009 IBC or the 2009 IRC.
- (f) The following data and documentation:
- [1] If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood.
 - [2] Documentation, certified by a registered professional engineer, to show that the cumulative effect of any proposed development within an AE Area without floodway, when combined with all other existing and anticipated development, will not increase the base flood more than one foot at any point.
 - [3] A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the base flood.
 - [4] Detailed information needed to determine compliance with § 119-45M(10), Storage, and § 119-45F(3)(g), Dangerous materials or substances including:
 - [a] The amount, location and purpose of any materials or substances referred to in § 119-45M(10), and § 119-45F(3)(g) which are intended to be used, produced, stored or otherwise maintained on site.
 - [b] A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in § 119-45F(3)(g) during a base flood.
 - [5] Where any excavation or grading is proposed, a plan meeting the requirements of the Department of

Environmental Protection, to implement and maintain erosion and sedimentation control and stormwater management.

- (g) Any other pertinent information as may be required by the Floodplain Administrator to determine compliance with this § 119-45.
- (5) Review of application by others. A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Floodplain Administrator to any other appropriate agencies and/or individuals (e.g., Planning Commission, Township Engineer, County Conservation District, etc.) for review and comment.
- D. Basic development standard. In designated floodplain areas, only the following types of activities/development in compliance with this chapter shall be permitted:
 - (1) Activities/development that are compatible with maintaining the existing hydrologic regime and do not alter the cross-sectional dimension of the floodplain and its storage capacity.
 - (2) Activities/development permitted under Title 25, Chapter 105 of the Pennsylvania Code, or conveyances required by Title 25, Chapter 102.
 - (3) Activities/development specifically authorized by this § 119-45.
- E. Identification of floodplain areas.
 - (1) Identification and adoption; overlay.
 - (a) Identification and adoption.
 - [1] The identified floodplain area shall be:
 - [a] Any areas of the Township classified as a special flood hazard area (SFHA) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated May 2, 2013, and issued by the Federal Emergency Management Agency (FEMA), as shown on FIRM Panel Numbers Monroe County - 42089CIND0A and Chestnuthill Township - 42089C0240E, 42089C0245E, 42089C0380E, 42089C0385E, 42089C0390E, 42089C0395E, 42089C0405E and 42089C0415E, or the most recent revisions thereof, including all digital data developed as part of the Flood Insurance Study; and
 - [b] Any Community-Identified Flood Hazard Areas. [See also § 119-45E(2)(c).]

[2] The FIS and FIRMs referenced in § 119-45E(1)(a)[1][a], and any subsequent revisions and amendments, are hereby adopted by the Township and are declared to be a part of this § 119-45.

[a] Floodplain Overlay District. The identified floodplain areas shall be considered an overlay to the underlying zoning districts as shown on the Zoning Map and the provisions of the floodplain overlay district shall supplement those of the underlying district. In the case of any conflict between the floodplain overlay district requirements and the underlying zoning district requirements, the most restrictive shall apply.

(2) Description and special requirements of identified floodplain areas. The identified floodplain area shall consist of the following specific areas:

(a) Floodway Area. Those floodway areas which have been identified in other available studies or sources of information for those AE areas where no floodway has been identified on the FIRM or in the FIS. The floodway represents the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation by more than one foot at any point.

(b) AE Area Without Floodway.

[1] Those areas identified as a Zone A1-30 or an AE Zone on the FIRM included in the FIS prepared by FEMA and for which base flood elevations have been provided in the FIS but no floodway has been delineated.

[2] No permit shall be granted for any construction, development, use, or activity within any AE Area/District Without Floodway unless it is demonstrated that the cumulative effect of the proposed development would not, together with all other existing and anticipated development, increase the base flood elevation than one foot at any point.

(c) Community Identified Flood Hazard Areas.

[1] Those areas where the Township has identified local flood hazard or ponding areas, as delineated and adopted on a Local Flood Hazard Map using best available topographic data and locally derived information such as flood of record, historic high-water marks, soils or approximate study methodologies.

[2] Where the Township has reason to believe that land along a waterway or drainage swale may be subject to a base flood, and the applicable length of the waterway or drainage swale was not studied as part of the official Flood Insurance Study, then the Floodplain Administrator shall require an applicant for development that would alter such land to provide a floodplain study.

[a] The floodplain study shall be prepared by a qualified licensed/registered professional and shall be based upon generally accepted methodology to determine the extent of a Community Identified Flood Hazard Area.

[b] Within any areas that the floodplain study determines to be subject to inundation by a base flood, the requirements of this § 119-45 shall apply.

(d) A Area.

[1] Those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no base flood elevations have been provided. For these areas, elevation and floodway information from other federal, state, or other acceptable source shall be used when available. Where other acceptable information is not available, the base flood elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site.

[2] In lieu of the above, the Township may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township.

(3) Changes in identification of area. The identified floodplain area, including any Community Identified Flood Hazard Area, may be revised or modified by the Township where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change to the Special Flood Hazard Area, approval must be obtained from the Federal Emergency Management Agency (FEMA). Additionally, as soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the FEMA

of changes to the Special Flood Hazard Area by submitting technical or scientific data.

- (4) Boundary disputes. Should a dispute concerning any identified floodplain boundary arise, the determination shall be made by the Floodplain Administrator and any party aggrieved by this decision or determination may appeal to the Zoning Hearing Board. The burden of proof shall be on the appellant.
- F. Prohibited development. In identified floodplain areas, the following shall be prohibited:
- (1) Buildings. All walled and roofed buildings except on certain lots of record pursuant to § 119-45K(1).
 - (2) Floodway. No new construction or development shall be permitted in any floodway area. In the absence of a floodway area, no new construction or development shall be permitted within the area measured 50 feet landward from the top-of-bank of any watercourse unless a permit is obtained from the Department of Environmental Protection.
 - (3) Developments of special concern.
 - (a) The commencement of any of the following activities, or the construction, enlargement, or expansion of any structure used, or intended to be used for any of the following activities shall be prohibited:
 - [1] Assisted living facility.
 - [2] Bus, limousine or taxi terminal.
 - [3] Cemetery.
 - [4] Community center.
 - [5] Concentrated animal feeding operation.
 - [6] Cultural center.
 - [7] Day-care center.
 - [8] Domestic violence shelter.
 - [9] Dormitory.
 - [10] Emergency services station.
 - [11] Green box transfer station/recycling facility.
 - [12] Group home, institutional.
 - [13] Group quarters.
 - [14] Health facility.

- [15] Hospital.
 - [16] Jail, prison or other correctional facility.
 - [17] Junkyard.
 - [18] Natural gas compressor station.
 - [19] Natural gas processing plant.
 - [20] Nursing home.
 - [21] Oil and gas operation.
 - [22] Park and ride facility.
 - [23] Personal care home.
 - [24] Place of worship.
 - [25] Recycling facility.
 - [26] Resource recovery facility.
 - [27] School, public or private primary or secondary school.
 - [28] Self-storage facility.
 - [29] Semipublic building or use.
 - [30] Solid waste facility.
 - [31] Vehicle and equipment rental.
 - [32] Vehicle and equipment repair operation.
 - [33] Vehicle and equipment sales operation.
- (b) Manufactured home park or subdivision. The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.
 - (c) Recreational vehicles. The parking or use of a recreational vehicle unless it is fully licensed and ready for highway use.
 - (d) Fill. The placement of fill material that is not associated with a permitted activity.
 - (e) Sewage disposal. On-lot or community subsurface sewage disposal systems in any floodway.
 - (f) Mineral extraction. Structures associated with mining or oil and gas production (e.g., water storage facilities, fluid-containment facilities, or well pads).

(g) Dangerous materials or substances.

[1] Any type of development or activity involving a material or substance in any amount which is subject to reporting or regulation under:

[a] The Emergency Planning and Community Right-to-Know Act (EPCRA), also known as Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA).

[b] Section 112(r) of the Clean Air Act (CAA).

[c] The Resource Conservation and Recovery Act (RCRA).

[d] The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA).

[2] If not addressed by § 119-45F(3)(g)[1], any type of development or activity which will be used for the production or storage of any of the following, or which will be used for any activity requiring the maintenance of a supply of more than a combined total of 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or which will involve the production, storage, or use of any amount of radioactive substances. The following list of materials and substances are considered dangerous to human life:

[a] Acetone.

[b] Ammonia.

[c] Benzene.

[d] Calcium carbide.

[e] Carbon disulfide.

[f] Celluloid.

[g] Chlorine.

[h] Hydrochloric acid.

[i] Hydrocyanic acid.

[j] Magnesium.

[k] Nitric acid and oxides of nitrogen.

[l] Petroleum products (gasoline, fuel oil, etc.).

[m] Phosphorus.

- [n] Potassium.
 - [o] Sodium.
 - [p] Sulphur and sulphur products.
 - [q] Pesticides (including insecticides, fungicides, and rodenticides).
 - [r] Any other substance as determined by the Township.
- G. Permitted activities/development. The following activities/development are permitted in identified floodplain areas, provided that such activity/development does not involve any activity/development prohibited by § 119-45F:
- (1) Agricultural activities.
 - (2) Plant nurseries.
 - (3) Forestry and seed production.
 - (4) Fish hatcheries.
 - (5) Parking lots constructed to existing grade allowing for field conditions within two feet of existing grade.
 - (6) Temporary fairs or carnivals.
 - (7) Accessory uses for residential purposes.
 - (8) Private sportsmen's club activities (for example, archery, hunting, horse shoes etc.).
 - (9) Outdoor athletic facilities.
 - (10) Orchards.
 - (11) Wildlife sanctuaries.
 - (12) Boat launch sites constructed to existing grade allowing for field conditions within two feet of existing grade.
 - (13) Stormwater conveyance and stormwater management facilities for water quality as permitted by the Township Stormwater Management Ordinance (Act 167).⁵⁶
 - (14) The parking or use of recreational vehicles which are fully licensed and ready for highway use.
 - (15) Development on certain lots of record pursuant to § 119-45K(1).
- H. Unspecified activities/development. Any activity/development not expressly permitted in § 119-45G (permitted activities/development)

56. Editor's Note: See Ch. 92, Stormwater Management.

shall only be permitted by variance and shall be undertaken only in full compliance with § 119-45L, Variances and § 119-45M, Design and construction standards. However, no activity/development shall be permitted which involves any activity/development expressly prohibited by § 119-45F(3), Developments of special concern.

I. Watercourses and stream banks; Letter of Map Revision.

(1) Watercourses and stream banks.

(a) Alteration or relocation of watercourse.

[1] No encroachment, alteration, improvement or development of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action, the Federal Emergency Management Agency, and the Pennsylvania Department of Community and Economic Development have been notified in writing by the applicant by certified mail, and until all required permits or approvals have been first obtained from the Department of Environmental Protection and other applicable agencies. The applicant shall provide the Township with proof of the required notifications and copies of any responses.

[2] No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood-carrying capacity of the watercourse in any way.

(b) Restoration of unstable stream banks. No stream bank restoration or stabilization projects shall be undertaken until the applicant obtains a permit from the Department of Environmental Protection and other applicable agencies. Any restoration or stabilization project shall include all necessary measures to ensure the maintenance of stability in the adjacent stable reaches of the stream channel.

(2) Letter of Map Revision. Technical or scientific data shall be submitted by the applicant to FEMA for a Letter of Map Revision (LOMR) as soon as practicable, but within six months of the completion of any new construction, development or other activity resulting in changes in the base flood elevation. The situations when a LOMR or a Conditional Letter of Map Revision (CLOMR) are required are:

(a) Any development that causes a rise in the base flood elevations within the floodway.

(b) Any development occurring in Zone AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation.

- (c) Alteration or relocation of a stream, including, but not limited to, installing culverts and bridges. This shall not apply to replacing culverts in-kind.
- J. Existing structures in floodplain area. The provisions of this § 119-45 do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure in the identified floodplain area, the following provisions shall apply:
- (1) Expansions or enlargements. No expansion or enlargement of an existing structure shall be allowed within any floodway area/district unless a variance is granted in accordance with § 119-45L. [See § 119-45L(2).].
 - (2) AE Area Without Floodway. No vertical expansion or enlargement of an existing structure shall be allowed within any AE Area Without Floodway that would, together with all other existing and anticipated development, increase the base flood elevation more than one foot at any point.
 - (3) AE Area Without Floodway and A Area. No permitted expansion or enlargement of an existing structure shall be allowed within 50 feet landward from the top-of-bank of any watercourse within any AE Area which lacks a designated floodway or within any A Area unless necessary permits are obtained from the Department of Environmental Protection Regional Office.
 - (4) Danger to human life. No modification, alteration, reconstruction, or improvement of any kind to an existing structure shall be permitted which involves any activity which may endanger human life as listed in § 119-45F(3)(g).
 - (5) Substantial improvement. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of 50% or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this § 119-45.
 - (6) Less than substantial improvement. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than 50% of its market value, shall be elevated to the greatest extent possible.
 - (7) Repetitive loss. Any modification, alteration, reconstruction, or improvement of any kind that meets the definition of repetitive loss shall only be permitted by variance and shall be undertaken only in full compliance with § 119-45L, Variances, and § 119-45M, Design and construction standards.

(8) Construction codes. The above activity shall also address the requirements of the 34 Pa. Code, as amended, and the 2009 IBC and the 2009 IRC, or the most recent revisions thereof.

K. Existing lots or parcels of record and newly created lots or parcels.

(1) Existing lots or parcels of record.

(a) Wholly in floodplain. In the case where an existing lot or parcel of record is located wholly within an identified floodplain area, notwithstanding the prohibitions of § 119-45F(1), Buildings, § 119-45F(3)(d), Fill and § 119-45F(3)(e), Sewage disposal, walled and roofed buildings, accessory uses, fill and on-lot sewage disposal shall be permitted pursuant to the standards and criteria in § 119-45M.

(b) Partially in floodplain.

[1] In the case where an existing lot or parcel of record is located partially within any identified floodplain area, notwithstanding the prohibitions of § 119-45F(1) Buildings, § 119-45F(3)(d), Fill and § 119-45F(3)(e), Sewage disposal, walled and roofed buildings, accessory uses, fill and on-lot sewage disposal shall be permitted in the identified floodplain area pursuant to the standards and criteria in § 119-45M, provided that the Floodplain Administrator determines that a building envelope meeting all applicable setback, lot coverage, slope limitation and other standards cannot be identified on the parcel outside the identified floodplain area.

[2] The determination shall be based on documentation provided by the applicant and any other information available.

[3] Any aggrieved party may appeal the determination to the Zoning Hearing Board.

(c) AE Area Without Floodway. In any AE Area Without Floodway, no new development shall be permitted unless it can be demonstrated that the cumulative effect of the proposed development would not, together with all other existing and anticipated development, increase the base flood elevation by more than one foot at any point.

(d) Prohibited development. Nothing in this § 119-45K(1) shall authorize any other development prohibited by § 119-45F.

(2) Newly created lots or parcels.

(a) Development purposes.

- [1] After the effective date of this § 119-45, every lot or parcel created for development purposes shall contain an area adequate for the proposed use outside of an identified floodplain area, except as provided in § 119-45K(2)(b).
 - [2] The subdivision plan and deed for any such lot or parcel shall include a restriction that the lot or parcel shall not be used for any development which does not comply with the Township floodplain regulations in effect when such development is proposed.
- (b) Nondevelopment purposes. After the effective date of this § 119-45, the subdivision plan and deed for any lot or parcel created for nondevelopment purposes (e.g., forestry or agriculture) which contains any identified floodplain area shall include a restriction that the lot or parcel shall not be used for any development which does not comply with the Township floodplain regulations in effect when such development is proposed.
- (c) Variance prohibited. No variance shall be granted for any development in any identified floodplain area affecting any lot or parcel created after the effective date of this § 119-45 unless a new flood study results in an increase in the identified floodplain area affecting such lot or parcel and which precludes the development of the lot.
- (3) Special requirements for subdivisions. All subdivision proposals containing at least 50 lots or at least five acres, whichever is the lesser, in identified floodplain areas where base flood elevation data is not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision or Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.
- L. Variances. If compliance with any of the requirements of this § 119-45 would result in an exceptional hardship to a prospective builder, developer, or landowner, the Zoning Hearing Board may, upon request, grant relief from the strict application of the requirements. Requests for variances shall be considered in accordance with §§ 119-12 and 119-13 and the following:
- (1) Alternatives analysis. No variance shall be granted until the applicant has performed an alternatives analysis to find practicable alternatives to development in the identified floodplain area.
 - (2) Floodway.

- (a) No variance shall be granted for any construction, development, use, or activity within any floodway area that would cause any increase in the base flood elevation.
 - (b) Where a variance may be granted, necessary permits shall be obtained from the Department of Environmental Protection Regional Office.
 - (c) Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- (3) AE Area Without Floodway. No variance shall be granted for any construction, development, use, substantial improvement or activity within any AE Area Without Floodway that would, together with all other existing and anticipated development, increase the base flood elevation greater than one foot at any point.
 - (4) AE Area Without Floodway and A Area. No variance shall be granted for any construction, development, use, substantial improvement or activity within 50 feet landward from the top-of-bank of any watercourse within any AE area which lacks a designated floodway or within any A Area unless necessary permits are obtained from the Department of Environmental Protection Regional Office.
 - (5) Elevation required. Any building permitted by variance shall be elevated to the regulatory flood elevation. Within any identified floodplain area, any new construction or substantial improvement of a residential structure or nonresidential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation. The regulatory flood elevation is defined as the base flood elevation plus a freeboard safety factor of 1 1/2 feet. In A Zones, the regulatory flood elevation shall be determined in accordance with § 119-45E(2)(d).
 - (6) Design and construction standards. Any development permitted by variance shall comply with the requirements of § 119-45M and all other applicable requirements of the National Flood Insurance Program.
 - (7) Substantial improvements. The Zoning Hearing Board may grant a variance to the prohibition of substantial improvements to existing structures in identified floodplain areas, provided that all requirements of this § 119-45L are satisfied.

- (8) Developments of special concern. No variance shall be granted for any development of special concern identified in § 119-45F(3).
 - (9) Least modification. If granted, a variance shall involve only the least modification necessary to provide relief.
 - (10) Conditions. In granting any variance, the Zoning Hearing Board shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this § 119-45.
 - (11) Written notice. Whenever a variance is granted, the Zoning Hearing Board shall notify the applicant in writing that:
 - (a) The granting of the variance may result in increased premium rates for flood insurance.
 - (b) Such variances may increase the risks to life and property.
 - (12) Review factors. In reviewing any request for a variance, the Zoning Hearing Board shall consider that the granting of the variance will not:
 - (a) Result in a prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense.
 - (b) Create nuisances, cause fraud on or victimize the public, or conflict with any other applicable state or local ordinances and regulations.
 - (13) Record. A complete record of all variance requests and related actions shall be maintained by the Zoning Hearing Board. In addition, a report of all variances granted during the year under this § 119-45L shall be included in the annual report to the FEMA.
- M. Design and construction standards. The following minimum standards, in addition to all applicable National Flood Insurance Program requirements, shall apply to any construction and development approved within any identified floodplain area:
- (1) Residential and nonresidential structures.
 - (a) In any AE Area Without Floodway, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation.
 - (b) In A Zones, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation determined in accordance with § 119-45E(2)(d).
 - (c) The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in

the 2009 International Residential Code (IRC), or the most recent revisions thereof, and ASCE 24 and 34 Pa. Code (Chapters 401-405 as amended) shall be utilized.

- (2) Space below the lowest floor.
 - (a) Fully enclosed space below the lowest floor (excluding basements) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on exterior walls. The term fully enclosed space also includes crawl spaces.
 - (b) Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
 - [1] A minimum of two openings having a net total area of not less than one square inch for every square foot of enclosed space.
 - [2] The bottom of all openings shall be no higher than one foot above grade.
 - [3] Openings may be equipped with screens, louvers, etc., or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.
- (3) Manufactured homes.
 - (a) All manufactured homes, and any improvements thereto, shall be:
 - [1] Placed on a permanent foundation.
 - [2] Elevated so that the lowest floor of the manufactured home is at least 1 1/2 feet above the base flood elevation.
 - [3] Anchored to resist flotation, collapse, or lateral movement.
 - (b) Installation of manufactured homes shall be done in accordance with the manufacturer's installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2009 International Residential Building Code or the United States Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing, 1984 Edition, draft or latest revision thereto shall apply and 34 Pa. Code Chapter 401-405.
 - (c) Consideration shall be given to the installation requirements of the 2009 IBC and the 2009 IRC, or the most recent revisions

thereto, and 34 Pa. Code, as amended, where appropriate and/or applicable to units where the manufacturer's standards for anchoring cannot be provided or were not established for the unit's proposed installation.

- (4) Accessory structures. Structures accessory to a principal building need not be elevated to remain dry, but shall comply, at a minimum, with the following requirements:
 - (a) The structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles or to the storage of tools, material, and equipment related to the principal use or activity.
 - (b) Floor area shall not exceed 100 square feet.
 - (c) The structure shall have a low damage potential.
 - (d) The structure shall be located on the site so as to cause the least obstruction to the flow of floodwaters.
 - (e) Power lines, wiring, and outlets will be elevated to the regulatory flood elevation.
 - (f) Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc., are prohibited.
 - (g) Sanitary facilities are prohibited.
 - (h) The structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
 - [1] A minimum of two openings having a net total area of not less than one square inch for every square foot of enclosed space.
 - [2] The bottom of all openings shall be no higher than one foot above grade.
 - [3] Openings may be equipped with screens, louvers, etc., or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.
- (5) Fill. If fill is used, it shall:
 - (a) Extend laterally at least 15 feet beyond the building line from all points.

- (b) Consist of soil or small rock materials only. Sanitary landfills shall not be permitted.
 - (c) Be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling.
 - (d) Be no steeper than one vertical to two horizontal feet unless substantiated data, justifying steeper slopes are submitted to and approved by the Floodplain Administrator.
 - (e) Be used to the extent to which it does not adversely affect adjacent properties.
- (6) Drainage facilities. Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner in accordance with all applicable Township stormwater control requirements. The system shall insure proper drainage along streets and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.
- (7) Water and sanitary sewer facilities and systems.
- (a) All new or replacement water supply and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of floodwaters.
 - (b) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into floodwaters.
 - (c) No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all state and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.
 - (d) The design and construction provisions of the UCC and FEMA #348, Protecting Building Utilities from Flood Damages, and the International Private Sewage Disposal Code shall be utilized.
- (8) Other utilities. All other utilities such as gas lines and electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.
- (9) Streets. The finished elevation of all new streets shall be no more than one foot below the regulatory flood elevation.
- (10) Storage. All materials that are buoyant, flammable or explosive, or, in times of flooding, could be injurious to human, animal, or plant life, and not listed in § 119-45F(3)(g), shall be stored at or above the regulatory flood elevation.

- (11) Placement of buildings and structures. All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of floodwater.
- (12) Anchoring.
- (a) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
 - (b) All air ducts, large pipes, storage tanks, and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.
- (13) Floors, walls and ceilings.
- (a) Wood flooring used at or below the regulatory flood elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
 - (b) Plywood used at or below the regulatory flood elevation shall be of a marine or water-resistant variety.
 - (c) Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are water-resistant and will withstand inundation.
 - (d) Windows, doors, and other components at or below the regulatory flood elevation shall be made of metal or other water-resistant material.
- (14) Paints and adhesives.
- (a) Paints and other finishes used at or below the regulatory flood elevation shall be of marine or water-resistant quality.
 - (b) Adhesives used at or below the regulatory flood elevation shall be of a marine or water-resistant variety.
 - (c) All wooden components (doors, trim, cabinets, etc.) used at or below the regulatory flood elevation shall be finished with a marine or water-resistant paint or other finishing material.
- (15) Electrical components.
- (a) Electrical distribution panels shall be at least three feet above the base flood elevation.
 - (b) Separate electrical circuits shall serve lower levels and shall be dropped from above.

- (16) Equipment. Water heaters, furnaces, air-conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the regulatory flood elevation.
- (17) Fuel supply systems. All gas and oil supply systems shall be designed to prevent the infiltration of floodwaters into the system and discharges from the system into floodwaters. Additional provisions shall be made for the drainage of these systems in the event that floodwater infiltration occurs.
- (18) Uniform Construction Code coordination. The standards and specifications contained 34 Pa. Code (Chapters 401-405), as amended, and not limited to the following provisions shall apply to the above and other sections and subsections of this § 119-45, to the extent that they are more restrictive and/or supplement the requirements of this § 119-45:
 - (a) International Building Code (IBC) 2009 or the latest edition thereof: §§ 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.
 - (b) International Residential Building Code (IRC) 2009 or the latest edition thereof: §§ R104, R105, R109, R323, Appendix AE101, Appendix E and Appendix J.

§ 119-46. Noise.

- A. No principal or accessory use, or operations or activities on its lot, shall generate a sound level exceeding the limits established in the table below, when measured at the specified locations:

Land Use or Zoning District Receiving the Noise	Hours/Days	Maximum Sound Level
At a lot line of a residential use in a residential district	1) 7:00 a.m. to 9:00 p.m. other than Sundays, Christmas Day, Thanksgiving Day, New Year's Day, Labor Day and Memorial Day	1) 62 dBA
	2) 9:00 p.m. to 7:00 a.m. plus all day Sundays, Christmas Day, Thanksgiving Day, New Year's Day, Easter Sunday, Labor Day and Memorial Day	2) 55 dBA
At any other lot line	All times and days	70 dBA

Note: "dBA" means "A" weighted decibel.

- B. The maximum permissible sound level limits set forth in the above table shall not apply to any of the following noise sources:
- (1) Sound needed to alert people about an emergency.
 - (2) Repair or installation of utilities or construction of structures, sidewalks or streets between the hours of 7:00 a.m. and 8:00 p.m., except for clearly emergency repairs which are not restricted by time.
 - (3) Household power tools and lawnmowers between the hours of 8:00 a.m. and 9:00 p.m.
 - (4) Agricultural activities, including permitted raising of livestock, but not exempting a commercial kennel.
 - (5) Public celebrations specifically authorized by the Board of Supervisors or a county, state or federal government agency or body.
 - (6) Unamplified human voices or the sound of a single animal.
 - (7) Routine ringing of bells and chimes by a place of worship or municipal clock.
 - (8) Vehicles operating on a public street, railroads and aircraft.

§ 119-47. Odors and dust.

No use shall generate odors or dust that are offensive to persons of average sensitivities beyond the boundaries of the subject lot.

§ 119-48. Control of light and glare. [Amended 5-1-2014 by Ord. No. 2014-01]

Lighting shall be controlled in both height and intensity to maintain community character; and lighting design should be an inherent part of the project design. The applicant shall provide the specifications of the proposed lighting and its arrangement on the site. Any proposal which is considered a land development as defined by Chapter 98 shall be governed by the light and glare standards in Chapter 98. Following the establishment of any land development, the ongoing operation and maintenance of the lighting facilities shall comply with the requirements of this § 119-48, and violations shall be subject to the enforcement provisions of this chapter.

- A. Purpose. To set standards for outdoor lighting to:
- (1) Provide for and control lighting in outdoor places where public health, safety and welfare are potential concerns;

- (2) Protect drivers and pedestrians from the glare of nonvehicular light sources;
- (3) Protect neighbors, the environment and the night sky from nuisance glare and light trespass from improperly selected, placed, aimed, applied, maintained or shielded light sources; and
- (4) Promote energy-efficient lighting design and operation.

B. Applicability.

- (1) This section shall apply to all uses within the Township where there is exterior lighting that is viewed 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.
- (2) Exemptions. The following lighting applications are exempt from the requirements of this section:
 - (a) Lighting within a public right-of-way or easement for the principal purpose of illuminating streets or roads. No exemption shall apply to any lighting within the public right-of-way or easement when the purpose of the luminaire is to illuminate areas outside the public right-of-way or easement.
 - (b) Lighting for public monuments and statuary.
 - (c) Underwater lighting in swimming pools and other water features.
 - (d) Low-voltage landscape lighting.
 - (e) Individual porch lights of a dwelling.
 - (f) Repairs to existing luminaires not exceeding 25% of the number of total installed luminaires.
 - (g) Temporary lighting for theatrical, television, performance areas and construction sites.
 - (h) Temporary lighting and seasonal decorative lighting, provided that individual lamps are less than 10 watts and 70 lumens.
 - (i) Emergency lighting, as may be required by any public agency while engaged in the performance of its duties, or for illumination of the path of egress during an emergency.

C. Standards.

- (1) Illumination levels. Lighting shall have illuminances, uniformities and glare control in accord with the recommended practices of the Illuminating Engineering Society of North America (IESNA), unless otherwise directed by the Township.

(2) Luminaire design.

(a) Horizontal surfaces.

- [1] For the lighting of predominantly horizontal surfaces, such as, but not limited to, parking areas, roadways, culs-de-sac, vehicular and pedestrian passage areas, merchandising and storage areas, automotive-fuel dispensing facilities, automotive sales areas, loading docks, active and passive recreational areas, building entrances, sidewalks, bicycle and pedestrian paths, and site entrances, luminaires shall be aimed straight down and shall meet IESNA full-cutoff criteria.
- [2] Luminaires with an aggregate rated lamp output not exceeding 500 lumens, e.g., the rated output of a standard nondirectional 40-watt incandescent or ten-watt compact fluorescent lamp, are exempt from this § 119-48C(2). In the case of decorative streetlighting, the Township may approve the use of luminaires that are fully shielded or comply with IESNA cutoff criteria rather than full-cutoff.

(b) Nonhorizontal surfaces.

- [1] For the lighting of predominantly nonhorizontal surfaces, such as, but not limited to, facades, landscaping, signs, billboards, fountains, displays and statuary, when their use is specifically permitted by the Township, luminaires shall be shielded and shall be installed and aimed so as to not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward or onto a public roadway.
- [2] Luminaires 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 § 119-48C(2)(b).

(3) 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 and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property.
- (b) Directional luminaires, such as floodlights and spotlights, when their use is specifically approved by the Township, shall be so shielded, installed and aimed that they do not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward or

onto a public roadway or pedestrian way. Floodlights installed above grade on residential properties, except when motion-sensor actuated, shall not be aimed out more than 45° from straight down. When a floodlight creates glare as viewed from an adjacent residential property, the floodlight shall be required to be reaimed and/or fitted with a shielding device to block the view of the glare source from that property.

- (c) "Barn lights," aka "dusk-to-dawn lights," when a source of glare as viewed from an adjacent property, shall not be permitted unless effectively shielded as viewed from that property.
- (d) The use of floodlights and wall-mounted luminaires (wall packs) shall not be permitted to illuminate parking areas unless it can be proven to the satisfaction of the Township that the employment of no other means is possible.
- (e) Parking facility and vehicular and pedestrian way lighting (except for safety and security applications and all-night business operations) for commercial, industrial and institutional uses shall be automatically extinguished no later than one 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 luminaires or illumination level required or permitted for illumination during regular business hours. When it can be demonstrated to the satisfaction of the Township that an elevated security risk exists, e.g., a history of relevant crime, an appropriate increase above the 25% limit may be permitted.
- (f) Luminaires shall be automatically controlled through the use of a programmable controller with battery power-outage reset, which accommodates daily and weekly variations in operating hours, annual time changes and seasonal variations in hours of darkness. The use of photocells is permitted when in combination with the programmable controller to turn luminaires on at dusk and also for all-night safety/security dusk-to-dawn luminaire operation when such lighting is specifically approved by the Township. The use of motion detectors is permitted.
- (g) Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily through the use of such means as cutoff luminaires, shields and baffles, and appropriate application of luminaire mounting height, wattage, aiming angle and luminaire placement.
- (h) Light spillover.

- [1] Residential. The illumination projected from any use onto a residential use or permanent open space shall at no time exceed 0.1 initial footcandle, measured line-of-sight at any time and from any point on the receiving residential property. This shall include glare from digital or other illuminated signs.
- [2] Nonresidential. The illumination projected from any property onto a nonresidential use shall at no time exceed 1.0 initial footcandle, measured line-of-sight from any point on the receiving property.
- (i) Height. Except as permitted for certain recreational lighting and permitted elsewhere in this subsection, luminaires shall not be mounted in excess of 20 feet above finished grade (AFG) of the surface being illuminated. Luminaires not meeting full-cutoff criteria, when their use is specifically permitted by the Township, shall not be mounted in excess of 16 feet AFG. "Mounting height" shall be defined as the distance from the finished grade of the surface being illuminated to the optical center of the luminaire. Where proposed parking lots consist of 100 or more contiguous spaces, the Township may, at its discretion, based partially on mitigation of potential off-site impacts, permit a luminaire mounting height not to exceed 25 feet AFG. For maximum mounting height of recreational lighting, refer to § 119-48D(6).
- (j) The United States, state and other official flags may be illuminated from dusk to dawn. All other flags shall not be illuminated past 11:00 p.m. Flag lighting sources shall not exceed 7,000 aggregate lamp lumens per flagpole. The light source shall have a beam spread no greater than necessary to illuminate the flag.
- (k) Under-canopy lighting for such applications as gas/service stations, hotel/theater marquees, and fast-food/bank/drugstore drive-ups shall be accomplished using flat-lens full-cutoff luminaires aimed straight down and shielded in such a manner that the lowest opaque edge of the luminaire shall be below the light source and its light-directing surfaces, at all lateral angles around the luminaire. The average illumination intensity in the area directly below the canopy shall not exceed 20 maintained footcandles, and the maximum density shall not exceed 30 initial footcandles.
- (l) Soffit lighting around building exteriors shall not exceed 15 initial footcandles.
- (m) The use of white strobe lighting for tall structures such as smokestacks, chimneys and radio/communication towers is

prohibited during hours of darkness, except as required by the FAA.

- (4) Installation.
 - (a) Electrical feeds for lighting standards shall be run underground, not overhead, and shall be in accord with the National Electrical Code (NEC) Handbook.
 - (b) Poles supporting luminaires for the illumination of parking areas and located within the parking area or directly behind parking spaces, or where they could be hit by snow plows or wide-swinging vehicles, shall be protected by being 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, shielded by steel bollards or protected by other Township-approved means.
 - (c) Pole-mounted luminaires for lighting horizontal surfaces shall be aimed straight down, and poles shall be plumb.
 - (d) Poles and brackets for supporting luminaires shall be those specifically manufactured for that purpose and shall be designed and rated for the luminaire and mounting accessory weights and wind loads involved.
 - (e) Pole foundations shall be designed consistent with manufacturer's wind load requirements and local soil conditions involved.
- (5) Maintenance. Luminaires and ancillary equipment shall be maintained so as to meet the requirements of this chapter.
- (6) Billboards and signs. The lighting of new or relighting of existing billboards and signs shall require a zoning permit, which shall be granted when the Township is satisfied that excessive illumination, light pollution, glare and light trespass have been adequately mitigated, and shall be subject to the following requirements:
 - (a) Externally illuminated billboards and signs shall have luminaires mounted at the top of the billboard or sign and aimed downward. The luminaires shall be designed, fitted and aimed to shield the lamp and its reflective surfaces 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 Township 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 vertical footcandles during hours of darkness.

- (b) Internally illuminated signs shall have a dark field and light message. The aggregate output of the light sources shall not exceed 500 initial lumens per square foot of sign face per side.
 - (c) Electronic signs shall comply with the requirements of § 119-65.
 - (d) The illumination of a billboard within 400 feet of a residential use shall not be permitted.
 - (e) Rotating, traveling, pulsing, flashing or oscillating light sources, lasers, beacons, searchlights or strobe lighting shall not be permitted.
 - (f) The use of highly reflective signage that creates nuisance glare or a safety hazard shall not be permitted.
- D. Recreational uses. The nighttime illumination of outdoor recreational facilities for such sports as baseball, basketball, soccer, tennis, track and field, and football typically necessitates higher than normally permitted luminaire mounting heights and aiming angles, utilizes very-high-wattage lamps and potentially produces unacceptable levels of light trespass and glare when located near residential properties. Permission to illuminate such facilities shall be granted only when the Township 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 Township for operation during hours of darkness, the following requirements shall apply:
- (1) Racetracks and such recreational venues as golf driving ranges and trap-shooting facilities that necessitate the horizontal or near horizontal aiming of luminaires and projection of illumination may be permitted by conditional use. A visual impact plan, as set forth in Subsection D(6) below, shall be required.
 - (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 property within a residential district.
 - (3) Sporting events shall be timed to end at such time that all lighting in the sports facility, other than lighting for safe exit of patrons, shall be extinguished by 10:00 p.m., except on the occurrence of extra innings or overtimes.
 - (4) The Township reserves the right to limit the number of illuminated sporting events per week or season.
 - (5) Maximum mounting heights for recreational lighting shall be in accord with the following:
 - (a) Basketball: 20 feet.

- (b) Football: 70 feet.
 - (c) Soccer: 70 feet.
 - (d) Lacrosse: 70 feet.
 - (e) Baseball and softball:
 - [1] Two-hundred-foot radius: 60 feet.
 - [2] Three-hundred-foot and larger radius: 70 feet.
 - (f) Miniature golf: 20 feet. See driving range in § 119-48D(1).
 - (g) Swimming pool aprons: 20 feet.
 - (h) Tennis: 20 feet.
 - (i) Track: 20 feet.
 - (j) All uses not listed: 20 feet, including commercial recreational lighting not otherwise regulated in this § 119-48.
- (6) Visual impact plan. To assist the Township in determining whether the potential impacts of proposed lighting have been suitably managed, applications for illuminating recreational facilities shall be accompanied not only with the information required under § 119-48E, 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 luminaire mounting heights, horizontal and vertical aiming angles and luminaire arrays for each pole location.
 - (c) Elevations containing initial vertical illuminance plots at the boundary of the site, taken at a height of five feet line-of-sight.
 - (d) Elevations containing initial vertical 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 § 119-48C(3).
 - (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.

- E. Plan submission. Lighting plans shall be submitted for Township review and approval for subdivision and land development, conditional use, variance, zoning permit and special exception applications. The submitted information shall include the following:
- (1) A plan or plans of the site, complete with all 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 proposed and existing luminaires, including, but not limited to, area, architectural, building entrance, canopy, soffit, landscape, flags and signs, 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 footcandle, which demonstrates compliance with the light trespass, illuminance and uniformity requirements as set forth in this chapter. When the scale of the plan, as judged by the Township, makes a ten-foot-by-ten-foot grid plot illegible, a more-legible grid spacing may be permitted.
 - (3) Light-loss factors, IES candela test-filename, initial lamp-lumen ratings and specific lamp manufacturer's lamp ordering nomenclature, used in calculating the plotted illuminance levels.
 - (4) Description of the proposed equipment, including luminaire catalog cuts, photometrics, glare-reduction devices, lamps, on/off control devices, mounting heights, pole foundation details, pole-protection means and mounting methods.
 - (5) Landscaping plans shall contain luminaire locations, demonstrating 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, the applicant shall also submit a visual impact plan in accord with § 119-48D(6).
 - (7) Plan notes. The following notes shall appear on the lighting plan:
 - (a) "Post-approval alterations to lighting plans or intended substitutions for specified lighting equipment on the approved plan shall be submitted to the Township for review and approval prior to installation. Requests for substitutions shall be accompanied by catalog cuts of the proposed equipment that demonstrate the proposed substitution is equal to or exceeds the optical quality and maintainability of the specified luminaires; and accompanied by a lighting plan, including a point-by-point plot, which demonstrates that proposed substitutions will result in a lighting design that equals or exceeds the quality of the approved plan."

- (b) "The Township reserves the right to conduct post-installation inspections to verify compliance with ordinance requirements and approved lighting plan commitments and, if deemed appropriate by the Township, to require remedial action at no expense to the Township."
 - (c) "All exterior lighting, including building-mounted lighting, shall meet IESNA full-cutoff criteria unless otherwise specifically approved by the Township."
 - (d) "Installer shall notify Township to arrange for inspection and approval of all exterior lighting, including building-mounted lighting, prior to its installation."
- F. Compliance monitoring.
- (1) Safety hazards. If the Zoning Officer determines that a lighting installation creates a safety hazard, enforcement proceedings shall be initiated in accord with § 119-7.
 - (2) Nuisance glare and inadequate illumination levels. If the Zoning Officer determines that a lighting installation produces unacceptable levels of nuisance glare, skyward light, excessive or insufficient illumination levels or otherwise varies from the requirements of this chapter, enforcement proceedings shall be initiated in accord with § 119-7.
- G. Nonconforming lighting. A nonconforming lighting fixture or lighting installation shall be made to conform with the applicable requirements of this § 119-48 when:
- (1) It is deemed by the Zoning Officer to create a safety hazard;
 - (2) It is replaced, abandoned or relocated;
 - (3) There is a change in use; or
 - (4) Minor corrective action is deemed appropriate by the Zoning Officer to bring the fixture or installation into conformance with the requirements of this chapter. "Minor corrective action" shall be defined as having a cost not to exceed 25% of the cost of the replacement of the fixture or installation.
- H. Definitions. The definitions in this § 119-48H shall supplement the definitions in § 119-21.

ARCHITECTURAL LIGHTING — Lighting designed to reveal architectural beauty, shape and/or form and for which lighting for any other purpose is incidental.

FOOTCANDLE — The amount of illumination the inside surface of a one-foot-radius sphere would receive if there were a uniform point source of one candela in the exact center of the sphere. The footcandle

is equal to one lumen per square foot and is measurable with an illuminance meter (light meter).

FULL CUTOFF — Attribute of a luminaire from which no light is emitted at or above a horizontal plane drawn through the lowest light-emitting portion of the luminaire 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 luminaire. A full-cutoff luminaire, by definition, also is "fully shielded."

FULLY SHIELDED — A luminaire with opaque top and sides, capable of emitting light only in the lower photometric hemisphere as installed. See also "full cutoff."

GLARE — Light entering the eye directly from luminaires or indirectly from reflective surfaces that causes visual discomfort or loss in visual performance and visibility.

IESNA — Illuminating Engineering Society of North America.

LAMP — A generic term for a source of optical radiation, often called a "bulb" or "tube."

LED — Light-emitting diode.

LIGHTING SYSTEM — On a site, all exterior electric lighting and controls.

LIGHT TRESPASS — Light emitted by a luminaire or installation, which is cast beyond the boundaries of the property on which the lighting installation is sited.

LUMEN — As used in the context of this chapter, the light-output rating of a lamp (light bulb).

LUMINAIRE — The complete lighting unit (fixture), consisting of a lamp, or lamps and ballast(s), when applicable, together with the parts designed to distribute the light (reflector lens, diffuser), to position and protect the lamps, and to connect the lamps to the power supply.

LUMINAIRE, SHIELDED DIRECTIONAL — A fully shielded luminaire with an adjustable mounting device allowing aiming in a direction other than straight downward.

§ 119-49. Steep slopes.

See § 119-31.

§ 119-50. Setbacks from creeks.

See § 119-33.

§ 119-51. Dumping.

- A. Solid waste shall not be deposited in a manner that does not comply with state solid waste management regulations. Solid waste shall not be deposited on a lot without the permission of the lot owner.
- B. Commercial uses selling ready-to-consume food and beverage shall provide outdoor litter receptacles in locations that are convenient for customers. Such receptacles shall be regularly emptied.

ARTICLE VI
(Reserved)⁵⁷

§ 119-52. through § 119-55. (Reserved)

57. Editor's Note: Former Art. VI, Off-Street Parking and Loading, was repealed 5-1-2014 by Ord. No. 2014-01. See now § 119-76, Off-street parking and loading.

ARTICLE VII

Signs

[Amended 2-7-2006 by Ord. No. 2006-03; 5-1-2014 by Ord. No. 2014-01]

§ 119-56. General provisions.

- A. Purpose. The purpose of this Article VII is to establish standards for the regulation of signs in order to safeguard the public interest and to:
- (1) Preserve the beauty and the unique character of the Township and thereby enhance tourism and business;
 - (2) Establish reasonable time, place and manner for the exercise of free speech, without regulating content;
 - (3) Protect property values and ensure compatibility with the character of neighboring uses;
 - (4) Protect the general public from damage and injury which may be caused by the faulty construction of signs;
 - (5) Protect pedestrians and motorists from damage or injury caused by, or partially attributable to, the distractions and obstructions caused by improperly situated signs;
 - (6) Promote the public safety, welfare, convenience and enjoyment of travel and the free flow of traffic;
 - (7) Assure that signs are clear and provide the essential identity of or direction to facilities in the community; and
 - (8) Enable the fair and consistent enforcement of the sign restrictions throughout the Township.
- B. Applicability; effect. A sign may be erected, placed, established, painted, created or maintained in the Township only in conformance with the standards, procedures, exceptions, and other requirements of this article. The effect of this article, as more specifically set forth herein, is to:
- (1) Establish a permit system to allow a variety of types of signs in the various zones, subject to the standards and the permit procedures of this article;
 - (2) Allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this article, but without a requirement for permits;
 - (3) Provide for temporary signs without commercial messages in limited circumstances in the public right-of-way; and

- (4) Prohibit all signs not expressly permitted by this article.
- C. Requirement of conformity. No sign for which a permit is issued after the effective date of this article may be placed or maintained in the Township except as provided herein. All signs maintained contrary to the provisions of this article are declared to be nuisances and as such may be abated as provided by law.
- D. Recommended types of signs. It is recommended that signs be:
 - (1) Wood or simulated wood relief. (See § 119-59K.)
 - (2) Designed as an integral architectural element of the building and component of the site.
 - (3) Comprised of restrained colors, materials, and lighting and compatible with the building and site and rural character of the Township.

§ 119-57. Definitions and interpretation.

Words and phrases used in this Article VII shall have the meanings set forth in this section. Words and phrases not defined in this § 119-57 but defined in Article II shall be given the meanings set forth in said article. Principles for computing sign area and sign height are contained in this section. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this article.

ABANDONED SIGN — A sign located on a property or premises which is vacant and/or unoccupied for a period of six months, or a sign which is damaged, in disrepair, or vandalized and not repaired within 60 days of the date of the damaging event and/or for which no legal owner can be found.

ADVERTISING SIGN, OFF-PREMISES — A sign which conveys a commercial or noncommercial message unrelated to the activity conducted on the lot where the sign is located or a sign which directs attention to a business, commodity, service, entertainment or attraction sold, offered, or existing elsewhere than on the same lot where the sign is located. A structure intended to support or contain such a sign shall also be considered an off-premises advertising sign.

A-FRAME OR SANDWICH BOARD SIGN — A movable sign consisting of two faces, connected and hinged at the top.



A-Frame/Sandwich Board

ANIMATION — The movement or the optical illusion of movement of any part of the sign structure, design or pictorial segment, including the movement of any illumination or the flashing or varying of light intensity; the automatic changing of all or any part of the facing of a sign; the movement of a sign set in motion by the atmosphere. Time and temperature devices shall be considered animated signs.

APPLICANT — A person or entity who applies for a sign permit in accordance with the provisions of this article.

AREA OF SIGN — In the case of individual letters used as a sign, the area is 90% of the area enclosed within the smallest regular geometric figure needed to completely encompass all letters, insignias or symbols, except as otherwise provided herein. For signs other than individual letters, words, insignias or symbols, the area is the total area of the facing or the total area within the outer edge of any existing border of the sign.

ATTRACTION BOARD — See "changeable panel sign."

AUTOMATED TELLER MACHINE DIRECTIONAL SIGN — A traffic directional sign which is used to direct pedestrian or vehicular traffic on a parcel to the location of an automated teller machine.

AUTOMATED TELLER MACHINE SIGN — Any sign located on or architecturally associated with the exterior face of an automated teller machine.

AWNING SIGN — Signs which are placed on or integrated into fabric or other material canopies which are mounted on the exterior wall of a building.



Awning Sign

BANNER SIGN — A sign intended to be hung either with or without a frame, with characters, letters, illustrations, or ornamentations applied to paper, plastic, fabric or similar material, excluding flags, emblems, and insignia of political, professional, religious, education, or corporate organizations, provided that such flags, emblems, and insignia are displayed for noncommercial purposes.



Civic Event Banner



Banner Sign

BILLBOARD — A type of off-premises advertising sign which conveys a commercial or noncommercial message unrelated to the activity conducted on the lot where the sign is located, or a sign which directs attention to a business, commodity, service, entertainment or attraction sold, offered, or existing elsewhere than on the same lot where the sign is located. A structure intended to support or contain such a sign shall also be considered a billboard.

BUSINESS — For the purposes of this Article VII, "business" shall mean any approved nonresidential use, including commercial, manufacturing, and industrial enterprises; public buildings and uses such as public schools, parks, civic centers, and municipal buildings; and semipublic buildings and uses such as churches, fire houses, ambulance buildings, private schools, and libraries.

BUSINESS NAME — The name by which a business is commonly recognized and used by the applicant. The applicant shall provide stationery or other supporting documents illustrating the use of the business name or verification of the official business license or tax name. Slogans or product information shall not be considered as the business name.

CANOPY SIGN — Any sign that is a part of or attached to an awning, canopy or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.



Canopy Sign on Freestanding Canopy

CHANGEABLE PANEL SIGN — A sign designed to allow its informational content to be changed or altered.



Changeable Panel Sign

COMMERCIAL MESSAGE — Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

CONSTRUCTION SIGN — A temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.

CONTRACTOR OR SUBCONTRACTOR SIGNS — The temporary signs which identify the contractor or subcontractor engaged in the construction, reconstruction or repair of a building or buildings on a lot or parcel or property.

DEVELOPMENT SIGN — A temporary sign used to identify an approved future development.

DIRECTIONAL SIGN — An on-site sign, providing no advertising of any kind except the business name and logo, which provides direction or instruction to guide persons to facilities intended to serve the public, including, but not specifically limited to, those signs identifying restrooms, public telephones, public walkways, parking areas, and other similar facilities.



Directional Sign

DIRECTORY SIGN — A sign which provides a listing of the names of businesses, activities, addresses, locations, uses or places within a building or complex of buildings for the purposes of giving directions, instruction, or facility information and which may contain the name and logo of an establishment but no advertising copy.



Directory Sign

DOUBLE-FACED SIGN — A sign with two faces, essentially back-to-back.

EASEL SIGN — A self-supporting, movable sign consisting of one face with supporting legs or a supporting frame, or a sign displayed on an easel.

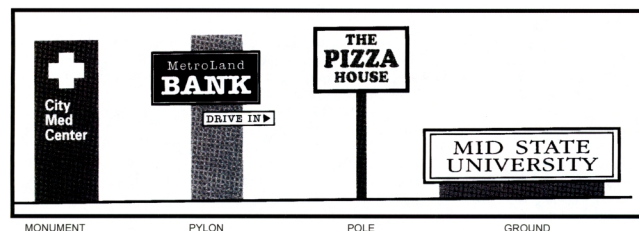
ELECTRONIC MESSAGE SIGN — Any sign, or portion of a sign, that displays an electronic image or video, which may or may not include text, where the rate of change is electronically programmed and can be modified by electronic processes. This definition includes television screens, plasma screens, digital screens, LED screens, video boards, holographic displays, and other similar media.

EMERGENCY SIGNS — Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.

FACADE — Any exterior wall of a building exposed to public view; and any structure or part of a structure attached to, or otherwise mounted parallel to, an exterior wall or other vertical part of the structure.

FLAG — Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity, which is mounted on a pole, cable, or rope at one end.

FREESTANDING SIGN — A sign supported permanently upon the ground by poles or braces and that is not attached to any building. (See illustrations.)



Common Freestanding Sign Types

GOVERNMENT SIGN — Any temporary or permanent sign erected and maintained by the Township, county, state, or federal government for traffic direction or for designation of any school, hospital, historical site, or public service, property, or facility.

GRAND OPENING — The introduction, promotion or announcement of a new business, store, shopping center or office, or the announcement, introduction or promotion of an established business changing ownership. A business qualifies for a grand opening sign when it has been closed to the public for a period of 30 days.

GROUND LEVEL — The finished grade of the adjacent street curb or, where there is no street curb, six inches above street grade. Ground level shall be the existing natural grade.

GROUND SIGN — A freestanding sign that is architecturally integrated with the building with individually mounted letters and/or logos only. This sign shall be built with continuous background surface built from the ground up.

HEIGHT — See "computation of height."⁵⁸

ILLEGAL SIGN — Any sign erected without first obtaining an approved sign permit, other than nonconforming signs, and which does not meet the requirement of this article.

ILLUMINATED SIGN — A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

INCIDENTAL OR INSTRUCTIONAL SIGN — A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental or instructional.



Incidental Sign or Instructional Sign

INDIRECT ILLUMINATION — A source of external illumination located away from the sign, but which is itself not visible to persons viewing the sign from any street, sidewalk or adjacent property.

INDIVIDUAL LETTERS — A cut-out or etched letter or logo which is individually placed on a landscape, screen wall, building wall or ground sign.

INTERNAL ILLUMINATION — A source of illumination entirely within the sign which makes the contents of the sign visible at night by means of the light being transmitted through a translucent material but wherein the source of illumination is not visible.

58. Editor's Note: See § 119-59C(3), Computation of sign height.



Internal and External Illumination

LED — Light-emitting diode.

LINEAR BUILDING FRONT FOOT — The length of the building which contains the primary entrance used by patrons. In a center with more than one building, the linear building front foot shall be calculated for each building and totaled to determine the total linear front foot for the center.

LOGO — A graphic symbol representing an activity, use or business. Permitted logos shall be registered trademarks or symbols commonly used by the applicant, and may include graphic designs in addition to lettering. The applicant shall provide stationery or other supporting documents illustrating the use of the logo.

LUMINANCE — A measure of the brightness of a surface which is emitting or reflecting light. The unit of measurement is candelas per square meter or nits (1 nit = 1 cd/m²).

MAINTENANCE — The replacing or repairing of a part or portion of a sign necessitated by ordinary wear, tear or damage beyond the control of the owner or the reprinting of existing copy without changing the wording, composition or color of said copy.

MARQUEE — Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.



Marquee Sign

MONUMENT SIGN — A freestanding cabinet or panel sign mounted on, or within, a base (above grade) which is detached from any building.

MULTIPLE-OCCUPANT COMMERCIAL BUILDING — A commercial development in which there exist two or more separate commercial activities, in which there are appurtenant shared facilities (such as parking or pedestrian mall), and which is designed to provide a single area in which the public can obtain varied products and services. Distinguishing characteristics of a multiple-tenant commercial building may, but need not,

include common ownership of the real property upon which the center is located, common-wall construction, and multiple-occupant commercial use of a single structure.

NAMEPLATE — A small sign which identifies a resident's or home's name and address or the name of a farm, ranch or commercial stable. Such signs may be shingle, building wall or archway-mounted signs.

NIT — A unit of measure of luminance. See "luminance."

NONCOMMERCIAL FREE SPEECH SIGN — A sign with no commercial content which expresses personal ideas and values, advocates a position on an issue, or seeks converts and supporters and which does not meet the definition of a "political sign."

NONCONFORMING SIGN — Any sign which is not allowed under this article but which, when first constructed before this article was in effect and for which a sign permit was issued, was legally allowed.

OCCUPANCY — A purpose for which a building, or part thereof, is used or intended to be used.

OWNER — A person recorded as such on official records. For the purpose of this article, the owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the Zoning Officer.

PANEL — A two-dimensional visual background behind the sign letters and logos which is visually separated from the mounting upon which the sign letters and logos are placed by the presence of a border, different colors, different materials, or other technique of visual framing around the letters or logos.

PARAPET — That portion of a building exterior wall projecting above the plate line of the building.

PENNANT — Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

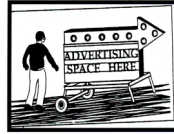
PERMANENT SIGN — Any sign which is intended to be and is constructed as to be in lasting and enduring condition, remaining unchanged in character, condition (beyond normal wear) and position, and in a permanent manner affixed to the ground, wall or building, provided the sign is listed as a permanent sign in this article.

PLATE LINE — The point at which any part of the main roof structure first touches or bears upon an external wall.

POLITICAL SIGN — A temporary sign which supports candidates for office or urges action on any other matter on the ballot of primary, general and special elections.

PORTABLE SIGN — Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels,

signs converted to A- or T-frames, menu and sandwich board signs, balloons used as signs, umbrellas used for advertising and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.



Portable Sign

PROJECTING SIGN — Any sign affixed to a building wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.



Projecting Sign

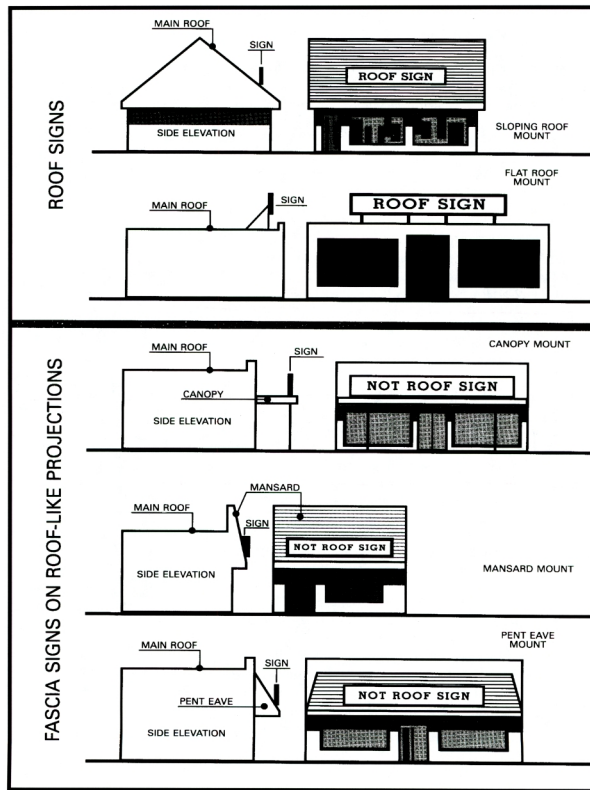
PUBLIC PROPERTY — Unless otherwise expressly provided, "public property" means any and all real or personal property over which the Township or other governmental entity has or may exercise control, whether or not the government owns the property in fee, including sidewalks, rights-of-way and improved or unimproved land of any kind and all property appurtenant to it.

REAL ESTATE SIGN — A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

RIGHT-OF-WAY — No commercial sign shall be erected so as to project beyond a property line, over a public sidewalk or over or within a public right-of-way.

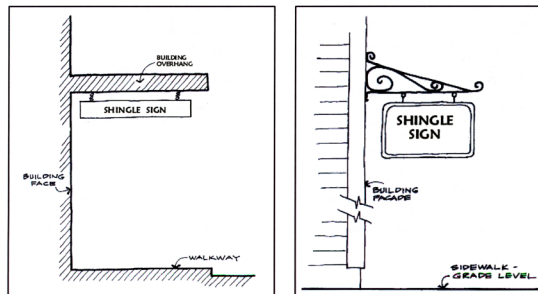
ROOFLINE — The uppermost line of the roof of a building or, in the case of an extended facade or parapet, the uppermost point of said facade or parapet.

ROOF SIGN — Any sign mounted on the main roof portion of a building or on the topmost edge of a parapet wall of a building and which is wholly or partially supported by such building. Signs mounted on mansard facades, pent eaves, and architectural projections such as canopies or marquees shall not be considered to be roof signs. See the following illustration for examples of roof signs and comparison of differences between roof and fascia signs.



Comparison — Roof and Fascia Signs

SHINGLE SIGN — A sign suspended from a roof overhang of a covered porch, walkway or horizontal plane surface which identifies the tenant of the adjoining space.



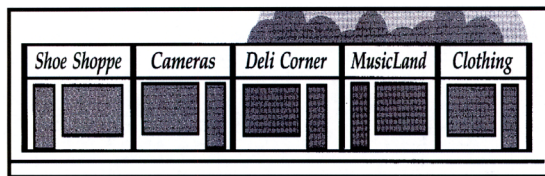
SIGN — Any device for visual communication which is used or is intended to attract the attention of the public with a purpose of identifying, when the display of the device is visible beyond the boundaries of the public or private property upon which the display is made. The term "sign" shall not include any flag or badge or insignia of the United States, State of Pennsylvania, Monroe County, the Township, or official historic plaques of any governmental jurisdiction or agency.

SNIFE SIGN — A sign which is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes, fences or to other objects, the advertising matter appearing on which is not applicable to the present use of the premises upon which such sign is located.

SPECIAL EVENT — A promotional event, such as, but not limited to, grand openings, bazaars, street fairs, shows, exhibitions, sporting events, runs, bicycling events, and block parties. This does not include sidewalk sales occurring on private property where merchandise normally sold indoors is transferred from indoors to outdoors for sale.

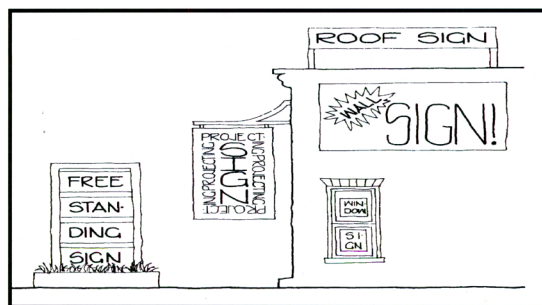
TEMPORARY SIGN — Any sign, banner, pennant, or valance of advertising display constructed of cloth, canvas, light fabric, cardboard, plastic, wallboard or other like materials, with or without frames, or any sign not permanently attached to the ground, wall or building.⁵⁹

WALL SIGN — Any sign attached parallel to, but within six inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface. (See illustration.)



Wall Signs

WINDOW SIGN — Any poster, cut-out letters, painted text or graphics, or other text or visual presentation affixed to or placed behind a window pane which is intended to be read from the exterior of the building.



Sign Comparison

59. Editor's Note: The former definition of "traffic directional sign," which immediately followed this definition, was repealed 4-23-2015 by Ord. No. 2015-04.

§ 119-58. Procedures.

The procedures included in this § 119-58 shall apply to all signs requiring permits.

- A. Requirement of permit. A sign permit shall be required before the erection, re-erection, construction, alteration, placing, or installation of all signs regulated by this article. However, a permit shall not be required for the following signs and actions; provided, however, that such signs shall be subject to any and all applicable provisions of this article:
- (1) Exempt signs as specified in § 119-59B.
 - (2) Routine maintenance or changing of the parts or copy of a sign, provided that the maintenance or change of parts or copy does not alter the surface area or height or otherwise render the sign nonconforming.
- B. Permit application. Applications for sign permits shall be submitted to the Zoning Officer in accord with § 119-3 and shall, at a minimum, contain or have attached thereto the information listed in this section:
- (1) Name, address, and telephone number of the applicant.
 - (2) Location of the building, structure, or lot to which or upon which the sign is to be attached or erected.
 - (3) Name of the person, firm, corporation, or association erecting the sign.
 - (4) Written consent of the owner or lessee of the building, structure, or land to which or upon which the sign is to be affixed.
 - (5) A scale drawing of such sign indicating the dimensions, the materials to be used, the type of illumination, if any, and the method of construction and attachment.
 - (6) An elevation of such sign indicating the overall dimensions, the square footage, and the height of the top and bottom of the sign above grade.
 - (7) A scale drawing indicating the location and position of such sign in relation to nearby buildings, structures, and lot lines.
 - (8) Calculation of the total sign square footage permitted.
 - (9) Copies of any other permit required and issued for said sign, including PennDOT and the Uniform Construction Code.
 - (10) Additional information as may be required by the Zoning Officer.
- C. Issuance of permits. Upon the filing of an application for a sign permit, the Zoning Officer shall examine the plans, specifications, and other

submitted data and the premises upon which the sign is proposed to be erected or affixed. If the proposed sign is in compliance with all the requirements of this article and other applicable ordinances and if the appropriate permit fee has been paid, the Zoning Officer shall issue a permit for the proposed sign.

D. Permit fees.

- (1) In accord with the Township fee schedule, the applicant shall tender a fee at the time of making application for a sign permit. Permit fees are not refundable.
- (2) The owner of a legal nonconforming sign which has been removed or brought into conformance with the terms of this article shall not be required to pay a fee in order to obtain a permit for the conforming sign.

§ 119-59. General requirements.

A. Prohibited signs. All signs not expressly permitted or exempted under this article from regulation are prohibited. Such prohibited signs include, but are not limited to, the following:

- (1) A-frame or sandwich-board and sidewalk or curb signs.
- (2) Strings of lights not permanently mounted to a rigid background, except those exempt under § 119-59B(5), balloons, and other inflatable figures, except as a temporary sign as provided for in § 119-60B.
- (3) Balloons of greater than 25 cubic feet that are tethered to the ground or a structure for periods of over a day and that are primarily intended for advertising purposes.
- (4) Pennants and streamers, not including permitted banners and flags.
- (5) Signs which flash, revolve, rotate, swing, undulate, or move by any means, or otherwise attract attention through the movement or flashing of parts, including automatic, electronically controlled copy changes (except as permitted in § 119-65), or through the impression of movement or flashing, except for time-and-temperature indicators whose movement is either digital or analog, and flags as permitted by this article.
- (6) Signs which use a mirror or similar device to attract attention by reflecting images or otherwise reflecting light.
- (7) Portable and wheeled signs, except for a charitable event.
- (8) Signs which are attached or otherwise affixed to a building and project more than 15 inches beyond the wall surface of such building to which the sign is attached or otherwise affixed.

- (9) Signs placed on or affixed to vehicles, trailers and/or containers which are parked on a public right-of-way, public property or private property, so as to be visible from a public right-of-way, where the apparent purpose is to advertise a product or direct people to a business, organization or activity.
 - (10) Signs which are attached or otherwise affixed to utility poles or trees or other vegetation, except for no-trespassing signs.
 - (11) Signs which imitate, interfere with, obstruct the view of, or can be confused with any authorized traffic control sign, signal, or other device.
 - (12) Signs which emit any sound, odor or visible matter such as smoke.
 - (13) Signs which contain information that states that a lot may be used for a purpose not permitted under this article.
 - (14) Signs or displays visible from a lot line that include words or images which are obscene or pornographic.
 - (15) Portable signs, except for a temporary charitable event.
 - (16) Snipe signs.
- B. Exempt signs. The following signs are hereby exempt from the permit provisions of this article:
- (1) Civic and religious. Civic and religious organization signs indicating only the organization insignia, name, meeting place, and time. Such signs shall not exceed two square feet.
 - (2) Directional or instructional signs. On-site signs, not exceeding four feet in aggregate gross surface area, which provide direction or instruction to guide persons to facilities intended to serve the public, provided that such signs contain no advertising of any kind. Such signs include those identifying restrooms, public telephones, public walkways, affiliation with motor clubs, acceptance of designated credit cards, and other similar signs providing direction or instruction to persons using a facility, but not including those signs accessory to parking areas. Advertising material of any kind is strictly prohibited on directional and instructional signs.
 - (3) Noncommercial signs. Flags, emblems, and insignia of political, professional, religious, educational, or fraternal organizations, provided that such flags, emblems, and insignia are displayed for noncommercial purposes.
 - (4) Governmental signs. Governmental signs for control of traffic, emergency response, and other public or regulatory purposes, street signs, warning signs, railroad crossing signs, and signs of public service companies indicating danger and aids to services or safety which are erected by, or at the order of, a public officer or

employee in the performance of the officer's or employee's duties. Such signs may be of any type, number, area, height, location, or illumination as required by law, statute, or ordinance.

- (5) Holiday decorations. Signs or other materials temporarily displayed on traditionally accepted civic, patriotic, or religious holidays, related to observance of the civic, patriotic, or religious holiday.
- (6) Interior signs. Signs not affixed to a window and visible from outside and which are fully located within the interior of any building or stadium, or within an enclosed lobby or court of any building, and signs located within the inner or outer lobby, court or entrance of any theater and which are not displayed to be visible from outside.
- (7) Memorial signs. Memorial plaques or tablets, grave markers, statuary, or other remembrances of persons or events which are noncommercial in nature.
- (8) Name and address plates. Wall signs, one per street frontage and not exceeding 1.5 square feet, indicating the name of the occupant, the address of the premises, and identification of any legal business or operation which may exist at the premises.
- (9) "No trespassing," "no hunting," "no fishing," "no dumping," "no parking," "no towing," and other similar signs. "No trespassing," "no hunting," "no fishing," "no dumping," "no parking," "no towing" and other similar signs (as set forth in Title 75 of the Pennsylvania Vehicle Code and its regulations and as set forth in Title 18 of the Pennsylvania Crimes Code and its regulations) not exceeding two square feet.
- (10) Parking lot directional and instructional signs.
 - (a) Directional signs. Signs designating parking area entrances and exits, limited to one sign for each entrance and/or exit and not exceeding four square feet. Parking lot directional signs shall not project higher than five feet in height, as measured from the established grade of the parking area to which such signs are accessory.
 - (b) Instructional signs. Signs designating the conditions of use or identity of parking areas and not exceeding eight square feet nor exceeding an aggregate surface area of 16 square feet. Parking lot instructional signs shall not project higher than 10 feet for wall signs and seven feet for ground signs, as measured from the established grade of the parking area(s) to which such signs are accessory.
- (11) Patron advertising signs. Signs erected on the perimeter of an organization-sponsored youth athletic field for the sole purpose of

sponsoring or contributing to the organized youth athletic sport. Signs erected for this purpose shall be one-sided with a maximum of 32 square feet of aggregate surface area. Sponsors advertising on scoreboards may not exceed 25% of the surface area of the scoreboard.

- (12) Plaques. Plaques, nameplates, or memorial signs, directly attached or affixed to the exterior walls of a building, not exceeding four square feet in aggregate surface area.
- (13) Public notices. Official notices posted by public officers or employees in the performance of the officer's or employee's duties.
- (14) Signs on vehicles. Signs placed on or affixed to vehicles and/or trailers where the sign is incidental to the primary use of the vehicle or trailer. However, this is not in any way intended to permit signs placed on or affixed to vehicles, trailers and/or containers, which are parked on a public right-of-way, public property, or private property so as to be visible from a public right-of-way, where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or other property.
- (15) Symbols or insignia. Religious symbols, commemorative plaques of recognized historical agencies, or identification emblems of religious orders or historical agencies, not exceeding two square feet and not exceeding four square feet in aggregate area.
- (16) Vending machine signs. Permanent, nonflashing signs on vending machines, gasoline pumps, ice or milk containers, or other similar machines indicating only the contents of such devices, the pricing of the contents contained within, directional or instructional information as to use, and other similar information as to the use, and other similar information, not exceeding four square feet and not exceeding an aggregate surface area of eight square feet on each machine.
- (17) Warning signs. Signs warning the public of the existence of danger, but containing no advertising material; to be removed within three days upon the subsidence of danger. Such warning signs may be of any type, number, area, height, location, or illumination as deemed necessary to warn the public of the existence of danger.
- (18) Tourist signs. Tourist-orientation directional signs, when erected in accord with a permit issued by PennDOT.
- (19) Historic signs. Signs which memorialize an important historic place, event or person and are specifically authorized by the Township or a county, state or federal agency.

- C. Construction requirements. All signs permitted by this article shall be constructed in accord with all construction code requirements and the provisions of this § 119-55C.
- (1) Sign faces. All signs may be multifaced.
 - (2) Computation of sign area.
 - (a) The area of a sign shall include all lettering, wording and accompanying designs and symbols, together with related background areas on which they are displayed and any surrounding border or frame.
 - (b) Supporting members of a sign shall be excluded from the area calculation.
 - (c) The area of irregular shaped signs or signs containing two or more detached elements shall be determined by the area of the smallest regular polygon that will encompass all elements of the sign.
 - (d) Where the sign consists of individual letters or symbols attached directly on a building or window, the sign area shall be the smallest rectangle that includes all of the letters and symbols. Any illuminated background shall be considered part of the sign and included in the area calculation.
 - (e) The maximum area of a sign shall apply individually to each of the two sides of a sign, provided that only one side of a sign is readable from any location.
 - (3) Computation of sign height.
 - (a) The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign.
 - (b) Normal grade shall be construed to be the lower of:
 - [1] Existing grade prior to construction; or
 - [2] The newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.
 - (c) In cases where the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the district lot, whichever is lower.

- (4) Wind pressure and dead load requirements. All signs and other advertising structures shall comply with the wind pressure and dead load requirements of the Uniform Construction Code.
- (5) Construction of supporting members or braces. Supporting members or braces of all signs shall be constructed of galvanized iron, properly treated wood, steel, copper, brass, or other noncorrosive, noncombustible material. Every means or device used for attaching any sign to a building shall be approved by the Zoning Officer.
- (6) Attachment of signs to fire escapes. No signs or any part thereof or sign anchors, braces, or guide rods shall be attached, fastened, or anchored to any fire escape, fire ladder, or standpipe, and no such sign or any part of any such sign or any anchor, brace, or guide rod shall be erected, put up, or maintained so as to hinder or prevent ingress or egress through such door, doorway, or window or so as to hinder or prevent the raising or placing of ladders against such building by the Fire Department.
- (7) Overhead electrical wiring. Overhead electrical wiring is prohibited, and all electric signs shall be listed by a recognized testing laboratory.
- (8) Public right-of-way; setbacks. No sign may be erected or maintained in the public right-of-way unless an encroachment permit has first been obtained for the sign. No freestanding sign other than official traffic signs shall be erected or maintained less than 10 feet to the edge of any public road right-of-way and not less than 10 feet from side and rear property lines.
- (9) Obstruction to ingress/egress. No sign shall be erected, constructed, or maintained so as to obstruct any fire escape, required exit, window, door opening, or wall opening intended as a means of ingress or egress.
- (10) Obstruction to ventilation. No sign shall be erected, constructed, or maintained so as to interfere with any opening required for ventilation.
- (11) Clearance from electrical power lines and communication lines. All signs shall be located in such a way that they maintain horizontal and vertical clearance of all electrical power lines and communication lines in accordance with the applicable provisions of the National Electrical Code. However, in no instance shall a sign be erected or constructed within eight feet of any electrical power line, conductor, or service drop, or any communication line, conductor, or service drop.
- (12) Clearance from surface and underground facilities. All signs and supporting structures shall maintain clearance and noninterference with all surface and underground facilities and

conduits for water, sewage, gas, electricity, or communications equipment or lines. In addition, the placement of all signs and their supporting structures shall not interfere with natural or artificial drainage or surface or underground water.

- (13) No obstruction to any existing warning or instructional sign. No sign shall be erected, constructed, or maintained so as to interfere with any existing warning or instructional sign.
- (14) Traffic/pedestrian hazards. No sign shall be erected in such a way as to interfere with or to confuse traffic or pedestrians, to present any traffic or pedestrian hazard, or to obstruct the vision of motorists or pedestrians, and all signs shall comply with the clear sight triangle requirements of this article.
- (15) Protection of the public. The temporary occupancy of a sidewalk, street, or other public property during construction, removal, repair, alteration or maintenance of a sign is permitted, provided the space occupied is roped off, fenced off, or otherwise isolated.
- (16) Clearance. Clearance beneath overhead signs shall be at least nine feet, measured from the ground or pavement to the bottom-most part of the sign.
- (17) Wall signs.
 - (a) Wall signs shall be securely attached to the wall; and each sign shall be parallel to and in the same plane as the wall to which the sign is attached and shall not extend more than six inches from the wall nor above or beyond the top and ends of the wall.
 - (b) The face of a wall sign shall not project more than 15 inches from the outside of the building's wall surface.
 - (c) No part of a wall sign shall extend above the roof eave, unless it is erected on a parapet wall or fascia that extends above the roofline of a flat roof on at least three sides of a building.

D. Maintenance.

- (1) Maintenance. The owner of any sign shall keep it in good maintenance and repair, which includes restoring, repainting, or replacement of a worn or damaged legally existing sign to its original condition; and shall maintain the premises on which the sign is erected in a clean and sanitary condition, free and clear of all obnoxious substances, rubbish, weeds, and grass. Restoration or painting which changes the name, size, or location of a sign shall require a new permit.
- (2) Painting requirement. The owner of any sign shall be required to have all parts and supports of a sign properly painted as directed by the Zoning Officer, unless they are galvanized or otherwise treated to prevent rust and deterioration.

- (3) Sign owner's responsibility. The sign owner shall be responsible for the maintenance of the sign. If the sign ownership should transfer, the new owner shall be responsible for the maintenance of the sign.
- E. Illumination. All signs permitted by this article may be illuminated in accord with the provisions of § 119-48 and the following:
- (1) Type of illumination. Illumination may be by internal, internal/indirect or by indirect means.
 - (2) Flashing. Flashing signs are prohibited in accord with § 119-59A(5). (See § 119-65 for permitted electronic signs.)
 - (3) Glare. All signs shall be so designed located, shielded, and directed so as to prevent the casting of glare or direct light from artificial illumination upon adjacent publicly dedicated roadways and surrounding property. No lighting from any sign shall be of such intensity to cause the distraction of drivers, create a nuisance on surrounding properties, or otherwise create a safety hazard.
 - (4) Floodlighting. Floodlighting of signs shall be arranged so that the source of light is not visible from any point of the lot and so that only the sign is directly illuminated.
- F. Signs on roof. No sign attached to a building shall be placed on nor shall extend above any part of the building roof.
- G. Awning and canopy signs.
- (1) Buildings. Signs affixed to the surface of an awning or canopy on a building are permitted, provided that the sign does not extend vertically or horizontally beyond the limits of such awning or canopy. In addition:
 - (a) Awning or canopy signs shall be limited to one per site.
 - (b) Awning and canopy signs shall only display the business name, logo, address and name of the proprietor or property owner. Letters or numerals shall not exceed a height of 12 inches and shall be located only on the front and side vertical faces, except as provided for in this section. The minimum clearance above any walkway shall not be less than 8.5 feet.
 - (c) Letters and numerals shall be permitted on the sloped surface of an awning, provided that the business served by the awning sign does not use a wall sign(s), and provided further that the letters and numerals on the sloped surface of an awning shall not exceed a height of 40 inches and shall not exceed more than 25% of the sloped surface.
 - (d) An awning or canopy may extend into the road right-of-way but shall not extend beyond a point one foot back from the vertical plane formed by the road curblines. An awning or canopy shall

not extend beyond a point one foot back from the vertical plane formed by the curbline.

- (e) An awning or canopy may not extend more than six feet from the building.
 - (f) No awning or canopy sign shall extend into a required side or rear setback.
 - (g) The maximum height of an awning or canopy shall be limited to the height of the rooftop or parapet wall of the building.
 - (h) A name sign not exceeding two square feet located immediately in front of the entrance to an establishment may be suspended from an awning or canopy, provided that the name sign is at least 8.5 feet above the sidewalk.
 - (i) An awning or canopy sign shall not be internally illuminated.
- (2) Fuel service canopy signs. Service island canopy signs over fuel service islands indicating the brand, manufacturer and/or logo shall be subject to the following:
- (a) Service island canopy signs shall be attached to the face of the canopy and shall not extend beyond the edges of the canopy.
 - (b) There shall not be more than one service island canopy sign on each face of the canopy.
 - (c) The gross surface of a service island canopy sign shall not exceed 50% of the surface area of the canopy face to which it is attached.
- H. Window signs. Window signs for commercial, manufacturing, industrial, public and semipublic uses, referred to as "business" in this section, shall be permitted subject to the following:
- (1) Area and location. Window signs shall not cover more than 20% of the total front window area per business premises. Window signs are permitted in addition to the maximum number and maximum area of signs otherwise allowed per business premises.
 - (2) Placement. Window signs shall not be placed on glass doors or window areas that will impede pedestrian safety or prohibit view by police.
 - (3) Illumination. Window signs may be illuminated.
- I. Freestanding sign landscaping. All freestanding business and residential identification signs shall be placed in a landscaped area of not less than four square feet of landscaping for one square foot of sign area, but in no case less than 120 square feet. Sign landscaping shall be part of the required project landscaping plan.

- J. Flags. Flags shall be permitted for commercial, manufacturing, industrial, public and semipublic uses, referred to as "business" in this section, subject to the following:
- (1) Business identification. The flag shall only identify the business.
 - (2) Flagpole. The flag shall be suspended from a pole, and the maximum height shall be 30 feet.
 - (3) Number and area. Each business shall be limited to one flag with a maximum area of 20 square feet.
 - (4) Illumination. Flags may be illuminated in accord with § 119-48.
 - (5) Government flags. The United States Flag, the Commonwealth of Pennsylvania Flag and other governmental flags are not restricted by the provisions of this section.
- K. Wood relief sign area bonus.
- (1) The following signs shall be eligible for an increase in size of 50%, provided the sign complies with the requirements of this § 119-59K in addition to all other applicable requirements:
 - (a) Residential development road entrance signs (§ 119-61B).
 - (b) Nonresidential use signs in residential districts (§ 119-62).
 - (c) Individual business identification signs (§ 119-63A).
 - (d) Shopping center, mall and multiple-occupant business identification signs (§ 119-63B).
 - (e) Business subdivision road entrance signs (§ 119-63C).
 - (2) The sign shall be wood or simulated wood relief only. The carved pattern is raised and seems to rise out of the underlying material.
 - (3) The sign shall be designed as an integral architectural element of the building and component of the site.
 - (4) Sign colors, materials, and lighting shall be restrained and compatible with the building and site.
 - (5) The signs shall not exceed a height of 15 feet.

§ 119-60. Temporary signs.

Temporary signs may be erected and maintained in accordance with the provisions contained in this § 119-60.

A. General conditions.

- (1) Permit required. A permit shall be required unless a certain type of temporary sign is specifically exempted.

- (2) Materials and methods. The Zoning Officer shall impose as a condition of the issuance of a permit for temporary signs such requirements as to the material, manner of construction, and method of erection of a sign as are reasonably necessary to assure the health, safety, welfare, and convenience of the public.
 - (3) Illumination. Unless specifically permitted for certain signs, temporary signs shall not be illuminated in accord with this article.
 - (4) Sign types. Temporary signs shall be limited to nonprojecting wall signs, attached ground signs, or portable and wheeled signs.
- B. Temporary business banners, flags and signs. Temporary business banners, flags and signs (referred to as "temporary business signs") in association with an approved use identifying a special, unique, or limited activity, service, product, or sale of limited duration shall be subject to the following:
- (1) Number. There shall not be more than five temporary business signs per lot, but such signs shall not be permitted on residential lots. Decorative flags that simply include abstract colors or patterns that include no text are not regulated by this article, provided they do not exceed five per lot or business.
 - (2) Area. The aggregated area of all temporary business signs shall not exceed 60 square feet. No individual sign shall exceed 20 square feet.
 - (3) Location. Temporary business signs shall be located only upon the premises upon which the special, unique, or limited activity, service, product, or sale is to occur. Such signs may be located in any required setback but shall not extend over any lot line or within 15 feet of any point of vehicular access to a public roadway.
 - (4) Height. Temporary business signs shall not project higher than 15 feet.
 - (5) Timing. Temporary business banners, flags and signs may be erected and maintained for a period not to exceed 30 days prior to the date on which the special, unique, or limited activity, service, product, or sale of limited duration is scheduled to occur and shall be removed within seven days of the termination of such activity.⁶⁰
- C. Temporary development signs. Temporary development signs in association with an approved use, identifying the parties involved in the development to occur or occurring on the premises on which the sign is placed, shall be subject to the following:

60. Editor's Note: Former Subsection B(6), pertaining to temporary business banners, flags and signs, which immediately followed this subsection, was repealed 4-23-2015 by Ord. No. 2015-04.

- (1) Number. There shall not be more than one temporary development sign for each project or development, except that where a project or development abuts two or more streets, additional such signs, one oriented to each abutting street, shall be permitted.
 - (2) Maximum area.
 - (a) Residential districts: eight square feet.
 - (b) Nonresidential districts: 32 square feet.
 - (3) Location. Temporary development signs shall be located only upon the premises upon which construction either is about to occur or is occurring. Such signs may be located in any required setback area but shall not extend over any lot line or within 15 feet of any point of vehicular access from a public roadway.
 - (4) Height. Temporary development signs shall not project higher than 15 feet.
 - (5) Special conditions. Temporary development signs shall be permitted only accessory to an approved zoning permit for a project or development. Temporary construction signs may be erected and maintained for a period not earlier than 60 days prior to the commencement of construction of the project or development and must be removed prior to an occupancy permit being issued, or if no occupancy permit is required, the sign shall be removed upon project completion.⁶¹
- D. Temporary contractor or subcontractor signs. Temporary contractor or subcontractor signs for the sole purpose of designating the contractor(s) and subcontractor(s) engaged in the development of a property shall be subject to the following:
- (1) Number. There shall be not more than one temporary contractor or subcontractor sign for each contractor or subcontractor working on the premises.
 - (2) Maximum area.
 - (a) Residential districts: eight square feet.
 - (b) Nonresidential districts: 32 square feet.
 - (3) Location. Temporary contractor or subcontractor signs shall be located only upon the premises where the contractor or subcontractor is actively working. Such signs may be located in any required setback area but shall not extend over any lot line or within 15 feet of any point of vehicular access to a public roadway.

61. Editor's Note: Former Subsection C(6), pertaining to temporary development signs, which immediately followed this subsection, was repealed 4-23-2015 by Ord. No. 2015-04.

- (4) Height. Temporary contractor or subcontractor signs shall not project higher than 15 feet.
 - (5) Special conditions. Temporary contractor or subcontractor signs shall be permitted only accessory to an approved building permit for a project or development. Temporary contractor or subcontractor signs may be erected and maintained for a period not earlier than 60 days prior to the commencement of construction of the project or development and must be removed prior to an occupancy permit being issued, or if no occupancy permit is required, the sign shall be removed upon project completion.
 - (6) Permit not required. A permit shall not be required for temporary contractor or subcontractor signs.
- E. Temporary event signs, including banners. Temporary event signs announcing a campaign, drive, activity, or event of a civic, philanthropic, educational, or religious organization for noncommercial purposes shall be subject to the following:
- (1) Number. There shall be not more than two temporary event signs per lot.
 - (2) Maximum area.
 - (a) Residential districts: four square feet.
 - (b) Nonresidential districts: 40 square feet.
 - (3) Timing. Temporary event signs may be erected and maintained for a period not to exceed 30 days prior to the date on which the campaign, drive, activity, or event advertised is scheduled to occur and shall be removed within seven days of the termination of such campaign, drive, activity, or event.
- F. Temporary political signs. Temporary political signs announcing political candidates seeking office, political parties, and/or political and public issues contained on a ballot shall be subject to the following:
- (1) Location. On private property, temporary political signs may be located in any required setback area.
 - (2) Height. Temporary political signs shall not project higher than 15 feet.
 - (3) Timing. Signs may be displayed for a period not to exceed 30 days prior to the date of the election to which the signs are applicable and shall be removed within five days following the election.
 - (4) Road setback. All political signs shall be located a minimum of five feet from the edge of the paving or curbline of any public or private road and shall not create a traffic hazard.

- (5) Support. Each political sign shall be erected on its own support and shall not be attached to any of the following: trees, utility poles, fences, guardrails, buildings or other structures.
 - (6) Permit not required. A permit shall not be required for temporary political signs.
- G. Temporary real estate signs. Temporary real estate signs advertising the sale, lease, or rent of the premises upon which such sign is located shall be subject to the following:
- (1) Number. There shall be not more than one temporary real estate sign for each 1,000 feet of lot road frontage for each road on which the lot fronts.
 - (2) Maximum area.
 - (a) Residential districts: six square feet.
 - (b) Nonresidential districts: 24 square feet.
 - (3) Location. Temporary real estate signs shall be located only upon the premises for sale, lease, or rent. Such signs may be located in any required setback but shall not extend over any lot line or within 15 feet of any point of vehicular access to a public roadway.
 - (4) Height. Temporary real estate signs shall not project higher than 15 feet.
 - (5) Special conditions. Temporary real estate signs may be placed only when the premises is actively being marketed and shall be removed within seven days of the sale or lease of the premises upon which the sign is located.
 - (6) Permit not required. A permit shall not be required for temporary real estate signs.
- H. Temporary yard or garage sale, open house, or auction signs. Temporary yard sale or garage sale, open house, or auction signs advertising the sale of items and the sales location shall be subject to the following:
- (1) Number: two per event.
 - (2) Maximum area: two square feet.
 - (3) Timing. Such temporary signs may be erected no sooner than two days before the event and must be removed no later than one day after the event.
 - (4) Permit not required. A permit shall not be required for temporary yard or garage sale, open house, or auction signs.

- I. Temporary seasonal agricultural activity signs. Temporary seasonal agricultural activity signs shall be subject to the following: (Examples of such signs include, but are not limited to, "Pick Your Own Berries," "Christmas Trees," or produce sales.)
- (1) Area. The aggregate surface area of all signs shall not exceed 20 square feet.
 - (2) Location. Such signs shall be located only upon the premises where the seasonal agricultural activity is taking place. Such signs may be located in any required setback but shall not extend over any lot line or within 15 feet of any point of vehicular access to a public roadway.
 - (3) Height. Temporary seasonal farm product signs shall not project higher than 15 feet.
 - (4) Special conditions. Such signs shall not be used for more than six months in any calendar year.
 - (5) Permit not required. A permit shall not be required for temporary seasonal agricultural activity signs.

§ 119-61. All districts.

The following signs are permitted in all districts accessory to a permitted residential use:

- A. Residential building name and address signs. Name and address signs of buildings containing six or more residential units, indicating only the name of the building, the name of the development in which it is located, the management thereof, and/or the address of the premises, shall be subject to the following:
- (1) Type. Building name and address signs may be either wall signs or ground signs.
 - (2) Number. There shall not be more than one name and address sign for each building, except that where a building abuts two or more streets, one additional sign oriented to each abutting street shall be permitted.
 - (3) Area. Building name and address signs shall not exceed four square feet.
 - (4) Location. Building name and address signs shall not be located closer than 1/2 the minimum setback required for the zoning district in which the sign is to be erected or within 15 feet of any point of vehicular access to a public roadway. The location and arrangement of all building name and address signs shall be subject to the review and approval of the Zoning Officer.

(5) Height. Building name and address signs shall not project higher than 15 feet for wall signs and five feet for ground signs.

B. Residential development road entrance signs. Residential development road entrance signs for developments with two or more buildings with a total of five or more dwelling units, indicating only the name of the development, including single-family, two-family, and multifamily developments and mobile home parks, the management or developer thereof, and/or the address or location of the development, shall be subject to the following:

(1) Type. The residential development road entrance signs shall be ground signs.

(2) Number. There shall not be more than two residential development road entrance signs for each point of vehicular access to a development.

(3) Area. Residential development road entrance signs shall not exceed 32 square feet.

(4) Location. Residential development road entrance signs may be located in any required setback but shall not extend over any lot line or within 15 feet of any point of vehicular access from a public roadway. The location and arrangement of all residential development signs shall be subject to the review and approval of the Zoning Officer.

(5) Height. Residential development road entrance signs shall not project higher than eight feet.

(6) Sign faces. Residential development road entrance signs may be double-faced only when one such sign is used at a road entrance.

§ 119-62. Nonresidential uses in residential districts.

Principal nonresidential uses located in residential districts are permitted to have one freestanding and one wall sign in accordance with the following regulations:

A. Area and height.

(1) The maximum area and height of freestanding signs shall be 12 square feet and eight feet respectively.

(2) The maximum area of wall signs shall be 12 square feet. Window signs may be used in the place of wall signs with the same maximum square footage.

B. Number.

- (1) The maximum number of freestanding signs shall be one per lot. On a corner lot, the sign shall be placed on the street of highest classification.
- (2) The maximum number of wall signs shall be one per principal building.

§ 119-63. VC, GC, LIC, GI, BP, and I Districts.

For all commercial, manufacturing, industrial, public and semipublic uses (referred to as "business" in this section) in VC Village Commercial/Residential, GC General Commercial, LIC Light Industrial/Commercial, GI General Industrial, BP Business Park Overlay, and I Institutional Districts, the following signs are permitted, and then only if accessory to a permitted use, and such signs shall be subject to the requirements of this § 119-63 and any other special provisions contained in this article:

- A. Individual business identification signs. The following provisions shall apply where an individual business is located on the lot:
 - (1) Total square footage permitted. Total sign square footage permitted shall be determined by multiplying the length of linear building front foot by a factor of 1.5 square feet, up to a maximum of 200 square feet. The length of linear building front foot is defined as the length of the side of the building adjacent and parallel to any public street. If building linear front foot permits the maximum square footage, the total permitted square footage may be incorporated into a single wall sign, disallowing any other signs on site.
 - (2) Total number permitted. The total number of signs permitted shall not exceed two, except as follows:
 - (a) A site totaling over 300 feet of lot frontage may have an additional wall sign not exceeding 32 square feet in area.
 - (b) Retail fuel sales signs are exempt from the total sign square footage limitation but shall comply with § 119-63E.
 - (c) Only one freestanding or monument sign is permitted per lot, except on corner lots, where one may be permitted on each street frontage of arterial or higher classification.
 - (3) Permitted signs by type. The following signs are permitted, provided all regulations are met and the total square footage permitted on the site is not exceeded. For the purposes of this section, mixed-use sites include buildings and centers with a combination of retail and office uses or a combination of retail, office and industrial uses.
 - (a) Freestanding signs.

- [1] The maximum area, per side, for a freestanding sign shall be 0.8 square foot times the linear building front foot for office buildings and 1.5 square feet times the linear building front foot for other uses, with a maximum of 50 square feet.
 - [2] The maximum height of a freestanding sign shall be 18 feet, except 15 feet in the VC District, and shall be a minimum of 8.5 feet above grade.
- (b) Monument signs. Monument signs are permitted, except in the VC District, as follows:
- [1] The maximum size of a monument sign shall be 75 square feet.
 - [2] Signs may be double-faced:
 - [a] When the angle between sign faces measures 45° or less, the total sign area shall be computed by measuring the square footage of a single face.
 - [b] When the angle between sign faces measures more than 45°, the total sign area shall be computed by adding the square footage of each face.
 - [3] The maximum height of monument signs shall be six feet for horizontally oriented signs and 12 feet for vertically oriented signs.
- (c) Wall signs. The area of a wall sign shall not exceed 0.8 square foot times the linear building front foot for office buildings and 1.5 square feet for other uses, with a maximum of 125 square feet.
- B. Shopping center, mall and multiple-occupant business identification signs. The following provisions shall apply to developments, whether planned and developed on one lot or multiple lots as a group, in which two or more businesses (commercial, manufacturing, industrial, public or semipublic uses) are housed in one or more principal structures. If more than a total of two regulated signs will be erected, an application for a master sign program shall be submitted in accord with § 119-63B(1). **[Amended 4-23-2015 by Ord. No. 2015-04]**
- (1) Master sign program. An application for approval of a master sign program shall be submitted in accord with the following:
 - (a) Each individual sign proposed in accordance with an approved master sign program must be applied for and permitted separately. Approval of a master sign program shall not be deemed permission to construct any particular sign under that program.

- (b) An application for a master sign program shall include the following components:
 - [1] The types of signs proposed.
 - [2] A scale drawing indicating the location and position of each sign in relation to the building it is to be attached to, other buildings and signs within the center, and lot lines.
 - [3] A scale drawing of each sign indicating the overall dimensions, the square footage, and the height of the top and bottom of the sign above grade.
 - [4] An elevation of each proposed sign indicating the materials to be used and the type of illumination, if any.
 - [5] Written specifications governing the color, size, style, location, and other features of the proposed signs.
 - (c) No freestanding sign other than the main identification sign(s) in § 119-63B(2) shall be permitted for any development.
 - (d) Total square footage permitted.
 - [1] The maximum square footage of all signs within a development, excluding the main identification sign, entrance markers, and traffic directional signs, shall not exceed 1.5 square feet times the linear front foot of the building.
 - [2] In a development with more than one building, the linear building front foot shall be calculated for each building and totaled to determine the total linear front foot for the center on which the maximum square footage shall be calculated.
 - [3] Unless otherwise specified in this § 119-63B, the area of individual signs shall not exceed the maximum size specified in § 119-63A for the type of sign proposed.
 - (e) Applications for approval of a master sign program shall be submitted with the application for land development.
- (2) Main identification sign. Main identification signs, as approved under a master sign program, shall meet the following requirements: **[Amended 7-16-2019 by Ord. No. 2019-01]**
- (a) The maximum number and area of main identification signs shall be one freestanding sign per street of no more than 100 square feet, or one monument sign per street of no more than 150 square feet, or one wall sign facing each street of no more than 125 square feet.

- (b) The names of tenants of the building or center may be included on the main identification sign, but the area of each tenant identification shall not exceed 10 square feet and shall be counted as part of the maximum allowable size per § 119-63B(2)(a).
 - (c) Main identification signs shall not exceed 18 feet in height in the GC District, or 15 feet in height in the VC District. Freestanding signs shall be a minimum of 8.5 feet above grade.
- (3) Individual occupant wall signs. (See § 119-63G for shingle signs.)
 - (a) Number. There shall be not more than one wall sign for each principal business occupant, except that where a principal occupant abuts two or more streets, one additional such sign oriented to each abutting street shall be permitted.
 - (b) Maximum area. The surface area of a wall sign shall not exceed nine square feet.
 - (c) Location. A wall sign may be located on the outermost wall of any principal building. The location and arrangement of all wall signs shall be subject to the review and approval of the Zoning Officer.
 - (d) Height. A wall sign shall not project higher than the parapet line of the wall to which the sign is to be affixed.
- (4) Wayfinding sign. In addition to the total square footage of signs permitted by § 119-63B(1)(d), wayfinding signs may be permitted interior to the development to direct traffic to the location of individual tenants. **[Added 7-16-2019 by Ord. No. 2019-01]**
 - (a) One such sign not exceeding any area of 20 square feet may be installed at any intersection where necessary to provide direction to tenants beyond the intersection.
 - (b) The sign may include the development name and individual tenant signs shall be included on the wayfinding sign and shall not exceed an area of two square feet for each tenant.
 - (c) A wayfinding sign shall not project higher than eight feet.
 - (d) Wayfinding signs shall not be legible exterior to the development.
- C. Business subdivision road entrance signs. Business subdivision road entrance signs for developments with two or more commercial, manufacturing, industrial, public and semipublic buildings (referred to as "business" in this section), indicating only the name of the development, shall be subject to the following:

- (1) Type. The business subdivision road entrance signs shall be ground signs.
 - (2) Number. There shall not be more than two business subdivision road entrance signs for each point of vehicular access to a development.
 - (3) Area. Business subdivision road entrance signs shall not exceed 32 square feet.
 - (4) Location. Business subdivision road entrance signs may be located in any required setback but shall not extend over any lot line or within 15 feet of any point of vehicular access from a public roadway. The location and arrangement of all residential development signs shall be subject to the review and approval of the Zoning Officer.
 - (5) Height. Business subdivision road entrance signs shall not project higher than five feet.
 - (6) Sign faces. Business subdivision road entrance signs may be double-faced only when one such sign is used at a road entrance.
- D. Automatic teller machine (ATM) signs. ATM signs shall be permitted in association with an approved commercial use, subject to the following:
- (1) Location. Such sign shall be located on the face of the machine and may only identify the individual business name, logo, time, and principal services offered at the ATM.
 - (2) Area. The area of any such sign shall not exceed 10 square feet. The bezel and architectural border of an ATM sign shall not be included in the sign area unless they contain sign characters, logos, or other sign graphics. The area of any ATM signs not visible beyond the boundaries of the property shall not be deducted from the sum total area permitted for the use. Wording, symbols, and graphics which instruct persons on the use of the ATM shall not be considered part of the sign area unless they are visible beyond the boundaries of the property and attract the attention of the public.
- E. Retail fuel sales. Retail fuel sales establishments shall, in addition to the other permitted signs, be permitted one sign with up to four fuel prices attached to the business identification sign. The height of the letters/numerals shall not exceed the following, and the sign shall be no larger than necessary to encompass the letters/numerals, but in no case shall exceed the width of the business sign. The prices shall be stationary but may be electronically controlled in accord with § 199-5.

Number of products advertised	1 or 2	3	4
Maximum letter height	24 inches	15 inches	12 inches

- F. Changeable panel signs. One changeable panel sign per lot may be incorporated into a permitted freestanding sign, monument sign or wall sign to identify special, unique, limited activities, services, products, or sales of limited duration occurring on the premises on which the changeable panel sign is located. The changeable panel sign shall be counted in the sign area of the sign in which it is incorporated.
- G. Shingle signs. In addition to the other signs permitted by this chapter, each establishment with a separate entrance to the outside shall be permitted a shingle sign in accord with this § 119-63G.
- (1) A shingle sign shall not exceed six square feet.
 - (2) Shingle signs shall be limited to two sign faces installed perpendicular to the building facade.
 - (3) No portion of a shingle sign shall be less than eight feet above any pedestrian walkway or the grade below the sign.
 - (4) No portion of a shingle sign shall project above the top of an eave or parapet.
 - (5) Shingle signs suspended from the underside of a building overhang shall be centered under the overhang and shall not project beyond the overhang.
 - (6) A shingle sign shall maintain a ten-foot separation from another shingle sign.
 - (7) Shingle signs shall be located at the business entrance.
 - (8) Shingle signs shall not be more than six inches or less than one inch thick.
- H. Business directional signs. The intent of this section is to allow commercial, manufacturing, industrial, public and semipublic uses (referred to as "business" in this section) located in the Township but not fronting on PA Route 115 or PA Route 209 to erect signs directing the public to the business. **[Added 7-16-2019 by Ord. No. 2019-01]**
- (1) Location/number. Two such signs shall be permitted for each business eligible for such signs. In the case of multibusinesses on the same parcel, each business shall not be eligible for signs; instead, the directional signs shall refer to the parcel as a whole.
 - (2) Area. The surface area of each sign shall not exceed four square feet for each exposed face.
 - (3) Height. A directional sign shall not project higher than 10 feet.
 - (4) Sign information. The information on the sign shall be limited to the business name, logo, telephone number and directional information.

- (5) Property owner permission. The person making application for the erection of a business directional sign shall provide a written statement of permission signed by the owner of the property upon which the sign is proposed.
- (6) Permit. A permit shall be required for the placement of the directional signs and shall establish the number and location of all the signs.

§ 119-64. Off-premises advertising signs and billboards.

An off-premises sign or billboard shall be permitted only in the LIC District in accord with the following requirements:

- A. Maximum individual sign area. The maximum sign area shall be 300 square feet.
- B. Location.
 - (1) An off-premises sign shall be set back a minimum of 25 feet from all lot lines and street rights-of-way.
 - (2) No off-premises sign greater than 10 square feet shall be located within 200 feet of any residential use or district.
- C. Spacing.
 - (1) Off-premises signs shall be separated from each other by at least 1,500 feet, including such signs on either side of a street and including nonconforming off-premises signs and existing off-premises signs in other municipalities.
 - (2) No lot shall include more than one off-premises sign.
- D. Maximum height. The maximum sign height shall be:
 - (1) Signs up to 60 square feet: 25 feet.
 - (2) Signs over 60 square feet (billboards): 18 feet.
- E. Attached. No off-premises sign or sign face shall be attached in any way to any other off-premises sign or share a support structure, except that a sign may be double-faced with each face having the maximum area permitted in § 119-64A, provided the angle between the faces does not exceed 45°. Off-premises signs shall not be stacked on top of one another.
- F. Control of lighting and glare. Lighting and glare shall conform to the standards in § 119-48 and § 119-59C.

§ 119-65. Electronic message signs.

In addition to all other applicable regulations, the following regulations shall apply to all electronic message signs. In the case of conflict, the more-restrictive standard shall apply.

- A. Location. Electronic message signs shall be located only on parcels within the GC and LIC Districts.
- B. Number. Each development parcel shall be limited to one electronic message sign which is used in lieu of another permitted sign. In the case of a shopping center, mall or multiple-occupant business comprised of several parcels, one electronic message sign shall be permitted for the entire development.
- C. Size. The electronic message sign shall be limited to 80% of the allowable size of the sign it replaces.
- D. Nonconforming sign replacement. Any nonconforming sign which is converted to an electronic message sign shall be made conforming to the requirements of this article. A sign which is nonconforming as to zoning district location shall not be converted to an electronic message sign.
- E. Billboards and off-premises signs. A billboard or an off-premises sign shall not be converted to an electronic message sign except in full compliance with this article.
- F. Message display.
 - (1) Any portion of the message shall have a minimum duration (hold time) of 10 seconds and shall be a static display. Messages shall completely change to the next message within one second.
 - (2) The images and messages displayed shall be complete in themselves without continuation in content to the next image or message or to any other sign. The image shall be static, with no animation, streaming video, flashing, scrolling, fading, or other illusions of motion. Time-and-temperature signs are exempt from this requirement.
 - (3) All signs shall be equipped with a properly functioning default mechanism that will stop the sign in one position and lock the luminance level to the nighttime setting should a malfunction occur.
 - (4) Images or messages projected onto buildings or other objects shall be prohibited.
- G. Luminance.

LUMINANCE — A measure of the brightness of a surface which is emitting or reflecting light. The unit of measurement is candelas per square meter or nits (1 nit = 1 cd/m²).

NIT — A unit of measure of luminance.

- (1) No sign may display light of such intensity or brilliance to cause glare or hazard, or impair the vision of the motorist, or interfere with the effectiveness of an official traffic sign, device or signal.
 - (2) Signs shall have a maximum luminance of 5,000 nits during daylight hours. During the nighttime, signs and billboards shall be limited to a maximum luminance of 150 nits.
 - (3) All signs shall be equipped with both a dimmer control and a photocell that automatically adjusts the display's luminance according to natural ambient light conditions. The sign shall also be equipped with an automatic malfunction shutoff switch.
 - (4) Signs shall comply with light trespass regulations set forth in § 119-48C(3).
 - (5) Surface luminance measurements shall be made directly with a calibrated luminance meter, following the instrument manufacturer's directions. Readings shall be taken from the area from which the sign will be visible, usually the road, and which is closest to being directly in front of the sign where the luminosity output is most focused. This reading shall be the measurement of an all-white image display to evaluate the worst-case scenario. With an all-white display, a maximum of 200 nits shall be permitted during nighttime.
 - (6) Prior to issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the sign luminance has been factory preset to not exceed 5,000 nits and that the intensity has been protected from end-user manipulation by password-protected software.
- H. Separation and setbacks.
- (1) No electronic message sign shall be located closer than 400 feet from any other electronic message sign, including nonconforming signs.
 - (2) No electronic message sign or billboard shall be located within 400 feet of any residential use or district.
- I. Height. The maximum height of electronic message signs shall be 18 feet. **[Amended 4-23-2015 by Ord. No. 2015-04]**
- J. Regulations applicable to all electronic message off-premises signs. In addition to the other regulations in this § 119-65, the following

regulations shall apply to electronic message off-premises signs over 60 square feet (electronic message billboards):

- (1) Electronic message billboards shall be permitted by conditional use. The conditional use process shall apply to both new electronic message billboards and the conversion of existing static billboards to electronic message billboards.
- (2) Electronic message billboards shall be set back at least 100 feet from the ultimate right-of-way of all roads.
- (3) No electronic message billboard shall be located within 2,000 feet from any other electronic message billboard, including nonconforming billboards and those located on the opposite side of the street.
- (4) No electronic message billboard shall be located within 300 feet of a traffic merge point, entrance or exit.
- (5) The applicant shall be required to coordinate and permit message access from local, regional, state and national emergency services during emergency situations. Emergency messages are not required to conform to message standards herein.

§ 119-66. Nonconforming signs.

- A. Legal, nonconforming signs. Any sign lawfully existing or under construction on the effective date of this article, which does not conform to one or more of the provisions of this article, may be continued in operation and maintained as a legal nonconforming use.
- B. Maintenance and repair of legal nonconforming signs.
 - (1) Area. The total area of any nonconforming sign shall not be increased.
 - (2) Removal and reconstruction. The removal and reconstruction of a nonconforming sign shall only be permitted in accord with the requirements of § 119-73C(1) applicable to other nonconforming structures.
 - (3) Damage or destruction. A nonconforming sign which is damaged or destroyed may be rebuilt in a nonconforming fashion only in accord with § 119-73D applicable to other nonconforming structures.
 - (4) Improvements and maintenance. Nonconforming signs may be repainted, repaired or modernized, provided such improvements do not increase the dimensions, height or position of the existing nonconforming sign or change the sign, message or business being advertised.
 - (5) Conversion to electronic message sign.

- (a) Any nonconforming sign which is converted to an electronic message sign shall be made conforming to the requirements of this article.
- (b) A sign which is nonconforming as to zoning district location shall not be converted to an electronic message sign.

§ 119-67. Removal of certain signs.

A. Abandoned signs.

- (1) Removal. Any sign, whether existing on or erected after the effective date of this chapter, which advertises a business no longer being conducted or a product no longer being offered for sale in or from the premises on which the sign is located, shall be presumed to be abandoned and shall be removed within 12 months from the cessation of such business or sale of such product by the owner, agent, or person having the beneficial interest in the building or premises on which such sign is located.
- (2) Enforcement. Enforcement of a violation of § 119-67A(1) shall be in accord with § 119-7.

B. Nuisance signs.

- (1) Violation. The maintenance of any sign which is unsafe or insecure or is a nuisance shall be considered a violation of this chapter.
- (2) Enforcement. Enforcement of a violation identified in § 119-67B(1) shall be in accord with § 119-7.
- (3) Immediate peril. Notwithstanding, the foregoing provisions, the Zoning Officer is authorized to cause any sign to be removed summarily and without notice, at the expense of the owner, agent, or person having the beneficial interest in the building or premises on which such sign is located, whenever the Zoning Officer determines that such sign is an immediate peril to persons or property.

C. Illegal signs. If the Zoning Officer shall find that any sign is displayed in violation of this chapter, he shall proceed with an enforcement action in accord with § 119-7.

§ 119-68. (Reserved)

ARTICLE VIII
General Regulations

§ 119-69. Frontage onto improved streets; number of uses or buildings; minimum size of dwellings.

A. Frontage required onto improved street.

- (1) Each proposed new lot, each land development and each proposed principal building shall be on a lot which directly abuts a public street, a street proposed to be dedicated to the Township by the subdivision plan which created or creates such lot, or a private street which meets all of the requirements of Chapter 98, Subdivision and Land Development. In the case of townhouses, mobile home park, or apartments, each unit may have access onto a parking court which then has access onto a public or private street meeting Township standards. **[Amended 5-1-2014 by Ord. No. 2014-01]**
- (2) If a new principal building is proposed to be constructed or placed on a lot that abuts a private street(s), and the lot does not have access onto a public street, then as a condition of the permit, the lot owner shall be required to improve the segments of the private street(s) that directly abut the lot. Such improvements shall result in a minimum compacted depth of the street of eight inches of crushed stone, shale or bank run gravel or other Township approved surface, which shall be leveled. Such surface shall have a minimum width of 12 feet.

B. Number of principal uses and principal buildings per lot. **[Amended 5-1-2014 by Ord. No. 2014-01]**

- (1) A lot in a commercial or industrial district may include more than one permitted principal use per lot and/or more than one permitted principal building per lot. In the case where one of uses requires a greater minimum lot size, such minimum size shall be required. For example, if Use 1 requires a one-acre lot area and Use 2 on the same lot requires a two-acre lot area, then the lot shall have a minimum lot area of two acres.
 - (a) All other applicable requirements shall apply to each use. If differing dimensional requirements apply for different uses on the lot, then the most-restrictive requirement shall apply.
 - (b) The applicant shall submit a site plan that demonstrates that each structure would meet the requirements of this chapter.
 - (c) The uses and buildings shall be in common ownership. However, a condominium form of ownership of individual buildings, with a legally binding property owners' association, may be established if the applicant proves to the satisfaction of the Zoning Officer, based upon review by the Township

Solicitor, that there will be appropriate legal mechanisms in place.

- (2) A lot within a residential district shall not include more than one principal use and shall not include more than one principal building, unless specifically permitted by this chapter.
 - (a) A mobile home park, condominium residential development or apartment development may include more than one principal building per lot, provided all other requirements of this chapter are met. A condominium form of ownership of individual dwelling units, with a legally binding homeowners' association, may be established if the applicant proves to the satisfaction of the Zoning Officer, based upon review by the Township Solicitor, that there will be appropriate legal mechanisms in place and compliance with applicable state law.
- C. Minimum size of dwellings. Each dwelling unit shall include a minimum of 600 square feet of enclosed habitable, indoor, heated floor area, and which shall be primarily above the ground level.
- D. Maximum occupancy. **[Amended 5-1-2014 by Ord. No. 2014-01; 7-16-2019 by Ord. No. 2019-01]**
 - (1) No mobile home shall be occupied on a lot as a dwelling unless it meets all the requirements for a dwelling.
 - (2) No recreational vehicle shall be occupied on a lot for more than 90 days in a calendar year, except as may be approved within a campground with suitable central water supply and sewage disposal. A separate permit shall be required for each thirty-day period. The following additional standards shall apply:
 - (a) A permit shall be required and shall specify the times of occupancy.
 - (b) The recreational vehicle shall be permitted on the lot only when occupied.
 - (c) The recreational vehicle shall maintain the setbacks required for principal structures in the district.
 - (d) The construction of roof-overs, decks, enclosed or covered porches, screened enclosures or any other accessory structure shall be prohibited.
 - (e) Factory produced awnings attached to the recreational vehicle shall be permitted.
 - (f) The applicant shall provide documentation of sewage disposal meeting Township requirements.

§ 119-70. Height exceptions.

The maximum structure height specified for each district shall not apply to antennas that meet the requirements of this chapter, water towers, clock or bell towers, steeples of places of worship, electrical transmission lines, elevator shafts, windmills, skylights, chimneys or other appurtenances usually required to be and customarily placed above the roof level and not intended for human occupancy. See also definition of "height" in § 119-21.

§ 119-71. Special lot and setback requirements, sight distance and buffer yards. [Amended 5-1-2014 by Ord. No. 2014-01]

A. In general.

- (1) No lot, structure or use shall be created or developed in such a way that it would result in another lot, building or use not being able to meet the requirements of this chapter. This includes, but is not limited to, setback areas, nonimpervious areas and off-street parking areas.
- (2) Emergency access. All uses and structures shall have adequate provisions for access by emergency vehicles and fire ladders.

B. Exceptions to minimum lot areas, lot widths and required setbacks.

- (1) Corner lots. For a corner lot, the minimum required side setback depth abutting a public street shall be equal to the minimum depth of the required front setback.
- (2) Projections into required setbacks.
 - (a) Cornices, eaves, sills or other similar architectural features, exterior stairways, fire escapes or other required means of egress, rain leads, chimneys, "Bilko"-type doors for basement access, window awnings, chaise for heating pipes or other similar structures that do not include space usable by persons may extend or project into a required setback not more than three feet, except as may be required within a drainage or utility easement.
 - (b) Steps, stoops, fire escapes, handicapped ramps, and landings necessary to provide entrance to a building may be located within a required setback area.

C. Sight clearance at intersections. The applicable provisions of Chapter 98, Subdivision and Land Development, shall apply, regardless of whether an application is a subdivision or a land development. (Note: As of the adoption date of this chapter, such provisions were in § 98-38 of such chapter.⁶²)

D. Buffer requirements.

62. Editor's Note: See now § 98-59H.

- (1) Buffer yards shall have a depth of 20 feet, measured from the property line, street right-of-way line, district boundary line or otherwise applicable boundary line.
- (2) A use or zoning district which is across a street, alley, service lane or right-of-way from the subject property shall be considered to be adjacent.
- (3) A softening buffer is a perimeter landscape planting intended to provide a partial screen and separation between neighboring developments.
- (4) A screen buffer is a predominantly evergreen perimeter landscape planting intended to provide a visual separation between neighboring developments.
- (5) Where other sections of the Township Code (such as, but not limited to, §§ 119-40 and 119-41) require greater buffering standards, the more-restrictive standards shall apply.
- (6) The buffer yard may include areas within a required front, side or rear setback area, provided the larger setback requirement shall apply in case of overlap.
- (7) Softening buffers shall be required within the front yard, along a property line or street right-of-way, for any proposed land development except the following:
 - (a) Any proposed residential use;
 - (b) Any use proposed within the VC Village Commercial/Residential District;
 - (c) Any use for which a screen buffer is required or proposed within the front yard.
- (8) Screening buffers shall be provided where a land development or subdivision of any parcel in any commercial district is adjacent to, or across a street from, any residential district. The screening buffers shall be required along the property line or lines which are shared between the properties, or the right-of-way line which faces the residential property.
- (9) All sewage treatment plants, lift stations and similar aboveground structures (excluding disposal beds and spray fields), truck loading, outside storage areas, mechanical equipment and trash receptacles shall be screened from view from streets and abutting residential areas through the use of evergreen shrubs.
- (10) For all land developments, buffers shall be required along the side and rear property lines in accord with Table 119-71D:

**Table 119-71D
Required Side and Rear Property Line Buffers
Adjacent Use**

Proposed Use (buffer provider)	Residential – Single-Family Attached and Multifamily			Institutional, Public and Miscellaneous Uses		
	Residential – Single-Family Detached	Residential – Single-Family Attached and Multifamily	Commercial	Industrial	Semipublic	Uses
Residential – single-family detached	None	None	None	None	None	None
Residential – single-family attached and multifamily	Softening	Softening	Softening	Softening	Softening	Softening
Commercial	Screen	Screen	None*	None	Softening	Screen
Industrial	Screen	Screen	Screen	Screen	Screen	Screen
Institutional, public and semipublic	Softening	Softening	None	None	None	None**
Miscellaneous uses	None	None	None	None	None	None**

NOTES:

* Where a commercial development with a gross floor area greater than 20,000 square feet is proposed adjacent to an existing commercial development with a gross floor area less than 20,000 square feet, a softening buffer shall be provided as part of the proposed development.

** Where the existing miscellaneous use is preserved agricultural land, as shown on the Township Official Map, a softening buffer shall be required.

§ 119-72. (Reserved)⁶³

§ 119-73. Nonconformities.

- A. Proof and registration of nonconformities. It shall be the responsibility of, with the burden of proof upon, a party asserting a nonconformity to provide the evidence that it is lawful. A property owner may request a written statement of nonconformity from the Zoning Officer after providing sufficient evidence.

63. Editor's Note: Former § 119-72, Landscaping, was repealed 5-1-2014 by Ord. No. 2014-01.

- B. Continuation of nonconformities.
- (1) A lawful nonconforming use, structure or lot as defined by this chapter may be continued and may be sold and continued by new owners.
 - (2) Any expansion of, construction upon or change in use of a nonconformity shall only occur in conformance with this section.
 - (3) If an existing use was not lawfully established, it shall not have any right to continue as a nonconforming use.
- C. Expansion of or construction upon nonconformities. The following shall apply, unless the structure is approved under Subsection D:
- (1) Nonconforming structure.
 - (a) The Zoning Officer shall permit a nonconforming structure to be reconstructed or expanded, provided:
 - [1] That such action will not increase the severity or amount of the nonconformity (such as the area of the building extending into the required setback) or create any new nonconformity; and **[Amended 5-1-2014 by Ord. No. 2014-01]**
 - [2] That any expanded area will comply with the applicable setbacks in that district and other requirements of this chapter.
 - (b) In the case of a nonconforming structure which is used by a nonconforming use, any expansion shall also meet the requirements of this section regarding nonconforming uses.
 - (2) Nonconforming lots.
 - (a) Permitted construction on a nonconforming lot. A single permitted by right principal use and its customary accessory uses may be constructed, reconstructed or expanded on a nonconforming lot provided all of the following additional requirements are met:
 - [1] Within the RS District, the additional requirements of § 119-29 shall apply;
 - [2] The lot must be a lawful nonconforming lot of record;
 - [3] Minimum setback requirements shall be met;
 - [4] State and federal wetland regulations shall be met;
 - [5] The on-lot sewage disposal and well requirements of § 119-30 shall be met; and **[Amended 5-1-2014 by Ord. No. 2014-01]**

- [6] If the lot has a lot area of less than one acre, then the lot area shall not be less than 50% of the area that would otherwise be required.
- (b) Lot width. The fact that an existing lawful lot of record does not meet the minimum lot width requirements of this chapter shall not by itself cause such lot to be considered to be a nonconforming lot.
- (3) Expansion of a nonconforming nonresidential use. A nonconforming use or a building used by a nonconforming use shall not be expanded, except in accordance with the following provisions: **[Amended 7-16-2019 by Ord. No. 2019-01]**
- (a) An expansion of more than 10% in total building floor area shall require special exception approval from the Zoning Hearing Board under Article I.
- (b) Such expansion shall be only upon the same lot that the nonconforming use was located upon at the time the use became nonconforming.
- (c) An expansion of land or structure used for the nonconforming use shall be limited to a total increase not to exceed 50% of land and 50% of structure beyond what existed at the time the use first became nonconforming. The above maximum increases shall be measured in aggregate over the entire life of the nonconformity. All expansions of the nonconforming use and/or building(s) that occurred since the use originally became nonconforming shall count towards the above maximum increases.
- (d) Any expansion of a nonconforming use shall meet the required setbacks and other requirements of this chapter, unless the Zoning Hearing Board grants a variance.
- (4) Expansion of a nonconforming residential use. An existing nonconforming residential use may be expanded as a permitted by right use, provided that the number of dwelling units or rooming house units are not increased; the expansion meets all applicable setbacks; no new types of nonconformities are created; and a nonconformity is not made more severe. Changes in dwellings within a mobile home park shall be regulated by § 119-40A. **[Amended 5-1-2014 by Ord. No. 2014-01]**
- (5) Nonconforming sign. The provisions of this chapter shall not be interpreted to provide a right to expand or extend a nonconforming sign. Instead, any expansions or extensions of a nonconforming sign shall comply with this chapter.
- D. Damaged or destroyed nonconformities. A nonconforming structure that has been destroyed or damaged may be rebuilt in a nonconforming

fashion only if the application for a building permit is submitted within 18 months after the date of damage or destruction; work begins in earnest within 12 months afterwards and continues; and no nonconformity may be created or increased by any reconstruction. The property shall be properly secured during such time in such a way to keep out trespassers and to avoid harm to neighboring properties.

E. Abandonment of a nonconformity.

- (1) If a nonconforming use of a building or land is discontinued, razed, removed or abandoned for 12 or more months, subsequent use of such building or land shall conform with the regulations of the district in which it is located, except as provided for in the "damaged or destroyed nonconformities" provisions of this section.
- (2) The applicant shall be responsible to provide evidence that the nonconformity was not abandoned.
- (3) An existing lawful separate dwelling unit may be unrented for any period of time without being considered abandoned under this chapter.

F. Changes from one nonconforming use to another.

- (1) Once changed to a conforming use, a structure or land shall not revert to a nonconforming use.
- (2) A nonconforming use may be changed to a different nonconforming use only if approved as a special exception by the Zoning Hearing Board. However, special exception approval is not needed for a simple change within an existing building from one lawful nonconforming retail store use to another retail store use or from one lawful nonconforming personal service use to another personal service use provided that the new use complies with any Zoning Hearing Board conditions that applied to the previous use and is not more objectionable in external effects than the previous use.
- (3) Where special exception approval is required for a change of a nonconforming use, the Board shall determine whether the applicant has provided sufficient proof to show that the proposed new use will be equal or less objectionable in external effects than the preexisting nonconforming use with regard to:
 - (a) Traffic safety and generation (especially truck traffic);
 - (b) Noise, dust, fumes, vapors, gases, odor, glare, vibration, fire, hazardous substances, and explosive hazards;
 - (c) Amount and character of outdoor storage;
 - (d) Hours of operation if the use would be close to dwellings; and
 - (e) Compatibility with the character of the surrounding area.

- (4) A nonconforming use shall not be changed to a nonconforming adult use.
- G. District changes. Any uses, structures or lots that become nonconforming because of a zoning district change shall be regulated under this section on nonconformities.

§ 119-74. Dumpster screening and location.

- A. Any newly placed solid waste dumpster shall be screened on at least three of four sides as necessary to screen views from public streets and dwellings.
- B. Such screening shall consist of decorative masonry walls, mostly solid weather-resistant wood fencing, fencing of a similar appearance, or primarily evergreen plantings.
- C. Setback from dwellings. To the maximum extent feasible, as determined by the Zoning Officer, an outdoor solid waste container with a capacity of over 15 cubic feet shall be kept a minimum of 20 feet from the walls of a dwelling on an abutting lot.
- D. If a solid waste dumpster is moved from one part of a lot to another part of a lot, then it shall come into compliance with this § 119-74.
- E. This section shall not apply to dumpsters temporarily placed during actual construction or demolition on the premises. Outdoor bulk containers over 15 cubic feet capacity for the storage of cardboard or paper for recycling shall still be screened, but shall not be required to meet the setback requirements of Subsection C.

§ 119-75. Minimum setbacks from existing and proposed streets.

- A. Where a front, side or rear required setback would abut an existing street or any proposed street shown on the Township Official Map, then such required setback shall be measured from the following minimum distances from the center line of the existing or proposed street right-of-way: **[Amended 12-7-2004 by Ord. No. 2004-06; 5-1-2014 by Ord. No. 2014-01]**
- (1) Forty feet from the center line of an arterial street;
 - (2) Twenty-five feet from the center line of a collector or local street;
 - (3) Fifteen feet from the center line of an alley, private access street or any other street.
- B. Applicants are strongly encouraged to dedicate such area to PennDOT or the Township for future street widenings and utility and stormwater improvements. If such area is not accepted for current dedication, then the approved plan should state that it is reserved for future dedication at such time as PennDOT or the Township may determine that the area is needed.

- C. No building, fence or other structure (except for mailboxes, utility poles and similar structures typically found within a right-of-way) shall be placed within the setback required by Subsection A.

§ 119-76. Off-Street parking and loading. [Added 5-1-2014 by Ord. No. 2014-01]

This § 119-76 shall apply to all new and expanded uses and to changes of use, and all such uses shall be provided with parking and loading areas adequate to meet the needs of the use. Any proposal which is considered a land development as defined by Chapter 98 shall be governed by the parking and loading area design standards in Chapter 98. Following the establishment of any land development, the ongoing operation and maintenance of the off-street parking and loading facilities shall comply with the requirements of this § 119-76, and violations shall be subject to the enforcement provisions of this chapter.

A. Availability and use of facilities.

- (1) Availability. The facilities required herein shall be available throughout the hours of operation of the particular business or use for which such facilities are provided. As used herein, the term "parking space" includes either covered garage space or uncovered parking lot space located off the public right-of-way.
- (2) Location of parking. Required off-street parking spaces shall be on the same lot with the principal use served, except as approved in § 119-76K or § 119-76L.
- (3) Continuing obligation of parking and loading spaces. All required numbers of parking spaces and off-street loading spaces shall be available as long as the use or building which the spaces serve still exists, and such spaces shall not be reduced in number below the minimum required by this chapter.
- (4) Nonparking use. Required off-street parking, loading, and unloading facilities and accessways shall not be used for any other purpose, including, but not limited to, sales, display or storage areas, or the parking of any vehicles for which the area was not approved (e.g., parking of tractor trailers in required passenger vehicle areas).
- (5) Existing parking. Any parking spaces serving such preexisting structures or uses at the time of the adoption of this chapter shall not in the future be reduced in number below the number required by this chapter. If a new principal nonresidential building is constructed on a lot, then any existing parking on such lot that serves such building shall be reconfigured to comply with this chapter, including, but not limited to, required parking and areas reserved for additional parking if needed, requirements for channelization of traffic from adjacent streets, channelization of

traffic within the lot, minimum aisle widths, paving and landscaping.

- (6) Garages and carports. Garages and carports not in the public right-of-way may be considered parking spaces.

B. Site plan; design.

- (1) Site plan. The project application shall include a site plan that shows the parking, loading and unloading area, and access design.
- (2) General. Parking spaces, loading and unloading areas, and accessways shall be laid out to result in safe and orderly use and to fully address all of the following: vehicular access onto and off the site, vehicular movement within the site, pedestrian patterns and any drive-through facilities. No parking area shall cause a safety hazard or impediment to traffic on or off the lot.
- (3) Pedestrian access and circulation. The parking and access plan shall include details of pedestrian access to the site and pedestrian circulation within the site. The intent shall be to facilitate pedestrian access and provide safe and convenient circulation from parking areas to the structure or use.
- (4) Design. Off-street parking areas, accessways, fire lanes, traffic flow signs, pavement markings, and other necessary facilities shall be designed and provided in accord with the most-current Institute of Transportation Engineers Traffic Engineering Handbook, or other generally accepted methodology approved by the Township. The applicant shall provide copies of the methodology used for the design. Notwithstanding the above, all parking spaces and the overall design shall be ample in size for the vehicles for which use is intended, and stalls shall be a minimum of 10 feet by 20 feet with aisles of not less than 24 feet unless designed as required above.

C. Illumination. All driveways, aisles, maneuvering spaces, vehicular service areas, and spaces between or around buildings, designed for use by more than four cars after dusk, other than those accessory to a single dwelling, shall be illuminated according to § 98-68.1.

D. Public rights-of-way. Parking, loading and unloading of vehicles shall not be permitted on public rights-of-way, except in designated areas and in accord with municipal parking regulations. No parking area shall be designed which requires or encourages parked vehicles to be backed into a public street.

E. Parking between principal structure and road.

- (1) VC District. In the VC District, parking shall be prohibited between the front facade of the principal building and the principal road; all parking shall be located to the side or rear of the building.

- (2) GC, LIC, GI, and BP Districts. In GC, LIC, GI, and BP Districts, no parking, loading or service area shall be located within required front setback areas (i.e., between the street right-of-way and the building setback line). Any parking, loading or service area located between the required building setback line and any principal building shall be screened per § 119-71D.
 - (a) No more than 10% of off-street parking shall be located between the front facade of the principal building and the required setback line.
 - (b) For large-scale retail/commercial development, such parking may be increased to 50% if the Township determines that the parking is screened from view by the use of pad-site development consisting of buildings less than 20,000 square feet of gross floor area plus the use of landscaping in the form of trees, shrubs, fencing or low walls.
- F. Number of spaces to be provided. The number of parking spaces required by this § 119-76F shall be considered the minimum and maximum requirements, unless modified in accord with this § 119-76F.
- (1) Parking required for nonresidential uses.
 - (a) Parking generation manual.
 - [1] Parking Demand Table. Off-street parking spaces shall be provided and maintained in accord with the Parking Demand Table in 119 Attachment 6 or the latest edition of Parking Generation published by the Institute of Transportation Engineers. The Parking Demand Table may be updated by resolution of the Board of Supervisors to include more current data. **[Amended 4-23-2015 by Ord. No. 2015-04]**
 - [2] Similar use. The parking provided for the proposed use shall be based on the most-similar use and unit of calculation listed in the Parking Demand Table as determined by the Zoning Officer.
 - [3] Unlisted use. In cases where the Zoning Officer determines that a proposed use cannot be reasonably included in a use listed in the sources identified in § 119-76F(1)(a)[1], the Zoning Officer may rely on other generally accepted published standards. **[Added 7-16-2019 by Ord. No. 2019-01]**
 - (b) Land uses with 85th percentile data listed in the Parking Demand Table.

- [1] Constructed. The number of paved parking spaces constructed shall conform to the average peak period demand as noted in the Parking Demand Table.
 - [2] Reserved. Space shall be reserved to allow for expansion to the 85th percentile, as listed in the Parking Demand Table, unless a reduction is approved in accord with § 119-76F(4).
- (c) Land uses without 85th percentile data listed in the Parking Demand Table.
- [1] Constructed. The number of paved parking spaces constructed shall be the average peak period demand or 85% of the peak, whichever is reported in the Parking Demand Table.
 - [2] Reserved. Space shall be reserved to allow for expansion to 115% of the number of spaces required by § 119-76F(1)(c)[1], unless a reduction is approved in accord with § 119-76F(4).
- (2) Parking required for residential uses. Two off-street parking spaces shall be provided and maintained for each residential dwelling unit, except as follows:
- (a) Single-family dwelling: 3 per dwelling unit.
 - (b) Two-family dwellings and multifamily dwellings: 2 per dwelling unit.
 - (c) Multifamily senior citizen and other senior citizen housing: 1 per dwelling unit.
 - (d) Assisted living facilities or personal care homes: 0.5 per dwelling unit.
- (3) Township-required reduction. In the case of parking for conditional uses and special exceptions, if the Board of Supervisors/Zoning Hearing Board determines that the number of parking spaces required by this § 119-76 is not necessarily required to meet the immediate needs of the proposed use, the Township may require the number of spaces provided to be reduced by a maximum of 25% based on the average peak period demand or peak, whichever is reported for the use in the Parking Demand Table. The developer shall dedicate sufficient and suitable area to future parking to meet the normal standards in this § 119-76.
- (4) Applicant-proposed reduction/increase. The required number of parking spaces may be reduced or increased subject to conditional use approval by the Board of Supervisors for uses classified as principal permitted uses and conditional uses and by the Zoning Hearing Board for uses classified as special exceptions. The

applicant shall provide evidence justifying the proposed reduction or increase of spaces, such as studies of similar developments during peak hours. The applicant shall also provide relevant data, such as number of employees and peak expected number of customers/visitors. Any approval to permit such decrease or increase shall be subject to the following:

- (a) Chapter and plan consistency. The project design and parking space decrease shall be consistent with the purposes contained in this chapter and the goals and objectives of the Comprehensive Plan.
- (b) Quality of design. The applicant shall demonstrate to the Board of Supervisors that the proposed decrease will result in an adequate number of parking spaces or the increase will not produce an excess number of spaces for the use based on a specific study of the parking demands for the proposed use or empirical data reported by a generally accepted source, such as the Institute of Transportation Engineers, the Urban Land Institute, the American Planning Association, or similar entity.
- (c) Local conditions. In making its determination, the Board of Supervisors or the Zoning Hearing Board shall also consider, among others, the demographics and character of the neighborhood, demographics of targeted customers and employees, availability of mass transit, existing on-street parking conditions, and any employer-instituted transportation demand management programs.
- (d) Burden; conditions.
 - [1] If the Board of Supervisors or the Zoning Hearing Board, in its sole discretion, determines that the applicant has met the burden of proof, it may grant the decrease or increase.
 - [2] In no case shall parking be reduced by more than 30% nor be increased by more than 20% of the minimum parking requirement.
 - [3] If the applicant provides more parking spaces than the minimum required, the additional parking spaces shall not result in the removal of specimen trees.
 - [4] The Board of Supervisors or the Zoning Hearing Board may impose such conditions as will, in its judgment, secure the objectives and purposes of this chapter, including, but not limited to, reserving parking.
- (e) Form of reservation. Each parking reservation shall be in a form acceptable to the Township Solicitor that legally binds current and future owners of the land to keep the reserved

parking area in open space and, if the Township determines it is necessary, to provide the additional parking in the time and manner as stipulated in the reservation document. Proof of recording of the agreement shall also be provided to the Township before the issuance of a zoning permit for the project.

- (f) Reserved parking disturbance and stormwater. The reserve parking areas shall remain undisturbed or shall be landscaped, but shall be included in the calculations of lot coverage area and for stormwater management and for the requirement of an NPDES permit. The stormwater facilities shall be constructed in accord with the approved sequencing design as parking areas are constructed.
- (g) Multiple uses. (See also § 119-76L.) For projects involving more than one use and/or structure, the total number of parking spaces required shall be determined by summing the number of spaces for each individual use.
- (h) Handicapped parking. Parking for the handicapped shall be provided in accord with the Americans with Disabilities Act and shall count as part of the spaces required for the use by this § 119-76.

G. Off-street loading and unloading areas.

- (1) Required. In connection with any building or structure which is erected or substantially altered and which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles, off-street loading and unloading berths shall be provided as specified in this § 119-76. For the purposes of this section, the words "loading" and "unloading" are used interchangeably.
- (2) Number. Each use shall provide off-street loading facilities sufficient to accommodate the maximum demand generated by the use and the maximum-sized vehicle, in a manner that will not routinely obstruct traffic on a public street. If a reasonable alternative does not exist, traffic may be obstructed during off-peak hours for loading and unloading along an alley, rear service lane or parking area. Loading areas shall not be used to satisfy parking requirements.
- (3) Location. All required loading areas shall be located on the same lot as the use to be served. No loading area for vehicles of more than two tons' capacity shall be located closer than 100 feet from any residential district. No loading area shall be located within 50 feet of a property line unless the lot is less than 200 feet wide, in which case such setback may be reduced to not less than 25 feet at the discretion of the Township. No loading facilities shall be constructed within any required setback areas. Loading facilities

shall be located on either the side or rear of the building and screened in accord with § 98-71 and § 119-71D.

- (4) Access. Each required off-street loading area shall be designed with appropriate means of vehicular access to an interior drive in a manner which will least interfere with traffic movements and shall be subject to the approval of the Township. Such access shall have paved surfaces to provide safe and convenient access during all seasons.
 - (5) Paving. All outside off-street loading areas shall be improved according to the street construction standards of § 98-57K(6).
 - (6) Repair and service. No storage of any kind, nor motor vehicle repair work of any kind, except emergency work, shall be permitted within any required loading area.
 - (7) Hours of operation. Where the use requiring loading and unloading activities is located within 500 feet of a residential use or district, the hours of operation for loading or unloading activities shall be prohibited between the hours of 11:00 p.m. and 6:00 a.m.
 - (8) Fire lanes. All buildings shall be accessible to emergency vehicles and shall meet the requirements of Chapter 46.
- H. Access to off-street parking and loading areas. There shall be adequate provisions for ingress and egress to all parking and loading spaces designed for use by employees, customers, delivery services, sales people and/or the general public. Access to and from all off-street parking, loading and vehicle service areas along public rights-of-way shall consist of well-defined separate or common entrances and exits and shall comply with the following provisions:
- (1) Width. Unless otherwise required by PennDOT for access to a state road, the width of the driveway/accessway onto a public street at the right-of-way shall be as follows:

	1-Way Use	2-Way Use
Width*	(feet)	(feet)
Minimum	12	20
Maximum	20	30

NOTES:

* Exclusive of the turning radius.

- (2) Controlled access. Each entrance and exit shall be clearly defined with curbing, fencing, landscaping or vegetative screening so as to prevent access to the area from other than the defined entrance and exit.

- (3) Highway occupancy permit. All new uses shall be required to obtain a highway occupancy permit from the Township or PA DOT, as the case may be. In the case of a change in use or the expansion of an existing use, a highway occupancy permit or a revised highway occupancy permit shall be required if there will be increase in average daily traffic based on the most-recent edition of the International Traffic Engineers Traffic Generation Manual. Where a use accesses the public right-of-way via a private road, the highway occupancy permit requirement and criteria shall be applied at the public right-of-way intersection.
 - (4) Interior travelways. The applicant shall demonstrate that travelways within the property are adequate to safely and efficiently serve vehicles which are reasonably expected to visit the property. Turning radius templates developed by the American Association of State Highway Transportation Officials (AASHTO) shall serve as the design standard.
 - (5) Curbing. Access drives and landscaping shall be defined with concrete curbing or such alternate material as may be approved by the Township.
- I. Parking and loading area setbacks and buffers. All parking and loading areas and parallel circulation and service lanes serving any nonresidential or multifamily use shall be separated from any public street or adjoining property lines by a buffer in accord with the requirements of § 98-71 and § 119-71D.
 - J. Grading and drainage; paving. **[Amended 7-16-2019 by Ord. No. 2019-01]**
 - (1) Parking and loading facilities, including driveways, shall be graded and adequately drained to prevent erosion or excessive water flow across streets or adjoining properties.
 - (2) Except for landscaped areas, all portions of required parking, loading facilities and accessways shall be surfaced with asphalt, concrete, paving block or porous pavement or pavers meeting Township specifications. In the case of single-family or two-family dwellings, unless otherwise regulated by PennDOT, the first 20 feet (measured from the connection to the paved surface of the public street) of driveways shall be constructed with a five-inch minimum compacted depth stone subbase, two-inch minimum compacted depth bituminous base course, and a one-inch minimum compacted depth bituminous surface course.
 - K. Off-lot parking. Required parking may be provided on a different lot than on the lot on which the principal use is located, provided the parking is not more than 400 feet from the principal use lot. Off-lot parking areas shall be permitted only in a district where the principal use is permitted. Both parcels shall be under the same control, either by

deed or long-term lease, as the property occupied by such principal use, and the owner shall be bound by covenants of record filed in the office of the County Recorder of Deeds requiring the owner and his or her heirs and assigns to maintain the required number of off-street parking spaces during the existence of said principal use.

- L. Shared parking. Shared parking may be permitted in the VC, GC, LIC, GI, BP and I Districts subject to conditional use approval by the Board of Supervisors for uses classified as principal permitted uses and conditional uses and by the Zoning Hearing Board for uses classified as special exceptions. The following regulations shall apply:

- (1) Application for shared parking. Applicants seeking a shared parking arrangement shall have a shared parking study prepared by a traffic engineering firm qualified in the field of shared parking as demonstrated through submission of qualifications and references to the Board of Supervisors/Zoning Hearing Board. The applicants shall submit the shared parking study to the Township for review. Factors to be considered in evaluating the desirability of implementing parking arrangements should include operating hours, seasonal/daily peaks in parking demand, the site's orientation, location of access driveways, transit service, accessibility to other nearby parking areas, pedestrian connections, distance to parking area, availability of parking spaces, and cooperation of adjacent owners.
- (2) Calculation of parking spaces required with shared parking. The minimum number of shared parking spaces for a mixed-use development or where shared parking strategies are proposed shall be determined by a study prepared by the applicant following the procedures of the Urban Land Institute Shared Parking Report, ITE Shared Parking Guidelines, or other professionally recognized procedures. A formal shared parking study may be waived by the Board for developments proposing 12 or fewer shared parking spaces and where the applicant has established to the Board of Supervisors/Zoning Hearing Board's satisfaction that its impact is expected to be minimal.
- (3) Location of shared parking spaces. Shared spaces for residential units shall be located within 300 feet of the dwelling unit entrances they serve. Shared spaces for other uses shall be located within 600 feet of the principal building entrances of all sharing uses. However, up to 20% of the spaces may be located greater than 600 feet but less than 1,000 feet from the principal entrances. Clear, safe pedestrian connections shall be provided. Pedestrians shall not be required to cross an arterial street in order to access shared parking spaces.
- (4) Easement agreements between sharing property owners. If a privately owned parking facility is to serve two or more separate properties, a legal agreement between property owners

guaranteeing access to, use, maintenance and management of designated spaces is required. Such agreement shall be submitted to the Township for review and approval. The Board of Supervisors/Zoning Hearing Board may require that the property owners record the agreement as an easement with the Monroe County Recorder of Deeds.

- (5) Shared parking plan. A shared parking plan shall be submitted when the shared parking study determines that the number of parking spaces which would otherwise be required under the applicable ordinances can be reduced by 10% or more by the application of shared parking to the parcel or parcels. Where a shared parking plan is submitted, it shall include:
 - (a) A site plan of parking spaces intended for shared parking and their proximity to the land uses they serve.
 - (b) A signage plan that directs drivers to the most-convenient parking areas for each particular use or group of uses (if such distinctions can be made).
 - (c) A pedestrian circulation plan that shows connections and walkways between parking areas and land uses. These paths should be as direct and short as possible consistent with pedestrian safety.
 - (d) A safety and security plan that addresses lighting and maintenance of the parking areas.
 - (e) A drawing identifying a location which shall be held in reserve for future parking needs should changes in the tenant/occupant mix on the parcel or other circumstances reduce the effectiveness of shared parking among the parcels.
- (6) Adoption of a shared parking plan. The Board of Supervisors/Zoning Hearing Board may condition the grant of subdivision or land development approval upon compliance by the applicant with a shared parking plan acceptable to the Board.
- (7) Modification of a shared parking plan. The owner of a property where parking has been provided pursuant to a shared parking plan may request the Board to approve a revision to that shared parking plan if the tenants/occupants of buildings on the involved parcels change such that a new shared parking study shows an increase by 10% or more for parking spaces on the parcel. The Board of Supervisors/Zoning Hearing Board may, in its sole discretion, grant or deny such request based upon its analysis of the parking needs of the site, the availability of parking on neighboring parcels or on the streets, and such other factors as it deems relevant. The request may only be granted if the affected parcel(s) have a reserved parking location as set forth in

§ 119-76L(5)(e) above and only to the extent that the additional required parking spaces can be placed in that reserve area.

- (8) Reserve area. The number of parking spaces to be constructed pursuant to a shared parking plan may be less than the number required under this chapter pursuant to a shared parking plan only where the following conditions are met:
- (a) The land development plan submitted by the applicant shall identify an area which, if necessary, could be used to meeting the parking requirements of this chapter without the use of shared parking (the "parking reserve area"). That area shall be set aside for possible future use as parking if necessary. The Board of Supervisors/Zoning Hearing Board may, upon application of the property owner and for good cause shown, allow such area to be converted to parking;
 - (b) In no event shall the authorized portion of the required parking area that is not to be constructed but reserved for possible future use be counted towards satisfying any open space requirements which must be met under the terms of this chapter;
 - (c) The parking reserve area shall be designed so that, if required, it will be easy to convert the area into parking;
 - (d) Stormwater management plans proposed for the affected land development shall be prepared on the assumption that the parking reserve areas will be part of the impervious coverage; and
 - (e) The parking reserve area shall be landscaped in accord with § 98-71 and § 119-71D.
- M. Shopping carts. Establishments furnishing carts shall designate and reserve areas for the return and collection of carts at the rate of at least one return area per every 25 parking spaces. Return areas shall be at least 180 square feet in size.
- N. Snow storage and removal. All plans for proposed parking areas of 50 or more spaces shall include details for adequate snow storage and removal.
- O. Landscaping. All improved off-street parking areas not entirely contained in a garage or building shall comply with the landscaping requirements of § 98-71 and § 119-71D.