
Zoning Ordinance

**East Franklin Township
Armstrong County, Pennsylvania**

Enacted on September 25, 2008

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Article I

Title and Purpose

Section 100 Titles

A. Long Title

An ordinance of East Franklin Township, Armstrong County, Pennsylvania, has been created to establish zoning regulations for the use of land, watercourses, other bodies of water, and structures; defining and regulating the size, height, bulk, location, erection, construction, repair, maintenance, alteration, demolition, area, intensity of use and dimensions of land, watercourses, other bodies of water, and structures for agriculture, business, environment, industry, residence, public service or other purposes; the density of population and intensity of use; the provision of design specifications and performance standards; the percentage of lot which may be occupied; the size of yards and other open spaces; the establishment of legislative, administrative, enforcement, and appeal procedures; and, the prescribing of remedies for violations.

B. Short Title

This ordinance shall be known and may be cited as the Township of East Franklin Zoning Ordinance.

Section 101 Relationship to the Comprehensive Plan

This Ordinance is enacted to promote an orderly plan of development according to the goals, objectives and recommendations of the East Franklin Township and South Buffalo Township Joint Comprehensive Plan. The comprehensive plan includes data on existing conditions with reasonable consideration to the existing character of the various areas within the Township and the respective suitability to particular land uses.

Section 102 Community Development Objectives

The zoning regulations and districts set forth in this Ordinance are made in accordance with the overall goals of the East Franklin Township and South Buffalo Township Joint Comprehensive Plan for the general welfare of the Township and the promotion of the health, safety, and morals of present and future residents of East Franklin Township and are intended, but not limited, to achieving the following objectives:

- A. To implement the policy goals and strategies of the East Franklin Township and South Buffalo Township Comprehensive Plan.
- B. Create a pattern of land uses, which are compatible and harmonious, where a suitable environment may be created for agricultural, residential, commercial, and industrial functions. The protection of our present and future agricultural and residential areas

is a prime concern; as well as the reservation and protection of lands which are considered desirable and suitable for commercial and industrial uses, but not those industrial uses which will emit nuisances which would have an adverse effect on any part of the township.

- C. Maintain a density of population which can feasibly be served by the streets and other public facilities which presently exist or can reasonable be provided by the Township.
- D. Direct the types of development and the intensity of development in such a manner as will not place an unreasonable burden on the capacity of local streets and other public facilities.
- E. Promote the natural beauty of the townships through the development of land use policies that preserve the rural atmosphere of East Franklin.
- F. Encourage the growth and development of the Township including the expansion of commercial and industrial activities.

Section 103 Applicability

- A. This Ordinance is enacted pursuant to the authority contained in the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247 as reenacted and amended.
- B. The provisions of this Ordinance shall apply to all zoning districts, lots, structures, land developments and subdivisions within the municipal boundaries of the Township of East Franklin, Armstrong County, Pennsylvania.

Section 104 Compliance

- A. In all districts, after the effective date of this ordinance, any existing land use, building, structure, or any tract of land which is not in conformity with the regulations of the district in which it is located, shall be deemed as non-conforming and be subject to the non-conforming regulations of this ordinance. Non-conformities will be notified in writing by the Township and the Township shall keep an updated record of all non-conformities at all times.
- B. No structure shall be located, erected, demolished, constructed, moved, altered externally, converted, or enlarged, nor shall any structure or land be used or be designed to be used, except in full compliance with all provisions of this Ordinance, and the subsequent lawful issuance of all permits and certifications required by this Ordinance.

Section 105 Interpretation

- A. In interpreting and applying the provisions of this Ordinance, these provisions shall be held to the minimum requirements.
- B. It is not intended by this Ordinance to interfere with, or abrogate or annul, any ordinances, rules, regulations, or permits previously adopted or issued, and not in

conflict with any of the provisions of this Ordinance, or which shall be adopted or issued, except those specifically or implicitly repealed by this Ordinance, or any private restriction placed upon property by covenant, deed, or other private agreement, unless repugnant hereto.

- C. Whenever this Ordinance imposes a greater restriction upon the use of buildings or premises, open spaces or lot areas, or imposes higher standards other than those which are required in, or under, any other statute, the provisions of the regulations made under the authority of this Ordinance shall govern.
- D. Provisions in any other ordinances that are concerned with design standards and which are enacted and administered for East Franklin Township shall not be considered to be in conflict with the provisions of this Ordinance.

Section 106 Uses for which no provision is made

Whenever, in any district established under this Ordinance, a use is not specifically permitted and an individual makes an application to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Zoning Hearing Board, which shall have the authority to permit or deny the proposed use. The use may be permitted if it is similar to, and compatible with, permitted uses in the district and in no way is in conflict with the general purpose and intent of this Ordinance or any provision permitting the same, provided that the same shall comply and follow all requirements of this Ordinance.

Section 107 Severability

It is hereby declared to be the intent of the East Franklin Township Supervisors that:

- A. If any provision, article, section, subsection, paragraph, sentence or phrase of this Ordinance is for any reason held to be invalid or ineffective, in whole or in part, by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance which shall continue to be separately and fully effective; and,
- B. If the application of any provision or provisions of this Ordinance to any lot, building or any other structure or tract of land is found to be invalid or ineffective, in whole or in part, by a court of competent jurisdiction, the effect of such a decision shall be limited to the person, property or situation immediately involved in the controversy and the application of any such provisions to other persons, property or situations shall not be affected.

Section 108 Continuation of Prior Provisions

The provisions of this Ordinance, insofar as they are the same as those of ordinances and codes in effect immediately prior to the enactment of this Ordinance, are intended as a continuation of such ordinances and codes. Nothing in this Ordinance shall be construed to affect any suit or

proceeding pending in any court; any rights acquired or liability incurred; any permit issued or approval granted; or any cause or causes of action, including actions to enforce any right or penalty or punish any offenses under the repealed ordinances, arising prior to the enactment of this Ordinance.

Section 109 Repeal

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

Section 110 Effective Date

This Ordinance shall take effect on the date of signature below. Therefore, the East Franklin Township Zoning Ordinance is enacted according to the following:

ATTEST:

EAST FRANKLIN TOWNSHIP

Ordained and enacted into law on this 25th day of September, 2008

Article II

Definitions

Section 200 General Rules

- A. For the purpose of this Ordinance, the following grammatical rules apply:
1. Words used in the present tense include the future tense.
 2. The particular shall control the general.
 3. The singular number includes the plural and the plural number includes the singular.
 4. The word person and the word developer include an individual, firm, association, partnership, trust, company, or corporation as well as the individual.
 5. The words shall and will are mandatory; the word may is permissive.
 6. The word lot includes “plot”, “piece”, or “parcel” of land.
 7. The words used and occupied include the words “intended, arranged, maintained, or designed to be used or occupied”.
 8. Words generally found in legal terminology shall be considered to have meanings in this Ordinance similar to their generally held definitions in a Court of Law.
 9. If there is a difference in meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
 10. The masculine shall include the feminine and the neuter.
 11. The word “includes” or “including” shall not limit the term to the specified example, but is intended to extend its meaning to all other instances of similar kind and character.
- B. Unless otherwise expressly stated, the following words, for the purpose of this Ordinance, shall have the meaning herein indicated. When terms, phrases or words are not defined, they shall have their ordinarily accepted meaning or such as the context may imply.

Section 201 Definitions

ABANDONED VEHICLE – any vehicle that is not in a building or garage and which does not have a current registration and / or a current safety inspection sticker. This term shall not apply to any vehicle or equipment used in the normal operation of a farm owned or leased by the person farming the land or upon the property of a state authorized automotive repair facility.

ABANDONMENT – an intentional and absolute relinquishment and cessation of a use for any period of time without intention to resume said use or the voluntary discontinuance of a use for a continuous period of one (1) year or more without reference to intent. Commercial or industrial abandonment shall be measured from the date of the last record of sale or occupancy, whichever occurs first, and residential abandonment shall be measured from the last date of occupancy.

ACCESS AISLE – the drive within a parking lot directly abutting parking spaces and designed to provide a connection between the spaces and the public street or an access street.

ACCESS STREET, LANE, OR DRIVE – a vehicular way on private property designed to provide connection between the public street and activities within the property.

ACCESSORY USE – a use customarily incidental and subordinate to the principle use of a building and located on the same lot with such principle use, including but not limited to garages, carports, storage sheds, animal shelters and swimming pools.

ADULT ARCADE – any place to which the public is permitted or invited wherein coin-operated or slug-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.

ADULT BOOKSTORE / VIDEO STORE – a commercial establishment, which as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following: (1) adult media that includes books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassette 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 designated for use in connection with specified sexual activities; and meets at least one of the following criteria:

- a. more than thirty percent of the floor area is devoted to adult media or instruments, devices, or paraphernalia which are designated for use in connection with specified sexual actions (not including storerooms, stock areas, bathrooms, basements, or any other portion of the business not open to the public);

- b. more than thirty percent of the gross sales (including rentals) result from the sale or rental of adult media instruments, devices, or paraphernalia which are designated for use in connection with specified sexual activities;
- c. more than thirty percent of the dollar value of all merchandise displayed at any time is attributable to adult media or instruments, devices, or paraphernalia which are designated for use in connection with specified sexual activities;
- d. more than thirty percent of all inventory consists of adult media or instruments, devices, or paraphernalia which are designated for use in connection with specified sexual activities at any time;
- e. more than thirty percent of the merchandise displayed for sale consists of adult media or instruments, devices, or paraphernalia which are designated for use in connection with specified sexual activities; or
- f. more than thirty percent of the stock in trade consists of such items at any time.

ADULT CABARET – a nightclub, bar, restaurant or similar commercial establishment which features: persons who appear in the state of nudity; live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or films, motion pictures, video cassettes, slides or other photographic reproductions that are characterized by the depiction or description of specified anatomical areas or by specified sexual activities.

ADULT DAY CARE FACILITY – a single-family dwelling for not more than 5 persons, 18 years of age or older, at any give time, who do not require care for chronic, convalescent, medical, or nursing issues, beyond care normally provided in a home setting, but require supervision due to physical and / or mental disabilities, that clearly provides for the normal care and safety of such persons within the facility for periods of less than 24 hours. The facility must be licensed by the Commonwealth and conducted in accordance with Commonwealth requirements.

ADULT DRIVE-IN MOVIE THEATER – an outdoor movie theater attended primarily by patrons in their automobiles, used for presenting material, in any form or media distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified anatomical areas or specified sexual activities, specified sexual activities or specified anatomical area, for observation by patrons therein.

ADULT ENTERTAINMENT – an exhibition of any adult-oriented motion picture that is distinguished or characterized by an emphasis on matter depicting, describing or relating to specified anatomical areas or specified sexual activities. This also includes a live performance, display or dance of any type which has as a significant or substantial portion of the performance any actual or simulated performance of specified sexual activities, exhibition and viewing of specified anatomical areas, removal of articles of clothing or appearing unclothed, pantomiming, modeling or any other personal services offered customers.

ADULT LIVE THEATER – a theater, affair, hall, auditorium, or similar commercial establishment which regularly features persons who appear in the state of nudity or semi-

nudity, or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.

ADULT MOTEL – a hotel, motel or similar commercial establishment which: offers accommodations to the public for any form of consideration; 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; and has a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions; or, offers sleeping rooms for rent for a period of time that is less than ten hours; or, allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten hours.

ADULT MOTION PICTURE THEATER – a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions or visual presentations of any kind are regularly shown which are characterized by the depiction or description of specified anatomical areas or specified sexual activities.

ADULT-ORIENTED ESTABLISHMENT – includes, without limitation, the following establishments when operated for profit, whether direct or indirect: adult bookstores / video stores; adult motion picture theaters; adult mini-motion picture theaters (This is not defined and others that are defined are left out); adult drive-in movie theaters; adult motels; massage parlors; any premises to which the public, patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, studios, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures or where an entertainer provides adult entertainment to a member of the public, a patron or a member. Motion pictures shall include material, chat rooms and other material available through the Internet and motion pictures or videos available through cable, satellite or other television services on computers or equipment used in the establishment; and an adult entertainment studio or any premises that are physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import.

The term booths, cubicles, rooms, studios, compartments or stalls, for purposes of defining adult-oriented establishments, does not mean enclosures which are private offices used by the owner, manager or persons employed on the premises for attending to the tasks of their employment, and which are not held out to the public for the purpose of viewing motion pictures or other entertainment for a fee, and which are not open to any persons other than employees.

ADULT RETAIL ESTABLISHMENT – a business which offers for sale or rent instruments, devices, gifts or paraphernalia which are designed or marketed for use in connection with specified sexual activities, clothing that graphically depicts specified anatomical areas or any of the material sold or rented in an adult bookstore / video store, if a substantial or

significant portion of such items are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified anatomical areas or specified sexual activities. Substantial or significant portion shall be construed to meet at least one of the criteria established for adult bookstore / video store.

ADULT THEATER - A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nudity, or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.

AGRICULTURAL BUILDING – a structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products. Such structure shall not be a place of human habitation or a year-round place of employment where agricultural products are processed, treated, packaged; nor shall it be a building or structure open year-round for use by the public. A farmer’s market building will be considered an agricultural building so long as it is located on the farmstead where the products are grown.

AGRICULTURAL OPERATION – an enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.

AGRICULTURE - the tilling of the soil, the raising of crops, forestry, horticulture and gardening, including the keeping or raising of domestic animals, fowl, and riding horses, and including sale of crops, dairy and horticultural farm products incidental to the operation of a farm.

AIR RIGHTS – the ownership or control of that area of space at and above a horizontal plane over the ground surface of land. This horizontal plane shall be at a height above the existing or proposed development that is necessary or legally required for the full and free use of the ground surface.

AIRPORT – an area of land or water which is used, or intended to be used, for the landing and takeoff of aircraft and any appurtenant areas which are used, or intended to be used, for airport buildings or air navigation facilities or rights of way, together with all airport buildings and facilities thereon. Unless indicated otherwise, airport shall include heliports and public airports.

PRIVATE AIRPORT – an airport that is privately owned and which is not open or intended to be open to the public.

PUBLIC AIRPORT – an airport that is either publicly or privately owned and is open to the public.

ALLEY, LANE OR WAY – a permanent public service way providing only secondary means of access to the rear or side of an abutting property and which may be used for public utility purposes, but is not intended for general traffic circulation.

ALTERATIONS – any change or rearrangement of supporting members of a building or structure such as bearing walls, columns, beams or girders, joists or rafters, enclosing walls, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

AMATEUR RADIO ANTENNA – the arrangement of wires or metal rods used in the sending and receiving of electro-magnetic waves.

AMATEUR RADIO STATION – a radio station operated in the Amateur Radio Service under license by the Federal Communications Commission.

AMATEUR RADIO ANTENNA SUPPORT STRUCTURE – any structure, mast, pole, tripod, or tower utilized for the purpose of supporting an antenna or antennas for the purpose of transmission or reception of electro-magnetic waves (by Federally licensed amateur radio operators).

AMENDMENT – a change in this ordinance, including addition of a new requirement, revision of existing requirements or deletion of obsolete requirements, necessitating public hearings and other approvals before becoming effective.

AMUSEMENT PARK – an establishment existing primarily for entertainment purposes and offering rides and exhibitions for a fee.

AMUSEMENT / RECREATION CENTER – an establishment that is not a sexually adult-oriented business and offers recreation, entertainment, or games to the general public for a fee or charge.

INDOOR AMUSEMENT CENTER – an entirely enclosed facility operated as an amusement / recreation center commercial venture providing a source of amusement, entertainment, or recreation that may include bowling alleys, athletic courts, indoor swimming pools, movie theaters, playhouses, indoor golf centers, indoor batting cages or any other similar use.

OUTDOOR AMUSEMENT CENTER – a partially or entirely unenclosed facility operated as an amusement / recreation center that may include miniature or pitch and putt golf courses, batting cages, swimming pools, athletic courts, motorcycle / ATV trails, or any other similar use.

ANIMAL - all non-human vertebrate and invertebrate species, whether wild or domestic, commonly considered to be part of the animal kingdom.

ANIMAL EQUIVALENT UNIT – one thousand (1,000) pounds of animal weight as designated under the Pennsylvania Nutrient Management Act.

ANIMAL FEEDING OPERATION (AFO) – an animal housing facility that stables, confines, and feeds or maintains animals for a total of forty-five days or more in any twelve month period where crops or vegetation are not sustained in the normal growing season over any portion of the lot or facility.

ANIMAL HUSBANDRY – the raising, breeding, keeping or care of farm animals or livestock, including fowl or insects, for meat, by-products or other utility that is intended as a business or gainful occupation, or any keeping of animals for any reason beyond what is allowed in a permitted stable or kennel or under the keeping of pets. This term shall not include a bulk commercial slaughterhouse or a central commercial stockyard for animals awaiting slaughter.

ANIMAL SHELTER - governmental or private organizational facilities that provide temporary homes for stray, surrendered, or abandoned pet animals until it is reclaimed by the owner, adopted to a new owner, placed with another organization, or euthanized.

APPEAL – a plea to a higher body on the part of a person who contends he has been aggrieved as the result of a decision of a lower board, commission, or individual charged with making the decision he is contending.

APPLICANT – a landowner or developer, as hereinafter defined, who has filed an application for development, including his heirs, successors and assigns.

AREA, BUILDING – the total of areas taken on a horizontal plane at the main level of the principle building and all accessory buildings exclusive of uncovered porches, terraces and steps.

AREA, NET SIZE – the total area within the property lines of a project excluding external streets.

ARENA – a completely enclosed structure with fixed seating for not more than 20,000 persons which is designed to accommodate sporting, entertainment and assembly events and which may include accessory dining and retail uses. An arena may be operated by a public or private agency, authority or corporation.

ARCHITECT – an individual registered by the Commonwealth of Pennsylvania as a licensed architect.

ART, CRAFT, OR ANTIQUE SHOP – retail establishments specializing in the sale of handmade, primitive, historical, and cultural items and artifacts.

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

AUTHORITY – a body politic and corporate created pursuant to the act of May 2, 1945 (P.L.382, No.164), known as the Municipality Authorities Act of 1945.

AUTOMOBILE AUCTION – a facility that auctions motor vehicles to automobile dealers and not to the general public.

AUTOMOBILE REPAIR / SERVICE – any building or lot used for the maintenance, servicing, repair or painting of vehicles.

AUTOMOBILE SALES – any facility or lot used for the sale of automobiles.

BAKERY – an establishment used for the preparation of baked goods for primarily retail sales and may have incidental wholesale, for general distribution or consumption off-site.

BANK / FINANCIAL INSTITUTION – an establishment that provides services such as retail banking, collection services, loan services, and tax and investment services to individuals and businesses. This use does not include check-cashing businesses.

BANNER – a sign intended to be hung either with or without a frame possessing characters, letters, illustrations or ornamentations applied to paper, plastic, or fabric of any kind, excluding flags, emblems, and insignias or political, professional, religious, educational, or corporate organizations providing that such flags, emblems, and insignia are displayed for non-commercial purposes.

BARBERSHOP / BEAUTY SALON – an establishment where one or more persons engage in the practice of barbering or cosmetology including, but not limited to, shampooing, cutting, and dressing hair, or other beauty treatments such as facials and manicures.

BASEMENT – the part of a building that is wholly or partially below ground level. This room does not count as a story, nor can it be used for a dwelling.

BATH HOUSE – an establishment or business that provides the services of baths or spas of all kinds, including all forms and methods of hydrotherapy during which specified

anatomical areas are displayed but no specified sexual activity occurs. This term shall be deemed included within adult-oriented establishment.

BEACON – any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot or site as the light source; also, any light with one or more beams that rotate or move.

BED AND BREAKFAST INN – an owner-occupied single-family dwelling that contains not more than ten guest bedrooms used for providing overnight accommodations to the public, not to exceed ten consecutive days, and in which breakfast is the only meal served and is included in the charge for the room.

BILLBOARD – an off-premises sign, which advertises an establishment, an activity, a person, a product, or a service which is unrelated to or unavailable on the premises on which the sign is located, through which the advertising matter of any character is printed, posted or lettered and may be either free standing or attached to the surface of a building or other structure, or applied directly to the surface.

BOARDING HOUSE (includes Rooming House) – a one (1) family dwelling occupied by the landowner thereof, and the landowner’s family, if applicable, in which building the landowner lets or provides for compensation rooms for the lodging of not more than two (2) individuals and the total number of such persons residing in the building, including the landowner, the family of the landowner, and boarders, exceeds three (3) persons.

ROOMING HOUSE - a building other than a fraternity, sorority, hotel, motel or one-family dwelling, in which the owner provides for compensation or lets rooms for lodging of four (4) or more individuals, and the owner does not reside therein.

BOAT AND MARINE SALES / SERVICE – any building or lot used for the maintenance, servicing, repair or painting of boats or other related water craft.

BORE HOLES – structures and appurtenant facilities to permit the introduction from the surface to underground mining operations, or in some cases the removal from underground mining operations to the surface, of electric power, water (with or without treatment facilities), rock dust for safety purposes, communicating lines, compressed air, methane, and other items to facilitate the mining and removal of coal.

BOTTLE CLUB – an establishment operated for profit or pecuniary gain which is not licensed by the Pennsylvania Liquor Control Board and admits patrons upon payment of a fee, cover charge or membership fee and in which alcoholic liquors, alcohol or malt or brewed beverages are not legally sold but where alcoholic liquors, alcohol or malt or brewed beverages are either provided by the operator or agents or employees of the operator for consumption on the premises or are brought into or kept at the establishment by the patrons or persons assembling there for use and consumption. The term shall not include a licensee under the Liquor Code. The permissibility of a use of land involving to any extent a bottle club shall be determined according to the principal intended use.

BOUNDARY – a line, usually a property or street right-of-way line or the centerline of a recognizable physical feature such as a highway, stream, or railroad that demarcates the edge of a district or area.

BREWERY PUB – a facility where malt or brewed beverages are manufactured on site. The mini-brewery may sell, transport and deliver malt beverages to various off-site locations, however, the majority of the manufactured malt or brewed beverage products are sold and consumed on-premises. The facility must be licensed by the Commonwealth of Pennsylvania and conducted in accordance with Commonwealth requirements.

BROADCASTING STUDIO – any radio and television premises or station authorized by the appropriate regulating agency used for the purpose of providing broadcasting services for general reception.

BUFFER AREA – a strip of land adjacent to the boundary of a property or district, not less in width than is designated in this Ordinance, that is planted and maintained in shrubs, bushes, trees, grass, or other landscaping material and within which no building or structure is permitted except a wall, fence or sign in compliance with this Ordinance.

BUILDABLE AREA – the area of a lot remaining after the minimum yard and open space requirements of the zoning ordinance have been met. See Figure 2 in the Appendices.

BUILDING – any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of person, animal, or vehicle.

ACCESSORY BUILDING – a detached building customarily incidental and subordinate to the principal building and located on the same lot.

PRINCIPAL BUILDING – a building in which is conducted the principal use of the site or lot on which it is situated. In all residential districts, any dwelling shall be deemed to be a principal building on the lot on which it is located.

BUILDING, HEIGHT OF – the vertical distance measured from the average elevation of the proposed grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs; to the mean height between eaves and ridge for gable, hip and gambrel roofs. If there are two or more separate roofs on a single building, the height of such building shall be calculated from the highest roof.

BUILDING LINE – a line enclosing the area of any property or lot within which construction can occur as determined by the yard requirements for the zoning district in which the property or lot is located.

FRONT BUILDING LINE – an imaginary line across the front of a property between side property lines parallel to the street right-of-way line and distant from it the depth of the required front yard setback for the zoning district in which the property is located

BUILDING MATERIAL FACILITY / LUMBERYARD – a facility for the sale of home, lawn and garden supplies and tools and construction materials such as brick, lumber, hardware and other similar materials either within or without an enclosed building.

BUILDING PERMIT – documentation attesting that a proposal for construction meets all requirements of this Ordinance and other applicable requirements relative to development and allowing such proposed construction to commence.

BUILDING SETBACK LINE – an established line within a property defining the minimum required distance between the face of any building or structure to be erected and an adjacent street right-of-way of a lot line. The face of the building includes basements, decks, sunrooms, foyers, bay windows, porches, patios with footers, projecting eaves and overhangs, dormers, and any other solid projections and solid entrances. Walks, terraces, and uncovered steps or stoops attached to a structure are exempt. Building lines shall also apply to all accessory buildings and structures except for signs, fences, and walls and shall apply to all yard lines. See Figure 2 in the Appendices.

BUS / OTHER TRANSIT SHELTER - a covered structure at a bus or other transit stop providing protection against the weather.

BUS / OTHER TRANSIT TERMINAL, DEPOT, AND PASSENGER STATION – a facility, including terminals, depots, and passenger waiting, loading, and unloading stations of bus and other transit companies and districts. This term shall include both public and private entities that provide transportation services primarily for people, but which may include freight transport services incidental to its principle service. This term shall not include bus or other transit passenger stops nor the long-term parking of busses.

BUS / OTHER TRANSIT STOP – a place on a bus or other transit route, usually marked by a sign, at which buses or other transit vehicles stop for passengers to load and unload.

BUS / OTHER TRANSIT VEHICLE MAINTENANCE / STORAGE – a facility providing any and all types of general or specialized maintenance services or storage areas for buses and other transit vehicles of a transit company or district, public or private, providing transportation services primarily for people, but which may transport freight as an incidental service.

BUSINESS SCHOOL – a commercial enterprise involving the teaching of business or related skills to adults.

BYOB CLUB – any facility operated for profit or pecuniary gain which is not licensed by the Pennsylvania Liquor Control Board wherein patrons may consume alcoholic liquors, alcohol or malt or brewed beverages which said patrons have carried or brought into the premises. The term shall not include a licensee under the Liquor Code. The permissibility of a use of land involving to any extent a bottle club shall be determined according to the principal intended use.

CAMPGROUND – a publicly or privately owned site designed, designated, maintained, intended or used for the purpose of supplying a location for seasonal, recreational, and temporary living purposes in cabins, tents or recreational equipment / vehicles open to the public for free or for a fee.

CANOPY – a permanent roof-like structure either projecting from a building façade and open on three sides, or standing alone and open on four sides, and used for the purpose of protecting pedestrians and motorists from weather related elements.

CARNIVAL – a temporary traveling commercial exhibition that includes amusement activities, including but not limited to amusement rides, menageries, animal shows, exhibitions, games, and / or food and beverage stands which are open to the public for admission to which a fee is charged. Amusement ride means a mechanical device that carries passengers along, under, around, through or over a fixed course, or within a limited area, for the amusement of the passengers, and includes but is not limited to a merry-go-round or Ferris wheel.

CAR WASH – any building, site, premise or facility or portions thereof, that involves attendants or that is automated, used for the purposes of cleaning or reconditioning the interior and exterior surfaces of automobiles, but not including an incidental one-bay washing facility in an automobile or gasoline service station where such facilities are purely incidental to the principle operation.

CARPORIT – an open-sided automobile shelter sometimes formed by an extension of a roof from the side of a building.

CATERING BUSINESS – an establishment used for the preparation and delivery of food and beverages for off-site consumption. This establishment may provide for on-site pickup but may not provide for on-site consumption.

CEMETERY – land used or intended to be used for the burial of the deceased, including columbariums, crematory, mausoleums, and mortuaries when operated in conjunction with the cemetery and within the boundaries.

CENTERLINE – an imaginary line running parallel to street or easement right-of-way lines and equidistant from the lines on each side of the street or easement, or a line following the center of a physical feature such as a stream.

CHILD DAY CARE FACILITY – any institution or place licensed by the Commonwealth of Pennsylvania which is maintained in whole or in part for the care of children, not of common parentage, apart from their parents or guardians, under the age of sixteen during any part of a day with or without stated educational purposes. This definition shall include Child Day Care Centers and Family Day Care Homes but shall not apply to public, private or parochial school systems.

CHILD DAY CARE CENTER – a facility in which care is provided for seven (7) or more children at any one time where the child care areas are not being used as a family residence.

FAMILY DAY CARE HOME – any single family residence, other than the child’s own home, in which child day care is provided at any time for up to six (6) children who are not relatives to the care giver where the child care areas are being used as a family residence.

CIRCUS - a temporary traveling show or exhibition that has no permanent structure or installation, typically presented in one or more tents or in an outdoor or indoor arena, which entertains the public by the provision of performances such as feats of skill or daring by humans or animals, displays of pageantry, amusement rides, exhibitions, games, and / or food and beverage stands.

CLEARCUTTING – the indiscriminant or complete removal of all trees on a site, or any portion thereof greater than one-half (0.5) acre in a contiguous area, during a single timber harvesting operation or within a five (5) year period.

CLINIC – an establishment that provides patient care services, including but not limited to, medical, dental, psychological, and / or social services on an outpatient basis.

CLOTHING / WEARING APPAREL SALES AND SERVICE – the retail sales and service of clothing and wearing apparel typically found in clothing stores, tailors, shoe stores, shoe repair stores, and jewelry stores.

CLUB – an organization catering exclusively to members and their guests including premises and / or buildings for social, recreation, and administrative purposes that are not conducted for profit providing also that vending stands, merchandising or commercial activities are not conducted except as required for the membership of such club. Clubs shall include, but not be limited to, service and political organizations, labor unions, social and athletic clubs.

CLUSTER DEVELOPMENT – a form of single-family residential development which permits a reduction in lot area and bulk requirements, provided there is no increase in the number of lots permitted under a conventional development and provided, further, that the resultant land area is devoted to open space.

COAL MINING ACTIVITIES – surface mining activities, underground mining activities, coal preparation activities or coal refuse disposal activities as defined in this ordinance and as defined by 25 PA Code Chapter 86.

COAL PREPARATION ACTIVITY – an operation in which coal is subject to chemical or physical processing or cleaning, concentrating or other processing or preparation. This includes any facility associated with the coal preparation activity and the activity by which the land surface has been, or is disturbed as a result of, or incidental to coal

preparation activity of the operator, including, but not limited to private ways and roads appurtenant to the area, land excavations and loading facilities; storage and stockpile facilities; sheds, shops, and other buildings; water treatment / storage facilities; settling basins and impoundments; and, areas in which are situated facilities, equipment, machines, tools or other materials or property that result from or are used in the coal preparation activity.

COAL PROCESSING WASTE – earth materials that are separated and wasted from the product coal during cleaning, concentrating or other processing or preparation of coal.

COAL REFUSE DISPOSAL – any waste coal, rock, shale, slurry, culm, gob, boney, slate, clay and related materials, associated with or near a coal seam, which are either brought aboveground or otherwise removed from a coal mine in the process of mining coal or which are separated from coal during the cleaning or preparation operations. The term includes underground development wastes, coal processing wastes, excess spoil, but does not mean overburden from surface mining activities.

COAL REFUSE DISPOSAL ACTIVITIES – activities whereby a plot of land is used as a place for disposing, dumping or storage of coal refuse. These areas may include land thereby affected, including, but not limited to, a deposit of coal refuse on or buried in the earth and intended as permanent disposal of or long-term storage of the material, but not including coal refuse deposited within an active mine itself or coal refuse never removed from a mine. The term includes activities in which the natural land surface has been disturbed as a result of or incidental to the coal refuse disposal activities of the operator, including, but not limited to, private ways and roads appurtenant to the area, land excavations, workings, tailings, repair areas, storage areas, processing areas, shipping areas and areas in which structures, facilities, equipment, machines, tools or other materials or property which result from or are used in coal refuse disposal activities are situated.

COAL TIPPLE (AND CLEANING PLANT) – structures and facilities usable and useful for the bringing of coal and other substances from mines to the surface, for the storing of coal (including the separation of waste material and moisture there from), for the processing and classifying of coal and for the storage and loading of said coal for movement off the premises.

COMMON AREA – any parcel or portion of a parcel within a subdivision or land development which does not constitute a dwelling site or contain within it a dwelling site which has not been offered for dedication to the township and which is intended to be used by the owners of more than one dwelling unit within a subdivision or land development to provide facilities such as stormwater management, open space, streets, recreational facilities, etc. serving the needs of more than one dwelling unit.

COMMUNICATIONS ANTENNA – any device used for transmission or reception of radio, television, cellular telephone, pager, commercial mobile radio service, or any other

wireless communications signals, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device.

COMMUNICATIONS CO-LOCATION – the act of installing wireless communications equipment, from more than one provider, on a single tower, building, or structure.

COMMUNICATIONS EQUIPMENT BUILDING – an unmanned building containing communications equipment required for the operation of communications antennas and covering an area on the ground not greater than two hundred fifty square feet.

COMMUNICATIONS TOWER – a structure, other than a building, including any guy wires principally intended to support facilities for receipt or transmission of broadcast for commercial or public VHF and UHF television, FM radio, two-way radio, common carriers, cellular telephone, fixed point microwave, low power television, or AM radio, including accessory equipment related to telecommunications. Not included are antennae and supportive structures for private, noncommercial and amateur purposes including but not limited to ham radios and citizen band radios.

COMMUNICATIONS TOWER HEIGHT – the vertical distance measured from the ground level to the highest point on a communications tower, including antennas mounted on the tower.

COMMUNITY CENTER – a structure or area used for fraternal, social, cultural, and / or recreational programs generally open to the public and designed to serve significant segments of the local community.

COMPREHENSIVE PLAN – the adopted public document for East Franklin Township, Armstrong County, Pennsylvania prepared in accordance with the Pennsylvania Municipalities Planning Code (MPC), consisting of maps, charts, and textual material that constitutes a policy guide to decisions about the physical and social development of the municipality. The Comprehensive Plan is also known as the East Franklin Township and South Buffalo Township Joint Comprehensive Plan.

CONCENTRATED ANIMAL OPERATION (CAO) – an operation owned or managed by a farmer with more than two animal equivalent units per acre of land suitable and available for manure application on an annualized basis. These operations must have and implement an approved nutrient management plan that has been approved by a county conservation district or the State Conservation Commission.

CONCENTRATED ANIMAL FEEDING OPERATION (CAFO) – an operation that is: (1) any livestock or poultry facility with more than one thousand animal equivalent units; (2) an operation with three hundred and one to one thousand animal equivalent units that are CAOs; or (3) any other agricultural operation with a discharge to surface waters. CAFOs fall under the authority of the Federal Clean Water Act and the National Pollutant Discharge Elimination System regulations and must have and implement Nutrient Management Plans and Erosion and Sedimentation Control plans.

CONDITIONAL USE – a use permitted in a particular zoning district pursuant to the provisions in Article VI of the MPC and the provisions set forth within this Ordinance.

CONDOMINIUM – real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions, created under either the Pennsylvania Unit Property Act of 1963 or the Pennsylvania Uniform Condominium Act. To ensure adequate provision for maintenance of roads and shared facilities, development of condominiums or conversion of an existing development into condominiums shall always be treated as a subdivision and land development.

CONSTRUCTION TRAILER – a box car or mobile trailer used at a construction site where a residential or commercial building is being undertaken and utilized for storage, occupancy, or warehousing purposes.

CONTINUING CARE FACILITY – a residential facility, licensed by the Commonwealth of Pennsylvania, consisting of either a single building or a group of buildings, under common or related ownership, located on a single lot or on contiguous lots, without reference to contiguous streets, containing two or more of the following services: assisted living facility; home and community based services facility; housing for the elderly; independent living facility; nursing home; personal care facility; personal support services for a continuing care facility; skilled nursing facility.

HOME AND COMMUNITY BASED SERVICES FACILITY – a facility which provides services designed to assist elderly or disabled persons, including services such as a wellness center, therapeutic pool, geriatric assessment, rehabilitation, home health care, meals on wheels, and transportation services.

PERSONAL SUPPORT SERVICES FOR A CONTINUING CARE FACILITY – services provided to residents of a continuing care facility, located within a main building, such as beauty shop, barbershop, gift shop, pharmacy, bank, and laundry and cleaning services and facilities.

CONTOUR – an imaginary line connecting all points with the same elevation above or below which construction is authorized to proceed.

CONVENIENCE STORE – a retail establishment with a sales area of five thousand square feet or less offering for sale food products, household items, newspapers, magazines, or freshly prepared foods that may be available for on-site or off-site consumption. Accessory activities may include the operation of no more than two (2) arcade games, video games or other similar devices, automated teller machines (ATMs), check cashing, money orders, movie rentals, lottery tickets, film processing and the sale of liquefied petroleum gas and / or gasoline, but shall not include the repair or service of vehicles. Convenience stores shall not exceed more than four (4) fuel islands or more than eight (8) fueling positions.

CONVENIENCE STORE SELLING GASOLINE – retail establishments meeting the criteria for a Convenience Store that have more than four (4) fuel islands or more than eight (8) fueling positions on the premises.

CONVERSION APARTMENT – a dwelling unit established from a portion of a larger unit, containing all the facilities normally found in a dwelling including adequate heat, light, ventilation, and means of egress.

COPYING AND PRINTING SERVICE – an establishment that provides copying, printing, typesetting and related clerical services and / or the retail sales of supplies used for copying and printing. This does not include commercial publishing or printing businesses or retail sales of copy machines.

CORRECTIONAL FACILITY – a publicly or privately operated facility housing persons awaiting trial, serving a sentence after being found guilty of a criminal offense, being within the jurisdiction of a Federal, State or local probation, parole or corrections agency and / or receiving treatment other than at a hospital while under the jurisdiction of such authority or agency. The term shall include but not be limited to jails, prisons, juvenile detention centers, work release centers, pre-release centers and treatment centers.

COUNTRY INN – an establishment that contains not more than twenty guest bedrooms in which lodging, not to exceed fourteen consecutive days, is provided for compensation and where breakfast and other meals for lodgers may also be provided. Restaurant facilities may be open to the general public.

COUNTY – Armstrong County, Pennsylvania.

COUNTY PLANNING COMMISSION – The Planning Commission of Armstrong County, Pennsylvania.

COURT – an open, unoccupied, and uncovered open space other than a yard. An outer court is one which extends to the street or to the front or rear yard. An inner court (aka courtyard) is usually bounded by three or more walls of an attached building.

COVENANT – an agreement legally binding successor owners of a property to certain conditions regarding use of property stipulated by the original owner.

COVERAGE – the extent to which a permitted structure occupies its lot, expressed most commonly as the percentage of the ground area occupied by the structure to the total lot area.

CREMATORIUM - an establishment containing a crematory furnace for reducing dead bodies, either animal or human, to ashes by burning.

CROPLAND – land used for the production of adapted crops for harvest, along or in a rotation with grasses and legumes, and includes row crops, small grain crops, hay crops, nursery crops, orchard crops and other similar specialty crops.

CUL-DE-SAC – a street closed at one end with a vehicular turn around provided at the closed end.

CURB LEVEL – the officially established grade of the curb in front of the lot.

CUT – the excavation of previously undisturbed earth material in the process of grading.

DECIBEL A-WEIGHTED (dBA) – a unit of measurement of the intensity or loudness of sound as measured on a sound level meter using the A-weighting network.

DECK – a flat-floored area adjoining a dwelling usually constructed with wood.

DENSITY – the measure of openness or compactness per unit area relative to number of inhabitants, dwelling units, or buildings on a property.

DETACHED DWELLING – a separate structure containing only the facilities normally found in one dwelling unit and designed for occupancy by one family only.

DETENTION BASIN – a vegetative basin designed to drain completely after storing runoff only for a given storm event and release it at a predetermined rate. This is also known as a dry pond.

DEVELOPABLE LAND – that land proposed for development which excludes from all portions thereof (1) dedicated or to be dedicated or devoted for use as public or private streets, (2) dedicated or to be dedicated or devoted to use as public or private improvements, including but not limited to stormwater management facilities, (3) defined by the Pennsylvania Department of Environmental Protection (PA DEP) as wetlands unless mitigated according to PA DEP requirements, (4) defined by appropriate Federal or State agencies as being within a 100-year floodplain and (5) having a slope in excess of twenty-five percent (25%) and not meeting the requirements of this ordinance.

DEVELOPER – any landowner, agent of such landowner or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

DEVELOPMENT PLAN – the provisions for land development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase “provisions of the development plan” when used in this ordinance shall mean the written and graphic materials referred to in this definition.

DISTRIBUTION FACILITY – any premises or part thereof, which provide logistic support for business, such as freight management, inventory control, storage, packaging and consolidation of goods for distribution.

DOMESTIC ANIMAL - every animal domesticated by man so as to live and breed in a tame condition.

DOMICILIARY CARE HOME – a single-family dwelling certified by the Commonwealth (Department of Aging) for the purpose of providing a supervised living arrangement in a homelike setting for no more than three (3) adults who are disabled physically, mentally, emotionally or are aged persons and who are not relatives of the operator and are unable to live alone for a period exceeding twenty-four consecutive hours. These facilities must meet state and federal fire, safety, health, sanitary and program standards.

DOUBLE FRONTAGE LOT – a lot whose front and rear yards abut public streets, one of which may be an alley.

DRAINAGEWAY – a depression across the ground surface that collects water runoff from surrounding land and carries it to a larger stream, or an underground pipe serving the same purpose.

DRIVEWAY – an impervious surface for vehicular access to a building, garage, parking facility or other vehicular facility, lot or parcel of land.

DRY CLEANER – an establishment that is primarily engaged in dry cleaning and laundry services including the pressing, repair, and dry cleaning of clothing, apparel, or other fabric, other than personal services directly to a consumer.

DWELLING – a building or portion thereof, which is designed for or occupied in whole or in part for residential use on a permanent basis, having one or more dwelling units, but not including motels, boarding houses, continuing care facilities, personal-care homes, intermediate-care facilities, or skilled nursing facilities.

ONE FAMILY DWELLING – a building designed for or occupied exclusively by one (1) family and containing not more than one (1) dwelling unit.

APARTMENT - a room or suite of rooms in a multistory, multiple-family dwelling, which is used as a single housekeeping unit and which contains complete kitchen, bath and toilet facilities permanently installed.

CARRIAGE HOUSE - an apartment consisting of not more than six hundred (600) square feet and sharing utility connections with a principal building. A carriage house may or may not be within an outbuilding which is an ancillary building usually located toward the rear of the same lot as the principal building.

IN-LAW APARTMENT - a small apartment accessory to a larger house frequently used to accommodate an elderly relative not capable of living on their own, but not ready for a nursing home environment or other similar facility, which may or may not have an entrance to the main house and may be located above the garage of the main house or as a separate building in the rear yard. These are also known as granny flats, in-law suites, and accessory apartments.

ROW OR TOWNHOUSE - a dwelling or building, designed for or occupied by three or more families living independently of each other, divided by party walls into distinct and non-communicating units. Buildings shall not exceed three stories in height. Each dwelling unit shall have direct access to the outdoors.

SINGLE-FAMILY DETACHED - a detached building designed for or occupied exclusively by one family.

SINGLE FAMILY, SEMI-DETACHED – A dwelling used by one family, having one side yard and one party wall common with another dwelling.

TWO FAMILY DWELLING – a building designed for or occupied exclusively by two families living independently of each other, with separate dwelling unit entrances and no internal connection between the two dwelling units. A single-family semidetached dwelling is also a two-family dwelling.

DUPLEX - a detached building containing two dwelling units, one above the other, each having a separate entrance.

TWO-FAMILY SEMI-DETACHED - a building designed for or occupied exclusively by two families living independently of each other having one party wall or ceiling / floor common with another dwelling, with separate dwelling unit entrances and no internal connection between the two dwelling units.

MULTI-FAMILY DWELLING – a dwelling or group of dwellings on one plot or lot not exceeding three stories, containing separate living units as dwelling units for three or more families providing for direct or indirect access to the outdoors, but which may have joint services or facilities, or both.

APARTMENT BUILDING – a multifamily dwelling with direct access from the outside or through a common hall, and further provided with separate cooking, sleeping and bathroom facilities for the exclusive use of each family.

GARDEN APARTMENT – a grouping of one or more buildings, each containing not more than eight dwelling units per building, of which the principal feature of the development plan is composed of a building area, parking area, service area, landscape reservations and plantings, and other land features appropriate for its use as a dwelling, and which conforms to the standards and requirements of this chapter.

MULTI-STORY MULTI-FAMILY - a multi-family dwelling of four or more floors where individual dwelling units do not have direct access to the outdoors, as opposed to townhouse dwellings.

QUADRAPLEX - a building containing four (4) dwellings, each sharing two common party walls and forming the corner of a square.

TOWNHOUSE – three (3) or more dwelling units, each accommodating one family, which are attached side by side through the use of common party walls and which shall have side yards adjacent to each end unit.

TRANSITIONAL DWELLING – a dwelling unit occupied by persons adjusting from institutional living to living without supervision and managed by a public or semi-public agency or recognized board responsible for the occupants’ care and safety. Such dwellings are utilized by organizations administering programs for foster-placed individuals, for persons recovering from addictions, for those physically or mentally incapacitated at a level not requiring constant care or supervision or those at an intermediate living stage between prison or other institution and the community.

DWELLING UNIT – a room or rooms within a building connected together, constituting a separate, independent housekeeping establishment for one (1) family only, for owner occupancy or for rental, lease, or other occupancy on a weekly or longer basis, physically separated from any other rooms or dwelling units, and containing independent bathroom, cooking and sleeping facilities.

EARTH SHELTER – a solar home with three (3) sides and the roof of the home covered by insulating earth with the fourth side having a south-facing windowed wall to collect the sun’s rays.

EASEMENT – a public or private right of use over the property of another.

CONSERVATION EASEMENT – an easement precluding future or additional development of the land for the purpose of protecting or preserving natural features.

UTILITY EASEMENT – a right-of-way granted for limited use of land for public or quasi-public purpose.

EDUCATIONAL INSTITUTION – a structure, or part of a structure, designed and used for the training and teaching of children, youths and / or adults, including laboratories appurtenant thereto. This definition includes the following schools:

BUSINESS / TRADE SCHOOL - a facility that is clearly primarily intended for education of a work related skill or craft or hobby and that does not primarily provide state-required education.

PRIMARY OR SECONDARY SCHOOL – an educational institution licensed by, and meeting the requirements of, the Pennsylvania Department of Education that primarily provides education for students in kindergarten through twelfth grade. This definition does not include any privately operated school of trades, vocations, avocations or business.

POST-SECONDARY SCHOOL – a non-compulsory educational institution that typically includes colleges and universities.

END WALL – any wall of a residential building that contains no apartment windows or only secondary windows to any apartment.

ENERGY DISSIPATOR – a device used to slow the velocity of storm water run-off, particularly at points of concentrated discharge such as pipe outlets.

ENFORCEMENT NOTICE – a notice sent by the municipality to the owner or occupant of record of a parcel on which a violation of this ordinance has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner or occupant of record, the purpose of which is to initiate enforcement proceedings.

ENGINEER – a professional engineer licensed as such by the Commonwealth of Pennsylvania.

EQUESTRIAN FACILITY – horse, donkey and mule facilities including horse ranches, boarding stables, riding schools and academies, horse exhibition facilities (for shows and other competitive events), pack stations, and barns, stables, corrals and paddocks accessory and incidental to these uses.

EQUIPMENT RENTAL / REPAIR – a business providing typical household tools and lawn / garden equipment for repair (such as sharpening, or the repair of small motors or engines) or rental, including hand-operated machinery, power tools, lawn mowers, hedgers, etc. This excludes vehicles, trucks and trailers licensed for street use.

EROSION AND SEDIMENTATION CONTROL – measures taken by a developer to minimize the removal by water action of soil uncovered in the process of development and the depositing of the soil in nearby streams or on adjacent roads or properties, such measures regulated by the Pennsylvania Department of Environmental Protection in the case of developments over twenty-five (25) acres. If the site is less than twenty-five acres, but more than two (2) acres, the developer shall prepare a narrative report with supporting drawings (erosion and sedimentation control plan) that shall be reviewed and approved by the Armstrong County Conservation District at a regularly scheduled meeting. A copy of said plan must be kept on site during construction.

ESCORT – a person who, for consideration, agrees or offers to act as a companion, guide or date for another person.

ESCORT AGENCY / SERVICE – a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.

ESSENTIAL SERVICE INSTALLATIONS - The erection, construction, or alteration of underground or overhead directional, transmission, or distribution systems and uses; by public utilities and Federal, State, County, or Local governmental departments, commissions, or authorities; for service related to natural gas, electrical, telephone, and other communications, steam or water, and sewer including associated appurtenances directly related to the directional, transmission, or distribution system and uses; however, excluding a storage or treatment facility, excluding an above-ground structure in excess of 100 cubic feet, excluding all above-ground buildings, and excluding off-street parking lots containing more than two (2) parking spaces.

ESTABLISHED GRADE – the elevation of the center line of the streets as officially established by the Township, its Engineer, or Consulting Engineer.

EXCAVATION – the removal of earth or mineral material on or from a site or when such removal is necessary to prepare the site to receive structures.

EXOTIC, WILD OR DANGEROUS ANIMAL - any animal which, because of its size, vicious nature, poisonous bite or sting, or other characteristics, would constitute a danger to human life or property if not kept or maintained under the immediate control of the owner. Exotic, wild, or dangerous animals include, but are not limited to: (a) any cat other than the *Felis catus* (domestic cats), (b) any nonhuman primate, (c) any wolf, coyote, or other canine not of the species *Canis familiaris* (domestic dog), (d) any shark, dogfish, or similar carnivorous fish, (e) any piranha fish, (f) any poisonous reptile or amphibian, (g) any crocodilian or lizard whose average adult length is greater than two (2) feet, (h) any snake whose average adult length is greater than six (6) feet, (i) any snapping turtle, (j) any bat, (k) any skunk, weasel, badger, fox, mammals of the raccoon family or wolverine, (l) any boar or wild pig, (m) any bear, (n) any kangaroo, (o) any eagle, hawk, buzzard or similar predatory bird, and (p) any poisonous or stinging insect or arachnid.

EXTERNAL ILLUMINATION – the illumination of a sign that is affected by an artificial source of light that is not contained within the sign itself.

EXTRACTIVE INDUSTRY – the excavation or recovery of metallic, nonmetallic, or mineral fuels, including but not limited to coal, limestone, clay, sand, gravel or other mineral resources, through processes and techniques such as digging, drilling, strip-mining, quarrying, and underground methods for sale or otherwise used for commercial purposes. It shall include the extraction of topsoil when such activities are undertaken or proposed to be undertaken as a distinct land use.

FAÇADE – the front wall of a building or the face of a building, especially the principal face.

FAIRGROUND – an area of land used for fairs in accordance with local and state requirements, exhibitions, and shows including, but not limited to: agricultural related office buildings, animal shows and judging, carnivals, circuses, community meeting or recreational buildings and uses, concerts, food booths and stands, games, rides, rodeos, sales and auctions, storage, theaters, and racetracks for non-motorized events.

FAMILIAL STATUS - one or more individuals (who have not attained the age of 18 years) being domiciled with (a) a parent or another person having legal custody of such individual or individuals; or (b) the designee of such parent or other person having such custody, with the written permission of such parent or other person.

FAMILY – a single person occupying a dwelling unit; or, two or more individuals living together on a non-transient basis as a single housekeeping unit and doing their cooking on the premises, when said individuals are related by blood, marriage, adoption, including foster children and including not more than two boarders, roomers, or lodgers; or, a maximum of five children or adults requiring special care or supervision who are under the 24-hour or full-time care of resident parents or persons acting in loco parentis; or not more than three individuals living together as a single housekeeping unit and doing their cooking in one kitchen on the premises. This definition does not include a collective body of persons occupying a hotel, dormitory, lodge, boarding / rooming house, group care facility, commune, or institution.

FAMILY DAY CARE FACILITY - a facility providing shelter, counseling, and other rehabilitative services in a family-like environment for four (4) to six (6) residents, plus such minimum supervisory personnel, as may be required to meet standards of the licensing agency. Residents may not be legally related to the facility operators or supervisors and, by reason of mental or physical disability, chemical or alcohol dependency, or family or school adjustment problems, require a minimal level of supervision but do not require medical or nursing care or general supervision. A family care facility must be licensed and / or approved by the Pennsylvania Department of Public Welfare and may include uses such as foster homes, community residential alternative facilities, or home individual programs. A family care facility shall be considered a single-family detached dwelling and be permitted as such.

FARM – any parcel of land which is gainfully used in the production of agricultural, horticultural, arboricultural, viticulture, and dairy products; and animal husbandry including the keeping of livestock, poultry and bee raising, including necessary farm structures and equipment

FARM EQUIPMENT AND SUPPLIES SALES – establishments selling, renting or repairing agricultural machinery, equipment and supplies for use in soil preparation and maintenance, the planting and harvesting of crops, and other operations and processes pertaining to farming.

FARMERS' MARKET – a place with or without buildings or structures, where fruit, vegetables, produce, dairy products, and the like are sold from more than one fruit or vegetable stand operated partially or wholly by persons who do not reside on the property.

FENCE – a barrier restricting or preventing passage between areas that it borders but not retaining earth embankments. The term fence shall include screening walls and shall also include hedges and evergreen shrubbery exceeding thirty-six inches in height.

PRIVACY FENCE – a fence erected or constructed to block the view of the enclosed property.

SECURITY FENCE – a fence erected or constructed to serve as a barrier to persons, animals or vehicles entering and leaving the property.

FILL – earth material excavated from elsewhere and deposited upon undisturbed earth during the process of grading.

FINAL APPROVAL – acknowledgement by a municipality that all procedures required prior to acceptance of a development proposal have been successfully completed and that the municipality agrees to the carrying out of the proposal presented.

FINISHED GRADE – the resulting level of the ground after the final grading where there is a cut, and after normal settlement where there is a fill.

FLEA MARKET– a place where any person or group of vendors, whether professional or non-professional, offer for sale, trade, or barter any goods regardless of whether they are new, used, antique, or homemade; and regardless of whether they are offered for sale in open air, buildings, or temporary structures. Flea market does not include the offering for sale of goods by the owner thereof at owner's residence at what are commonly referred to as garage sales or yard sales, providing that such sales do not occur more frequently than once every sixty days, nor does flea market include any business or occupation, which has a valid business license or special use permit pertaining to the sale, trade, or barter of goods.

FLOOD – a general and temporary condition of partial or complete inundation of normally dry land areas from the unusual and rapid accumulation of run-off of surface waters from any source.

FLOOD FRINGE – the portion of the 100 year floodplain outside the floodway and as defined by the Flood Hazard Boundary Maps prepared by the U.S. Department of Housing and Urban Development.

FLOOD INSURANCE RATE MAP (FIRM) – a map of the municipality on which FEMA has delineated both the special flood hazard areas and the flood risk premium zones applicable to the Municipality.

FLOODPLAIN – the lands adjoining a river or stream that have been, or may be expected to be, inundated by floodwaters in a one hundred year frequency flood.

FLOOD PRONE AREA – any land area susceptible to being inundated by floodwater from any source.

FLOODWAY – the channel of a watercourse and portions of the adjoining floodplains reasonably required to carry and discharge the one hundred year frequency flood. Unless otherwise specified, the boundary of the floodway is as indicated on maps and flood insurance studies provided by FEMA. In an area where no FEMA maps or studies have defined the boundary of the one hundred year frequency floodway, it is assumed, absent evidence to the contrary, that the floodway extends from the stream to fifty feet from the top of the bank of the stream.

FLOOR AREA – the total area, measured from the inside faces of exterior walls, of all floors of a building above the ground level or with any direct at-grade access to ground level. In particular, floor area includes but is not limited to the following: (1) basement space, if the floor to ceiling measures seven feet (7') or more; (2) elevator shafts, stairwells and attic space (whether or not a floor has been laid), providing structural headroom of eight feet (8') or more; (3) roofed terraces, exterior balconies, breezeways or porches, provided that other fifty percent (50%) of the perimeter of these is enclosed; (4) any other floor space used for dwelling purposes, no matter where located within a building; (5) accessory buildings, excluding space used for accessory off-street parking or used for loading berths; (6) any other floor space not specifically excluded, excluding space used for air conditioning machinery or cooling towers and similar mechanical equipment serving the building and cellar space.

FLORIST SHOP – an establishment for the retail sales of flowers, plants and accessories that may include the storage of merchandise inside of the building and the outside display of plants and flowers.

FORESTRY – the management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting, and selling trees for commercial purposes, which does not involve any land development. Forestry specifically does not include clearcutting, although clearcutting can be considered part of forestry if used in conjunction with other accepted silvicultural management practices. Forestry is defined herein and specifically permitted in all zoning districts in accordance with the Pennsylvania Municipalities Planning Code (53 P.S. §10603(f)).

FOREST MANAGEMENT OPERATIONS – all activities connected with growing and harvesting of forest products including site preparations, which include the construction and maintenance of roads, and the cultivation and logging of trees.

FORTUNE TELLER, PSYCHIC, ASTROLOGER – a business offering personal services to individuals based on the art of astrology, palmistry, phrenology, fortune telling,

clairvoyance, clairaudience, crystal gazing, prophecy, augury, necromancy and other similar practices.

FREIGHT TERMINAL – the premises and building(s) where cargo is stored and where railroad cars, aircraft, and trucks load and unload cargo for shipment or distribution on a regular basis, and which may include facilities for the temporary storage of loads prior to shipment and facilities for the maintenance of transport vehicles.

FRONTAGE – the distance between side property lines of any property, measured along the right-of-way line of the streets to which the property has access.

FROZEN FOOD LOCKER – a building or structure used for storing frozen foods for long periods of time usually at, or below, thirty-two degrees Fahrenheit (zero degrees Celsius).

FRUIT AND VEGETABLE STAND – a temporary structure which is used solely for the display or sale of products such as fruit, vegetables, produce, dairy products, and the like, produced on the premises upon which the stand is located. This is also known as a Roadside Produce Stand.

FUEL DISPENSER – a device which dispenses vehicle fuel and / or kerosene and which may contain multiple hoses or be capable of serving more than one (1) fueling position simultaneously.

FUEL ISLAND – a concrete platform measuring a minimum of six (6) inches in height from the paved surface on which fuel dispensers are located.

FUELING POSITION – a location at which a single vehicle may be fueled from a fuel dispenser.

FUNERAL HOME (INCLUDING MORTUARIES) – a building or part thereof used exclusively for human burial services. Such building may contain space and facilities for; (1) embalming and the performance of other services used in the preparation of the dead for burial, (2) the performances or autopsies and other surgical procedures, (3) the storage of caskets, funeral urns, and other related funeral supplies, and (4) the storage of funeral vehicles, but shall not include facilities for cremation.

GALLERY – a facility used for the collection, display and / or distribution of objects of art or science and which is typically sponsored by a public or quasi-public agency and generally open to the public.

GAMBLING HOUSE – a building, room or space devoted to gambling games or wagering on a variety of events and operated as a business; a public building for gambling and entertainment in which a variety of games of chance can be played. Includes, but is not limited to, betting parlor, off-track betting parlor, casino, gambling casino, gambling den, and gaming house.

GARAGE, PRIVATE - an accessory building for the storage of one or more automobiles and / or other vehicles accessory and incidental to the primary residential use of the premises; provided however, that one (1) commercial vehicle of not more than one ton capacity may be stored therein where the use of such vehicle is not incidental to the use of the premises. No business, occupation or service shall be conducted therein, nor more than one vehicle parking space be leased to a non-occupant of the premises. Where a garage is attached, integral part of a dwelling unit, the garage shall not be counted as floor area unless it is constructed or modified into a habitable room by the removal of all vehicular access doors and provided adequate off-street parking is still available on the same lot as the dwelling unit.

GARAGE, PUBLIC - a building, structure, or any portion thereof where motor vehicles are repaired, rebuilt, reconstructed, painted or stored, for compensation. This may include rooms for storing, exhibiting or showing cars for sale.

GARBAGE – unwanted or discarded material, including animal and vegetable waste resulting from the handling, storage, sale and preparation, cooking and serving of food that has insufficient liquid content to be free flowing. This term includes refuse and rubbish.

GARDEN CENTER – land and buildings where the wholesale or retail sale of nursery stock and garden supplies take place. Such nursery stock and supplies may include any of the following: ornamental plants, flowers, shrubs and trees cultivated in a nursery; seed, fertilizer, garden pesticides and herbicides in retail quantities and packaging; garden hand tools; plant containers; garden statuary and furniture; landscape lighting; bird feeders and supplies; and seasonal ornaments and novelties such as Christmas wreaths and decorations. Such use may include the provision of landscape design and or installation services, provided that such services are ancillary to the principal use and offered to clients whose residence or place of business exists elsewhere. Outdoor storage of lawn and garden supplies such as mulch, fertilizer, topsoil and related landscape or garden supplies, such as ornamental stone or gravel, are permitted only where expressly authorized by the regulations governing the jurisdictional zoning district.

GASOLINE SERVICE STATION – an establishment where the principal use is the retail sale of gasoline, oil, or other motor vehicle fuel and no more than fifteen (15) percent of the “floor area” is used for convenience and variety goods. The premises may include as an accessory use only, facilities for polishing, greasing, washing, or otherwise cleaning, servicing, or repairing motor vehicles, but does not include liquefied petroleum gas distribution facilities.

GAS SUB STATION – an assemblage of equipment for purposes other than generation or utilization, through which gas energy in bulk is passed for the purposes of switching or general public, provided that a gas substation permitted in a residential district shall not include rotating equipment, storage of materials, trucks or repair facilities or housing or repair crews.

GOLF COURSE - A tract designed and improved for the playing of golf, with a minimum of 2,800 yards of play in nine holes, not including any driving ranges (where a fee is charged solely for this activity), "chip-n'putt", or miniature golf courses. A golf course may include accessory uses such as a driving / chipping / putting area, club house and golf equipment shop provided that these uses are clearly incidental and subordinate to the use of the property as a golf course and are not directed primarily toward the general public.

GOVERNING BODY – the council in cities, boroughs and incorporated towns; the board of commissioners in townships of the first class; the board of supervisors in townships of the second class; the board of commissioners in counties of the second class through eighth classes or as may be designated in the law providing for the form of government.

GOVERNOR’S DRIVE – an impervious surface area constructed to permit a drop off at a dwelling entrance or a vehicle turn around area. Vehicular ingress and egress from the street to the lot shall be at no more than two points, one point of which may be a driveway; provided, however, in no event shall more than two curb cuts per lot on any one street be authorized.

GRADING – the process of changing the natural surface of the land in order to carry out a development plan. Except for the surface stripping of coal, topsoil, rock and other commonly mined substances, such grading constitutes a change in use of the land.

GREENHOUSE - a structure consisting primarily of glass, clear plastic, or other light transmitting material in which temperature and humidity can be controlled for the cultivation or protection of plants or seedlings for research or instruction

COMMERCIAL GREENHOUSE – an agricultural enterprise using a controlled environment (temperature and humidity) for the commercial cultivation and production of plants.

GROSS LEASABLE AREA – the total floor area - measured from the center line of joint partitions and from outside wall faces - of shopping malls, lifestyle centers, outlet malls and other retail centers designed for tenant occupancy and exclusive use, including any basements, mezzanines, or upper floors and is available to be rented.

GROUP CARE FACILITY – a facility that functions as a single housekeeping unit providing shelter, counseling, and other rehabilitative services for more than six (6) but fewer than fifteen (15) residents, plus such minimum supervisory personnel as may be required to meet standards of the licensing agency. Residents may not be legally related to the facility operators or supervisors and, by reason of mental or physical disability, chemical or alcohol dependency, or family or school adjustment problems, require a minimal level of supervision but do not require medical or nursing care or general supervision. A group care facility must be licensed and / or approved by the Pennsylvania Department of Public Welfare.

GROUP CHILD DAY CARE FACILITY – a facility, located in a single-family residence, that provides supervised care protection and supervision for remuneration to more than six (6), but less than twelve (12) children who are unrelated to the operator and meeting all applicable licensing / registration requirements of the Pennsylvania Department of Public Welfare. The term includes, but is not limited to Family Child Day Care Home as defined by Title 55 of the Pennsylvania Code.

GROUP HOME – a dwelling operated by a reasonably responsible individual, family or organization with a program to provide a supportive living arrangement for individuals where special care is needed by the individual served due to age, emotional, mental or physical handicap. This definition shall expressly include facilities for the care of developmentally disabled persons. Group homes shall be licensed, where required, by the appropriate governmental agency and shall be subject to the same limitations and regulations as a single-family dwelling. It is the express intent of this definition to comply with the requirements of the Fair Housing Amendments Act of 1988, P.L. 100-430.

GROUP QUARTERS - any dwelling or portion thereof that provides lodging or occupancy for more than two (2) persons who do not constitute a family as defined in this article. Group quarters may or may not have common eating facilities or provide meals, but no provisions for cooking in the rooms are permitted. Group quarters include the following: (1) Educational fraternity and sorority houses that are associated with, but not managed by, an educational organization that may or may not provide services requiring the user to reside on the premises; (2) Other quarters of an institutional nature, that may or may not provide services requiring the user to reside on the premises; (3) Non-institutional quarters for compensation. Group Quarters does not include hotels, motels, dormitories, emergency shelters, nursing facilities, and personal care facilities.

HABITABLE AREAS, BASEMENT – any basement which meets the criteria for habitable space, which has a stairway as a means of ingress and egress, and in which the ceiling area at a height of seven and one-third (7 1/3) feet above basement floor is no less than one hundred (100) square feet and meets the requirements established in the Universal Construction Code.

HABITABLE AREAS, FLOOR – any floor usable for living purposes which includes sleeping, eating, cooking, recreation, or any combination thereof and meets the requirements established in the Universal Construction Code. A floor used only for storage purposes is not a habitable floor.

HABITABLE AREAS, ROOM OR SPACE – space in a structure for living, sleeping, eating or cooking and meets the requirements established in the Universal Construction Code. Bathroom toilet compartments, closets, foyers, halls, storage or utility space, and similar areas are not considered habitable space.

HALFWAY HOUSE – a dwelling for the supervision of transitionally institutionalized individuals who are involved in drug or alcohol rehabilitation and / or individuals who have violated the law and who are sent to a half-way house upon release from, or in lieu of being sent to a penal institution or juvenile detention center.

HANDICAPPED INDIVIDUAL – a person with a physical or mental impairment (blindness, hearing impairment, mobility impairment, HIV infection, mental retardation, mental illness, alcoholism, drug addiction, chronic fatigue, learning disabilities, and head injury) that substantially limits one or more major life activities (seeing, hearing, breathing, walking, working, speaking, caring for yourself, and learning).

HARDWARE / HOME IMPROVEMENT STORE – an establishment for the retail and / or service for hardware, building materials, tools, equipment, plumbing fixtures, tiles, paint, windows, etc.

HEALTH CLUB – any establishment including, but not limited to, an athletic club, exercise center, health spa, figure salon, gymnasium, physical fitness center, or any other establishment by any other name that provides exercise equipment and one or more of the following: steam cabinet, steam room, sauna, vapor room, vapor cabinet, toilet facilities, lavatories, showers, lockers, and dressing rooms intended for patron use, excluding facilities used by or under direct supervision and control of licensed medical personnel located in a medical facility, facilities located in athletic departments of schools, and facilities of professional athletic teams. Accessory uses within the facility may include massage therapy, aerobics and physical fitness services (aerobic and strength training activities, group exercise classes, fitness assessment and counseling, and education seminars).

HEIGHT – the vertical distance along the wall of a building measured between the average of the highest and lowest elevation at ground level on the front or rear façade, whichever has the lower ground elevations, and the top of the parapet on a flat roof building or halfway between eave and highest ridge line on a sloped roof building, except that chimneys, stacks, steeples, etc., shall not be considered in measuring height.

HEIGHT OF A COMMUNICATIONS TOWER – the vertical distance measured from the ground level to the highest point on a communications tower, including antennas mounted on the tower.

HEIGHT OF A TOWER – the vertical distance measured from the ground level to the highest point on a tower not constituting a communications tower, including all facilities or structures of any type mounted on the tower.

HELIPORT – an area of land, water, or structure which is used or intended to be used for the landing or takeoff of helicopters and any appurtenant areas which are used for heliport buildings or helicopter facilities or rights of way, together with all heliport buildings and facilities thereon. Heliports must meet all requirements as set forth by the Federal Aviation Administration. Heliports can include paved areas or parking lots if so designated by the Township.

HIGHWAY – a major street for all-weather use providing connection between areas a considerable distance apart.

HOME OCCUPATIONS – any use conducted entirely within a dwelling unit or accessory building that:

- (1) is clearly incidental and subordinate to the use of the dwelling as a residence;
- (2) does not alter or change the exterior character or appearance of the dwelling;
- (3) does not emit dust, noise, fumes, vibration, or smoke beyond the property line;
- (4) does not employ more than one person who is not a member of the family;
- (5) does not occupy a floor area greater than twenty five percent of the floor area of the dwelling unit; and
- (6) is not an adult retail establishment or sexually oriented business. Any goods sold shall be manufactured or assembled on the premises.

HORTICULTURE – any use of a lot or parcel of land to cultivate, propagate, and grow trees, shrubs, vines, and other plants including the buildings, structures, and equipment customarily incidental and accessory to the principle use.

HOSPITAL – an institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and abnormal physical and mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities, as defined in current state licensure requirements.

HOTEL / MOTEL – a building or group of buildings where for consideration, rooms or suites of rooms with no culinary facilities are used for temporary lodging of more than ten persons, usually individually, with or without meals, wherein the occupants are furnished hotel services, including restaurant and maid service. Any such use that customarily involves the housing of persons for periods of time longer than thirty (30) days shall be considered a boarding house and shall meet the requirements of that use.

HOUSING FOR THE ELDERLY – multi-family, multi-story dwelling designed for, and occupied by persons sixty-five (65) years of age or older and conforming to all requirements of state and federal laws and regulations pertaining to housing for the elderly.

IMPERVIOUS SURFACE – any material placed on or above the earth, the artificial impacting of the earth, or any material change in the natural surface of the earth which substantially reduces or prevents the natural percolation of water or which reduces the undisturbed open spaces areas on a lot which has a coefficient of runoff of 0.65 or greater. Area required to be left in pervious surfaces may be located in a different zoning district than the use, provided that such land area is abutting or adjacent and that is deed restricted from further development. Examples include but are not limited to structures, including eaves, roofs and roof overhangs; parking areas (whether hard surfaced or not); driveways; sidewalks; patios and decks; sport courts; and pools.

IMPERVIOUS SURFACE RATIO – this is also the maximum impervious coverage and is measured by dividing the total areas of all impervious surfaces within the site by the total site area.

INCINERATOR – an enclosed device using controlled combustion for the primary purpose of thermally breaking down solid waste, and that is equipped with a flue for the sole purpose of providing incineration service to the public.

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

INDUSTRIAL PARK – an area of land arranged and / or constructed in accordance with a plan for a group of industrial purposes, having separate building sites designed and arranged on streets and having utility services, setbacks, side yards, and covenants or other such regulations controlling or restricting uses.

INDUSTRY – a use engaged in the processing of raw materials or the manufacture of materials or products.

INSTITUTION – a residential property used by six or more unrelated occupants for a common, lawful purpose (i.e. educational, recreational, religious, therapeutic, rehabilitative, correctional) including, where necessary to serve such purpose, 24-hour or full-time equivalent professional supervision. The term institution shall not include a religious use, primary or secondary school, or residential care facility for senior citizens.

INSTITUTIONAL HOME – a public or private charitable establishment devoted to the shelter, maintenance, or education and care of minor children; homeless, aged or infirmed

persons; or members of a religious community. This definition shall not include almshouses, penal or reformatory facilities and nursing homes.

KENNEL – a use of land and structures in combination wherein four or more domestic animals or pets six months or older are groomed, bred, trained and / or boarded for compensation. For the purpose of this definition, the production of more than two (2) litters in any calendar year shall be considered breeding.

LABORATORY – a place where scientific studies are conducted, including testing, research, or analysis of medical, chemical, physical, biological, mechanical, or electronic nature.

LAND DEVELOPMENT – 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 non-residential buildings, whether proposed initially or cumulatively, or a single non-residential 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.
- (3) development in accordance with Section 503(1.1) of the MPC.

LANDING STRIP – a private, non-commercial linear strip of property designed for the landings and takeoffs of small gasoline-powered, propeller-driven aircraft operated and used by the landowner except for aircraft emergencies and, on an infrequent and occasional basis, by invited guests. This includes associated hangar, maintenance and service facilities.

LANDFILL – see Solid Waste Disposal Area

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 / she is authorized under the lease to exercise the right of the landowner, or other person having a proprietary interest in land.

LANDSCAPE ARCHITECT – a registered professional landscape architect licensed as such by the Commonwealth of Pennsylvania.

LAUNDROMAT – a commercial establishment where self-service washing machines and clothes dryers are available for public use on the premises to wash and / or dry clothing, apparel, or other fabric.

LETTER OF AGREEMENT – an understanding with legal force between two parties in which concessions are made by one party provided the second party meets certain specified conditions or compensates the first party.

LIBRARY – any premises, building or part of a building where books, films, maps and other educational materials are kept for reading, reference and lending by the public.

LICENSE – written approval, in whatever form, as issued by an appropriate agency.

LIVESTOCK - domesticated agricultural animals produced or maintained on farm or non-farm operations. Examples of livestock include, but are not limited to, cattle, horses, mules, sheep, swine and goats. Livestock does not include poultry.

LIVESTOCK INTENSIVE OPERATION (LIO) – any agricultural operation in Pennsylvania in which the average animal density exceeds two animal equivalent units per acre of cropland, or per acre suitable for application of animal manure on an annualized basis.

LOADING AREA – an area of a property on which activities are of such a nature to require continuous receiving and / or shipping of goods, such area to be used exclusively for loading and not to interfere with other vehicular or pedestrian circulation on the property.

LOGGING - The act of cutting live trees for cord wood, timber, pulp, or any purpose, excepting therefrom a homeowner cutting on his own property for his own use, or the clearing for farming operations, clearing for a single-family dwelling, or clearing in accordance with an approved development plan.

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 in accordance with the requirements of this Ordinance.

LOT AREA – the acreage contained within the property lines of a lot, as defined in the deed or as shown on an approved subdivision plan. For the purposes of compliance with minimum lot area requirements, the following shall be excluded: any area used for gas, oil, natural gas, electric, water or communications; or, any area within a street or other transportation right-of-way, existing or proposed; or, any area within a permanent drainage easement. See Figure 2 in the Appendices.

LOT, CORNER – a parcel of land at the junction of and fronting on two (2) or more intersecting public streets or parts of the same street forming interior angle of less than 135 degrees. A lot abutting a curved street or streets shall be considered a corner lot if the tangents to the curve at the points of intersection of the lot lines with the street intersect at an interior angle of less than one hundred and thirty-five (135) degrees. Each yard abutting a street shall be considered a front yard and the rear yards shall be identified as the yard opposite the front yard as determined by the Zoning Officer.

LOT COVERAGE – the area of a lot or parcel that is covered by principal and / or accessory buildings or structures. See Figure 2 in the Appendices.

LOT, DEPTH OF – the average distance between the street right-of-way and the rear lot line, measured perpendicular or radial to the right-of-way.

LOT, FLAG – a lot which has less than the minimum required lot width at the public street frontage, but which provides the minimum required lot width at a distance from the lot frontage, usually in excess of the minimum required setback, and which lot includes a strip of land in fee simple ownership for access to the public street to the buildable area of the lot which lies behind another property which fronts on the public street. Flag lots shall have a minimum frontage on a public street of fifty (50') feet.

LOT FRONTAGE - that side of a lot abutting on the street right-of-way and regarded as the front of the lot.

DOUBLE FRONTAGE LOT – a parcel of land that fronts on two or more public streets, one of which may be an alley.

LOT, INTERIOR – a lot where the side property lines do not abut a street.

LOT LINE – any line bounding a lot that divides one lot from another or from a street or any other public or private space.

FRONT LOT LINE – the dividing line between the street and the lot. The street lot line shall be the same as the legal right-of-way provided where a future right-of-way width for a road or street has been established, that width shall determine the location of the street lot line.

REAR LOT LINE – any lot line which is parallel to or within forty-five (45) degrees of being parallel to a street lot line, except for a lot line that is itself a street lot line, and except that in the case of a corner lot the owner shall have the option of choosing which of the two lot lines that are not considered a rear lot line. In the case of a lot having no street frontage or a lot of an odd shape, only the one lot line farthest from any street shall be considered a rear lot line. Where there is only one lot line other than street lot lines, it shall be considered the rear lot line.

SIDE LOT LINE – any lot boundary line that is not a street lot line or a rear lot line. In the case of a triangular lot those lot lines other than the street lot line shall be considered side lot lines.

LOT MEASUREMENTS – the following terms will be used when determining the measurements of parcels within the municipality:

LOT DEPTH – the mean distance from the right-of-way line of the lot to its opposite rear line measured in a direction parallel to the side lines of the lot. Lot depth for triangular

lots shall be the mean distance from the street line to the point of intersection of the side yards.

LOT, MINIMUM WIDTH – the minimum lot width at the building setback line.

LOT WIDTH – the horizontal distance between side lot lines measured along a straight line parallel to the front lot line at the minimum required building setback line. In a case where there is only one side lot line, lot width shall be measured between such side lot line and the opposite rear lot lines or street line.

LUMBERYARD – the principal use of land and structures involving the loading and unloading, storage and sales of lumber and millwork materials.

MANEUVERING SPACE – a portion of a loading area set aside so that trucks may enter and leave said area moving in a forward direction.

MANUFACTURED HOME – a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, when erected on site, is 320 or more square feet in floor area, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; or a structure that otherwise comes within the definition of a manufactured home under the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401-5445).

MANUFACTURING – the process of making wares by hand, by machinery or by other agency, often with the provision of labor and the use of machinery.

HEAVY MANUFACTURING – includes the production, processing, cleansing, testing and distribution of materials, foods, foodstuffs and products that due to the nature of the materials, equipment or process utilized, is considered to be unclean, noisy, hazardous or is associated with other objectionable elements.

LIGHT MANUFACTURING – includes the production, processing, cleaning, testing and distribution of materials, goods, foodstuffs and products that by the nature of the materials, equipment and process utilized, is considered to be clean, quiet, and free of any objectionable or hazardous elements.

MASSAGE THERAPY BUSINESS – an establishment offering massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, licensed massage therapists or similar professional person licensed by the state as part of a medical clinic. This definition excludes a gymnasium, health and fitness center, school, barber / beauty shop, or similar establishment where massage or similar manipulation of the human body is

offered by an individual as an incidental or accessory service and does not occupy more than twenty-five percent of the area of the establishment.

MEDICAL CENTER – a facility which, in addition to providing primary health services, also provides tertiary and quaternary care with an emphasis on sub-specialty medical and surgical care of patients and medical education, and which may include ancillary activities such as laboratories, clinics, rehabilitation facilities, training facilities, conference facilities, vehicular ambulance service, pharmacies, cafeterias and gift shops as accessory uses and which are customarily incidental to and in direct support of the primary health care mission of the medical center.

MEDICAL CLINIC – an institution providing outpatient mental health services and medical or surgical care of the sick, handicapped or injured but not including health clinics and doctors' offices.

METHADONE TREATMENT FACILITY – a facility licensed by the Pennsylvania Department of Health to use the drug methadone in the treatment, maintenance or detoxification of persons.

MINE – underground areas contained within a continuous barrier of undisturbed minerals and openings to the surface from those areas where the extraction of minerals or stones from the earth is used for commercial purposes.

MINERAL EXTRACTION – all or part of the process involved in the extraction and processing of minerals such as coal, ores, rock, sand and gravel including mining, drilling, digging, and quarrying. This includes surface and underground mining operations.

MINERALS – any aggregate or mass of mineral matter, whether or not coherent. This 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, and peat.

MINI-WAREHOUSE - A building consisting of individual self-contained, self-service storage spaces, where each unit is not greater than 500 square feet, and the units are rented for the storage of business and household goods. Outdoor storage of motor vehicles, recreational vehicles, boats and similar items may also be permitted as a part of the premises.

MINING ACCESSORY STRUCTURE – any accessory structure to a mining use which is incidental and subordinate thereto, including coal tipples, disposal areas, and ventilation shafts.

MINING, OPEN PIT – includes all activity which removes from the surface or beneath the surface of the land some material, mineral resource, natural resource, or other element of economic value, by means of mechanical excavation necessary to separate the desired materials from an undesirable one, or to remove the strata or material which overlies or is above the desired material in its natural condition and position. Open pit mining

includes, but is not limited to, the excavation necessary to the extraction of sand, gravel, rock, topsoil, limestone, sandstone, coal, clay, shale, and iron ore for commercial or industrial consumption.

MINING PORTAL – structures and appurtenances facilities utilized for the access and egress of men and materials in deep mine operations.

MINING, SURFACE – the extraction of minerals from the earth, from waste, or stock piles, or from pits or banks by activities conducted upon the surface of the land which requires the removal of the overburden, strata, or material overlying, above or between, the minerals, or by otherwise exposing and retrieving the minerals from the surface. These activities include, but are not limited to, strip, drift, auger, and open pit mining, dredging, quarrying, leaching, box cutting, and activities related thereto.

Mining operations carried out beneath the surface of the earth by means of shafts, tunnels, or other mine openings which do not expose the subsurface of the earth to wind, rain, sun, or other exposure to the elements; or the extraction of minerals by a landowner for that owner's personal, non-commercial use from land owned or leased by that owner; or the extraction of sand, gravel, rock, stone, earth or fill from borrow pits for highway construction purposes, so long as the work is carried out under a bond, contract, and specifications which meet the requirements of the Pennsylvania Surface Mining Conservation and Reclamation Act, as heretofore or hereinafter amended and supplemented, shall not be considered as surface mining with the meaning of this definition.

MIXED-USE DEVELOPMENT – a coordinated pattern of development that contains a mix of complementary land uses such as residences, shops, offices, restaurants, churches, etc.

MOBILE HOME – a transportable, single family dwelling intended for permanent occupancy, office or place of assembly 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.

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

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

MONOPOLE - an antenna or other facility support structure consisting of a single pole or spire constructed without guy wires or ground anchor.

MOVIE THEATER – a facility that provides fixed seating for customers to view motion pictures, including accessory snack and / or food and beverage services.

MUSEUM, COMMERCIAL - a building used primarily for preserving and exhibiting artistic, historical or scientific objects which is open and available for use by the general public and which is operated by a corporation or other organization for profit.

MUSEUM, NON-PROFIT - a building used primarily for preserving and exhibiting artistic, historical or scientific objects which is open and available for use by the general public and which is operated by a federal, state or local governmental body or subdivision or agency thereof or by a nonprofit corporation authorized to do business in the Commonwealth of

NATURAL STATE – a condition of property in which it is substantially retained in the condition which exists at the time of submission of any preliminary site plan; provided, however, that any clearing, grubbing, planting, grading and filling with the area to be retained in its natural state shall be approved by the municipality and shall only be authorized if the municipality shall determine that the work would improve the buffering characteristics of the area to be retained in its natural state.

NIGHTCLUB – a place of assembly, other than a dwelling unit, including private clubs that may offer food, drink, and entertainment, either live or recorded, and characterized by low light levels and closely packed tables, whether or not the consumption of alcoholic beverages is permitted or allowed on the premises. A nightclub may also be operated as a restaurant during all or part of its hours of operation. An adult cabaret shall not be considered a nightclub.

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 the residential use.

NON-CONFORMING LOT – a lot, the area or dimension of which was lawful prior to the adoption or amendment of this ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

NON-CONFORMING STRUCTURE – a structure or part of a structure manifestly not designed to comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment to its location by reasons of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

NON-CONFORMING USE – a use, whether of land or of structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter

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

NOXIOUS ACTIVITIES – odors, smoke, noise, vibration and / or glare emanating from one property and causing environmental damage to any surrounding properties.

NUDE MODEL STUDIO – any place where a person who appears in a state of nudity or displays specified anatomical areas or specified sexual activities is provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration.

NUDITY / STATE OF NUDITY – the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft, cleavage with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernible turgid state.

NURSERY – any building or lot, or portion thereof, used for the cultivation or growing of plants, trees, shrubs, or flowers and for the selling of plants and landscaping / gardening supplies. All merchandise, other than plants, is kept within an enclosed building or a fully screened enclosure and fertilizer of any type is stored and sold in package form only.

NURSERY SCHOOL – a school designed to provide daytime care or instruction for two or more children of preschool age.

NURSING HOME – a facility licensed as a nursing home by the Commonwealth of Pennsylvania.

OFF-STREET PARKING – a paved or gravel area wholly outside any public right-of-way, constructed to accommodate the storage of vehicle as required by Ordinance and connected to a public street by a driveway or access aisle.

OFFICE – an establishment primarily engaged in providing professional, financial, administrative, management, clerical or other services not involving the manufacture, assembly or repair of goods, or the storage or direct transfer of goods to the customer on the premises, except as may be incidental to a service provided on the premises.

PROFESSIONAL OFFICE - An office in which business is conducted by physicians and surgeons, lawyers, members of the clergy, architects, insurance agents, insurance adjusters, realtors, engineers, or other similar professions.

OFFICE BUILDING – a building that is divided into offices, either single or suites, for the transaction of business other than for mercantile or manufacturing purposes where merchandise is on display and offered for sale. Offices used for a professional business or for public or semipublic activities in whole or part are included in this definition.

ON-SITE STORM WATER MANAGEMENT – the control of runoff to allow water falling on a given site to be absorbed or retained on site to the extent that after development the peak rate of discharge leaving the site is not significantly different than if the site had remained undeveloped.

ONE-HUNDRED YEAR FLOOD – a flood that, on the average, is likely to occur once every one hundred years (i.e. that has a one percent chance of occurring each year, although the flood may occur in any year).

OPEN SPACE – any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

COMMON OPEN SPACE – a parcel of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.

PRIVATE OPEN SPACE – common open space held in common ownership in which the use is normally limited to occupants of a single dwelling or building.

PUBLIC OPEN SPACE – lands dedicated to and / or owned by the Township or other public entity and maintained by it for the use and enjoyment of the general public.

PARAPET – a low wall projecting above the roof of a flat-roofed building, usually as an extension of the sidewalls.

PARCEL DELIVERY FACILITY – any premises or part thereof used for courier and freight forwarding operations that involve collecting, temporary storage of, sorting and dispatching packages.

PARK – a parcel of ground along with its buildings and fixtures intended primarily for beautification and aesthetic improvement and designated as recreational land.

PARKING AREA – an open portion of land with an impervious surface designed and used for parking of vehicles including parking spaces, aisles and maneuvering areas.

PARKING FACILITY – a structure designed and used for parking of vehicles including parking spaces, aisles and maneuvering areas.

COMMERCIAL PARKING FACILITY – a parking facility, other than a street or other public way, used for the parking of automobiles and available to the public, whether for a fee, free or as an accommodation for clients or customers.

RESIDENTIAL PARKING FACILITY – a parking facility, other than a street or other public way, used for the parking of automobiles in residential zones and available to the public, whether for a fee, free or as an accommodation for residents and guests.

PARKING SPACE – an all-weather surfaced area, not in a street or alley, having an area not less than 180 square feet, exclusive of driveways, permanently reserved for the temporary storage of one automobile and connected with a street or alley.

PASSENGER TERMINAL – the premises or building(s) where the staging and transportation of passengers is conducted, including bus and rail depots and air terminals.

PATIO – an outdoor space for dining or recreation that adjoins a dwelling and is often paved.

PENNSYLVANIA MUNICIPALITIES PLANNING CODE (MPC) - Act 247 of 1968, 53P.S. 10101 et seq., as reenacted and amended by Act 170 of 1988, and as subsequently amended.

PENNSYLVANIA UNIFORM CONSTRUCTION CODE (UCC) – The Pennsylvania Construction Code Act; Act 45 of 1999, as amended by Act 158 of 2004, 35 P.S. §§ 7210.101-7210.1103, and its regulations, as amended, restated, supplemented or replaced from time to time.

PERFORMANCE BOND – a guarantee backed by monies held in escrow, that a contractor, firm, or developer, will complete an improvement in accordance with specifications established by the municipality.

PERMANENT FOUNDATION – permanent masonry, concrete, or locally approved footing or foundation, to which a manufactured or mobile home may be affixed.

PERMITTED USE – an activity which is expressly allowed to occur on a property because of the property's location in a particular zoning district.

PERSON – any individual, firm, trust, partnership, public or private association or corporation, or other entity.

PERSONAL CARE FACILITY – a facility, licensed by the Commonwealth and conducted in accordance with Commonwealth requirements, providing health related care and service provided on a regular basis to more than three (3) patients who are resident individuals and who do not require hospital or skilled nursing care, but who, because of mental, physical conditions, or age require the services under a plan of care supervised by licensed and qualified personnel.

PERSONAL SERVICE ESTABLISHMENT – an establishment occupied by a business which performs services on-site related to the care of the personal self, household pets or the repair / maintenance of small home appliances, clothing, jewelry or other smaller items. Activities include but are not limited to: barber shops; beauty parlors; self-service laundry

and dry cleaning establishments; radio and television repair; repair shops for home appliances, tools, bicycles, guns, locks, shoes and watches; tattoo studios, tailor and dressmaking shops; and pet grooming with no overnight boarding. This does not include massage parlors or related services.

PET SHOP – a store where the primary business is the sale of animals to be used as pets, excluding boarding, veterinary and breeding services.

PHARMACY – a retail store which primarily sells prescription drugs, patient medicines, and surgical and sickroom supplies.

PHOTOGRAPHIC STUDIO – a retail establishment for the purpose of photographing subjects and processing photographs for commercial purposes, but not including photography requiring professional models.

PLACE OF PUBLIC ASSEMBLY – any place designated for, or used in whole or in part for, the congregation or gathering of persons in one building whether such gathering is of public, restricted or private nature including an assembly hall, church, school auditorium, recreation hall, pavilion, place of amusement, dance hall, opera hall, motion picture house, establishment for the consumption of food or drink, or other similar establishment.

PLACE OF WORSHIP / RELIGIOUS INSTITUTION – a church, synagogue, temple, mosque or other building used exclusively for public religious worship, including customary, incidental, educational and social activities in conjunction therewith.

PLANNED RESIDENTIAL DEVELOPMENT – an area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, the development plan for which does not correspond in lot size, bulk or type of dwelling, density, lot coverage and required open space to the regulations established in any one residential district created, from time to time, under the provisions of this zoning ordinance.

PLANNING COMMISSION – a board of residents appointed by the elected governing body of a municipality to carry out certain activities, specified by legislative action, in connection with channeling growth and change in the municipality for the best interests of all the residents.

PLAT – the map or plan of a subdivision or land development, whether preliminary or final.

PORCH – a roofed or unroofed structure projecting from the front, side or rear wall of a building, not having walls more than thirty inches high and open on all sides, except the sides adjoining the building.

OPEN PORCH – a roofed, open structure projecting from the front, side or rear wall of a building and having no enclosed features of glass, wood, or other material more than thirty (30) inches above the floor thereof, except the necessary columns to support the roof.

PORTABLE STORAGE UNIT – a container, designed for temporary short-term storage, which is not affixed to the land.

PRESERVATION or PROTECTION - when used in connection with natural and historic resources, shall include means to conserve and safeguard these resources from wasteful or destructive use, but shall not be interpreted to authorize the unreasonable restriction of forestry, mining or other lawful uses of natural resources.

PRINCIPAL BUILDING – the structure on a property containing the principle use and thus making all other buildings on the property accessory structures.

PRINCIPAL PERMITTED USE – the single, primary or predominant use to which a property is or may be devoted and to which all other uses on the property are necessary.

PROFESSIONAL OFFICE – an office in which business is conducted by physicians and surgeons, lawyers, members of the clergy, architects, insurance agents, insurance adjusters, realtors, engineers, or other similar professions.

PROPERTY – a tract of contiguous land surface, all sections of which are in the same ownership, surrounded by a boundary that closes on itself.

PROPERTY LINE – all or a part of the boundary describing the limits of a property.

PUBLIC GARAGE – a garage conducted as a business. The rental of storage space for more than two (2) cars not owned on the premises shall be deemed a business use.

PUBLIC GROUNDS – land designated or maintained for parks, playgrounds, trails, paths and other recreational areas and other public areas; sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; or, publicly owned or operated for scenic or historic sites.

PUBLIC HEARING – a formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with the provisions of the MPC.

PUBLIC MEETING – a forum held pursuant to notice under 65 Pa. C.S. CH. 7 (Relating to Open Meetings).

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

PUBLIC STREET – a right-of-way dedicated to public use as part of the municipal circulation system and accepted by a public body for maintenance.

PUBLIC UTILITY – an enterprise regulated by the Pennsylvania Public Utility Commission or a government agency, or an activity offered by an authority or municipally owned agency, that renders a public service deemed necessary for public health, safety, and welfare, excluding police, fire and similar emergency services and is required by law to (1) serve all members of the public upon reasonable request, (2) charge just and reasonable rates subject to review by a regulatory body, (3) file tariffs specifying all of its charges, and (4) modify or discontinue its service only with the approval of the regulatory agency.

PUBLIC SEWER - a system providing sanitary sewage collection and / or disposal for two (2) or more lots (or a multi-family land development such as an apartment house or a mobile home park or where two (2) or more dwelling units exist on one (1) lot) which is owned and operated by a municipality or a municipal authority. Under special circumstances, a public sewer system may be owned and operated by a person or entity other than a municipality or a municipal authority, if such system is authorized by the Governing Body and conforms strictly to all applicable laws and regulations and all reasonable conditions.

PUBLIC WATER - a system providing potable water to two (2) or more lots (or a multi-family land development such as an apartment house or a mobile home park or where two (2) or more dwelling units exist on one (1) lot) which is owned and operated by a municipality or a municipal authority. Under special circumstances, a public water system may be owned and operated by a person or entity other than a municipality or municipal authority if such system is authorized by the Governing Body and conforms strictly to all applicable laws and regulations and all reasonable conditions.

PUBLIC AND UTILITY STRUCTURES AND BUILDINGS - uses other than essential service installations erected, constructed, or maintained to provide services necessary for the public health, safety, or general welfare and whose ownership and operation is controlled by the Pennsylvania Public Utilities Commission, Federal, State, County, or Local Government agency, commission, or authority. Excluded from this definition are general governmental buildings, municipal fire houses, and municipal recreational facilities.

QUARRY – land or part thereof from which stone, sand, clay, gravel, or topsoil is or are extracted primarily for sale, but not including a lot which is graded in preparation for the construction of a building for which application for a building permit has been made. This term includes sand pit, and gravel pit.

RACE TRACK – a commercial establishment for the racing of animals or motor vehicles.

RECORD DRAWINGS – amended site plans specifying the locations, dimensions, elevations, capacities and capabilities of facilities as constructed. Such drawings must be signed and sealed by a professional engineer and submitted to the municipality prior to project completion.

RECORDED STREET_ – a street within a development plan that has been recorded as a part of the plan.

RECREATION, PRIVATE – developed or undeveloped open spaces and / or structures and facilities that are provided by individuals or private organizations for the use of specified individuals or private organizations sharing common relationships or associations for the purposes of play, amusement or relaxation.

RECREATION, PUBLIC – developed or undeveloped open spaces and / or structures and facilities that are provided by a governmental body for the purposes of play, amusement or relaxation by the public that may include sports facilities, parks, assembly buildings, passive areas, gardens and related amenities.

RECREATION SPACE – open space for active and passive recreation.

ACTIVE RECREATION AREAS – include major paved pedestrian ways, tennis courts, swimming and boating areas, shuffleboard courts, bridle paths, play lots, playgrounds and playfields.

PASSIVE RECREATION AREAS – include outdoor sitting areas such as sundecks, roofs, gardens, parks, natural areas for walking and picnicking and areas abutting minor pedestrian walkways.

RECREATIONAL USE – the use of land, buildings and structures for leisure-time activities, including but not limited to amusement arcades, athletic health spas, clubs, country clubs, dancing or music studios, golf courses, race tracks, riding academies swimming clubs, and ski resorts. Such facilities may be opened to anyone without restrictions, except for rules, fees, and standards of conduct and use, may be privately operated for profit, or they may be private and limited as to users.

RECREATIONAL VEHICLE – a vehicle or piece of equipment, whether self-powered or designed to be pulled or carried, intended primarily for leisure time or recreational use. Recreational vehicles or units include but are not limited to, the following: travel trailers, truck-mounted campers, motor homes, folding tent campers, auto, buses or trucks adapted for vacation use, snowmobiles, mini-bikes, all terrain vehicles, go-carts, boats, boat trailers, and utility trailers.

RECREATIONAL VEHICLE PARK - a plot of ground designed and laid out for occupancy by recreational vehicles, including tents on a temporary basis, to be used as living quarters.

RECYCLING COLLECTION FACILITY – a center for the acceptance of recyclable material from the public by donation, redemption, or purchase.

RECYCLING FACILITY – a facility employing a technological process that separates or classifies municipal waste 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 transfer facilities, municipal waste landfills, composting facilities or resource recovery facilities.

RENEWABLE ENERGY SOURCE – any method, process or substance whose supply is rejuvenated through natural processes and, subject to those natural processes, remains relatively constant, including, but not limited to, biomass conversion, geothermal energy, solar and wind energy and hydroelectric energy and excluding those sources of energy used in the fission and fusion processes.

REPEAL – the removing from force or effect, a section of this Ordinance or the entire Ordinance previously passed by the Township but subsequently rescinded by Official action.

REQUIRED PARKING – the number of necessary off-street parking spaces to serve a specific use, generally on the same property as the use, however, if not on the same property, it is in the same ownership as detailed by this ordinance.

RESEARCH AND DEVELOPMENT FACILITY – a structure or complex of structures designed or used primarily for research development functions related to industry and similar fields.

RESIDENTIALLY RELATED USE – an activity that is normally associated with family, rather than business relationships, is usually non-profit and provides community benefit by its location within a residential area.

RESIDUAL LOT – A lot existing or proposed where zoning imposes a maximum lot size requirement that may exceed the maximum lot size so as to include existing adjacent structures, areas unsuitable for development, and / or fragments of land that cannot be included within one or more of the lots in the subdivision or development.

RESOURCE RECOVERY FACILITY – a processing facility that provides for the extraction and utilization of materials or energy from municipal waste that is generated off-site, including, but not limited to, a facility that mechanically extracts materials from municipal waste, a combustion facility that converts the organic fraction of municipal waste to usable energy, and any chemical and biological process that converts municipal waste into fuel products. The term also includes any facility for the combustion of municipal waste that is generated off-site, whether or not the facility is operated to recover energy. The term does not include: (1) any composting facility; (2) methane gas extraction from a municipal waste landfill; (3) any separation and collection center, drop-off or collection center from recycling, or any source separation or collection center for composting leaf waste; (4) any facility, including all units in the facility, with a total processing capacity of less than fifty (50) tons per day.

RESTAURANT – that part or the whole of any building, structure or facility which is used for the preparation or processing of food for sale to the general public for the consumption on or off-premises. Restaurants may be classified as:

CARRY-OUT – an establishment whose principal business is the sale of food, desserts, or beverages to the customer in a ready to consume state, in edible or disposable containers, which is primarily consumed off the premises.

DRIVE THRU – a fast-food restaurant characterized by limited menu and catering to drive-thru traffic.

FAST FOOD – an establishment whose principal business is the sale of food or beverages to the customer in a ready to consume state, either at seating facilities within the restaurant or carry-out consumption off the premises and whose method of operation includes the serving of food in edible or disposable containers.

SIT DOWN, LOW TURNOVER – a restaurant where customers are served at a table or counter by a restaurant employee and given an individual menu. Included in this group are restaurants that serve cocktails or have cocktail lounges.

RETAIL STORE / SHOP – a building wherein the principal activity is the sale of merchandise at retail to the general public, and where such merchandise is typically sold in small quantities and broken lots, and not in bulk. Retail stores and shops shall include: drug stores; news stands; food stores and supermarkets; candy shops; dry goods, notions and clothing stores; boutiques and gift shops; hardware, home furnishings and household appliance and electronics stores; antique shops; furniture stores; florist shops; opticians; shoe stores; jewelry stores; auto accessory stores; and music stores.

RETENTION BASIN – an impoundment in which storm water is stored and not released during the storm event. The stored water may be released from the basin at some time after the end of the storm.

RIGHT-OF-WAY – an easement for public or private use, usually granting the right to cross over the land of another and / or to install utilities such as gas, electric, sewer, or water lines or communications systems.

RINGELMANN CHART - a chart, described in the United States Bureau of Mines Information Circular 6888 or its successor, and on which are illustrated graduated shades of gray for use in estimating the light-obscuring capacity of smoke.

SALVAGE YARD – a permitted area outside of a building on any lot approved for the handling or storage of scrap metal, paper, rags or discarded, salvaged or waste materials of any kind. This includes automobile wrecking yards, used lumber yards, junk yards and storage of salvaged house wrecking and structural steel materials and equipment, but does not include yards for the storage or sale of operable used cars or machinery or the incidental processing of used or salvaged materials where permitted, as part of the lawful manufacturing or industrial use on the same premises.

SATELLITE DISH ANTENNA - an antenna that is used to: (1) receive direct broadcast satellite service, including direct to home satellite service, or receive or transmit fixed wireless signals via satellite; or (2) receive video programming services via multipoint distribution services, including multi-channel multipoint distribution services, instructional television fixed services, and local multipoint distribution services, or receive or transmit fixed wireless signals other than via satellite. Satellite Dish Antennas shall include:

LARGE SATELLITE DISH ANTENNA - a satellite dish antenna measuring more than one meter in diameter.

SMALL SATELLITE DISH ANTENNA - a satellite dish antenna measuring one meter or less in diameter.

SCREENING – the use of plant materials, fencing and / or earthen berms to aid in the concealment of such features as parking areas and vehicles within them, and to provide privacy between two or more different land uses which abut one another.

SEDIMENTATION BASIN – a temporary dam or barrier constructed across a waterway or at other suitable locations to intercept the runoff and to trap and retain the sediment.

SELF-SERVICE LAUNDRY – a business that provides home-type washing, drying or ironing machines, or dry-cleaning machines for hire to be used by customers on the premises.

SELF-STORAGE FACILITY – an establishment that rents storage space for personal use by the renter and where no materials of a hazardous nature (toxins, highly inflammable, etc.) are stored. The warehousing of wholesale and / or retail materials and / or products shall not be permitted.

SELF-SUPPORTING TOWER - a tower that is free standing and not guyed or anchored with cables. This term shall include monopoles, three- and four-sided steel lattice towers and other tower structures that include their own support and are free standing.

SEMI-NUDE – a state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

SEMI-PUBLIC – any activity that is operated for the benefit of a membership group on a non-profit basis and does not rely on public funds for its operation.

SETBACK – a distance for each zoning district established by this Ordinance measured from any property line and a parallel line within the property, describing the limit of the structure on the property and defining the required front, side, and rear yards.

SEWAGE TREATMENT FACILITY – a place or premises, including buildings, where sewage and other solid or liquid wastes are treated or screened before discharge.

SEWER CONNECTION – the sewer connection consists of all pipes, fittings, and appurtenances from the drain outlet of the home to the inlet of the corresponding sewer riser pipe.

SEWER RISER PIPE – the sewer riser pipe is that portion of the sewer lateral that extends vertical to the ground elevation.

SEXUALLY ORIENTED BUSINESS – an adult arcade, adult bookstore / video store, adult cabaret, adult live theater, adult motel, adult motion picture theater, adult retail establishment, escort agency, nude model studio, sexual encounter center, or viewing booths.

SHOPPING CENTER – groups of retail and service businesses in the same or adjacent buildings with shared customer, employee, and service parking on the same property. This term also includes Shopping Plaza.

SIGN – a device for visually communicating a message to the public.

SITE – a land surface, not necessarily a complete property and possibly several properties, developed or proposed for a specific use.

SKILLED NURSING FACILITY – a facility which provides nursing care and related medical or other personal health services on a continuous twenty-four hour basis for individuals not in need of hospitalization but who, because of age, illness or other infirmity, require high-intensity comprehensive planned nursing care. The facility shall be licensed by the appropriate state agency.

SLAUGHTERHOUSE - a place where livestock is slaughtered and may be cut, packaged, and / or processed.

SLOPE – the face of an embankment, fill, or cut whose surface makes an angle with the plane of the horizon. Slope is expressed as a percentage based upon the vertical difference in feet per one hundred feet of horizontal distance.

SOLAR ENERGY COLLECTOR – a free standing or fixed device, or combination of devices, structures or part of a device or structure that transforms direct solar energy into thermal, chemical or electrical energy that contributes significantly to a structure's energy supply.

SOLAR ENERGY – radiant energy (direct, diffuse and reflected) received from the sun.

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 FARM – one or more solar arrays or a power plant that uses solar arrays to convert sunlight into electricity.

SOLID WASTE DISPOSAL AREA – an area permitted for use for the disposal of solid waste under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

SPECIAL EXCEPTION – a use of property specified by this Ordinance that may be granted by the Zoning Hearing Board provided certain conditions determined by the Board are met to assure that the proposed use on the particular property selected for it does not deteriorate the environment or endanger the public health and safety, meets all other requirements of this Ordinance and is in general conformity with the Comprehensive Plan and the requirements set forth in the MPC.

SPECIAL FLOOD HAZARD AREA (SFHA) - an area subject to inundation by the base flood, designated zones A, A1 – 30, AE, AH, AO, V, V1 – 30, or VE on the Flood Insurance Rate Map.

SPECIFIED ANATOMICAL AREAS – the human genitals, pubic region, anus, buttocks, female breast(s) below a point immediately above the top of the areola, or human male genitals in a discernibly turgid state, even if completely covered.

SPECIFIED SEXUAL ACTIVITIES – includes any of the following: (1) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast; (2) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or (3) excretory functions as a part of or in connection with any of the activities set forth in (1) or (2).

STABLE – a building, structure or portion thereof which is used for the shelter or care of horses, cattle or other similar animals either permanently or transiently.

COMMERCIAL BOARDING STABLE – a building and premises used for the keeping and / or riding and training of horses or other similar animals for the purpose of monetary gain but prohibiting the rental of horses or other similar animals to the general public.

PRIVATE STABLE - a detached accessory building for the keeping of not more than two (2) animals, horses, cattle, or other similar animals owned by the occupants of the premises and not kept for hire or sale.

RIDING / RENTAL STABLE – a building and premises used for the keeping and / or riding and training of horses or other similar animals, which exceed a total number of ten animals per acre, for the purpose of monetary gain, including the rental of animals and instruction in the art of horseback riding to the general public.

STORM WATER MANAGEMENT ACT OF 1978 – Pennsylvania State law (Act 167) which requires municipalities to adopt codes necessary to regulate development in a manner consistent with a county-wide watershed plan.

STORM WATER RUN-OFF – the flow of storm water or snow melt from higher to lower elevations across the land surface or within conduit systems.

STORY – the vertical distance from top to top of two successive tiers of beams or finished floor surfaces; and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

STORY, HALF - a story under a gabled, hipped or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two (2) feet above the finished floor of such story.

STREAM – a steady current of a flow of water in a channel or bed.

STREET – includes street, avenue, boulevard, road, highway freeway, parkway, lane alley viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

STREET, CENTER LINE – a line midway between and parallel to the two streets or property lines, or as otherwise defined by the Township Supervisors.

STREET, PRIVATE – any road or street which is not maintained by either East Franklin Township or the Commonwealth of Pennsylvania and is not designed in accordance with the applicable ordinances governing road construction in the Township.

STREET, RIGHT-OF-WAY – the recorded strip of land containing a street and bounded by right-of-way lines.

STRUCTURE – any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

ACCESSORY STRUCTURE – a detached structure customarily incidental and subordinate to the principal structure and located on the same lot.

PRINCIPAL STRUCTURE – the structure or portion thereof housing the main use of the land.

TEMPORARY STRUCTURE – any structure which is erected to be in place for not more than twelve months, including but not limited to tents, air-supported structures, portable bandstands, reviewing stands, bleachers, mobile office units, construction sheds, sales offices for lots or dwellings or other structures of a similar character.

STUDIO, DANCE OR MUSIC – the use of a premises by a teacher of music and / or dance where students are taught these arts for a fee and where more than one (1) student may be taught in a class at one time.

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, 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 ten acres, not involving any new street or easement of access or residential dwellings shall be exempted.

SUBDIVISION ORDINANCE – the Armstrong County Subdivision and Land Development Ordinance (SALDO).

SURVEYOR - a professional land surveyor licensed as such by the Commonwealth of Pennsylvania

SWALE - a low-lying or depressed and often wet stretch of land that does not direct water, but holds it and allows it to gradually infiltrate the soil down-slope of it.

SWIMMING POOL –any structure which demands a permanent location in or on the soil which is devoted or intended to be devoted to the art or sport of swimming or diving and the within definition is intended to include swimming pools regardless of whether the same are portable or non-portable, containing in excess of six inches of water.

COMMERCIAL SWIMMING POOL – a swimming pool operated for profit and open to the public upon payment of a fee.

PRIVATE SWIMMING POOL – a swimming pool that is an accessory structure appurtenant to a one-family or a two-family dwelling and used only by persons residing on the same lot and their private guests.

PUBLIC SWIMMING POOL – a swimming pool operated by a unit of government for the general public.

SEMI-PUBLIC SWIMMING POOL – a swimming pool that is an accessory structure appurtenant to a multiple-family dwelling, hotel, motel, church, club, etc. and used by persons who reside or are housed on the same lot or who are regular members of such organizations.

TATTOO PARLOR – an establishment whose principal business activity is the practice placing designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin.

TAVERN / DRINKING ESTABLISHMENT – an establishment, including bars, engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises and that derives in a six-month period less than fifty percent of its gross revenues from the sale of food and beverages for consumption on the premises.

TELEPHONE EXCHANGE BUILDING – a building and equipment therein, used or to be used for the purpose of facilitating transmission and exchange of telephone messages between

subscribers, but in a residential district not including public business facilities, storage of outside plant materials, trucks or repair facilities, or housing for outside repair crews.

TEMPORARY SHELTER – a structure, or part thereof, operated on a non-profit basis to temporarily house families or individuals who are victims of disaster, who are affected through action on the part of or on behalf of the municipality other than routine redevelopment related relocation activities, or who have bona fide emergency housing needs.

TEMPORARY STORAGE UNIT – are transportable units designed and used primarily for the temporary short-term storage of building materials, household goods, personal items and other materials for use on a limited basis on residential property. These are also known as portable on-demand storage structures.

TENTATIVE APPROVAL – acknowledgement by a municipality that all preliminary aspects of a proposal for development have been successfully completed and that the developer may proceed into final planning but in no way permitting the developer to commence construction.

THEATER – a building or part of a building devoted to the showing of movies, musical performances, dance or theatrical productions, usually on a paid admission basis.

THEATER, DRIVE IN – an open lot or part thereof, with its appurtenant facilities devoted primarily to the showing of movies or to theatrical productions, usually on a paid admission basis, to patrons seated in motor vehicles or on outdoor seats.

TIMBER HARVESTING OR LOGGING - the cutting down and removal of trees and logs to be converted to any forest product or for sale to others or for other purposes. Timber harvesting shall not include the removal of dead or diseased trees or a homeowner cutting on his own property for his own use.

TIMBER HARVESTING / LOGGING OPERATOR - any individual, partnership, company, firm, association or corporation engage in timber harvesting, including agents, subcontractors, and employees thereof.

TOWER - a structure other than a building, such as a monopole or self-supporting tower, designed and used to support any facility or another structure, other than communications antennas. Guyed towers shall not be deemed within this term and are not permitted. This term shall be broadly interpreted so as to include without limitation all such structures.

TOWNSHIP – East Franklin Township, Armstrong County, Pennsylvania.

TRANSFER FACILITY – a facility that receives and temporarily stores solid waste at a location other than the generation site, and which facilitates the bulk transfer of accumulated solid waste to a facility for further processing or disposal.

TRANSIT SHELTER – a covered structure at a bus or other transit stop providing protection against the weather.

TRANSIT STOP – a place on a bus or other transit route, usually marked by a sign, at which buses or other transit vehicles stop for passengers to load and unload.

TRANSIT TERMINAL, DEPOT, AND PASSENGER STATION – a facility, including terminals, depots, and passenger waiting, loading, and unloading stations of bus and other transit companies and districts. This term shall include both public and private entities that provide transportation services primarily for people, but which may include freight transport services incidental to its principle service. This term shall not include bus or other transit passenger stops nor the long-term parking of busses.

TRANSIT VEHICLE MAINTENANCE / STORAGE – a facility providing any and all types of general or specialized maintenance services or storage areas for buses and other transit vehicles of a transit company or district, public or private, providing transportation services primarily for people, but which may transport freight as an incidental service.

TRANSPORTATION SERVICES – taxicab, limousine, bus service and similar passenger services.

TRAVEL PLAZA – a facility that provides auto and/or truck fuel and convenience items and include more than four (4) fuel islands and more than eight (8) fueling positions; or facilities that are intended for use by cargo transportation. Accessory activities may include the operation of no more than two (2) arcade games, video games or other similar devices, automated teller machines (ATMs), check cashing, money orders, movie rentals, lottery tickets, film processing, showers, and restaurants.

TRAVEL TRAILER – a portable, vehicular structure built on a chassis designed as a temporary dwelling for travel, recreation, vacation, and other short-term use. This term shall include portable campers that can be attached to the bed of pickup trucks.

TRUCK TERMINAL – a facility where trucks load and unload goods, products, cargo and / or other materials to be broken down or aggregated in different size loads and re-shipped to other destinations.

TURBINES – the parts of a wind system including the blades, generator and tail.

UNDISTURBED SOIL – ground surface which has not been altered in connection with grading for construction nor previously altered for a period of at least two (2) years prior to such grading.

USEABLE OPEN SPACE – a portion of a lot used for residential purposes, exclusive of required front and side yard areas, which is not covered by buildings or parking areas and is suitable for use as outdoor open space for the residents thereon.

USE – any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained or occupied, or any activity, occupation, business or operation carried on in a building or other structure on a tract of land.

ACCESSORY USE – a use customarily incidental and subordinate to the principal permitted use of the lot.

VARIANCE – a grant of the Zoning Hearing Board permitting a developer or an owner to use a property in a manner not wholly in accordance with this Ordinance because strict conformance would be an unusual hardship depriving the developer of reasonable use of the property, but specifying what modifications to strict conformance are permitted. The relief granted must be in accordance with the requirements set forth in the MPC.

VEHICLE – any device in, upon or by which any person or property is or may be transported or drawn upon a street, excepting tractors, agricultural machinery, devices moved by human power or used upon stationary rails or tracks.

VEHICLE SALES, RENTAL, AND SERVICE – a facility for the sales, rental and service of automobiles, trucks, buses, boats and marine equipment, motorcycles, campers, motor homes, and recreational vehicles, but not including heavy equipment.

VETERINARY OFFICE / ANIMAL HOSPITAL – a facility where animals are given medical or surgical treatment. Use as a kennel shall be prohibited except for animals or pets undergoing medical or surgical treatment.

VIEWING BOOTHS – booths, stalls, portions of a room, rooms or other enclosures that are available for viewing: (1) films, movies, videos, or visual reproductions of any kind depicting or describing specified sexual activities or specified anatomical areas; or (2) persons who appear in a state of nudity or semi-nudity or who offer performances or presentations characterized by the exposure of specified anatomical areas or by specified sexual activities.

WAREHOUSE – a structure primarily used for the storage of goods and materials.

WATER CONNECTION – all pipes, fittings, and appurtenances from the water riser pipe to the water inlet pipe, of the distribution system within the structure.

WATER RISER PIPE – that portion of the water system pipe which extends vertically to the ground elevation.

WATER SERVICE PIPE – all pipes, fittings, valves, and appurtenances from the water main distributing system to the water outlet.

WETLANDS – lands regulated as wetlands by the Pennsylvania Department of Environmental Protection and / or the U.S. Army Corps of Engineers. Such areas 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 and similar areas.

WIND ENERGY SYSTEM – a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity appropriate to the on-site electric usage of the end-user.

WIND ENERGY TOWER – any structure with moveable blades that generates energy by way of wind power, where the power generated exceeds 100 kilowatts.

WIND FARM – one or more windmills or wind turbines or a power plant that uses windmills or wind turbines to generate electricity. The term does not include a single traditional small-scale windmill for use on a farm.

WINDMILL - an alternate energy device which converts wind energy by means of a rotor to mechanical or electrical energy. A wind generator may also be deemed a windmill.

WIND TOWER HEIGHT: the height above grade of the fixed portion of the tower, excluding the wind turbine and blades.

WINERY - a facility designed for crushing, pressing, fermenting, bottling and cellaring wine for retail and wholesale purposes that produces less than 50,000 cases of wine a year.

WHOLESALE ESTABLISHMENT – an establishment 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 to, such individuals or companies.

YARD - an open space at grade between the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.

FRONT YARD – a yard extending along the full width along the front lot line and back to a line drawn parallel to the front lot line at a horizontal distance there from equal to the depth of the required front yard. Front yards for corner lots shall be established according to the definition of corner lot.

REAR YARD– a yard extending along the full length of the rear lot line and back to a line drawn parallel to the rear lot line at a horizontal distance there from equal to the depth of the required rear yard.

SIDE YARD – an area between any building and side lot line, as defined herein, extending from the front yard to the rear yard, or on through lots, from one front lot line to the other lot line.

YARD SALE – a sale of limited duration conducted from the yard, porch or garage of a single family or two-family dwelling but including no sales in a public right-of-way. Such sale shall be of clothing and household items belonging to the residents only and not purchased for the purpose of resale on the premises. Yard, porch or garage sales shall be considered an accessory use and not a home occupation, and shall be limited to not more than twelve (12) days or any part of a day in a calendar year.

ZONING CLASSIFICATION – the combination of controls and requirements that define the activities that may occur in a zoning district.

ZONING DISTRICT – a contiguous area of land on all parts of which the same uniform controls and requirements for development apply.

ZONING DISTRICT BOUNDARY – the perimeter line completely enclosing a zoning district.

ZONING HEARING BOARD – a board appointed by the Township Supervisors to examine and decide appeals for relief from strict conformance of application of this Ordinance and to hear testimony regarding the validity of any regulations upon development in the Township or regarding challenges to the decisions of the Zoning Officer.

ZONING MAP – the official plan of zoning districts in the municipality, a part of this Ordinance, showing precisely the boundaries and title of each zoning district.

ZONING OFFICER – a person retained by the Township to enforce the regulations of this Ordinance, with power to halt illegal construction and issue permits.

ZONING ORDINANCE – a document duly ordained for the Township by its Supervisors to regulate the use of land and structures throughout the entire Township and subject to change.

ZONING PERMIT – a permit issued indicating that a proposed use, building or structure and authorizing an applicant to proceed with said use, building or structure.

ZOOLOGICAL PARK (ZOO) - Any facility, other than a pet shop or kennel, displaying or exhibiting one or more species of non-domestic animals operated by any person, partnership or corporation, or any governmental agency.

Section 202 Acronyms and Abbreviations

ADA	Americans with Disabilities Act
AFO	Animal Feeding Operation
BYOB	Bring Your Own Bottle
CAO	Concentrated Animal Operation
CAFO	Concentrated Animal Feeding Operation
FA	General Floodplain Area
FCC	Federal Communications Commission
FEMA	Federal Emergency Management Agency
FF	Flood Fringe Area
FIRM	Flood Insurance Rate Map
FIS	Flood Insurance Study
FW	Floodway Area
GFA	Gross Floor Area
GLA	Gross Leasable Area
LIO	Livestock Intensive Operation
PA DCED	Pennsylvania Department of Community and Economic Development
PA DCNR	Pennsylvania Department of Conservation and Natural Resources
PA DEP	Pennsylvania Department of Environmental Protection
PA MPC	Pennsylvania Municipalities Planning Code
PA UCC	Pennsylvania Uniform Construction Code
PENNDOT	Pennsylvania Department of Transportation
PRD	Planned Residential Development
SFHA	Special Flood Hazard Area
ZHB	Zoning Hearing Board

Article III

Establishment of Zoning Districts, Zoning Map and General Regulations

Section 300 Establishment of Zoning Districts

For the purpose of this Ordinance, East Franklin Township is divided into the following nine (9) zoning districts as follows:

- R-1 Rural Residential District
- R-2 Medium Density Residential District
- R-3 High Density Residential District
- C-1 Local Service Commercial District
- C-2 Highway Commercial District
- M-1 Light Industrial District
- M-2 Heavy Industrial District
- A Agricultural District
- V Village District

Section 301 Establishment of Overlay Districts

In addition to the zoning districts, this Ordinance establishes overlay districts. The overlay districts shall be superimposed where applicable over the base zoning districts. The overlay district is designed to reflect two or more zoning districts regulating the same area. The uses permitted by the underlying district are to be allowed subject to the additional regulations imposed by the overlay district, which are as follows:

- A. FP Flood Plain Area Overlay District

Section 302 Official Zoning Map

- A. The Township is hereby divided into zoning districts as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby enacted by reference and declared to be a part of this Ordinance.
- B. The Official Zoning Map shall be identified by the signature of the Chairman of the Board of Township Supervisors and attested by the Township Secretary and shall bear the seal of the Township under the following words: “We the undersigned do hereby certify this map to be the true official Zoning Ordinance Map as enacted by the Township of East Franklin, Armstrong County, Pennsylvania”, together with the date of enactment of this Ordinance.
- C. No change of any nature can be made to the Official Zoning Map except in conformity with the procedures set forth in this Ordinance.

- D. The Official Zoning Map, which shall be located in the Township Office, shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the Township.
- E. Any amendments legally enacted to change any district boundaries of the Official Zoning Map shall be noted on such map by ordinance number and date of enactment of the amendment. The Official Zoning Map shall be changed to reflect the amendment within thirty (30) days of enactment.

Section 303 Interpretation of the Zoning Map District Boundaries

- A. The district boundaries on the Township Zoning District Map are intended to follow property lines; centerlines of roads, water courses or railroads; other identifiable physical features; or measured distances from property lines, centerlines or identifiable physical features. Where uncertainty exists as the boundaries of district as shown on the Official Zoning Map, the following rules shall apply:
 - 1. Boundaries indicated as appearing to follow the centerlines of streets, highways, or alleys shall be construed as following such centerlines.
 - 2. Boundaries indicated as appearing to follow property lines shall be construed as following such property lines.
 - 3. Boundaries indicated as appearing to follow Township limits shall be construed as following Township limits.
 - 4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
 - 5. Boundaries indicated as approximately following the centerlines of streams, rivers, or other bodies of water shall be construed as moving with the actual body of water and following the centerlines thereof.
 - 6. Boundaries whose location cannot be determined by any of the above tests may be measured using the scale of the Official Zoning Map.
 - 7. When the zoning officer cannot determine the location of a zoning district boundary by reference to the zoning district map, the zoning officer shall refuse action; and the Zoning Hearing Board shall interpret the location of the district boundary with reference to the scale of the map, the comprehensive plan and the purposes set forth in all relevant provisions of this Ordinance.
- B. The following shall apply when a district boundary line divides a lot held in single or separate ownership at the effective date of this Ordinance:
 - 1. Where the lot is large enough to be subdivided into two or more lots, each with a single zoning district, no zoning approval will be given for any authorized use which would utilize any portion of the lot other than that portion of the lot in which the principal use is located. Further development will require a subdivision; or,
 - 2. The permitted use on the lot is limited to those uses permitted in the zoning district in which the largest part of the lot is located, and the smaller part of

the lot located in another zoning district will be subject to the zoning ordinance provisions where the largest portion of the lot is located.

3. In instances where this section creates an undue hardship, the Zoning Hearing Board has jurisdiction to grant such relief as deemed necessary.
- C. When there is disagreement on the location of district boundaries, a decision shall be rendered by the Zoning Officer, with appeal from his decision made to the Zoning Hearing Board.

Section 304 Zoning District Regulations

- A. The provisions, restrictions, and controls intended to regulate development in each district are set forth in the following sections and apply to all zoning districts and all lots. Except when stated, all provisions of this Ordinance shall apply to all uses.
- B. All approved changes to zoning districts shall be promptly recorded on the East Franklin Township Zoning Map and these changes must follow the procedures established in this Ordinance.

Section 305 Explanation of Use Categories

- A. The following are classifications of zoning uses established in this Ordinance, which vary in their impact upon the Township and in the procedures by which the uses are authorized:
 1. Permitted Uses / Uses By Right - authorized uses for which zoning approval will be issued by the Zoning Officer upon review of the application and certification of compliance with this Ordinance.
 2. Special Exceptions - authorized uses that may be granted or denied by the Zoning Hearing Board in accordance with the express standards and criteria of this Ordinance and the Pennsylvania Municipalities Planning Code.
 3. Conditional Uses - authorized uses that may be granted or denied by the Governing Body in accordance with the express standards and criteria of this Ordinance and the Pennsylvania Municipalities Planning Code.
 4. Uses Not Specifically Listed - where a use is proposed, which is similar in nature and intent to those already listed in a zoning district, but not actually listed therein, the Zoning Officer shall refer the request to the Zoning Hearing Board who shall approve or deny the request based upon (a) the purpose and intent of this Ordinance and (b) the similarity of the use to the listed uses and intent of the district.

Section 306 Application of Regulations

The regulations established by this Ordinance within each district shall apply uniformly to all buildings, structures or land within that district and are subject to the following:

- A. No building or land shall be used or occupied and no building or part shall be erected, moved or altered unless in conformity with the regulations specified for the district in which it is located.
- B. No yard or other open space provided around any building for the purpose of complying with the provisions of this Ordinance shall be considered as providing a yard or open space for any other building, and no yard or other space on one lot shall be considered as providing a yard or open space for a building on any other lot.
- C. Uses in each category shall be according to the definitions set forth in Article II of this Ordinance. For those uses not defined in this Ordinance their meanings shall be according to the common meaning of the term.
- D. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- E. Only one principal use per lot in any district shall be permitted.
- F. All territory which may hereafter be annexed to the Township shall be placed in the R-1 Single Family Residential Zoning District until the Planning Commission has made a thorough study of the newly annexed area, reported its recommendations to the Board of Township Supervisors, and the Board has adopted a final zoning district classification. This study and report by the Planning Commission shall be made within ninety (90) days of the time of annexation.

Section 307 Permitted Uses, Special Exceptions and Conditional Uses

- A. The permitted uses, special exceptions and conditional uses for each district are found in Tables 4-1 through 4-9.
- B. The permitted uses, special exceptions and conditional uses for the overlay districts are found in Table 5-1.
- C. Special exceptions may be granted or denied by the Zoning Hearing Board of East Franklin Township in accordance with the express standards and criteria of this Ordinance and the Pennsylvania Municipalities Planning Code.

- D. Conditional uses may be granted or denied by the Governing Body of East Franklin Township in accordance with the express standards and criteria of this Ordinance and the Pennsylvania Municipalities Planning Code.

Section 308 Lot, Yard and Height Requirements

The minimum lot area, maximum lot coverage by buildings and structures, minimum depth of front, rear, and side yard requirements, maximum height of structures and other bulk requirements for each district shall be specified in subsequent articles of this Ordinance.

Article IV

District Regulations and Provisions

Section 400 Establishment of Zoning Districts

The Township of East Franklin is hereby divided into nine (9) zoning districts as shown on the Official Zoning Map. The general objectives for establishing each zoning district is as follows:

- A. (R-1) Rural Residential District – This district includes areas already utilized generally as single family residential dwellings, as farm lands, or as vacant property. Existing properties are large in size, served by secondary roads, and have sufficient area to support on-site sewage disposal and private water supply.
- B. (R-2) Medium Density Residential District – This district is served by public sanitary sewer and water systems; located near major thoroughfares, shopping areas, and community facilities; and where continued growth is expected to occur and is conducive to future planned residential development.
- C. (R-3) High Density Residential District – This district supports more dense development and is able to facilitate concentrations of population in high rise and garden apartments and housing for the elderly due to its close location to retail establishments, community services and transportation facilities. Utilities are readily available to service this type of development.
- D. (C-1) Local Service Commercial District – This district provides reasonable standards for the development of commercial uses in areas where such uses already exist and where, due to the character of the underdeveloped land, the development of commercial uses can best serve the local residents of the Township through sales of public conveniences.
- E. (C-2) Highway Commercial District – This district provides reasonable standards for the provision of highway orientated commercial uses along the roadside where such uses exist and where feasible to expand. This district is designed to serve major highways, to minimize access roads from these major thoroughfares, to minimize traffic congestion, and to provide buffer yards and screen plantings where such uses adjoin residential districts.
- F. (M-1) Light Industrial District – This district is intended to provide a suitable environment for certain types of commercial and industrial uses that can be located adjacent to other districts without undue harmful effects and primarily

serviced by trucks. It would be limited to uses that would minimize air pollution, noise, glare, heat, vibration, fire and safety hazards and continued traffic flow.

- G. (M-2) Heavy Industrial District – This district is designed to provide for more intense types of manufacturing and industrial uses and is serviced by all types of transportation for the shipping of goods produced at these facilities. This district is designed to establish reasonable standards for future industrial development.

- H. (A) Agricultural District – This district is intended to preserve and protect agricultural lands that are being used for the commercial production of agricultural commodities consistent with the Comprehensive Plan; promote the use of the land for crop production, the raising of livestock, poultry and other animals and to similar and related uses compatible with agricultural operations; and encourage agricultural uses in places where more intensive development is not desirable or necessary for the public welfare.

- I. (V) Village District – This district is created to encourage traditional pedestrian-friendly, local service character within a more or less established village area. Through the use of standards unique to the district for area, bulk, height, and orientation, as well as for design, parking, accessory uses, signage, lighting and screening, this Article will empower the town center area to develop in a manner complimentary to, and compatible with, existing development. It is the intent of the village district to encourage existing and new local and convenience commercial and office uses, residential dwellings, civic and downtown entertainment and social uses, and similar village uses, which are compatible with the existing development.

Section 401 – General Conditions

The following conditions shall apply inclusively to this article unless specifically stated otherwise:

- A. The phrase “more restrictive uses” as employed in this Ordinance shall mean the following:
 - 1. Those uses permitted in the R-1 Rural Residential Zone are the most restrictive.
 - 2. All other uses are less restrictive in the order they are permitted in the zones in the following sequence: “R-1”, “R-2”, “R-3”, “V,” “C-1”, “C-2”, “A,” “M-1”, and “M-2.”
 - 3. Where a use is specifically enumerated in a less restrictive zone, such use shall not be permitted in a more restricted zone unless it is specifically enumerated as a permitted use therein.

- B. Except as provided in this Ordinance, no building or part thereof or other structure shall be erected, altered, added to or enlarged, nor shall any land, buildings, structures, or premises be used, designed, or intended to be used for any purpose other than the uses hereinafter listed as permitted in the zone in which such building or premises is located.
- C. Existing lots of record with inadequate area or frontage shall be considered a lot legally recorded prior to the adoption of this Ordinance and containing less area and / or having less lot frontage on a street than required as a minimum for the zoning district in which the lot is located. These lots may be developed for any use permitted in the zoning district without application being made for a variance provided:
1. The lot does not abut other properties in the same ownership.
 2. All residential areas R-1, R-2, R-3 must have forty (40) foot front yard set back.
- D. Lot frontage measurement shall be measured in all cases along the front yard setback line but in no case shall the lot width abutting the street to which the lot has access be less than forty (40) feet.
- E. The maximum number of dwellings and principal structures on a lot shall be no more than one (1) principal structure of the principal permitted use. This principal structure shall be constructed on an undivided property or lot. Shall not apply to apartment complexes, where permitted, under one owner.
- F. Corner lots of all street intersections shall have no obstruction to vision (other than an existing building or tree) exceeding thirty (30'') inches in height above the established grade of the street at the property line. No obstruction to vision shall be erected or maintained on any lot within the triangle formed by the right-of-way lines of such lot and a line drawn between points along such right-of-way lines a distance of thirty feet (30') from their points of intersection.
- G. Through lots in which a single lot under individual ownership extends from a street to an alley shall have its property front determined by the street which is widest and no principal structures and no dwelling shall be erected on the rear of such a lot.
- H. The required area, space, or dimensions of any zoned lot, yard, parking area, or other space shall not be reduced to less than the minimum required by this Ordinance; and if already less than the minimum required by this Ordinance, said area of dimension may be continued and shall not be further reduced.

- I. Projections into required yards such as chimneys, canopies, eaves, cornices, fire escapes, bay windows, balconies or covered porches may extend not more than two feet (2') into any required yard line on the lot.

- J. No building or structure shall have a greater number of stories than are permitted in the schedules for the zoning districts found in this Article, provided further that the aggregate height of such buildings or structures shall not exceed the number of feet permitted in the schedules for zoning districts except as follows:
 - 1. Chimneys, exhaust stacks, church steeples, flagpoles, water tanks, silos, roof-mounted air handling equipment and communications equipment meeting F.C.C. requirements shall be exempt from maximum height regulations. However, such towers shall be set back from property lines not less than the height of the tower, or the height that the chimney, steeple or tank extends above the roof to which it is attached, whichever is less.
 - 2. In any district other than the "R-1" or "M" Districts, a building may be permitted to exceed the height limit of the district where it is to be located, and be erected up to a height of not more than six (6) stories or sixty feet (60'), whichever is less, provided that it will be shown that adequate fire protection will be available, and that such modifications shall be approved by the Zoning Hearing Board upon the review and approval of the East Franklin Township Planning Commission only in accordance with the procedures established for the approval of a Special Exception.

Section 402 – Residential Zoning Districts

In addition to the goals set forth in the General Purposes, the districts established in these regulations are intended to achieve the following:

- A. To provide sufficient space for a variety of housing types adequate to meet the needs of the present and projected population of the municipalities consistent with the policies set forth in the comprehensive plan.

- B. To assure light, air and privacy by controlling the spacing and height of buildings and other structures.

- C. To protect residential areas against the hazards of fire, offensive noise, vibration, smoke, odors, glare, and other objectionable influences.

- D. To prevent congestion and environmental blight by regulating the density of population and the bulk of buildings.

- E. To make provisions for public and private educational, recreational, health and similar facilities serving the needs of the residents in an effective and efficient manner.

Section 403 – R-1 Rural Residential District

- A. It is the intent of the “R-1” Rural Residential Zoning District to provide for the development and maintenance of rural residential development and single-family residential neighborhoods together with activities that are compatible and normally associated with residential neighborhoods.
- B. Authorized uses by right, special exception and / or conditional use are listed in Table 4-1.
- C. Minimum Yard Requirements
 1. Front Yard – 40 feet (from street right-of-way line)
 2. Rear Yard – 35 feet
 3. Side Yard – 15 feet (two required)
 4. Side Yard for Corner Lot – 30 feet with total of two side yards of 90 feet.
- D. Minimum Lot Frontage – 100 feet
- E. Minimum Lot Area
 1. One (1) acre - without public sanitary sewers
 2. One-half (½) acre - with satisfactory public septic system, with density of two dwelling units per acre and with frontage on an existing public road
- F. Minimum Habitable Floor Area – 700 square feet per single family dwelling unit.
- G. Maximum Building Height
 1. Thirty five (35) feet for principal buildings
 2. Twenty (20) feet for accessory buildings
- H. Side and rear yard setbacks for accessory structures or building shall be (ten) 10 feet from any property line and provided that no accessory structure or building is permitted within any front yard.
- I. Private garages and any accessory structure or building in excess of 200 square feet of building area must comply with the minimum yard requirements for principal structures.

- J. Driveways, parking lots, handicapped ramps, sidewalks and walkways, flag poles, freestanding light poles and fixtures, fences, and landscaping or ornamental structures shall have no minimum yard requirement.
- K. Parking, signs and other regulations shall conform to the requirements established in Article VII of this Ordinance.
- L. The development of any parcel of ground in this zoning district shall conform to the requirements established in this Ordinance and any other adopted policies or ordinances related to land development in the municipalities.

Section 404 – R-2 Medium Density Residential District

- A. It is the intent of the “R-2” Medium Density Residential Zoning District to provide alternatives to single family development within areas that have acceptable levels of infrastructure and access and to maintain the appropriate density of development for the region.
- B. Authorized uses by right, special exception and / or conditional use are listed in Table 4-2.
- C. Minimum Yard Requirements
 - 1. Front Yard – 40 feet from street right-of-way line
 - 2. Rear Yard – 35 feet
 - 3. Side Yard – 15 feet (two required)
 - 4. Side Yard for Corner Lot – 15 feet with total of two side yards of 30 feet
- D. Minimum Lot Frontage – 90 feet
- E. Minimum Lot Area – 12,000 square feet (without public sanitary sewerage)
- F. Minimum Lot Area per dwelling unit with both public sanitary sewerage and water:
 - 1. 10,000 square feet
 - 2. 6,000 square feet for each family dwelling unit with a maximum of eight dwelling units per acre
- G. Maximum Building Height
 - 1. Thirty five (35) feet for main buildings
 - 2. Twenty (20) feet for accessory buildings

- H. Side and rear yard setbacks for accessory structures or building shall be (ten) 10 feet from any property line and provided that no accessory structure or building is permitted within any front yard.
- I. Private garages and any accessory structure or building in excess of 200 square feet of building area must comply with the minimum yard requirements for principal structures.
- J. Driveways, parking lots, handicapped ramps, sidewalks and walkways, flag poles, freestanding light poles and fixtures, fences, and landscaping or ornamental structures shall have no minimum yard requirement.
- K. Parking, signs and other regulations shall conform to the requirements established in Article VII of this Ordinance.
- L. The development of any parcel of ground in this zoning district shall conform to the requirements established in this Ordinance and any other adopted policies or ordinances related to land development in the municipalities.

Section 405 – R-3 High Density Residential District

- A. It is the intent of the “R-3” High Density Residential Zoning District to provide locations for higher density residential developments within areas that have infrastructure and access sufficient to maintain the appropriate density of development for the region.
- B. Authorized uses by right, special exception and / or conditional use are listed in Table 4-3.
- C. Minimum Yard Requirements
 - 1. Front Yard - 40 feet (from street right-of-way line)
 - 2. Rear Yard - 35 feet
 - 3. Side Yard - 15 feet (two required)
 - 4. Side Yard for Corner Lot - 15 feet with total of two side yards of 30 feet
- D. Buffer Yard – a twenty (20) foot buffer yard shall separate single family residential from multi-family residential and shall be landscaped as regulated in this Article
- E. Minimum Lot Frontage
 - 1. Single family detached - 75 feet
 - 2. Townhouses - 30 feet
 - 3. Two family detached - 60 feet

4. Garden apartments - 80 feet
 5. Apartments - 200 feet
 6. Add 15 feet to each of the above categories for corner lots
- F. Maximum Lot Coverage - The percentages include accessory structures. At least 20% of the lot shall be maintained with a vegetative material.
1. Single family detached - 40%
 2. Townhouses - 50%
 3. Two family detached - 40%
 4. Garden apartments - 50%
 5. Apartments - 30%
- G. Minimum Lot Area per dwelling unit - The spacing between apartment buildings, when built in groups or parallel rows, shall be not less than fifty feet (50') for one (1) story building with this space increasing five feet (5') for each additional story. Open and unobstructed passageways shall be provided at grade level to inner courts for the passage of fire fighting equipment.
1. Single family detached - 7500 square feet
 2. Townhouses - 3000 square feet
 3. Garden apartments - 2200 square feet
 4. Apartments - 2000 square feet
 5. Two family detached - 1400 square feet
- H. Side and rear yard setbacks for accessory structures or building shall be (ten) 10 feet from any property line and provided that no accessory structure or building is permitted within any front yard.
- I. Private garages and any accessory structure or building in excess of 200 square feet of building area must comply with the minimum yard requirements for principal structures.
- J. Driveways, parking lots, handicapped ramps, sidewalks and walkways, flag poles, freestanding light poles and fixtures, fences, and landscaping or ornamental structures shall have no minimum yard requirement.
- K. Parking, signs and other regulations shall conform to the requirements established in Article VII of this Ordinance.
- L. The development of any parcel of ground in this zoning district shall conform to the requirements established in this Ordinance and any other adopted policies or ordinances related to land development in the municipalities.

Section 406 – Commercial Zoning Districts

In addition to the goals set forth in the General Purposes, the districts established in these regulations are intended to achieve the following:

- A. To provide sufficient space for a variety of commercial and service establishments including the adequate provision for merchandising requirements and off-street parking facilities while insuring safe circulation of pedestrian and vehicular traffic.
- B. To encourage land uses and building development that promote commercial development, enhance the character of commercial areas, protect nearby residential districts and conserve the value of land and buildings, and promote increased tax revenues.

Section 407 – C-1 Local Service Commercial District

- A. It is the intent of the “C-1” Local Service Commercial Zoning District to promote the development of land within older, built-up areas by permitting a mix of land uses that will be compatible with the established character of the community and provide development potential for commercial sites to serve the immediate daily needs of the surrounding neighborhood areas.
- B. Authorized uses by right, special exception and / or conditional use are listed in Table 4-4.
- C. Minimum Yard Requirements
 - 1. Front Yard - 45 feet (from street right-of-way line)
 - 2. Rear Yard - 50 feet
 - 3. Side Yard - 20 feet (two required)
- D. Buffer Yard - 20 foot buffer yard shall be provided where a common use abuts an existing residential area or a residential district boundary. Landscaping shall be as required in this Ordinance.
- E. Minimum Lot Frontage
 - 1. 100 feet for all commercial uses
 - 2. 100 feet for apartments
- F. Maximum Lot Coverage
 - 1. 40% for commercial principal and accessory buildings combined
 - 2. 30% for apartments

- G. Minimum Lot Area per Dwelling Unit – 4,000 square feet
- H. Maximum Building Height - No building shall be in excess of 35 feet in height; provided, however, that the height may be increased for apartments one foot for each additional foot that the width of each yard exceeds the minimum required.
- I. Dwelling units on the second and / or third floors shall have a minimum of six hundred fifty (650) square feet of floor area for a one (1) bedroom unit. A minimum of one hundred ten (110) square feet shall be required for each additional bedroom.
- J. Parking, signs and other regulations shall conform to the requirements established in Article VII of this Ordinance.
- K. The development of any parcel of ground in this zoning district shall conform to the requirements established in this Ordinance and any other adopted policies or ordinances related to land development in the municipalities.

Section 408 – C-2 Highway Commercial District

- A. It is the intent of the “C-2” Highway Commercial Zoning District to promote the development of land along major roadway and transportation corridors by permitting larger commercial establishments that increase traffic flows and demands on the present infrastructure network.
- B. Authorized uses by right, special exception and / or conditional use are listed in Table 4-5.
- C. Minimum Yard Requirements
 - 1. Front Yard - 45 feet
 - 2. Rear Yard - 30 feet
 - 3. Side Yard - 25 feet (two required)
- D. Buffer Yard – a 20 foot buffer yard shall be provided where a commercial use abuts an existing residential area or a residential distinct boundary. Landscaping shall be as regulated in this Ordinance.
- E. Minimum Lot Depth – No minimum
- F. Minimum Lot Frontage – 100 feet
- G. Maximum Lot Coverage – 30%

- H. Maximum Building Height - No building shall be in excess of 35 feet in height; provided, however that the height may be increased for hotels one foot for each additional foot that the width of each yard exceeds the minimum required.
- I. Dwelling units on the second and / or third floors shall have a minimum of six hundred fifty (650) square feet of floor area for a one (1) bedroom unit. A minimum of one hundred ten (110) square feet shall be required for each additional bedroom.
- J. Parking, signs and other regulations shall conform to the requirements established in Article VII of this Ordinance.
- K. The development of any parcel of ground in this zoning district shall conform to the requirements established in this Ordinance and any other adopted policies or ordinances related to land development in the municipalities.

Section 409 – Industrial Zoning Districts

In addition to the goals set forth in the General Purposes, the districts established in these regulations are intended to achieve the following:

- A. To provide sufficient space for the development of activities to support the economy of the municipalities through the creation of employment opportunities, the processing, manufacturing, distribution, storage, and trade of goods and services.
- B. To minimize the impacts to surrounding districts and to the municipal infrastructure system.
- C. Ensure that public improvements are consistent with the anticipated developments in these districts.
- D. Promote high standards for landscaping and design of buildings and structures.
- E. Provide a mix of uses within these districts to ensure future sustainability of the municipal tax base.

Section 410 – M-1 Light Industrial District

- A. It is the intent of the “M-1” Light Industrial Zoning District to provide a flexible zoning district in specific areas located along major roadways to allow for a variety of planned light industrial and commercial uses and provide for a logical integrated design to enhance public safety by preventing excessive curb cuts,

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- regulating the location and spacing of ingress and egress points, and establishing appropriate sight distances along intersecting roadways serving the highways.
- B. Authorized uses by right, special exception and / or conditional use are listed in Table 4-6.
 - C. Minimum Lot Size - 1 acre and as necessary to comply with yard, off-street parking, loading and unloading and height regulations as set forth herein.
 - D. Minimum Yards
 1. Rear Yard - 100 feet
 2. Front Yard - 40 feet from street right-of-way line
 3. Side Yard - 100 feet
 - E. Buffer Yard Width - 25 feet and considered part of the required 100 foot yard.
 - F. Within the “M-1” District and not adjoining or abutting the “R” District, the yards shall be as follows:
 1. Front Yard - 45 feet (from right-of-way line)
 2. Side Yard - 20 feet (two required)
 3. Rear Yard - 50 feet
 - G. Minimum Lot Frontage - 100 feet
 - H. Maximum Lot Coverage - 40%
 1. Of the remaining 60% of the land area, at least half of it shall be in open space land covered with a vegetative material and shall not be used for general circulation of vehicles, storage, parking, loading, or rail sidings.
 - I. Maximum Building Height – 3 stories or 35 feet
 - J. The minimum side yard and minimum rear yard setbacks are established in Table 4-14, but no buildings in the M-1 zoning district shall be located less than one hundred (100) feet from a residential zoning district.
 - K. Parking, signs and other regulations shall conform to the requirements established in Article VII of this Ordinance.
 - L. The development of any parcel of ground in this zoning district shall conform to the requirements established in this Ordinance and any other adopted policies or ordinances related to land development in the municipalities.

Section 411 – M-2 Heavy Industrial District

- A. It is the intent of the “M-2” Heavy Industrial Zoning District to accommodate industrial activities of an intrusive nature which are normally not compatible with, or which detract from the viability of other uses due to high levels of traffic generation, noise, vibrations, odor, aesthetic and / or related considerations; provide areas within the Municipalities where mineral extraction shall be a permitted use; and reduce conflict in residential, commercial and agricultural areas.
- B. Authorized uses by right, special exception and / or conditional use are listed in Table 4-7.
- C. Minimum Lot Size - 2 acres and as necessary to comply with yard, off-street parking, loading and unloading and height regulations as set forth herein.
- D. Between this “M-2” District and an “R-1” District the yard abutting or adjacent to the “R-1” District shall be as follows:
 - 1. Front Yard - 150 feet
 - 2. Side Yard - 150 feet
 - 3. Rear Yard -150 feet
- E. Buffer Yard Width - 25 feet and considered part of the required 150 foot yard.
- F. Within the “M-2” District and not abutting or adjoining the “R-1” District, the yards shall be as follows:
 - 1. Front Yard - 60 feet (from right-of-way line).
 - 2. Side Yard - 25 feet (2 required) except when the property line is a railroad spur used to service the structure (s) on the property.
 - 3. Rear Yard - 25 feet
- G. Minimum Lot Frontage 150 feet
- H. Maximum Lot Coverage 60%
 - 1. At least half of the remaining 40% of the land area shall be open space land covered with a vegetative material and shall not be used for general circulation of vehicles, storage, parking, loading, or rail sidings.
- I. Maximum Building Height – 3 stories or 35 feet.
- J. The minimum side yard and minimum rear yard setbacks are established in Table 4-14, but no buildings in the M-2 zoning district shall be located less than one hundred (100) feet from a residential zoning district.

- K. Parking, signs and other regulations shall conform to the requirements established in Article VII of this Ordinance.
- L. The development of any parcel of ground in this zoning district shall conform to the requirements established in this Ordinance and any other adopted policies or ordinances related to land development in the municipalities.

Section 412 – A Agricultural Zoning District

- A. It is the intent of the “A” Agricultural Zoning District to encourage and protect land suitable for farming, dairy, livestock, forestry operations and other agricultural activities while providing for limited, low-density residential development; protect land used for food production and other agricultural uses from encroachment by untimely and unplanned development; protect the rural character of the land and encourage rural conservation by preserving natural features, such as watersheds, forests and watercourses, to perpetuate the rural atmosphere, open space and scenic landscapes; preserve productive agricultural land resources; and, encourage residential development that will blend with agricultural uses.
- B. Authorized uses by right, special exception and / or conditional use are listed in Table 4-8.
- C. Minimum Lot Size – 1 acre
- D. Minimum Lot Width - 150 Feet
- E. Minimum Yard Requirements
 - 1. Front Yard - 45 Feet
 - 2. Side Yard - 30 Feet
 - 3. Rear Yard - 50 Feet
- F. Side and rear yard setbacks for accessory structures or building shall be (ten) 10 feet from any property line and provided that no accessory structure or building is permitted within any front yard.
- G. Private garages and any accessory structure or building in excess of 200 square feet of building area must comply with the minimum yard requirements for principal structures.

- H. Driveways, parking lots, handicapped ramps, sidewalks and walkways, flag poles, freestanding light poles and fixtures, fences, and landscaping or ornamental structures shall have no minimum yard requirement.
- I. Parking, signs and other regulations shall conform to the requirements established in Article VII of this Ordinance.
- J. The development of any parcel of ground in this zoning district shall conform to the requirements established in this Ordinance and any other adopted policies or ordinances related to land development in the municipalities.
- K. A twenty (20) foot buffer is required between parcels zoned agricultural and those zoned for any other uses.

Section 413 – V Village Zoning District

- A. It is the intent of the “V” Village Residential Zoning District to sustain the vision for the township and to maintain the village atmosphere where future development will not disrupt the character of existing neighborhoods. This will be accomplished through an emphasis on infill development, traditional neighborhood style housing, and small scale commercial development focusing on personal services, home-based businesses, public buildings, and neighborhood parks.
- B. Authorized uses by right, special exception and / or conditional use are listed in Table 4-9.
- C. Minimum Lot Area
 - 1. One Family Dwellings and non-residential uses - 7,400 square feet
 - 2. Townhouses – 2,000 square feet
 - 3. Semi-detached and Two Family detached – 14,800 square feet
 - 4. Apartments – 2,500 square feet for each dwelling unit
- D. Minimum Lot Width – 40 feet
- E. Minimum Yard Requirements
 - a. Front Yard – 20 feet
 - b. Side Yard – 10 feet (total of both side yards must be at least 20 feet)
 - c. Rear Yard – 20 feet
- F. Maximum Structure Height – 35 feet
- G. Maximum Lot Coverage – 70 percent

- H. Dwelling units on the second and / or third floors shall have a minimum of six hundred fifty (650) square feet of floor area for a one (1) bedroom unit. A minimum of one hundred ten (110) square feet shall be required for each additional bedroom.
- I. Parking, signs and other regulations shall conform to the requirements established in Article VII of this Ordinance.
- J. The development of any parcel of ground in this zoning district shall conform to the requirements established in this Ordinance and any other adopted policies or ordinances related to land development in the municipalities.

Table 4-1 Permitted Uses, Special Exceptions and Conditional Uses

“R-1” Rural Residential District

Permitted Uses

Accessory Uses	Planned Residential Development (PRD)
Greenhouse (Private)	Place of Worship (including parish houses and educational buildings)
No-Impact Home-Based Business	Public Parks
One Family Dwelling	

Special Exceptions

Agricultural Operation	Essential Communications Tower
Assisted Living Facility	Family Day Care Home
Bed and Breakfast Inn	Fruit and Vegetable Stand
Boarding House	Home Occupations
Cemeteries	Mobile Home Park
Domiciliary Care Home	Pre-school
Essential Communications Antenna	Primary / Secondary School
Essential Services	

Table 4-2 Permitted Uses, Special Exceptions and Conditional Uses

“R-2” Medium Density Residential District

Permitted Uses

Accessory Uses
Bed and Breakfast Inn
Child Day Care Center
Country Inn
Housing for the Elderly
Independent Living Facility

Library
No-impact Home-Based Business
One Family Dwelling
Planned Residential Development (PRD)
Public Parks / Grounds
Two Family Dwelling

Special Exceptions

Adult Day Care Facility
Assisted Living Facility
Barber Shop / Beauty Salon
Boarding House
Community Center
Continuing Care Facility
Conversion Apartments
Country Inn
Domiciliary Care Home
Essential Communications Antenna
Essential Communications Tower
Essential Services
Family Care Facility
Group Day Care Facility

Group Child Day Care Facility
Group Home
Multi-Family Dwelling
Nursery School
Nursing Home
Personal Care Facility
Places of Public Assembly
Place of Worship
Pre-school
Primary / Secondary School
Public Utility Facility / Structure
Rooming House
Skilled Nursing Facility
Transportation Services

Conditional Uses

Planned Residential Developments

Table 4-3 Permitted Uses, Special Exceptions and Conditional Uses

“R-3” High Density Residential District

Permitted Uses

Accessory Uses	Independent Living Facility
Adult Day Care Facility	Library
Bed and Breakfast Inn	Multi-Family Dwelling
Child Day Care Center	No-impact Home-Based Business
Domiciliary Care Home	One Family Dwelling
Family Care Facility	Planned Residential Development (PRD)
Group Day Care Facility	Personal Care Facility
Group Child Day Care Facility	Public Parks / Grounds
Housing for the Elderly	Two Family Dwelling

Special Exceptions

Assisted Living Facility	Health Club
Barber Shop / Beauty Salon	Institutional Home
Boarding House	Nursery School
Club	Nursing Home
Community Center	Places of Public Assembly
Continuing Care Facility	Place of Worship
Country Inn	Pre-school
Essential Communications Antenna	Primary / Secondary School
Essential Communications Tower	Public Utility Facility / Structure
Essential Services	Restaurant (Carry Out)
Funeral Home / Mortuary	Rooming House
Group Home	Skilled Nursing Facility
Halfway House	Transportation Services

Table 4-4 Permitted Uses, Special Exceptions and Conditional Uses

“C-1” Local Service Commercial District

Permitted Uses

Accessory Uses	Farmer’s Market
Animal Hospital & Veterinary Clinic	Flea Market
Art, Craft or Antique Shop	Florist Shop
Art Gallery / Museum	Fruit and Vegetable Stand
Bakery	Funeral Home / Mortuary
Bank / Financial Institution	Health Club
Barber Shop / Beauty Salon	Laundromat
Child Day Care Center	Library
Copying / Printing Service	Massage Therapy Business
Dance Studio	Photographic Studio
Dry Cleaner	Public Utility Facility / Structure
Essential Communications Antenna	Restaurant (Sit down, low turnover)
Essential Communications Tower	Retail Stores (<5,000 square feet)
Essential Services	Tavern / Drinking Establishment

Special Exceptions

Amusement and Recreation Center	Hotel / Motel
Bicycle Sales and Service	Kennel
Catering Business	Personal Services
Communications Antenna	Pre-school
Communications Equipment Building	Primary / Secondary School
Communications Tower	Professional Offices / Group Practices
Community Center	Restaurant (Fast Food)
Convenience Store	

Table 4-5 Permitted Uses, Special Exceptions and Conditional Uses

“C-2” Highway Commercial District

Permitted Uses

Accessory Uses	Essential Communications Tower
Amusement / Recreation Center	Essential Services
Art, Craft or Antique Shop	Farm Equipment and Supply Sales
Art Gallery / Museum	Farmer’s Market
Automobile Repair / Service	Flea Market
Automobile Sales	Florist Shop
Bakery	Fortune Teller / Psychic / Astrologer
Bank / Financial Institution	Funeral Home / Mortuary
Barber Shop / Beauty Salon	Garage (Public)
Bath House	Garden Center
Bed and Breakfast Inn	Gasoline Service Station
Bicycle Sales and Service	Greenhouse (Commercial)
Boat & Marine Sales / Service	Hardware / Home Improvement Store
Brewery Pub	Health Club
Broadcasting Studio	Hotel / Motel
Building Material Facility	Laundromat
Bus / Transit Shelter	Library
Business / Trade School	Lumberyard
Car Wash	Massage Therapy Business
Catering Business	Medical Center
Child Day Care Center	Movie Theater
Clinic	Museum
Clothing / Wearing Apparel Sales / Service	Nightclub
Club	Nursery
Convenience Store	Parking Facilities (Commercial)
Convenience Store (selling gasoline)	Personal Service Establishment
Copying / Printing Service	Pet Shop
Dance Studio	Pharmacy
Drive in Theater	Photographic Studio
Dry Cleaner	Plumbing Sales and Contracting
Electric Sales and Contracting	Post Secondary School
Equipment Rental / Repair	Primary / Secondary School
Essential Communications Antenna	Professional Offices / Group Practices
	Public Utility Facility / Structure

Permitted Uses (Continued)

Restaurant (Carry Out)	
Restaurant (Fast Food)	
Retail Stores (less than 5,000 square feet)	Tavern / Drinking Establishment
Retail Stores (greater than 5,000 square feet)	Theater
Self Service Laundry	Transportation Services
Self Storage Facility	Travel Plaza
Shopping Center	Vehicle Sales / Rental and Service
Tattoo Parlor	Veterinary Office / Animal Hospital

Special Exceptions

Animal Shelter	Community Center
Amusement Park	Escort Service
Arena	Hospital
Bus and Other Transit Terminal, Depot and Passenger Station	Institution
Commercial Parking Facility	Kennel
Communications Antenna	Places of Public Assembly
Communications Equipment Building	Places of Worship / Religious Institution
Communications Tower	Race Track

Table 4-6 Permitted Uses, Special Exceptions and Conditional Uses

“M-1” Light Industrial District

Permitted Uses

Accessory Uses	Health Club
Amusement and Recreation Center	Heliport
Bakery	Hotel / Motel
Bank / Financial Institution	Laboratory
Broadcasting Studio	Medical Center
Building Material Facility	Parcel Delivery Facility
Bus and Other Transit Terminal, Depot and Passenger Station	Parking Facilities (Commercial)
Bus Station	Personal Service Establishment
Business / Trade School	Photographic Studio
Catering Business	Plumbing Sales / Contracting
Commercial Parking Facility	Places of Public Assembly
Convenience Store	Post Secondary School
Copying / Printing Service	Professional Offices / Group Practices
Distribution Facility	Public Parks / Grounds
Dry Cleaner	Public Utility Service Structure / Facility
Electric Sales and Contracting	Research and Development Facility
Equipment Rental / Repair	Restaurant (Carry Out)
Essential Communications Antenna	Restaurant (Fast Food)
Essential Communications Tower	Self-Storage Facility
Essential Services	Travel Plaza
Hardware / Home Improvement Store	Warehouse
	Wholesale Establishment

Special Exceptions

Boat and Marine Sales / Service	Crematorium
Bottle Club	Lumber / Building Material Yard
Bus and Other Transit Vehicle Maintenance / Storage	Manufacturing (Light)
Clinic	Methadone Treatment Facility
Club	Nude Model Studio
Communications Antenna	Public Utility Service Facility
Communications Equipment Building	Railroad Yard / Terminal Facility
Communications Tower	Vehicle Sales / Rental and Service

Table 4-7 Permitted Uses, Special Exceptions and Conditional Uses

“M-2” Heavy Industrial District

Permitted Uses

Accessory Uses	Freight Terminal
Boat and Marine Sales / Service	Frozen Food Locker
Bus and Other Transit Terminal, Depot and Passenger Station	Heliport
Bus and Other Transit Vehicle	Junkyard
Maintenance / Storage	Lumber / Building Material Yard
Car Wash	Meat Packing House
Communications Antenna	Methadone Treatment Facility
Communications Equipment Building	Mining / Mineral Extraction
Communications Tower	Parcel Delivery Facility
Copying / Printing Service	Parking Facilities (Commercial)
Distribution Facility	Public Utility Service Facility / Structure
Electric Sales and Contracting	Railroad Yard / Terminal Facility
Equipment Rental / Repair	Recycling Facility
Essential Communications Antenna	Research and Development Facility
Essential Communications Tower	Sewage Treatment Facility
Essential Services	Warehouse
Extractive Industry	Wholesale Establishment

Special Exceptions

Adult Uses	Salvage Yard
Airport (Private)	Sexually Oriented Business
Airport (Public)	Slaughter House
Amusement and Recreation Center	Transfer Facility
Crematorium	Truck Terminal
Incinerator	Wholesale Establishment
Resource Recovery Facility	

Conditional Uses

Solid Waste Disposal Area

Table 4-8 Permitted Uses, Special Exceptions and Conditional Uses

“A” Agricultural District

Permitted Uses

Accessory Uses	Farmer’s Market
Agricultural Building	Flea Market
Agricultural Operation	Forestry Activities
Amateur Radio Antenna	Fruit and Vegetable Stand
Animal Feeding Operation (AFO)	Greenhouse
Animal Shelter	Greenhouse (Commercial)
Bed and Breakfast Inn	Group Care Facility
Cemetery / Mausoleum	Kennel
Commercial Boarding Stable	No-Impact Home-Based Business
Communications Antenna	Nursery
Communications Equipment Building	One Family Dwelling
Communications Tower	Pre-school
Country Inn	Primary / Secondary School
Domiciliary Care Home	Private Stable
Essential Services	Public Parks / Grounds
Equestrian Facility	Riding / Rental Stable
Fairground	Swimming Pool (Private)
Farm	Veterinary Office / Animal Hospital
Farm Equipment and Supply Sales	Winery

Special Exceptions

Airport (Private)	Family Day Care Home
Airport (Public)	Garden Center
Arena	Heliport
Assisted Living Facility	Home Occupations
Campground	Landing Strip
Carriage House	Mining / Mineral Extraction
Club	Mother in Law Apartment
Essential Communications Antenna	Places of Worship
Essential Communications Tower	Recreational Vehicle Park
Extractive Industry	Self Storage Facility
Family Child Day Care	Slaughterhouse

Conditional Uses

Concentrated Animal Operation (CAO)
Concentrated Animal Feeding Operation
(CAFO)

Correctional Facility
Livestock Intensive Operation (LIO)
Windfarm

Table 4-9 Permitted Uses, Special Exceptions and Conditional Uses

“V” Village District

Permitted Uses

Accessory Uses	Laundromat
Accessory Apartment	Medical Offices
Adult Day Care Facility	Museum
Art, Craft or Antique Shop	No-Impact Home-Based Business
Art Gallery / Museum	One Family Dwelling
Bakery	Parks
Bank / Financial Institution	Photo Studio
Barber / Beauty Shop	Places of Worship
Bed and Breakfast Inn	Professional Office
Boarding House	Personal Service Establishment
Brewery Pub	Pre-school
Bus Transit Shelter	Primary / Secondary School
Business Services	Public Park
Catering Business	Recycling Collection Center
Child Day Care Facility	Residential Flats
Commercial Indoor Recreation	Restaurant (Carry Out)
Community Center	Restaurant (Fast Food)
Dance / Music Studio	Restaurant (Sit down, low turnover)
Farmer’s Market	Retail Store (less than 5,000 sq. feet)
Fitness Club	Tavern / Drinking Establishment
Florist Shop	Townhouse
Fruit and Vegetable Stand	Two Family Dwelling
Group Home	Veterinary Office / Animal Hospital
Home Occupation	

Special Exceptions

Adult Day Care Facility	Club
Apartment	Commercial Equipment Building
Assisted Living Facility	Community Center
Auditorium	Convenience Store
Automobile Service Station	Conversion Apartment
Car Wash	Country Inn
Carriage House	Equestrian Facility
Clinic	Essential Services
Clothing / Apparel Retail	Family Day Care Home

Special Exceptions (continued)

Funeral Home

Garden Center

Greenhouse

Health Club

Home Occupations

Hotel

Library

Mother in Law Apartment

Office

Office Building

Public Utility

School – Primary and Secondary

Swimming Pool (Commercial / Public /

Semi-public)

Winery

Article V

Overlay District Regulations

Section 500 Establishment of Overlay Districts

In addition to the zoning districts established and delineated on the zoning district map, all areas containing or characterized by the features listed hereunder are established as overlay districts in accordance with the Municipalities Planning Code.

Section 501 Overlay Zoning Maps

- A. The location of each overlay district is delineated on a map, or reference made to a map, depicting that overlay feature. These maps are adopted as a part of the zoning district map.
- B. Overlay districts may not include all land or sites subject to the special features of the overlay district; and not all land within the overlay district may actually contain the special or limiting feature.
- C. It is the intent of this article that the limitations on development, which are imposed by the overlay district regulations, shall apply to all parcels, which include the regulated feature, whether or not the land is shown in the overlay districts. It shall be the responsibility of the applicant to establish the presence or absence on the proposed site of all features subject to regulation in this article.

Section 502 Interpretation of Overlay Districts

- A. If the zoning district map or list is questioned, the burden of proof shall be upon the developer, who shall submit information from a qualified professional or other expert acceptable to the municipality to demonstrate that the site in question can be used in the manner proposed without violation of this chapter.
- B. In the event that any conflict between the provisions or requirements of any overlay district areas and those of any underlying zoning district, the more restrictive shall apply.
- C. In the event that any provision concerning an overlay district area is declared inapplicable or illegal as a result of any legislative or administrative actions or judicial decision, the regulations of the underlying district shall remain applicable.

Section 503 Application of Overlay District Regulations

- A. The regulations contained in this article shall apply to the use of parcels and structures in each overlay district and the restrictions shall be in addition to the regulations provided in this chapter.
- B. The amount of site area used or occupied by development is restricted as specified and as further restricted by the overlay district regulations in this article.
- C. Uses in overlay districts may be authorized by right, by conditional use, or by special exception, subject to the applicable regulations in this Ordinance, and as stated in the overlay district.
- D. All uses by right in any zoning district which are prohibited because of the regulations of any overlay district may be permitted by conditional use in any overlay district provided the use complies with the specific regulations of any overlay district; and uses permitted by conditional use may be permitted by conditional use in any overlay district provided the use complies with the regulations of the particular overlay district.
- E. All uses by special exception in any zoning district which are prohibited because of the regulations of any overlay district may be permitted by special exception in any overlay district provided the use complies with the specific regulations of any overlay district; and uses permitted by special exception may be permitted by special exception in any overlay district provided the use complies with the regulations of the particular overlay district.

Section 504 FP - Floodplain Overlay District

- A. It is the intent of the FP - Floodplain Overlay District to: protect environmentally sensitive areas such as stream valleys, riparian buffers, and / or wetlands; preserve the capacity of stream channels and adjacent floodplain areas to carry flood waters; allow uses which will not suffer from areas that carry and discharge the peak flood flow; prevent the loss of life, health hazards and property damage which may be caused by floods; and encourage the use of flood-prone land for open space uses.
- B. The floodplain areas identified on the flood insurance study (FIS) maps shall be overlays to the existing underlying zoning districts as depicted on the zoning map.
- C. The provisions of the floodplain overlay district set forth herein shall serve as a supplement to the underlying district provisions.
 - 1. In the event that any conflict between the provisions or requirements of any floodplain overlay district areas and those of any underlying zoning district, the more restrictive provisions shall apply.

2. In the event that any provision concerning a floodplain overlay district area is declared inapplicable or illegal as a result of any legislative or administrative actions or judicial decision, the regulations of the underlying district shall remain applicable.
- D. Authorized uses by right, special exception and / or conditional use are listed in Table 5-1.
 - E. Parking, signs, and other regulations shall conform to the applicable requirements established in Article VII of this Ordinance.
 - F. The development of any parcel of ground in this zoning district shall conform to the requirements established in this Ordinance and any other adopted policies or ordinances related to land development in East Franklin Township, Armstrong County, Pennsylvania.
 - G. The identified floodplain area shall be those areas that are subject to the one hundred year flood, as identified in the FIS, or most recent revision thereof.
 - H. The identified floodplain area shall consist of the following specific areas:
 1. FW (Floodway Area): the areas identified as floodway in the AE Zone in the FIS. The term shall also include floodway areas that have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the FIS.
 2. FF (Flood-Fringe Area): the remaining portions of the one hundred year floodplain in those areas identified as an AE Zone in the FIS, where a floodway has been delineated. The basis for the outermost boundary of this area shall be the one hundred year flood elevations as shown in the flood profiles contained in the FIS.
 3. FA (General Floodplain Area): the areas identified as Zone A in the FIS for which no one-hundred year flood elevations have been provided.
 - I. When available, information from other Federal, State, and other acceptable sources shall be used to determine the one hundred year elevation, as well as a floodway area, if possible.
 - J. When no other information is available, or no survey performed by a governmental agency exists, the municipality shall require the applicant to determine the one hundred year flood elevation and to delineate a floodway area using hydrologic and hydraulic engineering techniques. Only professional engineers shall undertake hydrologic and hydraulic analyses or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the municipality.

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- K. The identified floodplain area may be revised or modified by the Governing Body where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from the Federal Insurance Administration.
- L. Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Zoning Officer and any party aggrieved by this decision may appeal to the board. The burden of proof shall be on the appellant.
- M. Any use authorized in any zoning district may be authorized by the appropriate procedure provided the use is in compliance with this chapter except for the following:
1. Any proposed use shall not, by runoff or otherwise, contribute to increasing the regulatory flood elevations.
 2. No area in the floodplain overlay district shall either be paved or covered with impervious materials, nor the placement of materials or other accessories subject to floatation by floodwaters be permitted.
 3. The following uses shall be prohibited within any identified floodplain area:
 - a. Mobile buildings and mobile homes
 - b. Hospitals
 - c. Intermediate-care facility, personal-care home, and skilled nursing facility
 - d. Jails, prisons, and detention centers
 - e. Mobile home parks and campgrounds having spaces for recreation vehicles
 - f. Maintenance of a supply of any amount of Class A or B poison, water-reactive liquid or solid, etiologic agents or radioactive material, as defined by the United States Department of Transportation Hazardous Materials Tariff
 - g. Production, storage or use of any hazardous materials identified by the United States Department of Transportation Hazardous Materials Tariff
 4. The following uses shall be restricted within certain quantity limits within any identified floodplain area:
 - a. Maintenance of a supply of any hazardous materials identified by the United States Department of Transportation Hazardous Materials Tariff, such supply shall not exceed five hundred fifty (550) gallons or other comparable measure.
- N. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality, and until all required permits or approvals have been first obtained from the Department of Environmental Protection. In addition, the Federal Emergency Management Agency (FEMA) and the Pennsylvania Department of Community and Economic Development (DCED) shall be notified prior to any alteration or relocation of any watercourse.

- O. Any new construction, development, uses or activities allowed within any identified floodplain area, shall be undertaken in strict compliance with the provisions contained in this chapter and any other applicable codes, ordinances and regulations. No approval shall be issued until this determination has been made. It shall be the responsibility of the applicant to obtain all such necessary other governmental permits.

- P. Within any FW the following provisions apply:
 - 1. Any new construction, development, use, activity, or encroachment that would cause any increase in flood heights shall be prohibited.
 - 2. No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Protection (DEP), Bureau of Dams, Waterways, and Wetlands.

- Q. Within any FA the following provisions apply:
 - 1. No new construction or development shall be permitted within the area measured fifty (50) feet landward from the top bank of any watercourse unless obtaining all required Federal and State permits.
 - 2. Any new construction or development, which would cause any increase in flood heights, shall be prohibited within any floodway area.
 - 3. Within any identified floodplain area, all buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow and height of floodwater.
 - 4. Within any identified floodplain area, all materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal, or plant life, shall be stored at or above the regulatory flood elevation and shall be flood proofed to the maximum extent possible.
 - 5. 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.

- R. Structures and uses existing in any identified floodplain area prior to the enactment of this chapter may continue subject to the following provisions:
 - 1. No expansion or enlargement of an existing structure or use shall be allowed within any identified floodway that would cause any increase in the elevation of the one hundred year flood.
 - 2. Any modification, alteration, reconstruction, or improvement, of any kind to an existing structure, to an extent or amount of fifty (50) percent or more its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this chapter. However, if compliance with any of the requirements of this Article would result in an exceptional hardship to a prospective builder, developer or

landowner, the Zoning Hearing Board may, upon request and review, grant relief from the strict application of the requirements.

Table 5-1 Permitted Uses, Special Exceptions and Conditional Uses

FP - Flood Plain Area Overlay District

Permitted Uses

- Agriculture
- Arboretum
- Forestry
- Game Farm and Fish Hatchery Reserves
- Gardens
- Golf Course (excluding structures)
- Horticulture
- Hunting and Fishing Clubs (excluding structures)
- Orchards
- Outdoor Plant Nursery
- Park and Picnic Groves (excluding structures)
- Passive Open Space
- Pasture and Grazing Lands
- Public Parks
- Sports Fields (soccer, baseball / softball)
- Trails and Greenways
- Wildlife Sanctuary
- Woodland Preserve

Special Exceptions

- Marinas
- Parking areas

Article VI

Planned District Regulations

Section 600 – (PRD) Planned Residential Development District

- A. The purpose of this Section is to regulate and control Planned Residential Development (PRD) activities within the Township by providing a consistent method of submission and review of PRD Plans and thereby reducing delays in the approval process.
- B. The PRD regulations are in accordance with the goals and objectives of the Comprehensive Plan and this district is intended to:
 - 1. Encourage innovations in residential and non-residential development and renewal so that the growing demand for housing and other development may be addressed by allowing a variety of types, designs, and layouts of dwellings and other buildings and structures and by the conservation and more efficient use of open space ancillary to said dwellings and uses.
 - 2. Promote conservation and more efficient use of open space, greater opportunities for recreation, and insure that the flexibility of regulations over land development shall encourage the disposition of proposals for land development.
 - 3. Reduce excessive sprawl of development and the segregation of land uses that cause traffic congestion.
 - 4. Promote the efficient use of land to reduce the need to build new infrastructure.
 - 5. Preserve the rural character and sensitive environmental areas of the Township through the incorporation of smart growth and growing greener principles into the development plans.
- C. Section IV, Tables 4-1 through 4-9 of this Ordinance designate the zoning districts in which Planned Residential Developments may be located. It should be further indicated that these developments may take place within these zoning districts only where public water and sanitary sewers service the entire area in which the Planned Residential Development is to be served.
- D. The developer and / or applicant who is seeking to have their property considered for Planned Residential Development shall consult with the Zoning Officer and the East Franklin Township Planning Commission prior to the preparation of the application for tentative approval of the plan.
- E. The application for approval of a PRD either shall be based on and interpreted in relation to the statement of community development objectives, and may be

related to the comprehensive plan, or shall be based on and interpreted to the statement of legislative findings.

Section 601 – PRD Tentative Review and Approval

- A. The Applicant shall submit ten (10) copies of the application for the PRD, along with ten (10) copies of the site plans / drawings and the appropriate fees, to the Zoning Officer no less than three (3) weeks prior to the date of the Township Planning Commission meeting at which is it to be considered for review.
- B. Prior to the issuance of a Planned Residential Development Permit by the Zoning Officer, a plan must be reviewed by the Township Planning Commission and the Armstrong County Planning Commission and approved by the Township Board of Supervisors. The County Planning Commission shall be required to report to East Franklin Township within thirty (30) days or forfeit the right to review.
- C. The Township Planning Commission as preparatory to review shall hold at least one public hearing pursuant to public notice in accordance with the requirements established in the Pennsylvania Municipalities Planning Code (MPC) and may hold additional public hearings upon such notice as it shall determine to advisable.
- D. Upon review of the plan and recommendations by the Armstrong County Planning Commission, the Township Planning Commission shall present to the Board of Supervisors their recommendations and explanatory materials. Before approving the plan, the Board of Supervisors shall hold a public hearing thereon, pursuant to public notice, within sixty (60) days after filing of the application. The Board of Supervisors may continue the hearing from time to time, and may refer the matter back to the Township Planning Commission for a report, provided, however, that in any event, the public hearings shall be concluded within sixty (60) days after the date of the first public hearing. The Board of Supervisors, within thirty (30) days following the conclusion of the public hearing, shall, by official written communication, to the landowner, either:
 - 1. Grant tentative approval of the development plan as submitted;
 - 2. Grant tentative approval subject to specified conditions not included in the development plan as submitted; or
 - 3. Deny tentative approval of the development plan. Failure to so act within said period shall be deemed to be a grant of tentative approval of the development plan as submitted. In the event, however, that tentative approval is granted subject to conditions, the landowner may, within thirty (30) days after receiving a copy of the official written communication of

the Board of Supervisors notify such Board of its refusal to accept all said conditions, which case, the Board shall be deemed to have denied tentative approval of the development plan. In the event of the landowner does not, within said period, notify the governing body of his refusal to accept all said conditions, shall stand as granted.

- E. The grant or denial of tentative approval by official written communications shall include not only conclusions but also findings of fact related to the specific proposal and shall set forth the reasons for the grant, with or without conditions, or for the denial, and said communications shall set forth with particularity in what respects the development plan would or would not be in the public interest including but not limited to findings of fact and conclusions of the following:
1. In those respects in which the development plan is or is not consistent with the comprehensive plan for the development of the municipality;
 2. The extent to which the development plan departs from zoning and/or subdivision regulations otherwise applicable to the subject property, including but not limited to density, bulk, and use, and the reasons why such departure are or are not deemed to be in the public interest;
 3. The purpose, location, and amount of the common open space in the planned residential development, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development;
 4. The physical design of the development plan and the manner in which said design does or does not make adequate provision for public services, provided adequate control over vehicular traffic, and further the amenities of light and air;
 5. The relationship, beneficial or adverse, of the proposed planned residential development to the neighborhood in which it is proposed to be established; and
 6. In the case of a development plan which proposes development over interests of the public and of the residents of the planned residential development in the integrity of the development plan.
- F. The application for final approval of a PRD shall be submitted within six (6) months after the date of tentative approval, unless the Township Supervisors grant an extension upon written request of the applicant or developer to a date not to exceed eighteen (18) months from the date of tentative approval. Phased PRDs, however, shall have applications for final approval made pursuant to the phase schedule set forth in the official written communication of the findings of the Township Supervisors with respect to tentative approval.

- G. The official written communication provided for in this article shall be certified by the Secretary of the Township and shall be filed in the office of the Township and a certified copy shall be mailed to the landowner, where tentative approval has been granted, this shall be recorded on a Township Map.
- H. Tentative approval of a development plan shall not qualify a plot of the planned residential development for recording nor authorize development or the issuance of any building permits. A development plan which has been given tentative approval as submitted, or which has been given tentative approval with conditions which have been accepted by the landowner, shall not be modified or revoked nor otherwise impaired by action of the Township pending an application or applications for final approval, without the consent of the landowner, provided an application for final approval is filed or, in the case of development over a period of years, provided applications are filed, within the periods of time specified in the official written communications granting tentative approval.
- I. In the event that a development plan is given tentative approval, and thereafter, but prior to final approval, the landowner shall elect to abandon said development plan and shall so notify the Township in writing, or in the event the landowner shall fail to file application or applications for final approval within the required period of time or times, as the case may be, the tentative approval shall be deemed to be revoked and all that portion of the area included in the development plan for which final approval has not been given shall be subject to those local ordinances otherwise applicable thereto as they may be amended from time to time, and the same shall be noted on the Township map and in the records of the Secretary of the Township.

Section 602 – PRD Plans for Tentative Approval

The developer shall submit for review by the Planning Commission a plan with the following information:

- A. A written statement by the landowner setting forth the reasons why, in his opinion, a planned residential development would be in the public interest and would be consistent with the comprehensive plan for the development of East Franklin Township.
- B. The location, size, and topography of the site and the nature of the landowner's interest in the land proposed to be developed.
- C. The density of land use to be allocated to parts of the site to be developed.

- D. The location and size of the common open space and the form of organization proposed to own and maintain the common open space and services.
- E. The use and the approximate height, bulk, and location of buildings and other structures.
- F. The feasibility of proposals for the disposition of sanitary wastes and storm water.
- G. The substance of covenants, grants of easements, or other restrictions proposed to be imposed upon the use of the land, buildings, and structures including proposed easements or grants for public utilities.
- H. The provisions for parking of vehicles and the location and width of proposed streets and public ways.
- I. The required modifications in the municipal land use regulations otherwise applicable to the subject property.
- J. The feasibility of proposals for energy conservation and the effective utilization of renewable energy resources.
- K. In the case of development plans which call for development over a period of years, a schedule showing the proposed times within which applications for final approval of all sections of the planned residential development are intended to be filed and this schedule must be updated annually, on the anniversary of its approval, until the development is completed and accepted.
- L. The location, size and type of planting for buffer yards.

Section 603 – PRD Final Approval

- A. An application for final approval may be for all the land included in a development plan, or to the extent set forth in the tentative approval, for a section thereof. Said application shall be made to the Zoning Officer within the time or times specified by the official written communication granting tentative approval. The application shall include any drawings, specifications, covenants, easements, performance bond, and such other requirements as may be specified by the Board of Supervisors, as well as any conditions set forth in the official written communication at the time of tentative approval. A public hearing on an application for final approval of the development plan, or part thereof, shall not be required provided the development plan, or the part thereof, submitted for final approval, is in compliance with the development

plan theretofore given tentative approval and with any specified conditions attached thereto.

- B. In the event the application for final approval has been filed together with all drawings, specifications, and other documents in support thereof, and as required by the ordinance and the official written communications of tentative approval, East Franklin Township shall, within sixty (60) days of such filing, grant such development plan final approval.
- C. In the event the development plan as submitted contains variations from the development plan given tentative approval, the governing body shall refuse to grant final approval and shall, within fifteen (15) days from the filing of the application for final approval, so advise the landowner in writing of said refusal, setting forth in said notice the reasons why one or more of said variations are not in the public interest. In the event of such refusal, the landowner may either:
1. Re-file his application for final approval without the variations objected.
 2. File a written request with the governing body that it hold a public hearing on his application for final approval. If the landowner wishes to take either such action, he may do so at any time within which he shall be entitled to apply for final approval, or within thirty (30) additional days if the time for applying for final approval shall have already passed at the time when the landowner was advised that the development plan was not in substantial compliance. In the event the landowner shall fail to take either of these alternate actions within said time, he shall be deemed to have abandoned the development plan. Any such public hearing shall be held pursuant to public notice within thirty (30) days after request for the hearing is made by the landowner, and the hearing shall be conducted in the manner prescribed in this article for public hearings on applications for tentative approval. Within thirty (30) days after the conclusion of the hearing, the governing body shall by official written communication, either grant final approval to the development plan or deny final approval.
- D. A development plan, or any part thereof, which has been given final approval shall be so certified without delay by the governing body for the filing of record and shall be filed of record forthwith in the office of the recorder of deeds before any development shall take place in the zoning and subdivision regulations otherwise applicable to the land included in such plan shall cease to apply thereto. Pending completion within a reasonable time of said planned residential development nor of that part thereof, as the case may be, that has been finally approved, no modification of the provisions of said development plan thereof, as finally approved, shall be made by the Township except with the consent of the landowner.

- E. In the event that a development plan, or section thereof, is given final approval and thereafter the landowner shall abandon such plan or the section thereof that has been finally approved, and shall so notify the governing body in writing or, in the event the landowner shall fail to commence and carry out the planned residential development or further development shall take place on the property included in the development plan until after said property is re-subdivided and is reclassified by enactment of an amendment to the East Franklin Township Zoning Ordinance unless written request for an extension of the time period is granted by the Board of Supervisors to the landowner.

Section 604 – PRD Plans for Final Approval

The developer shall submit for review by the Planning Commission a plan with the following information:

- A. Tract boundary lines, right-of-way lines of streets, easements, and other rights-of-way, and property lines of residential lots and other sites, when applicable, with accurate dimensions, bearings, or deflection angles, and radii, arcs, and central angles of all curves.
- B. Name and right-of-way width of each street or other right-of-way.
- C. Location and dimension and purpose of easements.
- D. Number to identify each lot and/or site when applicable.
- E. Purpose for which sites other than residential are dedicated or reserved.
- F. Minimum building setback line on all lots and other sites.
- G. Location and description of survey monuments.
- H. Names of record owners of adjoining unplotted land.
- I. Reference to recorded subdivision plats of adjoining platted land by record name, date, and number.
- J. Certification by surveyor or engineer certifying to accuracy of survey and plat.
- K. Certification of title showing that applicant is the landowner.
- L. Statement by owner dedicating streets, right-of-way and sites for public uses.
- M. Title, scale, north arrow, and date.

Section 605 – PRD Permitted Uses

- A. Permitted Residential Uses:
 - 1. Single family detached dwellings
 - 2. Single family semi-detached dwellings
 - 3. Single family attached (townhouses) dwellings
 - 4. Two-family detached dwellings
 - 5. Two-family semi-attached dwellings
 - 6. Multi-family dwellings
 - 7. Group dwellings
 - 8. High-rise apartments

- B. Permitted Non-Residential Uses:
 - 1. Retail stores and shops
 - 2. Restaurants and delicatessens
 - 3. Pharmacies or drug stores
 - 4. Stationery, book, and tobacco stores
 - 5. Self-service laundry and dry cleaning and pick up stations
 - 6. Barber shops and beauty shops
 - 7. Business and professional offices
 - 8. Banks and financial institutions
 - 9. Flower shops
 - 10. Theatres and auditoriums
 - 11. Automobile service stations
 - 12. Churches.

- C. Conditional Uses:
 - 1. Motels and hotels and recreation facilities.

Section 606 – PRD Density

- A. The maximum gross density for the total acreage within the Planned Development program of a specific developer shall not exceed eight (8) dwelling units per gross acre.

- B. A minimum of thirty (30) percent of all dwelling units shall be single family dwelling units, and there shall be a variety of types of dwelling units with a minimum of three types of dwelling units as designated in this Ordinance.

- C. Maximum dwelling units per structure not exceeding two (2) stories in height shall be twelve (12).

- D. Maximum dwelling units per structure not exceeding three (3) stories in height shall be eighteen (18).

Section 607 – PRD Setbacks

- A. All structures shall be setback from both public and private right-of-way lines not less than thirty feet (30’) and not less than fifty feet (50’) from all adjacent property lines to the Planned Residential Development tract.

Section 608 – PRD Building Height

- A. No building shall be erected to a height in excess of thirty-five feet provided, however, that this height limit may be increased one foot for each additional foot that the width of each yard exceeds the minimum required but shall not exceed a height of fifty feet (50’).

Section 609 – PRD Minimum Plot

- A. The minimum plot for a Planned Residential Development shall be not less than fifty (50) acres.

Section 610 – PRD Interior Yards

- A. Interior yards and/or structural spacing shall be provided in accordance with the following schedule:

	<u>1 dwelling unit per structure</u>	<u>2 dwelling units per structure</u>	<u>12 dwelling units per structure</u>	<u>18 dwelling units per structure</u>	<u>over 18 dwelling units per structure</u>
F to F*	70’	70’	70’	70’	same as 18 dwelling units per structure plus the re- quirements yards in M-2 District
F to S*	50’	50’	50’	55’	
F to R*	70’	70’	70’	70’	
S to R*	30’	30’	30’	35’	
S to S*	15’	20’	25’	30’	
R to R*	50’	50’	50’	50’	
C to C*	10’	10’	10’	20’	

- B. The minimum side yard and rear yard requirements for single family dwelling shall be as set forth for R-3 Districts of this Ordinance.

* - Front – F; Side – S; Rear – R; Corner – C.

Section 611 – PRD Vegetative Cover

- A. At least fifty percent (50%) of the gross area of the Planned Residential Development shall be maintained with a vegetative material.

Section 612 – PRD Commercial Areas

- A. No commercial enterprises shall be permitted to operate except in the areas designated for commercial uses. The permitted uses designed to serve the neighborhood or development may be constructed provided that:
1. They shall be so located as to minimize traffic problems and be served by main access roads and not primarily residential streets.
 2. There shall be no outside storage or display of material, equipment or merchandise.
- B. The area for commercial use shall not exceed the following:
1. 50 to 75 acres - 10% of tract
 2. 75 to 150 acres - 8% of tract
 3. 150 to 250 acres - 7% of tract
 4. 250 acres and up - 6% of tract
 5. At least fifty percent (50% of the residential dwelling unit construction shall be completed before any commercial construction may begin and at no time shall the commercial construction may begin and at no time shall the commercial structures or uses exceed the percentage requirements set forth above.
- C. The permissible lot coverage of commercial buildings in the development commercial center areas shall not exceed 25%.
- D. The required parking spaces shall be situated on the same lot within not more than two hundred feet (200') of the commercial building to be serviced.
- E. Where a commercial area adjoins a residential area within the Planned Development or in adjacent land around the perimeter of the development, a buffer yard shall be required in addition to the above yard requirements. The buffer yard shall be of a dimension not less than the minimum side yard required for the residential use and shall be covered with ground cover and plantings as outlined in this Ordinance.
- F. Screen Plantings shall be required where commercial use adjoins a residential use in the Planned Development or in land areas adjacent to the development and such plantings shall be in conformity with the requirements of this Ordinance.

Section 613 – PRD General Regulations

- A. Any development plan shall comply with the parking, loading, and unloading, highway access, stream protection and any other applicable General Regulation of the Township.

Section 614 – PRD Utilities

- A. A development shall be served by the existing sewerage system and treatment facility and water supply system or tied into these systems or a separate water and sewerage system to support the entire development. All plans shall be subject to review and approval by the Township and the Pennsylvania Department of Protection.

Section 615 – PRD Parking

- A. See Article VII of this Ordinance

Section 616 – PRD Signs

- A. All permitted signs shall be erected and maintained in accordance with the provisions of this Ordinance except as noted herein. Approval of the Planning Commission must be achieved prior to the issuance of a permit for the erection of a sign in the commercial centers of the Planned Residential Development District. All signs, not complying with the following specifications, controls, and restrictions shall be prohibited.
- B. Automotive service centers shall be permitted the use of one free standing ground sign providing:
 - 1. That said sign shall not be erected on or adjacent to any property line.
 - 2. That said sign be erected no closer than 15 feet to any property line or building on the Automotive Service Center property.
 - 3. That said sign shall not be erected any closer than fifty feet (50') to any dwelling unit.
 - 4. That said sign shall not exceed thirty square feet of surface area for any given surface with a maximum of two (2) surfaces allowed.
 - 5. That said sign shall not be luminous or reflective in its nature of design or construction.
 - 6. That said sign may be backlighted or flood lighted.
 - 7. That said sign shall not exceed fifteen feet (15') in over-all height.
- C. Letters, (cut out, cast, molded or preformed, with the exception of neon type tubing) may be attached to any commercial structure when said letters identify a business, property, or service building conducted therein.
 - 1. Such letters shall not be either luminous or reflective in nature.
 - 2. Such letters may be either back lighted or flood lighted.

3. Such letters when constituted as a sign shall not cover an area more than 10% of the surface area, including windows and doors, facing the pedestrian or automotive traffic.
- D. Signs which are a basic structural part of the building or which are a part of the architectural design of said building shall be exempt from size requirements except that such signs shall be restricted in area to not more than 15% of the wall area, including windows and doors of the wall upon which such sign is affixed or attached.
- E. No sign attached to or being part of the construction of any building shall project above the roof or parapet line nor more than 12 inches out from the wall to which it is attached. Signs not exceeding 10 square feet in area may be placed perpendicular to a building face if attached to and below a canopy projecting from said building. Such signs must have a clearance of at least eight (8) feet above pedestrian walks.
- F. Temporary signs, of any nature, are expressly prohibited from use on the exterior of any premises. Likewise, the stacking, storage, or display of equipment materials or merchandise out of doors that might in any way tend by its display to be an advertising sign is forbidden.
- G. When circumstances necessitating the erection and use of a sign or letters are no longer current, such sign or letters shall be removed from the premises within thirty (30) days of vacation of the tenant from the structure or unit.

Section 617 – (PD) Planned Development District

- A. The purpose of this Section is to regulate and control Planned Development (PD) activities within the Township by encouraging innovations in mixed used development providing for a variety of residential and commercial uses, so as, to encourage the enhancement of East Franklin Township as a quality rural residential community.
- B. The PD regulations are in accordance with the goals and objectives of the Comprehensive Plan and this district is intended to:
 1. Promote conservation and more efficient use of open space, greater opportunities for recreation, and insure that the flexibility of regulations over land development shall encourage the disposition of proposals for land development.
 2. Insure that the increased flexibility within the Ordinance provides for an efficient application review and approval process by East Franklin Township staff and officials without undue delay.

- 3. Reduce excessive sprawl of development and the segregation of land uses that cause traffic congestion.
 - 4. Promote the efficient use of land to reduce the need to build new infrastructure.
 - 5. Preserve the rural character and sensitive environmental areas of the Township through the incorporation of smart growth and growing greener principles into the development plans.
- C. The PD is an area that contains a minimum contiguous acreage of one hundred (100) acres or more under common ownership or control to be developed according to a General Development Plan as a single entity containing three or more permitted uses under the provisions of this Ordinance.
- D. The General Development Plan for full development of the district must contain a minimum of three of the below uses and each shall not comprise more than the maximum percentage listed below.

Uses	Max Percent of Full Development
1. R-1 Rural Residential	40%
2. R-2 Medium Density Residential	65%
3. R-3 High Density Residential	30%
4. C-1 Local Service Commercial	10%
5. A Agricultural	90%

- E. An application of a Planned Development is governed by and follows the procedures established in Article VII of the MPC.

Section 618 – PD Tentative Review and Approval

- A. The process for tentative approval of Planned Developments shall follow the same procedures and regulations as established in Section 601 (PRD Tentative Review and Approval) of this Ordinance.

Section 619 – PD Plans for Tentative Approval

- A. The process for submitting (Planned Development) plans for tentative approval shall follow the same procedures and regulations as established in Section 602 (PRD Plans for Tentative Approval) of this Ordinance.

Section 620 – PD Final Approval

- A. The process for final approval of Planned Developments shall follow the same procedures and regulations as established in Section 603 (PRD Final Approval) of this Ordinance.

Section 621 – PD Plans for Final Approval

- A. The process for submitting (Planned Development) plans for final approval shall follow the same procedures and regulations as established in Section 604 (PRD Plans for Final Approval) of this Ordinance.

Section 622 – PD Permitted Uses

- A. The permitted uses, special exceptions and conditional uses for the districts permitted in a Planned Development as specified in Section 618 (D) of this Ordinance shall be the same as those found in the Tables for each district identified in Article IV of this Ordinance.

Section 623 – PD Density for Residential Uses

- A. The maximum gross density for the total acreage within the Planned Development program of a specific developer shall not exceed eight (8) dwelling units per gross acre.
- B. Maximum dwelling units per structure not exceeding two (2) stories in height shall be twelve (12).
- C. Maximum dwelling units per structure not exceeding three (3) stories in height shall be eighteen (18).
- D. All other uses shall conform to the density for each zoning district as established by this Ordinance.

Section 624 – PD Setbacks

- A. All structures shall be setback from both public and private right-of-way lines not less than thirty feet (30') and not less than fifty feet (50') from all adjacent property lines to the Planned Development tract.

Section 625 – PD Building Height

- A. No building shall be erected to a height in excess of thirty-five feet provided, however, that this height limit may be increased one foot for each additional foot that the width of each yard exceeds the minimum required but shall not exceed a height of fifty (50) feet.

Section 626 – PD Interior Yards

- A. Interior yards and / or structural spacing for residential uses in Planned Developments shall be provided in accordance with the requirements established in Section 610 of this Ordinance.
- B. Interior yards for all other uses shall conform to the requirements established in this Ordinance for each respective zoning district.
- C. At least forty percent (40%) of the gross area of the Planned Development shall be maintained with a vegetative material.

Section 627 – PD General Regulations

- A. All development plans shall comply with the parking, loading and unloading, highway access, environmental protection and any other applicable General Regulations of East Franklin Township and those specified in this Ordinance.

Section 628 – PD Utilities

- A. A development shall be served by the existing public sewerage system and treatment facility and water supply system or tied into these systems or a separate water and sewerage system to support the entire development. All plans shall be subject to review and approval by the Township and the Pennsylvania Department of Protection.

Section 629 – PD Parking

- A. Requirements for Parking shall conform to those established in Article VII of this Ordinance.

Section 630 – PD Signs

- A. All permitted signs shall be erected and maintained in accordance with the provisions of this Ordinance except as noted herein. Approval of the Planning Commission must be achieved prior to the issuance of a permit for the erection of a sign in the commercial centers of the Planned Development. All signs not complying with the following specifications, controls, and restrictions shall be prohibited.
- B. Automotive service centers shall be permitted the use of one free standing ground sign providing:
 - 1. That said sign shall not be erected on or adjacent to any property line.

2. That said sign be erected no closer than 15 feet to any property line or building on the Automotive Service Center property.
 3. That said sign shall not be erected any closer than fifty feet (50') to any dwelling unit.
 4. That said sign shall not exceed thirty square feet of surface area for any given surface with a maximum of two (2) surfaces allowed.
 5. That said sign shall not be luminous or reflective in its nature of design or construction.
 6. That said sign may be backlighted or flood lighted.
 7. That said sign shall not exceed fifteen feet (15') in over-all height.
- C. Letters, (cut out, cast, molded or preformed, with the exception of neon type tubing) may be attached to any commercial structure when said letters identify a business, property, or service building conducted therein.
1. Such letters shall not be either luminous or reflective in nature.
 2. Such letters may be either back lighted or flood lighted.
 3. Such letters when constituted as a sign shall not cover an area more than 10% of the surface area, including windows and doors, facing the pedestrian or automotive traffic.
- D. Signs which are a basic structural part of the building or which are a part of the architectural design of said building shall be exempt from size requirements except that such signs shall be restricted in area to not more than 15% of the wall area, including windows and doors of the wall upon which such sign is affixed or attached.
- E. No sign attached to or being part of the construction of any building shall project above the roof or parapet line nor more than 12 inches out from the wall to which it is attached. Signs not exceeding 10 square feet in area may be placed perpendicular to a building face if attached to and below a canopy projecting from said building. Such signs must have a clearance of at least eight (8) feet above pedestrian walks.
- F. Temporary signs, of any nature, are expressly prohibited from use on the exterior of any premises. Likewise, the stacking, storage, or display of equipment materials or merchandise out of doors that might in any way tend by its display to be an advertising sign is forbidden.
- G. When circumstances necessitating the erection and use of a sign or letters are no longer current, such sign or letters shall be removed from the premises within thirty (30) days of vacation of the tenant from the structure or unit.

Article VII

Supplementary Regulations

Section 700 – Application of Yard Requirements

- A. Where a structure exists on an adjacent lot and is within one hundred fifty (150) feet of the proposed structure, and the existing structure has a front yard less than the minimum depth required, the minimum front yard shall be the average depth of the front yard of the existing structure on the adjacent lot and the minimum depth required for the district; where structures exist on both adjacent lots, the minimum depth of the front yard shall be the average depth of the front yards of the existing adjacent structures.
- B. All principal or accessory buildings and structures, whether open or enclosed, shall not project into any minimum front, side or rear yards except as noted in this Article. Cornices, eaves, gutters, balconies, steps, stoops, light fixtures, sidewalks, retaining walls, awnings, bay windows or chimneys may project into required yards provided such projection is not more than twenty-four (24) inches.
- C. A retaining wall or fence under six (6) feet in height and paved terraces without walls, roofs or other enclosures may be erected within the limits of any yard. Either both sides of the fence shall be a finished side, or if only one side is a finished side, it shall face the neighboring properties.
- D. In any residential district, no building on the same lot as a principal building shall be erected and used as a residence.
- E. No part of a yard or required open space surrounding a principal residential building or structure for the provisions of complying with this Ordinance shall be included as a part of a yard or other open space similarly required for another principal residential building or structure.
- F. In residential zoning districts, any outdoor installation constructed or placed on a lot in regards to air conditioning units designed to air condition all or part of a residence shall be located:
 - 1. In a front yard provided that it shall not extend more than five (5) feet in front of the building line or less than fifteen (15) feet from the side lot line and provided further that the installation shall be adequately screened.
 - 2. In a side or rear yard no less than fifteen (15) feet from the side or rear lot line.
- G. The location of any accessory buildings or structures shall adhere to the side yard requirements and shall be no less than five (5) feet from any rear lot line.

- H. No boundary lines of lots in recorded plans shall be altered except by the approval of a revised subdivision plan.
- I. Where the topography of the land and / or soil conditions require the installation of an individual septic system in the front yard area, the front building line may be increased so that no buildings or structures shall be constructed over the top of the septic system.

Section 701 – Lot Area Measurement

- E. The measurement of lot area shall conform to the definition of lot area found in Article II of this ordinance.
- F. A portion of a lot once designated as a yard, or a lot area, or portion thereof, used in calculating the number of dwelling units permitted on that lot, shall not be used again as a factor in determining the required area for another lot or building, nor shall it be sold as a lot or parcel thereof, separate from the lot of which it is a part.
- G. Any portion of a lot which is recorded or otherwise reserved for future street purposes shall not be used as a factor in determining lot area per dwelling unit or yard dimensions.

Section 703 – Height Provisions

- A. The height of a building or structure shall be measured as set forth in the definition of building height in Article II of this Ordinance.
- B. Buildings and structures hereafter erected or enlarged in any district shall conform to the maximum height requirements as set forth in this Ordinance for each zoning district.
- C. For all residential uses, accessory buildings shall not exceed twenty-four (24) feet in height.
- D. The following structures are exempt from height regulations provided that they do not constitute a hazard: place of worship spires or towers, chimneys, elevator bulk heads, smoke stacks, conveyors, flag poles, standpipes, elevated water tanks, or a penthouse or roof structures required for enclosure for stairs and equipment necessary to the operation of the building, provided that the total height of such a penthouse and / or roof structure shall not exceed fourteen (14) feet.
 - 1. For these structures, all yard and setback requirements must be met; in addition, any structure with a height in excess of fifty (50) feet will first be referred to the Zoning Officer and the Municipal Engineer relative to public safety considerations.

2. These height exceptions shall not apply to any communications antennas or communications towers.
- E. When the following conditions are met, height limits may be increased:
1. Structure height, in excess of the height permitted above the average ground level allowed in any district may be increased, provided all minimum front, side and rear yard depths are increased by one (1) foot for each additional foot of height; however, such increase shall be limited to no more than ten (10) additional feet.

Section 704 – Basement Structures

- A. Residing in basements or foundation structures before any structure is complete shall not be permitted.
- B. Basements shall be those areas defined in Article II of this Ordinance.

Section 705 – Temporary Structures

- A. No temporary structure, whether fixed or mobile in nature, shall be established for any dwelling purpose for any length of time unless approved as a special exception by the Zoning Hearing Board. Such approval shall be granted only where the applicant demonstrates that a permanent use, in compliance with the applicable terms of this chapter, is being pursued with due diligence and that the temporary dwelling will be utilized for the minimum practical time period and removed immediately upon the expiration of that period. The maximum allowable time period for keeping a temporary dwelling unit on the property shall be six months, unless the Zoning Hearing Board shall, upon further request by the applicant for a special exception, grant one extension of that period for a maximum of six additional months.
- B. A use and occupancy permit shall be required prior to the utilization of any such temporary dwelling unit and shall be issued only in accordance with the above requirements. The temporary dwelling unit shall further comply with all applicable area and bulk standards for the zoning district in which it is to be located and with all applicable requirements that may be adopted or enacted by the municipality.
- C. Temporary structures, located on tracts undergoing development, that are utilized for construction management purposes may, while serving that function, remain on the tract only during active development of the property. Removal shall occur immediately upon completion of the development process. Sales trailers may be located on such a tract only during active development of the property, but shall be removed no later than one year following the start of construction. No extension of this time limit shall be permissible, except upon the grant of a special exception from the Zoning Hearing Board.

- D. A use and occupancy permit shall be required prior to the utilization of any temporary construction or sales structures and shall be issued only in accordance with the requirements of this section. The temporary structure shall further comply with all applicable area and bulk standards for the zoning district in which it is to be located and with all applicable requirements that may be adopted or enacted by the municipality.
- E. Temporary (or portable) storage units that are designed to be transportable and used for the temporary storage of building materials, household goods, personal items and other materials for use on a limited basis on residential property shall be permitted as a temporary structure in accordance with the following requirements:
- a. Temporary storage units shall not be placed in the street or front yard of the lot on which it is located.
 - b. These units must be kept in the driveway of the property at the furthest accessible point from the street.
 - c. The applicant must obtain approval from the Zoning Hearing Board for the following situations:
 - i. The property does not have a driveway
 - ii. The location of the unit in the driveway is in the front yard of the property
 - iii. The property is a corner lot
 - d. Temporary storage units shall not be located on the premises for which is it being used for a period of more than thirty (30) days, including delivery and removal. Requests for extensions to this time limit must be approved by the Zoning Hearing Board.
 - e. No more than one (1) temporary storage unit may be located on a specific parcel of property within the Township at one time.
 - f. Temporary storage units may not be used on a premises more than twice in any calendar year.
 - g. Temporary storage units shall not be located any closer than ten (10) feet to the property line.
 - h. Temporary storage units may not exceed eight feet, six inches in height, ten (10) feet in width, or twenty (20) feet in length.
 - i. It shall be the obligation of the owner or user of the temporary storage unit to secure it in a manner that does not endanger the safety of persons or property in the vicinity of its location.
 - j. In the event of high winds or other weather conditions in which such structure may become a danger to persons or property, the Township may require the immediate removal of such temporary structure.
 - k. At no time shall a temporary storage unit be used to store solid waste, construction debris, demolition debris, recyclable materials, or other illegal or hazardous materials.
 - l. The applicant, as well as the supplier, shall be responsible for ensuring that the temporary storage unit is maintained in good condition, free from evidence of deterioration, weathering, discoloration, graffiti, rust, ripping, tearing, or other holes or breaks, at all times.

- m. Any temporary storage unit which is not removed at the end of the time for which it may lawfully remain in place, or immediately upon the direction of the Township for removal of the temporary structure for safety reasons, may be removed by the Township, without notice, and the cost of such removal, together with the cost of the administration or its removal, may be assessed against the property on which the temporary structure was located and may be filed as a lien against such property by the Township.
- F. Trailers designed and constructed for the transportation and / or storage of goods, equipment and / or materials, and so designed that it is, or may be, mounted on wheels and used as a conveyance on highways or streets and propelled or drawn by other motive power are prohibited from being used as accessory or permanent structures within the Township.

Section 706 – Accessory Structures

- A. The following requirements are established for accessory structures as defined in Article II:
- 1. Minimum yard regulations for unattached accessory structures, excluding garage and carports, in the residential districts may be erected within one (1) of the side yards or within the rear yard in accordance with the following requirements:
 - a. Front Yard – seventy-five feet (75’).
 - b. Side Yard (interior lot) – within ten feet (10’) of property line if it will permit access by emergency vehicles.
 - c. Side Yard (corner lot) – same as for principal structures.
 - d. Rear Yard – not less than thirty-five (35’) feet from property line.
 - e. Not closer to a principal structure than six feet (6’).
 - 2. Non-dwelling accessory structures shall comply with all yard requirements of principal structures.
- B. The exterior storage of not more than one motor vehicle which does not have a current inspection sticker shall be considered an accessory use, but two or more shall constitute an auto salvage business and shall not be permitted as an accessory use unless the vehicles are actually used in agricultural production on the premises and are in operating condition.

Section 707 – Performance Standards

- A. No use of land or structure in any district shall involve any element, or cause any condition that may be dangerous, injurious, or noxious to any other property or

person. Furthermore, every use of land or structure in any district must observe the following performance requirements:

1. Fire protection and fire fighting equipment acceptable to the Fire Chief having jurisdictional responsibility, and conforming to NFPA and BOCA Fire Prevention Code requirements, shall be readily available when any activity involving the handling or storage of flammable or explosive material is conducted.
2. No activity shall cause electrical disturbances adversely affecting radio, television or other communication equipment in the surrounding area.
3. Noise, which is determined to be objectionable because of volume or frequency, shall be muffled or otherwise controlled, except for fire sirens and related apparatus used solely for public safety purposes.
4. No emission of unpleasant gases or other odorous matter shall be permitted in such quantities as to be offensive outside the lot lines of the lot on which such gases or odors originate.
5. The emission of noxious, toxic or corrosive gases or fumes injurious to persons, property or vegetation beyond the lot lines occupied by the use is prohibited.
6. The emission of gray smoke at a density greater than No. 1 on a Ringelmann Chart, published by the United States Bureau of Mines, shall not be permitted, except that gray smoke of a shade not darker than No. 2 may be emitted for not more than four (4) minutes in any thirty-minute period.
7. Devices that produce objectionable direct or reflected glare on adjoining properties or thoroughfares shall not be permitted. For the purposes of this ordinance, glare shall be defined as direct or indirect light from any source which exceeds one-half (1/2) foot candle on any adjoining property.
8. No activities shall be permitted that carry objectionable substances onto neighboring properties due to erosion by wind or water.
9. The discharge of all wastewater shall be in accordance with the current standards of the Pennsylvania Department of Environmental Protection (PA Act 537) and / or the Municipality, and comply with any and all applicable federal regulations.

Section 708 – Off-Street Parking Requirements

- A. Off-street parking shall be as defined in Article II herein and shall be a part of the open space associated with the permitted use and shall not be reduced or encroached upon in any manner.
- B. The area required for off-street parking shall be in addition to the yard areas herein required, except that the side or rear yards of a R-1 District may be used for the uncovered parking associated with residential use provided that:
 1. The area shall not create a nuisance to adjacent residential lots

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2. The area used is surfaced with an asphalt or cement pavement or similar durable gravel and dustless surface
- C. All building and structures erected and all uses of land established after the adoption of this section shall be provided with off-street parking spaces as set forth in this Section.
 - D. The provisions of this section, except where there is a change of use, shall not apply to any existing building or structure.
 - E. Whenever a building or structure constructed before the effective date of this section is changed or enlarged, in floor area, number of employees, number of housing units, seating capacity or otherwise to create a need for an increase in the number of parking spaces, additional parking spaces shall be provided on the basis of the enlargement or change. If a building or structure existing prior to the effective date of this section is enlarged to the extent of fifty percent (50%) or more in floor area or number of housing units it shall then and thereafter comply with the full parking requirements set forth herein.
 - F. Off-street parking facilities in existence on the effective date of this Ordinance and located on the same lot as the building or use served shall not hereafter be reduced below the requirements for a similar new building or use under the provisions of this section. Spaces may be provided elsewhere but shall be provided of no greater walking distance than five hundred feet (500') from the zoned lot provided that the required spaces off the site are in accordance with the provisions set forth herein. That the parking spaces are in the same ownership as the use to which they are accessory and that such spaces conform to all regulations of the Zoning District in which they are located.
 - G. The following regulations shall govern the location of off-street parking spaces and areas:
 1. Parking spaces for all detached residential uses shall be located on the same lot as the use that they are intended to serve. Each required off-street parking space shall have direct access to a public right-of-way.
 2. Parking spaces for apartments, dormitories or similar residential uses shall be located not more than three hundred (300) feet from the principal use.
 3. Nonresidential off-street parking shall not be located within the first forty (40) feet from the right of way adjoining such lot or site. No portion of said forty (40) feet shall be paved for any reason except for access drives to the site and pedestrian walkways.
 - H. Each off-street parking space shall have minimum rectangular dimensions of not less than nine (9) feet in width and nineteen (19) feet in length, exclusive of driveways, aisles and other circulation areas. Parallel parking spaces shall have a dimension of eight (8) feet in width and twenty-three (23) feet in length.

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- I. Driveways and traffic aisles serving individual parking spaces shall not be less than twenty-five (25) feet wide for ninety (90) degree parking, twelve (12) feet wide for parallel parking, seventeen and one-half (17 ½) feet for sixty (60) degree parking and thirteen (13) feet for forty-five (45) degree parking. If lines indicate parking spaces with angles other than ninety (90) degrees, then traffic lanes shall be restricted to one-way, permitting head-in parking. No driveway or street used for interior circulation shall have traffic lanes less than twelve (12) feet in width.

 - J. In parking lots over ten (10) parking spaces, separate pedestrian walkways shall provide safe access from buildings to parking lots, adjacent properties and sidewalks. These walkways shall be generally oriented perpendicular to and between parking bays. The following guidelines apply to the development of walkways:
 1. One walkway can serve as a collector for up to four (4) parking bays of parked cars.
 2. A parking bay shall be defined as a continuous row of ten (10) or more parking spaces, but no greater than twenty (20) parking spaces.
 3. Walkways shall be constructed in accordance with the standards established by Municipality.
 4. Walkways shall be integrated with existing sidewalks and pedestrian ways.

 - K. The following requirements have been established for common shared parking lots which are preferred and encouraged:
 1. The required off-street parking spaces for two (2) or more uses may be provided collectively on one (1) lot if the total number of spaces is not less than the sum of the spaces required for each use individually.
 2. The developer shall provide a reciprocal parking and access easement agreement between owners and operators of the facilities generating the need for common shared parking lots.
 3. Any modification to the required number of parking spaces shall be supported by a parking needs analysis documenting anticipated parking needs based on the combined utilization of all facilities on site simultaneously or demonstrating the hours or days of peak parking needed for the uses are so different that a lower total will adequately provide for all uses served by the facility. The parking needs analysis shall be prepared by a person or firm trained or certified to perform such duties. The modification shall be granted by the zoning hearing board.

 - L. The required off-street parking spaces for any number of separate buildings, structures or uses may be provided collectively on one (1) lot, provided that the total number of such spaces shall not be less than the sum of the requirements for the various individual buildings, structures, or uses computed separately in accordance with this section.

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- M. On development sites requiring parking for 2,000 vehicles or more, the overall parking plan must be approved by the Zoning Hearing Board through a special exception. Parking requirements may be met through a reciprocal parking and access easement agreement between the owners and operators of the facilities generating the need for such parking. In such cases, at the municipality's discretion, each facility shall provide on site a minimum of fifty (50) percent of the required number of off-street parking spaces determined at peak utilization for each use. A parking needs analysis, completed by a professional traffic engineer, shall be submitted to the Township which documents anticipated parking needs based on the combined utilization of all facilities on site simultaneously.
- N. When two (2) or more uses are located within the same building or structure, off-street parking spaces equal in number to the sum of the separate requirements for each use shall be provided.
- O. All off-street parking lots required by this section shall be used only for the parking of vehicles of occupants, patrons, visitors or employees and shall not be used for any kind of loading, sales, servicing or continuous storage of a vehicle for more than forty-eight (48) hours.
- P. Every parcel of land hereafter used as a public or private off-street parking lot capable of accommodating five (5) or more vehicles shall be developed and maintained in accordance with the following requirements:
1. Each off-street parking space shall have direct access to an aisle or driveway, and all required off-street parking lots shall have vehicular access to a street so designed to minimize interference with pedestrian and traffic movement.
 2. All off-street parking lots including loading areas and service areas shall be paved with asphalt or concrete and shall be provided with bumper guards or barrier curbs where needed.
 3. The number of off-street parking spaces required is set forth in Table 7-1. In the case of any building, structure, or premises, which is not specifically mentioned herein, the Zoning Hearing Board shall determine the amount of off-street parking required.
- Q. Any proposal, to provide new parking areas or to expand existing areas, regardless of the zone district in which occurring, shall be submitted to the Zoning Officer at the same time that application for constructing the building for which such parking is to be provided. The Zoning Officer, in addition to satisfying himself that adequate parking in compliance with this Ordinance is provided, shall also determine that safe access to parking areas from the public highway is available and that advantage is given the pedestrian in the parking area. The submission shall show the layout of the parking area including each parking space, lighting, sidewalks, proposed grading at two foot intervals, storm inlets and storm drainage systems to existing drainageway, all buildings on the property, access from the public highway, location of loading areas and section through pavement and base showing construction and materials.

TABLE 7-1 Off-Street Parking Requirements	
Use	Minimum Required Off-Street Parking Spaces
Adult Oriented Establishment and Sexually Oriented Business	1 for each 300 square feet of floor space
Administrative Office	3 spaces per 1,000 square feet of net floor area up to 20,000 square feet plus 2 spaces per 1,000 square feet of net floor area greater than 20,000 square feet
Airport	*
Amusement Park	*
Amusement / Recreation Center	1 for each 300 square feet of floor space
Apartment Buildings	1 for each dwelling unit
Automobile Repair Facility	1 for each service bay plus 1 for each employee
Automobile Sales	1 for each 400 square feet of floor area
Banks	1 for each 300 square feet of floor space
Beauty parlors / barbershops	1 for each chair
Bed and Breakfast Inn and Country Inn	1 for each unit
Boarding and Rooming House	1 for each 2 guests providing overnight accommodations
Bowling Alley	4 for each lane
Child Day Care Facility	1 for each employee on peak shift plus 1 for every 3 children
Community buildings, country clubs, social halls, lodges, fraternal organizations and similar uses	1 for each 100 square feet of floor area
Convenience store (including those that sell gasoline)	1 per each 200 sq. ft. of floor area
Doctors and dentists offices (other than office buildings)	5 for each doctor's office
Dwelling Units	2 for each unit
Educational Institution – Primary and	1 for every teacher, employee or

Secondary schools	administrator; plus 1 for every 4 seats in an assembly hall / auditorium
Educational Institution - High schools	1 space for every teacher, employee or administrator; plus 1 for every 4 seats in an assembly hall / auditorium; plus 1 space for every two students sixteen years of age and older
Educational Institution - Colleges, universities or other institutions of higher learning	1 space for every teacher / professor, employee or administrator; plus 1 for every 4 seats in an assembly hall / auditorium; plus 1 space for every student
Fairground	*
Funeral homes and mortuaries	10 for each parlor
Furniture or Appliance Stores	1 per each 400 sq. ft. of floor area
Garden Center	1 per each 400 sq. ft. of floor area
Greenhouse (Commercial)	1 per each 400 sq. ft. of floor area
Grocery Stores	1 per each 200 sq. ft. of floor area
Hardware and Home Improvement Store	1 per each 400 sq. ft. of floor area
Health Club	1 per each 200 sq. ft. of floor area
Home occupations	1 for each employee, plus 1 for each 300 square feet of home occupation use
Hospitals	1 for every 2 beds, 1 for every 3 employees, plus 1 for each doctor
Hotels / motels	1 for each unit
Laundromats	1 for every 2 washing machines
Library, museum	1 per 50 sq. feet of gross floor area
Manufacturing, industrial, and general commercial uses not otherwise specified herein	1 for each 2 employees during the maximum working shift
Multi-family dwellings	1 for each dwelling unit
Nursing homes, Personal Care Facilities, and Skilled Nursing Facilities	1 for each 3 beds plus 1 for each 2 employees at peak shift
Personal Services Establishment	1 for each 300 square feet of floor area
Places of Worship	1 for each 5 seats in the sanctuary and 1 for each 17 classroom seats
Professional offices	1 space for every 400 square feet of floor area
Race Track	*
Research or Testing Laboratories	1 for each 2 employees during the maximum shift
Restaurants	1 for each 3 seats
Retail stores and shops	1 for each 300 square feet of floor area
Single family and Two-family residences	1 for each dwelling unit
Sports Arenas, Auditoriums, Theaters,	1 per each 3 seats

Assembly Halls	
Taverns, Drinking Establishments, Bottle Clubs, Brewery Pubs, Night clubs	1 for each 3 seats
Travel Plaza	*
Wholesale establishments or warehouses	1 for each 2 employees during the maximum shift

* Requires parking study to be submitted as part of the application for zoning permit and approval by the Zoning Hearing Board.

Section 709 – Off-Street Loading and Unloading

- A. Areas provided for loading and unloading of delivery trucks and other vehicles and for the servicing of businesses by refuse collections, fuel and other service vehicles shall be located at the side or rear of all buildings, shall not face a street, shall be adequate in size and shall be so arranged that they may be used without blockage or interference with the use of access ways or automobile parking facilities.
- B. Loading docks must be of sufficient size to accommodate normal peak load requirements.
- C. Service bays and garage doors used to service all uses like, but not limited to, automotive type uses, warehouse type uses, manufacturing, industrial, and similar types of uses shall not face any public street.
- D. The interior circulation of traffic in commercial and industrial areas shall be designated so that no driveway or access lane providing parking spaces shall be used as a through street.
- E. The applicant shall demonstrate to the satisfaction of the Township that all buildings shown on a site development plan can be adequately accessed by emergency vehicles and other emergency equipment.
- F. In any district, in connection with every building, or building group or part thereof hereafter erected, which is to be occupied by manufacturing or commercial uses for distribution by vehicles of material or merchandise, where required, there shall be provided and maintained, on the same lot with such building, off-street loading berths in accordance with the requirements of Table 7-2. Each loading space shall be not less than ten (10) feet in width, forty-five (45) feet in length, exclusive of access or turning lanes, and have a minimum clearance of fourteen (14) feet and may occupy all or any part of any required yard.

TABLE 7-2 Off-Street Loading and Unloading Requirements		
Uses	Square Feet of Total Floor Area	Required Off-Street Loading Berths
Schools	15,000 or more	1
Hospitals (in addition to space for ambulances)	From 10,000 to 30,000 For each additional 30,000 or major fraction thereof	1 1 additional
Undertakers and funeral parlors	5,000 For each additional 5,000 or major fraction thereof	1 1 additional
Offices, hotels, retail, commercial, wholesale, manufacturing, storage, and miscellaneous uses	From 10,000 to 25,000 From 25,000-40,000 From 40,000-60,000 From 60,000-100,000 For each additional 50,000 or major fraction thereof	1 2 3 4 1 additional

Section 710 – Joint Facilities for Parking or Unloading

- A. Off-street parking and loading facilities for separate uses may be provided jointly if the total number of spaces so provided is not less than the sum of the separate requirements for each use, and provided that all regulations governing the location of accessory spaces in relation to the use served are adhered to. Further, no accessory space or portion thereof shall serve as a required space for more than one (1) use unless otherwise approved by the Zoning Hearing Board in accordance with the purposes and procedures set forth herein.

Section 711 – Development and Maintenance of Parking Areas, Structures and Loading Areas

- A. Every parcel of land hereafter used as a public or private parking area for five (5) or more cars, or structure used as a parking garage or loading area, including a commercial parking lot, shall be developed and maintained in accordance with the requirements of this Article. Plans for such areas shall be reviewed by the Zoning Officer to ensure compliance with the following regulations:
 1. Off-street parking areas and structures for five (5) or more vehicles and off-street loading areas shall be effectively screened by a fence or hedge. The screening shall be on the sides that adjoin, abut, are adjacent to or face premises situated in any residential zones or institutional buildings.
 2. No off-street loading area or parking area or part thereof for five (5) or more vehicles shall be closer than ten (10) feet to any dwelling, school, hospital or institution for human care located on an adjoining or adjacent lot.

3. Any off-street parking or off-street loading area shall be surfaced with an asphalt or Portland cement, concrete, pavement or similar durable and dustless surface. All areas shall be marked so as to provide for the orderly and safe loading, parking and storage of automobiles or trucks.
 4. Any lighting used to illuminate any off-street parking or loading area shall be so arranged as to reflect the light away from adjoining premises. Off-street parking facilities for multifamily structures containing three (3) or more families shall be adequately lighted.
 5. Any off-street parking area and off-street loading area shall be graded and drained so as to dispose of all surface water without detriment to surrounding uses.
 6. Parking shall be permitted on the roof of any structure, provided that a four (4) foot reinforced masonry wall is constructed around the perimeter of the roof.
- B. Standards established for parking structures shall be as follows:
1. Maximum grade of parking floors shall be six (6) percent
 2. Maximum grade of ramps shall be:
 - a. Covered ramps shall have a maximum grade of fifteen (15) percent
 - b. Uncovered ramps shall have a maximum grade of twelve (12) percent
 3. Minimum number of elevators on multi-level facilities shall be one (1) for each two hundred and fifty (250) parking spaces
 4. Number and location of ingress / egress shall be determined by Township based upon a traffic analysis
 5. Minimum ramp and aisle width and other design requirements shall be the same as for other parking lots.

Section 712 – Accessible Parking Requirements

- A. Accessible parking spaces for the physically challenged shall be provided for multiple-family and nonresidential uses as follows:
1. The minimum number of required accessible parking spaces shall be as outlined in Table 7-3.
 2. A minimum of twenty-five (25) percent of the required accessible parking spaces shall be van accessible.
 3. The minimum number of van accessible parking spaces shall be one (1).
 4. Design of accessible spaces shall be completed in accordance with the Americans with Disabilities Act Architectural Guidelines and include the following:
 - a. Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent

parking to an accessible structure. In parking facilities not serving a particular structure, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility.

- b. Accessible parking spaces shall be at least eight (8) feet wide.
- c. One (1) parking access aisle of no less than five (5) feet in width shall be provided for each accessible parking space and shall be a part of the accessible route of no less than three (3) feet in width to the building or facility entrance. A parking access aisle may be shared between two (2) accessible parking spaces. Access aisles shall be clearly designated and identifiable by line painting, curbing, and other similar means.
- d. Van accessible parking spaces shall be at least eight (8) feet wide with an access aisle of no less than eight (8) feet in width.
- e. Parking spaces and access aisles shall be level with surface slopes not exceeding two (2) percent in all directions.
- f. Accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility. Such signs shall be located so as not to be obscured by a vehicle in the space.

TABLE 7-3 Required Accessible Parking Spaces	
Total Parking Spaces in Lot	Minimum Accessible Spaces
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2% of Total
Over 1,000	20 (plus 1 per 100 over 1,000)

Section 713 – Signs

- A. The following regulations shall apply to all permitted signs in all zoning districts:
 - 1. No sign hereafter shall be erected, moved, enlarged, replaced, illuminated or altered except in accordance with the provisions of this ordinance and any other ordinances and / or regulations enacted by the municipality. The completion of an application and the subsequent issuance of a permit by the zoning officer are required prior to any of these actions occurring.

2. General repair and maintenance of any sign shall not, in and of itself, be considered an alteration.
3. All such applications must be accompanied by the appropriate fee, plans in duplicate, drawn to scale, showing the exact size, shape and dimensions of such signs and their proposed location or placement upon any land, building, structure or premises.
4. All signs shall conform to the minimum yard requirements of the zone in which they are permitted.
5. No signs, except those deemed as official traffic signs by the municipality, county or state, on streets within their respective jurisdiction, shall be erected within two feet of any street, or within any public right of way. All signs located on properties adjacent to the legal right of way shall allow adequate clearance for motor vehicles and pedestrians.
6. Signs as referred to in this section or elsewhere in this chapter shall be constructed of durable materials and shall be kept in good condition and repair. Permitted signs shall be adequately maintained so as to not show evidence of deterioration, which includes, but is not limited to peeling, rust, dirt, fading, discoloration or holes.
7. All signs located in a commercial district may be illuminated internally or by directed or reflected light, provided that the source of light is not visible and does not directly illuminate the adjoining premises, and provided that such illumination shall not be so placed as to cause confusion or a hazard to traffic or conflict with traffic control signs or lights. The lighting shall not be directed towards a residential zoning district or residential building or be located less than one hundred (100) feet from the boundary line of the residential zoning district.
8. All signs shall be located on the property containing the land use identified by the sign.
9. No sign shall have flashing or intermittent illumination, change colors, vary in intensity or hue or emit any sound. Signs shall be nonmoving stationary structures and shall have nonmoving components. Signs, which contain sound, audible messages and music, are also prohibited.
10. Any sign which was lawfully in existence prior to the effective date of this Zoning Ordinance, or of any amendment to such ordinance heretofore or hereafter enacted; or prior to the application of such ordinance or amendment thereto to its location by reason of annexation, and which did not conform or comply with the provisions of the said ordinance or amendment at the time of their enactment shall be considered a legal nonconforming sign and may continue in such status until such time as it is either abandoned or removed by its owner, subject to the following limitations:
 - a. A nonconforming sign of any type shall not be moved to another position or location upon the building, structure or lot on which it is located, nor shall the size or area of such nonconforming sign be altered or increased or its structure or construction be altered or changed.

- b. Whenever any nonconforming sign has been damaged or destroyed by any means to the extent of fifty percent (50%) of its market value at the time of destruction or damage, such sign shall not be restored or replaced, unless it conforms to all provisions of this ordinance.
 - c. Whenever a nonconforming sign is discontinued for a continuous period of more than six (6) months, then such nonconforming sign together with its panel cabinet, supports, braces, anchors, and electrical equipment shall be removed within fourteen (14) days from the end of the aforesaid six (6) month period and the use of the signs upon such building, structure or land shall not be resumed except in accordance with the provisions of this chapter.
11. A temporary interior sign shall cover a maximum of twenty-five percent (25%) of the window area on which the sign is affixed.
 12. Real estate signs related to prospective sale, rent or lease of the land or building in any zoning district within the Municipality, provided that the sign area on one (1) side of a single face sign not to exceed six (6) square feet, or one (1) double-face sign not to exceed a total of twelve (12) square feet. Such signs shall be removed within fifteen (15) days following the sale of the building or property.
 13. All political signs must be removed within seven (7) days after the date of either the primary or general election.
- B. The requirements for establishing Sign Area shall be as follows:
1. The area of a sign shall include all lettering wording and accompanying designs and symbols together with the background whether open or enclosed, on which they are displayed, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. This will not include any supporting framework and bracing that are incidental to the display itself. The computation of the sign area will be the smallest rectilinear, circular, or triangular shape, or the sum of the combination of regular geometric figures, which comprise the sign face.
 2. Where the sign consists of individual letters, numerals or symbols attached to or painted on a surface, building, wall or window, the sign area shall be that of the smallest rectangle or other regular geometric shape that can enclose such letters or symbols.
 3. In computing the area of a double face sign, the requirements found in the definition of gross surface area of a sign shall be used.
- C. The following devices and locations are prohibited in all districts:
1. Signs located in such a manner as to obstruct or otherwise interfere with an official traffic sign, signal, or device, or obstruct or interfere with a driver's view of approaching merging or intersecting traffic.

2. Except as provided for elsewhere in this code, signs encroaching upon or overhanging public right-of-way. No sign shall be attached to any utility pole, light standard, street tree or any other public facility located within the public right-of way.
 3. Portable signs except as permitted as temporary signs.
 4. Any sign attached to, or placed on, a vehicle or trailer parked on public or private property, except for signs meeting the following conditions:
 - a. The primary purpose of such vehicle or trailer is not the display of signs.
 - b. The signs are magnetic, decals, or painted upon an integral part of the vehicle or equipment as originally designed by the manufacturer, and do not break the silhouette of the vehicle.
- D. Signs as hereafter provided are permitted in Residential Districts in conformance to the following requirements:
1. Identification signs for public, charitable, educational and religious uses: one (1) sign not over twenty (20) feet in area.
 2. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.
 3. House numbers, nameplates, and nameplates of multi-family dwelling complexes.
 4. No sign may be enlarged or altered in a way that increases its nonconformity.
- E. Signs as hereafter provided are permitted in Commercial and Industrial Districts in conformance to the following requirements:
1. One non-illuminated, non-flashing business sign, directly relating to a use conducted on the premises and mounted on the wall of the building may be permitted on each business, provided that the total area in square feet of such sign shall not exceed two (2) times the linear feet of street frontage, or one (1) non-illuminated, non-flashing and one (1) illuminated, non-flashing business sign, directly related to a use conducted on the premises and mounted on the wall of the building may be permitted on each business establishment, provided that the total area in square feet of such sign shall not exceed two (2) times the linear feet of street frontage and shall not extend more than twelve (12) inches there from.
 2. No sign shall project over a public right-of-way. Projecting of freestanding signs on private property shall be permitted within the total sign area permitted in this chapter, provided that the maximum area of the sign does not exceed thirty-two (32) square feet.
 3. No sign shall exceed twenty-eight (28) feet in height.
- F. The following signs are exempt from the regulations under this Ordinance:

1. Any public notice or warning required by a valid and applicable federal, state, or local law, regulation or ordinance.
2. Any sign inside a building, not attached to a window or door that is not legible from a distance of more than three (3) feet beyond the lot line of the zone lot or parcel on which such sign is located.
3. Traffic control or incidental signs on private property, such as “Stop”, “Yield”, and similar signs, the face of which meet Pennsylvania Department of Transportation standards and which contain no commercial message of any sort.
4. Emergency warning signs erected by governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.
5. Memorial signs or tablets denoting the date of erection of a building.
6. Signs and banners erected by a governmental body or under the direction of the governing body.
7. Flags in residential districts provided that they do not exceed fifteen (15) square feet, do not promote or advertise the sale of products or merchandise, and do not contain pornographic, obscene or offensive language or symbols. These flags cannot be located any higher than ten feet from ground level.

Section 714 – Sign Permits

- A. One permit is good for the life of the sign.
- B. The cost of sign permits shall be established by resolution of the Township Supervisors.
- C. Signs put up by public, charitable or religious institutions when located on the same property as the institutions shall require permits but no fees. Temporary signs advertising special events of such institutions and not exceeding six (6) square feet in area may be approved in other locations.
- D. All signs currently in use are permitted under this ordinance; however, any modifications to the signs require the filing of a sign permit and must be in conformance with this Ordinance.
- E. Each application for a sign permit shall be accompanied by a drawing showing the design proposed and the size, character, and color of letters, lines, and symbols and the method of illumination and the exact location of the sign in relation to the building and property, and details and specifications for construction. The appropriate fee shall accompany each application for a sign permit.
- F. Sign permits shall contain the following information provided by the applicant:

1. Name, address and phone number of the applicant, the contractor to erect the sign, and the owner of the property as well as the address of property if different from Owner's.
2. Statement of permission granted by the owner of the property of erection of the sign if owner and applicant are not the same.
3. Location of the sign on the property relative to building and property lines, and height of sign from ground level to top of sign, with dimensions noted.

Section 715 – Lighting

- A. The following requirements shall apply to the illumination of signs, advertising structures and premises:
 1. All exterior parking lots, driveways, vehicular access aisles, pedestrian access areas, and loading spaces shall be sufficiently illuminated so as to provide safe movements on site.

Section 716 – Communications Towers and Antennas

- A. In the consideration of any application for a Communication Tower or Antenna, the applicant shall demonstrate that:
 1. It is licensed by the Federal Communications Commission (FCC) to operate a Communication Tower, if applicable, and Communications Antennas.
 2. The proposed Communications Tower and Communications Antennas proposed to be mounted thereon comply with all applicable standards established by the FCC governing human exposure to electromagnetic radiation.
 3. Prior to constructing a new Communications Tower, a good faith effort has been made to obtain permission to mount the communications antennas on an existing building, structure, or communication tower. A good faith effort shall require that all owners of potentially suitable structures within a one-quarter (1/4) mile radius of the proposed tower site be contacted and that one (1) or more of the following reasons for not selecting such structure apply:
 - a. The proposed antennas and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.
 - b. The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.
 - c. Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.
 - d. Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable

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- standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
- e. A commercially reasonable agreement could not be reached with the owners of such structures.
4. The proposed height of the communications tower is the minimum height necessary to perform its function.
 5. The location of the proposed communications tower is safe and that tower structure failure, falling ice or other debris will not adversely affect surrounding areas.
- B. Communications Towers shall:
1. Comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation and applicable Airport Zoning Requirements.
 2. Be erected within the minimum yard and building setback requirements of the districts in which they are to be built.
 3. Be securely anchored in a fixed location on the ground, and plans submitted showing a cross section of the proposed structure, structural compliance with building codes documenting that the proposed structure meets or exceeds those standards, and documentary evidence from a professional engineer shall be provided that the proposed structure will withstand wind, storm, ice, lightning, and other natural forces. Additionally, documentation shall be provided by a professional engineer demonstrating that the communication tower is structurally capable of handling antennas, dishes and other equipment mounted or attached to the communication tower and what the maximum load limits are for the structure.
 4. Be fitted with anti-climbing devices as approved by the manufacturer for the type of installation proposed.
 5. Be protected and maintained in accordance with the requirements of the Building Code adopted by the Municipality.
- C. Communications Towers may be located on a lot occupied by other principal structures and may occupy a leased parcel within a lot meeting the minimum lot size requirements for the zoning district.
- D. The maximum height of a Communications Tower shall be one hundred fifty (150) feet; provided however that such height may be increased to no more than two hundred (200) feet, provided that required setbacks from adjoining property lines are increased by one (1) foot for each one (1) foot of height above the maximum height. Equipment that is mounted or attached to the communication tower shall not exceed this two hundred (200) foot maximum height.
- E. The communication tower and all equipment shall be enclosed by a chain link fence ten (10) feet high with three (3) strands of barb wire constructed on the top of the chain link fence. Access to the site shall be restricted and remain locked.

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- F. The base of a communication tower shall be landscaped so as to screen the foundation and base and communications equipment building from abutting properties with a natural screening no higher than six (6) feet.
 - G. Structures related to the communication tower shall be equipped with a twenty-four (24) hour security system.
 - H. The communication tower and related equipment shall be promptly removed if the communication tower is not used for communication purposes for any continuous one (1) year period.
 - I. Recording of a plat of subdivision shall not be required for a lease parcel on which a communications tower is proposed to be constructed, provided the communications equipment building is unmanned.
 - J. The foundation and base of any communications tower in the industrial zone shall be set back from a property line in any residential district at least one hundred (100) feet and shall be set back from any other property line at least fifty (50) feet.
 - K. The communication equipment building shall comply with the required yards and height requirements of the industrial zone for an accessory structure.
 - L. The applicant shall submit certification from a registered Pennsylvania Structural Engineer that a proposed communications tower will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association / Telecommunications Industry Association and applicable requirements of the municipality's Building Code.
 - M. All guy wires associated with guyed communication towers shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure. Any guy anchor must meet the minimum yard and building setback requirements of the zoning district in which it is located.
 - N. No signs or lights shall be mounted on a communications tower, except as may be required by the FCC, Federal Aviation Administration or other governmental agency that has jurisdiction.
 - O. Access shall be provided to the Communications Tower and Communications Equipment Building by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least ten (10) feet with a dust free, all-weather surface for its entire length.
 - P. At least one (1) off-street parking space shall be provided within the fenced area.

- Q. The following shall be exempt from this article:
1. Any telecommunications facilities under one hundred (100) feet in total height which are owned and operated by an amateur radio operator licensed by the FCC.
 2. Any device designed for over-the-air reception of television broadcast signals, multi-channel multipoint distribution service or direct broadcast satellite service.
 3. Any telecommunications facilities located on property owned, leased or otherwise controlled by the municipality, provided that a license or lease authorizing the telecommunications facility has been approved by the municipality.
 4. Any cable television head end or hub towers and antennas used solely for cable television services.

Section 717 – Sexually Oriented Businesses

- A. No sexually oriented business shall be in operation without an approved permit.
1. An application for a permit to operate a sexually oriented business must be made on a form provided by the zoning officer of the Municipality. The application must be accompanied by a sketch or diagram showing the floor plan and plot plan configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn marked with dimensions of the interior of the premises to any accuracy of plus or minus six (6) inches.
 2. The applicant must be qualified according to the provisions of this Ordinance and the premises must be inspected and found to be in compliance with the law by the zoning officer and the fire chief.
 3. A person who wishes to operate a sexually oriented business as an individual, must sign the application for a permit as the applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has ten (10) percent or greater interest in the business must sign the application for a permit as an applicant. If a corporation is listed as owner of a sexually oriented business or as the entity which wishes to operate such a business, each individual having a direct or indirect interest of ten (10) percent or greater in the corporation must sign the application for a permit as applicant.
 4. The fact that a person possesses another type of Municipal permit does not exempt the person from the requirement of obtaining a sexually oriented business permit.
- B. The issuance of permit shall be subject to the following:

1. All adult-oriented establishments and adult entertainment establishments shall at all times comply with the regulations imposed on such uses under the Pennsylvania law, including but not limited to those established in 68 Pa. C.S.A. 5501, et seq. as may in the future be amended.
2. All regulations in this ordinance governing buffering, planting strips, open areas and off street parking shall be strictly enforced.
3. Uses authorized under this Ordinance shall not be deemed to include activities including or fostering prostitution or other activities declared to be violations of Federal, Pennsylvania or Township laws or ordinances.
4. No person operating an adult entertainment or adult-oriented establishment shall permit or cause to be permitted the display or placement on the building or premises of any document, stock in trade or other material of any nature which depicts, describes or relates to specified anatomical areas and/or specified sexual activities and may be viewed from a public street, highway, sidewalk or adjacent property.
5. The Municipal zoning officer shall approve the issuance of a permit to an applicant within thirty (30) days after receipt of an application unless he finds one or more of the following to be true:
 - a. An applicant is overdue in his/her payment to the Municipality of taxes, fees, fines, or penalties assessed against him/her or imposed upon him/her in relation to a sexually oriented business.
 - b. An applicant has failed to provide information reasonably necessary for issuance of the permit or has falsely answered a question or request for information on the application form.
 - c. The premises to be used for the sexually oriented business have been reviewed and have been disapproved by either the zoning officer or fire chief as not being in compliance with the applicable laws and ordinances.
 - d. The permit fee required by this ordinance has not been paid.
 - e. An applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions of this ordinance.
 - f. An individual applicant or any individual holding a direct or indirect interest or more than ten (10) percent of a corporate applicant, or any of the officers and directors of the corporate applicant, if the applicant is a corporation, or any of the partners, including limited partners, if the applicant is a partnership; or the manager or other person in charge of the operation of the applicant's business, has or have been convicted of an offense in any jurisdiction other than the Commonwealth of Pennsylvania that would have constituted an offense involving sexual misconduct if committed within the Commonwealth of Pennsylvania. In order for approval to be denied pursuant to this subsection, the person or person's convictions or release in connection with the sexual misconduct offense must have occurred within two (2) years of the date of application in the event of a misdemeanor and within five (5) years of the date of application in the event of a felony.

- a. A permittee, or any persons specified in this ordinance is or has been convicted of the offenses specified.
 - b. A permittee gave false or misleading information in the material submitted to the Municipality during the application process;
 - c. A permittee or an employee of a permittee has knowingly allowed possession, use, or sale of a controlled substance on the premises;
 - d. A permittee or an employee of a permittee has knowingly allowed prostitution on the premise;
 - e. A permittee or an employee of the permittee knowingly operated the sexually oriented business during a period of time when the permittee's permit was suspended;
 - f. A permittee is delinquent in payment to the Municipality or state of any taxes or fees related to the sexually oriented businesses.
3. When the zoning officer revokes a permit, the revocation shall continue for one (1) year, and the premises shall not be issued a sexually oriented business permit for one (1) year from the date the revocation became effective, except that if the revocation is pursuant to any provisions of the ordinance otherwise specified, the revocation shall be effective for two (2) years in the event of a misdemeanor of five (5) years in the case of a felony.
 4. After denial of an application, or denial of a renewal of an application, or suspension or revocation of a permit, the applicant or licensee or permittee shall have the right to appeal said action and to seek prompt judicial review of such administrative action in any court of competent jurisdiction.
- G. A permittee shall not transfer his permit to another person.
- H. A permittee shall not operate a sexually oriented business under the authority of a permit at any place other than the address designated in the application.
- I. Exemptions
1. It is a defense to prosecution under this ordinance that a person appearing in a state of nudity did so in a modeling class operated:
 2. By a proprietary school licensed by the Commonwealth of Pennsylvania, or a college, junior college or university supported entirely or partly by taxation;
 3. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
 4. In a structure which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing, and,
 5. Where, in order to participate in class a student must enroll at least three (3) days in advance of the class; and,
 6. Where no more than one (1) nude model is on the premises at any one time.

J. Minimum Spacing and Proximity Requirements

1. No sexually oriented business shall be located within 1,000 feet of any other sexually oriented business. The distance between any two (2) sexually oriented businesses shall be in a straight line, without regard to intervening structures, from the closest point on the exterior parcel line of each establishment and any land use specified in this ordinance shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior parcel line of the sexually oriented business to the closest on the property line of said land use.
2. No sexually oriented business shall be located within specified distances of certain land uses as set forth below:
 - a. No such establishment shall be located within one thousand (1,000) feet of a dwelling.
 - b. No such establishment shall be located within one thousand (1,000) feet of any parcel of land which contains anyone or more of the following specified land uses: Amusement park, camps (for minors' activities), child care facilities, church, library, community center, museum, park, playground, school and school bus stops, and other lands where minors congregate.

Section 718 – Swimming Pools

- A. Private and Semi-Public Swimming pools are permitted as an accessory use in the R-1, R-2, R-3 and V Zoning Districts in accordance with the following requirements:
1. Any swimming pool that is owned and operated by private individuals, firms, corporations, associations, charity, or entity other than a municipality, department, authority or subdivision thereof, shall be subject to the terms and conditions of this ordinance.
 2. The pool is intended, and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located.
 3. No swimming pool may be located within ten (10) feet of any property line.
 4. No swimming pool may be located closer than twenty (20) feet from any street line.
 5. The swimming pool shall be walled or fenced as to prevent uncontrolled access from the street or from an adjacent property and said fence shall not be less than four (4) feet in height and shall be maintained in good condition.
 6. Access to an above ground swimming pool is to be removed or locked when the pool is unattended.
 7. Swimming pools shall be equipped with an adequate filtration system.
 8. All equipment required in the operation of the pool shall be accessible for maintenance.

9. Any air inflated structure used in connection with any private swimming pool shall be considered a part of the swimming pool.
 10. Outdoor lighting, if installed, shall be directed / shielded away from adjoining properties. A semi-public pool area shall be lighted to an intensity of not less than one (1) foot candle measured at the pool surface but lighting shall not produce glare conditions on adjacent properties or streets.
 11. Adequate screening shall be provided as required by the zoning officer where it is deemed necessary.
- B. Hot tubs, whirlpool baths and tubs, and Jacuzzi type baths and tubs shall not be considered swimming pools if located outdoors or designed to be located outdoors, and are provided with permanent outdoor water plumbing.

Section 719 – Recreational Vehicle Storage

- A. Motor homes, fifth wheel trailers, travel trailers, truck campers, pop-up trailers, boat trailers, and personal watercraft trailers may be parked or stored in the A, R-1, R-2, and R-3 zoning districts subject to the following requirements:
1. At no time shall such parked or stored recreational vehicles / equipment be occupied or used for living, sleeping, or housekeeping purposes unless a visitor permit, issued by the Zoning Officer, is obtained by the property owner:
 - a. The visitor permit shall be applicable to temporary nonpaying guests of the owner of the property for a maximum of fourteen (14) consecutive days or sixty (60) days total during any calendar year.
 - b. Parking of recreational vehicles, boats or trailers is permitted in the front yard on a hard-surfaced driveway or parking area only, but shall be limited to only one recreational vehicle at any one time.
 2. Recreational vehicles equipped with liquefied petroleum gas containers must ensure that such containers must meet the current standards of the Interstate Commerce Commission, the United States Department of Transportation or the American Society of Mechanical Engineers. Any valves must be closed at all times that the vehicle is not in preparation for immediate use.
 3. The storage of recreational vehicles / equipment defined herein or the granting of special permits defined herein shall not preempt existing tract restrictions or restrictive covenants.
 4. Parking and storing of recreational vehicles / equipment shall be limited to the interior of automobile garages, other available on-lot accessory building or to that portion of the lot to the rear of the principal building.
 5. There shall be no limit on the number of personal or recreational vehicles allowed to be parked in the rear or side yard hard-surfaced parking areas, but the same shall comply with all other municipal ordinances regarding abandoned vehicles.

6. Recreational vehicles must be maintained in a clean, well-kept state.
7. All recreational vehicles parked on a residential lot shall have current registration and state inspection.
8. Recreational vehicles permanently parked shall only be on the property owned by the registered owner of the vehicle.

Section 720 – Recreational Vehicle Parks

- A. Recreational vehicles shall be permitted only in parks that meet the requirements of this section. Occupied travel trailers, motor homes, tents or camping vehicles shall meet all the requirements specified:
 1. No park shall have an area of less than five (5) contiguous acres.
 2. A permit shall be required to establish or enlarge a Recreational Vehicle Park. At the time application is made to establish or enlarge such a park, a plot plan shall be submitted showing complete layout, including sanitary facilities and location and design of service buildings. All sites shall be assigned a number to be indicated on the plot plan and on the site proper. No recreational vehicle shall be located at other than a designated site.
 3. All recreational vehicles shall observe the front yard requirements of the district and be located not less than fifteen (15') feet from a side or rear property line.
 4. No recreational vehicle or appurtenance thereto shall be placed closer than twenty (20') feet to the center line of any driveway serving the park.
 5. Each lot within the park shall have a minimum width of thirty (30') feet and a minimum area of eighteen hundred (1,800) square feet. Any recreational vehicle or appurtenance shall be located on the lot so as to provide not less than fourteen (14') feet clearance to any other unit or structure or to any service building.
- B. All Recreational Vehicle Parks shall be serviced by a sewage disposal system as follows:
 1. In areas having a public sewer system, which is, in the judgment of the Supervisors, reasonably accessible to the Park and available for connection thereto, the Developer shall provide the Park with a complete sanitary sewer system to be connected to the public sanitary sewer system.
 2. In an area not having a public system, or within an area having a public sewer system which is not reasonable accessible to the Park, the Park shall be provided with one of the following methods of sewage disposal:
 - a. A complete sanitary sewer system to convey the sewage to a treatment (package plant), to be provided by the Developer in accordance with the requirements of the State Sanitary Water Board, with adequate provision for the maintenance of such plant.

- b. A private sewage disposal system on individual lots, consisting of septic tanks and absorption fields when laid out in accordance with minimum standards approved by the governing agencies.
- c. Any independent unit situated in a Recreational Vehicle Park for more than seven (7) consecutive days shall be connected directly to the park sewage system.
- d. No dependent unit shall occupy a site within the Park if said site is located more than three hundred (300') feet from a service building. Occupants of dependent units shall rely solely on the facilities furnished in the service building to meet their sanitary needs. The service building shall contain laboratories and flush toilets in separate restrooms for each sex and shall be connected directly to the park water supply and sewer system.
- e. Whenever the park is open during the months of December, January or February, the service building shall be heated to a temperature of not less than 65 degrees Fahrenheit. The minimum number of facilities provided in the service building shall be as referenced in the following table:

Table 7-4					
Number of Dependent Spaces	Male Toilets	Female Toilets	Male Lavatories	Female Lavatories	Male Urinals
1-15	1	1	1	1	1
16-30	1	2	2	2	1
31-45	2	2	3	3	1
46-60	2	3	3	3	2
61-80	3	4	4	4	2
81-100	3	4	4	4	2
Each Additional					
1-40	+1	+1	+1	+1	+1

- C. During the period from December 1st through the last day of February, no Recreational Vehicle shall be occupied for a sum total of more than thirty (30) days and then at only such times as the service building is open and operating.
- D. It shall be unlawful for any reason to operate a Recreational Vehicle Park without first obtaining a license issued by the zoning officer.

- E. Application for a permit for the spring, summer and fall season shall be made not later than March 1st and if issued shall be valid for the period of March 1st thru November 30th of that calendar year. Application for a permit for the winter season shall be made not later than November 30th and if issued shall be valid for the period of December 1st thru the last day of February.
- F. Recreational Vehicles, excluding tents shall be maintained at all times in a manner acceptable for transportation on public highways in accordance with the rules and regulations of the Pennsylvania Department of Transportation.
- G. Recreational areas, comprising of not less than ten (10%) percent of the total park area shall be provided for the common use of all the residents of the park.

Section 721 – Commercial and Construction Vehicles

- A. No commercial or construction vehicle of any length shall be stored outside in any zoning district within the municipality for a period in excess of eight (8) hours, unless used in conjunction with construction on said property.
- B. No commercial vehicle having an overall length in excess of twenty (20) feet, nor any semi-tractor, semi-tractor-trailer, semi-trailer or construction vehicle of any length shall be parked on any public or private property in a residential district unless temporarily in connection with a commercial service, sales or delivery to such property.
- C. A commercial vehicle which is not a semi-tractor, semi-tractor trailer, semi-trailer or construction vehicle having an overall length of twenty (20) feet or less, may be parked or stored outside on private property in a residential district subject to the following regulations:
 - 1. Only one such vehicle per family may be parked or stored on any lot containing the dwelling of such family.
 - 2. Such vehicle shall only be parked or stored on the driveway or in the garage.
 - 3. Such vehicle shall belong to an owner or occupant of the premises upon which it is being parked or stored.

Section 722 – Exotic, Wild or Dangerous Animals

- A. No person shall keep an exotic, wild or dangerous animal in any place other than a zoological park, veterinary hospital or clinic, humane society, or circus, sideshow, amusement show or facility used for educational or scientific purposes, which provides proper cages, fences and other protective devices adequate to prevent such animal from escaping or injuring the public, or causing a health hazard due to fecal matter, or otherwise.

1. Educational purposes include displays by or for public or private schools, sportsmen's organizations, youth organizations, civic associations, conservation camps and schools or any other similar organization.
- B. Subject to any applicable sections of this Ordinance and any applicable federal or state requirements, if an animal is not specifically identified as an exotic, wild or dangerous animal according to the definition in Article II, a person may lawfully keep or maintain such animal without an exotic animal license, subject to the provisions of the zoning ordinance, if the animal:
1. Is of the species *Felis catus*; of the species *Canis familiaris*; a fish kept in a tank; a nonpoisonous reptile; a gerbil, hamster, guinea pig, mouse, rat, squirrel, chipmunk, ferret, or similar rodent-like creature kept in a cage; an amphibian less than one foot in length such as a frog, toad, salamander, or chameleon; livestock; or bees kept in a collection of hives or colonies.
 2. Does not pose any threat to the local ecosystem.
 3. Does not pose a threat to human health or safety.
 4. Demands care that is no more demanding than care for common domestic animals.
 5. Being held in captivity will not have a significant adverse effect on the animal's natural population. All state and federal species that are endangered, threatened, or species of special concern are categorically non-exempt, meaning they shall not be added to the license-exemption list.
- C. No person shall sell, offer for sale, adopt, exchange or transfer, with or without charge, any exotic, wild or dangerous animal.
- D. This section is not intended to apply to a person owning or possessing wild or exotic animals prior to the passage of this Article provided that the person or persons taking possession of such exotic, wild or dangerous animal following said sale, adoption, exchange or transfer is / are not a resident of East Franklin Township.
- E. Any person who keeps an exotic, wild or dangerous animal in breach of this Article must dispose of the animal by removal of the animal from the municipality or by giving the animal to the Zoning Officer. The Zoning Officer is authorized to release the animal to the wild, to a zoological park, or to dispose of the animal in some humane manner. Cost of removal and / or placement at a park or other facility to be accepted by the owner.
- F. Any person owning or possessing an exotic, wild or dangerous animal at the time of enactment of this article may, pending the approval of the Zoning Officer, obtain a permit for said exotic, wild or dangerous animal, provided that:
1. The applicant provides satisfactory assurances that said animal(s) is not capable of being returned to its natural environment and will be provided with sufficient good and wholesome food and water, proper shelter and protection

from the weather, veterinary care when needed to prevent suffering, and humane care and treatment, and that the animal(s) will not be cruelly ill treated, tormented, overloaded, overworked or otherwise abused and that adequate protective devices are provided to prevent it from escaping or injuring the public.

2. A permit application is filed with the Zoning Officer within 45 days of the effective date of this article. Such application is to include:
 - a. Species, age and sex of said exotic, wild or dangerous animal.
 - b. A plan for the housing and containment of said exotic, wild or dangerous animal including the location and dimensions of any cages, pens or confinement area.
3. The plan and facilities for the housing and containment of exotic, wild or dangerous animals must be reviewed, inspected and approved by the Zoning Officer and Code Enforcement Officer and meet the following:
 - a. Are adequate to prevent such animal from escaping or injuring the public.
 - b. Will not disturb the peace and quiet of the surrounding neighborhood.
 - c. Are adequately lighted and ventilated and are so constructed that they can be kept in a clean and sanitary condition.
 - d. Will not create or cause offensive odors or in any other way constitute a danger to public health.
 - e. Must be located at least twenty five (25) feet from any neighboring residential structures.
4. The applicant for such a license has proven ability to respond to damages up to, and including, the amount of \$100,000 for bodily injury or death of any person or persons, or for damage to property owned by any other person which may result from the keeping or maintenance of such animal.
5. An annual permit fee in the amount set forth by the municipality for each exotic, wild or dangerous animal shall be paid by the owner or possessor of such animal to the municipality.
6. Upon the death, sale, adoption, exchange, transfer or disposal of said exotic, wild or dangerous animal, the animal may not be replaced. However, wild or exotic animals which are used for educational purposes or which are the source of one's livelihood may be replaced upon death of said animal(s), subject to the discretion of the Zoning Officer and registration of the replacement animal(s).
7. If an exotic, wild or dangerous animal is taken to any public place, the permit for such animal must be carried by the owner / possessor.
8. It shall be unlawful for the owner of any exotic, wild or dangerous animal to permit such animal to injure any human being by biting, jumping on, knocking down or attacking said human being. An exception to this section

- will be when the animal is reasonably protecting the owner or the owner's property from an unlawful invasion of the person or property respectively.
9. No person owning, harboring, keeping or in charge of any exotic, wild or dangerous animal shall cause, suffer or allow any such animal to soil, defile, defecate on or commit any nuisance on any common thoroughfare, sidewalk, passageway, bypass, play area, park or any place where people congregate or walk, or on any public property whatsoever, nor on any private property without permission of the owner of said property. The restriction in this section shall not apply to that portion of the street lying between the curb line and sidewalk which shall be used to curb such animals under the following conditions:
 - a. The person who so curbs such animal shall immediately remove all feces deposited by such animal by any sanitary method approved by the municipality.
 - b. A person who allows an animal to defecate on his property shall immediately remove all feces deposited by such animal by any sanitary method approved by the municipality.
 - c. The feces removed from the aforementioned designated area shall be disposed of by the person owning, harboring, keeping or in charge of any animal curbed in accordance with the provisions of this Article in a sanitary manner approved by the municipality.
 10. No permit shall be issued unless the applicant has complied with all state and federal regulations concerning the possession, display or exhibition of exotic, wild or dangerous animals. All applicants must be eighteen (18) years of age or older.

Section 723 – Gasoline Service Stations

- A. No street entrance or exit of such service station for vehicles shall be within two hundred (200') feet of a street entrance or exit of any school, park or playground conducted for and attended by children.
- B. No building or dispensing equipment of such service station shall be within one hundred (100') feet of any hospital, church or public library or a lot in a Residence Residential District as established by this Ordinance.
- C. Equipment above surface or ground, outside of any building, for the service of motor vehicles shall be no closer than fifteen (15) feet to any property line.
- D. Automobile supplies may be displayed for sale at gasoline pumps at a distance not to exceed five (5) feet from said pumps.
- E. Automobile rental service is an authorized accessory use to Gasoline Service Stations provided that the number of cars visible on the premises at one time does not exceed

- four (4) vehicles. Such rental service shall not be deemed to include the rental of trucks, trailers or baggage carrying equipment.
- F. The width of any entrance driveway leading from the public street to such service station or other drive-in use shall not exceed thirty (30) feet at its intersection with the curb line or edge of pavement.
 - G. No two (2) driveways leading from a public street to such service station or other drive-in use shall be within fifteen (15) feet of each other at their intersection with the curb or street line.
 - H. Parking and vehicle access shall be so arranged that there will be no need for the motorist to back over sidewalks or onto streets.

Section 724 – Vehicle Repair and Service Stations

- A. All repairs and dismantling of vehicles must be conducted entirely within a building or enclosed structure.
- B. The exterior walls of the building must not be less than one hundred (100) feet from a residential district.
- C. No street entrance or exit of such garage or vehicles shall be within two hundred (200') feet of a street entrance or exit of any school, park or playground conducted for and attended by children.
- D. The site shall be screened with a six (6) foot brick or stone masonry wall or a solid fence of wood or other material, deemed appropriate by the Zoning Officer, along each property line which abuts any property zoned and / or used for residential purposes.
- E. All discarded parts must be stored at the rear of the building and must be removed from the premises within thirty (30) days.
- F. Salvage parts must be stored inside the building.
- G. Vehicles awaiting repair outside of the building shall be screened from adjacent properties and streets with a vegetative landscape buffer or opaque fencing at least six (6) feet in height.
- H. Vehicles stored on the site awaiting repair shall be located in a designated storage area that is not included in the required parking for the site.
- I. No derelict, damaged or unlicensed vehicles shall be stored on the premises for more than forty eight (48) hours.

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- J. A service station lot shall contain a minimum area of 40,000 square feet and a minimum of 3,000 square feet for each pump, whichever is greater. Minimum lot frontage shall be 150 feet.
- K. Pump islands and any similar equipment or facilities shall be set back at least 30 feet from any property line or street right-of-way. The overhang of canopies may extend to within 20 feet of a property line, but the supporting structure for such canopies to protect automobiles positioned for service at pump islands shall be set back at least 30 feet from a property line or street right-of-way.
- L. Service bays shall be limited to one per 7,000 square feet of site area. All service bays are to be contained entirely within the principal building. Where any side or rear yard is adjacent to a residential district, no more than three service bays shall be permitted. Service bay doors shall not face any property zoned and / or used for residential purposes.
- M. The following activities may be operated in conjunction with the principal use of a service station when authorized as a special exception in accordance with the requirements of this Ordinance:
1. Convenience commercial center for the retail sale of food, beverages, personal-care items and similar goods
 2. Leasing or rental of vehicles, trailers or similar equipment
 3. Automobile washing
- N. All used tires and parts, trash and similar objects shall be stored within a solid brick or concrete enclosure in the rear half or, in the case of corner sites, the rear quarter of the site, and shall be secured against dispersal by wind or water from such site.
- O. No delivery tanker shall park on a public right-of-way during gasoline delivery, nor shall any hose be permitted on the public right-of-way.
- P. On corner sites, a thirty-foot curb radius shall be provided, and no point of access shall be located within 100 feet of the street intersection, as measured from center line to center line. At intersections where a primary flow of right-turn traffic is anticipated, a longer curb radius may be required, again with a one-hundred-foot minimum separation between any point of access and the street intersection. On corner sites, all turns to and from the service station shall be right-in, right-out only.
- Q. Signs associated with any service station shall be in compliance with the requirements of this Ordinance.
- R. No vehicle repair and service station shall contain self-service islands or pumps at which customers dispense gasoline or other flammable liquids unless: (1) An attendant, trained in the dispensing of such liquids, is on duty and in position to

observe the self-service areas and to assist as necessary; and (2) There is installed, at each self-service island, an automatic fire-suppression system.

Section 725 – Individual Mobile Homes

- A. A mobile home shall be placed on a permanent foundation within sixty (60) days of arrival on its lot.
- B. The foundation shall be at least eight (8) concrete or masonry piers set on a concrete footer, with a continuous masonry peripheral wall. The pillars shall not be less than twelve (12) inches or more than forty-eight (48) inches in height. Each pillar shall have installed a tie-down ring to which the mobile home has been secured. The spacing between the home's floor and the ground below shall be well ventilated and the continuous masonry wall maintained in good condition.
- C. The bottom of the mobile home shall be securely tied to its foundation by over-the-top or built in steel straps or rust resistant steel straps or cables sufficient to hold the mobile home to its foundation and withstand a tension of at least 2,800 pounds under high wind conditions.
- D. Before a mobile home can be occupied, the zoning officer shall inspect the premises and shall determine that the sewage disposal and water supply systems have been installed and are in working order before issuing an occupancy permit.
- E. Before a mobile home is removed from its lot, the occupant shall present to the zoning officer receipts showing that all local, county, state and school district taxes have been paid in full. When a mobile home has been removed, and a second mobile home shall not immediately replace it on the same foundation, the lot owner shall backfill the site to the original grade within sixty (60) days after removal of the home.
- F. Any mobile home brought into the Municipality after the effective date of this ordinance shall display evidence that it complies with the National Manufactured Housing Construction and Safety Standards Act, and amendments thereto.
- G. A solid weatherproof material shall continuously skirt any mobile home lawfully pre-existing this ordinance with appropriate cross ventilation and maintained in good condition.
- H. It shall be unlawful for a mobile home to be removed from the Township of East Franklin until all taxes owed on the property or by the residents of the mobile home have been paid in full as verified by the Township tax collector.

Section 726 – Mobile Home Parks

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- A. It shall be unlawful for any person to operate or maintain any premise, area, tract, or piece of land for the use as a mobile home or mobile home park without first obtaining a permit from the Township.
 - B. No permit shall be issued or renewed by the Board of Supervisors until and unless the applicant has complied with the applicable terms and conditions of this Ordinance.
 - C. Mobile home parks shall be permitted in the districts identified in this Ordinance – Article IV.
 - D. The minimum site area of any mobile home park shall consist of ten (10) contiguous acres (435,000 square feet).
 - E. All mobile home parks shall comply with the following minimum requirements:
 - 1. They shall be free from adverse influence by wetlands, garbage or rubbish disposal areas or other potential breeding places for insects or rodents
 - 2. They shall not be located in an identified floodplain area
 - 3. They shall not be subject to any hazard or nuisance, such as excessive noise, vibration, smoke, toxic matter, radiation, heat, odor, or glare
 - 4. They shall contain a safe, useable, and conveniently located recreation area that shall not be less in area than ten (10) percent of the gross area of the mobile home park
 - F. The following requirements shall be established for uses for nonresidential purposes in mobile home parks:
 - 1. No part of any mobile home park shall be used for nonresidential purposes, except such uses that are required for the direct servicing and well being of park residents' use and for the management and maintenance of the park
 - 2. Nothing contained in this section shall be deemed as prohibiting the sale of a mobile home located on a mobile home lot and connected to utilities
 - 3. No central toilet or washroom facilities shall be constructed in any mobile home park
 - G. The following shall be applicable to all mobile home lots within a mobile home park:
 - 1. Mobile home lots within the park shall have a minimum lot area of six thousand (6,000) square feet
 - 2. Mobile home lots shall contain at least four hundred (400) square feet of open space which is not to be located in any required yard setback or buffer area
 - 3. The area of the mobile home lot shall be improved to provide adequate foundation for the placement of the mobile home in such a position as to allow a minimum of fifteen (15) feet between the mobile home and the street right-of-way

4. Every mobile home shall be connected to a sanitary sewer and /or an approved sewage treatment system
- H. Required setbacks, buffer strips and screening for mobile home parks include the following:
1. All mobile homes shall be located at least fifty (50) feet from any park property boundary line abutting upon a public street or highway and at least thirty-five (35) feet from other park property boundary lines. This distance and area may be used in determining the area and bulk requirements.
 2. There shall be a minimum distance of fifteen (15) feet between an individual mobile home, including accessory structures attached thereto, and adjoining street rights-of-way or common areas
 3. All mobile home parks located adjacent to industrial or commercial land uses shall be required to provide screening as to block out the view of such areas. Such screening may be of fencing or of natural growth or a combination of fences and natural growth. All such screening shall be of a minimum height of six (6) feet and shall be placed on the property boundary line separating the park and such adjacent nonresidential uses.
- I. All mobile home parks shall comply with all requirements of the Commonwealth and provide the Township with a copy of the certificate of registration and license issued by the Commonwealth within ten (10) days of issuance of such certificate and license.
- J. The distance separating mobile homes shall be as follows:
1. In mobile home parks constructed or expanded after the effective date of the adoption of this ordinance, mobile homes shall be separated from each other and other buildings by not less than thirty (30) feet regardless of the configuration or placement. This separation shall not restrict attachments as long as a minimum separation of twenty (20) feet is maintained between such attachment and any other mobile home and its attachments.
 2. Any mobile home unit that is replaced by another mobile home in a mobile home park in existence prior to the effective date of this ordinance shall be separated from all other mobile homes and buildings by not less than twenty (20) feet regardless of the configuration or placement. This separation shall not restrict attachments as long as a minimum separation of twenty (20) feet is maintained between such attachment and any other mobile home and its attachments
- K. Off street parking shall be provided in conformance with the requirements of this Ordinance.
- L. Any person proposing to operate or maintain any premises, area, tract or piece of land for use as a mobile home lot or park shall first submit to the Planning Commission a plan for the layout and design thereof, including the following information:

1. Boundaries of the tract along with a legal description of each tract that is being used for the mobile home park
 2. The extent and area to be used for parking purposes
 3. Driveways and entrances, exits, roadways, and walkways
 4. Location of sites for mobile home lots
 5. Location and number of proposed sanitary convenience, including drying space and utility rooms
 6. Method and plan of sewage disposal
 7. Method and plan of garbage and solid waste disposal and insect and rodent control
 8. Plan for electric lighting and service connections
 9. Plan for water supply and distribution
 10. Plan for fuel supply and storage
 11. Plan for fire protection when public water supply is available
- M. The driveways, exits, and entrances shall be lighted and paved in accordance with Township standards and those found in the Subdivision and Land Development Ordinance. They shall be maintained in perpetuity by the owner of the park or the agent.
- N. The mobile home lot area, width, yard requirements, and setback lines shall conform to the Subdivision and Land Development Ordinance.
- O. Separate provisions shall be made for the parking of cars in accordance with the Subdivision and Land Development Ordinance.
- P. No part of any park shall be used for any other uses except mobile home lots, traffic, and pedestrian circulation, park office, residence of the manager, central laundry facility, and / or recreation facilities, utility buildings, both outdoor and enclosed.
- Q. No portion of an approved mobile home park shall be served for separate sale unless the portion to be sold abuts a public street, unless requirements for setback lines in a mobile home park are maintained in the original and severed sections and unless access and utilities are separated in each site and neither site is dependent upon the other for any services or access.
- R. Development requirements of this Ordinance shall be adhered to in the design and development of mobile home parks.
- S. The Board of Supervisors shall cause all premises for which permits of any kind under this Ordinance have been issued to be inspected at reasonable times and such frequent intervals as may be required for the proper enforcement of this Ordinance and the safeguarding of the health and safety of the public. Interference with the duties of the duly authorized persons (to include the Township Zoning Officer, Pennsylvania Department of Health, Pennsylvania Department of Environmental

Protection Officials) making such inspections shall constitute a violation of this Ordinance.

Section 727 – Kennels

- A. The operator or owner of a kennel shall hold all current state and local licenses and permits for the location, activity and number of animals so specified.
- B. Any exterior fenced area wherein animals exercise or are otherwise exposed must be located a minimum of one-hundred fifty (150) feet from any principal structure on adjacent lots.
- C. The perimeter of the exterior exercise area must be fenced with a weatherproof material, a minimum of five (5) feet in height, accessible only through a self-latching gate.
- D. Any structure used to house animals shall be equipped with code-approved nontoxic noise-dampening material or acoustic tile.
- E. No kennel may be established within one-half (1/2) of a mile of an existing kennel.

Section 728 – Methadone Treatment Facilities

- A. A methadone treatment facility shall not be established or operated within five-hundred (500) feet of an existing school, public playground, public park, residential housing area, child-care facility, church, meetinghouse or other actual place of regularly stated religious worship prior to the proposed methadone treatment facility.
- B. The provisions established in this ordinance shall apply whether or not an occupancy permit or certificate of use has been issued to the owner or operator of a methadone treatment facility for a location that is within five hundred (500) feet of an existing school, public playground, public park, residential housing area, child-care facility, church, meeting house or other actual place of regularly stated religious worship established prior to the proposed methadone treatment facility.
- C. Notwithstanding, a methadone treatment facility may be established and operated closer than five hundred (500) feet of an existing school, public playground, public park, residential housing area, child-care facility, church, meeting house or other actual place of regularly stated religious worship established prior to the proposed methadone treatment facility if, by majority vote, the Township Supervisors votes in favor of the issuance of an occupancy permit or certificate.
- D. Prior to the Governing Body voting on whether to approve the issuance of an occupancy permit or certificate of use for a methadone treatment facility at a location that is closer than five-hundred (500) feet of an existing school, public playground, public park, residential housing area, child-care facility, church, meeting house or

- other actual place of regularly stated religious worship established prior to the proposed methadone treatment facility, one or more hearings regarding the proposed methadone treatment facility location shall be held within the Municipality following public notice.
- E. All owners of property located within five-hundred (500) feet of the proposed location shall be provided written notice of said public hearings at least thirty (30) days prior to the public hearings occurring.
 - F. The provisions above shall not apply to a methadone treatment facility that is licensed by the Department of health prior to May 15, 1999.

Section 729 – Open Space for Multi-Family Developments

- A. Whenever a lot is developed for multi-family use, open space as defined in this Ordinance and comprising not less than twenty (20) percent of the total developable land within the development shall be set aside and provided permanently for the common enjoyment of the residents of the development.
- B. Any design standards for open space areas, as specified in this Ordinance, shall govern such open space, with the exception that access to such open space by residents of the development shall be ensured from a street within the development and / or a pedestrian walkway to which all residents of the development have a right to use.
- C. Such open space shall constitute developable land as defined in Article II of this Ordinance.
- D. Not less than fifteen percent (15%) of the open space within a multi-family residential development shall be developed and maintained in recreational use for the residents of the development. Such land shall be accessible to all residents of the development and shall be a single area or contiguous areas of the development.

Section 730 – No Impact Home Based Businesses

- A. No Impact Home Based Businesses are permitted uses by right in all residential zoning districts (R-1, R-2, and R-3) within the Township, as well as the A and V zoning districts.
- B. Home-based business shall not supercede any deed restriction, covenant or agreement restricting use of the land, nor any master deed, by law or other document applicable to a common interest ownership community:
- C. Home-based business must satisfy the following requirements

1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
2. The business shall employ no employees other than family members residing in the dwelling.
3. There shall be no display or sell of retail goods and no stockpiling or inventory of a substantial nature.
4. There shall be no outside appearance of a business use, including, but not limited to parking, signs, or lights.
5. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
6. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
7. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
8. The business may not involve any illegal activity.

Section 731 – Home Occupations

- A. Home occupations are permitted as an accessory use in the Residential zoning districts provided the occupation is carried on only in the dwelling occupying the property and no exterior changes are made to the dwelling to accommodate the use or odors or excessive noise arise from the occupation.
- B. No multifamily dwelling may contain a home occupation.
- C. The area used for the practice of a home occupation shall be within the dwelling unit or an accessory building thereto, and the floor area devoted to such use shall be no more than 25% of the total floor area of the dwelling unit or 500 square feet, whichever is less.
- D. The operator of the use shall be a resident of the dwelling, and not more than two (2) persons not living in the dwelling shall be employed in the occupation.
- E. All parking for employees and patrons shall not create a need for off-street parking beyond normal dwelling needs, shall be off street, and shall not be located within the front yard.
- F. Traffic generated shall not be in excess of twenty (20) trips in one (1) day in addition to trips generated by the residence. A trip is defined as a vehicle traveling in one direction to or from a source.
- G. No storage of materials or products shall be permitted in open areas.

- H. The exterior appearance of the structure or premises must be maintained as a residential dwelling. No home occupation activities shall be visible from a public street or from any neighboring property.
- I. No goods shall be publicly displayed on the premises, and no retail sales shall be permitted except of those products of the home occupation or items deemed accessory to or directly associated with the home occupation.
- J. One sign, no larger than two square feet in area and meeting all other requirements of this Ordinance, shall be permitted for any home occupation.
- K. Delivery of materials or supplies associated with the home occupation shall be made no more frequently than once per week.
- L. The following are permitted home occupations, provided that they meet the requirements established in this section:
 - 1. Dressmaking, sewing and tailoring
 - 2. Painting, sculpting and writing
 - 3. Music instruction, limited to two students at any one time
 - 4. Telephone-answering, typing and bookkeeping
 - 5. Home crafts, such as model-making, rug-weaving, pottery, jewelry-making, cabinetmaking
 - 6. Home cooking and catering, provided that all food is catered off premises
 - 7. Computer programming that involves services to outside clients
 - 8. Tutoring, limited to two students at one time
 - 9. Beautician or barber services by appointment only, limited to one chair and one client at any one time
 - 10. Professions, such as architect, planner, engineer, financial consultant or insurance agent or accountant, providing service to not more than two clients on the premises at any one time
 - 11. Any occupation that the Zoning Officer deems comparable to the above in terms of scale and impact.

Section 732 – Essential Service Installations

- A. As defined by this Ordinance, Essential Service Installations shall be permitted in all districts and are excluded from the minimum area, lot width, and yard requirements of this Ordinance; provided however, that buildings and structures erected for these installations shall be subject to the following regulations:
 - 1. Setbacks shall be provided in accordance with the regulations of the district in which the facility is located
 - 2. Height restrictions shall be as required by the district regulations
 - 3. Equipment shall be totally enclosed within a building

4. For facilities located adjacent to a residential district, a minimum twenty (20) foot buffer yard shall be established
5. The external design of the building shall be similar to that of the character of the existing buildings in the adjacent zoning district
6. No structure shall be used as an everyday work area

Section 733 – Conversion Apartments

- A. A single-family detached dwelling located within the R-1, R-2, R-3, C-1, A, or V zoning district and existing on the effective date of this Ordinance may be converted into a structure containing two dwelling units, when authorized as a special exception, and meeting the following requirements:
 1. Site and architectural plans for the conversion of said dwelling shall be submitted to the Zoning Hearing Board. Where any dwelling unit is to be situated above the ground floor, such plans shall bear the approval of the Pennsylvania Department of Labor and Industry as required by law.
 2. Such plans shall provide adequate and suitable parking space for a minimum of two automobiles for each dwelling unit. These spaces shall have direct, unimpeded access to a street or alley. The lot shall continue to comply with the applicable requirements established for the zoning district in which it is located.
 3. Such structure shall be subject to all of the applicable area and bulk regulations governing two-family dwellings within the district in which it is located.
 4. There shall be no external alteration of the building except as may be necessary for reasons of safety.
 5. Fire escapes and outside stairways shall, where practicable, be located to the rear of the building.
 6. Conversion apartments shall only be permitted within buildings that contain three thousand (3,000) or more square feet of floor area.
 7. Any new dwelling unit resulting from conversion shall have a minimum habitable living area of five hundred (500) square feet, exclusive of basement dwellings.
 8. The new dwelling unit shall have separate sanitary, cooking and dining facilities. Each living unit shall contain not less than one (1) bathroom and three (3) habitable rooms, of which, at least one (1) shall be a bedroom.
 9. A minimum of two (2) off-street parking spaces shall be provided for each residential unit.
 10. The dwelling units shall conform to the building codes being used by the Township.
 11. Lot and area requirements shall be in accordance for the zoning district in which the dwelling is located.
- B. Dwelling units created may include in-law apartments, granny flats, in-law suites, and accessory apartments.

Section 734 – Bed and Breakfast Facilities

- A. Bed-and-breakfast facilities, as defined in this Ordinance, may be operated when approved and only when in full compliance with the following requirements:
1. Bedrooms shall be used to provide accommodations for transient guests, and there shall be not more than one employee on the premises at any one time who is not a member of the household. No bedroom in any such facility in any district shall contain any cooking facilities.
 2. Breakfast may be served by the occupants as part of the accommodations, but no other meals shall be served to guests, whether or not separately billed.
 3. Owners shall comply with all federal, state, county and local requirements for the preparation, handling and serving of food.
 4. Any amenities (swimming pool, tennis court, etc.) shall be solely for the use of the resident-owner and guests of the bed-and-breakfast facility.
 5. In addition to meeting the minimum parking requirements of this Ordinance for single-family detached dwellings, there shall be at least one off-street parking space for each room designated for bed-and-breakfast use and one space for any employee not a member of the household. When parking spaces required for the bed-and-breakfast facility total three or more, such spaces shall be screened from the direct view of any adjacent residential use by means of vegetative material, fence, wall or a combination thereof.
 6. The length of stay for any transient guest shall be limited to not more than fourteen (14) consecutive days.
 7. The resident owner shall maintain a guest register, which shall list the names, addresses and lengths of stay of all guests.
 8. One sign shall be permitted for purposes of identifying the property as a bed-and-breakfast facility, provided that the sign shall not exceed three square feet in area and shall contain no information other than identification of the premises as the named bed-and-breakfast.
 9. Area and bulk regulations shall be those that apply to single-family detached dwellings in each district that it is permitted.
 10. No external enlargements, alterations or changes to the exterior of the building shall be permitted, except as required by the Municipal Building Code and the Pennsylvania Department of Labor and Industry or for safety reasons, as required by another governmental agency.
 11. All other applicable borough codes and regulations shall be complied with.
 12. Upon compliance with all the requirements of this Ordinance, a use and occupancy permit shall be issued which shall be valid for a period of one year unless revoked sooner for violation of any provisions of this Ordinance. The permit may be renewed annually, provided that facility has inspected and found it to be in compliance with the provisions of this Ordinance. In the event that the Zoning Officer determines a violation to exist, the permit shall not be renewed until the violation is remedied.

Section 735 – Group Homes

- A. Group homes, as defined in this chapter, shall be permitted by right in any district in which residential uses are permitted, as a form of single-family dwelling, where the use thereof is in compliance with the definitions of family and group homes. Where a group home is permitted, the following standards shall apply:
1. The minimum requirements for off-street parking shall be those applicable to a single-family dwelling; provided, however, that as a minimum, a group home shall have one off-street parking space for each employee, computed on the basis of the estimated maximum number of employees at any one time, plus one space for each three patients / clients beds.
 2. To the extent parking facilities are not addressed in this Ordinance, the property owner shall provide sufficient parking spaces to accommodate the needs of the facility and minimize off street parking, parking facilities to be as similar as possible to those allowed and customarily found in such district.
 3. The establishment shall comply with all federal, state and local laws, ordinances and regulations governing noise levels or reduction as then or in the future are in effect.
 4. All exterior lights of such premises shall be arranged and aligned to reflect light away from neighboring premises and public rights-of-way.
 5. Activities of a facility which are required by applicable law or regulation but which ordinarily would not be conducted in the district in which the property is located or might cause disturbance to neighboring residents shall be regulated so as to minimize or eliminate inconvenience or injury to others.
 6. The applicant shall demonstrate that all necessary approvals and permits from the Pennsylvania Department of Labor and Industry have been obtained or waived.
 7. The sponsoring social services agency shall document to the Zoning Officer that all building, fire, plumbing, heating, electrical and similar facilities meet the standards set by the municipality and by the Commonwealth of Pennsylvania.
 8. The premises at which the group home is located shall be owned or leased by the social service agency sponsoring the group home. The group home, by design and intent, shall provide for the long-term needs of its residents and shall not accommodate the needs of transient individuals.
 9. A licensed physician, psychologist, counselor or social worker in the employ of or under contract to the social service agency shall be responsible for the assignment of residents to the group home.

Section 736 – Satellite Dish Antennas

- A. A Satellite Dish Antenna shall be defined as an antenna that is used to: (1) receive direct broadcast satellite service, including direct to home satellite service, or receive or transmit fixed wireless signals via satellite; or (2) receive video programming services via multipoint distribution services, including multi-channel multipoint

distribution services, instructional television fixed services, and local multipoint distribution services, or receive or transmit fixed wireless signals other than via satellite. Satellite Dish Antennas shall include:

1. Large Satellite Dish Antenna is a satellite dish antenna measuring more than one meter in diameter.
 2. Small Satellite Dish Antenna is a satellite dish antenna measuring one meter or less in diameter.
- B. The requirements for ground-mounted satellite dish antennas shall be as follows:
1. The diameter of the satellite dish antenna shall not exceed eight feet.
 2. The total height of the installation shall not exceed 10 feet, and in no case shall the height exceed its distance from any property line.
 3. The installation shall be located only in a rear yard or in a side yard.
 4. The installation or placement of any large satellite dish antenna shall comply with all minimum yard, setback and height requirements of the individual district in which it is located.
 5. All installations shall be located to prevent obstruction of the antenna's reception window from potential permitted development on adjoining properties.
 6. All installations shall, to the extent feasible, employ materials and colors that blend with the surroundings.
 7. All installations must be screened to achieve a hidden view along the antenna's non-reception window axes and must have low-level ornamental landscape treatment along the reception window axes of the antenna's base. Such treatments shall completely enclose the antenna.
- C. Roof-mounted satellite dish antennas may be permitted as a special exception and subject to the following criteria:
1. Only Small Satellite Dish Antennas may be permitted as roof-mounted satellite dish antennas.
 2. The height of the proposed installation shall not exceed the maximum height limitation established for principal uses within the zoning district.
 3. The installation shall be located on a portion of the roof sloping away from the front of the lot. When placed on a flat roof, the antenna shall be located on the rear half of the roof, relative to the front lot line or lines.
 4. All applications must include certification that the proposed installation complies with the standards listed in the Building Codes governing the municipality.
- D. No small satellite dish antenna shall be installed or placed in the front yard or on the front façade of any building, unless the owner or tenant of the property, within twenty-one (21) days of installation, certifies to the Township, in writing, signed by a professional installer, that compliance with this section cannot be met because it

would: unreasonably delay or prevent installation, maintenance or use; unreasonably increase the cost of installation, maintenance or use; or preclude reception or transmission of an acceptable quality signal. The certification shall also set forth the location of the installation or placement. Failure to submit such certification within the required time period shall be deemed a violation of this section and shall subject the owner or tenant to fines and penalties.

- E. The Township shall review any certification and in doing so, may conduct an inspection. After such review, the department shall approve the installation or placement that has been certified if any one of the criteria set forth in the certification is satisfied.
- F. Nothing in this section shall be interpreted to require that such written certification be submitted to the Township prior to the installation or placement of any small satellite dish antenna.

Section 737 – Drive Through Facilities

- A. A drive through shall not be located within a required front yard.
- B. Stacking lanes shall be of sufficient length to stack the number of cars projected to be served during peak hours, based upon a traffic study submitted by the applicant. In no instance shall the stacking lane be designed to hold less than five (5) vehicles.
- C. All drive through window lanes shall be separated by curb from the parking area's interior drive.
- D. A site plan shall be provided and shall show building dimensions and placement, internal circulation, landscaping, location and size of signing.

Section 738 – Forestry

- A. Forestry activities, as defined in Article II, including, but not limited to timber harvesting, shall be permitted by right in all zoning districts within the Township, as required by Pennsylvania MPC Section 603 (f). All forestry activities within the Township shall conform to all regulations laid out and enforced by the Pennsylvania Department of Conservation and Natural Resources Bureau of Forestry Management and the Pennsylvania Department of Environmental Protection.
- B. Timber harvesting operations within the Township shall be regulated by the standards established in this Section of the Ordinance and adhere to the following objectives:
 - 1. Preserve environmental and economic benefits associated with proper forest management

2. Promote proper forest stewardship
 3. Protect the rights of adjoining property owners
 4. Minimize the potential for adverse environmental impacts associated with any timber harvesting operation
 5. Avoid unreasonable and unnecessary restrictions on the right of property owners to harvest timber, which activity is a permitted use in all zoning districts
- C. When a property owner wishes to conduct or permit to be conducted a timber harvesting operation on his property, such owner shall obtain a timber harvesting permit from the Township.
- D. The Township shall have the authority to suspend any timber harvesting operation should the Township determine that conditions of the timber harvesting operation will cause or make likely damage to a Township maintained road.
- E. The repair of roads, bridges and culverts damaged as a result of a timber harvesting operation shall be repaired to the satisfaction of the Township.
- F. The permittee, logging operator, or a designated representative shall not create a new access or use an existing access onto a state maintained road without first showing proof that the access is permitted by the Commonwealth of Pennsylvania's Department of Transportation.
- G. The permittee, logging operator, or a designated representative shall not create a new access or use an existing access onto a Township maintained road without first obtaining permission from the Township for using said access.
- H. The Township Zoning Officer shall be the enforcement officer for this Section and may enter the site of any timber harvesting operation before, during, or after active logging to:
1. Review the timber harvesting plan or any other required documents for compliance with this Ordinance
 2. Inspect the operation for compliance with the timber harvesting plan and other on-site requirements of this Ordinance
- I. Upon finding that a timber harvesting operation is in violation of any provision of this Part, the Township shall issue the logging operator and the Landowner a written notice of violation in accordance with the provisions of this Ordinance regarding enforcement notices, describing each violation and specifying a date by which corrective action must be taken.
- J. The Township may order the immediate suspension of any timber harvesting operation and may institute any appropriate action to prevent, restrain, correct, or abate the violation of this Section upon finding that:

1. Corrective action has not been taken by the date specified in a notice of violation
 2. The operation is proceeding without a timber harvesting plan
 3. The operation is causing an immediate environmental risk.
- K. Suspension orders shall be in writing and shall be issued to the logging operator and the landowner and shall remain in effect until the timber harvesting operation is brought into compliance with this Ordinance or other applicable statutes or regulations.
- L. Penalties for any violation of this Section shall be enforced in accordance with the requirements of this Ordinance.

Section 739 – Stormwater Detention Basins

- A. All stormwater detention basins shall be designed and constructed in accordance with the requirements enacted by the Township or those of the Commonwealth and shall also be subject to the following:
1. Stormwater detention basins shall be set back a minimum of 20 feet from all lot lines.
 2. Stormwater detention basins shall be set back a minimum of 30 feet from all existing and proposed structures including porches, decks and other similar structures.
 3. The setback distance shall be measured landward from the maximum 100 year stormwater surface elevation of the basin during a 100 year storm.
 4. Except for underground basins, any basin located closer than 50 feet to a street or within a required buffer yard or landscaping strip shall be designed as a wet basin or as a naturalized basin.
 5. All stormwater detention basins shall be landscaped in accordance with the landscaping provisions of this Ordinance.

Section 740 – Fencing, Screening, and Landscaping and Buffers.

- A. Fences and walls are permitted by right in all Districts. Any fence or wall shall be durably constructed and well-maintained and fences and walls that have deteriorated shall be replaced or removed.
- B. No fence shall be:
1. located, constructed, or maintained in a way that will obscure or impair the visibility of an operator of a motor vehicle exiting or entering the property
 2. located in a clear sight triangle or within the road right-of-way
 3. constructed on the property line. However, a one (1) foot or greater setback is recommended to provide for future maintenance of the fence. This does not

apply to agricultural properties that share fencing along property lines as part of a farming or livestock operation.

- C. The finished side of the fence shall be oriented towards the front of the lot or the direction of the adjacent property owner, unless it is a type of fencing where there is no finished side, as in agricultural or stockade fencing.
- D. Fences to be located within the front yard must have a required setback of ten (10) feet from the edge of the road and shall in no way inhibit passing motor vehicle traffic or road maintenance, cleaning, plowing, or repair. No setback from side or rear property line is required unless there are special easements.
- E. Fences accessory to a farm, such as livestock fencing, shall not exceed a height of six (6) feet.
- F. A decorative fence (a fence that has openings that comprise at least seventy-five percent (75%) of the surface area of the fence, including, but not limited to, split rail fences or wrought iron fences, whose purpose is to contribute to the landscaping and exterior design, rather than to enclose property) may be permitted in the minimum required front yard provided the maximum height of the fence shall not exceed four (4) feet in height and further provided the fence does not form a continuous enclosure of the perimeter of the front yard.
- G. A security fence (a fence that has openings that comprise no less than twenty-five percent (25%) of the surface area of the fence, including, but not limited to, board fences, picket fences, chain link fences and the like) may be erected in the minimum required side or rear yard provided the maximum height of the fence shall not exceed six (6) feet across the rear property line, and forward along the side property lines to a distance equal to twenty five percent (25%) of the lot depth where at this point, the maximum height of the fence must not exceed four (4) feet.
- H. A privacy fence (a fence that has openings that comprise less than ten percent (10%) of the total surface area of the fence) may be erected in a rear or side yard to screen a deck, patio, or swimming pool, provided the maximum height of the fence shall not exceed six (6) feet across the rear property line, and forward along the side property lines to a distance equal to twenty five percent (25%) of the lot depth where at this point, the maximum height of the fence must not exceed four (4) feet.
- I. Electric and barbed wire fences are prohibited on residential property unless associated with farming or livestock operations. 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.
- J. The use of chain-link, cyclone fencing or similar appurtenances is prohibited in the required front yard.
- K. 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. Walls in the minimum front yard or the side or rear accessory building setback in a residential district shall have a maximum height of 3 feet.
 3. Walls that are attached to a building shall be regulated as a part of that building.
- L. Any enclosed use which may be required by this Ordinance to be landscaped in accordance with this Section, shall provide a visual screen consisting of evergreen or evergreen-type hedges or shrubs attaining a height of six feet (6') spaced at intervals of not more than five feet (5'), maintained in good condition and located within a minimum of five feet (5') of the property line adjoining or abutting a residential district.
- M. Any unenclosed use which is not conducted within a completely enclosed building and to include storage of materials shall be entirely enclosed by a fence maintained in good condition and / or evergreen-type hedges or shrubs spaced at intervals of not more than five feet (5') to form a solid screen or buffer. Said fence or hedge shall be a minimum of six feet (6') in height.
- N. No building or other structure shall be constructed or placed on or within a buffer yard required under this Section.
- O. All developments in nonresidential zoning districts that abut any residential zoning district shall provide buffers and / or screening in side yards and / or rear yards as abut the distinguished district or use a planting screen along the entire boundary of said yard, exclusive of public or private rights-of-way and easements, to be located not less than four (4') feet and not more than twenty (20') feet from the boundary line of the adjacent property(ies), subject to the following requirements:
1. The buffer shall be a minimum of 50 feet in width.
 2. The buffer shall be adequate to visually screen the proposed nonresidential use from off-site view.
 3. Existing topographic conditions, such as embankments or berms, in conjunction with existing vegetation, may be substituted for part or all of the required buffer. The minimum visual effect shall be equal to or exceed that of the required screening buffer.
 4. All developments requiring planting strips shall show required plantings on a site plan certified by a qualified landscape architect.
 5. All developments subject to the provisions of this Section shall assure a planting strip to be located parallel to the boundary line of the side and / or rear yard, as applicable. The said planting strip to begin at the applicable boundaries and extend a minimum of twenty (20') feet from said boundary line(s), the entire planting strip to be covered properly and maintained in accordance with the provisions below:
 - a. The planting materials or trees used in the buffer yard and planting strip shall be of such species and size as will produce within three (3) years a complete visual screen at least six (6') feet in height. However

- deemed appropriate to assure safety and visibility, the Township may require that the visual screen extend only to a point not farther than five (5') feet from a public right-of-way.
- b. The planting strip shall be maintained permanently, and any plant material, which does not survive, shall be replaced no later than the subsequent planting season after the owner should, with reasonable diligence, have detected the non-survival or after notification by the Township.
 - c. The screen or planting strip shall be broken only at points of vehicular or pedestrian access.
 - d. The required width of the planting strip shall be covered with grass, sod or suitable ground cover, and shall be maintained and kept clean of all debris, rubbish, weeds and tall grass.
 - e. The width of the planting strip shall not be used as a parking area and shall be occupied only by the required plantings and required ground cover.

Section 741 – Miscellaneous Building Regulations

- A. Unenclosed Industrial uses which are not conducted wholly within a completely enclosed building shall not be less than one hundred feet (100') distance from any "R" District.
- B. All "C" and "M" uses shall be conducted wholly within a completely enclosed building except for off-street parking and loading facilities, new and used car lots, service stations, terminals, storage yards, and similar uses.
- C. Community buildings, clubs, social halls, lodges, fraternal organizations, and similar uses shall meet all the regulations of the zoning district in which it is located. If located in an "R" District, retail sales may be included for guests only. An application for this use in an "R" District must demonstrate to the satisfaction of the Planning Commission that the proposed use will serve primarily the residents of the surrounding neighborhood and that said use cannot be satisfactorily located elsewhere to serve said neighborhood.
- D. Essential services such as sewerage treatment, electric substation, transformer switches, and auxiliary apparatus shall have the following regulations if it is necessary to locate within an "R" District:
 1. Such facility shall not be located on a residential street (unless no other site is available) and shall be so located as to draw minimum vehicular traffic to and through such streets.
 2. The location, design, and operation of such facility may not adversely affect the character of the surrounding residential area.
 3. Adequate fences, barriers, and other safety devices shall be provided and shall be landscaped in accordance with the requirements of this Ordinance.

4. Noise emitted from electric substations shall not be greater than permitted in accordance with the performance standards set forth herein.
- E. Fire and police stations shall be permitted as a conditional use in all “R” Districts provided that such facility is necessary to serve the surrounding area.

Section 742 – Conversions of Dwellings

- A. Conversion of a single-family residence to a two-family residence shall be permitted only in an “R-2” District or less restrictive district, provided that:
 1. The minimum lot area per dwelling shall be as required for the zoning district where the lot to be converted is located.
 2. Where such conversion is undertaken, there shall be provided on the same zoned lot not less than one (1) additional off-street parking space in accordance with the provisions set forth within this Ordinance.
 3. Such structure shall contain not less than six hundred (600) square feet of living space per dwelling unit.

Section 743 – Solar Considerations

- A. To help provide sensitivity to solar concerns, developers shall be sensitive to solar planning which shall be considered a purpose of this Ordinance. Portions of this Ordinance (building heights, lot dimensions, and setbacks) shall be reconsidered by the Planning Commission in consideration to the following definitions and rights of an individual:
 1. Solar Energy – Radiant energy received either directly or indirectly from the sun at wave lengths suitable for conversion into thermo, chemical, or electric energy.
 2. Solar Skyspace – The space between a solar collector (passive or active) and the sun which must remain unobstructed in order to permit efficient utilization of the solar energy system.
 3. Solar Skyspace Easement – A right expressed as an easement covenant, condition, or other property interest in any deed or other instrument executed by or on behalf of any landlord which protects the solar skyspace of an actual, proposed, or designated solar collector at a described location be forbidding or limiting activities or land uses that interfere with access to solar energy.
 4. Underground Structures – Any completed building that was designed to be built partially or wholly underground or a completed structure which was not intended to serve as a substructure or foundation for a building. Four (4) types of underground structures are recognized:
 - a. Elevational; wall exposed
 - b. Atrium or courtyard
 - c. Penetrational; wall openings

- d. Chamber
- B. Developments shall take advantage of topography and solar orientation to provide good building sites, to prevent shadows cast by adjacent buildings and to landscape with vegetation to its full potential to save energy

Section 744 – Surface Mining and Mineral Extraction

- A. Surface Mining and Mineral Extraction are permitted by-right, special exception, or conditional uses as outlined in Section IV of this Ordinance, provided that the following are met:
 - 1. All requirements established in this Ordinance
 - 2. All permit application requirements are met
 - 3. Any policies and requirements of the East Franklin Township Board of Supervisors.
- B. Surface mining and mineral extraction shall qualify as a conditional use in certain zoning districts only if the application and operation of the use satisfies such reasonable conditions as are determined to be necessary and appropriate by the governing body.
- C. All prospective operators are required to present to the Planning Commission the following:
 - 1. Application in the form that it will be submitted to the Department of Environmental Protection, and / or the following documentation.
- D. Any amendments to the original Conditional Use Application must be submitted to the Township for approval before commencement of operations. A map indicating the current status of the operation and work scheduled for the next year shall be submitted to the Township.
- E. The developer shall submit a bond or establish an escrow account in favor of the Township to cover the repair of Township roads that provide access in a mining site.
- F. Any other information deemed necessary by the Planning Commission to properly evaluate the application.

Section 745 – Natural Gas, Oil and Coalbed Methane Drilling

- A. All operations for exploring, production and drilling for natural gas, oil and coalbed methane drilling shall be permitted in each zoning district in accordance with the requirements established in the Pennsylvania Oil and Gas Act and those of the Pennsylvania Department of Environmental Protection.
- B. All activities involved in the exploration, production, or drilling for natural gas, oil and coalbed methane shall not commence until the owner and / or driller has been issued the requisite State permits and copies of same and the plat have been delivered

to the East Franklin Township Zoning Office at least twenty-four (24) hours prior to moving drilling equipment on to the site.

- C. Any wells drilled in violation of this Ordinance and the Pennsylvania Oil and Gas Act shall not be permitted to continue in production or shall be plugged in accordance with State law.
- D. Other violations of this Ordinance are subject to the enforcement procedures established in Article IX of this Ordinance.

Article VIII

Nonconforming Lots, Structures and Uses

Section 800 Intent and Purpose

- A. If, within the zoning districts established by this ordinance or due to amendments that may later be adopted, there exist lots, structures or uses which were lawful before this ordinance was enacted or amended but which would be prohibited, regulated or restricted under the terms of this ordinance or future amendments, it is the intent of this ordinance to permit these nonconformities until they are removed, except as specifically provided to the contrary in this ordinance.
- B. Such lots, structures and uses are declared to be incompatible with authorized lots, structures and uses in the zoning districts involved. It is the intent of this ordinance that lots, structures and uses be brought into compliance with existing regulations and that any expansion of a nonconformity be effected in accordance with then existing regulations, subject to the provisions of this Article.
- C. A nonconforming lot, structure or use shall not be extended, expanded or enlarged upon by (a) the addition of other uses, if such additions are of a nature which would be prohibited generally in the district; (b) attachment of additional signs to a building; or (c) the placement of additional signs or display devices on the land outside the building.
- D. To avoid undue hardship, this ordinance shall not be deemed to require a change in the plans, construction or designated use of any building or structure on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual construction has been diligently commenced.
1. Actual construction is defined to include the placing of construction materials in permanent position and fastened in a permanent manner, and where demolition or removal of an existing building or structure has substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction so long as that work shall be diligently carried on until completion of the building or structure involved, in any event within twelve (12) months after the date on which a zoning permit was issued.
- E. Where the zoning use classification of property is amended upon petition by the owner or equitable owner of such property, such amendment shall not be deemed one according protection to uses existing as of the date of such amendment, and the owner, upon amendment of the zoning classification, shall bring uses of the property into compliance with those permitted in this ordinance for the district so requested by the owner. All petitions for rezoning shall include the owner's agreement to bring uses into conformity with those permitted in the requested zoning district.

- F. If boundaries of a zoning district are changed so as to transfer land from one zoning district to another, other than pursuant to petition by the owner or equitable owner of that land, this Article shall govern uses that thereby become nonconforming.
- G. Nonconformities which are dimensional in nature shall not be deemed to have any natural right to expansion.
- H. Except where specifically authorized in this Article, any change, expansion, enlargement, construction, reconstruction or structural alteration of a nonconforming lot, structure or use shall be allowed only upon the grant by the Zoning Hearing Board of a variance upon the Board's finding that grounds for a variance exist.

Section 801 Nonconforming Lots of Record

- A. Any existing lot of record within a subdivision or otherwise which was created prior to the enactment of this Ordinance and which is located in any district in which single family dwellings are permitted may be used for the erection of a single family dwelling and for a residential garage, addition or building accessory to a single family dwelling, even though the lot's area, width and / or depth is less than requirements established in this Ordinance; provided, that yard setback and other regulations shall be complied with.
- B. In any zoning district in which single-family dwellings are permitted, a single family dwelling and customary accessory buildings may be erected on any single nonconforming lot if the lot is in separate ownership and not of continuous frontage with other lots in the same ownership, provided that yard dimensions and other requirements not involving lot area or lot width, or both, of the lot shall conform to the regulations for the zoning district in which such lot is located. This provision shall apply even though such lot fails to meet the requirements for lot area or lot width, or both that are generally applicable in the zoning district.
- C. If two or more lots of record with continuous frontage are held in single ownership and if both, all or any of such lots do not meet the requirements in this Ordinance for lot area and width in the zoning district, the lands involved shall be considered to be an undivided parcel for purposes of this Ordinance. No portion of said parcel(s) shall be used or sold which does not meet lot width and lot area requirements established by this Ordinance, nor shall any division of the parcel(s) be made which leaves remaining any lot having a width or area less than the requirements established in this Ordinance. Any division of said parcel(s) containing a nonconforming use of a structure shall conform to the minimum lot width and area requirements for authorized uses. The Zoning Officer, upon receipt of an application for permit, shall have authority to direct that the lots of record be replotted to create fewer lots if necessary to comply with requirements of this Ordinance.

Section 802 Nonconforming Structures

If a lawful building or structure exists at the effective date of this Ordinance that could not be built under the terms of this Ordinance, such building or structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such building or structure may be enlarged or have any structural alterations made in a way which increases its nonconformity, unless the Zoning Hearing Board after finding that an undue hardship exists authorizes a reasonable modification and all applicable area, setback, parking and loading regulations are complied with.
- B. Should such building or structure be destroyed by any means, it may be repaired or reconstructed; provided, that such restoration is commenced within twelve (12) months after the date of damage, the previous foundation is to be used for restoration, and the use and intensity of use is no more objectionable or no greater than existed prior to destruction. If work to restore the damaged structure is not commenced within twelve (12) months after the date of damage, such building or structure shall not be reconstructed except in conformity with the provisions of this Ordinance.
- C. Should such building or structure be moved for any reason for any distance, it shall thereafter conform to the regulations for the zoning district in which it is located.
- D. No expansion or enlargement of any building or structure shall be allowed within any identified flood plain that would cause any increase in flood heights.

Section 803 Nonconforming Uses of Lots

Where a lawful use of a lot exists at the effective date of this Ordinance that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued as long as it remains otherwise lawful, subject to the following provisions:

- A. No such nonconforming use shall be enlarged, increased, expanded or extended to occupy a greater area of land than was occupied at the effective date of this Ordinance, unless the Zoning Hearing Board should determine that the enlargement or expansion is necessary by the natural expansion and growth of trade of the nonconforming use.
- B. No such nonconforming use shall be moved, in whole or in part, to any portion of the lot not occupied by such use at the effective date of this Ordinance.
- C. If such nonconforming use of a lot ceases or is discontinued for any reason for a period of more than twelve (12) months, it shall be presumed that the nonconforming use has been abandoned, and any subsequent use of such lot shall conform to the regulations established in this Ordinance for the zoning district in which the lot is located.

- D. Whenever a nonconforming use of a lot has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restrictive use.

Section 804 Nonconforming Uses of Structures

Where a lawful use of a building or structure or of a building / structure and a lot in combination exists at the effective date of this Ordinance that would not be allowed under the requirements of this Ordinance for the zoning district, the lawful use may be continued, subject to the following provisions:

- A. No existing building or structure devoted to a use not permitted by this Ordinance in the zoning district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or otherwise have any structural alterations made to it except in changing the use of the structure to an authorized use in the zoning district, unless the Zoning Hearing Board shall determine that the enlargement, extension, construction, reconstruction or structural alteration is necessitated by the natural expansion and growth of trade of the nonconforming use and grant a variance allowing the same, subject to such reasonable conditions as the Board may attach.
- B. The nonconforming use may be extended throughout any part of the building or structure that was manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any lot or portion of a lot outside such building or structure and all area, yard and parking requirements for the district in which the building or structure is located shall be complied with.
- C. A nonconforming use of a building or structure may be changed to another nonconforming use of the same or of a more restrictive nature so long as no structural alterations are made other than those directed by the Zoning Officer in writing to assure the safety of the building or structure; provided, that such change shall:
1. be registered by the Zoning Officer
 2. constitute an abandonment of the former nonconforming use so changed
 3. prohibit any future change to a less restricted use.
- D. Any building or structure and lot in combination in or on which a nonconforming use is superseded by an authorized use shall thereafter conform to the regulations for the zoning district in which such building or structure is located, and the nonconforming use may not thereafter be resumed.
- E. If such nonconforming use of a building or structure, or of a building or structure and lot in combination, ceases or is discontinued for any reason for a period of more than twelve (12) months, it shall be presumed that the nonconforming use has been abandoned, and any subsequent use of such building and structure and lot shall conform to the regulations established in this Ordinance for the zoning district in which the lot is located.

- F. Where nonconforming status applies to both, the use and the building or structure, removal or destruction of the nonconforming building or structure shall eliminate the nonconforming use on the lot.

Section 805 Repairs and Maintenance

- A. Nothing in this Article shall be deemed to prevent the strengthening or restoring to a safe condition any building or structure or portion thereof, which has been declared to be unsafe by any official charged with protecting the safety of the public.
- B. The non-conforming building or structure may be rebuilt and occupied for the same use as prior to the damage provided that:
1. The previous foundation is to be used;
 2. The reconstructed building or structure shall not be larger than the damaged building or structure;
 3. The reconstruction shall start within one (1) year from the time of damage
- C. A non-conforming structure may be repaired, provided that the repair shall not cause the structure to create further expansion in a non-conforming dimension or aspect.

Section 806 Nonconformity Distinguished

- A. Any use approved as a permitted use, as a use by special exception or conditional use, or by a variance as authorized in this Ordinance shall not be deemed a nonconforming use.
- B. The provisions of this Article shall not apply to any building or structure which is designated by the planning commission, with the concurrence of the township supervisors, to be an historical landmark.

Section 807 Administration

- A. In accordance with the provisions of this Article, owners of nonconforming uses, structures and lots may apply for zoning approval. Issuance of such zoning approval by the Zoning Officer will constitute registration of the nonconforming use, structure and / or lot.
- B. The Zoning Officer is authorized to register nonconforming lots, buildings and structures, uses of lots and uses of buildings and structures existing in the Township.
- C. All nonconforming lots, uses and structures in existence as of the effective date of this ordinance shall be registered by the Zoning Officer within six (6) months of the date of enactment.
- D. Registration shall be accomplished by the completion of a registration statement which shall be presented to the Zoning Officer by landowners who wish to have their

- lot, use, or structure classified as nonconforming according to the requirements of this ordinance.
- E. Registration shall contain at a minimum a description of the existing lot, use or structure, the zoning district where the nonconformity exists, names and addresses of the landowners (as of the date of the enactment of this ordinance as well as the date of the registration of the nonconformity), deed reference to the lot(s) involved, dimensions of the lot or structure, and the way in which the lot, use or structure is nonconforming.
 - F. The Zoning Officer retains the right to examine the lot, use or structure for which the proposed registration has been filed.
 - G. When determinations are made in accordance with this Article that a nonconforming lot, building or structure or use of a lot or building or structure exists or may be altered, a record of the determination shall be maintained in the property file.

Article IX

Administration

Section 900 Zoning Officer

- A. The duty and authority of administration and enforcement of the provisions of this Ordinance is hereby conferred upon the Zoning Officer and his or her subordinates and/or designees, in accordance with the provisions of the Pennsylvania Municipalities Planning Code (MPC).
- B. The zoning officer shall be appointed by the Board of Township Supervisors and may hold no elective office in the Township of East Franklin.

Section 901 Powers and Duties of the Zoning Officer

- A. As stated under Article VI Section 614 of the MPC, “For the administration of a zoning ordinance, a zoning officer, who shall not hold any elective office in the municipality, shall be appointed. The zoning officer shall meet qualifications established by the municipality and shall be able to demonstrate to the satisfaction of the municipality a working knowledge of municipal zoning. The zoning officer shall administer the zoning ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to the zoning ordinance. Zoning officers may be authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of their employment.” The Zoning Officer and such assistants and subordinates as are designated by the Board of Supervisors shall have such duties and powers as are necessary to administer and enforce this Ordinance, including but not limited to the following, which shall apply to the Zoning Officer and all other authorized employees:
 - 1. Be responsible for enforcement of this Ordinance.
 - 2. Receive and act upon applications for Zoning Permits to authorize the erection, reconstruction, alteration or repair of and additions to buildings and structures, construction of foundations and other matters addressed in this Ordinance, and enforce compliance with the provisions of this Ordinance.
 - 3. Receive and refer to the Zoning Hearing Board all applications for variance, use on special exception and other matters within the jurisdiction of said board.
 - 4. Receive and refer to the Planning Commission and Board of Supervisors all petitions requesting rezoning of properties.
 - 5. Refer to the Board of Supervisors such other applications or petitions as are directed to the Board of Supervisors for action.
 - 6. Receive and refer to the Solicitor applications for subdivision waiver approval and assist in review of such applications.

7. With the prior approval of the Board of Supervisors, engage such expert opinions as the Board of Supervisors deems necessary to report upon unusual technical issues which arise.
8. Approve and issue a permit only when all requirements for its issuance have been met.
9. Where all requirements for a permit have not been met, deny such application, in writing, stating the reason(s) for such denial.
10. Where a permit has been issued in reliance upon information submitted by the applicant which is later found to be materially untrue, or has been issued improvidently, revoke such issued permit. Such revocation shall be in writing and state the reason(s) for revocation, and shall be sent to the person to whom the permit or certificate was issued via U.S. certified mail.
11. Make investigations as deemed necessary or appropriate in the performance of their duties, and shall carry proper identification should they inspect buildings or premises in the performance of their duties.
12. Issue all notices or orders necessary to act upon applications and ensure compliance with this Ordinance.
13. Issue all stop work orders which may be necessary in event of violations of this Ordinance or of any issued permit.
14. Register nonconforming lots, structures and uses.
15. Communicate with the building code official retained by the Township to administer and enforce the Uniform Construction Code, and receive and maintain on file reports, permits, and other documents received from said building code official. Communications shall include all necessary or appropriate to proper administration of the ordinances, including but not limited to notices of violation of the respective regulations and assistance in enforcement proceedings.
16. Issue all notices and prosecute all actions necessary to enforce this Ordinance and permits as issued.

Section 902 Zoning Permit

A. Application for a Permit

1. An application shall be submitted to the Zoning Officer for the following activities, and it shall be unlawful and a violation of this Ordinance for any of the following activities to commence without a Zoning Permit first being issued in accordance with this Article:
 - a. Excavation for foundation;
 - b. Construction or alteration of any building or structure;
 - c. Construction of an addition to a building or structure;
 - d. Demolition or moving of a building or structure;
 - e. Making or effecting a change of occupancy or use of vacant land or any building or structure;

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- f. Movement of a lot line which affects an existing structure, such movement being subject to regulations established in the Township's Subdivision and Land Development Ordinance;
 - g. Construction or alteration of any drive or other access to a Township street or State highway;
 - h. Occupancy of any street or highway with building materials or of temporary structures for construction purposes;
 - i. Construction or installation of swimming pools or spas holding over twenty-four (24) inches of water in depth;
 - j. Construction or alteration of signs;
 - k. Construction of fences having a height in excess of six (6) feet.
 - l. Application or notice to the Township is not required for ordinary repairs to buildings or structures, but such repairs shall not include: the cutting away of any wall, partition or portion thereof; removal or cutting of any structural beam or load bearing support; removal or change of any required means of egress and / or rearrangement of parts of a structure affecting the egress requirements; or addition to, alteration of or replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring, mechanical or other work affecting the public health or general safety.
 - m. NOTE: Certain repairs will require issuance of a UCC permit and inspection(s) under the Uniform Construction Code Ordinance, even where a Zoning Permit is not required.
2. The application for a Zoning Permit shall be submitted in such written form as the Board of Supervisors shall adopt or prescribe, and must be accompanied by the fee therefore required under Resolution(s) adopted by the Board of Supervisors. An applicant shall provide all documents and information required under this or any other ordinance.
 3. The application for a Zoning Permit shall be made by the owner or lessee of the building or structure, or authorized agent of either, or by the building contractor or design professional employed or retained by such owner or lessee in connection with such work.
 - a. If the application is made by a person other than the owner in fee of the property, it shall be accompanied by an affidavit of the owner to the effect that the proposed work is authorized by the owner in fee, that the person making such application is authorized to do so on behalf of the owner; and that the owner shall be bound by all representations made on the application and by all regulations governing issuance of any permit(s).
 - b. The full names and addresses of the owner, applicant and the responsible officers, if the owner or the applicant is a corporation, shall be set forth in the application.

4. In addition to other requirements imposed under this Article or other ordinance of the Township, all applications for a Zoning permit shall include:
 - a. A general description of the proposed work, the location of the proposed work, the occupancy prior to and after the proposed work of all the building and/or structure and of all portions of the site or lot not covered by the building or structure and such additional information as is required by the Zoning Officer.
 - b. The applicant shall establish that the land as zoned may lawfully be used as proposed, and that all regulations of this Ordinance are complied with. No permit shall be issued unless the use proposed is expressly permitted in the Zoning Ordinance and all applicable regulations are complied with, absent an adjudication of the Zoning Hearing Board authorizing such use and construction.
 - c. An application for a Zoning Permit for any building or structure other than a one-family or two-family dwelling shall be accompanied by a site plan showing to scale the actual dimensions of each lot to be built upon, the size and location of all new construction and all existing buildings or structures on the site, distances from lot lines, established street grades and proposed finished grades, drawn in accordance with an accurate boundary line survey, together with such additional information as the Zoning Officer may require to determine that the proposed structure and/or use of land conforms to the regulations of this Ordinance.
 - d. An application for a Zoning Permit proposing construction, alteration, reconstruction or other action as to a one-family or two-family residential dwelling shall set forth a plot plan showing the property lines, the location of all new or proposed construction and all existing buildings or structures on the site, distances from lot lines and such additional information as the Zoning Officer may require to determine that the proposed structure and/or use of land conforms to the regulations of this Ordinance.
 - e. In cases of proposed construction activity other than one- and two-family residential dwellings, data from approved land development plans or plan amendments may be incorporated in the permit application in lieu of a new site plan.
 - f. In cases of proposed construction activity involving additions or renovations to buildings other than one- and two-family residential dwellings which do not require a land development plan or plan amendment, the Zoning Officer shall be authorized to accept that plot plan generally required for one- and two-family residential dwellings unless a formal site plan is deemed necessary in the circumstances.

- e. If required, a decision of the Zoning Hearing Board authorizing issuance of such permit.
 9. Before a building or structure is demolished or removed, the owner or owner's agent shall notify all utilities having service connections within the structure. A Zoning Permit authorizing the demolition or removal of a building or structure shall require that prior to issuance of a UCC permit, the owner shall submit to the UCC building code official a certification that all service utilities and adjacent property owners have been notified of the proposed demolition and that service connections have been removed. Such certification shall be sworn or affirmed to before a Notary Public or verified subject to the penalties governing unsworn falsification to authorities.
- B. Conditions on Permits
1. A Zoning Permit issued shall authorize only the use or construction specified on the permit and application, and no other.
 2. A Zoning Permit shall not be issued until the fees prescribed therefore have been paid.
 3. No Zoning Permit shall be issued until all information required for its issuance has been submitted in proper form to the Zoning Officer.
 4. All work shall conform to the approved application for which the Zoning Permit has been issued and any approved amendments to the approved application or permit.
 5. All new work shall be located strictly in accordance with the approved site plan or plot plan.
 6. If the land subject to the proposed building, structure, renovation and/or addition is located within a subdivision or land development previously approved by the Board of Supervisors, the owner(s) shall be responsible for ensuring that all grading, stormwater management, easements, conditions and other terms imposed on the approved plan are preserved and/or complied with during and after construction. A grading plan shall be required whenever revision to the approved grading plan is proposed.
 7. If the applicant proposes to construct sidewalks and / or a driveway or other street access, the owner shall be responsible for ensuring that such sidewalks, driveway(s) and other street access are constructed in full conformity with the township specifications.
 8. A Zoning Permit shall be a license to proceed with the work and shall not be construed as authority to violate, cancel or set aside any of the provisions of this Ordinance, the Uniform Construction Code Ordinance or any other ordinance or regulation governing the work, except as specifically stipulated by legally granted variance as described in the application.
 9. No Zoning Permit shall be issued to any applicant or owner who is then in violation of the terms of a foundation permit, Zoning Permit, UCC permit,

development plan approval or agreement, UCC occupancy certificate or other governmental approval and / or Township ordinance or regulation.

C. Amendments to Applications

1. Subject to the limitations of this Ordinance, amendments to a plan, application or other records accompanying the same shall be filed at any time before completion of the work for which the Zoning Permit is sought or issued.
2. Such amendment(s), if approved and accompanied by any required fee, shall be deemed part of the original application and shall be filed therewith.

D. Action on Application

1. The Zoning Officer shall examine or cause to be examined all applications for permits and certificates and amendments thereto within a reasonable time after filing of all required documents.
2. If the application does not conform to the requirements of all pertinent laws, the Zoning Officer shall reject such application in writing, stating the reasons therefore.
3. If the Zoning Officer is satisfied that the proposed work conforms to the requirements of this and other applicable ordinances, he or she shall issue a permit or certificate therefore as soon as practicable.
4. A Zoning Permit issued under this Article may be suspended or revoked by the Zoning Officer if it is determined that the terms of the permit as issued have been violated, that conditions imposed on the permit as issued have not been satisfied by the applicant in timely fashion or that applicant has failed to commence or complete work authorized within the time period authorized by the permit. If Township officials responsible for enforcement of ordinances other than the Zoning Ordinance which pertain to the authorized activity notify the Zoning Officer that such regulations have been violated or that required conditions have not been complied with, the Zoning Officer shall act to suspend or revoke the issued Zoning Permit.
5. Where a Zoning Permit has been issued in connection with an activity that is subject to regulation under the UCC Ordinance, the Zoning Officer shall notify the UCC building code official promptly upon suspension or revocation of a Zoning Permit.

6. Enforcement of regulations under Township ordinances other than this Zoning Ordinance shall be within the authority of those officials to whom such responsibility has been delegated by the Board of Supervisors.
7. The signature of the Zoning Officer or his or her designee shall be attached to every permit issued.
8. Applications for permits or certificates shall be submitted on such written form(s) as the Board of Supervisors shall adopt from time to time.

Section 903 Time Limitations on Applications and Permits

- A. An application for a Zoning Permit for any proposed work shall be deemed to have been abandoned six (6) months after the date of filing, unless such application has been diligently prosecuted or a permit shall have been issued; provided, that the Zoning Officer shall have authority to grant one or more extensions of time for additional periods not exceeding ninety (90) days each where good cause is shown.
- B. A Zoning Permit shall become invalid if the applicant has not obtained a UCC building permit, where required, within six (6) months after issuance of the Zoning Permit, or if the authorized work has not commenced within six (6) months after the date on which the Zoning Permit or UCC building permit for the activity was issued, whichever is later.
- C. A Zoning Permit shall be valid for a period of one (1) year, by which date all of the construction, renovation, demolition and activity authorized shall be completed.
- D. Authorization granted by the Zoning Hearing Board or a Court of appropriate jurisdiction under a variance allowing issuance of a permit shall be valid for a period of six (6) months from the date of the Zoning Hearing Board's or Court's decision, whichever is later, and shall expire and become null and void if an application for the authorized permit is not submitted as required by this Article within six (6) months after the date of said decision.

Section 904 Violations

- A. When it appears to the Township or the Zoning Officer that a violation has occurred, the Zoning Officer shall send an enforcement notice in accordance with the Pennsylvania Municipalities Planning Code.

Section 905 Appeals

- A. The procedure and time limitations for appeals from any ordinance, decision, determination or order of the Township Supervisors, Zoning Officer, Zoning

Hearing Board, or other applicable agency or officer of the Township, in the enactment of administration of the East Franklin Township Zoning Ordinance, shall be in conformance with the requirements established in the Pennsylvania Municipalities Planning Code.

- B. Appeals from the decision of the Zoning Officer may be made to the Zoning Hearing Board by any person aggrieved in the Township affected by any decision of the Administrative Office. Such appeal shall be taken within reasonable time as provided by the Rules of the Board, by filing with the Administrative Office and with the Board a notice of appeal specifying the grounds thereof. The Administrative Office shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.
- C. The Board shall hear and decide appeals and review any order, requirement, decision or determination made by the Zoning Officer in the enforcement or application of this Ordinance, and upon such appeal may, in accordance with the provisions of this Ordinance, reverse or affirm, wholly or in part, or modify any such order, requirement, decision or determination.
- D. If after a permit has been authorized by the Board, and such permit is not lifted from the office of the Zoning Officer within six (6) months from the date of authorization then such authorization shall be null and void and no permit shall be issued thereunder.
- E. The Board shall fix a reasonable time for the hearing of an appeal, shall give notice thereof as well as due notice, at least six (6) days prior to the hearing, in the press and by mail to the parties in interest at the address filed with the appeal, and shall decide the same within forty-five (45) days from the Zoning Officer's decision. Upon the hearing of such appeal, any party may appear in person or be represented by Agent or Attorney.

Section 906 Administration

- A. The Zoning Officer shall retain in permanent files all applications for zoning permits, petitions for rezoning, applications for variance or use on special exception, appeals and other documents submitted to the Township or to the Zoning Hearing Board pursuant to this Ordinance and all decisions thereon.
- B. The Zoning Officer shall retain in permanent files all construction permits, final inspection reports and occupancy certificates issued under the Uniform Construction Code Ordinance and received from the building code official under that ordinance.
- C. The Zoning Officer shall submit to the Board of Supervisors monthly and annual written reports of UCC construction permits and of zoning permits for activities which are regulated by this Ordinance but not the UCC Ordinance, and shall

submit to other appropriate governmental entities reports of such activities as directed by the Board of Supervisors or its designee.

- D. The Board of Supervisors is authorized to establish by Resolution fees for permits, applications, petitions and appeals and procedures for the proper implementation of this Ordinance.

Section 907 Enforcement

- A. If the Zoning Officer shall find that any provisions of this Ordinance are being violated, he shall notify the owner of the property upon which such violation is occurring by certified mail, return receipt requested, such notice being deemed adequate if persons other than the owner are perpetrating the alleged violation.
- B. Communications regarding violations shall indicate the nature of the violation by specific paragraph relied on and shall order the action necessary to correct it.
- C. Such communication shall order the discontinuance of illegal uses of land or structures, or the removal or moving of illegal structure or additions or alterations thereto, as well as any other action necessary to assure compliance with or prevent violation of this Ordinance and shall indicate the owner's alternative actions under the terms of this Ordinance.
- D. The Zoning Officer shall allow a period not to exceed thirty (30) days within which a violation shall be corrected. The Zoning Officer shall inspect the site of the violation at the conclusion of the period specified and if he finds the violation still not corrected, shall take the owner before a magistrate, who if he finds the owner guilty, shall assess penalties as follows:
1. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of any zoning ordinance enacted under this act or prior enabling laws shall, upon being found liable therefore in a civil enforcement proceeding commenced by a municipality, pay a judgment of not more than \$500 plus all court costs, including responsible attorney fees incurred by a municipality as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the municipality may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each

day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of zoning ordinances shall be paid to the municipality whose ordinance has been violated.

2. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
3. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the municipality the right to commence any action for enforcement pursuant to this section.

Section 908 Mediation Option

- A. In accordance with the Pennsylvania Municipalities Planning Code, authorized parties may utilize mediation as method to facilitate such proceedings.

Section 909 Fees

- A. Fees shall be charged and shall be paid at the time any permit or renewal thereof is presented and filed, in accordance with the schedule of fees established from time to time by Resolution of the Board of Supervisors.
- B. Petitions requesting rezoning of property shall be accompanied by a filing fee as prescribed in the schedule of fees established from time to time by the Board of Supervisors to defray costs of advertising, processing and professional services.
- C. Each appeal or application to the Zoning Hearing Board or Board of Supervisors, exclusive of appeals from action of the Zoning Officer, shall be accompanied by a filing fee as prescribed in the schedule of fees established from time to time by the Board of Supervisors to defray costs of advertising, processing and professional services. No such application or appeal shall be deemed filed until the Zoning Officer receives all required documents and the filing fees therefore.
- D. Each appeal to the Zoning Hearing Board challenging propriety of action by the Zoning Officer shall be accompanied by a filing fee as prescribed in the schedule of fees established from time to time by Resolution of the Board of Supervisors to defray costs of advertising, processing and professional services. No such application or appeal shall be deemed filed until the Zoning Officer therefore receives all of the required documents and filing fees.

Table 9 -1: CHONOLOGICAL LIST OF PROCEDURES TO FOLLOW IN SEEKING VARIANCE, APPEAL, SPECIAL EXCEPTION

- A. Review variance or special exception with Zoning Officer. Reviews are a result of:
1. questioning validity of zoning map or ordinance
 2. create unnecessary hardship on landowner
 3. unique physical circumstances or conditions
 4. hardship was not created by landowner
 5. request will not alter character of area
 6. request will be minimum to afford relief
- B. Landowner can appeal Zoning Officers decision – IN WRITING. File written appeal with Secretary of Zoning Hearing Board.
- C. Zoning Hearing Board
1. Requires applicant to secure names and address of property owners within 300 feet of variance
 2. Will display notice of hearing 15 days prior to hearing
 3. Will hold hearings
 4. Will make decision
 - a. If favorable to applicant, Board may prescribe conditions
 - b. If favorable to applicant, Board will prescribe time limit to implement variance. Variance void if no compliance within time limit.
- D. Hearings
1. Notice of hearing by certified mail 15 days prior to hearing
 2. Public notice in paper of record no more than 30 days or less than 14 days
 3. Applicant has right of attorney
 4. Hearing Board must make written decision within 45 days of hearing - If not rendered in 45 days, decision considered in favor of applicant
 5. Decision goes to applicant by certified mail
- E. Appeals
1. Must be made to Board within 30 days following application for development
 2. No work on development until after decision is rendered.
- F. Appeals to Court
1. If not satisfied with Zoning Hearing Board decision, appeal can be made to Armstrong County Court of Common Pleas
 2. Appeal must be made within 30 days of Board's decision.

Article X

Boards and Agencies

Section 1000 Township Supervisors

- A. The Board of Township Supervisors shall have the following duties and responsibilities:
 - 1. Shall be responsible for the adoption and amendment of the Ordinance after the public hearing, and for enforcement of the Ordinance.
 - 2. Shall appoint members to the Planning Commission and to the Zoning Hearing Board, and the Zoning Officer.
 - 3. Shall consider the recommendations of both the Township and County Planning Commission before adopting the Ordinance or any amendment to it.
 - 4. Shall establish a schedule of fees for the issuing of building, occupancy, and sign permits, and for initiation of action on amendments, variances, conditional use applications, appeals from decisions of the Zoning Officer, and other activities.
 - 5. Shall approve, approve with conditions, or reject planned residential plans, and plans for development of properties, as provided in of this Ordinance after receiving recommendations from the Planning Commission.
 - 6. Shall approve or disapprove conditional uses.

Section 1001 Zoning Hearing Board

- A. In accordance with the Pennsylvania Municipalities Planning Code, a Zoning Hearing Board for East Franklin Township shall be appointed and organized. The word “Board” when used in this Ordinance shall be construed to mean the Zoning Hearing Board.
- B. The Board shall have the following duties and responsibilities:
 - 1. Shall hear appeals from decisions of the Zoning Officer and shall uphold or revise his decision.
 - 2. Shall hear requests for variances from strict applications of the provisions of the zoning ordinance and make decisions thereon.
 - 3. Shall hear challenges to the validity of the zoning ordinance, map or amendments thereto, deciding contested questions and making findings on all relevant issues of fact.
 - 4. Shall hear requests for special exceptions and conditional uses and make decisions thereon.
 - 5. Shall conduct hearings and conduct business in accordance with the requirements of the MPC.
 - 6. Shall not be involved with any ordinance other than the zoning ordinance.

7. Shall submit a report of its activities on all meetings to the Board of Township Supervisors. The report shall be submitted in time for the next regularly scheduled Board meeting.
- C. The Board shall adhere to the following regarding challenges to the validity of the Zoning Ordinance or Map:
1. The Board shall have no power to pass upon the validity of any provision of any ordinance or map adopted by the Township.
 2. The Board shall hear challenges to the validity of this Ordinance or its map on substantive questions. In all such challenges, the Board shall take evidence and make a record thereon. At the conclusion of the hearing, the Board shall decide all contested questions and shall make findings on all relevant issues of fact which shall become part of the record on appeal to the courts.
 3. A challenge may be filed with the Board in writing by any landowner affected, any officer of the Township or any person aggrieved.
- D. The membership, organization, expenditure for services, procedures for hearings, and functions of the Board regarding appeals from the zoning officer, variances, special exceptions and nonconforming uses shall be in accordance with the requirements established in the Pennsylvania Municipalities Planning Code.
1. The Board shall consist of three (3) members who are residents of East Franklin Township, to be appointed by the Township Supervisors.
 2. The term of office of members of the Board shall be staggered and so fixed that not more than one (1) member's term of office shall expire in any given year. Any new appointment or reappointment made at the expiration of the term of office of a member of the Board shall be a term of three (3) years.
 3. Members of the board shall hold no other elected or appointed office in the municipality nor shall any member be an employee of the municipality.
 4. An appointment to fill a casual vacancy as a result of health, resignation or otherwise, of a member of the Board, whose term of office has not expired shall be only for the unexpired portion of this member's term of office.
 5. Any board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the governing body which appointed the member, taken after the member has received 15 days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.
 6. Hearings of the Board shall be held at the call of the Chairman. Such Chairman or, in his absence, the acting Chairman, may administer oaths and compel the attendance of witness. All hearings shall follow the requirements established in the MPC.
 7. All hearings shall be open to the public. The Board shall keep stenographic record of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact; and shall keep

- records of its examinations and other official actions. Every rule or regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Board shall immediately be filed in the office of the Supervisors and shall be public record.
8. The Board shall annually elect officers from among its membership, to include a Chairman, Vice-Chairman, and Secretary.
 9. The Board shall hold meetings as necessary in order to conduct business.
 10. The Board shall reorganize at its first meeting in each calendar year. Board members may succeed themselves in their positions.
 11. The Chairman shall call and chair all meetings of the Board. The Vice-Chairman shall act in the absence of the Chairman and shall assist the Secretary.
 12. The Secretary shall keep the minutes of the proceedings, recording the vote of each member; shall transcribe and distribute all testimony given at hearings under procedures described below; shall draw up the agenda or each meeting; shall be responsible for placing of notices for public hearings; and shall handle all correspondence.
 13. A quorum for the conduct of any hearing or the taking of any action shall be not less than two (2) members. However, if two (2) members are disqualified to act on a particular matter, the remaining member may act for the Board.
 14. The Board may make, alter, or rescind rules, regulations, and forms for its procedures consistent with this and other Ordinances of the Township of East Franklin and the laws of the Commonwealth of Pennsylvania.
 15. The Board shall keep full public records of its business and shall submit an annual report of its activities to the Board of Township Supervisors not later than sixty (60) days after the start of the subsequent year.
- E. Where by reason of topographical conditions, district border line situations, immediately adjoining existing developments or because of other unusual circumstances, the strict application of any provision of this Ordinance would result in exceptional practical difficulty or undue hardship upon the owner of any specified property, the Board, in passing upon appeals, shall have the power to vary or modify such strict application or to interpret the meaning of this Ordinance so as to relieve such difficulty or hardship; provided that such variance, modification or interpretation shall remain in harmony with the general purpose and intent of this Ordinance, so that the health, safety and general welfare of the community shall be conserved and substantial justice done.
- F. The Board, upon appeal, shall hear requests for variances and shall have the power to authorize variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant. The Board may grant a variance provided the following findings are made where relevant in a given case:
1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property,

- and that the unnecessary hardship is used to such conditions, and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance is the neighborhood or district in which the property is located;
2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
 3. That such unnecessary hardship has not been created by the appellant;
 4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare;
 5. That the variance, if authorized will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
 6. In granting any variance, the Board may attach reasonable conditions and safeguards as deemed necessary to implement the purposes of the Zoning Ordinance.
 7. Notices for hearings at which variances are to be considered shall be the same as prescribed in this ordinance except that the applicant shall secure the names and address of all the property owners within three hundred feet (300') of the boundaries of the property for which the variance is sought as part of his application, and a notice of the hearing to consider the variance shall be posted at the Municipal Building at least fifteen (15) days prior to the hearing.
 8. If the Board finds in favor of the appellant, it may prescribe appropriate conditions and safeguards deemed necessary to implement the purposes and intent of this Ordinance and the East Franklin Township Comprehensive Plan.
 9. A variance granted by the Board shall expire automatically without written notice to the applicant if no application for zoning approval, building permit or grading permit to undertake the work described in the decision granting the variance has been submitted within twelve (12) months of said decision, unless the Board, in its sole discretion extends the variance upon written request from the applicant received prior to its expiration or unless the Board specifically grants a longer period of time in its decision.
 10. Under no circumstances shall the Board grant a variance to allow a use not permissible under the terms of this Ordinance in the Zoning District containing property for which the variance is sought, or any use expressly or by implication prohibited by the terms of this Ordinance in the Zoning District.
 11. No variance shall be granted for any construction, development, use or activity within any floodway area that would cause any increase in the one-hundred year flood elevation.
 12. No variance shall be granted for any construction, development, use or activity within any identified floodplain area that is prohibited or restricted by the Ordinance.

13. Whenever a variance is granted to construct a structure below the one-hundred year flood elevation, the 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 variance may increase the risk to life and property.

- G. The Board may grant or authorize a permit for a use by special exception in accordance with the following standards and criteria and specific requirements established in this Ordinance, which are the express conditions for the grant of any special exception.
 1. The use proposed by the applicant will not be detrimental to the public health, safety or welfare.
 2. The use proposed by the applicant will not fundamentally alter the character of the neighborhood in which it is located.
 3. The use proposed by the applicant conforms in all respects to restrictions other than those that relate to use type, to the extent that such restrictions may be reasonably made applicable to the use proposed and to the extent such restrictions are not specifically made inapplicable by other provisions of this Article.
 4. The use proposed by the applicant, if located within a reasonable distance of the boundary of a zoning district in which the proposed use is not permitted by special exception or otherwise will not be detrimental to the legislative purpose reflected by the zoning of the adjacent district.
 - a. In determining what a “reasonable distance” is the Board shall consider the nature of the proposed special exception and whether uses of that type generally, or the specific use proposed, would tend to have any detrimental impact upon the enjoyment of the land use types permitted in the adjacent district.
 - b. In determining the legislative purpose of the zoning of an adjacent district, the Board shall consider the Comprehensive Plan, the overall scheme of this Ordinance in terms of the dispersion of uses throughout the Township, and the reasonable expectations of users of land zoned for purposes permitted in the adjacent district.
 - c. In making the determinations referred to in subsections (a.) and (b.) above, the Board may consider such other factors as may be appropriate in a given case.
 5. The use proposed by the applicant, because of another special exception or exceptions previously granted, will not, in its cumulative effect, be inconsistent with the primary uses permitted as of right in the particular district.
 6. The use proposed by the applicant, because of another special exception or exceptions previously granted, will not, in its cumulative effect, place a

significant additional burden upon existing public facilities, public safety services, highways or streets or sewers; or requires, for the interest of the public, a significant increase in the burden of providing such facilities or services.

7. The use proposed by the applicant will not require a significant extension of sanitary facilities, including sewer lines, if such extension would place a financial burden upon the Township, provided that this standard shall not be considered in cases where the subject property is located in an area where it can be demonstrated by the applicant that the Township has firm plans to extend such facilities absent the use proposed by special exception.
8. In granting a special exception, the Board may attach such reasonable conditions necessary to effectuate the purposes of this Ordinance and to protect the public interest.
9. An applicant for a special exception shall have the burden of proving that the use proposed meets all of the standards and criteria specified in this article.
10. In the exercise of its powers the Board may, among other variations and interpretations, authorize a permit to be issued:
 - a. Temporary real estate office / storage area in new subdivisions. A) One year limit and C) To be removed as the adjacent areas become occupied for residential use.
 - b. For the erection of a structure in any district by an essential service when such erection or use is reasonably necessary for the service of the public and not unreasonably detrimental to the character of the development. Governed by the following criteria: A) In all residential districts it shall meet all of the buffer yard requirements for the Local Commercial District, B) Signs shall meet all residential district requirements, C) No exterior storage of trucks, material or equipment
 - c. For a community garage in a Residential District, A) Located within fifty (50') feet of an existing dwelling, B) Signatures of the owners of sixty (60%) percent of all the property within one hundred (100') feet of the property line of the lot the proposed structure is on, C) 35' maximum height, D) 30% lot coverage of impervious area as defined in the Subdivision and Land Development Ordinance.
 - d. For public or semi-public institutions, education or charitable.
 - e. For Communications Antennas, Personal Wireless Service and other facilities mounted on Communications Towers, Alternative Tower Structures and Towers in Commercial and Light Industry Districts not on lands within two hundred (200') feet of Interstate highway rights-of-way, subject to the general criteria set forth in Subsection B and the following specific criteria:
 - i All regulations set forth governing wireless, Personal Wireless Services, Communications and other antennas, facilities and Communications Equipment Buildings; and

- ii All regulations set forth governing Communications Towers, Alternative Tower Structures and Towers; and
 - iii Co-location of Communications Antenna, Personal Wireless Service facilities and other facilities or their placement on existing structures should be encouraged wherever practicable; and
 - iv The physical conditions and circumstances of the subject premises and of adjacent uses, including topography, existing trees or other potential sight screens shall be considered and may, in appropriate circumstances in the authorized use districts, warrant minor deviations in setback or height regulations subject to standards established in this ordinance, so long as such deviations do not expose adjacent properties or uses to risk of harm or material detriment; and
 - v The use of Alternative Tower Structures shall be encouraged whenever practicable; and
 - vi Evidence of licensure, interests in the subject property, insurance, engineering certifications and other documents required under the provisions of this ordinance may be submitted and received as exhibits without requiring an applicant to testify as to such matters, except as the Zoning Hearing Board deems necessary; and
 - vii Rights accorded owners and operators of Communications Antennas and related facilities under Federal law shall be respected, such that opposition to a lawful and authorized use a such shall not be grounds for denial of the use; and
 - viii In accordance with the provisions of this ordinance, the Board shall attach such reasonable conditions upon a use as it deems necessary in the circumstances to effectuate the purposes of the Ordinance and to protect the interest of the public and reasonable interests of adjacent uses and developments; and
 - ix Regulations in this ordinance requiring submission by applicants of inspection reports and ongoing compliance with applicable laws and regulations shall constitute conditions on all uses granted on special exception without being fully recited.
11. For the use of land within any Light Industry or Heavy Industry zoning district as a “corrections facility” or “treatment center” as defined in this Ordinance, so long as all of the following standards and criteria are met:
- a. No such use shall be approved if located within one thousand (1,000') feet from another corrections facility or treatment center.
 - b. No such use shall be approved unless there is a separation of at least five hundred (500') feet from a residential zoning district or use.

- c. No such use shall be approved within five hundred (500') feet of a school, church, playground, park, camp, community center, childcare facility or other area where minor children assemble or congregate.
 - d. The minimum lot area for a treatment facility shall be twenty-four thousand (24,000) square feet.
 - e. The maximum building coverage shall not exceed thirty-five (35%) percent of the total land area of the lot.
 - f. Buffer yards and planting strips as required in Section XX of this Ordinance for the zoning district shall be strictly complied with.
 - g. Density of development for any corrections facility shall not exceed that authorized in the Residential district.
 - h. A minimum of twenty-five (25%) percent of the developable land area, exclusive of streets and delineated wetlands, shall be set aside and held, maintained and used permanently as open space.
 - i. Off street parking shall be one (1) space per employee on the largest shift and one and a half (1.5) spaces per resident bed or one (1) space per three hundred (300) square feet of building area, which is greater.
 - j. Commercial outdoor signs shall be prohibited. Identification and directional signs shall be allowed as authorized in this Ordinance and/or the Sign Ordinance.
 - k. The Board shall attach to any approval conditions ensuring appropriate security measures, including but not limited to fencing or other barriers, cameras, lighting, guards, sign-in and sign-out sheets, curfews for residents, guard dogs, sirens and direct alarms with the Police Department.
 - l. The facility shall be built, maintained and operated so as to avoid potentially adverse influences and impacts upon surrounding properties and the general health, safety and welfare.
 - m. There shall be no direct glare, whether from floodlights, high temperature processors or other lighting, so as to be visible from adjoining zoning districts.
12. Subject to the general criteria of this Article and the specific criteria in this section, the Board may authorize a permit to be issued for the temporary use of land and/or structures not situated in Residential District for specially scheduled events of a temporary and short-term nature, including but not limited to fairs, festivals, circuses, concerts and the like, subject to the following criteria:
- a. A traffic control plan must be submitted and approved by the East Franklin Township Police Department and the Board of Supervisors.
 - b. The actual use, exclusive of one (1) day each for preparation and cleanup, shall not exceed five (5) days.
 - c. Proper provision shall be assured for the collection and disposition of municipal waste and recyclable materials and for cleanup of such materials throughout and upon conclusion of the event.

- d. The event shall not continue after 11 p.m. on any day absent the express authorization of the Board, shall be granted only if such later operation is deemed essential to the event and the site is not abutted by residential uses.
 - e. The Board may attach such reasonable conditions as it deems necessary in the circumstances.
13. In the exercise of its powers the Board may, among other variations and interpretations, authorize a permit to be issued:
- a. For the use of land or the erection or use of a building or structure, such as a real estate office or a contractor's shed or storage yard, for commercial or industrial use in Residential District. In cases where such use is incidental and reasonably necessary to the development of the district for residential purposes and where the proposed use is clearly of a temporary nature, to be removed as the adjacent areas become occupied for residential purposes. Any permit so authorized shall be only for such limited period of time as the Board shall determine is reasonable considering the character of the district in question, and in no case for a period of more than one (1) year.
 - b. For a reasonable extension of the regulations of either district over a lot divided by a district boundary line, when all parts of such lot are held under the same ownership at the time of passage of this Ordinance.
 - c. For the establishment and maintenance of a non-conforming use on a lot adjacent to a lot line the use of which, at the time of the passage of this Ordinance, does not conform to the regulations herein contained when the existing nonconforming use renders reasonably impracticable the improvement of such lot without such modification; provided that any nonconforming use so permitted shall not be a less restrictive use classification than that to which said existing nonconforming use is assigned by the terms of this Ordinance.
 - d. For a reasonable enlargement of a structure existing at the time of the passage of this Ordinance and used for trade, business or industry but located in a district restricted against such use, or for reasonable necessary additional structures for any such use and such expansion may be into an adjoining district as established by this Ordinance, but shall not in any case extend beyond the block in which such structure or use is located.
 - e. For a reasonable extension of a conforming structure or use existing at the time of the passage of this Ordinance, into a more restricted district immediately adjacent thereto, but such extension shall not be beyond the block in which such existing structure is located.
 - f. For the reconstruction of a building in a district restricted against its use when such building has been partially destroyed by fire or other

- calamity, provided the application for permit for such reconstruction is made within one (1) year from the date of such fire or other calamity.
- g. For the resumption of a nonconforming use of a building in a Residential District when such nonconforming use has been discontinued for a period exceeding one (1) year, provided such use has not been followed by a more restricted use, and that it is not reasonably practicable to utilize the lot upon which such building is located for a conforming use.
 - h. For the erection of a structure in any district by a public service corporation when such erection or use is reasonably necessary for the service of the public and not unreasonably detrimental to the character of the development.
 - i. For an aviation field, a cemetery or municipal utility or building in any district.
 - j. For a community garage in a Residential District, located within fifty (50') feet of an existing dwelling. In passing upon such appeal, the Board shall give weight to the contents to such variation from the provisions of this Ordinance, as shown by the signatures of the owners in interest and number of sixty (60%) percent of all the property within fifty (50') feet of the proposed structure.
 - k. For a detached private garage built in a terrace on the front of a lot in a Residential District where the topographical conditions are such as to make it impracticable to construct such garage as required under this Ordinance.
 - l. For such variation of the area requirements of this Ordinance as the Board may deem necessary to secure an appropriate improvement of a lot of such restricted area, size or shape, that it cannot be reasonably improved without modification of the strict application of the provisions of this Ordinance ;provided such lot, at the time of the passage of this Ordinance either was held under separate ownership from the adjoining lots or was shown on a recorded plat to be a separate and distinct numbered lot.
 - m. For a front yard of less depth than that required by this Ordinance where topography or existing building development makes strict compliance unreasonable or substantially impossible.
 - n. For an arrangement and size of yard varying from that specified in this ordinance in case of a group of buildings on a parcel of land forming in effect a multiple dwelling made of separate units, provided that the depth of the yard adjacent to the street line and the required lot area per family as specified in this Ordinance shall be complied with the location of said buildings.
 - o. For such reasonable variation of the Height and Area Regulations herein set forth as the Board may deem necessary for the suitable use of a telephone exchange building located in a Residential District; where the Board determines such variation is reasonably necessary for the public convenience or welfare, harmonious to the purpose and the

intent of the district and not unreasonably injurious to the property of the district in which such structure is or to be located.

- p. For an enclosed portion of a building projecting into a front yard, provided:
 - i. Such building is located in a Residential District where forty (40%) percent or more of the property fronting upon one side of street, between two intersecting streets and located in such district as has been improved with buildings at the time of the passage of this Ordinance.
 - ii. Such projection shall not extend into the required front yard for a distance greater than ten (10') feet nor further than to the average front line of existing porches in the block.
 - iii. Such projection shall not exceed a height of one (1) story or fourteen (14') feet.
 - iv. In considering such variation from the terms of this Ordinance, the Board shall, among other things, give particular weight to the attitude of the owners of adjoining lots and the other lots fronting on the same street and located between the two nearest intersecting streets.

H. Before the Board may grant a special exception under this Section, it must find that one of the specific uses or other variations above is being proposed by the applicant for the special exception. The Board shall have no power to grant any exception not specifically identified in this ordinance, notwithstanding that the applicant may have demonstrated compliance with the performance and public welfare criteria set forth in Subsection (b.).

Section 1002 Planning Commission

- A. Through the powers granted to municipalities in the Pennsylvania Municipalities Planning Code, a Planning Commission is hereby established under this Ordinance. The word “Commission” when used in this Ordinance shall be construed to mean Planning Commission.
- B. The Commission shall function as an advisory body to the East Franklin Township Board of Supervisors in accordance with the purpose and intent of the Pennsylvania Municipalities Planning Code. The Commission shall perform such advisory functions as shall be requested from time to time by the Supervisors and in the performance of such advisory functions as so requested shall have such powers and duties as are granted and established by the Pennsylvania Municipalities Planning Code.
- C. The membership, term of office, conduct of business, and powers and duties of the Commission shall be in accordance with the requirements established in the Pennsylvania Municipalities Planning Code.

- D. The Commission shall consist of not more than seven (7) members to be appointed by the Township Supervisors.
- E. The term of each of the members of the Commission shall be for four (4) years, or until his successor is appointed and qualified, except that the terms of the members first appointed shall be so fixed that no more than three (3) members shall be reappointed or replaced during any future calendar year. The Chairman of the Planning Commission shall promptly notify the Township Supervisors concerning vacancies in the Commission, and such vacancies shall be filled for the unexpired term.
- F. The Commission shall elect its own chairman and vice chairman and create and fill such other offices as it may determine. Officers shall serve annual terms as and may succeed themselves. The Commission may make and alter by-laws and rules and regulations to govern its procedures consistent with the Ordinances of East Franklin Township and the laws of the Commonwealth of Pennsylvania. The Commission shall keep a full record of its business and shall annually make a written report by March 1st of each year of its activities to East Franklin Township. Interim reports may be made as often as may be necessary, or as requested by East Franklin Township Supervisors.
- G. The Planning Commission shall exercise those powers and duties conferred on it by Ordinance of East Franklin Township and by the laws of the Commonwealth of Pennsylvania. These powers and duties include, but are not limited to:
 - 1. Preparing and holding a public hearing upon, and recommend to the Supervisors, the contents of the zoning ordinance.
 - 2. Holding regularly scheduled advertised meetings open to the public and shall maintain a file of its records and minutes of its meetings.
 - 3. Receiving from the Zoning Officer copies of all applications for amendments to this Ordinance and make findings and recommendations thereon, after which the Planning Commission shall forward such findings and recommendations, in writing, to the Supervisors before the date of the public hearing on the proposed amendment.
 - 4. Receiving from the Zoning Officer copies of all applications for planned developments and shall make findings and recommendations thereon as set forth in this Ordinance, after which the Planning Commission shall forward such findings and recommendations, in writing, to the Supervisors before the date of the public hearing on the planned development.
 - 5. Receiving from the Zoning Officer copies of all applications for conditional uses and shall make findings and recommendations and shall forward such findings and recommendations, in writing, to the Supervisors before the date of the public hearing on the conditional use.
 - 6. Initiate, direct and review, from time to time, the provisions of this Ordinance and make reports on its findings and recommendations to the Supervisors in

writing not less than annually and recommend and update the provisions of the East Franklin Township Comprehensive Plan not less frequently than every ten (10) years.

7. Review subdivision and land development applications and provide findings and recommendations, in writing, to the Supervisors in accordance with the East Franklin Township Subdivision and Land Development Ordinance.

Article XI

Conditional Uses and Special Exceptions

Section 1100 Conditional Uses

- A. The Governing Body shall grant or deny conditional use permits pursuant to the standards established by the MPC and this Ordinance and shall hold hearings on and decide requests for such conditional uses in accordance with such standards and criteria.
- B. Conditional uses shall be permitted only upon the review and recommendation by the Planning Commission.
- C. Conditional uses shall be found to comply with the following requirements and other applicable requirements as set forth in this Ordinance.
 - 1. That the use is a permitted conditional use as set forth in this Ordinance.
 - 2. That the use is in accordance with the Comprehensive Plan
 - 3. That the use is so designed, located, and proposed to be operated so the public health, safety, welfare, and convenience will be protected.
 - 4. That the use will not cause substantial loss to the value of other properties in the neighborhood where it is to be located.
 - 5. That the use shall be compatible with adjoining development and the proposed character of the zoning district where it is to be located.
 - 6. That adequate landscaping and screening is provided as required in this Ordinance.
 - 7. That adequate off-street parking and loading is provided.
 - 8. That the use is suitable in terms of effects on highway traffic and safety with adequate ingress and egress designed to protect streets from undue congestion and hazard.
 - 9. Lighting, odors, and noise originating from the site shall meet the requirements established in this Ordinance.
 - 10. Signs and other displays associated with the proposed use shall meet the requirements established by the Township.
 - 11. That the use conforms to all applicable regulations governing the zoning district where it is located.
- D. The Governing Body shall render its decision in accordance with the requirements as set forth in the MPC.
- E. All other applicable requirements regarding conditional uses established in this Ordinance or the MPC shall be adhered to.

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- F. All provisions of the Subdivision and Land Development Ordinance which are not specifically modified by the Governing Body in approving a conditional use, shall apply to any conditional use involving subdivision or land development.
- G. The approval of a conditional use does not relieve the applicant from submitting the required site plans, subdivision plans and / or land development plans and from obtaining the necessary permits and approvals as required by this Ordinance or other applicable ordinances enacted by the municipality.
- H. Conditional use applications shall be submitted to the Zoning Officer at least twenty one (21) days prior to the regularly scheduled Planning Commission meeting for which it is to be considered and shall state the grounds upon which the conditional use is requested.
- I. Applications for conditional uses shall include:
1. One original application form completed by the applicant. If the developer is other than the landowner, the landowner's authorization of the developer to apply and nature of developer's interest in the site shall accompany application.
 2. Three copies of the landscape plan.
 3. Three copies of the architectural renderings of all existing and proposed buildings and building additions. This requirement may be waived for existing buildings when it is demonstrated that no exterior changes to the building are proposed or when and determined unnecessary by the Governing Body.
 4. Three copies of a (conditional use) site plan meeting the requirements for a preliminary plan for land development as set forth in Subdivision and Land Development Ordinance.
 5. Application fee and review fees established by ordinance or resolution of the Governing Body.
- J. Within seven (7) working days after a conditional use application is submitted, the Governing Body shall certify the conditional use application as substantially complete and accepted or incomplete and rejected. Within said time, the Governing Body shall notify the applicant in writing if the conditional use application is incomplete and rejected, stating the deficiencies in the application and returning the filing fee. The applicant may reapply, submitting the fee and missing material at any time.
- K. The Planning Commission shall review the application for development and make a written recommendation to the Governing Body. If the proposed development is also a land development, the Planning Commission shall also make a recommendation under the provisions of the Subdivision and Land Development Ordinance.
- L. The Governing Body shall hold a public hearing, in accordance with the MPC and public notice shall be given as to the date of the public hearing. The public hearing

- shall be commenced by the Governing Body within 60 days from the date of an applicant's request for a hearing.
- M. The Governing Body may prescribe reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as deemed necessary to implement the purposes of the MPC and this Ordinance.
 - N. The Governing Body shall render a written decision or, when no decision is called for; make written findings on the conditional use application in accordance with the requirements of the MPC.
 - O. The Zoning Officer, when directed by the Governing Body, shall issue a zoning approval for such conditional use upon determination that the application has met all requirements of this Ordinance and the MPC and receives assurances that any additional conditions deemed necessary shall be fulfilled by the applicant.
 - P. Conditional use approval shall expire automatically without written notice to the applicant if no application for subdivision and land development, zoning approval for structural alteration or erection of structures, zoning approval for occupancy and use or a grading or building permit to undertake the work described in the conditional use approval has been submitted within 12 months of said approval, unless the Governing Body, in their sole discretion, extend the conditional use approval upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be one (1) twelve (12) month extension.
 - Q. Conditional use approval, granted prior to the effective date of this Ordinance, shall expire automatically without written notice to the developer if no application for subdivision and land development, zoning approval for structural alteration or erection of structures, zoning approval for occupancy and use, or a grading or building permit to undertake the work described in the conditional use approval has been submitted within 12 months of the effective date of this Ordinance or as specified in the approval, unless the Governing Body, in its sole discretion, extends the conditional use approval upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be one (1) twelve (12) month extension.
 - R. Any requests for modifications or waivers shall be in writing and shall accompany the conditional use application. The request shall state the grounds of hardship, the provisions of this Ordinance affected, and the minimum modification necessary.

Section 1101 Special Exceptions

- A. The Zoning Hearing Board shall grant or deny special exception applications pursuant to the standards established by the MPC and this Ordinance and shall hold hearings on and decide requests for such special exceptions in accordance with such standards and criteria.

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- B. The Zoning Hearing Board shall grant a special exception only when it finds adequate evidence that the proposed development will meet all of the following general requirements as well as any specific requirements established in this Ordinance. The proposed use shall be:
1. In accordance with the East Franklin Township Comprehensive Plan and is consistent with the spirit, purposes and intent of the East Franklin Township Zoning Ordinance.
 2. In the best interests of East Franklin Township, the convenience of the community, the public welfare, and be an improvement to the property.
 3. Suitable for the property in question, and designed, constructed, operated, and maintained so as to be in harmony with and appropriate in appearance to the existing or intended character of the general vicinity.
 4. In conformance with all applicable requirements of the East Franklin Zoning Ordinance and other applicable ordinances enacted by the Township.
 5. Suitable in terms of effects on highway traffic and safety with adequate access arrangements to protect streets from undue congestion and hazards.
- C. The requirements established by this Section are applicable where cited specifically for a use by Special Exception and / or use by right listed in this Ordinance.
- D. Special Exceptions shall be permitted only where specifically permitted in accordance with this Ordinance.
- E. The applicant shall bear the burden of proof that the proposed use meets all requirements and objectives of this Ordinance.
- F. Nothing in this Section shall relieve the applicant or developer for a Special Exception from obtaining Subdivision and / or Land Development approval in accordance with the municipality's Subdivision and Land Development Ordinance.
- G. Any use for which a special exception permit may be granted shall be deemed to be a conforming use subject to the conditions of approval in the District in which such use is located provided that such permit shall be deemed to affect only the lot or portion thereof for which such permit shall have been granted.
- H. The applicant shall pay all costs in accordance with the fee schedule enacted by the municipality.
- I. No permit shall be issued by the Zoning Officer until all such fees and costs have been paid in full by the applicant.
- J. Requests for Special Exceptions shall be submitted, together with all required fees, in a written application setting forth in detail the grounds for the request.

- K. A development plan of the total area to be included in the application, which shall be drawn to scale, shall accompany and be part of the Special Exception Application and contain the following:
1. The location, boundaries, dimensions and ownership of the property / properties included on the application.
 2. A general description of the activities to take place on the site.
 3. The location and uses of each proposed building / structure.
 4. The locations, dimensions, arrangements and proposed use of all open spaces, yards, streets, access ways, entrances, exits, off-street parking facilities, loading and unloading facilities, pedestrian ways and buffer yards.
 5. A plan for automobile access, parking, loading and unloading in sufficient detail to demonstrate that satisfactory arrangements will be made to facilitate traffic movement to, from, and on the site.
 6. Buffer area and screening characteristics to be maintained including the dimensions and arrangements of all areas devoted to open spaces, plantings, trees or fencing.
 7. A plan, in sufficient detail, to indicate how noise, glare, air pollution, water pollution, fire hazards, traffic congestion, and other safety hazards that may be produced on site will be addressed.
 8. A description of the methods to be used for water supply treatment and disposal of sewage, wastes, refuse, and storm drainage.
 9. The names and addresses of all adjoining property owners.

Article XII

Amendments

Section 1200 Changes and Amendments

- A. An amendment shall be defined as an official change, including revisions, to the zoning ordinance text, and or, the official zoning map.
- B. The Township Supervisors may introduce and / or consider amendments to this Ordinance and to the zoning map, as proposed by a member of the Township Supervisors, the planning commission, or by a petition of a person residing or owning property within the Township.
- C. All amendments and the notification of proposed amendments shall conform to the Pennsylvania Municipalities Planning Code (MPC) and all subsequent amendments to the MPC.
- D. Petitions for amendments shall be filed with the planning commission and the petitioners, upon such filing, shall pay an advertising deposit and a filing fee, in accordance with the fee schedule. The planning commission shall review the proposed amendment and report its findings and recommendations in writing to the Township Supervisors.
- E. The petition for amendment shall contain as fully as possible the information requested on the application form approved by the Township Supervisors and shall include a statement justifying the petition; an accurate legal description and survey of the property to be rezoned; and shall be signed by the owner of the property in question. This application shall be accompanied by a fee, established by the Township Supervisors, to be paid at the time of submission of the application.
- F. Any proposed amendment presented to the Township Supervisors without written findings and recommendations from the Township of East Franklin Planning Commission and Armstrong County shall be referred to these agencies for review prior to the public hearing by the Township Supervisors. A thirty (30) day review period shall be allowed before the Township Supervisors take final action on the amendment.
- G. Before acting upon a proposed amendment, the Township Supervisors shall hold a public hearing, pursuant to public notice as per the requirements established in the MPC.
- H. Proposed amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this Ordinance and the MPC.

- I. All proposed amendments involving a zoning map change of a rezoning constituting a comprehensive rezoning of the municipality must follow the requirements as set forth in the MPC.
- J. After the approval of a zoning district boundary change or reclassification of the zoning district has been enacted, the change on the Official Zoning Map shall be made and shall be duly certified by the Township Secretary and shall thereafter be a part of the permanent records of East Franklin Township.

Section 1201 Landowner Curative Amendment

- A. A landowner who desires to challenge on substantive grounds the validity of this zoning ordinance or map, or any provision thereof, which prohibits or restricts the use of development of land in which he / she has an interest, may substitute a curative amendment to the Township Supervisors with a written request that his / her challenge and proposed amendment be heard and decided as provided in the Pennsylvania Municipalities Planning Code.
- B. As with other proposed amendments, the curative amendment shall be referred to the East Franklin Township Planning Commission and the Armstrong County Planning Department at least thirty (30) days before the hearing is conducted.
- C. The governing body shall commence a hearing thereon within 60 days of the request and the hearing shall be conducted in accordance with applicable provisions of this Ordinance and the MPC.

Section 1202 Municipal Curative Amendment

- A. If the municipality determines that the zoning ordinance, or any portion thereof, is substantially invalid, it shall take the following actions and meet all applicable requirements of the MPC:
 - 1. The municipality shall declare by formal action, its zoning ordinance or portions thereof substantively invalid and propose to prepare a curative amendment to overcome such invalidity.
 - 2. Within 180 days from the date of the declaration and proposal, the municipality shall enact a curative amendment to validate, or reaffirm the validity of, its zoning ordinance pursuant to the provisions required by the MPC in order to cure the declared invalidity of the zoning ordinance.
 - 3. A municipality having utilized the procedures as set forth in this section may not again utilize said procedure for a 36-month period following the date of the enactment of a curative amendment, or reaffirmation of the validity of its zoning ordinance.
 - 4. A municipality may utilize the provisions of this section to prepare a curative amendment to its ordinance to fulfill said duty or obligation if after the date of declaration and proposal there is a substantially new duty or obligation imposed

upon the municipality by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision.

Section 1203 Availability of Ordinances

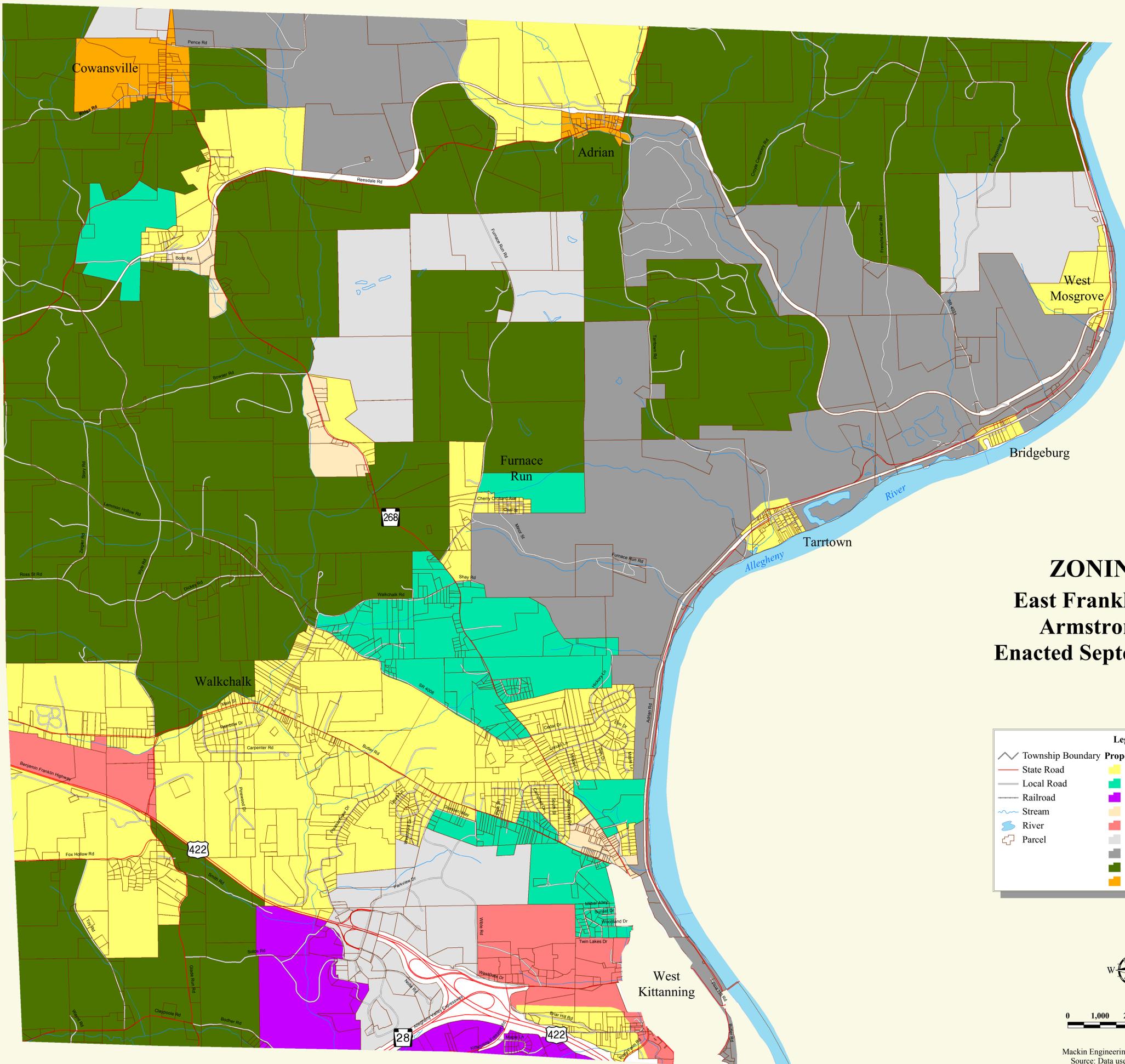
- A. Proposed zoning ordinance amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in the MPC, and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the municipality where copies of the proposed amendment may be examined without charge or obtained for charge not greater than the cost thereof.
- B. The Governing Body shall publish the proposed amendment once in one newspaper of general circulation not more than sixty (60) days nor less than seven (7) days prior to passage. Publication of the proposed amendment shall include either the full text thereof or the title and a brief summary, prepared by the Municipal Solicitor and setting forth all provisions in reasonable detail.

Section 1204 Completion of Buildings

- A. All buildings and structures started within six (6) months prior to the enactment date of the ordinance amending this Article and not in conformity therewith shall be discontinued, provided:
 - 1. No substantial construction has been made and construction is not prosecuted without delay and completed within a period of one year from said date; or
 - 2. No contract or contracts have been let.

Article XIII

Appendices

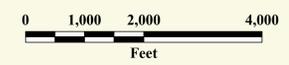


ZONING MAP

East Franklin Township Armstrong County

Enacted September 25, 2008

Legend	
	Proposed Zoning Districts
	R-1 Rural Residential
	R-2 Medium Density Residential
	R-3 High Density Residential
	C-1 Local Service Commercial
	C-2 Highway Commercial
	M-1 Light Industrial
	M-2 Heavy Industrial
	A Agricultural
	V Village



Mackin Engineering Planning Department
Source: Data used is courtesy of East Franklin Township.

ORDINANCE NO. 01 - 2008

East Franklin Township Zoning Ordinance

An Ordinance to enact provisions that divide the municipality of East Franklin Township in Armstrong County, Pennsylvania, into districts or zones, and to regulate therein the location, height, density of buildings and other structures and the use of the land and providing for enforcement of this ordinance.

WHEREAS, the Township of East Franklin, Armstrong County has prepared the East Franklin Zoning Ordinance and Zoning Map in accordance with the Pennsylvania Municipalities Planning Code (Act of 1968, P.L. 805, No. 247 as reenacted and amended); and

WHEREAS, the Board of Township Supervisors of East Franklin Township deem it necessary for the promotion of health, safety, morale and the general welfare of the municipality to regulate and restrict herein the height, use, size, and location of buildings and other structures, the size and location of yards and other open spaces, and the use of land; and

WHEREAS, the zoning requirements are hereby created and established to accomplish this purpose and shall hereinafter apply; and

WHEREAS, the proposed zoning ordinance was referred to the Armstrong County Planning Commission for review and comment; and

WHEREAS, the Board of Supervisors of East Franklin Township held public hearings which were advertised in accordance with the procedures established in the Pennsylvania Municipalities Planning Code, approve the enactment of said Ordinance, and

BE IT ENACTED AND ORDAINED by East Franklin Township, Armstrong County and it is hereby enacted and ordained by authority of the same as follows:

This Ordinance shall become effective immediately upon its passage by East Franklin Township Board of Supervisors.

Date

September 25, 2008

Attest:

Debra L. Commanslee

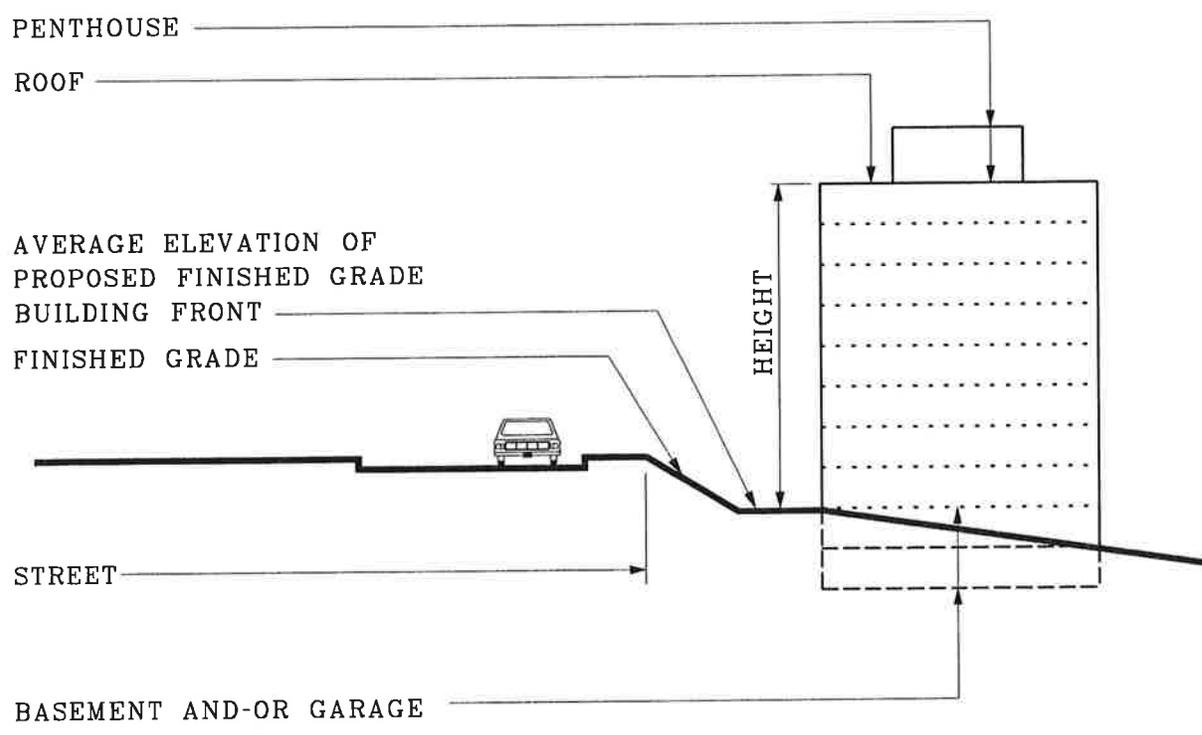
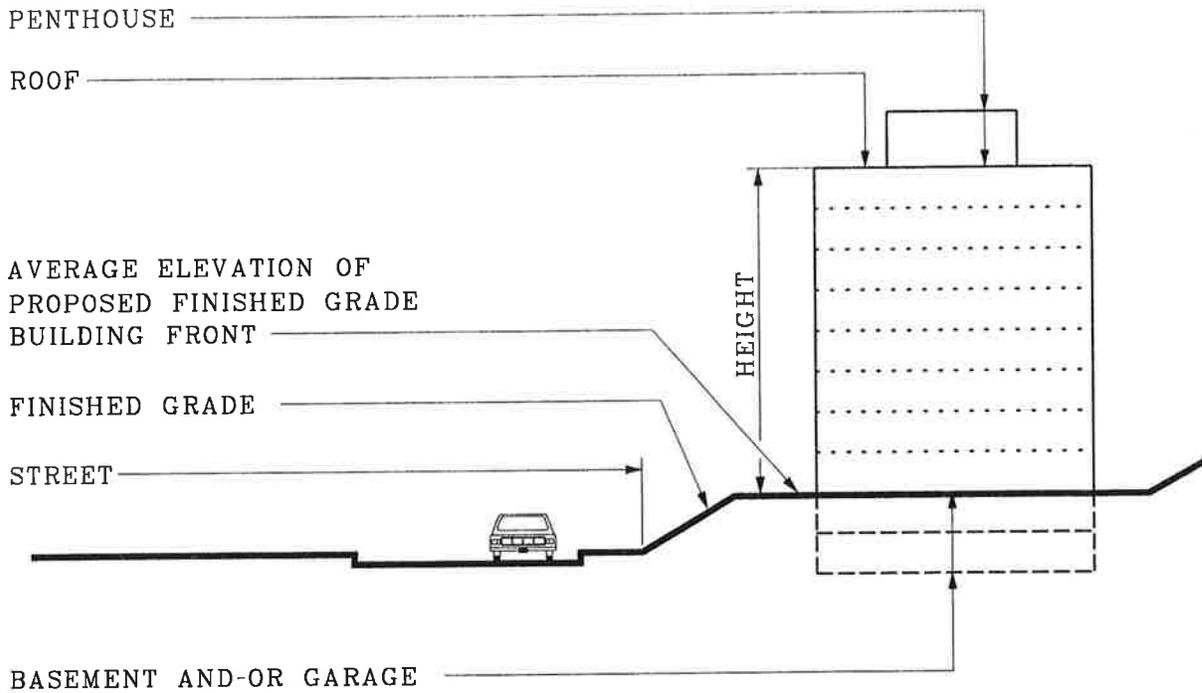
East Franklin Township Board of Supervisors

Bruce Peters

Douglas C. Rouders

Daniel A. Steunt

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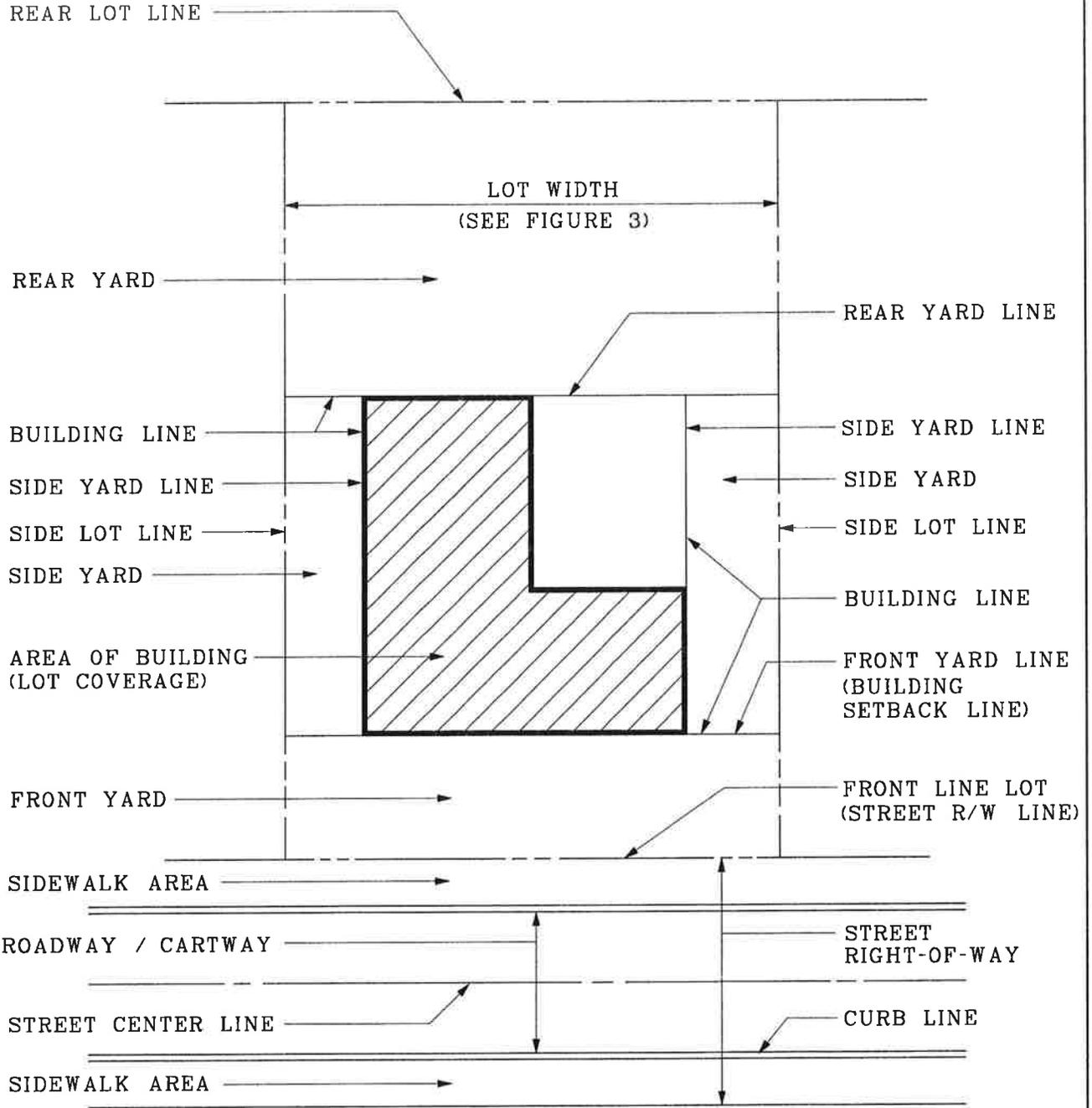


SCALE:
NO SCALE

BUILDING HEIGHT MEASUREMENT

FIGURE
1

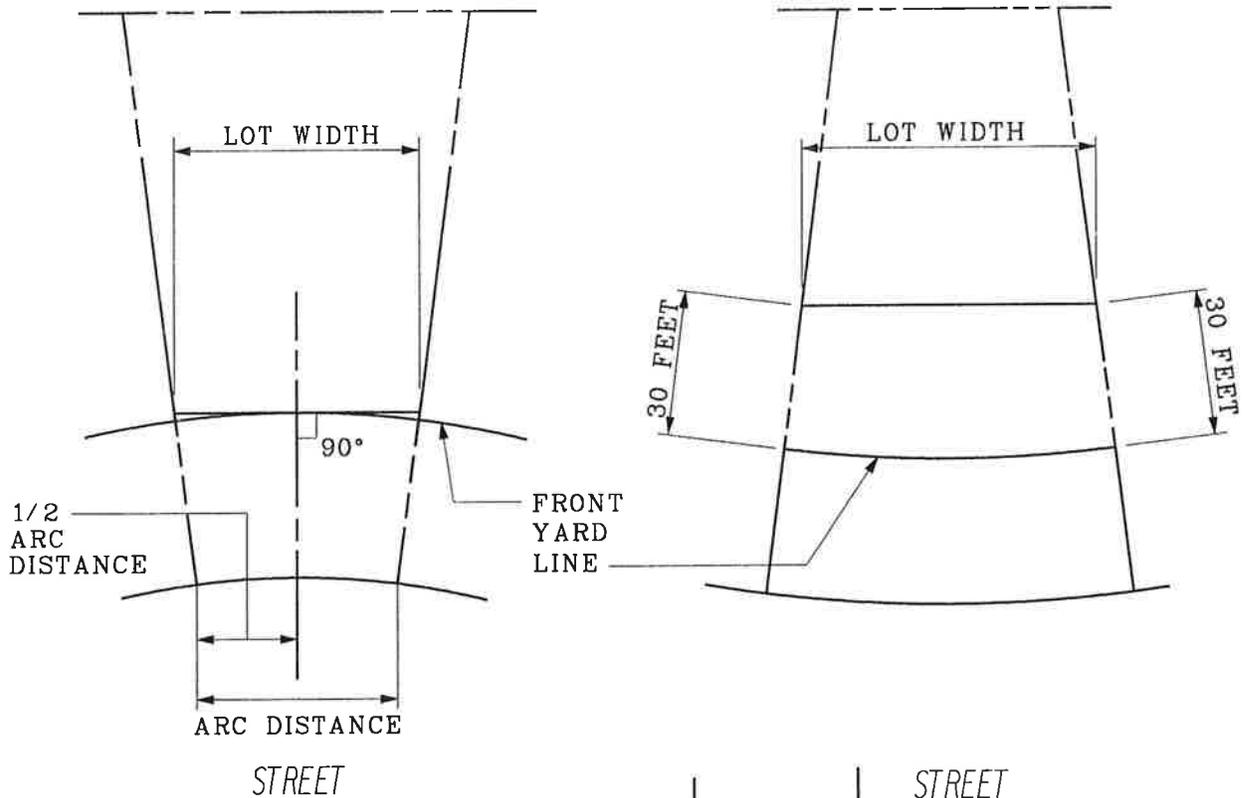
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LOT AREA AND BULK REGULATIONS

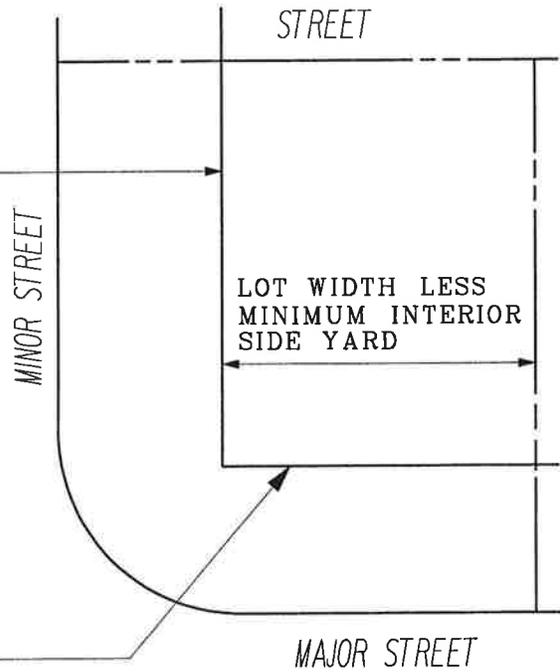
FIGURE
2



FRONT OR SIDE YARD LINE IN R-1, R-2 AND R-3 ZONES. SIDE YARD LINE IN ALL OTHER ZONES.

IN R-1 AND R-2, ZONES THE LINE ABUTTING EITHER STREET CAN BE CONSIDERED THE FRONT LOT LINE. IN ALL OTHER ZONES, ONLY THE LINE ABUTTING THE MAJOR STREET CAN BE CONSIDERED A FRONT LOT LINE

FRONT OR SIDE YARD LINE IN R-1 AND R-2 FRONT YARD LINE IN ALL OTHER ZONES.



SCALE:
NO SCALE

LOT WIDTH
MEASUREMENT

FIGURE
3