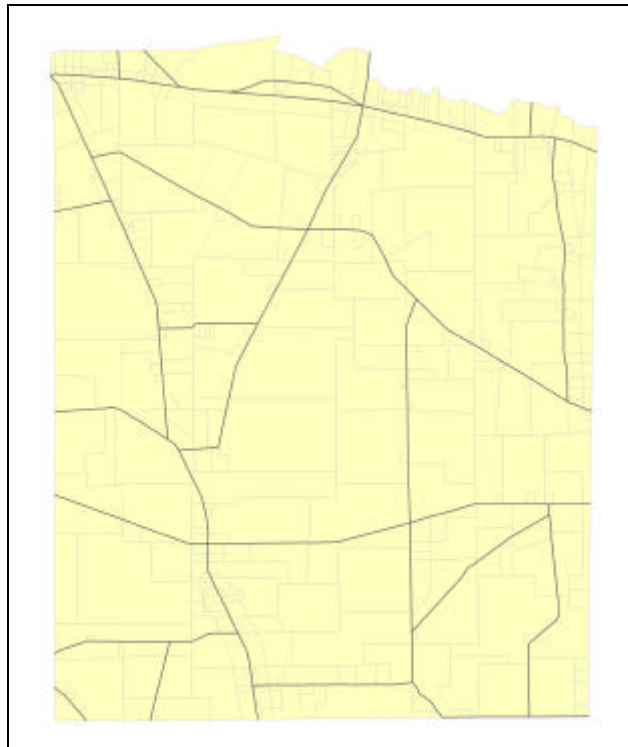


OTTER CREEK TOWNSHIP

ZONING ORDINANCE



Adopted November 19, 2005

**Prepared by the Otter Creek Township Planning Commission &
the Mercer County Regional Planning Commission**

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Otter Creek Township

MERCER COUNTY, PENNSYLVANIA

Ordinance No. _____

ZONING ORDINANCE

An Ordinance Regulating and Restricting:

- The Height and Number of Stories and Size of Buildings and Other Structures;
- Their Construction, Alteration, Extension, Repair, Maintenance and All Facilities and Services in or about such Buildings and Structures;
- The Percentage of Lot that may be occupied;
- The Size of Yards, Courts and Other Open Spaces;
- The Density of Population;
- The Location and Use of Buildings, Structures and Land for Trade, Industry, Residence or Other Purposes;
- The Establishment and Maintenance of Building Lines and Set Back Building Lines upon Any or All Public Roads or Highways;
- Creating Districts for said Purposes and Establishing the Boundaries thereof;
- Defining Certain Terms used herein;
- Providing for the Method of Administration and Amendment for a Zoning Hearing Board and for the Imposition of Penalties.

BE IT ORDAINED by the Township of Otter Creek, Mercer County, Pennsylvania, that in the interest of promoting the health, safety, morals and the general welfare of the Township the following articles, sections, subsections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases and words be, and at the same time are, hereby enacted into law to read as follows, viz:

ARTICLE I

SHORT TITLE - PURPOSE - SCOPE

Section 100: Short Title

This ordinance shall be known as the "Otter Creek Township Zoning Ordinance" hereinafter referred to as the "Zoning Ordinance".

The official map showing zoning districts and boundaries shall be known as the "Otter Creek 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 for reference only.

Section 101: Purpose

The regulations of the "Zoning Ordinance" are made in accordance with the following purpose:

- (1) to lessen congestion on the roads and highways.
- (2) to secure safety from fire, panic and other dangers.
- (3) to promote health and the 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, sewage, schools, parks and other public requirements.
- (8) to protect and enhance the value of land.
- (9) to encourage yet control new development and growth in 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 the Township of Otter Creek, 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. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than the Zoning Ordinance, those 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.

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 Otter Creek 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 said objectives.

Section 201: Overall Goal

It is the overall goal of Otter Creek Township to:

- (1) Promote an attractive livable rural environment that protects agriculture and residential amenities while providing for economic opportunities.

Section 202: Land Use Goal

To provide and perpetuate a land use pattern which promotes compatibility between land uses, and the natural environment, and as further development occurs, it will be an asset rather than a liability to the Township.

202.1: Specific Objectives

- (1) To encourage, promote or preserve the open space environment.
- (2) To encourage concentration of commercial development to serve the Township and traveling public.
- (3) To maintain the residential character in developed portions of the Township, rather than permitting the indiscriminate spread of commercial and industrial uses.
- (4) To Prevent adverse scattering of high density residential areas.
- (5) To encourage adherence to local and State health standards in all new developments.
- (6) To plan for future municipal services in the form of public works as growth warrants.
- (7) To plan further transportation development in areas of prospective density and economic development in order to handle local and thru traffic.

ARTICLE III

ZONING DISTRICTS

Section 300: Zoning Districts

Otter Creek Township is hereby divided into the following Zoning Districts:

Full Name	Abbreviation
Agricultural/Residential	"R-1"
Business-Commercial	"B-1"
Industrial/Business	"I"

300.1: Agricultural/Residential "R-1" Zoning District

To provide a zoning district that will encourage agriculture and related uses and provide for the orderly development of land for residential, recreational and other compatible uses.

300.2: Business-Commercial "B-1" Zoning District

To provide a Zoning District in which will be encourage the establishment of and maintenance of business establishments principally designed to serve the residents of the Township, and such other uses that are dependent on highway access and to encourage sound development along major and minor highways.

300.3: Industrial "I" Zoning District

This district is designed to provide a Zoning District that will:

- (a) Accommodate light manufacturing, assembly, offices, distribution facilities, storage of products and similar kinds of industrial activity.
- (b) Prohibit industrial uses and other uses that are clearly noxious or offensive by reason of odor, smoke, gas, vibration or noise.

Section 301: Boundaries of Zoning Districts

The boundaries of the Zoning Districts shall be as shown on the 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 Approximately Follows a Street or Alley

The centerline of such street or alley shall be interpreted to be the Zoning District boundary.

301.2: Where a Zoning District Boundary Approximately Parallels a Street Lot Line or Alley Lot Line

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: Where A Zoning District Boundary Follows a Watercourse

The centerline of the watercourse shall be interpreted to be the Zoning District boundary.

301.5: 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.

301.6: Classification of Annexed Lands

Any land annexed to or made a part of the Township subsequent to the adoption of this ordinance, shall immediately be classified in the same Zoning District as the area to which it is contiguous, as of the effective date of annexation.

301.7: 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.

301.8: 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

USES FOR EACH ZONING DISTRICT

Section 400: Permitted, Conditional, and Accessory Uses

Within each Zoning District lands, buildings and structures shall be used, and buildings and structures shall be erected, altered or enlarged only for any of the uses permitted by right in the particular zone district in which they are located. However, the Board of Supervisors may approve any of the conditional uses listed for each zone district for a specific site in accordance with the requirements of this Ordinance. The table below lists by zone district all the principal permitted, conditional and accessory uses according to general use groupings. In the table the following abbreviations are used:

- P** = Permitted Use (See Article XVII, Definitions);
 - C** = Conditional Use (See Article XVII, Definitions);
 - A** = Accessory Use (See Article XVII, Definitions);
 - SP** = Special Exception Use (See Article XII);
 - R-1** = Agricultural\Residential
 - B-1** = Business-Commercial
 - I** = Industrial
- [Following table - references are to Article V, Additional Criteria for Permitted, Conditional and Accessory Uses]**

RESIDENTIAL USES	R-1	B-1	I
Single-family residential dwelling	P	P	P
Two-Family residential dwelling	P	P	P
Multi-Family residential dwelling	C	C	C
Mobilehome (SEE 500.2)	P	P	P
Mobilehome Park (SEE 500.3)	P	P	P
Home occupation (SEE 500.9)	A	A	A
Private garages	A	A	A
Private playhouse, swimming pool, tennis courts, tool and storage sheds and private greenhouses	A	A	A
Boarding Unit, Lodging unit, rooming unit (SEE 500.8)	A	A	A
Bed and Breakfast House (SEE 500.11)	P	P	P
Cottage or Tent Camp (See 500.4)	P		P

Farm Structures	A	A	A
Institutional Homes (See 500.6)	C	C	C
Any Other Accessory Use to a Principal Residential/Ag. Use (See 500.12)	A	A	A

AGRICULTURAL USES	R-1	B-1	I
Farms	P	P	P
Experimental stations for agricultural	P	P	P
Forestry	P	P	P
Nurseries and/or Greenhouses	P	P	P
Processing of agricultural products	P	P	P
Grange Halls and related agricultural organizations	P	P	P
Sportsmen Clubs	P	P	P
Farm Dwelling	P	P	P

BUSINESS USES	R-1	B-1	I
Eating and Drinking Establishment		P	
Retail Establishment		P	
Convenience Stores (SEE 501.5)		P	
Hotels and motels, taverns or motor inns		P	
Personal Service Establishment		P	P
Health Services		P	P
Fuel Service Station (SEE 501.2)		P	P
Automotive Garage		P	P
Service facility on a lot occupied by an automotive service establishment for the service of gas, oil, air or water or repair facility (SEE 501.3)		A	A
Grocery Stores		P	
Agri-business	A	P	A

Golf Courses, except miniature golf courses	P		P
Recreational Vehicle Park (See 500.5)	P		P
Boarding of Domestic Animals (See 500.7)	A	A	A
Car Washes (See 501.1)		P	
Commercial Recreation Establishment		P	
Any Other Accessory Use to a Principal Business Use (See 501.6)		A	

INDUSTRIAL USES	R-1	B-1	I
Warehouse and/or Wholesale Establishment			P
Industrial use for the manufacture, assembly, compounding, processing or storage of products			P
Inflammable liquid storage on a lot occupied by a fuel service establishment (SEE 501.4 & 502.1)		A	A
Any other accessory use to a principle industrial use (SEE 502.2)			A

OTHER USES	R-1	B-1	I
Church, Church Uses, and cemeteries	P	P	P
Schools; both public and private & Colleges including dormitory for students and/or faculty	P	P	
Hospitals, Medical Clinics, Nursing and/or Convalescent Homes and Boarding Homes	P		P
Public Utility, Service Structure and/or Use (SEE 503.3)	P	P	P
Essential Services	P	P	P
Governmental or Governmental Authority Facility, Service Structure or Use (See 503.2)	P	P	P
Public and Non-Commercial recreation	P	P	
Walls, fences, lamp posts, similar accessory structures	A	A	A
Private Shelter for Domestic Pets, including ponies and horses	A	A	A
Storage or Parking of a recreational vehicle or Non-agricultural commercially licensed Vehicle (SEE 503.5)	A	A	A
Parking of a Trailer (SEE 500.10)	A	A	A

Loading Area (SEE 503.4)	A	A	A
Parking Lots and/or Structures (SEE 503.1)		P	P
Clubs - Membership club, Lodge or Fraternal organization		P	
Communications Antennas (SEE 504)	A	A	A
Communications Equipment Buildings (SEE 504)	P	P	P
Co-Location onto an existing Telecommunications Tower (SEE 504)	P	P	P
Telecommunications Tower (SEE 504)	C	C	C
Adult Entertainment Establishments (SEE 505)		C	C

Section 401: Area and Dimensional Requirements

Within each zone district buildings and structures shall be erected or enlarged only in accordance with the following standards establishing dimensions such as minimum lot size and width, minimum setback of buildings, maximum lot coverage by buildings, maximum height and minimum floor area. These requirements are depicted in Table 401. All dimensions are in feet (ft), square feet (sq. ft.) or percent (%).

Table 401 - Area and Height Dimensions

Area and Height Dimensions	R-1 Zoning District
Minimum Lot Area * - Single-Family Dwelling - Two-Family Dwelling - Multi-Family Dwelling ¹ - Boarding, Lodging, Rooming House ² - Convalescent Home ³	37,500 sq. ft. 40,000 sq. ft. 24,000 sq. ft. 24,000 sq. ft. 40,000 sq. ft.
Minimum Lot Width - Interior Lot - Corner Lot	150 ft. 170 ft.
Minimum Front Yard Setback ⁴ Accessory Farm Structures	75 ft. 50 ft.
Minimum Rear Yard Setback - Principal Structure - Accessory Structure	35 ft. 10 ft.
Minimum Side Yard - One Side - Principal & Accessory Use - Interior Lot - Street Side on Corner Lot	10 ft. 25 ft.
Maximum Structure Height - Principal Structure - Accessory Structure	40 ft. 40 ft.
Maximum Lot Coverage (Including Accessory Structures)	25%
Minimum Floor Area- Dwelling Unit	750 sq. ft.

¹ For Multi-Family, Public and Apartment Housing 24,000 square feet plus 8,000 square feet per dwelling unit. Minimum three (3) acre parcel.

² 24,000 square feet, plus 2,000 square feet per boarding, lodging, or rooming unit.

³ For Convalescent Home: 40,000 square feet plus 2,000 square feet per bed.

⁴ Minimum building setback shall be measured from street centerline.

* The Department of Environmental Protection shall have approved the plan for adequate water supply and sanitary sewage facilities.

Table 401 - Area and Height Dimensions (Continued)

Area and Height Dimensions	B-1 Zoning District	I Zoning District**
Minimum Lot Area * - Commercial Uses - Single-Family Dwelling - Industrial Uses Maximum Lot Area - Industrial Uses	30,000 sq. ft. 37,500 sq. ft. N/A N/A	N/A N/A 80,000 sq. ft. 4 Acres
Minimum Lot Width - Interior Lot - Corner Lot	100 ft. ¹ 120 ft.	125 ft. 150 ft.
Minimum Front Yard Setback ² Accessory Farm Structures	100 ft. N/A	100 ft. 50ft.
Minimum Rear Yard Setback - Principal Structure - Accessory Structure	35 ft. 10 ft.	35 ft. 35 ft.
Minimum Side Yard - Total of Both Sides - One Side - Principal Use - Interior Lot - Street Side on Corner Lot - Accessory Use - Interior Lot - Street Side on Corner Lot	12 ft. 25 ft. 12 ft. 25 ft.	12 ft. 25 ft. 12 ft. 25 ft.
Maximum Structure Height - Principal Structure - Accessory Structure	30 ft. 30 ft.	35 ft. ³ 35 ft.
Maximum Lot Coverage	50% Commercial, 25% Residential	50% Industrial, 25% Residential

1 Minimum Lot Width for Residential Uses in a Business-Highway District shall be 150 ft.(Interior) 170 ft. (Corner Lot)

2 Building Setback shall be measured from the street center line.

3 Industrial equipment normal in industrial operations may reach greater heights than 35 ft. if approved by the Zoning Hearing Board.

* The Department of Environmental Protection shall have approved the plan for adequate water supply and sanitary sewage facilities.

** For Residential Uses in a Industrial District, Area and Height Dimensions, for Residential shall be used.

ARTICLE V

ADDITIONAL CRITERIA FOR PERMITTED USES, CONDITIONAL USES AND ACCESSORY USES IN EACH DISTRICT

Section 500: Additional Criteria and Provisions for Residential and Agriculture Uses

500.1: Essential Services, provided:

- (a) They shall be necessary to the adequate distribution of service and shall not include any type of equipment which will interfere with local radio or television, or otherwise detrimental to the surrounding area.

500.2: Mobilehomes, provided:

- (a) Self contained mobilehome unit must have a floor area of 750 square feet or more, provided they conform to all regulations applicable to single-family dwellings.
- (b) Mobilehome square footage shall be determined by the certificate of title of the mobilehome. In addition, tipouts may be used in determining mobilehome square footage.
- (c) Solid skirting shall be provided on all mobilehomes.
- (d) Mobilehomes shall be placed upon a cellar foundation or a mobilehome stand made of a concrete pad or concrete piers.
- (e) Each mobilehome foundation or stand shall provide adequate tie downs, able to withstand a wind pressure of 15 lbs. per square foot on an exposed vertical surface. Both “over the top” and frame tie downs shall be required. The strapping for any “over the top” tie downs shall be of 4700 lb. tensile strength.

500.3: Mobilehome Parks, provided:

- (a) They shall comply with all applicable provisions of the Mercer County Subdivision and Land Development Regulations.
- (b) A copy of the final plan of the mobile home park indicating approval by the Mercer County Regional Planning Commission shall be submitted to the Zoning Officer prior to issuance of a permit.

500.4: Cottage or Tent Camp, provided:

- (a) It shall be for public or semi-public non-profit organizations such as Boy Scouts of America, Girl Scouts of America, Police Athletic League, Boys & Girls Clubs, etc.
- (b) The request for a permit, as herein required, shall be accompanied by a site plan drawn to scale showing the location of the proposed park in relation to all roads, streets, and lot lines within 200 feet of the park boundaries, the location, size and arrangement of all park roads and mobile homes lots, screening the location of all proposed central sanitary facilities and wells or other sources of water supply and the location of special park buildings and other pertinent park features.
- (c) An authorized representative of the PA Department of Environmental Protection shall have inspected the proposed plan showing the proposed central sanitary facilities including the source of water supply, and have found them to be acceptable and in accordance with State regulations.
- (d) Written approval of the sanitary and water facilities shall have been received from the PA Department of Environmental Protection.
- (e) No tent, campsite, or building shall be located within 300 feet of any side or rear lot lines.
- (f) A buffer area along the side and rear lot lines is provided, consisting of ten coniferous or deciduous trees per 100 lineal feet, providing a dense screen of landscaping. All trees shall be at least six feet in height at time of planting.

500.5: Recreational Vehicle Parks, provided:

- (a) They shall comply with all applicable provisions of the Mercer County Subdivision and Land Development Regulations.
- (b) A copy of the final plan of the Recreational Vehicle Park indicating approval by the Mercer County Regional Planning Commission shall be submitted to the Zoning Officer prior to issuance of a permit.
- (c) No recreational vehicle, campsite, or park building shall be located within 300 feet of any side or rear lot lines.
- (d) A buffer area along the side and rear lot lines is provided, consisting of ten coniferous or deciduous trees per 100 lineal feet, providing a dense screen of landscaping. All trees shall be at least six feet in height at time of planting.

500.6: Institutional Homes, provided:

- (a) They shall be of the following type: Institutional headquarters for educational, professional, religious, charitable and other profit or non-profit organizations or institutions with an in-house population that promotes the general welfare of society. For example, chemical abuse rehabilitation, disadvantage persons, homeless youths under 18 years of age, mental health care, nursing care, elderly care, hospice and similar uses as may be allowed by petition to the Board of Supervisors.
- (b) Structure types:
 - (1) Existing structures may be converted provided the neighborhood character of the structure is not drastically altered.
 - (2) New structures may be erected provided they conform to the general architectural style of the neighboring area.
- (c) In all cases converted or new institutional housing will be in accordance with the following general provisions:
 - (1) The density shall not exceed one unit (unit being defined as a family for the purpose of this use), per 20,000 square feet of land area.
 - (2) If more than one (1) unit is considered as part of the entity, a considered site must contain a minimum of ten (10) acres.
 - (3) A single unit shall have a resident population of no more than five (5) persons which is based on the definition of a Family.
 - (4) A multiple facility will have a resident population of no more than one hundred (100) persons.
 - (5) There shall be no other institutional housing within one (1) mile of an existing facility - single or multiple.
 - (6) Approval by all local, County, State and Federal agencies related to the proposed facility must accompany the application.
 - (7) Distance of all buildings to all property lines shall be fifty (50) feet.
 - (8) Suitable screening and/or fencing shall be provided as required by the Board of Supervisors.

- (9) Detailed site and building plans shall accompany the application. Such plans shall include but may not be limited to:
 - (a) Detailed architectural plans for all buildings showing detailed exterior and interior design.
 - (b) Fire protection methods and equipment.
 - (c) Security provided.
 - (d) Survey and valid ownership of property.
 - (e) Any other data that the Board of Supervisors may deem necessary as the particular case (application) may warrant.
- (10) Such other conditions as the Board of Supervisors may require to preserve and protect the character of the area in which it is proposed.
- (11) The application, if approved, must be acted upon by the applicant within one hundred twenty (120) days or be resubmitted.
- (d) Formal submissions of request for conditional use shall be deemed not submitted until all required data and drawings are complete as required by the Board of Supervisors.

500.7: Boarding of Domestic Animals on a Commercial Basis, provided:

- (a) All such animals shall be housed indoors except that runs may be provided outdoors.
- (b) Any structure housing such animals must be located at least 50 feet from any side or rear property line, including fenced dog runs and must meet the front yard setback of principal buildings.
- (c) All animals must be housed indoors between the hours of 8:00 p.m. and 8:00 a.m.

500.8: Boarding Unit, Lodging Unit, Rooming Unit, provided:

- (a) It shall be limited to a maximum of 3 such units.
- (b) It shall be for non-transients only.
- (c) It shall be located in the principal dwelling building.

500.9: Home Occupation as defined in this Zoning Ordinance, provided:

- (a) The principal building on the lot is a dwelling unit.
- (b) The following standards are complied with in full at all times:
 - (1) The residents of the dwelling unit and not more than two (2) other persons are engaged or employed in the home occupation.
 - (2) The home occupation shall be incidental and subordinate to its use for the residential purposes and not more than 25% of the floor area of the dwelling unit shall be used for the home occupation.
 - (3) No more than two (2) home occupations shall utilize an accessory structure on the lot.
 - (4) A home occupation utilizing an accessory structure shall not use an amount equal to more than 50% of the floor area of principal structure for the purpose of the home occupation.
 - (5) No alteration of the residential appearance of the premises occurs.
 - (6) No process is used which is hazardous to public health, safety, morals or welfare.
 - (7) It shall not emit any noxious, toxic, or corrosive fumes or gasses nor shall it emit any offensive odors.
 - (8) It shall provide necessary shielding or other protective measures against interference occasioned by mechanical equipment or uses or processes with electrical apparatus.
 - (9) Visitors, customers or deliveries shall not be excessive as to cause a disturbance to the residential character of the zoning district; and
- (c) The Zoning Officer has approved of the use as a Home Occupation, in accordance with the following:
 - (1) A home occupation shall require the submission of a Letter of Classification of Use to the Zoning Officer. The letter shall address a specific use. The Zoning Officer shall decide requests for a Letter of Classification of Use based upon the intent of the home occupation provisions and experience with similar uses.

- (2) When the Zoning Officer approves of a use as a Home Occupation, that use and the location of the use will be added to a supplemental list of Permitted Uses as Home Occupations. In addition, when the Zoning Officer denies a use as a Home Occupation, that use and the location of the use will be added to a supplemental list of Prohibited Uses as Home Occupations.
- (3) The decision of the Zoning Officer may be appealed to the Zoning Hearing Board.

500.10: Parking of a Trailer for Storage, provided:

- (a) It shall comply with height and area regulations for accessory structures.

500.11: Bed and Breakfast House, provided it is a conversion of an existing dwelling and:

- (a) The appearance of the structure shall not be altered to differ from its residential character.
- (b) Guests may stay up to and no more than fourteen consecutive days.
- (c) It shall provide board (meals for pay) only to guests rooming on the premises.
- (d) The building to be used as the Bed and Breakfast shall also be the principal residence of the Proprietor (s). Proprietor is herein defined as the person who is financially at risk through the method of operation of the Bed and Breakfast.

500.12: Any Other Accessory Use to a Principal Residential/Agricultural Use, which is not listed in this ordinance, provided:

- (a) It shall be customarily incident and subordinate to a permitted uses.
- (b) It shall be located on the same lot as the principal use.
- (c) It shall be approved by the Zoning Hearing Board

Section 501: Additional Criteria and Provisions for Business Uses

501.1: Car Washes (both automatic and self-service), provided:

- (a) Sufficient off-street parking for waiting cars shall be provided.
- (b) Separate entrance and exit facilities shall be provided.

- (c) No entrance or exit shall be located closer than 100 feet from the intersecting right-of-way lines of road intersections.
- (d) An area of at least 800 square feet beyond the exit end of the washing structure shall be provided for drying and other finishing operations.
- (e) Entrance and exit drives, parking areas and drying areas shall be hard-surfaced and dust free.
- (f) Car washes, including drives, parking areas, and drying areas, shall not be located within 100 feet of a boundary line of any Residential Zoning District.

501.2: Fuel Service Station, provided:

- (a) Such establishments intended to serve solely the trucking industry shall be prohibited.
- (b) Automotive repair may be permitted only as an incidental use to a gasoline service station.
- (c) Such establishments shall not be located within 100 feet of a boundary line of any Residential Zoning District.
- (d) Means of ingress and egress shall be located no closer than 100 feet from the intersecting right-of-way lines of road intersections.
- (e) Access drives shall not exceed 40 feet in width within 10 feet of the street right-of-way line.
- (f) Access drives shall not exceed two per lot on any one street frontage.

501.3: Service Facility on a lot occupied by an Automotive Establishment for the service of Gas, Oil, Air or Water or Repair Facility, provided:

- (a) Any such equipment shall not be less than 15 feet from any alley or street nor less than 100 feet from a boundary line of any Residential Zoning District or from any lot line of a hospital, church, or school.

501.4: Storage of Inflammable Liquids on a lot occupied by an Automotive Establishment, provided:

- (a) It shall be stored in underground tanks.

- (b) The total capacity of such tanks shall be limited to 30,000 gallons per establishment.
- (c) It shall be approved by the Commonwealth of Pennsylvania.

501.5: Convenience Stores, provided:

- (a) Any lot line abutting a residential district or residential use shall be screened as provided in Article VI.
- (b) Access drives shall not exceed two per lot on any one street frontage.
- (c) Any fuel pumps shall be at least thirty (30) feet from the front lot line and at least thirty (30) feet from a side lot line.

501.6: Any Other Accessory Use to Principal Business Use, which is not listed in this ordinance, provided:

- (a) It shall be customarily incidental and subordinate to a permitted principal use.
- (b) It shall be located on the same lot as the principal use.
- (c) It shall be approved by the Zoning Hearing Board.

Section 502: Additional Criteria and Provisions for Industrial Uses

502.1: Inflammable Liquid Storage, provided:

- (a) It shall be approved by the Commonwealth of Pennsylvania.
- (b) It shall not be located within 50 feet of any lot line in any Residential Zoning District or within 25 feet of any adjoining lot line.
- (c) The area shall be enclosed on all sides by a fence or wall not less than 6 feet high and maintained in good condition.

502.2: Any Other Accessory Use to Principal Industrial Use, provided:

- (a) It will further the welfare and best interests of the Township.
- (b) It shall be subject to the Provisions of Use Prescribed in Article VI.

- (c) It shall be customarily incidental and subordinate to the principal use.
- (d) It shall be located on the same lot as the principal use.
- (e) It shall be approved by the Zoning Hearing Board.

Section 503: Additional Criteria and Provisions for Any Other Uses

503.1: Parking Lots and Structures, provided:

- (a) There shall not be any vehicle parked within 10 feet of any Residential Zoning District.
- (b) There shall not be any automotive repair facilities located on the lot.
- (c) There shall not be any storage of materials, junk or any equipment on the lot.
- (d) There shall not be any vehicle parked in front of the front or side street building setback lines.

503.2: Governmental or Governmental Authority Facility, Service Structure or Use, provided:

- (a) It shall serve as a community facility or be reasonable necessary for the adequate distribution of services
- (b) It shall be authorized by a governmental agency.

503.3: Public Utility Facility, Service Structure and/or Use, provided:

- (a) It shall not include any type of equipment which will in any way interfere with local radio or television communications or otherwise be detrimental to the surrounding area.
- (b) It shall not include a business facility, repair facility, a power generating station, storage of materials, storage of any repair or trouble crew outside a structure.
- (c) It shall be reasonably necessary to adequate distribution of service.
- (d) That the structure(s) be compatible with other permitted structures in the District in which it is located.

503.4: Loading Area, provided:

- (a) There shall not be any storage of material, junk or any equipment in the area.
- (b) There shall not be any repair facilities located on the area or any repairs made on any vehicle located thereon.
- (c) There shall not be any vehicle loading or unloading within ten (10) feet from any front or side yard setback line.

503.5: Storage or Parking of a Recreational Vehicle or Non-Agricultural Commercially Licensed Vehicle, provided:

- (a) It shall comply with the height and area regulations for accessory structures.
- (b) It shall be limited to no more than one recreational vehicle and/or one non-agricultural commercially licensed vehicle.
- (c) It shall not be used for human habitation.

Section 504: Additional Criteria and Provisions for Wireless Telecommunications Facilities

504.1 Purpose and Legislative Intent

The purpose of this section is to govern the placement of wireless telecommunications to:

- a.) Encourage co-location on both new and existing towers to minimize the number of sites used throughout the Township by telecommunications towers;
- b.) Allow wireless facilities to provide effective and efficient services to the Township, while encouraging wireless telecommunications companies to locate their facilities where the adverse impact on the Township is kept to a minimum;
- c.) Encourage innovation in design, screening, and landscaping techniques by the wireless telecommunications companies to minimize the adverse impact on the Township;
- d.) Ensure that prime agricultural land will not be used for wireless telecommunications facilities;
- e.) Ensure that the scenic nature and aesthetic quality of the Township will not be compromised; and

- f.) Promote the aesthetic quality of the Township as an aspect of the health, safety, and general welfare of the Township.

504.2 Definitions

The purpose of this section is to provide clear, concise definitions of the terms, words, and phrases commonly utilized in the provisions of these regulations in order to assist any interpretations of said provisions and to insure uniformity of application. The following definitions are intended to supplement the definitions contained in Article XVII, Definitions.

- a.) **Co-Location**: The use of a single mount by more than one carrier and/or several mounts on an existing building by more than one carrier. Clustering communications towers and antennas or locating one mount directly next to one another will not be considered co-location by this definition.
- b.) **Communications Antenna**: Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation omnidirectional or whip antennas, 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, television antennas, or amateur radio equipment including without limitation ham or citizen band radio antennas.
- c.) **Communications Equipment Building**: An unmanned building or cabinet containing communications equipment required for the operation of Communications Antennas.
- d.) **Height of a Telecommunications Tower**: The vertical distance measured from the ground level to the highest point on a Telecommunications Tower, including antennas on the tower.
- e.) **Prime Agricultural Land**: Land used for agricultural purposes that contains soils of the first, second, or third class as defined by the United States Department of Agriculture natural resource and conservation services county soil survey.
- f.) **Telecommunications Tower**: A structure other than a building, such as a monopole, self-supporting, lattice or guyed tower, designed and used to support Communications Antennas, which shall not exceed two hundred (200) feet in height.

504.3 – Additional Standards for Communications Antennas

1. The placement of the Communications Antenna mounted on existing buildings or structures shall not increase the height of the building by more than twenty (20) feet.
2. Building-mounted Communication Antennas shall not be located on any single-family or multi-family dwelling.
3. Communications Antennas mounted on existing buildings or structures shall not extend more than five (5) feet horizontally from the edge of the building or structure to which it is attached and shall not encroach on abutting properties. If a Communication Antenna is attached to an existing building or structure, it shall not have any horizontal extension on any side facing a public right-of-way.
4. Communications Antennas shall be mounted on the existing building or structure in a way to best screen it from abutting properties and public right-of-way. For example, if a Communications Antenna is to be mounted on an existing building, it should be screened by a roof pitch, parapet, or other architectural feature.
5. Omnidirectional or whip Communications Antennas shall not exceed twenty (20) feet in height and seven (7) inches in diameter.
6. Directional or panel Communications Antennas shall not exceed five (5) feet in height and three (3) feet in width.
7. The applicant shall demonstrate, before they receive a permit, that they are licensed by the Federal Communications Commission (FCC) to operate Communications Antennas.
8. Any applicant proposing a Communications Antenna to be mounted on an existing building or 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 structure, considering wind and other loads associated with the Communications Antenna location.
9. Any applicant proposing a Communications Antenna to be mounted on an existing building or structure shall submit evidence of agreements and/or easements necessary to provide access to the building or structure on which the Communications Antennas are to be mounted so that installation and maintenance of the antennas and communications equipment building can be accomplished.
10. Communications Antennas shall comply with all applicable standards established by the Federal Communications Commission (FCC) governing human exposure to electromagnetic radiation.

11. Communications Antennas shall not cause radio frequency interference with other communications facilities in the Township.
12. If a Communications Antenna remains unused for a period of twelve (12) consecutive months, the owner or operator shall dismantle and remove the Communications Antenna within six (6) months of the expiration of such twelve (12) month period.

504.4 Conditions for Telecommunications Towers- All telecommunications towers are permitted only as a conditional use, subject to the following provisions:

1. The applicant shall demonstrate that he/she is licensed by the Federal Communications Commission (FCC) to operate a Telecommunications Tower.
2. The applicant shall demonstrate that the proposed Telecommunications Tower and Communications Antennas proposed to be co-located thereon comply with all applicable standards established by the Federal Communications Commission (FCC) governing human exposure to electromagnetic radiation.
3. Telecommunications Towers shall comply with all applicable Federal Aviation Administration (FAA) and Commonwealth Bureau of Aviation regulations.
4. Any applicant proposing construction of a new Telecommunications Tower shall demonstrate that a good faith effort has been made to obtain permission to mount or co-locate the Communications Antennas on an existing building, structure, or tower. A good faith effort shall mean that the applicant show, through certified mail receipts and a copy of the letter, that all owners of potentially suitable buildings or structures within a one-quarter (1/4) mile radius, and all owners of existing Telecommunications Towers with space available for co-location within a one-half (1/2) mile radius of the proposed Telecommunications Tower site be contacted and that one (1) or more of the following reasons for not selecting such structure apply:
 - a. The proposed Communications Antennas and related equipment would exceed the structural capacity of the existing building or structure and its reinforcement cannot be accomplished at a reasonable cost.
 - b. The proposed Communications Antennas and related equipment would cause radio frequency interference with other existing equipment for that existing building/structure and the interference cannot be prevented at a reasonable cost.
 - c. Such existing buildings or structures do not have adequate location, space, access, or height to accommodate the proposed Communications Antennas and equipment or to allow it to perform its intended function.

- d. Addition of the proposed Communications Antennas and related equipment would result in electromagnetic radiation from such building or structure exceeding applicable standards established by the Federal Communications Commission (FCC) governing human exposure to electromagnetic radiation.
 - e. A commercially reasonable agreement could not be reached with the owners of such buildings or structures.
5. Any new Telecommunications Tower must provide for future co-location. The owner/operator of the tower is required to allow co-location until said tower has reached full antenna capacity, but in no event fewer than two additional antennas from two additional providers.
 6. Telecommunications towers shall not have to adhere to the height requirements for the Zoning district; however, no Telecommunications Tower shall exceed 200 feet.
 7. The foundation and base of any Telecommunications Tower shall be setback from any lot line or any residential dwelling at least equal to the height of the communications tower.
 8. Access shall be provided to the Communications Tower and Communications Equipment Building by means of a public street or an access right-of-way or easement to a public street. The access right-of-way or 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.
 9. The Telecommunications Towers and other necessary equipment shall be secured by a fence with a maximum height of eight (8) feet.
 10. A dense landscape buffer shall be planted along the outside of the fence to screen the foundation and base of the Telecommunications Tower and the security fence from abutting properties and public rights-of-way.
 11. No Telecommunications Tower shall be allowed to locate on soils classified as Prime Agricultural Land, as defined in Section 504.2 of this Ordinance and by the Pennsylvania Municipalities Planning Code (as amended). Documentation must be provided by the applicant that the lands where the proposed Telecommunications Tower will locate are not Prime Agricultural Lands.
 12. One (1) off-street parking space shall be provided within the fenced area.
 13. Existing trees and vegetation shall be retained as much as possible to screen the Telecommunications Tower.

14. A Telecommunications 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.
15. The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed Telecommunications 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.
16. The applicant shall submit a copy of its current Federal Communications Commission (FCC) license; the name, address, and emergency telephone number for the operator of the Telecommunications 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 Telecommunications Tower and Communications Antennas.
17. All guy wires associated with guyed Telecommunications Towers shall be clearly marked so as to be visible at all times. All guy wires shall be located within a fenced enclosure, and located within the same lot as the Telecommunications Tower.
18. No signs or lights shall be mounted on a Telecommunications Tower, except as may be required by the Federal Communications Commission (FCC), Federal Aviation Administration (FAA) or any other governmental agency that has jurisdiction.
19. Telecommunications Towers shall be protected and maintained in accordance with the requirements of the Township Building Code.
20. If a Telecommunications Tower remains unused for a period of twelve (12) consecutive months, the owner or operator shall dismantle and remove the Telecommunications Tower within six (6) months of the expiration of such twelve (12) month period.
21. The applicant and owner of record of any Wireless Telecommunications Facilities must file, at its cost and expense, a security performance bond with the Township for at least \$75,000 to insure the removal of abandoned or unused Facilities.

504.5 Additional Standards for Communications Equipment Buildings

1. The Communications Equipment Building shall comply with the required yard and height requirements of the applicable Zoning District for an accessory structure.
2. Communications Equipment Buildings servicing Communications Antennas mounted on existing buildings or structures shall be placed in a location to best screen it from abutting properties and public rights-of-way.
3. Communications Equipment Buildings proposed for any residential district shall be additionally screened with landscaping if placed on the ground, or if constructed on the existing building or structure, shall compliment the colors, materials, and design of the existing building and structure as much as possible and shall not change or alter the appearance, character, or design of the existing building or structure. This provision may be waived only if the Zoning Officer feels that the Communications Equipment Building is constructed similarly in design, character, and appearance as other primary buildings that are located on the same street.
4. Communications Equipment Buildings servicing Telecommunications Towers shall be placed within the fenced area of the Tower.

Section 505: Additional Criteria for Adult Entertainment Establishments

505.1: Purpose and Legislative Intent

The Township Supervisors, in enacting the following regulations, 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, and general welfare of all of the Township residents, and reduce to the maximum extent the adverse secondary effects of these businesses. This will be done by locating these businesses away from areas highly susceptible to these adverse secondary effects, especially areas where minors may learn, play, pass by, or would be exposed to the advertising, window displays, or general atmosphere accompanying the operation.

505.2: 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 XVII, Definitions.

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

1. Adult Bookstore - Any establishment having 25% or more of its stock in:
 - a. Books, films, magazines, or other periodicals or other forms of audio or visual representation that are distinguished or characterized by an emphasis on depiction of specified sexual activities or specified anatomical areas;
 - b. 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 and/or structure with a capacity of more than 5 but less than 50 persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time, measured on an annual basis, is devoted to the showing of material that is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
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 that 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, that 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 50 or more persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material that is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
7. Adult Motion Picture Theater – An enclosed or unenclosed building with a capacity of 50 or more persons used for presenting any form of audio or visual material, and in

which a substantial portion of the total presentation time, measured on an annual basis, is devoted to the showing of material that is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

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 that regularly features live performances that are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas for observation by patrons.
10. Bath House – An establishment or business that provides the services of baths of all kinds, including all forms and methods of hydrotherapy during which specified anatomical areas are displayed or specified sexual activity occurs. This section shall not apply to hydrotherapy treatment practiced by, or under the supervision of a medical practitioner. A medical practitioner for the purpose of this 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 that provides the services of massage and body manipulation, including exercises, heat, and light treatments of the body, and all forms and methods of physiotherapy, unless operated by a medical practitioner 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 that provides an out call service that consists of individuals leaving the premises upon request or by appointment to visit other premises for a period of time for the purpose of providing any service during which time specified anatomical areas are displayed or specified sexual activity occurs.
14. Sexual Encounter Center – Any business, agency, or person who, for any form of consideration or gratuity, provides a place where two or more persons 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 previously defined), to engage in sexual therapy.

15. Any other business or establishment that offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

505.3: Specifications

Specified anatomical areas, as used herein, shall mean and include any of the following:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the areola, or;
2. Human male genitals in a discernibly turgid state even if completely and opaquely covered.

Specified sexual activities include the following:

1. Showing of human genitals in a state of sexual stimulation or arousal;
2. Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio, cunnilingus, or any other specified sexual activity prohibited by law;
3. Fondling or erotic touching of human genitals, pubic region, buttocks, or female breasts.

505.4: 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 unit;
3. Any parcel of land that contains any one or more of the following specified land uses:
 - a. Amusement park;
 - b. Camp (for minor's activities)
 - c. Child care facility;
 - d. Church;

- e. Community center;
 - f. Public or private park;
 - g. Playground;
 - h. School and school bus stops;
 - i. Other lands where minors congregate.
4. When measuring the distance between any two adult entertainment establishments or between any adult entertainment establishment and any land use specified in 505.4 (2) and 505.4 (3), the distance shall be measured in a straight line, without regard to intervening buildings and/or structures, from the nearest point on the property line of each establishment.

505.5: Visibility from the Street

No person operating an adult entertainment establishment shall permit, or cause to be permitted, any stock in trade that 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.

505.6: Signage Requirements for Adult Entertainment Establishments

1. All signs shall be flat wall signs. No signs shall pictorially depict or give a visual representation of the type of materials, merchandise, or film offered therein;
2. The gross surface area of a wall sign shall not exceed five 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.

ARTICLE VI

DEVELOPMENT REGULATIONS FOR RESIDENTIAL, BUSINESS AND INDUSTRIAL USES

Section 600: Development Regulations for Any Single or Two Family Residential Uses

600.1: Stormwater Management

Adequate storm drainage facilities shall be installed to ensure that stormwater does not flow onto abutting property, sidewalks or streets in such quantities as to cause detrimental effect or inconvenience. Maximum rates of stormwater runoff from the property after development shall not be greater than as existed prior to the development.

600.2: Parking and Loading Regulations

Subject to the provisions of Article VIII.

600.3: Sign Regulations

Subject to the provisions of Article VII.

Section 601: Development Regulations for Any Multi-Family Residential Uses

Multiple-Family Dwellings, subject to the following conditions and as approved by the Township Board of Supervisors.

- (1) **Application Requirements** - All applicants for building permits for multiple-family residential development shall make application in writing, at a regularly scheduled meeting of the Township Supervisors. The application form shall be accompanied by the necessary supporting documentation as specified in item #2 following.
- (2) **Plan Requirements** -
 - (a) **Site Development Plan** - The Developer shall submit four (4) copies of a detailed site plan as prepared by a registered professional engineer, architect or landscape architect showing the development proposal in conformance with all applicable provisions of this Ordinance. Plans shall be prepared at a scale of 1" = 50' or larger.

- (b) **Property Survey** - The Developer shall submit a property survey and/or deed description describing, by metes and bounds, all property proposed for development. Acreage shall be shown on plan or deed.
- (c) **Topographical Maps** - The Developer shall submit an Existing, and Proposed (Grading Plan) Topographical Map of the property. Contours shall be provided at a 2' Contour Interval and shall show the existing natural features and proposed changes thereto.
- (d) **Utility Plans** - The Developer shall submit a sewer and water plan. Such plan shall be prepared in conformance with all applicable regulations of the Pennsylvania Department of Environmental Protection and shall be approved by the Department prior to final consideration of the plan by the Township.
- (e) **Street/Thoroughfare and Parking Plan** - The Developer shall submit a plan of proposed streets and parking areas, including profiles, typical cross sections and design specifications of proposed improvements, including Road Surface, Shoulders, Ditches and Drainage Structures. Streets shall be constructed to the minimum standards of the Mercer County Subdivision and Land Development Regulations, whichever is applicable. All improvements shall be installed according to the design specifications prior to issuance of occupancy permits.
- (f) **Open Space and Landscape Plans** - The Developer shall submit an open space and landscaping plan. Plan shall include any proposed improvements to and within the open space areas plus typical planting plans for all structures. A minimum of 4,000 square feet per dwelling unit of undeveloped open space shall be provided.
- (g) **Typical building elevations and Floor Plans** - The Developer shall submit a plan showing the intended building design and layout with proper elevations.
- (h) **Restrictions** - The substance of covenants, grants, easements, or other restrictions imposed upon the use of the land, buildings, and structures, including proposed easements or grants for public utilities, storm water retention facilities, open space facilities, etc.
- (I) **Phased Development Plan** - Development plans which call for construction over a period of years, must be accompanied by a Phased Development Plan showing when each and all sections of the development will be filed (submitted) for final approval. This schedule must be updated annually on the anniversary of its approval until the development is completed and accepted.

- (j) **Soil Erosion and Sedimentation Control Plan** - Prior to final consideration of the plan, the Developer shall submit a Soil Conservation Service approved Soil Erosion and Sedimentation Control Plan.
- (k) **Storm Water Management Plan** - Prior to final consideration of the plan, the Developer shall submit a Soil Conservation Service approved Storm Water Management Plan. Such plan shall be prepared in accord with locally adopted Storm Water Management Plans and/or the guidelines of the Pennsylvania Storm Water Management Act.

The foregoing shall be considered minimum requirements for conditional approval of a Multi-Family Residential Development application. Where unique design concepts or other circumstances exist requiring deviation from the format, the Developer shall submit additional data as is necessary to completely explain the proposal.

- (3) **Application Review** - Upon receipt of a complete development application, the Supervisors shall forward one copy to the Township Planning Commission and one copy to the Zoning Officer for review and report.

Review - The Zoning Officer and Planning Commission shall review the proposed development to determine that it is in compliance with all applicable provisions of the Zoning Ordinance, the Mercer County Subdivision and Land Development Regulations, and all other applicable regulations of the Township. In the review and in addition to all other requirements of this Ordinance, the Zoning Officer and planning Commission shall assure that the development application has provided for the following:

- (a) Interior drives and an automobile parking arrangement that prevents blockage of vehicles entering or leaving the site and minimal conflicts between pedestrian/vehicular and vehicular/vehicular points of intersection or contact achieved by the use of architectural barriers.
- (b) Areas for loading and unloading delivery trucks and other vehicles and for the servicing of the premises by refuse collection, fuel and other service vehicles and shall be so arranged that they may be used without blockage or interference with the use of access ways or automobile parking facilities.
- (c) Screened storage of any proposed outside materials that abuts any public right-of-way and any residential district.
- (d) Any proposed display of signs which does not constitute a hazard to public safety by reason of location, content, coloring, or manner of illumination or by any other display method so as to obstruct or detract vision at drives or free ingress from a site, window, fire escape or door.

- (e) Adequate easements or rights-of-way for drainage and utilities.
- (f) Positive drainage away from buildings and proper surface water drainage so as to prevent ponding or the erosion and flooding of abutting properties and streets.
- (g) Any proposed exterior lighting of the premises that does not create a traffic hazard or interfere with the quiet enjoyment of surrounding uses.
- (h) Any proposed screening or landscaping that by reason of location or height does not constitute a traffic hazard.

Within forty-five (45) days of receipt of the application, the Zoning Officer and Planning Commission shall file a written report of their findings with the Township Supervisors.

- (4) **Plan Approval** -The Supervisors shall render their decision based upon the specific conditions in this section and all other applicable sections of this Ordinance, and transmit it, in writing, to the applicant not later than ninety (90) days following the date of the regular meeting of the Supervisors, next following the date the application is filed; provided that should the next regular meeting occur more than thirty (30) days following the filing of the application, the said ninety (90) day period shall be measured from the thirtieth day following the day the application has been filed.
- (5) **Application Amendments** - The Application may be amended or otherwise changed within the ninety (90) day review period without effecting the review time period provided such changes are submitted no less than thirty (30) days prior to the Supervisors meeting at which the decision for approval or disapproval is to be made.
- (6) **Condominiums** - Where the condominium form of ownership is proposed the development shall conform to all applicable sections of Act 82 of 1980, of the Pennsylvania Legislature entitled the "Uniform Condominium Act", in addition to the requirements of this Ordinance.

Section 602: Development Regulations for Any Business Use

602.1: Provisions of Use

Any permitted principal and/or accessory business use shall be subject to the following use regulations.

- (1) All accessory storage of junk, waste, discarded or salvaged material, machinery or equipment, including automobile, truck or other vehicle parts shall not be permitted except within a completely enclosed structure or solid wall or fence of at least six (6) feet in height.

- (2) Access driveways and entrances shall be permitted in locations in which sight distance is adequate to allow safe movement of traffic in or out of the driveway or entrance, the free movement of normal street traffic is not impaired and the driveway or entrance will not create a hazard or an area of undue traffic congestion on streets to which it has access. The zoning officer may require the permit applicant to submit engineering data and/or traffic analyses to support its proposed plan of access driveways and entrances.
- (3) Adequate storm drainage facilities shall be installed to ensure that stormwater does not flow onto abutting property, sidewalks or streets in such quantities as to cause detrimental effect or inconvenience. Maximum rates of stormwater runoff from the property after development shall not be greater than as existed prior to the development.
- (4) Any part or portion of a lot developed for commercial 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 ground cover vegetation. Grass shall be kept neatly mowed. Landscaping with trees and shrubs is permitted and encouraged.
- (5) It shall not emit any noxious, toxic, or corrosive fumes or gases nor shall it emit any offensive odors.
- (6) It shall provide necessary shielding or other protective measures against interference occasioned by mechanical equipment or uses or processes with electrical apparatus.
- (7) All exterior lighting shall be placed and shielded so as not to create a nuisance for adjacent properties and passing motorists.

602.2: Buffer and Screening Requirements for Any Business Use

Where any permitted principal and/or accessory business use, excluding any government services or public utilities abuts any land zoned Residential or abuts any land commercially or industrially zoned that contains an existing residential use, the following buffer and screening shall be required. These requirements shall apply in instances where such use is located within 50 feet of the abutting residential lot line, is being newly developed on vacant land, expanded in floor area by 50% or greater, or removed and a new use developed.

- (1) A building setback of at least 50 feet shall be maintained along the entire length of a side or rear yard where it abuts a Residential District or a commercially or industrially zoned lot with an existing residential use.

- (2) Inclusive in the 50 foot setback a buffer strip at least 10 feet wide shall be provided and maintained along the entire length of a side or rear yard where it abuts a Residential District or a commercially or industrially zoned lot with an existing residential use. 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 of one of the following types:
 - (a) A sight-obscuring planting of two off-set rows of evergreens, not less than 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 6 feet upon maturity, planted at a spacing of the lesser of 8 feet or the diameter of a mature specimen of the species being planted. The evergreen specimen shall be of a type suitable to the surrounding area, as determined by the Zoning Officer.
 - (b) A sight-obscuring thick hedge, or a solid fence or wall four to six feet in height.
- (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.
- (4) Installation and maintenance of the buffer and screening shall be the responsibility of the owner of the property on which the permitted use is located. Installation must be completed prior to issuance of a Certificate of Use and Occupancy by the Zoning Officer. Fences or walls must be maintained in safe and structurally sound condition. Dead or diseased plants shall be removed and replaced within 180 days. Grass shall be kept neatly mowed.
- (5) Modifications: On lots of 30,000 square feet or less, where space restrictions make the specified buffer strips impractical, the Zoning Hearing Board may approve an alternate design such as a solid fence, masonry wall and/or alternate planting scheme to protect adjacent residential properties. The Zoning Hearing Board may also waive the requirement for buffering and screening on any lot if it is deemed impractical.

602.3: Parking and Loading Regulations

Subject to the provisions of Article VIII.

602.4: Sign Regulations

Subject to the provisions of Article VII.

Section 603: Development Regulations for any Industrial Use

603.1: Provisions of Use

Any permitted principal and/or accessory industrial use shall be subject to the following use regulations.

- (1) All accessory storage of junk, waste, discarded or salvaged material, machinery or equipment, including automobile, truck or other vehicle parts shall not be permitted except within a completely enclosed structure or solid wall or fence of at least six (6) feet in height.
- (2) Access driveways and entrances shall be paved or concreted. Access driveways and entrances shall be permitted in locations in which sight distance is adequate to allow safe movement of traffic in or out of the driveway or entrance, the free movement of normal street traffic is not impaired and the driveway or entrance will not create a hazard or an area of undue traffic congestion on streets to which it has access. The zoning officer may require the permit applicant to submit engineering data and/or traffic analyses to support its proposed plan of access driveways and entrances.
- (3) Adequate storm drainage facilities shall be installed to ensure that stormwater does not flow onto abutting property, sidewalks or streets in such quantities as to cause detrimental effect or inconvenience. Maximum rates of stormwater runoff from the property after development shall not be greater than as existed prior to the development.
- (4) Any part or portion of a lot developed for industrial uses which are 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 ground cover vegetation. Grass shall be kept neatly mowed. Landscaping with trees and shrubs is permitted and encouraged.
- (5) It shall not emit any noxious, toxic, or corrosive fumes or gases nor shall it emit any offensive odors.
- (6) It shall provide necessary shielding or other protective measures against interference occasioned by mechanical equipment or uses or processes with electrical apparatus.
- (7) All exterior lighting shall be placed and shielded so as not to create a nuisance for adjacent properties and passing motorists.

603.2: Buffer and Screening Requirements for any Industrial Use

Where any permitted principal and/or accessory industrial use, excluding government services and public utilities, abuts any land zoned residential or abuts any land commercially or industrially zoned that contains an existing residential use, the following buffer and screening shall be required. These requirements shall apply in instances where such use is located within 50 feet of the abutting residential lot line, is being newly developed on vacant land, expanded in floor area by 50% or greater, or removed and a new use developed.

- (1) A building setback of at least 50 feet shall be maintained along the entire length of a side or rear yard where it abuts a Residential District or a commercial or industrial zoned lot with an existing residential use.
- (2) Inclusive in the 50 foot setback a buffer strip at least 10 feet wide shall be provided and maintained along the entire length of a side or rear yard where it abuts a residential district or a business district with an existing residential use. 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 of the following type:
 - (a) A sight-obscuring planting of two off-set rows of evergreens, not less than 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 6 feet upon maturity, planted at a spacing of the lesser of 8 feet or the diameter of a mature specimen of the species being planted. The evergreen specimen shall be of a type suitable to the surrounding area as determined by the Zoning Officer.
 - (b) A sight-obscuring thick hedge, or a solid fence or wall four to six feet in height.
- (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.
- (4) Installation and maintenance of the buffer and screening shall be the responsibility of the owner of the property on which the permitted use is located. Installation must be completed prior to issuance of a Certificate of Use and Occupancy by the Zoning Officer. Fences or walls must be maintained in safe and structurally sound condition. Dead or diseased plants shall be removed and replaced within 180 days. Grass shall be kept neatly mowed.

- (5) Modifications: On lots of 40,000 square feet or less, where space restrictions make the specified buffer strips impractical, the Zoning Hearing Board may approve an alternate design such as a solid fence, masonry wall and/or alternate planting scheme to protect adjacent residential properties. The Zoning Hearing Board may also waive the requirement for buffering and screening on any lot if it is deemed impractical.

603.3: Parking and Loading Regulations

Subject to the provisions of Article VIII.

603.4: Sign Regulations

Subject to the provisions of Article VII.

Section 604: General Control of Outdoor Illumination

604.1: Illumination of Buildings

Buildings and uses may be illuminated by reflected light provided that the source of such light shall be suitable shielded so as not to detract from the quiet enjoyment of surrounding uses. The Zoning Officer may, at any time, require existing lights to be rearranged or shielded to conform. Such an order may be appealed to the Zoning Hearing Board, but otherwise, must be complied within thirty (30) days from the date of notification.

ARTICLE VII

SIGN REGULATIONS

SECTION 700: Purpose

The purpose of these sign regulations are: to encourage the effective use of signs as a means of communication in the Township; to maintain and enhance the aesthetic environment and the Township's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign restrictions.

SECTION 701: Applicability

A sign may be erected, placed, established, painted, created, or maintained in the Township only in conformance with the standards, procedures, exemptions, and other requirements of this ordinance.

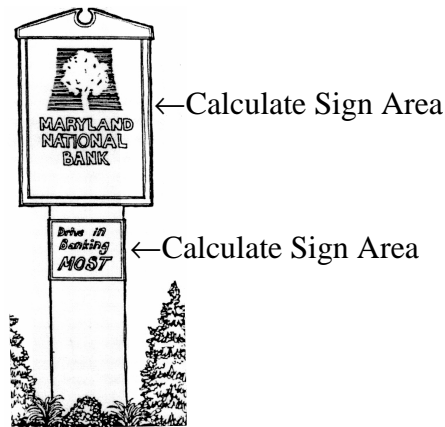
SECTION 702: Computations

The following principles shall control the computation of sign area and sign height.

702.1: Computation of Area of Individual Signs

The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself:

Do Not Calculate Remaining
Area of Supporting Structure
as Sign Area.



Do not include ornamental
woodwork as part of overall
sign area



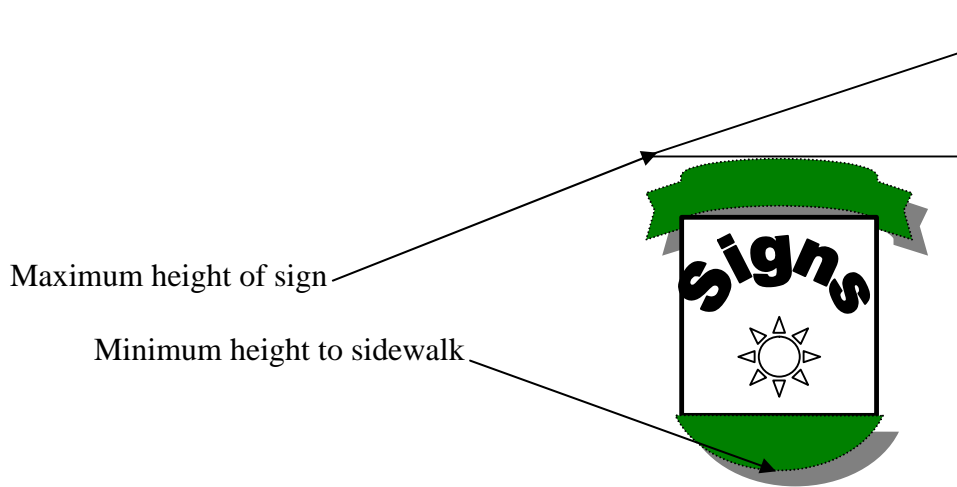
Do not include brick
material as part of
overall sign area.

702.2: Computation of Area of Multifaced Signs

The Sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.

702.3: Computation of Height

The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zone lot, whichever is lower.



SECTION 703: Permitted Signs, Prohibited Signs, and Sign Requirements Table For Sign Type, Numbers, Area, Dimensions, and Location

703.1: Other Permitted Signs

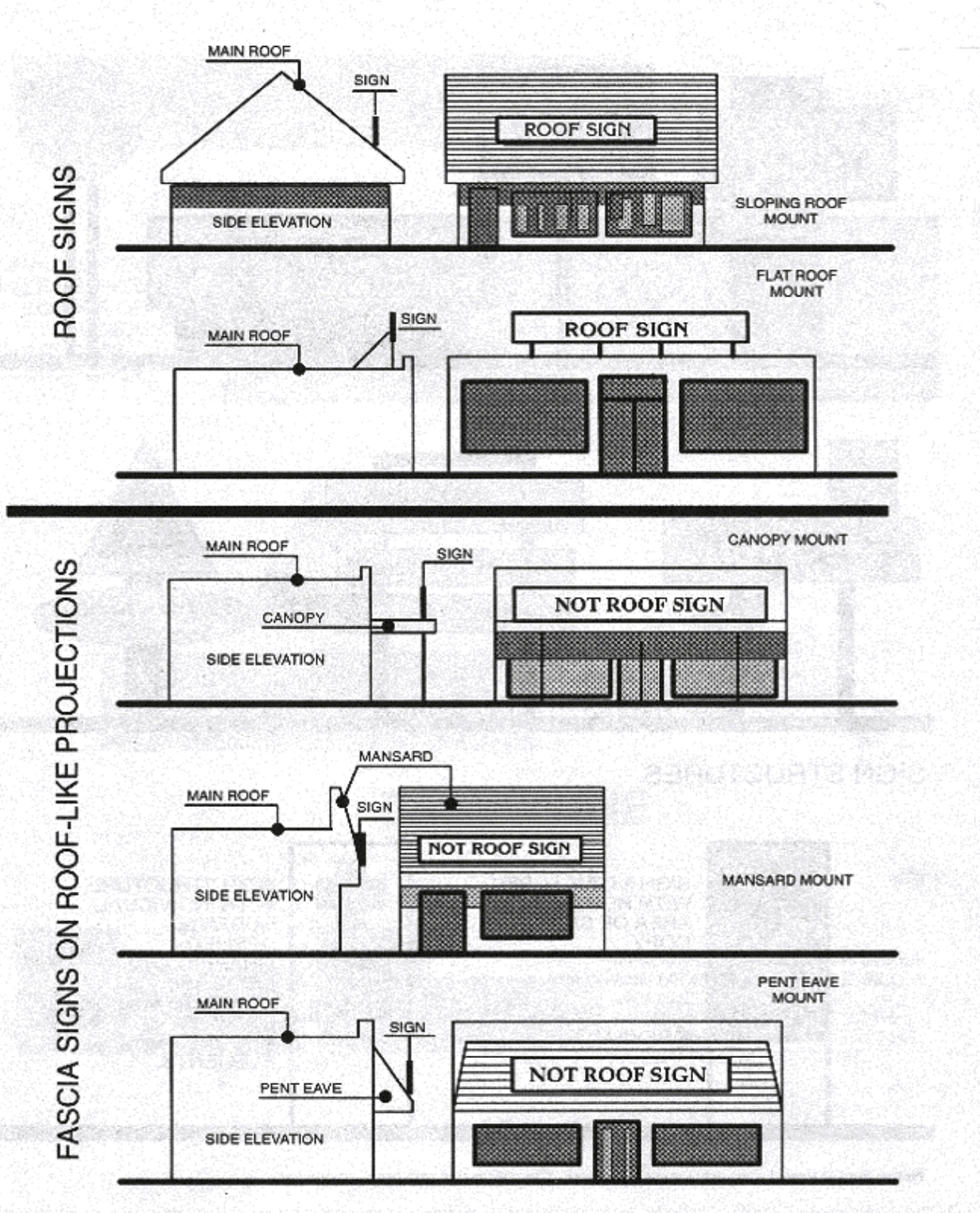
In addition to the provisions of Table 703, the following signs shall be permitted in all zoning districts:

- (1) Incidental signs, provided that such sign shall not exceed 4 square feet in area.
- (2) Temporary real estate sign advertising the sale or rental of the premises upon which it is located provided it shall not exceed 6 square feet in area and shall be removed within 14 days after a deed of sale has been recorded or the premises are rented or leased.
- (3) Temporary signs in the "B" zoning districts provided they shall comply with the requirements of Section 708.
- (4) Announcement Sign in any District.
 - (a) One (1) unlighted Events sign per zone lot, provided that it does not exceed 12 square feet in area, is set back a minimum of 50 feet from the center line of any street, and is erected no sooner than 30 days prior to the event it concerns and shall be removed no later than 5 days following the close of the event.
 - (b) One (1) unlighted temporary work being performed, sign per street frontage, for architects, contractors, mechanics, painters and artisans erected and maintained on the lot where the work is being performed, provided that it does not exceed 15 square feet in area, is set back a minimum of 50 feet from the center line of any street, and is removed no later than 30 days after the work is completed.
- (5) Signs on private property directing pedestrian and/or vehicular traffic throughout the premises, or depicting areas such as a restroom, telephone, exit, or other public benefit, not to exceed four square feet. Such signs shall not incorporate any commercial logos, signs, messages, or names.

703.2: Prohibited Signs

All signs not expressly permitted or exempt from regulation under the zoning ordinance shall be prohibited in the Township. Such signs include but are not limited to:

- (1) Roof signs or integral roof signs. Examples of roof signs and the difference between roof signs and fascia signs are:



- (2) Portable signs except as permitted temporary signs.
- (3) Animated or flashing signs except for a "time and temperature" portion of a sign permitted only in a "B" zoning district.
- (4) Beacons, pennants; inflatable signs, and tethered balloons, except as permitted temporary signs.
- (5) Signs that resemble or imitate governmental and / or Pennsylvania Department of Transportation traffic signs, except for unlighted street address or 911 identification signs.
- (6) Signs that resemble or imitate official and government emergency signs.

703.3: Signs Exempt From Permits and Fees

The following signs are permitted in all zoning districts and shall be exempt from all permits and fee requirements as stated in this Article.

- (1) Street Address or 911 Identification Sign- may include the name, address, and street number for the building and/or property and may be no larger than four square feet. These signs may be permitted in the public right-of-way.
- (2) Governmental Signs- including, but not limited to, historical markers and/or municipal or special interest identification, not to exceed four square feet. These signs may be permitted in the public right-of-way.
- (3) Traffic Signs- official government and Pennsylvania Department of Transportation traffic regulatory, cautionary, and/or directional signs. These signs may be permitted in the public right-of-way.
- (4) Emergency Signs- official and governmental emergency signs depicting location of emergency services, directions, etc. These signs may be permitted in the public right-of-way.
- (5) Real estate signs- promoting the sale, lease, or rent of property, not to exceed six square feet and to be removed within seven days of the sale, lease, or rental of the property.
- (6) Work being performed signs- advertising work being performed on a property, not to exceed six square feet and removed within seven days of project completion.

- (7) Special event signs- advertising a public auction, birth of a child, marriage, garage sale, or other similar event, not to exceed sixteen square feet and removed within seven days of the event.
- (8) Announcement signs- advertising a special promotion, grand opening, or other event, not to exceed sixteen square feet and removed within seven days.
- (9) No trespassing signs- signs depicting the private nature of property and/or a road, not to exceed four square feet.
- (10) Public utility signs- signs placed by a public utility showing the location of underground facilities, not to exceed two square feet (may be permitted within the public right-of-way).
- (11) Seasonal and/or religious signs- signs celebrating a holiday or religious event, so long as there is no commercial advertising of any product.
- (12) Handicapped services signs- signs that depict services for the handicapped, such as handicapped parking areas and access ramps, not to exceed two square feet.
- (13) Subdivision signs- signs advertising a subdivision of land, not to exceed six square feet and removed within seven days of completion of the subdivision.
- (14) Farmer's market sign- signs advertising a roadside stand, not to exceed six square feet and removed when the roadside stand is removed.
- (15) Flags- representing the nations and governments, military, public entities, religious entities, corporate symbols, seasons, or designer flags, provided:
 - a. The size of a flag depicting a corporate symbols shall not exceed twelve square feet;
- (16) Banners- placed by the municipality, tourist agency, special event agency, business district, or public agency to promote a business district, special event, attraction or other event to promote tourism, business, identity, or enthusiasm within the municipality (may be permitted within the public right-of-way).
- (17) Works of art that do not include a commercial message;
- (18) Posters no larger than 3 square feet in area located on private property which promote community events and programs and contain no commercial message;
- (19) Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three feet beyond the lot line of the zone lot or parcel on which such sign is located;

In addition, the following operations shall not be considered as erecting, constructing, or placing a sign and shall be exempt from permit and fee requirements as stated in this Article:

1. The changing of advertising messages, such as dates, promotions, specials, events, and similar messages, repairs and improvements to signs, and the changing of colors, provided:
 - a. The size, shape, location, materials, or lighting of the sign is not changed;
 - b. There are no structural alterations to the sign or its supporting structures;
 - c. The business type, name, or symbol is not changed. This provision does not apply to billboards.

703.4: Other General Requirements

All signs shall be designed, constructed, and maintained in accordance with the following standards:

- (1) Except for banners, flags, temporary signs and window signs conforming in all respects with the requirements of this ordinance, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building or another structure by direct attachment to a rigid wall, frame or structure.
- (2) All signs shall be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this ordinance, at all times.
- (3) Any sign which projects or is placed or erected over a pedestrian or vehicle way shall provide a vertical clearance of 10 feet above a sidewalk, private drive or parking lot and 12 feet above a public street.
- (4) A sign shall not be an imitation of or resemble official traffic control signs or devices and any sign within fifty feet of an intersection shall not contain any visible green, yellow or red colored lights that might be confused with official traffic control devices.
- (5) A sign shall not be placed to prevent free ingress to or egress from any door or fire escape, to cause danger to traffic on a street by obscuring the view or to otherwise interference with traffic.
- (6) Any sign installed or placed on public property, except in conformance with the requirements of this section, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the Township shall have the right to recover from the person placing such a sign the full costs of removal and disposal of such sign.
- (7) No business shall have more than three off-premise directional signs. All applications for off-premise signs shall include the consent of the owner of the land to place the sign.

703.5: Sign Requirements Table

Zoning District	Permitted Type of Sign	Number Allowed	Maximum Dimensions		Minimum Dimensions
			Area-sq. ft.	Height (ft.)	Setback (ft.)
R-1 (Agricultural/ Residential)	Home Occupation Signs	1 per Home Occupation	16'	5'	50' from road centerline
	Institutional Signs	1 Per Zoned Lot	32'	8'	
	Off-Premise Directional	1 Per Zoned Lot	4'	5'	
B-1 (Business / Commercial) and I (Industrial)	Business Center Signs ¹	1 Per Street Frontage	75 ²	20'	15' from all property lines
	Changeable Copy Signs	1 Per Street Frontage	20'	10'	
	Ground Signs ³	1 Per Zoned Lot	32'	8'	
	Marquee / Canopy Signs	1 Per Zoned Lot	25% ⁴	5'	
	Off-Premise Directional	1 Per Zoned Lot	4'		
	Pole Signs ⁵	1 Per Zoned Lot	30'	30'	
	Portable/other Freestanding	1 Per Zoned Lot	32'	6'	
	Wall / Fascia Signs	1 Per Zoned Lot	20% ⁶		

¹ Meaning any lot that has more than one commercial business on one lot. No other ground or pole signs are allowed on a lot with a Business Center Sign.

² On lots exceeding the minimum frontage requirements of that district, the area may be increased by 1 square foot for every 2 feet of excess frontage, up to a maximum of 150 square feet.

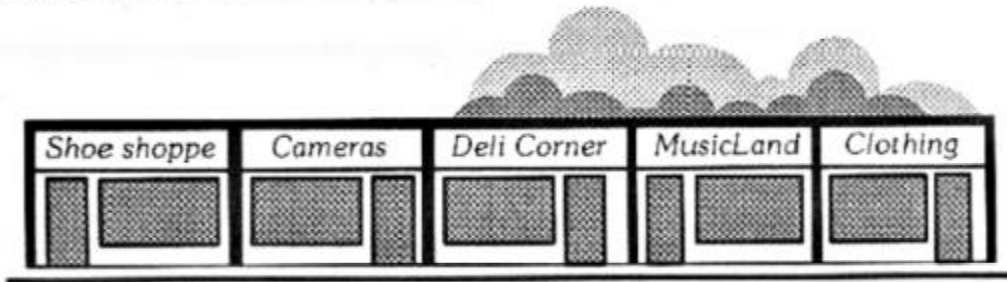
³ One Ground Sign OR One Pole Sign is permitted per Zoned Lot.

⁴ The percentage here shall mean the percentage of the canopy of which sign is a part or to which sign is most nearly parallel.

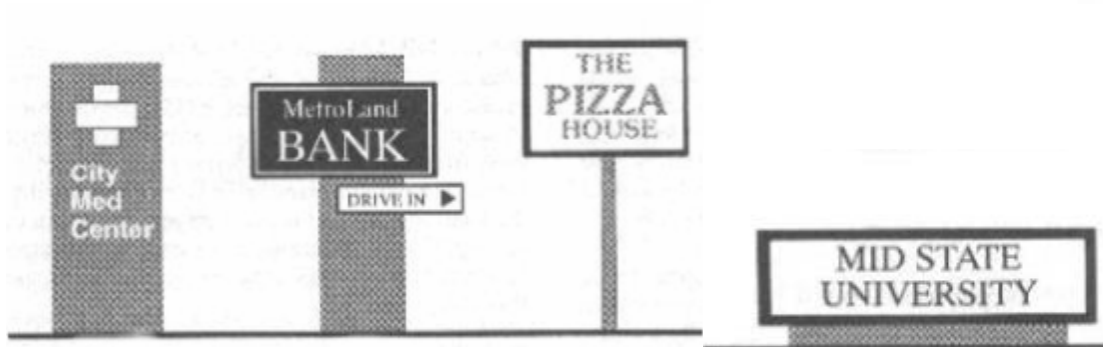
⁵ Up to two Accessory Pole Mounted Signs not exceeding six square feet may be attached to a pole sign.

⁶ The percentage here shall mean the percentage of the wall of which sign is a part of or to which sign is most nearly parallel.

SECTION 704: Sign Examples

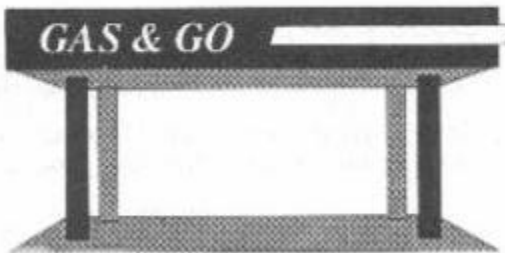


Wall or Fascia Signs



Different Types of Pole Signs

Ground Sign



Canopy or Marquee Sign

SECTION 705: Permits And Permit Procedures For Signs

All signs, except those enumerated in section 703.3, shall require a permit from the Zoning Officer prior to their construction, placement, erection, or modification. No sign permit of any kind shall be issued for an existing or proposed sign unless such sign complies with the provisions of this ordinance.

705.1: Applications for Sign Permit

All applications for sign permits of any kind shall be submitted to the Zoning Officer in such form as he may prescribe and shall contain at least the following information:

- (1) Name, address and telephone number of the applicant.
- (2) A map showing the location of the building, structure or zone lot to which the sign is to be attached or erected, and showing the position of the sign in relation to nearby buildings and thoroughfares, and showing dimensions.
- (3) A plan showing design of sign, materials used, method of construction, dimensions of the sign, and means of attachment to the building or the ground; such plans must be to scale or show dimensions.
- (4) Name of person, firm, corporation or association erecting, altering or moving said sign.
- (5) Written consent of the owner of the land on which the sign is to be erected, altered or relocated.
- (6) Any other information as the Zoning Officer shall require in order to show full compliance with this and all other applicable laws of the Township.

705.2: Master Signage Plan

If more than one new sign requiring a permit is proposed for a zone lot or if one or more additional new signs requiring a permit are proposed for a zone lot with an existing sign, a master signage plan shall be submitted to the Zoning Officer along with the application for individual sign permits. The master signage plan shall indicate the types, dimensions, area and total combined sign area for all proposed and existing individual signs of any type, requiring a permit or not, except for incidental signs. A revised master signage plan shall be submitted to the Zoning Officer if modification is proposed to any individual sign covered by an existing master signage plan.

705.3: Sign Permit Fees

1. Applications for sign permits shall be accompanied by a fee in an amount as prescribed by resolution of the Township Board of Supervisors. The fee amount for any erection, construction, or placement of a sign shall be an amount as set by the Township Supervisors to cover the costs of application review and administration of permits.
2. Any sign erected, constructed, or placed in the Township prior to application approval, except for signs identified in Section 703.3, Signs Exempt from Permits and Fees, shall

be subject to a fine, as set by the Township Supervisors, for each 30 days of non-compliance with the permit requirements.

3. The Township Supervisors shall also set a fine for failure to remove a sign or safely maintain a sign.

705.4: Action On Sign Permit Application

The Zoning Officer shall act on all applications for sign permits in accordance with the procedures contained in Sections 1103, 1104, 1105 and 1106 of the zoning ordinance. In addition, the Zoning Officer shall not issue a sign permit unless a master signage plan, where appropriate in accordance with Section 705.2, has been submitted and indicates compliance with the zoning ordinance.

SECTION 706: Sign Lighting

Signs within the Township may be illuminated using ground mounted, building, and/or structure mounted lights, indirect lighting, backlit illumination, light or neon tubing, and/or interior illumination, according to the following provisions:

1. Illumination of signs shall only be for the purpose of making the sign readable during evening hours, not for the purpose of creating additional light for the property or casting light on other buildings and/or structures;
2. Illumination of signs shall not create any glare onto adjoining properties or public rights-of-way;
3. Lighting of signs shall not attempt to imitate the lighting used by emergency vehicles;
4. No sign lighting shall flash, rotate, be animated, or have the appearance of moving, except signs which depict the time, temperature, current weather, or news shall be permitted.
5. Bare bulb lighting or neon lighting, unshielded from the passing public shall be prohibited.

SECTION 707: Temporary Signs Permits (Private Property)

Temporary signs permitted in the "B" Zoning Districts shall be allowed on private property only upon the issuance of a temporary sign permit subject to the following requirements:

707.1: Term

A temporary sign permit shall allow the use of a temporary sign for a specified 30-day period.

707.2: Number

Only two temporary sign permits shall be issued to the same property owner on the same zone lot in any calendar year.

SECTION 708: Temporary Sign Permits (Public Right-Of-Way)

Temporary signs for which a permit is required by this ordinance shall be allowed in the public right-of-way only upon the issuance of a temporary sign permit subject to the following requirements:

708.1: Term and Number of Permits

The term of such a permit shall be 60 days. No more than one permit for temporary signs shall be issued to any applicant in any calendar year, except political candidates. For any sign containing the name of a political candidate, the candidate shall be deemed to be the applicant.

708.2: Number of Signs

No more than 20 signs may be erected under one permit.

708.3: Deposit Fee

In addition to the applicable fees otherwise payable, the applicant, except political candidates, shall pay a deposit fee of \$50.00 per approved temporary sign permit. Such deposit fee shall be fully refundable upon the surrender to the Zoning Officer of the actual sign(s) for disposal or, where not all signs are surrendered, shall be refundable in proportion to the percentage of total permitted Signs surrendered for disposal.

708.4: Message and Size

Temporary signs shall contain no commercial message, and shall be no more than two square feet in area each.

SECTION 709: Termination Of Non-Conforming Signs

709.1: Removal of Non-Conforming Signs

When a non-conforming sign is taken down or moved, for any reason, the same may not again be erected or reestablished or permitted to remain at any location on the property without the prior issuance of a sign permit, and in such case, no sign permit shall be issued unless the sign is then made to conform with all regulations applicable to new signs.

709.2: Damaged or Destroyed Non-Conforming Signs

A sign damaged or destroyed by any means to an extent of more than fifty percent (50%) of its replacement cost at time of destruction shall not be reconstructed except in conformity with the provisions of this ordinance unless a variance is granted by the Zoning Hearing Board. Replacement cost shall be determined by obtaining cost of construction from one sign contractor mutually agreed to by the owner and the Township.

709.3: Signs Erected in Violation

The Zoning Officer or his authorized agent shall have the authority to order the removal of any sign erected after the effective date of this ordinance in violation of the ordinance.

709.4: Obsolete Signs

Any sign now or hereafter existing which no longer advertises or identifies a bonafide business conducted or a product sold upon the premises, shall be taken down and removed by the owner of the building or structure or land upon which such sign may be found, within ten (10) days after written notification from the Zoning Officer, such notice to be sent by certified mail.

ARTICLE VIII

PARKING AND LOADING REGULATIONS

Section 800: Off-Street Parking and/or Loading Facility Requirements

800.1: New Use of a Structure and/or Land

Parking and/or loading facilities for new uses of any structure or land shall be provided in accordance with the following schedules.

800.2: Increase in Intensity of Use of a Structure and/or Land

The intensity of use of a structure and/or land shall not be increased through the addition of dwelling units, rooming units, gross floor area, lot area, or other units of measurement prescribed unless accessory parking and/or loading facilities shall be provided in accordance with the following schedules.

800.3: Change in Use of Structure and/or Land

An existing use of a structure and/or land shall not be changed to a new use, unless parking and/or loading facilities shall be provided as required in the following schedules for such new use.

800.4: Size of Parking and Loading Spaces

- (1) Parking Space - Not less than nine (9) feet wide and twenty (20) feet long.
- (2) Loading Space - Not less than twelve (10) feet wide and forty-five (45) feet long and fourteen (14) feet high.
- (3) Loading Space for wholesale or industrial uses - twelve (12) feet wide and fifty (50) feet long.
- (4) Space Shall Not Include: Aisles or turnaround area.

800.5: Required Off-Street Parking Spaces for Each Use

Agricultural Uses	Required Parking Spaces
Farm	None
Agricultural Products Processing	1.0 for each 500 square feet of gross floor area
Experimental Station	1.0 for each 500 square feet of gross floor area.
Grange Hall, Similar Use	1.0 for each 200 square feet of gross floor area.
Nursery	1.0 for each 100 square feet of gross floor area.
Stand for Sale of Agricultural Products	5.0

Residential Uses	Required Parking Spaces
One and Two Unit Dwelling Structures	2.0 for each dwelling unit.
Multi-Family Structures	1.0 for each dwelling unit
House for Elderly Persons	0.5 for each dwelling unit.
Boarding House	1.5 for each sleeping room.
Home Occupation in One and Two-Family Dwellings	2.0 plus 2.0 for each dwelling unit.

Business Uses	Required Parking Spaces
Retail or Personal Services Establishment and Regional Shopping Centers	1.0 for each 200 square feet of gross floor area plus 5.0 waiting spaces per drive-in lane plus 1.0 per employee on the largest shift.
Business and Public Office Establishments (Other than Personal Services)	1.0 for each 250 square feet of gross floor area.
Eating and/or Drinking Establishment	1.0 per 100 square feet of gross floor area, plus 1.0 per employee on the largest shift.
Grocery, Convenience Store, or Supermarket	1.0 per 100 square feet of gross floor area of customer sales and service plus 1.0 per 200 square feet of gross floor area of storage.

Medical Offices	5.0 per doctor
Hotel, Motel, Tourist Court	1.0 for each sleeping room plus 1.0 for each 100 square feet of restaurant floor area.
Commercial Recreation Uses (Other than Bowling Alleys)	1.0 for each three (3) units of rate patron capacity.
Recreational Vehicle Park	1.5 per each recreational vehicle site, plus 1.0 per employee on the largest shift.
Bowling Alleys	2.0 per alley.
Mortuary or Funeral Home	A minimum of 25 per chapel unit, plus 2.0 for each dwelling unit and 1.0 for each employee.
Clubs (Fraternal, Social, etc.)	1.0 per three (3) persons to the rated patron capacity.
Motor Vehicle Sales and Service	1.0 for each 1500 square feet of gross floor area, plus 1.0 per employee on the largest shift.
Vehicle Repair and Maintenance Services	1.0 per four hundred (400) square feet of gross floor area, plus 1.0 per employee on the largest shift.
Warehouse	1.0 per employee on the largest shift, plus 1.0 per four thousand (4,000) square feet of gross floor area.
Truck Terminal	1.0 per employee on the largest shift, plus 1.0 per truck normally parked on the premises.
Junkyards	1.0 per ten thousand (10,000) square feet of gross land area, plus 1.0 per employee on the largest shift.

Industrial Uses	Required Parking Spaces
Industrial Plant, Manufacturing	1.0 for each 2.0 employees on largest shift.
Other Industrial Uses	1.0 per employee on the largest shift, plus 1.0 per company vehicle regularly stored on premises.

Community Facilities	Required Parking Spaces
Governmental Facility, Service Structure, and/or Use (Other than a place of public assembly)	1.0 for each employee on the largest shift plus 1.0 per vehicle normally stored on the premises.
Community and Recreation Center	1.0 per three (3) patrons to the rated patron capacity, plus 1.0 per employee on the largest shift; or 1.0 per two hundred and fifty (250) square feet of gross floor area.
Church, Synagogue or Other Place of Worship	1.0 for each three (3) units of seating capacity.
Group Housing - Dormitory, Fraternity/Sorority House, Nurses House or Similar Institutional Housing	1.0 for each sleeping room.
Convalescent Home, Institutional Home, Nursing Homes	1.0 per six (6) patient beds, plus 1.0 per employee on the largest shift, plus 1.0 per staff member and visiting doctor.
Place of Public Assembly such as an Auditorium, Hall, Gymnasium, or Theatre	1.0 for each three (3) units of seating capacity.
Hospital	2.0 per each three (3) patient beds, plus 1.0 per staff doctor and employee on the largest work shift.

Schools, Classroom Buildings	Required Parking Spaces
Elementary and Junior High	1.0 per teacher and staff member, plus 1.0 per each two (2) classrooms.
Senior High	1.0 per teacher and staff member plus 1.0 per five (5) nonbused students.
College	1.0 per staff member on the largest shift, plus 1.0 per two (2) students of the largest class attendance period.
Commercial Trade	1.0 per three (3) students, plus 1.0 employee (including faculty) at capacity class attendance period.

Public Utility Facilities	Required Parking Spaces
Essential Services (Public Utility Facility, Service Structure, and/or Use other than an office establishment)	1.0 for each employee but not less than 3.0 spaces.

Mixed Uses	Required Parking Spaces
Any Mixed Uses	The sum of the various uses computed separately.

800.6: Required Loading Spaces

Uses	Required Loading Spaces
Multi-Family Structures with more than five (5) Dwelling Units.	1.0.
Retail and Wholesale Merchandising, Manufacturing Storage or Processing	5,000 to 25,000 sq. ft. of gross floor area 1.0 25,000 to 40,000 sq. ft. of gross floor area 2.0. 40,000 to 60,000 sq. ft. of gross floor area 3.0. 60,000 to 100,000 sq. ft. of gross floor area 4.0. For each additional 50,000 sq. Ft. of gross floor area or major fraction thereof 1.0 additional space.
Schools having 15,000 square feet or more of gross floor area	1.0.
Hospitals (in addition to space for ambulances)	10,000 to 30,000 sq. ft. of gross floor area 1.0. For each additional 30,000 sq. ft. of gross floor area or major fraction thereof 1.0 additional space.
Mortuary or Funeral Home	3,000 to 5,000 sq. ft. of gross floor area 1.0. For each additional 5,000 sq. ft. of gross floor area or major fraction thereof 1.0 additional space.
Hotels, Motels and Offices with 5,000 or more square feet of gross floor area.	1.0.

Mixed Uses	Required Loading Spaces
Any Mixed Uses	The sum of the various uses computed separately.

Section 801: General Provisions

801.1: Minimum Construction Standards

All parking areas for the storage of five (5) or more automobiles in any zone district shall be constructed in compliance with the following minimum standards:

- (a) Parking and driving areas shall be graded to shed surface water toward the street the parking area fronts in order to prevent drainage onto adjacent properties.
- (b) As a minimum, the surface course shall be of crushed slag or washed gravel with enough fines to allow compaction.
- (c) Entrance and/or Exits - Driveway width for two-way traffic shall be a minimum of fifteen (15) feet and nine (9) feet for one-way traffic or along a State highway, must comply with PennDOT requirements for driveways.
- (d) Screening and Fencing - In a B-1 Business-Highway Service District where the parking lot abuts an R-1 Residential district on any side, screening shall be provided by a thick hedge or solid fence a minimum of four (4) feet high, but no higher than six (6) feet.
- (e) Area Lighting - Where lighting is provided, it must be properly shielded so as not to produce any glare on adjacent properties.

801.2: Location of Required Parking Facilities

The parking spaces required for the use listed in the above schedule shall be on the same lot as the use they are intended to serve except that the Zoning Hearing Board may permit the parking spaces to be on any lot wholly within three-hundred (300) feet of the building if it determines it is impractical to provide space on the same lot with such space shall be in the same ownership as the use of which they are accessory, and shall be subject to deed restrictions filed in an office of record, binding the owner and his heirs and/or assigns to maintain the required number of spaces available throughout the life of such use, and such spaces shall conform to all regulations of the district in which they are located.

801.3: Location of Required Loading Facilities

The loading spaces required for the uses listed in the foregoing schedule 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.

801.4: 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 regulations of the Zoning Ordinance shall not be included as part of a parking and/or loading facility similarly required for another use unless the type of use indicated that the periods of usage shall not be simultaneous with each other as determined by the Zoning Officer upon review of the Zoning Hearing Board.

801.5: Use of Yards for Driveways and Parking

Yards areas may contain permitted driveways and turnaround areas and may also include off-street parking spaces subject to the following restrictions:

- (a) Where such uses are in a Residential District:
 - (1) Front yards shall be kept free of parking except in permitted driveways.
 - (2) Such parking shall be related to the use of the lot, and not permitted for other uses except as provided for in Section 801.4.
- (b) Where such uses are in Business-Commercial or Industrial Districts a front or side yard may be used for parking, provided:
 - (1) The parking is set back a minimum of ten (10) feet from any abutting street right-of-way, unless otherwise specified in the use regulations of the District wherein such use is located.
 - (2) The parking shall comply with the parking regulations contained in Section 801.

801.6: 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.

801.7: Off-Street Parking and Loading Spaces for Uses Not Specifically Mentioned

For any use not specifically mentioned in the previous sections, the requirements for off-street parking and off-street loading facilities are the same as for a similar use that is specifically mentioned. In such a case, either the Zoning Officer or the applicant for the Certificate of Occupancy or Building Permit may apply to the Zoning Hearing Board for an interpretation of the provisions of this Ordinance for such off-street parking and off-street

loading requirements, and the Zoning Hearing Board shall render a decision in writing in the manner provided for in this Ordinance.

Section 802: Parking, Storage, or Use of Major Recreational Equipment

802.1: 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.

No major recreational equipment shall be parked or stored on any public right-of-way.

802.2: Occupancy

No such equipment shall be used for living, sleeping, or housekeeping purposes except as provided for under the following conditions:

Travel trailers, pickup campers, or coaches, motorized dwellings and tent trailers may be temporarily parked and occupied for sleeping purposes only, by visitors and house guests in accordance with the following provisions:

- (a) The temporary parking and occupancy period shall not exceed two (2) weeks. A longer period may be granted by the Board at the request of the property owner.
- (b) Such vehicles and/or trailers shall have adequate off-street parking areas to the rear of the principal building.

802.3: Permanent Parking and Storing of Camping and Recreational Equipment

Permanent storage of such equipment shall be limited to the interior of automobile garages or other available on-lot accessory buildings or to that portion on the lot as though it were a building.

802.4: Spacing

Major recreational equipment six feet or more in average height above the ground shall be governed as to spacing with respect to buildings on the lot as though it were a building.

802.5: Lot Coverage

Major recreational equipment six feet or more in average height shall be included on the same basis as buildings for regulation of lot coverage by all buildings, with area covered computed on the basis of the largest horizontal area covered by such equipment.

802.6: Derelicts

No major recreational equipment shall be stored out of doors on residential premises unless it is in condition for safe and effective performance of the function for which it is intended or can be made so at a cost not exceeding the value of the equipment in its existing state. In no case shall any such equipment be so stored for a period of more than six months if not in condition for safe and efficient performance of the function for which it is intended.

Section 803: Temporary Parking of Mobile Homes

803.1 - Mobilehomes may be parked and occupied on residential lots as accessory structures to ease temporary hardships that may be incurred by the property owner. The parking and occupancy of mobile homes will be permitted by permit only and on approval of the Board of Supervisors. Each permit will be judged on its own merits. The permit shall be valid for thirty (30) days; however, this permit may be extended upon approval of the Board if:

- (a) The particular circumstances warrant an extension, and
- (b) The extension is not considered detrimental to the public interest or the general purpose of this ordinance.

ARTICLE IX

SUPPLEMENTARY REGULATIONS

Section 900: Supplementary Use Regulations

Section 901: Supplementary Height Regulations

901.1: Height Measurement

Measurement of height shall be the vertical height from the average 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.

901.2: Exceptions to Height Requirements

- (1) The height limitation of this ordinance shall not apply to silos, barns, flagpoles, church spires, belfries, domes, or similar projections not used for human occupancy; nor to chimneys, ventilators, skylights, water tanks, bulk heads, antenna, and other necessary mechanical apparatus usually carried above the roof level.
- (2) 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.

(3) Terraces:

Where a terrace exists, the height of a structure may be increased above the maximum height permitted in the Zoning District in which it is located, a distance equal to the height of the terrace, provided:

- (a) The depth of the front yard is not less than the height of the terrace.

Section 902: Supplementary Area Regulations

902.1: Number of Principal Structures on a Lot

Only one principal structure may be permitted on a lot except in Planned Residential Developments or Planned Business-Highway or Industrial Building Groups.

902.2 Subdivision of Lot

Any lot shall not be subdivided, if by such action the Zoning Ordinance would be violated.

902.3: 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 less than the required setback.

902.4: Projection into and Occupancy of Yards, Courts or Other Open Spaces

The following projections into and the occupancy of required yards, courts or other open space, except a porch and/or similar attached or semi-detached accessory structure, shall be permitted subject to the following provisions:

- (1) Steps, Stoop, Window Sill, Belt Course, Similar Architectural Feature, Rain Leader and/or Chimney, provided:
 - (a) It shall 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:
 - (a) It shall not project more than four (4) feet beyond the face of the wall.

902.5: Fences

Except as provided in the next paragraph, the yard requirements of this ordinance shall not be deemed to prohibit any otherwise lawful fence or wall, provided that in any Residential District no fence or wall shall exceed four (4) feet in any front yard nor eight (8) feet in height in any side or rear yard. No fence shall be erected within the street right-of-way. Fences shall be erected one (1) foot from side or rear property lines, except in cases where adjacent property owners mutually agree to erect a fence in common. Said fence may be located on the property line in side or rear yards.

902.6: Visibility at Intersections

On a corner lot in any District, no structure, sign, fence, wall, hedge or other planting shall be erected, placed or maintained at a height of more than thirty (30) inches above the horizontal plane of the street surface within the triangle formed by the street lines and a straight line joining said street lines at points which are thirty (30) feet distant from the point of intersection.

902.7: General Fence Provisions

- (1) These regulations shall not apply to fences erected on public recreational areas, school grounds and in industrial districts.
- (2) In the "R-1" Agricultural/Residential District where fencing is required for the containment of livestock or protection of crops being raised on a farm as defined in this ordinance, these regulations shall not apply, except that in no case shall any fence erected create a visibility hazard along driveways or intersections if the property is a corner lot.

Section 903: Mineral Excavation Regulations

903.1: General

Excavation of sand, gravel, coal, oil, natural gas or other minerals from the ground may be permitted in any Zoning district only as a conditional use upon application to and approval by the Otter Creek Township Board of Supervisors, after referral to the Otter Creek Township Planning Commission for review and recommendations. Conditional approval and these regulations do not apply where such excavation activities are to be conducted entirely as a non-commercial accessory or subordinate use to a principal use permitted by the Zoning District.

903.2: Conditions

Prior to approval of the excavation activities by the Township Supervisors, the applicant for a conditional use shall comply with the following conditions:

- (1) An approved permit from the Pennsylvania Department of Environmental Protection shall be presented to the Township Supervisors.
- (2) The applicant shall guarantee that a notice of the final inspection conducted by the Department of Environmental Protection will be provided to the Township Supervisors in order that the Supervisors have the opportunity to participate in the inspection.
- (3) The Board may require additional reasonable safeguards, considering the character of the zoning district in which the activity will be located, to protect the health, safety, and welfare of the Township.

ARTICLE X

NON-CONFORMING USES, STRUCTURES AND LOTS

Section 1000: Intent and Standards

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.

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-Highway District when they are either enlarged or expanded.

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.

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 1001: 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 fail 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 1002: 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:

1002.1 - No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance, except as specified by Section 1000 of this ordinance.

1002.2 - 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.

1002.3 - If any such non-conforming use of land ceases for any reason for a period of more than thirty (30) consecutive days, 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 1003: 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:

1003.1 – Notwithstanding any other provisions pertaining to non-conforming uses in this ordinance, an existing non-conforming single-family residential dwelling or any of its customarily accessory structures may be expanded in floor area up to an additional 25% each of the existing floor area, provided that the expansion does not encroach any further into the existing yard as the existing structure does, and that the expansion not violate any additional yard or area requirements.

1003.2 – Any other structure may be enlarged or altered in a reasonable amount only as approved by the Zoning Hearing Board.

1003.3 - 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.

1003.4 - 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 1004: 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:

1004.1 - 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-Highway District when they are either enlarged, extended, constructed, reconstructed or structurally altered.

1004.2 - Any non-conforming use may be extended throughout any parts of a building that was manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building.

1004.3 - 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.

1004.4 - 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.

1004.5 - 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.

1004.6 - 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 1005: 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 1006: Uses Granted Under Special Exception Provisions Not Non-Conforming Uses

Any use for which a special exception 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.

Section 1007: Non-Conforming Single-Family Residential Use

Where single-family residences exist as non-conforming uses according to this Ordinance, the following shall apply:

1. Notwithstanding any other provisions pertaining to non-conforming uses in this ordinance, an existing non-conforming single family residential dwelling destroyed in whole or in part by fire, flood, explosion, or any other casualty beyond the control of the property owner, may be reconstructed and used as before said casualty, provided:
 - a. The reconstructed principal residential structure and accessory structures (not including any agricultural structures) in combination shall not have a floor area of greater than 125% of that of the original principal residential structure and accessory structures (not including any agricultural structures) in combination, and
 - b. The reconstructed principal and accessory structures shall meet applicable lot, yard, and height requirements of the zoning district.
2. Notwithstanding any other provisions pertaining to non-conforming uses in this ordinance, an existing non-conforming single-family residential dwelling or any of its customarily accessory structure may be expanded in floor area up to an additional 25% each of the existing floor area, provided:
 - a. The landowner is residing in the principal structure when expansion is requested and completed.
 - b. The expansion does not include the addition of a residential dwelling unit or business unless such are otherwise permitted in the zoning district, and
 - c. Only one such expansion per principal or accessory structure shall be permitted.

ARTICLE XI

ADMINISTRATION AND ENFORCEMENT

Section 1100: Office of Zoning Officer

1100.1: Creation of Office

The Office of Zoning Officer is hereby created.

1100.2: 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.

1100.3: 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.

1100.4: Compensation of the Zoning Officer

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

Section 1101: 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.

1101.1: 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 which are permitted as a special exception or variance from the Zoning Ordinance shall be issued only upon order of the Zoning Hearing Board.

1101.2: Annual Report

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

1101.3: Right of Entry

The Zoning Officer shall have the authority to enter at any reasonable hour any land and/or structure in the Township to inspect and to enforce the provisions of the Zoning Ordinance. Before entering, the Zoning Officer shall provide proper identification.

1101.4: Classification of Home Occupations

The Zoning Officer shall maintain and make available upon request to the public the supplemental lists of Permitted and Prohibited Uses as Home Occupations, as addressed in Article V, Section 500.9.

1101.5: 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 Ordinance.

Section 1102: Application for Permit and Certificate of Use and Occupancy

1102.1: 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.

1102.2: 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 (except an accessory structure used solely for agricultural purposes) 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.

1102.3: 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 1104.

1102.4: 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.

1102.5: 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 permit which have been authorized by action of the Zoning Hearing Board in which case the Board shall approve any amendments. Amendments shall be deemed part of the original application.

1102.6: 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 renewal or a new permit has been obtained. The Zoning Officer may issue a permit renewal when the proposed activities, information, and conditions contained in the original permit application will be continued without change. The permit renewal 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 with the time limit specified in the permit renewal.

Section 1103: Action on Permits and Certificates of Use and Occupancy

1103.1: 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.

1103.2: 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.

1103.3: Revoking a Permit

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

1103.4: 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 and Occupancy within 10 days after receiving notice.

Section 1104: Fees

1104.1: 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.

1104.2: Exemptions

Any accessory structure used solely for agricultural purposes or any building less than 100 square feet in floor area shall be exempt from payment of fees.

Section 1105: 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 1106: 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 XII

ZONING HEARING BOARD

Section 1200: Creation, Membership and Organization

A Zoning Hearing Board shall be created for the purpose of considering applications 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 1201: Jurisdiction and Functions

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render decisions on 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 1202: 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 1203: Termination and Modification of Permit

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

1203.1: 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.

1203.2: Modification of a Permit

Any Permit so issued shall not be modified except by action of the Board.

Section 1204: 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 1205: Applications 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 1206: 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 Ordinance, 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:

1206.1: One-Family Detached Dwellings

For the alteration, change in intensity of use and uses of any existing one-family detached dwelling in any residential zoning district for one (1) additional dwelling unit and rooming unit provided:

- (1) The height regulations and yard requirements shall not be violated.
- (2) The minimum lot area per dwelling unit shall not be less than prescribed in Section 401.

- (3) One (1) parking space shall be provided for the additional dwelling unit to be provided.
- (4) That any proposed alteration, change in intensity of use, and uses shall meet all the requirements of the State Boards of Health, and the Fire and Panic Laws of the commonwealth of Pennsylvania.

1206.3: Fissionable Material

For the use of nuclear power or fissionable material in any "R-1", "B-1" or "T" Zoning District, provided:

- (1) It shall comply with the provisions of any pertinent State and/or National Safety Code.

1206.4: 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 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.

ARTICLE XIII

AMENDMENT, SUPPLEMENT OR CHANGE

Section 1300: 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:
 - (a) The Township Planning Commission.
 - (b) The Board of Supervisors.
 - (c) 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:
 - (a) Name, address, and phone number of the applicant or his agent.
 - (b) The applicant's legal interest in the affected property(ies).
 - (c) 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 as set by resolution of the Board of Supervisors.

ARTICLE XIV

APPEALS

Section 1400: 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 officers 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 XV

VALIDITY

Section 1500: Severance

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 be 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, phrase, word or remaining portion of the Zoning Ordinance.

The Board of Supervisors hereby declares that it would have adopted the Zoning Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, and each Zoning District boundary of the Zoning Map irrespective of the fact that any one or more of the sections, subsections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases, words or boundaries may be declared illegal, unconstitutional or invalid.

ARTICLE XVI

REPEAL

Section 1600: Repeal

Any Resolution, or ordinance or any part of any resolution or ordinance conflicting with the provisions, regulations, limitations and/or restrictions of the Zoning Ordinance shall be and the same is hereby repealed to the extent of such conflict.

ARTICLE XVII

DEFINITIONS

Section 1700: General Interpretation

For the purposes of the Zoning Ordinance, certain terms, phrases and words shall have the meaning given herein. Words used in the present tense include the future; 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 1701: Definition of Terms

Abutting. Having property or district lines in common; e.g., two lots are abutting if they share a common property line.

Access. A way of approaching or entering a property.

Accessory Apartment. A separate, complete housekeeping unit which is contained within the structure of a single-family dwelling but can be isolated from it, or which is contained within an existing accessory building.

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

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

Agri-Business (Agricultural Business). Any business or industry supplying services, goods, or involved in the manufacture and/or processing of agricultural products for retail or wholesale purposes.

Agricultural Soils, Prime. Soil established to be as prime by the Mercer County Soil Conservation Service including the capability groupings I thru IV. Productivity of soil classes differs only in the degree of soil management.

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, but not intended for general traffic circulation.

Alteration. As applied to a building or structure, is a change or rearrangement in the structural parts, 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, roof, columns, beams and girders.

Apartment House. A dwelling comprising three (3) or more apartments which are reached through a common entrance and stairway.

Apartment Unit. One (1) or more rooms comprising a dwelling unit or serving as the home or residence of an individual, or a family or a household.

Automotive Garage. A premises used for repair of automotive vehicles but not including automotive wrecking (including therewith may be facilities supplying gasoline, oil, accessories and services to automotive vehicles at retail direct to the motorist consumer.)

Automotive Service Establishment. Any premises used for supplying gasoline, oil, minor accessories and services for automotive vehicles at retail direct to the motorist consumer, including the making of minor repairs, but not including major repairs, such as: painting; body, fender, clutch, transmission, differential, axle, spring, and frame repairs; major overhauling of engines requiring removal therefrom of cylinder-head or crankcase pan; repairs of radiator requiring removal thereof; or complete recapping or retreading of tires.

Automotive and/or Trailer Sales Establishment. The use of any, land area or other premise for the display or sale of new or used automobiles, trailers, trucks or farm equipment and including any warranty repair work and any other repair service conducted as an accessory use.

Automotive Wrecking. The dismantling or wrecking of used motor vehicles, trucks, trailers, or farm equipment, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

Awning. An awning shall include any structure made of cloth or metal with a metal frame attached to a building and projecting over a yard or thoroughfare, when the same is so erected as to permit its being raised to a position flat against the building when not in use or not permanently attached to and an integral part of a porch, carport, or similar attached accessory structure.

Basement. Portion of a building partly underground, and having one-half (1/2) or more than one-half (1/2) of its floor-to-ceiling height below the average grade of adjoining ground.

Board of Supervisors. The Board of Supervisors of Otter Creek Township, Mercer County, Pennsylvania.

Boarding House (also rooming house). A building or portion thereof, arranged or used for sheltering and feeding for compensation more than five (5) and not more than twenty (20) individuals who are not members of the proprietor's family.

Boarding 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.

Breezeway. Any portion of a lot roofed over by a structure joining a principal dwelling to any other structure.

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 mobile 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 side walls of all except the end structures are party walls.

Building, Detached. A building that has no party wall.

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

Building Setback. The distance on a lot from the centerline of any road within which no building or structure shall be placed, unless otherwise indicated in this Ordinance.

Building Setback Line. A line on a lot that marks the building setback.

Carport. A roofed structure providing space for the parking or storage of motor vehicles and enclosed on not more than three (3) sides.

Cartway. That area of a street within which vehicles are permitted including travel lanes and parking areas but not including shoulders, curbs, sidewalks or swales.

Centerline. The line located at the middle of the traveled surface of a road, equidistant from both edges of the road surface.

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 specified use or uses.

Child Care Center. Provides out-of-home care for seven (7) or more children for part of a 24-hour day to children 15 years and younger, including care provided to a child at the parents work site when the parent is not present in the child care space, and including care provided in public or private profit or non-profit facilities. Also, care provided before or after the hours of instruction at non-public and private nursery schools and kindergartens. Definition does not apply to care provided: by a relative; in places of worship during religious services; in a facility where the parent is present at all times child care is provided; during hours of instruction in non-public or private nursery school or kindergarten.

Church. A building and/or accessory buildings for public religious 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.

Conditional Use. A permission or approval granted by the Board of Supervisors to use land in a district for a purpose other than that permitted outright in that district. Conditional uses may be approved or denied by the Board of Supervisors only in accordance with the provisions of the PA Municipalities Planning Code (Act 247 of 1968, as amended).

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

Convalescent Home. A dwelling converted into quarters or new building constructed with quarters for the full-time convalescent or chronic care of persons who, by reason of advanced age, chronic illness, or infirmity, are unable to care for themselves.

Convenience Store. A retail establishment of limited size (less than 5,000 sq. ft. of building) designed for the sale of sundries, groceries and gasoline (and sometimes diesel fuel, propane or kerosene). Convenience stores do not include repair services, tire sales or similar activities.

Conversion. The change in a use or a structure.

Court. A portion of a lot unoccupied above grade but partially or wholly surrounded by building walls.

Court, Inner. A court surrounded on all sides by an exterior wall of a structure or by such walls and a lot line.

Court, Outer. A court having at least one side thereof opening onto a street, alley, yard or other permanently open space.

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 a principal and accessory structures.

Curb Level. The elevation of the street grade as established in accordance with the law or when a curb level has not been established, the grade at the center of the street.

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

Dedication. Gift, donation or transfer of property from the owner to another party.

Deed Restriction. See Covenant.

Development. Any man-made change to improved or unimproved parcel, including but not limited to buildings or other structures, the subdivision of land, the placement of mobile homes, 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 the Township of Otter Creek within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

Drive-In Business. A place of business where persons are served in automobiles from a refreshment stand, restaurant, food stores and the like.

Driveway. A private roadway providing access for vehicles to parking space, garage, dwelling or other structure.

Dwelling. A building arranged and used for permanent residential occupancy containing a dwelling unit or units, but excluding a boarding house, hospital, institutional home, hotel, motel, and other similar types of uses.

Dwelling, Multiple-Family. A permanent building have two (2) or more dwelling units and designed to be used or occupied as a residence by two (2) 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, Single-Family. A detached, permanent building designed for and used exclusively for occupancy by one family.

Dwelling, Two-Family. A permanent building having two (2) dwelling units, each with its own entrance door and designed for and used for occupancy by 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 permanent building or portion thereof providing complete house keeping facilities for one family. The term shall include all structures designed for and/or used for living purposes, including mobile homes, prefabricated dwellings, and similar portable structures.

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 or for the public health or safety or general welfare.

Family. One or more individuals occupying a dwelling unit and living as single household unit.

Farm. A lot, parcel or tract of land used for agricultural purposes on which the principal structure shall be the agricultural building(s).

Flood. A temporary overflowing of water on to land which is usually devoid of surface water.

Floor Area, Gross. The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two building, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six feet.

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

Forestry. The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting, and selling trees for commercial purposes, which does not involve and land development, such as a sawmill.

Fraternal Organization. A group of people formally organized for a common interest, usually cultural, religious or entertainment, with regular meetings, rituals and formal written membership requirements.

Frontage. The frontage, or front of a lot, is the side nearest the street. For the purposes of determining yard and setback requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards and setbacks shall be provided as indicated in this Ordinance.

Garage, Private. A detached accessory building or a portion of a principal building used only for the storage of not more than three (3) private motor vehicles by the families resident upon the premises. This shall not include a garage offering commercial automotive services to the public or a garage where any provision is made for repairing or servicing of vehicles for profit.

Golf Course. Attractive land for playing golf, improved with tees, greens, fairways, hazards and which may include clubhouses and shelters.

Grade. The degree of raise or descent of a sloping surface.

Height of Building. The vertical distance from the grade to the highest point on a building. When a building faces on more than one (1) street, the height shall be measured from the average of the grades at the center of each street front.

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

Home Occupation. Any accessory use to a dwelling unit located in the residential zoning district designed for financial gain as a business activity involving the sale of goods and services that is conducted entirely from within the dwelling and/or accessory structure located within 500 linear feet of the dwelling unit occupied by the bonafide residents conducting the home occupation.

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.

Hospital, Animal. A structure designed or converted for the care of and/or treatment of sick or injured animals.

Hotel. A facility offering transient lodging accommodations to the general public and offering additional services such as restaurants, meeting rooms and recreation facilities.

Housing Unit. Same as Dwelling Unit.

Institutional Home. A building used for health or welfare purposes by a private or non-profit organization.

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. Any such article or material which is stored on a farm for exclusive use of the owner or occupant of the farm or any article or material which, unaltered, not needed to be disassembled or unfastened from, or unchanged and without further reconditioning can be used for its original purpose as readily as when new shall not be considered junk.

Junk Yard. The use of more than 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. Three or more junk vehicles stored on any lot outside of a building or not inside a wall or fence shall be considered a junk yard.

Land. The solid portion of the earth's surface that 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, streets, sidewalks, but not buildings.

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 aesthetic 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.

Land Use. A description of how land is occupied or utilized.

Loading Space. An off-street space or berth on 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.

Lodge. (1) A building or group of buildings under single management, containing both rooms and dwelling units available for temporary rental to transient individuals or families;

(2) The place where members of a local chapter of an association hold their meetings; and, the local chapter itself.

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

Lot Area. The total area within the lot lines of a lot.

Lot, Corner. A lot abutting upon two 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. The percentage of the lot area occupied or covered by principal and accessory structures.

Lot Depth. The average horizontal distance between the front lot line and the rear lot line.

Lot, Double Frontage. An interior lot whose front and rear lot lines abut roads, or a corner lot with two opposite lot lines abutting a road.

Lot Frontage. See "Frontage".

Lot, Interior. A lot whose side lot lines do not abut a road.

Lot Lines. The property lines bounding the lot.

Lot Line, Front. The line separating the lot from a road right-of-way.

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

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

Lot Line, Alley. A lot line separating the lot from an alley.

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

Lot of Record. A lot which 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 of Mercer County, Pennsylvania.

Lot Width. The mean horizontal distance between the side lot lines of a lot measured at right angles to the depth.

Marquee. Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

Mobilehome. A transportable, single family dwelling intended for permanent occupancy contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

Mobilehome Lot. A parcel of land within a mobilehome park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobilehome.

Mobilehome Park. A parcel or contiguous parcels of land which has so designated and improved that it contains two or more mobilehome lots for the placement thereon of mobilehomes.

Mortuary. A building devoted to the care, and holding of services for the dead, including embalming and the display and/or sale of funeral equipment as incidental use.

Motel. Any building or 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 use by transients.

Motor Freight Terminal. A lot maintained by a motor freight company which is the original 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 for truck parking and storage facilities.

Nursery, also Greenhouse. Land or greenhouses used to raise flowers, shrubs, or plants for sale.

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

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 vehicles.

Parking Space. A space, whether outside or inside a structure, to be used exclusively as a parking stall for one (1) motor vehicle.

Permit, Zoning. A license issued by the Zoning Officer that 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.

Planning Code. The Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1988, as further amended by Act 209 of 1990, and Act 131 of 1992, and including any further amendments.

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

Plot. A parcel of land consisting of one or more lots or portions thereof which 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.

Principal Structure. See Structure, Principal.

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

Public Hearing. A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with, the Pennsylvania Municipalities Planning Code, Act 247, as amended.

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

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

Recreation, Commercial. Recreational facilities operated as a business and open to the general public for a fee.

Recreation, Non-Commercial. Recreation facilities operated by a non-profit organization and open only to bonafide members of such organization.

Recreation, Public. Recreation facilities operated as a non-profit enterprise by the Township, and any other governmental entity, or any non-profit organization that is open to the general public.

Recreational Vehicle. A vehicular-type unit primarily designed for 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. No Recreational Vehicle shall be used as a permanent dwelling or business.

Recreational Vehicle Park. A plot of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

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

Screening. A method of visually shielding or obscuring abutting or nearby structures or uses from another by fencing, walls, or densely planted vegetation.

Setback. See "Building Setback".

Sign. Any device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

- **Animated Sign.** Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

- **Apartment Sign.** Any sign which identifies and is located on the premises of multiple-family dwellings of at least 3 units under single ownership (whether in single or multiple buildings) and which may also advertise the rental of units on the premises but contain no other commercial message.

- **Banner.** Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags or the official flag of any institution or business shall not be considered banners.

- **Beacon.** Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

- **Billboard.** A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.
- **Building Marker.** Any sign indicating the name of a building and date and incidental information about its construction which is cut into a masonry surface or made of bronze or other permanent material.
- **Building Sign.** Any sign attached to any part of a building, as contrasted to a freestanding sign.
- **Canopy Sign.** Any sign that is a part of or attached to an awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window or outdoor service area.
- **Changeable Copy Sign.** A sign or portion thereof with characters, letters or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this ordinance. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this ordinance.
- **Commercial Message.** Any sign wording, logo or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service or other commercial activity.
- **Development Sign.** Any sign which identifies and is located on the premises of a planned residential or industrial development containing at least 5 lots to be separately developed in a planned, coordinated manner and which may also advertise the availability of lots for sale or development in the planned development identified by the sign but contain no other commercial message.
- **Flag.** Any fabric, banner or bunting containing distinctive colors, patterns or symbols, used as a symbol of a government, political subdivision, or other entity.
- **Freestanding Sign.** Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.
- **Home Occupation Sign.** Any sign located in a district zoned for residential uses which contains no commercial message except advertising for goods and services legally offered on the premises where the sign is located, provided such use conforms with all requirements of the zoning ordinance.
- **Identification Sign.** A sign which indicates only the name and address of the building or occupant of the building at which the sign is located.

- **Incidental Sign.** A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking", "entrance", "loading only", "telephone", and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.

- **Institutional Sign.** Any sign which identifies and is located on the premises of an institutional or other non-residential principal use permitted in any Residential Zoning District.

- **Marquee Sign.** Any sign attached to, in any manner, or made a part of a marquee.

- **Nonconforming Sign.** Any sign that does not conform to the requirements of this ordinance.

- **Pennant.** Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in series, designed to move in the wind.

- **Portable Sign.** Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

- **Projecting Sign.** Any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall and that the highest point of any part of the sign does not exceed the height of the building or wall to which it is attached.

- **Roof Sign.** Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

- **Roof Sign, Integral.** Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.

- **Sign Setback.** The distance from the property line to the nearest part of the applicable sign, measured perpendicularly to the property line.

- **Street Frontage.** The distance for which a lot line of a zone lot adjoins a public street, from one lot line intersecting said street to the furthest distant lot line intersecting the same street.

- **Suspended Sign.** A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

- **Temporary Sign.** Any sign that is used only temporarily and is not permanently mounted.

- **Wall Sign.** Any sign attached parallel to, but within six inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

- **Window Sign.** Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

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

Site 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 that zoning district. The provision is granted by the Zoning Hearing Board.

Story. A part of a building comprised between a floor and a floor or roof next above, including a basement, but not including cellar.

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

Street. See "Road".

Structure. A combination of materials forming a construction for occupancy and/or use or ornamentation whether installed on, above, or below the surface of land or water.

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

Structure, Non-Conforming. A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in a zoning ordinance or

amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

Structure, Principal. A structure in which is conducted the principal use of the lot on which it is located.

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

Swimming Pool. A swimming pool shall be considered a permanent structure, if the construction or erection thereof results in a permanent location within a given lot. Swimming pools which can be easily relocated or dismantled for winter storage shall not be considered as a permanent structure.

Terminal. (1) A place where transfer between modes of transportation takes place; (2) A terminating point where goods are transferred from a truck to a storage area or to other trucks, or picked up by other forms of transportation.

Terrace. A natural or artificial embankment which is higher than the curb level.

Terrace, Height of. The difference in elevation between the curb level and the top of the terrace at the center of the wall of the principal structure.

Tourist Court. Any group of 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, including an auto court, motel, cabin and/or motor lodge.

Tourist Home. A dwelling originally designed for single family occupancy which is now identified as supplying overnight accommodations for not more than twenty (20) transient guests, not including a lodging, rooming or boarding house or a tourist court.

Trade School (Industrial School). A school conducted as a commercial enterprise for teaching barbering or hairdressing or for teaching industrial skills in which machinery is employed as a means of instruction.

Trailer. Any licensed or un-licensed piece of mobile equipment designed or constructed to be towed or pulled by a motor vehicle.

Transient. Any individual residing or stopping in the municipality for less than thirty (30) days at one time.

Use, Accessory. A use customarily incidental and subordinate to the principal use of a building, structure and/or land or a use not the principal use which is located on the same zoning lot as the principal building, other structure and/or land, except parking and/or loading facilities as herein provided.

Use, Conditional. 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.

Use, Non-Conforming. A use, whether of land or of structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

Use, Principal. The main or primary purpose, for which a building, other structure and/or land is designed, arranged, or intended, or for which it may be used, occupied or maintained under the Zoning Ordinance.

Utility, Private or Public. (1) Any agency which, under public franchise or ownership, or under certificate of convenience and necessity, provides the public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection, or other similar service; (2) A closely regulated private enterprise with an exclusive franchise for providing a public service.

Variance. Relief granted by the Zoning Hearing Board upon appeal in specific cases, in accordance with the Pennsylvania Municipalities Planning Code, Article VI and IX of, Act 247, as amended.

Visual Obstruction. Any fence, wall, tree, hedge, or shrub, or a combination of them which limits visibility.

Written Notice. Shall have been served if delivered in person to the person intended or if delivered or sent by certified mail to the last known address of the person intended.

Yard. An 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 the main wall of a principal building to the front lot line (street right-of-way line), measured at any point between the wall and the line.

Yard, Minimum Dimension. The minimum permitted horizontal distance between a lot line and the nearest point of a main wall of a principal building or structure exclusive of permissible yard encroachments and occupancy and street projections as provided by this Ordinance. The measurement of the minimum dimension shall be made at grade and perpendicular to the lot line and building or structure.

Yard, Rear. A yard across the full width of the lot, extending from any point of a wall of a building or structure to the rear lot line of the lot.

Yard, Side. A yard extending from any point of a wall of a building or structure to the adjacent side lot line of the lot, extending from the front yard to the rear yard.

Zero Lot Line. A development approach in which a building is sited on one or more lot lines with no yard.

Zoning Officer. The agent or official designated by the Otter Creek Board of Supervisors and charged by law with the administration and enforcement of the Zoning Ordinance.

Zoning Map. Otter Creek Township Zoning Map.

ARTICLE XVIII

EFFECTIVE DATE

Section 1800: Effective Date

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

We hereby certify that the Otter Creek Township Zoning Ordinance was adopted by the Board of Supervisors of Otter Creek Township, Mercer County, Pennsylvania this 19th day of November, A.D., 2005.

Township of Otter Creek

MERCER COUNTY, PENNSYLVANIA

CHAIRMAN - Board of Supervisors

MEMBER - Board of Supervisors

MEMBER - Board of Supervisors

(SEAL)

ATTEST:

TOWNSHIP SECRETARY

ARTICLE XIX

CERTIFICATION

Section 1900: Certification

I do hereby certify that the foregoing is a true copy of Ordinance Number _____, adopted by the Board of Supervisors of Otter Creek Township, Mercer County, Pennsylvania on November 19th, A.D., 2005.

TOWNSHIP SECRETARY