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Zoning Ordinance

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ARTICLE 1
GENERAL PROVISIONS

ORDINANCE NO. _____

SOUTH CENTRE TOWNSHIP ZONING ORDINANCE

ORDAINING CLAUSE

BE IT HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of South Centre, County of Columbia, by authority of and pursuant to the provisions of Act No. 247 of the General Assembly of the Commonwealth of Pennsylvania, approved July 31, 1968, known and cited as the “Pennsylvania Municipalities Planning Code”, and any amendments and supplements thereto, as follows:

ARTICLE 1 - GENERAL PROVISIONS

1.1. Title

REPEALING THE SOUTH CENTRE TOWNSHIP ZONING ORDINANCE 1988-3, AS AMENDED, REPLACING SAID ORDINANCE WITH AN ORDINANCE PERMITTING, PROHIBITING, REGULATING, RESTRICTING, AND DETERMINING THE USES OF LAND, WATERCOURSES, AND OTHER BODIES OF WATER; THE SIZE, HEIGHT, BULK, LOCATION, ERECTION, CONSTRUCTION, REPAIR, MAINTENANCE, ALTERATION, RAZING, REMOVAL AND USE OF STRUCTURES; THE AREAS AND DIMENSIONS OF LAND AND BODIES OF WATER TO BE OCCUPIED BY USES AND STRUCTURES AS WELL AS COURTS, YARDS, AND OTHER OPEN SPACES AND DISTANCES TO BE LEFT UNOCCUPIED BY USES AND STRUCTURES; THE DENSITY OF POPULATION AND INTENSITY OF USE; THE LOCATION AND SIZE OF SIGNS; CREATING ZONING DISTRICTS AND ESTABLISHING THE BOUNDARIES THEREOF; CONTINUING THE OFFICE OF ZONING OFFICER; CONTINUING A ZONING HEARING BOARD; AND PROVIDING FOR THE ADMINISTRATION, AMENDMENT, AND ENFORCEMENT OF. THE ORDINANCE, INCLUDING THE IMPOSITION OF PENALTIES.

1.2. Short Title

This Ordinance shall be known and may be cited as the “South Centre Township Zoning Ordinance”.

1.3. Purpose

This Zoning Ordinance has been prepared in accordance with the “South Centre Township Comprehensive Development Plan” of 1972 with consideration for the character of the municipality, its various parts, and the suitability of the various parts for particular uses and structures, and is enacted for the following purposes:

- 1.3.1.** To promote, protect, and facilitate one or more of the following: The public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, civil defense, disaster evacuation, airports, and national defense facilities, the provision of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds and other public requirements, as well as
- 1.3.2.** To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.
- 1.3.3.** To preserve prime agriculture and farmland considering topography, soil type and classification, and present use.

1.4. Interpretation

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of health, safety, morals, and the general welfare of the Township and its citizens. It is not intended by this Ordinance to interfere with or abrogate or annul any rules or regulations previously adopted or permits previously issued by the Township which are not in conflict with any of the provisions of this Ordinance, nor is it intended by this Ordinance to interfere with or abrogate or annul any easements, covenants, building restrictions, or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of the buildings or premises or upon the height of the building, or requires a larger open space than is imposed or required by such ordinance, rules, regulations or permits, or by easements, covenants, building restrictions or agreements, the provisions of this Ordinance shall control.

1.5. Uses Not Provided For

Whenever, in any District established under this Ordinance, a use is neither specifically permitted nor denied and an application is made by a property owner to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Zoning Hearing Board which shall have the authority to permit the use or deny the use. The use may be permitted if it is similar to and compatible with permitted uses in the district and in no way is in conflict with the general purpose and intent of this Ordinance.

1.6. Effective Date:

This Zoning Ordinance shall become effective five (5) days after the adoption by the Board of Supervisors of the Township of South Centre, Columbia County, Pennsylvania.

THE TOWNSHIP OF SOUTH CENTRE
Columbia County, Pennsylvania

By: _____

ATTEST:

I, _____, do hereby certify the following is a true copy of an Ordinance adopted by the Board of Township Supervisors of South Centre Township, Columbia County, Pennsylvania on _____ 2006.

Secretary-Treasurer

ARTICLE 2
COMMUNITY DEVELOPMENT OBJECTIVES

ARTICLE 2

COMMUNITY DEVELOPMENT OBJECTIVES

2.1. Community Development Objectives

This Zoning Ordinance has been adopted in part to assist in carrying out the “Goals and Objectives” of the Comprehensive Plan (South Centre Township Comprehensive Plan of 1988). These goals and objectives are as follows:

South Centre Township provides a pleasant suburban environment in which to live and work. However, this is being threatened by problems arising from the inadequacy of public water and sewerage facilities for a growing population and industrial base. The two primary commitments of the planning effort in the Township are, therefore, to maintain a high quality environment by preserving the natural beauty of the area and to provide an improved level of community facilities and services for all segments of the population.

In order to fulfill these two long term goals, the Planning Commission has prepared the following list of objectives:

- 2.1.1. To preserve and enhance a healthy, high—quality environment for all residents by guiding the location and design of future development, in particular, by establishing standards for adequate water and sewerage services and for protection against water, air, and noise pollution.
- 2.1.2. To expand and include community services and facilities, giving special consideration to utilities, public protection, recreation, health, highway maintenance, cultural needs and the special needs of the elderly.
- 2.1.3. To strive for the coordination of policies, plans, and programs both within the Township and on a regional level, through intergovernmental cooperation among the school board, Township, and County officials, and special interest groups and voluntary associations. In the immediate future it is important for South Centre Township to be represented on the County Land Use Advisory Board and on any regional committee or board which is dealing with the extension and construction of water and sewerage facilities.
- 2.1.4. To stimulate the local economy by encouraging and promoting controlled commercial, industrial, residential and recreational growth which will create local employment, shopping and recreational opportunities leading to a strong tax base. With the transition of the Bloomsburg— Berwick corridor into a “strip city”, much

of this future development will be built on land which is presently used for agricultural purposes. Economic pressures will result in its conversion to other uses.

- 2.1.5.** To provide for a variety of housing types to meet the individual needs of all residents, particularly those of young families, senior citizens and middle—income residents. The density of residential development must be based on the adequacy of available water and sewerage services.
- 2.1.6.** To identify and document properties and sites of historic importance, and to apply for acceptance of appropriate buildings and sites on the State and National Register of Historic Properties.
- 2.1.7.** To continue the planning process so that new information and new opportunities for action will continuously update Township objectives and operational tools for implementation.

ARTICLE 3
GLOSSARY OF ZONING TERMS

ARTICLE 3

GLOSSARY OF ZONING TERMS

3.1. Application and Interpretation

It is not intended that this glossary include only words used or referred to in this Ordinance. The words are included in order to facilitate the interpretation of the Ordinance for administrative purposes and in the carrying out of duties by appropriate officers and by the Zoning Hearing Board.

Unless otherwise expressly stated, the following shall, for the purpose of this Ordinance, have the meaning herein indicated:

1. Words used in the present tense include the future tense.
2. The word “person” includes a profit or non-profit corporation, company, partnership, or individual.
3. The words “used” or “occupied” as applied to any land or building include the words “intended”, “arranged”, or “designed” to be used or occupied.
4. The word “building” includes “structure”.
5. The word “lot” includes “plot” or “parcel”.
6. The word “shall” is always mandatory.

3.2. Definition of Terms

For the purposes of this Ordinance the following words, terms, and phrases have the meaning herein indicated.

Abutting: Having a common border with, or being separated from such common border by, an alley or easement.

Access: A means of vehicular approach or entry to or exit from property.

Accessory Building: A subordinate building or a portion of the main building on a lot, the use of which is customarily incidental to that of the main or principal building.

Accessory Use: A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

Adult Entertainment Establishment: This includes adult bookstores, adult cabarets, adult drive-in theatres, adult massage businesses, adult mini-motion picture theatres, and adult motion picture theatres which exclude minors by virtue of age. Each is defined as follows:

Adult Bookstore: An establishment which has as a substantial or significant portion of its stock in trade, books, magazines, or other periodicals and which excludes minors by virtue of age.

Adult Cabaret: A cabaret which features go-go dancers, exotic dancers, strippers, male and female impersonators, or similar entertainers and which excludes minors by virtue of age.

Adult Drive—in Theatre: An establishment showing motion picture films to patrons, designed to permit patrons to remain in their automobiles or similar vehicles, and which excludes minors by virtue of age.

Adult Massage Business: An establishment where massages are administered for pay, including but not limited to massage parlors, health clubs, sauna baths, and steam baths, and which excludes minors by virtue of age.

Adult Mini—Motion Picture Theatre: An enclosed building with a capacity for fewer than fifty (50) persons used for showing motion picture films to patrons and which excludes minors by virtue of age.

Adult Motion Picture Theatre: An enclosed building with a capacity of fifty (50) or more persons used for showing motion picture films to patrons and which excludes minors by virtue of age.

Agricultural Operation: An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry. For the purpose of this ordinance, the word Agriculture shall not include fertilizer plants, riding academies, livery or boarding stables, and animal kennels.

Alley: A public or private thoroughfare which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

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

Alteration, Structural: Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders.

Amendment: A change in the regulations or district boundaries or classifications of property established by this Zoning Ordinance and according to procedures provided by law and exercised by the Township Board of Supervisors.

Animal Hospital: A building used for the treatment, housing, or boarding incidental to hospital use of small domestic animals such as dogs, cats, rabbits, and birds or fowl by a veterinarian.

Animal Kennel: Any lot or premises on which four (4) or more dogs or cats, or both, at least four (4) months of age, are kept, boarded or trained, whether in special buildings or runways or not.

Appeal: A means for obtaining review of, a decision, determination, order, or failure to act pursuant to the terms of this Ordinance as expressly authorized by the provisions of Article XVI.

Applicant: A landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors and assigns.

Application for development: Every application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction or development including but not limited to an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan.

Appropriate Public Uses (See Public & Quasi-Public Uses)

Area, Building (See Building Area.)

Area, Lot (See Lot Area.)

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

Automotive Repair Facility: A building or structure used primarily for making major repairs to motor vehicles (automobiles, motorcycles, trucks, farm equipment or machinery, and/or snowmobiles), including overhauling, body work, painting, refinishing and upholstering, as well as

incidental servicing and maintenance.

Automotive Sales Facility: Any building or land area used for the display and sale of new or used automobile or other motor vehicles, including warranty repair or associated work.

Automotive Service Station: A building or structure where gasoline or any motor vehicle fuel or oil or other lubricating substance, batteries, tires, and other automotive accessories are supplied and dispensed to the motor vehicle trade, at retail, and where minor repair service may be offered.

Basement: A story partly underground but having at least one-half of its height above the average level of the adjoining ground. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet or if used for business or dwelling purposes, other than a game or recreation room.

Bed and Breakfast Inn: A non-restaurant short-term transient lodging allowed in a residence that provides pre-arranged meals only to a limited number of lodgers, as qualified persons. It must be owner-occupied, with a minimum of signs, no special external appearance, with off-street parking required on the site screened from neighbors. Lodgers are limited to a 14 day stay to avoid becoming multi-family rental dwellings.

Billboard (See **Outdoor Advertisement**.)

Board: The Zoning Hearing Board of South Centre Township, Columbia County, Pennsylvania.

Boarding House: Any dwelling in which no more than four (4) persons, either individually or as families, are housed or lodged for hire with or without meals. A lodging house or a furnished-room house shall be deemed a boarding house. This use shall not include Family Based Group Home and Group Care Facility.

Building: Any structure having a roof supported by walls and intended for shelter, housing, or enclosure of persons, animals, or property.

Building, Accessory: (See **Accessory Building**.)

Building Area: The total area taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces, and steps.

Building Height: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip, and gambrel roofs.

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

Campground: A tract or tracts of land, or any portion thereof, used for the purpose of providing two or more spaces for travel trailers, cabins, or tents, and excluding mobile homes, with or without a fee charged for the leasing, renting or occupancy of such space. A campground may include the single family detached dwelling of the owner or operator of the facility. For the purpose of this ordinance a Campground is classified as an Outdoor Recreation Area.

Carport: An open space for the storage of one or more vehicles in the same manner as a private garage, which may be covered by a roof supported by columns or posts except that one or more walls may be the walls of the main building to which the carport is an accessory building or extension.

Cellar: A story partly underground and having more than one-half of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the permissible number of stories.

Club: The room, building, or other facilities used for the meetings of a group of people organized for a common purpose.

Commercial: Something owned, operated, and supported by private individuals or a corporation, on a profit basis, for the use or benefit of the general public or for some part of the general public.

Common Open Space: A parcel or parcels of land or an area of water, or a combination of land and water within a development site designed and intended for the use or enjoyment of residents of the planned residential development, not including streets, off-street parking areas, and areas set aside for public facilities.

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

dishes or television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas.

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

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

Community System: A central water or sewerage system, the rates and service of which are not controlled by a government authority.

Completely Dry Space: A space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

Comprehensive Plan: A Comprehensive Plan (overall program) consisting of maps, charts, and textual matter, and indicating the recommendations of the Planning Commission for the continuing development of the Township. The Comprehensive Plan includes, but is not limited to, the following related basic elements: a statement of objectives; a plan for land use; a plan for the movement of people and goods; a plan for community facilities and utilities; and a map or statement indicating the relationship of the municipality and its proposed development to the adjacent municipalities and areas.

Conditional Use: Any uses in certain zones or districts where the conditions described for permitting each type of use have been enumerated in the Zoning Ordinance and where permission for such use, can only be given by the Board of Supervisors after review and recommendation by the Township Planning Commission and a public hearing after proper legal notice.

Condominium: A building, a group of buildings, in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.

Consistency: An agreement or correspondence between matters being compared which denotes a reasonable, rational, similar, connection or relationship.

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

County Comprehensive Plan: A land use and growth management plan prepared by the county planning commission and adopted by the county commissioners which establishes broad goals and criteria for municipalities to use in preparation of their comprehensive plan and land use regulation.

Coverage: That portion or percentage of the plot or lot area covered by the building area.

Cultivation Of Crops: The use of land for raising of crops or for timber harvesting and excluding the keeping of animals.

Day Care Center: A center which provides daytime care or instruction for 7 or more persons and operates on a regular basis. Day care service may include nursery schools and preschools, but shall not include services provided by a physician or nurse, or facilities operated primarily for education, or care classified as a Family Day Care Home.

Day Care Center: A facility which provides daytime care and/or instruction to two or more persons and operates on a regular basis. Day Care Centers include, but are not limited to, nursery schools, preschools, and adult day care centers. Day Care Centers do not include facilities (1) in which medical services are provided by a licensed physician or nurse; (2) that provide education for persons age six or higher, or (3) that qualify as Family Day Care Homes, Family Based Group Homes, Group Care Facilities, Nursing Homes or Retirement Villages as defined in this Ordinance.

Decibel: The unit of measurement for the relative loudness of sounds to each other, being approximately the smallest degree of difference detectable by the human ear.

Decision: Final adjudication of any board or other body granted jurisdiction under any land use ordinance or this act to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the court of common pleas of the county and judicial district wherein the municipality lies.

Density: A measure of the number of dwelling units which occupy, or may occupy, an area of land.

Density, Net Residential: The number of dwelling units in relation to the land area actually in use or proposed to be used for residential purposes, exclusive of public rights-of-way, streets, sidewalks, parks, playgrounds, common open spaces, etc.

Density, Gross Residential: The number of dwelling units in relation to an area of land actually in use or proposed to be used for residential purposes, excluding public rights-of-

way whether exterior or interior, but including interior parking areas and access lanes, sidewalks, parks, playgrounds, common open spaces, etc.

Designated growth area: A region within a county or counties described in a municipal or multimunicipal plan that preferably includes and surrounds a city, borough or village, and within which residential and mixed use development is permitted or planned for at densities of one unit to the acre or more, commercial, industrial and institutional uses are permitted or planned for and public infrastructure services are provided or planned.

Determination: Final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the following:

- (1) the governing body.
- (2) the zoning hearing board.
- (3) the planning agency, only if and to the extent the planning agency is charged with final decision on preliminary or final plans under the subdivision and land development ordinance or planned residential development provisions.

Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

Developer: Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or land development. (See also **Subdivider** and **Land Development**.)

Development: Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured (mobile) homes; streets, and other paving; utilities; filling, grading and excavation; drilling operations; storage of equipment or materials; and the subdivision of land.

Development of regional significance and impact: Any land development that, because of its character, magnitude, or location will have substantial effect upon the health, safety, or welfare of citizens in more than one municipality.

District or Zone: A portion of the area of South Centre Township, as shown on the Zoning Map, containing a uniform class of uses of structures or land, and to which regulations described in the Zoning Ordinance text apply.

Dwelling: A building designed or used as the living quarters for one or more families,

but not intended to include automobile court, tourist home, or motel.

Dwelling Types:

Mobile Homes: (See **Mobile Homes**.)

Multiple-Family: A building designed for or containing two or more dwelling units, sharing access from a common hall, stair, or balcony.

Residential Conversion Units: To be a conversion, any proposed alteration must be confined to the interior of an already existing structural shell. Any proposal to extend the sides or increase the height of an existing structure shall not be considered a conversion.

Single-Family Detached: A dwelling unit accommodating a single family and having two (2) side yards.

Townhouse: A "single-family attached dwelling" of three or more adjoining dwelling units, each of which is separated from the other by one or more unpierced firewalls from ground to roof, having individual outside access. Rows of attached townhouses shall not exceed eight dwelling units.

Two-Family: Two dwelling units accommodating two families which are, either attached side-by-side through the use of a party wall and having one side yard adjacent to each dwelling unit or attached one over the other and having two side yards adjacent to the lower dwelling unit.

Dwelling Unit: A building or portion thereof providing complete housekeeping facilities for one family or 'household.

Easement: Authorization by a property owner for use by another of any designated part of his property for a specified purpose.

Essentially Dry Space: A space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

Essential Services: Public utility and on-lot facilities that do not require enclosure in a building, including gas, electrical, steam, telephone, or water distribution systems; and including related equipment such as poles, towers, wires, mains, sewers, septic tanks, drain fields, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment.

Family: For purposes of this Ordinance, “family” and “single family” shall mean any of the following:

- (1) an individual residing alone in a dwelling; or
- (2) two or more persons related, by blood or marriage, or adoption (being hereinafter called “related persons”); or
- (3) no more than three unrelated persons.
- (4) In addition, up to six foster children residing with an individual or with two or more related persons shall be considered part of a “family” for purposes of this Ordinance.

Any other combination of persons shall not be a “family” or “single family” for purposes hereof.

Family Based Group Home: Is a public agency licensed, supervised, or operated facility which provides resident service in a private residence to 3 or fewer individuals who are not related to the resident householder. These individuals are handicapped, aged, disabled, or in need of adult supervision and are provided 24 hour service and supervision in accordance with their individual needs. This category includes foster homes for children and group homes for mentally retarded or developmentally disabled persons. This category does not include day care centers, nursing homes, hospitals, halfway houses, prisons, or jails. No Family Based Group Home shall be established within 500 ft. of another Family Based Group Home or a Group Care Facility.

Family Day Care Home: A residence offering baby-sitting services and child care services to a maximum of six children unrelated to the resident household. A family day care home is a permitted use in a residential dwelling in the Agricultural, Residential and Village Districts.

Farm: Any parcel of land containing ten (10) or more acres, which is used for gain for agricultural purposes. (See **Agricultural Operation**.) It includes necessary farm structures within the prescribed limits and the storage of equipment used. It excludes the raising of fur-bearing animals, riding academies, livery or boarding stables and animal kennels.

Flood: A temporary inundation of normally dry land areas.

Floodplain - A relatively flat or low land area adjoining a stream, river, or watercourse, which is subject to partial or complete inundation. The boundary of this area shall coincide with the boundary of the 100 year flood as defined in this Ordinance.

Floodplain Area: A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface water from any source.

Floodproofing: Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floor Area of a Building: The sum of the gross horizontal areas of the several floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas not devoted to residential use, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

Floor Area, Habitable: The aggregate of the horizontal areas of all rooms used for habitation, such as living room, dining room, kitchen, bedroom, but not including hallways, stairways, cellars, attics, service rooms or utility rooms, bathroom, closets, nor unheated areas such as enclosed porches, nor rooms without at least one window or skylight opening onto an outside yard or court. At least one-half of the floor area of every habitable room shall have a ceiling height of not less than seven (7) feet and the floor area of that part of any room where the ceiling height is less than four (4) feet shall not be considered as part of the habitable floor area.

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

Future growth area: An area of a municipal or multimunicipal plan outside of and adjacent to a designated growth area where residential, commercial, industrial and institutional uses and development are permitted or planned at varying densities and public infrastructure services may or may not be provided, but future development at greater densities is planned to accompany the orderly extension and provision of public infrastructure services.

Garage, Private: Any accessory building or part of a principal building used for the storage of motor vehicles owned or used by the owner or tenant of the premises and having no public shop or service in connection therewith. Only one (1) commercial motor vehicle not exceeding two (2) tons capacity or weight may be parked in a private garage or driveway.

General consistency, generally consistent: That which exhibits consistency.

Governing Body: The Board of Supervisors of South Centre Township, Columbia County, Pennsylvania.

Grade:

Finish: The top surface elevation of lawns, drives, or other improved surfaces after completion of construction or grading operations.

Natural: The elevation of the original or undisturbed natural surface of the ground.

Subgrade: The elevation established to receive top surfacing or finishing materials.

Group Care Facility: Is a public agency licensed, supervised, or operated facility which provides resident services for 4 to 10 individuals of whom one or more are unrelated. These individuals are handicapped, aged, or disabled, are undergoing rehabilitation, and are provided 24 hour services to meet their needs. This category includes group homes (all ages), halfway houses, resident schools, resident facilities, and foster or boarding homes. This category does not include day care centers, family based group homes, nursing homes, hospitals, prisons, or jails. No Group Care Facility shall be established within 2,500 ft. of another Group Care Facility or Family Based Group Home.

Historic Structure: Any structure that is:

(i) Listed in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(ii) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;

(iii) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(iv) Individually listed on a local inventory of historic places in communities with historic preservation programs which have been certified either:

(1) By an approved state program as determined by the Secretary of the Interior or

(2) Directly by the Secretary of the Interior in states without approved programs.

Home Based Business: A business conducted on a lot in conjunction with a residential dwelling unit. Such uses include lawn mower, or appliance repair shops; carpentry,

woodworking, or metalworking shops; antique shops; and other similar uses compatible with the residential character of the lot and district. The repair of motor vehicles shall be excluded from this use.

Home Gardening: The cultivation of herbs, fruits, flowers, or vegetables on a piece of ground adjoining the dwelling, excluding the keeping of livestock.

Home Occupation: A business, profession, occupation, or trade conducted for gain or support and located entirely within a residential building, or a structure accessory thereto, which use is accessory, incidental, and secondary to the use of the principal building for dwelling purposes and does not change the essential residential character or appearance of such building.

Homeowner's Association: An incorporated, non-profit organization operating under recorded land agreements through which, (a) each lot and/or home owner in a Cluster Development or other described land area is automatically a member and (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property and (c) the charge if unpaid becomes a lien against the property.

Hotel: (See Motel or Hotel.)

Identified Floodplain Area: The floodplain area specifically identified in this Ordinance as being inundated by the one hundred (100) year flood.

Impervious Surface: That portion of a lot (expressed as a percentage) that does not absorb precipitation. All buildings, structures, parking areas, driveways, roads, sidewalks, and any areas in gravel, concrete, asphalt, etc. materials shall be considered impervious surfaces.

Industrial Park: A tract of land developed for industrial and manufacturing uses on individual lots usually utilizing a common access road and utilities.

Institution: A public or private facility providing for extended care of inmates or residents.

Junk Yard Or Salvage Yard: Any place where any junk as hereinafter defined is stored or disposed of.

Junk: Any discarded material and shall include, but not be limited to, scrap metal, abandoned, inoperable and/or unlicensed motor vehicles, machinery, equipment, paper, glass, containers and structures. It shall not include garbage kept in a proper container for the purpose of prompt

disposal.

Land Development:

(1) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

- (i) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure: or
- (ii) the division or allocation of land or space whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or, for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

(2) A subdivision of land.

Landowner: The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee having a remaining term of not less than forty (40) years, or other person having a proprietary interest in land, shall be deemed to be a landowner for the purposes of this Ordinance.

Livestock: Farm animals such as cattle, horses, sheep, hogs, or goats.

Lodging House: (See **Boarding House**.)

Lot: A piece or parcel of land undivided by any street or right-of-way and occupied or intended to be occupied by a principal building or use or a group of buildings conforming with the regulations of this Ordinance and its accessory buildings and uses, including all open spaces required by this Ordinance, and having frontage on a road.

Lot Area: The computed area contained within the lot lines exclusive of any street right-of-ways, but including the area of any easement.

Lot, Corner: A parcel of land at the junction of and abutting on two or more intersecting streets.

Lot Depth: The mean horizontal distance between the front and rear lot line. Measurement shall be from the street or highway right-of- way line to the opposite rear line.

Lot, interior: A lot other than a corner lot.

Lot Lines: Any boundary line of a lot.

Lot of Record: Any lot which individually, or as part of a subdivision, had been recorded in the Office of the County Recorder of Deeds.

Lot Width: The width of the lot measured at right angles to its center line, at the front building line.

Lowest Floor: The lower floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area which is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this ordinance.

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

Medical and Dental Clinic: An establishment run by several specialists working cooperatively in diagnosing, preventing, or treating diseases and injury of the body and mind and of the teeth and related structures of outpatients.

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

Minor Repair: The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting public health

or general safety.

Mixed Occupancy: The use of a lot for more than one principal use.

Mobile (Manufactured) Home: A transportable, single-family dwelling intended for permanent occupancy, office or place of assembly, contained in one or more sections, built on a permanent chassis, which arrives at a site completed and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

Mobile Home Lot: A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home, which is leased by the park owner to the occupants of the mobile home erected on the lot.

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

Motel or Hotel: A building or group of buildings used, or intended to be used, for the lodging of more than ten (10) persons for compensation.

Multimunicipal plan: A plan developed and adopted by any number of contiguous municipalities, including a joint municipal plan as authorized by this act.

Multimunicipal planning agency: A planning agency comprised of representatives of more than one municipality and constituted as a joint municipal planning commission in accordance with Article XI of the Municipalities Planning Code, or otherwise by resolution of the participating municipalities, to address, on behalf of the participating municipalities, multimunicipal issues, including, but not limited to agricultural and open space preservation, natural and historic resources, transportation, housing and economic development.

Municipal engineer: A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for a municipality, planning agency or joint planning commission.

Municipality: The municipal corporation known as the Township of South Centre, Columbia County, Pennsylvania.

Municipal Waste Landfill: A facility using land for disposing of municipal waste. The facility includes land affected during the lifetime of operations including, but not limited

to, areas where disposal or processing activities actually occur, support facilities, borrow areas, offices, equipment sheds, air and water pollution control and treatment systems, access roads, associated onsite and contiguous collection, transportation and storage facilities, closure and postclosure care and maintenance activities and other activities in which the natural land surface has been disturbed as a result of or incidental to operation of the facility.

Natural Resource Use: Material sources of wealth that occur in a natural state including minerals (including coal, petroleum, gas, sand, gravel, clay, topsoil, shale, limestone, etc.), and water.

No Impact Home Based Business: A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

- (1) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- (2) The business shall employ no employees other than family members residing in the dwelling.
- (3) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- (4) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- (5) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- (6) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- (7) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- (8) The business may not involve any illegal activity.

Non-conforming Lot: 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.

Non-conforming Structure: A structure or part of a structure manifestly not designed to comply with the applicable use provisions in the Zoning Ordinance or amendment hereto or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment. Such non-conforming structures include, but are not limited to, nonconforming signs.

Non-conforming Use: A use, whether of land or 'of a structure, which does not comply with the applicable use provisions in the Zoning Ordinance or amendments hereto 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.

Non-profit: Something owned, operated, and supported by private individuals or a corporation, without seeking profit, for the use or benefit of the general public or for some part of the general public.

Nursing or Retirement Home: Any commercial premises providing sleeping rooms where patients are lodged and furnished with meals and long- term nursing care.

Nutrient Management Act: Act of the Pennsylvania General Assembly No. 6 approved May 20, 1993 (P.L. 12), as amended.

Office: A place where the affairs of a business or a profession are carried out, not including the manufacture or assembly of products or merchandise.

Official Map: A map established by the Board of Supervisors pursuant to Article IV of the Municipalities Planning Code, Act of the General Assembly No. 247 approved July 31, 1968, as re-enacted and amended December 21, 1988, by Act No. 170 (P.L. 1329).

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

Open Space: That portion of the land open to the sky and usually reserved in a natural state or for outdoor recreational use.

Outdoor Advertisement: An advertisement used outdoors, including painted walls or rock faces, of a product or service unrelated to the use of the land or structure on which it is located, but not including official notices or directional road signs of a governmental body.

Parking, Off-Street: A reasonably level space, available for parking one (1) motor vehicle, and having dimensions of ten (10) feet in width and twenty (20) feet in depth, or two hundred (200) square feet, exclusive of passageways, driveways, or other means of

circulation or access.

Patio: A courtyard with or without railings and without a roof, adjacent to or near a dwelling but not a part of the dwelling structure, and intended to be used as an area for seating, dining, or recreation outdoors.

Permanent Foundation: A support for a building or structure consisting of either poured concrete, concrete blocks, cinder blocks, brick, or stone to form a horizontal pad or vertical wall on which the building or structure is placed and is intended to remain indefinitely. In the case of mobile homes, permanent placement on such a foundation is intended to first require the removal of the wheels and chassis from the mobile home.

Permit: A document issued by the Municipality, authorizing an applicant to undertake certain activities.

Zoning Permit: A permit issued indicating that a proposed use, building or structure is in accordance with the provisions of this Ordinance and authorizing an applicant to proceed with the construction or development of the use, building or structure.

Occupancy Permit: A permit issued upon completion of the construction of a structure, or change in use of structure or parcel of land indicating that the premises complies with the provisions of this Ordinance and may be used for the purposes set forth in the Occupancy Permit.

Permitted Use: Any use which does not require special action by the Zoning Hearing Board or by the Borough Council before a zoning permit is granted by the Zoning Officer.

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

Plan: A map, plat or layout showing the subdivision of land and indicating the location and boundaries of individual lots or properties.

Planned Residential Development: An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, the development plan for which does not correspond in lot size, bulk, or type of dwelling, density, lot coverage and required open space to the regulations established in any one residential, district created, from time to time, under the provisions of this Ordinance.

Planning Commission: The Planning Commission of South Centre Township, Columbia County, Pennsylvania.

Porch: A covered area in excess of four (4) feet by five (5) feet or twenty (20) square feet in area at a front, side, or rear door.

Poultry: Domestic fowls, such as chickens, turkeys, ducks, or geese, raised for flesh or eggs.

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.

Principal Building: (See **Building, Principal.**)

Principal Use: (See **Use, Principal.**)

Private: Something owned, operated, and supported by private individuals or a corporation, rather than by government, and not available for public use.

Professional Office: Professional offices shall include the office of a physician, dentist, optometrist, minister, architect, landscape architect, city planner, engineer, insurance agent, realtor, accountant, lawyer, author, or other similar professional occupations.

Public: Something owned, operated, and supported by the community or the people for the use or benefit of the general public.

Public grounds: Includes:

- (1) parks, playgrounds, trails, paths and other recreational areas and other public areas
- (2) sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities
- (3) publicly owned or operated scenic and historic sites.

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

Public infrastructure area: A designated growth area and all or any portion of a future growth area described in a county or multimunicipal comprehensive plan where public infrastructure services will be provided and outside of which such public infrastructure services will not be

required to be publicly financed.

Public infrastructure services: Services that are provided to areas with densities of one or more units to the acre, which may include sanitary sewers and facilities for the collection and treatment of sewage, water lines and facilities for the pumping and treating of water, parks and open space, streets and sidewalks, public transportation and other services that may be appropriate within a growth area, but shall exclude fire protection and emergency medical services and any other service required to protect the healthy and safety of residents.

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 be not more than thirty (30) days or less than fourteen (14) days from the date of the hearing.

Public or Quasi-Public Use: Uses or structures designed, intended or arranged for the use or service of the general public, although the fees and conditions of such use may be determined and regulated by the operator thereof, e.g. Banks, Post Offices, Churches, Cemeteries, Schools, Recreation Areas, Community Centers, Fire Halls, and other uses of the same general character.

Public Service Facility: The erection, construction, alteration, operation or maintenance of buildings, power plants or substations, water treatment plants or pumping stations; sewage disposal or pumping plants and other similar public service structures by a utility, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, communication, water supply and sewage disposal services.

Public System: A water or sewerage system which is owned and operated by a local government authority or by a local utility company adequately controlled by a governmental authority.

Quasi-Public: Something owned, operated, and supported by private individuals or a corporation, on a non-profit basis, for the use or benefit of the general public or for some part of the general public.

Recreation Areas: Areas for playgrounds, play fields, court games and/or swimming pools, but excluding social or fraternal clubs or clubhouses. For the purpose of this

ordinance a Recreation Area is in the use class "Parks, Playgrounds & Outdoor Recreation Areas".

Recreation Or Entertainment Facility: A profit or non-profit business in which amusement, entertainment, cultural events, play or other exercise is offered or sold. This use shall not include the sale of products other than recreation. Such facilities may include but not be limited to theaters, clubs, lodges, social halls, indoor skating rinks, gymnasiums, and exercise centers.

Recreational Vehicle Park: Any site upon which two or more recreational vehicles are, or are intended to be located. This use may include the single family detached dwelling of the owner or operator of the facility. For the purpose of this ordinance a Recreational Vehicle Park is classified as an Outdoor Recreation Use.

Regulatory Flood Elevation: The one hundred (100) year flood elevation.

Report: Any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

Residential Conversion Unit: (See Dwelling Types.)

Retail Business: A place of business engaged in the selling of goods and merchandise to the general public for personal, business or household use and rendering services incidental to the sale of such goods.

Riding Stable, Commercial: A building in which horses are kept for hire, remuneration or sale.

Riding Stable, Private: An accessory building in which horses are kept for private use and not for hire, remuneration or sale.

Right-Of-Way: That portion of land dedicated to the public for use as a street, drain, ditch, stream, utility easement or cross walk.

Road Classification: Setback distances in this Ordinance vary in accordance with the type

of roadway abutting the properties. For the purposes of this Ordinance, the following definitions are employed (all roadways within the Township have been designated in accordance with these definitions):

Expressway: A limited access highway on which access is provided only from another street and not from abutting properties with a right-of-way in excess of one hundred (100) feet wide.

Arterial: A road whose function is to provide for the movement of high volumes of through traffic and direct access to abutting properties; subject to necessary control of entrances, exits, and curb use, with a right-of-way in excess of sixty (60) feet wide.

Collector: A road, or street, which provides for the movement of large volumes of traffic between arterials and local roads and direct access to abutting property with a right-of-way between fifty (50) and sixty (60) feet wide.

Local: A road whose function is to provide for local traffic movement and direct access to abutting properties with a right-of-way fifty (50) feet or less in width.

Rural resource area: An area described in a municipal or multimunicipal plan within which rural resource uses including, but not limited to agriculture, timbering, mining, quarrying and other extractive industries, forest and game lands and recreation and tourism are encouraged and enhanced, development that is compatible with or supportive of such uses is permitted, and public infrastructure services are not provided except in villages.

Screen Planting: A vegetative material of sufficient height and density to conceal from the view of property owners in adjoining residential districts the structures and uses on the premises on which the screen planting is located.

Setback Line: The line within a property defining the required minimum distance between any building to be erected and the adjacent property line. The front yard setback line shall be measured at right angles from the front street right-of-way line which abuts the property upon which said building is located and shall be parallel to said right-of-way line.

Planned Commercial Center: A retail commercial area designed as a unit, with adequate off-street, free parking area, and usually consisting of several one or two-story buildings.

Sign: An advertisement displayed outside a building, pertaining to a product, service or name, related directly to the permitted activity carried on and use of the lot on which it is placed, including painted walls or structures. This definition does not include flags or pennants. (See also **Outdoor Advertisement.**)

Sign, Area of: (a) For a sign, either free-standing or attached, the area shall be considered to include all lettering, wording and accompanying designs and symbols,

together with the background, whether open or enclosed on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself.

(b) For a sign painted upon or applied to a building, the area shall be considered to include all lettering, wording and accompanying designs or symbols together with any background or a different color than the primary color of the building.

(c) For a sign consisting of individual letters or symbols attached to or painted on a surface, building, wall or window, the area shall be considered to be that of the smallest rectangle or other geometric shape which encompasses all the letters and symbols.

Sign, Business: A sign which directs attention to a business or profession conducted, or to a commodity, service, or entertainment sold or offered upon the premises where such sign is located or to which it is affixed.

Sign, Portable: Any sign or structure which is not securely attached to the ground or other structure.

Social Club: The room, building, or other facilities used for the meeting of a group of people organized for friendly or convivial purposes.

Solid Waste Transfer Facility: A facility which receives and processes or temporarily stores municipal or residual waste at a location other than the generation site, and which facilitates the transportation or transfer of municipal or residual waste to a processing or disposal facility.

Special Exception: Any uses considered to have special requirements in certain zones or districts where the conditions described for permitting each such use have been enumerated in the Zoning Ordinance and where permission for such use can only be given by the Zoning Hearing Board.

Special Permit: A special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks and subdivisions and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.

Story, Half: A story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four (4) feet above the floor of such story.

Street: Includes street, avenue, boulevard, road, highway, expressway, parkway, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private. The strip of land including the entire right-of-way, not just the cart-way. (See also **Road Classification.**)

Street Right-of-Way Line: The line dividing a lot from the full Street right-of-way, not just the cartway. The word Street shall be defined as above.

Structural Alteration: (See **Alteration, Structural.**)

Structure: Structure means a combination of materials that form a construction that is safe and stable and includes, among other things, buildings, stadiums, platforms, radio towers, sheds, carports, storage bins, fences, and display signs.

Structure, Accessory (See **Accessory Building.**)

Subdivider: (See **Developer.**)

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 development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new streets or easements of access or any residential dwelling, shall be exempted. (See also **Land Development.**)

Substantial Damage: Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

Substantial Improvement: Any construction, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include either:

(i) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

(ii) Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Surface Mining: Surface mining shall mean the extraction of minerals from the earth or from waste or stock piles or from pits or banks by removing the strata or material which overlies or is above or between them or otherwise exposing and retrieving them from the surface, including but not limited to strip, drift, and auger mining, dredging, quarrying, leaching and activities related thereto, but not including those mining operations carried out beneath the surface by means of shafts, tunnels, or other underground mine openings. "Surface mining" shall not include (i) the extraction of minerals (other than anthracite and bituminous coal) by a landowner for his own non-commercial use from land owned or leased by him; nor (ii) the extraction of sand, gravel, rock, stone, earth or fill from borrow pits for highway construction purposes, so long as such work is performed under a bond, contract and specifications which substantially provide for and require reclamation of the areas affected in accord with DEP requirements.

Swimming Pool:

Private: Any private swimming pool permanently attached to or temporarily erected on or in the ground, not located within a completely enclosed building, and containing, or normally capable of containing, water to a depth at any point greater than one and one-half (1½) feet. Farm ponds, lakes and river are not included, provided that swimming is not the primary purpose for their construction or use. (See also **private**.)

Public or Semi—Public (Community or Club): Any public or semipublic swimming pool shall be construed to mean any outdoor pool constructed by a unit of government for use by residents of the township or region and their guests or by an association of property owners or by a private club solely for the use and enjoyment of members of the association or club and their families and guests.

Temporary Use: (See **Use, Temporary**.)

Terrace: A raised level or platform of earth, Supported on one or more faces by a wall, a bank of turf, or the like, or a series of such raised levels or platforms arranged one above the other on a slope.

Theater: A building or part of a building devoted to the showing of moving picture or theatrical productions on a commercial basis. See Recreation or Entertainment Facility.

Theater, Outdoor Drive-In: An open lot or part thereof with its appurtenant facilities devoted primarily to the showing of moving pictures or theatrical productions on a commercial basis to patrons seated in automobiles or on outdoor seats. See Recreation or Entertainment Facility.

Townhouse: A "single-family attached dwelling" of three or

more adjoining dwelling units, each of which is separated from the other by one or more unpierced firewalls from ground to roof, having individual outside access. Rows of attached townhouses shall not exceed eight dwelling units.

Township: The Township of South Centre, Columbia County, Pennsylvania.

Tract Size: The area of the entire development lot including all buildings, individual unit lots, open space, and required yards.

Traditional neighborhood development: An area of land developed for a compatible mixture of residential units for various income levels and nonresidential commercial and workplace uses, including some structures that provide for a mix of uses within the same building. Residences, shops, offices, workplaces, public buildings, and parks are interwoven within the neighborhood so that all are within relatively close proximity to each other. Traditional neighborhood development is relatively compact, limited in size and oriented toward pedestrian activity. It has an identifiable center and a discernible edge. The center of the neighborhood is in the form of a public park, commons, plaza, square or prominent intersection of two or more major streets. Generally, there is a hierarchy of streets laid out in a rectilinear or grid pattern of interconnecting streets and blocks that provides multiple routes from origins to destinations and are appropriately designed to serve the needs of pedestrians and vehicles equally.

Trailer Storage: Any type of enclosed structure, trailer portion of a tractor trailer combination, bus, mobile home, vehicle, or portion of a vehicle, whether with wheels, hitch, or other appurtenances of mobility that is used for storage of materials on a lot. Any such structure shall be treated as an Accessory Structure, subject to all regulations applicable to Accessory Structures. A Zoning Permit shall be required for any such apparatus that exceeds 100 square feet of storage area.

Transferable development rights: The attaching of development rights to specified lands which are desired by a municipality to be kept undeveloped, but permitting those rights to be transferred from those lands so that the development potential which they represent may occur on other lands where more intensive development is deemed to be appropriate.

Travel Trailer: A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational, and vacation use, permanently identified "travel trailer" by the manufacturer on the trailer and, when factory-equipped for the road, having a body width not exceeding eight (8) feet, and being of any length, provided its gross weight does not exceed 4,500 pounds, or being of any weight, provided its body length does not exceed twenty-nine (29) feet.

Use: The specific purpose for which land or a structure or building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use"

or its equivalent shall not be deemed to include any non-conforming use.

Use, Accessory (See **Accessory Use**.)

Use, Principal: The main use on a lot.

Use, Temporary: The use of land or the structure or building located on a lot for a limited time as regulated by this Ordinance.

Variance: The permission granted by the Zoning Hearing Board, following a public hearing that has been properly advertised as required by the provisions of this Ordinance for an adjustment to the application to a specific piece of property of some regulation which, if strictly adhered to, would result in an unnecessary hardship, and where the permission granted would not be contrary to the public interest, and would maintain the spirit and original intent of the Ordinance.

Village: An unincorporated settlement that is part of a township where residential and mixed use densities of one unit to the acre or more exist or are permitted and commercial, industrial or institutional uses exist or are permitted.

Waste: A material whose original purpose has been completed and which is directed to a disposal or processing facility or as otherwise disposed in accord with PA Department of Environmental Protection definitions and regulations.

Yard: An unoccupied space open to the sky, on the same lot with a building or structure, but not intended to mean “court”.

Yard, Front: An open, unoccupied space on the same lot with a main building, extending the full width of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the street right-of-way line. Covered porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required front yard.

Yard, Rear: An open, unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot and the rear line of the building. A building shall not extend into the required rear yard.

Yard, Side: An open, unoccupied space on the same lot with the building, situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line. A building shall not extend into the required side yards.

Zoning: The designation of specified districts or zones within the municipality, reserving

them for certain classes of uses, together with limitations on lot area and size, heights of structures, and other stipulated requirements.

Zoning District: A portion of the municipal area within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

Zoning Hearing Board: The Zoning Hearing Board of South Centre Township, Columbia County, Pennsylvania.

Zoning Map: The officially adopted Zoning Map of South Centre Township, Columbia County, Pennsylvania, containing zoning districts, together with all amendments subsequently adopted.

Zoning Officer: The Zoning Officer or his authorized representative appointed by the Board of Supervisors of South Centre Township.

Zoning Ordinance: The Zoning Ordinance of South Centre Township as amended.

Zoning Permit: See **Permit**.

ARTICLE 4
DESIGNATION OF DISTRICTS

ARTICLE 4

DESIGNATION OF DISTRICTS

4.1 General Districts

For the purposes of this Ordinance, the Township of South Centre is hereby divided into five (5) types of Districts which shall be designated as follows:

A	Agricultural District
R	Residential District
V	Village District
CI	Commercial Industrial District
ID	Industrial Development District

4.2 Zoning Map

The boundaries of said Districts shall be shown upon the map made a part of this Ordinance which shall be designated “Zoning Map”. The same map and all notations, references, and other data shown thereon are hereby incorporated by reference into this Ordinance as if all were fully described herein.

The original of such “Zoning Map”, properly attested, shall be and remain on file in the offices of the South Centre Township Secretary.

4.3 District Boundaries

Where uncertainty exists as to boundaries of any District as shown on said map, the- following rules shall apply:

1. District boundary lines are intended to follow or parallel the center line of streets, streams, and railroads; and lot or property lines as they exist on a recorded deed or plan in the County Recorder of Deed’s office at the time of the adoption of this Ordinance, unless such District boundary lines are fixed by dimensions as shown on the Zoning Map.
2. Where a District boundary is not fixed by dimensions and where it approximately follows lot lines, and where it does not scale more than ten (10) feet there from,

such lot lines shall be construed to be such boundaries unless specifically shown otherwise.

3. In unsubdivided land or where a District boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by the use of the scale appearing on the Map or by survey of a registered surveyor hired and paid for by the property owner questioning or contesting the boundary location.

4.4 Interpretation of Boundaries

In case of any uncertainty, the Zoning Hearing Board shall interpret the intent of the map as to location of District boundaries.

4.5 State-Owned Property

Wherever State-owned property is included in one or more Zoning Districts, it shall be subject to the provisions of the Ordinance only insofar as permitted by the Constitution and laws of the Commonwealth of Pennsylvania.

4.6 Exemptions

This Ordinance shall not apply to any existing or proposed building, or extension thereof, used or to be used by a public utility corporation, if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.

ARTICLE 5

A - AGRICULTURAL DISTRICT

ARTICLE 5

A - AGRICULTURAL DISTRICT

5.1 Purpose

The purpose of the A - Agricultural District is to: (1) identify those areas where agricultural activities should be encouraged or preserved; (2) provide for the preservation of natural, unpolluted drainageways, protection from flooding and high water tables, preservation of open space, and conservation of the natural environment and natural resources; while (3) providing for such uses and development as are compatible with these objectives; and (4) providing for the expansion of low—density residential development.

5.2 Permitted Uses

- 5.2.1** Accessory Buildings/Uses;
- 5.2.2** Agricultural Business;
- 5.2.3** Agricultural Operation;
- 5.2.4** Communications Antennae & Equipment Buildings;
- 5.2.5** Communication Tower (Height 100 Feet or Less);
- 5.2.6** Cultivation of Crops (no permit required);
- 5.2.7** Dwelling, Single Family Detached;
- 5.2.8** Dwelling, Two Family;
- 5.2.9** Essential Services;
- 5.2.10** Family Based Group Home (see Section 14.3.13 for criteria);
- 5.2.11** Family Day Care Home;
- 5.2.12** Forestry;
- 5.2.13** No Impact Home Based Business;
- 5.2.14** Parks, Playgrounds & Outdoor Recreation Areas.

5.3 Special Exception Uses (See Article 14 for Criteria)

- 5.3.1** Animal kennels;
- 5.3.2** Bed & Breakfast Inn;
- 5.3.3** Communications Tower (Height Greater Than 100 ft.);
- 5.3.4** Home Based Business;
- 5.3.5** Home Occupation;
- 5.3.6** Public or Quasi-Public Use;
- 5.3.7** Riding Stable.

5.4 Conditional Uses (See Article 14 for Criteria)

- 5.4.1** Municipal Waste Landfill;
- 5.4.2** Natural Resource Use.

5.5 Area and Bulk Regulations

- 5.5.1 Area:** A lot shall be not less than thirty thousand (30,000) square feet.
- 5.5.2 Width:** A lot shall be a minimum of one hundred fifty (150) feet at the setback line and a minimum of one hundred (100) feet at the right—of—way line.
- 5.5.3 Depth:** A lot shall have a minimum depth of one hundred fifty (150) feet.
- 5.5.4 Coverage:** Coverage of a lot area by all principal and accessory buildings shall be not more than twenty percent (20%). Buildings devoted to farm use shall be exempt from coverage regulations.
- 5.5.5 Front Yard Setback:**
 - 5.5.5.1** Fronting major arterial road: not permitted.
 - 5.5.5.2** Fronting minor arterial road: fifty (50) feet minimum.
 - 5.5.5.3** Fronting collector road: forty (40) feet minimum.
 - 5.5.5.4** Fronting local road: thirty (30) feet minimum.

5.5.5.5 In the case of accessory farm buildings, such as a farm produce stand, located in a front yard, the front yard setback shall be no less than twenty—five (25) feet.

5.5.6 Side Yard Setback:

5.5.6.1 Principal Uses: There shall be two side yards with an aggregate width of not less than forty (40) feet, and the width of the narrower side shall not be less than fifteen (15) feet.

5.5.6.2 Accessory Uses: Fifteen (15) feet minimum.

5.5.6.3 Corner Lots: The yard on the side street shall conform with Section 5.5.5 above.

5.5.7 Rear Yard Setback:

5.5.7.1 Principal Uses: Forty (40) feet minimum.

5.5.7.2 Accessory Uses: Fifteen (15) feet minimum.

5.5.8 Height: Two and one—half (2½) stories or thirty—five (35) feet maximum, whichever is the lesser; however, no dwelling shall be less than one (1) story in height. (See also Section 13.10.).

5.6 Supplemental Lot Regulations: See Article 13.

ARTICLE 6

R — RESIDENTIAL DISTRICT

ARTICLE 6

R - RESIDENTIAL DISTRICT

6.1 Purpose

The purpose of the R - Residential District is to provide for the orderly development of existing and proposed medium-density residential areas where adequate public services and circulation facilities are or will be available; and to exclude those uses not compatible with such development.

6.2 Permitted Uses

- 6.2.1** Accessory Buildings/Uses;
- 6.2.2** Communications Antennae & Equipment Buildings;
- 6.2.3** Cultivation of Crops (no permit required);
- 6.2.4** Dwelling, Single Family Detached;
- 6.2.5** Dwelling, Two Family;
- 6.2.6** Essential Services;
- 6.2.7** Family Based Group Home (see Section 14.3.13 for criteria);
- 6.2.8** Family Day Care Home;
- 6.2.9** Forestry;
- 6.2.10** No Impact Home Based Business;
- 6.2.11** Parks, Playgrounds & Outdoor Recreation Areas.

6.3 Special Exception Uses (See Article 14 for Criteria)

- 6.3.1** Bed & Breakfast Inn;
- 6.3.2** Day Care Center;

- 6.3.3 Group Care Facility;
- 6.3.4 Home Based Business;
- 6.3.5 Home Occupation;
- 6.3.6 Public or Quasi-Public Use.

6.4 Conditional Uses (See Article 14 for Criteria)

- 6.4.1 Dwelling, Multiple Family;
- 6.4.2 Dwelling, Townhouse;
- 6.4.3 Mobile Home Park;
- 6.4.4 Nursing or Retirement Home, Assisted Living Facility;
- 6.4.5 Planned Residential Development.

6.5 Area and Bulk Regulations

- 6.5.1 **Area:** A lot shall be not less than twenty thousand (20,000) square feet.
- 6.5.2 **Width:** A lot shall be a minimum of one hundred (100) feet at the setback line and a minimum of seventy-five (75) feet at the right- of-way line.
- 6.5.3 **Depth:** A lot shall have a minimum depth of one hundred fifty (150) feet.
- 6.5.4 **Coverage:** Coverage of a lot area by all principal and accessory buildings shall be not more than twenty-five percent (25%).
- 6.5.5 **Front Yard Setback:**
 - 6.5.5.1 Fronting major arterial road: not permitted.
 - 6.5.5.2 Fronting minor arterial road: fifty (50) feet minimum.
 - 6.5.5.3 Fronting collector roads: forty (40) feet minimum.
 - 6.5.5.4 Fronting local road: thirty (30) feet minimum.
- 6.5.6 **Side Yard Setback:**

6.5.6.1 Principal Uses: There shall be two side yards with an aggregate width of not less than twenty-five (25) feet, and the width of the narrower side shall be no less than ten (10) feet.

6.5.6.2 Accessory Uses: Ten (10) feet minimum.

6.5.6.3 Corner Lots: The yard on the side street shall conform with Section 6.5.5 above.

6.5.7 Rear Yard Setback:

6.5.7.1 Principal Uses: Thirty (30) feet minimum.

6.5.7.2 Accessory Uses: Ten (10) feet minimum.

6.5.8 Height: Two and one—half (2½) stories or thirty—five (35) feet maximum, whichever is the lesser; however, no dwelling shall be less than one (1) story in height. (See also Section 13.10).

6.6 Supplemental Lot Regulations: See Article 13.

ARTICLE 7
V —VILLAGE DISTRICT

ARTICLE 7

V - VILLAGE DISTRICT

7.1 Purpose

It is the purpose of the Village District to prevent the overcrowding of land and yet encourage higher density residential uses in those areas where public services are most likely to be provided in the near future, and to provide for public convenience and avoid congestion of the transportation network.

7.2 Permitted Uses

7.2.1 Accessory Buildings/Uses;

7.2.2 Communications Antennae & Equipment Buildings;

7.2.3 Cultivation of Crops (no permit required);

7.2.4 Dwelling, Single Family Detached;

7.2.5 Dwelling, Two Family;

7.2.6 Essential Services;

7.2.7 Family Based Group Home (see Section 14.3.13.for criteria);

7.2.8 Family Day Care Home;

7.2.9 Forestry;

7.2.10 No Impact Home Based Business;

7.2.11 Parks, Playgrounds & Outdoor Recreation Areas.

7.3 Special Exception Uses (See Article 14 for Criteria)

7.3.1 Automotive Related Uses;

7.3.2 Bed & Breakfast Inn;

7.3.3 Boarding House;

- 7.3.4 Day Care Center;
- 7.3.5 Dwelling Over Business;
- 7.3.6 Dwelling, Residential Conversion Unit;
- 7.3.7 Group Care Facility;
- 7.3.8 Home Based Business;
- 7.3.9 Home Occupation;
- 7.3.10 Medical or Dental Clinics, Hospital Uses;
- 7.3.11 Professional Office;
- 7.3.12 Public or Quasi-Public Use;
- 7.3.13 Recreation/Entertainment Facility;
- 7.3.14 Restaurant, Tavern or Social Club;
- 7.3.15 Retail, Office, Service Use.

7.4 Conditional Uses (See Article 14 for Criteria)

- 7.4.1 Dwelling, Multiple Family;
- 7.4.2 Planned Commercial Center.

7.5 Area and Bulk Regulations

- 7.5.1 **Area:** A lot shall be not less than ten thousand (10,000) square feet.
- 7.5.2 **Width:** A lot shall be a minimum of fifty (50) feet wide at the right—of—way line.
- 7.5.3 **Depth:** A lot shall have a minimum depth of one hundred (100) feet.
- 7.5.4 **Coverage:** Coverage of a lot area by all principal and accessory buildings shall be not more than twenty—five percent (25%).
- 7.5.5 **Front Yard Setback:**
 - 7.5.5.1 Fronting major arterial road: not permitted.

7.5.5.2 Fronting minor arterial road: fifty (50) feet minimum.

7.5.5.3 Fronting collector roads: forty (40) feet minimum.

7.5.5.4 Fronting local road: thirty (30) feet minimum.

7.5.6 Side Yard Setback:

7.5.6.1 Principal Uses: There shall be two side yards with an aggregate width of not less than fifteen (15) feet, and the width of the narrower side shall be no less than six (6) feet.

7.5.6.2 Accessory Uses: Six (6) feet minimum.

7.5.6.3 Corner Lots: The yard on the side street shall conform with Section 7.5.5 above.

7.5.7 Rear Yard Setback:

7.5.7.1 Principal Uses: Fifteen (15) feet minimum.

7.5.7.2 Accessory Uses: Ten (10) feet minimum.

7.5.8 Height: Three (3) stories or forty—five (45) feet maximum, whichever is the lesser; however, no dwelling shall be less than one (1) story in height. (See also Section 13.10).

7.6 Supplemental Lot Regulations: See Article 13.

ARTICLE 8

CI - COMMERCIAL INDUSTRIAL DISTRICT

ARTICLE 8

CI — COMMERCIAL INDUSTRIAL DISTRICT

8.1 Purpose

The purpose of the Commercial Manufacturing District is to permit the development of commercial and industrial uses on individual lots or within commercial or industrial parks, including buildings, roadways, storage yards, loading areas, parking facilities, open space, landscaping, utilities, and stormwater management facilities. Such uses shall ideally be planned as an unified development with individual buildings and lots integrated into an overall harmonious design. The Commercial Manufacturing District shall also protect commercial and industrial development against intrusive uses which are incompatible with it.

8.2 Permitted Uses

- 8.2.1 Accessory Buildings/Uses;
- 8.2.2 Agricultural Business;
- 8.2.3 Animal Hospital;
- 8.2.4 Automotive Related Uses;
- 8.2.5 Communications Antennae & Equipment Buildings;
- 8.2.6 Cultivation of Crops (no permit required);
- 8.2.7 Day Care Center;
- 8.2.8 Dwelling Over Business;
- 8.2.9 Essential Services;
- 8.2.10 Forestry;
- 8.2.11 Funeral Home, Drive-In Facilities;
- 8.2.12 Medical or Dental Clinics, Hospital Uses;
- 8.2.13 Motel, Hotel;

8.2.14 No Impact Home Based Business;

8.2.15 Parking Lot/Parking Garage (as principal use)

8.2.16 Professional Office;

8.2.17 Recreation/Entertainment Facility;

8.2.18 Restaurant, Tavern or Social Club;

8.2.19 Retail, Office, Service Use;

8.2.20 Trucking Terminal, Wholesale, Warehouse.

8.3 Special Exception Uses (See Article 14 for Criteria)

8.3.1 Animal kennels;

8.3.2 Home Occupation;

8.3.3 Public or Quasi-Public Use.

8.4 Conditional Uses (See Article 14 for Criteria)

8.4.1 Adult Entertainment Establishment;

8.4.2 Corrective/Penal Facility;

8.4.3 Drive-in Restaurant, Banks and Other Similar Uses;

8.4.4 Planned Commercial Center;

8.4.5 Private Resort Commercial Development.

8.5 Area and Bulk Regulations

8.5.1 Area: A lot shall be not less than forty thousand (40,000) square feet.

8.5.2 Width: A lot shall be a minimum of one hundred fifty (150) feet at the right-of-way line.

8.5.3 Depth: A lot shall have a minimum depth of two hundred (200) feet.

8.5.4 Coverage: Coverage of a lot area by all principal and accessory buildings and by all

impervious paved areas shall be not more than eighty percent (80%). Coverage of a lot by landscaped areas shall be not less than twenty percent (20%).

8.5.5 Front Yard Setback: Fronting right—of—way: seventy (70) feet minimum.

8.5.6 Side Yard Setback: Minimum of ten (10) feet one side and twenty—two (22) feet both sides.

8.5.7 Rear Yard Setback: Thirty (30) feet minimum.

8.5.8 Height: Two (2) stories or thirty (30) feet, whichever is the lesser; but no building shall be less than one (1) story in height.

8.6 Supplemental Lot Regulations: See Article 13.

8.7 Development Regulations:

8.7.1 A description of the commercial operation proposed with the floor area calculations for each function of the operation and parking and loading area calculations for each type of function shall be provided.

8.7.2 The proposed number of shifts to be worked and the maximum number of employees on each shift shall be provided..

8.7.3 A description of the commercial operation in sufficient detail to indicate the effects of the operation on fire, safety and other hazards listed in the performance standards shall be provided.

8.7.4 Information on the methods of water runoff control; type of sewage treatment, and source of water supply shall be provided.

8.7.5 Road access to public streets shall be no less than sixty (60) feet from any public street intersection. Not more than one point of ingress and egress shall be allowed on any abutting street. Wherever possible, an access drive on the common boundary of two properties shall be provided for joint use.

8.7.6 Where the commercial district abuts a district permitting residences as a principal permitted use, a buffer area shall be provided along the district boundary line within the commercial district at the side and rear boundaries with the residence district. The buffer area shall have a depth of not less than five (5) feet and may be part of the required yard. It shall conform to the screening requirements of this Ordinance. (See Section 13.11.11).

ARTICLE 9
ID — INDUSTRIAL DEVELOPMENT DISTRICT

ARTICLE 9
ID - INDUSTRIAL DEVELOPMENT DISTRICT

9.1 Purpose

The purpose of the ID - Industrial Development District is to provide sufficient space, in appropriate locations, to meet the anticipated future needs for a choice of sites. It is further intended that limited industrial operations will be compatible with surrounding residential or farm areas.

9.2 Permitted Uses

- 9.2.1** Accessory Buildings/Uses;
- 9.2.2** Agricultural Business;
- 9.2.3** Communications Antennae & Equipment Buildings;
- 9.2.4** Communication Tower (Height 100 Feet or Less);
- 9.2.5** Cultivation of Crops (no permit required);
- 9.2.6** Essential Services;
- 9.2.7** Forestry;
- 9.2.8** Industrial Activities, Laboratories, Contractor Yards;
- 9.2.9** No Impact Home Based Business;
- 9.2.10** Parking Lot/Parking Garage (as principal use);
- 9.2.11** Trucking Terminal, Wholesale, Warehouse.

9.3 Special Exception Uses (See Article 14 for Criteria)

- 9.3.1** Communications Tower (Height Greater Than 100 ft.);
- 9.3.2** Day Care Center;
- 9.3.3** Home Occupation;

9.3.4 Medical or Dental Clinics, Hospital Uses;

9.3.5 Public or Quasi-Public Use.

9.4 Conditional Uses (See Article 14 for Criteria)

9.4.1 Corrective/Penal Facility

9.4.2 Junkyard or Salvage Yard;

9.4.3 Solid Waste Transfer Facility

9.5 Area and Bulk Regulations

9.5.1 Area: A lot shall be not less than forty thousand (40,000) square feet.

9.5.2 Width: A lot shall be a minimum of one hundred fifty (150) feet at the setback line and a minimum of one hundred fifty (150) feet at the right-of-way line.

9.5.3 Depth: A lot shall have a minimum depth of two hundred (200) feet.

9.5.4 Coverage: Coverage of a lot area by all principal and accessory buildings and by all non-absorbent paved areas shall be not more than eighty percent (80%). Coverage of a lot by landscaped areas shall be not less than twenty percent (20%).

9.5.5 Front Yard Setback: Fronting right-of-way: seventy (70) feet minimum.

9.5.6 Side Yard Setback: Thirty (30) feet minimum each side.

9.5.7 Rear Yard Setback: Thirty (30) feet minimum.

9.5.8 Height: Three (3) stories or forty-five (45) feet maximum, whichever is the lesser.

9.6 Supplemental Lot Regulations: See Article 13.

9.7 Development Regulations:

9.7.1 A description of the industrial operation proposed with floor area calculations for each function of the operation and parking and loading area calculations for each type of function shall be provided.

9.7.2 The proposed number of shifts to be worked and the maximum number of employees on each shift shall be provided.

A description of the industrial operation in sufficient detail to indicate the effects of the operation on fire, safety and other hazards listed in the performance standards shall be provided.

9.7.3 Information on the methods of water runoff control, type of sewage treatment, and source of water supply shall be provided.

9.7.4 Road access to public streets shall be no less than sixty (60) feet from any public street intersection. Not more than one point of ingress and egress shall be allowed on any abutting street. Whenever possible, an access drive on the common boundary of two properties shall be provided for joint use.

9.7.5 Where the industrial district abuts a district permitting residences as a principal permitted use, a buffer area shall be provided along the district boundary line within the industrial district at the side and rear boundaries with the residence district. The buffer area shall have a depth of not less than seventy (70) feet and may be part of the required yard. At least ten (10) feet of the buffer area shall be planted with foliage according to the screening requirements of this Ordinance. (See Section 13.11.11).

ARTICLES 10-12
[RESERVED FOR FUTURE USE]

ARTICLE 13

SUPPLEMENTAL LOT REGULATIONS

ARTICLE 13

SUPPLEMENTAL LOT REGULATIONS

13.1 Access To Structures

13.1.1 Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access by a private street approved by the Board of Supervisors in accord with the Township's Subdivision and Land Development Ordinance. All structures shall be located on lots so as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

13.1.2 Ingress and egress from buildings shall be placed in relation to the finished entrance floor levels and the natural terrain and in a safe manner that will minimize concentration of traffic.

13.1.3 Pedestrian access to public buildings, open space and parking facilities shall include considerations for disabled and handicapped persons.

13.2 Conversion or Replacement of Buildings

13.2.1 The conversion of any non-residential building into a dwelling, or the conversion of any dwelling so as to accommodate an increased number of dwelling units or households, shall be permitted only within a district in which a new building for a similar occupancy would be permitted under this Ordinance. The resulting dwelling(s) shall comply with all requirements governing new construction in such district.

13.2.2 A mobile home that has been replaced or discontinued as a residential dwelling shall be removed from the lot within sixty (60) days of the termination of the residential use.

13.2.3 A mobile home that is no longer suitable for residential purposes shall not be converted to an accessory structure and shall be removed from the lot within sixty (60) days of the termination of the residential use.

13.3 Landscaping

Any part or portion of a site which is not used for buildings,

other structures, loading or parking spaces and aisles, sidewalks and designated storage areas shall be provided with an all-season ground cover and shall be landscaped with small trees and shrubs in accordance with an overall landscape plan. A plant schedule shall be prepared giving the botanical and common names of the plants to be used, the sizes to be planted, and the quantity and spacing of each.

13.4 Mobile Home Placement

All mobile homes erected or replaced in the Township after the effective date of this Ordinance shall comply with the following criteria in order to protect the health, safety, and welfare of the Township residents. The criteria shall apply both to mobile homes placed in mobile home parks and to individual lot installations.

13.4.1 Every mobile home shall be placed upon a foundation. One of the following types of foundations must be utilized.

13.4.1.1 Permanent Foundation: Shall consist of no less than footers or masonry construction set well below the frost line. Such foundation shall be constructed to leave no unnecessary open space between the mobile home and the foundation, except for windows or other openings as might be necessary for purposes such as floodproofing. The mobile home shall be securely attached to such a foundation.

13.4.1.2 Stand or pad: Shall consist of a properly graded, placed and compacted material equal to the length and width of the mobile home. The pad or stand shall not heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration or other forces acting on the structure and shall be designed to uniformly support the mobile home in a level position. At a minimum, each pad shall be provided with one frost-proof footer at least 16 inches in width, extending the full width of the pad, for every ten (10) feet of mobile home length.

13.4.2 The mobile home shall be anchored to prevent floatation, collapse, or lateral movement in accordance with the manufacturer's instructions.

13.4.3 Each mobile home shall have a continuous wall around its entire perimeter. The continuous wall may be of

concrete or masonry constructed to below the frost line (e.g. permanent foundation) or skirting. Skirting shall be designed to compliment the appearance of the mobile home including material which has been fabricated for the specific purpose of providing a pervious moisture resistant skirting material, and shall not include bales of straw, hay, interior plywood, unfinished wood, or like material.

- 13.4.4** Access to a crawl space created by the installation of a wall shall be provided by means of a door or panel capable of being locked.

13.5 Nonconforming Lots, Structures, Buildings, and Uses

Any nonconforming lot, building, structure or use legally existing at the time of adoption of this Ordinance, or which is created whenever a district is changed by amendment hereafter, may be continued, altered, reconstructed, sold, or maintained even through it does not conform to the regulations of the district in which it is located, except as provided below. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed, discontinued, or abandoned.

13.5.1 Non-conforming Lots, Uses, and Structures

13.5.1.1 Nonconforming Lots

A non-conforming lot may be used for a permitted use in the district in which it is located even though such a lot fails to meet the requirements for lot area or dimensions or both. However, all other applicable requirements including building lines and setbacks shall apply. The variance of setback requirements shall be obtained only through action of the Zoning Hearing Board.

If two or more lots with common 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 established by this Ordinance, the lands involved shall be considered an undivided parcel, and no portion of such parcel shall be occupied or sold which does not meet lot width and area requirements established by this Ordinance.

13.5.1.2 Nonconforming Uses

A use legally existing at the time of adoption of this Ordinance which becomes a non-conforming use in the district where it is existing upon adoption of this Ordinance or amendment hereafter, may be continued as it exists upon adoption or future amendment of this ordinance. Thereafter, the use shall only be modified minimally to uses that are generally consistent with the use that became nonconforming. The use shall not be permitted to change to any use that is different from the nonconforming use and not in compliance with the use regulations for the district where the use is located.

13.5.1.3 Nonconforming Structures

A structure legally existing at the time of adoption of this Ordinance which becomes a non-conforming structure in the district where it is existing upon adoption of this Ordinance or amendment hereafter, may be continued as it exists upon adoption or future amendment of this ordinance. Thereafter, the structure shall only be modified minimally in accordance with the provisions of this Ordinance. The structure shall not be permitted to change in such a fashion as to make the nonconforming structure a greater non-conformity so as to adversely affect the character of the neighborhood or district in which it is located.

13.5.2 Abandonment

If any nonconforming use or building or structure occupied by a nonconforming use is abandoned for a period of one (1) year, the future use of such building or land shall be in conformity with the District regulations. A nonconforming use shall be deemed to be abandoned when the use or activity ceases by an apparent act or failure to act on the part of the tenant or owner to reinstate such use within a period of one (1) year from the date of cessation or discontinuance.

In the event of destruction or total casualty loss to a nonconforming building or structure, a one (1) year extension may be granted by the Zoning Officer provided that the owner shall, prior to the expiration of the initial one (1) year period provided for in the

forgoing paragraph, file a notice of intent to reconstruct with the Zoning Officer.

13.5.3 Repairs and Reconstruction

13.5.3.1 Repairs, non-structural alterations, and other general maintenance may be made to a nonconforming building or structure or a building or structure occupied by a nonconforming use, but such repairs shall be subject to all applicable Zoning and Building Code requirements.

13.5.3.2 A nonconforming building or structure or a building or structure occupied by a nonconforming use which is damaged by fire, flood, or other natural causes may be reconstructed, restored, and used as before provided that:

13.5.3.2.1 The reconstruction starts within one (1) year of the damage;

13.5.3.2.2 The reconstruction shall not exceed the size, bulk, and area that existed prior to the damage, unless approved by the Zoning Hearing Board;

13.5.3.2.3 The location of the reconstruction does not create a safety hazard;

13.5.3.2.4 The reconstruction of a nonconformity located in the 100 year floodplain shall comply with Section 15.7 of this Ordinance.

13.5.4 Extension or Enlargement

13.5.4.1 A nonconforming use of a building or structure may be extended throughout the interior of the building provided that no structural alterations are made thereto. Prior to initiation of such extension however, a Zoning Permit shall be obtained from the Township Zoning Officer.

13.5.4.2 Structural alterations proposed to extend a nonconforming structure may be authorized as follows:

13.5.4.2.1 By the Zoning Officer, provided that:

(a) The extensions or enlargements shall conform to the yard, height, off-street parking, coverage, and other requirements of the Zoning District in which the use or structure is located; and

(b) The proposed extension or enlargement of the nonconforming use shall not exceed 50 percent of the gross floor area of the structure or use, with such gross floor area to be measured at such time that the use became nonconforming.

13.5.4.2.2 By the Zoning Hearing Board upon application for a variance, provided that:

(a) The extensions or enlargements shall conform to the yard, height, off-street parking, coverage, and other requirements of the Zoning District in which the use or structure is located; and

(b) The proposed extension or enlargement of the nonconformity which exceeds 50 percent of the gross floor area of the structure or use is approved by a variance issued by the Zoning Hearing Board.

13.5.4.3 For nonconforming uses whose normal operations involve natural expansion (i.e. quarries, junk yards, cemeteries, etc.), an expansion not exceeding 25% of the volume or area of the nonconformity which existed at the effective date of this Ordinance may be authorized by the Zoning Hearing Board.

13.5.4.4 A nonconforming use shall not be extended to displace a conforming use, unless authorized by the Zoning Hearing Board.

13.5.4.5 Any nonconforming building or structure or building or structure occupied by a nonconforming use which is moved for any reason must meet all requirements of the district in which it is located.

13.5.5 Change of Use

13.5.5.1 Any non-conforming use may be changed to another non-conforming use by Special Exception provided that the Zoning Hearing Board shall find the proposed use to be equally appropriate or more appropriate to the Zoning District in which it is located.

13.5.5.2 A non-conforming use that is replaced by a permitted use shall not be allowed to revert to any non-conforming use.

13.5.6 Registration of Non-conforming Uses, Structures and Lots

To facilitate the administration of this Chapter, it shall be the duty of the Zoning Officer to develop and maintain an accurate listing of all non-conforming uses, structures, and lots identified during the performance of his duties as zoning officer. The listing shall identify the nonconforming aspect of the property.

13.6 Off-Street Parking, Loading and Unloading

13.6.1 Purpose

Off-street parking, loading and unloading facilities shall be provided to lessen congestion on the streets.

13.6.2 General Regulations

13.6.2.1 Availability of Facilities

The facilities required by these provisions shall be available throughout the hours of operation of the particular business or use for which such facilities are provided.

13.6.2.2 Size of Off-Street Parking Spaces

Each parking space shall consist of not less than an average of two hundred seventy (270) square feet of usable area for each motor vehicle, including interior lot driveways, driveways connecting the garage or parking space with a street or alley. Notwithstanding the above, all parking spaces shall be ample in size for the vehicles for which the use is

intended. The net parking space per vehicle shall be not less than ten (10) feet wide and twenty (20) feet long. Such outdoor parking spaces shall not be used to satisfy any open space requirements of the lot on which it is located.

13.6.2.3 Garages and Carports

A garage or carport may be located wholly or partly inside the walls of the principal building or attached to the outer walls. If connected to the principal building, it shall be considered part of the principal building in calculating yard requirements. If separated from the principal building, it shall be considered an accessory building. The garage may be constructed under a yard or court, in which case the space above the underground garage shall be deemed to be part of the open space of the lot on which it is located.

13.6.2.4 Location of Parking Spaces

Required parking spaces shall be located either:

-on the same lot as the use to which they are accessory or

-on another lot zoned the same, under the same ownership, and within four hundred (400) feet of the boundary of the property of the principal use.

If the spaces are on another lot, such spaces shall be subject to deed restrictions filed in the Office of the Recorder of Deeds of Columbia County binding the owner of such lot and his heirs or assigns to maintain the required number of spaces throughout the life of such use.

13.6.2.5 Size of Off-Street Loading Spaces

Each off-street loading space shall be a minimum of seventy (70) feet in length, twelve (12) feet in width, and have an overhead clearance of at least fourteen (14) feet.

13.6.2.6 Access to Off-Street Parking and Loading

There shall be adequate ingress and egress to all parking and loading areas. There shall be provided an access drive leading to the parking

or storage areas or loading spaces. Such access drive shall be not less than ten (10) feet in width in the case of a dwelling and not less than twenty (20) feet in width in all other cases. Access to off-street parking areas shall be limited to several well-defined, separate or common access points which shall comply with the following:

13.6.2.6.1 Access drives shall not open upon any public right-of-way within sixty (60) feet of the nearest right-of-way line of any intersecting public street or highway.

13.6.2.6.2 Access drives shall not open upon any public right-of-way where the sight distance in either direction along the public thoroughfare would be less than five hundred (500) feet when the posted speed limit exceeds thirty-five (35) miles per hour; however, when the posted speed limit is thirty-five (35) miles per hour or less, the sight distance requirement may be reduced to two hundred fifty (250) feet.

13.6.2.6.3 In no case shall there be unrestricted access along the length of a street or alley.

13.6.2.7 Parking and Loading Area Landscaping

13.6.2.7.1 Purpose

The purposes for providing such landscaping are to protect the public safety, to allow precipitation to return to the underground aquifers, to provide for natural drainage and, hence, flood protection, to reduce the level of carbon dioxide and to return oxygen to the air, to provide shade and reduce the blighting effects of parking lots, to preserve property values of adjacent properties, and to improve the appearance of the community.

13.6.2.7.2 Screen Planting Along Abutting Property Lines:

Off-street parking areas for more than five (5) vehicles and all off-street loading areas shall be effectively screened by a screen planting at least five (5) feet in depth along all abutting property lines. Such parking areas shall conform to the requirements for screening, as found in Section 13.11.11.

13.6.2.7.3 Screen Planting Along Abutting Rights-of-Way

A screen planting at least ten (10) feet in depth shall be located between the parking lot and the abutting right-of-way except on access ways. Such a strip shall contain one (1) shade tree for every forty (40) linear feet of the strip, and no tree shall be less than eight (8) feet in height at the time of planting. The planting strip shall also contain shrubbery, vines, flowers and grass.

13.6.2.7.4 Landscaping of Interior of Parking Areas

The interior area of a parking lot, in addition to all border planting strips, shall contain planting areas dispersed throughout with not less than five (5) percent of such interior area in landscaping. Such planting areas shall contain shade trees, with no tree less than eight (8) feet in height at the time of planting, shrubbery, vines, flowers and grass. No interior area of a parking lot shall be without at least one shade tree.

13.6.2.7.5 Maintenance of Landscaped Areas

All screening and landscaping areas shall be maintained in good condition, free from paper and rubbish, and free from all advertising signs. All trees, shrubbery, and other landscaping materials shall be maintained in a healthy and growing condition, with dead materials replaced as necessary.

13.6.2.7.6 Non-conforming Parking and Loading Areas:

Any parking lot or loading area which qualifies as a non-conforming use upon the enactment of this provision shall comply with the requirements for screening and landscaping upon any enlargement, extension, reconstruction or structural alteration.

13.6.2.8 Surfacing of Parking and Loading Areas

Off-street parking areas for more than five (5) vehicles and all off-street loading areas shall be surfaced with any asphaltic or Portland cement binder pavement graded and drained to dispose of all surface water and designed to provide for orderly and safe loading and parking. All other off-street parking areas shall have improved durable and dustless surfaces.

13.6.2.9 Lighting of Parking and Loading Areas

Any lighting used to illuminate off-street parking or loading areas shall be

arranged so as to reflect the light away from adjoining premises and public rights-of-way.

13.6.2.10 Parking Area Reservation

All off-street parking areas shall be reserved and used for automobile parking only, with no sales, dead storage, repair work, dismantling or servicing of any kind on residential dwelling lots in Residential Districts. The parking of one (1) commercial vehicle up to one (1) ton is permitted if needed by an individual for his livelihood for a business not conducted on the premises; or one (1) vehicular storage building is permitted for storage purposes only and is not to be used for sleeping, recreational or living purposes at any time or in any way, shape or form.

13.6.2.11 Applicability of Requirements to Existing, Expanded, New, and Mixed Uses

13.6.2.11.1 New and Expanded Uses

Off-street parking and loading space as required in this section shall be provided for all new buildings and structures and for additions to existing buildings or structures. The word “addition” as used above shall include any alterations intended to enlarge or increase the capacity by adding or creating dwelling units, floor area or seats.

13.6.2.11.2 Reduction of Space Requirements

Existing off-street parking or loading facilities provided at the effective date of this Ordinance and actually being used at that time in connection with the operation of an existing use, shall not be reduced below the minimum required in this Ordinance.

13.6.2.11.3 Change of Use

Whenever the existing use of a building, structure or land shall hereafter be changed to a new use, parking and loading facilities shall be provided as required for such new use. However, if the said building or structure was erected or the use of land established prior to the effective date of this Ordinance, additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use.

13.6.2.11.4 Mixed Uses

In the case of mixed uses, the total number of required parking or loading spaces shall be the sum of the required spaces for the various uses computed separately.

13.6.3 Parking Facilities Required

Off-street parking spaces shall be provided as follows, with fractional numbers of parking spaces increased to the next whole number.

13.6.3.1 Residential Parking

13.6.3.1.1 Single-family dwellings (including mobile homes) and two-family dwellings shall be provided with a minimum of two (2) parking spaces for each dwelling unit. An attached or unattached garage or-carport on the premises, or that portion of the driveway not included in the public right-of-way, may be considered as parking space.

13.6.3.1.2 Multi-family dwellings (such as townhouses, garden apartments and low-rise apartment structures) shall be provided with a minimum of two (2) parking spaces per dwelling unit.

13.6.3.1.3 Residential conversion units shall be provided with a minimum of two (2) parking spaces per dwelling unit.

13.6.3.1.4 Apartments located over in combination with commercial uses shall be provided with at least the minimum number of parking spaces allowed for each use.

13.6.3.1.5 Boarding or lodging houses shall be provided with at least one (1) parking space for each guest room and two (2) for the resident manager.

13.6.3.2 Commercial Parking

13.6.3.2.1 Retail stores or service shops shall be provided with one (1) parking space for every two hundred (200) square feet of floor

space used for sales purposes.

- 13.6.3.2.2** Food markets, grocery stores, and dairy stores shall be provided with one (1) parking space for every two hundred (200) square feet of floor space used for sales purposes.
- 13.6.3.2.3** Restaurants, tearooms, cafeterias, taverns, night clubs, social clubs, fraternal clubs, and other places serving food and beverages shall be provided with one (1) parking space for every two and one-half (2½) seats for patron use.
- 13.6.3.2.4** Drive-in and fast-food restaurants shall be provided with one (1) space for every fifty (50) square feet of building floor area.
- 13.6.3.2.5** Bowling alleys shall be provided with five (5) parking spaces for each pair of lanes.
- 13.6.3.2.6** Golf courses shall be provided with six (6) spaces per hole.
- 13.6.3.2.7** Miniature golf courses shall be provided with two (2) spaces per hole.
- 13.6.3.2.8** Golf driving ranges shall be provided with one (1) space per tee.
- 13.6.3.2.9** Other open space areas for commercial purposes shall be provided with one (1) parking space for each two thousand (2,000) square feet of area or fraction thereof.
- 13.6.3.2.10** Office buildings shall be provided with one (1) space for each two hundred (200) square feet of floor area or fraction thereof, plus one (1) for every employee.
- 13.6.3.2.11** Model homes and apartments shall be provided with a minimum of five (5) parking spaces for patron use.
- 13.6.3.2.12** Banks and professional offices shall be provided with one (1) space for each two hundred (200) square feet of floor area or fraction thereof.
- 13.6.3.2.13** Mortuaries, crematories, funeral homes, and undertaking establishments shall be provided with fifteen (15) parking spaces for each viewing parlor plus one (1) space for each employee.

- 13.6.3.2.14** Dance halls, roller skating rinks, indoor ice skating rinks and other indoor recreation facilities shall be provided with one (1) parking space for every two hundred (200) square feet of floor area or fraction thereof.
- 13.6.3.2.15** Animal hospitals shall be provided with five (5) client/patron spaces per veterinarian and one (1) space for each employee.
- 13.6.3.2.16** Animal kennels shall be provided with one (1) parking space for every three (3) kennel runs and one (1) space for every employee.
- 13.6.3.2.17** Motels shall be provided with one (1) parking space for each unit for overnight accommodations and one (1) parking space for each employee on the largest shift plus all spaces required for restaurant or other uses associated with the motel.
- 13.6.3.2.18** Barber and beauty shops shall be provided with two (2) parking spaces per shop plus one and one-half (1½) per chair.
- 13.6.3.2.19** Coin laundries shall be provided with one (1) space for each one and one-half (1½) washing machines.
- 13.6.3.2.20** Home occupations shall be provided with two (2) parking spaces for each housing unit therein, one (1) space for each non—resident employee, and one (1) space per patron.
- 13.6.3.2.21** Vehicular sales and body repair and service garages shall be provided with one (1) exterior parking space for each two hundred (200) square feet of floor area, plus one (1) for each employee on the maximum shift.
- 13.6.3.2.22** Gasoline service stations and car washes shall be provided with one (1) parking space for every three hundred (300) square feet of floor area or fraction thereof, plus one (1) for each employee on the maximum shift.
- 13.6.3.2.23** Other commercial buildings shall be provided with one (1) parking space for every three (300) square feet of floor area or fraction thereof.

13.6.3.3 Industrial Parking

13.6.3.3.1 Industrial, wholesale and warehouse establishments, truck terminals, manufacturing plants, and research or testing laboratories, etc., shall be provided with one (1) parking space for each one (1) employees on the maximum shift, plus one parking space for each one thousand (1,000) square feet of floor area. But in any case, the total parking area shall not be less than twenty—five percent (25%) of the building floor area.

13.6.3.4 Public and Semi-Public Parking

13.6.3.4.1 Churches, cemetery chapels, school or other public auditoriums, stadiums, assembly or meeting rooms, or other similar places of public or private assembly shall be provided with one (1) parking space for every three (3) seats provided for assembly.

13.6.3.4.2 Schools shall be provided with one (1) parking space for each fifteen (15) classroom seats. Where a school also has an auditorium or stadium, the total number of parking spaces required shall be provided according to the highest requirements.

13.6.3.4.3 Nursing and convalescent homes shall be provided with one (1) parking space for every three (3) beds plus one (1) space for each employee on the largest shift.

13.6.3.4.4 Clinic, medical, osteopathic, chiropractic, or dental offices shall be provided with five (5) patient spaces per doctor and one (1) space for each staff member.

13.6.3.4.5 Civic centers, municipal administration buildings, libraries, and similar places shall be provided with one (1) space for every one hundred (100) square feet of floor area in public use.

13.6.3.4.6 Parks and playgrounds, which include outdoor swimming pools, baseball fields, tennis courts and similar facilities, shall be provided with parking spaces relative to spectator seating accommodations for stadiums, as described above, or, where no spectator seating accommodations are provided, with one (1) parking space per swimming lane and two (2) parking spaces per playing court.

13.6.3.4.7 Day care centers shall be provided with one (1) parking space for every six (6) children and one (1) space for each employee.

13.6.3.5 Parking Prohibitions

13.6.3.5.1 Parking shall not be permitted on the public right-of-way except in areas designated or metered for on-street parking.

13.6.4 Loading Facilities Required

13.6.4.1 Non-residential Loading and Unloading Areas

In addition to the off-street parking space required above, any building erected, converted or enlarged for any non-residential use shall provide adequate off-street areas for loading and unloading of vehicles according to the size standard for off-street loading spaces.

13.6.4.2 Commercial and Industrial Loading Facilities

All commercial and industrial establishments shall be provided with loading and unloading spaces for the transfer of goods and products and with commercial vehicle storage space in addition to all parking spaces for patrons and employees. In no case shall public rights-of-way be used for these purposes and in no event shall there be less than one (1) such loading space for each commercial or industrial facility.

13.7 Performance Standards

All activities and uses allowed in the CC Controlled Access, the ID Industrial Development, and the OS Open Space Districts shall comply with all regulations governing odors, fumes, dust, glare, smoke, vibration, noise, sewage, fire, industrial wastes, hazardous wastes, and other hazards, water quality, soil erosion and sedimentation and any other side effects of operations of uses in these districts deemed injurious to the public health, safety, and welfare by such agencies as the U.S. Environmental Protection Agency (EPA), the U.S. Soil Conservation Service (SCS), the Pennsylvania Department of Environmental Resources (DER) and the Pennsylvania Department of Labor and Industry (DL&I).

13.8 Signs

13.8.1 Sign Policies

13.8.1.1 It is the purpose of these provisions to place strict limitations on the display of signs as will assure that they will be appropriate to the land, building or use to which they are appurtenant and be adequate, but not excessive, for the intended purpose of identification, protection, or advertisement.

13.8.1.2 The regulations of this Ordinance relating to signs shall be strictly construed, and signs not specifically permitted by the provision of this Ordinance shall be deemed to be prohibited. Signs shall only be erected and maintained when in compliance with the provisions contained herein.

13.8.1.3 It is the intent of these provisions that the signs listed in Section 13.9.2 shall be exempt from permitting requirements. Such signs are generally for public service purposes or are temporary or minor in nature.

13.8.1.4 Regulated signs, which are not exempt from permitting requirements, shall comply with the standards of Sections 13.9.3.

13.8.2 Exempt Signs - No Permit Required

The following sign types do not require a permit or license and shall not be counted toward the maximum sign area.

13.8.2.1 Any sign which is less than two (2) square feet in area, or a sign for a home occupation or home business which shall not exceed four (4) square feet in area.

13.8.2.2 Public Service or Highway Sign - is a sign located for the purpose of providing traffic safety or information, a public service message or directions towards or indication of a use not readily visible from a public street (e.g. traffic signs, rest rooms, telephone, parking, office, service bay, shopping district, no trespassing, no fishing etc.). Such signs may bear no commercial advertising and shall not exceed nine (9) square feet. Civic organization sponsored public service signs shall not be considered commercial advertising.

13.8.2.3 "For Sale" or "For Rent" Signs - A sign advertising a property being sold or rented which shall not exceed eight (8) square feet in size and shall be removed within 10 days of the sale or rental of the premises. A maximum of two (2) such signs may be maintained for the property being sold or rented.

13.8.2.4 Community Directory Sign - an accessory bulletin or announcement board describing the location of an event of a community service organization, institution, or public facility which shall not exceed twenty-five (25) square feet in total area if single faced or fifty (50) square feet if double faced. One such sign, not located upon a public right-of-way, is allowed for each property street frontage.

13.8.2.5 Memorial signs or tablets and signs denoting the date of erection of buildings which shall not exceed four (4) square feet in total area.

13.8.2.6 The flag, pennant or insignia of any government or of any religious, charitable or fraternal organization.

13.8.2.7 Temporary signs advertising actions or events of charitable, political or public service groups. Such signs shall not exceed sixty (60) square feet of sign area nor be erected for more than 30 days in a calendar year.

13.8.2.8 Temporary signs for yard sales, which may be displayed for no more than twice per calendar year per property. Each sign display may last up to three days.

13.8.2.9 Temporary Business Signs

13.8.2.9.1 Temporary signs shall comply with the following requirements: signs temporarily affixed to a window or door are permitted, provided they do not exceed 20% of the area of the window or door and are in place for not more than 30 days.

13.8.2.9.2 Sidewalk signs shall not exceed 4 feet in height and be no wider than

24 inches. Signs will be located within 3 feet of the storefront.

13.8.2.9.3 No temporary sign shall be placed so as to impede the normal flow of pedestrian or vehicle traffic, nor shall such signs impede the line of sight of or cover any existing business sign and traffic sign or any entrance or exit to any property or business.

13.8.2.10 Construction Signs - which shall not exceed thirty-two (32) square feet, may identify those involved in design, development, construction, demolition or financing, when displayed during the activity described. The sign shall be removed when the project activity has ceased. Only one such sign per property is allowed.

13.8.2.11 Political Signs - a sign designed to influence the action of voters for the passage or defeat of a measure or the election of a candidate for nomination or election to public office. Such signs shall be removed within seven (7) days after election day and shall not be located in the right-of-way or attached to public utility poles or trees.

13.8.2.12 Clocks, time and temperature signs and barber poles, provided that they are not larger than twenty-five (25) square feet. Any commercial advertisements attached to such structure must be permitted.

13.8.2.13 Signs mounted on interior walls.

13.8.3 Regulated Signs - Zoning (Sign) Permit Required

13.8.3.1 Maximum Sign Area for Regulated Signs

A lot upon which a building(s) is situated regardless of the number of occupants therein shall be entitled to a maximum sign area of two (2) square feet for each lineal foot of building face parallel or substantial parallel to a street line. See Article 1 for definition of Sign Area.

13.8.3.1.1 Where a lot fronts on more than one street the sign area allowed for the smaller building face shall be allowed for each frontage.

13.8.3.1.2 A lot without a building situated thereon shall be entitled to a maximum sign area of 50 sq. ft..

13.8.3.1.3 There shall be no limit on the total number or types of signs provided that the maximum sign area for the building shall not be exceeded and that the standards for the types of signs found below shall be met.

13.8.3.2 Standards for Regulated Signs

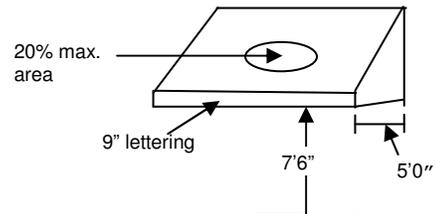
13.8.3.2.1 Awning Sign - is a sign painted on or attached to a moveable metallic frame, of the hinged, roll, or folding type, which may have a covering either combustible or in combustible.

13.8.3.2.1.1. Awning signs may be placed anywhere on a structure where such awning has a minimum ground clearance of seven feet six inches and extends no more than five feet from the building façade.

13.8.3.2.1.2. No back lit, flat metal or wood canopies will be permitted.

13.8.3.2.1.3. Lettering is to be restricted to the name of the business, secondary description, address and phone number. Lettering will be restricted to no more than 9 inches in height.

13.8.3.2.1.4. Any logo or graphic design will not exceed 20% of the awning surface (see illustration).



13.8.3.2.2 Business Directory Sign - is a sign stating the name(s) of a business located off premises.

13.8.3.2.2.1. The maximum sign area regardless of the number of business listed on the sign shall be one hundred twenty (120) square feet for the CI/ID districts and sixteen (16) square feet for all other districts.

13.8.3.2.2.2. Such signs are not included in computing total sign area allowed.

13.8.3.2.2.3. Such signs shall not be located upon a public right-of-way.

13.8.3.2.3 Free Standing Sign - is a self-supporting sign in a fixed location and not attached to any building or structure.

13.8.3.2.3.1. Such sign shall have no more than two (2) faces.

13.8.3.2.3.2. CI/ID Districts: Free standing signs shall not exceed 30 feet in height or 100 square

feet in area for each face and may be internally lighted.

13.8.3.2.3.3. A/R/V Districts: The area of each sign face shall not exceed twelve (12) square feet, unless a sign for a church, school or government use which shall not exceed thirty-six (36) square feet. There shall be no internal lighting of the sign.

13.8.3.2.3.4. There must be no exposed connecting wires.

13.8.3.2.3.5. Such signs shall be erected so as not to obstruct free egress to or from any building, or public right-of-way. Such signs shall not be located upon a public right-of-way.

13.8.3.2.4 Projecting Sign - V/CI/ID Districts - a permanent sign that is hung at a 90 degree angle from the face of and affixed to a building or structure and extends twelve (12) inches or beyond the building wall, structure or parts thereof.

13.8.3.2.4.1. Each face shall not exceed twelve (12) square feet.

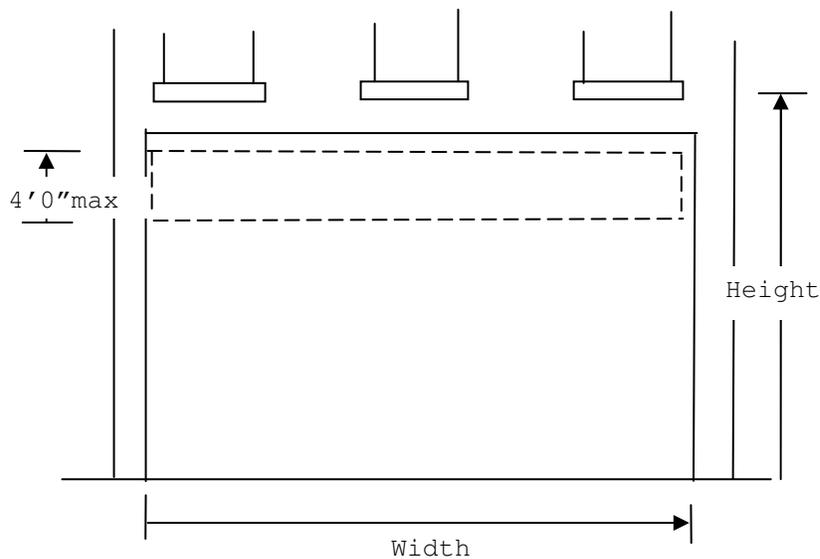
13.8.3.2.4.2. Such sign must be hung at right angles, and shall not project beyond four (4) feet of the building face.

13.8.3.2.4.3. The bottom of said sign shall have an eight (8) foot pedestrian clearance from sidewalk level.

13.8.3.2.4.4. Banners will be considered as a projecting sign and follow the same restriction. Banners hung across the street are prohibited.

13.8.3.2.5 Flat Façade Sign - V/CI/ID District - is a sign which is attached parallel on the exterior surface of a building or structure

13.8.3.2.5.1. Flat façade signs placed flush with the building, will be placed below the second floor or lower window sill of a second story window and be no larger than 25% of the first floor façade square footage (see illustration). Square footage is measured by multiplying the width of the storefront by the height, as determined by the distance of the lower second floor window sill to the sidewalk.



13.8.3.2.5.2. A maximum of one flat, per business, per building will be permitted. Where a building's side façade faces a side street, rear alley or parking lot, a maximum of one flat sign per façade will be permitted.

13.8.3.2.5.3. Flat signs or signboards will have a maximum height of 4 feet with sign letters being no larger than 24 inches in height.

13.8.3.2.5.4. Sign lettering will be restricted to the name of the business, one secondary description, address and phone number.

13.8.3.2.5.5. Where two or more businesses occupy one building, on the street level, the overall sign area for all signs shall be no larger than 25% of the first floor façade square footage.

13.8.3.2.5.6. Signs representing businesses on any of the upper floors shall be limited to one sign per business with each sign being no larger than 10% of the overall square footage of the upper building façade of which it is a part.

13.8.3.2.6 Wall Sign - V/CI/ID Districts -
is a sign which is attached parallel on the exterior surface of a building or structure

13.8.3.2.6.1. A wall sign shall not project more than fifteen (15) inches from the building surface.

13.8.3.2.6.2. The sign shall not obscure architectural features of the building (including but not limited to cornices, lintels, transoms) to which the sign is attached.

13.8.3.2.6.3. Such signs shall not extend above the lowest point of the roof, nor beyond the ends of the wall to which it is attached.

13.8.3.2.7 Window Sign - is a permanent non-illuminated sign painted on the inside or outside glass of a window.

13.8.3.2.7.1. Window signs on windows shall occupy no more than 20% of window area and letters no larger than 8 inches in height.

13.8.3.2.7.2. A maximum of three signs will be allowed for any one business.

13.8.3.2.7.3. Neon signs are permitted only within a store interior and are restricted to the same size limitation of window signs.

13.8.3.3 Sign Application and Permit

A sign permit shall be obtained from the Zoning Officer before any sign is erected, displayed or structurally altered so as to change its overall dimension. Every application for a sign permit shall be accompanied by payment of a permit fee required in accordance with a schedule of fees adopted by the Board of Supervisors by plans showing: The area of the sign, the size, structure, character and design proposed; the method of illumination, if any, and the exact location proposed for the sign. In the case of a roof sign or outdoor advertising structure, complete specifications and method of anchoring and support are required. Each sign shall have the permit number and date of issuance affixed.

13.8.3.4 Illumination of Signs - a sign may be illuminated artificially by means of electricity, gas, oil, or fluorescent paint.

13.8.3.4.1 Illuminated signs are permitted as long as the external light sources are aimed at the sign they are illuminating and not positioned in such a manner so as

to shine onto the adjoining property or into the eyes of a passing pedestrian or motorist.

13.8.3.4.2 Internally lit signs are not permitted except in the case of free standing and wall mounted signs in CI or ID Districts.

13.8.3.4.3 There must be no exposed connecting wires.

13.8.3.5 Setback Requirements - unless otherwise specified in this Ordinance, signs are exempt from setback requirements.

13.8.3.6 Supports and Brackets - for a sign shall not exceed needlessly above the cornice line of the building to which the sign is attached.

13.8.4 Prohibited Signs

Prohibited Signs shall include:

13.8.4.1 Portable or moveable signs other than as temporary signs. (See Section 13.9.2.9.).

13.8.4.2 Any sign which flashes or blinks on and off or contains moving lights or which is otherwise illuminated on an intermittent basis.

13.8.4.3 Any neon sign other than a window sign. (see Section 13.9.3.2.7.3).

13.8.4.4 Any sign mounted on the roof top of a building.

13.8.4.5 Any sign which, by reason of its size, location, content, coloring or manner of illumination, constitutes a traffic hazard or a detriment to traffic safety in the opinion of the Zoning Officer by obstructing the vision of drivers, or detracting from the visibility of any traffic sign or control device on public streets and roads.

13.8.4.6 Any sign which obstructs free ingress to or egress from a required door, window, fire escape or other required exit way or which obstructs a window, door or other opening for providing light or air or interferes with proper function of the building.

- 13.8.4.7** Any sign or sign structure which:
- 13.8.4.7.1** Is structurally unsafe;
 - 13.8.4.7.2** Constitutes a hazard to safety or health by reason of inadequate maintenance, fading of paint, dilapidation or abandonment;
 - 13.8.4.7.3** Is not kept in good repair, or;
 - 13.8.4.7.4** Is capable of causing electrical shocks to persons likely to come in contact with it.
- 13.8.4.8** Signs which make use of words such as STOP, LOOK, DANGER, etc., or any phrases, symbols, or characters in such a manner as to interfere with, mislead, or confuse traffic.
- 13.8.4.9** Signs, whether permanent or temporary are prohibited on the boulevards.
- 13.8.4.10** String lights used in connection with commercial premises for commercial purposes other than Christmas decorations.
- 13.8.4.11** Spinners and streamers.
- 13.8.4.12** Any sign now or hereafter existing which no longer advertises a bona fide business conducted or product sold. To be removed at owner's expense.
- 13.8.4.13** Any sign affixed to a fence, utility pole or utility structure, or tree, shrub, rock or other natural objects.
- 13.8.4.14** Off premise signs unless a Business Directory Sign (see Section 13.9.3.2.2).
- 13.8.4.15** Signs which depict nudity or sexual conduct (See also Section 14.3.1 for Adult Entertainment uses).

13.8.5 Variance

An application for variance to any sign regulation may be filed with the Zoning Hearing Board as allowed in Article 15 of this Ordinance.

13.8.6 Maintenance

Each sign shall be maintained in a secure and safe condition. If the Zoning Officer is of the opinion that a sign is not secure, safe or in good state of repair, it shall give written notice of this fact to the person responsible for the maintenance of the sign. If the defect in the sign is not corrected within the time permitted by the Zoning Officer, the Zoning Officer may revoke the permit to maintain the sign and may remove the sign and keep possession of same until the owner pays the cost of removal.

13.9 Supplementary Area Regulations

13.9.1 Two or More Buildings on a Lot - Land Development

Two or more principal buildings located on a parcel in single ownership shall conform to all the requirements of this Ordinance that would normally apply to each building if each were on a separate lot. A land development plan will be required in order to place an additional principal building on a single parcel (see the Township's Subdivision and Land Development Ordinance).

13.9.2 Reduced Lot Area

No lot shall be so reduced in area so that any yard or area requirements will be smaller than that prescribed in the regulations for the district in which the lot is located.

13.10 Supplemental Height Regulations

13.10.1 Height Exceptions

The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas, and domes not used for human occupancy, nor to chimneys, ventilators, skylights, water tanks, silos, grain bins, elevator legs, fire towers, bulk heads, and similar features; nor to any necessary mechanical appurtenances usually carried above the roof level.

13.10.2 Ornamental Features

The provisions of this Ordinance shall not apply to prevent the erection above the building height limit of a parapet wall or cornice for ornament (and without windows) extending above such height limit not more than five (5) feet.

13.10.3 Minimum Dwelling Height

No dwelling shall be less than one (1) story in height, except during a reasonable period of construction not to exceed a twenty-four (24) month period from the date of issuance of the zoning permit. The time period may be extended by the Zoning Hearing Board to not more than one (1) additional year.

13.11 Supplementary Yard Regulations

13.11.1 Front Yard for "Through" Lots: In any district a lot which runs through a block from street to street shall have the required front yard for the district in which it is located for the frontage on both streets.

13.11.2 Intersection Clearance: On a corner lot, no fence, structure or planting higher than thirty (30) inches above the street surface shall be erected or placed within twenty (20) feet of the intersection of the street lot lines.

13.11.3 Patios and Terraces: A paved terrace or patio shall not be considered in the determination of yard sizes or lot coverage if such patio or terrace is unroofed and without walls, parapets, or other form of enclosure. Such patio or terrace may have a fence or railing a maximum of three (3) feet in height.

13.11.4 Walls, Hedges and Fences: A wall, hedge, or fence a maximum of six (6) feet in height – or higher if a retaining wall – may be erected within the limits of any yard, not extending beyond the front setback line. Within the front yard a wall, hedge, or fence a maximum of four (4) feet in height shall be permitted, except as provided in (b) above. A fence intended to mark a boundary shall be located either on the boundary line or within six (6) inches thereof.

13.11.5 Projecting Architectural Features: Chimneys, leaders, cornices, eaves, gutters, and bay windows and similar architectural features may not extend more than two (2) feet into any required yard.

13.11.6 Fire Escapes: Open fire escapes may not extend into any required yard more than four and one-half (4½) feet.

13.11.7 Porches: Any open porch or deck of more than four and one-half (4½) feet in depth shall be considered a part of the building in the determination of the size of yards or lot coverage.

13.11.8 Attached Accessory Structures: Accessory structures, such as garages or carports, which are attached to the

principal building shall be considered a part of the building in the determination of the size of the yards or lot coverage.

13.11.9 Unattached Accessory Structures: Unattached accessory structures on residential lots in any district may be erected within the rear or side yards provided that the maximum height of such structure be limited to one and one-half (1½) stories or fifteen (15) feet, and that the minimum distance of such structure from the rear and side yard property lines shall be as required for the district in which such structure is located.

13.11.10 Front Yard Exception: In any use district when fifty percent (50%) or more of the block frontage containing a lot upon which a proposed building is to be located is already improved with buildings having front yards of less depth than that required for that particular district, the average of such front yards shall establish the minimum front yard depth for the remainder of the frontage provided, however, that in no case shall such front yard have a depth of less than twenty-five (25) feet.

In any use district when fifty percent (50%) or more of the block frontage containing a lot on which a proposed building is to be located is already improved with buildings that have a measured a front yard greater in depth than that required for the particular district, new buildings shall not be erected closer to the street than the average front yard so established by the existing buildings provided, however, that in no case shall the depth of such front yard be required to exceed such minimum depth by more than fifteen (15) feet,

13.11.11 Screening

13.11.11.1All outdoor storage parking and/or loading areas of industrial and commercial uses shall be screened from view from any residential or commercial development or public- right-of-way by a landscape screen or other visual barrier with plantings. The screening shall be placed immediately surrounding the area between any industrial parcel and a contiguous residential or commercial district and/or public right-of-way.

13.11.11.2The landscape screen shall be composed of evergreen plants and shrubs arranged to form both a low level and high level screen. The high level screen shall consist of evergreen trees planted at an initial height of not

less than four (4) feet, with the specimens no younger than three (3) years in age, and planted at intervals of not more than ten (10) feet. The low level screen shall consist of two (2) rows of evergreen shrubs or hedges planted at an initial height of not less than two (2) feet and spaced at intervals of not more than five (5) feet. The low level screen plantings shall be placed in an alternating or staggered pattern to produce a more effective visual barrier.

13.11.11.3 An alternative visual barrier shall be a six (6) feet high opaque fence or wall with plantings of trees, shrubs, and/or vines along the surfaces of the barrier facing any residential or commercial district or public right-of-way.

13.11.11.4 All outdoor industrial operations, mechanical equipment and other functional accessories of each building, such as elevator, penthouse, ventilation pipes and ducts, water pressure tanks, heating, air conditioning and power supply units shall have an architectural building material screen or covering which is an integral part of the building envelope and/or which is harmonious with the building design.

13.11.11.5 All screened areas shall be maintained in good condition, free of paper and rubbish, and -free from all advertising and other signs.

13.12 Swimming Pools

13.12.1 Private Swimming Pool

In districts where permitted, private swimming pools shall comply with the following conditions and requirements:

13.12.1.1 The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located.

13.12.1.2 It may be located only in the rear yard or side yard of the property on which it is an accessory use.

13.12.1.3 The pool, including any walks or paved areas or accessory structures adjacent thereto, may not be located closer than twenty (20) feet to any property line of the property on which it is located.

13.12.1.4 The swimming pool area or the entire property on which it is located shall be so walled or fenced or otherwise protected as to prevent uncontrolled access by children from the street or from adjacent properties. Said barrier shall be not less than four (4) feet in height and maintained in good condition.

13.12.1.5 A pool is not to any extent to be filled with water or to be used until fencing is installed a minimum distance of six (6) feet from the edge of the water.

13.12.2 Public Swimming Pool

In districts where permitted, public swimming pools shall comply with the conditions set forth in:

13.12.2.1 "Public Bathing Law", 1931, June 23 P. L. 899, and amendments thereto.

13.12.2.2 Chapter 4, Article 442, Rules and Regulations, Commonwealth of Pennsylvania, Department of Environmental Resources, adopted October 30, 1959, and amendments thereto.

ARTICLE 14

SPECIAL EXCEPTION AND CONDITIONAL USE CRITERIA

ARTICLE 14

SPECIAL EXCEPTION AND CONDITIONAL USE CRITERIA

14.1 Purpose

The purpose of these special exemption and conditional use regulations is to provide an additional standard for controlling the unique or special characteristics of certain uses which otherwise conforms to uses permitted in their respective districts.

14.2 General Criteria

In addition to the specific criteria identified for uses within this article, the following general criteria shall apply to all Special Exception and Conditional Use applications under this Ordinance.

14.2.1 The proposed use shall not jeopardize the objectives of the Comprehensive Plan .

14.2.2 Public services and facilities such as streets, sidewalks, screening and landscaped areas, sewers, water, police, and fire protection shall be adequate for the proposed use.

14.2.3 Existing and future streets and access to the site shall be adequate for emergency services, for avoiding undue congestion and for providing for the safety and convenience of pedestrian and vehicular traffic.

14.2.4 The relationship of the proposed use to other activities existing or planned in the vicinity shall be harmonious in terms of the location and size of the site relative to the proposed operation, and the nature and intensity of the operation involved.

14.2.5 The relationship of the proposed use to other activities existing or planned in the vicinity shall be harmonious in terms of the character and height of building, walls, and fences so that property is not impaired.

14.2.6 The proposed use shall not be more objectionable in its operations in terms of noise, fumes, vibrations, smoke, fly ash, or flashing lights than would be the operations of any permitted use in the district.

14.2.7 Any other reasonable conditions and safeguards, in addition to those expressed in this Ordinance, may be imposed if deemed necessary for implementing the purposes of the Pennsylvania Municipalities Planning Code (Act 247, as

Amended) and this Zoning Ordinance.

- 14.2.8** The use or adaptation of a structure or lot in a Residential District for a Special Exception or Conditional use shall not involve the destruction of open spaces, lawns, landscaping and trees except for changes made to meet parking, screening or other requirements set forth by this Ordinance or approving board;
- 14.2.9** In the event sewer and water facilities are required for the proposed use, it shall be the applicant's responsibility to provide those facilities.
- 14.2.10** Stormwater management facilities shall be provided which shall be designed to create no increase in the rate of runoff of stormwater by providing controlled release and recharge area (see the Township's Subdivision and Land Development Ordinance for standards); evidence of maintenance and liability responsibilities shall be demonstrated; and facilities shall not conflict with pedestrians, motor vehicles, and adjacent property owners;
- 14.2.11** Compliance with the floodplain regulations of the Township and the Commonwealth, if applicable, shall be demonstrated prior to granting the zoning approval;
- 14.2.12** Permanent screening and landscaping shall be provided in accord with Article 13 to shield adjacent residential districts, or uses from parking lots, illumination and headlights, noise, and other objectionable influences and to enhance the overall appearance of the community;
- 14.2.13** Lighting facilities shall be designed to insure that glare and direct illumination does not occur onto adjacent properties and roadways;
- 14.2.14** Sites shall be designed and constructed in accord with the Township's Subdivision and Land Development Ordinance.
- 14.2.15** Information on the method of municipal waste collection and disposal shall be presented by the applicant.
- 14.2.16** Sites shall be designed as a unit for development in their entirety under single ownership and control; or satisfactory condominium arrangements shall be demonstrated; and

14.2.17 All lots and buildings shall have access by way of an internal street system and shall have convenient emergency vehicle and equipment access.

14.3 Criteria for Specific Uses

14.3.1 Adult Entertainment Establishments

14.3.1.1 Purpose: The purpose of this use classification is to provide for establishments which have a sex-related nature or purpose in an appropriate environment which prevents the deleterious blighting or downgrading effects which a concentration of such uses or the inappropriate placement of such uses may have upon the surrounding neighborhoods.

14.3.1.2 Use Regulations: The principal permitted uses shall be adult entertainment establishments as designated herein under Section 14.3.1.5.5, “Uses Designated and Regulated”.

14.3.1.3 Dimensional Regulations: The dimensional regulations shall be the same as those applicable to the “CI” Commercial/Industrial District.

14.3.1.4 Supplementary Regulations: See Article 13.

14.3.1.5 Development Regulations: Adult entertainment establishments (as defined herein) shall be subject to the following development regulations:

14.3.1.5.1 Comprehensive Plan: Proposed adult entertainment establishments shall be consistent with the Comprehensive Plan of South Centre Township.

14.3.1.5.2 Site Location: Adult entertainment establishments shall be located only in the “CM” Commercial/Industrial District. The proposed location of such an establishment within the district shall be at least five hundred (500) feet distant from another such adult entertainment establishment, residential district, property lines of churches and related religious institutions and property lines of schools and playgrounds.

14.3.1.5.3 Waiver: This five hundred-foot (500 ft.) distance restriction may be waived by the Board of Supervisors upon recommendation of the Planning Commission after a petition requesting a waiver is received and verified by the Planning Commission signed by 51 percent of those persons residing

within or owning or operating a business within a 500-foot distance of the proposed location, if the Planning Commission finds: that the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this Ordinance will be observed; that the proposed use will not enlarge or encourage the development of a “skid row” area; that the establishment of an additional use of this type in the area will not be contrary to any program of neighborhood conservation or improvement, either residential or non-residential; and that all applicable regulations of this Ordinance will be observed.

14.3.1.5.4 Definitions used in this subsection: (See Article 3.)

- A. **Adult Book Store**
- B. **Adult Cabaret**
- C. **Adult Drive-in Theatre**
- D. **Adult Massage Business** (other than that licensed by the Township)
- E. **Adult Mini-Motion Picture Theatre**
- F. **Adult Motion Picture Theatre**

14.3.1.5.5 Uses Designated and Regulated: Uses designated and regulated as Adult Entertainment Establishments include: adult book stores, adult cabarets, adult drive—in theatres, adult massage businesses, adult mini—motion picture theatres, and adult motion picture theatres.

14.3.2 Animal Kennels

Animal Hospitals are to be conditioned upon, but not limited to, the following criteria:

- 14.3.2.1** Demonstration that the facilities will not create nuisance conditions for adjoining properties due to noise or odor.
- 14.3.2.2** Demonstration that all animals will be confined to the property.
- 14.3.2.3** Demonstration of adequate methods for sanitation and sewage disposal.
- 14.3.2.4** A site plan drawn to scale shall accompany the application indicating parking facilities, screening and landscaping, driveways, sidewalks, buildings, runs, and other physical features, existing and proposed.

- 14.3.2.5** Animal kennels in which animals are kept, boarded, or trained may be either enclosed buildings or a combination of buildings and open runways. If all activities are maintained within a completely enclosed, soundproof building and no objectionable odors are produced outside the building, all regular district yard regulations shall apply. If open runways are used, the building and runways shall be located at least fifty (50) feet from all property lines, except where the property abuts a property having a residence, in which case the kennel shall be at least two hundred (200) feet from such property line.
- 14.3.2.6** The applicant shall provide proof of issuance of a permit from the Pennsylvania Department of Agriculture for a kennel license.

14.3.3 Automobile-Related Activities

- 14.3.3.1 Body Repair:** Activities involving the repair of automobiles, buses, trucks, snowmobiles, farm machinery, and motorcycle bodies shall be conducted within a completely enclosed building where adequate measures shall be taken to minimize noise, fumes, and glare. Only vehicles to be repaired on the premises or picked up by the vehicle owner may be stored in the yard area.
- 14.3.3.2 Car Wash:** Where a car wash operation abuts on the rear or side lot lines a district having residences as a principal permitted use, an attractive, tight fence five (5) feet in height shall be constructed and maintained in good condition, along such boundaries. Outside lighting shall be directed away from adjacent activities. Wherever possible, wash water should be recycled to reduce water runoff. Appropriate drainage facilities for washing activities shall be provided. The site shall be sufficiently large to accommodate cars awaiting washing during peak periods so that lines along public roadways are avoided. Such operations shall also comply with regulations of the Pennsylvania Department of Environmental Resources (DER).
- 14.3.3.3 Gasoline Stations and Service Garages:** When a gasoline station or service garage abuts on the rear or side lot lines a district having residences as a principal permitted use, a solid wall or substantial, attractive, tight fence five (5) feet in height shall be constructed and maintained in good condition along such boundaries. The site shall be sufficiently large to accommodate cars awaiting service during peak periods so that lines along public roadways are avoided. When the station or garage occupies a corner lot, access driveways shall be located at least sixty (60) feet from the intersection of the front and

side street or road lines of the lot.

All access driveways shall be no more than twenty—five (25) feet in width. Gasoline pumps or other service appliances shall be located at least twenty (20) feet behind the street right— of—way line, and all other repair service, storage, or similar activities in connection with the operation shall be conducted within the building where adequate measures shall be taken to minimize noise, fumes, and glare. Outside lighting shall be directed away from adjacent activities.

14.3.3.4 Vehicular Sales and Rental Lots:: Vehicles being sold or rented shall be set back from the -front property line a minimum of thirty— five (35) feet. Uses normally accessory to such sales and rental establishments, such as engine repair or rebuilding, body repair, painting and undercoating, shall be permitted, provided such uses are clearly subordinate and incidental to the principal use, and, provided further, that such uses are conducted within a completely enclosed building where adequate measures shall be taken to minimize noise, fumes, and glare.

Screening and landscaping standards for off—street parking areas shall be fulfilled in accordance with the regulations of Section 1303. In addition, where the operation abuts on the rear or side lot lines a district having residences as a principal use, a solid wall or substantial, attractive tight fence five (5) feet in height shall be constructed and maintained in good condition along such boundary. Outside lighting shall be directed away from adjacent activities. No vehicles to be sold or rented shall be parked on rights-of-way of adjacent streets or alleys.

14.3.4 Bed and Breakfast Inn

14.1.1.1 Intent

A Bed and Breakfast Inn shall provide temporary travelers' accommodations and breakfast in a single family residence for a fee, on a daily or weekly room rental basis.

14.1.1.2 Standards

14.1.1.2.1 Minimal outward modification of the structure or grounds may be made only if

such changes are compatible with the character of the area or neighborhood and the intent of the zoning district in which it is located.

14.1.1.2.2 Off-street parking shall be provided in accord with Article 13. The front yard shall not be for off-street parking for temporary guests unless the parking area is screened, not visible from the street, and found to be compatible with the neighborhood.

14.1.1.2.3 All necessary state and county permits, certifications, or requirements shall be obtained as a condition of approval of the bed and breakfast inn.

14.1.1.2.4 Room rentals to families or individuals shall not exceed 14 consecutive days.

14.1.1.2.5 Compliance with the sign regulations of Article 13 shall be maintained.

14.3.5 Lodging and Boarding Houses

14.3.5.1 The lodging and boarding house shall have no more than two (2) rooms of the residence used for boarding or lodging and not more than two (2) people per room. The property shall maintain all yard areas for the district in which it is located and shall provide parking spaces as required by Article 13. In outward appearance the lodging and boarding house shall be consistent with the character of other residences in the immediate area.

14.3.6 Communications Antennas, Communication Equipment Buildings, and Communications Towers

14.3.6.1 Building mounted Communications Antennas shall not be permitted on any single family dwelling or two family dwelling.

14.3.6.2 Building mounted Communications Antennas shall be permitted to exceed the height limitations of the applicable Zoning District by no more than twenty (20) feet.

14.3.6.3 Omni-directional or whip Communications Antennas shall not exceed twenty (20) feet in

height and seven (7) inches in diameter.

- 14.3.6.4** Directional or panel Communication Antennas shall not exceed five (5) feet in height and three (3) feet in width.
- 14.3.6.5** Any applicant proposing Communications Antennas to be mounted on a Building or other Structure shall submit evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the Building or other Structure, considering wind and other loads associated with the antenna location.
- 14.3.6.6** Any applicant proposing Communication Antennas to be mounted on a Building or other Structure shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the Structure for determining compliance with this Ordinance and with any applicable Building Code or other law.
- 14.3.6.7** Any applicant proposing Communication Antennas to be mounted on a Building or other Structure shall submit evidence of agreements and/or easements necessary to provide access to the Building or Structure on which the antennas are to be mounted so that installation and maintenance of the antennas and Communication Equipment Building can be accomplished.
- 14.3.6.8** Communications Antennas shall comply with all applicable standards established by the Federal Communication Commission governing human exposure to electromagnetic radiation.
- 14.3.6.9** Communications Antennas shall not cause radio frequency interference with other communications facilities located in the Borough.
- 14.3.6.10** A Communication Equipment Building shall be subject to the height and setback requirements of the applicable Zoning District for an accessory structure.

14.3.6.11 The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a Communications Tower, if applicable, and Communications Antennas.

14.3.6.12 The applicant shall demonstrate that the proposed Communications Tower and communications Antennas proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

14.3.6.13 Communications Towers shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation and applicable Airport Zoning Regulations.

14.3.6.14 Any applicant proposing construction of a new Communications Tower shall demonstrate that a good faith effort has been made to obtain permission to mount the Communications Antennas on an existing Building, Structure or Communications Tower. A good faith effort shall require that all owners of potentially suitable Structures within a one-quarter (1/4) mile radius of the proposed Communications Tower site be contacted and that one (1) or more of the following reasons for not selecting such Structure apply:

14.3.6.14.1 The proposed antennas and related equipment would exceed the structural capacity of the existing Structure and its reinforcement cannot be accomplished at a reasonable cost.

14.3.6.14.2 The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for the existing Structure and the interference cannot be prevented at a reasonable cost.

14.3.6.14.3 Such existing Structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.

14.3.6.14.4 Addition of the proposed antennas and

related equipment would result in electromagnetic radiation from such Structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

- 14.3.6.14.5** A commercially reasonable agreement could not be reached with the owners of such Structures.
- 14.3.6.15** Access shall be provided to the Communications Tower and Communications Equipment Building by means of a public street or easement to a public street. The easement shall be a minimum width of twenty (20) feet.
- 14.3.6.16** A Communications Tower may be located on a lot occupied by other principal Structures and may occupy a leased parcel within a lot meeting the minimum lot size requirements for the Zoning District.
- 14.3.6.17** Any applicant proposing a Communications Tower shall submit detailed construction, plan view and elevations drawings for determining compliance with all applicable provisions of this ordinance.
- 14.3.6.18** Recording of a plat of subdivision or land development shall not be required for a lease parcel on which a Communications Tower is proposed to be constructed, provided the Communications Equipment Building is unmanned.
- 14.3.6.19** The applicant shall demonstrate that the proposed height of the Communications Tower is the minimum height necessary to performs its function.
- 14.3.6.20** The foundation and base of any Communications Tower shall be set back from a property line (not lease line) when adjoining or located in any Residential District at least one hundred (100) feet and shall be set back from property lines (not lease line) in all other districts at least thirty (30) feet.
- 14.3.6.21** The base of a Communications Tower shall be landscaped so as to screen the foundation and base and Communications Equipment Building from abutting properties.

- 14.3.6.22** The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed Communications Tower will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industry Association/Telecommunications Industry Association and any applicable Building Code.
- 14.3.6.23** The applicant shall submit a copy of its current Federal Communications Commission license; the name, address and emergency telephone number for the operator of the Communications Tower; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the Communications Tower and Communications Antennas.
- 14.3.6.24** All guy wires associated with guyed Communications Towers shall be clearly marked for the first eight (8) feet from ground level so as to be visible at all times and shall be located within a fenced enclosure.
- 14.3.6.25** The site of a Communications Tower shall be secured by a fence with a height of eight feet to limit accessibility by the general public.
- 14.3.6.26** No signs or lights shall be mounted on a Communications Tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency which has jurisdiction. If lights are required, the use of white strobe lights shall be restricted to daylight hours only and shall be the minimum power necessary for the application. During nighttime hours only red lights may be utilized.
- 14.3.6.27** Communications Towers shall be protected and maintained in accordance with the requirements of any applicable Building Code.
- 14.3.6.28** If a Communications Tower remains unused

for a period of twelve (12) consecutive months, the owner or operator of a Communications Tower or the property owner shall dismantle and remove the Communications Tower within six (6) months of the expiration of such twelve (12) month period. The property owner shall be responsible for removal of a Communications Tower in the event that the owner or operator fails to perform the removal.

14.3.6.29 One off street parking space shall be provided within the fenced area.

14.3.7 Day Care Center

A center which provides daytime care or instruction for 4 or more infants of age 0 to 24 months, 6 or more children age 2 to 5 years, or 7 or more persons over 5 years of age and operates on a regular basis, including nursery schools and preschools, shall comply with the following provisions:

14.3.7.1 A day care center shall be located in an area that is free from conditions dangerous to the physical and moral welfare of the children.

14.3.7.2 At least 100 square feet per child of well-drained, completely fenced outside play area, not including drives, parking areas or land otherwise unsuitable, shall be provided.

14.3.7.3 At least 40 square feet per child of soundly constructed inside play area, not including bathroom, hallways, and other areas unsuited for play shall be provided.

14.3.7.4 The applicant shall provide such certification or documentation as necessary to show that the plans for the proposed day care center meet, where applicable, the licensing requirements of the Commonwealth of Pennsylvania Department of Public Welfare, Education, and Environmental Protection.

14.3.7.5 A building floor plan shall be provided, drawn to scale, and showing the use and dimensions of each room and the location of entrances and exits.

14.3.7.6 A site plan shall also be provided, drawn to scale, and clearly showing the following:

- 14.3.7.6.1** The dimensions and acreage of the site and its relationship to surrounding properties.
- 14.3.7.6.2** The layout of the entire project including the proposed use and location of all buildings.
- 14.3.7.6.3** The location and dimensions of present and proposed streets and private drives, and pedestrian facilities.
- 14.3.7.6.4** The location of points of entry and exit for motor vehicles and the internal vehicular circulation pattern.
- 14.3.7.6.5** The location and layout of all off-street parking and loading spaces, including the number of spaces shown and required for each use.
- 14.3.7.6.6** The location of existing and proposed plantings and screening, including the type and size of each plant to be installed.
- 14.3.7.6.7** The location of existing and proposed utility lines, water courses and drainage lines and easements.
- 14.3.7.6.8** Title, north arrow, scale, names of owners, name of individual who prepared the plan, and its date of preparation.

14.3.7.7 Day Care Centers Serving Employees in the Industrial District

Day care centers serving employees in the industrial district may be located either in a separate accessory structure on the same lot as an industrial structure or in an industrial structure within the limits of the industrial district. The use shall be clearly accessory to industrial uses. Parking spaces specifically for employees of the day care center as well as for clientele shall be provided in accordance with the regulations of Article 13.

14.3.8 Drive-in Restaurants, Drive-in Banks, and Other Drive-in Facilities

- 14.3.8.1** Drive-in facilities shall provide sufficient space to accommodate parking, vehicular circulation areas for drive-in service, and access driveways no more than twenty-five (25) feet wide.
- 14.3.8.2** If located on a corner lot, access driveways to the facility shall be at least sixty (60) feet from the intersection of the two streets as measured along the right-of-way line.
- 14.3.8.3** Where the property abuts on the side or rear property lines a district having residences as a principal permitted use, a solid wall or substantial, attractive, tight fence five (5) feet in height shall be constructed and maintained in good condition along such boundary.

14.3.8.4 Outside lighting shall be directed away from such activities.

14.3.8.5 In addition, drive-in movie theatres shall have a minimum lot area of fifteen (15) acres. The movie screen shall be situated so that its face is not visible from any public right-of-way. A playground and snack shop shall be permitted as accessory uses. No structure, excepting an enclosure fence) shall be located within one hundred (100) feet of any lot line provided, however, that the screen shall be located not less than one hundred fifty (150) feet from any lot line. The site shall be enclosed by a protective screening or planting strip consisting of suitable evergreen plant material. Such planting strip shall be maintained at a minimum height of seven (7) feet and shall be set back at least thirty (30) feet from the right-of-way line and ten (10) feet from other lot lines.

14.3.9 Dwellings, Multiple-family

14.3.9.1 Purpose: The purpose of this conditional use is to permit multiple—family dwellings in high density residential districts provided certain development standards are met.

14.3.9.2 Use Regulations: The principal permitted use shall be multiple-family dwellings of three (3) up to four (4) units per building and any accessory uses usually associated with multiple-family dwellings.

14.3.9.3 Dimensional Regulations

14.3.9.3.1 Minimum Lot Area: No lot or tract shall be less than eight thousand (8,000) square feet or two thousand five hundred (2,500) square feet per dwelling unit.

14.3.9.3.2 Minimum Tract Width: A lot shall be a minimum of fifty (50) feet width at the right-of-way line.

14.3.9.3.3 Minimum Tract Depth: A lot shall have a minimum depth of one hundred (100) feet.

14.3.9.3.4 Yards: Front, Side and Rear: The minimum front yard setback shall be thirty (30) feet in depth as measured from the street line; the minimum side and rear yards shall be fifteen (15) feet as measured from the side and rear lot lines. Accessory uses shall be setback a minimum of ten (10) feet from side lot lines and six (6) feet from rear lot lines.

14.3.9.3.5 Minimum Distance between Buildings: No principal building on the lot shall be closer than twenty-four (24) feet to any other principal building on the same lot.

14.3.9.3.6 Lot Coverage: No more than twenty-five percent (25%) of the lot shall be covered with buildings, whether principal or accessory.

14.3.9.3.7 Building Height: The maximum height of any building shall be forty (40) feet or three (3) stories, whichever is less.

14.3.9.4 Supplementary Regulations: See Article 13.

14.3.9.5 Buffer Area: See Section 13.11.11, Landscaping and Screening.

14.3.9.6 Subdividing: Any area divided into parcels or developed with two or more principal buildings according to the definitions of subdivision and land development as found in Article 3 shall also be subject to regulations found in the Subdivision and Land Development Ordinance.

14.3.10 Dwellings Over or Attached to Business Establishments

14.3.10.1 Such dwellings shall be designed as living quarters having at least seven hundred and fifty (750) square feet of floor area per dwelling unit and having adequate light and kitchen and bathroom facilities.

14.3.10.2 Such dwellings shall also have private access and the required residence parking spaces in addition to commercial parking spaces as required by Article 13.

14.3.11 Dwelling, Residential Conversion Units

14.3.11.1 All dwelling units created through residential conversion shall maintain an average floor area- of no less than six hundred (600) square feet per dwelling unit.

14.3.12 Dwelling, Townhouse

14.3.12.1 Minimum Lot Area for Townhouse Development: 2 acres

14.3.12.2 Maximum Gross Density: 5 dwelling units per acre

14.3.12.3 Minimum Lot Width for Townhouse Development: 300 ft.

14.3.12.4 Minimum Building Lines

front:	30 ft.
side - to property line	20 ft.
side - between units:	zero
side - between buildings:	100 ft.
rear:	25 ft.

14.3.12.5 Minimum Lot Area and Width Per Townhouse Unit

Bedrooms	Minimum Lot Area Per Unit	Minimum Lot Width
1	1600 sq. ft.	18 ft.
2	1800 sq. ft.	20 ft.
3	2000 sq. ft.	22 ft.
4	2200 sq. ft.	24 ft.
5	2400 sq. ft.	26 ft.

14.3.12.6 Water and Sewage Facilities: The development must be served by public water and public sewage facilities.

14.3.13 Family Based Group Home

14.3.13.1 The Family Based Group Home shall be limited to residential uses only. Offices of public agencies, services to non-residents (e.g. counseling services), and other similar non-residential activities shall be excluded from this use.

14.3.13.2 No Family Based Group Home shall be established within 500 ft. of another Family Based Group Home or a Group Care Facility.

14.3.13.3 The Family Based Group Home shall be similar in appearance to a single-family dwelling in the neighborhood.

14.3.13.4 The Family Based Group Home zoning approval shall be transferable from the original applicant to a new operator provided there is no change in the size, clientele or agency affiliation. In the case of changes, the zoning approval shall not be transferable.

14.3.13.5 The Family Based Group Home zoning approval shall be revoked if the group home fails to meet approved conditions at all times.

14.3.13.6 Off-street parking spaces shall be provided for all vehicles associated with the Family Based Group Home including the householder, residents, attendant caregivers, and visitors (see Section 13.6.3).

14.3.14 Group Care Facility

14.3.14.1 The Group Care Facility shall be limited to residential uses only. Offices of public agencies, services to non-residents (e.g. counseling services), and other similar non-residential activities shall be excluded from this use.

14.3.14.2 The Group Care Facility shall maintain a residential neighborhood character.

14.3.14.3 The Group Care Facility zoning approval shall be transferable from the original applicant to a new operator provided there is no change in the size, clientele or agency affiliation. In the case of changes, the zoning approval shall not be transferable.

14.3.14.4 The Group Care Facility zoning approval shall be revoked if the group home fails to meet approved conditions at all times.

14.3.14.5 Off-street parking spaces shall be provided for all vehicles associated with the Group Care Facility including the householder, residents, attendant caregivers, and visitors (see Section 13.6).

14.3.15 Home Occupations

14.3.15.1 A home occupation shall be an incidental use of a dwelling unit or of a building or other structure accessory to a dwelling unit and shall be conducted by a person or persons residing in the dwelling unit and not more than one (1) non-resident employee working on the premises. Not more than twenty-five percent (25%) of the building floor area (including the floor areas of both the principal and accessory structures) shall be used for the home occupation.

14.3.15.2 The exterior appearance of the structure or premises shall be maintained in its residential character with the home occupation conducted entirely within the enclosed structure and with no goods publicly displayed on the premises other than a sign indicating the presence of the home occupation. The home occupation shall not involve display windows, the storage or sale of articles not produced on the premises, frequent truck deliveries, or the production of offensive noise, smoke, vibration, dust, odors, heat, or glare. Off-street parking requirements for both dwelling and home occupation uses shall be fulfilled in accordance with the regulations of Article 13.

14.3.15.3 Home occupations may include an office or studio of a physician, dentist, artist, photographer, architect, engineer, accountant, surveyor, lawyer, realtor, insurance salesperson, or member of some similar recognized profession. This list is not all inclusive, but is intended to serve as a guideline.

14.3.15.4 Home occupations may also include beauty and barber shops, dress-making and tailoring shops, appliance and lawn mower repair, and tutoring and music instruction for not more than two (2) students at a time, but shall not include animal hospitals, animal kennels or stables, funeral homes, clothing shops, restaurants, dance studios, business schools, or automobile repair service. This list is not all inclusive, but is intended to serve as a guideline.

14.3.16 Junk Yard or Salvage Yard

Junk Yards may be permitted only in those zoning districts as provided for in the district regulations of this Ordinance and shall comply with the provisions outlined below, as well as with existing Ordinance #_____, as amended.

14.3.16.1 Such uses shall be conducted within a building or entirely enclosed within a fence or wall not less than eight (8) feet in height and made of suitable, permanent material. In addition, a buffer yard and/or landscaping as set forth in Section 13.11.11 of this Ordinance may be required. No part of any buffer yard may be used for the storage of any materials or parts associated with the operation.

14.3.16.2 Such premises shall at all times be maintained so as not to constitute a nuisance

or a menace to the health of the community or of residents nearby or a place for the breeding of rodents and vermin.

14.3.16.3 No garbage or other organic waste shall be stored in such premises.

14.3.16.4 All junk shall be stored or arranged so as to permit access by fire-fighting equipment and to prevent the accumulation of water. No junk shall be piled higher than two feet below the height of the fence or wall which encloses the facility, and shall not exceed a maximum height of eight (8) feet.

14.3.16.5 No oil, grease, tires, gasoline or other similar material shall be burned at any time, and all other burning shall be controlled at all times.

14.3.16.6 No junk material, appurtenant structure, related activity or other enclosure shall be stored, placed, located or conducted within 50 feet of any adjoining property line, public street right-of-way, body of water, stream or wetland. No weeds or scrub growth over eight (8) inches in height shall be permitted to grow within this setback area. Where determined appropriate by the Township, the applicant may be required to prepare and submit a Soil Erosion and Sedimentation Control Plan and NPDES Permit for his facility.

14.3.17 Medical and Dental Clinics

14.3.17.1 Medical and dental clinics shall abide by the following minimum regulations: Where the property abuts residences on the side or rear property lines, a solid wall, a substantial, attractive, tight fence or evergreen hedges a minimum of five (5) feet in height and maintained in good condition shall be provided. The evergreens shall be of such height at the time of planting that they will attain a height of five (5) feet within five (5) years.

14.3.17.2 A landscaped buffer area having a depth of not less than twenty-five (25) feet shall be provided along the property abutting residential properties. Access driveways shall be no more than twenty-five (25) feet in width, and, in the case of a corner lot, access driveways shall be at least sixty (60) feet from the intersection of the two streets, as

measured from the right-of-way line. Parking and loading spaces shall be provided as required by Article 13.

14.3.17.3 Medical Clinics Serving Employees of the Industrial District: Medical clinics serving employees of the industrial district may be located either in a separate accessory structure on the same lot as an industrial structure or in an industrial structure within the limits of the industrial district. The use shall be clearly accessory to the industrial use. Parking spaces specifically for employees of the clinic as well as for clientele shall be provided in accordance with the regulations of Article 13.

14.3.18 Mobile Home Parks

14.3.18.1 Purpose: The purpose of this use classification is to permit mobile home parks in such a way that their development is safe and sanitary and fit for human habitation and that their development is acceptable and compatible with other development in the district in which it is located.

14.3.18.2 Use Regulations: The principal permitted use shall be mobile homes. Accessory uses shall include those uses usually associated with such a facility.

14.3.18.3 Dimensional Regulations

14.3.18.3.1 Minimum Park Area: A mobile home park shall have an area of at least ten (10) acres.

14.3.18.3.2 Density: The density shall not exceed five (5) mobile homes per gross acre.

14.3.18.3.3 Minimum Park Width: A mobile home park shall have a minimum width of three hundred (300) feet.

14.3.18.3.4 Tract Buffer Areas: The minimum front, side and rear yards for the mobile home park tract shall be fifty (50) feet in depth as measured at right angles from the property lines. This space shall be used for no other purpose but landscaping and access roads.

14.3.18.3.5 Tract Coverage: No more than twenty percent (20%) of the tract shall be covered with buildings.

14.3.18.3.6 Building Height: The maximum height of any building shall be fifteen (15) feet or one (1) story.

14.3.18.4 Supplementary Regulations: See Article 13.

14.3.18.5 Development Regulations: A mobile home park shall be subject to the following development regulations:

14.3.18.5.1 Comprehensive Plan: A proposed mobile home park shall be consistent with the Comprehensive Plan of South Centre Township.

14.3.18.5.2 Site Location: A mobile home park shall be located on land having a reasonably flat terrain (having an average slope of eight percent [8%] or less. The Land area shall be free from swamps, marshes, garbage, excessive noise, smoke, or other elements generally considered detrimental to residential development. The location shall be free from flooding by a one hundred (100) year flood and shall have access to public roads.

14.3.18.5.3 Placement of Mobile Homes: Each mobile home site shall be provided with a stand or pad consisting of two (2) concrete strips to accommodate the axles of the mobile home. The poured concrete base shall measure one (1) foot deep, three (3) feet wide, and seventy (70) feet long for each of the two strips. Each mobile home site shall also be provided with a poured concrete outdoor patio one (1) foot deep and at least one hundred eighty (180) square feet in the area at the main entrance to the mobile home. The mobile home shall be required to be provided with anchors and tie-downs which are able to sustain a total tensile load equal to four times the weight of the particular mobile home.

14.3.18.5.4 Mobile Home Lots: Only one mobile home, including its extensions and additions, may be placed on each mobile home lot, which shall have access to a street in the mobile home park. Each lot shall have a minimum lot area of four thousand (4,000) square feet and a minimum lot width of forty (40) feet. The minimum front, 'side, and rear yards for any mobile home lot shall be ten (10) feet. No more than thirty percent (30%) of any lot shall be covered by structures.

14.3.18.5.5 Recreation Areas: A mobile home park shall be provided

with a recreation area for mobile home residents. The recreation area shall be no less than five percent (5%) of the total area of the park. Such an area shall be appropriately developed with recreation facilities and easily accessible to all homes in the park.

14.3.18.5.6 Laundromats: At least one (1) laundromat shall be provided for every mobile home park for the exclusive use of residents of that park. At least one (1) washer for every ten (10) mobile homes and one (1) dryer for every fifteen (15) mobile homes shall be provided. The structure housing the laundry facilities shall be easily accessible to all residents of the mobile home park. The water and sewerage systems serving the laundromat shall satisfy all requirements of the Pennsylvania Department of Environmental Protection.

14.3.18.5.7 Utilities: All utilities serving mobile home lots shall be placed at least four (4) feet underground. Each mobile home in the park shall be served by public water and sewerage or central water and sewerage systems as well as with electric and other utilities.

14.3.18.5.8 Drainage: Storm drainage from roofs and paved areas shall be channeled to natural drainage courses and away from adjoining properties and public roads. Trees and shrubbery shall be maintained on the property of the mobile home park and on every lot within the park for absorption of water runoff and hence for flood protection.

14.3.18.5.9 Storage Sheds: Each mobile home park shall provide to each mobile home an enclosed storage shed or partitioned space in such a shed, either of which shall have at least three hundred sixty (360) cubic feet and shall be located within one hundred fifty (150) feet of said mobile home.

14.3.18.5.10 Refuse Storage: Each home shall provide its own garbage and refuse containers in accordance with Township regulations pertaining to garbage and other solid wastes, or the mobile home park owner shall provide a dumpster and private hauling service where individual mobile homes cannot be served.

14.3.18.5.11 Sewerage Systems: Each mobile home lot shall be provided with at least a four (4) inch diameter vertical riser pipe which

connects the mobile home sewage drain outlet to the sewer line. Provision shall be made for plugging the sewer riser pipe when a mobile home does not occupy the lot. Surface drainage shall be directed away from the riser. The rim of the riser pipe shall extend at least six (6) inches above ground elevation.

14.3.18.5.12 Water Systems: Each mobile home lot shall have a water riser pipe which connects the mobile home water system to the central water system. An outside hose bib shall be supplied for each mobile home.

14.3.18.5.13 Sidewalks: All mobile home parks shall be provided with safe, convenient, all season pedestrian walks of ID-2 Bituminous concrete or Portland cement concrete to a depth and width approved by the Township Engineer between individual mobile homes and streets and to all park facilities provided for the residents. Walkways serving park facilities shall have a minimum width of four (4) feet.

14.3.18.5.14 Parking Areas: Parking spaces shall be provided as required by Article 13. All parking spaces for mobile home lots shall be paved.

14.3.18.5.15 Ingress and Egress: Access points to public streets from a mobile home park shall be located no less than sixty (60) feet from any public street intersection. Streets within the mobile home park shall be constructed to Township specifications except that one-way streets shall be allowed, provided access by fire and other emergency vehicles is not impaired.

14.3.18.5.16 Subdividing: A mobile home park is divided into parcels for leasing and is therefore subject to the regulations of the Subdivision and Land Development Ordinance.

14.3.19 Municipal Waste Landfills

14.3.19.1 Purpose: The purpose of this conditional use is to provide for the appropriate disposal of solid wastes in accordance with the requirements of the Pennsylvania Department of Environmental Resources.

14.3.19.2 Use Regulations: The principal permitted use shall be a sanitary landfill, and accessory uses shall be those needed to conduct such an

operation.

14.3.19.3 Dimensional Regulations

14.3.19.3.1 Minimum Tract Area: No lot or tract shall be less than ten (10) acres.

14.3.19.3.2 Minimum Tract Width: The- minimum tract width shall be three hundred (300) feet.

14.3.19.3.3 Yards: Front, Side and Rear: The minimum yard -setbacks shall be one hundred (100) feet in depth as measured from the street line or from the side or rear district lines or from a property line in different ownership but in the same use.

14.3.19.3.4 Tract Coverage: Not more than ten percent (10%) of the tract area shall be covered by buildings.

14.3.19.3.5 Building Height: The maximum height of any building shall be as required for the district in which the landfill is operated.

14.3.19.4 Supplementary Regulations: See Article 13.

14.3.19.5 Performance Standards: All activities of the sanitary landfill operation shall comply with all regulations governing odors, fumes, dust, smoke, vibration, noise, sewage, rodents, hazards, soil erosion and sedimentation, leachate runoff, and any other side effects of the operation deemed injurious to the public health, safety, and welfare by such agencies as the U. S. Environmental Protection Agency (EPA), the U. S. Soil Conservation Service (SCS), and the Pennsylvania Department of Environmental Protection (DEP).

14.3.19.6 Buffer Area: See Section 13.11.11, Landscaping and Screening.

14.3.19.7 Design and Operation: No sanitary landfill shall be allowed until approved as to design by the Pennsylvania Department of Environmental Protection, and no operations shall be allowed to continue except in conformance with the operational regulations for landfills of the Pennsylvania Department of Environmental Protection.

14.3.20 Natural Resource Uses

14.3.20.1 Purpose: The purpose of this use classification is to provide for: the

excavating, quarrying, mining, processing and sale of topsoil, sand, gravel, clay, shale, limestone, gas or other similar substance; and the collecting, processing, storing, bottling, and sale of water and other natural resources while protecting the environment and adjacent property owners and residents from any nuisances and hazards associated with such operations and providing, where applicable, for the reclamation and reuse of such land.

14.3.20.2 Use Regulations: The principal permitted uses shall be excavating, quarrying, mining, drilling, processing, and sale of mineral resources; collecting, processing, storing, bottling, and sale of water resources; and the, collecting or otherwise handling of any other natural resources. Accessory uses shall be any uses usually associated with such principal permitted uses.

14.3.20.3 Dimensional Regulations

14.3.20.3.1 Minimum Tract Area: No lot or tract shall be less than ten (10) acres.

14.3.20.3.2 Minimum Tract Width: No lot or tract shall be less than one hundred (100) feet wide at any point.

14.3.20.3.3 Yards: Front, Side and Rear: The minimum front, side, and rear yard setbacks shall be one hundred (100) feet in depth as measured from the street line, from the side or rear district lines, from a property line of any adjacent property in the same ownership but different use or in different ownership but the same use.

14.3.20.3.4 Tract Coverage: No more than ten percent (10%) of the tract area shall be covered with buildings, whether principal or accessory.

14.3.20.3.5 Building Height: The maximum height of any building shall be forty (40) feet or three (3) stories, whichever is less. Exceptions to this limitation include chimneys, antennae, and other structures which are not buildings.

14.3.20.3.6 Supplementary Regulations: See Article 13.

14.3.20.3.7 Performance Standards: All activities and uses allowed as Natural Resource Uses shall comply with all regulations

governing odors, fumes, dust, smoke, vibration, noise, sewage, industrial wastes, fire, and other hazards, water quality, soil erosion and sedimentation, and any other side effects of the natural resource operation deemed injurious to the public health, safety, and welfare by such agencies as the U.S. Environmental Protection Agency (EPA), the U.S. Soil Conservation Service (SCS), the Pennsylvania Department of Environmental Protection (DEP) and the Pennsylvania Department of Labor and Industry (PA L&I).

14.3.20.3.8 Buffer Area: See Section 13.11.11, Landscaping and Screening.

14.3.20.3.9 Fencing: Any natural resource operation involving mining, quarrying, drilling or excavating shall be required to provide a six (6) foot fence completely enclosing that activity on the property. Such a fence shall be so constructed as to have openings no larger than six (6) inches, and, if pickets are used, the openings shall not exceed six (6) inches.

14.3.20.3.10 Bonding and Insurance: Verification of bonding and insurance, if required by the Pennsylvania Department of Environmental Protection (DEP) or some other agency, shall be supplied to the Township Board of Supervisors upon request.

14.3.20.3.11 Subdividing: Any area divided into parcels or developed with two or more principal buildings according to the definitions of subdivision and land development as found in Article 3 shall also be subject to regulations found in the Subdivision and Land Development Ordinance.

14.3.21 Nursing Home or Retirement Home, Assisted Living Facility

14.3.21.1 Minimum Tract Area: 5 acres

14.3.21.2 Minimum Tract Width: 300 ft.

14.3.21.3 Minimum Tract Setbacks: The minimum front, side and rear yard setbacks shall be fifty (50) feet from the corresponding tract boundary.

14.3.21.4 Minimum Building Separation: 100 ft.

14.3.21.5 Arrangement of Buildings: The facilities shall be designed as a unit with a harmonious arrangement of buildings, common open space,

pedestrian and vehicular circulation and parking areas so as to make a safe, convenient, aesthetically pleasing, and functionally efficient residential area. A variety of living arrangements may be provided in one or more buildings to achieve a residential campus setting.

14.3.21.6 Water and Sewage Facilities: The development shall be served by public water and sewage facilities.

14.3.21.7 Tract Coverage: Not more than twenty-five percent (25%) of the area of the planned commercial center tract shall be covered by buildings.

14.3.21.8 Building Height: Two (2) stories or thirty (30) feet, whichever is less, but no building shall be less than one (1) story in height.

14.3.21.9 Ingress and Egress: Access points to public streets from the facility shall be located no less than sixty (60) feet from any public street intersection. Points of ingress and egress shall be designed so that undue congestion to or interference with normal traffic flow within the Township shall be avoided. Not more than one point of ingress and egress shall be allowed on any abutting street.

14.3.21.10 Pedestrian and Vehicular Circulation: Adequate provision shall be made for safe and efficient pedestrian and vehicular circulation within the boundaries of the Planned Commercial Center.

14.3.21.11 Off-Street Parking and Loading: The requirements for off-street parking and loading, as required in Article 13, shall be met. In addition, off-street parking and loading spaces shall be provided as an integral part of the site; be physically separated from public streets; be paved with a bituminous or concrete material; and be physically separated into sections by traffic islands or other approved means to provide for a safe, convenient, and functionally efficient commercial center. Off-street parking and loading areas shall be lighted so that no part of such areas is in total darkness during nighttime use.

14.3.22 Planned Commercial Center

14.3.22.1 Purpose: The purpose of this use is to provide for new or expanded shopping and office centers, designed as single entities, with building space for lease or sale, to meet the community needs for goods and services as well as those of a social, cultural, and civic nature, and to exclude uses not compatible with such activities.

14.3.22.2 Use Regulations: The principal permitted uses, accessory uses, and special exception uses shall be the same as those permitted in the “CI” - Commercial/Industrial District and subject to the same limitations.

14.3.22.3 Dimensional Regulations

14.3.22.3.1 Minimum Tract Area: A Planned Commercial Center shall have an area of at least three (3) acres.

14.3.22.3.2 Minimum Tract Width: The minimum tract width shall be three hundred (300) feet.

14.3.22.3.3 Front Yard: The minimum front yard shall be one hundred (100) feet as measured from the street right-of-way line.

14.3.22.3.4 Side Yards: The minimum side yard setback for the tract shall be fifty (50) feet for each side.

14.3.22.3.5 Rear Yard: The minimum rear yard for the tract shall be fifty (50) feet as measured from the rear property line.

14.3.22.3.6 Tract Coverage: Not more than twenty-five percent (25%) of the area of the planned commercial center tract shall be covered by buildings.

14.3.22.3.7 Building Height: Two (2) stories or thirty (30) feet, whichever is less, but no building shall be less than one (1) story in height.

14.3.22.4 Supplementary Regulations: See Article 13.

14.3.22.5 Development Regulations: A Planned Commercial Center shall be subject to the following development regulations:

14.3.22.5.1 Comprehensive Plan: A Planned Commercial Center shall be consistent with the Comprehensive Plan of South Centre Township.

14.3.22.5.2 Arrangement of Buildings: The Planned Commercial Center shall be designed as a unit with a harmonious arrangement of building groups, open space, pedestrian and vehicular circulation and parking areas so as to make a safe, convenient,

aesthetically pleasing, and functionally efficient commercial area.

- 14.3.22.5.3 Buffer Area:** See Section 13.11.11, Landscaping and Screening.
- 14.3.22.5.4 Utilities:** All utilities serving the Planned Commercial Center shall be placed at least four (4) feet underground. The Planned Commercial Center shall be served by either public or central water and sewerage systems as well as with electric and other utilities.
- 14.3.22.5.5 Ingress and Egress:** Access points to public streets from a Planned Commercial Center shall be located no less than sixty (60) feet from any public street intersection. Points of ingress and egress shall be designed so that undue congestion to or interference with normal traffic flow within the Township shall be avoided. Not more than one point of ingress and egress shall be allowed on any abutting street.
- 14.3.22.5.6 Pedestrian and Vehicular Circulation:** Adequate provision shall be made for safe and efficient pedestrian and vehicular circulation within the boundaries of the Planned Commercial Center.
- 14.3.22.5.7 Off-Street Parking and Loading:** The requirements for off-street parking and loading, as required in Article 13, shall be met. In addition, off-street parking and loading spaces shall be provided as an integral part of the site; be physically separated from public streets; be paved with a bituminous or concrete material; and be physically separated into sections by traffic islands or other approved means to provide for a safe, convenient, and functionally efficient commercial center. Off-street parking and loading areas shall be lighted so that no part of such areas is in total darkness during nighttime use.
- 14.3.22.5.8 Drainage:** Storm drainage from roofs and paved areas shall be channeled to natural drainage courses and away from adjoining properties. All areas not containing buildings or paved areas for necessary parking and circulation shall be maintained in trees, shrubbery, and grass for absorption of water run-off and hence for flood protection.

14.3.22.5.9 Subdividing: Any area divided into parcels or developed with two or more principal buildings according to the definitions of subdivision and land development as found in the Subdivision and Land Development Ordinance.

14.3.23 Planned Residential Development

14.3.23.1 Purpose: The purposes of this section, as stated in the Pennsylvania Municipalities Planning Code (Act 247 as amended) and as intended by the residents of South Centre Township, is to achieve the following:

14.3.23.1.1 To ensure that the provisions of the South Centre Township Zoning Ordinance which are concerned with the uniform treatment of dwelling type, bulk, density and open space within each zoning district, shall not be applied to the improvement of land by other than lot-by-lot development in a manner which would distort the objectives of the Zoning Ordinance;

14.3.23.1.2 To encourage innovations in residential development and renewal so that the growing demand for housing may be met by greater variety in type, design and layout of dwellings and by the conservation and more efficient use of open space ancillary to said dwellings;;

14.3.23.1.3 To provide greater opportunities for better housing and recreation for all who are or will be residents of the Township;

14.3.23.1.4 To encourage a more efficient use of land and public services and to reflect changes in the technology of land development so that the economies so secured may ensure to the benefit of those who need homes;

14.3.23.1.5 To encourage more flexible land development which will respect and conserve natural resources such as streams, flood plains, ground water, wooded areas, steeply—sloping areas of unusual attractiveness in the natural environment; and

14.3.23.1.6 In aid of these purposes, to provide a procedure which can relate the type, design and layout of residential development to the particular site and the particular demand for housing existing at the time of development in a manner consistent with the preservation of the property values within existing

residential areas, and to assure that the increased flexibility of regulations over land development established hereby is carried out pursuant to sound, expeditious and fair administrative standards and procedures.

14.3.23.2 Use Regulations: The principal permitted uses shall be single-family, two-family, and multiple-family dwellings. Accessory uses shall be any uses usually associated with such principal uses. Special exception uses shall include appropriate public uses and essential services as well as home occupations.

14.3.23.3 Dimensional Regulations

14.3.23.3.1 Minimum Tract Area: A Planned Residential Development shall have an area of at least fifty (50) acres.

14.3.23.3.2 Minimum Tract Width: The minimum tract width shall be three hundred (300) feet.

14.3.23.3.3 Minimum Tract Setbacks: The minimum front, side, and rear yard setbacks for the tract shall each be fifty (50) feet from the corresponding tract property line.

14.3.23.4 Supplementary Regulations: See Article 13.

14.3.23.5 Development Regulations: A Planned Residential Development shall be subject to the following standards and -regulations:

14.3.23.5.1 Comprehensive Plan: A Planned Residential Development shall be consistent with the Comprehensive Plan of South Centre Township.

14.3.23.5.2 Requirements for Improvements, Reservations, and Design: All improvements for streets, parks, sidewalks, etc., shall be designed and constructed in conformance with the standards of the Subdivision and Land Development Ordinance of South Centre Township, and such improvements shall be guaranteed under the requirements of that Ordinance.

14.3.23.5.3 Calculation of Dwelling Units Allowed: The density of dwelling units allowed shall not exceed five (5) per net acre. The net acreage of the tract shall be calculated by subtracting twenty percent (20%) of the total acreage for common open space, fifteen percent (15%) for streets and roads (including

right-of-way width), and any areas used for parks, playgrounds, churches, or similar uses.

- 14.3.23.5.4 Dwelling Unit Mix:** At least two (2) of the three (3) different types of dwelling units allowed above shall be required according to the following formula: The maximum of any type shall be sixty percent (60%) of the total number proposed, and the minimum shall be fifteen percent (15%).
- 14.3.23.5.5 Arrangement of Buildings:** The Planned Residential Development shall be designed as a unit with a harmonious arrangement of buildings, common open space, pedestrian and vehicular circulation and parking areas so as to make a safe, convenient, aesthetically pleasing, and functionally efficient residential area.
- 14.3.23.5.6 Common Open Space:** Not less than thirty percent (30%) of the total area of the planned residential development tract shall be designated as and devoted to common open space.
- 14.3.23.5.7 Impervious Surface Area:** No more than forty percent (40%) of the total area of the planned residential development tract shall be covered by impervious surface areas.
- 14.3.23.5.8 Steep Slopes:** In areas of steep slopes, the following standards shall apply: On slopes of 8 - 13%, no more than forty percent (40%) of such areas shall be developed and/or regraded or stripped of vegetation. On Slopes of 15 - 25%, no more than thirty percent (30%) of such areas shall be developed and/or regraded or stripped of vegetation. On slopes of 25% or more, no more than fifteen percent (15%) of such areas shall be developed and/or regraded or stripped of vegetation.
- 14.3.23.5.9 Storm Water Run-Off:** All developments shall limit the rate of storm water run-off so that no greater rate of run-off is permitted than that of, the site in its natural condition. All run-off calculations shall be that contained in the United States Department of Agriculture, Soil Conservation Service, "Engineering Field Manual - 4," latest edition.
- 14.3.23.5.10 Ponds, Wetlands, and Watercourses:** All such areas shall remain as permanent open space. No development, filling, piping, or diverting shall be permitted except for necessary roads. Open space shall include all land measured fifty (50) feet from the water's edge as well as all water or wetland

areas themselves. The Township's flood plain regulations shall be met.

14.3.23.5.11 Soil Erosion and Sedimentation: Sedimentation and erosion shall be controlled in accordance with the Clean Streams Law, PL 1987, Chapter 102, and the Township Subdivision and Land Development Ordinance. Erosion and Sedimentation Plans shall be submitted as part of the tentative land development plan even for developments under twenty-five (25) acres.

14.3.23.6 Standards for Location and Management of Open Space: The open space shall be located so as to be consistent with the objectives set forth in the application for the planned residential development. Where possible, it shall be designed as a contiguous area easily accessible to the residents and preserving natural features.

There shall be provisions which insure that the open space land shall continue as such and be properly maintained. The developer shall either:

- dedicate such land to public use if the Township indicates that it will accept such dedication;

- retain ownership and responsibility for maintenance of such open space land; or

- provide for and establish one or more organizations for the ownership and maintenance of all common open space.

In the case of the establishment of an organization, each such organization shall be a non-profit homeowners' corporation, unless than developer demonstrates that a community open space trust is a more appropriate form of organization.

If a homeowners' association or open space trust is formed, it shall be governed according to the regulations of Article VII of the Pennsylvania Municipalities Planning Code of 1968, Act 247 as amended.

14.3.23.7 Staging of Development: A planned residential development may be constructed in phases if the following criteria are met:

14.3.23.7.1 The application for tentative approval covers the entire

planned residential development and shows the location and approximate time of construction for each stage, in addition to other information required herein;

14.3.23.7.2 At least fifteen percent (15%) of the dwelling units in the tentatively approved plan are included in the first phase; and

14.3.23.7.3 The second and subsequent stages are completed consistent with the tentatively approved plan and in no stage contain less than fifteen percent (15%) of the dwelling units receiving tentative approval.

At no time may the gross density of any phase be greater than ten (10) dwelling units per acre in the area covered by that phase.

14.3.23.8 Enforcement and Modification of Provisions of the Plan: To further the mutual interest of the residents of the planned residential development and of the public in the preservation of the integrity of the development plan, as finally approved, and to insure that modifications, if any, in the development plan shall not impair the reasonable reliance of the said residents upon the provisions of the development plan, nor result in changes that would adversely affect the public interest, the enforcement and modifications of the provisions of the development plan as finally approved, whether those are recorded by plat, covenant, easement or otherwise, shall be subject to the following provisions:

14.3.23.8.1 The provisions of the development plan relating to a) the use, bulk and location of buildings and structures, b) the quantity and location of common open space, except as otherwise provided herein, and c) the intensity of use or the density of residential units, shall run in favor of the Township and shall be enforceable in law or in equity by the Township without limitation on any powers of regulation otherwise granted the Township by law.

14.3.23.8.2 All provisions of the development plan shall run in favor of the residents of the planned residential development but only to the extent expressly provided in the development plan and in accordance with the terms of the development plan, and to that extent said provisions, whether recorded by plat, covenant, easement or otherwise, may be enforced at law or equity by said residents acting individually, jointly, or through an organization designated in the development plan to act on

their behalf; provided, however, that no provisions of the development plan shall be implied to exist in favor of residents of the planned residential development except as to those portions of the development plan which have been finally approved and have been recorded.

14.3.23.8.3 All those provisions of the development plan authorized to be enforced by the Township under this section may be modified, removed, or released by the Township, except grants of easements relating to the service or equipment of a public utility, subject to the following conditions: a) no such modification, removal or release of the provisions of the development plan by the Township shall affect the rights of the residents of the planned residential development to maintain and enforce those provisions, at law or equity, as provided in this Section; b) no modification, removal or release of the provisions of the development plan by the Township shall be permitted except upon a finding by the Board of Supervisors or the Planning Commission, following a public hearing thereon pursuant to public notice called and held in accordance with the provisions of this Section, that the same is consistent with the efficient development and preservation of the entire planned residential development, does not adversely affect either the enjoyment of land abutting upon or across the street from the planned residential development or the public interest, and is not granted solely to confer a special benefit upon any person.

14.3.23.8.4 Residents of the planned residential development may, to the extent and in the manner expressly authorized by the provisions of the development plan, modify, remove or release their rights to enforce the provisions of the development plan, but no such action shall affect the right of the Township to enforce the provisions of the development plan in accordance with the provisions of this Section.

14.3.23.9 Application for Tentative Approval: The application for, and tentative and final approval of, a planned residential development prescribed in this Section shall be in lieu of all other procedures or approvals otherwise required by the Zoning Ordinance and Subdivision and Land Development Ordinance of the Township, except where specifically Indicated. The procedures herein described for the approval or disapproval of a development plan for a planned

residential development and the continuing administration thereof are established in the public interest in order to provide an expeditious method for processing a development plan for a planned residential development and to avoid the delay and uncertainty which would arise if it were necessary to secure approval, by a multiplicity of local procedures, of a plat of subdivision as well as approval of a change in the zoning regulations otherwise applicable to the property.

An application for tentative approval shall be consistent with the following provisions:

14.3.23.9.1 Informal Consultation: The landowner, the Township Board of Supervisors, and the Township Planning Commission may consult informally concerning the proposed Planned residential development prior to the filing of an application for tentative approval, provided that no statement or representation by a member of the Board of Supervisors or of the Planning Commission shall be binding on the Board or Planning Commission as a whole.

14.3.23.9.2 Application: An application for tentative approval shall be filed by or on behalf of the landowner with the Zoning Officer upon payment of an application fee.

14.3.23.9.3 Relationship to Planning, Zoning, and Subdivision: All planning, zoning and subdivision matters relating to the platting, use and development of the planned residential development and subsequent modifications of the regulations relating thereto, to the extent such modification is vested in the Township, shall be determined and established by the Board of Supervisors or the Planning Commission.

14.3.23.9.4 Required Documentation: The application for tentative approval shall include documentation illustrating compliance with all of the standards for planned residential development, and where necessary the Planning Commission shall order such documentation to aid them in their review. Two (2) copies of the application and twelve (12) copies of the plan shall be required. Required documentation shall include, but not be limited to, documents illustrating the following:

14.3.23.9.4.1. The location and size of the area involved and its adjoining areas, the nature of the landowner's interest in the planned residential development;

- 14.3.23.9.4.2.** The proposed use areas and the residential density to be allocated to parts of the site to be developed;
- 14.3.23.9.4.3.** The location, function, size, ownership, and manner of maintenance of the common open space;
- 14.3.23.9.4.4.** The use and the approximate height, bulk, and location of buildings and other structures;
- 14.3.23.9.4.5.** Information showing the feasibility of proposals for sanitary sewerage, water supply, and storm water disposition;
- 14.3.23.9.4.6.** The substance of covenants, grants of easements, or other restrictions existing or proposed to be imposed upon the use of land, buildings, and structures, including proposed grants and/or easements for public utilities;
- 14.3.23.9.4.7.** The provision for parking of vehicles and the location, right-of-way and cartway widths of proposed streets and public ways;
- 14.3.23.9.4.8.** The required modifications in the Township land use regulations otherwise applicable to the property;
- 14.3.23.9.4.9.** In the case of plans which call for development in stages, a schedule showing the time within which applications for final approval of all parts of the planned residential development are intended to be filed, and which shall be updated annually on the anniversary of submission for final approval;
- 14.3.23.9.4.10.** The application shall, insofar as possible, indicate compliance with the provisions set forth herein, governing the requirements for final approval.
- 14.3.23.9.4.11.** Plan maps at a scale of one (1) inch equals one hundred (100) feet, with contours for each five (5) foot change in elevation, showing: natural features of the land including topography, vegetation, drainage, and soil types; approximate locations of buildings, streets according to type, parking areas, and

walkways; locations of common open space and recreation facilities; the public utility system; and development phasing; and

14.3.23.9.4.12.A location map showing the relationship of the total development plan to the Comprehensive Plan of the Township.

14.3.23.9.5 Statement by Landowner: The application shall also include a written statement by the landowner setting forth the reasons why, in his opinion, the planned residential development would be in the public interest and would be consistent with the Comprehensive Plan of the Township.

14.3.23.9.6 Planning Commission Referrals and Review: The application for tentative approval shall be filed with the Zoning Officer, who is authorized to accept such application under the Zoning Ordinance. He shall submit the application to the Planning Commission, who shall refer copies of the tentative plan to the agencies and officials identified in the Subdivision and Land Development Ordinance as having an interest in the plan for their review & comment. After preparing a report thereon the Planning Commission shall submit the report to the Board of Supervisors for the public hearing as required below.

14.3.23.10 Public Hearings: Within sixty (60) days after the filing of an application for tentative approval of a planned residential development pursuant to this Section, a public hearing pursuant to public notice on said application shall be held by the Board of Supervisors in the manner prescribed in the Ordinance for the enactment of an amendment to the Zoning Ordinance.

The Chairman or the Vice Chairman of the Board of Supervisors may administer oaths and compel the attendance of witnesses. All testimony by witnesses at any hearing shall be given under oath and every party of record at a hearing shall have the right to cross-examine adverse witnesses.

A verbatim record of the hearing shall be caused to be made by the Board of Supervisors whenever such records are requested by any party to the proceedings; but the cost of making and transcribing such a record shall be borne by those who wish to obtain such copies. All exhibits accepted in evidence, shall be properly identified and the

reason for the exclusion clearly noted in the record.

The Board of Supervisors may continue the hearing from time to time, and may refer the matter back to the Planning Commission for a report, provided, however, that in any event, the public hearing or hearings shall be concluded within sixty (60) days after the date of the first public hearing.

14.3.23.11 The Findings

14.3.23.11.1 The Board of Supervisors, within sixty (60) days following the conclusion of the public hearing provided for by this article, shall, by official written communication to the landowner, either:

-Grant tentative approval to the development plan as submitted;

-Grant tentative approval subject to specified conditions not included in the development plan as submitted; or

-Deny tentative approval to the development plan.

Failure to act within said period shall be deemed to be a grant of tentative approval of the development plan as submitted. In the event, however, that tentative approval is granted subject to conditions, the landowner may, within thirty (30) days after receiving a copy of the official written communication of the Board of Supervisors, notify such Board of his refusal to accept all said conditions, in which case the Board shall be deemed to have denied tentative approval of the development plan. In the event the landowner does not, within said period, notify the Board of his refusal to accept all said conditions, tentative approval of the development plan, with all said conditions, shall stand as granted.

14.3.23.11.2 The grant or denial of tentative approval by official written communication shall include not only conclusions but also findings of fact related to the specific proposal and shall set forth the reasons for the denial, and said communication shall set forth with particularity in what respects the development plan would or would not be in the public interest including but not limited to findings of fact and conclusions on the following:

-Those respects in which the development plan is or is not consistent with the Comprehensive Plan for the development of the Township;

-The extent to which the development plan departs from zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to density, bulk, and use, and the reasons why such departures are or are not deemed to be in the public interest;

-The purpose, location and amount of the common open space in the planned residential development, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development;

-The physical design of the development plan and the manner in which said design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation and visual enjoyment;

-The relationship, beneficial or adverse, of the proposed planned residential development to the neighborhood in which it is proposed to be established; and

-In the case of a development plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interest of the public and of the residents of the planned residential development in the integrity of the development plan.

14.3.23.11.3 In the event a development plan is granted tentative approval, with or without conditions, the Board of Supervisors may set forth in the official written communication the time within which an application for final approval of the development plan shall be filed or in the case of a development plan which provides for development over a period of years, the periods of time within which applications for final approval of each part thereof shall be filed. Except upon the consent of the landowner, the time so established between grant of tentative approval and an application for final approval shall not be less than three (3) months and, in the case of developments over a period of years, the time between applications for final

approval of each part of the plan shall not be less than twelve (12) months.

14.3.23.12 Status of Plan After Tentative Approval

14.3.23.12.1 The official written communication provided for in this Section shall be certified by the Township Secretary and shall be filed in his or her office, and a certified copy shall be mailed to the landowner. where tentative approval has been granted, the same shall be noted on the Zoning Map.

14.3.23.12.2 Tentative approval of a development plan shall not qualify a plat of the planned residential development for recording nor authorize development or the issuance of any zoning permit. A development plan which has been given tentative approval as submitted, or which has been given tentative approval with conditions which have been accepted by the landowner (and provided that the landowner has not defaulted nor violated any of the conditions of the tentative approval), shall not be modified or revoked nor otherwise impaired by action of the Township pending and application or applications for final approval, without the consent of the landowner, provided an application for final approval is filed, or, in the case of development over a period of years, provided applications are filed, within the periods of time specified in the official written communication granting tentative approval.

14.3.23.12.3 In the event that a development plan is given tentative approval and thereafter, but prior to final approval, the landowner shall elect to abandon said development plan and shall so notify the Board of Supervisors in writing, or in the event the landowner shall fail to file application or applications for final approval within the required period of time or times, as the case may be, the tentative approval shall be deemed to be revoked, and all that portion of the area included in the development plan for which final approval has not been given shall be subject to those local ordinances otherwise applicable thereto as they may be amended from time to time, and the same shall be noted on the Zoning Map and in the records of the Township Secretary.

14.3.23.13 Application for Final Approval

14.3.23.13.1 An application for final approval may be for all the land included in a development plan or, to the extent set forth in the tentative approval, a section thereof. Said application shall be made through the Zoning Officer to the Township Planning Commission or the Board of Supervisors and within the time or times specified by the official written Communication granting tentative approval. If the application for final approval is in compliance with the tentatively approved development plan, a public hearing need not be held.

14.3.23.13.2 The application shall include all drawings, specifications, covenants, easements, performance bond and such other requirements as specified in the Subdivision and Land Development Ordinance, as well as any conditions set forth in the official written communication at the time of tentative approval.

14.3.23.13.3 In the event that the application for final approval has been filed, together with all drawings, specifications and other documents in support thereof, and as required by the ordinance and the official written communication of tentative approval, the Board of Supervisors shall, within forty-five (45) days of such filing, grant such development plan final approval.

14.3.23.13.4 In the event the development plan as submitted contains variations from the development plan given tentative approval, the Board of Supervisors may refuse the grant final approval and shall, within forty—five (45) days from the filing of the application for final approval, so advise the landowner in writing of said refusal, setting forth in said notice the reasons why one or more of said variations are not in the public interest. In the event of such refusal, the landowner may either:

-Refile his application for final approval without the variations objected, or

-File a written request with the Board of Supervisors that it hold a public hearing on his application for final approval.

If the landowner wishes to take either such alternate action, he may do so at any time within which he shall be entitled to

apply for final approval, or within thirty (30) additional days if the time for applying for final approval shall have already passed at the time when the landowner was advised that the development plan was not in substantial compliance.

In the event the landowner shall fail to take either of these alternate actions within said time, he shall be deemed to have abandoned the development plan.

Any such public hearing shall be held pursuant to public notice within thirty (30) days after request for the hearing is made in writing by the landowner, and the hearing shall be conducted in the manner prescribed in this ordinance for public hearings on applications for tentative approval. Within thirty (30) days after the conclusion of the hearing, the Board of Supervisors shall, by official written communication, either grant final approval to the development plan or deny final approval.

The grant or denial of final approval of the development plan shall, in cases arising under this section, be in the form and contain the findings required for an application for tentative approval set forth in this Section.

14.3.23.13.5 A development plan, or any part thereof, which has been given final approval shall be so certified without delay by the Board of Supervisors and shall be filed of record forthwith in the Office of the Recorder of Deeds of the County before any development shall take place in accordance therewith. Upon the filing of record of the development plan, the zoning and subdivision regulations otherwise applicable to the land included in such plan shall cease to apply thereto. Pending completion within a reasonable time of said planned residential development or of that part thereof, as the case may be, that has been finally approved, no modification of the provisions of said development plan, or part thereof, as finally approved, shall be made except with the consent of the landowner.

14.3.23.13.6 In the event that a development plan, or a section thereof, is given final approval and thereafter the landowner shall abandon such plan or the section thereof that has been finally approved, and shall so notify the Board of Supervisors in writing; or, in the event the landowner shall fail to commence and carry out the planned residential development within such

reasonable period of time as may be fixed by ordinance after final approval has been granted, no development or further development shall take place on the property included in the development plan until after the said property is resubdivided and is reclassified by enactment of an amendment to the Township Zoning Ordinance in the manner prescribed for such-amendments in Article 17.

14.3.24 Private Resort Commercial Development

14.3.24.1 Purpose: The purpose of this conditional use is to provide for resort commercial developments consisting of a combination of transient dwelling accommodations and commercial indoor and outdoor recreational and entertainment uses which serve as a destination for vacationers and those attending conferences and conventions as well as those partaking of these activities for a shorter duration.

14.3.24.2 Use Regulations: The uses permitted in the Private Resort Commercial Developments may include the following:

14.3.24.2.1 Transient dwelling accommodations including hotels and motels and tourist cabins, cottages or bungalows.

14.3.24.2.2 Commercial indoor and outdoor recreational and entertainment uses including restaurants, lounges, theaters, night clubs, art galleries and cultural establishments, bowling alleys, tennis courts, swimming pools, yacht or boat clubs, stables and bridle paths, country clubs, golf courses and golf driving ranges and miniature golf, gymnasiums and physical health salons, and related uses.

14.3.24.2.3 Retail business establishments including the sale of food, cigars, candy, flowers; clothing and clothing accessories; newspapers, books, stationery; sporting goods and marine supplies; and specialty and gift items.

14.3.24.2.4 Customer service establishments including repair of clothing and shoes; pick—up stations for dry cleaning; banks and other financial services; and medical, chiropractic, dental and similar services.

14.3.24.2.5 Accessory buildings and uses customarily incidental to

the above.

14.3.24.3 Dimensional Regulations

- 14.3.24.3.1 Minimum Tract Area:** No Private Resort Commercial Development tract shall be less than ten (10) acres.
- 14.3.24.3.2 Minimum Tract Width:** The minimum tract width shall be three hundred (300) feet.
- 14.3.24.3.3 Yards: Front, Side and Rear:** The minimum yard setbacks for the tracts shall be fifty (50) feet as measured from the street line or from the side or rear property lines.
- 14.3.24.3.4 Tract Coverage:** Not more than ten percent (10%) of the tract area shall be covered by buildings.
- 14.3.24.3.5 Building Height:** The maximum height of any building shall be four (4) stories or forty (40) feet.

14.3.24.4 Supplementary Regulations: See Article 13

14.3.24.5 Development Regulations: Since a private Resort Commercial Development involves subdivision and land development as defined in this Ordinance, it shall also be subject to the regulations of the Subdivision and Land Development Ordinance of South Centre Township.

14.3.25 Professional Office

14.3.25.1 This use, when proposed for the Village District is deemed most appropriate for prominent locations along collector streets, at corner locations and in areas of existing mixed residential and non-residential uses. Such a use is not appropriate at locations in neighborhoods which are primarily residential in nature and where traffic impacts would be disruptive to the residential character.

14.3.25.2 The use or adaptation of a structure or lot in the Village District for a Special Exception or Conditional use shall not involve the destruction of open spaces, lawns, landscaping and trees except for changes made to meet parking, screening or other requirements set forth by this Ordinance or approving board.

14.3.26 Public or Quasi-Public Uses

Such uses, when located in buildings, shall abide by the following minimum regulations:

14.3.26.1 Where the property abuts residences on the side or rear property lines, a solid wall, a substantial, attractive, tight fence or evergreen hedges a minimum of five (5) feet in height and maintained in good condition shall be provided. The evergreens shall be of such height at the time of planting that they will attain a height of five (5) feet within five (5) years.

14.3.26.2 A landscaped buffer area having a depth of not less than twenty—five (25) feet shall be provided along the property abutting residential properties.

14.3.26.3 Access driveways shall be no more than twenty—five (25) feet in width, and, in the case of a corner lot, access driveways shall be at least sixty (60) feet from the intersection of the two streets, as measured from the right—of—way line. Parking and loading spaces shall be provided as required by Article 13.

14.3.27 **Recreation/Entertainment Facility** - See Section 14.2 for criteria.

14.3.28 **Restaurant, Tavern or Social Club** - See Section 14.2 for criteria.

14.3.29 **Retail, Office, Service Use** - See Section 14.2 for criteria.

14.3.30 **Riding Stable**

14.3.30.1 All barns, stables, and other buildings shall be located at least two hundred (200) feet from all property lines.

14.3.30.2 The minimum lot area for a riding stable shall be five (5) acres.

14.3.31 **Solid Waste Transfer Facilities**

14.3.31.1 **Purpose:** The purpose of this use classification is to provide for the temporary storage of non-hazardous solid waste until such time that it is transferred to a permanent disposal site.

14.3.31.2 **Use Regulations:** The principal permitted uses shall be a transfer facility for the temporary storage of non- hazardous solid waste and any accessory uses usually associated with such a facility.

14.3.31.3 Dimensional Regulations:

- 14.3.31.3.1 Minimum Tract Area:** No lot or tract shall be less than twenty—three (23) acres.
- 14.3.31.3.2 Minimum Tract Width:** No lot or tract shall be less than one thousand (1,000) feet wide at any point.
- 14.3.31.3.3 Yards: Front, Side, and Rear:** The minimum front, side, and rear yard setbacks shall be four hundred (400) feet in depth as measured from the street line, from the side or rear district lines, from a property line of any adjacent property in the same ownership but different use or in different ownership but the same use.
- 14.3.31.3.4 Tract Coverage:** No more than five percent (5%) of the tract area shall be covered with buildings, whether principal or accessory.
- 14.3.31.3.5 Building Height:** The maximum height of any building shall be thirty (30) feet.

14.3.31.4 Supplementary Regulations: See Article 13.

14.3.31.5 Performance Standards: All activities and uses allowed as Non—hazardous Solid Waste Transfer Facilities ‘shall comply with all regulations governing odors, fumes, dust, smoke, vibration, noise, sewage, industrial wastes, fire, and other hazards, water quality, soil erosion and sedimentation, and any other side effects of the Non—hazardous Solid Waste Transfer Facilities deemed injurious to the public health, safety, and welfare by such agencies as the U.S. Environmental Protection Agency (EPA), the U.S. Soil Conservation Service (SCS), the Pennsylvania Department of Environmental Protection (DEP), and the Pennsylvania Department of Labor and Industry (PA L&I).

14.3.31.6 Buffer Area: See Section 13.11.11, Landscaping and Screening.

14.3.31.7 Subdividing: Any area divided into parcels or developed with two or more principal buildings according to the definitions of subdivision and land development as found in Article 3 shall also, be subject to regulations found in the Subdivision and land Development Ordinance.

ARTICLE 15

Floodplain Management Provisions

15.1 Identification of Floodplain

The identified floodplain area shall be those areas of South Centre Township, which are subject to the one hundred (100) year flood, as identified in the Flood Insurance Study (FIS) dated November 19, 1980, and the accompanying maps prepared for the Township by the Federal Emergency Management Agency (FEMA), or the most recent revision thereof.

15.2 Description of Floodplain Area

The identified floodplain area shall consist of the following specific areas:

15.2.1 FW (Floodway Area)

The areas identified as "Floodway" in the numbered A Zones in the Floodplain Insurance Study prepared by the FEMA. The term shall also include floodway areas which have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study.

15.2.2 FF (Flood-Fringe Area)

The remaining portions of the one hundred (100) year floodplain in those areas identified as a numbered A Zone in the Flood Insurance Study, where a floodway has been delineated.

The basis for the outermost boundary of this area shall be the one hundred (100) year flood elevations as shown in the flood profiles contained in the Flood Insurance Study.

15.2.3 FA (General Floodplain Area or Approximate 100 Year Flood Area)

The areas identified as Zone A in the FIS for which no one hundred (100) year flood elevations have been provided. When available, information from other Federal, State, and other acceptable sources shall be used to determine the one hundred (100) year elevation, as well as a floodway area, if possible. When no other information is available, the one hundred (100) year elevation shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question.

In lieu of the above, the Township may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualification, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township.

15.3 Changes in Designation of Area(s)

The delineation of any of the identified flood-prone area(s) may be revised by the Board of Supervisors where natural or man-made changes have occurred and/or more detailed studies conducted or undertaken by the U.S. Army Corps of Engineers, River Basin Commission or other qualified agency or individual documents the need for such revision. However, prior to any such change, approval must be obtained from the Federal Insurance Administration (FIA).

15.4 Boundary Disputes

Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Zoning Officer, and any party aggrieved by this decision may appeal to the Zoning Hearing Board. The burden of proof shall be on the appellant.

15.5 Technical Requirements

15.5.1 General

15.5.1.1 No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality, and until all required permits or approvals have been first obtained from the Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands.

In addition, the Federal Emergency Management Agency and Pennsylvania Department of Community and Economic Development, Bureau of Community Planning, shall be notified prior to any alteration or relocation of any watercourse.

15.5.1.2 Any new construction, development, uses or activities allowed within any identified floodplain area, shall be undertaken in strict compliance with the provisions contained in this Ordinance and any other applicable codes, ordinances and regulations.

15.5.2 Special Requirements for FW and FA Areas

15.5.2.1 Within any FW (Floodway Area), the following provisions apply:

15.5.2.1.1 Any new construction, development, use, activity or encroachment that would cause any increase in flood heights shall be prohibited.

15.5.2.1.2 No new construction or development shall be allowed, unless a

permit is obtained from the Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands.

15.5.2.2 Within any FA (General Floodplain Area), the following provisions apply:

15.5.2.2.1 No new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse

15.5.2.2.2 Any new construction or development, which would cause any increase in flood heights, shall be prohibited within any floodway area.

15.5.3 Elevation and Floodproofing Requirements

15.5.3.1 Residential Structures

Within any identified flood-prone area(s), the elevation of the lowest floor (including basement) of any new or improved residential structures shall be at least one and one-half (1½) feet above the regulatory flood elevation.

15.5.3.2 Non-Residential Structures

Within any identified floodplain area, the elevation (including basement) of any new or substantially improved nonresidential structure shall be at least one and one-half (1½) feet above the one hundred (100) year flood elevation or be floodproofed up to that height.

Any non-residential structure, or part thereof, having a lowest floor which is not elevated to or above the one hundred (100) year flood elevation, shall be floodproofed in a completely or essentially dry manner in accordance with the W1 or W2 space classification standards contained in the publication titled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and

specification for such floodproofing shall be accompanied by a statement certified by a registered professional engineer, architect or surveyor which states that the proposed design and methods of construction are in conformance with the above referenced standards.

15.5.3.3 Space Below the Lowest Floor

Partially enclosed space below the lowest floor (including basement) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of floodwater for the purpose of equalizing hydrostatic forces on exterior walls. The term "partially enclosed space" also includes crawl spaces.

Designs for meeting this requirement must either be certified by a registered professional engineer, architect, or surveyor or meet or exceed the following minimum criteria:

- 15.5.3.3.1** a minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
- 15.5.3.3.2** the bottom of all openings shall be no higher than one (1) foot above grade.
- 15.5.3.3.3** openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

15.5.3.4 Requirements for Accessory Structures

Structures accessory to a principal building need not be elevated or floodproofed to remain dry, but shall comply, at a

minimum, with the following requirements:

- 15.5.3.4.1** the structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity.
- 15.5.3.4.2** floor area shall not exceed 600 square feet.
- 15.5.3.4.3** the structure will have a low damage potential.
- 15.5.3.4.4** the structure will be located on the site so as to cause the least obstruction to the flow of floodwater.
- 15.5.3.4.5** power lines, wiring, and outlets will be at least one and one-half (1^{1/2}) feet above the one hundred (100) year flood elevation.
- 15.5.3.4.6** permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.
- 15.5.3.4.7** sanitary facilities are prohibited.
- 15.5.3.4.8** the structure should be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following criteria:
 - 15.5.3.4.8.1.** a minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
 - 15.5.3.4.8.2.** the bottom of all openings shall be no higher than one (1) foot above grade.
 - 15.5.3.4.8.3.** openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

15.5.4 Design and Construction Standards

The following minimum standards shall apply for all construction and development proposed within any identified floodplain area:

15.5.4.1 Drainage Facilities

Storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The system shall insure drainage at all points along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

15.5.4.2 Water and Sanitary Sewer Facilities and Systems

15.5.4.2.1 All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.

15.5.4.2.2 Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.

15.5.4.2.3 No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.

15.5.4.3 Streets

The finished elevation of all new streets shall be no more than one (1) foot below the Regulatory Flood Elevation.

15.5.4.4 Other Utilities

All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

15.5.4.5 Fill

If fill is used, it shall:

- 15.5.4.5.1** extend laterally at least fifteen (15) feet beyond the building line from all points;
- 15.5.4.5.2** consist of soil or small rock materials only - Sanitary Landfills shall not be permitted;
- 15.5.4.5.3** be compacted to provide the necessary permeability and resistance to erosion, scouring or settling;
- 15.5.4.5.4** be no steeper than one (1) vertical to two (2) horizontal feet, unless substantiated data, justifying steeper slopes are submitted to, and approved by the Zoning Officer; and
- 15.5.4.5.5** be used to the extent to which it does not adversely affect adjacent properties.

15.5.4.6 Placement of Buildings and Structures

All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.

15.5.4.7 Anchoring

- 15.5.4.7.1** All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent floatation, collapse, or lateral movement.
- 15.5.4.7.2** All air ducts, large pipes, storage tanks, and other similar objects or components located below the Regulatory Flood Elevation shall be securely anchored or affixed to prevent floatation.

15.5.4.8 Floors, Walls and Ceiling

- 15.5.4.8.1** Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing

structural damage to the building.

15.5.4.8.2 Plywood used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.

15.5.4.8.3 Walls and ceilings at or below the Regulatory Flood Elevation shall be designed and constructed of materials that are "water-resistant" and will withstand inundation.

15.5.4.8.4 Windows, doors, and other components at or below the Regulatory Flood Elevation shall be made of metal or other "water-resistant" material.

15.5.4.9 Electrical Systems and Components

15.5.4.9.1 Electrical distribution panels shall be at least three (3) feet above the one hundred (100) year flood elevation.

15.5.4.9.2 Separate electrical circuits shall serve lower levels and shall be dropped from above.

15.5.4.10 Equipment

Water heaters, furnaces, air conditioning and ventilating systems, and other electrical, mechanical, or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation.

15.5.4.11 Fuel Supply Systems

All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

15.5.4.12 Paints and Adhesives

15.5.4.12.1 Paints and other finishes used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.

15.5.4.12.2 Adhesives used at or below the Regulatory Flood Elevation shall

be of a "marine" or "water-resistant" variety.

15.5.4.12.3 All wooden components (doors, trim, cabinets, etc.) shall be finished with a "marine" or "water-resistant" paint or other finishing material.

15.5.4.13 Storage

All materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal, or plant life, and not listed in Section 15.5.7, Development Which May Endanger Human Life, shall be stored at least one and one-half (1¹/₂) feet above the Regulatory Flood Elevation and/or floodproofed to the maximum extent possible.

15.5.5 Special Requirements for Manufactured (Mobile) Homes

15.5.5.1 Within any FW (Floodway Area), manufactured homes shall be prohibited.

15.5.5.2 Within any FA (General Floodplain Area), manufactured homes shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.

15.5.5.3 Where permitted within any floodplain area, all mobile homes, and any improvements thereto, shall be:

15.5.5.3.1 placed on a permanent foundation.

15.5.5.3.2 elevated so that the lowest floor of the mobile home is at or above the elevation of the one hundred (100) year flood.

15.5.5.3.3 anchored to resist floatation, collapse, or lateral movement in accordance with the manufacturer's instructions. In the event the manufacturer's instructions are not available anchoring shall be accomplished by providing over-the-top and frame ties to ground anchors:

15.5.5.3.3.1. over-the-top ties shall be provided at each of the four corners of the mobile home, with two (2) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and mobile homes less than fifty (50) feet long requiring one additional tie

per side, all over-the-top ties shall be attached to ground anchors;

15.5.5.3.3.2. frame ties shall be provided at each corner of the mobile home with five additional ties per side at intermediate points, with mobile homes less than fifty (50) feet long requiring four additional ties per side;

15.5.5.3.3.3. all components of the anchoring system shall be capable of carrying a force of 4,800 pounds;

15.5.5.3.3.4. any additions to the mobile home shall be similarly anchored.

15.5.5.4 An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the appropriate Township officials for manufactured home parks and manufactured home subdivisions where appropriate.

15.5.6 Special Requirements for Campgrounds and Recreational Vehicles in Floodplain Areas

15.5.6.1 Where campgrounds and recreational vehicles are located within a designated floodway, Zoning Permits will only be valid from April 1 through November 1 of each year. All camping units, recreation vehicles, and associated accessory structures or facilities must be removed from the Floodway during the remainder of the year.

15.5.6.2 Where campground and recreational vehicles are located within any designated floodplain area, a workable evacuation plan must be submitted by the owner as part of his application for a Zoning Permit. Said plan must insure that all units will be removed from the floodplain during flood events.

15.5.6.3 Anchoring may be required for units being placed permanently in campgrounds located outside of designated floodplain areas. However, units being placed in campgrounds located within a designated floodplain must remain on wheels and must be capable of being towed or transported from the site at all times. Such units may not be placed on blocks or similar supports.

15.5.7 Development Which May Endanger Human Life

15.5.7.1 In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community Affairs as

required by the act, any new or substantially improved structure which:

- will be used for the production or storage of any of the following dangerous materials or substances; or,
- will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or
- will involve the production, storage, or use of any amount of radioactive substances;

shall be subject to the provisions of this section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:

1. Acetone
2. Ammonia
3. Benzene
4. Calcium carbide
5. Carbon disulfide
6. Celluloid
7. Chloride
8. Hydrochloric acid
9. Hydrocyanic acid
10. Magnesium
11. Nitric acid and oxides of nitrogen
12. **Petroleum products (gasoline, fuel oil, etc.)**
13. Phosphorous
14. Potassium
15. Sodium
16. Sulphur and sulphur products
17. Pesticides (including insecticides, fungicides, and rodenticides)
18. Radioactive substances, insofar as such substances are not otherwise regulated.

15.5.7.2 Within an FW (Floodway Area), any structure of the kind described in Subsection 15.5.7.1, above, shall be prohibited.

15.5.7.3 Where permitted within any floodplain area, any new or substantially improved structure of the kind described in Subsection 15.5.7.1, above, shall be:

15.5.7.3.1 elevated or designed and constructed to remain completely dry up to at least one and one half (1½) feet above the one hundred (100) year flood and,

15.5.7.3.2 designed to prevent pollution from the structure or activity during the course of a one hundred (100) year flood.

Any such structure, or part thereof, that will be built below the Regulatory Flood Elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Flood-Proofing Regulations" (U.S. Army Corps of Engineers, June 1972 as amended March 1992), or with some other equivalent watertight standard.

15.6 Activities Prohibited Within Floodplain Areas

In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act, the following activities shall be prohibited within any identified floodplain area:

15.6.1 The commencement of any of the following activities; or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:

15.6.1.1 hospitals

15.6.1.2 nursing homes

15.6.1.3 jails or prisons

15.6.2 The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing mobile home park or mobile home subdivision.

15.7 Existing Structures in Identified Floodplain Areas

15.7.1 Existing Structures

The provisions of this Ordinance do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of Section 15.7.2 shall apply.

15.7.2 Improvements

The following provisions shall apply whenever any improvement is made to an existing structure located within any identified floodplain area:

15.7.2.1 No expansion or enlargement of an existing structure shall be allowed within any floodway area that would cause any increase in the elevation of the one hundred (100) year flood.

15.7.2.2 Any modification, alteration, construction, reconstruction, or improvement, of any kind to an existing structure, to an extent or amount of fifty (50) percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Ordinance.

15.7.2.3 Any modification, alteration, construction, reconstruction, or improvement, of any kind to an existing structure, to an extent or amount of fifty (50) percent or less than its market value, shall be elevated and/or floodproofed to the greatest extent possible.

15.8 Variance of Floodplain Management Provisions

15.8.1 General

If compliance with any of the floodplain management provisions of this Ordinance would result in an exceptional hardship to a prospective builder, developer or landowner, the Zoning Hearing Board may, upon request, grant a relief from the strict application of these requirements.

15.8.2 Variance Procedures and Conditions

Requests for variances shall be considered by the Zoning Hearing Board in accordance with the procedures contained in Section 16.2.4 and the following:

15.8.2.1 No variance shall be granted for any construction, development, use, or activity within any floodway area that would cause any increase in the one hundred (100) year flood elevation.

15.8.2.2 Except for a possible modification of the one and one half (1½) foot freeboard requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to Activities Prohibited Within Floodplain Areas (Section 15.6) or Development Which May

Endanger Human Life (Section 15.5.7).

15.8.2.3 If granted, a variance shall involve only the least modification necessary to provide relief.

15.8.2.4 In granting any variance, the Zoning Hearing Board shall attaché whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Ordinance.

15.8.2.5 Whenever a variance is granted, the Zoning Hearing Board shall notify the applicant in writing that:

15.8.2.5.1 The granting of the variance may result in increased premium rates for flood insurance.

15.8.2.5.2 Such variances may increase the risks to life and property.

15.8.2.6 In reviewing any request for a variance, the Zoning Hearing Board shall consider, at a minimum, the following:

15.8.2.6.1 That there is good and sufficient cause.

15.8.2.6.2 The failure to grant the variance would result in exceptional hardship to the applicant.

15.8.2.6.3 That the granting of the variance will (i) neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense, (ii) nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.

15.8.3 A complete record of all variance requests and related actions shall be maintained by the Zoning Hearing Board. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration.

Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one hundred (100) year flood.

ARTICLE 16

Zoning Hearing Board Proceedings

ARTICLE 16

Zoning Hearing Board Proceedings

16.1 Organization and Procedure

16.1.1 Establishment

Pursuant to the provisions of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended, a Zoning Hearing Board is hereby established for South Centre Township.

16.1.2 Appointment and Membership

The Zoning Hearing Board shall consist of three (3) members who are residents of South Centre Township who are appointed by Resolution of the Township Board of Supervisors. The terms of the initial appointees shall be for one, two and three years from the date of appointment. Their successors shall be appointed for the term of three (3) years after the expiration of the terms of their predecessors in office. Members of the Zoning Hearing Board shall hold no other office in the municipality. A Zoning Hearing Board member may be removed by the majority vote of the appointing authority for just cause only after the member has received 15 days advanced notice of the Township's intent to take such a vote.

The Township Board of Supervisors may appoint two (2) alternate members to the Zoning Hearing Board to serve in the event of absence or conflict of interest of a regular member. The term of office of an alternate shall be three (3) years. The Chairman of the Zoning Hearing Board shall designate as many alternates as may be necessary to provide a quorum. Designation shall be made on a case-by-case basis, in rotation, according to declining seniority.

16.1.3 Appointment to Fill Vacancies

Appointments to fill vacancies shall be for the unexpired term of the member or members whose term becomes vacant. Appointments to fill such vacancies shall be made in the same manner as the original appointment.

16.2 Powers and Duties

The Zoning Hearing Board shall perform all the duties and have all the powers prescribed by the Municipalities Planning Code Act, of 1968, P.L. 805, No. 247, as reenacted and amended, including the following:

To Hear and Decide Requests for Special Exceptions

Where the Governing Body, in the Zoning Ordinance, has stated special exceptions to be granted or denied by the Zoning Hearing Board pursuant to express standards and criteria of this Ordinance, the Zoning Hearing Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria. In granting a Special Exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in the ordinance, as it may deem necessary to implement the purposes of the Municipalities Planning Code and the Zoning Ordinance.

16.2.1 To Hear and Decide Appeals

- 16.2.1.1** The Zoning Hearing Board shall hear and decide appeals from any order, requirement, decision or determination made by the Zoning Officer administering this Ordinance, including but no limited to the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order, or the registration or refusal to register any nonconforming use, structure, or lot.
- 16.2.1.2** The Zoning Hearing Board shall hear and decide appeals from a determination of the Zoning Officer or municipal engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving the provisions regulating Subdivision and Land Development governed under Article V of the Pennsylvania Municipalities Planning Code.
- 16.2.1.3** The Zoning Hearing Board shall hear and decide appeals from a determination by the Municipal Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.
- 16.2.1.4** The Zoning Hearing Board shall hear and decide upon appeals from a determination of the Zoning Officer, any question involving the interpretation of any provision of this Ordinance, including determination of the exact location of any district boundary where there is uncertainty with respect thereto.

16.2.2 To Hear and Decide Challenges to the Validity of any Land Use Ordinance

16.2.2.1 The Zoning Hearing Board shall hear and decide substantive challenges to the validity of any land use ordinance, except those for Landowner Curative Amendments, which shall be brought before the Governing Body pursuant to Sections 609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code, as amended.

16.2.2.2 The Zoning Hearing Board shall hear and decide challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption. Such challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance.

16.2.3 To Hear and Decide Requests for Variances

The Zoning Hearing Board shall hear requests for variances and may vary or adapt the strict application of any of the requirements of this Ordinance in the case of exceptionally, irregular, narrow or shallow lots or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved, but in no other case. The sole purpose of any variance shall be to prevent discrimination and no variance shall be granted which would have the effect of granting a special privilege not shared by other property owners in the same vicinity and district and under the same conditions. See Section 15.8 for additional information regarding variances in the Floodplain Districts.

No variance in the strict application of any provision of this Ordinance shall be granted by the Zoning Hearing Board unless it finds:

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

16.2.3.2 that because of such physical circumstances or conditions there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning ordinance and that the authorization of a

variance is therefore necessary to enable the reasonable use of the property;

16.2.3.3 That such unnecessary hardship has not been created by the applicant;

16.2.3.4 That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare;

16.2.3.5 That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as may seem necessary to implement the purposes of this Ordinance.

16.3 Hearing Procedures

16.3.1 Parties Appellant Before the Board

Appeals from a decision of the Zoning Officer and proceedings to challenge the validity of the Ordinance may be filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agency of the Township, or by any person aggrieved. Requests for variance must be filed with the Zoning Hearing Board by a landowner or an authorized agent of such landowner.

16.3.2 Time Limitations

No person shall be allowed to file any proceeding with the Zoning Hearing Board later than 30 days after an application for development, preliminary or final, has been approved by an appropriate municipal officer, agency, or body if such proceeding is designed to secure reversal or to limit the approval in any manner, unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given.

16.3.3 Application Required

All requests and appeals made to the Zoning Hearing Board shall be in writing and in such form as may be prescribed by the Zoning Officer. Every appeal or request shall refer to a specific provision of this Ordinance and shall exactly set forth the interpretation that is claimed or

shall include the plans or the details of the variance that is applied for, in addition to the following information:

- 16.3.3.1** the name and address of the applicant or appellant;
- 16.3.3.2** the name and address of the owner of the parcel to be affected by such proposed change or appeal;
- 16.3.3.3** a brief description and location of the parcel to be affected by such proposed change or appeal;
- 16.3.3.4** a statement of the present zoning classification of the parcel in question, the improvements thereon and the present use thereof, and
- 16.3.3.5** a reasonably accurate description of the additions or changes intended to be made under this application, indicating the size of such proposed improvement, material and general construction thereof. In addition, there shall be attached a plot plan of the property to be affected, indicating the location and size of the lot and size of improvements thereon and proposed to be erected thereon.

16.3.4 Procedure for Zoning Officer

- 16.3.4.1** The notice of appeal in any case where a permit has been granted or denied by the Zoning Officer shall be prescribed by the Zoning Hearing Board under general rule after notice of such action granting or denying the permit has been mailed to the applicant. The Zoning Officer shall then immediately transmit to the Zoning Hearing Board all papers constituting the record from which the appealed action was taken or in lieu thereof, certified copies of said papers.
- 16.3.4.2** It shall be acceptable for the Zoning Officer to recommend to the Zoning Hearing Board a modification or reversal of his action in cases where he believes substantial justice requires the same but where he does not have sufficient authority to grant the relief sought.

16.3.5 Hearing Required and Notice of Hearings

The Zoning Hearing Board, before rendering a decision, shall hold hearings on any appeal, interpretation, variance, challenge or other matter requiring the Zoning Hearing Board's decision or other official action. Upon the filing of an appeal or application request with the Zoning Hearing Board, the Board shall, within 60 days of receipt of the application, fix a reasonable time and place for and hold a public hearing thereon, giving notice as follows:

- 16.3.5.1** Public notice in accordance with the definition of *Public Notice* in Section 3.2 of this Ordinance;
- 16.3.5.2** Post in a conspicuous place on the property involved a written notice of the pending hearing and action, such notice shall take place at least seven (7) days prior to the public hearing;
- 16.3.5.3** Give written notice to the applicant, the Zoning Officer, the Township Secretary, Secretary of the Township Planning Agency, and to any person who has made timely request for the same, at least seven (7) days prior to the hearing. (Where the Zoning Hearing Board is requesting comments on an application from the Planning Agency, the Township Planning Agency shall be given notice at least 30 days prior to the hearing); and
- 16.3.5.4** In case of an appeal or a request for a variance, all adjacent property owners within 500 feet of the nearest line of the property for which the variance is sought shall be given written notice within seven (7) days of the hearing.

16.3.6 Rules of Conduct

The Zoning Hearing Board shall adopt rules in accordance with the provisions of this Ordinance and Article IX of the Pennsylvania Municipalities Planning Code, as amended. Meetings of the Zoning Hearing Board shall be held at the call of the Chairman and at such other times as the Zoning Hearing Board may determine. Such Chairman or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. Irrelevant, immaterial or unduly repetitious evidence may be ruled out of order and excluded from the hearing record.

All hearings and meetings of the Zoning Hearing Board shall be open to the public. The Zoning Hearing Board shall keep a stenographic record of the hearing proceedings. Minutes shall be kept of all other meetings and shall show the vote of each member upon each question or if absent or failing to vote, indicate such fact. Such records shall be public and shall be kept on file with the Township Secretary. A report of the Zoning Hearing Board's activities shall be submitted to the Township Supervisors once each year.

A quorum of two (2) Board Members shall be required for the Board to take action.

16.3.7 Decisions

The Zoning Hearing Board shall render a written decision or, when no decision is called for, make written findings on any application brought before them within 45 days after the date of the last hearing on said application. Every decision of the Zoning Hearing Board shall be based on stated findings of fact and every finding of fact shall be supported in the record of the hearing. The enumerated conditions required to exist for the authorization of a variance shall be construed as limitation of the power of the Zoning Hearing Board to act. A mere finding of recitation of the enumerated conditions, unaccompanied by findings of specific fact, shall not be deemed findings of fact and shall not be deemed compliance with this Ordinance.

In exercising the above mentioned powers, the Zoning Hearing Board may, in conformity with the provisions of this Section, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as it feels appropriate.

A copy of the final decision or findings must be delivered to the applicant personally or must be mailed to him not later than the day after the date of the report. All other persons interested in the results or who filed an appearance or testified during the Hearing must be provided with a brief notice of the decision or findings and a statement indicating where the full decision may be examined.

16.3.8 Expiration of Appeal Decision

Unless otherwise specified by the Zoning Hearing Board, a decision on any appeal or request shall expire if the applicant fails to obtain any necessary Zoning Permit or comply with the conditions of said authorized permit within six (6) months from the date of authorization thereof.

16.3.9 Required Interval for Hearings on Applications and Appeals after Denial

Whenever the Zoning Hearing Board, after hearing all the evidence presented upon an application or appeal under the provisions of the Ordinance, denies the same, the Zoning Hearing Board shall refuse to hold further hearings on the same or substantially similar application or appeal by the same applicant, his successor or assign for a period of one (1) year, except and unless the Zoning Hearing Board shall find and determine from the information supplied by the request for a rehearing, that

changed conditions have occurred related to the promotion of the public health, safety, convenience, comfort, prosperity and general welfare and that a reconsideration is justified. Such rehearing would be allowable only upon a motion initiated by a member of the Zoning Hearing Board and adopted by the unanimous vote of the members present, but not less than a majority of all members.

16.3.10 Failure to Hold Required Hearing or Render Decision

If the Zoning Hearing Board fails to hold the required Hearing or fails to render a decision with the prescribed time periods, a decision shall be automatically rendered in favor of the applicant. However, the applicant may agree in writing to an extension of the 60 day and/or 45 day time requirements.

When a decision is rendered in favor of the applicant due to a violation of the established time requirements, the Zoning Hearing Board must give public notice of this decision within ten (10) days from the last day it could have met to render a timely decision.

16.3.11 Stay of Proceedings

An appeal to the Zoning Hearing Board shall automatically stop all affected land development. However, if the Zoning Officer or other appropriate agency certifies to the Zoning Hearing Board that such a halt could cause an imminent danger to life or property, then development may only be stopped by a restraining order granted by the Zoning Hearing Board or by the court having jurisdiction, on petition, after notice to the Zoning Officer and any appropriate agency.

16.3.12 Appeals

Any person aggrieved by any decision of the Zoning Hearing Board may appeal therefrom within 30 days to the Court of Common Pleas of Columbia County pursuant to the procedures established in Article X-A of the Pennsylvania Municipalities Planning Code, as amended.

ARTICLE 17

Amendments and Conditional Uses - Board of Supervisors

ARTICLE 17

Amendments and Conditional Uses - Board of Supervisors

17.1 Amendments to Zoning Ordinance or Map

The Township Board of Supervisors may on its own motion or by petition amend, supplement, change, modify or repeal this Ordinance, including the Zoning Map, by proceeding in the following manner. For Curative Amendments, see Section 609.1, Procedure for Landowner Curative Amendments, under Article VI of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended.

17.1.1 Review by Planning Agency

Every such proposed amendment or change, whether initiated by the Township Board of Supervisors or by petition, shall be referred to the Township Planning Agency and the County Planning Commission at least 30 days before the public hearing for report thereon. If the Planning Commission(s) fail to file such a report before the Public Hearing it shall be presumed that the Planning Commission(s) have no comments or concerns regarding the proposed amendment, supplement or change.

17.1.2 Public Hearing

The Township Board of Supervisors shall, at a public meeting, establish a date, time and place for a Public Hearing on the proposed amendment. Notice of such Hearing shall be published once each week for two (2) consecutive weeks in a newspaper of general circulation in the local area. The first notice shall be published not more than 30 days and the second publication shall appear no less than seven (7) days prior to the hearing date. The notice shall state the time and place of the hearing and the general nature of the proposed amendment in such reasonable detail as will give adequate notice of its contents and shall name the place(s) where copies of the proposed amendment may be examined. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted at points along the perimeter of the affected tract at least seven (7) days prior to the date of the hearing.

17.1.3 Opportunity to be Heard

At the public hearing, full opportunity to be heard shall be given to any citizen and all parties in interest.

17.1.4 Notice of Enactment

Prior to taking action on the amendment, the Township Supervisors shall give notice of proposed enactment by publishing the entire amendment or the title and a brief summary once in a newspaper of general circulation in the locale. Such notice shall be published one time, not more than 60 days nor less than seven (7) days prior to passage.

17.1.5 Enactment of Amendment

The adoption of an amendment shall be by simple majority vote of the Township Board of Supervisors. The vote of the Supervisors shall be within 90 days after the last public hearing on the amendment. If the Supervisors fail to take action within 90 days, the proposed amendment shall be deemed to have been denied. Within 30 days after enactment, a copy of the amendment shall be forwarded to the County Planning Commission.

17.2 Conditional Uses

The Township Supervisors may grant Conditional Use approval for only those uses set forth in Articles 5 through 9 of this Ordinance, District Regulations, pursuant to the express standards and criteria for the specified uses outlined in this Ordinance. In addition, the Supervisors may attach such reasonable conditions and safeguards as they deem appropriate to protect the public welfare and implement the purpose of this Ordinance.

17.2.1 Application Procedure

Applications for any Conditional Use permitted by this Ordinance shall be made to the Zoning Officer who shall refer such application to the Secretary of the Township Supervisors. Upon receipt of a Conditional Use application, the Secretary of the Township Supervisors shall forward a copy of the application to the Township Planning Agency for their review and recommendation. The Planning Commission shall conduct its review and make recommendations within 45 days of receipt of such request.

17.2.2 Written Statement

All applications for Conditional Uses shall include a written statement describing the tract of land and its intended use. Such statement shall include the

following information:

- 17.2.2.1** the location of the tract of land;
- 17.2.2.2** the present use of the tract for which the conditional use is requested;
- 17.2.2.3** the present use of adjoining tracts;
- 17.2.2.4** the type of conditional use for which the application is made;
- 17.2.2.5** a brief description of the type and extent of the proposed activities;
- 17.2.2.6** an estimate of the total development cost of the conditional use; and
- 17.2.2.7** the names of the applicant, the owner of the tract, the developer of the conditional use and the person or organization who will operate the conditional use.

17.2.3 Site Plan

All applications for Conditional Uses shall include a site plan of the proposed development as set forth below. The site plan shall be drawn to a scale not exceeding 50 feet to the inch and shall be placed on a sheet no smaller than 18x24". If the site plan is drawn in two (2) or more sections, a key map showing the section locations shall be placed on each sheet. The site plan shall include:

- 17.2.3.1** title block containing the name of the developer or landowner, date, scale, north arrow and the name and profession of the preparer of the plan;
- 17.2.3.2** tract boundaries showing bearings and distances;
- 17.2.3.3** existing significant natural or man-made features of the site;
- 17.2.3.4** existing and proposed streets, rights-of-way, easements, means of access and setback lines;
- 17.2.3.5** existing buildings, sewers, water mains, culverts, transmission lines, and fire hydrants on or adjacent to the site;
- 17.2.3.6** existing contours at vertical intervals of five (5) feet or less and the datum to which the elevations refer;
- 17.2.3.7** proposed grading and drainage plan;

- 17.2.3.8** proposed plan of any landscaping of the tract showing all paved and planted areas, screens or fences and erosion control measures;
- 17.2.3.9** plans of any proposed sanitary sewer or storm sewer systems and water supply systems; and
- 17.2.3.10** location, size and floor plan of all proposed buildings or structures and proposed use of all buildings or structures and open or unenclosed areas of the tract.

In cases where little site improvement or development is required or proposed for a Conditional Use, the Township Supervisors may, upon recommendation of the Township Planning Agency, waive the requirement for submission of certain information that is deemed unnecessary for review for the application. In all cases however, the information submitted shall be adequate for review of the Conditional Use request.

17.2.4 Hearing Requirements

Within 60 days of the date of the applicant's request for a Conditional Use, the Supervisors shall select a date, advertise pursuant to *Public Notice*, and hold a public hearing on the proposal. The burden of presentation of the Conditional Use request at the hearing shall rest with the applicant.

17.2.5 Criteria for Review and Approval of Conditional Use

The Supervisors shall, in making decisions on each application for a Conditional Use, consider the following general criteria, in addition to the special criteria established elsewhere in this Ordinance.

- 17.2.5.1** the purpose of the zone in which the requested conditional use is to be located and the compatibility of the requested conditional use with existing and potential land uses on adjacent tracts of ground;
- 17.2.5.2** whether the specific site is an appropriate location for the use, structure or condition;
- 17.2.5.3** whether the use developed will adversely affect the neighborhood;
- 17.2.5.4** whether the use will create undue nuisance or serious hazard to vehicles or pedestrians;
- 17.2.5.5** whether adequate and appropriate facilities and services will be

provided to ensure the proper operation of the proposed use;

17.2.5.6 the economic, noise, glare, or odor effects of the conditional use on adjoining properties and properties generally in the district; and

17.2.5.7 whether satisfactory provision and arrangement has been made concerning the following:

- ingress and egress to the property and structure thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow, control and access in case of fire or other emergency;
- off-street parking and loading areas;
- waste collection, storage or disposal;
- utilities, with reference to location, availability and compatibility;
- screening and buffering with reference to type, dimensions and character;
- signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district; and
- required yards and open spaces.

17.2.6 Decisions

The Supervisors shall render a decision or, when no decision is called for, make written findings on the Conditional Use application within 45 days after their last hearing on the proposal. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusion based thereon, together with any reasons therefor. Conclusions based on any provisions of the Pennsylvania Municipalities Planning Code, this Ordinance, or other ordinance, rule or regulation shall contain a reference to the provisions relied upon and the reason why the conclusion is deemed appropriate in light of the facts found. A copy of the final decision or, where no decision is called for, the findings shall be delivered to the applicant personally or mailed to him to later than the day following its date.

17.2.7 Failure to Hold Required Hearing or Render Decision

Where the Township Supervisors fail to hold the required hearing or fail to render a decision within the time periods specified in Sections 17.2.4 and 17.2.6 above, the decision shall be deemed to have

been rendered in favor of the applicant, unless the applicant has agreed in writing on the record to an extension of time. When a decision has been rendered in favor of the applicant because of a violation of the prescribed time periods, the Township Supervisors shall give public notice in the same manner as is done for the public hearing of the decision with ten (10) days from the last day they could have met to render a timely decision. If the Supervisors fail to provide such notice, the applicant may do so.

17.2.8 Expiration of Decision

Unless otherwise specified by the Supervisors at the time of their action, a Conditional Use authorization shall expire if the applicant fails to obtain any necessary Building/Zoning Permits or comply with the conditions of said authorization within six (6) months from the date of authorization.

17.2.9 Appeals

Nothing in this Section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

ARTICLE 18

Administration and Enforcement

ARTICLE 18

Administration and Enforcement

18.1 Generally: Appointment of Zoning Officer

For the purposes of administering and enforcing this Ordinance a Zoning Officer shall be appointed by the Board of Supervisors. The appointment of a Zoning Officer is generally governed by Section 614 of Act 247. The Zoning Officer shall hold no elective office in the Township and shall demonstrate to the satisfaction of the Board of Supervisors a working knowledge of municipal zoning, and shall meet such other qualifications as the Board of Supervisors deem necessary for the effective implementation of the provisions of this Ordinance. The Zoning Officer may be compensated for his work and shall have the duties specified in Section 18.2 herein.

18.2 Powers and Duties of the Zoning Officer

The Zoning Officer shall administer this 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 provisions herein. He shall have such duties and powers as are conferred on him by this Ordinance and as reasonably implied for those purposes. In addition, the Zoning Officer shall:

- 18.2.1 Receive and evaluate applications for permits, certificates, variances, conditional uses, appeals and other applications within the terms of this Ordinance;
- 18.2.2 Prescribe the form of all applications, permits and certificates required under the terms of this Ordinance;
- 18.2.3 Issue permits for the construction, alteration or erection of all buildings or structures which are in accord with the requirements of this Ordinance, within 30 days after receipt of a complete application for such a permit. In cases of applications for a Conditional Use, Special Exception, or a Variance, permits shall be issued only upon written order of the appropriate approving agency. It shall be the responsibility of the Zoning Officer to process requests for hearings before the Zoning Hearing Board or the Board of Supervisors, as appropriate;
- 18.2.4 Deny applications for permits which do not meet the requirements of this Ordinance, within 30 days following receipt of such application. Said denial shall be in writing and shall state the reasons for such action;
- 18.2.5 Examine land, buildings, and structures to determine their consistency with the

Zoning Ordinance at the time of filing an application, during the work and upon completion of the work. Inspections to enforce the provisions of this Ordinance shall be made at a reasonable hour and upon presentation of proper credentials.

- 18.2.6** Issue or deny requests for Certificates of Occupancy within ten (10) days after final inspection of the activity. A denial shall be in writing and shall state the reasons for such action;
- 18.2.7** Issue written enforcement notices as specified in Section 18.7 of this Ordinance where it appears that there has been a violation, and to institute civil enforcement proceedings with the District Justice having jurisdiction on behalf of the Township as a means of enforcing the zoning regulations. Duplicate copies of such notices shall be referred to the Zoning Hearing Board and to the Board of Supervisors;
- 18.2.8** Review the application for the permit to determine if all other necessary government permits required by State and Federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344, No permit shall be issued until this determination has been made.

No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Township, and until all required permits or approvals have been first obtained from the Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands.

In addition, the Federal Insurance Administrator and Pennsylvania Department of Community and Economic Development, Bureau of Community Planning, shall be notified by the Township prior to any alteration or relocation of any watercourse.

- 18.2.9** Keep and maintain a permanent and public record and file of all activities undertaken by him in the performance of his official duties: including file copies of all applications received, permits issued, placards distributed, inspections and reports made in connection with any structure, dwelling, sign or land;
- 18.2.10** Issue preliminary opinions (in accord with Section 916.2 of the Pennsylvania Municipalities Planning Code) regarding a landowner's proposed use or project complies with applicable ordinances and maps based on plans and other materials submitted by the landowner, and if such opinion is favorable, to publish notice thereof once each week for two (2) successive weeks in a newspaper of general

circulation in the area. Such notice shall include a general description of the proposed use or development, its location, and the places and times where the plans and other materials may be examined;

- 18.2.11** Be responsible for maintaining and updating the Official Zoning Map with respect to any amendments thereto; and
- 18.2.12** Identify and register nonconforming premises in accord with the Nonconforming regulations of Article 13.
- 18.2.13** Inform the Board of Supervisors prior to issuing violation and/or enforcement notices.

18.3 General Procedure: Zoning Permit Required

Persons desiring to undertake the construction, alteration, or to change the use of any structure or lot shall apply to the Zoning Officer for a Zoning Permit by filing the appropriate form and by submitting the required fee. The Zoning Officer will then either issue or refuse the permit or refer the application to the Zoning Hearing Board or the Board of Supervisors, as appropriate. After the Zoning Permit has been issued to the applicant, he may proceed to undertake the action allowed by the permit. Upon completion of such action, the applicant shall apply to the Zoning Officer for an Occupancy Permit, if applicable. If the Zoning Officer finds that the action of the applicant has been in accordance with the permit and the provisions of this Ordinance and other applicable laws and regulations, the Zoning Officer may then issue an Occupancy Permit allowing the premises to be occupied and used.

18.4 Zoning Permits and Certificates

18.4.1 Classes of Zoning Permits

Under the terms of this Ordinance, the following classes of Zoning Permits may be issued:

- 18.4.1.1 Permitted Use** - Issued by the Zoning Officer on the authority granted herein;
- 18.4.1.2 Special Exception Use** - Issued by the Zoning Officer after review and upon the order of the Zoning Hearing Board;
- 18.4.1.3 Conditional Use** - Issued by the Zoning Officer after review by the Planning Agency and upon the order of the Supervisors;
- 18.4.1.4 Permit On Appeal or Variance** - Issued by the Zoning Officer upon the order of and following review and hearing by the Zoning Hearing

Board.

18.4.2 Requirement for Zoning Permits

A Zoning Permit shall be required prior to the erection, construction, addition, or alteration of any building or structure or portion thereof; prior to the use or change in use of a building, structure or land; prior to the erection or alteration of signs, except as specified in Article 13; prior to the change or extension of a nonconforming use; or prior to development in any Floodplain District; except as listed below. It shall be unlawful for any person to commence work for the erection or alteration of any building or structure, or for a change in land use, until a Zoning Permit has been duly issued therefor. In some instances additional permits may also be needed to be obtained prior to beginning construction work or alterations.

Exemptions - Zoning Permits shall not be required for any of the following activities except when proposed in a floodplain district:

- 18.4.2.1** interior alterations when there is no increase in ground floor exterior dimension and no change in use;
- 18.4.2.2** exterior or interior maintenance and repair to existing buildings or structures; including siding, roofing, painting, storm windows, and similar activities;
- 18.4.2.3** cultivation of crops;
- 18.4.2.4** landscaping including the erection of land terraces, steps or other similar features;
- 18.4.2.5** placement or location of utility distribution lines; or
- 18.4.2.6** razing of buildings or structures.

18.4.3 Application

Each request for a Zoning Permit shall be made by completing the appropriate application form obtained from the Zoning Officer and submitting it, along with the required fee, to the Township. Application for a Permit shall be made by the owner or lessee of any building or structure, or the agent of either; provided however, that if the application is made by a person other than the owner, it shall be accompanied by a written authorization from the owner. The full names and addresses of the owner, lessee, applicant or other responsible party shall be stated in the application.

The Zoning Officer shall have 30 days after receipt of a completed application to issue or deny the Permit. A denial shall be in writing and shall state the reason(s) for such action.

18.4.4 Plan Requirements

All applications for Zoning Permits shall be accompanied by plans, in duplicate, drawn to scale, showing the actual shape and dimensions of the lot, the exact size and location of any building existing on the lot, the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building or part of a building, the number of families or dwelling units the building is designed to accommodate and such other information as maybe necessary to determine compliance with this Ordinance and all other pertinent regulations including building floor plans as may be appropriate. No application shall be considered complete until all necessary documents have been filed and all fees have been paid to the Township.

One copy of the plans will be returned to the applicant when such plans have been approved by the Zoning Officer. All application and accompanying plans and documents shall become a matter of public record once a permit has been either issued or denied.

18.4.5 Proof of Compliance

It shall be the responsibility of the applicant in all cases to furnish adequate information and to certify that the proposed use will comply with all requirements of this Ordinance and all other applicable federal, state or local regulations. Included in the information shall be a copy of a sewage permit when one is required. Also if the PA Department of Labor and Industry, the Department of Transportation, or other regulatory agency requirements apply, the applicant shall supply evidence which shows that these regulations have been met.

18.4.6 Changes

After the issuance of a zoning permit by the Zoning Officer, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Zoning Officer. Requests for any such change shall be in writing, and shall be submitted by the applicant to the Zoning Officer for consideration.

18.4.7 Permit and Permit Placard

In addition to the Zoning Permits, the Zoning Officer shall issue a Permit Placard which shall be displayed or posted on the premises during the construction time period. The Permit Placard shall remain on display until completion of the project and final inspection has been made by the Zoning Officer. Said placard shall bear the permit number, date of issuance, and the signature of the Zoning Officer.

18.4.8 Time Limitations

An application for a permit for any proposed work shall be deemed to have been abandoned six months after the date of filing unless such application has been diligently pursued or a permit shall have been issued. Reasonable extensions of time not exceeding ninety (90) days may be granted at the discretion of the Zoning Officer.

18.4.9 Expiration of Permit

If the work approved by issuance of any Zoning Permit has not begun within one (1) year from the date of issuance, said permit shall expire. One (1) extension of up to six (6) months may be granted at the discretion of the Zoning Officer if requested in writing showing good cause by the applicant. If the work approved by issuance of any Zoning Permit has not been completed within three (3) years from the date of issuance, said permit shall expire. Further work on the premises shall not continue until a new Zoning permit has been obtained.

18.4.10 Inspections

During the construction period, the Zoning Officer shall inspect the premises to determine that the work is progressing in compliance with the information provided on the Permit application and with all other applicable Township laws. He shall make as many inspections as necessary to determine compliance.

18.4.11 Revocation of Permit

The Zoning Officer may revoke a Zoning Permit at any time if it appears that the application or accompanying plan is in any material respect false or misleading or that work being done upon the premises differs materially from that called for in the application. In such cases, the person holding the Permit shall immediately surrender it to the Zoning Officer. A report of such revocation shall also be submitted to the Board of Supervisors.

18.4.12 Temporary Use Permits

It is recognized that from time to time it may contribute to the welfare of the Township and its residents to allow the occupancy of land or structure for a temporary time period by a use other than those normally permitted. In this case, the Zoning Officer may approve such a Temporary use, and issue a Temporary Use Permit for the time period not to exceed one (1) year, and under the conditions that will enhance the public health, safety and welfare.

18.4.13 Occupancy Permits

Prior to the use or occupancy of any land or building for which a Zoning Permit is required or to any change of use of any existing structure or land, an occupancy permit shall be secured from the Zoning Officer. A copy of the Occupancy Permit shall be kept on the premises and shall be shown to any officer of the Township upon request. All applications for Occupancy Permits shall be in writing.

18.5 Application Requirements for Proposed Construction Within the 100 Year Flood Boundary

18.5.1 If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for Zoning Permits shall provide all the necessary information in sufficient detail and clarity to enable the Zoning Officer to determine that:

18.5.1.1 all such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;

18.5.1.2 all utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and

18.5.1.3 adequate drainage is provided so as to reduce exposure to flood hazards.

18.5.2 In addition to the filing of the Application for Zoning Permit, applicants shall file the following minimum information plus any other pertinent information (i.e., any or all of the technical information contained in Section 15.5) as may be required by the Zoning Officer to make the above determination:

- 18.5.2.1** A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
- 18.5.2.1.1** north arrow, scale, and date;
 - 18.5.2.1.2** topographic contour lines, if applicable;
 - 18.5.2.1.3** all property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
 - 18.5.2.1.4** the location of all existing and proposed buildings, structures and other improvements, including the location of any existing or proposed subdivision and land development;
 - 18.5.2.1.5** the location of all existing streets, drives, and other access ways; and
 - 18.5.2.1.6** the location of any existing bodies of water or watercourses, identified floodplain areas, and if available, information pertaining to the floodway, and the flow of water including direction and velocities.
- 18.5.2.2** Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
- 18.5.2.2.1** the proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1929;
 - 18.5.2.2.2** the elevation of the one hundred (100) year flood;
 - 18.5.2.2.3** if available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a one hundred (100) year flood; and
 - 18.5.2.2.4** detailed information concerning any proposed floodproofing measures.
- 18.5.2.3** The following data and documentation:

18.5.2.3.1 a document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the one hundred (100) year flood.

18.5.2.3.2 Such statements shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or the development.

18.5.2.3.3 detailed information needed to determine compliance with Section 15.5.4.13 Storage, and Section 15.5.7, Development Which May Endanger Human Life, including:

18.5.2.3.3.1 the amount, location and purpose of any materials or substances referred to in Sections 15.5.4.13 and 15.5.7 which are intended to be used, produced, stored or otherwise maintained on site.

18.5.2.3.3.2 a description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in Section 15.5.7 during a one hundred (100) year flood.

18.5.2.3.4 the appropriate component of the Department of Environmental Protection's "Planning Module for Land Development".

18.5.2.3.5 where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.

18.5.3 Review of Application by Others

A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Zoning Officer to any other appropriate agencies and/or individuals (e.g. planning commission, municipal engineer, etc.) for review and comment.

18.6 Violations

Failure to secure a Zoning Permit when required hereunder, failure to secure a Certificate of Occupancy, or failure to carry out the provisions of this Ordinance, shall be considered a violation of this Ordinance.

18.7 Enforcement Notice

If it appears to the Zoning Officer that a violation of the zoning ordinance has occurred, the Zoning Officer, on behalf of the municipality, shall give notice of such alleged violation sending an enforcement notice stating at least the following:

- 18.7.1** The name of the owner of record and any other person against whom the municipality intends to take action.
- 18.7.2** The location of the property in violation.
- 18.7.3** The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the ordinance.
- 18.7.4** The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
- 18.7.5** That the recipient of the notice has the right to appeal to the zoning hearing board within a prescribed period of time in accordance with procedures set forth in the ordinance.
- 18.7.6** That failure to comply with the notice within the time specified, unless extended by appeal to the zoning hearing board, constitutes a violation, with possible sanctions clearly described.

18.8 Cause of Action

In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of any ordinance enacted under this act or prior enabling laws, the Board of Supervisors, or with the approval of the Board of Supervisors, an officer of the municipality, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the municipality at least 30 days prior to the time the action is begun by

serving a copy of the complaint on the Board of Supervisors. No such action may be maintained until such notice has been given.

18.9 Enforcement Remedies

18.9.1 District justices shall have initial jurisdiction over proceedings brought under Section 18.9.2.

18.9.2 Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of any zoning ordinance enacted under this act or prior enabling laws shall, upon being found liable therefor in a civil enforcement proceeding commenced by a municipality, pay a judgement of not more than \$500 plus all court costs, including reasonable attorney fees incurred by a municipality as a result thereof. No judgement shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgement, the municipality may enforce the judgement pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgements, costs and reasonable attorney fees collected for the violation of zoning ordinances shall be paid over to the municipality whose ordinance has been violated.

The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgement.

Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than South Centre Township the right to commence any action for enforcement pursuant to this section.

18.10 Filing Fees

Filing fees shall be payable to the Municipality and shall be received by the zoning officer. Filing fee amounts shall be established by a resolution of the Township Board of Supervisors. Any fees paid by a party for appeal of an enforcement notice to the Zoning Hearing Board, shall be returned to the appealing party by the Township if the Zoning Hearing Board, or any court in a subsequent appeal, rules in favor of the appealing party.

Zoning Ordinance

For
South Centre Township

Columbia County, Pennsylvania

Ordinance 1988-3

Adopted: May 9, 1988

Amended: July 11, 1988

Amended: December 11, 1989

Amended: December 18, 1991

Amended: 2006

Updated 2006 by:

Cummings & Smith, Inc.
8163 U.S. Hwy. 15
Montgomery, PA 17752

/Uses

Key: P - Permitted Use
SE - Special Exception Use
CU - Conditional Use

S. Centre Township Schedule of Uses		Zoning Districts				Commercial
Industrial Uses	Agriculture	Residential	Village	Industrial		
Development						
Adult Entertainment Establishment				CU		
Agricultural Business	P			P	P	
Agricultural Operation	P					
Animal Hospital				P		
Animal Kennel	SE			SE		
Automotive Related Uses			SE	P		
Bed & Breakfast Inn	SE	SE	SE			
Boarding House			SE			
Communications Antennae & Equipment Buildings		P	P	P	P	P
Communication Tower (Height 100 Feet or Less)		P				P
Communication Tower (Height Greater Than 100 ft.)		SE				SE
Corrective/Penal Facility				CU	CU	
Cultivation of Crops (no permit req=d)	P	P	P	P	P	
Day Care Center		SE	SE	P	SE	
Drive-in Restaurants, Banks & Other Similar Uses					CU	
Dwelling, Multiple Family		CU	CU			
Dwelling Over Business			SE	P		
Dwelling, Single Family Detached	P	P	P			
Dwelling, Residential Conversion Units			SE			
Dwelling, Townhouse		CU				
Dwelling, Two Family	P	P	P			
Essential Services (no permit req=d)	P	P	P	P	P	
Family Based Group Home	P	P	P			
Family Day Care Home	P	P	P			
Forestry	P	P	P	P	P	
Funeral Home, Drive-In Facilities				P		
Group Care Facility		SE	SE			
Home Based Business	SE	SE	SE			
Home Occupation	SE	SE	SE	SE	SE	
Industrial Activities, Laboratories, Contractor Yards						P
Junkyard or Salvage Yard					CU	
Medical & Dental Clinics, Hospital Uses				SE	P	SE
Mobile Home Park		CU				
Motel/Hotel				P		
Municipal Waste Landfill	CU					
Natural Resource Use	CU					
No Impact Home Based Business	P	P	P	P	P	
Nursing or Retirement Home, Assisted Living Facility				CU		
Parking Lot/Parking Garage (as principal use)					P	P
Parks, Playgrounds & Outdoor Recreation Areas		P	P	P		
Planned Commercial Center			CU	CU		
Planned Residential Development		CU				
Private Resort Commercial Development				CU		
Professional Office			SE	P		
Public or Quasi-Public Uses	SE	SE	SE	SE	SE	
Recreation/Entertainment Facility			SE	P		
Restaurant, Tavern or Social Club			SE	P		
Retail, Office, Service Uses			SE	P		
Riding Stable	SE					
Solid Waste Transfer Facility					CU	
Trucking Terminal, Wholesale, Warehouse						

SOUTH CENTRE TOWNSHIP ZONING MAP



THE PREPARATION OF THIS MAP WAS FINANCED IN PART THROUGH A STATE PLANNING AID CONTRACT FROM THE DEPARTMENT OF COMMUNITY AFFAIRS UNDER THE PROVISIONS OF ACT 114, AS AMENDED, AND THE PROVISIONS OF ACT 18, APPROVED JULY 1, 1986, AS ADMINISTERED BY THE BUREAU OF PLANNING, PENNSYLVANIA DEPARTMENT OF COMMUNITY AFFAIRS.



MARLENE M. PAWLOWSKI
PLANNING CONSULTANT

LEGEND

- A - AGRICULTURAL DISTRICT
- R - RESIDENTIAL DISTRICT
- CI - COMMERCIAL/INDUSTRIAL DISTRICT
- V - VILLAGE
- ID - INDUSTRIAL DISTRICT

SEE ALSO: FLOOD BOUNDARY
AND FLOODWAY MAP A
42137-0005-B OF SOUTH
CENTRE TOWNSHIP 11-19-1980

ADOPTED: MAY 5, 1988
AMENDED: JULY 11, 2005
AMENDED: JUNE 9, 2006