

South Franklin Township & Green Hills Borough
Washington County, Pennsylvania

JOINT ZONING ORDINANCE

Effective Date: June 1, 2013

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Enactment

South Franklin Township
Green Hills Borough

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SOUTH FRANKLIN TOWNSHIP

WASHINGTON COUNTY, PENNSYLVANIA

ORDINANCE NO. 2 -2013

AN ORDINANCE OF SOUTH FRANKLIN TOWNSHIP, WASHINGTON COUNTY, PENNSYLVANIA, ADOPTING A NEW ZONING ORDINANCE IN CONJUNCTION WITH GREEN HILLS BOROUGH, WHICH SHALL REPLACE IN ITS ENTIRETY, THE SOUTH FRANKLIN TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF 1988, AS AMENDED.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of South Franklin Township as follows:

SECTION I. The "South Franklin Township and Green Hills Borough Multi-Municipal Zoning Ordinance" and the "Official Zoning Map for South Franklin Township and Green Hills Borough," attached hereto as Exhibit "A" is hereby adopted and approved. Said Ordinance shall replace the Subdivision and Land Development Ordinance of the Township of South Franklin, Washington County, Pennsylvania of 1988, as amended.

SECTION II. This Ordinance shall become effective June 1, 2013.

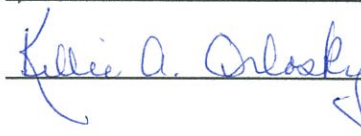
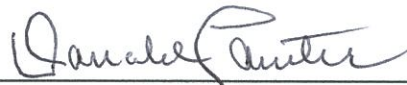
ENACTED AND ORDAINED this 7 day of May 2013.

ATTEST:



Manager

**BOARD OF SUPERVISORS
SOUTH FRANKLIN TOWNSHIP**



GREEN HILLS BOROUGH

WASHINGTON COUNTY, PENNSYLVANIA

ORDINANCE NO. 3 - 2013

AN ORDINANCE OF GREEN HILLS BOROUGH, WASHINGTON COUNTY,
PENNSYLVANIA, ADOPTING A ZONING ORDINANCE IN CONJUNCTION
WITH SOUTH FRANKLIN TOWNSHIP

BE IT ENACTED AND ORDAINED by the Borough Council of Green Hills
Borough as follows:


SECTION I. The "South Franklin Township and Green Hills Borough Multi-
Municipal Zoning Ordinance" and the "Official Zoning Map for South Franklin
Township and Green Hills Borough," attached hereto as Exhibit "A" is hereby adopted
and approved.


SECTION II. This Ordinance shall become effective June 1, 2013.

ENACTED AND ORDAINED this 22ND day of APRIL 2013.

ATTEST:

**BOROUGH COUNCIL
GREEN HILLS BOROUGH**


Borough Manager


President, Borough Council


Mayor

Article I. Basic Provisions

§ 185.01. Long Title

(A) A Multi-Municipal Zoning Ordinance regulating the location, height, bulk, erection, construction, alteration, razing, removal, and size of structures; the percentage of lot which may be occupied; the size of yards, courts, and other open spaces; the density and distribution of population; the intensity of use of land or bodies of water for trade, industry, residence, recreation, public activities, or other purposes; and the uses of land for agriculture, water supply, conservation, or other purposes, in all portions of South Franklin Township and Green Hills Borough.

§ 185.02. Short title

(A) This chapter shall be known and may be cited as the “South Franklin Township and Green Hills Borough Multi-Municipal Zoning Ordinance.”

§ 185.03. Authority and Applicability

(A) This Ordinance is adopted by virtue of the authority granted to South Franklin Township and Green Hills Borough by the Commonwealth in the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247 as reenacted and amended.

(B) The provisions of this Ordinance shall apply to all zoning districts, lots, structures, land developments and subdivisions within the municipal boundaries of South Franklin Township and Green Hills Borough, Washington County, Pennsylvania.

§ 185.04. Purpose

(A) The purpose of the zoning ordinance shall be to:

- (1) To promote, protect and facilitate any or all of the following: the public health, safety, morals, and the general welfare; coordinated and practical community development and proper density of population; emergency management preparedness and operations, airports, and national defense facilities, the provisions of adequate light and air, access to incident alternative energy, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, public grounds, the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements; as well as preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.
- (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.
- (3) To preserve prime agriculture and farmland considering topography, soil type and classification, and present use.
- (4) To provide for the use of land within the municipality for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multifamily dwellings in various arrangements, mobile homes and mobile home parks, provided, however, that no zoning ordinance shall be deemed invalid for the failure to provide for any other specific dwelling type.
- (5) To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.

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§ 185.05. Relationship to the Comprehensive Plan

- (A) This chapter is enacted to promote an orderly plan of development according to the goals, objectives and recommendations of the South Franklin Township and Green Hills Borough Multi-Municipal Comprehensive Plan. The comprehensive plan includes data on existing conditions with reasonable consideration given to the existing character of the various areas within the municipalities and their respective suitability to particular land uses.

§ 185.06. Community Development Objectives

- (A) Specific development objectives have been identified that further the intent of the South Franklin Township and Green Hills Borough Multi-Municipal Comprehensive Plan. The more particularized community development objectives relate to the following elements:
- (1) The accommodation of higher density development and more intense uses in areas currently served or proposed to be served by public infrastructure, particularly along S.R. 18 and the area surrounding the Washington County Airport.
 - (2) The accommodation of a “town center” style development that offers a mix of small-scale local commercial amenities.
 - (3) The provision of a refreshing and attractive alternative to traditional suburban communities.
 - (4) The preservation of prime open areas and natural areas for their best and highest future use.
 - (5) The protection and enhancement of environmental and natural resources, with special attention paid to energy conservation and sensitive stream corridors.
 - (6) The encouragement of an improved balance of residential and nonresidential uses to create a higher standard of living by nurturing a local economy that can provide increased employment and a tax and income base commensurate with the demands of the area labor force.
 - (7) The control of population density consistent with the ability of the community to expand in an orderly, healthful and safe manner.
 - (8) The development of accessways, utilities, municipal services and community facilities consistent with local needs.
 - (9) The prevention of blight and the preservation of the value of property.
 - (10) The promotion of emergency management preparedness and operations.
 - (11) The preservation of viable agricultural land and historic values.
 - (12) The accommodation of a diverse mix of housing options that will attract and welcome people of all ages, races, and incomes, with particular emphasis on drawing segments of the population who are seeking a quiet, rural lifestyle.
 - (13) The enhancement of the existing rural residential character of the community through planned, controlled growth that uses innovative site design concepts and conservation techniques.
 - (14) The provision of an adequate transportation network that accommodates automobiles, pedestrians, bicyclists, and public transit.

§ 185.07. Interpretation

- (A) The interpretation and application of the provisions of this chapter shall be held to the minimum requirements for the promotion of the public health, safety, comfort, convenience, and general welfare.
- (B) Whenever any regulations made under authority of this chapter impose higher standards of compliance then are required under the provisions of any other statute, the provisions of the regulations made under authority of this chapter shall govern, except when preempted by Federal or Commonwealth of Pennsylvania law.

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- (C) Whenever the provisions of any other statute impose higher standards of compliance than are required under this chapter, the provisions of the other statute shall govern.
- (D) This chapter does not repeal, abrogate, annul, or in any way impair or interfere with the existing provisions of other laws or ordinances, except those specifically or implied repealed by this chapter or any private restrictions placed upon property by covenant, deed, or other private agreement unless repugnant hereto.
- (E) Provisions in any other ordinances that are concerned with design standards and which are enacted and administered for South Franklin Township and Green Hills Borough shall not be considered to be in conflict with provisions of this chapter.

§ 185.08. Uses for Which No Provision Is Made

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

§ 185.09. Conformance Required.

- (A) Following the effective date of this chapter, no building or land shall be used or occupied, no building or part thereof shall be erected, moved or altered and no site excavation shall take place unless in conformity with the regulations specified for the zoning district in which it is located or applicable special regulations.
- (B) In all districts, after the effective date of this ordinance, any existing land use, building, structure, or any tract of land which is not in conformity with the regulations of the district in which it is located, shall be deemed as non-conforming and be subject to the non-conforming regulations of this ordinance.
- (C) Following the effective date of this chapter, no building shall hereafter be erected or altered to exceed the height, accommodate a greater number of families, occupy a greater percentage of lot area or have narrower or smaller rear yard, front yard or side yards than are specified herein for the zoning district in which such building is located.
- (D) No part of a yard or other open space required about any building for the purpose of complying with the provisions of this chapter shall be included as a part of a yard or other open space similarly required for another building.

§ 185.10. Severability

- (A) It is hereby declared to be the intent of the Board of Supervisors of South Franklin Township and Green Hills Borough Council that:
 - (1) If a court of competent jurisdiction declares any provisions of this chapter to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions that are expressly stated in the decision to be invalid or ineffective, and all other provisions of this chapter shall continue to be separately and fully effective.
 - (2) If a court of competent jurisdiction finds the application of any provision or provisions of this chapter to any lot, building, tract of land, or other structure to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to the person, property, or situation immediately involved in the dispute and the application of any such provision to other persons, property, or situations shall not be affected.

Article I. Basic Provisions

§ 185.11. Repealer

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

§ 185.12. Effective Date

(A) This chapter shall take effect immediately upon enactment by the Board of Supervisors of South Franklin Township and Green Hills Borough Council.

Article II. Definitions & Terms

§ 185.13. Word Usage.

- (A) Words used in the present tense shall include the future tense.
- (B) Words used in the singular shall include the plural, and the plural shall include the singular.
- (C) The word “person” includes an individual, corporation, partnership, unincorporated association or any other similar entity.
- (D) The word “lot” includes the word “plot” or “parcel.”
- (E) The terms “shall” and “will” are mandatory and not discretionary. The word “may” is permissive.
- (F) The word “used” or “occupied” as applied to any land or building shall be construed to include the words “intended,” “arranged,” “designed,” or “to be used or occupied.”
- (G) The word “building” includes the word “structure.”
- (H) The word “erected” shall include the word “constructed.”
- (I) The word “moved” shall include the word “relocated.”
- (J) The masculine shall include the feminine and the neuter.
- (K) If there is a difference in meaning or implication between the text of this chapter and any caption or illustrations, the text shall control.

§ 185.14. Meanings of Words.

- (A) Unless otherwise expressly stated, the following words shall, for the purpose of this chapter, have the meanings herein indicated.
- (B) When terms, phrases or words are not defined, they shall have their ordinarily accepted meaning such as the context may apply.

§ 185.15. Definitions.

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

Abandonment – To cease or discontinue a use or activity without the intent to resume said use or the voluntary discontinuance of a use for a continuous period of one (1) year or more without reference to intent. This does not apply to temporary or short-term interruption to a use or activity during remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure. Commercial or industrial abandonment shall be measured from the date of the last record of sale or occupancy, whichever comes first, and residential abandonment shall be measured from the last date of occupancy.

Accessory Building / Structure - A building or structure subordinate to, and detached from the main structure, on the same lot and used for purposes customarily incidental to the main structure.

Accessory Use - A use subordinate to, on the same lot, and used for purposes customarily incidental to the main use.

ADA – Americans with Disabilities Act of 1990, as amended.

Adult Oriented Establishment - Any use meeting the definition for this term in Title 68, Chapter 55 of the Pennsylvania Consolidated Statutes, as amended, and without limitation, the following establishments when operated for profit, whether direct or indirect: adult bookstores, adult motion picture theaters, adult mini-motion picture theaters, adult drive-in movie theaters, adult motels, and adult massage parlors.

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This term also includes any premises to which the public, patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, studios, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures or where an entertainer provides adult entertainment to a member of the public, a patron or a member; and an adult entertainment studio or any premises that are physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import.

Agri-Business - An independent business, not subsidiary to an agricultural operation, which is related to the processing or sale of agricultural products or supplies, or the sale and / or repair of agricultural equipment.

Agricultural Building - A detached accessory structure, whether fully or partially enclosed, intended to provide housing, shelter, enclosure or support for animals, farm equipment, farm supplies or produce, grain, feed, etc. Such building shall be incidental and accessory to the agricultural activities conducted upon the property containing the building or on other properties owned or leased by the same farmer, and shall not be used for residential purposes.

Agricultural Operation – an enterprise that is actively engaged in the commercial production and preparation for market of crops, live stock and live stock 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, live stock, live stock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.

Agriculture - The use of land for agricultural purposes, including crop farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, aquaculture, forestry, animal and poultry husbandry, and the accessory buildings or structures used for packing, treating, or storing that which is produced; provided however, that the operation of any such accessory use shall be secondary to that of the normal agricultural activities. The following classifications of Agriculture are further defined for the purposes of this Ordinance:

1. **General Agriculture** – the following activities shall be deemed general agriculture:
 - a. The growing of crops, trees, nursery stock, flowers and other agricultural plants.
 - b. The ownership, management, and / or raising of horses, cattle, pigs, sheep, goats, poultry, rabbits or similar animals, subject to the following limitations:
 - i. If the area available for use is ten (10) contiguous acres or greater but less than 25 contiguous acres, the Animal Equivalent Units per acre shall not exceed 1.5.
 - ii. If the area available for use is greater than 25 contiguous acres, the Animal Units per acre shall not exceed 2.0.
 - c. Greenhouse operations where the total square footage of all greenhouses on the lot does not exceed 50,000 square feet.
2. **Intensive Agriculture** – the following activities shall be deemed intensive agriculture:
 - a. The ownership, management, and/or raising of horses, cattle, pigs, sheep, goats, poultry, rabbits or similar animals when the number of Animal Equivalent Units per acre is greater than 2.0 but less than 5.0.

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- b. Such intensive agriculture shall be conducted only upon tracts of land containing 25 or more contiguous acres.
 - c. Greenhouse operations where the total square footage of all greenhouses on the lot does not exceed 150,000 square feet.
 - d. Intensive agriculture shall include concentrated animal operations (CAO).
3. Highly Intensive Agriculture – the following activities shall be deemed highly intensive agriculture:
- a. The ownership, management, and / or raising of horses, cattle, pigs, sheep, goats, poultry, rabbits or similar animals when the number of Animal Equivalent Units per acre is equal to or greater than 5.0.
 - b. Such intensive agriculture shall be conducted only upon tracts of land containing fifty (50) or more contiguous acres.
 - c. Greenhouse operations where the total square footage of all greenhouses on the lot is equal to or greater than 150,000 square feet.
 - d. Highly Intensive agriculture shall include the production of mushrooms, animal feeding operations (AFO) and concentrated animal feeding operations (CAFO).

Agri-Tourism – Any activity carried out on a working farm or any agricultural, horticultural or agri-business operation by the general public for the purpose of enjoyment, recreation, entertainment, education or active participation and involvement in the activities of the farm or enterprise.

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

Private Airport – An airport that is privately owned and which is not open or intended to be open to the public.

Airport Elevation – For the Washington County, PA Airport: One thousand one hundred eighty-four (1,184) feet above mean sea level.

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

Alteration (structural or use change) - Any change in the supporting members of a building, such as bearing walls, columns, beams, girders or foundations, or by extending on a side, front or rear or by increasing in height or the moving from one location to another or any change in use from a conforming zoning district classification.

Amphitheater – An outside gallery with seats for spectators.

Amusement Arcade - Any place, premises or establishment or room open to the public set aside in a commercial establishment where the income from coin-operated amusement devices exceeds five (5%) percent of the income of the principal business conducted at the place, premises, room or establishment.

Animal Equivalent Unit – One thousand (1,000) pounds live weight of livestock or poultry animals, regardless of the actual number of individual animals comprising the unit.

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Animal Feeding Operation (AFO) - A facility where animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

Animal Hospital – A facility where animals are given medical or surgical treatment and may be boarded for short-term care incidental to their treatment.

Animal or Poultry Husbandry - An agricultural operation involving the raising or keeping of livestock and / or poultry for capital gain or profit or with the intent of selling any livestock or poultry products as a commercial enterprise, including custom butchering, which does not meet the animal density thresholds set forth in the Nutrient Management Regulations for a CAO. The housing or raising of livestock or poultry or household pets for personal use or enjoyment pursuant to regulations of this Ordinance shall not be considered animal or poultry husbandry.

Antenna - Any structure or device used for the purpose of collecting or transmitting electromagnetic waves designed for telephonic, radio, or television communications.

Antenna Height – The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

Antenna Support Structure – Any pole, mast, tower, tripod or any other structure, including any guy wires and braces, utilized for the purpose of supporting an antenna or antennas.

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 plan or for the approval of a development plan.

Approach Surface – A surface longitudinally centered on the extended runway center line, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope. The perimeter of the “approach surface” coincides with the perimeter of the approach zone.

Architect – An individual registered by the Commonwealth of Pennsylvania and certified by the American Institute of Architects (AIA) as a licensed architect.

Assisted Living Facility – Any structure or premises, licensed by the Commonwealth of Pennsylvania Department of Public Welfare, in which food, shelter, assisted living services, assistance or supervision and supplemental health care services are provided for a period exceeding 24 hours for four or more adults who are not relatives of the operator, who require assistance or supervision in matters such as dressing, bathing, diet financial management, evacuation from the residence in the event of an emergency or medication prescribed for self-administration.

A-Weighted Sound Level – The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated “dBA.”

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Basement – A portion of a building partly or completely below grade. It shall be considered a building story if more than fifty percent (50%) of its clear height is above the average level of the adjoining ground.

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

Bed and Breakfast Homestead or Inn – A private residence which contains ten or fewer bedrooms used for providing overnight accommodations to the public, and in which breakfast is the only meal served and is included in the charge for the room.

Billboard – A sign which directs attention to a business, commodity, service, entertainment or facility not located, conducted, sold or offered upon the premises where such sign is located.

Electronic Graphic Display Billboard – A Billboard, or portion thereof, that displays electronic, static images, static graphics or static pictures, with or without text information, defined by a small number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, light bulbs or other illumination devices within the display area where the message change sequence is accomplished immediately. Electronic Graphic Display Billboards shall include computer programmable, microprocessor controlled electronic digital displays. The Billboard may not include lighting devices forming part of the message or border, video or scrolling messages.

Boarding house—A building or portion of a building occupied for human habitation in which five or more persons, not related to the proprietor or manager, are furnished with meals and lodging.

Bore Holes – Structures and appurtenant facilities to permit the introduction, from the surface to underground mining operations or the removal from underground mining operations to the surface, of electrical power, water, rock dust for safety purposes, communicating lines, compressed air and other gases.

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

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

Building – An independent and detached structure having a roof supported by columns or walls or resting on its own foundation and requiring permanent location on the land.

1. Principal Building - A building in which the principal use of the site is conducted or lot on which it is situated. In all residential districts, any dwelling shall be deemed to be a principal building on the lot on which it is located.

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

Article II. Definitions & Terms

Building Height – The vertical distance measured from the average elevation of the finish grade to the highest point of the roof. If there are two or more separate roofs on a single building, the height of such building shall be calculated from the highest roof. See Figure 1 in the Appendices.

Building Inspector – The person officially appointed by the municipal governing body to administer and enforce the Building Code.

Building Material Facility - A building, structure or premises that is used for the sale of home, lawn and garden supplies and tools and construction materials such as brick, lumber, hardware and other similar materials.

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

Bus and Transit Facilities –Terminals; depots; and passenger waiting, loading, and unloading stations of bus and other transit companies. Also, includes facilities providing any and all types of general or specialized maintenance services or storage areas for buses and other transit vehicles, public, or private, providing transportation services primarily for people, but which may transport freight as an incidental service.

Business Services – Establishments engaged in rendering services to businesses and offices on a fee or contract basis including, but not limited to, advertising; mailing; data processing; office supplies; building maintenance; equipment servicing, rental, leasing and sales; employment service; and other similar business services.

Campground – A publicly or privately owned site designed, designated, maintained, intended or used for the purpose of supplying a location for seasonal, recreational, and temporary living purposes in cabins, tents or recreational equipment / vehicles with or without a fee charged for the leasing, renting, or occupancy of such space.

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

Car Wash – A building, structure, or premises containing facilities for washing motor vehicles by hand or mechanically using a conveyor, sprayer, blower, steam-cleaning equipment or other device.

Catering Business – An establishment used for the preparation and delivery of food and beverages for off-site consumption. This establishment may provide for on-site pickup but may not provide for on-site consumption.

Cemetery – Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematoriums, mausoleums, mortuaries, and offices when operated in conjunction with and within the boundaries of such cemetery.

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

Child Day Care Facility – Any dwelling, building or portion thereof which day care services are provided for children (15 years of age and younger), including any on-site outdoor play area. Child day care facilities include Family day Care Homes, Group Day Care Homes, and Day Care Centers.

Church / Place of Worship / Religious Institution - A church, synagogue, temple, mosque or other building used exclusively for public religious worship, including customary, incidental, educational and social activities in conjunction therewith.

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

Clear Sight Triangle – A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

Clinic – An establishment that provides patient care services, including but not limited to, medical, dental, psychological, and / or social services where patients are received for examination or treatment on an outpatient basis. This definition does not include methadone treatment facilities.

Coal Mine Conveyor – A mechanical contrivance utilizing belt-, chain- or chute-type devices to transport products, overland or underground, from coal mining operations via owned land holdings, acquired right-of- way or easements.

Coal Mining Adjunct Facility – A support facility, not a coal mining facility, required for and used only in connection with an underground coal mine, which is to:

- (1) Supply air or power to the underground coal mine.
- (2) Ventilate air or gas from the underground coal mine, which shall include fans and fan bindings.
- (3) Remove water from the Underground coal mine.

Coal Tipple and Cleaning Plant – A coal mining facility utilized for bringing coal and related substances from an underground coal mine to the surface for the storing, processing, classifying and transporting of coal.

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

Communications Co-location – The act of installing wireless communications equipment, from more than one provider, on a single tower, building, or structure.

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Communications Equipment Building – An unmanned building or cabinet containing communications equipment required for the operation of communications antennas and covering an area on the ground no greater than two hundred fifty (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.

Communications Tower Height – The vertical distance measured from the ground level to the highest point on a communications tower, including antennas mounted on the tower.

Community Facility - A publicly, semi-publicly, or semi-privately maintained institution devoted to any of a variety of group activities - civic, social, fraternal, educational, cultural, municipal, and / or recreational with premises and facilities appropriate to such activities provided, however, that the said premises shall not include living quarters for persons other than those engaged in the institution's conduct and / or maintenance.

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

Comprehensive Plan – The adopted public document for South Franklin Township and Green Hills Borough, Washington County, Pennsylvania prepared in accordance with the Pennsylvania Municipalities Planning Code (MPC), consisting of maps, charts, and textual material that constitutes a policy guide to decisions about the physical and social development of the municipality.

Compressor Station – A facility designed and constructed to compress natural gas and / or oil that originates from a gas and / or oil well or collection of such wells operating as a midstream facility for delivery of gas and / or oil to a transmission pipeline, distribution pipeline, processing plant or underground storage field, including one or more natural gas and / or oil compressors, associated buildings, pipes, valves, tanks and other equipment.

Concentrated Animal Operation (CAO) – Agricultural operations where the animal density of all livestock on the farm exceeds two (2) AEU's per acre on an annualized basis with land area available for the application of manure.

Concentrated Animal Feeding Operation (CAFO) - Any livestock operation which is defined as a concentrated animal feeding operation by the regulations adopted by the Commonwealth of Pennsylvania.

Conditional Use – A use of land to be permitted or denied by the governing body, following study and recommendations by the Planning Commission, pursuant to express standards and criteria set forth in this chapter.

Conical Surface – A surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty to one (20:1) for a horizontal distance of four thousand (4,000) feet.

Contractor's Plant and Storage – An area of land and any structure thereon used for a building contractor's office, supply yard and service facility; but does not include establishments manufacturing materials for the contracting industry.

Convenience Store – A retail business that provides the public with a convenient location to quickly purchase a wide variety of consumable products and services, generally food and gasoline.

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Conversion – The remodeling or alteration of a structure in order to accommodate more leasable or saleable units or a different use than what had originally been intended for the structure. This shall include the alteration of a non-residential structure into a dwelling unit(s) for at least one family, the modification of a single-family structure to accommodate more units than originally intended, the alteration of existing dwellings into a commercial use, and the alteration of an existing dwelling into a mixed commercial and residential use.

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

County – Washington County, Pennsylvania.

County Planning Commission – The Washington County Planning Commission, Washington County, Pennsylvania.

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

Crematory – An establishment containing a furnace where a corpse can be burned and reduced / cremated to ashes as permitted by the Pennsylvania Department of Environmental Protection (PADEP).

Day Care Center. A facility in which care is provided for seven or more children at any one time, where the child care areas are not being used as a family residence.

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

Developable Land - That land proposed for development excluding land (1) dedicated or to be dedicated or devoted for use as public or private streets, (2) dedicated or to be dedicated or devoted to use as public or private improvements, (3) defined by the Pennsylvania Department of Environmental Protection as wetlands, (4) defined by appropriate Federal or State agencies as being within a 100-year floodplain and (5) having a slope in excess of twenty-five percent (25%).

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

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

Distribution Facility - Any premises or part thereof, which provide logistic support for business, such as freight management, inventory control, storage, packaging and consolidation of goods for distribution.

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Drive-thru Facility – Any premises or part thereof, at which a person, remaining in his or her vehicle at all times, obtains materials, supplies, services, places orders for, receives and pays via a service window and continues driving through the service aisle and out into exiting traffic lanes. Such facilities shall include banks, pharmacies, cleaners, food and beverage facilities and similar services.

Driveway - A private drive providing vehicular access between a street or access drive and a parking area for a single residential unit of occupancy, or a private drive for non-residential uses permitted to provide less than three parking spaces.

Dwelling –A building designed exclusively for residential purposes for one or more persons on a permanent basis. For the purposes of this Chapter, the following are the definitions of the various types of dwellings:

1. Dwelling, Single-Family Detached – A detached or separate building designed for or occupied exclusively as a residence for one (1) family.
2. Dwelling, Single-Family Attached – A dwelling unit having its own independent outside access, with no other dwelling units located directly and totally above or below it, and having party walls in common with at least one adjacent similar dwelling unit, and located in a building comprised of at least three dwelling units. This dwelling type shall include, but not be limited to, dwelling units commonly known as townhouses, rowhouses, patio homes, carriage homes, and villas.
3. Dwelling, Multi-Family or Multiple Family – A structure containing three (3) or more separate dwelling units for families living independently of each other, which may provide joint services and/or facilities but separate housekeeping, sanitary and cooking facilities.
 - a. Condominium – Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions, created under either the Pennsylvania Unit Property Act of 1963 or the Pennsylvania Uniform Condominium Act.
 - b. Conversion Apartment – Conversion of an existing single-family detached dwelling into multiple dwelling units. *See definition for Conversion.*
 - c. Duplex – A detached or separate building designed for or occupied exclusively by two (2) families living independently of each other, with separate entrances and facilities.
 - d. Garden Apartment – A multi-family residential building, not exceeding three (3) stories in height, in which units are arranged side to side, back to back or one above another, which may have either private external entrances or common hall access and which may have a private exterior yard area for each unit.
 - e. High-Rise Apartment – An apartment building which is four (4) or more stories in height but not exceeding the height limitations (in feet) of this Chapter that has multiple dwelling units that share a common entrance and/or common interior corridor.
 - f. Residence over Business – A building, where the bottom floors are used for commercial use while the upper floors are used for residential dwellings, including those dwellings used for some combination of residential and commercial purposes.

Dwelling Unit – Any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

Easement – A public or private right of use over the property of another.

Educational Institution – A structure or part of a structure designed and used for the training and teaching of children, youths and / or adults, including laboratories appurtenant thereto.

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Emergency Services Facility – A building, structure, or premises utilized for the maintenance, fueling, storage, dispatching or parking of vehicles and / or equipment providing rescue or ambulatory services.

Engineer – A professional engineer licensed as such by the Commonwealth of Pennsylvania.

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

Essential Communications Antenna and / or Tower - Any communications antenna and / or supporting tower owned or operated exclusively by an agency or authority of the municipality or Commonwealth of Pennsylvania or any police, fire, emergency medical or emergency management agency.

Essential Services – The erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems and their essential buildings, excluding communications towers and communications antennas, as defined herein.

Essentially Dry Space - A space that 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.

Façade – The total wall surface, including door and window areas of a building’s interior or exterior face.

Fair Housing Act – Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (42 U.S.C. 3600-3620).

Family – One or more persons living together as a single housekeeping unit in a dwelling unit.

Family Day Care Home. Any premises or dwelling unit other than the child’s own home where the child care areas are being used as a family residence, operated for profit or not for profit, in which child day care is provided at any one time on a regular basis to four, five or six children, who are not relatives of the caregiver.

Farm – A parcel, or parcels, of land which is used for agricultural purposes or activities, excluding the raising of fur-bearing animals, riding academies, livery or boarding stables, and dog kennels.

Farm Equipment Supply and Sales – Establishments selling, renting or repairing agricultural machinery, equipment and supplies for use in soil preparation and maintenance, the planting and harvesting of crops, and other operations and processes pertaining to agricultural activities and / or operations.

Farmer’s Market – A regularly occurring (weekly, biweekly, monthly, bimonthly, semi-annually, annually, etc.) and seasonal commercial use with an organized display, indoors or outdoors, of agricultural products in their natural state for retail sale. Such agricultural products shall comprise at least 75% of the retail space available and may or may not be produced and / or grown on the property. Other products such as processed food (dried fruit, cheese or bread, for example), or artisan handiwork or art, may comprise the remaining twenty-five percent (25%) of the retail space available.

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Farm-Related Business - A commercial enterprise conducted on a farm which is related to or supportive of an on-going agricultural operation located on the same tract.

Fence – A barrier constructed for the purpose of protection, confinement, enclosure, or privacy. The term “fence” shall include screening walls and shall include hedges and evergreen shrubbery exceeding thirty-six (36) inches in height.

1. Decorative Fence – A fence that has openings that comprise at least seventy-five percent (75%) of the surface area of the fence, including, but not limited to, split rail fences or wrought iron fences, whose purpose is to contribute to the landscaping and exterior design, rather than to enclose property.
2. Security Fence – A fence that has openings that comprise no less than twenty-five percent (25%) of the surface area of the fence, including, but not limited to, board fences, picket fences, chain link fences and the like.
3. Privacy Fence – A fence that has openings that comprise less than ten percent (10%) of the total surface area of the fence and may be erected in a rear or side yard to screen a deck, patio, or swimming pool.

Financial Institution - A bank, credit union, savings and loan association, holding company, trust company or other similar institution.

Flea Market – A place where any person or group of vendors offer for sale, trade, or barter any goods regardless of whether they are new, used, antique, or homemade; and regardless of whether they are offered for sale in open air, buildings, or temporary structures.

Flood – A temporary inundation of normally dry land areas from an adjoining or nearby stream, river or watercourse.

Flood Insurance Rate Map (FIRM) - A map of the municipality on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas and the flood risk premium zones applicable to the Municipality.

Floodplain – A relatively flat or low land area that 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 waters from any source.

Flood-proofing – Any combination of structural and nonstructural additions, changes or adjustments to structures that reduces or eliminates flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Flood Prone Area – Any land area susceptible to inundation by floodwater from any source.

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

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Floor Area – The sum of the gross horizontal areas of all floors of a building, measured from the exterior faces of exterior walls or from the center line of common walls separating buildings. For determining parking and loading space requirements under this Chapter, the following areas shall not be included: cellar storage areas, elevator shafts and stairwells, providing structural headroom of less than eight (8') feet, floor area for mechanical equipment required to service the need of the building, open terraces, breezeways and open porches that are not enclosed. In particular, floor area includes but is not limited to the following:

1. Basement space, if the floor to ceiling measures seven feet (7') or more.
2. Elevator shafts, stairwells and attic space (whether or not a floor has been laid), providing structural headroom of eight (8') feet or more.
3. Roofed terraces, exterior balconies, breezeways or porches, provided that fifty percent (50%) of the perimeter of these is enclosed.
4. Any other floor space used for dwelling purposes, no matter where located within a building.
5. Accessory buildings, excluding space used for accessory off-street parking or used for loading berths.
6. Any other floor space not specifically excluded, excluding space used for air conditioning machinery or cooling towers and similar mechanical equipment serving the building and cellar space.

Floor Area, Gross – The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

Floor Area Ratio (FAR) – Determined by dividing the gross floor area of all buildings on a lot by the area of that lot.

Food and Grocery Store – A store that sells bakery products, dairy products, delicatessen, and meats to the public; this does not include convenience stores.

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.

Forest Management Operations – All activities connected with growing and harvesting of forest products including site preparations, which include the construction and maintenance of roads, and the cultivation and logging of trees.

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

Frontage – Lot boundary lines that are adjacent to a street.

Front Building Line – A line parallel to the front lot line, at a distance measured perpendicular there from as prescribed in this Chapter for a required yard. Where there is no required yard then the lot line shall be the front building line. See Figure 2 in the Appendices.

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

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

Fueling Position – A location at which a single vehicle may be fueled from a fuel dispenser.

Funeral Home (Including Mortuaries) – A building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation. A funeral home may include a mortuary and/or a crematory within the primary structure as an ancillary use.

Game Preserve - A public or private area utilized for raising, protecting, breeding and / or hunting wildlife within a natural environment.

Garage, Private – An accessory building for the storage of one (1) of more automobiles or other vehicles accessory and incidental to the primary use of the premises; provided however, that one (1) commercial vehicle of not more than one (1) ton capacity may be stored therein where the use of such vehicle is not incidental to the use of the premises.

Garage, Public – Any garage other than a private garage as defined herein, available to clients, operated for gain and which is used for the storage, repair, rental, lubricating, washing and servicing or equipping of motor vehicles.

Garage / Yard Sale – The sale, or offering for sale, of new, used, or secondhand items of personal property at any one (1) residential premises at any one (1) time. This includes all sales in residential areas entitled “garage sale,” “yard sale,” “tag sale,” “porch sale,” “lawn sale,” “attic sale,” “basement sale,” “rummage sale,” “flea market sale” or any similar casual sale of tangible personal property.

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

Garden Center – Land and buildings where the wholesale or retail sale of nursery stock and garden supplies take place.

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

Governing Body –The South Franklin Township Board of Supervisors or the Green Hills Borough Council.

Grade – The average elevation of the proposed finished grade line of the ground at the front of street side of the proposed building.

Grade, New or Finished – The resulting level of the ground after the final grading where there is a cut, and after normal settlement where there is a fill.

Grading –The stripping or excavation of any material; the filling of any existing ground with natural or man-made material: and/or the relation on any lot, tract or parcel of each or other material. Except

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for the surface stripping of coal, topsoil, rock and other commonly mined substances, such grading constitutes a change in use of the land.

Greenhouse, Commercial – An agricultural enterprise using a controlled environment (temperature and humidity) for the commercial cultivation and production of plants.

Greenhouse, Private - A structure consisting primarily of glass, clear plastic, or other light transmitting material in which temperature and humidity can be controlled for the cultivation or protection of plants or seedlings for research or instruction and does not exceed two hundred-fifty (250) square feet.

Group Day Care Home - The premises in which care is provided at one time for more than six but fewer than 16 older school-age level children or more than six but fewer than 13 children of another age level who are unrelated to the operator or more than six but fewer than 13 adults. The term includes a facility located in a residence or another premises.

Group Residential Facility – An establishment that provides room and board in a family environment to persons who receive supervised care limited to health, social, rehabilitative or housing services. Such facilities may include child and adult services for individuals not in need of hospitalization or incarceration but who, because of age, convalescence, infirmity, disability or related circumstances, require such care. For purposes of this Chapter, group residential facilities shall include Assisted Living Facilities and Nursing Homes.

Guyed Tower – A tower which is supported by a cable, wire, rope, or other means of bracing.

Hazard to Air Navigation – An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

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

Height – For the purpose of determining the height limits in all zones set forth in § 185.27 and shown on the maps incorporated therein, the datum shall be mean sea level elevation unless otherwise specified.

Hobby Breeder – Any person who places together dogs or cats for the purposes of breeding and sells, trades or otherwise transfers the product of such breeding provided that:

1. Such breeding, selling, trading or transfer is conducted by the person at the person's residence and/or property;
2. Such breeding does not take place more frequently than once per annum; and
3. The person is not regularly engaged in the business of breeding, selling, or trading of dogs or cats.

Home Occupation – An accessory use of a service- or product-oriented character, conducted within a dwelling unit by the residents thereof, which is clearly subordinate to the use of the dwelling for living purposes and does not change the character thereof or have exterior evidence of such

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subordinate use other than a small announcement sign; and in connection therewith, there is not involved the exterior keeping of or exhibition of stock in trade. In the pursuit of such activities, all operations shall be conducted indoors and be free of any procedures which could be construed as adversely influencing surrounding residential uses because of noise, vibration, smoke, electrical interference, odor or similar conditions.

Horizontal Surface – A horizontal plane one hundred fifty (150) feet above the established airport elevation, the perimeter of which, in plan, coincides with the perimeter of the horizontal zone.

Horticulture - The growing of fruits, vegetables, flowers, ornamental plants, shrubs, or trees for profit.

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

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

1. Extended Stay Hotel / Motel – Any structure consisting of one or more buildings, with more than five specific dwelling units with provisions for living, eating, contain kitchen facilities for food preparation including, but not limited to, refrigerators, stoves, and ovens, sanitation, separate bathroom and kitchen sink, and sleeping in each unit, that is specifically constructed, kept, used, maintained, advertised, and held out to the public to be a place where temporary residence is offered for pay to persons, for a minimum stay of more than thirty days and a maximum stay of ten months within the dwelling units at the structure, that is approved pursuant to a valid certificate of occupancy issued by the building official having jurisdiction as having all of the required dwelling unit features, and for which such valid certificate of occupancy indicates the specific rooms within the structure that can be used as dwelling units, and that is approved by the fire marshal for extended stay temporary residence purposes. For the purposes of parking requirements, extended stay hotel or motels will have to meet the Multi-Family Residential parking requirements.

Identified Floodplain Area – The floodplain area specifically identified in this chapter as being inundated by the one-hundred-year flood.

Impervious Surface –Those surfaces which do not absorb water. They consist of all buildings, parking lots, streets, sidewalks, and any areas of concrete or asphalt or nonabsorbent material. In the case of lumberyards, areas of stored lumber constitute impervious surfaces.

Impervious Surface Ratio – This is also the “maximum impervious coverage” and is measured by dividing the total areas of all impervious surfaces within the site by the total net buildable site area.

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Incinerator – A device used to burn waste substances and in which all the combustion factors, temperature, retention time, turbulence, and combustion air can be controlled.

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

Junk – Any discarded material or article, and shall include but not be limited to scrap metal, abandoned or junked motor vehicles or vehicle parts, machinery or machinery parts, papers, glass and related items, containers or partially dismantled structures or parts thereof. It shall also include a partially dismantled motor vehicle not bearing current registration plates and which is not in the process of ongoing and immediate repair. It shall not include refuse or garbage kept in a proper container for the purpose of prompt disposal nor it shall not include hazardous wastes or materials, industrial residual wastes, or municipal wastes as defined in the PA Solid Waste Management Act.

Junkyard – Any outdoor establishment, place of business, or use of land which is maintained, used or operated for storing, keeping, buying or selling junk or junked or abandoned motor vehicles (including auto salvage operations), with or without dismantling, processing, sale, or other use or disposition of the same.

Kennel – Any property, premises, place or commercial establishment where more than five (5) dogs, cats or other domesticated animals in excess of six (6) months of age are housed, groomed, bred, boarded, trained or sold. This provision is not intended to apply to hobby breeders.

Laboratory - A place where scientific studies are conducted, including testing, research, or analysis of medical, chemical, physical, biological, mechanical, or electronic nature.

Land Development – Development in accordance with Section 107(a) of the MPC. Specifically, land development shall be defined as the improvement of a lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving a group of two (2) or more buildings or the division or allocation of land or space between or among two (2) or more existing or prospective occupants by means of or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features. “Land development” shall not include use of land or buildings for underground coal mine facilities, adjunct operations or landfills.

Landfill – A disposed site in which refuse and earth, or other suitable cover material are deposited and compacted in alternative layers as required by the federal and/or state agency having jurisdiction.

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

Landowner – The legal or beneficial owner or owners of land, including the holder of an option or contract to purchase, whether or not such option or contract is subject to any condition; a lessee, if he is authorized under the lease to exercise the rights of the landowner; or other persons having a proprietary interest in land.

Landscape Architect – A registered professional landscape architect licensed as such by the Commonwealth of Pennsylvania.

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Landscaping – Improving the natural beauty of a piece of land by planting or altering the contours of the ground.

Livestock – Shall be defined to include cows, pigs, goats, horses, sheep, llamas, emus, ostriches, and other similar types of animals with hooves, whether split or not.

Loading Space – A space, accessible from a street or alley in a building or on a lot for the temporary use of vehicles while loading or unloading merchandise or materials.

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

Lot, Corner – A lot, abutting two (2) or more streets at their intersection, on which the building line for all streets must be observed.

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

Lot, Interior – A lot where the side property lines do not abut a street.

Lot, Through – An interior lot in which the front line and rear line abut upon streets. Where a single lot under individual ownership extends from a street to a street, the widest street shall be deemed the street upon which the property fronts.

Lot Area – The horizontal surface area within the lines of the lot.

Lot Coverage – The percentage of the lot area covered by the principal and accessory structures.

Lot Depth – The mean distance from the right-of-way line of the lot to its opposite rear line measured in a direction parallel to the side lines of the lot. Lot depth for triangular lots shall be the mean distance from the street line to the point of intersection of the side yards.

Lot Line, Front – The line contiguous with the street right-of-way line.

Lot Line, Rear – The line, generally parallel to the front lot line, which defines the rear of the lot.

Lot Line, Side – Any lot line which is not a front lot line or a rear lot line.

Lot of Record – A lot that has been recorded in the Office of the Recorder of Deeds.

Lot Width – The total horizontal distance across the lot, between the side lot lines, measured at the building line.

Lumberyard – The principal use of land and structures involving the loading and unloading, storage and sales of lumber and related products to contractors or the general public.

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Machine Shop – A workshop, manufacturing facility, or other enclosed industrial operation where machines are built, repaired or assembled.

Manufactured Home – A structure that is transportable in one or more sections. In traveling mode, the home is eight feet or more in width and forty feet or more in length. A Manufactured Home is designed and constructed to the Federal Manufactured Construction and Safety Standards and is so labeled. When erected on site, the home is at least 400 square feet; built and remains on a permanent chassis; designed to be used as a dwelling with a permanent foundation built to Federal Housing Administration (FHA) criteria. The structure must be designed for occupancy as a principal residence by a single family.

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

Manufacturing, Light – The processing, handling or fabrication of materials and products where no processes are involved which will produce noise, vibration, air pollution, fire hazard, noxious emission, high traffic volumes or other factors which will disturb or endanger neighboring properties.

Manure management facility – A manure storage facility, including a permanent structure or facility, or a portion of a structure or facility, utilized for the primary purpose of containing manure. The term includes liquid manure structures, manure storage ponds, component reception pits and transfer pipes, containment structures built under a confinement building, permanent stacking and composting facilities and manure treatment facilities. The term does not include the animal confinement areas of poultry houses, horse stalls, free stall barns or bedded pack animal housing systems.

Massage Therapy Establishment – Any business or part thereof, other than an adult massage establishment, where massage services are provided by a person having graduated from a massage therapy training program approved by the Pennsylvania State Board of Private Licensed Schools or equivalent agency if trained in another state; by a person certified through a massage therapy certification examination approved by the National Commission for Certifying Agencies; by a person certified through the National Certification Board for Therapeutic Massage and Bodywork; or is a practitioner or member of either of the American Massage Therapy Association (AMTA), Associated Bodywork and Massage Professionals (ABMP), or International Massage Association (IMA). This definition excludes a gymnasium, health and fitness center, school, barber / beauty shop, or similar establishment where massage or similar manipulation of the human body is offered by an individual as an incidental or accessory service and does not occupy more than twenty-five (25%) percent of the area of the establishment.

Methadone Treatment Facility – A facility licensed by the Pennsylvania Department of Health to use the drug methadone in the treatment, maintenance, or detoxification of persons.

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

Mineral Batching or Mixing Plant – An operation where extracted minerals are amassed, sorted, mixed, and/or crushed, ground or otherwise treated for distribution or use.

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Mineral Extraction – All or part of the process involved in the extraction and processing of minerals such as coal, ores, rock, sand, and gravel including mining, drilling, digging, quarrying, batching or mixing. This includes surface and underground mining operations.

Mine Disposal Areas – Areas used for the deposit of mine waste and located at a minimum distance of five hundred (500) feet from any other lot in any zoning district.

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 change of any required means of egress or the rearrangement of parts of a structure affecting the exit-way requirements; nor shall “minor repairs” include the addition to, alteration of, replacement of or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

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

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 home.

Mobile Home Park – A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes.

Mortuary – A place for the storage of human bodies prior to their burial or cremation.

MPC – The Pennsylvania Municipalities Planning Code (Act of 1968, P.L. 805, No. 247 as reenacted and amended).

Municipal Waste – Any garbage, refuse, industrial, lunchroom or office waste and other material, including solid, liquid, semisolid or contained gaseous material resulting from the operation of residential, municipal, commercial or institutional establishments and community activities; but shall not include any sludge or hazardous waste from a municipal, commercial or institutional water supply treatment plant, sewage treatment plant or air pollution control facility.

Municipal Waste Landfill – Any facility that is designed, operated or maintained for the disposal of municipal waste, whether or not such facility possesses a permit from the department under the Solid Waste Management Act (P.L. 380, No. 97). The term shall not include any facility that is used for the disposal of demolition waste, sludge from sewage treatment plants or water supply treatment plants nor mine disposal materials.

Natural Gas Extraction – All or part of the process involved in the extraction and processing of natural gas, petroleum, or other liquid related to oil or gas production or storage, including brine disposal.

Natural Gas Processing Plant – A facility designed and constructed to remove materials such as ethanol methane, propane, butane and other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to

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commercial markets but not including facilities or equipment that are/is designed and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from natural gas.

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

New Construction – Structures for which the start of construction commenced on or after the effective date of this ordinance.

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

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

Noise – Any sound that annoys or disturbs humans or tends to cause an adverse psychological or physiological effect on humans.

Nonbusiness Use – Service or charitable activities conducted on a voluntary or nonprofit basis by individuals or public or service groups and organizations.

Non-Commercial Keeping of Farm Animals – Maintaining farm animals, including but not limited to horses, ponies, chickens, goats, and similar for personal use of the residents of the lot, not involving any profit-making activity; this includes the boarding, riding instruction or training of horses owned by persons other than residents of the lot.

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Nonconforming Lot – A lot, the area or dimension of which was lawful prior to the adoption or amendment of this Chapter, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

Nonconforming Structure – A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

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

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

Nursery School - A private institutional establishment providing educational and child care services for children up to 5 years of age where tuition, fees, or other forms of compensation is charged for the service. For the purposes of this Ordinance, a nursery school may be a independent principal use or may be operated as an accessory use in conjunction with a church, day care center, or other similar institutional establishment.

Nursing Home - A building or part thereof used for the lodging, boarding and nursing care, on a 24-hour basis, of four (4) or more persons who, because of mental or physical incapacity, may be unable to provide for their own needs and safety without the assistance of another person. Nursing home wherever used in this Chapter, shall include nursing and convalescent homes, skilled nursing facilities, intermediate care facilities, and infirmaries contained within homes for the aged.

Obstruction:

1. For purposes of § 185.28, any wall, dam, wharf, embankment, levee, dike, pile abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse or flood-prone area that may impede, retard or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water or which is placed where the flow of the water might carry the same downstream to the damage of life and property.
2. For purposes of § 185.27, any structure, growth or other object, including a mobile object, which exceeds a limiting height set forth in § 185.27(C).

Occupancy Permit – A permit signed by the Zoning Officer setting forth that a building, structure or parcel of land is in compliance with this chapter and may lawfully be occupied or employed for specified uses.

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

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Oil and Gas Development / Extraction – The well site preparation, well site construction, drilling, hydraulic fracturing and / or site restoration associated with an oil and/or gas well of any depth; water and other fluid storage, impoundment and transportation used for such activities; and the installment and use of all associated equipment, including tanks, meters and other equipment and structures whether permanent or temporary; and the site preparation, construction, installment, maintenance and repair of oil and gas pipelines and associated equipment and other equipment and activities associated with the exploration for, production and transportation of oil and gas, other than compressor stations and natural gas processing plants or facilities performing the equivalent functions, that operate as midstream facilities.

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

Open Space – Area included in any side, rear or front yard or any unoccupied space on the lot that is open and unobstructed to the sky except for the ordinary projections of cornices, eaves or porches.

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

Open Space, Private – Open space that is not publicly accessible or is available only to limited users and is not available to the public on a regular or constant basis.

Open Space, Public – Any land area set aside, dedicated, designated or reserved for the use and enjoyment of the general public.

Outdoor Wood Furnace – Any equipment, device, appliance or apparatus, or any part thereof, which is installed, affixed or situated outdoors and is hand-loaded or continuously fed (automatically fueled) for the purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or water source. An outdoor wood furnace may also be referred to as an outdoor wood boiler or hydronic heater.

Packaging and Delivery Services – The packaging and delivery of parcels as a retail service use; it shall not include the bulk storage of parcels on-site but may include the sale of ancillary goods typically used in the packaging and shipping of parcels.

Parcel – A single lot or contiguous group of lots in single ownership or under single control and usually considered a unit for purposes of development.

Parcel Delivery Facility - Any premises or part thereof used for courier and freight forwarding operations that involves collecting, temporary storage of, sorting and dispatching packages.

Parking Lot – An area utilized to meet the parking requirements of this Chapter, including the parking aisles that provide access to the parking spaces, but not including any streets or driveways that provide access to the parking lot.

Parking Space – An off-street space available for the parking of one motor vehicle exclusive of passageways and driveways appurtenant thereto and giving access thereto, and having direct access to a street, alley, or aisle.

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Parking Structure – A building with one (1) or more stories of off-street parking spaces where vehicles are temporarily stored with or without a nominal fee, in association with occupational, retail, entertainment, recreational, municipal, educational or residential use(s).

Patio – An outside surfaced courtyard or an inner area consisting of natural or man-made material constructed at or near grade level, intended for use as an outdoor living area

Permit – A document issued by the governing body authorizing an applicant to undertake certain activities.

Permitted Use – A use by right which is specifically authorized in a particular zoning district.

Person – Any individual, public or private corporation, governmental agency, bureau or department of the state, municipal industry, co-partnership or association.

Personal Care Home – Any structure or premises, licensed by the Commonwealth of Pennsylvania Department of Public Welfare, in which food, shelter, and personal assistance or supervision are provided for a period exceeding 24 hours, for four or more adults who are not relatives of the operator, who do not require the services in or of a licensed long-term care facility, but who do require assistance or supervision in activities of daily living or instrumental activities of daily living. The term includes a premise that has held or presently holds itself out as a personal care home and provides food and shelter to four or more adults who need personal care services, but who are not receiving the services.

Personal Service Business – A small-scale retail business providing direct service or care to a patron or client, including, but need not limited to, a barber or beauty shop, a tailor or dress-making shop, a music or art studio, upholstery or shoe repair facility, or similar establishment of a related nature.

Philanthropic Use – A use limited to public and semipublic activities which involve and relate exclusively to charitable, benevolent and public-oriented service functions, such as provided by the American Red Cross, Salvation Army, social centers sponsored by public or semipublic organizations or similar groups.

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

Planning Commission – The Planning Commission of either Green Hills Borough or South Franklin Township, Washington County, Pennsylvania.

Premises – The property upon which the activity is conducted as determined by physical facts rather than property lines. It is the land occupied by the buildings or other physical uses that are necessary or customarily incident to the activity, including such open spaces as are arranged and designed to be used in connection with the buildings or uses.

Primary Surface – A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the "primary surface" extends two hundred (200) feet beyond each end of that runway; or, when the runway has no specially prepared hard surface or planned hard surface, the "primary surface" ends at each end of that runway. The width of the "primary surface" is set forth in

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§ 185-27. The elevation of any point on the “primary surface” is the same as the elevation of the nearest point on the runway center line.

Principal Use – The major or dominant use of a lot or land parcel.

Private Club or Private Lodge – An organization catering exclusively to members and their guests at premises for social, recreational or athletic purposes which are not conducted primarily for gain, provided that any merchandising or commercial activities are conducted only as required generally for the membership of such organization.

Professional Office – An office or business conducted by an individual or association dealing with medicine, law, accounting, real estate, architecture, engineering, finance or related services.

Protected Structure – Any occupied residence, commercial, business, school, religious institution or other public building located within 1,000 feet of the surface location of an oil or gas well, including structures such as garages and barns or other accessory buildings and structures which may be impacted by noise generated from drilling or hydraulic fracturing activity at a well site. The term shall not include any structure owned by an oil or gas lessor who has signed a lease with the operator granting surface rights to drill the subject well or whose owner (or occupants) has (have) signed a waiver relieving the operator from implementation of the measures established in this Ordinance for the owner’s (occupant’s) benefit.

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

Public Hearing – A formal meeting held pursuant to public notice by the Board of Supervisors or Borough Council, Zoning Hearing Board, or planning commission, intended to inform and obtain public comment, prior to taking action in accordance with the MPC.

Public Meeting – A forum held pursuant to notice under 65 Pa. C.S. CH. 7 (Relating to Open Meetings).

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

Public Use – Includes any use activity owned and/or operated by federal, state, county or local governmental units.

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

Receiving Building – Any building wherein the maximum permitted noise level shall not be exceeded from sources outside the property upon which the building is located.

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Receiving Property – Real property, which may or may not contain a structure, within which the maximum noise specified shall not be exceeded from sources outside such property.

Recreation, Commercial Indoor – Indoor facilities for leisure-time activities that are provided as a business pursuit, including facilities open to the public and those requiring membership; includes indoor theaters, lodges, fraternal organizations, bowling alleys and indoor skating facilities.

Recreation, Commercial Outdoor – Outdoor facilities for leisure-time activities that are provided as a business pursuit, including outdoor facilities open to the public and those requiring membership; includes swimming pools, tennis courts, riding stables, drive-in theaters and golf courses.

Recreation, Municipal – Developed or undeveloped open spaces and/or structures and facilities which are provided by a governmental body for public use for the purposes of play, amusement or relaxation. Such uses may include sports facilities, parks, assembly buildings, passive areas, gardens and related amenities.

Recreation, Private – Developed or undeveloped open spaces and/or structures and facilities which are provided by individuals or private organizations for the use of specified individuals or groups of individuals sharing common relationships or associations for the purposes of play, amusement or relaxation. Such uses may include sports facilities, parks, assembly buildings, passive areas, gardens and related amenities.

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

Recreational Vehicle Park: Any site upon which two (2) or more recreational vehicles are, or are intended to be located.

Recycling Facility – A facility that accepts recyclable material from the public by donation, redemption, or purchase and separates or recovers reusable materials that can be sold to or reused by a manufacturer as a substitute for, or a supplement to, virgin raw materials. The term does not include transfer facilities, municipal waste landfills, composting facilities or resource recovery facilities.

Regulatory Flood Elevation – The one-hundred-year flood elevation, plus a freeboard safety factor of one and one-half (1 1/2) feet.

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

Research and Development – A structure or complex of structures designed or used primarily for research and development functions related to industry and similar fields.

Residential Solar Energy System – a solar energy system which is an accessory use to a lawful residential use in any zoning district.

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Restaurant – An establishment whose principal business is the sale of food or beverages to the public in a ready to consume state.

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

Restaurant, Fast Food – A restaurant that provides the sale of food or beverages to the customer in a ready-to-consume state, either at seating facilities within the restaurant or carry-out consumption off the premises, and whose method of operation includes the serving of food in edible or disposable containers.

Restaurant, Full Service– A restaurant where customers are served at a table or counter by a restaurant employee and given an individual menu.

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

Riding Academy – An establishment or lot where horses, ponies, or other such animals used for transportation/recreation are boarded and cared for or commercially hired out whether with or without instruction in riding.

Right-of-Way – Land reserved for use as a street, alley, interior walk or other public purpose and dedicated for public use; all must be recorded in the County Recorder of Deeds office. For purposes of this chapter, public right-of-way lines shall prevail over private parcel lines that are designated as falling within the public “right-of-way.” When a lot abuts a “right-of-way” of a public thoroughfare or alley, all applicable lot area and front, side and rear lot requirements shall be computed from the public right-of-way line.

Riparian Buffer – Any area within one hundred (100) feet of any stream bank.

Roadside Stand – A use that may incorporate a structure, that offers agricultural product for sale, at least 75% of which were produced as a part of the agricultural operation.

Runway – A defined area on an airport prepared for landing and takeoff of aircraft along its length.

Salvage Yard – An area more than two hundred (200) square feet outside of a building on any lot for the handling or storage or scrap metal, paper, rags or discarded, salvaged or waste materials of any kind. This includes automobile wrecking yards, used lumber yards, junk yards and storage of salvaged house wrecking and structural steel materials and equipment, but does not include yards for the storage or sale of operable used cars or machinery or the incidental processing of used or salvaged materials where permitted, as part of the lawful manufacturing or industrial use on the same premises.

Sawmill – A business establishment equipped with machinery for cutting lumber or timber into boards.

Screen (Buffer) Planting – An arrangement of vegetative material of sufficient height and density to conceal from the view of property owners on adjoining property or in adjoining districts and the public right-of-way the structures and uses on the premises on which the screen or buffer planting is located.

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Seasonal Dwelling – A permanent building or structure intended for occasional occupancy, including buildings intended as camps, cottages, lodges, hunting cabins, vacation homes and similar seasonally used dwellings.

Self-Storage Facility – An establishment that rents or leases storage space to the general public for personal use by the renter. The warehousing of wholesale and / or retail materials and / or products shall not be permitted and there shall be no residential occupancy or commercial sales conducted from such storage areas.

Setback – The minimum distance that a structure can be located from a right-of-way or property line or another structure, thereby creating a required open space on a lot.

Sewage Treatment Facility – A place or premises, including buildings, where sewage and other solid or liquid wastes are treated or screened before discharge.

Shopping Center – A group of two (2) or more commercial establishments planned and developed as a unit.

Sign – Any letter, numeral, symbol, emblem (including device, symbol, logo, or trademark) flag (including banner or pennant), or any other device, figure or similar character used to announce, inform, identify, advertise or otherwise make anything known which is visible from outside the building or structure.

1. Arcade Sign – A building sign projecting beneath the underside of any structural overhang or passageway, either vehicular or pedestrian.
2. Awning Sign – A building sign displayed on any structure made of cloth and metal frame attached only to a building and projecting from the same when so erected as to permit its being raised to a position flat against the building when not in use.
3. Banner Sign – A sign intended to be hung either with or without a frame possessing characters, letters, illustrations or ornamentations applied to paper, plastic, or fabric of any kind excluding flags, emblems, and insignias or political, professional, religious, education, or corporate organizations providing that such flags, emblems, and insignia are displayed for non-commercial purposes.
4. Building Sign – A sign attached to and deriving its major support from a building.
5. Bulletin Board Sign – A free standing sign listing the names, uses and location of various services, offices, or activities within a building or group of buildings of a public use; a charitable use; a professional or semiprofessional use; a medical center; a clinic or hospital; or signs listing church services and religious activities.
6. Business District Identification Sign – A free standing sign attached to a pole approved as a component of a business district streetscape plan and designed to announce the entrance to the business district.
7. Cornice Sign – A building sign attached or inscribed on a horizontal molded projection which crowns or finishes the wall of a building.
8. Directional Sign – A sign conveying instructions or directions with respect to the use of the premises or a portion of the premises on which it is maintained or a use or practice being conducted on the premises; or directional, informational, or public service signs such as those advertising availability of rest rooms, conveniences, and street address numbers.
9. Double-Faced Sign – A free standing sign carrying the same message on two faces, only one of which is visible from any ground position, the faces of which are not separated by more than eighteen inches.
10. Electronic Graphic Display Sign (On-Premises) – A sign or portion thereof that expressly and directly pertains to the business or activity conducted on or for the premises upon which the sign

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is located and that displays electronic, static images, static graphics or static pictures, with or without text information, defined by a small number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, light bulbs or other illumination devices within the display area where the message change sequence is accomplished immediately. Electronic Graphic Display Signs shall include computer programmable, microprocessor controlled electronic digital displays. Electronic Graphic Display Signs include projected images or messages with these characteristics onto buildings or other objects. The sign may not include lighting devices forming part of the message or border, video or scrolling messages.

11. Flag – A display of fabric without frame which moves with the movement of the wind and which advertises no product, service, or entertainment. This shall not be deemed to include a flag or insignia of the United States, the Commonwealth of Pennsylvania, Washington County, or South Franklin Township or Green Hills Borough.
12. Free Standing Sign – A sign supported by upright structural members on or by supports on or in the ground, not attached to any building.
13. Incidental Signs – A flag, sign, pennant, valance, or advertising display that is to be displayed for a limited time.
14. Marquee Sign – A building sign attached to a covered structure projecting from, or extended from, a building façade when such canopy, or covered structure, is supported by the building, including signs mounted on a cantilever where there is no other structural purpose for the cantilever.
15. Outdoor Advertising Sign – A free standing sign on which is portrayed information that directs attention to a business or service not necessarily related to the other uses existing or permitted on the lot upon which the sign is located. Billboards are included in this definition.
16. Parapet Sign – A building sign attached to a wall above the roofline or above any balcony line.
17. Pennant – A display of fabric which moves with the movement of the wind and which advertises a product, a service or an entertainment.
18. Plaque Sign – A building sign consisting of flat plate or tablet intended only for orientation use for building or occupant notification, and containing only the name of the resident, title of person practicing or profession, name of building or name of agent.
19. Pole Sign - A free standing sign greater than eight (8) feet in height. Pole signs may be supported by a single pole structure, or by two or more uprights or braces placed in the ground.
20. Portable Sign – A temporary sign that by its description or nature will be, or may be, moved from one location to another.
21. Post and Panel Sign – A free standing sign other than a pole sign which is supported by two posts placed in the ground not exceeding eight feet in total height from the most adjacent ground surface, and not attached to any building, including any object placed on the ground in any manner advertising a particular enterprise or parcel.
22. Projecting Sign – A building sign that extends in excess of eight (8) inches beyond any vertical surface of the building that supports it.
23. Pylon Sign – A free standing sign with a dimension character of narrow depth, medium width and tall height, and with a sign face having a vertical dimension in excess of its horizontal dimension.
24. Roof Sign – A building sign erected above the finished roof level of a building and attached to the roof structure.
25. Sandwich Sign – A temporary exterior sign with two faces that are adjoined at the top and displayed at an angle, which is not permanently anchored or secured.
26. Snipe Sign – A sign nailed or otherwise attached to any object, tree, or building or structure advertising any business commodity, service, facility, or entertainment sold or offered elsewhere than upon the same lot where the sign is located.
27. Temporary Exterior Sign – A sign which offers premises for sale, rent or development, advertises the services of professionals or building trades during promotional sales or events, construction or

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- alteration of the premises upon which the sign is located or advertises a special nonrecurring event.
28. Temporary Interior Sign – A sign whose intended use is to promote products or services of special interest reduced process or notification to the public and which is being erected or affixed primarily to attract the public outside of the building.
 29. Temporary Sign – A sign not permanently attached to a structure or the ground that can be easily transported to any location.
 30. Vehicle Mounted Sign – A temporary sign painted or attached to a vehicle that is related to the business activity, use, service, or product of the owner of the vehicle or to the sale of the vehicle, and which sign is incidental to the primary use of the vehicle.
 31. Wall Sign – A sign attached to the wall of the building.
 32. Window Sign – A sign attached to a display window, visible through a display window, or any sign regardless of its location or intent that can be read from the street or adjoining property on or through the window of an establishment.

Sign Face – A single surface area to which the sign copy is affixed or from which the copy or message is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural or decorative trim.

Sign, Gross Surface Area of – The entire area with a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of same. The gross surface area of signs having more than one surface visible to the public (double-faced or multiple-faced signs) shall have only one side considered, provided that both faces are identical and not more than thirty-six (36) inches apart. If the interior angle formed by both faces of a double-faced sign is greater than forty-five (45) degrees, both sides of the sign shall be used in computing the sign area.

Sign Height – The vertical distance measured from ground level to the highest point on the sign and its supporting structure.

Site Plan – A plan to scale showing uses and structures proposed for a parcel of land that includes lot lines, streets, building sites, buildings, open space and other information.

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

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

Small Wind Energy System – A wind energy conversion system consisting of a wind turbine mounted on a tower or a series of wind turbines mounted on a roof-top, associated control or conversion electronics, which has a rated capacity of not more than 60 kilowatts (kW) and is intended to primarily reduce on-site consumption of utility-supplied electricity.

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

Solar Energy – Radiant energy (direct, diffuse and reflected) received from the sun.

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Solar Energy Facility – A complete design or assembly consisting of a solar energy collector, an energy storage facility (where used), and components with the primary intention of producing and transmitting electricity offsite. The term does not include solar energy systems constructed primarily for use on site as an accessory use

Solar Energy Facility Accessory Facilities – All structures and buildings associated with the conversion of solar energy with the exception of the solar panels and support scaffolding. Accessory structures and buildings shall include but not be limited to substations, electrical transmission lines and access roads.

Solar Energy System – A system and all associated equipment which converts solar energy into a usable electrical energy, heats water or produces hot air or other similar function through the use of solar panels mounted on a roof, ground rack, or pole, with the primary intention of reducing on-site consumption of utility-supplied electricity.

Solar Panel – A structure containing one or more receptive cells, the purpose of which is to convert solar energy into useable electrical energy, heat water, or produce hot air or perform any other similar function by way of a solar energy system.

Source Property – Any real property, the activities upon which are contributing to the ambient noise level around the boundary of the property.

Special Exception – The permission or approval for a land use activity, expressly granted by the Zoning Hearing Board after formal application, in situations where provision therefore is made by the terms of this chapter.

Special Flood Hazard Area (SFHA) - An area subject to inundation by the base flood, designated zones A, A1 – 30, AE, AH, AO, V, V1 – 30, or VE on the Flood Insurance Rate Map.

Stable – A building in which farm animals, horses, cattle or livestock are sheltered and / or fed, whether or not for compensation, hire, or sale.

Steady State Sound – Any sound from which the output of the source remains constant throughout the period of measurement.

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 is no floor above it, then the space between the floor and the ceiling next above it.

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

Street Classifications – The following street classifications shall apply to all streets in the township and/or Borough:

1. **Expressway** – Limited-access freeways which carry through traffic between major urban centers and to and from points outside of a region with no local interference.
2. **Arterial** – Carries major movements of traffic within or through the community. Arterial streets typically carry Average Weekday Traffic (AWDT) volumes of greater than 8,000 vehicles per day.
3. **Collector** – Carries the internal traffic movements within the township and/or Borough and connects developed areas with the arterial system. The “collector” system simultaneously

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provides abutting property with road access and accommodates local internal traffic movements. Collector streets typically carry an AWDT in the range of 3,000 to 7,999 vehicles per day.

4. Local – Provides access to immediately adjacent land but normally carries a small portion of the total vehicle miles traveled daily. AWDT volumes are typically less than 3,000 vehicles per day.
5. Private – Any vehicular way which is not dedicated as a public street .

Street Line – The line defining the edge of the legal width of a dedicated street right-of-way.

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

Structure, Principal – The structure or portion thereof housing the main use of the land.

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 purposes, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: provided, however, that the subdivision by lease of land for agricultural proposed into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

Subdivision and Land Development Ordinance –The Subdivision and Land Development Ordinance of either Green Hills Borough or South Franklin Township, as appropriate.

Swimming Pool – Any structure which demands a permanent location in or on the soil which is devoted or intended to be devoted to the art or sport of swimming or diving and the within definition is intended to include swimming pools regardless of whether the same are portable or non-portable, containing a depth of two (2) feet or more of water.

Tattoo Parlor – Any room, space, location, area, structure, or business, or any part of any of these places where tattooing is practiced or where the business of tattooing is conducted and which is licensed as a tattoo facility.

Temporary Portable Storage Unit – Any structure that is used for storage that is portable and does not have a door or other entranceway into a dwelling unit and that does not have water fixtures within its confines, the use of which is limited solely to storage of inanimate objects.

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

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

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

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

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

Transportation Services – A facility for private taxicab, limousine, bus service and similar passenger service.

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

Truck Terminal – A facility where trucks load and unload goods, products, cargo and / or other materials to be broken down or aggregated in different size loads and reshipped to other destinations.

Turbine Height – Shall mean the distance measured from the surface of the tower foundation to the highest point of the turbine rotor plane.

Uniform Construction Code – The statewide building code adopted by the PA General Assembly in 1999, applicable to new construction in all municipalities whether administered by the municipality, a third party, or the PA Department of Labor and Industry. Applicable to residential and commercial buildings, the Code adopted the International Residential Code (IRC) and the International Building Code (IBC) of 2003 (or the latest edition thereof) by reference as the standard applicable to construction within the Commonwealth, including floodplain construction.

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

Variance – Relief granted pursuant to the provisions of this Chapter and Articles VI and IX of the MPC.

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

Vehicle Repair – Engine maintenance, repair or reconditioning, collision repair, including straightening and repainting, replacement of parts, and incidental services.

Vehicle Sales, Rental, and Service – A facility for the sale, rental and service of automobiles, trucks, buses, boats and marine equipment, motorcycles, campers, motor homes, and recreational vehicles, but not including heavy equipment.

Veterinary Clinic – An establishment housing one (1) or more veterinarians where animals are examined and treated, but where no boarding related to such treatment is provided.

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Warehouse – A building used primarily for the storage of goods and materials, including facilities handling freight for a specific commercial or industrial operation, and those facilities available to the general public.

Well Site – The location where facilities, structures, materials and equipment whether temporary or permanent, necessary for or incidental to the preparation, construction, drilling, production or operation of an oil or gas well. This definition includes exploratory wells.

Wetlands – Lands regulated as wetlands by the Pennsylvania Department of Environmental Protection and/or the U.S. Army Corps of Engineers. Such areas are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas.

Wholesale Establishment – An establishment primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling to, such individuals or companies.

Wild or Exotic Animal - any animal of a species prohibited by Title 50, Code of Federal Regulations, or otherwise controlled by the Commonwealth of Pennsylvania. It shall include any animal which is wild, feral, dangerous, noxious, or naturally inclined to do harm. Wild animals, however domesticated, shall also include but not be limited to:

1. Dog family (Canidea)- All except domesticated dogs - including wolf, fox, coyote, dingo, etc.;
2. Cat family (Felidea)- All except commonly accepted domestic cats - including lions, pumas, panthers, mountain lions, leopards, jaguars, ocelots, margays, tigers, wild cats, etc.;
3. Bears (Ursidea)- All bears, including grizzly bears, brown bears, black bears, etc.;
4. Weasels (Mustelidea)- All including weasels, martens, mink, wolverine, badgers, otters, ermine, mongoose, etc.;
5. Raccoons (Procynnidae)- All raccoons and civets;
6. Primates (Hominidae)- All sub-human primates;
7. Porcupine (Erethizontidae)- All porcupines;
8. Skunks;
9. Snakes- All venomous and constricting snakes;
10. Venomous lizards;
11. Crocodillians- All alligators, caimans, crocodiles. gavials, etc.;
12. Venomous fish and piranha;
13. Venomous invertebrates;

Wind Energy Facility – An electric generation facility whose main purpose is to supply electricity, consisting of on or more wind energy systems and other accessory structures and buildings, with the primary intention of the producing electricity on-site and transmitting it off-site. The term does not include small wind energy systems constructed primarily for use on site as an accessory use.

Wind Energy Facility Accessory Facilities – All structures and buildings associated with the conversion of wind energy with the exception of the wind turbine. Accessory structures and buildings shall include but not be limited to substations, meteorological towers, electrical transmission lines and access roads.

Wind Rotor – The blades, plus the hub to which the blades are attached, that they are used to capture wind for the purpose of energy conversion. The wind rotor is mounted on a pole or tower or other suitable structure along with the other generating and electrical equipment to form a wind turbine.

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Wind Tower – The structure upon which a wind turbine is positioned. For the purposes of this Ordinance, the height of a wind tower shall be defined as the fixed height of the tower only, not including the nacelle, rotor or turbine blades.

Wind Turbine – The blades and associated mechanical and electrical conversion components mounted on top of the tower whose purpose is to convert kinetic energy of the wind into rotational energy used to generate electricity.

Wind Turbine Height – The distance measured from the surface of the wind tower foundation to the highest point of the turbine rotor plane.

Winery – An agricultural processing facility used for the commercial purpose of processing grapes, other fruit products or vegetables to produce wine or wine related spirits, excluding beer and liquor. Processing includes wholesale sales, crushing, fermenting, blending, aging, storage, bottling, administrative office functions for the winery and warehousing. Retail sales and tasting facilities of wine and related promotional items and winery tours may be permitted as part of the winery operations.

Wine-Tasting Room - An area limited to 1,500 square feet that is devoted to the sampling and sales thereof of wine produced on or off the premises. Sale of food is prohibited; however, incidental provision of food without compensation is allowed.

Yard – A space on the same lot with a principal structure, open, unoccupied and unobstructed by structures, except as may be otherwise provided in this chapter.

1. Yard, Front – A yard extending along the full length of the front lot line, unoccupied other than by steps, walks, terraces, driveways, lampposts and similar improvements; the depth of which is the least distance between the front lot line at the right-of-way line and the building line. On a corner lot, the Zoning Officer shall have the authority to determine which yard is the front yard, based upon the predominate pattern in the area.
2. Yard, Rear – A yard extending along the full length of the rear lot line between the rear of the principal building and the rear lot line; unoccupied other than by steps, walks, terraces, driveways, lampposts and similar improvements.
3. Yard, Side – An area between any building and side lot line, as defined herein, extending from the front yard to the rear yard, or on through lots, from one front lot line to the other lot line. The width of the required side yard is measured horizontally at ninety degrees (90°) with the side lot line from the nearest part of the building.

Zoning Approval – Approval under the provisions of this chapter certifying that an application for development or application for zoning approval for occupancy and use has fulfilled the requirements of this chapter.

Zoning Hearing Board – A Board comprised of members who are appointed by the governing body(s) to examine and decide appeals for relief from strict conformance of application of this Chapter and to hear testimony regarding the validity of any regulations upon development in either the municipality(s) or regarding challenges to the decisions of the Zoning Officer.

Zoning Map – The South Franklin Township and Green Hills Borough Zoning Map together with all amendments subsequently adopted.

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Zoning Officer – The individual authorized by the governing body(s) having the powers and subject to the provisions set forth in the MPC, whose duty it shall be to administer this chapter and such other chapters that may be assigned by the governing body(s).

Zoning Permit – A statement signed by the Zoning Officer indicating that the application for permission to construct or alter is approved and in accordance with the requirements and terms of this chapter.

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§ 185.16. Zoning Map.

- (A) The Township and Borough are hereby divided into Zoning Districts, as shown on the official Zoning Map, which together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Chapter.
- (B) The official Zoning Map shall be identified by the signature of the Chairman of the Board of Supervisors and Council President, attested by the Township Secretary and Borough Mayor, and shall bear the seal of the Township and Borough under the following words: "This is to certify that this is the Official Zoning Map referred to in Article III of Chapter 185, as amended, of South Franklin Township and Green Hills Borough, Washington County, Pennsylvania," together with the date of enactment of this Chapter.
- (C) All amendments affecting district boundaries shall be noted on the Official Zoning Map, including the date of adoption, and shall be attested to by the Township Secretary and Borough Mayor.
- (D) No changes of any nature shall be made to the official Zoning Map or matter shown thereof except in conformity with the procedure set forth in this Chapter. Any unauthorized change of whatever kind by any person shall be considered a violation of this Chapter and punishable as provided in Article VIII of this Chapter.
- (E) The official Zoning District Map shall be located in the municipal offices of the Borough and Township and shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the Borough and Township.

§ 185.17. Classification of districts.

- (A) For the purpose of applying the provisions of this chapter, the Township of South Franklin and Green Hills Borough are hereby classified and divided into the following zoning and overlay districts, which are shown on the Official Zoning Map.
 - (1) Zoning Districts
 - (a) A-I Agricultural District
 - (b) R-1 Low-Density Residential District
 - (c) R-2 Medium- Density Residential District
 - (d) MU Mixed Use District
 - (e) C-1 Local Commercial District
 - (f) SD Special Development District
 - (g) I/C Flex-Light Industrial / Commercial District
 - (2) Overlay Districts
 - (a) IO Industrial Overlay District
 - (b) Airport Overlay District
 - (c) FP Floodplain Overlay District

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§ 185.18. Interpretation of boundaries.

(A) District boundaries shall be determined as follows.

- (1) Where district boundaries are indicated as approximately following the center lines of streets, highways, highway right-of-way lines or streams, such center lines shall be construed to be such boundaries.
- (2) Where district boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be such boundaries.
- (3) Where district boundaries approximately follow a railroad, such boundaries shall be deemed to be located in the center of such railroad right-of-way.
- (4) Where the boundary of a district follows a stream or other body of water abutting another municipality, the boundary shall be deemed to be the limits of jurisdiction of the Township or Borough, unless otherwise indicated.
- (5) Where streets, property lines or other physical boundaries and delineations are not applicable, boundaries shall be determined by the scale shown on the original Official Zoning Map on file in the office of the Township Secretary.
- (6) Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered in this section, the Zoning Hearing Board shall interpret the district boundary.
- (7) When a district boundary line divides a lot held in single and separate ownership at the effective date of this chapter, the regulations which apply to the use in a less restricted district shall extend over the portion of the lot in the more restricted district a distance of not more than one hundred (100) feet beyond the district boundary line.

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§ 185.19. A-1: AGRICULTURAL DISTRICT

(A) **Purpose.** The A-I Agriculture District is intended to continue the agricultural history by recognizing the valuable contributions that farming makes to the community. As such, the A-I General Agricultural District aims to provide for agricultural activities, together with low-density residential uses and such additional public and semipublic functions as may be compatibly accommodated in the same district. These regulations are designed to provide for the maintenance of agricultural activities in conjunction with continuing low-density residential development and to prevent encroachment by land uses that are not compatible with the uses that are provided for in the A-I District.

(B) **Principal Uses.** The following *Table III.1a* illustrates the permitted principal uses and conditional uses in the A-I General Agricultural District:

Table III.1a: Principal Uses

Permitted Uses	Conditional Uses
Animal hospital/veterinary clinic	Campground
Bed and breakfast inn	Cemetery
Church, place of worship/religious institution	Clinic
Dwelling, single-family detached	Day care center
Essential services	Educational institution
Flea market	Extractive operation
Forestry	Facilities for the sale, repair, and service of agricultural equip/supplies
General agriculture	Family day care home
Intensive agriculture	Garden center
No impact home based business	Game preserve
Noncommercial keeping of farm animals	Greenhouse, commercial
Oil and gas development	Group day care home
Recreation, commercial outdoor	Group residential facility
Recreation, municipal	Highly intensive agriculture
Riding and boarding stables	Hospital
Winery	Kennel
	Mineral mine conveyor
	Mineral mining adjunct facility
	Mineral tipple and cleaning plant
	Mobile home park
	Nursing home
	Solar Energy System, Large
	Wind Energy System, Large

(C) **Accessory Uses.** Accessory uses shall be permitted, provided that they are:

- (1) Customarily incidental and subordinate to the principal permitted use;
- (2) Located on the same lot as the principal use; and
- (3) Subject to applicable requirements in Article VI: Supplemental Regulations.

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(D) **Dimensional Standards.** The following *Table III.1b* illustrates lot size, setbacks, building heights, and other dimensional requirements in the A-I General Agricultural District:

Table III.1b: A-1 Agricultural District Dimensional Standards

Minimum Lot Area		
	Agriculture	10 acres
	Cemeteries	10 acres
	Dwelling, detached single family	1 acre
	All other uses	2 acres
Minimum Lot Width		
	Agriculture	240 feet
	Cemeteries	500 feet
	All other principal uses	120 feet
Minimum Front Yard		
	Principal and Accessory Structures	50 feet
Minimum Side Yard		
	Principal and Accessory Structures	25 feet
Minimum Rear Yard		
	Principal and Accessory Structures	40 feet
Maximum Building Height		
	Principal Structures	35 feet (3 1/2 stories)
	Accessory Structures	65 feet (6 1/2 stories)
Maximum Lot Coverage		
	30%	

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§ 185.20. R-1: RURAL RESIDENTIAL DISTRICT

- (A) **Purpose.** The R-1 Rural Residential District is intended to provide sites for low-density residential land uses in areas of the township where such activity has been established or is most likely to occur. These regulations are designed to ensure adequate light, air, privacy and open space for dwelling sites consistent with residential use requirements, to maintain desirable residential qualities within the district and to prevent the encroachment of land uses that are not compatible with the existing land uses. As such, the purpose of the R-1 Rural Residential District is to preserve the rural landscape, natural resource areas, farmland, woodlands, and other large areas of undeveloped or open land while permitting residential development at low densities.
- (B) **Principal Uses.** The following *Table III.2a* illustrates the permitted principal uses and conditional uses in the R-1 Rural Residential District:

Table III.2a: R-1: Rural Residential District Principal Uses

Permitted Uses	Conditional Uses
Dwelling, single-family detached	Assisted living facility
Essential services	Church, place of worship/religious institution
Forestry	Day care center
General agriculture	Educational institution
No impact home based business	Family day care home
Recreation, municipal	Group day care home
Recreation, private	Group residential facility
	Mineral mining adjunct facility
	Noncommercial keeping of farm animals

- (C) **Accessory Uses.** Accessory uses shall be permitted, provided that they are:
- (1) Customarily incidental and subordinate to the principal permitted use;
 - (2) Located on the same lot as the principal use; and
 - (3) Subject to applicable requirements in Article VI: Supplemental Regulations.

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(D) **Dimensional Standards.** The following *Table III.2b* illustrates lot size, setbacks, building heights, and other dimensional requirements in the R-1 Rural Residential District:

Table III.2b: R-1 Rural Residential District Dimensional Standards.

Minimum Lot Area		
	General agriculture	10 acres
	Dwelling, detached single family	1 acre
Minimum Lot Width		
	General agriculture	500 feet
	Dwelling, detached single family	150 feet
	All other principal uses	150 feet
Minimum Front Yard		
	Principal and Accessory Structures	50 feet
Minimum Side Yard		
	Principal and Accessory Structures	15 feet
Minimum Rear Yard		
	Principal and Accessory Structures	40 feet
Maximum Building Height		
	Principal Structures	35 feet (3 1/2 stories)
Maximum Lot Coverage		
	30%	

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§ 185.21. R-2: MEDIUM DENSITY RESIDENTIAL DISTRICT

- (A) **Purpose.** The R-2 Medium Density Residential District is intended to provide more intense, suburban style residential development together with such public and semipublic uses and accessory residential activities as may be appropriate and to permit alternatives to single-family housing to diversify the housing opportunities within South Franklin Township and Green Hills Borough while retaining the rural lifestyle that makes South Franklin Township and Green Hills Borough a desirable place to live. These regulations are designed to generate long-term residential growth, to preserve the characteristics of the neighborhood areas, to provide for the efficient extension of community services and facilities and to prevent the encroachment of land uses that are not compatible with permitted land use activities.
- (B) **Principal Uses.** The following *Table III.3a* illustrates the permitted principal uses and conditional uses in the R-2 Medium Density Residential District:

Table III.3a: R-2: Medium Density Residential District Principal Uses

Permitted Uses	Conditional Uses
Dwelling, Multi-family - Duplex	Church, place of worship/religious institution
Dwelling, Multi-family - Garden apartment	Day care center
Dwelling, Single-family attached	Dwelling, Multi-family - Conversion apartment
Dwelling, single-family detached	Dwelling, Multi-family - High-rise apartment
Essential services	Educational institution
Forestry	Family day care home
No impact home-based business	Group day care home
Recreation, municipal	Group residential facility

- (C) **Accessory Uses.** Accessory uses shall be permitted, provided that they are:
- (1) Customarily incidental and subordinate to the principal permitted use;
 - (2) Located on the same lot as the principal use; and
 - (3) Subject to applicable requirements in Article VI: Supplemental Regulations.

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(D) **Dimensional Standards.** The following *Table III.3b* illustrates lot size, setbacks, building heights, and other dimensional requirements in the R-2 Medium Density Residential District:

Table III.3b: R-2 Medium Density Residential Dimensional Requirements

Minimum Lot Area		
	Dwelling, detached single family	2 acres without public sewage 1/2 acre with public sewage
	Dwelling, attached single family	1 acre with public sewage
	Dwelling, duplex	2 acres without public sewage 1/2 acre with public sewage
	Dwelling, multi-family (except duplex)	1 acre with public sewage
	All other uses	2 acres
Minimum Lot Width		
	Dwelling, detached single family with public sewage	100 feet
	All other uses	120 feet
Minimum Front Yard		
	Principal and Accessory Structures	50 feet
Minimum Side Yard		
	Dwelling, detached single family	15 feet
	All other principal uses	25 feet
Minimum Rear Yard		
	Principal and Accessory Structures	25 feet
Maximum Building Height		
	Dwelling, multi-family (except duplex)	65 feet (6 1/2 stories)
	All other principal and accessory structures	35 feet (3 1/2 stories)
Maximum Lot Coverage		
	Dwelling, detached single family	45%
	Dwelling, attached single family	60%
	Dwelling, duplex	45%
	Dwelling, multi-family (except duplex)	60%
	All other uses	40%

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§ 185.22. MU MIXED USE DISTRICT

(A) **Purpose.** The intent of the MU: Mixed Use District is to provide for an appropriate mix of compatible residential, commercial, and professional offices and serve as a transitional area between commercial and residential neighborhoods. These regulations are designed to generate local business services and economic growth, to provide commercial amenities to local residents, and to create an organized and cohesive transitional district between lower density residential areas and more intense commercial and industrial uses adjacent to the Washington County Airport.

(B) **Principal Uses.** The following *Table III.4a* illustrates the permitted principal uses and conditional uses in the MU Mixed Use District:

Table III.4a: MU: Mixed Use District Principal Uses

Permitted Uses	Conditional Uses
Animal hospital/veterinary office	Day care center
Bed and breakfast inn	Laundromat
Church/place of worship/religious institution	Vehicle/car wash
Clinic	
Dwelling, Multi-family-Conversion apartments	
Dwelling, Multi-family-Duplex	
Dwelling, Multi-family-Residence over business	
Dwelling, Single-family attached	
Dwelling, Single-family detached	
Educational institution	
Equipment rental/repair	
Essential services	
Farmer's market	
Financial institution	
Forestry	
Funeral home/mortuary	
Library	
Massage therapy business	
No impact home-based business	
Office	
Personal and business services	
Private club or lodge	
Recreation, commercial outdoor	
Recreation, municipal	
Recreation, private	
Retail stores <7,000 square feet	
Roadside stand	
Self-storage facility	
Tattoo parlor	

(C) **Accessory Uses.** Accessory uses shall be permitted, provided that they are:

- (1) Customarily incidental and subordinate to the principal permitted use;
- (2) Located on the same lot as the principal use; and
- (3) Subject to applicable requirements in Article VI: Supplemental Regulations.

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(D) **Dimensional Standards.** The following *Table III.4b* illustrates lot size, setbacks, building heights, and other dimensional requirements in the MU Mixed Use District:

Table III.4b: MU Mixed Use District Dimensional Standards

Minimum Lot Area		
	All uses	2 acres without public sewage 1/2 acre with public sewage
Minimum Lot Width		
	All uses	120 feet without public sewage 100 feet with public sewage
Minimum Front Yard		
	Principal and Accessory Structures	50 feet
Minimum Side Yard		
	Principal and Accessory Structures	25 feet without public sewage 15 feet with public sewage
Minimum Rear Yard		
	Principal and Accessory Structures	25 feet
Maximum Building Height		
	Principal and Accessory Structures	35 feet (3 1/2 stories)
Maximum Lot Coverage		
	All uses	60%

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§ 185.23. C-1: LOCAL COMMERCIAL DISTRICT

(A) **Purpose.** The C-1 Local Commercial District is intended to provide sites for general shopping, commercial services and business and professional facilities in support of and as a convenience to local residents and those of the surrounding vicinity. It is also intended to provide appropriate locations for larger-scale commercial uses that are high traffic generators with larger buildings and sites in locations that can feasibly be served by public or community sewage disposal and/or water supply systems and have access to regional road networks. These regulations are formulated to ensure adequate light, air, open space and other amenities appropriate to the maintenance of safety and to generate qualities conducive to viable commercial operations within the community. The standards set forth in this section intend to allow a healthy range of land uses and building development that enhances the character of commercial areas, protects nearby agricultural and residential districts, conserves the value of land and buildings, and promotes increased tax revenues.

(B) **Principal Uses.** The following *Table III.5a* illustrates the permitted principal uses and conditional uses in the C-1 Local Commercial District:

Table III.5a: C-1: Local Commercial District Uses

Permitted Uses	Conditional Uses
Animal hospital / veterinary clinic	Convenience store
Catering business	Gasoline service station
Clinic	Hotel / motel / lodge
Dry cleaner	Laundromat
Dwelling, Multi-family - Residence over business	Shopping Center
Essential services	Vehicle / car wash
Farm equipment supply and sales	Vehicle repair
Farmer's market	Vehicle sales, rental, and service
Financial institution	
Forestry	
Health club	
Light manufacturing	
Methadone treatment facility	
No impact home-based business	
Office	
Personal and business services	
Pharmacy	
Restaurant, Carry-out	
Restaurant, Fast food	
Restaurant, Full service	
Retail store up to 25,000 square feet	
Tattoo parlor	
Theater	

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- (C) **Accessory Uses.** Accessory uses shall be permitted, provided that they are:
- (1) Customarily incidental and subordinate to the principal permitted use;
 - (2) Located on the same lot as the principal use; and
 - (3) Subject to applicable requirements in Article VI: Supplemental Regulations.
- (D) **Dimensional Standards.** The following *Table III.5b* illustrates lot size, setbacks, building heights, and other dimensional requirements in the C-1 Local Commercial District:

Table III.5b: C-1 Local Commercial District Dimensional Standards

Minimum Lot Area	
All uses	1/2 acre
Minimum Lot Width	
All uses	100 feet with public sewage
Minimum Front Yard	
Principal and Accessory Structures	25 feet for lots that have frontage on SR 18 15 feet for all other lots
Minimum Side Yard	
Principal and Accessory Structures	15 feet
Minimum Rear Yard	
Principal and Accessory Structures	25 feet
Maximum Building Height	
Principal and Accessory Structures	35 feet (3 1/2 stories)
Maximum Lot Coverage	
All uses	75%

§ 185.24. I/C: Flex- Industrial / Commercial District

- (A) **Purpose.** The I/C Flex – Industrial / Commercial District is established to provide locations for commercial, service, light industrial and related activities in areas where sites are predominantly oriented to major highway systems and other transportation facilities which have the potential to attract and nurture business pursuits. In addition, these provisions relate to the use of property in the vicinity of the Washington County Airport by providing for land use activities that will complement airport operations and the local economic base. These regulations are designed to ensure adequate light, air, open space and other amenities consistent with the maintenance of public safety and to generate the highest and most appropriate use of sites.

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(B) **Principal Uses.** The following *Table III.6a* illustrates the permitted principal uses and conditional uses in the I/C Flex Industrial-Commercial District:

Table III.6a: I/C: Flex Industrial-Commercial Principal Uses

Permitted Uses	Conditional Uses
Animal hospital/veterinary clinic	Distribution facility
Bus and transit facility	Freight terminal
Business and sales office	Laboratory
Clinic	Research and development
Contractors' plant and storage	Solar Energy System, Large
Dwelling, single-family detached	Transportation services
Educational institution	Wind Energy System, Large
Essential services	
Farm equipment supply and sales	
Financial institution	
Forestry	
Garden Center	
Gasoline service station	
Greenhouse, commercial	
Health club	
Industrial park	
Lumberyard	
Manufacturing, light	
No impact home-based business	
Office	
Oil and gas development	
Packaging and delivery services	
Personal and business services	
Printing and publishing	
Private club or lodge	
Private contiguous off-site airport-related uses	
Public airport and related uses	
Restaurant, Carry-out	
Restaurant, Fast food	
Restaurant, Full service	
Retail store up to 25,000 square feet	
Self-storage facility	
Vehicle repair	
Vehicle sales, rental, and service	
Warehouse	

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- (C) **Accessory Uses.** Accessory uses shall be permitted, provided that they are:
- (1) Customarily incidental and subordinate to the principal permitted use;
 - (2) Located on the same lot as the principal use; and
 - (3) Subject to applicable requirements in Article VI: Supplemental Regulations.

- (D) **Dimensional Standards.** The following *Table III.6b* illustrates lot size, setbacks, building heights, and other dimensional requirements in the I/C Flex Industrial Commercial District:

Table III.6b: I/C Flex Industrial Commercial District Dimensional Standards

Minimum Lot Area		
	All commercial uses	1/2 acre
	All industrial uses	1 acre
Minimum Lot Width		
	All commercial uses	100 feet
	All industrial uses	200 feet
Minimum Front Yard		
	Principal and Accessory Structures	25 feet
Minimum Side Yard		
	All commercial uses	15 feet
	All industrial uses	25 feet 50 feet if adjacent to a residential use
Minimum Rear Yard		
	All commercial uses	25 feet
	All industrial uses	50 feet
Maximum Building Height		
	Principal and Accessory Structures	35 feet (3 1/2 stories)
Maximum Lot Coverage		
	All commercial uses	75%
	All industrial uses	50%

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§ 185.25. IO: Industrial Overlay District

(A) **Purpose.** The Industrial Overlay (IO) District is established to provide appropriate locations for heavy industrial uses and to ensure a smooth transition from adjacent agricultural, residential, and open space areas to industrial sites and locations. The overlay is intended to be flexible enough to allow proper space for larger, more disruptive industrial uses by encouraging their establishment in locations which are suitable and appropriate, taking into consideration land uses on adjacent and nearby properties, adequacy of access to major streets and highways, rail services, and other means of transportation as well as availability of public utilities. The overlay regulations are also designed to provide protective parameters for those industrial uses and structures having physical characteristics which may be offensive or hazardous or which might otherwise adversely affect nearby properties and uses.

(B) **Uses.** The following *Table III.7a* illustrates permitted, conditional, and accessory uses in the Industrial Overlay District:

Table III.7a: Industrial Overlay District Principal Uses

Permitted Uses	Conditional Uses
Communications equipment building	Adult-oriented establishment
Communications tower / antenna	Compressor station
Contractors' plant and storage	Correctional facility
Lumberyard	Distribution facility
	Freight terminal
Manufacturing, heavy	Junkyard
Manufacturing, light	Laboratory
Oil and gas development	Mineral mine adjunct facility
Printing and publishing	Mineral mine conveyor
	Mineral tipple and cleaning plant
	Municipal waste landfill
	Natural gas processing plant
	Recycling center
	Renewable energy source production for more than individual use
	Research and development
	Self-storage facility
	Slaughterhouse
	Warehouse
	Wholesale establishment

(C) **Accessory Uses.** Accessory uses shall be permitted, provided that they are:

- (1) Customarily incidental and subordinate to the principal permitted use;
- (2) Located on the same lot as the principal use; and
- (3) Subject to applicable requirements in Article VI: Supplemental Regulations.

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(D) **Dimensional Standards.** The following *Table III.7b* illustrates lot size, setbacks, building heights, and other dimensional requirements in the Industrial Overlay District:

Table III.7b: Industrial Overlay District Dimensional Standards

Minimum Lot Area		
	All uses	5 acres
Minimum Lot Width		
	All uses	300 feet
Minimum Front Yard		
	Principal and Accessory Structures	50 feet
Minimum Side Yard		
	Principal and Accessory Structures	50 feet
Minimum Rear Yard		
	Principal and Accessory Structures	50 feet
Maximum Building Height		
	Principal and Accessory Structures	35 feet (3 1/2 stories)
Maximum Lot Coverage		
	All uses	60%

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§ 185.26. SD: Special Development District

(A) Purpose. The Special Development (SD) District is established to provide avenues for responsible development within the community that will be in keeping with the surrounding character while still permitting elasticity in uses. The standards set forth in this section intend to allow a healthy range of land uses and building development that enhances the existing neighborhood character, protects nearby agricultural and residential districts, and promotes the highest and best use of sites.

(B) Principal Uses. The following *Table III.8a* illustrates the permitted and conditional uses in the SD Special Development District:

Table III.8a: SD Special Development District Principal Uses

Permitted Uses	Conditional Uses
Catering business	Bar/tavern
Country club	Bed and breakfast
Dwelling, Multi-family - Duplex	Convenience store
Dwelling, Multi-family - Garden apartment	Essential services
Dwelling, Single-family detached	Family day care home
Dwelling, Single-family attached	Farmer's market
Golf course	Financial institution
No impact home-based business	Food and grocery store
Restaurant, Full service	Group day care
	General agriculture
	Health club
	Home occupatoin
	Intensive agriculture
	Library
	Municipal facilities
	Office
	Oil and gas development
	Personal and business services
	Private club/lodge
	Recreation, commercial indoor
	Recreation, municipal
	Retail store up to 25,000 square feet
	Sewer treatment plant
	Solar facility (small)

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(C) **Accessory Uses.** Accessory uses shall be permitted, provided that they are:

- (1) Customarily incidental and subordinate to the principal permitted use;
- (2) Located on the same lot as the principal use; and
- (3) Subject to applicable requirements in Article VI: Supplemental Regulations.

(D) **Dimensional Standards.** The following *Table III.8b* illustrates lot size, setbacks, building heights, and other dimensional requirements in the SD Special Development District:

Table III.8b: SD Special Development District Dimensional Standards

Minimum Lot Area		
	All residential uses	1/2 acre
	All commercial uses	1.5 acres
	All other uses	1 acre
Minimum Lot Width		
	All uses	90 feet
Minimum Front Yard		
	Principal and Accessory Structures	25 feet
Minimum Side Yard		
	Principal and Accessory Structures	15 feet
Minimum Rear Yard		
	Principal and Accessory Structures	40 feet
Maximum Building Height		
	Principal and Accessory Structures	35 feet (3 1/2 stories)
Maximum Lot Coverage		
	All uses	75%

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§ 185.27. Airport Overlay District

- (A) This Section of the South Franklin Township Zoning Ordinance regulates and restricts the height of structures and objects of natural growth, the density of residential development and otherwise regulates the use of property in the vicinity of the Washington County Airport by creating appropriate zones and establishing the boundaries thereof, by providing for changes in the restrictions and boundaries of such zones, by defining certain terms used herein and by referring to the maps that are incorporated in and made a part of this chapter.
- (B) Obstructions and high densities of residential use have the potential for endangering the lives and property of users of Washington County Airport and property or occupants of the land in its vicinity, obstructions may affect existing and future instrument approach minimums of Washington County Airport and obstructions may reduce the size of areas available for the landing, takeoff and maneuvering of aircraft, thus tending to destroy or impair the utility of Washington County Airport and the public investment therein. Accordingly, it is declared that:
- (1) The creation or establishment of obstructions has the potential for being public nuisances and injuring the region served by the Washington County Airport.
 - (2) The development of concentrated areas of housing in the immediate vicinity of the Washington County Airport poses potential threats to the safety of inhabitants.
 - (3) It is necessary, in the interest of the public health, public safety and general welfare, that the creation or establishment of obstructions and population concentrations that are a hazard to air navigation or human life is prevented.
 - (4) The prevention of these obstructions and population concentrations should be accomplished to the extent legally possible, by the exercise of the police power, without compensation.
- (C) In order to carry out the provisions of this Chapter, there are hereby created and established certain zones that include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces as they apply to the Washington County Airport. These airport zones are shown as an overlay on the Official Zoning Map kept on file by officials of the Township of South Franklin, Washington County, Pennsylvania, which is made a part hereof. An area located in more than one (1) of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:
- (1) Approach Surface Zone. The inner edge of this approach zone coincides with the width of the primary surface and is one thousand (1,000) feet wide.
 - (a) The western runway end (Runway 9) approach zone expands outward uniformly to a width of four thousand (4,000) feet at a horizontal distance of ten thousand (10,000) feet from the primary surface sloping thirty-four (34) feet outward for each foot upward. Its center line is the continuation of the center line of the runway.
 - (b) The easterly runway end (Runway 27) approach zone expands outward uniformly to a width of four thousand (4,000) feet at a horizontal distance of ten thousand (10,000) feet from the primary surface sloping fifty (50) feet outward for each foot upward and continues uniformly at a horizontal distance of forty thousand (40,000) feet sloping forty (40) feet outward for each foot upward. Its center line is the continuation of the center line of the runway.
 - (2) Conical Surface Zone. This zone slopes twenty (20) feet outward for each foot upward, beginning at the periphery of the horizontal zone and at one hundred fifty (150) feet above the airport elevation and extending to a height of three hundred fifty (350) feet above the airport elevation.
 - (3) Horizontal Surface Zone. This zone is established at one hundred fifty (150) feet above the airport elevation or at a height of one thousand three hundred thirty-four (1,334) feet above mean sea level.

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- (4) Primary Surface Zone. This zone is longitudinally centered on the runway and comprises its entire length, as well as extending two hundred (200) feet beyond each end of the runway at a width of one thousand (1,000) feet. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline, which is one thousand one hundred and eighty-four (1,184) feet above mean sea level.
- (5) Transitional Surface Zone. This zone slopes seven (7) feet outward for each foot upward, beginning at the sides of and at the same elevation as the primary surface and the approach surface and extending to a height of one hundred fifty (150) feet above the airport elevation, which is one thousand one hundred eighty-four (1,184) feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward, beginning at the sides of and at the same elevation as the approach surface and extending to where they intersect the conical surface.
- (D) As regulated by Act 164 and defined by 14 Code of Federal Regulations Part 77.13(a) (as amended or replaced), any person who plans to erect a new structure, to add to an existing structure, or to erect and maintain any object (natural or manmade), in the vicinity of the airport, shall first notify the Department's Bureau of Aviation (BOA) by submitting PennDOT Form AV-57 to obtain an obstruction review of the proposal at least 30 days prior to commencement thereof. The Department's BOA response must be included with this permit application for it to be considered complete. If the Department's BOA returns a determination of no penetration of airspace, the permit request should be considered in compliance with the intent of this Overlay Ordinance. If the Department's BOA returns a determination of a penetration of airspace, the permit shall be denied, and the project sponsor may seek a variance from such regulations as outlined in Subsection (E).
 - (1) No permit is required to make maintenance repairs to or to replace parts of existing structures which do not enlarge or increase the height of an existing structure.
- (E) Any request for a variance shall include documentation in compliance with 14 Code of Federal Regulations Part 77 Subpart B (FAA Form 7460-1 as amended or replaced). Determinations of whether to grant a variance will depend on the determinations made by the FAA and the Department's BOA as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable air space. In particular, the request for a variance shall consider which of the following categories the FAA has placed the proposed construction in:
 - (1) No Objection. The subject construction is determined not exceed obstruction standards and marking/lighting is not required to mitigate potential hazard. Under this determination a variance shall be granted.
 - (2) Conditional Determination. The proposed construction/alteration is determined to create some level of encroachment into an airport hazard area which can be effectively mitigated. Under this determination, a variance shall be granted contingent upon implementation of mitigating measures as described in Subsection (G) (5).
 - (3) Objectionable. The proposed construction/alteration is determined to be a hazard and is thus objectionable. A variance shall be denied and the reasons for this determination shall be outlined to the applicant.
 - (4) Such requests for variances shall be granted where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and that relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the intent of this Chapter.

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- (F) No application for a variance to the requirements of this Section may be considered by the Zoning Hearing Board unless a copy of the application has been furnished to the appropriate Washington County Authority for advice as to the aeronautical effects of the requested variance. If the appropriate Washington County Authority does not respond to the application within fifteen (15) days after receipt, the Zoning Hearing Board may act on its own to grant or deny said/application.
- (G) Use restrictions.
- (1) Notwithstanding any other provisions of this Chapter, no use shall be made of land or water within the Airport District Overlay in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise endanger or interfere with the landing, takeoff or maneuvering of aircraft utilizing the Airport.
 - (2) Notwithstanding any other provisions of this Chapter or other South Franklin Township ordinances, no residential development or use shall be permitted in any airport zone established by this Section that results in any of the following:
 - (a) Single-family or two-family dwellings that exceed a density of two (2) dwelling units per acre.
 - (b) Multifamily dwellings, townhouses or row houses that exceed four (4) dwelling units per structure and an overall density in excess of two (2) dwelling units per net acre.
 - (c) Apartment buildings that exceed twelve (12) dwelling units per structure and an overall density in excess of two (2) dwelling units per net acre.
 - (d) Planned unit developments, mobile home parks or similar residential concentrations.
 - (3) The regulations prescribed by this Chapter shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Chapter, or otherwise interfere with the continuance of a non-conforming use. No non-conforming use shall be structurally altered or permitted to grow higher, so as to increase the non-conformity, and a non-conforming use, once substantially abated (subject to the provisions for non-conformities in Article IX herein), may only be reestablished consistent with the provisions herein.
 - (4) Any permit or variance granted pursuant to the provisions of this Chapter may be conditioned according to the process described in Subsection (E) to require the owner of the structure or object of natural growth in question to permit Washington County, at its own expense, or require the person requesting the permit or variance, to install, operate, and maintain such marking or lighting as deemed necessary to assure both ground and air safety.
- (H) Except as specifically provided hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established and no tree shall be planted in any zone hereby created unless a permit therefore shall have been applied for and granted utilizing the process described in Subsection (D) and (E).
- (1) In the area lying within the limits of the Horizontal Zone and Conical Zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when, because of terrain, land contour or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
 - (2) In areas lying within the limits of the approach zones, but at a horizontal distance of not less than four thousand two hundred (4,200) feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.

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- (I)** Where a conflict exists between any of the regulations or limitations prescribed in this Chapter and any other regulation applicable to the same area, the more stringent limitation or requirement shall govern and prevail.
- (J)** If any of the provisions of this Chapter or the application thereof to any person or circumstance are held invalid, such invalidity shall not affect other provisions or applications of the Chapter which can be given effect without the invalid provision or application, and to this end, the provisions of this Chapter are declared to be severable.

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§ 185.28. Floodplain Overlay District

(A) Purpose.

- (1) The FP Floodplain Overlay is established to protect designated floodplain areas subject to periodic inundation by overflow from streams situated in or contiguous to South Franklin Township. This district is intended to control floodplain uses and activities which, acting alone or in combination with other uses, will cause or contribute to loss and destruction of life and property during periods of flooding.
- (2) The regulations contained herein thus encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future. These regulations also intend to minimize dangers to public health by protecting water supply and natural drainage, and to reduce financial burdens imposed on the community, its governmental units, and its residents by preventing excessive development in areas subject to flooding.
- (3) This overlay is intended to comply with Federal and Commonwealth floodplain management requirements

(B) Disclaimer of liability.

- (1) The degree of flood protection sought by the provisions of this chapter is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur. Flood heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This chapter does not imply that areas outside any identified floodplain area or that land uses permitted within such areas will be free from flooding or flood damages.
- (2) This chapter shall not create liability on the part of the township or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

(C) Special administration requirements.

- (1) In addition to the administrative enforcement provisions specified under other sections of this chapter, the following additional provisions shall apply to any and all types of development undertaken within any floodplain district in South Franklin Township.
- (2) Any construction or development or change to existing conditions of any type, whether involving structures or land features, is prohibited, unless a zoning permit has been obtained from the Zoning Officer.
- (3) Prior to the issuance of any zoning permit and/or building permit, the Zoning Officer shall 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.
- (4) In the case of existing structures, prior to the issuance of any land development permit, the Zoning Officer shall review the history of repairs to the subject building, so that any repetitive loss issues can be addressed before the permit is issued.
- (5) No encroachment, alteration or improvement of any kind shall be made to any watercourse until all adjacent municipalities that 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 Regional Office. In addition, the Federal Emergency Management Agency and Pennsylvania Department of Community and Economic Development shall be notified by the Township prior to any alteration or relocation of any watercourse.

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- (6) The application for a zoning permit shall include a plan of the site showing the exact size and location of the proposed activity for which the zoning permit is being requested, as well as any existing buildings or structures of any type.
- (7) For any proposed construction or development activity located entirely or partially within a floodplain district, applicants for zoning permits shall provide all the necessary information in sufficient detail and clarity to enable the Zoning Officer to determine that:
 - (a) All such proposals are consistent with the need to minimize flood damage and conform to the requirements of this chapter and all other applicable codes and ordinances.
 - (b) All utilities and facilities, such as sewer, gas, electrical and water systems, are located and constructed to minimize or eliminate flood damage.
 - (c) Adequate drainage is provided so as to reduce exposure to flood hazards.
- (8) The following minimum information, plus any other pertinent data as may be required by the Zoning Officer, shall be filed by applicants for zoning permits in floodplain districts:
 - (a) A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch equals one hundred (100) feet or less, showing the following:
 - (i). A North arrow, the scale and the date.
 - (ii). Topographic contour lines.
 - (iii). All property and lot lines, including dimensions, and the size of the site expressed in acres or square feet.
 - (iv). The location of all existing and proposed buildings, structures and other improvements, including the location of any existing or proposed development of any type.
 - (v). The location of all existing streets, drives and other accessways.
 - (vi). The location of any existing bodies of water or watercourses and identified floodplain areas and information pertaining to the floodway and the flow of water, including direction and velocities, if available.
 - (b) Plans of all proposed buildings, structures and other improvements, drawn at a suitable scale, showing the following:
 - (i). The proposed lowest floor elevation of any proposed building, based upon the upon North American Vertical Datum of 1988;
 - (ii). The elevation of the one-hundred-year flood.
 - (iii). If available, information concerning flood depths, pressures, velocities and impact and uplift forces and other factors associated with a one-hundred-year flood.
 - (iv). Any supplemental information as may be necessary under 34 PA Code, Chapter 401-405 as amended, and Sec.1612.5.1, Section 104.7 and 109.3 of the 2003 IBC and Section R106.1.3 and R104.7 of the 2003 IRC.
 - (c) The following data and documentation shall be shown:
 - (i). 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 one-hundred-year-flood elevations, pressures, velocities and impact and uplift forces associated with the one-hundred-year flood. Such statement 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.
 - (ii). Detailed information needed to determine compliance with subsection (J)(2)(c) and (e), including the amount, location and purpose of any materials or substances referred to in this section that are intended to be used, produced, stored or otherwise maintained on the site, and a description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills

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of the dangerous materials or substances listed in subsection (J)(4) during a one-hundred-year flood. .

- (iii). The appropriate component of the Department of Environmental Protection Planning Module for Land Development.
 - (iv). 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.
- (9) The following additional data and documentation shall be included:
- (a) 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.
 - (b) A statement, certified by a registered professional engineer, architect or landscape architect, that contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be stored or located in any manner on the site below the one-hundred-year-flood elevation, and the effects such materials and debris may have on the one-hundred-year flood elevations and flows.
 - (c) Any other applicable permits, such as but not limited to a permit for any activity regulated by the Department of Environmental Protection under Section 302 of Act 166 of 1978.
 - (d) An evacuation plan that fully explains the manner in which the site will be safely evacuated before or during the course of a one-hundred-year flood.
- (D) Inspection and revocation.
- (1) During the construction or development period, the Zoning Officer shall inspect the premises to determine that the work is in compliance with the information provided on the zoning permit application and with all other applicable laws and ordinances. In the discharge of these duties, the Zoning Officer shall have the authority to enter any building, structure, premises or development in the identified flood-prone area, upon presentation of proper credentials, at any reasonable hour.
 - (2) The Zoning Officer shall revoke the zoning permit if it is discovered that the work does not comply with the permit application.
 - (3) A record of all such inspections and violations of this chapter shall be maintained by the Zoning Officer.
 - (4) The requirements of the 34 PA Code Chapter 401-405 and the IBC (Sections 109.3.3, 1612.5.1, 104.7 and 103.8) and the 2003 IRC (R106.1.3, 109.1.3 and R104.7) or latest revisions thereof pertaining to elevation certificates and record retention shall be considered.
- (E) Identification of floodplain areas.
- (1) The identified floodplain area shall be an area of South Franklin Township subject to the one-hundred-year flood, which is identified on the most recent revision of the Flood Hazard Boundary Map (FHBM), as issued by the Federal Emergency Management Agency (FEMA), and all subsequent Flood Insurance Rate Maps (FIRM), data and studies issued by the Federal Emergency Management Agency, as such materials are prepared for the township and made available to local officials.
 - (2) Maps showing all areas considered to be subject to the one-hundred- year flood are available for inspection at the township office.
 - (3) For the purposes of this chapter, the one-hundred-year-flood elevation shall be used as the basis for regulation. To determine the one-hundred-year-flood elevation, the elevation at a given point on the boundary of the identified floodplain area that is nearest the construction site in question will be used. In helping to make this necessary elevation determination, other sources of data, where available, shall be used, such as:

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- (a) Corps of Engineers, Floodplain Information Reports.
 - (b) United States Geological Survey, Flood-Prone Quadrangles.
 - (c) United States Department of Agriculture, Soil Conservation Service, county soil surveys (alluvial soils), or P.L. 566, Flood Information.
 - (d) Pennsylvania Department of Environmental Resources, flood control investigations
 - (e) Known high-water marks from past floods.
 - (f) Other sources.
- (4) In lieu of the above, the township may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the township.
- (F) Revision and modification of floodplain areas.
- (1) The areas considered to be floodplains may be revised or modified by the Board of Supervisors where studies or information provided by a qualified agency or person documents the need or possibility for such revision.
 - (2) No modification or revision of any floodplain area shall be made without prior approval from the Federal Emergency Management Agency.
- (G) Disputes concerning floodplain areas.
- (1) Should a dispute arise concerning the identification of any floodplain area, an initial determination shall be made by the Planning Commission, and any party aggrieved by such decision may appeal to the Zoning Hearing Board. The burden of proof shall be on the appellant.
 - (2) The Zoning Hearing Board may require other sources of information, including hydrologic and hydraulic analyses, to be undertaken. Such analyses shall be acceptable only if prepared by professional engineers or others of demonstrated qualifications who shall certify that the technical methods used correctly reflect currently accepted technical concepts. All such material shall be submitted in sufficient detail to allow thorough technical review by township officials.
 - (3) Any changes in the elevation of the floodplain areas shall be subject to the review and approval of the Federal Insurance Administration.
- (H) All data, maps and documentation cited in Subsection (E) (1) above are hereby made a part of this Zoning Ordinance as if the same were fully described and set forth herein.
- (I) Land use requirements.
- (1) In the identified floodplain area, all uses of land and associated activities shall comply with the restrictions and requirements of this chapter and all other applicable codes and ordinances in force in South Franklin Township.
 - (2) Uses permitted in zoning districts that are within designated floodplain overlay areas that have low flood damage potential and can demonstrate that they do not obstruct flood flows may be permitted.
 - (3) In addition, the following uses may be permitted, subject to all other applicable requirements of this chapter for the particular use or activity:
 - (a) Private and public recreation uses, such as boat launching ramps, parks and fishing areas, that do not require the use of any type of structure that would impede flood flows.
 - (b) Accessory uses, such as lawns, gardens and parking, and passive activity areas.
 - (4) The following activities shall be specifically prohibited within any floodplain:
 - (a) Hospitals, public or private.
 - (b) Nursing homes, public or private.
 - (c) Jails or prisons.

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- (d) New mobile home parks and mobile home subdivisions, and substantial improvements to such existing parks and subdivisions.
 - (5) No use shall adversely affect the capacity of the channels or floodways of any tributary to a main stream, drainage ditch or any other drainage facility or stream. Within the floodplain no development shall be permitted if the development would cause any increase in the one-hundred-year-flood elevation.
 - (6) In order to carry out the provisions of this chapter, the floodplain zone or flood area is hereby designated an overlay district. Therein, an area located in more than one (1) zone is considered to be only in the zone with the more restrictive limitations.
- (J) Construction standards.**
- (1) Any construction, development, uses or activities allowed within any identified floodplain shall be undertaken in strict compliance with the provisions contained in this chapter and any other applicable codes, ordinances and regulations.
 - (2) Within any floodplain area:
 - (a) Any new construction, development, use, activity or encroachment that would cause any increase in flood heights shall be prohibited.
 - (b) No new construction or development shall be allowed unless a permit is obtained from the Department of Environmental Protection, Bureau of Dams and Waterway Management,
 - (c) No new construction or development shall be located within the area measured fifty (50) feet landward from the top of bank of any watercourse, unless a permit is obtained from the Department of Environmental Protection, Bureau of Dams and Waterway Management.
 - (d) Residential structures. Within any floodplain, the lowest floor, including basement, of any substantially improved residential structure shall be at least one and one-half (1 1/2) feet above the one-hundred-year-flood elevation.
 - (e) Nonresidential structures.
 - (i). Within any floodplain, the lowest floor, including basement, of any new or substantially improved nonresidential structure shall be at least one and one-half (1 1/2) feet above the one-hundred- year-flood elevation or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height,
 - (ii). Any structure or part thereof that will not be completely or adequately elevated shall be designed and constructed to be completely or essentially dry in accordance with the standards contained in the publication entitled "Floodproofing Regulations," (United States Army Corps of Engineers, June 1972), or some other equivalent standard for that type of construction.
 - (3) The following standards shall apply for all construction and development proposed within any identified floodplain area.
 - (a) Fill. If fill is used, it shall:
 - (i). Extend laterally at least fifteen (15) feet beyond the building line from all points.
 - (ii). Consist of soil or small rock materials only. Sanitary landfills shall not be permitted.
 - (iii). Be compacted to provide the necessary permeability and resistance to erosion, sliding, or settling.
 - (iv). Be no steeper than one (1) vertical to two (2) horizontal, unless substantiated data justifying steeper slopes are submitted to and approved by the Zoning Officer.
 - (v). Be used to the extent to which it does not adversely affect adjacent properties.

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- (b) Drainage. Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall ensure proper drainage along streets and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.
- (c) Water and sanitary sewer facilities and systems.
 - (i). 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 floodwaters.
 - (ii). Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into floodwaters.
 - (iii). No part of any on-site sewage system shall be located within any identified floodplain area, except in strict compliance with all state and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it or contamination from it during a flood.
- (d) Other utilities. All other utilities, such as gas lines and electrical and telephone systems, shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.
- (e) Streets. The finished elevation of all new streets shall be no more than one (1) foot below the regulatory flood elevation.
- (f) Storage. All materials that are buoyant, flammable or explosive or that, in times of flooding, could be injurious to human, animal or plant life and not listed in subsection (J) (4) shall be stored at or above the regulatory flood elevation and/or floodproofed to the maximum extent possible.
- (g) 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 floodwaters.
- (h) Anchoring.
 - (i). All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse or lateral movement.
 - (ii). All air ducts, large pipes, storage tanks and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.
- (i) Floors, wall and ceilings.
 - (i). 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.
 - (ii). Plywood used at or below the regulatory flood elevation shall be of a marine or water-resistant variety.
 - (iii). 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.
 - (iv). Windows, doors and other components at or below the regulatory flood elevation shall be made of metal or other water-resistant materials.
- (j) Paints and adhesives.
 - (i). Paints or other finishes used at or below the regulatory flood elevation shall be of a marine or water-resistant quality.
 - (ii). Adhesives used at or below the regulatory flood elevation shall be of a marine or water-resistant quality.

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- (b) Designed to prevent pollution from the structure or activity during the course of a one-hundred-year flood.
 - (2) 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 Floodproofing Regulations (United States Army Corps of Engineers, December 1995) or with some other equivalent watertight standard.
- (L) Existing structures.
- (1) Structures existing in any identified floodplain area prior to the enactment of this chapter may continue subject to the following provisions. Where any conflict is raised between Article IX of this chapter and the following provisions, the requirements of the latter shall prevail.
 - (2) No expansion or enlargement of an existing structure shall be allowed within any identified floodway that would cause any increase in flood heights.
 - (3) Any modification, alteration, reconstruction or improvement of any kind to an existing structure to an extent or amount of fifty percent (50%) or more of its market value shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this chapter.
 - (4) Any modification, alteration, reconstruction or improvement of any kind to an existing structure to an extent or amount of less than fifty percent (50%) of its market value shall be elevated and/or floodproofed to the greatest extent possible.
- (M) Variances.
- (1) If compliance with any of the requirements of this Section would result in an exceptional hardship for a prospective builder, developer, or landowner, the Zoning Hearing Board may, upon request, grant relief from the strict application of said requirements, subject to the following.
 - (a) No variance shall be granted for any construction, development use or activity within any floodway area that would cause any increase in the one-hundred-year-flood elevation.
 - (b) No variance shall be granted for any of the requirements of this chapter which pertain to activities specifically prohibited in § 185.28 (I) (4) or to development that may endanger human life in § 185.28 (J) (4).
 - (c) If granted, a variance shall involve only the least modification necessary to provide relief.
 - (d) In granting any variance, the Zoning Hearing Board shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare and to achieve the objectives of this chapter.
 - (e) Whenever a variance is granted, the Zoning Hearing Board shall notify the applicant, in writing, that:
 - (i). The granting of the variance may result in increased premium rates for flood insurance.
 - (ii). Such variance may increase the risks to life and property.
 - (f) In reviewing any request for a variance, the Zoning Hearing Board shall consider, but not be limited to, the following:
 - (i). That the findings are consistent with Article VIII of this chapter.
 - (ii). That the granting of the variance will neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety or extraordinary public expense nor create nuisances or cause fraud on or victimize the public or conflict with any other applicable state statute or regulations or local ordinance or regulation.

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- (g) A report of all variances granted during the year which involve uses or activities in any floodplain area shall be included in the annual report to the Federal Emergency Management Agency.
- (h) Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one-hundred-year flood.

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§ 185.29. Purpose.

- (A) The purpose of this Article is to establish standards and policies for all uses in all districts. These regulations shall serve as general development standards by establishing uniform criteria for accessory uses, fencing, landscaping, lighting, and similar criteria that are ancillary aspects to all uses within South Franklin Township and Green Hills Borough.

§ 185.30. Accessory structures or uses.

- (A) All accessory uses shall require a Zoning Permit. Accessory structures and uses shall be permitted in all districts, provided each is customarily incidental and subordinate to a principal use. There must be a principal structure on the lot prior to the issuance of a Zoning Permit for an accessory structure.
- (B) For the purposes of this Chapter, accessory structures or uses shall include but not be limited to the following, which are subordinate to the principal structure or uses on the same lot:
 - (1) In the A-1, R-1, R-2, MU, and SD Districts:
 - (a) Private greenhouses, garages, carports, garden houses or storage buildings for domestic storage.
 - (b) Swimming pools, tennis courts, basketball courts or similar private recreational facilities.
 - (c) Sheds and other types of outdoor storage for noncommercial purposes.
 - (2) In the MU, C-1, I/C, and IO Districts:
 - (a) The storage of merchandise and goods normally carried in stock in conjunction with the principal use on the same parcel or lot of ground.
 - (b) The storage of goods used in or produced by manufacturing activities on the same parcel or lot of ground.
 - (3) In all Districts:
 - (a) Off-street motor vehicle parking areas and loading and-unloading areas.
 - (b) Fences and ornamental walls and landscape features.
- (C) No use that is to be carried on in an accessory structure shall be in violation of the permitted uses in that district.
- (D) All accessory uses shall comply with the side and rear yard setback requirements for that district.
- (E) No accessory structures or uses shall be closer than five (5) feet to a principal structure.

§ 185.31. Additional structures and dwellings.

- (A) Lots used for bona fide nonresidential purposes under the provisions of this chapter may contain more than one (1) principal nonresidential structure, provided that such structures conform to all land use, lot coverage and yard requirements for the district in which they are located.
- (B) Individual lots, tracts or parcels used for residential purposes shall contain, at a minimum, the area specified per dwelling unit for the district in which it is located and shall have no structure or structures in addition to the principal structure on the same lot used for living purposes, except as provided in § 185.56 (dwelling, in-law apartment), § 185-57 (dwelling, multi-family) and § 185.70 (mobile home parks) of this chapter.

§ 185.32. Environmental protection.

- (A) No excavation that has a potential of creating adverse environmental circumstances, such as erosion, slip-slide areas, subsidence, watercourse changes, air or water pollution, vegetative loss or similar conditions, shall be undertaken until a zoning permit has been issued by the Zoning Officer.

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- (B) The applicant for a permit to proceed with excavation shall obtain all permits and authorizations required by any other governmental agencies having jurisdiction over such matters prior to approval of a Zoning Permit by local authorities.
- (C) Normal agricultural activities shall not be considered excavations and shall not require permits.
- (D) No excavation shall be made with a cut face steeper in slope than three to one (3:1), except under one or more of the following conditions:
 - (1) The material in which the excavation is made is sufficiently stable to sustain a slope or steeper than three (3) horizontal to one (1) vertical and a written statement to that effect by a registered professional engineer, licensed by the Commonwealth of Pennsylvania and experienced in geological sciences and erosion control, is submitted to the administrator and approved by him. The statement shall state that the site has been approved, inspected and that the deviation from the slope specified above will not result in increased risk or injury to persons or damage to adjacent property or receiving streams from erosion and sedimentation.
 - (2) A retaining wall or other approved structure to support the face of the excavation is designed by a registered professional engineer and approved by the administrator.
- (E) The administrator may require an excavation to be made with a cut face less or flatter in slope than three (3) horizontal to one (1) vertical if he finds the material in which the excavation is to be made is unusually subject to erosion or if other conditions exist which, under applicable engineering practice, make such flatter cut slope necessary for stability and safety.
- (F) Excavations adjacent to any footing, foundation or structure shall not extend below the angle of repose or natural slope of the soil under the nearest point of the same unless such footing, foundation or structure is first properly underpinned or protected against settlement.
- (G) Before commencing an excavation which will in any way affect all adjoining property or structures thereon, the person making or causing the excavation to be made shall notify the owners of adjoining property or buildings, in writing, not less than thirty (30) days before such excavation is to be made and shall furnish the administrator proof of said notification.
- (H) All lands steeper than ten to one (10:1) in slope from which structures or natural cover have been removed or otherwise destroyed shall be appropriately graded and, within a reasonable time of such clearance activity. The phrase "a reasonable time" shall be interpreted to be within two (2) weeks during the growing season and shall be rigidly applied to construction activities in order to accomplish the intent of keeping erosion to an absolute minimum.
- (I) No cutting, filling or other disturbing of land and natural vegetation is permissible within fifty (50) feet of the center line of natural drainage courses except as permitted by action of the Zoning Hearing Board. In such cases, the Board may grant permission, provided that special precautions are taken to ensure against continuing erosion or other circumstances which may be harmful to the immediate watercourse or in any way pollute the stream.
- (J) All earthmoving activity shall comply with the erosion and sedimentation control amendments to or requirements of the Pennsylvania Clean Streams Act, as amended, and all requirements of the Pennsylvania Department of Environmental Protection (DEP) and other applicable federal, state, county or local agency or authority having enforcement jurisdiction.

§ 185.33. Exceptions to height limitations.

- (A) The height limitations contained in the dimensional standards shall not apply to flagpoles, church spires, belfries, chimneys, antennas, silos, water storage tanks and fire towers, except in the Airport Overlay District.

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§ 185.34. Fences, walls, hedges and other plant materials.

- (A) No fence, wall, hedge or other plant material shall be located, constructed, or maintained in a way that will obscure or impair the visibility of an operator of a motor vehicle exiting or entering the property.
- (B) No fence, wall, hedge or other plant material shall be located in a clear sight triangle or within the road right-of-way.
 - (1) **Appearance.**
 - (a) Fences shall be defined to include a front and back face. The finished side of the fence shall be considered the front face and the front face shall be oriented toward the exterior of a lot.
 - (b) Sight proof fences are not allowed in the required front yard. The fence shall have some open spacing, which could be of a shadow-box design, open picket fence, wrought iron or other “open” fence design.
 - (c) Property owners shall be responsible for the maintenance of the fencing on their property, and for removal of any fence if it becomes unsightly or a menace to public safety, health or welfare.
 - (2) **Height.** Fence height measurements shall not include projections above fence posts, decorative features, or other protrusions.
 - (a) Residential Districts. Maximum height of a fence in a front yard is four (4) feet. Maximum height of a fence in a side or rear yard is eight (8) feet.
 - (b) Commercial and Industrial Districts. Maximum height of a fence is eight (8) feet, unless otherwise noted in Article VI: Supplemental Regulations for Specific Uses. Barbed wire shall be permitted only if the lowest strand is at least seven (7) feet above grade, and when used for security purposes in addition to a regular fence.
 - (c) Customary fencing around recreational amenities shall be exempt from height restrictions but shall comply in all other respects with the terms of this section.
 - (3) **Setbacks.** Fences to be located within the front yard must have a required setback of two (2) feet from the edge of the road right of way and shall in no way inhibit passing motor vehicle traffic or road maintenance, cleaning, plowing, or repair. A setback of one (1) foot is required for all side and rear yard fences; except for agricultural properties that share fencing along property lines as part of a farming or livestock operation.
 - (4) **Permit.** A permit to erect all types of fences, with the exception of agricultural fences, shall be required in accordance with the regulations of the Borough or Township.

§ 185.35. Landscaping and Buffering.

- (A) **Landscaping.**
 - (1) Any part of a tract that is not used for buildings or other structures, loading or parking spaces and aisles, sidewalks, and designated storage areas shall be planted and continually maintained with an all-season ground cover (such as grass), landscaped in accordance with an overall landscape plan prepared in accordance with the requirements of the municipality’s Subdivision and Land Development Ordinance.
 - (2) Wherever possible, the landscape plan shall preserve and utilize such areas of healthy natural vegetation (such as woodlands and meadows) which may have existed upon a given site prior to development activity.
 - (3) New planting materials shall be chosen to prevent soil erosion and subsequent sedimentation, and shall be disease-free and suitable for the local climate. All new planting materials shall be healthy nursery stock. A full list of approved plants can be found in Appendix X.
 - (4) Except where otherwise noted, all new trees shall be balled and burlapped and shall have a minimum size of not less than two (2) inches caliper diameter breast height (DBH).

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- (5) Where landscaping is required by this Ordinance, the applicant shall submit a landscaping plan, in addition to a site plan, showing proposed initial sizes, locations and species of plantings.
- (6) All shade trees, buffer yards and other landscaping required by this Ordinance shall be perpetually maintained by the property-owner. Any landscaping needed to meet an Ordinance requirement that dies, is removed, or is severely damaged shall be replaced by the current property-owner, on a one-to-one basis, as soon as is practical considering growing seasons, within a maximum of 150 days.
- (7) No certificate of occupancy will be issued for premises upon which buffering and site landscaping is required as a component of development plan approval until it has been installed. In the event that the season is not appropriate for such installation, a performance guarantee shall be posted with the township in an amount equal to one hundred ten percent (110%) of the estimated cost of installation. Buffering and site landscaping shall be installed within nine (9) months of the township's receipt of the performance guaranty.

(B) Buffer Yards.

- (1) Buffer yards and plant screening complying with the following standards shall be required under the following situations, unless a more restrictive provision is established by another section of this Chapter:
- (2) No buffer yard shall be permitted where it may impose a threat to the public safety by obstructing the view of motorists to oncoming traffic or pedestrians.
- (3) A buffer yard shall not be required where the lot abuts an area of existing natural vegetation that effectively screens the lot from casual observation to a height of at least eight (8) feet.
- (4) A buffer yard may be used for passive recreation or stormwater management. It may contain pedestrian, bike or equestrian trails, provided that no plant material is eliminated, the total width of the buffer yard is maintained and all other regulations of this chapter are met. In no case shall this relieve the owner from the responsibility of providing the required plantings.
- (5) Buffer yards shall fall into one of the following categories:
 - (a) **Buffer yard A.** This screen is intended to partially block visual contact between adjacent uses and to create a strong impression of separation of spaces. The following buffer area and plantings are required per one hundred (100) linear feet. Minimum width of buffer yard area shall be fifteen (15) feet.
 - (i). One (1) canopy tree.
 - (ii). One (1) understory tree.
 - (iii). Six (6) shrubs.
 - (b) **Buffer yard B.** This screen is intended to provide more intensive visual block between adjacent uses and to create a stronger sense of separation of spaces. The following buffer area, plantings and/or other structural screening are required per one hundred (100) linear feet. Minimum width of buffer yard area shall be twenty-five (25) feet.
 - (i). Two (2) canopy trees.
 - (ii). Two (2) understory trees.
 - (iii). Two (2) evergreen trees.
 - (iv). Fifteen (15) shrubs.
 - (v). Six (6) foot solid wood fence, solid masonry/brick wall or solid evergreen hedge.
 - (vi). As an option, the requirement for a six (6) foot fence, wall or evergreen hedge may be replaced with a three (3) foot earthen berm with required plantings and perennial ground cover sown on the berm.

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- (c) **Buffer yard C.** This screen is intended to provide an opaque visual screen that excludes visual contact between adjacent uses and creates a very strong impression of separation. The following buffer area, plantings and/or other structural screen are required per one hundred (100) linear feet. Minimum width of buffer yard area shall be forty (40) feet.
- (i). Four (4) canopy trees.
 - (ii). Four (4) understory trees.
 - (iii). Five (5) evergreen trees.
 - (iv). Twenty (20) shrubs.
 - (v). Six (6) foot solid wood fence, solid masonry/brick wall or solid evergreen hedge.
 - (vi). As an option, the requirement for a six (6) foot fence, wall or evergreen hedge may be replaced with a three (3) foot earthen berm with required plantings and perennial ground cover sown on the berm.

<i>Proposed Use</i>	<i>Adjacent Existing Use</i>					
	<i>Single-family uses</i>	<i>Attached single-family / duplex uses</i>	<i>Multi-family uses</i>	<i>Mobile home park</i>	<i>Commercial uses</i>	<i>Industrial uses</i>
<i>Single-family uses</i>	(B)	(B)	A	None	B	C
<i>Attached single-family / duplex uses</i>	A	None	A	A	B	C
<i>Multi-family uses</i>	B	A	None	None	A	C
<i>Mobile home park</i>	B	A	A	None	A	C
<i>Commercial uses</i>	B	B	A	A	A	B
<i>Industrial uses</i>	C	C	C	C	B	A

(B) Buffer required when permitted non-residential uses locate adjacent to existing residential uses.

§ 185.36. Lighting.

This section shall only regulate exterior lighting that spills across lot lines or onto public streets.

- (A) **Street Lighting Exempted.** This Section shall not apply to: a) street lighting that is owned, financed or maintained by the Borough or the State, or b) an individual porch light of less than 6 feet total height in a front yard (not including a spot light).
- (B) **Height of Lights.** No luminaire, spotlight or other light source that is within 200 feet of a lot line of an existing dwelling or approved residential lot shall be placed at a height exceeding 35 feet above the average surrounding ground level. This limitation shall not apply to lights needed for air safety nor lights intended solely to illuminate an architectural feature of a building, nor lighting of outdoor public recreation facilities or a ski resort.
- (C) **Diffused.** All light sources, including signs, shall be properly diffused as needed with a translucent or similar cover to prevent exposed bulbs from being directly visible from streets, public sidewalks, dwellings or adjacent lots.
- (D) **Shielding.** All light sources, including signs, shall be shielded around the light source and carefully directed and placed to prevent the lighting from creating a nuisance to reasonable persons in adjacent dwellings, and to prevent the lighting from shining into the eyes of passing motorists.
- (E) **Flickering.** Flashing, flickering or strobe lighting are prohibited, except for non-advertising seasonal lights between October 25th and January 10th.

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- (F) Spillover. Exterior lighting on an institutional, commercial or industrial property shall not cause a spillover of light onto a residential lot that exceeds 1.0 horizontal foot-candle at a distance 10 feet inside the residential lot line.
- (G) Gasoline Sales Canopies. Any canopy over gasoline pumps shall have light fixtures recessed into the canopy or screened by an extension around the bottom of the canopy so that lighting elements are not visible from another lot or street.
- (H) Lighting of Horizontal Surfaces. For the lighting of predominantly horizontal surfaces such as parking areas and vehicle sales areas, lighting fixtures shall be aimed downward and shall include full cut-off measures as needed to properly direct the light and to meet the maximum spillover requirements of subsection F. and to prevent glare onto streets. The municipality may require that light fixtures for non-residential uses be placed along the street and be aimed away from the street in a manner that also minimizes light shining onto residential lots.
- (I) Lighting of Non-Horizontal Surfaces. For lighting of predominantly non-horizontal surfaces such building walls and wall signs, lighting fixtures shall be fully shielded and shall be aimed so as to not project light towards neighboring residences or past the object being illuminated or skyward. Any lighting of a flag shall use a beam no wider than necessary to illuminate the flag. Lighting of a billboard should be attached to the top of the billboard and project downward. However, lighting shall be allowed of the United States flag from dusk to dawn, provided the light source shall have a beam spread no greater than necessary to illuminate the flag.

§ 185.37. Lot Requirements.

- (A) Lots having frontage on more than one (1) street shall provide the required front building setback on every street.
- (B) Structures attached to the principal structure, whether open or enclosed, including porches, carports, balconies or platforms above normal grade level, shall not project into any minimum front or side yard.

§ 185.38. Outdoor Storage and Screening.

- (A) No lot or premises may be used as a storage area or dump for garbage, junk automobiles or appliances or for the storage or collection of any other miscellaneous items except as provided for in appropriate Articles of this chapter or other applicable township statutes.
- (B) Except for motor vehicles actively used in connection with farming, commercial or mining activities in zoning districts where permitted by this chapter, the exterior storage of more than one (1) motor vehicle or similar motorized equipment that was manufactured for highway use which is disabled, from which the wheels, engine or other major components have been removed, which is not in operating condition, which does not have a current inspection sticker attached or which does not have a current valid vehicle registration issued to an owner or occupant of the property shall constitute an auto salvage business and shall not be permitted as an accessory use. No owner or occupant of any property in any zoning district shall permit said property to be used for the parking or storage of any such vehicles or equipment. The foregoing shall not prohibit the use or rental of space within a private or public garage or repairs in a commercial garage in a zoning district where permitted by this chapter.
- (C) Any material stored outside an enclosed structure being used for commercial or industrial purposes as an incidental part of the primary operation shall be screened by opaque ornamental fencing, walls or evergreen plant material in order to minimize visibility if the storage area is readily visible from adjoining properties not owned by the user. "Materials" shall not be deemed to include operable vehicles.
 - (1) The required screen shall have a height adequate to achieve its purpose. Plant materials used for screening shall consist of dense evergreen plants; a list of approved plants is

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contained in Appendix X. They shall be of a kind or used in such a manner so as to provide a continuous opaque screen within twenty-four (24) months after commencement of operations in the area to be screened. The governing body shall require that either new planting or alternative screening be provided or alternative screening be provided if, after twenty-four (24) months, the plant materials do not provide an opaque screen.

§ 185.39. Performance Standards.

- (A) All land use activities shall comply with the requirements of this section except for underground coal mines, coal mining adjunct operations, coal mining facilities and land fills which need only comply with Subsection C (special standards for steady state noise emanated from stationary equipment) and all county, state and federal requirements. The township may require evaluation by a qualified consultant whose cost for services shall be borne by the applicant in cases where issues develop over the need for or the adequacy of compliance.
- (B) **Fire prevention.** Fire protection and fire fighting equipment acceptable to the Fire Department having jurisdictional responsibility, and conforming to NFPA and BOCA Fire Prevention Code requirements, shall be readily available when any activity involving the handling or storage of flammable or explosive material is conducted.
- (C) Special standards for steady state noise emanated from stationary equipment. Steady state noise emanated from stationary equipment or sources which will persist during indefinite or periodic intervals of time over a period of more than seven (7) consecutive days onto adjacent real properties or to a receiving property within any district within the township shall not exceed the maximum noise levels prescribed in this section.
 - (1) No person shall cause or permit any steady state sound to emanate from a source property which exceeds the levels set forth in Subsection C(2) of this section when measured at the following locations:
 - (a) Within twenty-five (25) feet of any receiving building located in any district except the Industrial Overlay.
 - (b) At any point along the boundary line between the source property and the receiving property in the R-1 Low Density Residential District and R-2 Medium Density Residential District.
 - (2) The maximum permissible noise levels are:
 - (a) Daytime from 7:00 a.m. to 10:00 p.m.: seventy-five (75) dBA.
 - (b) Nighttime from 10:00 p.m. to 7:00 a.m.: seventy (70) dBA.
 - (c) Sound measurements made to determine compliance with the conditions and standards of this section shall be made using a sound level meter which conforms to Type 1 or Type 2 as specified in American National Standards Institute specifications, 1971.
 - (3) All noise measurement procedures used to determine compliance with the conditions and standards of this section shall be conducted so as to accurately and validly describe the noise levels which are the object of the measurement, taking into consideration and excluding to the degree practicable unrelated contributions from the overall ambient noise environment.
- (D) **Vibrations.** Vibrations detectable without instruments on neighboring property in any district shall be prohibited.
- (E) **Odor.** No emission of unpleasant gases or other odorous matter shall be permitted in such quantities as to be offensive outside the lot lines of the lot on which such gases or odors originate.
- (F) **Air pollution.** Except in the event of the use as an underground coal mine or a coal mine adjunct operation or landfill, which shall comply with applicable state and federal laws, regulations and requirements with respect to air pollution, no pollution of air by fly ash, dust,

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- smoke, vapors or any substance that is harmful to health, animals, vegetation or other property shall be permitted.
- (G) **Erosion.** No erosion by wind or water that will carry objectionable substances onto neighboring properties shall be permitted.
 - (H) **Water pollution.** The discharge of all wastewater shall be in accordance with the current standards of the Pennsylvania Department of Environmental Protection (PA DEP), as provided for through Pennsylvania Act 537, and/or South Franklin Township and Green Hills Borough, and comply with all applicable federal regulations.

§ 185.40. Swimming pools.

- (A) Every swimming pool, as defined in Article II, shall be deemed a permanent installation.
- (B) Every swimming pool must comply with the side, rear and front yard setback requirements of this chapter for buildings and structures.
- (C) Every swimming pool must be enclosed with a fence that meets the following requirements:
 - (1) The fence must be a minimum of 48" tall (or taller, depending on distance between horizontal rails).
 - (2) Openings in a chain-link fence, a lattice fence, or between slats in a fence must be 1.75 inches or smaller.
 - (3) The gate(s) must be self-closing and self-latching.
 - (4) The gate(s) need to open out (away from the pool area).
 - (5) Above ground pools that are at least four feet (4') in height (above grade) do not need a fence. However, they must have a removable ladder.
- (D) A zoning permit and building permit must be obtained before a swimming pool is installed or constructed, and an occupancy permit must be obtained before the same may be used.

§ 185.41. Temporary structures.

- (A) Temporary structures and trailers used in conjunction with construction work shall be permitted only during the periods that construction is in progress. Permits for such temporary structures shall be issued for a maximum of six (6) months.

§ 185.42. Vehicular access and control.

- (A) Unless clearly impractical or inappropriate due to physical conditions or traffic access management considerations, lots which abut two (2) or more public streets shall have direct access only to the street of lesser functional classification.
- (B) **Vehicular Ingress and Egress to Arterial and Collector Streets.**
 - (1) Where lots are created having frontage on an arterial or collector street, any proposed development street pattern shall provide reverse frontage to local streets within the subdivision, unless clearly impractical due to lot configuration or topography.
 - (2) Where any use other than a single-family detached dwelling has vehicular access to or from an arterial or collector street, the Township may require that all vehicular entrances and exits be provided with deceleration and acceleration lanes, as may be recommended or required by the Township Engineer and/or the Pennsylvania Department of Transportation. In no event shall vehicles be permitted to back directly into the public street from the off-street parking area.

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(C) Location of Ingress and Egress.

- (1) Ingress and egress for off-street parking shall be designed and arranged so that:
 - (a) The edge of any access driveway onto a street shall be at least forty (40) feet from any street intersection, measured from the nearest intersection of right-of-way lines, and in no case, within the curb radius, except for a cul-de-sac turnaround.
 - (b) Any use with less than one hundred (100) feet of street frontage shall not have more than one (1) access driveway to such street, and no use with one hundred (100) feet or more of street frontage shall have more than two (2) access driveways to any one (1) street for each four hundred (400) feet of street frontage. The Township may require common access point(s) for two (2) or more uses, where practical, to minimize vehicular access points along streets other than local streets. All access driveways shall be designed to conform to PennDOT specifications with regard to State roads and the subdivision requirements of the Township for local roads, as applicable.
 - (c) Provisions shall be made for safe and efficient ingress and egress to and from public streets without undue congestion or interference with normal traffic flow within the Township.
- (2) On any lot, no wall, fence, hedge, tree, shrub, or other obstruction shall be allowed which dangerously obscures the view of approaching traffic along the street, or at any intersection, including driveways.
- (3) On a corner lot, nothing shall be erected, placed or allowed to grow which dangerously obscures the view within a clear sight triangle, defined by the following:
 - (a) Above the height of two and one-half (2 ½) feet and below the height of twelve (12) feet measured from the centerline grades of the intersecting streets.
 - (b) Within the area bounded by the centerline of intersecting streets and a line joining points on these centerlines seventy-five (75) feet from an intersection of the centerlines of such streets.
- (4) Driveway and street entrances onto public streets shall be maintained in accordance with the requirements of Subdivision and Land Development Ordinance.
- (5) All dead end and cul-de-sac streets are governed by the requirements set forth in the Subdivision and Land Development Ordinance.

(D) Driveways.

Driveways. Except where more stringent requirements are specified in this chapter or in the South Franklin Township Land Development Ordinance for the installation of ingress and egress for public and commercial land uses, the following regulations shall apply to the location and design of driveways that intersect with a public right-of-way.

- (1) No wall, fence or other structure shall be erected or altered, and no hedge, tree, shrub or other growth shall be permitted higher than three (3) feet along any street right-of-way so that sight distance from any driveway or other point of entry onto a public highway is restricted.
- (2) Driveway grades shall not exceed fifteen percent (15%) except upon a variance issued by the Zoning Hearing Board.
- (3) Driveways shall be designed in such a manner that would prevent the driveway material and associated stormwater from entering onto a public road.
- (4) Driveways shall be located at least fifty (50) feet from any street intersection and at least two (2) feet from any property line.
- (5) Driveways for residential use shall have a minimum width of ten (10) feet.
- (6) Driveways for commercial and industrial uses shall have a minimum paved width of twenty (20) feet, unless specified otherwise by applicable regulations.
- (7) Entrance to the street shall not vary by more than fifteen degrees (15°) as measured from the perpendicular extended to the center line of the intersected street.

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- (8)** Access drives to and from off-street parking, loading and vehicle service areas along public rights-of-way shall consist of well-defined separate or common entrances and exits and shall not open upon any public right-of-way line of any intersecting public street. In the event that the property is less than one hundred fifty (150) feet in frontage the access drive shall be at the furthest extremity from the street intersection.
- (9)** Non-residential properties in any zoning district with frontages of six hundred (600) feet or less on any individual street are only permitted one (1) driveway intersection per street.
- (10)** Non-residential properties in any zoning district with frontages greater than six hundred (600) feet may be permitted a maximum of two (2) driveways per street frontage, provided that such driveways are at least three hundred (300) feet apart and that one (1) driveway is clearly marked for egress only and one (1) driveway is clearly marked for ingress only.
- (11)** Regardless of frontage, a development may be restricted to a single driveway depending on usage and interior and exterior traffic patterns.
- (12)** The design of a driveway is subject to the provisions contained in the Subdivision and Land Development Ordinance.

Article V. Off Street Parking and Loading Requirements

§ 185.43. General Requirements.

- (A) An application for a zoning or building permit for a new or enlarged structure or use shall include therewith a plot plan, drawn to scale and fully dimensioned, showing all off-street parking and loading facilities to be provided in compliance with the requirement of this chapter.
- (B) At the time of the erection of any principal building or structure or when any such building or structure is enlarged or increased in capacity or when any private or public facility use permitted under this chapter is established, permanent off-street parking and loading spaces shall be provided as specified herein.
- (C) If the number of off-street parking spaces required by this section cannot reasonably be provided on the same lot where the principal use associated with these parking spaces is located, then parking spaces may be located on a lot other than that containing the principal use as a conditional use pursuant to the provisions below. These off-site spaces are referred to in this section as satellite parking spaces.
 - (1) All such satellite parking spaces (except spaces intended for employee use) must be located within five hundred (500) feet of the lot on which the principal use associated with such parking is located.
 - (2) Walking paths shall be provided between the principal use and the parking lot. Such paths shall not cross streets except at designated crosswalks.
 - (3) All such parking spaces must be located in a zoning district that permits the principal use.
 - (4) An agreement must be executed between the owners of the uses sharing these parking spaces. If the agreement expires, each owner shall provide the required parking spaces for their principal use.
 - (5) A shared parking plan shall be enforced through written agreement. An attested copy of the agreement between the owners of record shall be submitted to the Township who shall forward a copy to the Municipal Solicitor for review and approval. Proof of recordation of the agreement shall be presented to the municipality prior to issuance of a certificate of occupancy. The agreement shall:
 - (a) List the names and ownership interest of all parties to the agreement and contain the signatures of those parties;
 - (b) Provide a legal description of the land;
 - (c) Include a site plan showing the area of the parking parcel;
 - (d) Describe the area of the parking parcel and designate and reserve it for shared parking unencumbered by any conditions which would interfere with its use;
 - (e) Agree and expressly declare the intent for the covenant to run with the land and bind all parties and all successors in interest to the covenant;
 - (f) Assure the continued availability of the spaces for joint use and provide assurance that all spaces will be usable without charge to all participating uses; and
 - (g) Describe the method by which the covenant shall, if necessary, be revised.
- (D) Where more than one (1) use occupies a given lot, building or structure, off-street parking equal to the sum of that required for each use shall be required.
- (E) In no case shall the public right-of-way be used for meeting a required parking requirement.
- (F) Driveways may be considered as meeting the requirement for one (1) parking space for single-family and two-family dwellings.
- (G) When determination of the required number of off-street spaces for parking or loading results in a fractional space, any fraction of one-half (1/2) or more shall be interpreted as a whole space.

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- (H) Parking areas, parking accessways, driveways and loading areas shall be sited at a minimum distance of ten (10) feet from all property lines. Where commercial or industrial land uses abut residential districts, no such vehicular areas shall be closer than twenty-five (25) feet to an adjacent residential parcel.
- (I) No land shall be used for habitual commercial or industrial truck loading, storage or parking activities in any A-1, R-1 or R-2 District, except for farm-related activities in an A-1 District.

§ 185.44. Off Street Parking Requirements.

- (A) Table V.1 provides the minimum number of off-street parking spaces required to be provided for the uses indicated.
- (B) For any use not specified, the governing body, after recommendation by the Planning Commission, shall determine the parking demand to be created by the proposed use, and the amount of parking thus determined shall be the off-street parking requirement.

Table V.1: Minimum Off Street Parking Requirements

<i>Class I: Residential</i>	
Single-family	Two (2) spaces
Duplex	Four (4) spaces
Multi-family	Two (2) spaces per dwelling unit, plus two (2) spaces for manager's unit, if provided
Group residential facilities	One (1) space for every three (3) rooms, plus one (1) space per employee on largest shift
Bed and Breakfasts	One (1) space for each guest room, plus two (2) spaces for the owner/operator
<i>Class II: Moderate Intensity Nonresidential</i>	
Clinic	One (1) space for every 350 sf of GFA
Funeral home or mortuary	One (1) space for every 50 sf of GFA in the parlors plus 1 per 300 sf of remaining GFA
Hospital	2.2 spaces for each bed proposed to be constructed
Offices	One (1) space for every 400 sf of GFA
Personal and business services	One (1) space for every 250 sf of GFA
Veterinary clinic	One (1) space for every 300 sf of GFA
<i>Class III: Educational and Religious</i>	
Art gallery / museum	One (1) space for every 325 sf of GFA in exhibit area or gallery space
Church	One (1) space for every five (5) fixed seats in auditorium / sanctuary; if no fixed seats, one (1) space for every 40 sf of GFA in main auditorium or sanctuary

Article V. Off Street Parking and Loading Requirements

Day care center	One (1) space for every employee on duty during largest shift plus 1 for every 5 children in attendance when the facility is operating at maximum capacity
Library	1.2 spaces for every 1,000 sf of GFA
Schools:	
Elementary school	1.5 spaces per 30-person classroom
Middle / junior high school	3.5 spaces per 30-person classroom
High school	9.5 spaces per 30-person classroom
College, university, or trade school	One (1) space for every three (3) employees plus one (1) space for every ten (10) students residing on campus and/or one (1) space for every five (5) students not residing on campus
Class IV: Commercial	
Bank	One (1) space for every 350 sf of GFA plus three (3) spaces for each ATM not located in a drive-thru
Club or Lounge (including outdoor seating areas)	One (1) space for every 100 sf of GFA
Food and grocery store and/or Convenience store	One (1) space for every 300 sf of GFA
Greenhouse, commercial and/or Garden center and/or Nursery	One (1) space for every employee on largest shift plus one (1) space for every 400 sf of growing and display area accessible to the public
Hotel / motel / lodge	One (1) space for each guest room, plus one (1) space for each ten (10) rooms, plus one (1) space for every three (3) employees
Restaurant (including outdoor seating areas)	One (1) space for every 125 sf of GFA
Retail store	One (1) space for every 300 sf of GFA
Class V: Industrial	
Gasoline service station	One (1) space for each employee on duty during largest shift plus two (2) for each service bay plus one (1) space per 250 sf of GFA of convenience store, if applicable
Heavy manufacturing	One (1) space for every 400 sf of GFA of office space, plus one (1) space per 2,000 sf of GFA of warehouse, assembly, or storage space

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Light manufacturing	One (1) space for every 400 sf of GFA of office space, plus one (1) space per 1,500 sf of GFA of warehouse, assembly, or storage space
Research and development and / or Laboratory	One (1) space for each 2,000 sf plus one (1) space for every three (3) employees
Self-storage facility	One (1) space for every 40 storage units or bays
Transportation depot	One (1) space for every 150 sf of waiting area
Truck terminal	One (1) space for 1,000 sf of GFA plus one (1) space for every three (3) employees
Vehicle / car wash	2.5 spaces for each bay or stall for stacking space
Vehicle repair	Two (2) spaces for each service bay
Vehicle sales, rental, and service	One (1) space for every 180 sf of GFA
Warehouse and / or Distribution facility	One (1) space for every 400 sf of GFA of office space, plus one (1) space per 1,700 sf of GFA of wholesale / warehouse space
Wholesale establishment	One (1) space for each 3,500 sf of GFA plus one (1) space for every three (3) employees
<i>Class VI: Recreation</i>	
Driving range (golf)	One (1) space for each tee
Golf course	Four (4) spaces for every green
Health club	One (1) space for every 200 sf of GFA
Miniature golf	One (1) space for each hole
Movie theater	One (1) space for every 3 seats
Park pavilion	One (1) space for each picnic table
Recreation, municipal or private (5-10 acres)	One (1) space for the first two (2) acres and one (1) space for each additional acre plus any additional parking for any other facilities or land uses constructed within the park as provided herein
Recreation, municipal or private (over 10 acres)	Five (5) spaces for the first acre and one (1) space for each additional 10 acres plus any additional parking for any other facilities or land uses constructed within the park as provided herein
Recreation, indoor	One (1) space for every 300 sf of GFA
<i>Class I: Residential</i>	
Single-family	Two (2) spaces
Duplex	Four (4) spaces
Multi-family	Two (2) spaces per dwelling unit, plus two (2) spaces for manager's unit, if provided

Article V. Off Street Parking and Loading Requirements

Group residential facilities	One (1) space for every three (3) rooms, plus one (1) space per employee on largest shift
Bed and Breakfasts	One (1) space for each guest room, plus two (2) spaces for the owner/operator
<i>Class II: Moderate Intensity Nonresidential</i>	
Clinic	One (1) space for every 350 sf of GFA
Funeral home or mortuary	One (1) space for every 50 sf of GFA in the parlors plus 1 per 300 sf of remaining GFA
Hospital	2.2 spaces for each bed proposed to be constructed
Offices	One (1) space for every 400 sf of GFA
Personal and business services	One (1) space for every 250 sf of GFA
Veterinary clinic	One (1) space for every 300 sf of GFA
<i>Class III: Educational and Religious</i>	
Art gallery / museum	One (1) space for every 325 sf of GFA in exhibit area or gallery space
Church	One (1) space for every five (5) fixed seats in auditorium / sanctuary; if no fixed seats, one (1) space for every 40 sf of GFA in main auditorium or sanctuary
Day care center	One (1) space for every employee on duty during largest shift plus 1 for every 5 children in attendance when the facility is operating at maximum capacity
Library	1.2 spaces for every 1,000 sf of GFA
Schools:	
Elementary school	1.5 spaces per 30-person classroom
Middle / junior high school	3.5 spaces per 30-person classroom
High school	9.5 spaces per 30-person classroom
College, university, or trade school	One (1) space for every three (3) employees plus one (1) space for every ten (10) students residing on campus and/or one (1) space for every five (5) students not residing on campus
Class IV: Commercial	
Bank	One (1) space for every 350 sf of GFA plus three (3) spaces for each ATM not located in a drive-thru
Club or Lounge (including outdoor seating areas)	One (1) space for every 100 sf of GFA

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Food and grocery store and/or Convenience store	One (1) space for every 300 sf of GFA
Greenhouse, commercial and/or Garden center and/or Nursery	One (1) space for every employee on largest shift plus one (1) space for every 400 sf of growing and display area accessible to the public
Hotel / motel / lodge	One (1) space for each guest room, plus one (1) space for each ten (10) rooms, plus one (1) space for every three (3) employees
Restaurant (including outdoor seating areas)	One (1) space for every 125 sf of GFA
Retail store	One (1) space for every 300 sf of GFA
<i>Class V: Industrial</i>	
Gasoline service station	One (1) space for each employee on duty during largest shift plus two (2) for each service bay plus one (1) space per 250 sf of GFA of convenience store, if applicable
Heavy manufacturing	One (1) space for every 400 sf of GFA of office space, plus one (1) space per 2,000 sf of GFA of warehouse, assembly, or storage space
Light manufacturing	One (1) space for every 400 sf of GFA of office space, plus one (1) space per 1,500 sf of GFA of warehouse, assembly, or storage space
Research and development and / or Laboratory	One (1) space for each 2,000 sf plus one (1) space for every three (3) employees
Self-storage facility	One (1) space for every 40 storage units or bays
Transportation depot	One (1) space for every 150 sf of waiting area
Truck terminal	One (1) space for 1,000 sf of GFA plus one (1) space for every three (3) employees
Vehicle / car wash	2.5 spaces for each bay or stall for stacking space
Vehicle repair	Two (2) spaces for each service bay
Vehicle sales, rental, and service	One (1) space for every 180 sf of GFA
Warehouse and / or Distribution facility	One (1) space for every 400 sf of GFA of office space, plus one (1) space per 1,700 sf of GFA of wholesale / warehouse space
Wholesale establishment	One (1) space for each 3,500 sf of GFA plus one (1) space for every three (3) employees
<i>Class VI: Recreation</i>	
Driving range (golf)	One (1) space for each tee

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Golf course	Four (4) spaces for every green
Health club	One (1) space for every 200 sf of GFA
Miniature golf	One (1) space for each hole
Movie theater	One (1) space for every 3 seats
Park pavilion	One (1) space for each picnic table
Recreation, municipal or private (5-10 acres)	One (1) space for the first two (2) acres and one (1) space for each additional acre plus any additional parking for any other facilities or land uses constructed within the park as provided herein
Recreation, municipal or private (over 10 acres)	Five (5) spaces for the first acre and one (1) space for each additional 10 acres plus any additional parking for any other facilities or land uses constructed within the park as provided herein
Recreation, indoor	One (1) space for every 300 sf of GFA
Theater or Auditorium	One (1) space for every three (3) seats

Note: sf = square footage; GFA = gross floor area

Article V. Off Street Parking and Loading Requirements

§ 185.45. Design and Construction Standards.

- (A) Parking lots shall be designed so that vehicles are not required to back onto the street right-of-way.
- (B) Parking lots shall be utilized whenever possible and shall be of a design acceptable to the governing body and meet with current applicable standards.
- (C) When possible, parking lots should be located to the rear or side of all structures whose lots have frontage on SR 18.
- (D) Dimension of Parking Area and Access.**
 - (1) For angle parking, stalls shall be between eight (8) feet and eight and a half (8.5) feet in width and be a minimum eighteen (18) feet in length. At the discretion of the Borough or Township, a portion of the required parking spaces may be reduced to a minimum of seven and a half (7.5) feet wide by sixteen and a half (16.5) feet in length, if clearly identified as “Compact Car” spaces.
 - (2) For parallel parking, stalls shall be between seven (7) feet and eight (8) feet in width and between twenty-two (22) feet and twenty-four (24) feet in length.
 - (3) The minimum width of aisles providing access to stalls, varying with angle of the parking, shall be as follows:

Table V.2: General Parking Standards

<i>Angle of Parking</i>	<i>Minimum Aisle Width (Double-Sided Parking)</i>	<i>Minimum Aisle Width (Single-Sided Parking)</i>
Parallel	12'	12'
45	12'-8"	12'-8"
60	16'	16'
75	20'	18'
90	24'	18'

- (4) The required parking area shall be measured exclusive of interior drives or maneuvering areas.
- (5) Parking spaces shall be clearly delineated by suitable markings. Short-term visitor parking spaces shall be differentiated from long-term employee spaces by suitable markings or signage.
- (E) Accessible Parking.**
 - (1) Parking spaces for use by persons with disabilities shall meet Americans with Disabilities Act of 1990 (ADA) standards. All commercial, public, and industrial uses shall provide handicapped parking spaces for the physically challenged as follows:

Article V. Off Street Parking and Loading Requirements

Table V.3: Accessible Parking Requirements

<i>Total Parking Spaces</i>	<i>Required Handicap Accessible Spaces</i>	<i>Required Van Accessible Spaces</i>
1-25	1	1
26-50	2	1
51-75	3	1
76-100	4	1
101-150	5	1
151-200	6	1
201-300	7	1
301-400	8	1
401-500	9	2
501-1000	2% of total	
Over 1000	20 plus 1 per 100 spaces over 1000	

- (2) One (1) parking access aisle of no less than five (5) feet in width shall be provided for each handicap accessible parking space and shall be a part of the accessible route of no less than three (3) feet in width to the building or facility entrance.
 - (3) Additionally, one (1) in every eight (8) handicap accessible spaces, but not less than one (1), shall be served by an access aisle eight (8) feet wide minimum and shall be designated “Van Accessible” as required by ADA.
- (F) Parking Lot Landscaping.**
- (1) A minimum of one deciduous tree shall be required for every five (5) off-street parking spaces.
 - (2) If a lot will include 30 or more new parking spaces, one (1) landscaped island may be provided in lieu of three (3) trees. Otherwise, the trees may be planted around the parking area.
 - (3) Deciduous trees required by this section shall meet the following standards:
 - (a) Type of Trees Permitted. Required trees shall be chosen from the following list of approved street trees, unless the applicant proves to the satisfaction of the Zoning Officer that another type of tree would shade paved areas, be resistant to disease, road salt and air pollution and be attractive.
 - (b) Quality of Trees. Required trees shall be of symmetrical growth and free of insect pests and disease.
 - (c) Minimum Size. The trunk diameter (measured at a height of 6 inches above the finished grade level) shall be a minimum of 2 inches or greater.

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(d) Planting and Maintenance. Required trees shall be:

- (i). planted in conformance with good landscaping practices, with adequate unpaved surface around each for water and air, and properly protected by curbs, curbstops, distance or other devices from damage from vehicles.
- (4) A minimum vegetative area shall be provided that includes at least a 3 feet minimum radius around all sides of the trunk of each required deciduous tree that is within or adjacent to a parking lot. Where a tree is required to be planted abutting a street, a minimum vegetative area shall be provided that is not less than 3 feet wide and 3 feet long surrounding the tree. In each case, a minimum land area of 12 square feet of vegetative area shall be provided around each required tree.
- (5) If the land between parking areas and the side or rear lot lines or street right-of-way line is landscaped to the satisfaction of the Borough or the Township, parking may be allowed in front, side and rear yards, but no closer than ten (10) feet from a side or rear lot line or street right-of-way line except in cases where commercial or industrial land uses abut a residential district, in which case the minimum shall be twenty-five (25) feet from a side or rear lot line or street right-of-way line.

(G) Parking Lot Materials.

- (1) All parking areas shall be designed to be accessible year-round.
- (2) Required parking areas shall be asphalt, except where an alternative paving material is permitted or required by the Township upon the recommendation of the Township Engineer. Parking spaces shall have an approved all-weather surface.
- (3) Reserve parking areas may be permitted or required to comprise precast porous paver blocks (such as “grasscrete”), gravel, grass or other approved material, depending upon the degree of anticipated use, based upon the recommendation of the Municipal Engineer.

(H) Stormwater Management

- (1) All land development plans with off-street parking areas shall be accompanied by a stormwater management plan for the entire site meeting all applicable regulations regarding stormwater management and erosion control.
- (2) Development plans presented at the preliminary plan stage shall clearly indicate drainage patterns across all surface areas and areas altered by proposed developments.

(I) Lighting.

- (1) Where required, parking areas shall be provided with outdoor lighting in accordance with all applicable provisions of the Subdivision and Land Development Ordinance.

Article V. Off Street Parking and Loading Requirements

§ 185.46. Off-Street Loading Requirements.

- (A) In no case shall the public right-of-way be used for loading or unloading of material.
- (B) Areas provided for the loading and unloading of delivery trucks and other vehicles and for the servicing of shops by refuse collection, fuels, and other service vehicles shall be arranged so that they may be used without:
 - (1) Blocking or interfering with the use of accessways, automobile parking facilities, or pedestrian ways, or
 - (2) Backing out into a street.
- (C) A required off-street loading space shall be a minimum dimension of fifteen (15) feet wide and sixty (60) feet long.
- (D) All required loading berths shall be located on the same lot as the use to be served, and no portion of the vehicle shall project into any traffic lane. No loading berth for vehicles of more than two (2)-ton capacity shall be located less than one hundred (100) feet from any residential district. No permitted or required loading berth shall be located within fifty (50) feet of any property line. No loading facilities shall be constructed between the building setback line and a street right-of-way line or within a required yard.
- (E) All off-street loading areas shall be adequately buffered from adjacent streets and properties and landscaped in accordance with the provisions of this Chapter
- (F) In any district, in connection with every building or building group or part thereof that is to be occupied by commercial, industrial or other nonresidential uses that rely on the delivery or distribution of materials or merchandise, there shall be provided and maintained on the same lot with such buildings off-street loading berths in accordance with the following standards.

Table V.4: Loading Requirements

<i>Floor Area Total Number of Use (square feet)</i>	<i>Loading Berths</i>
<i>Schools</i>	1
<i>Retail and service, commercial</i>	1
<i>Wholesale, commercial Under 10,000</i>	1
<i>Over 10,000</i>	2
<i>Warehousing or storage Under 10,000</i>	1
<i>For each additional 20,000 or fraction thereof</i>	1 additional

Article VI. Supplemental Regulations For Specified Uses

§ 185.47. Purpose.

- (A) The purpose of this Article is to establish standards and policies for specific uses in all districts that require particular considerations. These regulations will supplement general development standards by establishing uniform criteria for each use – whether a permitted use by right or a conditional use – and are set forth to achieve compatibility with the principal uses permitted in a zoning district. The provisions for this Article shall apply in addition to any other applicable zoning regulations.

§ 185.48. Adult-Oriented Establishments.

- (A) All adult-oriented establishments shall be a stand-alone use situated on a lot having a minimum area of one (1) acre.
- (B) All adult-oriented establishments shall not be permitted to be located within three thousand (3,000) feet of any other adult-oriented establishment whether such use is situated in South Franklin Township or otherwise.
- (C) No permit will be issued for any adult-oriented establishment which intends to be located within the below listed distances of such institutional or residential property lines:
- (1) church - eight hundred (800) feet
 - (2) public or private pre-elementary, elementary, or secondary school property - eight hundred (800) feet
 - (3) public library - six hundred (600) feet
 - (4) child day care or nursery school - eight hundred (800) feet
 - (5) public playground or park - eight hundred (800) feet
 - (6) child-oriented business - eight hundred (800) feet
 - (7) commercial recreation uses - six hundred (600) feet
 - (8) residential uses or zones - six hundred (600) feet
- (D) The distance between any two adult-oriented establishments shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior parcel line of each such establishment. The distance between any adult-oriented establishment and a land use specified in (c) above, shall be measured in a straight line, without regard to intervening structures from the closest point on the exterior parcel line of the adult-oriented establishment to the closest point on the exterior parcel line of said specified land use.
- (E) No materials or merchandise of any kind offered for sale, rent, lease, or loan or for view upon the premises of an adult-oriented establishment shall be exhibited or displayed outside of a building or structure.
- (F) Signs for adult-oriented establishments shall contain no photographs, silhouettes, drawings, or pictorial representations of any manner and may contain only:
- (1) the name of the establishment, and/or
 - (2) one or more of the following phrases;
 - (a) adult bookstore;
 - (b) adult motion picture theater;
 - (c) adult entertainment studio;
 - (d) exotic dance studio;
 - (e) sensitivity studio;
 - (f) massage parlor;
 - (g) adult modeling studio; or
 - (h) other term of like import.
 - (3) A wall sign for adult movie theaters may contain the additional phrase, “movie titles posted inside premises.”
- (G) An adult-oriented establishment may be open for business only Monday through Saturday from 10:00 AM to 2:00 AM prevailing time. No adult-oriented establishment shall be open

Article VI. Supplemental Regulations For Specified Uses

at any time on Sunday or on a legal holiday as set forth in the Act of May 31, 1893, P.L. 188 § 1, as amended, 44 P.S. §11.

- (H) It shall be a violation of the Zoning Ordinance if a person causes or permits the operation, establishment, or maintenance of more than one adult-oriented establishment in the same building, structure, or portion thereof, or the increase of floor areas of any adult-oriented establishment in any building, structure, or portion thereof containing another adult-oriented establishment.

§ 185.49. Building material facility; Distribution facility; Warehouse.

- (A) All sales inventory, supporting equipment, storage and display functions shall be contained and conducted within all-weather structures.
- (B) No activities or substances of a hazardous nature shall be employed, stored or utilized in any manner that will constitute a danger to the health, safety or general welfare of site occupants, adjacent areas or the community at large.

§ 185.50. Child day care facilities (family day care homes, group day care homes, and day care centers).

- (A) All child day care facilities shall comply with all current Pennsylvania Department of Public Welfare (DPW) regulations including those standards governing adequate indoor space, accessible outdoor play space and any applicable state or local building and fire safety codes.
- (B) No portion of a child day care facility shall be located within a 300 foot distance from any potentially hazardous land use or activity which could pose a threat to the safety and welfare of the children, staff and other occupants at the facility. Hazardous land uses or activities include, but shall not be limited to gasoline service stations, heavy industrial operations, storage of flammable or high pressure underground pipelines, truck or rail loading yards, etc.
- (C) The outdoor play space shall be completely enclosed by a safe and adequate fence or wall a minimum of four (4) feet in height, unless a greater height is required by the governing body. Any outdoor play area potentially susceptible to encountering vehicles leaving the roadway, travel lanes, or access ways shall be protected by a barrier capable of preventing the vehicle from entering the play area. No portion of the outside play areas shall be less than twenty-five (25) feet from a neighboring property line without the owner's written consent. Outdoor play shall be limited to the hours between dawn and dusk, prevailing local time.
- (D) Any addition or improvement to an existing residential structure or property for purposes of child day care shall preserve its residential character.
- (E) For properties utilizing an on-lot sewage disposal system, the applicant shall demonstrate that the system is properly sized to accommodate sewage flows from the registered or licensed capacity of the child day care facility.
- (F) **Family day care homes.**
 - (1) All activities shall be conducted in an occupied, detached single-family residence.
 - (2) Activities shall be limited to functions normally associated with the part-time tending of children and shall not include overnight lodging.
 - (3) Family day care homes must hold an approved and currently valid certificate of registration from the Department of Public Welfare (DPW).
 - (4) One on-site drop-off space for clients shall be provided. An existing driveway or common parking lot space may be used as the drop-off area if it can be demonstrated that there is sufficient space available in the driveway that is not otherwise occupied or committed to safely accommodate a parked vehicle. If a driveway is used for the drop-off area and the proposed use fronts an arterial or major collector street, an on-site turn around area shall be provided so that vehicles can exit the site driving forward. In cases where the existing driveway cannot function as a drop-off area, an on-site drop-off space

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shall be provided. The drop-off area shall conform to the municipal dimensional standards for residential parking spaces.

(G) Group day care homes.

- (1) All activities shall be conducted in an occupied, detached single-family residence.
- (2) Activities shall be limited to functions normally associated with the part-time tending of children and shall not include overnight lodging.
- (3) Group day care homes must hold an approved and currently valid certificate of compliance from the DPW.
- (4) There shall be one additional on-site parking space provided for a non-resident employee above that required for the residential use. The parking space shall conform to the municipal dimensional standards for residential parking spaces.
- (5) An on-site drop-off area shall be provided with sufficient area to allow for the temporary parking of two vehicles. An existing driveway or common parking lot space may be used as the drop-off area if it can be demonstrated that there is sufficient space available in the driveway that is not otherwise occupied or committed to safely accommodate two parked vehicles. If a driveway is used for the drop-off area and the proposed use fronts an arterial or major collector street, an on-site turn around area shall be provided so that vehicles can exit the site driving forward. In cases where the existing driveway cannot function as a drop-off area, two new on-site drop-off space shall be provided. The drop-off area shall conform to the municipal dimensional standards for residential parking spaces.

(H) Day care centers.

- (1) Day care centers must hold an approved and currently valid certificate of compliance from the DPW.
- (2) Day-care centers shall not be conducted on residential premises. A day care center, if sited on the premises of an operating community service facility shall be considered accessory to the principal use of the property concerned.
- (3) Activities shall be limited to functions normally associated with part-time tending of children and shall not include overnight or drop-in care.
- (4) A minimum of one on-site parking space shall be provided for each 300 square feet of floor area dedicated to child care.
- (5) A minimum of one safe drop-off space shall be provided for each 20 children that the facility is licensed to accommodate.
- (6) Whenever possible, the drop-off area shall be located immediately adjacent to the facility. The drop-off area should be designed in such a way that pedestrians do not cross vehicular traffic lanes in any parking area or driveway. The drop-off area may be designed either as a part of the on-site parking area or the required drop-off spaces may be designed as a part of driveway providing direct access to the day care facility. When the drop-off area is incorporated into the on-site parking area, the parking spaces nearest to the facility shall be designated as drop-off spaces. When the drop-off area is incorporated into a driveway, the drop-off spaces shall be located within a vehicle turnout area 12 feet in width exclusive of the driveway through traffic lane(s).
- (7) Bufferyard A, as defined in Article IV General Regulations of this Chapter, shall be required when adjacent to residential uses.
- (8) All pedestrian pathways shall be adequately lit for safety and security if utilized during non-daylight hours. Specific areas for lighting are entrance ways, pedestrian access to the outdoor play areas, sidewalks used in non-daylight hours, drop-off areas, merchandise delivery areas, and all parking lots.
- (9) When located in a multi-use building complex, day care center entrances/exits shall provide direct access to the child care center so that walking through other significant portions of the building is avoided.

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§ 185.51. Coal mining adjunct facilities.

- (A) The application shall include a development and operation plan. The following information, and all other data deemed appropriate and necessary to demonstrate that the intent and purposes of this chapter will be achieved, shall be included:
- (1) A description of the character, timing and duration of the proposed operation, including maps and plans showing the location of the site, all access routes from public roads and the area and extent of the proposed activity.
 - (2) The location and identity of ownership of all structures and land uses that will or may be affected by the proposed operation and measures that will be taken to protect all structures, inhabitants and land uses from adverse impacts from the proposed use.
 - (3) Plans for restoring and reclaiming all involved areas following discontinuance of the underground mining.
 - (4) A description of plans for the transportation of materials and equipment to construct the facility, measures that will be taken to maintain all roads within the township that are used to transport materials and equipment and procedures for repairing any damages to the roads which may occur as a result of this activity.
 - (5) A description of how the proposed use and facility will meet all applicable regulations concerning construction standards, sewage disposal, water supply and fire protection.
 - (6) A site plan of the proposed facility showing all structures, facilities accessways, fencing and screening provisions.
- (B) Every borehole shall be constructed and landscaped in a manner appropriate to the district in which it is located. The lot for a borehole shall be not less than one-half (1/2) acre, and such borehole shall not be located within fifty (50) feet of any property line. Open areas shall be covered with an appropriate vegetative material and properly maintained.
- (C) Every ventilating shaft, including all structures intended to supply air or power to underground coal mines, shall be constructed and landscaped in a manner appropriate to the district in which it is located: The lot for a ventilating shaft shall be not less than one (1) acre, and such ventilating shaft shall not be located within one hundred (100) feet of any property line. Open areas shall be covered with an appropriate vegetative material and properly maintained. Suitable baffles shall be utilized to protect the adjacent properties from noise of exhaust fans consistent with the following requirements, as measured from the property line:
- (1) The maximum noise level from 7:00 a.m. to 10:00 p.m.: seventy-five (75) dBA.
 - (2) The maximum noise level from 10:00 p.m. to 7:00 a.m.: seventy (70) dBA.
- (D) All uses shall be completely enclosed by a metal fence not less than six (6) feet high, with the top portion above the height of six (6) feet (above ground level) to be constructed of barbed wire or other security material, with the entire fence being constructed in such a manner so as to prevent the entry onto the portion of the premises on which the use is situate by unauthorized persons, domestic animals or livestock.
- (E) For each use that is visible from any structure used for residential, cultural, social, educational, recreational, religious or similar purposes in an A-I, R-1 R-2 District, there shall be a buffer strip of land planted and maintained for screening purposes. The required screen shall have a height adequate to achieve its purpose. Plant materials used for screening shall consist of dense evergreen plants. They shall be of a kind or used in a manner to provide a continuous opaque screen within twelve (12) months after commencement of operations in the area to be screened. The governing body shall require that either new planting or alternative screening be provided if after twelve (12) months the plant materials do not provide an opaque screen.
- (F) The applicant shall have obtained from each appropriate state and federal regulatory agency or authority a permit issued in accordance with all applicable state and federal laws and regulations for the proposed use. In the event that such permits have not been issued at the time township zoning approval is requested, the applicant's zoning approval shall be

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expressly conditioned on the grant of necessary permits as required by the above state and federal agencies or authorities. At the time of making application to such federal or state authorities, the applicant shall file with the municipal secretary a copy of each state or federal application with supporting documentation for the proposed use.

- (G) All uses in conjunction with a conditional use permit issued by the Township Supervisors pursuant to this section shall comply with the following additional performance standards:
 - (1) Compliance with all of the plans submitted to the township as part of the application for the conditional use permit.
 - (2) Compliance with all state and federal laws and regulations relating to the approval, development and operation of the underground coal mine and the related coal mining adjunct operations.
- (H) The correction within the time specified of any violation by the mine owner or operator of any local, state or federal law, regulation, rule or enforcement order or any condition to any permit, license or authorization of authority issued in connection with the underground mine or the conditional use.

§ 185.52. Coal mine conveyor.

- (A) The conditional use application shall include a site plan, drawn to scale, of the entire proposed conveyor system. The following information, and all other data deemed appropriate and necessary to demonstrate that the intent and purposes of this chapter will be achieved, shall be included:
 - (1) The physical location of the proposed facility showing all structures, facilities, fencing, screening and related features from the beginning point of the system to the termination point.
 - (2) Contours at a minimum interval of twenty (20) feet.
 - (3) A delineation of the conveyor right-of-way routing, which identifies parcels by ownership, easement or other instruments or agreements by which access and use will be achieved.
 - (4) The location of all public and private rights of way which traverse the conveyor corridor.
 - (5) The location and identity of ownership of all structures and land uses that will or could possibly be affected by the proposed facility.
 - (6) A listing of provisions and measures that will be utilized to protect persons, properties and activities from adverse impacts resulting from the proposed construction and use of the conveyor facility. Fencing or other security measures may be specified by the governing body if they determine that there is a reasonable possibility that dangerous conditions will be created with respect to persons or property as a result of the construction or operation of the facility.
 - (7) Documentation shall be submitted to verify ownership, easements or other instruments or agreements for corridor access and use.
- (B) The conveyor corridor shall have a minimum width of three hundred (300) feet in R-1 and R-2 Districts and adjacent to existing residential structures in A-1 Districts. A minimum of one hundred fifty (150) feet shall be required to all other areas.
- (C) All surface areas of the corridor shall be covered with an appropriate vegetative material and properly maintained at all times.
- (D) All uses in conjunction with a conditional use permit issued by the governing body pursuant to this section shall comply with the following additional performance standards:
 - (1) Compliance with all of the plans submitted to the township as part of the application for the conditional use permit.
 - (2) Compliance with any and all state and federal laws and regulations relating to the approval, development and operation of the facility.

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- (E) The correction within the time specified of any violation by the mine owner or operator of any local, state or federal law, regulation, rule or enforcement order or any condition to any permit, license or authorization of authority issued in connection with the underground mine or the conditional use for the conveyor.
- (F) The applicant shall obtain as required from each appropriate state and federal regulatory agency or authority a permit issued in accordance with all applicable state and federal laws and regulations for the proposed use. In the event that any required permits have not been issued at the time zoning approval is requested, the zoning approval shall be expressly conditioned on the grant of necessary permits. At the time of making application to such federal or state authorities, the applicant shall file with the municipal secretary a copy of each state or federal application with supporting documentation for the proposed use.

§ 185.53. Communication Antennas.

- (A) All communication antennas shall comply with the requirements of this chapter and all county, state and federal requirements as well as any and all other chapters contained in this Zoning chapter.
- (B) Communication antennas shall be authorized in residential districts only when it can be demonstrated, using technological evidence that the antenna must go where it is proposed to satisfy its function in the operational grid system.
- (C) Conditional use applications may be authorized pursuant to the standards and criteria specified herewith:
 - (1) Existing structures.
 - (a) In order to reduce the number of antenna support structures needed, proposed support structures shall be required to accommodate other users, including other cellular communication companies, and local police, fire and ambulance companies.
 - (b) A cell site with antenna that is attached to an existing communication tower, smoke stack, water tower or other structure over 35 feet is permitted in all zoning districts. The height of the antenna shall not exceed the height of the existing structure by more than fifteen (15) feet.
 - (c) If the antenna is to be mounted on an existing structure (and is within the fifteen-foot limit) it shall be authorized as a use by right, and the applicant shall not be required to meet the standards and criteria contained in the following provisions of this section of this chapter.
 - (2) New structures.
 - (a) If a company proposes to build a tower (as opposed to mounting the antenna on an existing structure), it is required to demonstrate that it contacted the owners of ~~tall~~ structures over 35 feet within a one-quarter mile radius of the site proposed, asked for permission to install the antenna on those structures, and was denied for reasons other than economic ones. This would include smoke stacks, water towers, tall buildings, antenna support structures of other cellular communications companies, other communications towers (fire, police, etc.) and other tall structures. The municipality may deny the application to construct a new tower if the applicant has not made a good-faith effort to mount the antenna on an existing structure.
 - (b) All other uses ancillary to the antenna and associated operational equipment (including a business office, maintenance depot, vehicle storage, etc.) are prohibited from the cell site unless otherwise permitted in the zoning district in which the cell site is located.
 - (c) A cell site with antenna that is either not mounted on an existing structure or is more than fifteen (15) feet higher than the structure on which it is mounted is permitted in all zoning districts, but requires a conditional use approval in all districts.

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- (3)** The application for conditional use shall include a development and operational plan. The following information and all other data deemed appropriate and necessary to demonstrate that the intent and purposes of this chapter will be achieved shall be included.

 - (a)** A description of the character, timing and duration of the proposed construction, operation and use of the facility, including maps and plans showing the location of the site, all access routes from public roads, and the regional area to be influenced by the proposed activity and use.
 - (b)** A full site plan drawn to scale for all cell sites, showing the antenna, antenna support structure, building, fencing, buffering, access and all other items required in the municipality's Subdivision and Land Development Ordinance. The site plan shall not be required if the antenna is to be mounted on an existing structure. No building permits shall be issued until after final approval of the application and the final approval and recording of a subdivision plan or land development plan.
 - (c)** Complete plans of the proposed tower and all auxiliary structures and support facilities. The applicant shall demonstrate that the proposed antenna and support structure are safe and the surrounding areas will not be negatively affected by support structure, failure, falling ice or other debris, or radio frequency interference. All support structures shall be fitted with anti-climbing devices as approved by the manufacturers. The governing body may require independent studies and reviews of all such assurances. These shall be prepared by qualified professionals acceptable to both the developer and the governing body. The cost of all such studies and reviews shall be borne by the applicant in cases where issues develop over the compliance with this chapter.
 - (d)** The applicant shall demonstrate that the antenna is the minimum height required to function satisfactorily. No antenna that is taller than this minimum height shall be approved. Antenna support structures under two hundred (200) feet in height should be painted silver or have a galvanized finish retained in order to reduce the visual impact. Support structures may be painted green up to the height of nearby trees. Support structures two hundred (200) feet in height or taller, or those near airports, shall meet all Federal Aviation Administration (FAA) regulations. No antenna support structure may be artificially lighted except when required by the FAA.
- (4)** If a new antenna support structure is constructed (as opposed to mounting the antenna on an existing structure), the following requirement shall apply: The distance between the geometric ground level center point of an antenna support structure and any adjacent public road right-of-way and the bordering building setback lines of all adjacent land parcels shall be equal to, or greater than, the height of the antenna structure and all appendages attached thereto, as measured vertically from mean ground level.
- (5)** All buildings and structures on the site other than the antenna support structure and any guy wire anchors shall conform to the setback and dimensional requirements that apply to the zoning district in which the site is located.
- (6)** A fence shall be required around the antenna support structure and other equipment, unless the antenna is mounted on an existing structure. The fence shall be a minimum of eight (8) feet in height. The entire fence shall be constructed in a manner to prevent the entry onto the portion of the premises on which the use is situated by unauthorized persons, domestic animals or livestock.

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§ 185.54. Drive-thru Facilities.

- (A) Drive-thru facilities shall be permitted as an accessory use, subject to conditional use approval.
- (B) A site plan, drawn to scale, shall be provided as part of the application for a conditional use showing the following data:
 - (1) The location of all structures.
 - (2) A traffic plan delineating all points of ingress and egress, parking locations by individual spaces, on-site traffic circulation plans, vehicle stacking areas and pickup locations.
 - (3) Landscaping, buffer and screening.
- (C) Entries and/or exits to drive-thru facilities shall be a minimum of one hundred and fifty (150) feet from the street centerline of any intersection, or from another drive-thru facility on the same side of the street, except within a shopping center. Shorter distances from road intersections may be approved if the Township Engineer determines that public safety and/or the efficiency of traffic circulation are not being compromised.
- (D) Drive-thru aisles shall be a minimum one hundred (100) feet from the property line of any residential lot.
- (E) Pedestrian walkways shall not intersect the drive-thru aisles.
- (F) Drive-thru aisles shall have a minimum twelve-foot (12') width on curves and a minimum eleven-foot (11') width on straight sections.
- (G) Drive-thru aisles shall provide sufficient stacking area behind the menu board to accommodate a minimum ten (10) cars (approximately two hundred (200') feet). From the menu board to the pick-up window there shall be a minimum of two (2) additional stacking spaces (approximately forty (40') feet).
- (H) No drive-thru aisles shall exit directly into a public right-of-way. Aisles shall be integrated with the on-site circulation and shall merge with the driveway. There shall be provided one (1) parking space for every two (2) employees. A minimum of six (6) parking spaces required.
- (I) Speakers at drive-thrus shall not be audible from adjacent residential uses. Sound attenuation walls, landscaping or other mitigation measures may be required as necessary.
- (J) Drive-thru uses shall be screened and landscaped in the following manner:
 - (1) Drive-thru aisles shall be separated from landscaping areas by a six-inch (6") high, poured in place, concrete curb or other suitable protective device meeting Township approval.
 - (2) All service areas, restrooms, and ground mounted mechanical equipment shall be screened from public view.
 - (3) Landscaping shall screen drive-thru aisles or stacking lanes from the public right-of-way and shall be used to minimize the visual impacts of reader-board signs and directional signs.
 - (4) Menu board shall be a maximum of thirty (30) square feet, with a maximum height of six (6) feet, and shall face away from the street.

§ 185.55. Dwelling, Conversion apartment.

- (A) Each dwelling unit shall contain a minimum of four hundred (400) square feet of habitable living area.
- (B) Each dwelling unit shall contain not fewer than one (1) private bedroom and one (1) additional habitable room in addition to private bath, sanitation and cooking facilities.
- (C) Fire and safety provisions shall be adequate to meet all applicable local and state requirements. Certification of compliance shall be presented from the local Fire Chief, code enforcement officer, or an authorized representative thereof.
- (D) A maximum of two (2) dwelling units shall be permitted in any single structure.

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- (E) In the absence of public sewerage facilities, certification shall be obtained from the appropriate local authority that on-site sewage disposal facilities are adequate to serve the anticipated demands of the projected use.

§ 185.56. Dwelling, In-Law Apartment

- (A) In-Law Apartments shall be considered an accessory use to a detached single family dwelling.
- (B) The In-Law Apartment may be a complete, separate housekeeping unit that functions as a separate unit from the single-family residence of which it is a part.
- (C) Only one In-Law Apartment may be created within a single-family residence.
- (D) An In-Law Apartment may only be created in a dwelling that would otherwise be classified as a single-family detached residence.
- (E) Adequate provision must be made for the disposal of sewage, waste and drainage generated by the occupancy of the entire residence, including the In-Law Apartment, in accordance with the requirements of this chapter.
- (F) The In-Law Apartment shall be designed so that the appearance of the building remains that of a single-family residence as much as is feasibly possible. Any new entrances shall be located on the side and rear of the building.
- (G) The In-Law Apartment shall be clearly a subordinate part of the single-family residence. It shall be no greater than one thousand (1,000) square feet nor have more than two (2) bedrooms.
- (H) At least three (3) off-street parking spaces must be provided for any single-family residence that has an In-Law Apartment.
- (I) The construction of an In-Law Apartment must be in conformity with state and local Building Code Requirements.
- (J) An In-Law Apartment permit shall be issued solely in the name of the record owner(s) of the single-family residence premises and shall automatically terminate upon either:
 - (1) The transfer of the ownership of the premises, except in the instance where there is a transfer between co-owners; or
 - (2) Cessation of the record owner(s)' occupancy of either the single-family residence or the in-law apartment as his, her or their principal place of residence
 - (3) For purposes of this subsection, a bona fide temporary absence will not be considered a cessation of occupancy

§ 185.57. Dwelling, Multi-family.

- (A) Certification shall be provided from appropriate state and local authorities that sewage disposal facilities are adequate to serve the estimated demands of the projected development.
- (B) Fire and safety provisions shall meet all applicable state and local requirements. Certification shall be presented of such compliance from an authorized representative of the local Fire Department.
- (C) Approval of documentation shall be submitted by the prospective developer or owner of the property which relates to the potential effect of the project on utilities, recreation facilities, schools, public safety facilities and traffic impact.
- (D) Apartment buildings shall not exceed twenty-four (24) dwelling units per structure, garden apartments shall not exceed four (4) dwelling units per structure, and townhouses and row houses shall not exceed eight (8) dwelling units per structure.
- (E) A minimum of one (1) square foot of usable open space shall be provided for each four (4) feet of gross residential floor area but not less than one hundred fifty (150) square feet of usable open space per dwelling unit. Usable open space may include common recreation areas and facilities accessible to more than one (1) dwelling unit but shall not include areas

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reserved for off-street parking, vehicular circulation, utility spaces devoted to maintenance or support activities relating to the housing units.

§ 185.58. Educational institution.

- (A) Certification shall be provided from appropriate state and local authorities that sewage disposal facilities are adequate to serve the maximum estimated demand of the projected facility.
- (B) Certification shall be provided that fire and safety provisions meet all applicable federal, state and local requirements.
- (C) All structures shall be a minimum of seventy-five (75) feet from any public road right-of-way and a minimum of fifty (50) feet from a perimeter property line.
- (D) Center lines of all site access roads shall be a minimum of two hundred (200) feet from the center line of any adjacent street intersection.

§ 185.59. Extractive operations.

- (A) A conditional use approval shall be obtained for surface extraction (stripping). All applications submitted for consideration of the Planning Commission and governing body shall include, at a minimum, the following documentation and all other pertinent data deemed necessary to process the application:
 - (1) A description of the character of the proposed operation, its timing and proposed duration, together with duplicates of maps and plans to be submitted to state and federal regulatory agencies or authorities for the issuance of necessary permits.
 - (2) Identification of seams of coal, rock, ore, beds of sand and gravel, strata of soil or other material to be removed in connection with the proposed extractive operation.
 - (3) An analysis of the possible impact of extractive operations upon groundwater supplies in all affected areas of the township, and the measures that will be taken to guarantee that any loss, diminution or pollution of water supply will be corrected.
 - (4) The location and identity of ownership of all structures and land uses that may be affected by the proposed operation, and the measures that will be taken to protect all structures and land uses from adverse impacts from the proposed extractive operation.
 - (5) Plans for the restoration or reclamation of all land affected by the extractive operation.
 - (6) Receipt of a certification from each state or federal agency or authority having enforcement jurisdiction for the issuance of all necessary permits, licenses or grants of authority for the installation and operation of the proposed extractive operation that the owner or operator seeking the conditional use has fully complied with all requirements for the issuance of such permits, licenses or grants of authority and that such will be granted, together with an undertaking to promptly advise the governing body within thirty (30) days of any event which would constitute a violation of any requirement for the issuance or continued validity of any such permit, license or grant of authority or any condition thereto.
 - (7) A description of plans for the transportation of materials, products and equipment to be used, removed from or marketed in connection with the proposed extractive operation, including the routes of travel, number and weight of vehicles to be used and procedures which will be made to maintain and repair roads that are targeted for use.
- (B) No top-of-slope or quarry wall shall be located closer than one hundred (100) feet to any property or street line. The perimeter surrounding the area of operation shall be fenced with a fence of minimum height of eight (8) feet to prevent access by both animals and children.
- (C) No rock crusher, cement plant or other crushing, grinding, polishing or cutting machinery or other physical or chemical process for treating such products shall be permitted in the A-I Agricultural District or other areas of the municipality.

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- (D) The removal designated in the permit shall be begun within a sixty-day period from the date of issuance of a permit, or the permit shall be revoked at the expiration of said period.
- (E) The designated operator shall complete the operation within a period of time as designated in the permit. Upon expiration of the period of time as set forth therein, the operator must cease operations and commence backfilling and scar removal as hereinafter provided. The operator may present to the governing body a request for an extension of time, which may be granted if the operator was held back in his operation through unforeseen circumstances deemed to be no fault of his own. However, should an extension of time be refused by the township, the operator must cease operations as previously stated. Failure of the operator to cease operations shall constitute a violation of this chapter and shall be subject to penalties provided herein.
- (F) Prior to beginning operation, the designated operator shall deposit a bond issued by a reputable bonding company in the amount specified by the governing body for each and every mile of township road or portion thereof proposed to be traversed for removing material from the site. The period designated for the bond shall start with the issuance date of the permit. Said bond shall be returned to the operator upon completion of the backfilling operation and reconstruction of any damaged roadway due to excess weight. Any failure to complete the reconstruction as required by this chapter shall result in the forfeiture of the required bond. Those portions of township roads which have been damaged shall be as determined by the municipal engineer and the reconstructed to municipal specifications.
- (G) The backfilling operation, after all surface excavation is completed, shall reestablish a satisfactory vegetative ground cover that will deter soil erosion and eventually rebuild the soil. Legumes, such as crown vetch and rye grass, and/or plantings of evergreens or deciduous trees, shall be planted in accordance with Soil Conservation Service, United States Department of Agriculture, recommendations.
- (H) The stripping and selling of topsoil and/or sod shall be permitted only under the following conditions:
 - (1) When it is part of the construction or alteration of a building or the grading incidental to such building activity.
 - (2) When it is in conjunction with normal lawn preparation and maintenance.
 - (3) When it is in conjunction with the construction or alteration of a street or utility improvement.
 - (4) In commercial sod farms or farming operations where such use is permitted, provided that sound soil practices are observed.

§ 185.60. Game preserve.

- (A) A game preserve or regulated hunting grounds may be permitted as either a principal use or a subordinate use, subject to approval as a conditional use.
- (B) A minimum of fifty (50) acres of contiguous land area shall be required to exclusively support the game preserve.
- (C) Provisions for sanitary sewage disposal, water supply and other utilities shall be considered as part of the conditional use application.
- (D) No activities associated with the game preserve shall be permitted within three hundred (300) feet of any property lines or street right-of-way lines.
- (E) Provisions for off-street parking and access drives shall be considered based upon the use, activities and events that may occur at the site. All proposed off-street parking areas and access drives shall be maintained as mud-free conditions.
- (F) Signs identifying the use and activities shall be posted around the perimeter of the property. All such signs shall not exceed two (2) square feet and shall be posted at intervals one hundred (100) feet apart.

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§ 185.61. Garage/Yard Sale.

- (A) A garage/yard sale shall be conducted from the yard, porch or garage of a single family or two-family dwelling and shall not be permitted within a public right-of-way.
- (B) Such sale shall be of clothing and household items belonging to the residents only and not purchased for the purpose of resale on the premises.
- (C) Garage/yard sales shall not be considered a home occupation.
- (D) Such sales shall not exceed three (3) consecutive days at a time and shall be limited to not more than twelve (12) days or any part of a day in total in a calendar year.
- (E) Premises of churches, charitable organizations, schools, and other nonprofit organizations are not residences and hence are not subject to the restrictions applicable to garage / yard sales contained in this Chapter.

§ 185.62. Garden Center.

- (A) Such nursery stock and supplies may include any of the following: ornamental plants, flowers, shrubs and trees cultivated in a nursery; seed, fertilizer, garden pesticides and herbicides in retail quantities and packaging; garden hand tools; plant containers; garden statuary and furniture; landscape lighting; bird feeders and supplies; and seasonal ornaments and novelties such as Christmas wreaths and decorations.
- (B) Such use may include the provision of landscape design and or installation services, provided that such services are ancillary to the principal use and offered to clients whose residence or place of business exists elsewhere.
- (C) Outdoor storage of lawn and garden supplies such as mulch, fertilizer, topsoil and related landscape or garden supplies, such as ornamental stone or gravel, are permitted only where expressly authorized by the regulations governing the jurisdictional zoning district.
- (D) A liner of impermeable materials or fabric shall be required underneath the outdoor storage of lawn and garden supplies such as mulch, fertilizer, topsoil and related landscape or garden supplies to limit groundwater contamination.

§ 185.63. Group residential facility.

- (A) A group residential facility shall not include business or professional offices (other than incidental offices), business activities, fraternal or social clubs, hospitals, clinics or other such activities.
- (B) Lot, yard and all other dimensional requirements of the zoning district in which the facility is located shall be met, except that such requirements may be reduced by the governing body when the building proposed to house the facility is an existing structure.
- (C) On-site parking facilities shall be provided at the ratio of one (1) off-street space for every two (2) full-time staff members, one (1) additional space for every non-staff resident permitted by the sponsor to operate a motor vehicle, plus two (2) additional spaces.
- (D) A license or certification shall be obtained from the Commonwealth of Pennsylvania or the county, if applicable, prior to the issuance of a certificate of occupancy. In the event that an appropriate licensing or certifying agency does not exist, the applicant shall demonstrate to the governing body that the proposal for establishing such a facility satisfies a demonstrated need and will be conducted in a responsible manner.
- (E) Such facilities require annual fire safety inspections, to be provided by the municipality.

§ 185.64. Home occupations.

- (A) Home occupations shall be permitted as a conditional use in all residential districts.
- (B) Any home occupation which involves an activity or operation that is construed as capable of adversely influencing surrounding residential uses through any of the following conditions shall be prohibited:
 - (1) Changes the external residential character or appearance of the dwelling structure.

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- (2) Is visible from surrounding properties or the adjacent street.
- (3) Generates more than four vehicle trips per hour.
- (4) Creates hazards to persons or property.
- (5) Creates interference or a nuisance.
- (6) Involves the outside storage or display of materials or products.
- (7) Utilizes more than the following maximum area space limits in the conduct of the home occupation:
 - (a) Fifty percent (50%) of the main dwelling structure.
 - (b) Fifty percent (50%) of an accessory structure.
 - (c) Any area in excess of five hundred (500) square feet, including any single or combination of areas utilized for the home occupation.
- (C) One (1) on-site non-illuminated identification sign not to exceed six (6) square feet and vehicular signs shall be permitted.
- (D) No more than three (3) persons other than the residents of the dwelling shall be employed in the conduct of the home occupation.
- (E) Off-street parking requirements for home occupations shall be provided on the immediate site and to the rear of the required front yard setback line. The number of off-street parking spaces required shall be determined by the type of use, as outlined in Article V Off-Street Parking Requirements of this Chapter.
- (F) Any proposed home occupation that is not specifically cited as an acceptable activity or as unauthorized may be submitted to the Planning Commission and the governing body for consideration as a conditional use. All conditional use approvals recommended by the Planning Commission and approved by the governing body shall be consistent with the requirements and intent of this subsection.

§ 185.65. Hospitals and clinics.

- (A) The hospital and clinic site shall be a minimum of three (3) contiguous acres.
- (B) All structures shall be a minimum distance of one hundred fifty (150) feet from property boundaries.
- (C) All facilities shall be served by a municipal water supply.
- (D) All facilities shall be/served by a municipal sanitary sewerage system or a private sewage treatment facility approved by the Pennsylvania Department of Environmental Protection (DEP).
- (E) All county, state and federal requirements, permits and licenses shall be obtained prior to granting of local approvals.

§ 185.66. Hotels, motels and lodges.

- (A) Certification of compliance with all safety requirements of applicable state and local jurisdictions shall be provided.
- (B) Ingress and egress shall be designed to eliminate hazardous conditions and unnecessary congestion of traffic in the immediate area. All provisions for traffic movement shall be satisfactorily documented as part of the application for special exception and the subject to acceptance by the Zoning Hearing Board as part of the approval process.
- (C) In the absence of public sewerage facilities, certification shall be obtained from the appropriate local authority that on-site sewage disposal facilities are adequate to serve the anticipated demands of the projected use.
- (D) Related facilities such as restaurants, auditorium spaces, swim club areas and similar functions may be permitted. All such facilities available to other than motel guests shall require additional parking facilities defined in the Off-Street Parking Requirements in Article V.

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- (E) Guest rooms, or parts and amenities thereof, shall be placed no closer than fifty (50) feet to any property line.
- (F) The required space between buildings shall not be less than twenty (20) feet, and the space between the fronts or rears of the units shall not be less than eighty (80) feet.
- (G) Every application for a permit shall be accompanied by' a plan showing at a minimum:
 - (1) The extent and area of the lot.
 - (2) All entrances, exits, driveways, roads and walkways.
 - (3) Individual unit locations.
 - (4) The location and source of all utilities, including sewers, water, electricity and natural gas.

§ 185.67. Industrial parks.

- (A) The proposed use shall be consistent with the objectives of the South Franklin Township and Green Hills Borough Joint Comprehensive Plan.
- (B) All contemplated uses shall be designed to ensure compatibility with the operations generated within the district, the character of perimeter areas and the community in general.
- (C) The plan for the development shall provide for adequate ingress, egress and circulation of all contemplated vehicular activity.
- (D) The plan shall provide for architectural design and specific use requirements which are appropriate for the harmonious integration of the district with the general vicinity.
- (E) The plan for proposed development of a site shall present a unified and organized arrangement of buildings and service facilities that will have a functional relationship to the properties that comprise the remainder of the district in which the development will be situated.

§ 185.68. Kennels and animal hospitals / veterinary clinics.

- (A) Structures, including kennels and shelters in which animals are quartered, shall not be less than two hundred (200) feet from any property line; however, this provision shall not apply to normal noncommercial household use.
- (B) The operator or owner of a kennel shall hold all current state and local licenses and permits for the location, activity, and number of animals so specified.
- (C) Any exterior fenced area wherein animals exercise or are otherwise exposed must be located a minimum of one hundred fifty (150) feet from any principal structure on adjacent lots.
- (D) The perimeter of the exterior exercise area must be fenced with a weatherproof material, a minimum of six (6) feet in height, accessible only through a self-latching gate.
- (E) Any structure used to house animals shall be equipped with code approved nontoxic noise-dampening material or acoustic tile.
- (F) No kennel may be established within one-half (1/2) of a mile of an existing kennel.
- (G) Outdoor runs and similar facilities shall be constructed for easy cleaning, shall be adequately secured by a fence with a self-latching gate and shall be screened by Bufferyard C, as defined in Article IV General Regulations of this Chapter,.

§ 185.69. Keeping of Wild or Exotic Animals.

- (A) No person shall keep a wild or exotic animal in any place other than a zoological park, game preserve, veterinary hospital or clinic, humane society, circus, sideshow, amusement show or facility used for educational or scientific purposes, which provides proper cages, fences and other protective devices adequate to prevent such animal from escaping or injuring the public.
- (B) Any person bringing a wild or exotic animal into the municipality must procure the proper permits from the Pennsylvania Department of Agriculture or Pennsylvania Department of Game Commission, as well as, from the municipality in which they reside if applicable.

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- (C) No person shall sell, offer for sale, adoption, exchange or transfer, with or without charge, any wild or exotic animal. This section is not intended to apply to persons owning or possessing wild or exotic animals prior to the effective date of this Article provided that the person or persons taking possession of such wild or exotic animal following said sale, adoption, exchange or transfer is/are not a resident of the municipality.

§ 185.70. Mobile homes and mobile home parks.

- (A) All requirements and procedures specified in the Chapter 127 of South Franklin's Code (Mobile Homes and Mobile Home Parks) shall be complied with and approved by the governing body prior to the granting of conditional use.

§ 185.71. Non-commercial keeping of farm animals.

- (A) The non-commercial keeping of farm animals as defined in Article II Definitions and Terms, shall be conducted in ways that do not create a danger to public safety or health to neighboring residential uses. The fact that such use creates an annoyance or inconvenience shall not be deemed a danger to public health and safety.
- (B) Buildings in which farm animals or poultry are kept shall not be erected within two hundred (200) feet of any property line if the zoning district or the use of the property which abuts said property line is residential.
- (C) The storage of manure or odor- or dust-producing substances shall not be permitted within two hundred (200) feet of any property line if the zoning district or use of the abutting property is residential.
- (D) Farm animals may be raised and cared for in R-1 Districts on less than the ten (10) acres of land specified for normal farming functions, provided that the property contains a minimum of two (2) contiguous acres of land in conjunction with the primary residence of the animal owner and the animal units per acre do not exceed one (1).
 - (1) Animals may be kept only for noncommercial purposes for recreation and/or food production of the resident family.
 - (2) General regulations which apply to farm operations in the A-I District shall apply to all activities in conjunction with animal keeping.

§ 185.72. Oil and gas development, Compressor stations and Processing plants

- (A) No portion of any drilling device, equipment or facility of any kind, including storage shall be closer than 500 feet of an adjacent property line without permission of the property owners within these 500 feet.
- (B) The Township reserves the right to set hours of development/site work and the use of trucking and heavy equipment.
- (C) Operator shall comply with any applicable bonding and permitting requirements for township roads that are to be used by overweight vehicles and equipment for Development activities. Notwithstanding the foregoing, the operators/Applicant shall take all necessary corrective action and measure as directed by the Township to ensure the roadways are repaired within seven (7) days of partial destruction.
- (D) Operator shall take all necessary safeguards as directed by the Township to ensure that the Township roads utilized remain free of dirt, mud and debris resulting from Development activities and/or shall ensure such roads are promptly swept or cleaned if dirt, mud and debris occur, as directed by the Township.
- (E) Operator shall take all necessary precautions to ensure the safety of persons in areas/established for road crossing and/or adjacent to roadways (for example persons waiting for public or school transportation). As directed by the Township, during periods of anticipated heavy or frequent truck traffic associated with Development, Operator will

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- provide flagmen to ensure the safety of children at or near schools of school bus stops and includes adequate signs and/or other warning measures for truck traffic and vehicular traffic.
- (F) Prior to Development, Operator shall provide to the Township's First Responders, including Fire Department, Police Department and Ambulance, and to the Zoning Officer, a copy of its Preparedness, Prevention and Contingency ("PPC") Plan.
 - (G) Before drilling, the Township shall ascertain whether the Township's First Responders have secured adequate training to deal with any potential dangerous conditions that may result due to development activities. First Responders shall have a minimum of five hours of training per year to meet this standard. Upon request from the Township, Operator will, prior to drilling of its first Oil and Gas well in the Township, make available with at least 30 days notice, at its sole cost and expense, one appropriate group training program of up to five hours for First Responders. Such training shall be made available at least annually during the period when the Operator anticipates drilling activities in the Township. The Township shall indemnify, hold harmless and defend Operator, its employees and agents from any claims asserted against Operator related to any such training program except as to gross negligence by the Operator and its agents, servants, subcontractors or employees.
 - (H) Recognizing that the specific location of equipment and facilities is an important and integral part of Oil and Gas Development, as part of the planning process, Operator shall, at the direction of the Township, locate its temporary and permanent operations, so as to minimize interference with Township residents' enjoyment of their property and future Township development activities as authorized by the Township of zoning Ordinance.
 - (I) Recognizing that adequate and appropriate lighting is essential to the safety of those involved in the Development of Oil and Gas, the Operator shall, with the approval of Township, direct site lighting downward and inward toward the drill site, wellhead, or other area being developed so as to attempt to minimize glare on public roads and adjacent buildings within three hundred (300) feet of the drill site, wellhead, or other area being developed. Prior to drilling an Oil and Gas well or multiple Oil and Gas wells at a location, the Operator shall provide the following information to the township and each resident within 1,000 feet of the planned surface location of the well (s):
 - (1) A copy of the well survey plat showing the location (s) of the planned well (s).
 - (2) A general description of the planned operations at the planned wells (s) and associated equipment used in the Development of the well (s),
 - (3) The contact information for the Operator,
 - (4) The availability of the Operator to hold a meeting with such residents to present Operator's plans for the well (s) and to allow for questions and answers. The meeting (s) shall be held prior to well site construction.
 - (J) As part of the initial application, the Operator/Applicant shall provide to the Township the following:
 - (1) A map showing the planned access route to the Well Sites on public roads.
 - (2) Information on the status of road bonding.
 - (3) The Operator's Erosion & Sedimentation Plan.
 - (4) The well survey plat showing the planned surface location (s) of the well (s), and
 - (5) The contact information for the Operator.
 - (6) A general description and schedule of the planned operations at the planned well (s) and associated equipment used in the Development of the wells (s),
 - (K) At least seven (7) days prior to commencement of drilling the Operator shall provide to the Township Zoning Officer a copy of the drilling permit issued by the Pennsylvania Department of Environmental Protection ("DEP").
 - (L) Prior to the commencement of drilling activities, no construction activities involving excavation of, alteration to, or repair work on any access road or Well Site shall be performed during the hours of 10:00 p.m. to 6:00 a.m.

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- (M) Noise, No operation or activity shall cause or create noise in excess of the sound levels prescribed below:
- (1) Residential districts: at no point beyond the boundary of any lot within these districts shall the exterior noise level resulting from any use or activity located on such lot exceed a maximum of 70 dBA for more than four hours during a twenty-four-hour equivalent period.
 - (2) Commercial districts: at no point on or beyond the boundary of any lot within these districts shall the exterior noise level resulting from any use or activity located on such lot exceed a maximum of 75 dBA for more than eight hours during a twenty-four-hour equivalent period.
 - (3) Agricultural districts: at no point on or beyond the boundary of any lot within these districts shall the exterior noise level resulting from any use or activity located on such lot exceed a maximum of 75 dBA for more than eight hours during a twenty-four-hour equivalent period.
 - (4) Where two or more zoning districts in which different noise levels are prescribed share a common boundary, the most-restrictive noise level standards shall govern.
 - (5) The following uses or activities shall be exempted from the noise regulations:
 - (a) Noises emanating from construction or maintenance activities between 7:00 a.m. and 10:00 p.m.
 - (b) Noises caused by safety signals, warning devices and other emergency-related activities or uses.
 - (6) In addition to the above regulations, all uses and activities within the Township shall conform to all applicable County, State and Federal regulations contained herein and if they are at variance with any other lawfully adopted rules or requirements of the Township, the more restrictive shall govern.
 - (7) The Township reserves the right to require the temporary or permanent erection and use of sound barriers.
- (N) If a signed complaint is received by the Township from any person, using a Protected Structure for any lawful purpose, within one thousand (1,000) feet from the wellhead or equipment regarding noise generated during drilling or hydraulic fracturing activities, the Operator shall, within 48 hours of receipt of the complaint from the Township, continuously monitor for a forty-eight (48) hour period at a point which is the closer to the complainant's building of:
- (1) The complainant's Protected Structure property line nearest to the well site or equipment generating the noise, or
 - (2) One hundred (100) feet from the Protected Structure.
- (O) In order for the Township to appropriately enforce the conditions imposed by this Ordinance, to make certain that the health, safety and welfare of its citizens are met and to determine if the use remains compatible with various zoning districts in the Township, if the Operator engages in any noise testing as required by this Ordinance, it will provide the final results to the Township within 10 business days of the Operator's receipt of those final results.
- (P) Any internal combustion engine or compressor used in connection with the drilling of any well or for use on any production equipment used in Development shall be equipped with (1) an exhaust muffler or (2) an exhaust box. The exhaust muffler or exhaust box shall be constructed of non-combustible materials designed and installed to suppress noise and disruptive vibrations. Moreover, all such equipment with an exhaust muffler or exhaust box shall be maintained in good operating condition according to manufacturer's specifications.
- (Q) The operator shall provide to the Township the sum of \$5,000.00 which represents a fund from which the Township may draw from/be reimbursed by for administrative inspection and engineering costs and fees for review and inspections to ensure compliance with this Ordinance. This amount may be adjusted from time to time by Resolution of the Board of

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- Supervisors. Any costs over and above the aforesaid initial fund incurred by the Township shall be reimbursed to the Township along with a 10% administrative and overhead charge within thirty (30) days of invoicing by the Township per site.
- (R) All activities conducted in association with, and as a part of, oil and gas wells shall be in accordance with the Commonwealth of Pennsylvania Oil and Gas Act as amended and any other applicable Federal, State, County and Township statutes.
 - (S) The applicant shall have obtained from appropriate State and other applicable regulatory agencies or authorities permits issued in accordance with all applicable laws and regulations for the proposed use. In the event such permits have not been issued at the time Township conditional use approval is requested, the applicant's zoning approval shall be expressly conditioned on the granting of necessary permits as required by the above agencies or authorities. At the time of asking application to such authorities, the applicant shall file with the Township Secretary a copy of each State and Federal application with supporting documentation for the proposed use.
 - (T) The application shall provide a description of plans for the transportation of materials and equipment to construct the facility and measures that will be taken to maintain all roads within the Township that are used to transport materials and equipment and to repair any damages to the roads that may occur as a result.
 - (U) Any material stored outside an enclosed structure being used as an incidental part of the primary operation shall be screened by opaque ornamental fencing, walls or evergreen plant material in order to minimize visibility if the storage area is readily visible from adjoining occupied residential properties. Such materials shall not be deemed to include operable vehicles.
 - (V) An emergency response plan shall be submitted addressing methods to handle the following:
 - (1) Well leakage.
 - (2) Spill containment.
 - (3) Vandalism creating unknown conditions.
 - (4) Defective casing or cementing.
 - (5) Potential communication between the well and the public water supply.
 - (W) The applicant shall provide certification that a bond is held by the PA DEP (Pennsylvania Department of Environmental Protection) to ensure proper plugging when the well is classified as inactive by the PA DEP.
 - (X) The applicant shall provide a schedule indicating the following dates:
 - (1) Site preparation beginnings and endings.
 - (2) Anticipated drilling activity beginnings and endings.
 - (3) Anticipated completion (perforating) work to begin and end.
 - (4) Anticipated stimulation (fracturing) work to begin and end.
 - (5) Anticipated production work to begin and end.
 - (6) Anticipated plugging date.
 - (Y) Adequate security measures shall be proposed to protect wellheads that are in a remote location.
 - (Z) The access road to the well site shall be improved with a dust-free, all weather surface in such a manner that no water, sediment or debris will be carried onto any public street.
 - (AA) An off-street area for maintenance vehicles to stand while gaining entrance to the access road shall be provided that does not disrupt the normal flow of traffic on the public street.
 - (BB) All storage trailers will be charged \$50.00 per six months. All livable trailers or buildings will be charged \$100.00 per six months.
 - (CC) All pipes outside of the drilling site must be buried a minimum of three feet below the surface.
 - (DD) All potential harmful materials must be secured at all times during operation and removed from the property upon clean-up and restoration of the site.

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- (EE) The Operator/Applicant shall be responsible for the cost to correct or abate for polluting and/or loss of water from a pond, stream or well.
- (FF) Only essential safety and emergency personnel shall be permitted to occupy and trailer or structure at a site overnight and/or for any type of living quarters.

§ 185.73. Private contiguous off-site airport-related uses.

- (A) The site owner shall obtain required access permits for conducting airport-related activities that involve airport site ingress or egress from the appropriate Washington County officials prior to the granting of a conditional use permit by South Franklin Township.
- (B) Fuel storage and dispensing methods and procedures, types of materials handled or stored and similar activities shall conform to all applicable federal, state, county and local codes and ordinances. No fuel storage or handling shall be conducted within one hundred (100) feet of any R-1, R-2 or A-1 Zoning District.
- (C) No structure, growth or other object, whether mobile or stationary, shall be placed or utilized in any manner that creates an obstruction or an adverse effect on the safe and efficient utilization of aircraft operations.
- (D) No function, illumination, communication equipment or other activity may be established or utilized which in any manner creates an obstruction or an adverse effect on the safe and efficient utilization of aircraft operations.

§ 185.74. Research and development; Laboratories.

- (A) No activities shall be permitted that involve the handling, testing, processing or other use of waste materials resulting from residential, municipal, commercial, industrial, institutional, mining or agricultural operations or from any combination of the above. Such waste materials shall include but not be limited to garbage, refuse, sludge and other discarded materials, including solid, liquid, semisolid or contained gaseous materials.
- (B) No activities or substances of a hazardous nature shall be employed, stored or utilized in a manner that will constitute a danger to the health, safety or general welfare of site occupants, adjacent areas or the community at large. Where reasonable cause for concern is raised by township officials, residents or other affected parties, the applicant for a conditional use shall be required to certify that no such conditions will be present.
- (C) Such other factors and criteria as the Planning Commission and/or the governing body deem necessary.

§ 185.75. Solar Energy Facilities.

- (A) Municipal zoning approval is required for the construction of any solar-energy facility that is an accessory use on any site or lot.
 - (1) The zoning permit application shall indicate the location of the proposed facility, including the percentage of roof coverage, if the facility is mounted on a building.
- (B) The applicant shall demonstrate through project planning and proposed mitigation that a proposed facility's impacts will be minimized for surrounding properties and the community. This may include, but not be limited to, information regarding site selection, facility design or appearance, buffering, and screening of ground-mounted electrical and control equipment.
- (C) Where the installation of the facility constitutes a land development, all provisions of applicable ordinances shall be met.
- (D) Noise from any solar-energy facility shall not exceed 15 decibels at the lot line, unless all affected adjacent property owners shall have executed a nondisturbance easement, covenant, or consent which has been recorded in the office of the Recorder of Deeds of Washington County. Methods for measuring and reporting acoustic emissions from the facility shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 –

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1989, titled "Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier."

- (E) Construction of any solar-energy facility shall comply with all applicable rules, laws and regulations of the United States Federal Aviation Administration. Documentation of compliance shall be provided to the Township.
- (F) To the extent applicable, all solar-energy facilities shall comply with the Pennsylvania Uniform Construction Code and the regulations adopted by the Pennsylvania Department of Labor and Industry.
- (G) All electrical components of solar-energy facilities shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards.
- (H) Solar-energy facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
- (I) Solar-energy facilities shall not display advertising, except for reasonable identification of the facility manufacturer.
- (J) Transmission and power lines shall be placed underground or out of sight.
- (K) Where installed on the roof of a building, no solar-energy facility shall be installed such that more than 50% of each roof area is covered by the facility.
- (L) No solar-energy facility or facilities may exceed in total 30% of the total lot or site area.
- (M) Solar-energy facilities shall meet the accessory structure setbacks that may apply in the zoning district within which the facility is constructed, and where no such setback is specified, the facility shall be no closer than 10 feet to any property line.
- (N) No facility shall be attached to a tree or any other natural object or structure not intended to support such a facility, except that facilities may be appropriately attached to buildings capable of accommodating them.
- (O) No facility shall be installed immediately adjacent to a swimming pool or other open body of water.

§ 185.76. Transportation depot; truck terminal.

- (A) The center lines of accessways or driveways to any public street or highway shall be thirty-five (35) feet from a side property line intersection with the street line, shall be located at least two hundred (200) feet from the intersection of any street lines and shall be at least fifty (50) feet from the edge of another driveway on the same property.
- (B) All accessways shall be designed in a manner conducive to safe ingress and egress.
- (C) Where practicable, exits shall be located on minor rather than major streets or highways.
- (D) The developer shall be responsible for the construction of any necessary traffic control devices or additional acceleration lanes required by the Pennsylvania Department of Transportation or the municipality in the case of access involving major thoroughfares.

§ 185.77. Vehicle / car wash.

- (A) Off-street parking, waiting and circulation areas shall be arranged so as not to cause blockage of any means of ingress and egress and to assure that the traffic flow on public thoroughfares is not endangered or impeded in any way.
- (B) Separate means of ingress and egress shall be established and clearly marked. Where a vehicle / car wash and a gasoline service station are in joint operation, a separate means of ingress and egress shall be required for each facility.
- (C) If additional acceleration or deceleration lanes are deemed necessary by the municipality or the Pennsylvania Department of Transportation, the developer shall be responsible for providing the necessary right-of-way and the cost of constructing such facilities.

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§ 185.78. Vehicle repair and vehicle sales, rental and service.

- (A) All storage of new, used or discarded parts or materials shall be within an enclosed structure.
- (B) Except for fuel dispensing, all production, repairs, servicing and processing shall take place within completely enclosed buildings.
- (C) No more than six (6) vehicles that are parked or stored for the purpose of pending repair shall remain outside the premises after business hours.
- (D) No junked or abandoned vehicle shall be parked outdoors.
- (E) Any business engaged in towing services shall dispose of junked or wrecked vehicles within twenty-four (24) hours, unless they are stored inside a building.
- (F) Ingress and egress shall be designed so as not to create hazardous conditions or unnecessary congestion of traffic in the immediate area. All provisions for traffic movement shall be satisfactorily documented as a part of the application for conditional use and be subject to acceptance by the Governing Body as part of the approval process.
- (G) All outdoor display areas for new and used vehicles, including self-propelled or towed recreational units and farm or construction and utility equipment, shall be paved and illuminated.
- (H) All storage and handling of fuel, oil and similar substances shall be carried out in accordance with legal and accepted safety requirements.
- (I) Bufferyard A, as defined in Article IV General Regulations of this Chapter, shall be required along all property lines and shall be required by the governing body as a condition precedent to a conditional use approval, where such provisions are deemed necessary to achieve compatibility with adjacent land use activities.

§ 185.79. Wind Energy Facilities.

- (A) Wind energy facilities shall be permitted as an accessory use, subject to conditional approval.
 - (1) The zoning permit application shall indicate the location of the proposed facility.
- (B) The applicant shall demonstrate through project planning and proposed mitigation that a proposed facility's impacts will be minimized for surrounding properties and the community. This may include, but not be limited to, information regarding site selection, facility design or appearance, buffering, and screening of ground-mounted electrical and control equipment.
- (C) Where the installation of the facility constitutes a land development, all provisions of applicable ordinances shall be met.
- (D) Noise from any wind-energy facility shall not exceed 15 decibels at the lot line, unless all affected adjacent property owners shall have executed a nondisturbance easement, covenant, or consent which has been recorded in the office of the Recorder of Deeds of Washington County. Methods for measuring and reporting acoustic emissions from the facility shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 – 1989, titled "Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier."
- (E) Construction of any wind-energy facility shall comply with all rules, laws and regulations of the United States Federal Aviation Administration. Documentation of compliance shall be provided to the Township.
- (F) To the extent applicable, all wind-energy facilities shall comply with the Pennsylvania Uniform Construction Code and the regulations adopted by the Pennsylvania Department of Labor and Industry.
- (G) All electrical components of wind-energy facilities shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards.
- (H) Wind-energy facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
- (I) Wind-energy facilities shall not display advertising, except for reasonable identification of the facility manufacturer.

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- (J) Transmission and power lines shall be placed underground or out of sight.
- (K) Setbacks.
- (1) From buildings: 1.1 times the height of the wind energy facility at its tallest point, measured from the bottom of the facility base to the highest reach of any movable or immobile part; except where the facility is mounted to a building, the setback shall not be required between the facility and the building to which it is attached.
 - (2) From property lines: 1.1 times the height of the wind energy facility at its tallest point, measured from the bottom of the facility base to the highest reach of any movable or immobile part.
 - (3) From public roads: 1.1 times the height of the wind energy facility at its tallest point, measured from the bottom of the facility base to the highest reach of any movable or immobile part.
 - (4) Each vertically oriented wind-energy facility mounted on a building shall be separated from any other wind-energy facility by 1.1 times the height of the facility, measured from the point at which the facility is mounted to the building, to the highest reach of any movable or immobile part of the facility.
 - (5) Any wind-energy facility that is an accessory structure shall meet the applicable accessory structure setbacks that may apply in the zoning district within which the facility is constructed and where no such setback is specified, the facility shall be no closer than 10 feet to any property line or the distance set forth above, whichever is greater.
- (L) Maximum height: where the facility is an independent structure and not mounted to a building, 50 feet maximum height in residential zoning districts and 120 feet maximum height in commercial districts, measured from ground level to the tip of the wind-energy facility's blade fully extended perpendicular to the ground plane. Where the facility is mounted to a building, the maximum height shall be 10 feet higher than the tallest point on the building.
- (M) Minimum vertical clearance between ground level and the lowest movable component of the wind-energy facility when at its lowest point: 15 feet.
- (N) The color shall be a neutral and nonreflective tone, such as white, off-white, or gray. The facility coloring shall be solid, and any alphabetical or numerical characters shall be representative of the facility manufacturer only and shall comprise no more than five square feet.

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§ 185.78. Purpose.

- (A) The purpose of this Article is to establish standards and policies that shall pertain to and govern the placing, illumination, animation and maintenance of all signs that are visible from the public right-of-way.

§ 185.79. Compliance required for erection.

- (A) Signs may be erected and maintained only when in compliance with the provisions of this Article and any and all other ordinances and regulations of the municipality which may be applicable.

§ 185.80. Location.

- (A) No sign shall be placed in such a position as to endanger traffic on a street by obscuring view or by interfering with official street signs or signals, by virtue of position or color.
- (B) No projecting sign shall extend into the cartway of the right-of-way, or be less than ten (10) feet above a pedestrian way.
- (C) No wall sign shall project more than twelve (12) inches beyond the edge of the building.
- (D) No freestanding sign may occupy an area designated for parking, loading, walkways, driveways, fire lane, easement, cartway of the right-of-way or other areas required to be unobstructed.

§ 185.81. Area.

- (A) The area of a sign shall mean the area of all lettering, wording, and accompanying designs, logos, and symbols, together with the background on which they are displayed, whether open or enclosed. The area of a sign shall not include any supporting framework, bracing, or trim which is incidental to the display, provided that it does not contain any lettering, wording, or symbols.
- (B) Where the sign consists of individual letters, designs, or symbols attached to a building, awning, wall, or window, the area shall be that of the smallest rectangle which encompasses all of the letters, designs, and symbols.
- (C) Signs may be multi-sided. In determining the area of a double-sided sign, only one side shall be considered, provided both faces are identical in size. When the interior angle formed by the faces of a multi-sided sign is greater than forty-five (45) degrees, then all sides of such sign shall be considered in calculating the sign area.

§ 185.82. Height.

- (A) The distance from the highest portion of the sign to the mean grade at the base of the sign. In the case of a sign located on an isolated mound, height shall be measured to the original grade.
- (B) Height requirements for signs shall be regulated per the regulations pertaining to that sign type, as contained herein.

§ 185.83. Construction.

- (A) Every sign permitted under this Chapter must be kept in good condition and repair as determined by the Zoning Officer.
- (B) A sign using electricity shall be installed in conformance with the Municipality's electrical code. All signs not attached to a building shall be connected by underground service only.

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§ 185.84. Structure and Material.

- (A) Sign structures shall be in keeping with the architectural style of the building that it is related to.
- (B) A sign structure is defined as the supporting structure erected and used to support a sign such as brackets, posts, monument bases, etc.
- (C) Sign materials should be consistent with and complement the original construction materials and architectural style of the building façade on which they are to be displayed. All signs, excluding awning and window signs, shall be constructed only of wood, metal, stone or other appropriate material with painted, engraved or raised messages. Plastic sign inserts shall be permitted for internally lit signs.

§ 185.85. Illumination.

- (A) Signs may be illuminated either externally or internally, unless otherwise specified herein, consistent with the following standards:
 - (1) Where permitted, illumination may be:
 - (a) If externally lit, the illumination of a sign shall be so shielded that the source of light shall not be visible from any point off the lot on which the sign, building, or structure being illuminated is erected, and so that only the sign, building, or structure is directly illuminated.
 - (b) If internally lit, sign lettering may be back-lit, halo-lit illumination, or reverse channel letters with halo illumination.
 - (2) Illumination shall be permitted only to the extent necessary to allow signs to be seen and read at night at a distance not to exceed five hundred (500) feet.
 - (3) Neon lighting is not permitted in residential districts.

§ 185.86. Prohibited Signs.

- (A) It shall be unlawful, upon or after the effective date of this Chapter or any amendment thereto, for any person, firm or corporation to erect any of the following signs within Municipality:
 - (1) Signs erected without the permission of the property owner or authorized agent.
 - (2) Any sign which by color, shape or location conflicts with or resembles a traffic signal device.
 - (3) Signs that create a hazard by obstructing the clear view of vehicles and pedestrian traffic.
 - (4) Any sign that obstructs free ingress or egress from a door, window, fire escape or other exit way.
 - (5) Banners, except when authorized as part of a special event
 - (6) Flashing or animated signs are prohibited in the A-1, R-1, R-2, and MU Districts
 - (7) Roof signs
 - (8) Rotating signs (except barber poles)
 - (9) Any sign inconsistent with this Chapter.

§ 185.87. Exemptions from provisions.

- (A) The following shall not be subject to the provisions of this Article unless otherwise specifically cited herein:
 - (1) Signs of a duly constituted local, state or federal governmental body, including traffic or similar safety and regulatory devices, legal notices, railway warning signals, memorial signs or tablets.
 - (2) Small signs with a surface area not exceeding three (3) square feet, displayed for the direction or convenience of the public, which identify landmarks, parking areas, convenience facilities and similar features.

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- (3) Address signs and nameplates, flags, holiday decorations, trespassing or security signs, and other such personal or residential signage which is incidental in nature and does not exceed five (5) square feet in surface area.
- (4) Flags, window displays, point-of-purchase displays, and graphics or murals in association with nonresidential, commercial, or institutional uses.
- (5) Temporary signs as outlined in §185.68.

§ 185.88. General standards for signs in all districts.

- (A) There shall be not more than one (1) sign of each type allowed herein on any lot within the municipality, except that in the IO and I/C Districts, for each one hundred (100) feet of road frontage in excess of the first one hundred (100) feet of road frontage, a second sign of the type approved in that zoning district shall be permitted.
- (B) A sign shall be removed within 24 hours if the sign creates a safety hazard.
- (C) A sign shall be removed within thirty (30) days whenever the circumstances that led to its erection no longer apply. Circumstances that dictate sign removal shall include but not be limited to the following:
 - (1) Dilapidation.
 - (2) The vacancy or termination of the subject business for more than ninety (90) days.
 - (3) The legal transfer of ownership of a property that involves a change of name or business activity.
 - (4) The completion of an event, business transaction or other activity for which the sign was originally installed.
 - (a) Any illegality under the provisions of this chapter or regulation of a duly constituted governmental authority.
- (D) A sign shall be found to be in violation of this Chapter, and may be required to be removed by the Zoning Officer, under the following circumstances:
 - (1) The sign has not been maintained in good condition and safe repair, and has deteriorated to the point that it cannot perform its intended use, or creates a safety hazard. The Zoning Officer shall specify a period of time in which the owner of the sign may repair or rehabilitate the sign, thereby restoring its intended use or correcting the safety hazard.
 - (2) The sign has been erected without an applicable permit or does not comply with the other requirements of this Chapter.
- (E) Business signs shall be permitted only when in connection with a legal business or industry located on the immediate premises, except as provided for in §185.67 of this chapter.
- (F) Business signs attached parallel to a building wall shall not be larger than fifteen percent (15%) of the gross wall area, including doors and window openings.
- (G) Any sign mounted to a wall or other vertical building surface shall not project more than four (4) feet from the wall and shall not exceed ten (10) square feet in area.
- (H) On-premise directional signs are permitted in all zoning districts, per the following requirements:
 - (1) On any lot that contains two (2) or more multi-family or non-residential buildings and / or any lot that provides more than fifty (50) parking spaces, on-premise directional signs shall be permitted provided that the surface area of any one (1) sign shall not exceed four (4) square feet and the height of any sign shall not exceed three (3) feet.
 - (2) On such lots with lot areas of ten thousand (10,000) square feet or less, a maximum of four (4) such signs shall be permitted.
 - (3) For lots with lot areas greater than ten thousand (10,000) square feet, but less than one (1) acre, a maximum of six (6) such signs shall be permitted.
 - (4) For lots greater than one (1) acre, an additional two (2) such signs shall be permitted for each additional acre in excess of one (1) acre.

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- (I) Changeable copy signs are permitted for institutional uses in the A-1, R-1 and R-2 Districts and all non-residential uses in the C-1, I/C, MU, SD, IO Districts, per the following requirements:
 - (1) One (1) non-illuminated or indirectly illuminated changeable copy sign shall be permitted for each establishment provided that the copy is changed manually and the maximum surface area of the sign shall not exceed thirty-two (32) square feet.
 - (2) The changeable copy sign may either be a wall sign, attached to an existing or proposed freestanding business sign, or may be independent freestanding.
 - (3) Internally illuminated changeable copy signs are not permitted.

§ 185.89. Permitted signs in A-1, R-1 and R-2 Districts.

- (A) The following signs shall be permitted:
 - (1) One (1) permanent identification sign for each dwelling unit, which may cite the name of the occupant, address and other distinguishing features of the structure or property. Such signs shall not exceed two (2) square feet in area.
 - (2) One (1) non-illuminated or indirectly illuminated identification sign shall be permitted as a wall sign on a multi-family residential building or as a freestanding ground sign at the entrance to any residential development, provided the sign shall not exceed twelve (12) square feet in surface area. The maximum height of a freestanding ground identification sign shall be three (3) feet.
 - (3) One (1) announcement sign designating home occupations, provided that all such signs shall be limited to two (2) square feet in area.
 - (4) One (1) non-illuminated or indirectly illuminated identification sign shall be permitted on a lot in a residential zoning district which contains a non-residential use other than a home occupation, provided that the sign shall not exceed twenty-four (24) square feet in surface area. The identification sign shall be a wall sign or a freestanding ground sign. The maximum height of such freestanding ground sign shall be three (3) feet.
- (B) Signs shall be located a minimum distance of six (6) feet from the street right-of-way line.
- (C) The bottommost part of a sign shall not be more than two (2) feet above ground level, except for signs attached to a building. No sign shall project above a roof or be mounted on a building above the eave line of a roof.

§ 185.90. Permitted signs in SD, MU, C-1, I/C, and IO Districts.

- (A) The following signs shall be permitted:
 - (1) The total area of all signs on a business site shall not exceed one (1) square foot of sign area for each one (1) linear foot of lot frontage. No individual sign shall exceed two hundred fifty (250) square feet in area.
 - (2) One (1) freestanding business sign shall be permitted for a lot regardless of the number of establishments on the lot. Commercial properties with more than one (1) street frontage that are greater than ten thousand (10,000) square feet in lot size may have one (1) freestanding business sign per street. The freestanding business sign shall be either a ground sign or pole sign which shall not exceed thirty-two (32) square feet if there one (1) establishment, or sixty-four (64) square feet in surface area if more than one establishment. Such signs shall not be located closer than ten (10) feet to any public street right-of-way or property line.
 - (3) One (1) non-illuminated, indirectly illuminated, or internally illuminated directory sign shall be permitted for buildings or sites that contain three (3) or more establishments. The directory sign shall be permitted as either a separate wall sign or shall be attached to an existing or proposed freestanding pole business sign structure. The maximum surface area of any such directory sign shall not exceed thirty-two (32) square feet.

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- (4) Portable or mobile signs and other similar advertising displays may be used for special sales, announcements and related purposes, subject to the following provisions.
 - (a) The display area of such signs shall not exceed thirty-two (32) square feet.
 - (b) No portion of the sign or its supporting structure shall occupy a public right-of-way or be placed within six (6) feet of any public right-of-way or adjacent property line.
 - (c) All lighting and illumination restrictions which apply to displays, signs and structures under this chapter shall apply.
 - (d) Permits for the placement of such signs shall be issued for a maximum of thirty (30) consecutive days.
- (B) Electronic changeable copy signs are permitted per the following requirements:
 - (1) One (1) electronic changeable copy sign attached to a permitted freestanding sign shall be allowed per lot.
 - (2) Each message displayed on the electronic changeable copy sign shall be static or, if it is a scrolling or flashing message, shall be depicted for a minimum of ten (10) seconds before moving to the next part of the text.
 - (3) Signs which depict time and temperature are permitted to allow for a minimum of five (5) seconds of depiction of the time and temperature before moving on to the next part of the message.
 - (4) Where text is displayed on a background, the text shall be brighter than the background (i.e., dark text shall not be displayed on a bright background).
 - (5) No freestanding electronic changeable copy sign shall exceed forty (40) percent of the total allowable sign face area for any on-premises freestanding sign. In addition, the maximum height of an electronic changeable copy sign shall conform to the freestanding sign height standards as specified in §604.6.
 - (6) On-premises freestanding electronic changeable copy signs shall not be illuminated more than one-half hour before the time at which the premises is open to the public or more than one-half hour after the time at which the premises is closed to the public, or 10:00 p.m., whichever is later, except in the case of twenty-four-hour businesses, where the illumination must be dimmed or turned off between the hours of midnight and 4:00 a.m.
- (C) Flashing or animated signs are permitted in the I/C and SD Districts only, per the following requirements:
 - (1) One (1) flashing or animated sign is permitted per lot, and shall be part of or attached to, either a changeable copy sign or an electronic changeable copy sign and subject to the regulations contained herein.
- (D) Advertising subject matter or business identification in excess of twenty (20) square feet in area, which is painted or otherwise inscribed directly on the wall surface of a building in a permanent manner, shall require a reduction in the maximum total sign size permitted for that business. The required reduction shall be computed at the rate of a twenty-five-percent decrease in the permitted maximum sign size for each one hundred (100) square feet or portion thereof of painted or inscribed wall surface.

§ 185.91. Temporary signs.

- (A) Special Event Display. Temporary special event signs shall be permitted on all non-residential uses in all zoning districts per the following requirements:
 - (1) One (1) non-illuminated temporary special event display shall be permitted on non-residential structures provided that no more than two (2) non-illuminated signs or banners with an aggregate surface area not exceeding forty-eight (48) square feet shall be erected on any establishment.
 - (2) They may be displayed for a period not exceeding thirty (30) days during any calendar year and they shall be securely attached to the building or to the permanent supporting structure for the business identification sign.

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- (3) They shall be removed within five (5) days of closing the event.
 - (4) Temporary special event displays for public, semi-public, or civic events (associated with any public building, church, school, or building that houses a non-profit organization) shall require a permit and shall be permitted to be placed over a public right-of-way on an arterial or collector street provided the owner of the right-of-way grants permission.
- (B) Real Estate Sales Sign. Temporary real estate signs shall be permitted in all districts, per the following requirements:
 - (1) One (1) non-illuminated real estate sign shall be permitted on a lot provided that the sign shall not exceed six (6) feet in height.
 - (2) Such sign shall not exceed twelve (12) square feet in surface area when located on a property in the A-1, R-1 and R-2 Districts.
 - (3) Such sign shall not exceed thirty-two (32) square feet in surface area when located on a property in the SD, MU, C-1, I/C, and IO Districts.
 - (4) Such sign shall be removed within thirty (30) days of the sale or rental of the property on which it is located.
- (C) Development Sign. Temporary development signs shall be permitted in all districts, per the following requirements:
 - (1) One (1) non-illuminated development sign shall be permitted on a lot provided that the sign shall be a ground sign and shall not exceed thirty-two (32) square feet in surface area
 - (2) Such sign shall not exceed six (6) feet in height when located on a property in the A-1, R-1, and R-2 Districts.
 - (3) Such sign shall not exceed ten (10) feet in height when located on a property in the SD, MU, C-1, I/C, and IO Districts.
 - (4) Such sign shall be removed within thirty (30) days of the sale of the last lot or completion of the proposed construction in the development.
- (D) Construction Sign. Temporary constructions signs shall be permitted in all districts, per the following requirements:
 - (1) One (1) non-illuminated construction sign that shall be a ground sign and shall not exceed twelve (12) square feet in surface area shall be permitted.
 - (2) Such sign shall not exceed four (4) feet in height in the A-1, R-1 and R-2 Districts and shall not exceed six (6) feet in height in the SD, MU, C-1, I/C, and IO Districts.
 - (3) Such sign shall be removed within thirty (30) days of the completion of the work.
- (E) Garage Sale, Yard Sale, or Other Temporary Activity. Signs advertising garage or yard sales shall be permitted in all districts, per the following requirements:
 - (1) Signs shall be permitted on the premises where the sale is to be conducted and limited to one per street frontage.
 - (2) The signs shall not exceed twenty-four (24) square feet in area..
 - (3) Signs directing persons to the location of such activity are permitted.
 - (4) All signs related to the activity shall be removed within twenty-four (24) hours of termination of the activity.
- (F) Political Signs. Temporary political signs shall be permitted in all districts per the following requirements:
 - (1) Such signs shall be four (4) square feet or smaller and shall be used expressly for announcing political candidates seeking office, slates of candidates, political parties, and/or political and public issues appearing on a ballot.
 - (2) No person shall post any sign of any kind whatsoever upon private property without permission of the property owner.
 - (3) Such signs shall not be posted more than thirty (30) days in advance of the election or referendum to which they pertain and shall be removed within five (5) calendar days following the election or referendum for which they were posted.

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- (4) Such signs shall not project higher than thirty (30) inches from the base of the sign or grade of the nearest adjacent roadway, whichever is higher, and shall not be located in the clear sight triangle at driveways or intersections.
- (5) Such signs are expressly prohibited on any municipally-owned property or municipally-designated open space. The only exception is on election days, when political signs are permitted for that day and that day only at polling places.

§ 185.92. Billboards.

- (A) Billboards are permitted as a conditional use in the I/C and IO Districts. They are not permitted in the A-1, R-1, R-2, MU, C-1, or SD Districts.
- (B) Billboards shall not be erected within two hundred (200) feet of any “R” District, nor shall they be located within two hundred (200) feet of any church, school, or cemetery.
- (C) Billboards shall not be closer than ten (10) feet to any public right-of-way and shall not be constructed within the clear sight triangle of the public street or road on which it is situated and shall not in any case obstruct or impede traffic safety.
- (D) No billboard shall be erected in such a manner as to block the view from the road or street of any existing business identification sign, residential or non-residential structure, or limit or reduce the light and ventilation requirements of the Uniform Construction Code (UCC).
- (E) A billboard shall have a maximum permitted gross surface area of three hundred (300) square feet per sign face. It shall not have more than two (2) sign faces per billboard structure which may be placed back to back or in a V-shaped configuration having an interior angle of ninety (90) degrees or less.
- (F) The dimensions of the gross surface area of the billboard’s sign face shall not exceed twenty (20) feet in total height or twenty-five (25) feet in total length, provided the total permitted gross surface area for the sign face is not exceeded.
- (G) Billboards are not permitted to be mounted upon the roof of a building or any other structure.

§ 185.93. Zoning permit required, fee.

- (A) It shall be unlawful to erect, construct or significantly alter any sign which requires a sign permit without first filing with the Municipality an application in writing to the Zoning Officer, which shall include the following:
 - (1) The name, address, and telephone number of the property owner, and the signature of the owner or duly authorized agent for the owner.
 - (2) Two (2) copies of a plan drawn to scale depicting:
 - (a) The design of each sign face and sign structure with the dimensions, total area, sign height, depth, structural details, materials, lighting scheme, and proposed location.
 - (b) The building elevations, existing and proposed facades, parapet walls, cornices, and the location and size of all proposed and existing signage.
 - (3) Such other information as required by the Zoning Officer.
- (B) A fee shall accompany each application for a permit. Such fees shall be established by resolution of the Governing Body.

§ 185.94. Nonconforming signs.

- (A) Any sign legally existing at the time of the adoption of this Chapter that does not conform to the requirements of this Article, shall be considered a nonconforming sign and shall be bound by the regulations herein:
- (1) All nonconforming signs may be repainted, resurfaced or repaired, provided that they are not substantially destroyed or abandoned, and provided such does not increase the dimension of the existing sign.
 - (2) In the event that any non-conforming sign is damaged by casualty to the extent of seventy-five percent (75%) of its cost of replacement at the time of destruction, or becomes dangerous, dilapidated or an imminent hazard such sign shall not be restored or replaced except in conformity with the regulations of this Chapter.
 - (3) A nonconforming sign must be removed within thirty (30) days after notification by the Zoning Officer or be made to conform to this Ordinance in every respect whenever:
 - (a) It is not securely attached to the ground, wall or roof and can be easily moved or damaged, or
 - (b) It becomes so deteriorated that it no longer serves a useful purpose of communication and is a nuisance as determined by Municipality, or
 - (c) It is abandoned by the owner or the use is abandoned. (Note: Abandonment does not apply to properties wherein the owner is actively seeking a new tenant or owner).

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§ 185.95. Purpose.

- (A) The purpose of this Article to describe the procedures for administration and enforcement of this Chapter and the duties and responsibilities of the Zoning Officer, Zoning Hearing Board, and Planning Commission, as they pertain to this Chapter.

§ 185.96. Zoning officer.

- (A) A Zoning Officer shall be appointed by each of the governing bodies to administer and enforce this Zoning Ordinance within the municipality for which he or she is appointed. The Zoning Officer shall not hold any elective office in either municipality. The Zoning Officer shall meet the qualifications established by the municipality and shall be able to demonstrate to the satisfaction of the governing body a working knowledge of municipal zoning.
- (B) **Official Record.** An official record shall be kept of all business of the Zoning Officer and shall be open to the public at official business hours.
- (C) **Compensation.** The compensation of each Zoning Officer shall be the individual responsibility of the municipality by which he or she is hired.
- (D) **Powers and Duties.** It shall be the duty of the Zoning Officer to administer this Zoning Ordinance only within the municipality in which he or she is appointed, in accordance with its literal terms and to enforce the provisions of this Ordinance and the amendments thereto. The Zoning Officer shall not have the power to permit any construction or any use or any change of use which does not conform to the Zoning Ordinance. He or she shall have such duties and powers as are conferred on him or her by this Ordinance and as are reasonably implied for that purpose. The Zoning Officer's duties shall include, but are not limited to, the following:
- (1) The Zoning Officer shall literally interpret and enforce all the provisions of the Zoning Ordinance and shall have such duties and powers as are conferred on him or her by the Zoning Ordinance and are reasonably implied for that purpose.
 - (2) Receive and act upon applications for zoning permits to authorize the erection, reconstruction, alteration or repair of and additions to buildings and structures or changes of use and other matters addressed in this ordinance; and enforce compliance with the provisions of this Ordinance. The Zoning Officer shall not have the power to permit any construction or any use or change of use which does not conform to the Zoning Ordinance.
 - (3) Examine, or cause to be examined, all structures and/or land for which and application has been filed for a zoning permit and conduct inspections and surveys to determine compliance or noncompliance with the terms of this Ordinance. In carrying out such surveys, the Zoning Officer or his or her representative may enter upon any land or building and shall carry proper identification.
 - (4) The Zoning Officer shall annually submit a report of all permits, notices, and orders issued to both Governing Bodies.
 - (5) Receive and refer to the appropriate Zoning Hearing Board all applications for variance.
 - (6) Participate in all proceedings before the appropriate Zoning Hearing Board, presenting facts and information to assist the Board in reaching a decision that shall be compatible with this Ordinance.
 - (7) Receive and refer to the appropriate Governing Body all applications for conditional use.
 - (8) Receive and refer to the Planning Commission(s) and Governing Body (s) all petitions requesting rezoning of properties.
 - (9) Receive and refer to the Solicitor applications for subdivision waiver approval and assist in review of such applications.
 - (10) Approve and issue a permit only when all requirements for its issuance have been met.
 - (11) Where all requirements for a permit have not been met, deny such application, in writing, stating the reason(s) for such denial.

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- (12) Where a permit has been issued in reliance upon information submitted by the applicant, which is later found to be materially untrue, or has been issued improvidently, revoke such issued permit. Such revocation shall be in writing and state the reason(s) for revocation, and shall be sent to the person to whom the permit was issued via U.S. certified mail.
- (13) Issue all stop work orders which may be necessary in event of violations of this Ordinance or of any issued permit.
- (14) Register all nonconforming lots, structures and uses.
- (15) Issue all notices and prosecute all actions necessary to enforce this Ordinance and permits as issued.

§ 185.97. Zoning permit.

- (A) **Requirements for a Zoning Permit.** No use shall be established or changed, no structure shall be erected, constructed, reconstructed, or altered, and no building or property used or occupied, changed in use, or changed in occupancy or tenant, until a zoning permit has been secured from the Zoning Officer. In addition, a zoning permit shall be required prior to any of the following:
- (1) Use of any building or other structure, or portion thereof, hereinafter erected, reconstructed, changed, improved, enlarged, or otherwise altered regardless of requirements for issuance of a building permit, including placement of a mobile home on a property.
 - (2) Change in use, ownership or occupancy of any building or structure, or portion thereof.
 - (3) Use of land or change in the use thereof, except the placing of vacant land under cultivation shall not require a permit.
 - (4) Change in use or expansion of a nonconforming structure, or portion thereof.
 - (5) Change in intensity of use, or extending or displacing the use of any building, structure, and/or land.
- (B) **Application Requirements.** All applications for zoning permits shall be made to the Zoning Officer in writing on forms furnished by the Governing Body and shall include all information necessary to enable the Zoning Officer to ascertain compliance with this Ordinance along with such plans, documents and fees as may be required.
- (1) Whenever the use involves a new building or structure or alterations to an existing building or structure, an application for a zoning permit shall be made prior to application for a building permit.
 - (2) When no construction is involved, application for a zoning permit and a Occupance Permit, pursuant to the Pennsylvania Uniform Construction Code, as amended, may be made simultaneously at anytime prior to the use or occupancy of the land, building or structure.
- (C) **Exemptions.** No permit shall be required for an accessory structure that has up to and including two hundred (200) square feet of floor area.
- (D) **Action on Zoning Permit Application.** A zoning permit shall be acted on within 90 days of submission except when the application involved a subdivision or land development, in which case the time limit for action on an application for a zoning permit shall be the same as that provided for plan review by the MPC.
- (E) **Zoning Permit Expiration.** Zoning permits issued for the purpose of permitting construction, reconstruction, alterations, repairs, use, or the like shall automatically expire six (6) months from the date of issue.
- (1) Prior to the continuance of the activity, use or change for which the original permit was used, a new zoning permit must be obtained.
 - (2) If, however, the construction, alteration, reconstruction, repairing, use or the like has been proceeding in a constant and regular manner and that, due to the extent and size of the

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subject project, it is impossible for the applicant to complete said process prior to the expiration of six (6) months or because of an act of nature, no new permit must be obtained.

- (3) However, the applicant must advise the Zoning Officer of said expiration and provide the reason for the failure to complete within the specified time period. In the event that said applicant fails to notify the Zoning Officer of said failure to complete, than said permit shall immediately expire and no further activity may take place unless a new permit is obtained.
- (4) A copy of the zoning permit shall be posted on the premises for public inspection during the prosecution of the work and until completion of the same.

(F) Permit for a temporary structure.

- (1) Permits for temporary structures related to construction work authorized under a valid building permit may be issued by the Zoning Officer only for the time that construction work is in progress and for a period not to exceed six months.
- (2) The permit may be renewed for an additional six (6) month period upon demonstration of continued need for the structures; however, all temporary structures shall be removed upon completion of construction.

(G) Building Permits. No building permit shall be issued until a zoning permit has been issued.

§ 185.98. Occupancy permit.

(A) Requirements for an Occupancy Permit. It shall be unlawful for any person to occupy any building, structure or land, or portion thereof, under any of the conditions listed below until the Code Official, pursuant to the Pennsylvania Uniform Construction Code, as amended, has issued an Occupancy Permit. An Occupancy Permit shall be required under the following circumstances:

- (1) Initial occupancy of any building or structure, or portion thereof, intended for occupancy hereinafter erected, altered, or enlarged for which a building permit is required.
- (2) Change in use, ownership or occupancy of any building or structure, or portion thereof. The commencement of a home occupation also constitutes a change in use.
- (3) Change in occupant or tenant of any building or structure in any commercial or industrial building or structure, or portion thereof.
- (4) Change in use or expansion of a non-conforming use or structure, or portion thereof.
- (5) Use of land or change in use thereof, except that the placing of vacant land under cultivation shall not require an Occupancy Permit.
- (6) An Occupancy Permit for a new use within an existing structure or for a use not specified on the building permit application requires the signature of the Zoning Officer.

(B) Application Requirements.

- (1) All applications for Occupancy Permits shall be made to the Code Official in writing on forms furnished by the Governing Body and shall include all information necessary to enable the Code Official to ascertain compliance with the Pennsylvania Uniform Construction Code, as amended.
- (2) Written request to the Zoning Officer shall be processed within one (1) week of receipt of the request of the proposed use, provided that the use is in conformity with the provisions of this chapter and other effective and applicable ordinances.
- (3) The Zoning Permit and Occupancy Permit may be combined for the administrated convenience of the Governing Body as a Zoning and Occupancy Permit.
- (4) The Zoning Officer's refusal to issue an occupancy permit shall include a written statement to the applicant containing reasons for such denial.

(C) Occupancy permits shall state that the building or the proposed use of a building or land complies with all provisions of this chapter and are deemed to authorize, and are required for,

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both initial and continued occupancy and use of the building and land so long as such building and use are in full conformity with the provisions of this chapter.

- (D) No occupancy permit shall be issued until such time as the applicant has applied for the same and has paid the application fee, which shall be included as part of the zoning permit fee, and the premises have been inspected by the Zoning Officer or his delegate and, thereafter, a determination has been made that the premises is in compliance with this chapter.
- (E) No occupancy permit shall be granted until the subject project has been completed or the Zoning Officer has determined the same to be fit for the use intended by the applicant. If the applicant desires to make use of the premises or project prior to its completion, the same is strictly prohibited until such time as an application has been made for an occupancy permit and all rules and regulations pertaining thereto and as contained herein have been determined by the Zoning Officer to have been met.
- (F) No premises, structure, swimming pool or the like shall be used until such time as an occupancy permit has been granted.
- (G) If the project has not been completed and a partial use or occupation of the premises is desired by the applicant, the applicant must first make application to the Zoning Officer, pay a fee equal to the amount of the original cost of the permit, and thereafter, once the same has been examined by the Zoning Officer and has been determined by him to be fit for the limited or partial use intended, said applicant may use and/or occupy the premises; however, nothing contained in this subsection shall be interpreted or used as an excuse or viewed as a waiver of any of the other terms contained hereinabove pertaining to the expiration of any and all permits for purposes of completion of the original project.

§ 185.99. Uses by right, conditional uses, and uses not listed.

- (A) **Uses by right.** A use listed by right is permitted subject to the requirements for the district in which it is located, after approval has been granted in accordance with the requirements of the Subdivision and Land Development Ordinance, if applicable, and after a zoning permit has been issued in accordance with the provisions of this Chapter.
- (B) **Conditional Uses.** A use listed as a use permitted as a conditional use may be permitted as such provided the Governing Body has received a positive recommendation from the Planning Commission, has granted the conditional use subject to any expressed standards set forth in Chapter 5 of this Ordinance, and after approval has been granted subject to the requirements of the Subdivision and Land Development Ordinance, if applicable, and such further restrictions as the Governing Body may impose to ensure protection of adjacent uses or the health, safety, and general welfare.

(1) Application Requirements.

- (a) An application for a zoning permit for a conditional use in any zoning district where such a use is allowed shall be filed with the Zoning Officer, and it shall:
 - (i) Identify and (describe the property, its location and the present use being made of the property.
 - (ii) Reasonably describe present improvements and any development, intended additions and changes to be made if the conditional use is granted.
 - (iii) Disclose the conditional use for which the application is being made and, by plan, map and description, show how the property, as it may be improved, meets or will meet the standards and criteria required by the Zoning Ordinance for such conditional use.
- (b) Upon receipt of such application for conditional use, the Zoning Officer shall forthwith refer the same to the attention of the Planning Commission. The Planning Commission shall arrange a date, time and place for a meeting with the applicant for the conditional use. Said meeting shall be held within forty-five (45) days of filing of

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the application with the Zoning Officer. The Planning Commission shall make a recommendation on the application to the Governing Body within sixty (60) days of the original filing of the application with the Zoning Officer.

(2) Standards and Criteria.

- (a) In deciding all applications for conditional uses the Governing Body shall be guided by the following standards and criteria:
 - (i). The proposed use conforms to the applicable regulations of the district.
 - (ii). The proposed use should not cause undue noise, glare or pollution of the surrounding areas, as determined by the Governing Body, upon recommendation by the Municipal Engineer and Planning Commission.
 - (iii). Anticipated levels of traffic congestion, noise, glare, and pollution created by the proposed use will be similar to the levels created by the uses permitted in that district.
 - (iv). Any visual or functional conflicts between the proposed use and surrounding existing uses shall be kept to a minimum. Increased setbacks, planted buffers, wooden fences or other measures may be required by the Governing Body to minimize potential conflicts, or to reduce anticipated levels of noise. Visual and functional conflicts include, but are not limited to, loading docks, parking lots, service driveways, or large nonresidential buildings adjacent to residential neighborhoods or open space areas, without adequate buffering.
 - (v). In granting a conditional use, the Governing Body may attach such reasonable conditions and safeguards, which conditions may include, but are not limited to, harmonious design of buildings, plantings and its maintenance as a sight or sound screen, the minimizing of noxious, offensive or hazardous elements, adequate standards of parking, and sanitation, as it may deem necessary to implement the purpose of this Chapter.
 - (b) The Governing Body shall hold a public hearing, pursuant to public notice, on the conditional use within forty-five (45) days of receipt of the Planning Commission recommendation and shall issue a decision within fifteen (15) days of the public hearing.
 - (c) The Zoning Officer shall issue or deny a permit, subject to the action of the Governing Body, as a result of the hearing by said Board on the application and shall notify the applicant.
 - (d) Any affected party or any person having a legal interest in the property may, within thirty (30) days following such order having been issued, appeal the same to the Washington County Court of Common Pleas, in accord with the Judicial Code, 42 Pa. C.S. §933, and the Municipal Planning Code, Act 247 of 1968, as reenacted and amended.
- (C) **Uses not listed.** A use not listed as being permitted by right or conditional use in a particular zoning district is not permitted in that zoning district.

§ 185.100. Violations and penalties.

- (A) Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Chapter shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Governing Body, pay a judgment of not more than five hundred dollars (\$500), plus all court costs, including reasonable attorney's fees incurred by the municipality as a result thereof.
- (B) No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely

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- appeals the judgment, the municipality may enforce the judgment pursuant to the applicable rules of civil procedure.
- (C) 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 this Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth day following the date of the determination of a violation by the District Justice, and thereafter each day that violation continues shall constitute a separate violation.
 - (D) All judgment costs and reasonable attorney's fees collected for the violation of this Zoning Chapter shall be paid over to the municipality.
 - (E) When written notice of the violation of any of the provisions of this Chapter shall have been served, by registered mail or otherwise, by the Zoning Officer on the owner, agent or occupant, contractor or builder involved, such violation shall be discontinued within thirty (30) days. However, if in the opinion of the Zoning Officer the violation creates an imminent danger to life and property or is willful and deliberate, the violator shall be ordered to discontinue such violation immediately. The giving of notice of a violation as herein provided shall not be interpreted to supersede or deny the Zoning Officer and the municipality the right and duty to prosecute a violator for a violation of each respective provision of this Chapter.
 - (F) Written notice of a violation shall be given to the owner of record of the parcel on which the violation has occurred, any person who has filed a written request to receive enforcement notices regarding that parcel and any other person requested, in writing, by the owner of record. The enforcement notice shall state at least the following:
 - (1) The name of the owner of record and any other person against whom the municipality intends to take action.
 - (2) The location of the property in violation.
 - (3) The specific violation with a description of requirements that have not been met, citing in each instance the applicable provisions of this chapter.
 - (4) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 - (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 this Chapter.
 - (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.
 - (G) 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 this chapter, the Governing Body, or with the approval of the Governing Body, an officer of the municipality or an 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 thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the municipality. No such action may be maintained until such notice has been given.

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§ 185.101. Duties of the Municipal Planning Commissions.

- (A) South Franklin Township and Green Hills Borough shall each retain a municipal planning commission that shall review all applicable matters relating to lot line changes, subdivisions, land developments, planned residential developments, or conditional use requests, provide testimony to the Zoning Hearing Board, or any other matter of a planning or zoning nature as prescribed within the MPC.

§ 185.102. Duties of the Joint Planning Commission.

- (A) The commission shall undertake the preparation and amendment of the Joint Zoning Ordinance
- (B) The Commission shall review any proposed amendments to the Zoning Ordinance, including the Zoning Map, and shall be permitted to provide testimony to the Zoning Hearing Board upon request of the governing bodies of each municipality.
- (C) Any other activities relating to planning or zoning as the governing bodies of the municipalities see fit or as the Pennsylvania Municipalities Planning Code (Act 247, as amended) may require.

§ 185.103. Zoning Hearing Board.

- (A) South Franklin Township and Green Hills Borough shall each maintain a Zoning Hearing Board, each of whom will be responsible for decisions within their respective municipalities.
- (B) The word “Board,” when used in this Article shall mean the Zoning Hearing Board of South Franklin Township and/or the Zoning Hearing Board of Green Hills Borough. Both Boards shall be governed by the same parameters as outlined herein.
- (C) **Membership.**
 - (1) The membership of the Zoning Hearing Board shall consist of five (5) residents of the township appointed by resolution of the Township Supervisors. Their terms of office shall be five (5) years and shall be so fixed that the terms of office of one (1) member shall expire each year.
 - (2) The Green Hills Borough Zoning Hearing Board shall consist of three (3) residents of the Borough appointed by resolution of Borough Council. Their terms of office shall be three (3) years and shall be so fixed that the terms of office of one (1) member shall expire each year.
 - (3) Members of the Zoning Hearing Board shall hold no other office in the municipality nor be employees of the municipality.
 - (4) The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves.
- (D) **Alternates.**
 - (1) The Township Supervisors may appoint by resolution at least one (1), but no more than three (3), residents of South Franklin Township to serve as alternate members of the Board. The term of office of an alternate member shall be five (5) years.
 - (2) The Borough Council may appoint by resolution one (1) resident of Green Hills Borough to serve as an alternate member of the Board. The term of office of an alternate member shall be three (3) years.
 - (3) Alternates shall hold no other elective or appointive office in either municipality nor be employees of the municipality.
 - (4) Any alternate may participate in proceedings or discussions of the Board but shall not be entitled to vote as a member of the Board nor be compensated, unless designated as a voting alternate member pursuant to the following process:
 - (a) If, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum.

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- (b) Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case.
 - (c) Designation of an alternate shall be made on a case-by-case basis, in rotation, according to declining seniority among all alternates.
- (E) **Vacancies.** The Zoning Hearing Board shall promptly notify the Governing Body of any vacancies that occur. Appointments to fill vacancies shall be only for the unexpired portion of the term.
- (F) **Powers and duties.**
 - (1) **Appeals.** To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Ordinance. To interpret upon the words, terms, rules, regulations, provisions and restrictions of this Ordinance where there is doubt as to the meaning thereof, including determination in specific instances whether questionable uses are permitted by virtue of being similar to or customarily incidental to permitted uses as provided by this Ordinance.
 - (2) **Substantive Challenges.** To hear and decide substantive challenges to the validity of any land use ordinance, except those brought before the Township Supervisors or Borough Council as curative amendments. In all such challenges, the Board shall decide all contested questions and shall make findings on all relevant issues of fact which shall become part of the record on appeal to the Court.
 - (3) **Procedural Challenges.** To hear and decide procedural challenges to the validity of any land use ordinance. Procedural challenges include procedural questions or alleged defects in the process or adoption of a land use ordinance. Such challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance.
 - (4) **Variances.** To authorize upon appeal, in special cases, such variance from the terms of this Ordinance as the Board shall feel will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship and so that the spirit of this Ordinance shall be observed and justice done. The applicant must provide evidence to the Zoning Hearing Board of the need for the variance based upon all the following criteria and the Zoning Hearing Board may grant a variance provided that all of the findings are made where relevant in a given case:
 - (a) 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 provision of the Zoning Ordinance in the neighborhood or district in which the property is located.
 - (b) 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.
 - (c) That such unnecessary hardship has not been created by the appellant.
 - (d) 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.
 - (e) 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.

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- (5) Expiration of Variances. A variance shall expire if the applicant fails to obtain a permit within one year of the date of authorization thereof.
- (6) Exercise of Powers. In exercising the above-mentioned powers, the Board may reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination appealed from and may make such additional order, requirement, decision, or determination as ought to be made, and, to that end, shall have all the powers of the officer from whom the appeal is taken.

(G) Meetings.

- (1) Meetings of the Board shall be held at the call of the Chairman and at such times as the Board may determine. The Chairman or, in his absence, the Acting Chairman may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact.
- (2) The Board shall keep full public records of its business and shall submit a report of its activities to the Governing Body once a year.
- (3) When, by reason of absence or disqualification, one or more members are unavailable for a hearing, the Chairman or, in his absence, the Acting Chairman, shall designate alternate members of the Board to sit on the Board. The alternate member(s) of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternative was initially appointed until the Board has made a final determination of the matter or case.

(H) Procedure.

- (1) The procedure of the Zoning Hearing Board shall be governed by the provisions of applicable laws of the Commonwealth of Pennsylvania and such rules, not inconsistent therewith, as the Board may adopt.
- (2) The Board shall adopt rules of procedure in accordance with the several provisions of this Ordinance as to the manner of filing appeals or applications for variance from the terms of this Ordinance.
- (3) The Board may make, alter, and rescind rules and forms for its procedure consistent with ordinances of the municipality and laws of the commonwealth.
- (4) All appeals and applications made to the Board shall be in writing on forms prescribed by the Board.
- (5) Every appeal or application shall refer to the specific provision of this Ordinance involved and shall exactly set forth the interpretation that is claimed, the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be.
- (6) Each appeal and application for variance shall be tried on its merits at a public hearing.

(I) Notice of Hearing.

- (1) Upon the filing with the Board of an application for a variance, appeal from any decision or action of the Zoning Officer, appeal from an interpretation of the terms of this Ordinance or substantive or procedural challenges to the validity of this Ordinance, the Board shall fix a reasonable time and place for a public hearing thereon and shall give notice as follows:
 - (a) By publishing a notice thereof once a week for two successive weeks before the date fixed for the hearing in a newspaper of general circulation in the municipality; the first publication shall not be more than thirty (30) days and the second publication shall not be less than seven days from the date of the hearing.
 - (b) By mailing or serving due notice to the parties in interest.
 - (c) By mailing or serving notice thereof to the municipality.
 - (d) When the Board shall so order, by mailing or serving notice thereof to the owner or owners, if their residence is known, or to the occupier or occupiers of every lot on the

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same street within three hundred (300) feet of the lot or building in question and of every lot not on the same street within one hundred and fifty (150) feet of the said lot or building, provided that failure to give notice specified herein shall not invalidate any action taken by the Board.

- (e) By mailing a notice thereof to any resident or association of residents of the municipality or other interested parties who shall have formally registered their names and address for this purpose with the Board subsequent to the adoption of this Ordinance.
 - (f) By conspicuously posting written notice of the hearing on the affected tract of land at least one (1) week prior to the hearing.
- (2) The notices herein required shall state the location of the building or lot and the general nature of the question involved.

(J) Conduct of Hearing.

- (1) In general, the procedure for appeal from action of the Zoning Officer shall be as follows:
- (a) All hearings shall be conducted in accordance with the requirements of the Pennsylvania Municipalities Planning Code, Act 247, as reenacted and amended, with respect to such proceedings.
 - (b) For conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided by law.
- (2) The first hearing shall be commenced within sixty (60) days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.
- (3) Each subsequent hearing before the Board or hearing officer shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within one hundred (100) days of the first hearing. Upon the request of the applicant, the Board or hearing officer shall assure that the applicant receives at least seven (7) hours of hearings within the one hundred (100) days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within one hundred (100) days of the first hearing held after the completion of the applicant's case-in-chief. And the applicant may, upon request, be granted additional hearings to complete his case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and the Township, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.
- (4) The hearings shall be conducted by the Zoning Hearing Board or the Zoning Hearing Board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings, shall be made by the Zoning Hearing Board; however, the appellant or the applicant, as the case may be, in addition to the Township, may, prior to the decision of the hearing, waive decision or findings by the Zoning Hearing Board and accept the decision or findings of the hearing officer as final.
- (5) The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Zoning Hearing Board, and any other person including civic or community organizations permitted to appear by the Zoning Hearing Board. The Zoning Hearing Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Zoning Hearing Board for that purpose.
- (6) The chairman or acting chairman of the Zoning Hearing Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the

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attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

- (7) The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
 - (8) Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
 - (9) The Zoning Hearing Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings.
 - (10) The Zoning Hearing Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
 - (11) The Zoning Hearing Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Zoning Hearing Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Zoning Hearing Board shall make his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Zoning Hearing Board prior to final decision or entry of findings, and the Zoning Hearing Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer.
 - (12) Any person, officer or agency of the municipality that is aggrieved by any decision of the Board may appeal therefrom within thirty (30) days to the Court of Common Pleas as provided by law.
 - (13) Within seven (7) calendar days after rendering a decision on an appeal, request for variance, the Zoning Hearing Board shall file a copy of such decision with the municipal Secretary for distribution to the governing body.
- (K) Failure to render a decision.**
- (1) Where the Zoning Hearing Board fails to render a decision within the required forty-five (45) day period or fails to commence or complete the required hearing as provided in this Chapter, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing or on the record to an extension of time.
 - (2) When a decision has been rendered in favor of the applicant because of failure of the Zoning Hearing Board to meet or render a decision, the Zoning Hearing Board shall give public notice of the decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided herein. If the Zoning Hearing Board shall fail to provide such notice, the applicant may do so. Nothing in this Section shall prejudice the right of any party opposing the application to appeal the decision to the Court of Common Pleas.

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(L) Mediation.

- (1) Parties to proceedings authorized in this Chapter may utilize mediation as an aid in completing such proceedings. In proceedings before the Zoning Hearing Board, in no case shall the Zoning Hearing Board initiate mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this Chapter once they have been formally initiated. Nothing in this Subsection shall be interpreted as expanding or limiting municipal police powers or as modifying any principles of substantive law.
- (2) Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. The municipality, in offering the mediation option, shall assure that in each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:
 - (a) Funding mediation;
 - (b) Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation;
 - (c) Completing mediation, including time limits for such completion;
 - (d) Suspending time limits otherwise authorized in this Chapter or in the Pennsylvania Municipalities Planning Code, provided there is written consent by the mediating parties, and by an applicant or Township decision-making body, if either is not a party to the mediation;
 - (e) Identifying all parties and affording them the opportunity to participate;
 - (f) Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public;
 - (g) Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the appropriate decision-making body pursuant to the authorized procedures set forth in this Chapter.
- (3) No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

(M) Time limitations.

- (1) No person shall file any proceeding before the Zoning Hearing Board later than thirty (30) days after a preliminary or final application for development 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. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest.
- (2) The failure of anyone, other than the landowner, to appeal from an adverse decision by a Zoning Officer on a challenge to the validity of an ordinance or map filed pursuant to Section 916.2 of the Pennsylvania Municipalities Planning Code shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.
- (3) All appeals from determinations adverse to the landowner shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

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(N) Stay of proceedings.

- (1)** Upon filing of any proceeding and during its pendency before the Zoning Hearing Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Zoning Hearing Board, facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, that may be granted by the Zoning Hearing Board or by the Court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Zoning Hearing Board by persons other than the applicant, the applicant may petition the Court having jurisdiction of the zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Zoning Hearing Board. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the Court.
- (2)** All appeals from decisions rendered by the Zoning Hearing Board shall be taken to the Washington County Court of Common Pleas and shall be filed within thirty (30) days after the entry of the decision or, in the case of a deemed decision, within thirty (30) days after the date upon which notice of said deemed decision is given as required by Subsection 908(9) of the Pennsylvania Municipalities Planning Code (Act 247, as amended).

§ 185.104. Fees and compensation.

(A) Fees

- (1)** Each Governing Body shall determine a schedule of fees, to be adopted by resolution, as well as a collection procedure for permits and applications for variances, special exceptions, amendments and other matters pertaining to this Chapter.
- (2)** The Governing Body shall re-evaluate the fee schedule from time to time and make the necessary changes. These changes shall not be considered an amendment to this chapter and may be adopted at a public meeting by resolution.
- (3)** All fees shall be paid to the Governing Body of the Applicant's municipality. Conditional uses, variances and amendments shall be acted upon only after the required fees have been paid in full and the Zoning Hearing Board shall not take any action on appeals until the necessary charges have been paid in full.
- (4)** The Governing Body may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.
- (5)** The appearance fee for a stenographer shall be shared equally by the applicant and the Zoning Hearing Board. The cost of the original transcript shall be paid by the Zoning Hearing Board if the transcript is ordered by the Zoning Hearing Board or hearing officer or shall be paid by the person appealing from the decision of the Zoning Hearing Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

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(B) Compensation.

- (1) Members of the Zoning Hearing Board may receive compensation for the performance of their duties as may be fixed by the Governing Body, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Governing Body. Alternate members may receive similar compensation when designated to participate in hearings.
- (2) The Zoning Hearing Board may employ or contract for and fix the compensation of legal counsel as the need arises. The legal counsel shall be an attorney other than the municipal solicitor.
- (3) The Board may also employ or contract for and fix the compensation of experts and other staff and may contract for services as it shall deem necessary.
- (4) The compensation of legal counsel, experts, and staff and the sums expended for services shall not exceed the amount appropriated by the Governing Body for this use.

§ 185.105. Amendments.

- (A) Whenever the public necessity, convenience or general welfare indicates, the governing body may, by ordinance, in accordance with applicable laws of the Commonwealth of Pennsylvania, amend, supplement or change the regulations, restrictions, boundaries or classifications of buildings, structures and land as the same are established by this chapter, or may hereafter be made a part thereof.
- (B) The Governing Body may from time to time, on its own motion or petition, after public notice and hearing, amend the regulations and districts herein established, but no amendment shall become effective unless the same shall have first been submitted to the Planning Commission at least thirty (30) days prior to the public hearing to provide the Planning Commission an opportunity to submit recommendations.
- (C) An amendment proposed by the Governing Body shall be prepared by the Municipal Solicitor, Zoning Officer, Municipal Planning Commission or Joint Planning Commission. All amendments shall be referred to both the Municipal Planning Commission and Joint Planning Commission for review and comments.
- (D) The municipality shall submit amendments to the Washington County Planning Commission for review and comment at least thirty (30) days prior to public hearings and shall forward copies of amendments to said agency within thirty (30) days of enactment. All proposed amendments shall also be submitted to the joint municipal planning commission for review at least 30 days prior to the hearing on such proposed amendments.
- (E) The governing body of either South Franklin Township or Green Hills Borough shall submit their comments, including a specific recommendation to adopt or not to adopt the proposed amendment, to the governing body of the municipality within which the amendment is proposed no later than the date of the public hearing. Failure to provide comments shall be construed as a recommendation to adopt the proposed amendment.
- (F) No amendments to the joint municipal zoning ordinance shall be effective unless both South Franklin Township and Green Hills Borough approve the amendment.
- (G) The proposed amendment shall be advertised as required by the Municipalities Planning Code.
- (H) If the proposed amendment would effect a change in the Zoning Map, if adopted, the property so affected shall also be posted in the manner required (if so required) by the Municipalities Planning Code.
- (I) After advertising (and posting of the property, if any) has occurred, the respective governing body shall hold a public hearing on the proposed amendment of this Chapter and/or Zoning Map before voting on its adoption.

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§ 185.106. Landowner-proposed curative amendments.

- (A) Any landowner in either municipality may submit a written proposal, on the form provided by the municipality, requesting an amendment of this Chapter or Zoning Map as they relate to the landowner's property, and shall pay the fee fixed by their respective governing body for such a submission.
- (B) Applications for amendment of this Chapter shall be presented or postmarked to each participating municipality on the same day and shall contain the materials specified below, unless the applicant is proceeding for curative amendment or appeal within this Chapter. In the latter cases, the applicant shall be bound by the requirements contained therein.
 - (1) The applicant's name and address and his representative and the interest of every person represented in the application;
 - (2) A fee as specified by the participating municipal fee schedule charged to any person or persons desiring to amend this Chapter;
 - (3) A plan showing the extent of the area to be rezoned; streets bounding and intersecting the area; the land use and zone classifications of abutting districts, and photographs of the area to be rezoned and abutting areas;
 - (4) A statement of the circumstances in the proposed district and the abutting districts and any other factors on which the applicant relies as reasons for supporting the proposed rezoning;
 - (5) The approximate time schedule for the beginning and completion of development in the area;
 - (6) A site plan to scale, indicating the location of structures, uses, and areas for off-street parking and loading.
- (C) The governing body shall commence a hearing thereon within 60 days of the request.
- (D) The curative amendment and challenge shall be referred to the Planning Commission(s) and the Washington County Planning Commission for review and commentary. The municipal staff shall also advertise the proposed amendment as required by the Municipalities Planning Code and, if the proposal involves any change to the Zoning Map, any affected property shall be posted.
- (E) If the governing body determines that a validity challenge has merit, the governing body may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment that will cure the challenged defects. The governing body shall consider the curative amendments, plans, and explanatory material submitted by the landowner and shall also consider:
 - (1) The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities
 - (2) If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Chapter or Map.
 - (3) The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources, and other natural features.
 - (4) The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources, and natural features; the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts.
 - (5) The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.
- (F) The governing body before which the curative amendment is brought shall not have the power to adopt any amendment to the joint municipal zoning ordinance without the approval of both South Franklin Township and Green Hills Borough. The challenge shall be directed

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- to the validity of the joint municipal zoning ordinance as it applies to the entire area of its jurisdiction.
- (G) If the municipality does not accept a landowner's curative amendment brought in accordance with this subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for the entire zoning ordinance and map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.

§ 185.107. Procedure for curative amendment.

- (A) The governing bodies of both South Franklin Township and Green Hills Borough shall vote, within thirty (30) days following such declaration by the governing body, by formal action whether or not to declare this Chapter or portions thereof substantially invalid. In the event of the failure of a majority of the governing body to declare this Chapter or portions thereof substantially invalid within the thirty (30) days following such declaration, the declaration shall be deemed null and void.
- (B) The declaration by a majority of the governing body of each municipality of the substantive invalidity of this Chapter shall be binding upon the municipalities from the moment the initiating governing body declares this Chapter invalid.
- (C) Upon the declaration that this Chapter is invalid by the municipality, the municipality shall begin to prepare and consider a curative amendment to this Chapter to correct the declared invalidity.
- (D) Within nine (9) months from the date of the declaration, pursuant to Subsection (A), above, the municipalities shall enact a curative amendment to or reaffirm the validity of this Chapter pursuant to the provisions required by the Pennsylvania Municipalities Planning Code, to cure the declared invalidity of this Chapter.
- (E) Upon the initiation of the procedures by the governing body as set forth in subsection (a), the governing body shall not be required to entertain or consider any landowner's curative amendment as provided for within the Pennsylvania Municipalities Planning Code, nor shall the local Zoning Hearing Board be required to give a report subsequent to the declaration and proposal based upon the grounds identical to or substantially similar to those specified in the resolution required by Subsection (A)
- (F) Upon completion of the procedures as set forth in Subsections (A) and (B), no rights to a cure pursuant to the provisions of the Pennsylvania Municipalities Planning Code, shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of this Chapter for which there has been a curative amendment pursuant to this section.
- (G) The municipalities, having utilized the procedures as set forth in Subsections (A) and (B), may not again utilize said procedures for a thirty-six (36) month period following the date of the enactment of a curative amendment or reaffirmation of the validity of this Chapter pursuant to subsection (b); provided, however, if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the municipality by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the municipality may utilize the provisions of this section to prepare a curative amendment to this Chapter to fulfill said duty or obligation; provided, however, that the municipality shall not be deemed to have utilized the procedures set forth in Subsections (A) and (B) either if the municipality takes formal action to not declare this Chapter invalid in accordance with Subsection (A) or if they fail to act in accordance with Subsection (A).

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§ 185.108. Interpretation; conflict with other provisions.

- (A) The interpretation and application of the provisions of this Chapter shall be held to be the minimum requirements for the promotion of the health, safety, morals and general welfare.
- (B) This Chapter is not intended to interfere with or abrogate or annul other rules, regulations or ordinances of the Township of South Franklin, provided that where this Chapter imposes a greater restriction upon the use of buildings or premises or upon the height of a building or requires larger open spaces than are imposed by other such rules, regulations or ordinances, the provisions of this Chapter shall prevail.

Article IX. Nonconforming Uses, Structures and Lots

§ 185.109. Purpose.

- (A) This purpose of this Section is to set forth standards and regulations regarding nonconforming uses, structures, and lots. These standards shall apply to all nonconforming uses, structures and lots, as defined by this Chapter. Nothing contained herein shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof for which official approval and required permits have been granted prior to the effective date of this Chapter or any amendment thereto.

§ 185.110. Nonconforming uses.

- (A) These regulations shall apply to any use of a structure or lot in any Zoning District that is a nonconforming use as defined by this Chapter. Whenever the boundaries of a Zoning District shall be changed so as to transfer an area from one Zoning District to another Zoning District of a different classification, these regulations shall apply to any uses which thereby become nonconforming.
- (B) Where, at the effective date of adoption or amendment of this Chapter, a lawful use of a lot or structure exists that is made no longer permissible under the terms of this Chapter as enacted or amended, such use may be sold or otherwise transferred to other owners and may be continued as long as it remains otherwise lawful in accordance with the provisions of this Chapter.
- (C) Single-family dwellings that are nonconforming uses in any nonresidential zoning district classification may be enlarged or expanded to occupy a greater area of the lot or to increase the height of the dwelling, provided all applicable area and bulk regulations of the Zoning District in which the property is located are met.
- (D) No nonconforming use shall be moved in whole or in part to any other portion of the lot occupied by such use at the effective date of adoption or amendment of this Chapter.
- (E) A nonconforming use may be extended as a conditional use, subject to the following:
- (1) That the extension becomes an attached part of the main structure and does not utilize any additional or adjoining land area other than the original parcel.
 - (2) That the extension does not encroach upon the yard and height requirements of the district in which the nonconforming use is located.
 - (3) That the extension is for the purpose of expanding the same classification of nonconforming use in existence at the time of this chapter's adoption.
 - (4) The extension of a lawful use to any portion of a nonconforming building or structure which existed prior to the enactment of this Chapter shall not be deemed an extension of such nonconforming use.
- (F) A nonconforming use shall not be changed to any use other than a conforming use, except as permitted as a use by conditional use by the Governing Body in accordance with the following standards:
- (1) The new use will more closely correspond to the uses authorized in the District as permitted uses or conditional uses.
 - (2) The new use will be in keeping with the character of the neighborhood in which it is located and will have an equal or lesser impact on the neighborhood than the existing nonconforming use.
 - (3) Any change from one nonconforming use to another shall comply with the parking requirements of Article V: Off- Street Parking Requirements, of this Chapter for the new use and shall be subject to the area, bulk and buffer area regulations for such use in the Zoning District where such use is authorized as a permitted use, conditional use or use by special exception.
 - (4) When a nonconforming use is changed to a conforming use, the use thereafter shall not be changed to a nonconforming use.

Article IX. Nonconforming Uses, Structures and Lots

- (5) Where a nonconforming use exists on a lot, a conforming use shall not be established on the same lot unless the nonconforming use is discontinued.

§ 185.111. Nonconforming structures.

- (A) A nonconforming structure may be enlarged or structurally altered, provided the enlargement or alteration does not encroach any further into a required yard setback than the existing nonconforming structure does and, further provided that no new nonconformities are created. All other alterations or enlargements shall require review by the Governing Body and, after a public hearing; the Governing Body may determine undue hardship and may authorize a variance for the reasonable modification of such structure.
- (B) Said alteration, improvement or reconstruction shall be permitted only if it is a normal, natural or consistent growth of the same character as that of the use existing at the time of passage of this chapter.
- (C) Any nonconforming structure that has been partially or completely damaged or destroyed by fire or other means may be rebuilt or repaired on its existing foundation even though such foundation may violate the setback requirements for the Zoning District in which the structure is located, provided that the repair or reconstruction and re-occupancy of the structure occurs within twelve (12) months of the date that the original structure was damaged or destroyed.
- (D) Should a nonconforming structure be moved for any reason, it shall thereafter conform to the requirements of the Zoning District in which it is located.

§ 185.112. Nonconforming lots.

- (A) Any lot of record existing at the effective date of this Chapter may be used for the erection of a structure conforming to the use regulations of the Zoning District in which it is located, without a lot area or lot width variance, even though its lot area and width are less than the minimum required by this Chapter; however, such lot must comply with the front, rear and side yards, height and lot coverage standards of the Zoning District wherein it is located.
- (B) Where structures exist on adjacent nonconforming lots of record that have front yards less than the minimum depth required, the minimum front yard for an adjacent nonconforming lot of record shall be the average depth of the nonconforming front yards on the adjacent nonconforming lots in the same block on the same side of the street.

§ 185.113. Abandonment.

- (A) When a nonconforming use of a structure or structure and lot in combination is discontinued for a period of 12 consecutive months or more, it shall be presumed that the nonconforming use has been abandoned, and any subsequent use of such structure or structure and lot in combination shall conform to the regulations specified by this chapter for the zoning district in which such lot is located.
- (B) When application is made not later than one (1) year from the date the use was abandoned, the Governing Body may approve an extension of not more than one (1) additional year within which the use may be resumed. No additional extensions may be approved.

§ 185.114. Prior construction approval.

- (A) Nothing herein contained shall require any change in plans, construction, or designated use of a building or structure for which a permit has been issued and the construction of which shall have diligently proceeded within two (2) months of the date of such permit and the ground story framework of which shall have been completed within four (4) months of the date of the permit and for which the entire building shall be completed according to such plans as filed within one (1) year from the date of the permit.

Article IX. Nonconforming Uses, Structures and Lots

§ 185.115. Registration of nonconformity.

- (A) The owner of a nonconforming use shall make an application for registration of the nonconforming use and upon presentation of documentation acceptable to the Zoning Officer that the use was lawfully in existence prior to the effective date of this Chapter or any amendment that created the nonconformity, the Zoning Officer shall register the same on a map and by the Washington County Assessor's Tax Parcel Number as a legal nonconforming use.
- (B) In the course of administering this Chapter and reviewing applications for zoning permits, occupancy permits, or variances, the Zoning Officer shall register all nonconforming structures and nonconforming lots as they become known through the application process.

§ 185.116. Disclaimer.

- (A) Nothing in this Chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the safety of the public, provided all other requirements of this Chapter are met.
- (B) Nothing in this chapter shall be interpreted as authorization for or approval of the continuance of the use of a structure or premises in violation of zoning regulations in effect at the time of the effective date of this chapter.

Figure 1. Building Height.

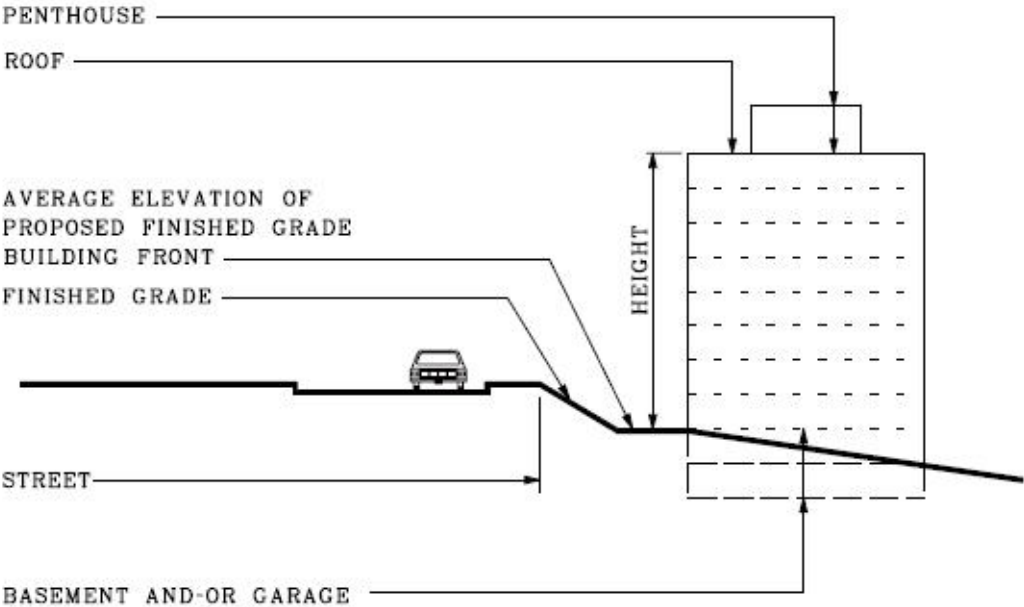
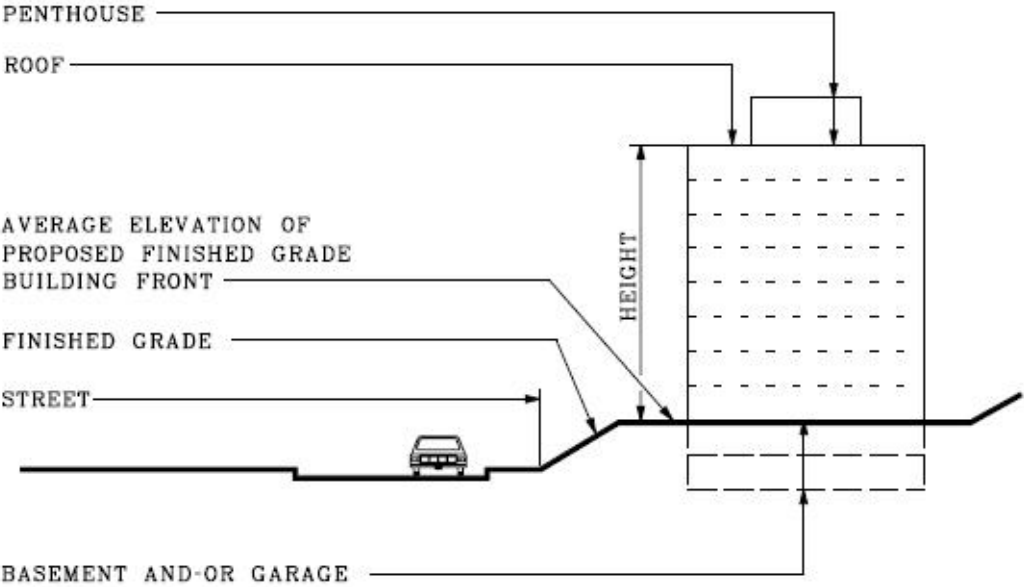


Figure 2. Lot Area.

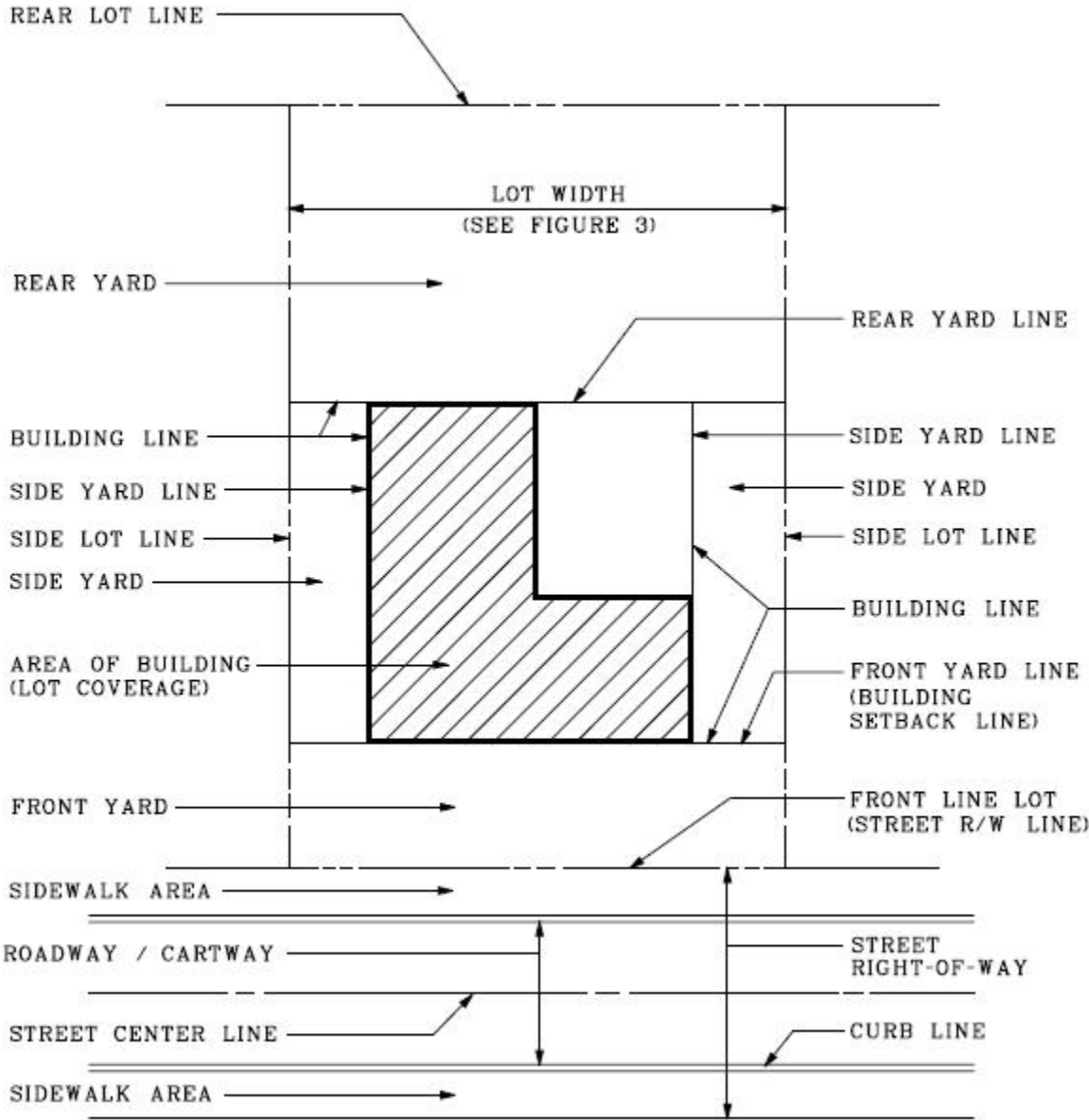
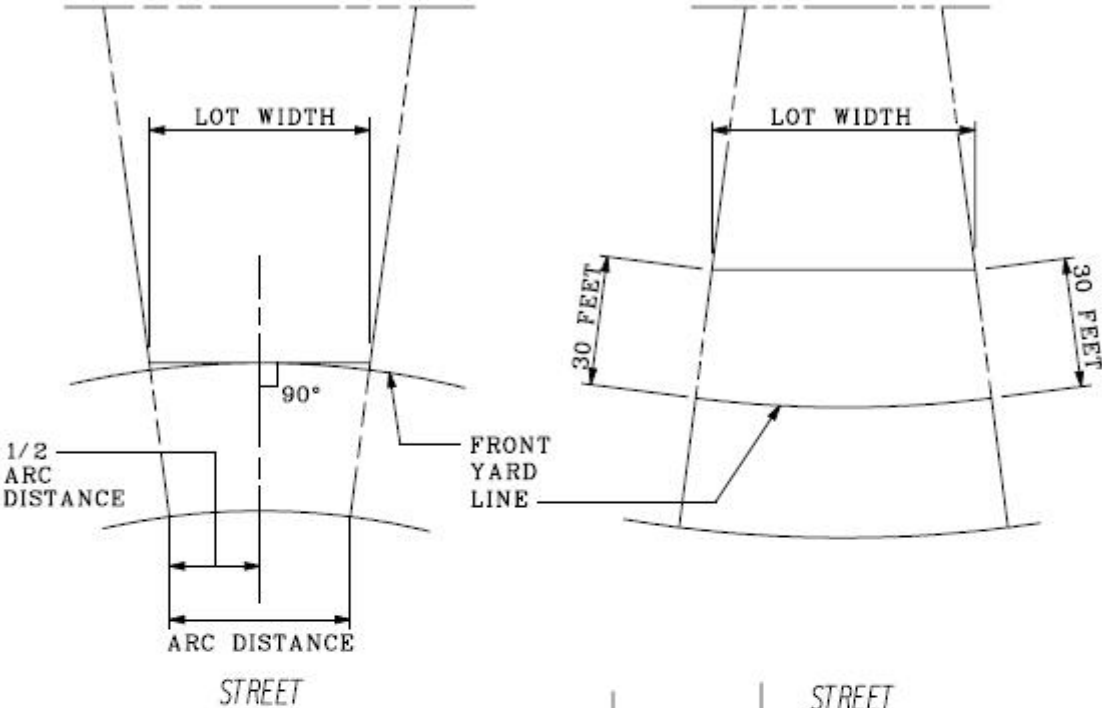


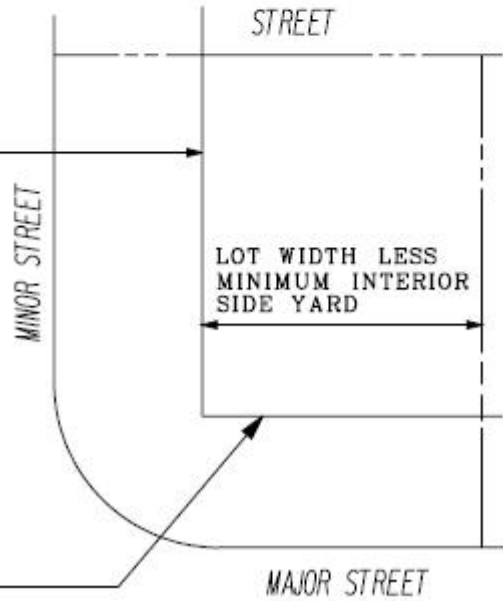
Figure 3. Lot Width Measurement.



FRONT OR SIDE YARD LINE IN R-1, R-2 AND R-3 ZONES. SIDE YARD LINE IN ALL OTHER ZONES.

IN R-1 AND R-2, ZONES THE LINE ABUTTING EITHER STREET CAN BE CONSIDERED THE FRONT LOT LINE. IN ALL OTHER ZONES, ONLY THE LINE ABUTTING THE MAJOR STREET CAN BE CONSIDERED A FRONT LOT LINE

FRONT OR SIDE YARD LINE IN R-1 AND R-2 FRONT YARD LINE IN ALL OTHER ZONES.



Appendix B – Recommended Plant Listing

Canopy trees; minimum three-and-one-half-(3 ½) inch caliper (see Table 1-1).

Table 1-1: Canopy Trees	
Scientific Name	Common Name
<i>*Acer rubrum</i>	Red maple
<i>Acer saccharum</i>	Sugar maple
<i>Betula nigra</i>	River birch
<i>*Celtis occidentalis</i>	Hackberry
<i>Cladrastis lutea</i>	Yellow wood
<i>*Corylus colurna</i>	Turkish filbert
<i>Fagus grandifolia</i>	American beech
<i>*Fraxinus americana</i>	White ash
<i>*Fraxinus pennsylvanica var. lanceolata</i>	Green ash "Marshall's seedless"
<i>*Ginkgo biloba (male only)</i>	Ginkgo
<i>*Gleditsia triacanthos var. inermis</i>	Thornless honey locust
<i>Gymnocladus dioicus</i>	Kentucky coffee tree
<i>*Koelrueteria paniculata</i>	Goldenrain tree
<i>*Liquidambar styraciflua</i>	Sweetgum
<i>*Liriodendron tulipifera</i>	Tulip tree
<i>Nyssa sylvatica</i>	Black gum
<i>Ostrya virginiana</i>	Hop hornbeam
<i>*Phellodendron amurense</i>	Amur corktree
<i>*Platanus acerifolia cv. Bloodgood</i>	Bloodgood London plane-tree
<i>*Quercus acutissima</i>	Sawtooth oak
<i>*Quercus alba</i>	White oak
<i>*Quercus bicolor</i>	Swamp white oak

Appendix B – Recommended Plant Listing

Table 1-1: Canopy Trees	
Scientific Name	Common Name
<i>*Quercus coccinea</i>	Scarlet oak
<i>*Quercus macrocarpa</i>	Bur oak
<i>*Quercus palustris</i>	Pin oak
<i>*Quercus phellos</i>	Willow oak
<i>*Quercus rober</i>	English oak
<i>Quercus rubra (borealis)</i>	Red oak
<i>*Sophora japonica</i>	Japanese pagodatree
<i>Taxodium distichum</i>	Baldcypress
<i>*Tilia cordata</i>	Littleleaf linden
<i>*Tilia x euchlora</i>	Crimean linden
<i>*Ulmus americana libertas</i>	American liberty elm
<i>*Ulmus parviflora</i>	Chinese lacebark elm
<i>*Zelkova serrata</i>	Japanese zelkova

Appendix B – Recommended Plant Listing

Small understory trees: minimum two-and-one-half (2 ½) inches in caliper or eight (8) feet in height (see Table 1-2).

Table 1-2: Small Understory Trees			
Scientific Name	Common Name	Scientific Name	Common Name
<i>*Acer campestre</i>	Hedge maple	<i>*Eucommia ulmoides</i>	Hardy rubber tree
<i>*Acer ginnala</i>	Amur maple	<i>Magnolia soulangeana</i>	Saucer magnolia
<i>Amelanchier canadensis</i>	Shadblow serviceberry	<i>Magnolia stellata</i>	Star magnolia
<i>Amelanchier laevis</i>	Allegheny Serviceberry	<i>Magnolia virginiana</i>	Sweetbay magnolia
<i>Carpinus betulus</i>	European hornbeam	<i>*Malus floribunda</i>	Japanese flowering crapapple
<i>Carpinus caroliniana</i>	American hornbeam	<i>*Malus cv. Donald Wyman</i>	Donald Wyman crabapple
<i>Chionanthus virginicus</i>	White fringetree	<i>*Malus cv. Centurian</i>	Centurian crab apple
<i>Cornus florida</i>	Flowering dogwood	<i>Metasequoia glyptostroboides</i>	Dawn redwood
<i>Cornus kousa</i>	Kousa dogwood	<i>Oxydendrum arboreum</i>	Sourwood
<i>Cornus mas</i>	Cornelian cherry	<i>*Prunus sargentii</i>	Sargent cherry
<i>Cotinus coggygria</i>	Smoke tree	<i>*Prunus yedoensis</i>	Yoshino cherry
<i>*Crataegus phaenopyrum</i>	Washington hawthorn	<i>Styrax japonica</i>	Japanese snowbell tree
<i>*Crataegus toba</i>	Toba hawthorn	<i>*Syringa reticulata</i>	Lilac
<i>*Crataegus viridis cv. winter king</i>	Winter king hawthorn		

Appendix B – Recommended Plant Listing

Evergreen trees for buffers; minimum height of eight (8) feet; not for use as street trees; may be used for buffers along streets, if a minimum width of ten (10) feet is available (see Table 1-3).

Any locally grown shrubs with a minimum height of three feet that are free of insects, pests and disease, in conformity with the standards of the American Association of Nurserymen and which are either native or well-adapted to southeastern Pennsylvania may be planted in buffers or other landscape areas.

Table 1-3: Evergreen Trees	
Scientific Name	Common Name
<i>Cedrus atlantica</i>	Atlas cedar
<i>Chamaecyparis obtusa</i>	Hinoki cedar
<i>Chamaecyparis pisifera</i>	Sawara false cypress
<i>Ilex opaca</i>	American holly
<i>Picea abies</i>	Norway spruce
<i>Picea omorika</i>	Siberian spruce
<i>Picea orientalis</i>	Oriental spruce
<i>Pinus bungeana</i>	Lace Bark pine
<i>Pinus strobus</i>	White pine
<i>Pinus thunbergii</i>	Japanese black pine
<i>Pseudotsuga menziesii</i>	Douglas fir
<i>Taxus cuspidata var. capitata</i>	Japanese yew
<i>Thuja occidentalis cv. nigra</i>	Dark green arborvitae
<i>Tsuga canadensis</i>	Canadian hemlock
<i>Tsuga caroliniana</i>	Carolina hemlock

Appendix B – Recommended Plant Listing

Native plant materials.

Deciduous shade trees: minimum one-and-one-half-inch caliper (see Table 1-4).

Table 1-4: Deciduous Shade Trees	
Scientific Name	Common Name
<i>Acer rubrum</i>	Red maple
<i>Acer saccharum</i>	Sugar maple
<i>Carya ovata</i>	Shagbark hickory
<i>Fagus grandifolia</i>	American beech
<i>Fraxinus americana</i>	White ash
<i>Fraxinus pennsylvanica</i>	Green ash
<i>Liquidambar styraciflua</i>	Sweet gum
<i>Liriodendron tulipifera</i>	Tulip tree
<i>Nyssa sylvatica</i>	Black gum
<i>Platanus occidentalis</i>	American sycamore
<i>Quercus alba</i>	White oak
<i>Quercus borealis</i>	Northern red oak
<i>Quercus coccinea</i>	Scarlet oak
<i>Quercus palustris</i>	Pin oak
<i>Quercus velutina</i>	Black oak
<i>Tilia Americana</i>	Basswood, American linden

Appendix B – Recommended Plant Listing

Shrubs and small trees: shrubs, thirty-six (36) -inch minimum height; small trees, minimum eight (8) -foot height and two (2) to two and one half (2 ½) inches in caliper (see Table 1-5).

Table 1-5: Shrubs and Small Trees	
Scientific Name	Common Name
<i>Amelanchier canadensis</i>	Downy shadbush
<i>Amelanchier laevis</i>	Smooth serviceberry
<i>Cercis canadensis</i>	Redbud
<i>Cornus florida</i>	Flowering dogwood
<i>Cornus alternifolia</i>	Alternate leaf dogwood
<i>Cornus amomum</i>	Silky dogwood
<i>Hamamelis virginiana</i>	Common witch hazel
<i>Ilex glabra</i>	Inkberry
<i>Ilex verticillata</i>	Winterberry
<i>Magnolia virginiana</i>	Sweetbay magnolia
<i>Myrica pennsylvanica</i>	Northern Bayberry (semievergreen)
<i>Rhododendron maximum</i>	Rhododendron
<i>Sambucas canadensis</i>	Elderberry
<i>Vaccinium corymbosum</i>	Highbush blueberry
<i>Viburnum acerifolium</i>	Mapleleaf viburnum
<i>Viburnum dentatum</i>	Arrowwood
<i>Viburnum prunifolium</i>	Blackhaw

Appendix B – Recommended Plant Listing

Evergreen trees: minimum height, eight (8) feet (see Table 1-6).

Table 1-6: Evergreen Trees	
Scientific Name	Common Name
<i>Ilex opaca</i>	American holly
<i>Pinus strobus</i>	Eastern white pine
<i>Tsuga canadensis</i>	Canadian hemlock
<i>Juniperus virginiana</i>	Eastern red cedar

Vegetation Not Suitable for Landscape.

Vegetation listed in Table 1-7 shall not be installed as landscape material because they are invasive or prone to pests and disease:

Table 1-7: Vegetation Not Suitable for Landscape	
Scientific Name	Common Name
<i>Acer platanoides</i>	Norway maple
<i>Acer pseudoplatanus</i>	Sycamore maple
<i>Acer saccharinum</i>	Silver maple
<i>Lonicera japonica</i>	Japanese honeysuckle
<i>Pyrus calleryana</i>	Callery pear
<i>Polygonum cuspidatum</i>	Japanese knotweed
<i>Populus spp.</i>	Poplars
<i>Puerarie thunbergiana</i>	Kudzu
<i>Ulmus pumila</i>	Siberian elm