

Hempfield Township

Zoning Ordinance

2001

TABLE OF CONTENTS

	Page
ARTICLE I- PURPOSE, SCOPE, APPLICATION, INTERPRETATION	1
SECTION 100: SHORT TITLE	1
SECTION 101: PURPOSE.....	1
SECTION 102: SCOPE.....	1
SECTION 103: APPLICATION.....	2
SECTION 104: INTERPRETATION.....	2
ARTICLE II- COMMUNITY DEVELOPMENT OBJECTIVES	3
SECTION 200: PURPOSE OF COMMUNITY DEVELOPMENT OBJECTIVES	3
SECTION 201: OVERALL GOAL.....	3
201.1: Land Use Objectives.....	3
201.2: Housing Objectives	3
201.3: Economic Objectives	3
201.4: Infrastructure and Community Facilities Objectives.....	3
201.5: Natural Resources and Agricultural Preservation Objectives.....	3
ARTICLE III- ZONING DISTRICTS	4
SECTION 300: ZONING DISTRICTS.....	4
300.1: R-1 Residential- Rural Residential and Agricultural.....	4
300.2: R-2 Residential- Single Family	4
300.3: R-3 Residential- Multi Family	4
300.4: C Commercial.....	4
300.5: I Industrial	4
300.6: B Mixed Use.....	4
SECTION 301: BOUNDARIES OF ZONING DISTRICTS.....	5
301.1: Where a Zoning District Boundary Follows a Street, Alley, Railroad, or Watercourse.....	5
301.2: Where a Zoning District Boundary Approximately Parallels a Street or Alley.....	5
301.3: Where a Zoning District Boundary Approximately Follows a Lot Line	5
301.4: Submerged Areas	5
301.5: Annexed Lands.....	5
301.6: Vacation of Public Ways.....	5
301.7: Where a Zoning District Boundary Does Not Follow a Physical Feature.....	5
ARTICLE IV- PERMITTED USES, CONDITIONAL USES, SPECIAL EXCEPTIONS	6
SECTION 400: PERMITTED USES, CONDITIONAL USES, SPECIAL EXCEPTIONS.....	6
400.1: Conditional Uses	6
400.2: Special Exceptions.....	6
SECTION 401: PERMITTED USES.....	6
SECTION 402: PERMITTED USES PROVISIONS.....	7
402.1: Agriculture Sales Stand.....	7
SECTION 403: ACCESSORY USES	8
SECTION 404: ACCESSORY USES PROVISIONS	8
404.1: Boarding, Lodging or Rooming Units within Principal Structure	8
404.2: Home Based Businesses	8
404.3: Other Accessory Uses	9
SECTION 405: CONDITIONAL USES.....	9
405.1: Domestic Pet Shelter.....	9
SECTION 406: SPECIAL EXCEPTIONS.....	9
406.1: Mineral Excavation.....	9

ARTICLE V- AREA AND SPACE REGULATIONS	11
SECTION 500: LOT REQUIREMENTS.....	11
500.1: Maximum Height.....	11
SECTION 501: LOT REQUIREMENTS.....	11
ARTICLE VI- ADDITIONAL USE CRITERIA	13
SECTION 600: ADDITIONAL CRITERIA FOR SPECIFIC USES.....	13
600.1: All Dwellings.....	13
600.2: Multi Family Dwellings, 5 or More Units.....	13
600.3: Accessory Dwellings.....	15
600.4: Home Based Businesses	15
600.5: Mobile Home Parks	16
600.6: Pools	16
600.7: Temporary Structures	16
600.8: Wireless Communications Facilities.....	17
600.8a: Standards For Communications Towers as Special Exceptions.....	17
600.9: Adult Entertainment Establishment Regulations	20
600.9a: Purpose and Legislative Intent	20
600.9b: Definitions.....	20
600.9c: Minimum Spacing and Proximity Requirements	23
600.9d: Visibility from the Street.....	23
600.9e: Sign Requirements for Adult Entertainment Establishments	22
600.10: Establishments for the Storage and/or Sale of Junk.....	23
600.11: Regulations on the Density of Horses.....	24
SECTION 601: PROCEDURES FOR CONDITIONAL USES	24
ARTICLE VII- PARKING AND LOADING REGULATIONS	25
SECTION 700: OFF-STREET PARKING; LOADING FACILITY REQUIREMENTS.....	25
700.1: New Use of a Structure and/or Land.....	25
700.2: Increase in Intensity of Use of a Structure and/or Land.....	25
700.3: Change in Use of Structure and/or Land.....	25
SECTION 701: PARKING AREA REQUIREMENTS.....	25
SECTION 702: LOADING SPACE REQUIREMENTS.....	25
SECTION 703: PARKING SPACE REQUIREMENTS	26
703.1: Maximum Parking Space Requirements	26
703.2 Residential and Agricultural Uses	26
703.3 Other Uses.....	26
SECTION 704: GENERAL PARKING AREA PROVISIONS.....	28
704.1: Location of Required Parking Facilities	28
704.2: Location of Required Loading Facilities	28
704.3: Use of Required Parking and/or Loading Facilities by Another Use.....	28
704.4: Encroachment and Reduction	28
704.5: Landscape Requirements	28
ARTICLE VIII- BUFFERS, SCREENING, AND LANDSCAPING REQUIREMENTS	29
SECTION 800: LANDSCAPING REQUIREMENTS	29
SECTION 801: BUFFER AND SCREENING REQUIREMENTS FOR C, I, AND B.....	29
SECTION 802: INSTALLATION AND MAINTENANCE	30
ARTICLE IX- SIGNS	31
SECTION 900: APPLICATION.....	31
SECTION 901: PURPOSE.....	31
SECTION 902: SIGN DEFINITION.....	31

SECTION 903: GENERAL PROVISIONS AND EXCEPTIONS	31
903.1: Signs Allowed in All Districts	31
903.2: Temporary Signs Permitted in All Districts	32
903.3: Signs Prohibited	32
903.4: Signs in Residential Districts	33
903.5: Signs in C, I, and B Districts	33
903.6: Design and Measurement Requirements	33
903.7: Measurement of Sign Areas	33
903.8: Lighting	34
903.9: Construction of Signs	34
903.10: Sign Maintenance	34
SECTION 904: PERMITS AND FEES FOR SIGNAGE	34
904.1: Master Signage Plan Requirements	34
904.2: Fees and Fines	34
ARTICLE X- SUPPLEMENTARY REGULATIONS	35
SECTION 1000: SUPPLEMENTARY LOT AND YARD REGULATIONS	35
1000.1: Number of Principal Structures on a Lot	35
1000.2: Subdivision of Lot	35
1000.3: Yard, Width and Area Exceptions for a Lot of Record	35
1000.4: Determination of Yards and Minimum Distance	35
1000.5: Projection into and Occupancy of Yards or Other Open Spaces	35
1000.6: Porches, Carports, and Similar Attached Accessory Structures	35
1000.7: Fences	35
1000.8: Visibility at Intersections and Driveways	36
SECTION 1001: SUPPLEMENTARY HEIGHT REGULATIONS	36
1001.1: Height Measurement	36
1001.2: Height Regulations Not Apply	36
SECTION 1002: FLOODPLAIN REGULATIONS	37
1002.1: Designation of Floodplains	37
1002.2: Floodplain Regulations	37
SECTION 1003: RECREATIONAL EQUIPMENT AND COMMERCIAL VEHICLES	37
1003.1: Parking and/or Storage	37
1003.2: Occupancy	37
1003.3: Derelicts	38
ARTICLE XI- NON-CONFORMING USES, STRUCTURES AND LOTS	39
SECTION 1100: INTENT AND STANDARDS	39
SECTION 1101: NON-CONFORMING LOTS OF RECORD	39
SECTION 1102: NON-CONFORMING USES OF LAND	40
SECTION 1103: NON-CONFORMING STRUCTURES	40
SECTION 1104: NON-CONFORMING USES OF STRUCTURES	41
SECTION 1105: REPAIRS AND MAINTENANCE	42
SECTION 1106: USES GRANTED UNDER SPECIAL EXCEPTION PROVISIONS	42
ARTICLE XII- ADMINISTRATION AND ENFORCEMENT	43
SECTION 1200: OFFICE OF ZONING OFFICER	43
1200.1: Creation of Office	43
1200.2: Appointment	43
1200.3: Official Records	43
1200.4: Compensation of the Zoning Officer	43
SECTION 1201: DUTIES AND POWERS OF THE ZONING OFFICER	43
1201.1: Permits and Certificates of Use and Occupancy	43
1201.2: Annual Report	43
1201.3: Inspections	44

1201.4: Registration of Non-Conforming Uses and Structures	44
SECTION 1202: APPLICATION FOR PERMIT & CERT. OF USE AND OCCUPANCY	44
1202.1: When Permit is Required.....	44
1202.2: When a Certificate of Use and Occupancy is Required	44
1202.3: Forms of Application.....	44
1202.4: Plot Diagram.....	44
1202.5: Amendments to a Permit	45
1202.6: Expiration of Permits	45
SECTION 1203: ACTION ON PERMITS AND CERT. OF USE AND OCCUPANCY	45
1203.1: Action on Permit Application.....	45
1203.2: Posting of Permit	45
1203.3: Revoking a Permit.....	46
1203.4: Action Upon Completion.....	46
SECTION 1204: FEES	46
1204.1: Payment of Fees	46
SECTION 1205: ENFORCEMENT NOTICE.....	46
SECTION 1206: PROSECUTION AND VIOLATION.....	46
ARTICLE XIII- ZONING HEARING BOARD.....	47
SECTION 1300: CREATION, MEMBERSHIP AND ORGANIZATION.....	47
SECTION 1301: JURISDICTION AND FUNCTIONS.....	47
SECTION 1302: HEARINGS.....	47
SECTION 1303: TERMINATION AND MODIFICATION OF PERMIT.....	47
SECTION 1304: PARTIES APPELLANT BEFORE THE BOARD	47
SECTION 1305: APPLICATION AND FEES	48
SECTION 1306: SPECIAL EXCEPTIONS.....	48
ARTICLE XIV - AMENDMENT, SUPPLEMENT OR CHANGE.....	49
SECTION 1400: PROCEDURE FOR AMENDMENTS	49
ARTICLE XV- APPEALS	50
SECTION 1500: ZONING APPEALS	50
ARTICLE XVI- VALIDITY	50
SECTION 1600: SEVERENCE.....	50
ARTICLE XVII- REPEAL.....	50
SECTION 1700: REPEAL OF THE 1964 ZONING ORDINANCE.....	50
ARTICLE XVIII- DEFINITIONS	51
SECTION 1800: GENERAL INTERPRETATION	51
SECTION 1801: DEFINITION OF TERMS.....	51
ARTICLE XIX - EFFECTIVE DATE.....	66
SECTION 1900: EFFECTIVE DATE.....	66
ARTICLE XX- CERTIFICATION.....	67
SECTION 2000: CERTIFICATION.....	67
ZONING MAP.....	68

ARTICLE I

SHORT TITLE - PURPOSE - SCOPE - APPLICATION

- INTERPRETATION

SECTION 100: SHORT TITLE

This ordinance shall be known as the '*Hempfield Township Zoning Ordinance*' hereinafter referred to as the '*Zoning Ordinance*'.

The official map showing zoning districts and boundaries shall be known as the '*Hempfield Township Zoning Map*' copies of which shall be retained by the Township Zoning Officer and the Township Secretary. The map included herein is a reproduction of the official map and is for reference only.

SECTION 101: PURPOSE

The regulations of the '*Zoning Ordinance*' are made in accordance with the following purpose: To enhance the Township's rural community atmosphere while developing a balance of residential, recreational, commercial, and industrial land uses.

1. To lessen congestion on the streets and highways;
2. To secure safety from fire, panic and other dangers;
3. To promote health and general welfare;
4. To provide adequate light and air;
5. To prevent the overcrowding of land;
6. To avoid undue congestion of population;
7. To facilitate the adequate provision of transportation, water, sewer, schools, parks, and other public requirements;
8. To protect and enhance the value of land;
9. To encourage, yet control new development and growth within the Township.

Such regulations are also made with reasonable consideration to the character of the districts hereinafter set forth and their suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Township.

SECTION 102: SCOPE

The '*Zoning Ordinance*' regulates and restricts within the boundaries of Hempfield Township, Mercer County, Pennsylvania:

1. The height, number of stories and size of buildings and other structures;
2. Their construction, alteration, extension, repair and maintenance;
3. All facilities and services in or about such buildings and structures;
4. The percentage of lot that may be occupied;
5. The size of yards, courts, and other open spaces;
6. The density of population;
7. The location and use of buildings, structures and land for trade, industry, residence or other purposes;

8. The establishment and maintenance of building lines and setback building lines upon any or all public streets or highways.

SECTION 103: APPLICATION

In applying the provisions of the Zoning Ordinance, they shall be held to be the minimum requirements as they shall apply to the use, and/or occupancy of all buildings, other structures and/or lots. Where the Zoning Ordinance imposes greater restrictions than those of any statute, other ordinance or regulations, the provisions of the Zoning Ordinance shall be controlling. The Zoning Ordinance is not intended to interfere with any covenant or other agreement between private parties. However, where the Zoning Ordinance imposes greater restrictions than those imposed by any such easement, covenant or agreement, the provisions of the Zoning Ordinance shall govern. Where any such easement, covenant or other agreement imposes greater restrictions than those imposed by the Zoning Ordinance, those shall govern.

SECTION 104: INTERPRETATION

In interpreting the language of the Zoning Ordinance to determine the extent of the restriction upon the use of the property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the governing body, in favor of the property owner and against any implied extension of the restriction.

ARTICLE II COMMUNITY DEVELOPMENT OBJECTIVES

SECTION 200: PURPOSE OF COMMUNITY DEVELOPMENT OBJECTIVES

This article shall serve as the statement of community development objectives for the Hempfield Township Zoning Ordinance as required by Section 606 of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended). The Zoning Ordinance reflects the policy goals of the Township as stated in the following community development objectives and has been developed as a legislative and administrative tool of the Township to implement these objectives.

SECTION 201: OVERALL GOAL

The overall goal of Hempfield Township is to: enhance the Township's rural community atmosphere while developing a balance of residential, recreational, commercial and industrial uses.

201.1: Land Use Objectives

- a. Preserve rural atmosphere.
- b. Assure infrastructure and land use planning are coordinated.
- c. Encourage land use patterns that preserve and set aside green and open space.
- d. Avoid sprawling development.

201.2: Housing Objectives

- a. Permit the development of mixed-use residential districts.
- b. Promote open space within residential districts.
- c. Promote pedestrian friendly residential districts.

201.3: Economic Objectives

- a. Encourage the development of businesses.
- b. Establish a strong diverse tax base.

201.4: Infrastructure and Community Facilities Objectives

- a. Assure infrastructure and land use planning are coordinated.
- b. Promote the development of public and/or private recreational activities throughout the Township.
- c. Advocate standards that assure public safety.
- d. Assure development costs are not passed on to the citizens.

201.5: Natural Resources and Agricultural Preservation Objectives

- a. Promote the development of outdoor recreational activities.
- b. Encourage high quality development.
- c. Assure development does not adversely impact our environment.
- d. Encourage development of compatible land uses.
- e. Encourage development of safe land uses.
- f. Assure development meets State and Federal requirements.
- g. Encourage traffic patterns that contribute to less congestion and further development.

ARTICLE III

ZONING DISTRICTS

SECTION 300: ZONING DISTRICTS - Hempfield Township is divided into the following Zoning Districts. These districts will be also known by the indicated abbreviation for each district.

300.1 - R-1 Residential - Rural Residential & Agricultural

- Low density rural residential.
- For the purpose of promoting and maintaining agricultural uses of land.

300.2 - R-2 Residential - Single Family

- Medium density.
- To provide a balance of available housing and moderate land use.

300.3 - R-3 Residential - Multi Family

- Moderate to higher density.
- To provide quality housing at higher densities.
- Concentrate housing in locations where infrastructure is/or can be made available.
- Provide buffer between land use types such as residential and business/commercial.

300.4 - C Commercial

- Higher intensity of use.
- Concentrate commercial uses in areas where adequate space is available.

300.5 - I Industrial

- Provide areas for existing industry to continue and new industries to grow.
- Avoid residential uses to avoid conflicts.

300.6 – B Mixed-Use

- Provide a mixed-use zone to include self-contained indoor industry and office uses.
- Promote the reuse of residential structures for offices and small-scale industry for the purpose of maintaining rural character.

SECTION 301: BOUNDARIES OF ZONING DISTRICTS

The boundaries of the Zoning Districts shall be as shown on the Official Zoning Map. Where uncertainty exists with respect to the boundaries of the various Zoning Districts, the following rules shall apply:

301.1: Where a Zoning District Boundary Follows a Street, Alley, Railroad, or Watercourse - The centerline of such street, alley, railroad, or watercourse shall be interpreted to be the zoning district boundary.

301.2: Where a Zoning District Boundary Approximately Parallels a Street or Alley – The boundary shall be interpreted as being parallel to it and at such distance from it as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the Zoning Map.

301.3: Where a Zoning District Boundary Approximately Follows a Lot Line – The lot line shall be interpreted to be the zoning district boundary.

301.4: Submerged Areas – Where areas within the Township are underwater and are bounded by two or more zoning districts, the boundary lines of these districts shall be extended to the center of the body of water.

301.5: Annexed Lands – Any land annexed to or made a part of the Township subsequent to the adoption of this ordinance shall immediately be classified as R-2 Residential Single Family as of the effective date of annexation.

301.6: Vacation of Public Ways – Whenever any street or alley is vacated, the zoning district or districts adjoining the side of such street or alley shall be automatically extended to the center of the vacated area.

301.7: Where a Zoning District Boundary Does Not Follow a Physical Feature or Lot Line and None of the Previous Rules Apply – The location of such boundary, unless the same is indicated by dimensions shown on the Zoning Map, shall be determined by the use of the map scale appearing thereon.

ARTICLE IV PERMITTED USES, CONDITIONAL USES, SPECIAL EXCEPTIONS

SECTION 400: PERMITTED USES, CONDITIONAL USES, SPECIAL EXCEPTIONS - Permitted Uses, Conditional Uses, and Special Exceptions for each district are shown on the following table (Section 401) and are considered a principal use on a lot unless noted.

400.1: Conditional Uses may be granted or denied by the Board of Supervisors in accord with conditions and standards expressed in this ordinance and after review and recommendation of the Hempfield Township Planning Commission. Reasonable conditions and safeguards may be attached by the Board of Supervisors when granting a Conditional Use. Such conditions are to implement the stated objectives of this ordinance and the PA Municipalities Planning Code.

400.2: Special Exceptions may be granted or denied by the Zoning Hearing Board in accord with criteria and standards expressed in this Ordinance. Reasonable conditions and safeguards may be attached by the Zoning Hearing Board when granting a special exception use. Such conditions shall implement the stated objectives of this Ordinance and the PA Municipalities Planning Code.

SECTION 401: PERMITTED USES

PERMITTED USES	R-1	R-2	R-3	C	I	B
Single family detached dwellings**	X	X	X			X
Semi-detached or duplex dwellings**		X	X			X
Multi-family dwellings**			X			X
Apartment dwellings**			X			X
Boarding house, lodging house, rooming house**		X	X			X
College, preparatory school, boarding school	X	X	X			X
Convalescent home			X			X
Lodging facilities (Bed & Breakfast)			X			X
Agriculture and related uses: Agricultural processing or experimental agriculture stations	X	X				
Adult entertainment establishments**					X	
Agricultural Sales Stand*	X					
Automotive service establishment				X	X	X
Church uses and cemetery	X	X	X			
Cold storage plant					X	X
Commercial bakery				X	X	X

Permitted Uses Continued	R-1	R-2	R-3	C	I	B
Dry cleaning plant				X	X	X
Eating establishment				X		X
Fish or game club and riding stables or academies	X	X				
Forest preserve	X	X				
Funeral home				X		X
General and professional offices				X	X	X
Golf courses	X	X				
Government facilities	X				X	X
Grange building	X	X				X
Greenhouse/ nursery	X					
Heavy manufacturing					X	
Home based business**	X	X	X			X
Kennel	X			X	X	
Light manufacturing (self contained)				X	X	X
Manufactured housing/ park	X					
Medical and dental offices			X		X	X
Mobil home park, RV parks**	X					
No-Impact Home Based Business	X	X	X			X
Office buildings				X	X	X
Public utility	X	X	X	X	X	X
Retail establishments				X		X
Self storage units					X	X
Travel trailer/ tent park**	X					
Trucking terminals					X	
Warehousing and wholesaling					X	X
Buffer zones	X	X	X	X	X	X
Agriculture	X	X				
Forestry	X	X	X	X	X	X
Open space	X	X			X	X
Recreational parks	X	X				

X- Donates that a specific use is permitted in that respective Zoning District.

*- See Section 402, Permitted Uses Provisions.

** - See Section 600, Additional Criteria for Specific Uses.

SECTION 402: PERMITTED USES PROVISIONS

402.1: Agriculture Sales Stand

1. It shall be for the sale of products produced on the property owned or leased by the person offering such products for sale.
2. It shall be set back a minimum of fifty (50) feet from the road centerline.
3. There shall be at least three (3) parking spaces not on the street right-of-way.
4. It shall be used for no more than six (6) months per year.
5. Must be demolished if not in use for a period in excess of one (1) calendar year.

SECTION 403: ACCESSORY USES

Accessory Uses	R-1	R-2	R-3	C	I	B
Boarding, lodging or rooming units within the principal structure*	X	X	X			X
Essential services	X	X	X	X	X	X
Farm structure	X	X				
Gazebos, shelters	X	X				X
Home based business*	X	X	X			X
Nursery, greenhouse, or agricultural sales stand	X	X		X		X
Pathways, bridges	X	X	X	X	X	X
Private garage or shed	X	X	X			
Private playhouse private greenhouse	X	X	X			X
Storage of commercial vehicle - limit one	X	X	X	X	X	X
Swimming pool, tennis court**	X	X	X			X
Wall fence lamp post, similar accessories not to include signs	X	X	X	X	X	X
Other accessory uses*	X	X	X	X	X	X

X- Donates that a specific use is permitted in that respective Zoning District.

*- See Section 404, Accessory Uses Provisions.

** - See Section 600, Additional Criteria for Specific Uses.

SECTION 404: ACCESSORY USES PROVISIONS

404.1: Boarding, Lodging or Rooming Units within the Principal Structure

1. It shall be limited to a maximum of three (3) such units.
2. It shall be located in the principal dwelling building.

404.2: Home Based Businesses- are permitted as an accessory use in all Residential Zoning Districts, provided:

1. The following Home Based Businesses are permitted in all Residential Zoning Districts:
 - a. Family Day Care Services
 - b. Home Craft Operations
 - c. Professional Home Offices
 - d. Seamstress/ Tailor Services
 - e. Home Studios
2. A use that is not explicitly listed as a permitted Home Based Business in this section may be permitted only upon the judgment and approval of the Zoning Hearing Board, provided such Home Based Businesses comply with the provisions outlined below.
 - a. A building on the lot is a dwelling unit.
 - b. Home Based Businesses shall be conducted entirely within the dwelling and not more than 25% of the floor area shall be devoted to the Home Based Business.

- c. The home shall be the primary residence of the person desiring to conduct a Home Based Business therein.
- d. In no way shall the appearance of the structure be altered or the business within the residence be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, noises, or vibrations.
- e. Parking shall conform to the standards outlined in ARTICLE VII in this Ordinance.
- f. The use shall not generate traffic, noise, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in the Residential District in which the Home Based Businesses is conducted.
- g. Not more than two (2) Home Based Businesses shall be permitted per residential lot.

404.3: Other Accessory Uses- are permitted in any Zoning District upon approval of the Zoning Hearing Board.

SECTION 405: CONDITIONAL USES

405.1: Domestic Pet Shelters - are permitted in R-1 and I Zoning Districts as a conditional use provided:

- 1. All such animals shall be housed indoors except that runs may be provided outdoors.
- 2. Any structure housing such animals must be located at least fifty (50) feet from any side or rear property line, including fenced dog runs and must meet the front yard setback of principal buildings.

SECTION 406: SPECIAL EXCEPTIONS

406.1: Mineral Excavation

- 1. Mineral excavation, as defined in Article XVIII, Definitions, shall be permitted in the Rural Residential & Agricultural (R-1) Zoning District only as a special exception upon application to and approval by the Hempfield Township Zoning Hearing Board. Special exception approval and these regulations do not apply where such mineral excavation activities are to be conducted entirely as a non-commercial accessory or subordinate use to a principal use permitted by the zoning district.
- 2. Prior to approval of the mineral excavation activities by the Zoning Hearing Board, the applicant for a special exception shall comply with the following conditions:
 - a. An approved permit from the Pennsylvania Department of Environmental Protection shall be presented to the Zoning Hearing Board.
 - b. The applicant shall guarantee that a notice of the final inspection conducted by the Department of Environmental Protection will be provided to the Zoning Hearing Board in order that the Hempfield Township Supervisors and members of the Zoning Hearing Board have the opportunity to participate in the inspection.

- c. The Zoning Hearing Board may require additional, reasonable safeguards, considering the character of the zoning district in which the activity will be located, to protect the health and welfare of the Township and its residents.

ARTICLE V AREA AND SPACE REGULATIONS

SECTION 500: LOT REQUIREMENTS- Minimum lot area, minimum yard standards, and maximum lot coverage by buildings and structures shall be as shown in the following Table (Section 501).

500.1: Maximum Height of structures in all districts is forty (40) feet or three (3) stories.

SECTION 501: LOT REQUIREMENTS

<u>Zoning District</u>	<u>Min. Lot Area</u>	<u>Min. Lot Width</u>	<u>Min. Front Yard</u>	<u>Min. Side Yard</u>	<u>Min. Rear Yard</u>	<u>Max. Coverage</u>
<u>R-1</u> Rural Residential & Agricultural	10 acres or 60,000 SF where 8 acres of useable agricultural land shall remain for agriculture, timber or open space use	100'	PennDOT and other Major Roads - 50' Other - 35'	10'	35' - principal structures 10' - accessory	25% - including accessory structures
<u>R-2</u> Single Family - Residential	43,560 sq. ft. - on-lot sewer and water 21,780 sq. ft. - public sewer and/or water	100' - on-lot sewer and water 75' - public sewer and/or water	PennDOT and other Major Roads - 50' Other - 35'	10'	35' - principal structures 10' - accessory	35% - including accessory structures
<u>R-3</u> Residential-Multi Family	On-lot sewer and water systems – 43,560 sq. ft. Single-family detached - public sewer and/or water- 15,000 sq. ft. Semi-detached dwellings- public sewer and/or water- 10,000 sq. ft. per unit. Two-family - public sewer and/or water - 20,000 sq. ft. Boarding House - public sewer and/or water- 12,000 +1,000 per unit. Convalescent Home - public sewer and/or water- 20,000, +1,000 per bed.	100' 75' 60' 100' 120' 120'	PennDOT and other Major Roads - 50' Other - 35'	10'	25' - principal structures 10' - accessory	35% - including accessory structures

<u>Zoning District</u>	<u>Min. Lot Area</u>	<u>Min. Lot Width</u>	<u>Min. Front Yard</u>	<u>Min. Side Yard</u>	<u>Min. Rear Yard</u>	<u>Max. Coverage</u>
<u>C</u> Commercial	NONE – except as needed to meet all setback and parking and buffer requirements	100'	PennDOT and other Major Roads - 50' Accessory - 100'	25' Buffer / Screening requirements	25' Buffer / Screening requirement	40% Accessory - 40% of gross principal
<u>B</u> Mixed-Use	20,000 sq.ft. - on-lot sewer and water 10,000 sq.ft. - public sewer and/or water	100'	PennDOT and other Major Roads - 50' Other - 35'	15' Buffer / Screening requirements	15' Buffer / Screening requirement	60% - including accessory structures
<u>I</u> Industrial	NONE	NONE	Distance to street line - 50'	15' Buffer / Screening requirement	15' Buffer / Screening requirement	70%

P – Principal structure(s)

A – Accessory structure(s)

If an accessory structure is smaller than 120 square feet and not affixed to the ground, it may be placed no closer than three (3) feet to a side or rear lot line.

ARTICLE VI ADDITIONAL USE CRITERIA

SECTION 600: ADDITIONAL CRITERIA FOR SPECIFIC USES

A use that is not explicitly listed as a permitted principal, accessory, conditional, or special exception within the regulations of a Zoning District may be permitted provided that the use is similar to and not more objectionable to the general welfare than the permitted uses listed in that Zoning District. Such uses shall be permitted only upon the judgment and approval of the Zoning Hearing Board, which may also require compliance with such conditions as may be necessary to protect and promote the general welfare of the Township.

600.1: All Dwellings

1. A dwelling unit shall have a minimum floor area of 750 square feet.
2. All dwelling structures shall be placed on a basement foundation, concrete pad, piers, or other permanent foundation with footings to a minimum depth of 36 inches and secured, anchored, or tied down to withstand a wind pressure of fifteen (15) pounds per square foot on an exposed vertical surface.

600.2: Multi-Family Dwellings, 5 or More Units

1. Minimum lot area shall be 12,000 square feet for the first dwelling unit plus 4,000 square feet for each additional dwelling unit up to eleven (11) and 1,000 square feet for each additional unit beyond eleven (11) units. Where multi-family dwellings are to be served by on-lot sewer and water systems, the minimum lot size, including the total square footage required for additional dwellings, shall be 43,560 square feet.
2. Maximum number of eight (8) dwelling units shall be permitted per structure.
3. Adequate provision must be made for light, air, access, and privacy in the arrangement of the buildings to each other. Each dwelling unit shall have a minimum of one (1) exterior exposure.
4. Internal driveways built and maintained for private service to the development shall be paved and shall be located and have capacity to:
 - Prevent blockage of vehicles entering or leaving the site and minimize conflicts between pedestrian/vehicular and vehicular/vehicular movements within the site.
 - Provide adequate area for servicing of the site by delivery trucks, refuse collection, and other service vehicles without blockage or interference with the use of driveways or off-street parking.

5. Adequate storm drainage facilities shall be installed to ensure that storm water does not flow onto abutting property, sidewalks, or streets in such quantities as to cause detrimental effect or inconvenience. Maximum rates of storm water runoff from the property after development shall not exceed the rate of runoff prior to development. Drainage of increased storm water runoff caused by the development shall be managed so as to be directed away from buildings and prevent ponding, accelerated erosion, or flowing onto adjacent properties using the Best Management Practices as specified by the PA Association of Conservation Districts.
6. Open space requirements:
 - A minimum of ten (10) percent of the gross area of the development or 1,000 square feet per dwelling unit, whichever is greater, shall be provided for recreation space. The recreation space shall be suitable for outdoor recreational activity and shall be easily accessible to all units. The applicant shall show how such recreation space shall be maintained permanently and shall present implementing documents to ensure such maintenance.
 - No part of this open space may be included as part of the buffer or landscape requirements of the property.
7. Landscape requirements – See Article VIII for requirements.
8. In addition to the requirements of a zoning permit application (see Article XII), new construction or the conversion of an existing structure into multi-family dwellings of five (5) or more dwelling units shall comply with the following plan requirements:
 - A site plan shall be submitted to the Zoning Officer at a scale of 1"=50', 1"=30', or 1"=20' on up to 24" x 36" pages.
 - The site plan shall consist of existing property information including the property survey, existing topography shown at two (2) foot contours, existing utilities, all other significant features whether natural or man-made. The site plan must also show proposed development information including proposed structures, utility connections, parking and access plans, landscaping and buffers, grading and storm water management plan.
 - A storm water management plan must be submitted documenting compliance with the previously stated requirements.
 - The site plan shall be reviewed by the Hempfield Township Planning Commission and shall show proof of compliance with all provisions of this Zoning Ordinance and the Hempfield Township Subdivision Regulations.

600.3: Accessory Dwellings – In any Zoning District permitting residential uses, an existing single-family dwelling or an existing lawful accessory structure to a single-family dwelling may be altered or changed in use to create an accessory dwelling, provided:

1. Only one (1) accessory dwelling may be created per single-family dwelling lot.
2. The accessory dwelling shall be a complete, separate housekeeping unit that can be isolated from the original unit.
3. The accessory dwelling shall be designed so that, to the degree reasonably feasible, the appearance of the building remains that of a one-family residence. Any new entrances shall be located on the side or in the rear of the building, and any additions shall not increase the square footage of the original house by more than ten (10) percent.
4. Conversion of accessory structures to accessory dwellings shall not increase the ground floor area of the original structure.
5. Maximum floor area - The accessory dwelling shall be clearly a subordinate part of the single-family dwelling. In no case shall it be more than thirty (30) percent of the building's total floor area nor have more than two (2) bedrooms, unless, in the opinion of the Zoning Hearing Board, a greater or lesser amount of floor area is warranted by the circumstances of the particular building.
6. Minimum floor area - The accessory dwelling shall have at least 400 square feet of floor area.
7. Any alterations shall not violate requirements for yards or height for a single-family dwelling.
8. Any other appropriate or more stringent conditions deemed necessary may be required by the Zoning Hearing Board to protect public health, safety, and welfare, and the single-family character of the neighborhood.
9. In order to encourage the development of housing units for disabled and handicapped individuals and persons with limited mobility, the Zoning Hearing Board may allow reasonable deviation from the stated conditions where necessary to install features that facilitate access and mobility for disabled persons.

600.4: Home Based Businesses – Where permitted, a home-based business shall comply with the following (See Article IV, Section 404.2 for Home Based Businesses as Accessory Uses):

1. It shall be conducted entirely within the dwelling unit.
2. No more than 25% of the combined gross floor area of the dwelling shall be devoted to the home-based business.

3. No more than two (2) persons other than the occupants of the dwelling shall be employed at the site.
4. Signage for the home based business shall conform to signage permitted for residential districts.
5. Sufficient off-street parking shall be provided for the home based business according to the nature of the business as provided for in Article VII and shall be located behind the building setback line. Such parking shall be provided in addition to the off-street parking required for the dwelling.
6. The home based business shall not produce offensive noise, vibration, smoke (or other particulate matter), heat, humidity, glare, other objectionable effects, traffic, or signs which are not consistent with or characteristic of other dwellings in the area.

600.5: Mobile Home Parks, RV Parks, Travel Trailer/Tent Parks

1. New mobile home parks and expansions of existing parks shall comply with the mobile home park provisions of the Mercer County Subdivision and Land Development Ordinance.
2. A copy of the final plan of the mobile home park indicating approval of the Mercer County Regional Planning Commission shall be submitted to the Zoning Officer prior to issuance of a permit.

600.6: Pools- Pools may be located behind the building setback line and not less than ten (10) feet from a side or rear yard lot line.

1. In-ground pools, hot tubs or spas must be enclosed by a fence not less than four (4) feet high and of adequate strength to prevent unauthorized or accidental access to the pool area.
2. Above-ground pools, hot tubs or spas shall prevent unauthorized or accidental access to the pool area by means of a folding or removable ladder, locking gate, or safety cover.
3. Pools adjacent to a deck patio or similar structure must restrict access by means of a gate or fence.
4. Gates enclosing a pool area shall be self-closing or self-latching.

600.7: Temporary Structures

- Conditional use for 90 days.
- Must meet the required setbacks for the zoning district in which it is located.
- Includes structures placed in parking lots, accessory structures placed adjacent to principal structures.
- Temporary agriculture sales stand may be used for 45 days per year.

600.8: Wireless Communication Facilities

1. Building mounted communications antennas shall not be located on any single-family dwelling or two family dwelling.
2. Building mounted communications antennas shall be permitted to exceed the height limitations of the applicable Zoning District by no more than twenty (20) feet. Omni directional or whip communications antennas shall not exceed twenty (20) feet in height and seven (7) inches in diameter.
3. Directional or panel Communications Antennas shall not exceed five (5) feet in height and three (3) feet in width.
4. Any applicant proposing communications antennas to be mounted on a building or other structure shall submit evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with the antenna location.
5. Any applicant proposing communications antennas to be mounted on a building or other structure shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the structure for review by the Zoning Officer (supervisors) for compliance with the applicable Building Code and other applicable law.
6. Any applicant proposing communications antennas to be mounted on a building or other structure shall submit evidence of agreements and/or easements necessary to provide access to the building or structure on which the antennas are to be mounted so that installation and maintenance of the antennas and communications equipment building can be accomplished.
7. Communications antennas shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
8. Communications antennas shall not cause radio frequency interference with other communications facilities located in the Township.
9. A communications equipment building shall be subject to the height and setback requirements of the applicable Zoning District for an accessory structure.
10. The owner or operator of communications antennas shall be licensed by the Federal Communications Commission to operate such antennas.

600.8a: Standards For Communications Towers as Special Exceptions .

1. The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a communications tower, if applicable, and communications

antennas.

2. The applicant shall demonstrate that the proposed communications tower and communications antennas proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
3. Communications towers shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation and applicable Airport Zoning Regulations.
4. Any applicant proposing construction of a new communications tower shall demonstrate that a good faith effort has been made to obtain permission to mount the communications antennas on an existing building, structure or communications tower. A good faith effort shall require that all owners of potentially suitable structures within a one-quarter (1/4) mile radius of the proposed communications tower site be contacted and that one (1) or more of the following reasons for not selecting such structure apply:
 - (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 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.
5. Access shall be provided to the communications tower and communications equipment building by means of a public street or easement to a public street. The easement shall be a minimum 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.
6. A communications tower may be located on a lot occupied by other principal structures and may occupy a leased parcel within a lot meeting the minimum lot size requirements for the Zoning District.

7. The applicant shall demonstrate that the proposed height of the communications tower is the minimum height necessary to perform its function.
8. In all Zoning Districts except I (Industrial), the maximum height of any communications tower shall be 150 feet; provided, however, that such height may be increased to no more than 200 feet, provided the required setbacks from adjoining property lines (not lease lines) are increased by one (1) foot for each one (1) foot of height in excess of 150 feet. In the I (Industrial) Zoning District, the maximum height of any communications tower shall be 180 feet.
9. The foundation and base of any communications tower shall be set back from a property line (not lease line) located in any Residential District at least 100 feet and shall be set back from any other property line (not lease line) a minimum of fifty (50) feet.
10. The base of a communications tower shall be landscaped so as to screen the foundation and base and communications equipment building from abutting properties.
11. The communications equipment building shall comply with the required yards and height requirements of the applicable Zoning District for an accessory structure.
12. The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed communications tower will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/Telecommunications Industry Association and applicable requirements of the Township Building Code.
13. The applicant shall submit a copy of its current Federal Communications Commission license; the name, address and emergency telephone number for the operator of the Communications Tower; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the communications tower and communications antennas.
14. All guy wires associated with guyed communications towers shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure.
15. The site of a communications tower shall be secured by a fence with a maximum height of eight feet to limit accessibility by the general public.
16. No signs or lights shall be mounted on a communications tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency, which has jurisdiction.
17. Communications towers shall be protected and maintained in accordance with the requirements of the Township Building Code.

18. If a communications tower remains unused for a period of twelve (12) consecutive months, the owner or operator shall dismantle and remove the communications tower within six (6) months of the expiration of such twelve (12) month period.
19. One (1) off street parking space shall be provided within the fenced area.

600.9: Adult Entertainment Establishment Regulations

600.9a: Purpose and Legislative Intent

- The location of adult entertainment establishments is of vital concern to the Township Supervisors of Hempfield Township especially when the location is in or near areas where minors may learn, play, pass by or would be exposed to the advertising, window displays or general atmosphere accompanying the operation. Thus, it is a firm belief of the legislative body that it has a vital duty and role to protect the moral fiber and standards of Township residents, in particular the minors of the community.
- Township Supervisors in enacting these regulations relative to adult entertainment establishments exercise the power that has been granted to them. The Township Supervisors do not attempt or intend to absolutely prohibit adult entertainment establishments in the Township but rather seek to regulate matters to promote, protect and facilitate the public health, safety, morals and general welfare of all of the residents of Hempfield Township.

600.9b: Definitions – It is the purpose of this subsection, together with its subparagraphs to provide clear and concise definitions of those words, terms and phrases most commonly utilized in the provisions of these regulations in order to assist any interpretations of said provisions and to insure uniformity of application. It is intended that the following words, terms and phrases, whenever used, shall be construed as defined in the following subsections and subparagraphs unless from the context a different meaning is clearly intended. The following definitions are intended to supplement the definitions contained in Article XVIII.

For the purpose of this Article, adult entertainment establishments are defined as follows:

1. Adult Bookstore – Any establishment having as a substantial or significant portion (25% or greater) of its stock in:
 - Books, films, magazines or other periodicals or other forms of audio or visual representation which are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas;
 - Instruments, devices or paraphernalia that are designed for use in connection with specified sexual activities.
2. Adult Cabaret – (1) An establishment devoted to adult entertainment, either with or without a liquor license, presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas; (2) a cabaret that features topless dancers, go-go dancers, strippers, male or female impersonators, or similar entertainers for observation by patrons.

3. Adult Mini Motion Picture Theater – An enclosed or unenclosed building with a capacity of more than five (5) but less than fifty (50) persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
4. Adult Model Studio – Any place where, for any form of compensation or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by persons paying such consideration or gratuity, except that this provision shall not apply to any “figure studio” or “school of art” or similar establishment which meets the requirements established in the Education Code of the Commonwealth of Pennsylvania for the issuance of or conferring of, and is in fact authorized thereunder to issue, a diploma.
5. Adult Motel – A motel or similar establishment offering public accommodations for any consideration, which provides patrons with material distinguished or characterized by an emphasis on depiction or descriptions of specified sexual activities or specified anatomical areas.
6. Adult Motion Picture Arcade – An enclosed or unenclosed building with a capacity of fifty (50) or more persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
7. Adult Motion Picture Theater – An enclosed or unenclosed building with a capacity of fifty (50) or more persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
8. Adult Newsrack – Any coin-operated machine or device that dispenses material substantially devoted to the depiction of specified sexual activities or specified anatomical areas.
9. Adult Theater – A theater, concert hall, auditorium or other similar establishment, either indoor or outdoor in nature which regularly features live performances which are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas for observation by patrons.
10. Bath House – An establishment or business that provides the services of baths of all kind, including all forms and methods of hydrotherapy during which specified anatomical areas

are displayed or specified sexual activity occurs. This section shall not apply to hydrotherapy treatment practiced by, or under the supervision of a medical practitioner. A medical practitioner for the purpose of this Ordinance shall be a medical doctor, physician, chiropractor or similar professional licensed by the Commonwealth of Pennsylvania.

11. Body Painting Studio – Any establishment or business that provides the service of applying paint or other substance whether transparent or nontransparent to or on the human body when specified anatomical areas are exposed.
12. Massage Parlor – Any establishment or business which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, unless operated by medical practitioner, chiropractor or professional physical therapist licensed by the Commonwealth. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.
13. Out Call Service Activity – An establishment or business which provides an out call service which consists of individuals leaving the premises upon request or by appointment to visit other premises for a period of time for the purpose of providing any service during which time specified anatomical areas are displayed or specified sexual activity occurs.
14. Sexual Encounter Center – Any business, agency or person who, for any form of consideration or gratuity, provides a place where two (2) or more persons, not all members of the same family may congregate, assemble, or associate for the purpose of engaging in specified sexual activity or exposing specified anatomical area, excluding psychosexual workshops, operated by a medical practitioner as defined in 2 A (10), licensed by the Commonwealth, to engage in sexual therapy.
15. Any other business or establishment which offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.
16. Specified anatomical areas as used herein shall mean and include any of the following:
 - Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areolae, or;
 - Human male genitals in a discernibly turgid state even if completely and opaquely covered.
17. Specified sexual activities include the following:
 - a. Showing of human genitals in a state of sexual stimulation or arousal;
 - b. Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio, cunnilingus, or any other specified sexual activity prohibited by law;

- c. Fondling or erotic touching of human genitals, pubic region, buttock or female breasts.

600.9c: Minimum Spacing and Proximity Requirements – No adult entertainment establishment shall be located within 1,000 feet of the following:

1. Any other adult entertainment establishment.
2. A dwelling.
3. Any parcel of land which contains any one or more of the following specified land uses:
 - a. Amusement park;
 - b. Camp (for minors' activities);
 - c. Child care facility;
 - d. Church;
 - e. Community center;
 - f. Museum;
 - g. Park;
 - h. Playground;
 - i. School and school bus stops;
 - j. Other lands where minors congregate.
4. The distance between any two adult entertainment establishments shall be measured in a straight line, without regard to intervening structures, from the nearest point on the property line of each establishment. The distance between any adult entertainment establishment and any land use specified in subparagraphs 2 and 3 above shall be measured in a straight line, without regard to intervening structures, from the nearest point on the property line of the adult entertainment establishment to the closest point on the property line of said land use.

600.9d: Visibility from the Street – No person operating an adult entertainment establishment shall permit, or cause to be permitted, any stock in trade which depicts, describes or relates to specified sexual activities and/or specified anatomical areas as defined herein, to be viewed from the street, sidewalk or highway.

600.9e: Sign Requirements for Adult Entertainment Establishments

1. All signs shall be flat wall signs.
2. The gross surface area of a wall sign shall not exceed five (5) percent of the area of the wall that such sign is a part of.
3. No signs shall be placed in any window. A one and one half square foot sign may be placed on the door to state hours of operation and admittance to adults only.

600.10: Establishments for the Storage and/or Sale of Junk

1. The lot on which such are located shall be enclosed on all sides, except for an entrance or exit not over 25 feet in width, by a solid wall or fence at least six (6) feet in height and maintained in good condition. As an alternative, an open fence at least six (6) feet in height and surrounded, except for an entrance or exit described above, by evergreens at least six (6) feet in height and planted no further than six (6) feet apart so as to form a solid screen may be used.

2. It shall not emit any offensive odors or noxious, toxic, or corrosive fumes or gases.
3. It shall not exhaust into the air any excessive dust or smoke.
4. Buildings on the property shall be classified as fire-resistant and activities shall be carried on in such a manner and with such precautions against fire and explosion hazards as to produce no exposure hazards to adjacent properties.
5. It shall not discharge any wastes, whether liquid or solid, into the waters of the Commonwealth of Pennsylvania, including any surface and underground waters – both natural and artificial – unless approved by the Pennsylvania Department of Environmental Protection or other public regulatory agency that has jurisdiction in water quality.

600.11: Regulations on the Density of Horses

1. There shall be a four (4) acre minimum lot size for one (1) horse.
2. There shall be one (1) additional acre for each additional horse thereafter.

SECTION 601: PROCEDURES FOR CONDITIONAL USES

Applications for conditional uses shall follow the following review and approval in accord with the Pennsylvania Municipalities Planning Code (Act 247 of 1968 as amended):

1. Public Notice and Hearing- Public notice shall be provided and a public hearing shall be held by the Township Board of Supervisors in accord with the Planning Code prior to making a decision on the application.
2. Township Planning Agency Review- At least 30 days prior to the public hearing, the Board of Supervisors shall refer the application for conditional uses to the Township Planning Agency, if one exists, for review and recommendations.
3. Decision- The Board of Supervisors shall render a decision on the application and any conditions to be required as part of an approved application within 45 days of receipt of the application.

ARTICLE VII PARKING & LOADING REGULATIONS

SECTION 700: OFF-STREET PARKING AND/OR LOADING FACILITY REQUIREMENTS

700.1: New Use of a Structure and/or Land - Parking and/or loading facilities shall be provided in accordance with the following tables for the use of any structure constructed and any use of land established after the effective date of this Zoning Ordinance.

700.2: Increase in Intensity of Use of a Structure and/or Land - Parking and/or loading facilities shall be provided in accordance with the following tables for the increase in intensity of the use of a structure and/or land through the addition of dwelling units, rooming units, gross floor area, lot area or other units of measurement.

700.3: Change in Use of Structure and/or Land - Parking and/or loading facilities shall be provided as required in the following tables for any change of or new use of an existing structure and/or land.

SECTION 701: PARKING AREA REQUIREMENTS

Minimum parking space	9' X 20'
Minimum loading space	12' X 30'
Minimum Loading space for wholesale or industrial use	12' X 50'

Space shall not include aisles or turnaround areas.

SECTION 702: LOADING SPACE REQUIREMENTS

Use	Required Loading Spaces
Any apartment hotel, apartment house, multiple-family dwelling, community facility, public utility use, business use, transportation use, agricultural products processing use, wholesale use or industrial use which has a aggregate gross floor area of 10,000 sq ft or more	1 plus 1 additional space for each 20,000 sq ft of aggregate gross floor area, provided; not more than 2 such spaces shall be required, unless the structure has an aggregate gross floor area of more than 80,000 sq ft in which case there shall be 1 additional space for each additional 40,000 sq ft in excess of 20,000 sq ft
Mixed use	Sum of various uses computed separately

SECTION 703: PARKING SPACE REQUIREMENTS

703.1: Maximum Parking Space Requirements- there shall be a maximum parking space limit of two (2) times the minimum parking space requirement.

703.2: Residential and Agricultural Uses

Use	Required Parking Spaces
Dwelling unit – including single family, multi-family and apartments	2 spaces per unit
Agricultural Products Processing, Experimental Station	1 for each 500 sq. ft. of gross floor area
Grange Hall, Similar Use	1 for each 200. sq. ft. of gross floor area
Commercial Nursery or Greenhouse	1 for each 100 sq. ft. of gross floor area
Stand for sale of Agricultural Products	5

703.3: Other Uses

Professional Office	1 for each 100 sq. ft. of gross floor area devoted to such use
Hotel, Motel, or Bed & Breakfast	1 for each rooming unit or any combination unit, plus 1 additional space if over 5 units
Boarding, Convalescent, Lodging or Rooming Unit	1 for each unit, plus 1 additional space if over 5 units
Convalescent Home, Hospital, Institutional Home	1 for each 400 sq. ft. of gross floor area
Travel Trailer and/or Tent Park	1 for each trailer or tent
Mobile Home Park	2 for each mobile home lot plus 1 visitor space for each 5 lots
Home Occupation	1 for each 100 sq. ft. of gross floor area devoted to such use plus 2 per dwelling unit
Day Care facility or home	1 for each classroom plus 1 for each 1,000 square feet of gross floor area devoted to classroom use.

Use	Required Parking Spaces
Government or Governmental Authority Facility Service Structure and/or Use (Other than a place of Public Assembly), Place of Public Assembly (other than a church, funeral home, mortuary or amusement establishment)	1 for each 200 sq. ft. of gross floor area
Church, Church School, Church Uses	1 for each 500 sq. ft. of gross floor area
Dormitory, Fraternity House, Sorority House, Nurses Home, Hospital, Similar Institution	1 for each sleeping room or 1 for each 500 sq. ft. of gross floor area, whichever requires greater number of spaces
School, College, Day Nursery School	1 for each classroom plus in a high school or college 1 for each 1,000 sq. ft. of gross floor area devoted to classroom use plus spaces required for place of public assembly, dormitory, fraternity or sorority house and/or office establishment
Golf Course, Country Club	25

Use	Required Parking Spaces
Public Utility Facility, Service Structure and/or Use (other than an Office Establishment)	1 for each 500 sq. ft. of gross floor area

Use	Required Parking Spaces
Amusement, Eating, Drinking, Retail, and/or Service Establishment; Office, Business, School or College	1 for each 200 sq. ft. of gross floor area
Boarding House, Rooming House, Lodging House	1 for each rooming unit plus one additional space if over 5 units
Hotel, Motel	1 for each sleeping room up to 25 plus 1 for each 3 sleeping rooms over the first 25

Mortuary	1 for each 1,000 sq. ft. of gross floor area used for mortuary purposes plus 1 for each dwelling unit
Industrial Plant, Manufacturing Establishment	1 for each 2 employees on largest shift
Automotive Service Establishment	1 for each 500 sq. ft. of gross lot or 1 for each 200 sq. ft. of gross floor area
Transportation Terminal Establishment	1 for each 500 sq. ft. of gross floor area
Warehouse / Wholesale Establishment	1 for each 500 sq. ft. of gross floor area
Mixed Use	Sum of various uses computed separately

SECTION 704: GENERAL PARKING AREA PROVISIONS

704.1: Location of Required Parking Facilities - The parking spaces required for the use listed in the above tables shall be on the same lot as the use they are intended to serve.

704.2: Location of Required Loading Facilities - The loading spaces required for the uses listed in the above tables shall in all cases be on the same lot as the use they are intended to serve. In no case shall the required loading space be part of the area used to satisfy the parking requirements of the Zoning Ordinance.

704.3: Use of Required Parking and/or Loading Facilities by Another Use - Any part of the parking and/or loading facilities required for any use for the purpose of complying with the regulation of the Zoning Ordinance shall not be included as a part of a parking and/or loading facility similarly required for another use unless the type of use indicates that the periods of usage shall not be simultaneous with each other as determined by the Zoning Officer upon review by the Zoning Hearing Board.

704.4: Encroachment and Reduction - A required parking and/or loading space shall not be encroached upon by a structure, storage or any other use, nor shall the number of spaces be reduced.

704.5: Landscape Requirements – Parking areas of more than fifteen (15) spaces shall be required to provide planting islands with a minimum of one (1) canopy tree per island (35' mature height) within the parking aisles for each twenty (20) parking spaces provided.

ARTICLE VIII BUFFERS, SCREENING AND LANDSCAPE REQUIREMENTS

SECTION 800: LANDSCAPING REQUIREMENTS – Uses and/or developments shall provide landscaping in accord with the following paragraphs in order to minimize nuisances and protect patrons from dirt, litter, pollution, noise, and glare of lights, and excessive heat. These requirements shall apply where a new use/development is proposed on vacant land, an existing use/development will be expanded in gross floor area by 50% or greater, or an existing use/development is removed and a new use/development is proposed.

1. Any part or portion of a lot developed for C, I, or B Zoning District uses which is not used for buildings, other structures, parking or loading spaces, or aisles, driveways, sidewalks, and designated storage areas shall be planted and maintained with grass or other all season groundcover vegetation. Grass shall be kept neatly mowed (Refer to Hempfield Township Nuisance Ordinance). Landscaping with trees and shrubs is permitted and encouraged.
2. Off-street parking areas shall provide landscaping as follows:
 - A minimum five (5) foot wide landscape planting strip shall be provided where the parking area abuts a street or road, excluding alleys. The edges of said landscape planting strip shall be curbed. The planting strip may be interrupted only for permitted entrances or access driveways.
 - At least 5% of the interior parking area shall be landscaped with plantings, and at least one tree for each ten (10) parking spaces shall be installed. Interior parking lot plantings are required exclusive of other planting requirements. At least 50% of all planting shall occur between the front face of the structure(s) and the street on which the structure(s) fronts.
3. Landscaping shall be located in protected areas such as along walkways, in center islands, at the ends of parking bays, or between parking spaces. All landscaping shall be placed so that it does not obstruct the sight distance for automobiles moving within the parking area or entering or exiting the parking area.
4. Plant types shall include a mixture of hardy evergreen and deciduous trees. Evergreens should be used along the perimeter of the parking area for screening and deciduous trees should be used for shade within the parking area.

SECTION 801: BUFFER AND SCREENING REQUIREMENTS FOR C, I, AND B DISTRICT USES – Where any C, I, or B District permitted principal and/or accessory use abuts any land zoned Residential, the following buffer and screening shall be required. These requirements shall apply in instances where such use is being newly developed on vacant land, expanded in floor area by 50% or greater, or removed and a new use developed.

1. A buffer strip at least twenty (20) feet wide shall be provided and maintained along the entire length of a side or rear yard where it abuts a Residential Zoning District. Buffer strips shall not be used for parking, storage of vehicles, equipment, or materials, nor for any other use incompatible with their purpose as a visual, noise, dust, and pollution barrier.
2. The buffer strip shall contain suitable screening, defined as either of the following:
 - A solid fence or wall, architecturally compatible with existing structures in the area, no less than four (4) feet nor more than six (6) feet in height; or
 - A sight-obscuring planting of evergreens, not less than four (4) feet in height at the time of planting and of a variety that will maintain full, dense growth from the ground up to a height of not less than six (6) feet upon maturity, planted at a spacing of the lesser of eight (8) feet or the diameter of a mature specimen of the species being planted.
3. Areas of the buffer strip not covered with a fence, wall, or screening plantings, shall be planted with grass or other appropriate ground cover vegetation.

SECTION 802: INSTALLATION AND MAINTENANCE- Installation and maintenance of the buffer and screening and other landscaping required by Section 800 shall be the responsibility of the owner of the property on which the permitted use is located.

1. Installation must be completed prior to issuance of a Certificate of Use and Occupancy by the Zoning Officer.
2. Fences or walls must be maintained in safe and structurally sound condition.
3. Dead or diseased plants shall be removed and replaced in a timely manner.
4. Grass shall be kept neatly mowed (Refer to Hempfield Township Nuisance Ordinance).

ARTICLE IX SIGNS

SECTION 900: APPLICATION- Signs may be erected and maintained only in compliance with the provisions of this Ordinance and any regulations relating to the location, size, height, lighting, alteration or maintenance of signs as defined by this Article.

Nonconforming signs shall be permitted to remain until they are removed, replaced or require repair of greater than 50% of the cost of replacement, at which time they must comply with the requirements of this ordinance.

SECTION 901: PURPOSE – To determine for the benefit of the public that all signs within Hempfield Township provide for the health, safety and welfare of the citizens and visitors of Hempfield Township while allowing for the efficient use of the signs for the benefit of the property.

Overall master signage plan shall be reviewed as part of the permit application required by all signs in Hempfield Township.

SECTION 902: SIGN DEFINITION

Sign – A sign is any structure, device, object or display, either painted, attached or standing situated indoors or outdoors, which is used to identify, advertise or attract attention to a business, product, service, organization, event, or location by the use of colors, letters, words, symbols or images.

Master Signage Plan - A plan shall be submitted to the zoning officer for the purpose of determining for the benefit of the public that all signs within the Township provide for the health, safety and welfare of the citizens and visitors of the Township and meet the requirements of this Ordinance, while allowing for the efficient use of signs for the benefit of the property.

Billboard- A sign that advertises and off-site use.

SECTION 903: GENERAL PROVISIONS AND EXCEPTIONS

Signs shall be set behind the right-of-way and may not block visibility nor create a traffic hazard

903.1: Signs Allowed in All Districts

1. A 100 square inch sign shall be required for the purpose of 911 address / street number identification for all buildings.
2. Federal or State Historic Markers or monuments provided they are four (4) square feet or less.

3. Institutional or bulletin board signs – signs of permanent character or structure having changeable words or numbers indicating the services or events to be conducted upon the premises where the sign is located. Typically used by schools or churches and included upon a structure not exceeding 24 square feet and meets setback requirements. Up to 50% of the sign may include areas for changeable copy that shall be included in a master signage plan.
4. Signs posting no trespassing, no hunting or fishing and signs indicating the private use of a driveway, road, or premises – provided they do not exceed four (4) square feet.
5. Off site signs may be permitted provided they are included in the master signage plan for the property on which they are placed and meet the area calculations for the zoning district.
6. Window signage –painted or otherwise attached lettering shall not cover greater than 50% of the window area. Any poster, picture, or display attached to the window or within six (6) inches of the window and obstructing clear sight into or from within the building in any way shall be considered part of the 50%.

903.2: Temporary Signs Permitted in All Districts

1. Real estate signs – eight (8) square feet, promoting the sale or rental of property and removed within seven (7) days of closing or rental of the property.
2. Development signs – 24 square feet for developments of three (3) or more lots, removed within seven (7) days of project completion.
3. Work being performed signs – eight (8) square feet, removed within seven (7) days after completion of work or expiration or revoking of building permit.
4. Political signs – provided they are removed within five (5) days after the election.
5. Announcement signs, banners, or special displays – 20 square feet, maximum time of display 35 days.
6. Temporary signs -two (2) square feet or smaller advertising garage sales or similar events, maximum time of display ten (10) days, may not be attached to utility poles or traffic sign supports.
7. Sandwich Boards – six (6) square feet/side, placement must not impede pedestrian or vehicular access, and signs may be used during normal business hours for the business it is advertising.

903.3: Signs Prohibited – the following types of signs shall not be permitted in the Township:

1. Signs that resemble or imitate State or Township Traffic Control signs;
2. Portable, freestanding or transportable trailer signs;

3. Flashing illumination *or neon lighting*;
4. Animated, revolving or rotating signs (time/date exception);
5. Billboards- a sign having a surface area of fifty (50) square feet or more;
6. Roof or canopy signs – a sign attached to or painted onto the roof of any structure (including wording upon a canopy or structural awning);
7. No sign may be placed within the street right-of-way nor on utility poles, street markers, or official transportation signs.

903.4: Signs in Residential Districts – Signs for use by permitted uses within the specific residential district.

1. Master Signage Plan – Total area of all signs in combination shall total ten (10) square feet or less.
2. Attached Signs - Maximum height –twelve (12) feet or not higher than the second (2nd) story windowsills of the building, having a maximum size of six (6) square feet.
3. Ground signs – four (4) square feet per side supported by or erected upon the ground and having a maximum height of five (5) feet.

903.5: Signs in C, I, and B Districts – Signs for use by permitted uses within the specific district.

1. Master Signage Plan – Total areas shall be twenty-five (25) square feet per road frontage plus two (2) square feet for linear foot of building frontage – including address, company identification signs, directional signage.
2. Maximum height – fourteen (14) feet or not higher than the sill of the second (2nd) story windows of the building.
3. Projecting or overhanging signs not less than ten (10) feet to sidewalk, may project a maximum of sixty (60) inches.
4. Company identification sign consisting of the name of the business contained within the building may be;
 - Attached flush or painted directly to the building or accessory structure,
 - Illuminated by exterior, indirect and concealed lighting.

903.6: Design and Measurement Requirements

1. Signs shall be set behind the right-of-way and may not block visibility nor create a traffic hazard.
2. Overall master signage plan shall be reviewed as part of the zoning permit application required for all permanent signs in the Township to insure that they meet the regulations of this ordinance.

903.7: Measurement of Sign Areas – Signs shall be measured by use of primary shapes (square, rectangle, circle), containing a minimum of words to convey the purpose of the use of the property upon which the signs are placed. Areas of signs shall meet the requirements of the Zoning Districts as outlined in Section 903. Any ornamental scroll work or decorative bracing

used above or below the sign shall NOT be included in the calculation of the sign area provided it contains no additional wording and does not exceed the size of the main sign by 50%. The entire sign and all attachments will be included for the purpose of meeting all height requirements.

903.8: Lighting – Lighting shall be concealed lighting and shall not cause glare onto adjacent property or street right of way.

- No flashing, neon or animated signs.

903.9: Construction of Signs - Shall be by accepted building standards meeting the requirements for the health, safety and welfare of the public. This information regarding the proposed materials and connections to the property shall be provided in the master signage application.

903.10: Sign Maintenance – All signs must be maintained in good repair and in safe condition. Messages on all signs must be clear and readable.

SECTION 904: PERMITS AND FEES FOR SIGNAGE

904.1: Master Signage Plan Requirements- As a means of determining that signage will meet all requirements as stated in this Ordinance, a master signage plan shall include the following information:

Plan Requirements:

1. Location –where all signs are to be placed on the property, including proof that such placement is safe, does not obstruct traffic, and meets the setback requirements.
2. Size - drawing showing the size, wording and style of each sign to be used.
3. Construction - type of connection to property to insure public safety.
4. Lighting –type and placement of lighting including proof that this will not affect adjacent properties or cast glare onto public rights-of-way.
5. Application for zoning permit on a form provided by the Zoning Officer, which includes the name, address, phone number and signature of the person responsible for maintenance or removal of the sign(s) if or when necessary.

904.2: Fees and Fines

1. Master Signage Plan Application and Permit shall be accompanied by a fee in an amount as set annually by the Board of Supervisors.
2. Fine to be set by Board of Supervisors for placing a sign prior to application approval - fine for each thirty (30) days of non-compliance with the permit requirements.
3. Fine shall be set for failure to remove or safely maintain a sign.

Maximum height of sign

In the example shown, the square is used for the calculation of the area of the sign.



ARTICLE X SUPPLEMENTARY REGULATIONS

SECTION 1000: SUPPLEMENTARY LOT AND YARD REGULATIONS

1000.1: Number of Principal Structures on a Lot- Except in the case of permitted planned development for a cemetery, church, college, multiple-family dwelling development, farms with more than 100 acres, governmental or governmental authority facility, hospital, nursing home, public utility facility, school or planned commercial or industrial development, not more than one principal structure shall be located on a lot.

1000.2: Subdivision of Lot- The subdivision of lot(s) shall only be permissible if in accordance with this Zoning Ordinance and the Mercer County Subdivision and Land Development Ordinance.

1000.3: Yard, Width and Area Exceptions for a Lot of Record- A one-family detached dwelling may be constructed on any lot of record in the residential districts at the effective date of the Zoning Ordinance.

1000.4: Determination of Yards and Minimum Distance to Lot Lines on Irregularly Shaped Lots- On an irregularly shaped lot, no point of a building shall be located closer to a lot line than the minimum yard or setback distance.

1000.5: Projection into and Occupancy of Yards or Other Open Spaces- The following building attachments shall be permitted to project into and/or occupy required yards or other open spaces:

1. Steps, stoop, windowsill, awning, belt course, similar architectural feature, rain leader and/or chimney - provided it not project more than four (4) feet beyond the face of the wall.
2. Exterior stairway, fire tower, balcony, fire escape or other required means of egress - provided it not project more than four (4) feet beyond the face of the wall.

1000.6: Porches, Carports, and Similar Attached Accessory Structures Whether Open or Enclosed- Shall be located in compliance with minimum yard and setback requirements.

1000.7: Fences-

1. Maximum height for a solid wall or fence shall be four (4) feet, or six (6) feet along any rear lot line.
2. Maximum height for an open fence shall be eight (8) feet.

The yard and setback requirements of this Zoning Ordinance shall not be deemed to restrict any otherwise lawful fence provided that:

1. No fence shall be located on any right-of-way of a public road.
2. Farms, as defined by this ordinance, shall be exempt from all fencing regulations.

1000.8: Visibility at Intersections and Driveways- On a corner lot in any district, no structure, sign, solid fence or wall, hedge or other planting shall be erected, placed or maintained at a height of more than three (3) feet above the curb line within the triangle formed by the street lines and a straight line joining said street lines at points which are fifteen (15) feet distant from the point of intersection.

SECTION 1001: SUPPLEMENTARY HEIGHT REGULATIONS

1001.1: Height Measurement- Measurement of height shall be the vertical height from the elevation of finished grade at the front of the structure to:

1. In the case of flat roof structures - highest point of coping.
2. In the case of mansard roof structures - deck line of roof.
3. In the case of gable or hipped roof - average height of roof peaks.

1001.2: Height Regulations Not Apply- The maximum height limitations for this section shall not apply to:

1. The following principal structures: Church, college, elderly housing structure, hospital, cellular phone, radio or television tower, or public utility structure which is a permitted use and is located in any Zoning District, provided:
 - a. If over two (2) stories or 35 feet in height, it shall have a side yard of eight (8) feet plus two (2) feet for each foot over 35 feet in height.
2. The following appurtenances attached to or part of a principal or accessory structure: Church spire, belfry, cupola, dome, monument, smoke-stack, derrick, conveyor, flag pole, mast, antenna, aerial, roof tank; ventilating air conditioning and similar building service equipment; roof structure, chimney and/or parapet wall, provided:
 - a. It shall be set back in conformance with the setback and yard requirements plus one (1) foot horizontally for each two (2) feet in which it exceeds the maximum height permitted in the Zoning District in which it is located.
3. Existing designed structures: The vertical extension of a structure existing at the effective date of the Zoning Ordinance may be erected to such height as the original drawings of said building indicated, provided:

- a. The building was actually designed and constructed to carry the additional stories necessary for such height.

SECTION 1002: FLOODPLAIN REGULATIONS

1002.1: Designation of Floodplain- The "Floodplain" shall be any area(s) of the Township subject to the 100 year flood which is identified as a Special Flood Hazard Area (Zone A) on the Flood Insurance Rate Map (FIRM) as issued by the Federal Emergency Management Agency (FEMA).

1002.2: Floodplain Regulations - Hempfield Township has adopted an Ordinance regulating development within floodplains. All development within designated floodplains is required to follow the regulations contained in said Ordinance.

SECTION 1003: PARKING AND STORAGE OF MAJOR RECREATIONAL EQUIPMENT AND NON-AGRICULTURAL COMMERCIAL VEHICLES

1003.1: Parking and/or Storage

No major recreational equipment or non-agricultural commercial vehicle shall be parked and/or stored on a lot in Rural Residential & Agricultural (R-1), Single Family Residential (R-2), Multi-Family Residential (R-3) or Mixed Use (B) Zoning District, except in a garage or a car port or behind the nearest portion of a building to a street, provide that:

1. Major recreational equipment may be parked anywhere on a residential lot for not more than twenty-four (24) consecutive hours during loading and unloading;
2. No more than one (1) non-agricultural commercial vehicle shall be parked and/or stored on a lot within the R-1, R-2, R-3 and B Zoning Districts.

1003.2: Occupancy

No major recreational equipment or non-agricultural commercial vehicles shall be used for living, sleeping, housekeeping, or human habilitation purposes except that travel trailers, motor homes, camper/ tent trailers, pickup campers, or coaches may be temporarily parked and occupied for sleeping purposes only by visitors and house guests in accordance with the following:

1. The temporary parking or occupancy period shall not exceed seven (7) consecutive days;
2. Such vehicles and/or trailers shall be parked and/or stored in a garage or a carport or behind the nearest portion of a building to a street.

1003.3: Derelicts

No major recreational equipment or non-agricultural commercial vehicle shall be parked and/or stored out of doors on residential premises unless it is in condition for safe and effective performance for the function for which it is intended, or can be made so at a cost not exceeding the current market value of the equipment or vehicle. In no case shall any equipment or vehicle be so parked and/or stored for a period of more than six (6) months if not in condition for safe and efficient performance for the function for which it was intended.

ARTICLE XI NON-CONFORMING USES, STRUCTURES AND LOTS

SECTION 1100: INTENT AND STANDARDS

1. Within the districts established by this ordinance or amendments that may later be adopted there exist lots, structures, and uses of land and structures which were lawful before this ordinance was passed or amended, but which would be prohibited under the terms of this ordinance or future amendment.
2. It is the intent of this ordinance to permit these non-conformities to continue until they are removed. Such uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. Non-conformities may be enlarged and expanded only by the approval of the Zoning Hearing Board. Any enlargements or expansions approved by the Zoning Hearing Board shall meet the Provisions of Use for that type of use. Non-conforming industrial uses shall meet the Provisions of Use for the Industrial District and likewise any non-conforming commercial uses shall meet the Provisions of Use requirements for the Business District when they are either enlarged or expanded.
3. A non-conforming use of a structure, a non-conforming use of land, or non-conforming use of a structure and land shall not be extended or enlarged after passage of this ordinance by attachment of additional signs to a building, or the placement of additional signs or display devices on the land outside the building, or by the addition of other uses, if such additions are of a nature which would be prohibited generally in the district involved.
4. Nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been diligently carried on. Actual construction is defined to include the placing of construction materials in permanent position and fastened in a permanent manner, and demolition, elimination, and removal of an existing structure in connection with such construction, provided that actual construction work shall be diligently carried on until the completion of the building involved.

SECTION 1101: NON-CONFORMING LOTS OF RECORD

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lots

fails to meet the requirements for area or width, or both, that are applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements and other requirements not involving area or width, or both, of lot shall be obtained only through action of the Zoning Hearing Board.

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements for lot width and area in the respective district, the lands involved shall be considered to be an undivided parcel for the purpose of this ordinance, and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this ordinance.

SECTION 1102: NON-CONFORMING USES OF LAND

Where, at the effective date of adoption or amendment of this ordinance, lawful use of land exists that is made no longer permissible under the terms of this ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

1. No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this ordinance.
2. If any such non-conforming use of land ceases for any reason for a period of more than twelve (12) consecutive months, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.

SECTION 1103: NON-CONFORMING STRUCTURES

Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on areas, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. Should such structure be destroyed by any means to an extent of more than 50% of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance unless a variance is granted by the Zoning Hearing Board.
2. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after moved.

SECTION 1104: NON-CONFORMING USES OF STRUCTURES

If a lawful use of a structure, or of a structure and premises in combination, exists at the effective date of adoption or amendment of this ordinance, that would be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. An existing structure devoted to a use not permitted by this ordinance in the district in which it is located may be enlarged, extended, constructed, reconstructed, or structurally altered to any reasonable amount upon granting of a variance by the Zoning Hearing Board. Any enlargements or expansions approved by the Zoning Hearing Board shall meet the Provisions of Use for that type of use. Non-conforming industrial structures shall meet the Provisions of Use for the Industrial District and likewise any non-conforming commercial structures meet the Provisions of Use requirements for the Business District when they are either enlarged, extended, constructed, reconstructed or structurally altered.
2. Any non-conforming use may be extended throughout any parts of a building that were 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 land outside such building.
3. If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use provided that the Zoning Hearing Board, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Zoning Hearing Board may require appropriate conditions and safeguards in accord with the provisions of this ordinance.
4. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the non-conforming use may not thereafter be resumed.
5. When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for twelve (12) consecutive months, the structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.
6. Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

SECTION 1105: REPAIRS AND MAINTENANCE

On any building, devoted in whole or in part to any non-conforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing without the requirement of a permit.

Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

SECTION 1106: USES GRANTED UNDER SPECIAL EXCEPTION PROVISIONS NOT NON-CONFORMING USES

Any use for which a special exemption is permitted as provided in this ordinance shall not be deemed a non-conforming use, but shall without further action be deemed a conforming use in such district.

ARTICLE XII ADMINISTRATION AND ENFORCEMENT

SECTION 1200: OFFICE OF ZONING OFFICER

1200.1: Creation of Office

The Office of Zoning Officer is hereby created.

1200.2: Appointment

The Zoning Officer shall be appointed by the Board of Supervisors as prescribed by the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended). The Board of Supervisors shall establish qualifications for the position of Zoning Officer, which require candidates to demonstrate a working knowledge of municipal zoning to the satisfaction of the Township.

1200.3: Official Records

An official record shall be kept of all business of the Zoning Officer and shall be open to public inspection at all appropriate times.

1200.4: Compensation of the Zoning Officer

The compensation of the Zoning Officer shall be as determined by the Board of Supervisors.

SECTION 1201: DUTIES AND POWERS OF THE ZONING OFFICER

The Zoning Officer shall interpret and enforce all provisions of 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.

1201.1: Permits and Certificates of Use and Occupancy

The Zoning Officer shall issue Permits and Certificates of Use and Occupancy. Permits and Certificates of Use and Occupancy for construction and uses that are permitted as a conditional use shall be issued only upon approval by the Township Board of Supervisors. Permits and Certificates of Use and Occupancy for construction and uses that are permitted as a special exemption or variance from the Zoning Ordinance shall be issued only upon order of the Zoning Hearing Board.

1201.2: Annual Report

The Zoning Officer shall annually submit to the Board of Supervisors a report of all Permits and Certificates of Use and Occupancy, notices issued and orders.

1201.3: Inspections - The Zoning Officer shall have the authority to examine or cause to be examined all structures and/or land for which an *active or pending* application for a zoning permit and/or certificate of use and occupancy has been filed for purposes of enforcing this zoning ordinance. Visual inspections may be legally made from any public right-of-way, sidewalk, or public place. The Zoning Officer may enter upon property of a private home or business from time to time during construction only during daylight hours between 8:00 a.m. and 8:00 p.m. and only after obtaining permission from a responsible adult upon presentation of proper identification. The right of inspection conferred herein shall be written out on every zoning permit issued and an acknowledgement that it has been read and accepted shall be signed by the applicant before a zoning permit may be issued.

1201.4: Registration of Non-Conforming Uses and Structures

The Zoning Officer shall identify and register and make available upon request to the public a list of all non-conforming uses in all Zoning Districts that: (1) existed at the time the Ordinance was adopted or (2) are created by subsequent amendments to this Zoning Ordinance.

SECTION 1202: APPLICATION FOR PERMIT AND CERTIFICATE OF USE AND OCCUPANCY

1202.1: When Permit is Required

It shall be unlawful to erect, enlarge, construct, reconstruct or structurally alter any building and/or other structure or change the use, or extend or displace the use of any building, other structure and/or land in the Township without first filing an application with the Zoning Officer in writing and obtaining the required Permit.

1202.2: When a Certificate of Use and Occupancy is Required

It shall be unlawful to use and/or occupy any building, other structure and/or land for which a Permit is required until a Certificate of Use and Occupancy for such building, other structure, and/or land has been issued by the Zoning Officer. The application for issuance of a Certificate of Use and Occupancy shall be made at the same time an application for a Permit is filed with the Zoning Officer.

1202.3: Forms of Application

The Application for a Permit and a Certificate of Use and Occupancy shall be submitted in such form as the Zoning Officer may prescribe and shall be accompanied by the required fee as prescribed in Section 1204.

1202.4: Plot Diagram

Applications shall be accompanied by a plot plan diagram in duplicate. The plot plan shall be drawn to a suitable scale and shall clearly and accurately show dimensions of buildings and lots, both existing and proposed, abutting streets, proposed uses of buildings and lots, north arrow and

scale, and other information which the Zoning Officer may require to make a decision on the Permit. One copy shall be returned to the applicant indicating approval or disapproval, one copy shall be retained by the Zoning Officer.

1202.5: Amendments to a Permit

Amendments to a Permit or other records accompanying it may be filed at anytime before completion of the work. The Zoning Officer shall approve all such amendments except for those to Permits which have been authorized by action of the Board of Supervisors or Zoning Hearing Board, such as conditional uses, special exemptions or variances, in which case the Board of Supervisors or Zoning Hearing Board shall approve any amendments. Amendments shall be deemed part of the original application.

1202.6: Expiration of Permits

If work described in any Permit has not begun within 90 days from the date of issuance, the permit shall expire. A written notice shall be given by the Zoning Officer to the persons affected. If permitted work has not been substantially completed within one year of the date of issuance, the Permit shall expire. A written notice shall be given by the Zoning Officer to the persons affected. Upon expiration of a Permit, work may not continue until either a Permit extension or a new Permit has been obtained. The Zoning Officer may issue a Permit extension when the proposed activities, information, and conditions contained in the original permit application will be continued without change. The Permit extension shall include limitations on time not to exceed one year allowed for substantial completion of the work. The Zoning Officer may require the provision of a reasonable performance bond to ensure completion within the time limit specified in the Permit extension.

SECTION 1203: ACTION ON PERMITS AND CERTIFICATES OF USE AND OCCUPANCY

1203.1: Action on Permit Application

The Zoning Officer shall act on all applications for Permits and amendments thereto within 10 days after filing except where otherwise indicated. He shall conduct a preliminary inspection of all structures and/or land for which an application has been filed for a Permit. If the application and preliminary inspection indicate compliance with the Zoning Ordinance, a Permit shall be issued. Disapproval of a Permit shall be in writing to the applicant.

1203.2: Posting of Permit

The Permit issued by the Zoning Officer shall be posted at the work site and be visible from the street until the completion of the permitted work.

1203.3: Revoking a Permit

The Zoning Officer may revoke an issued Permit in case of any false statement in the application for the Permit.

1203.4: Action Upon Completion

Upon completion of the permitted work and prior to use and occupancy, the holder of the permit shall notify the Zoning Officer of such completion. After receiving notice of completion, the Zoning Officer shall conduct a final inspection of all permitted structures and/or land. All violations of the approved permit and plans shall be recorded and presented in writing to the holder of the Permit.

If the Zoning Officer is satisfied that the completed work conforms with the issued Permit and complies with the Zoning Ordinance, he shall issue a Certificate of Use and Occupancy for the use indicated in the Permit.

The Zoning Officer shall conduct the final inspection and issue either a written record of violations or an approved Certificate of Use of Occupancy within 10 days after receiving notice.

SECTION 1204: FEES

1204.1: Payment of Fees

No Permit or Certificate of Use and Occupancy shall be issued until the fees prescribed by resolution of the Board of Supervisors have been paid.

SECTION 1205: ENFORCEMENT NOTICE

Where the Zoning Officer finds that any provisions of this Ordinance are being violated, he shall initiate enforcement proceedings by sending an enforcement notice to appropriate parties in accordance with Article VI of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended). As specified in the Planning Code, the enforcement notice shall state the nature of the violation, the actions and deadline dates for achieving compliance, possible enforcement proceedings, and other information.

SECTION 1206: PROSECUTION OF VIOLATION

If the Enforcement Notice is not complied with, the Zoning Officer shall request the Township Solicitor to institute appropriate proceedings to correct such violations. Such proceedings are provided for and shall be in accordance with Article VI of the Planning Code (Act 247 of 1968, as amended).

ARTICLE XIII

ZONING HEARING BOARD

SECTION 1300: CREATION, MEMBERSHIP AND ORGANIZATION

A Zoning Hearing Board shall be created for the purpose of considering for variances or exceptions to the Zoning Ordinance and making decisions on appeals and challenges within the legal jurisdiction granted to Zoning Hearing Boards by the Commonwealth of Pennsylvania. It shall be created and maintained in accordance with the applicable provisions of Article IX of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended) and this Ordinance. Its membership, organization and rules and procedures shall be as prescribed in the Planning Code.

SECTION 1301: JURISDICTION AND FUNCTIONS

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render decisions and applications for variances and special exceptions, and certain challenges and appeals in accordance with all applicable requirements of Article IX of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended).

SECTION 1302: HEARINGS

In consideration of challenges and appeals and applications for variances and special exceptions, the Zoning Hearing Board shall conduct hearings and make decisions in accordance with all applicable requirements of Article IX of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended).

SECTION 1303: TERMINATION AND MODIFICATION OF PERMIT

Where a decision of the Zoning Hearing Board authorizes issuance of a zoning permit, the following shall apply:

1. Termination of Permits- If after a Permit has been authorized by the Board, such Permit is not applied for within a period of six (6) months from the date of authorization, then such authorization shall be null and void and no Permit shall be issued thereunder.
2. Modification of a Permit- Any Permit so issued shall not be modified except by action of the Board.

SECTION 1304: PARTIES APPELLANT BEFORE THE BOARD

Appeals and challenges within the jurisdiction of the Zoning Hearing Board as prescribed by the Planning Code may be filed with the Board in writing by the landowner affected, any officer or agency of the municipality, or any person aggrieved. Applications for variance or special exception may be filed with the Board by any landowner or tenant with the permission of such landowner.

SECTION 1305: APPLICATION AND FEES

Requests for a hearing and action for appeals, challenges, variances, or special exceptions shall be accompanied by an application in such form as shall be required by the Zoning Hearing Board and submitted to the Zoning Officer. Such application shall include payment of a reasonable fee based upon cost to be established by resolution of the Board of Supervisors and in accordance with the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended).

SECTION 1306: SPECIAL EXCEPTIONS

Upon application in accordance with the provisions of the Zoning Ordinance and the rules of the Board, the Board shall determine the reasonableness and propriety in particular cases of any one of the following special exceptions to the Zoning District regulations of the Zoning Ordinance. The proposed use shall also conform with all the provisions for the use in the particular Zoning District in which it is to be located, and all other pertinent provisions of the Zoning Ordinances, except as wherein prescribed in this Article. The Board shall consider, explain and record its finding and determination in conformity with the spirit of the Zoning Ordinance and may authorize the issuance of a Permit for the following:

1. Other Principal Uses Not Explicitly Permitted Within a Zoning District- A use which is not explicitly listed as a permitted principal use within the regulations of a Zoning District may be permitted provided that the use is similar to and not more objectionable to the general welfare than the permitted uses listed in that Zoning District. Such uses shall be permitted as a special exception only upon the judgment and approval of the Zoning Hearing Board which may also require compliance with such conditions as may be necessary to protect and promote the general welfare of the Township.
2. For The Modification of Off-Street Parking and Loading Facility Requirements in any Zoning District, Provided:
 - Such modification shall be consistent with the purpose and intent of such requirements.
 - It shall be satisfactory to the Board that public or private transportation facilities shall be sufficient to accommodate travel needs of those employed on the premises.

ARTICLE XIV AMENDMENT, SUPPLEMENT OR CHANGE

SECTION 1400: PROCEDURE FOR AMENDMENTS

The Zoning Ordinance or parts thereof may be amended or repealed by the Board of Supervisors in accordance with provisions of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended) and with the following procedures:

1. Any amendment, or repeal may be initiated by:
 - The Township Planning Commission.
 - The Board of Supervisors.
 - A notarized petition to the Board of Supervisors by the owner of the property involved or by a party having interest therein.
2. Proposed amendments shall be submitted to the Board of Supervisors at a regular or special meeting of the Board of Supervisors.
3. Before voting on the enactment of an amendment, the Board of Supervisors shall hold a public hearing thereon in accordance with the requirements of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended). As required by the Planning Code, the public shall be notified of the amendment and hearing, such notice shall be posted on any affected tract of land, and the amendment shall be referred to the Township Planning Commission and Mercer County Regional Planning Commission for review.
4. An application for amendment shall be submitted in a form prescribed by the Board of Supervisors containing the following minimum information:
 - Name, address, and phone number of the applicant or his agent.
 - The applicant's legal interest in the affected property(ies).
 - A map showing the location of the affected property(ies), the present and proposed zoning classification and boundaries, and a perimeter sketch of the affected property(ies) showing dimensions and size.
5. Any application for amendment to the Zoning Ordinance shall be accompanied by a reasonable fee in such amount set by resolution of the Board of Supervisors.

ARTICLE XV APPEALS

SECTION 1500: ZONING APPEALS

The review or appeal of any provision of this Ordinance or decision, determination, order or finding of the Board of Supervisors or its agencies or offices shall follow the procedures set forth in Article X-A "Appeals to Court" of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended).

ARTICLE XVI VALIDITY

SECTION 1600: SEVERENCE

If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, or word in the Zoning Ordinance or the zoning District Boundaries as shown on the Zoning Map, shall for any reason, declared to be illegal, unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect or impair the validity of the Zoning Ordinance as a whole or any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, word or remaining portion of the Zoning Ordinance.

ARTICLE XVII REPEAL

SECTION 1700: REPEAL OF THE 1964 ZONING ORDINANCE

The enactment of this Zoning Ordinance contained herein shall hereby repeal in its entirety the Hempfield Township Zoning Ordinance as adopted May 12, 1964 and subsequently amended. No article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, or word in the 1964 Zoning Ordinance shall be valid or applicable as law in the Township.

ARTICLE XVIII

DEFINITIONS

SECTION 1800: GENERAL INTERPRETATION

For the purpose of the Zoning Ordinance, certain terms, phrases and words shall have the meaning given herein. Words used in the present tense include the future, words in the singular includes the plural, the word "used" shall be construed as though followed by the words "or intended or designed to be used", the words "building", "structure", and "land" or "premises" shall be construed as though followed by the words "or any portion thereof", and the word "structure" includes the word "building". The word "shall" is always mandatory and not merely directory.

SECTION 1801: DEFINITION OF TERMS

Abutting: Having property or district lines in common; e.g., two lots are abutting if they have property lines in common.

Access: A way of approaching or entering a property.

Accessory Building or Use: A building or use which: (1) is subordinate to and serves a principal building or principal use; (2) is subordinate in area, extent, or purpose to the principal building or principal use served; (3) contributes to comfort, convenience, or necessity of occupants of the principal building or principal use; and (4) is located on the same zoning lot as the principal building or principal use.

Addition: Any construction that increases the size of a building such as a porch, attached garage or carport, or a new room or wing.

Agent or Owner: Any person who can show written proof that he has authority to act for the property owner.

Agriculture: The production, keeping, or maintenance, for sale, lease, or personal use, of plants and animals useful to man, including but not limited to: forages and sod crops, grains and seed crops, dairy animals and dairy products, poultry and poultry products, livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals, bees and apiary products, fur animals, fruits of all kinds, vegetables, or lands devoted to soil conservation.

Alley: The space or area between the rear or side lot lines of lots which has a minor right-of-way width of twenty (20) feet or less which is dedicated for the public use of vehicles and pedestrians and which affords secondary access to an abutting lot.

Alteration: As applied to a building or structure is a change or rearrangement in the structural parts of or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or moving from one location or position to another.

Alteration, Structural: A change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as bearing wall, columns, beams and girders.

Ambulance Service: Emergency transportation of the sick and injured, invalid coach service, rental of funeral coaches and limousines and pick up and removal of the deceased.

Basement: A portion of a building partly underground, and having one-half ($\frac{1}{2}$) or more than one-half ($\frac{1}{2}$) of its floor-to-ceiling height below the average grade of adjoining ground.

Bed and Breakfast: An establishment originally designed as a residential house that offers overnight sleeping accommodations and breakfast for transient guests.

Billboard: A sign that advertises an off-site use.

Boarding Unit (also Rooming or Loading Unit): Living quarters that, unlike a Dwelling Unit, do not contain complete housekeeping facilities and are typically used for sheltering and feeding paying occupants who are not members of the proprietor's family.

Building: An enclosed structure built, erected, and framed of component structural parts, designed for the housing, shelter, enclosure, and protection of persons, animals or property of any kind, including manufactured homes.

Building, Accessory: A detached, subordinate building, the use of which is customarily incidental and subordinate to that of the principal building, and which is located on the same lot as that occupied by the principal building.

Building, Attached: A building where both sidewalls of all except the end structures are party walls.

Building, Detached: A building that has no party walls.

Building, Principal: A building in which is conducted the principal use of the lot on which it is situated.

Certificate of Use and Occupancy: A statement, based on an inspection and signed by the Zoning Officer, indicating that a building, structure, and/or land conforms with the provisions prescribed in the Zoning Ordinance and may lawfully be occupied or used for a specific use or uses.

Church: A building of public worship.

Clinic: Any professional medical building or establishment where people are examined or treated by doctors or dentists, but are not hospitalized overnight.

Club, Lodges and Fraternal Organizations: An establishment operated for social, recreational, or educational purposes, and open only to members and their guests, but not the general public.

Commercial Vehicle: A commercial vehicle shall be any vehicle other than a private passenger vehicle, including trucks, trailers and construction equipment.

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

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

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

Conditional Use: A use permitted in a particular zoning district only upon showing that such use, in a specified location, will comply with the expressed standards and criteria contained in the Zoning Ordinance and any additional safeguards deemed necessary by the governing body.

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

Conversion: Changing the original purpose of a building to a different use or increase in intensity of use.

Court: Any open space, unobstructed from ground to sky, other than a yard, that is on the same lot with and bounded on two or more sides by the walls of a building.

Covenant: A private legal restriction on the use of land, contained in the deed to the property or otherwise formally recorded.

Coverage: That percentage of the lot or site area covered by principal and accessory structures.

Curb Line: The line establishing the width of a cart way in a right-of-way. Where curbs do not exist the edge of pavement shall be the curb line.

Dedication: The transfer of property from private to public ownership.

Deed Restriction: See covenant.

Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the subdivision of land, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations.

District: A district or a zone shall be any portion of the territory of Hempfield Township within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

Dormitories: A building, whether public or private, associated with a school, college or university designed for, used and arranged with rooms providing sleeping, studying and living accommodations for students.

Driveways: An open space located on a private lot built for access to a private garage, parking, or to any structure located on the lot.

Dwelling: A building arranged and used for residential occupancy containing a dwelling unit or units, including a one-family, two-family, row and multiple-family dwelling.

Dwelling, Multiple-Family: A building having three (3) or more dwelling units and designed to be used or occupied as a residence by three (3) or more families living independently of each other and each with its own exterior entrance door or own entrance door from an interior hallway.

Dwelling, Semi-Detached: A building having two (2) dwelling units, each with its own exterior entrance door, with one (1) family living on either side of a common wall, through which also runs a property line such that each side is a separate property.

Dwelling, Single-Family: A detached building designed for and used exclusively for occupancy by one family.

Dwelling, Two-Family: A building having two (2) dwelling units, each with its own exterior entrance door and containing two families. The Dwelling Units may be either semi-detached with one (1) family living on either side of a common party wall, or stacked with one (1) family living over the other.

Dwelling Unit: A building or portion thereof providing complete housekeeping facilities for one family. The term shall not include cellar dwellings, but shall include all other structures designed for and/or used for living purposes, including (1) manufactured homes having at least 450 square feet of residential floor area and meets the U.S. Department of Housing and Urban Development's Manufactured Housing Standards and (2) prefabricated dwellings having at least 450 square feet of residential floor area.

Easement: A right given by the owner of land to another party for specific limited use of that land.

Enlargement: A construction activity that increases the size of a building or other structure.

Essential Services: The erection, construction, alteration or maintenance by public utilities or municipal departments or municipal authorities of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies for the public health, safety and general welfare and excluding Communications Towers and Communications Antennas, as defined herein.

Family: A group of individuals related by blood, marriage, adoption, or guardianship living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability.

Family Day Care: A home occupation in which a dwelling's primary resident(s) provides supervision/care to no more than eleven (11) persons and must comply with State Regulations, the Laws of the Commonwealth of Pennsylvania and the rules of the Pennsylvania Department of Public Welfare.

Floor Area Gross: The total area of all floors of a building as measured to the outside surfaces of exterior walls and including halls, stairways, elevator shafts, attached garages, porches and balconies.

Floor Area Ratio: The intensity of land uses as expressed by the Ratio of Floor Area to total square feet of lot area.

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, that does not involve any land development.

Frontage: The frontage, or front of a lot is the side nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under yards in this Article and the specific use provisions of this ordinance.

Functional equivalent of a family: A group of eight or less unrelated persons living together by choice and without time limitation in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured stable relationship providing organization and stability.

Garage, Private: A detached accessory building or a portion of a principal building used only for the storage of automobiles by the families resident upon the premises; and provided that such garage shall not be used for offering commercial automotive repair or servicing to the public.

Group Home: (1) a functional equivalent of a family; and (2) a single-family dwelling operated by a responsible individual, family or organization with a program to provide a supportive living arrangement for unrelated handicapped individuals where special care is needed.

Hardship: A hardship occurs when:

(1) There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located.

(2) 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) The hardship has not been created by the appellant.

(4) The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor subsequently or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

(5) The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

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 Wall: The vertical distance from the foundation wall or other immediate support of such wall to the top of the wall.

Home Based Business: A business or professional use conducted within a dwelling or its accessory structure(s) that is conducted in whole or part by the occupant(s) of the dwelling unit and which remains subordinate and incidental to the residual use. See Article VI, Section 600.4 of this Ordinance.

Home Craft Operations: A home occupation in which the following activities are conducted by the dwelling's primary resident(s): rug weaving, ceramic working, lapidary work, and home baking.

Home Studios: A portion of a dwelling used by a dwelling's primary resident(s) for work involving any of the following artistic activities: painting, photography, composing, writing, or sculpting.

Hospital: A private or public institution where the ill or injured may receive medical, surgical, or psychiatric treatment, nursing, food, lodging, etc., during illness or injury.

Housing Unit: Same as Dwelling Unit.

Institutional Home: A dwelling converted into quarters or a building constructed with quarters intended for the care of sick, aged, or infirmed persons.

Junk: Any worn, cast off, or discarded articles or material which is ready for destruction or which has been collected or stored for sale, resale, salvage or conversion to some other use.

Junk Yard: The use of more than two-hundred (200) square feet of the area of any lot, outside a building, or the use of any portion of that half of any lot that joins any street, for the storage, keeping or abandonment of junk. A "junk yard" shall include an automotive wrecking yard.

Kennel: Any premises, except where accessory to an agricultural use, where five (5) or more domestic animals, such as dogs and cats, are kept, raised, sold, boarded, bred, shown, treated trained, or groomed.

Land: The solid portion of the earth's surface which is capable of being used or occupied.

Land, Developed: "Improved land" with buildings.

Land, Improved: "Raw land" which has been provided with basic utilities such as water and sewerage, and streets.

Land, Raw: Vacant land, unsubdivided and unimproved (without utilities or streets).

Landscaping: Changing, rearranging, or adding to the original vegetation or scenery of a piece of land to produce an esthetic effect appropriate for the use to which the land is put. It may include reshaping the land by moving the earth, as well as preserving the original vegetation or adding vegetation.

Light Manufacturing: The processing, cleaning, servicing, testing, repair or storage of material, goods or products of these types: beverages, confections, plastics, electrical goods, furniture, hardware, tools, dies, patterns, scientific instruments, jewelry, time pieces, optical goods, musical instruments, toys, cosmetics, tobacco products, drugs, and of products from the following previously prepared materials: wood, glass, textiles, cork, leather, bone, horn, shell, fur, feathers, hair, rubber, paper, metal; when conducted wholly within an enclosed structure.

Loading Spaces: An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary stopping of commercial vehicles while loading or unloading merchandise or materials, and which abuts upon a street, alley, or other appropriate means of access to a public right-of-way and which is not less than ten (10) feet in width, forty-five (45) feet in length and fourteen (14) feet in height.

Lot: The basic development unit - an area with fixed boundaries, used or intended to be used by one building and its accessory building(s) and not divided by any public road or Alley.

Lot Area: The computed area contained within the lot lines.

Lot, Corner: A lot abutting upon two (2) or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135 degrees. The point of intersection of the street lot lines is the "corner".

Lot Coverage: See "Coverage".

Lot, Double Frontage: An interior lot whose front & rear lot lines abut street, or a corner lot with two (2) opposite lines abutting a street.

Lot Frontage: See "Frontage".

Lot, Interior: Lot whose sides do not abut a street.

Lot Lines: The property lines bounding the lot.

Lot Line, Front: The line separating the lot from a street.

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

Lot Line, Side: Any lot line other than a front or rear lot line; a side lot line separating a lot from a street is called a side street lot line.

Lot, Non-Conforming: A lot lawfully existing at the effective date of the Zoning Ordinance, or by subsequent amendment thereto, which does not conform with the area regulations and other provisions prescribed for the Zoning District in which it is located.

Lot of Record: A lot that is part of a recorded subdivision or a parcel of land which has been recorded or registered in the Office of the Recorder of Deeds, Mercer County, Pennsylvania.

Lot, Width: The horizontal distance between the side lot lines as measured at the building setback line.

Manufactured Home: Manufactured homes are built as dwelling units with a permanent chassis to assure the initial and continued transportability of the home; used for non-transient residential purposes; constructed with the same, or similar electrical, plumbing and sanitary facilities as immobile housing; and upon arrival at the site where the manufactured home is to be situated for occupancy, as a residence, it is complete and ready for occupancy except for minor and incidental unpacking operations, location on foundation supports, connections to utilities and the like. Prefabricated units designed to be assembled or joined together, upon arrival at the site and requiring extensive finishing operations, prior to occupancy (excluding location on foundation and connection to utilities) shall be considered a prefabricated home rather than a manufactured home.

Manufactured Home Lot: A parcel of land in a manufactured home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single manufactured home.

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

Mineral Excavation: The excavation or extraction of any earth products of natural mineral deposit, including but not limited to limestone and dolomite, sand and gravel, rock and stone, salt, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas, except where such excavation is for purposes of grading for a building lot or roadway.

Motel (Also Motor Court, Auto Court, Motor Hotel, Tourist Court, Cabin and/or Motor Lodge): Any group of attached, semi-attached or detached buildings (not including a trailer) located on a single lot containing individual sleeping or housekeeping units, designed for or used by transients.

Motor Freight Terminal: A lot maintained by a motor freight company which is the origin and/or destination point of short and long-distance hauling and which is used for the purpose of storing, transferring, loading and unloading of merchandise and truck parking and storage facilities.

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 a residential use. The business or commercial activity must satisfy the following requirements:

- a. The business or commercial activity shall be compatible with the residential use of the property and surrounding residential uses.
- b. The business or commercial activity shall employ no employees other than family members residing in the dwelling.
- c. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- d. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- e. The business or commercial activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors, or electrical interference, including interference with radio or television reception that is detectable in the neighborhood.
- f. The business or commercial activity may not generate any solid waste or sewage discharge, in volume or type that is not normally associated with residential uses in the neighborhood.

- g. The business or commercial activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- h. The business or commercial activity may not involve any illegal activity.

Open Space: An area of land unoccupied by a building and/or other structure which is maintained to permit human use, occupancy, recreation, and enjoyment.

Owner: The duly authorized agent, attorney, purchaser, devisee, fiduciary, or any person having vested or contingent interest in the lot, building, or structure in question.

Parking Area: An open space on a lot used as an accessory use for the parking of automotive vehicle.

Parking Lot: An off-street ground level area, surfaced and improved for the temporary storage of motor vehicles.

Parking Space: An off-street space having an area of not less than nine (9) feet by twenty (20) feet and one hundred and eighty (180) square feet, whether outside or inside a structure, to be used exclusively as a parking stall for one (1) motor vehicle.

Permit: A license, issued by the Zoning Officer, which permits the applicant to proceed with the work specified in the permit application as approved by the Zoning Officer.

Person: An individual, association, co-partner or corporation.

Personal Care Residence: A building where food, shelter and personal assistance or supervision are provided for at least one full day for three or more ambulatory adults who are not relatives of the operator and who may require assistance or supervision in such matters as dressing, bathing, diet or medication prescribed for self-administration but do not require hospitalization or care in a skilled nursing or intermediate care facility.

Pet, exotic: An unusual and often exciting animal because of coming (or seeming to come) from a distant country which is kept in the home as a companion and treated affectionately.

Pet, household: Animals integrated into and which become part of and may be housed as part of the normal household unit for the purpose of pleasure and companionship. Traditionally dogs, cats and small birds.

Plat: A map, plan or chart of a section or subdivision of Hempfield Township indicating the location and boundaries of individual lots.

Plot: A parcel of land consisting of one or more portions thereof that is described by reference to a recorded plat or by metes and bounds.

Porch: A roofed-over structure projecting from the front, side, or rear wall of a building. A porch is considered a part of the principal building and is not permitted to extend into any required yards.

Primary Residence: A residence that is the home of the occupants more than one-half of the year.

Primary Resident(s): The occupants that live in a dwelling more than one-half of the year.

Professional Home Office: A office located in a dwelling in which the dwelling's primary resident(s) conducts business that does not require the assistance of outside employees nor requires personal daily communication with associates or customers. Professions that function as a home occupation in a professional home office shall be limited to the following: accountant, architect, lawyer, insurance agent, planner, land surveyor, engineer, telemarketer, and computer programmer.

Projections (into Yards): Parts of buildings such as architectural features which are exempted, to a specified amount, from the yard requirements of the Zoning Ordinance.

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

Recreation:

1. Recreation, Commercial - Recreational facilities operated as a business and open to the general public for a fee.
2. Recreation, Private/non-Commercial - Clubs or recreation facilities operated by a non-profit organization and open only to bonafide members of such organization.
3. Recreation, Public - Recreation facilities operated as a non-profit enterprise by the Township, any other governmental entity or any non-profit organization that is open to the general public.

Recreation Equipment: Major recreational equipment, as defined for purposes of these regulations, includes travel trailers, pickup campers or coaches, motorized dwellings, tent trailers, boats and boat trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

Recreational Vehicle: A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper, and motor home.

Rehabilitation Center: A medically related facility providing board and room, recreational counseling and other rehabilitative services to individuals of either sex, who by reason of mental

or physical disability, addiction to drugs or alcohol, or family and school adjustment problems require specialized attention and care in order to achieve personal independence. Individuals participating in a work release, or similar program from a State Correctional Facility, and under supervision of a court, state or local agency shall not be included within this definition.

Road: Any street, highway, or other public roadway that is dedicated to public use by governmental authority.

Seamstress/Tailor Service: A home occupation in which a dwelling's primary resident(s) is involved in the operation of such services that does not require the assistance of outside employees nor renders services on a daily basis to customers.

Setback: The required distance that must be maintained between the right-of-way or a lot line and the nearest principal and/or accessory structure.

Site: A plot of land intended or suitable for development.

Site Plan (Development Plan): A plan, to scale, showing uses and structures proposed for a parcel of land as required by the regulations involved. It includes lot lines, streets, building sites, reserved open space, buildings, major landscape features both natural and man-made and the locations of proposed utility lines.

Special Exception: A provision which permits, under specified terms and conditions, particular uses to locate in a zoning district without detriment to the routine and orderly development as provided for in that zoning district. The Zoning Hearing Board grants the provision.

Standard Industrial Classification (SIC):

The SIC is the classification system used by all Federal statistical agencies, most State agencies, and many private organizations. Industry management utilizes the SIC in economic and sales forecasting, sales analysis, allocation of advertising budgets and so on. It is employed as a market research tool by individual business in the classification of their customers and suppliers.

The SIC is an industrial classification of the entire economy. It divides activities into broad economic divisions (manufacturing, mining, retail trade, etc.) Each division is further broken down into major industry groups (two-digit SIC), then into industry groups (three-digit SIC) and finally, into industries (four-digits). The numbering system provides flexibility, permitting use of the classification of various levels of detail according to specific uses and needs.

A detailed description of the SIC, including industry definitions, is contained in the 1972 edition of the Standard Industrial Classification Manual, published by the Federal Government's Office of Management and Budget. Periodic revisions of the system - the latest in 1977 - can alter the product composition of an industry and thus impair comparability of time series data for that industry. All statistical series in this edition have been adjusted by the Bureau of Industrial Economics for consistency with the 1977 revisions.

Story: A part of a building comprised between a floor and a floor or roof next above, including a basement.

Story, Half: A story with at least two (2) of its opposite side situated in a sloping roof, the floor area of which does not exceed two-thirds (2/3) of the floor area immediately below it.

Structure: Anything built, constructed or erected which requires location on the ground or attachment to something located on the ground. A combination of materials forming a construction for occupancy and/or use including, among others, a building, stadium, gospel tent, circus tent, reviewing stand, platform, staging, observation tower, radio tower, water tank, trestle, open shed, coal bin, shelter, fence, wall and a sign.

Structure, Accessory: An attached, semi-detached or detached structure whose use is customarily incidental and subordinate to the principal structure or use, and is located on the same lot as the principal structure or use.

Structure, Non-Conforming: A legal structure existing at the effective date of adoption or subsequent amendment of this Ordinance, which does not completely conform to the height regulations, area regulations, and other provisions prescribed for the Zoning District in which it is located.

Structure, Principal: A structure housing the principal use.

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.

Suitable Screening Defined: Suitable screening shall be either a thick hedge, or a solid fence or wall four (4) feet to six (6) feet in height.

Transient: A person or persons passing through or by a place with only a brief stay.

Travel Trailer: See "Recreation Equipment".

Township: Hempfield Township.

Use, Accessory: A use customarily incidental and subordinate to the principal use of a building, structure, and/or land, except parking and/or loading facilities as herein provided.

Use, Non-Conforming: A legal use of a building, structure, and/or land existing at the effective date of adoption or subsequent amendment of this Ordinance, which does not completely conform with the use regulations and other provisions prescribed for in the Zoning District in which it is located.

Use, Principal: The main or primary purpose for which a building, structure, and/or land is designed, arranged, or intended; or, for which it may be used, occupied, or maintained under the Zoning Ordinance. All other structures or uses on the same lot, and incidental or supplemental thereto and permitted under the Zoning Ordinance, shall be considered accessory uses.

Variances: Relief from technical requirements in the Zoning Ordinance that would prevent or restrict a use that is an otherwise legitimate use within a zoning district due to a hardship related to the property in question. Procedures and criteria for granting such relief are provided generally in Article VI and specifically in Article IX of the Pennsylvania Municipalities Planning Code (Act 247 of 1968 as amended).

Visual Obstruction: Any fence, wall, tree, hedge, or shrub, or a combination thereof that limits visibility.

Yard: An open unoccupied space, other than a court, on the same lot with a building, unobstructed artificially from the ground to the sky, except as otherwise provided herein.

Yard, Front: A yard across the full width of the lot, extending from any point of a principal building or structure to the road centerline.

Yard, Rear: A yard across the full width of the lot, extending from any point of a wall of a principal building or structure to property line farthest from the road centerline.

Yard, Reverse Frontage: A rear yard across the full width of a double frontage lot that shall not be used for access to the lot.

Yard, Side: A yard between the principal building or structure and the adjacent side lot line of the lot, extending from the front yard to the rear yard.

Zoning: Is the legal and administrative process of dividing the community into Districts or Zones and regulating within such Districts the use of land, the height, and area of buildings for the purpose of conserving and promoting the health, safety, morals, convenience and general welfare of the people of the community. Zoning is the instrument for giving effect to that part of the Comprehensive Land Use Plan which is concerned with the private uses of, and the private developments on, privately owned land as distinguished from that part which is concerned with public uses and facilities.

Zoning Hearing Board: A group of individuals, created officially by the adoption of the Ordinance and appointed by the governing body, whose purpose and function is to review applications for variances or exceptions and to decide whether there is legitimate reason for granting the applicant the relief which he desires or the exception which he has requested.

Zoning Map: The Zoning District Map or Maps of Hempfield Township together with all amendments subsequently adopted.

Zoning Officer: The agent, or official designated by Hempfield Township and charged by law with the administration and enforcement of the Zoning Ordinance.

Zoning Ordinance: The Zoning Ordinance of Hempfield Township together with all amendments subsequently adopted.

**ARTICLE XIX
EFFECTIVE DATE**

SECTION 1900: EFFECTIVE DATE

The Zoning Ordinance shall take effect ten (10) days after the date of adoption by the Board of Supervisors of Hempfield Township, Mercer County, Pennsylvania.

We hereby certify that the Hempfield Zoning Ordinance was adopted by the Board of Supervisors of Hempfield Township, Mercer County, Pennsylvania this _____ day of _____, A.D. _____.

**Township of Hempfield
MERCER COUNTY, PENNSYLVANIA**

CHAIRMAN- Board of Supervisors

MEMBER- Board of Supervisors

MEMBER- Board of Supervisors

(SEAL)

ATTEST:

TOWNSHIP SECRETARY

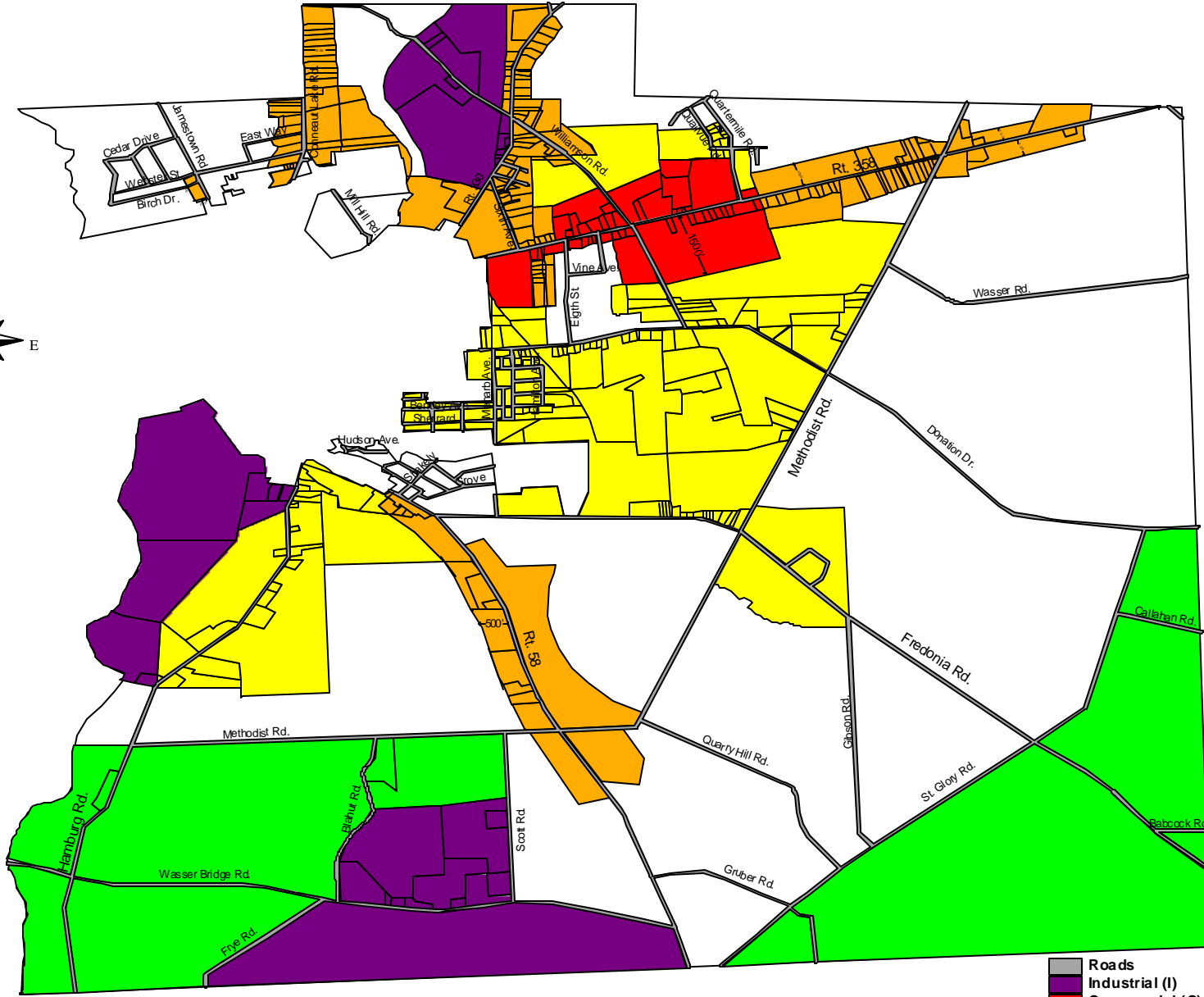
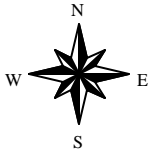
**ARTICLE XX
CERTIFICATION**








SECTION 2000: CERTIFICATION

I do hereby certify that the foregoing is a true copy of Ordinance Number _____,
adopted by the Board of Supervisors of Hempfield Township, Mercer County, Pennsylvania on
_____, A.D., _____.

TOWNSHIP SECRETARY

Hempfield Township Zoning Map



-  Roads
-  Industrial (I)
-  Commercial (C)
-  Mixed Use (B)
-  Rural Residential (R-1)
-  Single Family Residential (R-2)
-  Multi-Family Residential (R-3)

0 1 2 Miles