

SILVER SPRING TOWNSHIP
ZONING ORDINANCE
OF 2014



CUMBERLAND COUNTY, PA

SILVER SPRING TOWNSHIP

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TOWNSHIP OF SILVER SPRING
CUMBERLAND COUNTY, PENNSYLVANIA

SILVER SPRING TOWNSHIP ZONING ORDINANCE OF 2014

Originally adopted as Ordinance No. 95-10 on October 11, 1995
Amended August 11, 1999 (Ordinance No. 99-6)
Amended February 26, 2003 (Ordinance No. 1 of 2003)
Amended April 28, 2004 (Ordinance No. 3 of 2004)
Amended December 21, 2005 (Ordinance No. 5 of 2005)
Amended July 26, 2006 (Ordinance No. 2 of 2006)
Amended April 25, 2007 (Ordinance No. 2 of 2007)
Amended August 22, 2007 (Ordinance No. 4 of 2007)
Amended August 22, 2007 (Ordinance No. 6 of 2007)
Amended December 19, 2007 (Ordinance No. 12 of 2007)
Amended September 24, 2008 (Ordinance No. 7 of 2008)
Amended October 22, 2008 (Ordinance No. 6 of 2008)
Amended February 11, 2009 (Ordinance No. 3 of 2009)
Amended June 24, 2009 (Ordinance No. 11 of 2009)
Amended August 26, 2009 (Ordinance No. 13 of 2009)
Amended March 24, 2010 (Ordinance No. 2 of 2010)
Amended April 28, 2010 (Ordinance No. 5 of 2010)
Amended June 23, 2010 (Ordinance No. 7 of 2010)
Amended June 23, 2010 (Ordinance No. 8 of 2010)
Amended June 22, 2011 (Ordinance No. 7 of 2011)
Amended May 23, 2012 (Ordinance No. 2 of 2012)
Amended May 23, 2012 (Ordinance No. 3 of 2012)
Amended June 27, 2012 (Ordinance No. 6 of 2012)
Amended December 19, 2012 (Ordinance No. 9 of 2012)
Amended July 31, 2013 (Ordinance No. 5 of 2013)
Amended September 24, 2014 (Ordinance No. 5 of 2014)
Amended September 24, 2014 (Ordinance No. 8 of 2014)

AN ORDINANCE OF AND BY THE BOARD OF TOWNSHIP SUPERVISORS IN AND FOR THE TOWNSHIP OF SILVER SPRING, CUMBERLAND COUNTY, PENNSYLVANIA, WHICH REGULATES THE USE AND DEVELOPMENT OF LAND WITHIN THE TOWNSHIP OF SILVER SPRING, CUMBERLAND COUNTY, PENNSYLVANIA, BY: STATING PUBLIC PURPOSES AND AUTHORITY FOR SUCH REGULATION, MAKING DEFINITIONS OF TERMS, CREATING GEOGRAPHICAL ZONING DISTRICTS BY MAP AND NARRATIVE, ESTABLISHING PERMITTED AND PROHIBITED USES WITHIN SUCH DISTRICTS, ESTABLISHING RULES AND CRITERIA FOR EXERCISING PERMITTED USES, RECOGNIZING AND REGULATING NON-CONFORMITIES, CREATING A ZONING HEARING BOARD, ESTABLISHING FILING AND PROCESSING PROCEDURES, PROVIDING ADMINISTRATIVE REQUIREMENTS, ESTABLISHING REMEDIES AND PENALTIES FOR VIOLATIONS OF THE ORDINANCE.

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ARTICLE 1 BACKGROUND PROVISIONS

SECTION 101 SHORT TITLE

This Ordinance shall be known and may be cited as the “Silver Spring Township Zoning Ordinance of 2013”.

SECTION 102 PURPOSE

This Ordinance is enacted to promote, protect and facilitate the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, the provisions of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds and other public requirements, as well as to prevent overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life, or property from fire, flood panic or other dangers. This Ordinance is enacted in accordance with an overall planning program, and with consideration for the character of the Township, its various parts and the suitability of the various parts for particular uses and structures.

SECTION 103 SCOPE

From and after the effective date of this Ordinance, the use of all land and every building or structure or portion of a building or structure erected, altered with respect to height and area, added to, or relocated, and every use within a building or structure or use accessory thereto, in the Township shall be in conformity with the provisions of this Ordinance. Any lawfully existing use, building, or land not in conformity with the regulations on the effective date of this Ordinance herein prescribed shall be regarded as nonconforming but may be continued, extended, or changed subject to the special regulations herein provided with respect to nonconforming buildings, structures, or uses.

SECTION 104 INTERPRETATION

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the health, safety, and general welfare of the residents of the Township.

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

SECTION 105 CONFLICT

It is not intended by this Ordinance to repeal, abrogate, annul, or interfere with any existing ordinances or resolutions, or with any rule, regulation or permit adopted or issued thereunder, except as provided, and only to the extent permitted by Section 508(4) of the Act. Where this Ordinance imposes greater restrictions upon the use or development of buildings or land, or upon the height and bulk of buildings, or prescribes larger open spaces than the provisions of such other ordinance, resolution, rule, regulation or permit, then the provisions of this Ordinance shall control. Furthermore, except as provided for in Sections 207.2. and 400 of this Ordinance, if a discrepancy exists between any regulations contained within this Ordinance and any other Township regulations, the regulation which imposes the greater restriction shall apply.

SECTION 106 VALIDITY

Except as noted in Section 207.3. of this Ordinance, should any section or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or of any other part thereof.

SECTION 107 USES NOT PROVIDED FOR

Whenever, under this Ordinance, a use is neither specifically permitted nor denied, and an application is made by an applicant to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Board of Supervisors to hear and decide such request as a conditional use. The Board of Supervisors shall have the authority to permit the use or deny the use in accordance with the standards governing conditional use applications. The use may be permitted if it is similar to and compatible with the permitted uses in the zone in which the subject property is located, is not permitted in any other zone under the terms of this Ordinance, and in no way is in conflict with the general purposes and intent of this Ordinance. The burden of proof shall be upon the applicant to demonstrate that the proposed use meets the foregoing criteria and would not be detrimental to the public health, safety and welfare of the neighborhood.

SECTION 108 ESTABLISHMENT OF ZONES

For the purpose of this Ordinance, Silver Spring Township is hereby divided into zones which shall be designated as follows:

Conservation (C)	Village Residential (R-3)	Light Industrial (I-1)
Agricultural (A)	Village Overlay (VO)	General Industrial (I-2)
Rural Residential (R)	Neighborhood Commercial (C-1)	Interchange (INT)
Residential Estate (RE)	Community Commercial (C-2)	Quarry (Q)
R-1 Residential (R-1)	Highway Commercial (C-3)	Floodplain (FP)

SECTION 109 ZONING MAP AND VEHICULAR ACCESS MAP

The areas within Silver Spring Township, as assigned to each zone and the location of the zones established by this Ordinance, are shown upon the Zoning Map, which together with all explanatory matter thereon, is attached to and is declared to be a part of this Ordinance. In addition, the Vehicular Access Map depicting vehicular control points and feeder roads is also declared to be a part of this Ordinance.

SECTION 110 ZONE BOUNDARY LINES

The zone boundary lines shall be as shown on the Zoning Map. Zone boundary lines are intended to coincide with lot lines; centerlines of streets, alleys, railroad rights-of-way, and streams at time of passage of this Ordinance; the corporate boundary of the Township; or as dimensioned on the map. In the event of dispute about the location of the boundary of any zone, the Zoning Officer shall investigate and render a decision on the location of the line. Appeals from this decision shall be made to the Zoning Hearing Board.

SECTION 111 COMMUNITY DEVELOPMENT OBJECTIVES

This Ordinance is enacted in accordance with the Silver Spring Township Comprehensive Plan and has been formulated to implement the purpose set forth in Section 102 above. The Ordinance is enacted with regard to the community development objectives listed in Chapter II of the Official Comprehensive Plan, Silver Spring Township, Cumberland County, PA.

SECTION 112 DEFINITIONS

- A. WORD USAGE - Words and phrases shall be presumed to be used in their ordinary context unless such word or phrase is defined differently within this section.
- B. LANGUAGE INTERPRETATION - In this Ordinance, when not inconsistent with the context:
1. Words in the present tense imply also the future tense.
 2. The singular includes the plural.
 3. The male gender includes the female gender.
 4. The word “person” includes an individual, incorporator's association, member(s) of a partnership or the officers of a corporation, as well as any similar entity.
 5. The term “shall” or “must” is always mandatory.
- C. SPECIFIC WORDS AND PHRASES - The following words and phrases shall have the particular meaning assigned by this section in the appropriate sections of this Ordinance.

ACCESS DRIVE - An improved cartway designed and constructed to provide for vehicular movement between a public road and a tract of land containing any use other than one single-family dwelling unit or farm.

ACCESSORY APARTMENT - A separate dwelling unit that is (1) contained upon the same lot as an owner-occupied single-family detached dwelling and (2) is contained within the principal dwelling building or occupies a portion of one of its accessory buildings. All accessory apartments shall have direct separate means of entrance/exit.

ACCESSORY USE - A use customarily incidental and subordinate to the principal use or building and located on the same lot as the principal use or building.

ACREAGE, NET - The total land area contained within a property or proposed site, exclusive of lands within a public or private street right-of-way.

ACT - The latest version of the Pennsylvania Municipalities Planning Code, as amended.

ADULT-RELATED FACILITIES - A business or club which engages in one or more of the following areas of sales, services or entertainment:

1. Adult Bath House: An establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy during which specified anatomical areas are displayed or specified sexual activity occurs. This section shall not apply to hydrotherapy treatment practiced by, or under the supervision of a medical practitioner. A medical practitioner, for the purpose of this Ordinance, shall be a medical doctor, physician, chiropractor or similar professional licensed by the Commonwealth of Pennsylvania.
2. Adult Body Painting Studio: Any establishment or business which provides the service of applying paint or other substance whether transparent or nontransparent to or on the human body when specified anatomical areas are exposed.
3. Adult Bookstore: Any establishment which has more than fifty percent (50%) of its stock in trade consisting of:
 - A. Books, films, videotapes, magazines or other periodicals or other forms of audio or visual representation which are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas;
 - B. Instruments, devices or paraphernalia (excluding prophylactics) which are designed for use in connection with specified sexual activities.

4. Adult Cabaret: A nightclub, theater, bar or other establishment which features live or media representations of performances by topless or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.
5. Adult Massage Establishment: Any establishment or business which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, unless operated by a medical practitioner, chiropractor or professional physical therapist licensed by the Commonwealth. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.
6. Adult Mini-Motion Picture Theater: An enclosed or unenclosed building with a capacity of more than five (5), but less than fifty (50), persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
7. Adult Model Studio: Any place where, for any form of consideration or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity, except that this provision shall not apply to any “figure studio” or “school of art” or similar establishment which meets the requirements established in the Education Code of the Commonwealth of Pennsylvania for the issuance or conferring of, and is in fact authorized thereunder, to issue and confer a diploma.
8. Adult Motel: A motel or similar establishment offering public accommodations for any consideration, which provides patrons with material distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
9. Adult Motion Picture Arcade: Any place to which the public is permitted or invited wherein coin or slug operated or electronically or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

10. Adult Motion Picture Theater: An enclosed or unenclosed building with a capacity of fifty (50) or more persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
11. Adult News Rack: Any coin-operated machine or device which dispenses material substantially devoted to the depiction of specified sexual activities or specified anatomical areas.
12. Adult Out-Call Service Activity: Any establishment or business which provides an out-call service which consists of individuals leaving the premises upon request or by appointment to visit other premises for a period of time for the purpose of providing any service during which time specified anatomical areas are displayed or specified sexual activity occurs.
13. Adult Sexual Encounter Center: Any business, agency, or person who, for any form of consideration or gratuity, provides a place where two (2) or more persons, not all members of the same family may congregate, assemble or associate for the purpose of engaging in specified sexual activity or exposing specified anatomical areas, excluding psychosexual workshops, operated by a medical practitioner licensed by the Commonwealth, to engage in sexual therapy.
14. Adult Theater: A theater, concert hall, auditorium or other similar establishment, either indoor or outdoor in nature which regularly features live performances which are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas for observation by patrons.
15. Any other business or establishment which offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas.”

AGRICULTURE - The tilling of the soil, the raising of crops, forestry, horticulture and gardening, including the raising of livestock such as cattle, cows, hogs, horses, sheep, goats, poultry, rabbits, birds, fish, bees, and other similar animals. This definition also includes noncommercial greenhouses and mushroom houses. Agriculture can involve the incidental slaughter of livestock which have been raised on the site for no less than two-thirds of its lifespan.

ALLEY - A strip of land over which there is a private right-of-way intended to provide vehicular access to the side and/or rear of properties with frontage on a public street. An alley is not intended for general traffic circulation.

ALTERATIONS - Any change in the supporting members of a building or structure such as bearing walls, columns, beams or girders, joists or rafters, or enclosing walls. Any renovation to a building which would change its use, location, and/or size.

AMBULATORY SURGICAL FACILITY - A facility, or portion thereof, not located upon the premises of a hospital, which provides specialty or multispecialty outpatient surgical treatment to patients who do not require hospitalization, but who require constant medical supervision following the surgical procedure performed.

AMUSEMENT ARCADE - A commercial establishment which provides as a principal use, amusement devices and/or games of skill or chance (e.g., pinball machines, video games, skeeball, electronic or water firing ranges and other similar devices). This definition does not include the use of two (2) or less such devices as an accessory use.

ANIMAL HOSPITAL - Any establishment offering veterinary services. Animal hospitals can treat all types of animals and can include outdoor and overnight boarding of animals.

ATTIC - That part of a building which is immediately below and wholly or partly within the roof framing. Within a dwelling unit, an attic shall not be counted as floor area unless it is constructed as or modified into a habitable room by the inclusion of dormer windows, an average ceiling height of five (5) feet or more, and a permanent stationary interior access stairway to a lower building story.

AUTOMOBILE FILLING STATION - Any area of land, including structures thereon, that is used for the sale of gasoline or any other motor vehicle fuel and oil and other lubricating substances, including any retail sales of motor vehicle accessories, which may not include major repairing, body and fender work, painting, vehicular sales, nor rental or automatic car washes.

AUTOMOBILE SALES - Any building or land devoted to the retail sales of passenger vehicles, including accessory service and repair facilities if conducted within a wholly-enclosed building.

AUTOMOBILE SERVICE - The retail repair, servicing, maintenance and reconstruction of passenger vehicles but not including car washes per se.

BASE FLOOD - The flood having a one percent (1%) chance of being equaled or exceeded in any given year (100-year flood).

BASE FLOOD ELEVATION - The projected flood height of the base flood.

BED AND BREAKFAST - A single-family detached dwelling, where between one (1) and twelve (12) rooms are rented to overnight guests on a daily basis for periods not exceeding two weeks. Meals may be offered only to registered overnight guests.

BEEKEEPING - An accessory use to a farm permitted in any Zone, in which bees are raised and/or kept in compliance with Section 201.2.7.D. of this Ordinance.

BILLBOARD - A sign upon which images and/or messages of any kind are printed, posted, or lettered, whether freestanding or attached to a surface of a building or other structure. A billboard is used to advertise products, services or businesses at a location other than the premises on which the sign is placed, or to disseminate other messages.

BOARD - The Zoning Hearing Board of Silver Spring Township.

BOARDING HOUSE - A detached building arranged or used for sheltering or feeding, or both, for more than three (3) and not more than ten (10) individuals that do not constitute a family.

BUILDING - Any structure, either temporary or permanent, having walls and a roof or other covering, and designed or used for the shelter or enclosure of any person, animal or property of any kind, including tents, awnings, or vehicles situated on private property and used for purposes stated above. For the purposes of the Floodplain Zone, the word “building” shall include gas or liquid storage tanks.

1. Detached: A building which has no party wall.
2. Semi-detached: A building which has only one party wall in common.
3. Attached: A building which has two or more party walls in common.

BUILDING AREA - The total of areas taken on a horizontal plane at the average grade level of the principal building and all accessory buildings, exclusive of uncovered patio, decks, awnings, terraces, and steps.

BUILDING SETBACK LINE - The actual line of that face of the building nearest an adjacent right-of-way or street line. This face includes any structure above grade, except steps.

CAFE - An exterior seating area associated with a restaurant or tavern which is under constant supervision by an employee of the business.

CAMPGROUND - A lot, tract, or parcel of land upon which two or more campsites are located or established, intended and maintained for occupation by transients in recreational vehicles or tents.

CAMPSITES - A plot of ground within a campground intended for occupation by a recreational vehicle or tent.

CAR WASH - A principal or accessory use whereby structures equipped with apparatuses for the washing, waxing and/or vacuuming of vehicles are provided.

1. Automatic Car Wash: A self-serve car wash in which the vehicle enters a washing bay and is cleaned by solely a mechanized process.

2. Full Service Car Wash: A car wash in which attendants are responsible for some portion of the washing process.
3. Self-Service Car Wash: A car wash in which the vehicle enters a washing bay and is cleaned by the vehicle's occupants using available equipment and cleansers.

CARPORT - An unenclosed structure for the storage of one or more vehicles in the same manner as a private garage, which may be covered by a roof supported by columns or posts except that one or more walls may be the walls of the main building to which the carport is accessory.

CARTWAY - The surface of a street, access drive, driveway or alley available for vehicular traffic, including travel lanes and parking lanes, but not including curbs, sidewalks or swales.

CELLAR - A space with less than one-half of its floor-to-ceiling height above the average finished grade of the adjoining ground or with a floor-to-ceiling height of less than six and one-half (6½) feet. Within a dwelling unit, a cellar shall not be counted as floor area, nor as a story of permissible building height.

CEMETERY - Land used or intended to be used for the burial of the deceased, including columbariums, mausoleums, and mortuaries when operated in conjunction with the cemetery and within the boundaries thereof. This definition shall not include crematoria, which shall be considered as funeral homes.

CERTIFICATE OF USE AND OCCUPANCY - A statement signed by the Zoning Officer, setting forth that a building, structure or use legally complies with the Zoning Ordinance and other applicable codes and regulations and that the same may be used for the purposes stated therein.

CHANNEL - A natural or artificial watercourse with a definite bed and banks which confine and conduct continuously or periodically flowing water.

CHURCH AND RELATED USES - A building, structure, or group of buildings or structures, including accessory uses, designed or intended for public worship. This definition shall include rectories, convents, and church-related educational and/or day care facilities.

COLLOCATION - The placement or installation of new wireless telecommunications facilities on previously approved and constructed wireless support structures, including self-supporting or guyed monopoles and towers, electrical transmission towers, water towers or any other structure not classified as a wireless support structure that can support the placement or installation of wireless telecommunications facilities if approved by the municipality. The term includes the placement, replacement or modification of accessory equipment within a previously approved equipment compound.

COMMERCIAL KEEPING AND HANDLING - Producing and/or maintaining with the express purpose and intent of selling the product.

COMMERCIAL LIVESTOCK OPERATION - An agricultural use involving the commercial keeping and handling of livestock quantities exceeding any of the following:

- 25 horses;
- 25 dairy or beef cattle,
- 25 swine;
- 20,000 poultry, excluding turkeys;
- 25 sheep or veal;
- 500 turkeys; plus,

the keeping and handling of livestock quantities exceeding an average adult weight for horses, dairy cattle and layer chickens and/or an average market weight of all other livestock of 2,000 pounds per acre, as referenced in the following table:

Livestock	Animal Size (lb.)
Cattle	
Dairy	150–1500
Beef	400–1400
Veal	100–350
Swine	
Pigs	35–200
Gestating sow (limit fed)	275
Sow and 8 pigs	375
Boar (limit fed)	350
Sheep	100
Horse	1000
Poultry (see following types)	
Layer	4
Layer, heavy	7
Pullet	3
Broiler	4
Roaster	7
Turkey	20
Duck	7
Guinea	3–4
Pheasant	3
Chukar	1.5
Quail	.05

Sources: PA DEP, Field Application of Manure, and Poultry Manure Management.

COMMERCIAL RECREATION FACILITY - An activity operated as a business, open to the public, for the purpose of public recreation or entertainment, including but not limited to, bowling alleys, drive-in motion picture facilities, swimming pools, health clubs, miniature golf courses, museums, etc. This does not include adult-related uses, shooting ranges, amusement arcades, nor off-track betting parlors, as defined herein.

COMMERCIAL TRUCK - A vehicle that exceeds a gross vehicle weight (truck plus rated payload) of ten thousand (10,000) pounds.

COMMON FACILITIES - Services or utilities such as, but not limited to, water and sewer service within a development site designed, constructed, and maintained primarily for the use of residents of the development.

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

COMMUNICATION EQUIPMENT BUILDING - An unmanned building or cabinet containing communications equipment required for the operation of communications antennas and covering an area on the ground not greater than three hundred fifty (350) square feet.

COMMUNICATION TOWER - A structure other than a building, such as a monopole, self-supporting, or guyed tower, designed and used to support communications antenna.

COMPREHENSIVE PLAN - The most recently adopted version of the Official Comprehensive Plan, Silver Spring Township, Cumberland County, PA, including any amendments.

CONDITIONAL USE - A use which may be appropriate to a particular zoning district, only when specific conditions and criteria prescribed for such uses have been complied with. Conditional uses are reviewed by the Board of Supervisors after recommendations by the Planning Commission, in accordance with Section 704 of this Ordinance.

CONDOMINIUM - A form of property ownership providing for individual ownership of a specific dwelling unit, or other space, together with an undivided interest in the land or other parts of the structure in common with other owners.

CONSERVANCY LOT - A large, privately owned and maintained lot, containing an existing dwelling, farm complex, or historic structure, comprising part of the required Greenway land in a conservation subdivision.

CONSERVATION AREA, PRIMARY - Lands containing 100-year floodplain (including the floodway), wetlands, and prohibitive steep slopes (above 25 percent). In conservation subdivisions, all lands containing primary resources are called Primary Conservation Areas.

CONSERVATION AREA, SECONDARY - Lands containing natural or cultural features outside Primary Conservation Areas that are worthy of conservation by inclusion in Greenway land. See a prioritized list of such features in Section 618.03.01 of the Subdivision and Land Development Ordinance.

CONSERVATION PLAN - A plan including a map(s) and narrative that, at the very least, outlines an erosion and sedimentation control plan for an identified parcel of land.

CONSTRAINED LAND - Selected resources listed in the Zoning Ordinance, multiplied by a protection factor and totalled.

CONVENIENCE STORE - A retail sales business which specializes in providing household products and foods. Convenience stores may also provide for any or all of the following as an accessory use:

1. The rental of video tapes provided that an adult bookstore is specifically prohibited;
2. The preparation and sales of delicatessen sandwiches and foods provided that no patron seating is provided; and
3. The use of no more than two amusement devices (e.g., pinball machines, video games, and other similar devices).

Convenience stores shall not include the dispensing of gasoline or other vehicle fuels, unless the appropriate approvals for an automobile filling station (as defined herein) have been obtained.

CONVENTION CENTER - A group of uses designed and constructed as an integrated development to serve those attending consumer trade shows, association conferences and meetings, sports shows, banquets, receptions, and other similar functions.

CONVERSION APARTMENTS - The adaptation of one single-family detached dwelling to two (2) or more dwelling units.

CUL-DE-SAC - A dead-end street equipped with a circular vehicle turnaround at its terminus.

DAY-CARE - The offering of care or supervision over minors or special needs adults in lieu of care or supervision by family members. This definition does not include the offering of overnight accommodations.

1. Day-Care, Accessory: A day-care facility that is operated as an accessory use to a dwelling unit, whereby care and supervision is offered to no more than three (3) nonresidents of the site during any calendar day. These facilities are permitted by right in every zone.
2. Day-Care, Family: A day-care facility that is operated as an accessory use to a dwelling unit, in which the care and supervision is offered to between four (4) and six (6) nonresidents of the site during any calendar day. Family day-care facilities must be registered by the Department of Public Welfare of the Commonwealth of Pennsylvania.
3. Day-Care, Commercial: A day-care facility that offers care and supervision to more than six (6) nonresidents of the site during any calendar day. Commercial day-care facilities can be operated as principal uses or as accessory uses associated with other uses (e.g., schools, churches, industries, residential complex, etc.); however, in no case shall a commercial day-care be considered an accessory use to one dwelling unit. Commercial day-care facilities shall include “group child day-care homes” and “child day-care centers,” as defined and regulated by the Department of Public Welfare of the Commonwealth of Pennsylvania. All commercial day-care centers must obtain a valid certificate of compliance from the Department of Public Welfare of the Commonwealth of Pennsylvania, prior to operation.

DBH (DIAMETER AT BREAST HEIGHT) - The diameter of a tree trunk measured 4.5 feet above the ground at the base of the tree. If a tree divides or splits into multiple trunks below 4.5 feet, the trunk is measured at its most narrow point beneath the split. The term applies to trees in the field (not nursery stock).

DENSITY, NET - The number of dwelling units permitted in relation to the land area actually in use or proposed to be used for residential purposes, exclusive of public and/or private streets.

DESIGNATED CONTROL POINTS - Locations approved for street and/or access drive connections with the Carlisle Pike.

DEVELOPMENT - Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling operations.

DEVELOPMENTAL DISABILITY - A disability of a person which has continued or can be expected to continue indefinitely; a disability which is:

1. Attributable to mental retardation, cerebral palsy, epilepsy, autism, injury and/or trauma.
2. Found to be attributable to any other conditions found to be closely related to mental retardation because such condition results in similar impairment of general intellectual functioning or adaptive behavior to that of mentally retarded persons or requires treatment and services similar to those required for such persons.
3. Attributable to dyslexia resulting from a disability described in Subsections (1) and (2) of this definition.

DEVELOPMENTALLY DISABLED PERSON - A person with a developmental disability.

DISTRIBUTION - A process whereby materials, goods, or products are imported, stored by one person, and then delivered to another.

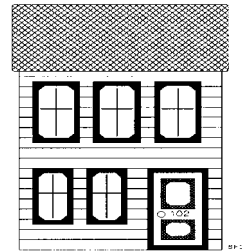
DOMESTIC PETS - Nonfarm animals that are locally available for purchase as pets, as an accessory use to a dwelling unit.

DRIVEWAY - An improved cartway designed and constructed to provide vehicular movement between a public road and a tract of land serving one single-family dwelling unit or a farm.

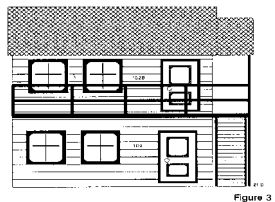
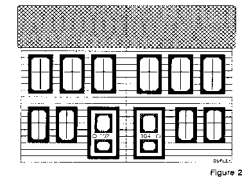
DWELLING - Any building or portion thereof designed and used exclusively for residential occupancy, including those listed below, but not including hospitals, hotels, boarding, rooming and lodging houses, institutional houses, tourists courts, and the like, offering overnight accommodations for guests or patients. All dwellings must be permanently affixed to a completely enclosed foundation constructed of currently accepted materials that shall be an entire perimeter wall and extend from below the frost line to the first floor of the building. Such foundation shall be constructed to provide sufficient structural integrity to prevent the building from heaving, shifting, or settling unevenly, due to frost action. In addition, all dwellings shall

be properly connected to approved and permanently-designed sewer, water, electrical and other utility systems.

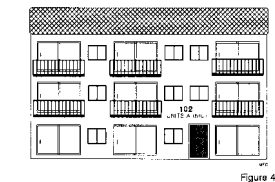
1. Single-Family Detached (SFD): A freestanding building containing one dwelling unit for one family, and having two (2) side yards, one (1) front yard, and one (1) rear yard; in the case of a corner lot, the building will have two (2) front and one (1) side and rear yards. Mobile homes can be considered single-family detached dwellings if, in addition to the requirements listed for all dwellings, they comply with paragraph 6), as follows. Travel trailers, as defined herein, shall not be construed as dwellings. Modular homes can be considered single-family detached dwellings so long as they comply with the general requirements of a dwelling. (Figure 1)



2. Duplex (Two-family; single-family semi-detached): A freestanding building containing two dwelling units for two families, arranged in a side-by-side or over-and-under configuration. Those units placed on common grounds shall have one front and rear yard and two side yards. Those units constructed on individual lots shall have one front, side and rear yard. (Figures 2 and 3)



3. Multiple Family: A building containing three or more dwelling units, at least one of which must be located above or below the remaining units. (Figure 4)
4. Townhouse: A building containing between three and eight dwelling units arranged in a side-by-side configuration with two or more common party walls. (Figure 5)



5. Quadrplex: One detached building that contains four separate dwelling units, all of which share one or two points of exterior access. Within the Village Overlay Zone, all quadrplexes must be designed to resemble one single-family detached dwelling.



6. Mobile Home: For the purposes of this Ordinance, all mobile homes, except those contained within mobile home parks, shall be governed by all regulations applicable to single-family detached dwellings, and the following:
 - A. All apparatuses used to tow or transport the mobile home (including, but not limited to, the towing hitch) shall be removed; and,
 - B. All mobile homes and additions thereto shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top or frame ties to ground anchors in accordance with the American National Standards, as specified in the Standard for the Installation of Mobile Homes Including

Mobile Home Park Requirements (NFPA No. 501A-1974 [ANSI A119.3-1975]), as amended for Mobile Homes in Hurricane Zones or other appropriate standards, such as the following:

- a. Over-the-top ties shall be provided at each of the four (4) corners of the mobile home, with two (2) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and one (1) additional tie per side for units less than fifty (50) feet in length;
- b. Frame ties shall be provided at each corner of the mobile home, with five (5) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and four (4) additional ties per side for units less than fifty (50) feet in length; and,
- c. All components of the anchoring system shall be capable of carrying a force of four thousand, eight hundred (4,800) pounds.

DWELLING UNIT - A building or portion thereof arranged or designed for occupancy by not more than one family and having separate cooking and sanitary facilities.

EARTHMOVING ACTIVITY - Any construction or other activity which disturbs the surface of the land including, but not limited to, excavations, embankments, land development, subdivision development, mineral extraction and the moving, depositing or storing of soil, rock or earth, excluding the tilling of the soil.

ECHO HOUSING - An additional dwelling unit placed on a property for occupancy by either an elderly, handicapped, or disabled person related by blood, marriage, or adoption, to the occupants of the principal dwelling.

FAMILY - An individual or individuals related by blood, marriage, or adoption (including persons receiving foster care) that maintain one common household and live within one dwelling unit. Additionally, up to three (3) unrelated individuals who maintain a common and live within one dwelling unit may be considered a family. Finally, a family shall also expressly include any number of unrelated persons who reside within a licensed group home, as defined herein.

FARM - Any parcel of land with ten (10) or more acres which is used in the raising of agricultural products, including, but not limited to, trees, livestock, poultry or dairy products, including necessary farm structures and the storage of equipment customarily incidental to the primary use.

FARM OCCUPATION - An accessory use to the primary agricultural use of a property in which residents engage in a secondary occupation conducted on the active farm.

FARM-RELATED BUSINESS - A principal use that may, or may not, be located upon a farm, at which goods and services are rendered in support of local farming operations.

FARMERS AND/OR FLEA MARKET - A retail sales use where more than one vendor displays and sells general merchandise that is new or used. Farmers and/or flea markets can include indoor and outdoor display or merchandise.

FEEDER ROAD - A roadway that directly connects to the Carlisle Pike.

FENCE - A structure designed as a barrier to restrict the movement or view of persons, animals, property, and/or vehicles. This definition shall not include ornamental fence treatments that are located in the front yard and extend less than one-half the width and/or depth of the front yard.

FILL - Material placed or deposited so as to form an embankment or raise the surface elevation of the land, including but not limited to levees, bulkheads, dikes, jetties, embankments, and causeways.

FINANCIAL INSTITUTION - A bank, savings and loan association, credit union, finance or loan company, etc.

FIREWOOD - The hard, fibrous substance from trees which is used as fuel.

FLOOD - A general and temporary condition of partial or complete inundation of normally dry land areas from the overland flow of watercourses, or from the unusual and rapid accumulation or runoff of surface waters from any source.

FLOODPLAIN - An area of land adjacent to the channel of a watercourse which has been or is likely to be flooded, or any area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

FLOODPROOF - Any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to property, structures and their contents.

FLOODWAY - The channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the base flood elevation more than one (1) foot.

FLOOD ELEVATION - The projected heights, in relation to the National Geodetic Vertical Datum of 1929 (NGVD), reached by floods of various magnitudes and frequencies in the floodplain areas.

FLOOR AREA, GROSS - The sum of the floor areas of a building as measured to the outside surfaces of exterior walls and including all areas intended and designed for the conduct of a business or use.

FLOOR AREA, GROSS LEASABLE - The total floor area designed for occupancy by an owner or tenant, as measured to the center of interior joint walls and the exterior of outside walls.

FLOOR AREA, HABITABLE - The sum of the floor areas of a dwelling unit as measured to the outside surfaces of exterior walls and including all rooms used for habitation, such as living room, dining room, kitchen, bedroom, bathroom, closets, hallways, stairways, but not including cellars or attics, or service rooms or areas such as utility rooms, nor unheated areas such as enclosed porches.

FORESTRY - The management of forest and timberlands when practiced in accordance with sound forest management practices through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any existing, proposed or future land development.

FRONT BUILD-TO-LINE - An area establishing the required location for all, or a portion of a building's front facade, as measured from the street line.

FRONT FACADE - The plane of the facade of the building closest to the street right-of-way, excluding stoops, porticos, open colonnades, and open porches.

FRONTAGE - The linear measurement taken along a property's common boundary with an adjoining street right-of-way, other than that of a limited access highway.

FUNERAL HOME - A principal use for the preparation and viewing of the dead prior to burial or cremation. Funeral homes shall not include cemeteries, columbariums, mausoleums, nor entombments, but do include mortuaries and crematorium.

GARAGE, FRONT-LOADED - A garage having its vehicular entry door facing the street.

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

GARAGE, REAR LOADED - A garage having its vehicular entry door facing an alley or rear lane.

GARAGE, SIDE LOADED - A garage having its vehicular entry door facing the side yard.

GOLF COURSE - A golf course with a minimum of 2,800 yards of play in nine (9) holes.

GREEN, COMMON - An area of Greenway land, surrounded by streets on at least 2 and often 3 or 4 sides, around which dwellings are organized.

GREENWAY LAND - A parcel or parcels of land and/or water, within a conservation subdivision, set aside for the protection of natural and cultural resources. Greenway land consists of Primary and Secondary Conservation Areas and is permanently restricted against further development. The terms “Greenway” and “Greenway land” are synonymous.

GROUP HOME - A dwelling operated by a reasonably responsible individual, family, or organization with a program to provide a supportive living arrangement for individuals where special care is needed by the individual served due to age, emotional, mental, or physical handicap. This definition shall expressly include facilities for the supervised care of developmentally disabled persons and those under treatment for alcohol and/or drug abuse. Group homes must be licensed where required by any appropriate government agencies, and a copy of any such licenses must be delivered to the Township prior to beginning the use. Group homes shall be subject to the same limitations and regulation by the Township as single-family dwellings.

HAZARDOUS MATERIAL - Materials which have the potential to damage health, endanger human life or impair safety.

HAZARDOUS WASTE - Any garbage, refuse, sludge from an industrial or other waste-water treatment plant, sludge from a water supply treatment plant, or air pollution facility and other discarded material including solid, liquid, semi-solid, or contained gaseous material resulting from municipal, commercial, industrial, institutional, mining, or agricultural operations, and from community activities, or any combination of the above, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may:

1. Cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population; or
2. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, exposed of, or otherwise managed.

HAZARDOUS WASTE FACILITY - Any structure, group of structures, aboveground or underground storage tanks, or any other area or buildings used for the purpose of permanently housing or temporarily holding hazardous waste for the storage or treatment for any time span other than the normal transportation time through the Township.

HEALTH AND FITNESS CLUB - A commercial business that offers active recreational and/or fitness activities. Such activities are provided only to club members and their guests. Such facilities do not include golf courses.

HEAVY EQUIPMENT - Machinery, vehicles and other devices that are not normally used for domestic purposes upon a residential dwelling lot. Examples include, but are not limited to, farm machinery, excavation equipment, commercial trucks and trailers, Class II Recreation Vehicles (as defined herein), yachts, industrial machinery, etc.

HEIGHT, BUILDING - A building's vertical measurement from the average ground level at the front corners of the building to the highest point of the roof.

HEIGHT, STRUCTURE - A structure's vertical measurement from the mean level of the ground abutting the structure to the highest point of the structure.

HELICOPTER PAD (PRIVATE) - An accessory use where no more than one helicopter may land/take-off and be stored.

HELIPORT - A principal use where one or more helicopters may land/take-off and be stored. Such use may also include support services such as fueling and maintenance equipment, passenger terminals and storage hangars.

HISTORIC APARTMENT CONVERSION - The conversion of an historic structure into two or more dwelling units.

HISTORIC OFFICE CONVERSION - The conversion of an historic structure into one or more offices.

HISTORIC RESTAURANT CONVERSION - The conversion of an historic structure into a restaurant.

HISTORIC STRUCTURE - A structure that is on the National Register of Historic Places, or recognized by the Pennsylvania Historical Museum Commission, the Cumberland County Historical Society, or any Township appointed body created for such purposes, as being historically significant.

HOME OCCUPATION - A business or commercial activity that is conducted as an accessory use in a detached dwelling unit, except a business or commercial activity that is a no-impact home based business as defined in this Zoning Ordinance;

HOMEOWNERS ASSOCIATION - A non-profit organization comprised of homeowners or property owners, planned and operated under negotiated and approved rules and regulations, for the purpose of administering the needs of residents through the maintenance of community owned property. This term is synonymous with property owners association.

HOSPITAL - An institution, licensed in the Commonwealth of Pennsylvania as a hospital, which renders inpatient and outpatient medical care on a twenty-four (24) hours per day basis; and provides primary health services and medical/surgical care to persons suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions. A hospital use can also include attached and detached accessory uses provided that all accessory uses are contained upon the hospital property.

HOTEL - A facility which provides lodging to boarders for compensation, which contains more than eight (8) rooms with less than twenty-five percent (25%) of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building, and which may provide meals and other services as a part of the compensation.

IMPERVIOUS SURFACE - Any material that covers the land, which inhibits the percolation of storm water directly into the soil, including, but not limited to buildings, pavement, stone areas, and storm water facilities (detention/retention basins) or other equivalent surfaces not designed as a Best Management Practice (BMP). Acceptable BMP's shall be as defined in the Pennsylvania Department of Environmental Protection's Stormwater Best Management Practices Manual, Latest Edition.

IMPORTANT NATURAL AREAS - Lands containing habitat for flora or fauna identified in the Pennsylvania Natural Diversity Index (PNDI) or in a County natural areas inventory.

IMPORTANT NATURAL HABITAT - Any land area characterized by any or all of the following:

1. Wetlands as defined by criteria of the U.S. Department of Interior, Fish and Wildlife Service;
2. Pennsylvania Natural Diversity Inventory (PNDI) confirmed extant plant and animal species and communities that are listed as Pennsylvania Threatened or Pennsylvania Endangered; and,
3. PNDI confirmed extant plant and animal species and communities that have a State Rank of S1 or S2.

INVASIVE PLANT SPECIES - Predominantly non-native tree, shrub, vine, or herbaceous species that grow or reproduce aggressively, usually because they have few or no natural predators, and which can so dominate that they out-compete many native plant species.

JOINT-USE DRIVEWAY - A common driveway that serves two to four adjoining dwellings within the Village Overlay Zone. Additionally, joint-use driveways can serve up to four adjoining residential lots.

JUNK - Used and/or discarded materials, including, but not limited to, waste paper, rags, metal, building materials, house furnishings, machinery, vehicles, or parts thereof.

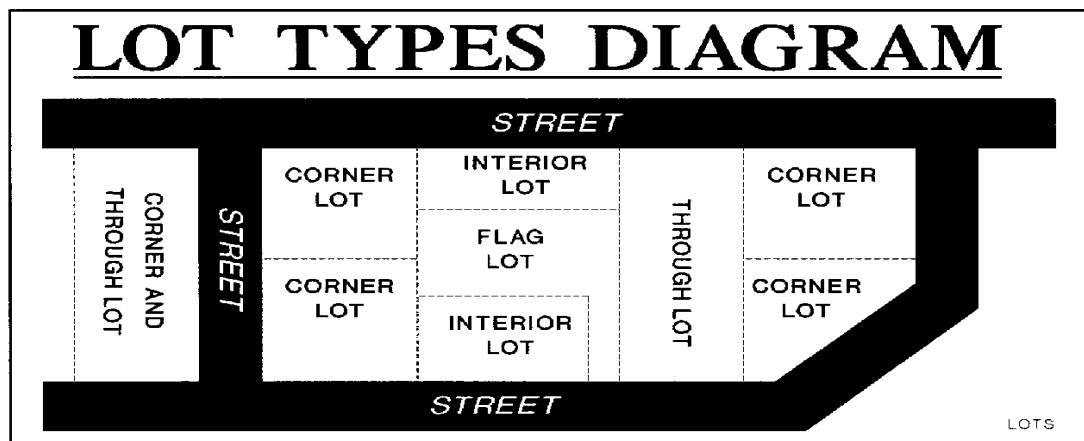
JUNKYARD - An area of land, with or without buildings, used for the storage, outside a completely enclosed building, of used and discarded materials, including but not limited to, waste paper, rags, metal, building materials, house furnishings, machinery, vehicles, or parts thereof, with or without the dismantling, processing, salvage, sale, or other use or disposition of the same. The deposit or storage on a lot of one or more unlicensed, wrecked, or disabled vehicles, or the major part thereof, shall be deemed to constitute a "junkyard." (A disabled vehicle is a vehicle intended to be self-propelled that shall not be operable under its own power for any reason, or a vehicle that does not have a valid current registration plate or that has a certificate of inspection which is more than sixty (60) days beyond the expiration date.)

KENNEL - Any lot on which two or more animals that are older than six months (except relating to a farm) that are kept, boarded, raised, bred, treated, or trained for a fee, including but not limited to dog or cat kennels.

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 person having a proprietary interest in land, shall be deemed to be a landowner for the purposes of this Ordinance.

LOADING SPACE - An off-street paved space suitable for the loading or unloading of goods and having direct usable access to a street or alley.

LOT - Any parcel or tract of land intended as a single unit for purposes of ownership, transfer of ownership, use, rent, improvement or development. The word “lot” includes the word “plot”, “parcel”, or “tract”. Contiguous nonconforming lots of record under single and separate ownership shall be considered one lot for the purposes of this Ordinance. A lot as herein defined may or may not coincide with a lot of record.



1. **Lot, Corner:** A lot which has an interior angle of less than one hundred thirty-five degrees (135°) at the intersection of two (2) street lines. A lot abutting upon a curved street shall be considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street line intersect at an interior angle of less than one hundred thirty-five degrees (135°). Corner lots shall have two front yards, one side, and one rear yard.
2. **Lot, Flag:** A lot whose frontage does not satisfy the minimum width requirements for the respective zone but that does have sufficient lot width away from the lot's frontage.
3. **Lot, Interior:** A lot other than a corner lot, the sides of which do not abut a street.
4. **Lot, through or Reverse Frontage:** An interior lot having frontage on two parallel or approximately parallel streets.

LOT AREA - The area contained within the property lines of individual parcels of land, excluding any area within a street right-of-way, but including the area of any easement. Wetland areas may be required to be deleted from the minimum lot area under Section 346.

LOT COVERAGE - A percentage of the lot area which may be covered with an impervious surface (e.g., buildings, driveways, parking area, sidewalks).

LOT DEPTH - The horizontal distance measured between the street right-of-way line and the closest rear property line. On corner and reverse frontage lots, the depth shall be measured from the street right-of-way line of the street of address to the directly opposite property line.

LOT OF RECORD - A lot identified on a subdivision plan or on a deed or other instrument of conveyance recorded in the Office of the Recorder of Deeds in and for Cumberland County, Pennsylvania.

LOT WIDTH - The horizontal distance measured between side property lines. On corner lots, lot width shall be measured between the right-of-way line for the non-address street and the directly opposite property line. Unless otherwise noted, lot width shall be measured at the building setback line and the street frontage.

MANUFACTURE - A function involving either the processing or production of materials, goods, or products.

MANURE - The fecal and urinary excrement of livestock and poultry, often containing some spilled feed, bedding or litter.

MANURE STORAGE FACILITY - A detached structure or other improvement built to store manure for future use, or disposal. Types of storage facilities are as follows: underground storage, in ground storage, earthen bank, stacking area, and above-ground storage.

MAXIMUM FLOOD ELEVATION - The water surface elevations of a flood which would completely fill the floodplain to the boundaries of the Floodplain Zone.

MEAN SEA LEVEL - The average height of the sea for all stages of the tide, using the National Geodetic Vertical Datum of 1929.

MEDICAL OR DENTAL CLINIC - Any building or group of buildings occupied by licensed medical practitioners and related service providers for the purpose of providing non-emergency health services to people on an outpatient basis. Medical or Dental Clinics shall not include facilities which provide outpatient surgical treatment to patients who do not require hospitalization, but, who require constant medical supervision following the surgical procedure performed.

MEDICAL RESIDENTIAL CAMPUS - A principal use whereby a comprehensive medical and residential environment primarily serves retirement-aged persons and/or those possessing some ailment or disability. Medical residential campuses also offer a variety of residential dwelling types determined by the occupants' respective needs for some level of nursing and/or medical care.

MINI-WAREHOUSE - A building and/or series of buildings divided into separate storage units for personal property and/or property associated with some business or other organization. These units shall be used solely for dead storage and no processing, manufacturing, sales, research and development testing, service and repair, or other non-storage activities shall be permitted.

MOBILE HOME - Any structure intended for or capable of permanent human habitation, with or without wheels, and capable of being transported or towed from one place to the next, in one or more pieces, by whatsoever name or title it is colloquially or commercially known, but excluding transport trucks or vans equipped with sleeping space for a driver or drivers, and travel trailers. Mobile homes placed in parks shall meet the requirements for Mobile Home Parks listed in the latest version of the Silver Spring Township Mobile Home and Mobile Home Park Ordinance. Mobile homes placed on individual lots shall be considered “dwellings,” and be bound by the requirements there-imposed. For the purposes of Section 231 (Floodplain Zone) of this Ordinance, any travel trailer, as defined herein, that is contained on the same parcel for more than one hundred eighty (180) days in any calendar year shall be considered a mobile home.

MOBILE HOME LOT - A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

MOBILE HOME PARK - A parcel or contiguous parcels of land which have been so designated and improved to contain two or more mobile home lots for the placement thereon of mobile homes.

MODIFICATION - The improvement, upgrade or expansion of existing wireless telecommunications facilities or base stations on an existing wireless support structure or the improvement, upgrade or expansion of the wireless telecommunications facilities located within an existing equipment compound, if the improvement, upgrade, expansion or replacement does not substantially change the physical dimensions of the wireless support structure.

MOTEL - A facility which provides lodging to boarders for compensation, which contains more than eight (8) rooms with at least twenty-five percent (25%) of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building, and which may provide meals and other services as a part of the compensation.

NEW CONSTRUCTION - Structures for which the start of construction commenced on or after the effective date of this section.

NIGHTCLUB - Any building used for on-site consumption of alcoholic or nonalcoholic beverages where live entertainment is offered. For the purposes of this definition, “live entertainment” is meant to include the use of disc-jockeys for the purposes of supplying musical entertainment. Nightclubs may also provide for on-site consumption of food. Additionally, nightclubs can offer the retail sale of carry out beer and wine as an accessory use. This is also meant to include an “under 21” club which features entertainment.

NO-IMPACT HOME BASED BUSINESS - A business or commercial activity 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 of 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.

NONCOMMERCIAL KEEPING OF LIVESTOCK - An accessory use to a principal detached single-family dwelling that is not contained upon a farm, whereupon livestock are kept exclusively by the residents of the site.

NONCONFORMING LOT - A lot the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the Zone 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 the 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 the 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.

NONCONFORMITY, DIMENSIONAL - Any aspect of a land use that does not comply with any size, height, bulk, setback, distance, landscaping, coverage, screening, or any other design or performance standard specified by this Ordinance, where such dimensional nonconformity lawfully existed prior to the adoption of this Ordinance or amendment thereto.

NON-PROFIT ANIMAL RESCUE - A governmental or non-profit private organization, duly registered as such pursuant to applicable federal or state law that provides temporary homes for stray, surrendered or abandoned dogs or cats.

NURSING, REST OR RETIREMENT HOMES - Facilities designed for the housing, boarding, and dining associated with some level of nursing care.

OBSTRUCTION - 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, (1) which 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 (2) which is placed where the flow of the water might carry the same downstream to the damage of life and property.

OFFICE - A place where the primary use is conducting the affairs of a business, profession, service, or government, including administration, record keeping, clerical work, and similar business functions. An office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair, or storage of materials, goods or products; or the sale or delivery of any materials, goods, or products which are physically located on the premises. Office supplies used in the office may be stored as an incidental use.

OFF-TRACK BETTING PARLOR - A commercial use at which persons can visit to wager upon, and observe by remote television, the outcomes of events that are taking place elsewhere.

ON-LOT SEWER SERVICE - The disposal of sewage generated by one principal use with the use of safe and healthful means within the confines of the lot on which the use is located, as approved by the Pennsylvania Department of Environmental Protection.

ON-LOT WATER SERVICE - The provision of a safe, adequate and healthful supply of water to a single principal use from a private well.

ONE HUNDRED (100) YEAR FLOOD - A flood which is likely to be equaled or exceeded once every one hundred (100) years [i.e., that has a one percent (1%) chance of being equaled or exceeded in any given year]. A study by the Federal Insurance Administration, the United States Army Corps of Engineers, the United States Department of Agriculture's Soil Conservation Service, the United States Geological Survey, the Susquehanna River Basin Commission, or a licensed professional registered by the Commonwealth of Pennsylvania to perform such a study is necessary to define this flood.

ONE HUNDRED (100) YEAR FLOOD BOUNDARY - The outer boundary of an area of land that is likely to be flooded once every 100 years [i.e., that has a one percent (1%) chance of being flooded each year]. A study by the Federal Insurance Administration, the United States Army Corps of Engineers, the United States Department of Agriculture's Soil Conservation Service, the United States Geological Survey, the Susquehanna River Basin Commission, or a licensed surveyor or professional engineer, registered by the Commonwealth of Pennsylvania is necessary to define this boundary.

ONE HUNDRED (100) YEAR FLOOD ELEVATION - The water surface elevations of the one hundred (100) year flood.

OPEN SPACE - A space unoccupied by buildings or paved surface and open to the sky on the same lot with the building.

OUTDOOR WOOD-FIRED BOILER OR FURNACE - A wood-fired boiler or furnace that is not located within a building or structure intended for habitation by humans or domestic animals.

PA DEP - Pennsylvania Department of Environmental Protection.

PARKING COMPOUND - A primary retail sales business where passenger vehicles may be stored for short-term, daily, or overnight off-street parking, and connected to a street by an access drive.

PARKING LOT - An accessory use in which required, and possibly, additional parking spaces are provided subject to the requirements listed in Section 603 of the SLDO.

PARKING SPACE - An off-street space available for the parking of one (1) motor vehicle and having usable access to a street or alley.

PARKS, PUBLIC AND/OR NONPROFIT - Those facilities designed and used for recreation purposes by the general public that are (1) owned and operated by a government or governmental agency/authority, or (2) are operated on a nonprofit basis. This definition is meant to include the widest range of recreational activities, excluding adult entertainment uses, amusement arcades, off-track betting parlors and shooting ranges.

PATIO - An open, unenclosed structure consisting only of a floor constructed at grade level.

PennDOT - Pennsylvania Department of Transportation.

PESTICIDE - Any substance or mixture of substances intended for use in preventing, destroying, repelling, sterilizing, or mitigating any insects, rodents, nematodes, predatory animals, fungi, weeds, or other forms of plant or animal life.

PETROLEUM PRODUCT - Oil petroleum of any kind and in any form, including crude oil and derivatives of crude oil. It may be alone, as a sludge, as oil refuse, or mixed with other wastes.

PLANNING COMMISSION - The Planning Commission of Silver Spring Township.

PLANNED CENTER - A group of uses planned and designed as an integrated unit with controlled ingress and egress and shared off-street parking provided on the property as an integral part of the unit. Such centers also may include “planned center signs” as regulated herein.

PORCH - A roofed, open or screened structure constructed above grade level and projecting from the front, side or rear wall of a building.

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 such buildings or uses. The following are not considered to be a part of the premises on which the activity is conducted, and any signs located on such land are to be considered off-premise advertising:

1. Any land which is not used as an integral part of the principal activity, including land which is separated from the activity by a roadway, highway, or other obstruction, and not used by the activity; and extensive undeveloped highway frontage contiguous to the land actually used by a commercial facility, even though it might be under the same ownership.
2. Any land which is used for, or devoted to, a separate purpose unrelated to the advertised activity.
3. Any land which is in closer proximity to the highway than to the principal activity, and developed or used only in the area of the sign site or between the sign site and the principal activity and whose purpose is for advertising purposes only. In no event shall a sign site be considered part of the premises on which the advertised activity is conducted if the site is located on a narrow strip of land which is non-buildable land, or is a common or private roadway, or is held by easement or other lesser interest than the premises where the activity is located.

PRINCIPAL WASTE HANDLING FACILITY - A principal use whereby waste is brought to the site for storage, processing, treatment, transfer, or disposal.

PRIVATE CLUB - An organization catering exclusively to members and their guests, or premises or buildings for social, recreational and administrative purposes which are not conducted for profit, provided there are not conducted any vending stands, merchandising or commercial activities except as required for the membership of such club. Clubs shall include but not be limited to, service and political organizations, labor unions, as well as social and athletic clubs. Private clubs shall not include adult-related facilities nor off-track betting parlors, as defined herein.

PROCESSING - A function which involves only the cleaning, sorting, sizing and/or packaging of products and materials.

PROFESSIONAL BIOLOGIST - An individual with at least a graduate degree in aquatic and/or terrestrial biology and/or ecology, and with a depth of knowledge in organisms and the processes of ecological systems.

PUBLIC - Owned and/or operated by the Township, its authority, a Township-supported fire company, or a Township-supported ambulance association.

PUBLIC HEARING - A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action on zoning-related matters.

PUBLIC MEETING - A forum held pursuant to notice under the act of July 3, 1986 (P.L. 388, No. 84), known as the Sunshine Act, and subsequent amendments.

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 notice for rezoning, special exception and/or variance requests shall also include the posting of a sign(s) at a location(s) upon the subject property to notify potentially interested citizens; this sign(s) shall be posted at least one week prior to the hearing and will exhibit the nature, date, time and location of the hearing.

PUBLIC SEWER - A municipal sanitary sewer or a comparable common or package sanitary facility approved and permitted by the Pennsylvania Department of Environmental Protection. Such systems are capable of serving multiple users.

PUBLIC UTILITIES - Use or extension thereof which is operated, owned or maintained by a public utility corporation, municipality or municipal authority or which is privately owned and approved by the Pennsylvania Public Utility Commission for the purpose of providing public sewage disposal and/or treatment; public water supply, storage and/or treatment; or for the purpose of providing the transmission of energy or telephone service.

PUBLIC WATER - A municipal water supply system or a comparable common water facility approved and permitted by the Pennsylvania Department of Environmental Protection. Such systems are capable of serving multiple users.

RADIOACTIVE MATERIAL - Any natural or artificially produced substance which emits radiation spontaneously.

RECREATIONAL VEHICLE - A portable structure, primarily designed to provide temporary living quarters for recreation, camping or travel purposes. In addition to the above, any of the following attributes are characteristic of a “travel trailer”:

1. The unit is of such size or weight as not to require a special highway movement permit from the Pennsylvania Department of Transportation when self-propelled, or when hauled by a standard motor vehicle on a highway;
2. The unit is mounted or designed to be mounted on wheels;
3. The unit is designed to be loaded onto, or affixed to, the bed and/or chassis of a truck;

4. The unit contains, or was designed to contain, temporary storage of water and sewage; and,
5. The unit contains some identification by the manufacturer as a travel trailer.

REGULATORY FLOOD ELEVATION - The one hundred (100) year flood elevation plus a freeboard safety factor of one (1) foot.

RENTAL - A procedure by which services or personal property are temporarily transferred to another person for a specific time period for compensation.

REPAIR - A function involved in correcting deficiencies of products that affect its performance and/or appearance.

REPLACEMENT - The replacement of existing wireless telecommunications facilities on an existing wireless support structure or within an existing equipment compound due to maintenance, repair or technological advancement with equipment composed of the same wind loading and structural loading that is substantially similar in size, weight and height as the wireless telecommunications facilities initially installed and that does not substantially change the physical dimensions of the existing wireless support structure.

RESTAURANT - An establishment that serves prepared food primarily on non-disposable tableware, but can provide for incidental carry-out service so long as the area used for carry-out service does not exceed five percent (5%) of the total patron seating area nor eighty (80) square feet (whichever is less). Caterers shall be included in this definition.

RESTAURANT - DRIVE-THRU OR FAST-FOOD - An establishment that serves prepared food generally packaged in paper wrappers and/or disposable plates and containers. Such food can be consumed either on or off the site.

RETAIL - Those businesses whose primary activities involve the display and sales of goods and products to the general public. This term shall not include adult-related uses as defined herein.

RIDING STABLE - A principal use whereby equestrian instruction is offered and horses are kept, bred, trained and/or exercised upon land not occupied by the owner of the horse(s).

RIGHT-OF-WAY - A corridor of publicly owned or leased land for purposes of maintaining primary vehicular and pedestrian access to abutting properties, including but not limited to, roads, streets, highways and sidewalks. Abutting property owners are prohibited from encroaching across the right-of-way line. (See also "Street Line.")

SATELLITE DISH ANTENNA - A device incorporating a reflective surface which is solid, open mesh or bar-configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electro-magnetic waves between terrestrially and/or orbitally-based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, TVRO's, and satellite microwave antennas.

SCHOOL - A principal use in which supervised education or instruction is offered according to the following categories:

1. Commercial School: A school that may offer a wide range of educational or instructional activities (excluding vocational-mechanical trade schools as defined below) that may, or may not, be operated as a gainful business by some person or organization other than the school district.
2. Private School: A school that offers elementary, secondary, post-secondary and/or post graduate education that may, or may not, be operated as a gainful business.
3. Public School: A school licensed by the Department of Education for the purpose of providing elementary, secondary, and adult education, and operated by the School District.
4. Vocational-Mechanical Trade School: A school that may, or may not, be operated as a gainful business that principally offers training in any of the following occupations:
 - A. Truck driving;
 - B. Engineer repairs;
 - C. Building construction and general contracting;
 - D. Woodworking;
 - E. Masonry;
 - F. Plumbing;
 - G. Electrical contracting; and,
 - H. Other similar trades, as determined by the Zoning Hearing Board pursuant to Sections 107 and 604.5 of this Ordinance.

SCREENING - An assemblage of materials that are arranged so as to block the ground level views between grade and a height of six (6) feet. Suitable screening materials include trees, shrubs, hedges, berms, walls, sight-tight fences, and/or other similar type materials. No wall or fence shall be constructed of plywood, corrugated metal or fiberglass, or sheet metal. Landscape screens must achieve the required visual blockage within two (2) years of installation, after both adjoining parcels are developed.

SEASONAL MERCHANDISE - Goods and products that are generally offered for retail sales to the public during specific periods of any calendar year. Examples include, but are not limited to, holiday decorations, nursery and garden stock, home and garden supplies and equipment, outdoor play and recreation equipment, etc.

SEASONAL RESIDENCE - A dwelling, cabin, lodge or summer house which is intended for occupancy less than one hundred eighty two (182) days of the year.

SETBACK - The required horizontal distance between a setback line and a property or street right-of-way line.

1. Setback, Front: The distance between the street line and the front setback line projected the full width of the lot. Commonly, called “required front yard.”
2. Setback, Rear: The distance between the rear lot line and the rear setback line projected the full width of the lot. Commonly called “required rear yard.”
3. Setback, Side: The distance between the side lot line and the side setback line projected from the required front yard to the required rear yard. Commonly called “required side yard.”

SETBACK LINE - A line within a property and parallel to a property or street line which delineates the required minimum distance between some particular use of property and that property or street line.

SFD - Single-family detached dwelling.

SHADE TREE - A deciduous tree that shall have a clear trunk at least five (5) feet above the finished grade.

SHOOTING RANGE - A place where firearms and other projectile-type weapons (e.g., guns, rifles, shotguns, pistols, air guns, archery cross-bows, etc.) can be shot for recreation, competition, skill development and/or training. Nothing within this definition shall be construed to include hunting when conducted in accordance with the rules and regulations of the Commonwealth of Pennsylvania.

SHOPPING CENTER - A group of stores in excess of 40,000 square feet of gross leasable area, planned and designed for the site on which it is built, functioning as a unit, with shared off-street parking provided on the property as an integral part of the unit.

SIGN - Any identification, description, illustration or device, illuminated or non-illuminated, which is visible from any public place and which directs attention to a product, service, place, activity, person, institution, business or solicitation, but not flags or other insignia of any government, fraternal or similar organization.

1. Flat Wall Sign: A sign that is displayed and/or mounted upon or generally parallel to the same plane as the face of a wall, such that no portion of the sign extends more than twelve (12) inches from said wall.
2. Freestanding Sign: A sign erected upon a permanently-affixed, independent structure (legs or base).
3. Permanent Sign: A sign that is expected to be continuously displayed during the presence of a principal land use.

4. Sponsorship Sign: A Temporary Sign which includes the name of a private individual or business entity, including a logo, trademark, or service mark of the private individual or business entity, in recognition of financial contributions made by the private individual or business entity in support of a Public School, Private School, or Vocational-Mechanical Trade School.
5. Temporary Sign: A sign that is only permitted for specified periods of time, associated with some temporary event or work, conducted on the site.
6. Under Canopy Sign: A sign that identifies one (1) leasable unit within a shopping center and is hung from an overhead canopy of the shopping center, or is provided as a wall projecting sign attached to the front wall of the unit where no canopy is provided.
7. Wall Projecting Sign: A sign that is mounted to a building wall such that its principal display area is not parallel to the building wall. A wall projecting sign can also be attached to a marquee.

SINGLE AND SEPARATE OWNERSHIP - The ownership of a lot by one or more persons, which ownership is separate and distinct from that of any abutting or adjoining lot. Ownership shall be considered separate and distinct where lots have been separately described as such, by metes and bounds, in a recorded deed or conveyance prior to the enactment of this Ordinance, or an amendment thereto, and have continued since that date to be so separately described in all subsequent recorded deeds of conveyance.

SITE - For the purpose of establishing setbacks on a tract where a principal use exists, the structure(s) will be considered the site.

SLDO - The latest version of the Township's Subdivision and Land Development Ordinance, as may be amended.

SOIL SURVEY - The latest published version of the United States Department of Agriculture's *Soil Survey for Cumberland and Perry Counties, Pennsylvania*.

SPECIAL EXCEPTION - A use that is generally compatible with a particular zone once specified criteria have been met. Special exception uses are listed by zone and approved by the Zoning Hearing Board in accordance with Section 604.3 of this Ordinance.

SPECIFIED ANATOMICAL AREAS - Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, female breasts below a point immediately above the top of areolae, and/or human male genitals in a discernible turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES - For the purposes of this Ordinance, this term shall include any of the following:

1. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation

or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following depicted sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zoerasty; or

2. Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence; or
3. Use of human or animal masturbation, sodomy, oral copulation, coitus, ejaculation; or
4. Fondling or touching of nude human genitals, pubic region, buttocks or female breast; or
5. Masochism, erotic or sexually oriented torture, beating, or the infliction of pain; or
6. Erotic or lewd touching, fondling or other contact with an animal by a human being; or
7. Human excretion, urination, menstruation, vaginal or anal irrigation.

SPONSORSHIP SIGN - A Temporary Sign which includes the name of a private individual or business entity, including a logo, trademark, or service mark of the private individual or business entity, in recognition of financial contributions made by the private individual or business entity in support of a Public School, Private School, or Vocational-Mechanical Trade School.

STEALTH DESIGN - State-of-the-art design techniques used to blend objects into the surrounding environment and to minimize the visual impact as much as possible. These design techniques are applied to wireless communications towers, antennae and other facilities which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted antennae, building-mounted antennae painted to match the existing structure and facilities constructed to resemble trees, shrubs, and light poles.

STORAGE - A function involving the deposition of materials, goods and/or products for safekeeping.

STOREFRONT - The wall of a unit of occupancy which faces the front yard within a planned center, as defined herein.

STORY - That part of a building located between a floor and the floor or roof next above. The first story of a building is the lowest story, having seventy-five percent (75%) or more of its wall area above grade level. A half-story is a story under a gable, hip or gambrel roof, the wall plate of which on at least two (2) opposite exterior walls is not more than two (2) feet above such story.

STREET - Includes street, avenue, boulevard, road, highway, freeway, lane, viaduct and any other dedicated and adopted public right-of-way, or private right-of-way, used or intended to be used by vehicular traffic and/or pedestrians.

STREET CENTERLINE - The horizontal line paralleling the street that bisects the street right-of-way into two equal widths. In those instances where the street right-of-way cannot be determined, the street centerline shall correspond to the center of the cartway.

STREET LINE (Right-of-Way Line) - A line defining the edge of a street right-of-way and separating the street from abutting property or lots. The street line shall be the same as the legal right-of-way line currently in existence.

STRUCTURE - Any assembly of materials constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground, any portion of which is above the natural surface grade, including but not limited to buildings, sheds, cabins, mobile homes and trailers, dams, culverts, roads, railroads, bridges, storage tanks, and signs.

1. Structure, Accessory: A structure associated with an accessory use, (e.g., swimming pools, patios, unenclosed decks, antennas, tennis courts, garages, utility shed, etc.).
2. Structure, Principal: A structure associated with a primary use.

Structures shall not include such things as sandboxes, decorative fountains, swing sets, birdhouses, birdfeeders, mailboxes, and any other similar non-permanent improvements.

SUBSTANTIAL CHANGE or SUBSTANTIALLY CHANGE -

1. Any increase in the height of the wireless support structure by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater, except that the mounting of the proposed wireless telecommunications facility may exceed the size limits set forth in this paragraph if necessary to avoid interference with existing antennas.
2. Any further increase in the height of a wireless support structure which has already been extended by more than 10% of its originally approved height or by the height of one additional antenna array in accordance with the provisions of this act shall not occur without municipal approval.

SUBSTANTIAL IMPROVEMENT - Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the fair market value of the structure either (a) before the improvement or repair is started or (b) if the structure has been damaged, and is being restored, before the damage occurred. For the purpose of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the structure commences, whether or not that alteration affects the external dimensions of the structure.

SWIMMING POOL - Any pool, not located within a completely enclosed building, and containing, or normally capable of containing, water to a depth at any point greater than one and one-half (1½) feet. Farm ponds and/or lakes are not included, provided that swimming was not the primary purpose for their construction.

TAVERN - An establishment which serves primarily alcoholic beverages for mostly on-premises consumption and which is licensed by the Pennsylvania Liquor Control Board. Taverns may also serve food, but no live entertainment shall be permitted. Also includes brew pubs.

TERMINAL VISTA - The scene terminating the view down a road or street, as at an intersection or on the outside of a curve.

TESTING - A function involving the examination and assessment of qualities, performances and/or capabilities of a product, good or material.

TOWNSHIP - Silver Spring Township.

TRACT AREA, ADJUSTED - The gross tract area minus the constrained land.

TRACT AREA, GROSS - The total amount of land contained within the limits of the legally described property lines bounding the tract.

TRUCK STOP - A commercial use that primarily provides fuel and parking for tractor-trailer trucks, in addition to other vehicles, and which may also include vehicle repair, a retail store, restaurant, motel, showers and similar support facilities for travelers.

TRUCK TERMINAL - An area or structure where trucks load and unload goods, products, cargo, materials and/or freight and where the same may be broken down or aggregated into smaller or larger loads for transfer to other motor vehicles or modes of transportation or to other points of junctions.

TWO-FAMILY CONVERSION - The conversion of an existing single-family detached dwelling unit to contain two separate dwelling units.

UCC - The Pennsylvania State Uniform Construction Code as adopted in its latest version by the Commonwealth of Pennsylvania and amended by technical amendment by Silver Spring Township.

USE - The specific purpose for which land or a structure is designed, arranged, intended, occupied or maintained.

1. Use, Accessory: A use customarily incidental and subordinate to the principal use or building and located on the same lot with this principal use or building.
2. Use, Principal: The main or primary use of property or structures.

USE AND OCCUPANCY PERMIT - A permit issued by the Zoning Officer certifying a use's compliance with information reflected on the zoning permit and the Zoning Ordinance.

VARIANCE - A modification of any provision of this Ordinance granted by the Zoning Hearing Board subject to findings specified by the Act.

VEHICULAR CONTROL POINTS - Preapproved locations for vehicular access to properties fronting along the (1) Carlisle Pike and (2) New Willow Mill Road within the (INT) Zone.

VETERINARIAN'S OFFICE - A building used primarily for the treatment, by a veterinarian, of small domestic animals such as dogs, cats, rabbits and birds or fowl. No outdoor boarding of animals is permitted.

WAREHOUSE - A building or group of buildings primarily used for the unloading and indoor storage, transfer, and distribution of products and materials, but not including retail uses or a truck terminal.

WASTE - Garbage, refuse and other discarded materials including, but not limited to, solid, semi-solid, contained gaseous and liquid materials resulting from municipal, industrial, institutional, commercial, agricultural, residential, and other activities. Such wastes shall also include biological excrement and hazardous waste materials, as defined in the *Code of Federal Regulations*, Title 40, Chapter 1, Part 261, dated July 1, 1984, or as amended. Waste shall expressly include those materials defined, at any given time, as "waste" by the Pennsylvania Department of Environmental Protection and the United States Environmental Protection Agency. For the purposes of this Ordinance, the difference between "waste" and "junk" or "recyclables" is that waste shall include materials that have entered a reasonably continuous process by which their ultimate disposal is imminent; whereas, junk includes materials that may be stored for longer periods of time awaiting potential reuse or ultimate disposal; and whereas, recyclables include materials that have entered a reasonably continuous process whereby their reuse is imminent.

WATERCOURSE - A permanent or intermittent stream, river, brook, run, creek, channel, swale, pond, lake or other body of surface water carrying or holding surface water, whether natural or artificial.

WATERSHED - All the land from which water drains into a particular watercourse.

WECS UNIT (Wind Energy Conservation System) - Any device which converts wind energy to mechanical or electrical energy and shall include blades, hubs to which blades are attached, and any device, such as a tower, used to support the hub and/or rotary blades, etc.

WETLAND - Area with the characteristics of wetland, as defined by the U. S. Environmental Protection Agency, U. S. Army Corps of Engineers, Pennsylvania Department of Environmental Protection, and the U. S. Soil Conservation Service. Wetland areas are not limited to the locations delineated on wetland maps prepared by the U. S. Fish and Wildlife Service.

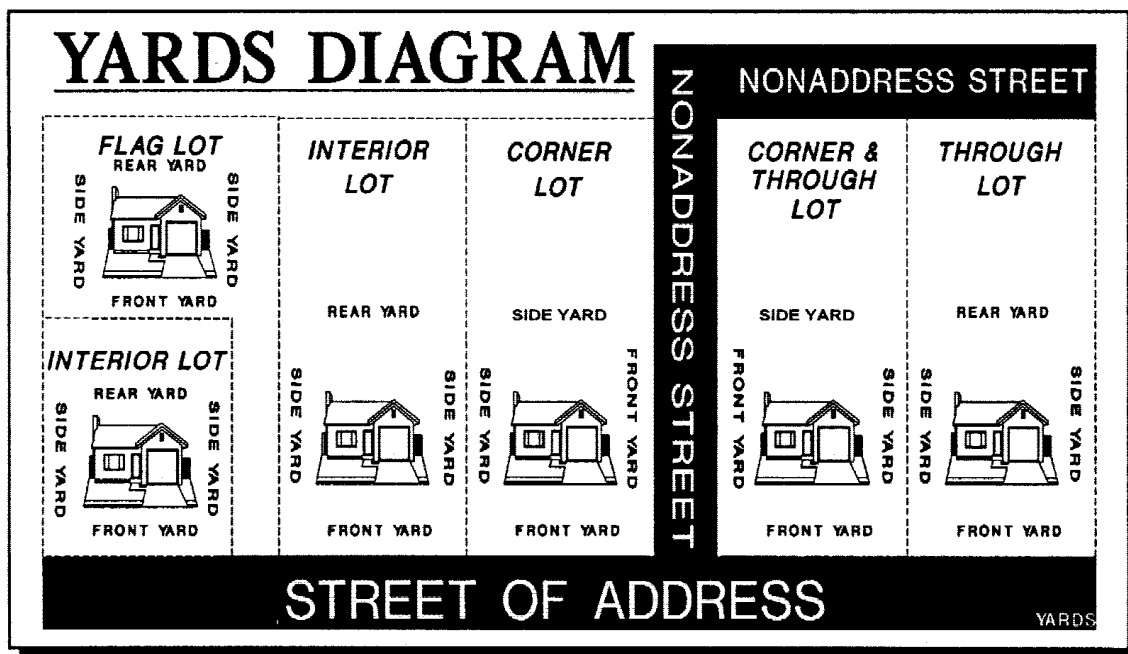
WHOLESALE - Any distribution procedure involving persons who, in the normal course of business, do not engage in sales to the general public.

WIND ENERGY CONVERSION SYSTEM - One or more wind turbines that are used to convert natural wind energy into electrical energy, and customary accessory structures and buildings, including substations, meteorological towers, electrical infrastructure and other appurtenant structures and facilities.

WIND TURBINE - A piece of machinery that converts natural wind energy into electricity through the use of a rotor, tower, and any transformer.

WINDOW - An opening to the outside other than a door which provides all or part of the required natural light, natural ventilation or both to an interior space. The glazed portion of a door in an exterior wall may be construed to be a window in regard to provision of natural light.

YARD - An area between the permitted structures and the property lines.



1. **Yard, Front:** The area contained between the street right-of-way line and the principal structure. For flag lots, see Section 605.04.7.b)2) of the Subdivision and Land Development Ordinance.
2. **Yard, Rear:** The area contained between the rear property line and the principal structure. On corner and reverse frontage lots, the rear yard shall be considered that area between the principal structure and the property line directly opposite the street of address. For flag lots, see Section 605.04.7.b)2) of the Subdivision and Land Development Ordinance.
3. **Yard, Side:** The area(s) between a principal structure and any side lot line(s). On corner lots, the side yard shall be considered those areas between the principal structure and the property lines directly opposite the non-address street(s). For flag lots, see Section 605.04.7.b)2) of the Subdivision and Land Development Ordinance.

ZONING - The designation of specified districts within the Township, reserving them for certain uses together with limitations on lot size, heights of structures and other stipulated requirements.

ZONING OFFICER - The duly constituted municipal official designated to administer and enforce this Ordinance in accordance with its literal terms.

SECTION 113. PUBLIC USES

Public Uses as Permitted by Right in All Zoning Districts

1. The Board of Township Supervisors hereby recognizes the need to use and develop lands within this Township to accommodate and implement governmental functions and responsibilities of this municipality.
2. Notwithstanding anything to the contrary appearing elsewhere in this ordinance, land, buildings or premises in all zoning districts may be used by right for the performance of any public function without regard to specific limitations or regulations pertaining to the zoning district in which such use may be located.
3. The public entity using the subject property shall provide and maintain a visual barrier or vegetative buffer between such municipal use and any contiguous residential zoning district, except where a natural or man-made barrier or buffer may already exist. The type and extent of barrier or buffer shall be determined by the Board of Township Supervisors after consultation with the Township Planning Commission.

ARTICLE 2 ZONE REGULATIONS

SECTION 200 CONSERVATION ZONE (C)

200.1. Purpose - This Zone seeks to protect large concentrations of environmentally-sensitive features that also have significant value for passive and active recreational pursuits. Specifically, forested areas, steep slopes, stream and creek valleys, wetlands and floodplains are included. Permitted uses within this Zone encourage the most appropriate conservation/recreation activities for these areas; however, some forms of development are allowed under prescribed criteria. The provisions of this Zone have been specifically formulated to satisfy Section 604. (1) of the Municipalities Planning Code, which requires local zoning ordinances to “promote, protect and facilitate the preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.”

200.2. Permitted Uses

1. Public and nonprofit parks and playgrounds;
2. Public and/or nonprofit activities related to the preservation and conservation of natural and/or historical resources;
3. Agricultural (excluding commercial livestock operations), subject to the requirements listed in Section 201 of this Ordinance;
4. Public utilities structures excluding communication antennas, towers, and equipment;
5. Single-family detached dwellings and seasonal residences;
6. Flag lot residences, subject to the standards of Section 605.04.7. of the Subdivision and Land Development Ordinance;
7. Forestry Activities (See Section 348);
8. Stables and kennels (see Section 340);
9. ECHO housing (see Section 331);
10. Two-family conversions (see Section 342);
11. Non-commercial keeping of livestock (see Section 337);
12. Accessory apartments (see Section 320); and,
13. Accessory uses customarily incidental to the above permitted uses.

200.3. Special Exception Uses (Subject to the requirements listed in Section 604.3. of this Ordinance.)

1. Private clubhouses (see Section 431);
2. Campgrounds (see Section 406);
3. Home occupations (see Section 422);
4. Family day-care facilities (see Section 416);
5. Communication antennas, towers and equipment (see Section 412);
6. Commercial livestock operations (see Section 410);
7. Bed & Breakfast (see Section 404); and,
8. Amateur Radio Antennas (see Section 447).

200.4. Conditional Uses (Subject to the requirements listed in Section 704 of this Ordinance.)

1. Shooting ranges (see Section 435).

200.5. Design Requirements - Unless specified elsewhere, the following table presents applicable standards imposed by this Zone:

Use	Minimum Lot Area ²	Minimum Lot Width	Maximum Lot Coverage	Minimum Yard Setbacks			
				Front	One Side	Both Sides	Rear
Agriculture, horticulture or forestry-related uses.	See Section 201 of this Ordinance.						
Public and/or nonprofit parks & playgrounds, & public and/or non-profit activities related to the preservation & conservation of natural and/ or historical resources.	5,400 sq. ft.	60 ft.	40%	40 ft. from any collector or local road; 50 ft. from any arterial road	30 ft.	60 ft.	50 ft.
Single-family dwellings & seasonal residences.	1 acre ¹	150 ft.	10%	50 ft.	30 ft.	60 ft.	50 ft.
Single-family dwellings & seasonal residences, if more than 50% of the site possesses slopes in excess of 15%.	2 acres ¹	150 ft.	7%	50 ft.	30 ft.	60 ft.	50 ft.
Accessory Uses	N/A	N/A	N/A	300 ft.	15 ft.	30 ft.	15 ft.

¹For each tract of contiguous land in single and separate ownership (parent tract) as of the effective date of this Ordinance, there may be one (1) lot subdivided or one principal residence constructed for a single-family detached nonfarm dwelling, according to the following schedule:

Lot Area (Acres)		Total Number of Permitted Lots/Dwellings*
At Least	Less Than	
2	10	2
10	20	3
20	30	4
30	40	5
40	50	6
50	60	7
60	70	8
70	80	9
80	90	10
90	100	11
100	110	12
110	120	13
120	130	14
130	140	15
140	150	16
150	160	17
160	170	18
170	180	19
180	190	20
190	200	21

*For parcels containing one or more (1) principal dwelling on the effective date of this Ordinance, each such dwellings shall be counted as one (1) against those permitted in the above schedule.

- The above-described schedule shall not apply to ECHO housing, nor two-family conversions, unless new lots are created for such units.
- Lot add-ons involving agricultural land in which no new lots are created shall not be counted against the number of lots permitted to be created in the above schedule of Section 200.5.;
- Regardless of size, no tract of land subdivided from its parent tract shall qualify for additional single-family detached dwellings or lots pursuant to this section. Similarly, any subsequent owner of any portion of the parent tract legally existing on the effective date of this Ordinance shall be bound by the actions of previous owners in that such current owner may only subdivide for purposes of additional single-family dwellings the number of lots, if any, remaining from the original number permitted by this section. Any subdivision or land development plan hereafter filed for a tract of land in the Conservation Zone shall specify which lot or lots shall carry with them the right to erect or place thereon any unused quota of single-family detached dwellings as determined by the provisions of this section; and,
- In the event a tract of land which was not classified as part of the Conservation Zone on the effective date of this Ordinance is hereafter classified as part of the Conservation Zone, the size and ownership of such tract shall be determined as of the effective date of the change in the zoning classification.

²All uses relying upon on-lot sewers are subject to the requirements listed in Section 311 of this Ordinance.

200.5.1 If any portion of a new principal building will be located on any slopes of greater than 25 percent, then a 10 acre minimum lot area and a 500 feet minimum lot width shall be required.

1. An applicant shall prove compliance with this provision at the time of final subdivision or land development submission. Any subdivision plan for a new lot shall show the outer boundaries of the proposed principal building site. Any applicant may legally commit on the subdivision plan to not construct any principal building on portions of the lot with greater than 25 percent slope in order to avoid the larger lot requirements of this Section.

2. This Subsection “1.” shall not apply to: 1) a lot that lawfully existed prior to the adoption of this Section, 2) slopes that the applicant proves were clearly man-made prior to the enactment of this Subsection, or 3) if the building intrudes into a total land area of less than 300 square feet of greater than 25 percent slopes.
3. This Subsection “1.” shall apply based upon the slopes that were in existence at the time of enactment of this Section, prior to any subsequent regrading.

200.6. Maximum Permitted Height

1. Principal buildings and structures - Thirty-five (35) feet; and,
2. Accessory buildings and structures - Fifteen (15) feet.

200.7. Woodland Preservation Requirements - Only those areas necessary for the construction of buildings or structures, for which a building permit has been issued, shall be cleared of existing woodland.

1. “Woodland” shall be defined as an area that is predominately covered by the canopies of trees and which includes at least one tree of at least 6 inches in diameter for every 2,000 square feet of lot area.
2. See Section 402.03.6 of the Subdivision and Land Development Ordinance, as amended, including provisions for tree protection provisions during construction and identification of areas of woodland to be removed.
3. See also the forestry regulations of this Ordinance, which apply when trees are removed for commercial forestry that is unrelated to any construction or land development.
4. When a building or zoning permit is issued for a building, structure or principal use, removal of trees shall be allowed that are located in the following areas:
 - A. on land to be occupied by such building, structure or use,
 - B. within 30 feet of a building or principal use,
 - C. on land to be occupied by or within 15 feet of all sides of any utility line, stormwater conveyance or detention structure, driveway, parking area, water system or sewage disposal system or permitted accessory uses; or
 - D. in any location where the removal of a tree is required under a Township code requirement.

5. If a stormwater management plan for a subdivision or land development assumes that a certain percentage of the tract will remain wooded, then the Board of Supervisors may require conservation easements to be put into effect by the subdivider to permanently limit tree removal on each lot so that such overall percentage of woods will remain in place. The enforcement mechanism for such easement shall be approved by the Board of Supervisors. The Board of Supervisors may require that the easement be enforceable by the Township and/or by any adjoining property owner.

200.8. All uses permitted within this Zone shall also comply with the General Provisions contained in Article 3 of this Ordinance.

SECTION 201 AGRICULTURAL ZONE (A)

201.1. Purpose - The primary purpose of this Zone is to promote the continuation and preservation of agricultural activities in those areas most suitable for such activities. Areas contained within the Zone have been specifically identified as possessing valuable and nonrenewable natural and cultural resources. This Zone also intends to protect the Township's agricultural economy by eliminating uses that are incompatible with farming, but permitting limited agricultural support businesses. Consequently, residential uses are limited and any future inhabitants in this Zone must be willing to accept the impacts associated with normal farming practices, and related businesses. Finally, the provisions of this Zone have been specifically formulated to further the objectives of the Municipalities Planning Code which provides that local zoning ordinances shall be designed “to preserve prime agriculture and farm land considering topography, soil type and classification, and present use.”

201.2. Permitted Uses

1. Agriculture, including one single-family detached dwelling contained on the site.
2. Commercial livestock operations, subject to the following:
 - A. All buildings used for the housing of livestock shall consist of a solid concrete slab or slotted floor;
 - B. Minimum Lot Area - Twenty (20) acres;
 - C. The following additional setbacks shall apply for Commercial Livestock Operations:
 - a. If a Commercial Livestock Operation involves an average of less than 5 animal equivalent units per acre on contiguous land, then the following minimum setbacks shall apply for buildings housing such livestock:
 - i. 200 feet from a lot in a residential district,
 - ii. 150 feet from an existing dwelling that is not within a residential district,
 - iii. 40 feet from all other exterior lot lines.

- b. If a Commercial Livestock Operation involves an average of 5 or more animal equivalent units per acre on contiguous land, then the following minimum setbacks shall apply for buildings housing such livestock:
 - i. 500 feet from a lot in a residential district,
 - ii. 200 feet from an existing dwelling that is not within a residential district and that existed prior to the adoption of this Section, and
 - iii. 60 feet from all other exterior lot lines.
 - c. As a special exception use, the Zoning Hearing Board may approve a smaller setback for the expansion of livestock facilities that existed prior to the adoption of this Section where the applicant proves that there is no reasonable and feasible alternative and where the applicant proves that the lesser distance would be mitigated by appropriate measures that the applicant agrees to install as a condition of the special exception approval.
 - d. The setbacks from property lines provided in this Section 201.2.2.C. for this use shall not apply from:
 - i. dwellings or lots owned by the operator or owner of the livestock use,
 - ii. dwellings or lots owned by a property-owner providing a written notarized letter waiving such setback, and/or
 - iii. dwellings that did not exist at the time of adoption of this Section.
 - D. The applicant shall furnish qualified evidence that the proposed use has an approved manure management plan that complies with the applicable PA DEP guidelines. All subsequent operations on the site shall be required to strictly adhere to this approved manure management plan; and,
 - E. The applicant shall furnish evidence from the Cumberland County Conservation District that the proposed use has an approved Conservation Plan; and,
3. Single-family detached dwellings;
 4. Public and nonprofit parks and playgrounds;
 5. Public utilities structures, excluding communication antennas, towers, and equipment;

6. Flag lot residences, subject to the standards of Section 605.04.7. of the Subdivision and Land Development Ordinance;
7. Forestry Activities (See Section 348);
8. ECHO housing (see Section 331);
9. Stables and kennels (see Section 340);
10. Two-family conversions (see Section 342);
11. Accessory apartments (see Section 320); and,
12. Temporary farm employee housing (see Section 341);
13. Accessory uses customarily incidental to the above permitted uses, including, but not limited to, the following:
 - A. Roadside stands, as an accessory use to the farm, for the sale of agricultural products, subject to the following:
 - a. Any structure used to display such goods shall not exceed two thousand (2,000) square feet in size, and shall be located at least twenty-five (25) feet from any property line;
 - b. At least half of the products displayed for sale must have been produced on the premises;
 - c. Off-street parking shall be provided for all employees and customers; and,
 - d. Only one (1) sign not to exceed six (6) square feet in total sign area shall be displayed in season when products are on sale. A freestanding sign shall not exceed a height of five (5) feet, or an attached sign shall not extend above the height of the building or structure to which it is attached.
 - B. Family day-care facilities as defined herein (See Section 416);
 - C. Manure storage facilities, as an accessory use to a farm, subject to the following regulations:
 - a. All manure storage facilities shall be designed in compliance with the guidelines outlined in the publication *Manure Management for Environmental Protection*, Bureau of Water Quality Management Publication No. 43, and any revisions, supplements, and replacements thereof, published by the Pennsylvania Department of Environmental Protection, copies of which are available from the Water Quality

Management in the Department of Environmental Protection Regional Offices located at 1 Ararat Boulevard, Harrisburg, PA 17110, telephone (717) 657-4585;

- b. All waste storage facilities' designs shall be reviewed by the Cumberland County Conservation District. The applicant shall furnish a letter from the Conservation District attesting to approval of the design of the proposed facility; and,
- c. Construction and subsequent operation of the waste storage facility shall be in accordance with the permit and the approved design. Any design changes during construction or subsequent operation will require the obtainment of another review by the Cumberland County Conservation District; and,

D. Beekeeping, on any farm within the Township, subject to the following:

- a. The applicant shall obtain a zoning permit from the Zoning Officer;
- b. It shall be the duty of the applicant to maintain each colony so as not to create a public nuisance;
- c. Colonies shall be maintained in movable frame hives;
- d. All beehives shall be maintained in a healthy condition using locally-accepted beekeeping management procedures;
- e. All hives shall be at least fifty (50) feet from a public road, or shall have a minimum five (5) foot high fence or vegetative obstruction between the apiary and the road, or shall be elevated above the roadway so as to direct bee flight above traffic or pedestrians;
- f. There shall be a source of water within one-half (½) mile of the apiary; and,
- g. New apiaries of ten (10) hives or more shall not be established within fifty (50) yards of any adjoining property containing a residence.

14. Non-commercial keeping of livestock (see Section 337).

201.3. Special Exception Uses (Subject to the review procedures listed in Section 604.3. of this Ordinance.)

- 1. Farm occupations (see Section 417);
- 2. Home occupations (see Section 422);
- 3. Bed and breakfasts (see Section 404);

4. Public and private schools (see Section 432);
5. Communication towers, antennas and equipment (see Section 412); and,
6. Amateur Radio Antennas (see Section 447).

201.4. Conditional Uses (Subject to the review procedures listed in Section 704 of this Ordinance.)

1. Airports/heliports (see Section 403); and
2. Churches (see Section 407).

201.5. Maximum Number of Permitted Dwellings or Lots

1. For each tract of contiguous land in single and separate ownership (parent tract) as of the effective date of this Ordinance, there may be one (1) lot subdivided or one principal residence constructed for either a single-family detached nonfarm, or farm dwelling, according to the following schedule:

Lot Area (Acres)		Total Number of Permitted Lots/Dwellings*
At Least	Less Than	
2	20	2
20	40	3
40	60	4
60	80	5
80	100	6
100	120	7
120	140	8
140	160	9
160	180	10
180	200	11
200	220	12
220	240	13
240	260	14
260	280	15
280	300	16
300	320	17
320	340	18
340	360	19
360	380	20

*For parcels containing one or more (1) principal dwelling on the effective date of this Ordinance, each such dwellings shall be counted as one (1) against those permitted in the above schedule.

2. The above-described schedule shall not apply to ECHO housing, two-family conversions, nor temporary farm employee housing, unless new lots are created for such units.
3. Lot add-ons involving agricultural land in which no new lots are created shall not be counted against the number of lots permitted to be created in the schedule of Section 201.5.1.;
4. Regardless of size, no tract of land subdivided from its parent tract shall qualify for additional single-family detached dwellings or lots pursuant to this section. Similarly, any subsequent owner of any portion of the parent tract legally existing on the effective date of this Ordinance shall be bound by the actions of previous owners in that such current owner may only subdivide for purposes of additional single-family dwellings the number of lots, if any, remaining from the original number permitted by this section. Any subdivision or land development plan hereafter filed for a tract of land in the Agricultural Zone shall specify which lot or lots shall carry with them the right to erect or place thereon any unused quota of single-family detached dwellings as determined by the provisions of this section; and,
5. In the event a tract of land which was not classified as part of the Agricultural Zone on the effective date of this Ordinance is hereafter classified as part of the Agricultural Zone, the size and ownership of such tract shall be determined as of the effective date of the change in the zoning classification.

201.6. Design Standards

1. Agricultural uses:
 - A. Minimum lot size - Ten (10) acres;
 - B. Minimum lot width - One hundred (100) feet at building setback line, and sixty (60) feet at the street frontage;
 - C. Maximum lot coverage - Ten percent (10%);
 - D. Maximum permitted height - Eighty-five (85) feet for uninhabitable accessory farm structures, and thirty-five (35) feet for other structures. Further provided that every structure is set back from each property line a distance at least equal to its height;
 - E. Minimum setback requirements:
 - a. Front yard - Fifty (50) feet;
 - b. Side yards - Fifty (50) feet on each side;
 - c. Rear yard - Fifty (50) feet;

- d. Special setback requirements - Except as provided for in the following paragraph, no area for the storage or processing of manure, garbage, or spent mushroom compost, structures for the cultivation of mushrooms or the raising of commercial livestock, or any building housing commercial livestock, shall be permitted within three hundred (300) feet of any land within any residential zone. The Zoning Hearing Board may, as a special exception, however, reduce the above special setback requirements where it is shown that, because of prevailing winds, unusual obstructions, topography, or other conditions, a lesser distance would protect adjoining lands from odor, dust, or other hazards. In no case, however, shall the Zoning Hearing Board reduce the special setback to less than two hundred (200) feet. The burden shall be upon the applicant to prove that a lesser distance would not be detrimental to the health, safety, and general welfare of the community; and,
- e. These setbacks shall not apply to agricultural fences that are used to contain agricultural livestock. Such fences shall be set back a minimum of six (6) feet from any adjoining street right-of-way lines.

2. Single-family detached dwellings:

- A. The lot area shall be a minimum of one (1) acre per dwelling;
- B. A maximum lot area of two (2) acres per dwelling shall also apply, except that such requirement shall not apply if the applicant can demonstrate by credible evidence that the area proposed for the dwelling lot (1) does not predominately consist of Class I, II and/or III soils, as identified in the soil survey, or (2) is generally unsuitable for agricultural purposes;
- C. Where an applicant desires to subdivide an existing dwelling from the parent tract, the applicant may opt to impose the maximum lot area requirements of this section upon such existing dwelling, rather than on a proposed dwelling located on the remainder of the parent tract;
- D. The minimum lot area requirements imposed by this section assume compliance with all PA DEP regulations pertaining to sewage disposal. For those lots using on-site sewage disposal systems, Section 311 of this Ordinance shall apply;
- E. All single-family detached dwellings shall comply with the following design standards:

Minimum Lot Width	Maximum Lot Coverage	Minimum Yard Setbacks				Maximum Permitted Height
		Front	One Side	Both Sides	Rear	
100 ft.	20%	50 ft.	15 ft.	30 ft.	35 ft.	35 ft.

- F. In addition to the setbacks listed above, every single-family detached dwelling unit (not farm dwellings) proposed within the Agricultural Zone shall be set back according to the following chart. Required setback distances shall be measured as a straight line between the closest property line of the proposed dwelling and the specified use.

Specified Use	Required Minimum Setback
Facilities or area for the storage or processing of manure, garbage, or spent mushroom compost; structures for the cultivation of mushrooms, or the raising or housing of livestock	200 feet
Beehives	100 feet
Farm-related businesses	

- G. For any proposed new lot that will be occupied by a new principal dwelling, the applicant shall prove to the Zoning Officer, after review by the Planning Commission, that the new lot is being designed and located in a manner that minimizes the impact upon agricultural activities on the tract and on adjacent tracts.

- a. To the maximum extent feasible considering septic system regulations, a new residential lot shall be located to minimize the amount of prime agricultural land that will be removed from production, to maximize prime agricultural land on a principal agricultural lot, and to allow efficient farming activities on the remaining land.
- b. To the maximum extent feasible, a new residential lot shall be located to maximize the distance of the new dwelling from any livestock or poultry operations and to place the home upwind from such facilities, considering prevailing winds.

3. Other permitted, special exception, or conditional uses:

- A. Minimum lot size - One (1) acre, provided that public and/or nonprofit parks shall have no minimum lot area, nor lot width requirements;
- B. Minimum lot width - Two hundred (200) feet;
- C. Maximum lot coverage - Twenty percent (20%);
- D. Maximum permitted height - Thirty-five (35) feet; and,
- E. Minimum required setbacks -
 - a. Front yard setback - Fifty (50) feet from the street right-of-way line;
 - b. Side yard setbacks - Fifty (50) feet on each side (100 feet total);

- c. Rear yard setback - Fifty (50) feet; and,
 - d. Maximum permitted height - Thirty-five (35) feet.
4. Residential accessory uses - Unless otherwise specified, the following requirements shall apply to accessory uses:
- A. Front yard setback - Three hundred feet (300') (except roadside stands and permitted signs);
 - B. Side yard setbacks - Fifteen (15) feet on each side (30 feet total);
 - C. Rear yard setback - Fifteen (15) feet; and,
 - D. Maximum permitted height - Twenty-five (25) feet.
5. Public Utilities Structure - Subject to Section 319 standards.
- 201.7.** All uses permitted within this Zone shall also comply with the General Provisions contained within Article 3 of this Ordinance.
- 201.8.** **Agricultural Nuisance Disclaimer** - All lands within the Agricultural Zone are located within an area where land is used for commercial agricultural production. Owners, residents and other users of this property may be subjected to inconvenience discomfort and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations including but not limited to noise, odors, dust, the operation of machinery of any kind including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides and pesticides. Owners, occupants and users of this property should be prepared to accept such inconveniences, discomfort and possibility of injury from normal agricultural operations, and are hereby put on official notice that Section 4 of the Pennsylvania Act 133 or 1982 “The Right to Farm Law” may bar them from obtaining a legal judgment against such normal agricultural operations.
- 201.9.** **Required Conservation Plan** - Any agricultural, horticultural, or forestry-related uses which involve earthmoving activities, or the commercial harvesting or timbering of vegetation, shall require the obtainment of an approved conservation plan by the Cumberland County Conservation District pursuant to Chapter 102 Erosion Control of Title 25 Rules and Regulations, Department of Environmental Protection. All on-site activities shall then be in compliance with the approved conservation plan.

SECTION 202 RURAL RESIDENTIAL ZONE (R)

202.1. Purpose - The primary purpose of this Zone is to promote a continuation of the rural character of the area, characterized by a mixture of sparsely developed residential uses with undeveloped land for the purpose of protecting Primary and Secondary Conservation Areas in contiguous, un-fragmented, commonly managed landscapes. In addition, other small-scale nonresidential uses have developed. This Zone will continue these development trends, but will install additional protection for rural residences from the impacts of other nonresidential uses. These areas are not likely to be served by public sewer or water facilities within the foreseeable future; therefore, low-density, conservation subdivisions with Greenway land, or larger lot sizes are indicated. Because of the character of these areas, some steep slopes are included. For this reason, specific lot design requirements have been imposed on steeply sloped development sites.

202.2. Permitted Uses

1. Agriculture, subject to the standards listed in Section 201 of this Ordinance, but excluding commercial livestock operations, as defined herein;
2. Single-family detached dwellings.
 - A. On tracts 10 acres, ATA, or larger, conservation subdivision with single-family detached dwellings, in compliance with Zoning Section 232, Conservation Subdivision Design Overlay Zone.
 - B. On tracts 10 acres, ATA, or larger, proposals for minor subdivisions of three conventional lots or less shall be exempt from the requirements of Subsection A. above. Conservation subdivision, with single-family detached dwellings, and meeting the standards in Zoning Section 232 is permitted, but not required. In addition:
 - a. Lots created under this Subsection shall meet the requirements of Sections 202.5 – 202.8, herein.
 - b. Where development of less than the entire tract is intended, or where the tract is intended to be developed at less than maximum density, the Board may require the applicant to file a Sketch Plan for the entire tract as set forth in Section 402.05.1 of the Subdivision and Land Development Ordinance.
 - c. Where development of less than the entire tract is intended, or where the tract is intended to be developed at less than maximum density, the development shall be configured so that only one resulting lot shall be capable of further subdivision, with the other lot(s) being restricted against further subdivision by deed restriction or conservation easement in accordance with Section 232.6 of this ordinance.

d. Where development of less than the entire tract is intended, or where the tract is intended to be developed at less than maximum density, any further subdivision shall comply with the standards for conservation subdivision development in Zoning Section 232.

C. On tracts less than 10 acres, ATA, conventional lotting with single-family detached dwellings, developed in accordance with Sections 202.5 – 202.8, herein, is permitted, but not required.

3. Public and/or nonprofit parks;
4. Public uses and public utilities structures, excluding communications antennas, towers, and equipment;
5. Flag-lot residences, subject to the standards of Section 605.04.7. of the Subdivision and Land Development Ordinance;
6. Forestry Activities (See Section 348);
7. ECHO housing (see Section 331);
8. Stables (see Section 340);
9. Two-family conversions (see Section 342);
10. Accessory apartments (see Section 320);
11. No-impact home based business; and,
12. Accessory uses customarily incidental to the above permitted uses.
13. Non-commercial keeping of livestock (see Section 337).

202.3. Special Exception Uses (Subject to the procedures presented in Section 604.3. of this Ordinance.)

1. Bed and breakfasts (see Section 404);
2. Private clubhouses (see Section 431);
3. Home occupations (see Section 422);
4. Family day-care facilities (see Section 416);
5. Campgrounds (see Section 406);
6. Public and private schools (see Section 432);

7. Communication antennas, towers and equipment (see Section 412);
8. Farm occupations (see Section 417); and
9. Amateur Radio Antennas (see Section 447).

202.4. Conditional Uses (Subject to the review procedures listed in Section 704 of this Ordinance.)

1. Golf courses (see Section 418);
2. Churches and cemeteries (see Section 407).

202.5. Maximum Number of Permitted Dwellings or Lots

1. For each tract of contiguous land in single and separate ownership (parent tract) as of the effective date of this Ordinance, there may be one (1) lot subdivided or one principal residence constructed for a single-family detached nonfarm dwelling, according to the following schedule:

Lot Area (Acres)		Total Number of Permitted Lots/Dwellings*
At Least	Less Than	
2	5	2
5	10	3

*For parcels containing one or more (1) principal dwelling on the effective date of this Ordinance, each such dwellings shall be counted as one (1) against those permitted in the above schedule.

2. The above-described schedule shall not apply to ECHO housing nor two-family conversions;
3. Lot add-ons in which no new lots are created shall not be counted against the number of lots permitted to be created in the schedule of Section 202.5.1.;
3. Regardless of size, no tract of land subdivided from its parent tract shall qualify for additional single-family detached dwellings or lots pursuant to this section. Similarly, any subsequent owner of any portion of the parent tract legally existing on the effective date of this Ordinance shall be bound by the actions of previous owners in that such current owner may only subdivide for purposes of additional single-family dwellings the number of lots, if any, remaining from the original number permitted by this section. Any subdivision or land development plan hereafter filed for a tract of land in the Rural Residential Zone shall specify which lot or lots shall carry with them the right to erect or place thereon any unused quota of single-family detached dwellings as determined by the provisions of this section; and,
5. In the event a tract of land which was not classified as part of the Rural Residential Zone on the effective date of this Ordinance is hereafter classified as part of the Rural Residential Zone, the size and ownership of such tract shall be determined as of the effective date of the change in the zoning classification.

202.6. Design Requirements ¹ Unless specified elsewhere, the following table prescribes lot area, width, and coverage, as well as minimum yard requirements for uses within this Zone:

Use ²	Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage ³	Minimum Yard Setbacks			
				Front	One Side	Both Sides	Rear
All Permitted Uses	1 acre	150 ft.	10%	50 ft.	30 ft.	60 ft.	50 ft.
All Permitted Uses If More Than 50% of the Site Possesses Slopes in Excess of 15%	2 acres	150 ft.	7%	50 ft.	30 ft.	60 ft.	50 ft.
Accessory Uses	N/A	N/A	N/A	300 ft.	15 ft.	30 ft.	15 ft.

¹ See Section 319 for Public Utilities Structure.

² All uses relying upon on lot sewers are subject to the requirements list in Section 311 of the Ordinance.

³ For existing lots under one (1) acre in area, the maximum lot coverage shall be 25%.

202.7. Maximum Permitted Height

1. Principal buildings and structures - Thirty-five (35) feet; and,
2. Accessory buildings and structures - Fifteen (15) feet, except that the height may be increased by one (1) foot for every foot that the building or structure is setback in excess of the applicable setback requirements of this Section, up to a maximum total height of twenty-five (25) feet.

202.8. All uses permitted within this Zone shall also comply with the General Provisions contained in Article 3 of this Ordinance.

SECTION 203 RESIDENTIAL ESTATE ZONE (RE)

203.1. Purpose - This Zone intends to reserve settings for low-density conservation subdivision and large-lot estate housing. Selected locations adjoin existing neighborhoods of similar housing styles, as well as vacant areas with attractive rolling topography to maximize visual appeal. This Zone generally lies beyond planned public utility service areas, which further suggests the need for low-density conservation subdivisions with Greenway land, or larger lots to support on-lot wells and sewage disposal systems. Permitted uses have been strictly limited to principal residences and related accessory uses. Finally, conservation subdivisions that generate Greenway land and vegetative protection measures have been utilized to protect the “character” of the landscape and related natural habitats.

203.2. Permitted Uses

1. Single-family detached dwellings.
 - A. On tracts 10 acres, ATA, or larger, conservation subdivision with single-family detached dwellings, in compliance with Zoning Section 232, Conservation Subdivision Design Overlay Zone.
 - B. On tracts 10 acres, ATA, or larger, proposals for minor subdivisions of three conventional lots or less shall be exempt from the requirements of Subsection A. above. Conservation subdivision, with single-family detached dwellings, and meeting the standards in Zoning Section 232 is permitted, but not required. In addition:
 - a. Lots created under this Subsection shall meet the requirements of Sections 203.4 – 203.10, herein.
 - b. Where development of less than the entire tract is intended, or where the tract is intended to be developed at less than maximum density, the Board may require the applicant to file a Concept Plan for the entire tract.
 - c. Where development of less than the entire tract is intended, or where the tract is intended to be developed at less than maximum density, the development shall be configured so that only one resulting lot shall be capable of further subdivision, with the other lot(s) being restricted against further subdivision by deed restriction or conservation easement in accordance with Section 232.9 of this ordinance.
 - d. Where development of less than the entire tract is intended, or where the tract is intended to be developed at less than maximum density, any further subdivision shall comply with the standards for conservation subdivision development in Zoning Section 232.

- C. On tracts less than 10 acres, ATA, conventional lotting with single-family detached dwellings, developed in accordance with Sections 203.4 – 203.10, herein, is permitted, but not required.
- 2. Public and/or nonprofit parks and playgrounds;
- 3. Public utilities structures excluding communication antennas, towers, and equipment;
- 4. Flag lot residences, subject to the standards of Section 605.04.7. of the Subdivision and Land Development Ordinance;
- 5. Forestry Activities (See Section 348);
- 6. Accessory apartment (see Section 320);
- 7. No-impact home based business; and,
- 8. Accessory uses customarily incidental to the above permitted uses.

203.3. Special Exception Uses (Subject to the procedures listed in Section 604.3. of this Ordinance.)

- 1. Home occupations (see Section 422);
- 2. Family day-care facilities (see Section 416); and,
- 3. ECHO Housing (see Section 331); and,
- 4. Amateur Radio Antennas (see Section 447).
- 5. Non-commercial keeping of livestock (see Section 427).

203.3.A. Conditional Uses (Subject to the review procedures listed in Section 704 of this Ordinance.)

- 1. Churches (see Section 407).

203.4. Lot Area Requirements - Unless otherwise specified, all uses within this Zone shall contain a minimum of three (3) acres. See Section 319 for Public Utilities Structures.

203.5. Minimum Lot Width - Two hundred and fifty (250) feet at the minimum front yard setback line; one hundred (100) feet at the lot frontage. See Section 319 for Public Utilities Structures.

203.6. Minimum Setback Requirements

- 1. Principal Buildings:
 - A. Front yard setback - Seventy-five (75) feet from the street right-of-way line;

- B. Side yard setbacks - Fifty (50) feet on each side (100 feet total); and,
 - C. Rear yard setback - Fifty (50) feet.
2. Accessory Buildings:
- A. Front yard setback - Three hundred (300) feet;
 - B. Side yard setbacks - Fifteen (15) feet on each side; and,
 - C. Rear yard setback - Fifteen (15) feet.
3. Public Utilities Structures - See Section 319

203.7. Maximum Permitted Height

- 1. Principal buildings and structures - Thirty-five (35) feet; and,
- 2. Accessory buildings and structures - Fifteen (15) feet, except that the height may be increased by one (1) foot for every two (2) feet that the building or structure is setback in excess of the applicable setback requirements of this Section, up to a maximum total height of twenty-five (25) feet.

203.8. Maximum Lot Coverage - Unless otherwise specified, twenty percent (20%). See Section 319 for Public Utilities Structures.

203.9. All uses permitted within this Zone shall also comply with the General Provisions contained in Article 3 of this Ordinance.

203.10. Woodland Preservation Requirements - Only those areas necessary for the construction of buildings or structures, for which a zoning permit has been issued, shall be cleared of existing woodland.

SECTION 204 R-1 RESIDENTIAL ZONE (R-1)

204.1. Purpose - This Zone is meant to accommodate suburban detached residential growth within the Township, in a manner that contributes to the creation of a community-wide Greenway system for the benefit of present and future residents. This Zone coincides with potential sewer and water utility service areas; however, the actual availability of these services is likely to occur at different times, in different areas. As a result, permitted densities have been adjusted according to the availability of these public utilities. All subdivisions and land developments shall be designed to accommodate public utilities as they become available. All individual units that are proposed without the use of public utilities will be required to be situated to one side of a wider lot so that future in-fill development potentials can be protected when public utilities become available.

In accordance with local planning goals that were developed within the Township's Comprehensive Plan, developments within this Zone will be required to engage a proper site plan review process and to use conservation subdivision design. Such process will be used to help preserve any significant natural features or areas of severe development limitation. This conservation subdivision approach includes provision of Greenway land to help retrofit needed neighborhood and linear parklands, as suggested within the Township's Comprehensive Recreation and Open Space Plan.

204.2. Permitted Uses

1. Agriculture, subject to the standards listed in Section 201 of this Ordinance, but **excluding** commercial livestock operations, as defined herein;
2. Single family detached dwellings.
 - A. On tracts 5 acres, ATA, or larger, conservation subdivision with single-family detached dwellings, in compliance with Zoning Section 232, Conservation Subdivision Overlay Zone (CSO).
 - B. On tracts 5 acres, ATA, or larger, proposals for minor subdivisions of three conventional lots or less shall be exempt from the requirements of Subsection A. above. Conservation subdivision, with single-family detached dwellings, and meeting the standards in Zoning Section 232 is permitted, but not required. In addition:
 - a. Lots created under this Subsection shall meet the requirements of Sections 204.5 – 204.9, herein.
 - b. Where development of less than the entire tract is intended, or where the tract is intended to be developed at less than maximum density, the Board may require the applicant to file a Concept Plan for the entire tract.

- c. Where development of less than the entire tract is intended, or where the tract is intended to be developed at less than maximum density, the development shall be configured so that only one resulting lot shall be capable of further subdivision, with the other lot(s) being restricted against further subdivision by deed restriction or conservation easement in accordance with Section 232.9 of this ordinance.
 - d. Where development of less than the entire tract is intended, or where the tract is intended to be developed at less than maximum density, any further subdivision shall comply with the standards for conservation subdivision development in Zoning Section 232.
- C. On tracts less than 5 acres, ATA, conventional lotting with single-family detached dwellings, developed in accordance with Sections 204.5 – 204.9, herein, is permitted, but not required.
- 3. Public and nonprofit parks and playgrounds;
 - 4. Public utilities structures excluding communication antennas, towers, and equipment;
 - 5. Public vocational and mechanical trade schools;
 - 6. Forestry Activities (See Section 348);
 - 7. No-impact home based business; and
 - 8. Accessory uses customarily incidental to the above-permitted uses.

204.3. Special Exception Uses (See Section 604.3.)

- A. Home occupations (see Section 422);
- B. Family day-care facilities (see Section 416);
- C. Public and private schools (see Section 432); and
- D. Amateur Radio Antennas (see Section 447).

204.4. Conditional Uses (See Section 704.)

- 1. Golf courses (see Section 418);
- 2. Village Overlay Zone developments (see Section 207);
- 3. Churches and related uses (see Section 407); and
- 4. Commercial Day-Care Facilities (see Sections 328 and 409).

204.5. Permitted Density for Single-Family Detached Dwellings On Parcels Not Served By Both Public Sewer And Public Water

1. For each parcel of contiguous land in single ownership as of the effective date of this Ordinance which is not served by both public sewer and public water, there may be five (5) lots sold or utilized for a permitted use single-family detached dwelling, provided that each of the newly created lots, as well as the parent tract, shall comply with the design standards listed in Section 204.6.;
2. The provisions of this section shall apply to all parcels of land legally existing on the effective date of this Ordinance. Regardless of size, no tract of land subsequently subdivided from its parent tract shall qualify for additional permitted use single-family detached dwellings or lots pursuant to this section. Similarly, any subsequent owner of any parcel of land legally existing on the effective date of this Ordinance shall be bound by the actions of previous owners in that such current owner may only subdivide for purposes of additional permitted use single-family dwellings the number of lots, if any, remaining from the original number permitted by this section. Any subdivision or land development plan hereafter filed for a tract of land in the R-1 Zone shall specify which lot or lots shall carry with them the right to erect or place thereon any unused quota of permitted use single-family detached dwellings, as determined by the provisions of this section;
3. In the event a tract of land, which was not classified as part of the R-1 Zone on the effective date of this Ordinance, is hereafter classified as part of the R-1 Zone, the size and ownership of such tract of land shall be determined as of the effective date of the change in the zoning classification; and,

204.6. Design Requirements⁷ - See table below.

Utilized Public Utilities	Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage	Minimum Yard Setbacks ⁶				Maximum Permitted Height
				Front ⁵	One Side	Both Sides	Rear	
None	43,560 sq. ft. ¹	280 ft.	20%	40 ft. ⁵	Footnote 3	Footnote 3	50 ft.	35 ft.
Public Water	32,000 sq. ft. ¹	250 ft.	25%	40 ft. ⁵	Footnote 4	Footnote 4	50 ft.	35 ft.
Public Sewer	20,000 sq. ft.	125 ft. ²	30%	40 ft. ⁵	20 ft.	40 ft.	40 ft.	35 ft.
Both Public Sewer and Public Water	15,000 sq. ft.	100 ft. ²	35%	35 ft. ⁵	8 ft.	20 ft.	35 ft.	35 ft.

¹All relying upon on-lot sewer must comply with Section 311 of this Ordinance.

²Minimum lot width at the street right-of-way line may be reduced to no less than seventy (70) feet when located on a cul-de-sac turnaround.

³Minimum one hundred forty (140) feet on one side, plus a minimum of twenty-five (25) feet on the other side.

⁴Minimum one hundred twenty (120) feet on one side, plus a minimum of twenty-five (25) feet on the other side.

⁵Required minimum front yard setbacks shall be fifty (50) feet when abutting an arterial road.

⁶Existing single family lots, regardless of whether they are serviced by public or on lot utilities, are governed by the design requirements for lots utilizing both public sewer and public water except for the following minimum yard setback standards: Front - thirty-five (35) feet, one side - eight (8) feet, both sides twenty (20) feet, and rear thirty-five (35) feet.

⁷See Section 319 for Public Utilities Structure.

204.6.1. Age Restricted Residential Development

- A. This Section 204.6.1 provides a density bonus for a residential development that an applicant agrees to establish as being age restricted in compliance with the Federal requirements for "Housing for Older Persons" as specified in the United States Code. (Note - As of 2007, such provisions were in 42 U.S.C. 3607).

- B. In order to be approved by the Township as Age Restricted Residential Development, every dwelling unit (except a unit for one manager) on a tract of land shall be permanently restricted by deed, by any lease and by notes on the recorded plan to the following occupancy limitations:
 - 1. A minimum of one head of household of each dwelling unit shall be age 55 years or older, or who is physically disabled as defined by Social Security disability regulations, except that an applicant may choose the option under Federal law of using 62 years or older for such limit instead of 55 years or older;
 - 2. No person under age 18 shall live in the dwelling unit for more than 30 days in any calendar year;
 - 3. In order to be approved as Age Restricted Development, the applicant shall establish an appropriate legal entity, such as a property-owner association, that has the duty, authority and responsibility to enforce such age restrictions over time. The Township shall also have the ability to treat any violation of such age restrictions as a violation of this Zoning Ordinance.
 - 4. If a household met the occupancy requirements at the time of the initial occupancy, then such persons shall not be required to move if the household in the future no longer meets the occupancy because of death, disability, divorce or separation of one of the occupants.

- C. In order to be approved as Age Restricted Development, the applicant shall establish an appropriate legal entity, such as a property-owner association, that has the duty, authority and responsibility to enforce such age restrictions over time. The Township shall also have the ability to treat any violation of such age restrictions as a violation of this Zoning Ordinance.
 - 1. If a household met the occupancy requirements at the time of the initial occupancy, then such persons shall not be required to move if the household in the future no longer meets the occupancy because of death, disability, divorce or separation of one of the occupants.

- D. This Section 204.6.1 shall only apply for a development of single-family detached dwellings that is served by both public sewer and public water services and that is approved as an Option 2: Age Restricted Residential Development meeting the requirements in Zoning Section 232, Conservation Subdivision Overlay Zone (CSO).

- E. If a condominium form of ownership or similar arrangement under the State Planned Communities Act is used, the applicant shall prove to the Township that the buildings will be laid out in such a manner that each dimensional requirement would have been met if each dwelling had been placed on its own fee simple lot.
- F. A minimum of 15 percent of the required Greenway Land shall be suitable for recreation for persons age 55 and older. Areas that would be needed to meet the minimum lot area for individual dwelling units shall not count towards this recreation land requirement.
- G. An Age Restricted Residential Development shall meet all other requirements of Township ordinances that are not specifically modified by this Section.

204.7. Accessory Uses

- 1. Maximum permitted height - Fifteen (15) feet;
- 2. Minimum setback requirements:
 - A. Front yard setback - Three hundred (300) feet; and,
 - B. Side and rear yard setbacks - Five (5) feet.

204.8. All uses permitted within this Zone shall also comply with all applicable General Provisions contained within Article 3 of this Ordinance.

204.9 If any portion of a new principal building will be located on any slopes of greater than 25 percent, then a 2 acre minimum lot area and a 200 feet minimum lot width shall be required.

- 1. An applicant shall prove compliance with this provision at the time of final subdivision or land development submission. Any subdivision plan for a new lot shall show the outer boundaries of the proposed principal building site. Any applicant may legally commit on the subdivision plan to not construct any principal building on portions of the lot with greater than 25 percent slope in order to avoid the larger lot requirements of this Section.
- 2. This Subsection 204.9 shall not apply to: 1) a lot that lawfully existed prior to the adoption of this Section, 2) slopes that the applicant proves were clearly man-made prior to the enactment of this Subsection, or 3) if the building intrudes into a total land area of less than 300 square feet of greater than 25 percent slopes.
- 3. This Subsection 204.9 shall apply based upon the slopes that were in existence at the time of enactment of this Section, prior to any subsequent regrading.

SECTION 205 HIGH DENSITY RESIDENTIAL ZONE (R-2)

205.1. Purpose - This Zone seeks to accommodate the higher density needs of the Township. A wide range of housing types are encouraged with densities exceeding those permitted elsewhere in the Township. This Zone is located near existing multi-family developments and/or major transportation routes. Certain civic and residential-related uses have also been allowed to enhance convenient access to this higher concentration of residents. This Zone coincides with public utility service areas. As a result, permitted densities and housing types reflect the use of these public utilities. Finally, conservation subdivision developments are a permitted use, and village development with density bonuses, are a conditional use, to encourage this preferred development pattern.

205.2. Permitted Uses

1. Agriculture, subject to the standards listed in Section 201 of this Ordinance, but excluding commercial livestock operations, as defined herein;
2. Single-family detached dwellings.
 - A. On tracts 3 acres, ATA, or larger, conservation subdivision, in compliance with Zoning Section 232, Conservation Subdivision Overlay Zone (CSO).
 - B. On tracts 3 acres, ATA, or larger, proposals for minor subdivisions of three conventional lots or less shall be exempt from the requirements of Subsection A. above. Conservation subdivision, with single-family detached dwellings, and meeting the standards in Zoning Section 232 is permitted, but not required. In addition:
 - a. Lots created under this Subsection shall meet the requirements of Sections 205.5 – 205.8, herein.
 - b. Where development of less than the entire tract is intended, or where the tract is intended to be developed at less than maximum density, the Board may require the applicant to file a Concept Plan for the entire tract.
 - c. Where development of less than the entire tract is intended, or where the tract is intended to be developed at less than maximum density, the development shall be configured so that only one resulting lot shall be capable of further subdivision, with the other lot(s) being restricted against further subdivision by deed restriction or conservation easement in accordance with Section 618 of this ordinance.
 - d. Where development of less than the entire tract is intended, or where the tract is intended to be developed at less than maximum density, any further subdivision shall comply with the standards for conservation subdivision development in Zoning Section 232.

- C. On tracts less than 3 acres, ATA, conventional lotting with single-family detached dwellings, developed in accordance with Sections 205.5 – 205.8, herein, is permitted, but not required.
- 3. Duplexes, in accordance with the standards in Section 205.2.2, above;
- 4. Townhouses; in accordance with the standards in Section 205.2.2, above;
- 5. Multiple-family dwellings; in accordance with the standards in Section 205.2.2, above;
- 6. Public and nonprofit parks and playgrounds;
- 7. Public uses, public schools and public utilities structures excluding communication antennas, towers, and equipment;
- 8. A detached single-family dwelling that existed on the effective date of this Ordinance, and contained (at that time) at least three thousand (3,000) square feet, may be converted into two (2) dwelling units, subject to the following:
 - A. The applicant shall furnish evidence that an approved system of water supply and sewage disposal will be utilized;
 - B. No extensions or modifications to the external appearance of the building (except fire escapes) which would alter its residential character, shall be permitted;
 - C. All floors above and below grade shall have a permanently affixed direct means of escape to ground level;
 - D. Four (4) off-street parking spaces shall be provided; and,
 - E. The applicant shall obtain any required land development approvals;
- 9. Forestry Activities (See Section 348);
- 10. No-impact home based business; and,
- 11. Accessory uses customarily incidental to the above permitted uses.

205.3. Special Exception Uses (See Section 604.3.)

- 1. Boarding houses (see Section 405);
- 2. Family day-care facilities (see Section 416);
- 3. Home occupations (see Section 422);
- 4. Commercial day-care facilities (see Section 409); and,
- 5. Private schools (see Section 432).

205.4. Conditional Uses (See Section 704.)

- A. Mobile home parks (subject to the requirements of the Silver Spring Township Mobile Home and Mobile Home Park Ordinance);
- B. Medical Residential Campus (see Section 425);
- C. Nursing, rest or retirement homes (see Section 428);
- D. Churches and related uses (see Section 407) and;
- E. Village Overlay Zone Developments (see Section 207).

205.5. Design Requirements⁶ - See the following table:

Use	Required Public Utilities	Minimum Lot Area (sq. ft.)	Maximum Net Density (du/ac)	Minimum Lot Width ¹	Maximum Lot Coverage	Minimum Yard Setbacks			
						Front	One Side	Both Sides	Rear
SFD	Both public water and public sewer	10,000	4	80 ft.	35%	40 ft. ⁵	15 ft.	30 ft.	35 ft.
Duplexes	Both public water and public sewer	6,000 per unit	5	50 ft. per unit	35%	30 ft. ⁵	25 ft.	N/A	30 ft.
Townhouses ²	Both public water and public sewer	2,000 per unit	5	20 ft. per unit	60%	30 ft. ⁵	15 ft. end units	N/A	30 ft.
Multiple Family ³	Both public water and public sewer	87,120	5	200 ft.	60%	50 ft.	30 ft.	60 ft.	50 ft.
Other Uses	Both public water and public sewer	43,560	N/A	200 ft.	30%	40 ft. ⁵	30 ft.	60 ft.	50 ft.

¹Minimum lot width shall be measured at the building setback line, and in no case shall the lot width, as measured along the street line, be less than seventy percent (70%) of that required at the building setback.

²No townhouse grouping shall contain more than six (6) units. For each townhouse grouping containing more than four (4) units, no more than sixty percent (60%) of such units shall have the same front yard setback; the minimum variation of setback shall be two (2) feet. All townhouse buildings shall be set back a minimum of fifteen (15) feet from any parking facilities contained on commonly-held lands. All townhouse buildings shall be set back at least thirty (30) feet from any perimeter boundary of the development site. In those instances where several townhouse groupings are contained upon the same lot, the standards listed in the following footnote 4 shall apply.

³In those instances where several multiple-family dwelling buildings and/or townhouse groupings are located on the same lot, the following separation distances will be provided between each building:

- a. Front to front, rear to rear, or front to rear, parallel buildings shall have at least seventy (70) feet between faces of the building. If the front or rear faces are obliquely aligned, the above distances may be decreased by as much as ten (10) feet at one end if increased by similar or greater distance at the other end.

- b. A minimum yard space of thirty (30) feet is required between end walls of buildings. If the buildings are at right angles to each other, the distance between the corners of the end walls of the building may be reduced to a minimum of twenty (20) feet.
- c. A minimum yard space of thirty (30) feet is required between end walls and front or rear faces of buildings.

⁴Any common open spaces are subject to the requirements listed in Section 316 of this Ordinance.

⁵Required front yard setbacks shall be forty (40) feet when abutting a collector road and/or fifty (50) feet when abutting an arterial road.

⁶See Section 319 for Public Utilities Structures.

205.5.1 Age Restricted Residential Development

- A. This Section 205.5.1 provides a density bonus for a residential development that a developer agrees to establish as being age restricted in compliance with the Federal requirements for "Housing for Older Persons" as specified in the United States Code. (Note - As of 2007, such provisions were in 42 U.S.C. 3607).
- B. In order to be approved by the Township as Age Restricted Residential Development, every dwelling unit (except a unit for one manager) on a tract of land shall be permanently restricted by deed, by any lease and by notes on the recorded plan to the following occupancy limitations:
 - 1. a minimum of one head of household of each dwelling unit shall be age 55 years or older, or who is physically disabled as defined by Social Security disability regulations, except that an applicant may choose the option under Federal law of using 62 years or older for such limit instead of 55 years or older; and
 - 2. no person under age 18 shall live in the dwelling unit for more than 30 days in any calendar year.
- C. In order to be approved as Age Restricted Development, the applicant shall establish an appropriate legal entity, such as a property-owner association, that has the duty, authority and responsibility to enforce such age restrictions over time. The Township shall also have the ability to treat any violation of such age restrictions as a violation of this Zoning Ordinance.
 - 1. If a household met the occupancy requirements at the time of the initial occupancy, then such persons shall not be required to move if the household in the future no longer meets the occupancy because of death, disability, divorce or separation of one of the occupants.
- D. This Section 205.5.1 shall only apply for a development of dwellings that is served by both public sewer and public water services and that is not approved as an Option 2 Age Restricted Residential Development meeting the requirements in zoning Section 232, Conservation Subdivision Overlay Zone (CSO).

- E. If a development consists entirely of single-family detached dwellings, then a minimum of 15 percent of the required Greenway land shall be suitable for recreation for persons age 55 and older. Such percentage shall be increased from 15 to 30 percent if the development includes dwelling types other than single family detached dwellings. Areas that would be needed to meet the minimum lot area for individual dwelling units shall not count towards the minimum common open space requirement.
- F. An Age Restricted Residential Development shall meet all other requirements of Township ordinances that are not specifically modified by this Section.

205.6. Minimum Accessory Structures Setbacks

- 1. Front yard - Three hundred (300) feet (except permitted signs); and,
- 2. Side and rear yards - Five (5) feet.

205.7. Maximum Permitted Height

- 1. Principal buildings and structures - Thirty-five (35) feet; and,
- 2. Accessory buildings and structures - Fifteen (15) feet.

205.8. All uses permitted within this Zone shall also comply with all applicable General Provisions contained in Article 3 of this Ordinance.

SECTION 206 VILLAGE RESIDENTIAL ZONE (R-3)

206.1. Purpose - This Zone intends to implement suitable policies for the protection and stabilization of older residential neighborhoods within the villages of Hogestown and New Kingstown. Aside from residential and public uses, nonresidential uses have been limited to preserve the “small town” character of these areas. Strict design standards have been imposed to keep uses in this Zone compatible with nearby homes. Incentives are provided to coordinate vehicular access between adjoining properties.

206.2. Permitted Uses

1. Public uses, public schools and public utilities structures excluding communication antennas, towers, and equipment;
2. Single-family detached dwellings;
3. Duplexes;
4. Public and nonprofit parks and playgrounds;
5. Forestry Activities (See Section 348);
6. No-impact home based business; and
7. Accessory uses customarily incidental to the above permitted uses.

206.3. Special Exception Uses (See Section 604.3.)

1. Bed and breakfasts (see Section 404);
2. Family day-care facilities (see Section 416);
3. Home occupations (see Section 422);
4. Conversion apartments (see Section 414);
5. Historic structure conversions (see Section 421);
6. Boarding houses (see Section 405); and,
7. Off-street off-site parking (see Section 429).

206.3A. Conditional Uses (Subject to the review procedures listed in Section 704 of this Ordinance.)

1. Churches and related uses (see Section 407).

206.4. Design Requirements¹ - See table below:

Use	Required Public Utilities	Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage	Minimum Yard Setbacks			
					Front	One Side	Both Sides	Rear
SFD	Both public water and public sewer	6,000 sq. ft.	60 ft.	35%	20 ft.	8 ft.	16 ft.	30 ft.
Duplexes	Both public water and public sewer	6,000 sq. ft. per unit	40 ft. per unit	35%	20 ft.	10 ft.	N/A	30 ft.
Other Uses	Both public water and public sewer	6,000 sq. ft.	60 ft.	35%	20 ft.	10 ft.	20 ft.	30 ft.

¹See Section 319 for Public Utilities Structures.

206.5. Minimum Accessory Structures Setbacks

1. Front yard - No accessory buildings shall be allowed in the front yard between a principal building and the front lot line.
2. Side and rear yards - Five (5) feet.

206.6. Maximum Permitted Height

1. Principal buildings and structures - Thirty-five (35) feet; and,
2. Accessory buildings and structures - Fifteen (15) feet.

206.7. All uses within this Zone shall comply with all applicable General Provisions contained within Article 3 of this Ordinance.

206.8. Design Features/Bonus Incentives - Because of this Zone's location along heavily traveled Carlisle Pike, the following incentives are offered for the coordinated provision of vehicular access, parking, loading and signage. These bonus incentives are tied to compliance with specified design features, as follows:

Design Features

1. Coordinated vehicular access between two or more adjoining land uses that make use of only one shared access drive onto adjoining roads.
2. Coordinated off-street parking between two or more adjoining land uses that share a single access drive. Such parking lots shall be arranged to provide ready access to all properties.
3. Coordinated off-street loading between two adjoining land uses sharing a single access drive that provides ready access to one or more loading spaces serving both uses.
4. Coordinated signage with two or more uses sharing only one sign.

Bonus Incentive

A ten percent (10%) increase in the maximum permitted lot coverage for each use.

Waiver of one side yard setback requirement as it applies to the off-street parking lot, and a ten percent (10%) reduction in the total number of parking spaces required for all uses.

Waiver of the off-street loading space requirement for that use that would otherwise require the least number of loading spaces, provided a cross property use easement is recorded that assures both uses may use the shared loading space(s). In addition, one side yard setback may also be waived, as it applied to off-street loading.

A five percent (5%) increase in the maximum permitted lot coverage and a ten percent (10%) increase in the maximum permitted size of any attached or freestanding signs.

SECTION 207 VILLAGE OVERLAY ZONE (VO)

207.1. Purpose and Intent - In compliance with Sections 605.(2) and 605.(3) of the Act, this Zone provides an optional set of design standards that can be applied to property located within the R-1 and R-2 Residential Zones. These optional design standards seek to achieve a “village” type setting that is characteristic of much of Cumberland County's built environment and heritage. All of the design standards of this Zone are vital if the “village” atmosphere is to be achieved. While many of the following requirements deal with issues that typically transcend zoning jurisdiction, they are provided as design options, and are, therefore, considered voluntarily self-imposed by prospective developers, but enforceable by the Township.

It is the intent of the Board of Supervisors to implement Article VII – A of the Municipalities Planning Code, Traditional Neighborhood Development, by providing standards for traditional neighborhood development as a new development, as an outgrowth or extension of existing development and as a form of infill.

It is the further intent of the Board of Supervisors to encourage flexibility, economy and ingenuity in the development of tracts within this Zone. To this end, the Board of Supervisors shall, by conditional use approval, permit the developer to modify the design standards of this Section 207 if such modification will enable the design of a better development. It is the specific intent of the Board of Supervisors to permit developers to consider and utilize innovative methods of design.

Some of the specific development objectives of the Zone include the design and construction of neighborhoods that:

1. Are distinct in their incorporation of important natural and cultural features;
2. Provide for a diversity of housing types, sizes, and costs with particular emphasis on scattered-site affordable housing opportunities;
3. Provide for convenient vehicular access to the neighborhood's edge but increased reliance upon pedestrian movements within its bounds;
4. Integrate local businesses and trades to enhance resident convenience and offer limited employment opportunities;
5. Make efficient use of local infrastructure and services;
6. Reflect the historic and traditional building styles so abundant within the region;
7. Reserve and feature civic uses and open spaces as community focal points;
8. Provide safe, efficient, and compatible linkages with existing nearby land uses, streets, sidewalks, etc.;
9. Invite regular and frequent social interaction among its inhabitants; and,

10. Blend all of these above-described features in a way that promotes community identification and a “sense-of-belonging” for the residents.

These development objectives will be used as a measure of conformance with any proposed development within this Zone.

207.2. Relationship to Other Ordinances and Sections of this Zoning Ordinance - The provisions of this Section 207 create a conditional use overlay zone which may be applied to lands within the R-1 and R-2 Zones. This Zone may only be applied to property upon approval by the Board of Supervisors and written acceptance by the landowner of all requirements of this section, and any valid conditions of approval attached by the Board of Supervisors. Such overlay zone establishes different land use and design requirements from those contained in this and other ordinances of the Township. To the extent the regulations within this section differ (are more, or less restrictive) from others, those within this section shall govern. However, all other provisions of this and other ordinances of the Township shall remain in full force.

207.3. Severability and Repealer - Should any part of this Section 207 be declared invalid by the courts, the entire Section 207 shall be automatically repealed.

207.4. Review Procedures - All proposals within this Zone are considered and shall be governed by the application and review procedures for conditional uses according to Section 704 of this Ordinance. The remaining requirements of this Zone shall be used as the specific criteria for evaluating the approval of any conditional use(s).

207.5. Conditional Uses

1. Public uses and public utilities structures excluding communication antennas, towers, and equipment;
2. Public and/or nonprofit parks;
3. Churches and related uses;
4. Single-family detached dwellings;
5. Duplexes;
6. Townhouses with no more than five (5) units per building;
7. Quadraplexes;
8. Accessory building apartments with no more than one (1) dwelling unit, subject to the criteria listed in Section 401 of this Ordinance;
9. Home occupations subject to the criteria listed in Section 422 of this Ordinance;
10. Family day-care subject to the criteria listed in Section 416 of this Ordinance;

11. The following locally-oriented commercial uses:
 - A. Barber, beauty, tanning, and health salons;
 - B. Tailors, off-site dry cleaning, and shoe repair services;
 - C. Retail sales and/or rental of goods such as, but not limited to, antiques, apothecaries, packaged beverages, recorded music and video materials, books, clothing, confections, dry goods, flowers, fresh or packaged food, furniture, gifts, hardware, jewelry, newspapers, notions, personal and household supplies, photographic supplies, sporting goods, stationery, and tobacco (excluding adult-related uses);
 - D. Delicatessens, bakeries, ice cream shops, caterers, restaurants, and fast-food restaurants, provided no drive-through facilities are used;
 - E. Photographic, music, art and dance studios;
 - F. Professional, medical, and/or dental offices;
 - G. Banks, including outdoor tellers if pedestrian-oriented, and similar financial institutions, provided no drive-through facilities are utilized; and,
 - H. Repair of clocks, jewelry, cameras, electronics, and small household appliances.
12. Commercial day-care facilities, subject to the criteria listed in Section 409.3 through 409.7;
13. Accessory uses customarily incidental to the above permitted uses.
14. Greenway land.

207.6. Minimum Area Requirements and Maximum Permitted Density

1. Minimum Area. All applications for this Zone shall contain no less than fifteen (15) contiguous acres, Adjusted Tract Area. However, applications that expand previously approved Village Overlay Zone development shall have no minimum area requirements.
2. Maximum Permitted Density.
 - A. The maximum residential density shall be as follows:
 - i. R1 District: 4 dwelling units/acre, ATA
 - ii. R2 District: 8 dwelling units/acre, ATA
 - iii. Accessory building apartments do not count towards the maximum density

- B. Where land is devoted to locally orient commercial uses, such area shall be delineated on the plan as a separate lot, to be subtracted from the land area used to calculate maximum residential density.
- C. No minimum lot area is established for individual dwelling units.

207.7. Required Mixture of Uses Village Overlay Zone developments of forty (40) or fewer dwelling units shall provide a mixture of uses that conform with the following ratios or Adjusted Tract Acreage:

Use	Required Percentage Land area or number of units
Greenway Land	Minimum 40% of ATA, plus all constrained land for the R1 zone; minimum 30% of ATA, plus all constrained land for the R2 zone
Formal greens, commons, squares and parks	Minimum 15% of Greenway Land
Single-Family Detached Dwellings	Minimum 35% of dwelling units
Other Dwellings (duplexes, townhouses, quadraplexes)	Maximum 65% of dwelling units (no minimum)
Local Commercial Uses	Maximum 5% of ATA (no minimum)

- 1. Village Overlay Zone developments of more than forty (40) dwelling units shall provide a mixture of uses that conform with the following ratios or Adjusted Tract Acreage :

Use	Required Percentage Land area or number of units
Greenway Land	Minimum 40% of ATA, plus constrained land for the R1 zone; minimum 30% of ATA, plus all constrained land for the R2 zone
Formal greens, commons, squares or parks	Minimum 15% of Greenway Land
Single-Family Detached and Other (duplexes, townhouses, quadraplexes), Dwellings	Minimum of two dwelling types, with no more than 65% of units of any one dwelling type
Local Commercial Uses	Maximum 5% of ATA (no minimum)

207.8. Maximum Coverage - In no case shall more than sixty-five percent (65%) of the ATA of a Village Overlay Zone development site be covered with buildings and/or other impervious surfaces.

207.9. Architectural Considerations - All proposals within the Village Overlay Zone must incorporate architectural treatments and styles that complement the Township's historic resources. All applications shall include the preparation of textual and (typical) graphic descriptions by a Commonwealth-registered architect, of proposed architectural features and styles, which shall be presented and analyzed with the following criteria:

1. Proportion of Building's Front Facades -The relationship between the width of the front of the building and the height of the front of the building.
2. Proportion of Openings Within the Building - The relationship of width to height of windows and doors.
3. Rhythms of Solids to Voids in the Front Facade - Since rhythm is a repeated and recurrent alteration of strong and weak architectural elements, a rhythm of masses to openings in a building should be maintained.
4. Rhythm of Spacing of Buildings on Streets - In moving past a series of buildings, a rhythm of recurrent or repeated building masses to spaces between them should be experienced.
5. Rhythm of Entrance and/or Porch Projections - Moving past a series of structures, one experiences a rhythm of entrances or projections at an intimate scale.
6. Relationship of Materials - Within an area, the predominant materials may be brick, stone, stucco, wood siding, or other approved material.
7. Relationship of Textures - The pre-dominant textures of an area may be smooth, such as stucco, or rough as brick with tooled joints or horizontal wood siding, or other textures.
8. Walls of Continuity - Physical ingredients, such as brick walls, wrought iron fences, evergreen landscape masses, building facades, or combinations of these form continuous, cohesive walls of enclosures along the street.
9. Relationship of Landscaping - There may be a predominance of a quality and quantity of landscaping, although emphasis herein shall be with the amounts and continuity of landscaping.
10. Paving Materials - There may be a predominance in the use of brick pavers, cobblestones, granite blocks or approved others.
11. Directional Expression of Front Elevation - Structural shape, planning of openings and architectural detail may provide a predominantly vertical, horizontal, or non-directional character to the building's facade.
12. Scale - Scale is created by the size of units of construction and architectural detail that relate to the size of man. It can also be determined by building mass and how it relates to open space. The major elements of scale may be brick or stone units, window or door openings, porches, and balconies, etc.

13. Relationship of Color - Insofar as the mass and detail, such as trim, are concerned, a predominant color that may be of a natural material or a patina colored by time. Blending colors of trim is also a factor.
14. Relationship of Architectural Details - Architectural details and their relationship to the structure in question and adjacent ones, including but not limited to, cornices, lintels, arches, quoins, balustrades and ironwork, chimneys, etc.
15. Relationship of Roof Shapes - Buildings should have compatible roof shapes, such as gable, mansard, hip, flat, gambrel and/or other kinds of roof shapes.
16. A description of any nonstructural site improvements (buffering, landscaping, and screening) that will be used to protect the integrity of the historic resources.

207.10. Design Requirements

1. Lot Design Standards⁶ - See following table:

Permitted Dwelling Type	Minimum Lot Width at Building Line	Maximum Lot Coverage ³	Front Build-to Line ¹	Minimum Yard Setbacks ²		
				One Side	Both Sides	Rear
Single-Family Detached ⁴	50 ft.	50%	10-15 ft.	6 ft.	12 ft.	20 ft.
Duplex	40 ft. per unit	70%	10-15 ft.	6 ft. per unit	N/A	20 ft.
Townhouse ⁵	18 ft. per unit	62.5% or 80% ⁷	10-15 ft.	10 ft. end units	N/A	20 ft.
Quadrplex	30 ft. per unit	70%	10-15 ft.	10 ft. end units	N/A	20 ft.

¹No less than seventy percent (70%) of a building's front facade (including the front facade of any covered or uncovered porches) must be located on the front build-to line; except, however, no less than fifty percent (50%) of any townhouse or quadrplex building must be located on the front build-to line. Front build-to lines shall be measured between the edges of the street right-of-way and the closest facade of the building; including porches. No part of any building shall extend closer to a street than the front build-to line.

²Required setbacks for accessory structures shall be six (6) feet from rear and side lot lines. No accessory buildings shall be permitted within the front yard.

³Maximum lot coverage requirements shall not apply to porches located within the front yard.

⁴In addition to the principal dwelling, an accessory building apartment is permitted by special exception, subject to the criteria listed in Section 401. Such accessory building apartments shall not be calculated as part of the maximum permitted density depicted for single-family detached dwellings in this table.

⁵No townhouse building shall contain more than five (5) units. For each townhouse building containing more than four (4) units, no more than sixty-seven percent (67%) of such units shall have the same front yard setback; the minimum variation of setback shall be five (5) feet. In addition, no more than two (2) contiguous units shall have identical roof lines that generally parallel the ground along the same horizontal plane. All townhouse buildings shall be set back a minimum of fifteen (15) feet from any interior access drives, or parking facilities contained on commonly-held lands. All townhouse buildings shall be set back at least thirty (30) feet from any perimeter boundary of the development site. In those instances where several townhouse buildings are located on the same lot, the following separation distances will be provided between each building:

- a. Front to front, rear to rear, or front to rear parallel buildings shall have at least fifty (50) feet between faces of the building. If the front or rear faces are obliquely aligned, the above distances may be decreased by as much as ten (10) feet at one end if increased by similar or greater distance at the other end.
- b. A minimum yard space of thirty (30) feet is required between end walls of buildings. If the buildings are at right angles to each other, the distance between the corners of the end walls of the building may be reduced to a minimum of twenty (20) feet.
- c. A minimum yard space of thirty (30) feet is required between end walls and front or rear faces of buildings.
- d. All townhouse buildings shall be set back a minimum of fifteen (15) feet from any interior access drives or parking facilities contained on commonly-held lands.

⁶See Section 319 for Public Utilities Structures.

⁷The maximum lot coverage requirements for townhouses shall be a maximum of sixty-two and one-half percent (62.5%) for end units (end units being defined as townhouse units having only one common party wall), and eighty percent (80.0%) for interior units (interior units being defined as townhouse units having two or more common party walls).

2. Residential Building Design Standards - All residences shall comply with the following:
 - A. Building Height - All principal residences shall be between one and one-half (1½), and three (3) stories in height. Accessory buildings shall be no more than fifteen (15) feet high unless an accessory apartment is provided; in such cases, an accessory building can extend up to two stories;
 - B. Building Orientation and Porches - All residential buildings' main entrances shall face the lot's front yard. At least fifty percent (50%) of all detached dwellings located along a public street within the same block shall include porches within the front yard. When a dwelling with a porch is located on a corner lot, the porch shall extend parallel along both front lot lines; and,
 - C. Building Relationship to Greenway Land - A minimum of fifty percent (50%) of residential dwelling units shall directly adjoin Greenway land or face such lands across a street.
3. Vehicular Access and Parking Requirements for Residences - All driveways and off-street parking shall be provided within the rear yard. However, one joint-use driveway shall be permitted to extend into the front yard to connect with a public street, along a common lot line serving at least two (2) adjoining residences. Driveway widths shall range between ten (10) and twelve (12) feet. In no case shall any joint-use driveway serve more than four (4) dwelling units.

For purposes of this Zone, Section 308 of this Ordinance is partially waived to allow the creation of dwelling lots that do not have public street frontage; however, such lots must front along a commonly-held green, and have direct access to a public alley, or a joint-use driveway. In such cases, the lot's front yard shall be that which is along the green. Furthermore, the lot's front build-to line shall be measured from the edge of the green;

207.11. Commercial Design Requirements - Within the Village Overlay Zone, those locally oriented commercial uses listed in Section 207.5.11. shall be permitted in one or a combination of the two following alternative design schemes:

1. Commercial Courtyard - This design scheme provides for a centralized pedestrian-oriented commercial courtyard that provides a maximum separation of commercial patrons from vehicular traffic:
 - A. Where practicable, all commercial land uses shall be centralized within one area which is generally equidistant from the peripheral edges of the development, or any adjoining residential neighborhood(s) whose residents would also patronize the commercial courtyard;
 - B. Commercial courtyards shall also be integrated upon a system of sidewalks and/or pedestrian pathways, such that all inhabitants of the development and adjoining neighborhoods to be served will have safe and convenient pedestrian access to the commercial courtyard;
 - C. Where practicable, commercial courtyards will be contiguous or directly across a street from common greens as required by Section 207.12.1. of this Ordinance. Furthermore, commercial courtyards shall also incorporate, or be located in close proximity with, civic uses and amenities (e.g., postal gang boxes, bus stops, community centers or pavilions, playgrounds, etc.);
 - D. Commercial courtyards shall consist of greens, commons, or squares and contain one minimum twelve (12) foot wide pedestrian path which generally runs perpendicular from adjoining streets. Such pedestrian path shall have a dust-free impervious surface with lamp posts, trash receptacles, shade tree beds, pedestrian benches, and similar amenities;
 - E. Each commercial building's main facade, sign, and customer entrance shall front on the commercial courtyard or a centrally located green. At least fifty percent (50%) of the commercial buildings' main facades shall be placed upon a five (5) foot build-to-line, as measured from the nearest edge of the courtyard's pedestrian path or edge of the green; however, this requirement can be waived for outdoor cafes, so long as a three (3) foot high fence is placed along the same build-to-line;
 - F. Outdoor restaurant cafes, including awnings, umbrellas, tables and chairs, and trash receptacles are permitted, so long as they architecturally and visually complement the overall appearance and function of the commercial courtyard. All activities on-site shall be controlled so as not to constitute a nuisance by means of noise, and litter;
 - G. One sidewalk display bin for retail merchandise shall be permitted per use between the main facade of the building and the courtyard's pedestrian path. Such bin shall be located against the facade and shall not extend more than two (2) feet perpendicular from it. Sidewalk display bins shall not exceed an overall length of fifteen (15) feet, nor an overall height of three (3) feet. Sidewalk bins shall only be exhibited during the use's business hours;

- H. Signs for commercial uses within the commercial courtyard shall only include flat wall signs or wall projecting signs. Overall sign size shall be limited to six (6) square feet per sign, per business. Each business will be permitted one such sign along the courtyard pedestrian path, plus another oriented to its street side. The commercial courtyard is also permitted one freestanding archway which crosses over the common pedestrian path. Such archway must be used to identify a common name of the commercial courtyard;
- I. **Parking and Loading.** In a Commercial Courtyard Development, the commercial buildings shall face the courtyard directly or across a street. Where such a street is provided, on-street parallel parking spaces may be provided and may count towards the parking requirement. All remaining required parking shall be located to the rear of the commercial building, with up to 10% of the required parking permitted in the side yard. As an alternative, off-street parking and loading can be provided on a separate common area shared by adjoining businesses. Such common parking and loading shall be not more than three hundred (300) feet from any of the uses it serves, shall be linked via a sidewalk to the courtyard's common pedestrian path, and shall be screened from the common pedestrian path, adjoining roads, and adjoining residential areas;
- J. Required Off-Street Parking - Minimum required off-street parking spaces for commercial uses are computed on the basis of one (1) per three hundred (300) square feet of total floor area, except that convenience stores, and/or offices of physicians, dentists, and veterinarians shall require one space per two hundred (200) square feet of total floor area.
- Off-street parking lot design standards shall follow those specified for all commercial uses contained within Section 603 of the SLDO. All off-street parking for commercial uses shall be set back no less than twenty-five (25) feet from any adjoining property used principally for residential purposes. Furthermore, any street access to any off-street parking space must be set back at least forty (40) feet from the right-of-way lines of any intersecting street, or five (5) feet from a fire hydrant;
- K. For each commercial use, one upper-floor apartment with a separate ground level access and one off-street parking space must be provided;
- L. No business shall comprise more than six thousand (6,000) square feet of gross floor area (excluding the upper-floor apartment);
- M. Lot Area Requirements - There is no minimum lot area, however, a lot shall be created for commercial uses, located along the right of meeting the standards of the VO district;
- N. Perimeter Buffer Requirements - A twenty-five (25) foot wide landscape buffer strip shall be provided where a commercial use adjoins a tract containing residential uses;

- O. Maximum Lot Coverage - Ninety percent (90%);
- P. Minimum Required Setbacks - See following table:

Use	Front Yard	Side Yards Abutting Other Commercial Uses	Side Yards Abutting Public or Residential Uses	Rear Yard
Building	10 ft. minimum, 25 ft. maximum	None	25 ft.	See Section 207.11.1.E.
Off-Street Parking	See Section 207.11.1.J	None	25 ft.	Not permitted
Off-Street Loading	10 ft.	None	50 ft.	Not permitted
Dumpster	Not permitted	N/A	50 ft.	Not permitted

- Q. Required Off-Street Loading - See Section 603 of the Subdivision and Land Development Ordinance;
 - R. Height Requirements - All buildings shall have two (2), two and one-half (2½), or three (3) stories;
 - S. Outdoor Storage - No outdoor storage is permitted;
 - T. Waste Products - Dumpsters may be permitted within the side or front yard, provided such dumpsters are screened from any adjoining roads and/or properties. All dumpsters shall be set back a minimum of fifty (50) feet from any adjoining properties used for a principal residence. All waste receptacles shall be completely enclosed within a masonry or “sight-tight” fenced enclosure equipped with a self-latching door or gate;
 - U. Architectural Considerations - All commercial buildings are subject to the regulations of Section 207.9.;
 - V. Landscaping - Any portion of the site not used for buildings, structures, parking lots, loading areas, outdoor storage areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings; and,
 - W. Commercial Operations Standards - All commercial operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal government regulations, as required by the most recent regulations made available from these governmental bodies.
2. Main Street Setting - This design scheme provides for a centralized main street streetscape similar to that characterized by many of the historic villages and boroughs of the County.

- A. Unless impractical, all commercial land uses shall be centralized within one area which is generally equidistant from the peripheral edges of the development, or any adjoining residential neighborhood(s) whose residents would also patronize the commercial uses;
- B. Main street settings shall be integrated upon a system of sidewalks, such that all inhabitants of the development and adjoining neighborhoods to be served will have safe and convenient pedestrian access to the main street area;
- C. Where practicable, main street settings will be contiguous to or directly across a street from, common greens as required by Section 207.12.1. of this Ordinance. Furthermore, main street settings shall also incorporate, or be located in close proximity with, civic uses and amenities (e.g., postal gang boxes, bus stops, community centers or pavilions, playgrounds, etc.);
- D. Main street settings shall require that commercial uses front along a new arterial or collector road serving the development;
- E. Main street settings shall include sidewalks with lamp posts trash receptacles, pedestrian benches, shade trees, and other similar amenities;
- F. Each commercial building's facade, sign, and customer entrance must be oriented toward its adjoining street. At least fifty percent (50%) of the commercial buildings' main facades shall be placed upon a five (5) foot front build-to-line; however, this requirement can be waived for outdoor restaurant cafes, so long as a three (3) foot high fence is placed along the same build-to-line;
- G. Outdoor restaurant cafes, including awnings, umbrellas, tables and chairs, and trash receptacles are permitted so long as they architecturally and visually complement the overall appearance and function of the main street setting. All activities on-site shall be controlled so as not to constitute a nuisance by means of noise and litter;
- H. One (1) sidewalk display bin for retail merchandise shall be permitted per use between the main facade of the building and the main street sidewalk. Such bin shall be located against the facade and shall not extend more than two (2) feet perpendicular from it. Sidewalk display bins shall not exceed an overall length of fifteen (15) feet, nor an overall height of three (3) feet. Sidewalk bins shall only be exhibited during the use's business hours;
- I. Signs for commercial uses within the main street setting shall only include flat wall signs or wall projecting signs. Overall sign size shall be limited to six (6) square feet per business. Each business will be permitted only one such sign. Another two (2) square foot wall sign is permitted facing the building's off-street parking area;

J. Required Parking and Loading - Minimum required off-street parking spaces for commercial uses are computed on the basis of one (1) per three hundred (300) square feet of total floor area, except that convenience stores, and/or offices of physicians, dentists, and veterinarians shall require one space per two hundred (200) square feet of total floor area. Required off-street loading spaces shall be determined by the SLDO. Such off-street parking and loading areas shall be located behind any commercial building in the rear yard. All off-street parking and loading space areas shall be provided on an integrated basis so that all uses are physically interconnected and share available parking and loading spaces. Cross access easements to ensure such integration shall be required in language acceptable to the Township's Solicitor. For the purposes of this Zone, the schedule of required parking spaces listed in the SLDO shall not apply. However, all other design standards shall be enforceable. All vehicular access to such areas shall be via common access drives, preferably not directly from the main street area, but from an intersecting side street.

In addition to the above-described off-street parking, on-street parking shall be provided as parallel parking along any side of the street upon which commercial uses front;

- K. For each commercial use, one upper-floor apartment with a separate ground-level access and one off-street parking space must be provided;
- L. No business shall comprise more than six thousand (6,000) square feet of gross floor area (excluding the upper-floor apartment);
- M. Lot Area Requirements - There is no minimum lot area, however, a lot shall be created for commercial uses, meeting the standards of the VO district.
- N. Perimeter Buffer Requirement - A twenty-five (25) foot wide landscape buffer strip shall be provided where a commercial use adjoins a tract containing a residential use;
- O. Maximum Lot Coverage - Ninety percent (90%);
- P. Minimum Required Setbacks - See the following table:

Use	Front Yard	Side Yards Abutting Other Commercial Uses	Side Yards Abutting Noncommercial Uses	Rear Yard Abutting Other Commercial Uses	Rear Yard Abutting Noncommercial Uses
Building	See Section 207.11.2.F.	None	0 ft.	50 ft.	50 ft.
Off-Street Parking	Not permitted.	None		None	15 ft.
Off-Street Loading	Not permitted.	None	25 ft.	None	25 ft.
Dumpster	Not permitted.	None	50 ft.	None	50 ft.

- Q. Height Requirements - All buildings shall have two (2), or two and one-half (2½) stories;
- R. Outdoor Storage - No outdoor storage is permitted;
- S. Waste Products - Dumpsters are permitted within the rear yard. All dumpsters shall be set back a minimum of fifty (50) feet from any adjoining properties used for a principal residence. All waste receptacles shall be completely enclosed within a masonry or “sight-tight” fenced enclosure equipped with a self-latching door or gate;
- T. Landscaping - Any portion of the site not used for buildings, structures, parking lots, loading areas, outdoor storage areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings; and,
- U. Commercial Operations Standards - All commercial operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal government regulations, as required by the most recent regulations made available from these governmental bodies.

207.12. Greenway Land Design Requirements - As specified in Section 207.7., a minimum of 40% (R1 zone) or 30% (R2 zone), of the Adjusted Tract Area, plus constrained lands, shall be devoted to Greenway Land that complies with the following standards:

1. Greenway land shall be delineated in accordance with the standards in Section 618 of the Subdivision and Land Development Ordinance.
2. The Greenway land shall be located and designed to add to the visual amenities of villages and to the surrounding area, by maximizing the visibility of Greenway land as terminal vistas at the ends of streets or along the outside edges of street curves, and as perimeter greenbelts. Greenbelts shall be designed to provide buffers and to protect scenic views as seen from existing roadways and from public parks.
3. Greenway land shall consist of two types: natural and formal.
 - A. Natural Greenway land consists of, but is not limited to: agricultural lands, meadows, woodlands, specimen trees, hedgerows, wetlands, floodplain and steep slopes.
 - B. Formal Greenway land consists of greens, commons, squares, and parks that are defined by building walls, streets, and street trees.
4. Greens, Commons, Squares, and Parks. No less than 15% of the Greenway Land shall be devoted to formal Greenway land.

- A. Greens, commons, squares and parks shall be distributed throughout villages, in residential neighborhoods, and, when included, the village commercial area.
 - B. Common Greens in Village Commercial Areas. When commercial uses are proposed, a central village green shall be required. The central green shall be designed as an attractive gathering place for village residents in both day and evening and:
 - a. Shall border on the principal street running through the commercial area, or be located so as to constitute the “terminal vista” of that street;
 - b. Should be surrounded by buildings on all sides, and shall be surrounded by streets on at least three sides;
 - c. Shall be located within 1500 feet of 80 percent of all dwelling units in the village. Alternatively, two smaller common greens at least 6,000 square feet in area may be substituted for the central green, in order to meet this proximity standard;
 - d. Shall be of pedestrian scale, between 20,000 and 40,000 square feet in area, and shall be no longer or wider than 300 feet;
 - e. Should ideally be surrounded by two-story development that may include residential, civic and institutional uses in addition to commercial uses;
 - f. Shall be landscaped using elements of formal gardens including walkways, monuments, statues, gazebos, fountains, park benches and pedestrian scale lampposts.
 - C. Smaller greens, commons and squares, at least 5,000 square feet and no larger than 30,000 square feet, shall be dispersed throughout the village in such a way that no lot is more than 1,250 feet from a green, common or square.
 - D. All greens, commons, and squares shall be planted with shade trees along their edges, at intervals not greater than 40 feet.
 - E. The visibility of greens, commons, and squares shall be maximized by locating Greenway land in “terminal vista” locations as often as possible, such as the ends of streets at 3-way intersections or occupying a corner of a 4-way intersection.
 - F. Greens, commons and square shall contain no more than 15 percent impervious coverage.
5. Permanent Protection, Ownership, and Management of Greenway Land. Sections 232.9 and 232.10 of this Chapter shall apply.

207.13. Streets, Sidewalks, and Alleys - Within the Village Overlay Zone, the following design standards shall be applied to streets, sidewalks, and alleys:

1. The following table lists required street, sidewalk, and alley widths:

Functional Street Classification	Number of Travel Lanes	Number of Parallel Parking Lanes	Minimum Required Cartway Width	Minimum Required Sidewalk and Related Planting Strip Width ¹	Minimum Required R.O.W. Width
Arterial or Collector	2	2	40 ft.	20 ft.	60 ft.
Local	2	2	36 ft.	20 ft.	56 ft.
Local	2	1	28 ft.	20 ft.	48 ft.
N/A	2-way alleys	0 ²	16 ft.	0	16 ft.
N/A	1-way alleys	0 ²	11 ft.	0	11 ft.
N/A	1-way access drives	0	9 ft.	0	9 ft.
N/A	2-way access drives	0	18 ft.	0	18 ft.
N/A	joint-use driveway	0	16 ft.	0	16 ft.

¹Sidewalks shall be provided in accordance with Section 207.13.4. of this Ordinance.

²No parking shall be permitted within alleys.

2. **Block Design.**

- a. Villages shall be designed in a rectilinear pattern of blocks and interconnecting streets and rear lanes, defined by buildings, landscaping, pedestrian ways, sidewalks, and street furniture. However, to avoid the monotony of a rigid grid layout and to better conform to the natural terrain, streets may include frequent gentle curves.
- b. The maximum block length shall be 800 feet, with mid-block footpaths connecting to sidewalks or other paths when block length exceeds 500 feet.
- c. Rectilinear blocks of the dimensions required above may be reshaped at the discretion of the Township when topography, existing vegetation, or hydrology considerations influence block shape and size.

3. The use of cul-de-sacs is forbidden unless necessitated by steep slopes, streams, or wetlands. All cul-de-sacs shall be accompanied by a plan for future street connections;

4. All public streets that connect with existing arterial or collector roads (as depicted on the Official Zoning Map) provide access to commercial uses, and/or act as collector roads within the proposed development, shall be designed with a minimum centerline turning radius of one hundred fifty (150) feet. All other roads

shall be designed with a minimum centerline turning radius of eighty (80) feet. All intersections of driveways, joint-use driveways, access drives, and/or streets shall provide a clear sight triangle in accordance with Section 602 of the SLDO;

5. Both sides of all public streets shall be lined with five (5) foot wide sidewalks, and five (5) foot wide sidewalk planting strips; however, where sidewalks directly abut on street parking spaces fronting commercial uses, such sidewalks shall be at least eight (8) feet wide. Sidewalks and sidewalk planting strips shall weave beside, and in-and-out of, one another. At driveway, access drive, and street intersections, all sidewalks shall include aprons for access by handicapped persons according to standards contained within the latest version of the Americans with Disabilities Act. Sidewalk planting strips shall stop no less than twenty (20) feet from the curb line of an intersecting street; in these areas, ten (10) foot wide sidewalks shall be provided. In addition, sidewalk planting strips can be replaced with ten (10) foot wide sidewalks at locations of passive pedestrian nodes (e.g., benches, fountains, public transit stops, and access points of public uses and parks). One shade tree shall be provided every fifty (50) feet, or fraction thereof, of linear sidewalk planting strip.

207.14. Public Utility and Service Requirements - All proposals within the Village Overlay Zone must comply with the following:

1. Both public sewer and public water shall be used throughout the development;
2. Where practicable, the retention and regenerative percolation of storm water runoff shall be located within common passive open spaces;
3. All utility lines shall be located underground and within public streets, alleys, or other public rights-of-way. Any required utility structures, buildings, pump stations, transformers, or other similar devices shall be screened from adjoining properties and roads;
4. All public streets shall be provided on one, or both, side(s) with street lights. Such street lights shall be placed every one hundred (100) lineal feet and shall be of such design and light intensity to complement the development's architecture;
5. Bus stops shall be placed at appropriate location(s) along major roads serving the proposed development. Their distribution shall be such that no residence within the development shall be situated more than one thousand (1,000) feet from its bus stop. Furthermore, the selection of bus stops shall be logically connected with any existing bus routes. Bus stops shall consist of a minimum pedestrian node consisting of one ten by twenty (10 x 20) foot sidewalk section, one permanently anchored park bench, and a shade tree. Such bus stops shall be provided, even if existing bus routes do not currently serve the area; and,
6. Applicants are required to obtain a letter from the Emergency Management Coordinator of the company that would provide first-call service to the proposed development. Such letter should describe any foreseeable problems regarding fire protection for the proposed development. Particular attention should focus upon the location of fire hydrants and street turning radii.

207.15. Subsequent Revisions within the Village Overlay Zone

1. Except as provided in the next Sections 207.15.2. and 207.15.3, any change proposed within a previously approved Village Overlay Zone will require the obtainment of a conditional use according to the procedures and standards listed in Section 704 of this Ordinance. The evaluation of such conditional use will be based upon its compliance with the specific requirements of Section 207 and other applicable provisions of this Ordinance, as well as any conditions of approval attached to the original approval;
2. Minor revisions of existing uses which were previously approved as part of a Village Overlay Zone are permitted by right, if they:
 - A. Do not violate any design standards specifically imposed upon the proposed use and its site;
 - B. Do not change any principal use;
 - C. Do not violate any of the standards imposed upon the entire development;
 - D. Do not violate any conditions attached to the original approval of the Village Overlay Zone; and,
 - E. Do not adversely affect the architecture of the approved existing development.
3. The following accessory uses may be established by conditional use, subsequent to approval of a Village Overlay Zone development, subject to their respective specific criteria and the rules and procedures of Section 604.3. of this Ordinance:
 - A. Home occupations (see Section 422 of this Ordinance);
 - B. Family day-care (see Section 416 of this Ordinance); and,
 - C. Accessory apartments (see Section 401 of this Ordinance).

207.16. Modifications of Design Standards

1. The Board of Supervisors may, by conditional use approval, permit the modification of the design standards in order to encourage the use of innovative design. A developer desiring to obtain such conditional use approval shall, when making application for conditional use approval for village development, as required by Section 207, also make application for conditional use approval under this section. The Board of Supervisors shall consider both conditional use approval requests simultaneously. Any conditional use to permit a modification of the design standards shall be subject to the following standards:

- A. Such modifications of design standards better serve the intended purposes of this Zone, as expressed in Section 207.1.;
- B. Such modifications of design standards would not result in adverse impact to adjoining properties, nor future inhabitants within the Village Overlay Zone development;
- C. Such modifications will not result in an increase in residential densities permitted for the site; and,
- D. The extent of modification provides the minimum amount of relief necessary to ensure compliance with the preceding criteria Section 207.16.1.A.–C.

SECTION 210 NEIGHBORHOOD COMMERCIAL ZONE (C-1)

210.1. Purpose - The purpose of this Zone is to provide basic convenience commercial goods and services to local residents who are located at some distance from the Township's commercial concentrations along the Carlisle Pike. Uses have been limited to those that residents are likely to need on a daily or regular basis. Overall, retail size has been restricted to prevent the establishment of intensive commercial uses that exceed the local orientation of this Zone. Areas where this Zone occurs have been sized to permit a grouping of several businesses; lot sizes may vary depending upon the use of public utilities. These areas have been located amid the various residential concentrations to facilitate convenient access to these services without creating additional congestion to and from larger commercial centers. Strict design standards have been imposed to keep uses in this Zone compatible with nearby homes.

210.2. Permitted Uses

1. Offices;
2. Banks and similar financial institutions;
3. Restaurants, but not including drive-thru or fast-food restaurants, or nightclubs;
4. Retail sale and/or rental of goods, including convenience stores, provided the total sales and/or display area is less than three thousand six hundred (3,600) square feet;
5. Retail services, including barber/beauty salons, music, dance, art or photographic studios, repair of clocks and small appliances;
6. Medical or dental clinics;
7. Veterinary offices, provided no outdoor keeping of animals is permitted;
8. Public uses and public utilities structures excluding communication antennas, towers and equipment;
9. Shopping centers with any of those uses permitted in this section;
10. Dwellings subject to the requirements of the residential zone, which abuts the (C-1) Zone in which the site is located;
11. Churches and related uses;
12. Recycling collection facilities, provided such facilities are sufficiently enclosed to prevent the scattering of debris, the materials collected are removed at regular intervals, the facility is posted to prohibit the disposal of any material, good, or furnishing that cannot be placed within the actual recycling bin, and the total size of the facility is less than three hundred (300) square feet;

13. Commercial day-care facilities, subject to the following:
 - A. An outdoor play area shall be provided, at a rate of sixty-five (65) square feet per individual enrolled. Off-street parking compounds shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard. Additionally, outdoor play areas shall be located and designed so as not to disrupt normal activities of adjoining uses permitted within the Zone and/or neighborhood. Outdoor play areas shall be completely enclosed by a minimum four (4) foot high fence, and screened from adjoining residentially-zoned properties. Any vegetative materials located within the outdoor play areas shall be of a nonharmful type (poisonous, thorny, allergenic, etc.). All outdoor play areas must provide a means of shade, such as a shade tree(s) or pavilion(s);
 - B. Enrollment shall be defined as the largest number of persons and/or children under day-care supervision at any one time during a seven-day period;
 - C. Passenger “drop-off” and “pick-up” areas shall be provided on site and arranged so that the passengers do not have to cross traffic lanes on or adjacent to the site;
 - D. One (1) off-street parking space shall be provided for each six (6) persons enrolled; and,
 - E. All commercial day-care facilities shall obtain and maintain proper licensure from the Commonwealth of Pennsylvania;
14. Public and private schools (excluding vocational and mechanical trade schools), subject to the following:
 - A. All off-street parking lots shall be set back twenty-five (25) feet and screened from adjoining property lines;
 - B. All buildings shall be set back at least one hundred (100) feet from any adjoining land within a residential zone;
 - C. If education is offered below the college level, an outdoor play area shall be provided, at a rate of sixty-five (65) square feet per individual enrolled. Off-street parking lots shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard and must be set back twenty-five (25) feet from all property lines. Outdoor play areas shall be completely enclosed by a minimum four (4) foot high fence and screened from adjoining residentially-zoned properties. Any vegetative materials located within the outdoor play area shall be of a nonharmful type (poisonous, thorny, allergenic, etc.). All outdoor play areas must be provided a means of shade, such as shade tree(s) or pavilion(s);

- D. Enrollment shall be defined as the largest number of students on the site at any one time during a seven (7) day period; and,
 - E. Passenger “drop-off” and “pick-up” areas shall be provided and arranged so that students do not have to cross traffic lanes on or adjacent to the site;
15. Dry cleaners, laundries and laundromats, subject to the following:
- A. Public sewer and public water shall be utilized, except for operations that only involve material pick-up and drop-off;
 - B. All activities shall be conducted within a completely enclosed building;
 - C. During operation or plant cleanup and maintenance, all windows and doors on walls facing adjoining residential zones shall be kept closed;
 - D. Any exhaust ventilation equipment shall be directed away from adjoining residentially-zoned property; and,
 - E. Self-service laundromats shall require one (1) off-street parking space for each two (2) washing machines; other laundry-related uses shall provide one (1) off-street parking space for each four hundred (400) square feet of gross floor area;
16. Forestry Activities (See Section 348);
17. Automobile filling stations (including minor incidental repair) (see Section 324); and,
18. Accessory uses customarily incidental to the above permitted uses.

210.3. Lot Area, Lot Width, and Lot Coverage Requirements² - See the following table:

Public Utilities Utilized	Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage
None	43,560 sq. ft.*	200 ft.	35%
Public Water	32,670 sq. ft.*	150 ft.	45%
Public Sewer	20,000 sq. ft.	125 ft.	50%
Both Public Sewer and Public Water	15,000 sq. ft.	100 ft.	60%

*The minimum required lot size may be increased to ensure an acceptable level of nitrate-nitrogen in the adjoining groundwater; such determinations will be made by the PA DEP, through its sewer module review process (see Section 311).

²See Section 319 for Public Utilities Structures.

210.4. Minimum Setback Requirements (Principal and Accessory Uses)

1. Front yard setback:

Use	Required Front Yard Setback from Local Road	Required Front Yard Setback from Collector Road	Required Front Yard Setback from Arterial Road
Buildings and Structures, Excluding Signs	35 ft.	35 ft.	45 ft.
Off-Street Parking	20 ft.	20 ft.	30 ft.
Off-Street Loading	35 ft.	35 ft.	45 ft.
Permitted Freestanding Signs	10 ft.	10 ft.	20 ft.
Outdoor Storage Areas	Not Permitted	Not Permitted	Not Permitted
Outdoor Display Areas	Not Permitted	Not Permitted	Not Permitted

2. Side yard setbacks - All buildings and structures shall be set back at least fifteen (15) feet from the side lot lines. Off-street parking lots and loading areas shall be set back at least ten (10) feet from the side lot lines, unless joint parking facilities are shared by adjoining uses. In such instances, one of the side yard setbacks can be waived solely for parking and/or loading facilities;
3. Rear yard setback - All buildings, structures, off-street parking lots, and loading areas shall be set back at least twenty (20) feet from the rear lot line;
4. Building separation setbacks - For multiple buildings contained on the same lot, there shall be provided a minimum of twenty-five (25) feet between the closest points of such buildings; and,
5. Residential buffer strip - Any lot adjoining land within a residential zone shall maintain a twenty-five (25) foot setback for nonresidential buildings, structures, off-street parking lots, and loading areas from the residentially-zoned parcels. Such areas shall be used for a landscape strip and screen.
6. Public Utilities Structures - See Section 319.

210.5. Maximum Permitted Height - Thirty-five (35) feet. See Section 319 for Public Utilities Structures.

210.6. Signs - Signs shall be permitted as specified in Section 313 of this Ordinance.

210.7. Screening - A visual screen must be provided along any adjoining lands within a residential zone, regardless of whether or not the residentially-zoned parcel is developed.

210.8. Landscaping - Any portion of the site not used for buildings, structures, parking lots, loading areas, outdoor storage areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings.

A minimum ten (10) foot wide landscape strip shall be provided along all property lines. Such landscape strip can be waived for that portion of the site occupied by a joint parking lot and/or loading area shared by adjoining uses.

210.9. Waste Products - Dumpsters may be permitted within the side or rear yard, provided such dumpsters are screened from any adjoining roads and/or properties. All dumpsters shall be set back a minimum of twenty-five (25) feet from all lot lines, and fifty (50) feet from any adjoining residentially-zoned properties. All waste receptacles shall be completely enclosed within a “sight-tight” masonry or framed enclosure with a self-closing door or gate. All uses shall comply with Section 302.4. of this Ordinance.

210.10. Commercial Operations Standards - All commercial operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal government regulations, as required by the most recent regulations made available from these governmental bodies.

210.11. Outdoor Storage or Display - Within this Zone, no outdoor storage or display is permitted.

210.12. All uses permitted within this Zone shall also comply with the applicable General Provisions in Article 3 of this Ordinance.

SECTION 211 COMMUNITY COMMERCIAL ZONE (C-2)

211.1. Purpose - This Zone provides for large-scale retail, entertainment, and service uses within the Township. Uses within this Zone are meant to draw upon a Township-wide and regional market. Furthermore, certain tourism-related uses are also permitted, that cater to those visiting or passing through the Township. The types of uses permitted, and the accompanying design standards, reflect the scale of development already existing within these areas. The minimum lot size is intended to encourage larger single uses and an integration of several smaller ones. Areas designated for this Zone are characterized with superior vehicular access and/or existing large-scale commercial development. Finally, design standards are imposed to create an attractive, well-landscaped setting with abundant convenient parking.

211.2. Permitted Uses

1. Offices;
2. Banks and similar financial institutions;
3. Restaurants and taverns (including drive-thru and fast-food restaurants, but not including nightclubs);
4. Retail sales of goods and services (including auto parts without installation or repair services);
5. Indoor theaters and auditoriums;
6. Fast-food restaurants, if within an enclosed mall building and no direct outside customer access to the restaurant is provided;
7. Hotels, motels and similar lodging facilities;
8. Public uses and public utilities structures excluding communication antennas, towers, and equipment;
9. Churches and related uses;
10. Health and fitness clubs, subject to the following criteria:
 - A. Off-street parking shall be provided as required by the combination of elements comprising the health club, including accessory uses;
 - B. All outdoor recreation facilities shall be set back at least fifty (50) feet from the street right-of-way line, and twenty-five (25) feet from all other lot lines, and one hundred (100) feet from any residentially-zoned properties;
 - C. Any accessory eating, or retail use, shall not be directly accessible without passing through the main clubhouse building; and,

D. The applicant shall furnish expert evidence that all lighting of outdoor recreation areas has been arranged to prevent glare on adjoining properties and streets;

11. Forestry Activities (See Section 348);
12. Automobile parts store and automobile service and repair facilities if accessory to a department or variety store (see Section 322);
13. Home improvement and building supply stores (see Section 335);
14. Automobile filling stations, including minor incidental repair (see Section 324), provided that an automobile filling station that primarily serves tractor-trailer trucks shall not be allowed;
15. Amusement arcades (see Section 321);
16. Drive-thru and/or fast-food restaurants (see Section 330);
17. Commercial recreation facilities (see Section 329);
18. Accessory uses customarily incidental to the above permitted uses; and
19. Medical or Dental Clinic.

211.3. Conditional Uses - (Subject to the requirements listed in Section 704 of this Ordinance.)

1. Shopping centers or malls with any of those uses permitted within this Zone (see Section 436);
2. Nightclubs (see Section 426); and,
3. Commercial Day-Care Facilities (see Section 328).

211.4. Minimum Lot Area Requirements - Unless otherwise specified, each use within this Zone shall have a minimum lot size of one (1) acre. For the purposes of this section, a “use” can include several businesses that are developed in a coordinated fashion (e.g., joint parking lots, access drives, loading areas, landscaping, signage, etc.) that functions as one development site and satisfies all of those requirements imposed upon this Zone. See Section 319 for Public Utilities Structures.

211.5. Required Public Utilities - All uses permitted within this zone where actual or projected sewage flows equal or exceed 1125 gallons/day shall require the use of public sewer and public water.

211.6. Minimum Lot Width - Two hundred fifty (250) feet. See Section 319 for Public Utilities Structures.

211.7. Minimum Lot Depth - Two hundred fifty (250) feet. See Section 319 for Public Utilities Structures.

211.8. Maximum Lot Coverage - Sixty percent (60%); however, lot coverage can be increased subject to the requirements of Section 317 of this Ordinance.

211.9. Minimum Setback Requirements² (Principal and Accessory Uses)

1. Front yard setback:

Use	Required Front Yard Setback from Local Road	Required Front Yard Setback from Collector Road	Required Front Yard Setback from Arterial Road
Buildings and Structures, Excluding Signs	50 ft.	50 ft.	50 ft.
Off-Street Parking	20 ft.	30 ft.	30 ft.
Off-Street Loading	Not permitted in front yard.	Not permitted in front yard.	Not permitted in front yard.
Outdoor Storage Areas	Not Permitted	Not Permitted	Not Permitted
Outdoor Display Areas	Not Permitted	Not Permitted	Not Permitted

*Properties within this Zone are also subject to required setbacks from the Carlisle Pike listed in Section 303.3. of this Ordinance.

²See Section 319 for Public Utilities Structures

2. Side yard setbacks - All buildings and structures shall be set back at least twenty-five (25) feet from the side lot lines. Off-street parking lots and loading areas shall be set back at least fifteen (15) feet from the side lot lines, unless joint parking facilities are shared by adjoining uses. In such instances, one of the side yard setbacks can be waived solely for parking and/or loading facilities;
3. Rear yard setback - All buildings, structures and off-street loading areas shall be set back at least thirty-five (35) feet from the rear lot line. All parking lots shall be set back at least twenty-five (25) feet from the rear lot line;
4. Building separation setbacks - For multiple buildings contained on the same lot, there shall be provided a minimum of twenty-five (25) feet between the closest points of such buildings; and,
5. Residential buffer strip - Any lot adjoining land within a residential zone shall maintain a fifty (50) foot setback between buildings, structures, off-street parking lots and loading areas, and the residentially-zoned parcels. Such areas shall be used for a landscape strip.

211.10. Maximum Permitted Height - Thirty-five (35) feet.

211.11. Signs - Signs shall be permitted as specified in Section 313 of this Ordinance.

211.12. Screening - Screening must be provided along any adjoining lands within a residential zone, by whoever is the latter to develop the parcel.

211.13. Landscaping - Any portion of the site not used for buildings, structures, parking compounds, loading areas, outdoor storage areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings.

A minimum fifteen (15) foot wide landscape strip shall be provided along all property lines. Such landscape strip can be waived for that portion of the site occupied by a joint parking lot and/or loading area shared by adjoining uses.

211.14. Waste Products - Dumpsters used for domestic garbage may be permitted within the side or rear yard, provided such dumpsters are screened from any adjoining roads or properties. All dumpsters shall be set back a minimum of twenty-five (25) feet from all lot lines, and fifty (50) feet from any adjoining residentially-zoned properties, and shall be completely enclosed within a masonry or fenced enclosure equipped with a self-latching gate. All uses shall comply with Section 302.4. of this Ordinance.

211.15. Commercial Operations Standards - All commercial operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal government regulations, as required by the most recent regulations made available from these governmental bodies.

211.16. Outdoor Storage and Display - Within this Zone, no outdoor storage nor display shall be permitted, except as that authorized in Section 335 of this Ordinance.

211.17. All uses permitted within this Zone shall also comply with all applicable General Provisions in Article 3 of this Ordinance.

211.18. Materials and Waste Handling - All health-care related uses, including but not limited to a Medical or Dental Clinic, shall dispose of all materials and wastes in a manner that complies with State and Federal regulations. The township shall be provided upon request copies of contracts with waste haulers licensed to operate within the County which have been contracted to dispose of the materials and wastes used or generated on-site or some other legal means of disposal. Should the nature of the use change in the future, such that the materials used or wastes generated changes significantly either in type or amount, the owner shall so inform the Zoning Officer, and shall provide additional evidence demonstrating continued compliance with the requirements of this section.

SECTION 212 HIGHWAY COMMERCIAL ZONE (C-3)

212.1. Purpose - This Zone provides suitable locations for highway-oriented retail, service and entertainment businesses. The uses often involve outdoor activities and/or storage areas, like automobile, boat and trailer sales, and service establishments. The uses provided in this Zone are meant to serve local residents, as well as those motorists passing through the Township. Access to these areas is provided by adjoining major roads. Specific setbacks are imposed upon outdoor storage areas to protect adjoining properties, and landscaping requirements should help to create an attractive site appearance. Finally, certain design incentives are provided for integrated uses that share access, parking, loading, signage, etc.

212.2. Permitted Uses

1. Offices;
2. Banks and similar financial institutions;
3. Restaurants and taverns (including drive-thru and fast-food restaurants, but not including nightclubs);
4. Retail sale of goods and services, including, but not limited to, auto parts stores, without installation;
5. Communication Antennas, Towers, and Equipment (see section 412)
6. Hotels, motels and similar lodging facilities;
7. Automobile sales;
8. Indoor theaters and auditoriums;
9. Shops for contractors of plumbing, heating, air conditioning, electrical, roofing, flooring, glass and windows, insulation, carpentry and cabinet-making, and other structural components of buildings;
10. Public uses and public utilities structures excluding communications antennas, towers, and equipment;
11. Public, private and commercial schools (excluding vocational and mechanical trade schools);
12. Dry cleaners, laundries and laundromats;
13. Churches and related uses;
14. Funeral homes, mortuaries and crematoriums;

15. Indoor commercial recreation uses, such as billiard or pool parlors, bowling alleys, indoor pools and skating rinks, but excluding amusement arcades;
16. Health and fitness clubs, subject to the following criteria:
 - A. Off-street parking shall be provided as required by the combination of elements comprising the health club, including accessory uses;
 - B. All outdoor recreation facilities shall be set back at least fifty (50) feet from the street right-of-way line, and twenty-five (25) feet from all other lot lines, and one hundred (100) feet from any residentially-zoned properties;
 - C. Any accessory eating, or retail use, shall not be directly accessible without passing through the main clubhouse building; and,
 - D. The applicant shall furnish expert evidence that all lighting of outdoor recreation areas has been arranged to prevent glare on adjoining properties and streets;
17. Commercial day-care facilities, subject to the following:
 - A. An outdoor play area shall be provided, at a rate of sixty-five (65) square feet per individual enrolled. Off-street parking compounds shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard. Additionally, outdoor play areas shall be located and designed so as not to disrupt normal activities of adjoining uses permitted within the Zone and/or neighborhood. Outdoor play areas shall be completely enclosed by a minimum four (4) foot high fence, and screened from adjoining residentially-zoned properties. Any vegetative materials located within the outdoor play areas shall be of a nonharmful type (poisonous, thorny, allergenic, etc.). All outdoor play areas must provide a means of shade, such as a shade tree(s) or pavilion(s);
 - B. Enrollment shall be defined as the largest number of persons and/or children under day-care supervision at any one time during a seven-day period;
 - C. Passenger “drop-off” and “pick-up” areas shall be provided on site and arranged so that the passengers do not have to cross traffic lanes on or adjacent to the site;
 - D. One (1) off-street parking space shall be provided for each six (6) persons enrolled; and,
 - E. All commercial day-care facilities shall obtain and maintain proper licensure from the Commonwealth of Pennsylvania.
17. Forestry Activities (see Section 348);

18. Amusement arcades (see Section 321);
19. Automobile filling stations (including minor incidental repair) (see Section 324) provided that an automobile filling station that primarily serves tractor-trailer trucks shall not be allowed;
20. Automobile, service and repair facilities, including, but not limited to, auto mechanics, drive-thru lubrication services and tire, auto paint, brake, muffler, transmission, windshield, auto body, car radio, and upholstery shops (see Section 323) provided that an automobile filling station that primarily serves tractor-trailer trucks shall not be allowed;
21. Car washes (see Section 326);
22. Commercial recreation facilities (see Section 329);
23. Drive-thru and/or fast-food restaurants (see Section 330);
24. Farmers and/or flea markets (see Section 332);
25. Mini-warehouses (see Section 336); and,
26. Accessory uses customarily incidental to the above permitted uses.

212.3. Conditional Uses (Subject to the requirements listed in Section 704 of this Ordinance.)

1. Nightclubs (see Section 426);
2. Shopping centers or malls involving any use permitted in this Zone (see Section 436);
3. Bus, boat, farm and excavation machinery, mobile home, and trailer sales (see Section 445);
4. Bus, boat, motorcycle, snowmobile, trailer, truck, farm and excavation machinery, and mobile home service and repair facilities (see Section 446); and,
5. Communication Antennas, Towers, and Equipment (see section 412).

212.4. Lot Area, Lot Width and Lot Coverage Requirements - See the following table:

Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage
15,000 sq. ft.	100 ft.	60% ¹

¹Lot coverage can be increased subject to the requirements of Section 317 of this Ordinance.

212.5. Required Public Utilities - All uses permitted within this zone where actual or projected sewage flows equal or exceed 1,125 gallons/day shall require the use of public sewer and public water.

212.6. Minimum Setback Requirements

1. Front yard setback:

Use	Required Front Yard Setback from Local Road	Required Front Yard Setback from Collector Road	Required Front Yard Setback from Arterial Road
Buildings and Structures, Excluding Signs	35 ft.	45 ft.	45 ft.
Off-Street Parking	20 ft.	30 ft.	30 ft.
Off-Street Loading	Not permitted in front yard.	Not permitted in front yard.	Not permitted in front yard.
Outdoor Storage Areas	Not permitted in front yard.	Not permitted in front yard.	Not permitted in front yard.
Outdoor Display Areas	20 ft.	30 ft.	30 ft.

*Properties within this Zone are also subject to required setbacks from the Carlisle Pike listed in Section 303.3. of this Ordinance.

2. Side yard setbacks - All buildings and structures shall be set back at least fifteen (15) feet from the side lot lines. Off-street parking lots, loading areas, and outdoor storage areas shall be set back at least ten (10) feet from the side lot lines, unless joint parking facilities are shared by adjoining uses. In such instances, one of the side yard setbacks can be waived solely for parking and/or loading facilities;
3. Rear yard setback - All buildings, structures, off-street parking lots, loading areas, and outdoor storage areas shall be set back at least twenty (20) feet from the rear lot line;
4. Building separation setbacks - For multiple buildings contained on the same lot, there shall be provided a minimum of twenty-five (25) feet between the closest points of such buildings; and,
5. Residential buffer strip - Any lot adjoining land within a residential zone shall maintain a thirty-five (35) foot setback for nonresidential buildings, structures, off-street parking lots, loading areas, and outdoor storage areas from the residentially-zoned parcels. Such areas shall be used for a landscape strip and screen.

212.7. Maximum Permitted Height - Thirty-five (35) feet.

212.8. Signs - Signs shall be permitted as specified in Section 313 of this Ordinance.

212.9. Screening - A visual screen must be provided along any adjoining lands within a residential zone, by whoever is the latter to develop the land.

212.10. Landscaping - Any portion of the site not used for buildings, structures, parking lots, loading areas, outdoor storage areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings.

- 212.11. Waste Products** - Dumpsters may be permitted within the side or rear yard, provided such dumpsters are screened from any adjoining roads or properties. All dumpsters shall be set back a minimum of twenty-five (25) feet from all lot lines, and fifty (50) feet from any adjoining residentially-zoned properties, and shall be completely contained within a masonry or fenced enclosure equipped with a self-latching gate. All uses shall comply with Section 302.4. of this Ordinance.
- 212.12. Commercial Operations Standards** - All commercial operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal government regulations, as required by the most recent regulations made available from these governmental bodies.
- 212.13. Outdoor Storage and Display** - Within this Zone, outdoor storage is permitted, provided all outdoor storage areas are screened from adjoining roads and properties, and the outdoor storage areas comply with the setbacks imposed within this section. Outdoor display areas need not be screened from adjoining roads, if they are located within the front yard.
- 212.14.** All uses permitted within this Zone shall also comply with all applicable General Provisions in Article 3 of this Ordinance.

SECTION 220 PROFESSIONAL OFFICE ZONE (O)

220.1. Purpose - This Zone accommodates corporate, and business offices that are larger than smaller personal service offices. Minimum building sizes have been prescribed to assure desired office types. This Zone is located between industrial sites permitting manufacturing, and nearby residences; therefore, it is designed to act as a buffer between these different uses. Design standards imposed seek to create a serene office campus that is free from other industrial and commercial impacts.

220.2. Permitted Uses

1. Agriculture, including one single-family detached dwelling contained on the site, subject to the requirements of Section 201 of this Ordinance;
2. Offices, banks and similar financial institutions, provided that each building shall contain at least ten thousand (10,000) square feet, and further provided that any space owned or leased that contains less than ten thousand (10,000) square feet shall have no direct means of exterior access, except emergency access if required;
3. Commercial day-care facilities, subject to the following:
 - A. An outdoor play area shall be provided, at a rate of sixty-five (65) square feet per individual enrolled. Off-street parking compounds shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard. Additionally, outdoor play areas shall be located and designed so as not to disrupt normal activities of adjoining uses permitted within the Zone and/or neighborhood. Outdoor play areas shall be completely enclosed by a minimum four (4) foot high fence, and screened from adjoining residentially-zoned properties. Any vegetative materials located within the outdoor play areas shall be of a nonharmful type (poisonous, thorny, allergenic, etc.). All outdoor play areas must provide a means of shade, such as a shade tree(s) or pavilion(s);
 - B. Enrollment shall be defined as the largest number of persons and/or children under day-care supervision at any one time during a seven-day period;
 - C. Passenger “drop-off” and “pick-up” areas shall be provided on site and arranged so that the passengers do not have to cross traffic lanes on or adjacent to the site;
 - D. One (1) off-street parking space shall be provided for each six (6) persons enrolled;
 - E. All commercial day-care facilities shall obtain and maintain proper licensure from the Commonwealth of Pennsylvania;

4. Commercial health, fitness and/or therapy centers, provided that each building shall contain at least ten thousand (10,000) square feet, and further provided that any space owned or leased that contains less than ten thousand (10,000) square feet shall have no direct means of exterior access, except emergency access if required;
5. Public uses and public utilities structures excluding communications antennas, towers, and equipment;
6. Forestry Activities (see Section 348); and,
7. Accessory uses customarily incidental to the above permitted uses.

220.3. Conditional Uses (See Section 704.)

1. Hotels and related uses (see Section 423).

220.4. Required Public Utilities - All uses permitted within this zone where sewage flows (actual or projected) equal or exceed 1125 gallons/day shall require the use of public sewer and public water.

220.5. Minimum Lot Area Requirements - One acre (43,560 square feet). See Section 319 for Public Utilities Structures.

220.6. Minimum Lot Width - One hundred fifty (150) feet. See Section 319 for Public Utilities Structures.

220.7. Maximum Lot Coverage - Sixty percent (60%); however, lot coverage can be increased subject to the requirements of Section 317 of this Ordinance.

220.8. Minimum Setback Requirements² (Principal and Accessory Uses)

1. Front yard setback:

Use	Required Front Yard Setback from Local Road	Required Front Yard Setback from Collector Road	Required Front Yard Setback from Arterial Road
Buildings and Structures, Excluding Signs	50 ft.	50 ft.	50 ft.
Off-Street Parking	20 ft.	30 ft.	30 ft.
Off-Street Loading	Not permitted in front yard.	Not permitted in front yard.	Not permitted in front yard.
Outdoor Storage Areas	Not Permitted	Not Permitted	Not Permitted
Outdoor Display Areas	Not Permitted	Not Permitted	Not Permitted

*Properties within this Zone are also subject to required setbacks from the Carlisle Pike listed in Section 303.3. of this Ordinance.

²See Section 319 for Public Utilities Structures.

2. Side yard setbacks - All buildings and structures shall be set back at least twenty-five (25) feet from the side lot lines. Off-street parking lots and loading areas shall be set back at least fifteen (15) feet from the side lot lines, unless joint parking facilities are shared by adjoining uses. In such instances, one of the side yard setbacks can be waived solely for parking facilities;
3. Rear yard setback - All buildings and structures shall maintain a thirty-five (35) foot rear yard setback; off-street parking lots and loading areas shall be set back at least twenty (20) feet from the rear lot line;
4. Building separation setbacks - For multiple buildings contained on the same lot, there shall be provided a minimum of twenty-five (25) feet between the closest points of such buildings; and,
5. Residential buffer strip - Any lot adjoining land within a residential zone shall maintain a thirty-five (35) foot setback for buildings, structures, and off-street loading areas, and a twenty-five (25) foot setback for off-street parking lots from the residentially-zoned parcels.

220.9. Maximum Permitted Height - Sixty (60) feet, provided that for each one (1) foot above thirty-five (35) feet, there shall be an additional two (2) feet of required setback from all property lines.

220.10. Signs - Signs shall be permitted as specified in Section 313 of this Ordinance.

220.11. Screening - A visual screen must be provided along any adjoining lands within a residential zone, by whoever is the latter to develop the land.

220.12. Landscaping - Any portion of the site not used for buildings, structures, parking compounds, loading areas, outdoor storage areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings. A minimum fifteen (15) foot landscape strip shall be provided along property lines.

220.13. Waste Products - Storage of industrial waste materials shall not be permitted, except within an enclosed building. Dumpsters used for domestic garbage may be permitted within the side or rear yard, provided such dumpsters are screened from any adjoining roads or properties. Such dumpsters shall not be used for industrial wastes. All dumpsters shall be set back twenty-five (25) feet from all lot lines and fifty (50) feet from any adjoining residentially-zoned property. All trash dumpsters shall be located within a side or rear yard, screened from adjoining roads or properties, and completely enclosed within a masonry or fenced enclosure equipped with a self-latching door or gate. All uses shall comply with Section 302.4. of this Ordinance.

220.14. Outdoor Storage - No outdoor storage is permitted.

220.15. All uses permitted within this Zone shall also comply with all applicable General Provisions in Article 3 of this Ordinance.

SECTION 221 LIGHT INDUSTRIAL ZONE (I-1)

221.1. Purpose - This Zone provides for small-scale, light industrial uses. In addition, wholesale businesses involving substantial outdoor storage of unfinished materials are also permitted. Generally, the uses cited attempt to create and sustain a distinct light industrial character that differs from the heavier industries and high traffic-generating commercial uses. Appropriate design standards have been imposed to prevent the blighted and over-developed small-scale industrial concentrations, characteristic of the older, small-scale industries.

221.2. Permitted Uses

1. Agricultural, subject to the standards listed in Section 201 of this Ordinance;
2. Laboratories for medical, scientific, or industrial research and development;
3. Manufacturing, packaging, and associated storage and/or wholesaling of the following:
 - A. Furniture, cabinets, fixtures, office supplies, floor and ceiling materials, and other household appointments;
 - B. Scientific, specialized and technical instruments and equipment;
 - C. Hardware and software for audio-video components, computers, vending machines and video games;
 - D. Finished textile products;
 - E. Brushes, brooms and combs;
 - F. Hot tubs, spas, saunas and swimming pools;
 - G. Jewelry, and other precious metals;
 - H. Photographic, lighting and timekeeping equipment;
 - I. Small household appliances, excluding major appliances;
 - J. Musical instruments and sporting equipment;
 - K. Cosmetics, toiletries and pharmaceuticals;
 - L. Optical, dental, and medical supplies and equipment; and,
 - M. Small or novelty products from prepared materials (excluding the use of sheet metals).

4. Processing, packaging, storage and/or wholesaling of food products excluding:
 - A. Breweries and distilleries;
 - B. Pickling processes;
 - C. Rendering or slaughtering operations; and,
 - D. Sugar refineries.
5. Storage and/or wholesaling of the following, provided the site is set back no less than five hundred (500) feet from the closest residentially-zoned property:
 - A. Home and auto-related fuels;
 - B. Nursery and garden materials, and stock;
 - C. Contractor supplies; and,
 - D. Plumbing, heating, air conditioning, electrical, and other structural components of buildings;
6. Photocopying, bookbinding, printing, and publishing operations;
7. Machine shops;
8. Repair shops for products permitted to be manufactured in this Zone;
9. Small engine repair shops;
10. Welding shops;
11. Sign-makers;
12. Offices;
13. Public uses and public utilities excluding communication antennas, towers, and equipment;
14. Agricultural support businesses, including:
 - A. Facilities for the commercial processing, and warehousing of agricultural products;
 - B. Facilities for the warehousing, sales, and service of agricultural equipment, vehicles, feed, or supplies; and,
 - C. Veterinary offices, animal hospitals, or kennels;

15. Vocational and mechanical trade schools;
16. Forestry Activities (see Section 348);
17. Mini-warehouses (see Section 336);
18. Commercial day-care facilities (see Section 328); and,
19. Accessory uses customarily incidental to the above permitted uses, including accessory retail sales of products produced on-site, so long as the sales area is no more than ten percent (10%) of the total building area or three thousand (3,000) square feet, whichever is less.

221.3 Conditional Uses (Subject to the requirements listed in Section 704 of this Ordinance.)

1. Recycling facilities for paper, plastic, glass and metal products (see Section 443);
2. Automobile Sales, automobile service and repair facilities (see Section 440).
3. Wind Energy Conversion System (see Section 451), other than is allowed as an accessory use by Section 301.5.
4. Communication Antennas, Towers, and Equipment Building (see section 412)

221.4. Required Public Utilities - All uses permitted within the zone where sewage flows (actual or projected) equal or exceed 1,125 gallons/day shall require the use of public sewer and water.

221.5. Lot Area Requirements - Unless otherwise specified, each use within this Zone shall have a minimum lot size of twenty thousand (20,000) square feet. See Section 319 for Public Utilities Structures.

221.6. Minimum Lot Width - One hundred (100) feet. See Section 319 for Public Utilities Structures.

221.7. Maximum Lot Coverage - Sixty percent (60%); however, lot coverage can be increased subject to the requirements of Section 317 of this Ordinance.

221.8. Minimum Setback Requirements² (Principal and Accessory Uses)

1. Front yard setback:

Use	Required Front Yard Setback from Local Road	Required Front Yard Setback from Collector Road	Required Front Yard Setback from Arterial Road
Buildings and Structures, Excluding Signs	50 ft.	50 ft.	50 ft.
Off-Street Parking	20 ft.	30 ft.	30 ft.
Off-Street Loading	Not permitted in front yard.	Not permitted in front yard.	Not permitted in front yard.
Outdoor Storage Areas	Not permitted in front yard.	Not permitted in front yard.	Not permitted in front yard.
Outdoor Display Areas	20 ft.	30 ft.	30 ft.

*Properties within this Zone are also subject to required setbacks from the Carlisle Pike listed in Section 303.3. of this Ordinance.

²See Section 319 for Public Utilities Structures.

2. Side yard setbacks - All buildings and structures shall be set back at least twenty-five (25) feet from the side lot lines. Off-street parking lots, loading areas, and outdoor storage areas shall be set back at least fifteen (15) feet from the side lot lines, unless joint parking facilities are shared by adjoining uses. In such instances, one of the side yard setbacks can be waived solely for parking facilities;
3. Rear yard setback - All buildings and structures shall maintain a twenty-five (25) foot rear yard setback; off-street parking lots, loading areas, and outdoor storage areas shall be set back at least fifteen (15) feet from the rear lot line;
4. Building separation setbacks - For multiple buildings contained on the same lot, there shall be provided a minimum of twenty-five (25) feet between the closest points of such buildings; and,
5. Residential buffer strip - Any lot adjoining land within a residential zone shall maintain a fifty (50) foot setback for buildings, principally used as a residence and/or structures, off-street parking lots, loading areas, and outdoor storage areas from the residentially-used and/or zoned parcels.

221.9. Maximum Permitted Height - Forty-five (45) feet, provided that no habitable space be located above thirty-five (35) feet, and that all structures exceeding thirty-five (35) feet in height shall be set back a distance at least equal to their height from each property line.

221.10. Signs - Signs shall be permitted as specified in Section 313 of this Ordinance.

- 221.11. Screening** - A visual screen must be provided along any adjoining lands within a residential zone, regardless of whether or not the residentially-zoned parcel is developed.
- 221.12. Landscaping** - Any portion of the site not used for buildings, structures, parking compounds, loading areas, outdoor storage areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings. A minimum fifteen (15) foot landscape strip shall be provided along property lines.
- 221.13. Waste Products** - Storage of industrial waste materials shall not be permitted, except within an enclosed building. Dumpsters used for domestic garbage may be permitted within the side or rear yard, provided such dumpsters are screened from any adjoining roads or properties. Such dumpsters shall not be used for industrial wastes. All dumpsters shall be set back twenty-five (25) feet from all lot lines and fifty (50) feet from any adjoining residentially-zoned property. All trash dumpsters shall be located within a side or rear yard, screened from adjoining roads or properties, and completely enclosed within a masonry or fenced enclosure equipped with a self-latching door or gate. All uses shall comply with Section 302.4. of this Ordinance.
- 221.14. Industrial Operations Standards** - All industrial operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal government regulations, as required by the most recent regulations made available from these governmental bodies. (See Section 315 for a partial listing.)
- 221.15. Outdoor Storage and Display** - Within this Zone, outdoor storage is permitted, provided all outdoor storage areas are screened from adjoining roads and properties, and the outdoor storage areas comply with the setbacks imposed within this section. Outdoor display areas need not be screened from adjoining roads, if they are located within the front yard.
- 221.16.** All uses permitted within this Zone shall also comply with all applicable General Provisions in Article 3 of this Ordinance.

SECTION 222 GENERAL INDUSTRIAL ZONE (I-2)

222.1. Purpose - This Zone provides for a wide range of industrial activities that contribute to the well-being of the Township by diversifying its economy and providing valuable employment opportunities. The required lot sizes have been kept small to accommodate the start-up industries that are likely to emerge; however, larger and heavier industries have also been permitted. This Zone provides for light industrial uses as permitted by right, but requires obtainment of a conditional use for heavier and potentially more-objectionable types of industrial uses. These areas have been located near existing public utility service areas and along major roads. Design standards have been imposed to create attractive site designs and moderate the objectionable impacts associated with industrial uses. Substantial setbacks are used to protect adjoining residences.

222.2. Permitted Uses

1. Agricultural, subject to the standards listed in Section 201 of this Ordinance;
2. Laboratories for medical, scientific, or industrial research and development;
3. Manufacturing, packaging, and associated storage and/or wholesaling of the following:
 - A. Furniture, cabinets, fixtures, office supplies, floor and ceiling materials, and other household appointments;
 - B. Scientific, specialized and technical instruments and equipment;
 - C. Hardware and software for audio-video components, computers, vending machines, electronic equipment and video games;
 - D. Finished textile products;
 - E. Brushes, brooms and combs;
 - F. Hot tubs, spas, saunas, and swimming pools;
 - G. Jewelry, and other precious metals;
 - H. Photographic, lighting and timekeeping equipment;
 - I. Small household appliances, excluding major appliances;
 - J. Musical instruments and sporting equipment;
 - K. Cosmetics, toiletries and pharmaceuticals;
 - L. Optical, dental, and medical supplies and equipment; and,
 - M. Small or novelty products from prepared materials (excluding the use of sheet metals).

4. Processing, packaging, and associated storage and/or wholesaling of food products excluding:
 - A. Breweries and distilleries;
 - B. Pickling processes;
 - C. Rendering or slaughtering operations; and,
 - D. Sugar refineries.
5. Photocopying, bookbinding, printing, and publishing operations;
6. Machine shop;
7. Repair shops for products permitted to be manufactured in this Zone;
8. Small engine repair shops;
9. Welding shops;
10. Sign-makers;
11. Offices;
12. Public uses and public utilities excluding communication antennas, towers, and equipment;
13. Agricultural support businesses, including:
 - A. Facilities for the commercial processing, and warehousing of agricultural products;
 - B. Facilities for the warehousing, sales, and service of agricultural equipment, vehicles, feed, or supplies;
 - C. Commercial stockyards, or feedlots; and,
 - D. Veterinary offices, animal hospitals, or kennels.
14. Vocational and mechanical trade schools;
15. Forestry Activities (see Section 348);
16. (Reserved for Future Use)
17. Billboards (see Section 325);

18. Mini-warehouses (see Section 336);
19. Wholesale produce and tobacco auctions (see Section 344);
20. Commercial day-care facilities (see Section 328); and,
21. Accessory uses customarily incidental to the above permitted uses, including accessory retail sales of products produced on-site so long as the sales area is no more than ten percent (10%) of the total building area or three thousand (3,000) square feet, whichever is less.

222.3. Conditional Uses (Subject to the requirements listed in Section 704 of this Ordinance.)

1. Truck or motor freight terminals (see Section 437);
2. Communication antennas, towers and equipment (see Section 412);
3. Principal waste handling facilities (see Section 430);
4. Adult-related uses (see Section 402);
5. Junkyards (see Section 424);
6. Commercial stockyards and/or feedlots (see Section 411);
7. Truck stops (see Section 438);
8. Slaughtering, processing, rendering, and packaging of food products and their by-products (see Section 439);
9. Automobile Sales, automobile service, and repair facilities (see Section 440);
10. Sales, storage and/or wholesaling of the following:
 - A. Home and auto-related fuels;
 - B. Nursery and garden materials, and stock;
 - C. Contractor supplies; and,
 - D. Plumbing, heating, air conditioning, electrical, and other structural components of buildings (see Section 415).
11. Heavy industrial uses involving processing, packaging, production, repair or testing of materials, goods and products, including those industries performing conversion, assembly, or non-toxic chemical operations (see Section 441);

12. Heavy equipment sales, service and repair, such as excavation machinery, commercial trucks, buses, farm equipment, mobile homes, trailers, and other similar machinery (see Section 442);
13. Recycling facilities for paper, plastic, glass and metal products (see Section 443);
14. Off-track betting parlors (see Section 444);
15. Wind Energy Conversion System (see Section 451), other than is allowed as an accessory use by Section 301.5; and,
16. Warehousing and wholesale trade establishments (see Section 452).

222.4. Required Public Utilities - All uses permitted within this zone where sewage flows (actual or projected) equal or exceed 1125 gallons/day shall require the use of public sewer and water.

222.5. Lot Area Requirements - Unless otherwise specified, each use within this Zone shall have a minimum lot size of forty-three thousand, five hundred sixty (43,560) square feet. See Section 319 for Public Utilities Structures.

222.6. Minimum Lot Width - Two hundred (200) feet. See Section 319 for Public Utilities Structures.

222.7. Maximum Lot Coverage - Sixty percent (60%); however, lot coverage can be increased subject to the requirements of Section 317 of this Ordinance.

222.8. Minimum Setback Requirements² (Principal and Accessory Uses)

1. Front yard setback:

Use	Required Front Yard Setback from Local Road	Required Front Yard Setback from Collector Road	Required Front Yard Setback from Arterial Road
Buildings and Structures, Excluding Signs	50 ft.	50 ft.	50 ft.
Off-Street Parking	20 ft.	30 ft.	30 ft.
Off-Street Loading	Not permitted in front yard.	Not permitted in front yard.	Not permitted in front yard.
Outdoor Storage Areas	Not permitted in front yard.	Not permitted in front yard.	Not permitted in front yard.
Outdoor Display Areas	20 ft.	30 ft.	30 ft.

*Properties within this Zone are also subject to required setbacks from the Carlisle Pike listed in Section 303.3. of this Ordinance.

²See Section 319 for Public Utilities Structures.

2. Side yard setbacks - All buildings, structures (except permitted signs) and off-street loading areas shall be set back at least thirty (30) feet from any side property lines. All outdoor storage areas and off-street parking lots shall be set back at least twenty (20) feet from any side lot lines, unless joint parking lots and/or loading areas are shared by adjoining uses. In such instances, one of the side yard setbacks can be waived solely for parking and/or loading facilities;
3. Rear yard setback - All buildings, structures, and off-street loading areas shall be set back at least thirty-five (35) feet from any rear property lines. All outdoor storage areas and off-street parking lots shall be set back at least twenty-five (25) feet from any rear lot lines;
4. Building separation setbacks - For multiple buildings contained on the same lot, there shall be provided a minimum of twenty-five (25) feet between the closest points of such buildings; and,
5. Residential buffer strip - Any use adjoining land principally used as a residence and/or within a residential zone, or across a road from land within a residential zone, shall maintain a seventy-five (75) foot setback for buildings, structures, dumpsters, outdoor storage areas, and off-street loading areas from the residential lot and/or zone. Off-street parking lots shall be set back at least fifty (50) feet from adjoining residentially-zoned properties. All of these setback areas shall be devoted to landscaping (see Section 611 of the Subdivision and Land Development Ordinance).

222.9. Maximum Permitted Structural Height - The height of any principal or accessory structure shall not exceed forty-five (45) feet, except that chimneys, flagpoles, water tanks, and other mechanical appurtenances may be built to a height not exceeding seventy-five (75) feet above the finished grade when erected upon or as an integral part of a building. All structures extending above thirty-five (35) feet from grade (except permitted signs) shall be set back a distance at least equal to their height from all property lines.

222.10. Signs - Signs shall be permitted as specified in Section 313 of this Ordinance.

222.11. Screening - A visual screen must be provided along any adjoining lands within a residential zone, regardless of whether or not the residentially-zoned parcel is developed.

222.12. Landscaping - Any portion of the site not used for buildings, structures, parking lots, loading areas, outdoor storage areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings.

A minimum twenty (20) foot wide landscape strip shall be provided along all property lines. Such landscape strip can be waived for that portion of the site occupied by a joint parking lot and/or loading area shared by adjoining uses.

- 222.13. Waste Products** - The storage of industrial waste materials shall not be permitted, except within an enclosed building. All dumpsters for domestic waste shall be set back a minimum of twenty-five (25) feet from all lot lines and seventy five (75) feet from any adjoining residentially-zoned properties. All trash dumpsters shall be located within a side or rear yard, screened from adjoining roads or properties, and completely enclosed within a masonry or fenced enclosure equipped with a self-latching door or gate. All uses shall comply with Section 302.4. of this Ordinance.
- 222.14. Industrial Operations Standards** - All industrial operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal government regulations, as required by the most recent regulations made available from these governmental bodies. (See Section 315 for a partial listing.)
- 222.15. Outdoor Storage and Display** - Within this Zone, outdoor storage is permitted, provided all outdoor storage areas are screened from adjoining roads and properties, and the outdoor storage areas comply with the setbacks imposed within this section. Outdoor display areas need not be screened from adjoining roads if they are located within the front yard.
- 222.16.** All uses permitted within this Zone shall also comply with all applicable General Provisions in Article 3 of this Ordinance.

SECTION 223 QUARRY ZONE (Q)

223.1. Purpose - It is the purpose of this Zone to make appropriate provisions for the extraction of mineral deposits in the earth and to provide appropriate safeguards which are hereby deemed necessary to protect and preserve the health, safety and welfare of the citizens of this Township.

223.2. Permitted Uses

1. Quarrying and/or mining of minerals, including the extraction of minerals (limestone, dolomite, gravel, rock, stone, vermiculite and clay) from the earth, from waste or stock piles, or from pits or banks which require the removal of overburden, strata or material overlying above or between minerals, or by otherwise exposing or retrieving minerals found on the lands. Such activities shall include strip, drift, auger and open-pit mining, quarrying leaching, and box cutting, but shall not include activities carried out beneath the surface of the earth by means of shafts, tunnels or other subterranean mining openings;
2. Storage and stockpiling of minerals;
3. Processing of minerals for sale, including the refinement of minerals to specifications for sale, and shall include the crushing, screening, washing, grading of rock materials;
4. Concrete batching plants for the manufacture of concrete;
5. Installation and construction of plants and equipment for the purpose of items 3 and 4 immediately above;
6. The restoration of lands after extraction of minerals;
7. Forestry Activities (see Section 348);
8. Agricultural uses as regulated by Section 201 of this Ordinance;
9. Public and nonprofit parks and playgrounds (other than amusement parks), subject to the applicable design standards of Section 201 of this Ordinance; and,
10. Accessory uses to the foregoing limited to:
 - A. Business offices for the permitted uses;
 - B. Garages and shops for the storage and repair of equipment used in the permitted uses;
 - C. Warehouses for the storage of supplies necessary to carry out permitted uses; and,
 - D. One (1) single-family dwelling unit to provide housing for security personnel (and family thereof) relative to the permitted uses.

223.3. Conditional Uses (Subject to the review procedures listed in Section 704 of this Ordinance.)

1. Quarry-related manufacturing, mixing and processing for sale of asphaltic or bituminous products (see Section 433);

223.4. Minimum Required Lot Area - Fifty (50) acres.

223.5. Minimum Required Lot Width - Two hundred (200) feet at the building setback line and the lot frontage.

223.6. Maximum Permitted Lot Coverage - Five percent (5%).

223.7. Minimum Required Open Space - Twenty percent (20%) of the lot area.

223.8. Minimum Required Setbacks - None of the following shall be located within two hundred (200) feet of any property line of properties which are not owned, controlled or leased by the operator of the principal use:

1. Buildings and structures, including, but not limited to, processing plants, concrete batching plants, and asphalt mixing plants;
2. Storage or stockpiling of minerals or by-products thereof or wastes from mining operations;
3. Outdoor storage of equipment or supplies; and,
4. Mining or processing, except that water settlement ponds used in the process of washing rock materials, together with pumps, pipes appurtenant to, and used in connection thereof, shall be permitted within said area, but no part of any such processing facilities shall be closer than forty-five (45) feet to the nearest right-of-way line of any public road nor closer than forty-five (45) feet to any property line where said line is not within the right-of-way of any public road. A berm required under Section 223.10., and constructed within said forty-five (45) foot setback area may be used as part of the containment of structure of such ponds and shall not be considered to be violative of said setback requirement.

223.9. Maximum Permitted Height - Thirty-five (35) feet, except that nonhabitable structures may be increased in height one (1) foot for each additional one (1) foot of setback provided from every property line, up to a maximum of one hundred (100) feet.

223.10. Required Berming - An earth berm having a minimum height of six (6) feet and a tree planted screen having a minimum width of twenty (20) feet shall surround all mining and processing activities.

- 223.11. Required Mining Plan** - All activities shall be subject to the prior approval of a Mining Plan which shall consist of a topographic map with a contour interval of not greater than five (5) feet showing all natural and man-made features, right-of-way, easements, property lines, and a plan and cross-sections of the proposed surface mining, including detailed groundwater information.
- 223.12. Required Traffic Study** - All mining-related uses shall be required to prepare and submit a traffic study according to Section 402.05. of the SLDO.
- 223.13. Required Reclamation Plan** - All mining-related uses shall be required to prepare and submit a reclamation plan. A reclamation plan which shall consist of a plan for re-use of the land after completion of the operations and the carrying out of the restoration, reclamation, reforestation or other corrective work so as to leave the land in a condition that will enable it to be used for ecologically and economically productive purposes consistent with the comprehensive plan of the Township upon completion of the surface mining operation. As a minimum, said plan shall provide for temporary and permanent cover, water control measures, and management of vegetation in accordance with the *Critical Areas Practices of the Erosion and Sedimentation Control Handbook* published by the Cumberland, Dauphin, and Perry Counties Conservation District (most recent edition). Such plan shall be prepared by a registered engineer or landscape architect and shall bear the authorized signature of the owner of the land. A detailed timetable for restoration shall be provided to be completed within three (3) years or such earlier time as shall be required by an regulatory agency or body having jurisdiction after completion of the surface mining operation, together with an estimate of cost of each major step in the plan and the total cost of the program. The applicant shall post security as permitted in the Surface Mining Conservation and Reclamation Act, as amended from time to time, in the amount of one thousand dollars (\$1,000) per acre. If such security has been posted with another regulatory agency or body having jurisdiction, naming the Township as additional obligee, and additional bond may be waived by the Board of Supervisors, if satisfied that the Township's interests are adequately protected.
- 223.14. Required Operational Statement** - All mining-related uses shall be required to prepare and submit an operational statement. Such operational statement shall include a detailed description of methods for handling operations with respect to the emission of noise, dust, smoke, refuse, water, odor, gas, fumes, or similar substances or conditions which may endanger the health, safety or general welfare management, air pollution, soil erosion and sedimentation control, and other environmental problems created during the operation, including production, transportation, processing, stockpiling, storage, and disposal of products, by-products and wastes.

For the mining-related use to be approved, the operational statement must demonstrate, by credible evidence, each of the following:

1. Mining shall comply with all applicable State and Federal laws, rules and regulations, including, but not limited to, regulations concerning dust, vibration, noise, heat, glare, vapors, and gases;

2. No emission of dust, dirt, fly ash, fumes, vapors or gases which could cause any damage to human health, animals or vegetation or to other forms of property or which could cause any soiling or staining of persons or property at any point beyond the lot line of the use creating the emission, will occur;
3. No mining, processing or other activity shall produce heat or glare beyond the property boundary line of the land on which the operation is located;
4. No machines or operations shall cause vibrations which are perceptible along the boundary line of the Quarry Zone. The foregoing language and provisions shall not be construed to limit or prevent blasting conducted in accordance with all applicable laws and regulations of the Commonwealth of Pennsylvania; and,
5. No activities shall be permitted which emit dangerous radioactivity at any point nor shall there be any electrical or radio disturbances which adversely affect the operation of any equipment at any location other than that of the creator of such disturbances.

223.15. All uses shall comply with the applicable General Provisions contained within Article 3 of this Ordinance.

SECTION 224 INTERCHANGE ZONE (INT)

224.1. Purpose - The areas identified for this Zone have superior regional vehicular access adjoining the interchange of PA Route 114 and U. S. Route 81. This access affords the opportunity for a wide range of intensive land uses with minimized traffic impact. Local officials view this interchange as a premium regionally-based development site and a “gateway” to the Township. Therefore, its use is reserved for high quality economic development.

Coincident with this interchange are severe development constraints associated with the Conodoguinet Creek and steep slopes. Township officials and residents alike are interested in protecting sensitive environmental conditions like the Conodoguinet Creek, its floodplain, wetlands and steep side banks. Indiscriminate development of this area would conflict with the local goal to protect these natural features.

This Zone provides for intensive development, but only after a detailed site survey of valuable natural/cultural features, and then only when they are protected.

224.2. Permitted Uses

1. Agriculture, subject to the standards listed in Section 201 of this Ordinance;
2. Public and/or nonprofit uses devoted to the preservation and conservation of natural, historical or archaeological resources;
3. Single-family detached dwellings, subject to the standards listed in Section 202 of this Ordinance, except that rural clusters are expressly prohibited;
4. Public and/or nonprofit parks;
5. Public utilities structures excluding communication antennas, towers, and equipment;
6. Forestry Activities (see Section 348); and,
7. Accessory uses customarily incidental to the above permitted uses.

224.3. Conditional Uses (Subject to the requirements of Sections 704 and 224.16. of this Ordinance.)

- 1.A. Offices, provided that each building shall contain at least ten thousand (10,000) square feet, and further provided that any space owned or leased that contains less than ten (10,000) square feet shall have no direct means of exterior access, except emergency access if required;

1.B. Banks and similar financial institutions, subject to Section 448, provided that:

1. There shall be no more than one (1) bank or financial institution per 200,000 square feet of proposed office space.
2. Each building shall contain at least four thousand (4,000) square feet.
2. Retail sale of office supplies, office furniture, art and drafting equipment, computers and software;
3. Retail photocopy and printing centers, not exceeding five thousand (5,000) square feet of gross leasable floor area;
4. Health care campuses and hospitals (see Section 420);
5. Convention centers (see Section 413);
6. Golf courses (see Section 418);
7. Hotels and related uses (see Section 423);
8. Health and fitness clubs (see Section 419); and,
9. Commercial day-care facilities (see Section 409).

224.4. Required Public Utilities - All conditional uses permitted within this Zone shall require the use of public sewer and public water.

224.5. Minimum Lot Area Requirements - Two acres. See Section 319 for Public Utilities Structures.

224.6. Minimum Lot Width - Two hundred (200) feet. See Section 319 for Public Utilities Structures.

224.7. Maximum Lot Coverage - Sixty percent (60%); however, lot coverage can be increased subject to the requirements of Section 317 of this Ordinance.

224.8. Minimum Setback Requirements¹ (Principal and Accessory Uses)

1. Front yard setback:

Use	Required Front Yard Setback from Local Road	Required Front Yard Setback from Collector Road	Required Front Yard Setback from Arterial Road
Buildings and Structures, Excluding Signs	50 ft.	50 ft.	50 ft.
Off-Street Parking	20 ft.	30 ft.	30 ft.
Off-Street Loading	Not permitted in front yard.	Not permitted in front yard.	Not permitted in front yard.
Outdoor Storage Areas	Not Permitted	Not Permitted	Not Permitted
Outdoor Display Areas	Not Permitted	Not Permitted	Not Permitted

¹See Section 319 for Public Utilities Structures.

2. Side yard setbacks - All buildings and structures shall be set back at least twenty-five (25) feet from the side lot lines. Off-street parking lots, loading areas, and outdoor storage areas shall be set back at least fifteen (15) feet from the side lot lines, unless joint parking facilities are shared by adjoining uses. In such instances, one of the side yard setbacks can be waived solely for parking facilities;
3. Rear yard setback - All buildings and structures shall maintain a thirty-five (35) foot rear yard setback; off-street parking lots, loading areas, and outdoor storage areas shall be set back at least twenty (20) feet from the rear lot line;
4. Building separation setbacks - For multiple buildings contained on the same lot, there shall be provided a minimum of twenty-five (25) feet between the closest points of such buildings; and,
5. Residential buffer strip - Any lot adjoining land within a residential zone shall maintain a thirty-five (35) foot setback for buildings, structures, and off-street loading areas, and a twenty-five (25) foot setback for off-street parking lots from the residentially-zoned parcels.

224.9. Maximum Permitted Height - Sixty (60) feet, provided that for each one (1) foot above thirty-five (35) feet, there shall be an additional two (2) feet of required setback from all property lines.

224.10. Signs - Signs shall be permitted as specified in Section 313 of this Ordinance.

224.11. Screening - A visual screen must be provided along any adjoining lands within a residential zone, regardless of whether or not the residentially-zoned parcel is developed.

224.12. Landscaping - Any portion of the site not used for buildings, structures, parking compounds, loading areas, outdoor storage areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings. A minimum fifteen (15) foot landscape strip shall be provided along property lines.

224.13. Waste Products - Storage of industrial waste materials shall not be permitted, except within an enclosed building. Dumpsters used for domestic garbage may be permitted within the side or rear yard, provided such dumpsters are screened from any adjoining roads or properties. Such dumpsters shall not be used for industrial wastes. All dumpsters shall be set back twenty-five (25) feet from all lot lines and fifty (50) feet from any adjoining residentially-zoned property. All trash dumpsters shall be located within a side or rear yard, screened from adjoining roads or properties, and completely enclosed within a masonry or fenced enclosure equipped with a self-latching door or gate. All uses shall comply with Section 302.4. of this Ordinance.

224.14. Outdoor Storage - No outdoor storage is permitted.

224.15. All uses permitted within this Zone shall also comply with all applicable General Provisions in Article 3 of this Ordinance.

224.16. Conditional Use Review - In addition to the general conditional use requirements of Section 704, and any specific requirements listed per use in Article 4, the following requirements shall apply to all conditional uses permitted within this Zone:

1. Delineation of Natural and Cultural Features - As part of the site planning process, the applicant shall be required to prepare a detailed natural and cultural features inventory of the site. Qualified experts must identify, describe and plot each of the following found on the proposed site:

- 100-year floodplains;
- steep slopes (greater than fifteen percent [15%]);
- wetlands, streams, ponds, or other water bodies;
- sinkholes, caves, vistas, or other significant geologic features;
- threatened or endangered species habitats;
- archaeological resources;
- historic resources; and,
- significant stands of mature trees.

Once identified, the applicant shall furnish expert testimony as to how these features will be protected during, and after, development of the site. Should any such features be proposed as common open space, they shall be governed by Section 316 of this Ordinance; and,

2. Vehicular Access - Vehicular access shall be regulated by Section 308.2. of this Ordinance.

SECTION 231 FLOODPLAIN ZONE (FP)

231.1. Introduction - The Township of Silver Spring is cognizant of the recurring flooding and water drainage problems associated with the Conodoguinet Creek, Hogestown Run, Trindle Run, and all of the contributory streams and waterways within the Township related to the above-mentioned creeks. This section is, therefore, designed to alleviate these problems and provide for protection from flooding hazards in the future throughout the Township.

231.2. Purpose and Policy - It is hereby found that the streams, creeks and waterways of the Township are subject to recurring flooding, that such flooding damages and endangers life and public and private property and facilities, that this condition is aggravated by developments and encroachments in the floodplain, and that the most appropriate method of alleviating such condition is through regulation of such developments and encroachments. It is, therefore, determined that the special and paramount public interest in the floodplain justifies the regulation of property located therein as provided in this section, which is in the exercise of the police power of the municipality, for the protection of the persons and property of its inhabitants, and for the preservation of the public health, safety and general welfare.

The intent of this section shall be to protect areas of floodplain subject to and necessary for the containment of flood waters, and to permit and encourage the retention of open space land uses which will be so located and utilized as to constitute a harmonious and appropriate aspect of the continuing physical development of the Township.

Building Permits shall be required before any construction or development is undertaken within any area of the Township.

It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the Township, unless a Building Permit has been obtained from the Building Codes Official. Building permits shall be obtained for construction/modifications to existing structures and construction of new structures and all land development projects.

231.3. Specific Objectives

1. To combine with present zoning requirements, certain restrictions made necessary for flood-prone areas to promote the general health, welfare and safety of the Township;
2. To prohibit the erection of buildings and structures in areas unfit for human usage by reason of danger from flooding;
3. To minimize danger to public health by protecting the quality and quantity of surface and subsurface water supplies adjacent to and underlying flood-prone areas and promoting safe and sanitary drainage;

4. To permit only those uses, which can be appropriately located in the floodplain as herein defined, and which will not impede the flow or storage of flood waters, or otherwise cause danger to life and property at, above, or below their locations along the floodplains;
5. To provide sufficient drainage courses to carry abnormal flows or storm water in periods of heavy precipitation;
6. To protect adjacent landowners and those both upstream and downstream from damages resulting from development within a floodplain and the consequent obstruction or increase in flow of flood waters;
7. To protect the entire Township from individual uses of land, which may have an effect upon subsequent expenditures for public works and disaster relief, and adversely affect the economic well-being of the Township;
8. To maintain undisturbed the ecological balance between those natural systems elements, including wildlife, vegetation and marine life, dependent upon water courses and water areas;
9. To protect other municipalities within the same watershed from the impact of improper development and the consequent increased potential for flooding;
10. To provide areas for the temporary natural storage of flood waters; and,
11. To require that uses vulnerable to floods, including public facilities, be constructed so as to be protected from flood damage in accordance with Federal and State Floodplain Management Requirements of the (National Flood Insurance Program, P.L. 93-234).

231.4. Issuance of Building Permit

1. The Building Codes Office shall issue a Building Permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this Section and all other applicable Codes and Ordinances.
2. Prior to the issuance of any zoning 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.
3. In the case of existing structures, prior to the issuance of any Building permit, the Building Codes Official shall review the history of repairs to the subject building, so that any repetitive loss issues can be addressed before the permit is issued.

4. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities, which may be affected by such action have been notified by the Township, and until all required permits or approvals have been first obtained from the Department of Environmental Protection 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.

231.5. Application Procedures and Requirements

1. Application for such a Building permit shall be made, in writing, to the Building Codes Official on forms supplied by the Township. Such application shall contain the following:
 - A. Name and address of applicant;
 - B. Name and address of owner of land which proposed construction is to occur;
 - C. Name and address of contractor;
 - D. Site location including address;
 - E. Listing of other permits required;
 - F. Brief description of proposed work and estimated cost, including a breakout of the flood-related cost and the market value of the building before the flood damage occurred; and,
 - G. A plan of the site showing the exact size and location of the proposed construction, as well as any existing buildings or structures.
2. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for Building permits shall provide all the necessary information in sufficient detail and clarity to enable the Building Codes Official to determine that:
 - A. All such proposals are consistent with the need to minimize flood damage and conform to the requirements of this 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; and
 - C. Adequate drainage is provided so as to reduce exposure to flood hazards.

3. Applicants shall file the following minimum information, plus any other pertinent information, as may be required by the Building Codes Official or Silver Spring Township to make the above determination.
 - A. A completed Building Permit Application Form;
 - B. A plan of the entire site, clearly and legibly drawn at a scale of one (1") inch being equal to one hundred (100') feet or less, showing the following:
 - a. North arrow, scale and date;
 - b. Topographic contour lines, if available;
 - c. All property and lot lines, including dimensions and the size of the site expressed in acres or square feet;
 - d. The location of existing and proposed buildings, structures and other improvements, including the location of any existing or proposed subdivision and land development;
 - e. The location of all existing streets, drives and other access ways; and;
 - f. The location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway and the flow of water, including direction and velocities.
 - C. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
 - a. The proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988;
 - b. The elevation of the one hundred (100) year flood;
 - c. If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a one hundred (100) year flood;
 - d. Detailed information concerning any proposed flood-proofing measures; and,
 - e. Supplemental information as may be necessary as pertaining to the UCC (Uniform Construction Code) as referred to in 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 R 106.1.3 and R 104.7 of the 2003 IRC.

D. The following data and documentation:

- a. Documentation, certified by a registered professional engineer, to show that the cumulative effect of any proposed development within a Special Floodplain Area, when combined with all other existing and anticipated development, will not increase the elevation of the one hundred (100) year flood more than one (1') foot at any point;
- b. A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the one hundred (100) year flood;

Such statement shall include a description of the type and extent of flood-proofing measures, which have been incorporated into the design of the structure and/or the development.

- c. The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development"; and,
- d. 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.

231.6. Delineation of Lands within the Floodplain Zone - For purposes of this Ordinance, areas contained within the Floodplain Zone shall include the following:

1. Those areas subject to inundation by the waters of the base flood (100-year flood), as identified in the Flood Insurance Study dated March 3, 1992, and accompanying maps, or the latest revision thereof, including all digital data developed as part of the Flood Insurance Study, as prepared for the Township and issued by the Federal Emergency Management Agency and/or its successors; and,
2. For all other streams and/or waterways not depicted upon the Township's Flood Boundary and Floodway Maps, the Floodplain Zone shall be deemed to include:
 - A. An area measuring fifty (50') feet horizontally perpendicular from the top of the bank of the watercourse; or,
 - B. The area inundated by the base flood as determined through qualified hydrologic and hydraulic study. Such study shall be signed, sealed and certified by a registered professional of the Commonwealth of Pennsylvania. Such certification shall acknowledge the accuracy of the study or survey and the qualification of the individual to perform such study or survey. Copies of such studies and surveys shall be submitted by the Zoning Officer to the Township Engineer and the Federal Emergency Management Agency, who shall have thirty (30) days to comment. Any property owner whose property is so studied shall pay all costs of these studies and surveys, except for work done under retainer to, or on behalf of, the Township.

231.7. Boundary Disputes

1. Should a dispute concerning any boundary of the Floodplain Zone arise, the initial determination of the Zoning Officer may be appealed to the Zoning Hearing Board in accordance with Section 604.6. of this Ordinance. The burden of proof in such an appeal shall be on the applicant and all hearings and procedures shall follow the requirements of Section 603 of this Ordinance;
2. All changes to the boundaries of the Floodplain Zone which affect areas identified in Section 231.6.1. of this Ordinance are subject to the review and approval of the Federal Emergency Management Agency for compliance with the Rules and Regulations of the National Flood Insurance Program.

231.8. Relationship to Other Sections - The provisions of this section create an overlay zoning district which is applicable within floodplains in all other zoning districts established by this Zoning Ordinance. To the extent the provisions of this section are applicable and more restrictive; they shall supersede conflicting provisions within all other sections of this Zoning Ordinance and all other ordinances of the Township. However, all other provisions of all other articles of this Zoning Ordinance and all other Ordinances of the Township shall remain in full force.

231.9. Permitted Uses - The following uses and no others are permitted in the Floodplain Zone:

1. Cultivation and harvesting crops according to recognized soil conservation practices;
2. Pasture and grazing of livestock (including only one- or two-strand wire fences) according to recognized soil conservation practices, and further provided that such livestock shall not be confined to pastures or other enclosures located entirely within the Floodplain Zone;
3. Outdoor plant nursery or orchard according to recognized soil conservation practices;
4. Wildlife sanctuary, woodland preserve, arboretum and passive recreation or parks, including hiking, bicycle and bridle trails, but including no facilities subject to damage by flooding;
5. Game farms, fish hatchery, or hunting and fishing reserve, for the protection and propagation of wildlife, but permitting no structures;
6. Forestry (see Section 348), lumbering and reforestation according to recognized natural resources conservation practices;
7. Front, side and rear yards and required lot area of lots existing prior to the adoption of this Ordinance, in any district, provided such yards are not to be used for on-site sewage disposal systems;

8. Normal accessory uses (excepting enclosed structures, freestanding satellite dish antennas, fences and above-ground swimming pools) on lots existing prior to the adoption of this Ordinance, permitted under the applicable zoning district;
9. Recreational use, whether open to the public or restricted to private use, such as parks, camps, picnic areas, golf courses, fishing areas, sport or boating clubs, not to include enclosed structures excepting flood-proof toilet facilities, but permitting piers, docks, floats or unenclosed shelters usually found in developed outdoor recreational areas. Any flood-proof toilet facilities provided shall be connected to public water and sewerage systems;
10. Sewage treatment plant, outlet installations for sewage treatment plants and sewage pumping stations with the approval of the Township Authority Engineer, appropriate sewer authorities and the Pennsylvania Department of Environmental Protection, when accompanied by documentation as to the necessity for locating within the boundaries of the Floodplain Zone;
11. Sealed public water supply wells with the approval of the Pennsylvania Department of Environmental Protection;
12. Dams, culverts, bridges, and altered or relocated watercourses with the approval of appropriate authorities with jurisdiction such as the Commonwealth of Pennsylvania, Department of Environmental Protection; and,
13. Sanitary or storm sewers and impoundment basins, with the approval of the Pennsylvania Department of Environmental Protection.

231.10. Nonconforming Uses and Structures in the Floodplain Zone

1. Continuation - All uses or structures lawfully existing in the Floodplain Zone on the effective date of this section which are not in conformity with the provisions of this section shall be deemed nonconforming uses or structures. Such nonconforming uses or structures may be continued, maintained, repaired, and flood-proofed, except as prohibited by Sections 231.10.2. and 231.10.4.B., of this Ordinance. However, such nonconforming uses or structures may at any time be improved to comply with existing State or Township health, sanitary, or safety code specifications which are necessary solely to assure safe living conditions;
2. Abandonment - Nonconforming uses or structures which have been discontinued or vacated for twelve (12) consecutive months shall be considered abandoned. Vacation of land or structures or the non-operative status of the use normally carried on by the property shall be evidence of discontinuance. No abandoned use or structure may be reestablished, repaired, or reoccupied. The Supervisors may require the removal of any abandoned nonconforming use or structure upon prior notice to the owner of the property on which an abandoned nonconforming use or structure exists. If the owner has not completely removed the abandoned use or structure within a reasonable amount of time, not to exceed nine months, the Supervisors shall have the authority to cause the removal to be accomplished, the costs of such removal to be paid by the property owner;

3. Expansion and Modification - A nonconforming use or structure may not be expanded or modified in any manner which would increase or aggravate flooding or flood hazards. Nothing shall be done which would otherwise violate any of the provisions of this section. No nonconforming use or structure shall be expanded, enlarged, or altered in any way which increases its nonconformity with respect to height, area, yard, and other requirements established in other sections of this Zoning Ordinance, nor in any way which causes it to occupy more space within the Floodplain Zone that was occupied by it on the effective date of this section;
4. Replacement and Rebuilding:
 - A. A nonconforming use or structure may be replaced, repaired or rebuilt if it is damaged or destroyed by any means, including floods, to the extent of less than fifty percent (50%) of its fair market value at the time of its damage or destruction. In such a case, however, the nonconformity of the new use or structure with respect to requirements as expressed in provisions of this Zoning Ordinance shall not exceed that of the original use or structure which was damaged or destroyed. Nothing shall be done which would otherwise violate any of the provisions of this section;
 - B. A nonconforming use or structure which has been damaged or destroyed by any means, including floods, to the extent of fifty percent (50%) or more of its fair market value at the time of its damage or destruction may not be replaced, restored, repaired, reconstructed, improved, or rebuilt in any way other than in complete conformity and full compliance with Section 231.11.3. and all other sections of this Zoning Ordinance, and all other ordinances of the Township. The Zoning Hearing Board may waive as a special exception, the requirements of this paragraph where it is shown that such requirements could not be met on land owned by the appellant or where such requirements would impose undue hardship to the appellant in the efficient operations of the premises. In such a case, the Zoning Hearing Board shall be authorized to grant only the minimum relief necessary, and the least modification possible of the provisions of this section, while respecting and maintaining the purpose and intent of this section; and,
 - C. The Zoning Officer shall have the initial responsibility of determining the percent of damage or destruction and the fair market value of the damaged or destroyed use or structure at the time of its damage or destruction, and may call on any experts or authorities he may deem necessary to assist him in arriving at a fair and impartial determination. Appeals of the decision of the Zoning Officer may be made to the Zoning Hearing Board.
5. Historic Structures - The Zoning Hearing Board shall have the right to waive, as a special exception, any of the requirements of Sections 231.10.2. and 231.10.4.B. for any historic structure, as defined herein;

6. Special Requirements for Mobile Homes

- A. If any existing mobile home shall be replaced, reconstructed, or expanded by addition thereto, then the mobile home shall be:
- a. Anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors in accordance with the following:
 - i. Over-the-top ties shall be provided at each of the four (4) corners of the mobile home, with two (2) additional ties per side at intermediate locations for units fifty (50') feet or more in length, and one (1) additional tie per side for units less than fifty (50') feet in length;
 - ii. Frame ties shall be provided at each corner of the mobile home, with five (5) additional ties per side at intermediate locations for units fifty (50') feet or more in length, and four (4) additional ties per side for units less than fifty (50') feet in length; and,
 - iii. All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds.
 - b. Elevated in accordance with the following requirements:
 - i. The mobile home shall be elevated on a permanent foundation so that its lowest floor is one (1') foot or more above the elevation of the one hundred (100) year flood;
 - ii. Adequate surface drainage is provided;
 - iii. Adequate access for a hauler is provided; and,
 - c. An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the Township Supervisors for mobile home parks.

231.11. Design and Performance Standards

- 1. Applicability - The standards included in this section are to be used, together with the provisions of all other sections and all other ordinances in force in the Township by the Zoning Officer and Zoning Hearing Board in their administration of this section;
- 2. Regulations and Reviews by Other Agencies
 - A. Where applicable and where possible, all necessary permits or other written approvals must be obtained from all other agencies before any approvals of special exceptions, variances, or permits may be granted by the Township;

- B. Where necessary permits or written approvals from other agencies cannot be obtained prior to action by the Township, any approval of special exceptions, variances, or permits by the Township shall be conditioned upon receiving such other agencies' permits or written approvals; and,
- C. No regulations of the Commonwealth governing watercourses are amended or repealed by this Ordinance. Prior to any proposed alteration or relocation of any watercourse a permit shall be obtained from the Pennsylvania Department of Environmental Protection, Dams and Encroachment Division, and notification of any such proposal shall be given to all affected adjacent municipalities. Copies of such permit applications and municipal notifications shall be forwarded to the Federal Insurance Administration and to the Pennsylvania Department of Community and Economic Development;

3. Placement and Construction of Authorized Uses and Structures

- A. No use shall be permitted which would cause any rise in the base flood elevation. All uses and structures shall be designed, constructed, and placed so as to offer the minimum obstruction possible to the flow of water, and shall be designed to have a minimum effect upon the flow, velocity, or height of floodwaters. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow, and, so far as is practicable, structures shall be placed approximately on the same flood flow lines as those of nearby structures;
- B. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage, and shall be constructed by methods and practices that minimize flood damage;
- C. All new or replacement drains, water supply facilities, sanitary sewage facilities or other utility improvements shall be designed to preclude infiltration or back-up of sewage or floodwaters into the facilities or structures and discharges from the facilities into floodwater, and to minimize the impedance of flood flows;
- D. Anchoring - All structures, buildings, air ducts, large pipes, and storage tanks within the Floodplain Zone shall be firmly anchored to prevent flotation, movement, or collapse, thus reducing the possibility of the blockage of bridge openings and other restricted sections of the watercourse;
- E. For all permitted nonconforming uses, and uses authorized by the granting of a variance, the following standards shall apply:
 - a. All new construction and substantial improvements of permanent nonresidential structures shall either (1) have the lowest floor (including basement) elevated to one (1) foot above the base flood elevation, or (2) together with attendant utility and sanitary facilities, be flood-proofed so that below one (1) foot above the base flood elevation, the structure is watertight, with walls substantially impermeable to the

passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Enclosed space below the lowest floor (including basement) is prohibited. All flood-proofing measures shall be done according to the standards and provisions for flood-proofing classes W-1 or W-2, as contained in *Flood-proofing Regulations* published by the Office of the Chief of Engineers, U.S. Army, published EP 1165 2 314 (June, 1972 and as subsequently amended) where such standards and provisions do not conflict with other provisions of this section. Where reference is made in *Flood-proofing Regulations* to the “RFD” (Regulatory Flood Datum), it shall be interpreted to mean the base flood elevation as defined by this section. The applicant shall submit qualified evidence by a registered professional engineer or a licensed professional architect certifying compliance with this requirement; and,

- b. All improvements to existing structures shall have the lowest floor (including basement) elevated to one (1) foot above the base flood elevation. All manufactured homes shall be subject to the above listed regulations as well as those listed in Section 231.10.6. In all cases, enclosed space below the lowest floor (including basement) is prohibited.

231.12. Standards and Criteria for Special Exceptions and Variances - In addition to the provisions of this Zoning Ordinance, in hearing and deciding upon special exceptions and/or variances to the provisions of this Section 231, the Zoning Hearing Board shall also determine that the following standards and criteria have been complied with:

1. No special exception or variance shall be granted for any use except those specifically permitted by Section 231.9., nor any use, structure or development within the floodway which would increase the one hundred (100) year flood elevation;
2. In addition to the standards generally applicable to variances, variances shall only be granted upon (1) a showing of good and sufficient cause, (2) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (3) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with any other applicable laws, ordinances or regulations;
3. Variances shall only be granted upon the determination that the variances are the minimum necessary to afford relief, considering the flood hazard. The applicant must also comply with any other conditions imposed by the Zoning Hearing Board;

4. Whenever a variance is granted, the Board shall notify the applicant in writing that:
 - A. The granting of the variance may result in increased premium rates for flood insurance if construction occurs below the one hundred (100) year flood elevation; and,
 - B. Such variance may increase the risk to life and property.
5. In granting a special exception or variance, the Board shall require that all buildings and structures shall be designed and constructed so as to have the capability of resisting the one hundred (100) year flood;
6. A complete record of all variance requests and actions, including justifications for granted variances, shall be maintained by the Board. The Board shall report such decisions in the annual report sent to the Federal Emergency Management Agency; and,
7. In hearing and deciding upon variances or special exceptions to this section, the burden of proof shall be on the applicant. The Zoning Hearing Board may require the applicant to submit such plans, specifications, and other information as it may deem necessary to assist in arriving at a fair and impartial determination. In addition to that information required by Sections 231.12. and 701 of this Ordinance, such required information may include, but is not limited to, the following:
 - A. Plans drawn to scale showing the nature, location, dimensions, and elevations of the lot, existing or proposed structures, fill, storage of materials, flood-proofing measures, and the relationship of the above to the location of the channel;
 - B. A typical valley cross-section showing the channel of the watercourse, elevations of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information;
 - C. A plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location, and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets, water supply facilities, and sanitary facilities; photographs showing existing land uses and vegetation upstream and downstream; soil types; and other pertinent information;
 - D. A profile showing the slope of the bottom of the channel of flow line of the watercourse; and,
 - E. Specifications for building construction and materials, flood-proofing, filling, dredging, grading, channel improvement, storage of materials, water supply facilities and sanitary facilities.

231.13. Municipal Liability - The lawful granting of a permit or making of any administrative decision under this section shall not constitute a representation, guarantee, or warranty of any kind by Silver Spring Township, or by any official, agent, or employee thereof, of the practicability or safety of any structure, use, or other plan proposed with respect to damage from flood or otherwise, and shall create no liability upon, or a cause of action against, such public body, official, agent, or employee for any flood damage that may result pursuant thereto or as a result of reliance on this section. There is also no assurance that lands not included in the Floodplain Zone are now or ever will be free from flooding or flood damage.

SECTION 232 CONSERVATION SUBDIVISION OVERLAY ZONE (CSO)

232.1 Purpose and Applicability

1. Purpose. In addition to the Purpose statement in Section 102, it is the purpose of this zone to:
 - A. Conserve undeveloped land for the purpose of protecting Primary and Secondary Conservation Areas in contiguous, un-fragmented, commonly managed landscapes to:
 - a. Protect large, intact wildlife habitat areas and connect patches of wildlife habitat to support greater biodiversity, maintain ecosystem processes and allow larger, healthier populations to persist; and
 - b. Minimize edge conditions and associated colonization by invasive plant species.
 - B. Contribute to the creation of a community wide Greenway system for the benefit of present and future residents;
 - C. Protect productive agricultural soils for continued or future agricultural use by conserving blocks of land large enough to allow for efficient farm operations;
 - D. Lessen the impact of new development on the Appalachian Trail;
 - E. Conserve existing landscape character by minimizing views of new development from existing roads, thereby reducing perceived density;
 - F. Encourage innovation and promote flexibility, economy, and ingenuity in development;
 - G. Provide multiple development options for landowners to reflect their varying circumstances and the individual characteristics of their properties;
 - H. Provide for a diversity of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups, and residential preferences;
 - I. Provide homes with direct views of Greenway land, organized around common greens;
 - J. Provide for the conservation and maintenance of Greenway land and for active or passive recreational use by residents;
 - K. Provide greater efficiency in the siting of services and infrastructure, including the opportunity to reduce length of roads, utility runs, and the impervious cover required for residential development;

- L. Provide a wider range of feasible locations for stormwater and wastewater facilities in order to comply with prevailing state-of-the-art designs and best management practices;
 - M. Protect water quality and reduce erosion and sedimentation by retaining existing vegetation and minimizing development on steep slopes; and,
 - N. Implement land use, open space, and community policies set forth in the Silver Spring Township Comprehensive plan.
2. Applicability. This zone shall be an overlay on the R, RE, R1 and R2 Zones and shall apply to residential uses as set forth in the Permitted Uses and Conditional Uses sections of each zone.

232.2 General Regulations. The design of all new subdivisions in the CSO Zone shall be governed by the following minimum standards:

- 1. Ownership. The development tract may be held in single ownership or in multiple ownerships. When a development tract is held in multiple ownerships, it shall be:
 - A. Represented by a single application; and
 - B. Presented and approved under a common plan. The entire tract shall be designed in accordance with this article.
- 2. Combining the Design Options. The development options permitted in this Article may be combined at the discretion of the Township, based upon demonstration by the applicant that such a combination would better fulfill the purposes set forth in Section 232.1, as compared with applying a single option to the property. When more than one option is applied to a development tract, the applicant shall clearly indicate the boundaries of each option; and,
- 3. Protection of Conservation Areas. The proposed design shall conserve Primary Conservation Areas. Demonstration by the applicant that these features are protected by the proposed application shall be prerequisite to approval of conditional use applications and all preliminary and final plan approvals. The protection of Secondary Conservation areas shall be addressed through the Four-Step Design Process described in Section 618 of the Subdivision and Land Development Ordinance.

232.3 Uses

- 1. Uses Permitted in Options 1 through 4:
 - A. Residential Uses as set forth in the underlying zoning district;
 - B. Greenway land. See Greenway land uses in Section 108;

- C. Accessory Uses as set forth in the underlying zoning district; and,
 - D. In Option 4 subdivisions, on a building lot containing 10 or more acres, an accessory dwelling unit (ADU) is permitted, subject to the provisions in Section 232.4.3.
2. Uses Permitted by Conditional Use in Option 5: Villages. See Section 207, Village Overlay Zone (VO).

232.4 Maximum Dwelling Units and Minimum Greenway Land

- 1. The maximum number of dwelling units shall be determined by a calculation using the density factor set forth in Table 232.A and the formulas in Subsection 232.4.4; and,
- 2. Greenway Land. The minimum Greenway land shall be as set forth in Table 232.A.

TABLE 232.A - Density Factors and Minimum Greenway Land

Zone:		R Zone	RE Zone	R1 Zone	R2 Zone
Option 1: Conservation Subdivision	Max. density (as density factor):	.5 du/ac, ATA	.5 du/ac, ATA	2 du/, ATA	3.5 du/ac, ATA
	Min. Greenway Land:	50% ATA, plus constrained land	50% ATA, plus constrained land	50% ATA, plus constrained land	40% ATA, plus constrained land
Option 2: Age Restricted Residential Development	Max. density (as density factor):	N/A	N/A	2.5 du/ac, ATA	4 du/ac, ATA
	Min. Greenway Land:			40% ATA, plus constrained land	40% ATA plus constrained land
Option 3: Estate Lots	Max. density (as density factor):	N/A	.25 du/ac, ATA	N/A	N/A
	Min. Greenway Land:		N/A		
Option 4: Country Properties	Max. density:	.10 du/ac, gross	.10 du/ac, gross	N/A	N/A
	Min. Greenway Land:	N/A	N/A		
Option 5: Village (See Section 207. Village Overlay Zone)	Max. density (as density factor):	N/A	N/A	4 du/ac, ATA	8 du/ac, ATA
	Min. Greenway Land:			40% ATA plus constrained land	30% ATA plus constrained land

Key to abbreviations:

- ac- Acre
- ATA - Adjusted Tract Area
- du - dwelling unit
- Min. - Minimum
- Mix. - Maximum
- NA - Not Applicable

3. Greenway land shall be delineated to include all Primary Conservation Areas and, in addition, sufficient Secondary Conservation Areas that, when added to the Primary Conservation Areas, shall equal the minimum required Greenway land.
4. Common Greens.
 - A. At least two to three percent (2-3%) of the required Greenway land shall be in the form of common greens. The minimum percentage of open space in common greens shall be as follows:
 - a. Two percent (2%) of the required Greenway land when the average lot size is 15,000 square feet or more; and,
 - b. Three percent (3%) of the required Greenway land when the average lot size is less than 15,000 square feet.
 - B. In Option 5, at least 15 percent of the required Greenway land shall consist of multiple common greens, squares, or parks.
5. In Options 1 and 2, up to 80% of the required Greenway land may be in the form of “conservancy lots” as permitted in Section 232.10.1.D. The remaining Greenway land shall be owned and managed by a community association, conservation organization or the Township, in conformance with Section 232.10.
6. Accessory Dwelling Units (ADU's). In Option 4, one ADU is permitted on a lot of 10-acres or larger, in addition to the density permitted in Table 232 A. above, in accordance with the following standards:
 - A. The ADU shall be located within the principal dwelling unit or in existing or new outbuildings (such as barns, stables, carriage houses, garages and springhouses);
 - B. The gross floor area of the ADU shall not exceed 900 square feet. An existing historic dwelling more than 50 years old that exceeds these floor area limits, up to a maximum of 2,000 SF of living area, may be used as an ADU;
 - C. The ADU shall meet all the setback standards in the underlying Zone, except that historic dwellings, more than 80 years old, shall be exempt from these requirements; and,
 - D. ADU's shall not count toward the density limits set forth in Table 232 A.
7. Adjusted Tract Area Approach. Determination of the maximum number of dwelling units shall be based upon the following calculations:
 - A. Determine Gross Tract Area. Gross tract area shall equal the acreage within the legally described parcel minus existing public or private road rights-of-way;

- B. Determine Constrained Land. Constrained land consists of the resources listed in Table 232 B, multiplied by a protection factor and totaled. In the event two or more resources overlap, only the resource with the highest protection factor shall be used;

Table 232.B

	Resource	Area of Resource (acres)	Protection Factor	Constrained Land (acres)
a.	Existing Utility Rights-of-Way		x 1.0 =	
b.	That portion of lands under conservation easement that are restricted from further development		x 1.0 =	
c.	100-year Floodplain		x 1.0 =	
d.	Wetlands		x 0.95 =	
e.	Prohibitive Steep Slopes (over 25%)		x 0.85 =	
f.	Precautionary Steep Slopes (15-25%)		x 0.25 =	
CONSTRAINED LAND = SUM OF a. through f. =				

- C. Determine Adjusted Tract Area (ATA). Adjusted Tract Area equals the gross tract area minus the constrained land;

a.	Gross tract area	_____ acres
b.	minus Constrained Land (from Table 232 B, above)	- _____ acres
c.	equals Adjusted Tract Area (ATA)	= _____ acres ATA

- D. Maximum Number of Dwelling Units. In Options 1, 2, 3 and 5, the maximum number of dwelling units equals the Adjusted Tract Area (ATA) multiplied by the applicable density factor set forth in Table 232.A;

a.	Adjusted Tract Area (from 6. C above,)	_____AC
b.	Multiply by density factor (from Table 232.A)	x _____
c.	equals maximum number of dwelling units	= _____DU's

- E. In Option 4, the maximum number of dwelling units equals the gross tract area divided by 10 acres; and,

- F. Where calculations result in fractional numbers, the fraction shall be rounded down to the next whole number.

8. Total Number of Dwelling Units. The total number of dwelling units permitted on a development site equals the sum of the following, each of which shall be itemized separately in a table on the plans:

- A. Maximum number of dwelling units permitted in Table 232 A;

- B. Any additional units permitted as the result of the discretionary density bonus permitted in Section 232.6; and,
 - C. Under Option 4, accessory dwelling units permitted in Section 232.4.6.
9. Preservation of Historic Dwellings. To encourage the preservation of historic dwellings, such preserved dwellings shall not count toward the maximum number of dwelling units referenced in Section 232.4.7 above, provided:
- A. Such dwellings are at least 80 years old;
 - B. The dwelling is preserved in accordance with the Secretary of the Interior standards; and
 - C. The dwelling is placed in a landscape context that respects its historical status and appearance, as determined by the Township.

232.5 Dimensional Standards for Options 1 Through 4

- 1. The dimensional standards in Tables 232 C., D., and E. shall apply to Options 1 through 4.

TABLE 232 C. - Dimensional Standards for the R and RE Zones

	Option 1: Conservation Subdivision	Option 3: Estate Lots (applicable only in the RE Zone)	Option 4: Country Properties
Density	.5 du/ac, ATA	.25 du/ac, ATA	.10 du/ac, gross
Minimum Lot Area	20,000 sf	40,000 sf	60,000 sf
Minimum lot width at building line ¹	80 ft.	115 ft.	140 ft.
Minimum street frontage	20 ft. (where flag lots are permitted, or on cul de sac)	20 ft. (where flag lots are permitted or on cul de sac)	50 ft.
Minimum front yard	20 ft.	40 ft.	100 ft.
Garage setback ²	10 ft.	10 ft.	10 ft.
Minimum rear yard	40 ft.	50 ft.	50 ft.
Accessory bldgs.	10 ft.	10 ft.	20 ft.
Minimum side yard	5 ft. 30 ft. aggregate	20 ft. 50 ft. aggregate	25 ft.
Maximum height	35 ft.	35 ft.	35 ft.

¹ In the case of flag lots, the building line shall be located where the lot equals the minimum width in accordance with Section 605.04.7 of the Subdivision and Land Development Ordinance.

²For front-facing garages, distance behind the front façade of the primary dwelling.

TABLE 232 D. - Dimensional Standards for the R1 Zone.

Option 5: Village Development standards, permitted by Conditional Use, are contained in Section 207, Village Overlay Zone.

	Option 1: Conservation Subdivision	Option 2: Age Restricted Development
Density	2 du/ac, ATA	2.5 du/ac, ATA
Min. Lot Area	7,500 sf	5,000 sf
Min. lot with at building line ¹	40 ft.	40 ft.
Min. street frontage	20 ft.	20 ft.
Min. front yard	20 ft.	20 ft.
Min. front yard with front porch, open, with steps	10 ft.	10 ft.
Min. front yard with front porch, enclosed	15 ft.	12 ft.
Min. setback garage, detached, front-loading	25 ft. behind plane of front façade of principal dwelling	25 ft. behind plane of front façade of principal dwelling
Garage, attached, side-loading	10 ft.	10 ft.
Garage, attached, front loading	10 ft. behind plane of front façade of principal dwelling	10 ft. behind plane of front façade of principal dwelling
Garage, rear-loading	10 ft. from rear service lane or alley	10 ft. from rear service lane or alley
Minimum rear yard	25 ft.	20 ft.
Accessory bldgs.	5 ft.	5 ft.
Minimum side yard	5 ft.	0 ft. 15 ft. aggregate
Maximum height	35 ft.	35 ft.

TABLE 232 E.1 - Dimensional Standards for the R2 Zone: Lot Area and Lot Width.
Option 5: Village Development standards, permitted by Conditional Use, are contained in Section 207, Village Overlay Zone.

	Option 1: Conservation Subdivision		Option 2: Age Restricted Development	
	Min. Lot Area	Min. Lot Width at Building Line	Min. Lot Area	Min. Lot Width at Building Line
SFD	5,500 sf	40 ft.	5,000 sf	40 ft.
Duplexes	2,750 sf	30 ft.	2,500 sf	25 ft.
Townhouses	2,000 sf	20 ft.	1,950 sf	18 ft.
Multiple Family	1 acre	100 ft.	1 acre	100 ft.

TABLE 232 E.2 - Dimensional Standards for the R2 Zone: Yards.

Option 5: Village Development standards, permitted by Conditional Use, are contained in Section 207, Village Overlay Zone.

	Options 1 and 2
Min. front yard: SFD - Duplexes - Townhouses - Multiple family	12 ft. 12 ft. 12 ft. 25 ft.
SFD, Duplexes: Min. front yard with front porch, open, with steps	6 ft.
SFD, Duplexes: Min. front yard with front porch, enclosed	10 ft.
Min. setback garage, detached, front-loading	25 ft. behind plane of front façade of principal dwelling
Garage, attached, side-loading	10 ft.
Garage, attached, front loading	10 ft. behind plane of front façade of principal dwelling
Garage, rear-loading	10 ft. from rear service lane or alley
Minimum rear yard	25 ft.
Accessory bldgs.	5 ft.
Minimum side yard	0 ft. 15 ft. aggregate
Maximum height	35 ft.

2. Impervious Cover for Options 1 through 4 shall be limited in accordance with the following table.

TABLE 232 F. - Impervious Cover

Lot Area	Maximum Impervious cover
Less than 10,000 sf	50%
10,000 sf – 19,999 sf	35%
20,000 – 43, 560 sf	20%
Larger than 43, 560 sf	Reduce limit by 1.5% for each additional acre up to a maximum Impervious cover of 20,000 sf

3. Design Standards for Options 1 - 4.
 - A. No part of any residential lot shall encroach upon Greenway land with the exception of conservancy lots, as permitted in Section 232.10.1.D.
 - B. All new dwelling units shall meet the following setback requirements:

From external road ultimate rights-of-way	100 feet, except that this distance shall be reduced to 50 feet in the R1 and R2 Zones
From all other tract boundaries	50 feet, except that this distance shall be reduced to 25 feet in the R1 and R2 Zones
From cropland or pasture land	100 feet (not applicable to Option 4)
From buildings or barnyards housing livestock	300 feet (not applicable to Option 4)
From active recreation areas such as courts or playing fields (not including tot lots)	150 feet (not applicable to Option 4)

- C. Additional design standards in Section 618 of the Subdivision and Land Development Ordinance shall apply.

232.6 Discretionary Density Bonus

1. Additional density may be permitted by the Township when a public trail is provided in accordance with the following:
 - A. The applicant shall provide evidence that the proposed trail meets the goals and objectives of the Silver Spring Township Comprehensive Plan, the Silver Spring Township Official Map, or the Cumberland County Land Partnerships Open Space Preservation Plan;
 - B. For each quarter mile of public trail provided, one additional dwelling unit shall be permitted, up to a maximum increase of 15% over the maximum number of units permitted in Table 232 A; and,
 - C. The applicant shall be responsible for the installation of the public trail, constructed according to the standards in the Silver Spring Township Improvement Specifications Manual.

232.7 (Reserved for future use)

232.8 Greenway Land: Use and Design Standards

1. Uses Permitted on Greenway Land.
 - A. Conservation of open land in its natural state;
 - B. Agricultural and horticultural uses, including raising crops or livestock, and related accessory buildings. Specifically excluded are commercial and intensive feedlot and livestock operations involving swine, poultry, mink, and other animals likely to produce highly offensive odors;
 - C. Pastureland for horses used solely for non-commercial recreational purposes. Equestrian facilities shall be permitted, but shall not consume more than 50% of the minimum required Greenway land;
 - D. Forestry in keeping with established best management practices for selective harvesting and sustained yield forestry as published by the Pennsylvania Bureau of Forestry;
 - E. Greens, central commons, picnic areas, community gardens, trails and similar low-impact, passive recreational uses;
 - F. Active non-commercial recreation areas, such as playing fields, playgrounds, and bikeways, not requiring supporting structures. Such recreational uses shall meet the following standards:
 - a. Such areas shall not consume more than 50% of the minimum required Greenway land or 5 acres, whichever is less. The 5-acre limit may be increased to 10 acres on development parcels 200 acres or larger;
 - b. Playing fields and playgrounds shall not be located within 100 feet of the tract boundary or a dwelling unit within the development parcel; and,
 - c. Minimum parking facilities for the same, as determined by the Township, may also be permitted. Such lots may be paved with gravel and shall be unlighted, properly drained and provide safe ingress and egress.
 - G. Non-commercial recreation areas such as playing fields, courts, swimming pools or picnic areas requiring supporting structures, and their parking areas, are permitted, but shall not count toward the minimum required Greenway land, unless dedicated to the municipality. Structures shall be diminimus to the activity. Parking areas may be paved with gravel and shall be unlighted, properly drained and provide safe ingress and egress;

- H. Audubon International Signature golf courses and their accessory facilities and parking areas, when permitted by the underlying zoning district, may comprise up to 50 percent of the minimum ATA of the required Greenway land. This use shall not include driving ranges or miniature golf. The gross floor area devoted to sales of golf equipment, clothing, food and other similar items shall not exceed 4,500 square feet gross. Accessory facilities and parking areas shall not count toward the minimum Greenway land requirement;
- I. The total area of water supply systems, sewage disposal systems, stormwater management systems, and associated easements may occupy up to 20 percent of the minimum ATA required in the Greenway land. The following standards shall apply:
 - a. Water Supply Systems.
 - i Utility easements for water lines may be counted toward the minimum Greenway land requirement; and,
 - ii Land used for ground level well structures and associated parking exceeding 5,000 square feet shall not count toward the minimum Greenway land requirement.
 - b. Sewage Disposal Systems.
 - i Sewage treatment lagoons, structures, structure access areas and parking lots shall not count toward the Greenway land requirement;
 - ii Sewage disposal areas shall be appropriate for active or passive recreation or managed as meadows and may count towards the minimum Greenway land requirement;
 - iii Absorption fields serving individual dwelling units may be located in the Greenway land, but individual treatment tanks shall be located within the lots they serve; and,
 - iv Drainage easements for sewer lines may be counted toward the minimum Greenway land requirement.
 - c. Stormwater Management Systems. The following stormwater management practices may be counted toward the minimum Greenway land requirement, provided they meet the guidelines in the Pennsylvania Stormwater Best Management Practices Manual:
 - i Infiltration basin, provided the berms do not exceed 36 inches in height (detention basins shall not count towards Greenway land requirements) measured from the basin bottom;

- ii Subsurface infiltration bed;
 - iii Infiltration trench;
 - iv Rain garden;
 - v Vegetated swale; and,
 - vi Infiltration berm, provided the berms do not exceed 24 inches in height measured from the inside of the berm.
 - K. Easements or rights-of-way for overhead power lines shall not count toward the minimum Greenway land requirement;
 - L. Specifically prohibited are:
 - a. Motorized off-road vehicles, shooting ranges and other uses similar in character and impact as determined by the Township. This provision shall not prohibit vehicles used for maintenance purposes; and
 - b. Surface mining and quarrying.
2. Greenway Land Design Standards.
- A. Greenway land in all options shall be identified and laid out according to the Four-Step Design Process described in Section 618 of the Subdivision and Land Development Ordinance, which begins with the identification of primary and secondary conservation areas;
 - B. Greenway land shall be laid out in accordance with the Silver Spring Township Comprehensive Plan, to ensure that, over time, an interconnected network of Greenway land will be created;
 - C. In Options 1 and 2, wherein 40% to 50% of the Adjusted Tract Area is set aside as Greenway land, which may be owned by various entities, at least 20% of the Adjusted Tract Area shall be available for the common use of the subdivision residents;
 - D. In Options 3 and 4, Greenway land is permitted, but not required, except as follows. When the Township Body determines a benefit to residents of the development in the form of trails or open space links, the applicant shall provide such linkages. In establishing the need for such linkages, the Township may consider:
 - a. Implementation of the Silver Spring Township Cumberland County Land Partnerships Plan or Official Map;
 - b. Trails integral to children's access to schools and parks;

- c. Impact on woodland and stream corridors; and,
 - d. Impact on the Appalachian Trail.
- E. Buffers for Adjacent Public Parkland: Where the proposed development adjoins public parkland, including the Appalachian Trail, a natural Greenway land buffer at least 150 feet deep shall be provided within the development along its common boundary with the parkland, within which no new structures shall be constructed, nor shall any clearing of trees or understory growth be permitted, except as may be necessary for street or trail construction or for the removal of invasive plant species; and,
- a. Where existing vegetation provides an adequate buffer, as determined by the Township, the depth may be reduced to 75 feet; and,
 - b. Where the buffer is unwooded, the Township may require vegetative screening to be planted, or that it be managed to encourage natural forest succession through restricted mowing policies and the periodic removal of invasive plant species.
- F. Applicants for new residential development may fulfill the public land dedication requirements in Section 615 of the Subdivision and Land Development Ordinance, by dedicating an equivalent amount of Greenway land as public recreation land.
3. Additional Standards.
- A. No portion of any building lot may be used for meeting the minimum Greenway land requirement, except as permitted within conservancy lots, described in Section 232.10.1.D;
 - B. Pedestrian and maintenance access shall be provided to Greenway land in accordance with the following requirements:
 - a. No more than 15 lots shall be contiguous to each other without a centrally located access point meeting the following standards:
 - i. The width of the access strip shall equal the minimum width of a lot, and in no case shall be less than 50 feet; and,
 - ii. The access strip shall extend the full depth of the adjacent lots.
 - b. Access to Greenway land used for agriculture or horticulture may be restricted or prohibited for public safety and to prevent interference with agricultural operations.

- C. Greenway land that is not wooded or farmed shall be landscaped in accordance with the landscaping requirements and Greenway land management plan standards in Section 402.05.12 of the Subdivision and Land Development Ordinance.

232.9 Greenway Land: Permanent Protection

- 1. Whenever the landowner is providing Greenway land as part of the development, a conservation easement restricting such Greenway land in perpetuity against further subdivision or development shall be executed between the landowner and the Township or a qualified land conservancy acceptable to the Township. Deed restrictions may also be used in certain applications, in accordance with Subsection 2. below:
 - A. Conservation Easements. Conservation easements are required to protect Greenway lands from further subdivision and development and to conserve the natural characteristics of such lands. Conservation easements shall conform to the following minimum requirements:
 - a. Easements shall be granted to a land conservancy meeting the requirements in Section 232.10.C. The Grantee shall have the rights of reasonable entry and enforcement;
 - b. The property made subject to the conservation easement shall be described by metes and bounds, by an exhibit containing the subdivision plan and designating the property, and photographs which illustrate the nature and character of the property and any special environmental features identified by the Planning Commission during the subdivision process;
 - c. Grantors shall declare that the terms of the easement shall run with the land and bind the property in perpetuity for the benefit of the Grantee;
 - d. The uses of property subject to the conservation easement shall be limited by the permitted uses defined by Section 232.8 of this ordinance. The following use restrictions shall also apply:
 - i. The property shall not be further subdivided into additional building lots;
 - ii. Construction shall be permitted only in areas specifically designated in the property description and approved by the Township. The determination of the need for any additional disturbance shall lie with the Township;
 - iii. Permitted construction activities, including cutting and removing of trees and other vegetation shall be permitted only in compliance with the Management Plan; and,

- iv. Signs, fencing and dumping shall be restricted in consistence with the permitted uses and Management Plan.
 - e. The terms and restrictions of the conservation easement shall be approved by the Township, which shall be guided by the objectives set forth in the Silver Spring Comprehensive Plan, as well as the Management Plan for the property; and,
 - f. Provisions pertaining to remedies, liability, indemnification and other relevant subjects, shall be approved by the Grantor, the Township and the authorized representative of the Grantee before final approval of the development plan by the Township.
2. Deed Restrictions. Deed restrictions may be used in the place of conservation easements only under the following circumstances and in accordance with the following standards:
- A. When Greenway land totals 5 acres, or less, a deed restriction may be used;
 - B. If no entity is available or willing to hold a conservation easement on required Greenway land, a deed restriction may be used;
 - C. The Township shall be party to the deed restriction. The deed restriction shall be used only if approved by the Township. If the Township does not agree to be party to the restriction, no deed restriction shall be used;
 - D. Restrictions, meeting Township specifications, shall be placed in the deed for each lot with Greenway land. The deed restriction shall ensure the permanent protection and continuance of the Greenway land and shall define permitted uses; and,
 - E. It shall be clearly stated in the individual deeds that maintenance responsibility for the Greenway land lies with the property owner.

232.10 Greenway Land Ownership and Maintenance

- 1. Ownership Options for Greenway Land. The following methods may be used, either individually or in combination, to own common facilities and Greenway land. Greenway land shall not be transferred to another entity except for transfer to another method of ownership permitted under this section, and then only when there is no decrease in the total Greenway land. Ownership methods shall conform to the following:
 - A. Municipality.
 - a. Fee Simple Dedication to the Township. The Township may, but shall not be required to, accept dedication of any portion of the Greenway land, provided that:

- i. There is no cost of acquisition to the Township; and
 - ii. The Township agrees to and has access to maintain such Greenway land.
 - b. Dedication of Easements to the Township. The Township may, but shall not be required to, accept dedication of easements for public use of any portion of the Greenway land. In such cases, the facility remains in the ownership of the community association, or private conservation organization, while the Township holds the easements. In addition, the following regulations shall apply:
 - i. There shall be no cost of acquisition to the Township;
 - ii. Any such easements for public use shall be accessible to the residents of the Township; and
 - iii. A satisfactory maintenance agreement shall be reached between the owner and the Township.
- B. Community Association. Greenway land and common facilities may be held in common ownership for the use of all residents of the subdivision or land development and shall thereby be controlled and maintained by a Community Association. Community Association Documents shall be in compliance with the Pennsylvania Uniform Planned Community Act (as to a Homeowners' Association Document) or the Pennsylvania Uniform Condominium Act (as to a Condominium Association Document), as the case may be. The Community Association Document shall include, but not be limited to, the following:
 - a. A description of the common Greenway land to be owned by the Community Association. This description shall include a plan of the proposal highlighting the precise location of all aspects of the common Greenway land;
 - b. Statements setting forth the powers, duties, and responsibilities of the Community Association, including the services to be provided;
 - c. A Declaration of Covenants, Conditions, and Restrictions (Declaration), giving perpetual easement to the lands and facilities owned by the Community Association. The Declaration shall be a legal document providing for automatic membership for all owners in the subdivision or land development and shall describe the mechanism by which owners participate in the Community Association, including voting, elections, and meetings. The Declaration shall give power to the Community Association to own and maintain the common Greenway land and to make and enforce rules;

- d. Statements prescribing the process by which Community Association decisions are reached and setting forth the authority to act;
 - e. Statements requiring each owner within the subdivision or land development to become a member of the Community Association;
 - f. Statements setting cross covenants or contractual terms binding each owner to all other owners for mutual benefit and enforcement;
 - g. Requirements for all owners to provide a pro rata share of the cost of the operations of the Community Association;
 - h. A process of collection and enforcement to obtain funds from owners who fail to comply;
 - i. A process for transition of control of the Community Association from the developer to the unit owners;
 - j. Statements describing how the common Greenway land of the Community Association will be insured, including limit of liability;
 - k. Provisions for the dissolution of the Community Association;
 - l. Agreements for the maintenance of stormwater management facilities; and,
 - m. Agreements for the maintenance and operation of water supply and wastewater treatment facilities, as applicable.
- C. Private Conservation Organization or the County. With permission of the Township, an owner may transfer either fee simple title of the Greenway land or easements on the Greenway land to a private non-profit conservation organization or to the County provided that:
- a. The conservation organization is acceptable to the Township and is a bona fide conservation organization intended to exist indefinitely;
 - b. The conveyance contains appropriate provisions for proper reverter or retransfer in the event that the organization or the County becomes unwilling or unable to continue carrying out its functions;
 - c. The Greenway land is permanently restricted from future development through a conservation easement and the Township is given the ability to enforce these restrictions; and
 - d. A maintenance agreement acceptable to the Township is established between the owner and the organization or the County.

- D. Conservancy Lots. Up to 80 percent of the required Greenway land may be located within one or more privately owned conservancy lots of at least 10 acres provided:
 - a. The Greenway land is permanently restricted from future subdivision and development through a conservation easement, except for those uses listed in Section 232.8; and,
 - b. The easement provides the Township the right, but not the obligation, to enforce these restrictions.
2. Management Plan.
- A. Unless otherwise agreed to by the Township, the cost and responsibility of maintaining Greenway land shall be borne by the property owner, community association, or conservation organization; and,
 - B. The applicant shall, at the time of preliminary plan submission, provide a plan for management of Greenway land in accordance with Section 402.05.12 in the Subdivision and Land Development Ordinance.

ARTICLE 3 GENERAL PROVISIONS

SECTION 300 GENERAL PROVISIONS

The regulations contained within Article 3 shall apply to all uses (unless noted otherwise) within the Township.

SECTION 301 ACCESSORY USES AND STRUCTURES

- 301.1. Fences and Walls** - No fence or wall (except livestock, required junkyard or tennis court walls or fences, or a retainer wall of a building permitted under the terms of this Ordinance) shall be erected to a height of more than three (3) feet in a front yard and more than eight (8) feet in any yard (other than the front) where the area between six (6) feet and eight (8) feet is at least fifty (50) percent open within the (C, A, R, RE, R-1, R-2, R-3, and VO) Zones. Within any (C-1, C-2, C-3, O, I-I, I-2, and Q) Zones, no fence nor wall shall be erected to a height of more than ten (10) feet in any yard. No fence shall block motorist view of vehicles entering or exiting the property;
- 301.2. Swimming Pools** - No permanent structure shall be permitted without an operable filtration system utilizing chlorine, bromine or some other antibacterial agent. All swimming pools shall be completely enclosed by a minimum four (4) foot high fence or wall with a self-closing and lockable gate; however, this does not apply to above-ground pools having a wall measuring four (4) feet in height and having a retractable ladder. Inflatable pools having a depth between 1½ and 4 feet shall be completely enclosed by a minimum 4 foot high fence with a self-closing and lockable gate and retractable ladder. Such fence or wall shall be erected before any pool is filled with water. All pools must be set back at least ten (10) feet from all lot lines. No water from a pool shall be discharged onto any public street or alley. These requirements shall not apply to man-made ponds, lakes or other impoundments, unless the primary purpose for their construction is swimming;
- 301.3. Tennis Courts** - All tennis courts shall include an open mesh permanent fence ten (10) feet in height behind each baseline. Such fence shall extend parallel to said baseline at least ten (10) feet beyond the court's playing surface unless the entire court is enclosed. Any lighting fixtures shall be arranged to prevent objectionable glare on adjoining property;
- 301.4. Satellite Dish Antennas** - Satellite dish antennas are subject to all accessory use standards. Furthermore, any satellite dish antenna located within the (C, A, R, RE, R-1, R-2, R-3, and VO) Zones shall be used only to receive signals, not transmit them. All ground-mounted satellite dish antennas located within the (C-1, C-2, C-3, O, I-1, I-2, and Q) Zones that are used to transmit video format data shall be completely enclosed by an eight-foot-high nonclimbable fence that includes signage warning of dangerous radiation levels. Any gates within the fence shall be locked when unattended. Satellite dish antennas within the (C-1, C-2, C-3, O, I-1, I-2, and Q) Zones shall comply with all principal use standards;

301.5. Alternative Energy Sources - Except for those contained on farms, Wind Energy Conversion Systems (WECS) shall not be permitted in the front yard area of any property. Height regulations do not apply to WECS units, provided that the height of the WECS unit shall not be greater than the shortest distance measured along a horizontal plane from the unit to any lot line. WECS units may be placed on the roof of any structure, provided that the perimeter of the unit does not cover twenty-five percent (25%) of the roof area of the structure on which the WECS unit is placed. The additional height extension shall be so positioned that the height of the WECS unit above the roof is less than the distance measured along a horizontal plane from such unit to any lot line. All transmission lines to and from any freestanding WECS unit or any supporting building or structure shall be buried underground. Solar energy units shall be permitted in any zone and subject to the requirements of that zone;

301.6. Garage/Yard Sales - Within any zone, an owner and/or occupant may conduct up to two (2) garage/yard sales per year. No garage or yard sale shall be conducted for a period longer than three (3) consecutive days. Such sales may offer for sale personal possessions; no import or stocking of inventory shall be permitted. Only two six (6) square foot signs shall be permitted advertising the garage/yard sale. Such signs shall be permitted no more than two (2) days prior to the sale, and shall be removed promptly upon the completion of the sale. Any of the permitted two (2) signs located off the site upon which the garage/yard sale is conducted, shall be erected only with permission of the property owner upon which such sign(s) is to be placed. In no case shall any aspect of the garage/yard sale be conducted in a street right-of-way, except that parking may occur where permitted. The conduct of garage sales beyond the extent described herein represents a commercial business and requires appropriate zoning authorization; and,

301.7. Accessory Repair of Personal Motor Vehicles - The routine maintenance, repair and servicing of personal motor vehicles, when performed outside of a completely enclosed building within any residential zone, is permitted by an occupant of the residence, but only in compliance with the following:

1. All vehicles shall be maintained with proper licensure;
2. No work shall be performed on a commercial basis, that is, no work shall be performed in exchange for financial considerations;
3. All by-product or waste fuels, lubricants, chemicals, and other products shall be properly disposed of;
4. All such activities shall be conducted during daylight hours and/or without disturbing neighboring residents owing to noise; and,
5. All existing repair, maintenance and servicing activities shall be completed within two (2) weeks. Any work rendering a motor vehicle inoperable for a period exceeding two (2) weeks shall be performed within an enclosed structure and in accordance with the above standards;

301.8. Ornamental Ponds and Wading Pools:

1. Such structures shall comply with all accessory use setbacks, except that they may be permitted in the front yard;
2. No such impoundment shall contain more than 26.6 cubic feet of water (200 gallons). All ponds, pools or other impoundments exceeding the requirements of this section shall be considered as “Man-made Lakes, Dams and Impoundments,” and are subject to the criteria listed in Section 301.9. of this Ordinance;
3. No such impoundment shall have a length or diameter exceeding fifteen (15) feet nor a maximum depth exceeding one and one-half (1½) feet;
4. All such ponds or pools shall be maintained so as to not pose a nuisance by reason of odor, or the harboring of insects;
5. No such pond(s) shall be used for the commercial hatching of fish or other species; and
6. A zoning permit must be obtained from the Township.

301.9. Man-Made Lakes, Dams and Impoundments:

1. All dams, ponds, lakes and impoundments may be permitted in any zone, subject to the following:
2. All dams, ponds, lakes, and impoundments located along and connected to a stream, that involve any of the following, shall require the obtainment of a permit from the PA DEP Bureau of Dams and Waterways Division of Dam Safety, or a letter indicating that the proposed use does not require a PA DEP permit:
 - A. The dam, pond or impoundment contains a volume of at least fifty (50) acre feet;
 - B. The dam reaches a height of fifteen (15) feet; or,
 - C. The dam, pond or impoundment impounds the water from a watershed of at least one hundred (100) acres.
3. All dams, ponds and impoundments not contiguous to a stream that have an intake, outlet, or both, and/or have an embankment within fifty (50) feet of a stream shall require the obtainment of a permit from the PA DEP Bureau of Dams and Waterways Division of Waterways and Storm Water Management;
4. All dams, ponds and impoundments meeting the requirements of Section 301.9.2. of this Ordinance shall be located forty (40) feet from all adjoining lot lines, as measured from the closest point of the adjoining property line to the maximum anticipated water surface elevation. Furthermore, all dams, ponds and

impoundments, including storm water management basins shall be located a minimum of fifty (50) feet from any subsurface sewage disposal system or well;

5. All other dams, ponds and impoundments require the submission of a statement by a qualified engineer that the proposed use is properly constructed and will not pose a threat to the public safety nor the environment during normal flow conditions and those associated with the base flood. All dams shall be constructed to a height of one (1) foot above the water surface elevation occurring during the base flood;
6. Requirements for Fencing - All ponds constructed within areas subject to livestock shall be enclosed by fencing that prevents livestock from trampling the pond's shores and polluting the waters; and,
7. Maintenance - All ponds shall be regularly maintained and floating debris shall be removed from all pipes and spillways. All ground cover shall be trimmed. Weeds, brush and trees shall not be permitted to grow on the dam or spillway.

301.10 Co-location of Communication Antennas - The co-location of communication antennas as a use by right provided the Zoning Officer determines the proposed placement will not substantially change or impair the integrity of the structure upon which the antenna is proposed.

301.11 Outdoor Wood-Fired Boilers or Furnaces - Outdoor wood-fired boilers or furnaces are permitted as accessory uses subject to the following conditions and requirements:

1. Obtaining both a zoning permit and a building permit, regardless of the cost of the outdoor wood-fired boiler or furnace, in accordance with the provisions of the UCC, Building, Residential, Fire and Urban Wildlife Interface Codes.
2. Only clean, dry wood or processed wood pellets shall be burned in an outdoor wood-fired boiler or furnace. No pressure treated wood, painted wood, particle board or waste shall be burned.
3. An outdoor wood-fired boiler or furnace is permitted as accessory use in any zoning district.
4. An outdoor wood-fired boiler shall be set back at least 100 feet from the front lot line, but no closer than the front line of any principal structure or dwelling, and at least 100 feet from the side and rear lot lines.
5. An outdoor wood-fired boiler or furnace shall be equipped with a properly functioning spark arrestor.
6. An outdoor wood-fired boiler or furnace shall not be used as a waste incinerator.
7. The use of lighter fluid, gasoline or other similar substances in an outdoor wood-fired boiler or furnace is prohibited.

8. Installation, use and operation of an outdoor wood-fired boiler or furnace shall comply with all applicable federal, state, county and Township laws, codes, regulations, ordinances and guidelines, as well as the manufacturer's specifications.
9. The location of the chimney of an outdoor wood-fired boiler or furnace shall be located in accordance with applicable electric utility safety requirements.
10. The height of a chimney of an outdoor wood-fired boiler or furnace shall be in accordance with the manufacturer's specifications.
11. The use or operation of an outdoor wood-fired boiler or furnace shall not cause a nuisance.

SECTION 302 UNENCLOSED STORAGE

302.1. Recreational Vehicles, Boats, Campers, Trailers and Trucks - Within any residential zone, or upon any property used principally for residential purposes, the storage of recreational vehicles, travel trailers, trucks, boats, and trailers used solely for the transport of the residents' recreational vehicle(s) is permitted only according to the following requirements:

1. For purposes of this section, recreational vehicles, travel trailers, boats (including trailers), and other trailers used solely for the transport of the residents' recreational vehicle(s) are divided into two separate categories, as follows:

Class I Vehicles - Those recreational vehicles, travel trailers, boats (including trailers), and other trailers used solely for the transport of the residents' recreational vehicle(s) that possess no more than two hundred (200) square feet, as measured to the vehicle's outermost edges, nor exceed a height of ten (10) feet, as measured from the ground to the highest point of the main body of the vehicle. Vehicle height shall not be measured on vehicle accessories (e.g., air conditioners, vents, hatches, masts, antennas, out rigging fishing poles, etc.), but will be measured to the highest point of any fly bridge or other boat console; and,

Class II Vehicles - Those recreational vehicles, travel trailers, boats (including trailers), and other trailers used solely for the transport of the residents' recreational vehicle(s) that possess more than two hundred (200) square feet, as measured to the vehicle's outermost edges, and/or exceed a height of ten (10) feet, as measured from the ground to the highest point of the main body of the vehicle. Vehicle height shall not be measured on vehicle accessories (e.g., air conditioners, vents, hatches, antennas, masts, out rigging fishing poles, etc.), but will be measured to the highest point of any fly bridge or other boat console;

2. The temporary parking of one Class I or Class II vehicle for periods not to exceed seventy-two (72) hours during any seven (7) day period is permitted on a paved or gravel surface in any yard, so long as the vehicle is set back no less than ten (10) feet from any street right-of-way, and five (5) feet from adjoining property lines;
3. The storage of one Class I vehicle shall be permitted per lot behind the building setback line, so long as the unit is set back no less than five (5) feet from any adjoining lot line. All areas used for the storage of Class I vehicles shall be maintained so as to keep vegetation properly trimmed and debris or litter disposed of regularly. All vehicles shall maintain required licensure and prevent the leakage of fuels and/or lubricants into the ground;
4. Except as permitted in Section 302.1.2., and as follows, the parking or storage of any Class II vehicle is expressly prohibited in any residential zone, or on any property used principally for residential purposes. The storage of one Class II vehicle on a residentially-zoned parcel, or a parcel used for a principal residence, is permitted, subject to the following requirements:

- A. In no case shall the vehicle contain more than three hundred twenty (320) square feet, as measured to the vehicle's outermost edges, nor exceed a height of thirteen (13) feet, as measured from the ground to the highest point of the vehicle's main body. Vehicle height shall not be measured on vehicle accessories (e.g., air conditioners, vents, hatches, antennas, masts, out rigging fishing poles, etc.), but will be measured to the highest point of any fly bridge or other boat console;
 - B. All vehicles shall be set back a horizontal distance equal to the height of the vehicle, or the Zone's principal use setbacks, whichever is greater;
 - C. No vehicle shall be stored in front of the building setback line. On vacant lots, the vehicle must be stored behind the required front yard setback line, as specified for principal uses;
 - D. Screening, as defined herein, shall be provided for any adjoining side and rear lot lines. Such screening shall not extend into the required front yard. Screening shall not be required along a common side lot line when the owner resides on one (1) lot, and stores the vehicle on an adjacent vacant lot that he/she owns. One ten (10) foot wide break in required screening may be provided along one (1) rear or side lot line for vehicular access onto an adjoining alley; and,
 - E. All areas used for the storage of Class II vehicles shall be maintained so as to keep vegetation properly trimmed and debris or litter disposed of regularly. All vehicles shall maintain required licensure and prevent the leakage of fuels and/or lubricants into the ground;
5. The storage or parking of any commercial truck upon any lot used principally for residential purposes containing less than one (1) acre, is prohibited. In addition, the parking or storage of any trailer other than those accessory to a principal residential use is expressly prohibited; and,
6. For residential lots containing one (1) or more acres, the parking and storage of one commercial truck that is owned and/or operated by a resident of the site, is permitted, subject to the following:
- A. The temporary parking of one commercial truck for periods not to exceed seventy-two (72) hours during any seven (7) day period is permitted on a paved or gravel surface in any yard, so long as the vehicle is set back no less than ten (10) feet from any street right-of-way, and five (5) feet from adjoining property lines;
 - B. All vehicles stored on-site shall be set back a horizontal distance equal to the height of the vehicle, or the Zone's principal use setbacks, whichever is greater;

- C. No vehicle shall be stored in front of the building setback line. On vacant lots, the vehicle must be stored behind the required front yard setback line, as specified for principal uses;
 - D. Screening, as defined herein, shall be provided for any adjoining side and rear lot lines. Such screening shall not extend into the required front yard. Screening shall not be required along a common side lot line when the owner resides on one (1) lot, and stores the vehicle on an adjacent vacant lot that he/she owns. One ten (10) foot wide break in required screening may be provided along one (1) rear or side lot line for vehicular access onto an adjoining alley;
 - E. All areas used for the storage of commercial trucks shall be maintained so as to keep vegetation properly trimmed and debris or litter disposed of regularly. All vehicles shall maintain required licensure and prevent the leakage of fuels and/or lubricants into the ground; and,
 - F. In addition, the parking or storage of any commercial semi-tractor trailer, other than those accessory to a principal residential use, is expressly prohibited.
- 7. In C-1 and C-2 zones, commercial trucks may park only in areas designated for such vehicles. Commercial trucks or any part thereof may only be parked at a loading dock for the purpose of unloading for a maximum of twelve (12) hours and may not idle from 10 pm to 6 am.
 - 8. In public parking areas, no vehicle shall be parked for more than twenty-four (24) consecutive hours.

302.2. Outdoor Stockpiling - In all zones, no outdoor stockpiling of any material is permitted in the front yard. In any residential zone, the outdoor stockpiling of materials (except firewood) for more than one (1) year, is prohibited;

302.3. Trash, Garbage, Refuse, or Junk - Except as provided in Sections 424 and 430 of this Ordinance, the outdoor accumulation of trash, garbage, refuse, or junk for a period exceeding fifteen (15) days is prohibited;

302.4. Dumpsters - All trash dumpsters shall be located within a side or rear yard, screened from adjoining roads and properties, and completely enclosed within a sight-tight masonry or fenced enclosure equipped with a self-latching door or gate;

302.5. Domestic Composts - The placement of framed enclosure composts as an accessory residential use is permitted, subject to all accessory use setbacks. Only waste materials from the residential site shall be deposited within the compost and in no case shall meat, or meat by-products, be composted. All composts shall be properly maintained so as not to become a nuisance to nearby properties; and,

302.6. Parking and Storage of Unlicensed or Uninspected Motor Vehicles - Motor vehicles without current, valid license plates or current, valid inspection stickers shall not be parked or stored in any zone other than in a completely enclosed building. The requirements of this section shall not be applicable to farm implements and other farm vehicles not normally used as a means of conveyance on public highways. Nothing contained herein shall be deemed to authorize the parking or storage of any motor vehicle in any zone, unless such motor vehicle is an accessory use to the present use of the lot. Notwithstanding the foregoing, this section, in and of itself, shall not be interpreted to prevent the unenclosed storage of motor vehicles without current, valid license plates and current, valid inspection stickers if such storage is performed in conjunction with the legal operation of a motor vehicle sales establishment, a motor vehicle service or repair establishment, or a junkyard.

302.7 Vehicle Storage as an Accessory Use to Automobile Sales. Vehicle Storage shall be permitted as an accessory use to Automobile Sales in the Highway Commercial Zone (C-3), Light Industrial Zone (I-1) and General Industrial Zone (I-2), subject to the following criteria:

- a) For every one (1) parking space reserved for combined customer parking, employee parking and vehicle display, four (4) additional spaces may be used for vehicle storage.
- b) The minimum size for a vehicle storage space shall be eighteen (18) feet in length and nine (9) feet in width.
- c) Interior landscaping and interior driveways and aisles are not required.
- d) Perimeter screening must be provided to screen ground level views between grade level and six (6) feet above grade level. The screening shall comply with Section 611.04 of this Ordinance.
- e) Vehicle storage lots shall not have direct access onto an Arterial Street.

SECTION 303 SETBACK MODIFICATIONS

303.1. Front Setback of Buildings on Built-up Streets - Where at least two (2) adjacent buildings within one hundred (100) feet of a property are set back a lesser distance than required, the average of the lesser distances becomes the required minimum front setback for the property. However, in no case shall the setback line be less than twenty (20) feet from any abutting street right-of-way line; and,

303.2. Accessory or Appurtenant Structures - The setback regulations do not apply to:

1. Bus shelters; telephone booths; and cornices, eaves, chimneys, steps, canopies, and similar extensions but do apply to porches and patios whether covered or not;
2. Open fire escapes;
3. Minor public utility structures, articles of ornamentation or decoration, mailboxes; and,
4. Fences, hedges and retaining walls.

303.3. Mandatory Setbacks from the Carlisle Pike:

1. Properties fronting the Carlisle Pike shall be required to comply with the following setbacks, regardless of front yard setbacks listed elsewhere:

Use	Required Setback from Carlisle Pike Right-of-Way
Principal and Accessory Buildings	50 feet minimum
Off-Street Loading Areas ¹	50 feet minimum
Outdoor Storage Areas ¹	50 feet minimum
Outdoor Sales Display Areas	20 feet minimum, where permitted in underlying Zone.
Waste Storage Facilities Dumpsters ¹	50 feet minimum
Off-Street Parking Lots Containing up to 250 Parking Spaces	20 feet minimum
Off-Street Parking Lots Containing More than 250 Parking Spaces	25 feet minimum
Freestanding Individual Business Signs, All Temporary Signs	20 feet minimum
Freestanding Residential Development/Neighborhood Signs	20 feet minimum
Freestanding Planned Center Signs	20 feet minimum
Billboards	50 feet minimum

¹These uses are not permitted in any front yard, regardless of the building setback.

303.4 Minimum Setback from an Expressway - No part of a new dwelling unit shall be constructed or placed within 100 feet of the existing right-of-way line of a limited access expressway highway. This subsection shall apply in all cases, unless a larger setback applies under another Township or State regulation.

SECTION 304 HEIGHT LIMIT EXCEPTIONS

304.1. The height regulations do not apply to the following structures or projections provided such structures or projections are set back a horizontal distance at least equal to their height from any property line:

1. Water towers, antennas (except amateur radio antennas), utility poles, smokestacks, chimneys, farm silos, windmills, flagpoles, or other similar structures;
2. Rooftop structures for the housing of elevators, stairways, water storage tanks, ventilating fans, and other mechanical appurtenances; and,
3. Parapet walls or cornices used solely for ornamental purposes if not in excess of five (5) feet above the roof line; and,

304.2. In no case shall any freestanding or rooftop structure above the maximum permitted height be used for the purpose of providing additional floor space for residential, commercial or industrial purposes.

SECTION 305 CORNER LOTS

A front yard, as provided for in the area and lot requirements for the various zones, shall be required along each street on which a corner lot abuts.

On any corner lot, no wall, fence, or other structure shall be erected, altered, or maintained, and no hedge, tree, or other growth shall be planted or maintained which may cause danger to traffic on a street by obscuring the view. On corner lots, no such structure or growth shall be permitted within an area which is formed by a triangle where the two legs of the triangle extended one hundred (100) feet from the centerline intersection of the two intersecting streets.

SECTION 306 MINIMUM HABITABLE FLOOR AREA

All dwelling units must conform to the minimum habitable floor area following:

306.1. Single-family, duplex, and townhouse dwelling units: seven hundred (700) square feet per dwelling unit; and,

306.2. Multi-family dwellings: four hundred (400) square feet per dwelling unit.

SECTION 307 ERECTION OF MORE THAN ONE PRINCIPAL USE ON A LOT

More than one principal use may be erected on a single lot provided that all lot and yard requirements, standards, and other requirements of this Ordinance shall be met for each structure, as though it were on an individual lot. In addition, such proposals shall gain approval for a land development plan, and provide individually approved methods of sewage disposal.

SECTION 308 REQUIRED VEHICULAR ACCESS

308.1. Every building hereafter erected or moved shall be on a lot adjacent to a public street or with access to an approved private street. The erection of buildings without approved access shall not be permitted. Approved access shall be defined in terms of the Township Subdivision and Land Development Ordinance, as may be amended from time to time, for street design or as subsequently provided for by the Township. Access to lots containing single-family dwellings or farms shall be via driveways (see Section 602.17. of the Subdivision and Land Development Ordinance); access to lots containing other uses shall be via access drives (see Section 602.18. of the Subdivision and Land Development Ordinance); and,

308.2. Requirements Imposed Upon Properties Fronting the Carlisle Pike or New Conodoguinet Parkway Adjoining Land Within the (INT) Zone:

1. For unimproved properties fronting the Carlisle Pike, and unimproved properties fronting on that adjoin land with Conodoguinet Parkway in the (INT) Zone on the effective date of this Ordinance, direct vehicular access (via driveways, access drives, or streets) to the Carlisle Pike or Conodoguinet Parkway shall be permitted (1) by right at Township-identified “vehicular control points,” as defined herein, or (2) by conditional use, only upon finding that all of the following are true:
 - A. The site does not contain one of the Township-identified “vehicular control points,” as defined herein;
 - B. The site does not possess suitable frontage along another existing street;
 - C. The site does not possess frontage along a street proposed by the applicant;
 - D. The site cannot be served by a Township-proposed street in a timely manner;
 - E. The site cannot share vehicular access with an adjoining use that already has existing vehicular access to the Carlisle Pike or Conodoguinet Parkway adjoining land within the (INT) Zone. In alleging such claim, the applicant must describe those actions taken to attempt such shared access, and the specific reasons that such access is not possible or practical. Further, the applicant must also suggest what measures could be taken by the Township to facilitate such shared access;

- F. Given the configuration of the site, adjoining properties, and Carlisle Pike or Conodoguinet Parkway adjoining land within the (INT) Zone, that the proposed means of direct vehicular access to the Carlisle Pike or Conodoguinet Parkway adjoining land within the (INT) Zone is located and designed to minimize adverse impact upon safe and convenient traffic flow on, and adjacent to, the site; and,
 - G. The applicant can obtain a Highway Occupancy Permit from PennDOT:
2. No new lots shall be created that would rely upon direct vehicular access to the Carlisle Pike or Conodoguinet Parkway adjoining land within the (INT) Zone, unless said access is located at one of the Township-identified “vehicular control points,” as identified herein;
 3. Properties that possess direct vehicular access to the Carlisle Pike or Conodoguinet Parkway adjoining land within the (INT) Zone as of the effective date of this Ordinance at a location(s) other than a Township-identified “vehicular control point,” shall be required to abandon such vehicular access upon submission of a land development, unless all of the findings of the above-described Section 308.2.1.B.–F. are valid; and,
 4. Construction of new roads shall be required to extend the full dimension of properties (length or width) to facilitate access to adjoining properties, unless said adjoining properties already possess a suitable means of vehicular access.

SECTION 309 REQUIRED PARKING FOR SINGLE-FAMILY DETACHED DWELLINGS

Every single-family dwelling shall be required to provide at least two (2) off-street parking spaces. Such spaces must be provided behind the street right-of-way line and may take the form of garages, carports and/or driveways. Parking requirements for other uses are listed in Section 603 of the Subdivision and Land Development Ordinance.

SECTION 310 ROADWAY CLASSIFICATIONS

For purposes of this Ordinance, the Township's roads are classified in the following categories:

Arterials

- American Legion Memorial Highway - I-81 (Limited Access)
- Pennsylvania Turnpike - I-76 (Limited Access)
- Wertzville Road –SR 0944
- Carlisle Pike - SR 0011
- Hogestown Road - SR 0114
- Trindle Road - SR 0641 (Mechanicsburg Borough to Churchtown Road)
- Trindle Road - SR 0641 (Churchtown Road to Middlesex Township)
- Silver Spring Road - SR 1011
- Conodoguinet Parkway - SR 0114 (Carlisle Pike to I-81)

Collectors

Conodoguinet Parkway - SR 0114 (I-81 to Wertzville Road)
North Locust Point Road - SR 1007
Rich Valley Road - SR 1009
Sample Bridge Road - T-596
Texaco Road - SR 2012 and T-583
Bernheisel Bridge Road - T-574
State Road - SR 2012
Hempt Road - T-551
Woods Drive – east of Route 114 – T-585
Mulberry Drive – T-586

Local

All other streets.

SECTION 311 ZONING REQUIREMENTS FOR USE OF ON-LOT SEWAGE DISPOSAL SYSTEMS

- 311.1.** Unless required to install a capped sewer as per Section 613 of the Township Subdivision and Land Development Ordinance, all future uses that rely upon on-lot sewage disposal systems shall be required to specifically test for and secure one disposal site (field, bed, or trench) and another alternate disposal site. Both disposal sites shall be approved by the Sewage Enforcement Officer. Furthermore, the alternate disposal site shall be perpetually protected from excavation, construction, and other activities that would result in disturbance of the soils' ability to renovate sewage effluent, until such time as the alternate field is activated due to malfunction of the initial disposal site;
- 311.2.** Regardless of any maximum lot area requirements listed elsewhere in this Ordinance, the minimum required lot size may be increased to insure an acceptable level of nitrate-nitrogen in the adjoining ground waters. Such determinations will be made by the PA DEP, through its sewer module review process. In those cases where applicable maximum lot area requirements are exceeded to protect groundwater quality, the applicant shall furnish evidence that the amount of land needed to protect local groundwater is the minimum necessary for such protection; and,
- 311.3.** Every use relying upon on-lot sewage disposal systems shall be required to properly maintain and repair such systems.

SECTION 312 PERMANENT/TEMPORARY OCCUPANCY REQUIREMENTS

No persons or family shall be permitted to permanently reside within any tent, travel trailer, bus, boat, camper, or motor home. However, temporary occupancy of a tent, travel trailer, camper, or motor home shall be permitted within an approved campground or for periods of up to fourteen (14) days in any calendar year on the property of a friend or relative.

SECTION 313 OUTDOOR SIGNS

313.1. General Intent:

The sign regulations, controls and provisions set forth in this part are made in accordance with an overall plan and program for the provision of public safety, land development, preservation of property values, and the general welfare of the Township of Silver Spring and are intended to:

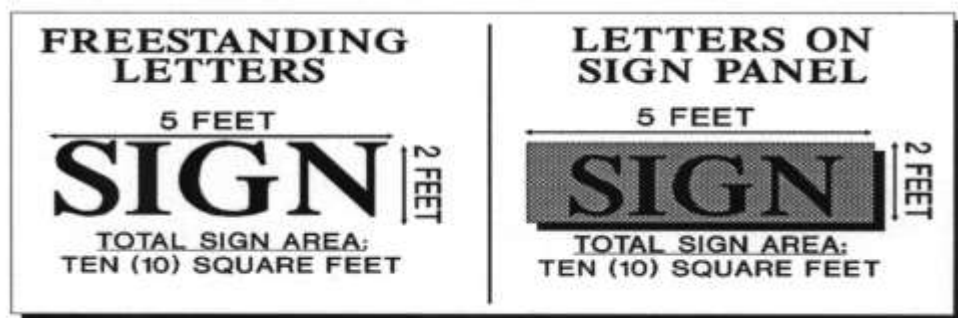
1. aid in traffic control and traffic safety;
2. preserve and protect property values;
3. lessen congestion of land and air space;
4. provide against undue concentrations of signs which distract and endanger traffic safety and traffic flow;
5. establish reasonable standards for commercial and other advertising through the use of signs in order to maintain and encourage business activity and development;
6. recognize the rights of the public in roads, streets, highways and the areas adjacent to those roads, streets and highways;
7. preserve the wholesome and attractive character of the Township; and,
8. recognize that the general welfare includes a community that shall be beautiful as well as healthy, spacious as well as clean, and well-balanced in its growth and development.

313.2. General Regulations for All Signs:

1. Signs must be constructed of durable material and maintained in good condition;
2. No sign shall be maintained within the Township in such a state of disrepair as to have the appearance of complete neglect, which is rotting or falling down, which is illegible, or has loose parts separated from original fastenings;
3. Whenever a sign becomes structurally unsafe or endangers the safety of the building or premise, or endangers the public safety, the Zoning Officer shall give written notice to the owner of the premises on which the sign is located that such sign must be made safe or removed within five (5) days;
4. Advertising painted upon or displayed upon a barn or other building or structure shall be regarded as a flat wall sign and the regulations pertaining thereto shall apply;

5. Each sign shall be removed when the circumstances leading to its erection no longer apply;
6. Signs may be interior lighted with non-glaring lights, or may be illuminated by floodlights or spotlights that are shielded so there is no direct light transmitted to other properties or public rights-of-way;
7. Directly illuminated signs, designed to give forth artificial light directly or through transparent or translucent material from a source of light within such sign, including, but not limited to neon, will be permitted providing that the light being emitted from the sign shall not cause a glare or emit light onto the surrounding area;
8. The following are expressly prohibited:
 - A. Animated, sequential, flashing, rotating, or oscillating signs;
 - B. Open flames used to attract public attention to a place of business or to an advertising sign; and,
 - C. Any sign, banner (except as a special event sign), pennant, balloon, valance, or advertising display constructed of cloth, fabric, cardboard, or other light material, intended to be displayed for a short period of time;
9. No sign shall be located so as to interfere with visibility for motorists at street or driveway intersections;
10. No sign located within three hundred (300) feet of any traffic light shall be illuminated with red, green, or yellow lights or neon tubing;
11. All electrically illuminated signs shall be constructed to the standards of the National Board of Fire Underwriters;
12. Signs must be positioned so that they do not interfere with any clear sight triangle;
13. No loud, vulgar, indecent, or obscene advertising matter shall be displayed in any manner, including, but not limited to:
 - A. Any graphic illustration pertaining to specified sexual activities and/or specified anatomical areas; and,
 - B. Scenes wherein artificial devices are employed to depict, or drawings are employed to portray any of the prohibited signs, photographs or graphic representations described above;
14. No sign shall be erected or located as to prevent free ingress or egress from any window, door or fire escape;

15. No sign shall be placed in such a position that it will obscure light or air from a building or which would create a traffic danger;
16. No sign shall be permitted which is permanently attached to public utility poles nor trees which are within the right-of-way of any street;
17. No sign located within the Floodplain Zone shall exceed six (6) square feet of area per side;
18. In the event that a symbol, trademark or other such figure is used as a sign post or standard which could be construed to indicate or identify a particular use or business, that symbol, trademark or figure is to be computed as part of the total allowable sign area;
19. Except in the case of billboards, only those signs referring directly to services, materials or products made, sold, or displayed on the premises shall be permitted;
20. No point of any sign, including trim, border and supports, shall be located within ten (10) feet of any property or street right-of-way line except as provided in Section 303.3. for signs along the Carlisle Pike;
21. Any sign attached to a building shall not be placed on the roof or be higher than the wall to which it is attached;
22. No point of a wall projecting sign shall be located less than eight and one-half (8½) feet above the grade directly below the sign;
23. Determination of Size of Sign Area - The area of a sign shall be construed to include all lettering, wording and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, including any border framing or decorative attachments, but not including any supporting framework or bracing incidental to the display itself. Where the sign consists of individual letters or symbols attached to a building, wall or window, the area of the sign shall be considered to be that of the smallest rectangle or other regular geometric shape which encompasses all of the letters and symbols.



Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign;

313.3. Specific Sign Requirements - The tables on the following pages, attached hereto, tabulate requirements imposed upon permanent, temporary, businesses, and shopping center signs as permitted within the Township.

1. On site directory signs shall be allowed where a particular site includes more than one tenant, provided that:
 - a. Directory signs must be located near entrances to parking areas, but not less than 50 feet from any public right-of-way, and at principal intersections within the site. Such signs shall be uniform in size 62" x 36", color, height, and lettering of the business name and direction information only, but shall not contain any commercial message.

PERMANENT SIGN REQUIREMENTS

Sign Type	Maximum Permitted Number	Maximum Permitted Sign Area	Maximum Height of Freestanding Signs	Maximum Height of Flat Wall Signs	Maximum Height of Wall Projecting Signs	Maximum Projection from Wall for Wall Projecting Signs	Permitted Zones	Other Requirements	Permit Required
Signs owned and associated with uses operated by the Township. Official traffic signs.	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	All		No
Signs identifying semi-public uses (e.g., schools, churches, public utilities, hospitals, libraries, parks, fire stations, post offices, and other similar uses).	2 per principal use	64 square feet combined area	10 feet	Height of wall to which sign is attached.	Height of wall to which sign is attached.	10 feet, but no closer than 10 feet from any lot line.	All		Yes
Residential nameplates identifying name of home and/or its occupant, not including name listing on mailbox.	1 per dwelling unit	2 square feet	5 feet	10 feet	Not Permitted	Not Permitted	All		No
Property control signs (e.g., "No Trespassing," "Private Property," "No Hunting or Fishing," "Posted," "Private Drive," or similar type signs).	1 per 50 lineal feet of property line	2 square feet per sign	5 feet	Not Permitted	Not Permitted	Not Permitted	All		No
Residential development/ neighborhood signs. Such signs shall only list the name of the neighborhood/ development and shall not list any names of contractors and/or realtors.	1 per street entrance, but no more than 2 total	1 square foot per dwelling, not to exceed 32 square feet per sign	10 feet	Height of wall to which sign is attached.	Height of wall to which sign is attached.	10 feet, but no closer than 10 feet from any lot line.	R, RE, R-1, R-2, R-3, and VO	The applicant shall submit a written description of the +54aintenance responsibilities in a form satisfactory to the Township Solicitor.	Yes
Individual business signs identifying the name and type of business and/or any trade-mark of the business conducted on the premises. This does not include businesses contained within planned centers, as defined herein.	2 per principal use, but not more than 1 freestanding sign	For freestanding signs 1.5 square foot per lineal foot of store front up to a maximum of 75 sq ft.; single sided signs shall not exceed 37.5 square feet. For flat wall signs 1.5 square feet per lineal foot of building front not to exceed 75 square feet	20 feet	Height of wall to which sign is attached.	Height of wall to which sign is attached.	20 feet, but not closer than 10 feet from any lot line.	A, VO, C-1, C-2, C-3, O, I-1, I-2, Q, and INT	No flat wall sign, nor wall projecting sign shall be larger than 15 percent of the wall area to which the sign is attached.	Yes
On-site directional, entrance, exit, rest room, and other information signs.	6	2 sq. ft per direction per side	5 feet	Height of wall to which sign is attached.	Height of wall to which sign is attached.	2 feet	C,A,C-1, C-2, C-3,I-1, I-2, Q, and INT		Yes
As approved by the Township Planning Commission through its land development review process, or approved by permit if not part of land development process.									
Billboards	See Section 325 of this Ordinance.								Yes
A-frame sandwich board sign	1	12 sq ft	4 ft	N/A	N/A	N/A	C-1, C-2, C-3	On premise during hours of operation only. A professionally constructed and/or patented design of metal or poly vinyl chloride (PVC). Lights and removable flyers prohibited.	Yes

TEMPORARY SIGN REQUIREMENTS

Sign Type	Maximum Permitted Number	Maximum Permitted Sign Area	Maximum Height of Freestanding Signs	Maximum Height of Flat Wall Signs	Maximum Height of Wall Projecting Signs	Maximum Projection from Wall for Wall Projecting Signs	Permitted Zones	Other Requirements	Permit Required
Temporary signs of contractors, architects, mechanics, landscapers, and artisans, displayed only while actual on-site work is in progress.	1 per firm whose work is in progress	64 square feet	5 feet	Not Permitted	Not Permitted	Not Permitted	All	Should a sign be left on-site beyond allowable time period, the Township may impound it and recover a fee from owner equal to cost of impoundment and storage.	Yes, if sign area exceeds twelve (12) square feet.
Real estate sale, or rent signs when placed upon the property (unit) to be rented or sold, containing less than 3 acres.	1 per street frontage, maximum of 2 signs	12 square feet per sign for residential and 32 square feet per sign for commercial	5 feet	Height of wall to which sign is attached.	Not Permitted	Not Permitted	All	All such signs shall be removed within 5 days of final sales transaction or upon rental occupancy, or be subject to Township impoundment and a recovery fee.	No
Real estate sale or rent signs when placed upon the property (unit) to be rented or sold, containing more than 3 acres.	1 per street frontage, maximum of 2 signs	64 square feet per sign	10 feet	Height of wall to which sign is attached.	Not Permitted	Not Permitted	All	Same as above.	Yes
Proposed development signs for residential and/or office complexes.	1 per street frontage, maximum of 2 signs	1 square foot per unit of occupancy, not to exceed 32 square feet	10 feet	Height of wall to which sign is attached.	Not Permitted	Not Permitted	All, but only after final plan is approved.	Such signs shall be re-moved upon completion of construction of final unit.	Yes
Proposed development signs for commercial, industrial and/or other nonresidential uses.	1 per street frontage, maximum of 2 signs	1 square foot per 1,000 square feet of gross leasable floor area, not to exceed 64 square feet	10 feet	Height of wall to which sign is attached.	Not Permitted	Not Permitted	A, C-1, C-2, C-3, O, I-1, I-2, Q, and INT but only after final plan approval.	All such signs shall be removed upon completion of building construction.	Yes
Special event signs and banners for businesses (e.g., grand openings, change of use or owner-ship, closeout sale, clearance sale, holiday sale, etc.). Public uses exempt from these requirements.	6 per business per year	32 square feet if free-standing; 48 square feet if attached to wall	10 feet	Height of wall to which sign is attached.	Not Permitted	Not Permitted	C-1, C-2 and C-3	Such signs may only be displayed for a combined total of 60 days.	Yes
Roadside stand signs for the sale of agricultural products upon a principal farm property.	1 per farm	6 square feet	5 feet	Height of wall to which sign is attached.	Height of wall to which sign is attached.	5 feet	C, A, R, RE, R-1, R-2, O, I-1, I-2, Q, and INT	Roadside stand signs shall only be displayed during seasons when products are for sale.	No
Garage/yard sale signs upon properties conducting such sales.	2	6 square feet per sign	5 feet	Height of wall to which sign is attached.	Not Permitted	Not Permitted	All	See Section 301.6. for additional requirements.	No
Political signs.	Unlimited with permission of property owner	12 square feet	5 feet	Height of wall to which sign is attached.	Not Permitted	Not Permitted	All	Such signs may only be displayed between 30 days prior to and 5 days after an election.	No
Help wanted signs	1	12 square feet per side			Not Permitted	Not Permitted	All	Permitted for on-site jobs only. Help wanted must be twice the area and size of other lettering or logo.	No
Sponsorship Signs for Public Schools, Private Schools, and Vocational-Mechanical Trade Schools	No Limit	200 square feet per sign	20 feet	Height of Wall to which sign is attached	Height of wall to which sign is attached	20 feet, but not closer than 10 feet from any lot line	All		Yes

BUSINESSES/PLANNED CENTER SIGNAGE FOR SITES CONTAINING LESS THAN 50,000 SQUARE FEET OF GROSS LEASABLE FLOOR AREA

Sign Type	Maximum Number Permitted	Maximum Permitted Sign Area	Maximum Permitted Height	Maximum Permitted Letter Height	Permitted Zones	Other Requirements	Permit Required
Freestanding planned center sign	1 per planned center	100 square feet	20 feet	18 inches	VO, C-1, C-2, C-3, O, I-1, I-2, and INT	This sign may devote up to a maximum of 50% of the total sign area (per side) to the advertisement of the planned center's name. No sign shall display the names of more than six (6) occupants of the planned center.	Yes
Anchor tenant sign for one use containing more than 150 lineal feet of store-front.	1 per side facing a street, with a maximum of 2 signs	75 square feet per sign	Height of wall to which sign is attached.	42 inches	VO, C-1, C-2, C-3, O, I-1, I-2, and INT	These signs shall only be provided as flat wall or wall projecting signs.	Yes
Storefront sign for one use containing up to 150 lineal feet of storefront.	1 per principal use	1.5 square foot per lineal foot of storefront up to a maximum of 75 square feet	Height of wall to which sign is attached.	20 inches	VO, C-1, C-2, C-3, O, I-1, I-2, and INT	This sign shall only be provided as a flat wall or a wall projecting sign.	Yes
Storefront under-canopy signs for all principal uses.	1 per principal use	4 square feet	To base of canopy, or where no canopy is provided, 10 feet.	8 inches	VO, C-1, C-2, C-3, O, I-1, I-2, and INT	No under-canopy sign shall have a vertical dimension of more than 18 inches from its lowest to highest point. The base of an under-canopy sign shall be no less than 8 feet, 6 inches above the finished grade below such sign.	Yes

BUSINESSES/PLANNED CENTER SIGNAGE FOR SITES CONTAINING 50,000 TO 150,000 SQUARE FEET OF GROSS LEASABLE FLOOR AREA

Sign Type	Maximum Number Permitted	Maximum Permitted Sign Area	Maximum Permitted Height	Maximum Permitted Letter Height	Permitted Zones	Other Requirements	Permit Required
Freestanding planned center sign	1 per street front-age with entrance or exit	200 square feet	20 feet	18 inches	C-1, C-2, C-3, and INT	This sign may devote up to 50% of the total sign area (per side) to the advertisement of the planned center's name. No sign shall display the names of more than six (6) occupants of the planned center.	Yes
Anchor tenant sign for one use containing more than 150 lineal feet of store-front.	1 per side facing a street, with a maximum of 2 signs	If sign is less than 300 feet from facing street, then sign can be 1 square foot per each lineal foot of storefront up to a maximum of 100 square feet. If sign is more than 300 feet from facing street, then sign can be 1.5 square feet per each lineal foot of storefront up to a maximum of 150 square feet.	Height of wall to which sign is attached.	42 inches	Same as above.	These signs shall only be provided as flat wall or wall projecting signs.	Yes
Storefront sign for one use containing up to 150 lineal feet of storefront.	1 per principal use	1.5 square feet per lineal foot of storefront up to a maximum of 100 square feet.	Height of wall to which sign is attached.	20 inches	Same as above.	This sign shall only be provided as a flat wall or a wall projecting sign.	Yes
Storefront under-canopy signs for all principal uses.	1 per principal use	4 square feet	To base of canopy, or where no canopy is provided, 10 feet.	8 inches	Same as above.	No under-canopy sign shall have a vertical dimension of more than 18 inches from its lowest to highest point. The base of an under-canopy sign shall be no less than 8 feet, 6 inches above the finished grade below such sign.	Yes
Non-anchor signs for principal freestanding uses sharing common ingress and egress to planned center.	2 per principal use, but only 1 per wall	75 square feet per sign, not exceeding 20 percent of wall area to which sign is attached.	Height of wall to which sign is attached.	28 inches	Same as above.	These signs shall only be provided as flat wall and/or wall projecting signs.	Yes

BUSINESSES/PLANNED CENTER SIGNAGE FOR SITES CONTAINING 150,001 TO 200,000 SQUARE FEET OF GROSS LEASABLE FLOOR AREA

Sign Type	Maximum Number Permitted	Maximum Permitted Sign Area	Maximum Permitted Height	Maximum Permitted Letter Height	Permitted Zones	Other Requirements	Permit Required
Freestanding planned center sign	1 per street front-age with entrance or exit	300 square feet	20 feet	36 inches	C-1, C-2, C-3, and INT	This sign may devote up to 50% % of the total sign area (per side) to the advertisement of the planned center's name. No sign shall display the names of more than six (6) occupants of the planned center.	Yes
Anchor tenant sign for one use containing more than 150 lineal feet of store-front.	1 per side facing a street, with a maximum of 2 signs	If sign is less than 300 feet from facing street, then sign can be 1 square foot per each lineal foot of storefront up to a maximum of 150 square feet. If sign is more than 300 feet from facing street, then sign can be 1.5 square feet per each lineal foot of storefront up to a maximum of 200 square feet.	Height of wall to which sign is attached.	60 inches	Same as above.	These signs shall only be provided as flat wall or wall projecting signs.	Yes
Storefront sign for one use containing up to 150 lineal feet of storefront.	1 per principal use	1.5 square feet per lineal foot of storefront up to a maximum of 150 square feet	Height of wall to which sign is attached.	28 inches	Same as above.	This sign shall only be provided as a flat wall or a wall projecting sign.	Yes
Storefront under-canopy signs for all principal uses.	1 per principal use	4 square feet	To base of canopy, or where no canopy is provided, 10 feet.	8 inches	Same as above.	No under-canopy sign shall have a vertical dimension of more than 18 inches from its lowest to highest point. The base of an under-canopy sign shall be no less than 8 feet, 6 inches above the finished grade below such sign.	Yes
Non-anchor signs for principal freestanding uses sharing common ingress and egress to planned center.	2 per principal use, but only 1 per wall	75 square feet per sign, not exceeding 20 percent of wall area to which sign is attached.	Height of wall to which sign is attached.	28 inches	Same as above.	These signs shall only be provided as flat wall and/or wall projecting signs.	Yes

BUSINESSES/PLANNED CENTER SIGNAGE FOR SITES CONTAINING MORE THAN 200,000 SQUARE FEET OF GROSS LEASABLE FLOOR AREA

Sign Type	Maximum Number Permitted	Maximum Permitted Sign Area	Maximum Permitted Height	Maximum Permitted Letter Height	Permitted Zones	Other Requirements	Permit Required
Freestanding planned center sign	1 per street front-age with entrance or exit	400 square feet	25 feet	40 inches	C-1, C-2, C-3, and INT	This sign may devote up to a maximum of 50 % of the total sign area (per side) to the advertisement of the planned center's name. No sign shall display the names of more than six (6) occupants of the planned center.	Yes
Anchor tenant sign for one use containing more than 150 lineal feet of store-front.	1 per side facing a street, with a maximum of 2 signs	If sign is less than 300 feet from facing street, then sign can be 1 square foot per each lineal foot of storefront up to a maximum of 200 square feet. If sign is more than 300 feet from facing street, then sign can be 1.5 square feet per each lineal foot of storefront up to a maximum of 275 square feet.	Height of wall to which sign is attached.	60 inches	Same as above.	These signs shall only be provided as flat wall or wall projecting signs.	Yes
Storefront sign for one use containing up to 150 lineal feet of storefront.	1 per principal use	1.5 square feet per lineal foot of storefront up to a maximum of 200 square feet	Height of wall to which sign is attached.	28 inches	Same as above.	This sign shall only be provided as a flat wall or a wall projecting sign.	Yes
Storefront under-canopy signs for all principal uses.	1 per principal use	4 square feet	To base of canopy, or where no canopy is provided, 10 feet.	8 inches	Same as above.	No under-canopy sign shall have a vertical dimension of more than 18 inches from its lowest to highest point. The base of an under-canopy sign shall be no less than 8 feet, 6 inches above the finished grade below such sign.	Yes
Non-anchor signs for principal freestanding uses sharing common ingress and egress to planned center.	2 per principal use, but only 1 per wall	75 square feet per sign, not exceeding 20 percent of wall area to which sign is attached	Height of wall to which sign is attached.	28 inches	Same as above.	These signs shall only be provided as flat wall and/or wall projecting signs.	Yes

313.4. Amortization of Nonconforming Signs:

Any sign that was legally existing as of the effective date of this Ordinance, that does not comply with the provisions listed in Section 313 of this Ordinance, shall be considered a nonconforming sign.

All such nonconforming signs will be required to conform at such time as seventy-five percent (75%) or greater of the sign area is changed in any way, including, but not limited to, relocation, wording, logo, design, lighting and/or material composition. Nonconforming signs approved by variance will also be subject to this section.

This section shall precede any requirement listed in Article 5 of this Ordinance;

313.5. Prohibited Signs - The following types of signs shall not be permitted in the Township:

1. Signs of such a design and location that they interfere with, compete for attention with, or may be mistaken for a traffic signal. This shall include any sign visible from the public right-of-way which uses an arrow device or the word "stop." It shall also include signs in which the colors red and green are used either in direct illumination or in high reflection by the use of special preparation, such as fluorescent paint or glass;
2. Any sign located in or extending into a public right-of-way, except those owned or operated by a duly constituted government;
3. Any freestanding or projecting sign within an area bounded by the intersection of two (2) rights-of-way and twenty (20) feet from such intersection along the rights-of-way, except permanent, on-site directional signs less than three (3) feet in height as permitted by Section 313.3. of this Ordinance; and,
4. For any retail business, any sign or signs, which are attached to, placed or painted on any vehicle or trailer and greater than ten (10) square feet per side of a vehicle or trailer or twenty (20) square feet in total, and visible from any public street or residence, subject to the following exception:

Any vehicle or trailer which is actively engaged in making deliveries, pick-ups or otherwise actively in use and the sign does not protrude in excess of one inch from the vehicle, but when such vehicle or trailer is not in use it shall be parked so as not to be visible from any public street or residence, or be a minimum of 100 feet from any arterial road, or a minimum of 50 feet from any collector road.

313.6. Sign Permits - For signs requiring permits in Section 313.3., the following requirements shall apply prior to the erection of said signs:

1. Permit Applications:

- A. Application for a permit shall be made at the Township Office;

- B. Application shall be made on a form to be provided by the Township and shall contain the following information and documentation:
 - A. The name(s) and address(es) of the sign owner and the landowner;
 - B. An affidavit of title executed by the landowner(s) indicating the date and place of recording of the present title to the land;
 - C. A drawing to scale, showing the location of the sign with reference to the adjoining property lines and streets;
 - D. A drawing to scale, showing all dimensions of the sign. For a directional sign or an on premise sign advertising activities being conducted on the real property, the drawing shall also contain an accurate representation of the advertising or informative contents of the sign; and,
 - E. A description of the construction materials of the sign and its manner of installation;
- 2. All applications shall be reviewed, and permits issued, by the Zoning Officer. No sign permit shall be issued, except in conformity with the regulations of this Ordinance, except upon order of the Zoning Hearing Board, granted pursuant to the procedures established for the issuance of a variance;
- 3. Permit Issuance - Following permit application approval, a sign permit will be issued by the Zoning Officer upon receipt of required fees;
- 4. If there is any change in location or dimensions of any sign, or in advertising or informative contents of a sign, a new permit shall be required; and,
- 5. Revocation of Permits:
 - A. All permits shall be subject to revocation upon fifteen (15) days written notice for violation of any provision or upon change of information provided in the application; and,
 - B. Revocation of a permit shall not be cause for refund of the permit fee.

SECTION 314 REQUIRED NUTRIENT MANAGEMENT PLANS

All agricultural animal operations with more than two thousand (2,000) pounds live weight of livestock or poultry per acre shall comply with the Pennsylvania “Nutrient Management Act” of 1993, as may be amended.

SECTION 315 OPERATIONS AND PERFORMANCE STANDARDS

All uses proposed within the Township must operate in compliance with applicable State and Federal regulations, as they are periodically amended. The following lists known governmental regulations associated with various land use impacts. This list in no way excludes or limits Federal or State jurisdiction over uses within the Township, but is merely provided for information to applicants and landowners.

- 315.1.** Noise Pollution and Vibration: “Rules and Regulations” of the Pennsylvania Department of Environmental Protection;
- 315.2.** Air Pollution, Airborne Emissions and Odor: “Rules and Regulations” of the Pennsylvania Department of Environmental Protection;
- 315.3.** Water Pollution: The Clean Streams Law, June 22, 1937 P.L. 1987, 35 P.S. 691.1, as amended;
- 315.4.** Mine Reclamation and Open Pit Setback: Pennsylvania Act No. 1984-219, the “Noncoal Surface Mining Conservation and Reclamation Act”;
- 315.5.** Glare and Heat: “Rules and Regulations” of the Pennsylvania Department of Environmental Protection;
- 315.6.** Handicap Access: The latest version of the American Disabilities Act; and,
- 315.7.** Farming: Pennsylvania Nutrient Management Act of 1993.

SECTION 316 COMMON FACILITIES

In those instances where common facilities, other than Greenway land, is required elsewhere in this Ordinance, or when an applicant proposes the use of common facilities, such common facilities shall comply with the following:

- 316.1.** Common facilities shall include a written description and plan for the disposition of ownership of common facilities designating those areas to be offered for dedication or to be owned by the specific form of organization proposed. The common facilities shall be accomplished through one of the following:
 - 1. An offer of dedication to the Township. The Township shall not be obligated to accept dedication of the common facilities;
 - A. With permission of the Township, and with appropriate deed restrictions in favor of the Township and in language acceptable to the Township Solicitor, the developer may transfer ownership of the common open space or a portion thereof to a private, nonprofit organization among whose purposes is the preservation of common open space land and/or natural resources. The

organization shall be a bona fide conservation organization with a perpetual existence, the conveyance must contain appropriate provision for reverter or retransfer if the organization is unable to maintain the land, and the organization must enter into a maintenance agreement with the Township;

2. The developer shall provide for and establish an organization for the ownership and maintenance of the common open space which shall be generally consistent with the requirements for unit owners; associations found in the Pennsylvania Uniform Planned Community Act 68 Pa. C.S. Sections 5101-5414 or Pennsylvania Uniform Condominium Act, 68 Pa. C.S. §3101 et seq. If such an organization is created, the agreements of sale and deeds for all lots shall contain the following requirements in language acceptable to the Township Solicitor:
 - A. Such organization shall not dispose of the common facilities by sale or otherwise, except to the Township, unless the Township has given prior written approval. Such transfer shall be made only to another organization which shall maintain the common open space facilities in accordance with this Ordinance;
 - B. The organization and all lot owners shall enter into a maintenance agreement with the Township and shall agree to be bound by the provisions of Article VII of the Pennsylvania Municipalities Planning Code relating to the maintenance of deteriorating common facilities by municipalities; and,
 - C. The Township may require the establishment of a reserve fund to provide for maintenance of or capital improvements to the common facilities.

SECTION 317 MAXIMUM PROPERTY UTILIZATION STANDARDS

317.1. Developers of Commercial, industrial and institutional buildings are encouraged to maximize the use of property and enhance the management of storm water in a manner that complements the Township's developing landscape. To that effect, the Township offers an optional set of storm water management practices with the granting of a Conditional Use. In this case, the underlying zone stipulates the type of uses permitted and many storm water standards; however, applicants may opt to obtain Conditional Use approval subject to specific storm water management standards contained herein. This carries a prescribed increase in permitted lot coverage as an inducement to prospective developers. These optional standards may only be applied to property upon approval of the Board of Supervisors and written acceptance by the landowner of all requirements of this section, and any valid conditions of approval attached by the Board of Supervisors.

317.2 In order to enhance water quality and volume (above DEP and Township requirements), the applicant shall utilize the list below to develop a site plan exhibit demonstrating the location, size and number of proposed BMP's to the satisfaction of the Board of Supervisors. In addition, the exhibit shall demonstrate the area from which each BMP receives runoff.

1. Water Quality Inlet inserts in all inlets (i.e. Snout, trash collecting insert or nutrient separator).
2. Place bioretention areas in parking areas and detention facilities.
3. Utilize curb openings in lieu of inlets in macadam areas.
4. Disconnect storm sewer system by utilizing grass lined swales in place of conveyance pipes.
5. Place inlets in landscaped areas.
6. Separate roof drains from the storm sewer system and discharge directly to the detention basin or discharge point.
7. Distribute infiltration areas around the site.

In all cases, the proposed application shall utilize an Operation & Maintenance (O&M) Agreement that implements regular pavement sweeping, proper salt storage, maintaining an on-site spill kit with oil booms, regular visual inspection, assigning a responsible representative to execute O&M responsibilities and tri-annual reporting to the Township.

317.3. In return for compliance with the above-described design standards, the Township can award the following development bonuses as part of the conditional use approval:

Underlying Zone	Maximum Permitted Lot Coverage in Underlying Zone	Maximum Permitted Lot Coverage With Optional Architectural Design
C-2	60%	80%
C-3	60%	80%
O	60%	80%
I-1	60%	80%
I-2	60%	80%
INT	60%	80%

317.4. Should any part of this Section 317 be declared invalid by a court of competent jurisdiction, the entire Section 317 shall be automatically repealed.

SECTION 318 OUTDOOR STORAGE AND DISPLAY REQUIREMENTS

318.1. Shopping Cart Storage - For grocery stores, or other stores containing grocery departments, the outdoor storage and collection of shopping carts is permitted under the following conditions:

1. Shopping carts may be collected and stored immediately in front of the storefront (upon sidewalks, or under a canopy) and/or within the parking lot;
2. No shopping cart storage and collection areas shall be located upon any facilities used for vehicle circulation, loading, or emergency vehicle access (e.g., fire lanes). Shopping cart collection areas will be allowed at designated areas located within parking lots;
3. Such shopping cart storage and collection areas shall be situated so as to provide clear pedestrian access (sidewalk or other area) at least eight (8) feet wide adjacent to the curb along the storefront;
4. Signage for such shopping cart storage and collection areas shall be governed by those regulations pertaining to on-site informational signs as regulated by Section 313 of this Ordinance; and,
5. The applicant shall submit a working plan for the collection of shopping carts from the parking lot. Also, the applicant shall be required to depict intended shopping cart storage and collection areas upon any permits and/or plans required

by the Township. No additional permits shall be required unless such areas change location or size.

318.2. Seasonal Sidewalk Displays:

1. Only seasonal merchandise may be displayed, and shall be limited to the calendar periods between April 1 and October 1, and November 15 and December 31.
2. The location of such outdoor displays shall be limited to sidewalks, under canopies, or other areas immediately in front of the building's storefront. The stacking and/or display of such items shall be arranged to provide clear pedestrian access (sidewalk or other area) at least eight (8) feet wide adjacent to the curb along the storefront;
3. In no case shall the location of such sidewalk display areas occur within any area used for vehicular circulation, parking and loading, nor emergency vehicle access (e.g., fire lanes);
4. In no case shall such sidewalk display area exceed fifty percent (50%) of the lineal storefront dimension. (For example, a 200-foot long storage could display no more than 100 lineal feet of a sidewalk display.);
5. No signage, except as authorized by Section 313 of the Ordinance, shall be permitted; and,
6. The applicant shall submit a working plan to the Township for the clean-up of litter and debris which may result from such outdoor display. Also, the applicant shall depict intended sidewalk display areas upon any permits and/or plans required by the Township. No additional permits shall be required unless such areas is to change location or size.

318.3. Special Event Sales:

1. In addition to the above, two special event sales shall be permitted per calendar year. Such special event sales shall be limited to no more than a total of thirty (30) days per calendar year;
2. Special event sales displays shall be located no closer than thirty-five (35) feet from an adjoining road, nor ten (10) feet from any side or rear lot lines;
3. Special event sales may be located within the parking lot, provided that such location minimizes congestion within the parking lot, and those access drives that provide direct vehicular access to adjoining roads. Within parking lots, such display areas shall be specifically delineated from the adjoining parking lot by the use of identifiable barriers (e.g., tents, canopies, temporary fences, or ropes. Additionally, location within the parking lot shall only be permitted upon parking spaces in excess of the number required by Section 603 of the SLDO;
4. Special event sales shall not be located within the parking lot during the months of November, December, January, February, and March, because of the potential need for snow removal;
5. The area devoted to special event sales displays shall not exceed twenty percent (20%) of the gross leasable floor area of the use(s) conducting the special event sale;
6. In planned centers, special event sales shall be jointly held by all of those occupants of the planned center who wish to participate. No individual occupants of a planned center shall be permitted to conduct separate special event sales. The planned center's management will be responsible for the coordination of this activity;
7. All uses conducting a special event sale shall be responsible for the ongoing clean-up of litter and debris. Also, no exterior public address, nor lighting systems shall be used which produce impacts beyond the subject property; and,
8. Signage for special event sales shall comply with the applicable requirements contained within Section 313 of this Ordinance.

SECTION 319 PUBLIC UTILITIES STRUCTURES

319.1 Public Utilities Structures (excluding communication antennas, towers, and equipment)

Minimum Lot Area - Three thousand five hundred (3,500) square feet;
Minimum Lot Width - Fifty (50) feet;
Maximum Lot Coverage - Fifty (50) percent;
Minimum Yard Setbacks -
 Front - Twenty-five (25) feet;
 One side - Ten (10) feet;
 Both Sides - Twenty (20) feet;
 Rear - Fifteen (15) feet;
Maximum Height - Fifteen (15) feet; and
Screening - a visual screen must be provided.

The architectural design of the exterior of any building shall be in keeping with other structures in the neighborhood.

SECTION 320 ACCESSORY APARTMENTS

- 320.1.** Within the (C, A, R, and RE) Zones, accessory apartments are permitted uses, subject to the following criteria and within the (VO) Zone, accessory apartments are permitted by conditional use subject to the criteria stated in Section 401.
- 320.2.** Only one (1) accessory apartment shall be permitted as an accessory use to a principal owner-occupied single-family detached dwelling;
- 320.3.** An accessory apartment shall be contained within the principal building or within a portion of an accessory building;
- 320.4.** Regardless of the location of the accessory apartment, no accessory apartment shall comprise more than forty percent (40%) of the habitable floor space contained within the principal dwelling;
- 320.5.** The applicant shall demonstrate that an approved means of sewage disposal and reliable water supply shall be used;
- 320.6.** All units contained on floors above or below grade shall have a direct means of escape to ground level;
- 320.7.** Any modifications to the external appearance of the building (except fire escapes) shall complement its residential character; and,
- 320.8.** One (1) off-street parking space shall be provided in addition to those required by other uses on the property.

SECTION 321 AMUSEMENT ARCADES

- 321.1.** Within the (C-2 and C-3) Zones, amusement arcades are permitted uses, subject to the following criteria:
- 321.2.** All activities shall take place within a completely-enclosed building;
- 321.3.** The applicant must furnish evidence as to how the use will be controlled so as to not constitute a nuisance due to noise or loitering outside the arcade;
- 321.4.** A minimum of one parking space for each eighty (80) square feet of gross leasable floor area shall be provided. In addition, any accessory uses (e.g., snack bar) shall also require parking to be provided in accordance with the schedule listed in the SLDO; and,
- 321.5.** A working plan for the cleanup of litter shall be furnished and implemented by the applicant.

SECTION 322 AUTOMOBILE PARTS STORE AND AUTOMOTIVE SERVICE AND REPAIR FACILITIES

- 322.1.** Within the (C-2) Zone, automobile parts stores and automotive service and repair facilities are permitted uses, subject to the following:
- 322.2.** Such uses are accessory to a principal department or variety store, and all service and/or repair activities shall be conducted within a completely-enclosed building;
- 322.3.** All uses involving drive-thru service shall provide sufficient on-site stacking lanes to prevent vehicle back-ups on adjoining roads;
- 322.4.** No outdoor storage of parts, equipment, lubricants, fuel or other materials used or discarded, as part of the service or repair operation, shall be permitted;
- 322.5.** All exterior vehicle storage areas shall be screened from adjoining residentially-zoned properties and roads;
- 322.6.** The storage of unlicensed vehicles is prohibited;
- 322.7.** Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directly toward any adjoining residentially-zoned property;
- 322.8.** All vehicles shall be repaired and removed from the premises promptly, and in any case not to exceed thirty (30) days;
- 322.9.** The demolition or junking of vehicles is prohibited; and
- 322.10.** The applicant shall furnish evidence that the storage and disposal of materials and wastes will be accomplished in a manner that complies with all applicable regulations.

SECTION 323 AUTOMOBILE SERVICE AND REPAIR FACILITIES

- 323.1.** Within the (C-3) Zone, automobile service and repair facilities are permitted uses, subject to the following criteria:
- 323.2.** All service and/or repair activities shall be conducted within a completely-enclosed building;
- 323.3.** All uses involving drive-thru service shall provide sufficient on-site stacking lanes to prevent vehicle back-ups on adjoining roads;
- 323.4.** No outdoor storage of parts, equipment, lubricants, fuel or other materials used or discarded, as part of the service or repair operation, shall be permitted;
- 323.5.** All exterior storage areas shall be subject to lot coverage requirements and screened from adjoining residentially-zoned properties and roads;
- 323.6.** The storage of unlicensed vehicles is prohibited;
- 323.7.** Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directly toward any adjoining residentially-zoned property;
- 323.8.** All vehicles and machinery shall be repaired and removed from the premises promptly;
- 323.9.** The demolition or junking of vehicles and machinery is prohibited. Demolished vehicles or parts thereof shall be removed from the site within two (2) weeks of arrival; and,
- 323.10.** The applicant shall furnish evidence that the storage and disposal of materials will be accomplished in a manner that complies with State and Federal regulations.

SECTION 324 AUTOMOBILE FILLING STATIONS (INCLUDING MINOR INCIDENTAL REPAIR)

- 324.1.** Within the (C-1, C-2 and C-3) Zones, automobile filling stations (including minor incidental repair) are permitted uses, subject to the following criteria:
- 324.2.** The subject property shall have a minimum width of one hundred twenty-five (125) feet;
- 324.3.** The subject property shall front on an arterial or collector road;
- 324.4.** The subject property shall be set back at least three hundred (300) feet from any lot containing a school, day-care facility, park, playground, library, hospital or nursing, rest or retirement home;

- 324.5.** The outdoor storage of motor vehicles (whether capable of movement or not) for more than one (1) month is prohibited;
- 324.6.** All structures (including air compressors, kiosks, gasoline pump islands, but not permitted signs) shall be set back at least thirty (30) feet from any street right-of-way line;
- 324.7.** No outdoor storage of auto parts shall be permitted;
- 324.8.** Access driveways shall be a minimum of twenty-eight (28) feet and a maximum of thirty-five (35) feet wide and separated by seventy-five (75) feet from one another if located along the same frontage as measured from edge to edge;
- 324.9.** All ventilation equipment associated with fuel storage tanks shall be set back one hundred (100) feet and oriented away from any adjoining residentially-zoned properties; and,
- 324.10.** The applicant shall furnish evidence that the storage and disposal of materials will be accomplished in a manner that complies with State and Federal regulations.

SECTION 325 BILLBOARDS

- 325.1.** Within the (I-2) Zone, billboards are permitted uses, subject to the following criteria:
- 325.2.** No billboard shall be located within one thousand (1,000) feet of another billboard;
- 325.3.** All billboards shall be a minimum of fifty (50) feet from all property lines;
- 325.4.** All billboards shall be set back at least one hundred (100) feet from any land within a residential zone;
- 325.5.** No billboard shall obstruct the view of motorists on adjoining roads, or the view of adjoining commercial or industrial uses, which depend upon visibility for identification;
- 325.6.** No billboard shall exceed an overall size of three hundred (300) square feet, nor exceed twenty-five (25) feet in height; and,
- 325.7.** All properties upon which a billboard is erected shall be regularly maintained so as not to create a nuisance by means of weeds, litter or vector habitation.

SECTION 326 CAR WASHES

- 326.1.** Within the (C-3) Zone, car washes is a permitted use, subject to the following criteria:
- 326.2.** Public sewer and public water facilities shall be utilized and gray water recycling is encouraged;
- 326.3.** For automatic and self-service car washes, each washing bay shall provide a minimum one hundred (100) foot long on-site stacking lane which precedes the washing process. For full service car washes, such on-site stacking shall be a minimum of three hundred (300) feet per lane;
- 326.4.** For full service car washes, a post-washing drying area shall be provided for no less than six (6) vehicles per washing lane;
- 326.5.** All structures housing washing apparatuses shall be of masonry construction and set back one hundred (100) feet from any street right-of-way line, fifty (50) feet from any rear property line, and twenty (20) feet from any side lot line;
- 326.6.** Trash receptacles shall be provided and routinely emptied to prevent the scattering of litter, and the applicant shall furnish and implement a working plan for the cleanup of litter and debris;
- 326.7.** The subject property shall front on an arterial or collector road; and,
- 326.8.** The applicant shall demonstrate adequate provision for the collection and disposal of greases and wastes.

SECTION 327 (RESERVED FOR FUTURE USE)

SECTION 328 COMMERCIAL DAY-CARE FACILITIES

- 328.1.** Within the (R-1, I-1 and I-2) Zones, commercial day-care facilities are permitted uses, subject to the following criteria, in the (C-2 and INT) Zone, commercial day-care facilities are permitted by conditional use, subject to the criteria stated in Section 409, and in the (R-2) Zone, commercial day-care facilities are permitted by special exception, subject to the criteria stated in Section 409:
- 328.2.** An outdoor play area shall be provided, at a rate of sixty-five (65) square feet per individual enrolled. Off-street parking compounds shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard. Additionally, outdoor play areas shall be located and designed so as not to disrupt normal activities of adjoining uses permitted within the Zone and/or neighborhood. Outdoor play areas shall be completely enclosed by a minimum four (4) foot high fence, and screened from adjoining residentially-zoned properties. Any vegetative materials located within the outdoor play areas shall be of a nonharmful type (poisonous, thorny, allergenic, etc.) All outdoor play areas must provide a means of shade, such as a shade tree(s) or pavilion(s);

- 328.3.** Enrollment shall be defined as the largest number of persons and/or children under day-care supervision at any one time during a seven-day period;
- 328.4.** Passenger “drop-off” and “pick-up” areas shall be provided on site and arranged so that the passengers do not have to cross traffic lanes on or adjacent to the site;
- 328.5.** One (1) off-street parking space shall be provided for each six (6) persons enrolled;
- 328.6.** All commercial day-care facilities shall obtain and maintain proper licensure from the Commonwealth of Pennsylvania; and,
- 328.7.** The applicant shall demonstrate that adequate safeguards are provided to protect students from nearby industrial activities and uses.
- 328.8.** Within the R-1 zone, Commercial Day-Care Facilities are subject to the following additional criteria:
1. Tract size shall be a minimum area of 2.0 acres.
 2. Tract shall be located at an existing or planned traffic signalized intersection with access of the facility limited to the secondary classified street.
 3. Outdoor play areas shall be setback a minimum of twenty-five (25) feet from any adjacent residential uses or any R-1 zoned property.
 4. Adequate screening shall be provided for the whole use of the property in addition to the screening required for the outdoor play areas.

SECTION 329 COMMERCIAL RECREATION FACILITIES

- 329.1.** Within the (C-2 and C-3) Zones, commercial recreation facilities are permitted uses, subject to the following criteria:
- 329.2.** If the subject property contains more than two (2) acres, it shall front on an arterial or collector road;
- 329.3.** Those uses involving extensive outdoor activities shall provide sufficient screening and/or landscaping measures to mitigate any visual and/or audible impacts on adjoining properties;
- 329.4.** Any structures exceeding the maximum permitted height may be permitted so long as they are set back from all property lines at least the horizontal distance equal to their height, plus an additional fifty (50) feet. Furthermore, such structures shall not be used for occupancy;

- 329.5.** The applicant shall furnish expert evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, noise, light, litter, dust and pollution;
- 329.6.** Required parking will be determined based upon a combination of the types of activities proposed and the schedule listed in the SLDO. In addition, an unimproved grassed overflow parking area to be provided for peak use periods may be required. Such overflow parking areas shall be accessible only from the interior driveways of the permanent parking lot. Overflow parking areas shall contain fencing to prevent vehicles from crossing adjoining properties or directly accessing adjoining roads;
- 329.7.** Any booths or other structures used for the collection of admission and/or parking fees shall be set back and arranged to prevent vehicle back-ups on adjoining roads during peak arrival periods. Any other collection of fees (roaming parking lot attendants) shall be conducted in a manner to prevent vehicle back-ups on adjoining roads. If, at any time after the opening of the commercial recreation facility, the Township determines that traffic back-ups are occurring on adjoining roads, and such back-ups are directly related to the means of access to the subject property, the Township can require the applicant to revise means of access to relieve the undue congestion; and,
- 329.8.** Any outside pedestrian waiting lines, shall be provided with a means of shade.

SECTION 330 DRIVE-THRU AND/OR FAST-FOOD RESTAURANTS

- 330.1.** Within the (C-2 and C-3) Zones, drive-thru and/or fast-food restaurants are permitted uses, subject to the following criteria:
- 330.2.** The subject property shall front on an arterial or collector road;
- 330.3.** Exterior trash receptacles shall be provided and routinely emptied so as to prevent the scattering of litter. All applications shall include a description of a working plan for the cleanup of litter;
- 330.4.** All drive-thru window-lanes shall be separated by curb from the parking lot's interior driveways;
- 330.5.** Any exterior speaker/microphone system shall be arranged and/or screened to prevent objectionable noise impact on adjoining properties;
- 330.6.** All exterior seating/play areas shall be completely enclosed by a minimum three (3) foot high fence;
- 330.7.** No part of the building, trash dumpsters or any drive-thru lane shall be located within two hundred (200) feet of any residentially-zoned land; and,
- 330.8.** Each drive-thru lane shall have two hundred feet of on-site stacking preceding the order location.

SECTION 331 ECHO HOUSING

- 331.1.** Within the (C, A and R) Zones, ECHO housing are permitted uses, subject to the following criteria:
- 331.2.** The elder cottage shall be of portable construction and may not exceed nine hundred (900) square feet of floor area;
- 331.3.** The total building coverage for the principal dwelling, any existing accessory structures and the elder cottage together shall not exceed the maximum lot coverage requirement for the respective zone;
- 331.4.** The elder cottage shall only be occupied by at least one (1) person who is at least fifty (50) years old, or is handicapped or disabled, and is related to the occupants of the principal dwelling by blood, marriage or adoption;
- 331.5.** The elder cottage shall be occupied by a maximum of two (2) people;
- 331.6. Utilities:**
1. For sewage disposal and water supply and all other utilities, the elder cottage shall be physically connected to those systems serving the principal dwelling. No separate utility systems or connections shall be constructed or used. All connections shall meet the applicable utility company standards; and,
 2. If on-site sewer or water systems are to be used, the applicant shall submit evidence showing that the total number of occupants in both the principal dwelling and the elder cottage will not exceed the maximum capacities for which the one-unit systems were designed, unless those systems are to be expanded, in which case the expansion approvals are to be submitted. Any connection to or addition to an existing on-site sewer system shall be subject to the review and approval of the sewage enforcement officer;
- 331.7.** A minimum of one (1) all-weather, off-street parking space, with unrestricted ingress and egress to the street, shall be provided for the elder cottage, in addition to that required for the principal dwelling;
- 331.8.** The elder cottage shall be installed and located only in the side or rear yards, and shall adhere to all side and rear yard setback requirements for principal uses;
- 331.9.** The elder cottage shall be removed from the property within three (3) months after it is no longer occupied by a person who qualifies for the use; and,
- 331.10.** Upon the proper installation of the elder cottage, the Zoning Officer shall issue a temporary zoning permit. Such permit shall be reviewed every twelve (12) months until such time as the elder cottage is required to be removed. A fee, in the amount to be set by the Board of Supervisors, shall be paid by the landowner upon each renewal of the temporary zoning permit. Such fee shall be based upon the cost of the annual review of the permit.

SECTION 332 FARMERS AND/OR FLEA MARKETS

- 332.1.** Within the (C-3) Zone, farmers and/or flea markets are permitted uses, subject to the following criteria:
- 332.2.** The retail sales area shall be considered to be that of the smallest rectangle, or other regular geometric shape which encompasses all display stands, booths, tables or stalls, plus any adjoining aisles and/or walkways from which consumers can inspect items for sale. The retail sales shall include all indoor and/or outdoor areas as listed above;
- 332.3.** The retail sales area shall be set back at least fifty (50) feet from all property lines, and shall be calculated as part of the maximum permitted lot coverage, regardless of its surface treatment;
- 332.4.** Off-street parking shall be provided at the rate of one (1) space per each two hundred (200) square feet of retail sales area;
- 332.5.** Off-street loading shall be calculated upon the retail sales area described above and according to the schedule listed in the SLDO;
- 332.6.** All outdoor display and sales of merchandise shall not begin prior to one (1) hour before official sunrise and shall cease no later than one (1) hour after official sunset;
- 332.7.** Any exterior amplified public address system shall be arranged and designed so as to prevent objectionable impact on adjoining properties; and,
- 332.8.** Exterior trash receptacles shall be provided amid any outdoor retail sales area. Such trash receptacles shall be routinely emptied so as to prevent the scattering of litter and debris. All applications shall include a description of a working plan for the cleanup of litter.

SECTION 333 DOGS AND CATS

Within all zones it shall be unlawful to keep or allow to be kept more than four (4) dogs or four (4) cats or any combination of such animals exceeding four (4) in number, over the age of 120 days, at any residence unless such residence is a kennel or non-profit animal rescue.

SECTION 334 *(RESERVED FOR FUTURE USE)*

SECTION 335 HOME IMPROVEMENT AND BUILDING SUPPLY STORES

- 335.1.** Within the (C-2) Zone, home improvement and building supply stores are permitted uses, subject to the following criteria:
- 335.2.** If the subject property contains more than two (2) acres, it shall front along an arterial or collector road;
- 335.3.** The retail sales area shall be all areas open for public display, including but not limited to shelves, racks, bins, stalls, tables, and booths, plus any adjoining aisles or walkways from which consumers can inspect items for sale. The retail sales area shall include both interior and exterior areas as listed above;
- 335.4.** Off-street parking shall be provided at the rate of one space for each two hundred (200) square feet of interior retail sales area, plus one (1) space for each five hundred (500) square feet of exterior retail sales area;
- 335.5.** All exterior retail sales areas shall include a dust-free surface and a completely enclosed minimum six (6) foot high fence and gate;
- 335.6.** All exterior storage and retail sales areas (exclusive of nursery and garden stock) shall be located within a side and/or rear yard, and shall be screened from adjoining roads and properties;
- 335.7.** The applicant shall furnish expert evidence that any exterior amplified public address system and/or exterior lighting has been arranged and designed so as to prevent objectionable impact off the site;
- 335.8.** Any drilling, cutting, sawing, mixing, crushing or some other preparation of building materials, plus any testing or repair of motorized equipment shall be conducted within a completely enclosed building; and,
- 335.9.** The applicant shall submit a traffic study as governed by Section 402.05. of the SLDO.

SECTION 336 MINI-WAREHOUSES

- 336.1.** Within the (C-3, I-1 and I-2) Zones, mini-warehouses are permitted uses, subject to the following criteria:
- 336.2.** Off-street parking spaces shall be provided at the rate of one (1) space per each twenty-five (25) units, plus one (1) per two hundred fifty (250) square feet of office space;
- 336.3.** Parking shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least twenty-six (26) feet wide when cubicles open onto one side of the lane only, and at least thirty (30) feet wide when cubicles open onto both sides of the lane;

- 336.4.** Required parking spaces may not be rented as, or used for, vehicular storage. However, additional external storage area may be provided for the storage of privately-owned travel trailers and/or boats, so long as such external storage area is screened from adjoining residentially-zoned land and adjoining roads, and is located behind the minimum front yard setback line. This provision shall not be interpreted to permit the storage of partially dismantled, wrecked, or inoperative vehicles;
- 336.5.** All storage shall be kept within an enclosed building except that the storage of flammable, highly combustible, explosive or hazardous chemicals shall be prohibited. Any fuel tanks and/or machinery or other apparatuses relying upon such fuels shall be stored only in an external storage area as described above;
- 336.6.** Because of the danger from fire or explosion caused by the accumulation of vapors from gasoline, diesel fuel, paint, paint remover, and other flammable materials, the repair, construction, or reconstruction of any boat, engine, motor vehicle, or furniture is prohibited;
- 336.7.** No door openings for any mini-warehouse storage unit shall be constructed facing any residentially-zoned property;
- 336.8.** Mini-warehouses shall be used solely for the dead storage of property. The following lists examples of uses expressly prohibited upon the site:
1. Auctions, commercial wholesale or retail sales, or garage sales;
 2. The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment;
 3. The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment;
 4. The establishment of a transfer and storage business; and,
 5. Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.

The applicant shall adequately demonstrate that all mini-warehouses rental and/or use contracts shall specifically prohibit these uses.

SECTION 337 NONCOMMERCIAL KEEPING OF LIVESTOCK

337.1. Within the (C, A, and R) Zones, noncommercial keeping of livestock is a permitted use, subject to the following criteria. Within the (RE) Zone, noncommercial keeping of livestock is permitted by special exception, subject to the criteria stated in Section 427.

337.2. Minimum Lot Area - Two (2) acres. Additionally, the following list specifies additional area requirements by size of animals kept:

GROUP 1 - Animals whose average adult weight is less than ten (10) pounds shall be permitted at an animal density of twelve (12) per acre, with a maximum number of fifty (50) animals;

GROUP 2 - Animals whose average adult weight is between ten (10) and sixty-five (65) pounds shall be permitted at an animal density of two (2) per acre, with a maximum number of twenty (20) animals; and,

GROUP 3 - Animals whose average adult weight is greater than sixty-five (65) pounds shall be permitted at an animal density of one (1) per acre, with a maximum number of five (5) animals.

The keeping of a combination of animal types (Group 1, 2 and 3) shall require an animal density equal to the ratio of the number of animals, by type. In no case shall a lot contain more than fifty (50) total animals. Should one structure be used to house a combination of animal types, the most restrictive setback shall apply;

337.3. The following lists minimum setbacks (from all property lines) imposed upon the placement of any structure used to house noncommercial livestock:

GROUP 1 Animals

Up to 25 animals, a 25-foot setback;
Above 25 animals, a 50-foot setback;

GROUP 2 Animals

Up to 2 animals; a 50-foot setback;
Above 2 animals; a 100-foot setback; and,

GROUP 3 Animals

One hundred (100) feet.

337.4. *(RESERVED FOR FUTURE USE)*

337.5. All outdoor pasture/recreation areas shall be enclosed with fencing to prevent the escape of the animals;

337.6. All animal wastes shall be properly stored and disposed of, so as not to be objectionable at the site's property line. All animals, their housing, and their outdoor pasture/recreation areas shall be properly maintained so as not to become a nuisance to adjoining properties.

SECTION 338 (RESERVED FOR FUTURE USE)

SECTION 339 (RESERVED FOR FUTURE USE)

SECTION 340 STABLES AND KENNELS

- 340.1.** Subject to the following criteria, stables, kennels and non-profit animal rescues are permitted uses within the (C) and (A) Zones. Also, subject to the following criteria, stables are a permitted use in the (R) Zone:
- 340.2.** Minimum Lot Area - Ten (10) acres;
- 340.3.** Any structure used for the boarding of horses shall be setback at least two hundred (200) feet from any property line. Any structures used for the boarding of dogs or cats for the purpose of a kennel or non-profit animal rescue shall be setback at least four hundred (400) feet from any property line;
- 340.4.** All stables, kennels and non-profit animal rescues shall be maintained so to minimize odors perceptible at the property line;
- 340.5.** All outdoor training, show, riding, boarding, running, or pasture areas shall be enclosed by a minimum four (4) foot-high fence;
- 340.6.** All parking compounds and unimproved overflow parking areas shall be set back at least ten (10) feet from adjoining lot lines. Unimproved overflow parking areas shall also provide a fence delineating such occasional parking facilities and preventing the parking and/or movement of vehicles across neighboring properties; and
- 340.7** All stables, kennels and non-profit animal rescues shall comply with all applicable local, state and federal law.

SECTION 341 TEMPORARY FARM EMPLOYEE HOUSING

- 341.1.** Within the (A) Zone, temporary farm employee housing shall be a permitted use, subject to the following standards:
- 341.2.** For each farm, one (1) mobile home is permitted for the use of farm workers (and their families) who are employed by the owner of the farm, for such time as the employee works the land of the owner;
- 341.3.** All such units shall be located within the rear yard of the farm dwelling and shall further comply with all setback requirements imposed upon single-family detached dwellings;

- 341.4.** Such mobile homes shall be securely anchored to a mobile home stand; a six (6) inch thick poured concrete slab over a six (6) inch stone base, the length and width of which shall be at least equal to the dimensions of the mobile home. Each mobile home pad shall include properly-designed utility connections; and,
- 341.5.** The mobile home shall be occupied at least one hundred twenty (120) days a year by at least one (1) person who is employed on the farm where the mobile home is located. If this condition is not satisfied, the mobile home shall be removed within one hundred twenty (120) days.

SECTION 342 TWO-FAMILY CONVERSIONS

- 342.1.** Within the (C, A, and R) Zones, a detached single-family dwelling that existed on the effective date of this Ordinance, and contained (at that time) at least three thousand (3,000) square feet, may be converted into two (2) dwelling units as a permitted use, subject to the following:
- 342.2.** The applicant shall furnish evidence that an approved system of water supply and sewage disposal will be utilized;
- 342.3.** No extensions or modifications to the external appearance of the building (except fire escapes) which would alter its residential character, shall be permitted;
- 342.4.** All floors above and below grade shall have a permanently affixed direct means of escape to ground level;
- 342.5.** Four (4) off-street parking spaces shall be provided; and,
- 342.6.** The applicant shall obtain any required land development approvals.

SECTION 343 (RESERVED FOR FUTURE USE)

SECTION 344 WHOLESALE PRODUCE AND TOBACCO AUCTIONS

- 344.1.** Within the (I-2) Zone, wholesale produce and tobacco auctions is a permitted use, subject to the following standards:
- 344.2.** No part of the subject property shall be within two hundred (200) feet of any residentially-zoned land;
- 344.3.** All access drives onto the site shall be paved for a distance for at least two hundred (200) feet from the street right-of-way line. In addition, a fifty (50) foot long gravel section of driveway should be placed just beyond the preceding two hundred (200) foot paved section to help collect any mud that may have attached to a vehicle's wheels;
- 344.4.** The owner and/or operator of the produce auction shall be responsible for removing any mud from public roads caused by persons traveling to and from the auction;

- 344.5.** The applicant shall be required to provide sufficient off-street parking and loading so as not to require such parking or loading on or along any road, nor upon adjoining property. If, at any time after the opening of the facility, the Supervisors determine that parking, loading or traffic backups are occurring on adjoining roads, and such are directly related to the lack of on-site facilities on the subject property, the Supervisors can require the applicant to revise and/or provide additional on-site parking and/or loading space. In addition, the Supervisors may require an unimproved grassed overflow parking area to be provided for peak use periods. Such overflow parking areas shall be accessible only from the interior driveways of the permanent parking lot. Overflow parking areas shall contain fencing to prevent vehicles from crossing adjoining properties or directly accessing adjoining roads;
- 344.6.** The applicant shall furnish expert evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, noise, light, litter, dust and pollution;
- 344.7.** The proposed use shall front along an arterial road;
- 344.8.** Soil erosion, sedimentation and storm water runoff shall be controlled in accordance with all applicable laws and regulations; and,
- 344.9.** The applicant shall submit and continuously implement a working plan for the cleanup of litter and other debris.

SECTION 345 TREE PLANTING

- 345.1.** If any new lot or new principal building is proposed, street trees shall be planted along all lot lines that are adjacent to the street. The species, minimum spacing and other requirements of the street trees shall meet the requirements of Section 611 of the Subdivision and Land Development Ordinance, or its successor section. After review by the Township Engineer, the Zoning Officer may allow an alternative location for the street trees if the applicant proves to the satisfaction of the Township that such location would be suitable. This tree planting requirement shall not apply to agricultural uses.
- 345.2** If 15 or more new off-street parking spaces are proposed on a lot, then an average of one new deciduous shade tree shall be planted for each 15 new parking spaces. The trees may be planted within the interior of the parking area or around the edges, but shall be in addition to any other tree planting requirement. The species and sizes of the shade trees shall meet the requirements of Section 611 of the Subdivision and Land Development Ordinance, or its successor section.

SECTION 346 DEVELOPMENT ALONG STREAMS AND WETLANDS

- A. All Township permits and approvals are conditioned upon the applicant receiving any needed permits or approvals that may be required for activity within or adjacent to a waterway from the State Department of Environmental Protection, the Army Corps of Engineers, the Federal Emergency Management Agency or other entities.
- B. Any street, driveway or utility crossing of a perennial stream shall be approximately perpendicular to the stream, to the maximum extent feasible. As part of any street, driveway or utility construction within or adjacent to a stream, the applicant shall complete remedial measures to mitigate the impact upon the stream, including planting of trees and thick lower-level vegetation and use of best management practices.
- C. All lots adjacent to a perennial stream shall contain a contiguous lot area that meets the minimum lot area required for that use and district after the deletion of wetlands from the lot area. The Township may require that areas of wetlands be placed on a lot with adequate legal provisions and appropriate ownership to ensure proper conservation of the resource.
- D. All areas within 75 feet from the top of the primary bank of the Conodoguinet Creek and within 75 feet from the center of any other perennial stream shall not be occupied by any of the following: a new building, new or expanded vehicle parking, or new or expanded business outdoor storage.
- E. No new or expanded building, vehicle parking or business outdoor storage area shall be located less than 20 feet from a wetland. A wetland shall be defined as an area defined under State or Federal regulations as a wetland, whichever is more inclusive.
 - 1. A setback shall not apply to wetlands that the applicant proves to the satisfaction of the Township Engineer were clearly man-made, such as within detention basins or man-made drainage ditches.
- F. **Vegetation** - Where existing trees and/or shrubs are removed from lands that are less than 75 feet from the top of the primary bank of a perennial stream as part of, or in preparation to, a subdivision, land development or permitted construction of a new building, then new trees and shrubs shall be planted and maintained. The new trees and shrubs shall have the same or better impact upon controlling erosion and filtering pollutants from runoff as the trees and/or shrubs that were removed. Mature healthy trees shall only be removed within this 75 foot wide area as part of a development where there is no feasible alternative, such as to allow a utility crossing.
 - 1. Publications of the Pennsylvania Department of Conservation and Natural Resources (including "Stream ReLeaf") and/or other governmental or non-profit organizations shall be used as standards for the planting of the buffer.

These publications include recommended species. During the time period of any maintenance agreement with the Developer, the Developer shall replace any such trees or plants that do not survive within 100 days afterwards. If such trees and plants fail to survive after any maintenance agreement has expired, they shall be replaced within 100 days afterwards by the current owner of the property. The Township may require that restrictive covenants, homeowner association agreements and/or the deed include a note specifying this responsibility.

- G. **Waterways Without a Defined Floodplain** - Where a waterway or major drainage way exists that has more than 600 acres of land draining into the drainage way, and the waterway or drainage way has not been studied as part of Federal Floodplain mapping, then the Township may require the applicant to complete a professional study to determine the extent of the 100 year floodplain along that waterway or drainage way. The Township restrictions on construction of buildings in a 100 year floodplain shall then apply within such area determined by the study to be subject to a 100 year flood.

SECTION 347 CONTROL OF LIGHT AND GLARE

This section 347 shall only regulate exterior lighting that is visible from lot lines or public streets.

- 347.1. Street Lighting Exempted** - This Section 347 shall not apply to: a) street lighting that is owned, financed or maintained by the Township or the State or that is maintained by a property-owner association following standards similar to Township street lights, or b) an individual porch light of a dwelling (not including a spot light).
- 347.2. Height of Lights** - No luminary, 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.
- 347.3 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.
- 347.4. 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.
- 347.5. Flickering** - Flashing, flickering, oscillating or strobe lighting are prohibited, except for non-advertising seasonal lights between October 25th and January 10th.

- 347.6. Spillover** - Exterior lighting on an institutional, commercial or industrial property shall not cause a spillover of light onto a residential lot that exceeds 0.5 horizontal foot-candle at a distance 10 feet inside the residential lot line.
- 347.7. Gasoline Sales Canopies** - Any canopy over gasoline pumps shall have light fixtures recessed into the canopy, shielded or screened by an extension around the bottom of the canopy so that lighting elements are not visible from another lot or street.
- 347.8. Horizontal Surface Lighting** - For the lighting of predominantly horizontal surfaces such as, but not limited to parking areas, streets, driveways, pedestrian walkways, outdoor sales and storage areas, vehicle fueling facilities, vehicle sales areas, loading docks, recreational areas, and building entrances, fixtures shall be aimed downward and shall meet the standards for a full-cutoff light fixture. A full cut-off light fixture shall be a fixture in which no light is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than 10 percent of the lamp's intensity is emitted at or above an angle 10 degrees below that horizontal plane, at all lateral angles around the fixture. Fixtures with an aggregate rated lamp lumen output per fixture that does not exceed the rated output of a standard 100-watt incandescent lamp are exempt from the requirements of this paragraph.
- 347.9. Non-Horizontal Lighting** - For lighting of predominantly non-horizontal surfaces such as, but not limited to, facades, signs, and displays, fixtures shall be fully shielded and shall be installed and aimed so as to not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward or onto a public roadway. Fixtures with an aggregate rated lamp lumen output per fixture that does not exceed the rated output of a standard 100-watt incandescent lamp are exempt from the requirements of this paragraph.
1. 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.
- 347.10. Sign Lighting**
1. Any exterior lighting of a billboard/off-premises sign shall be attached at the top of the sign and aimed downwards.
 2. In a residential district, any lighting of a sign shall not exceed a maximum of 10 foot-candles measured at any point 50 or more feet from the surface of the sign.
- 347.11. Unshielded Light Bulbs** - The use of multiple unshielded incandescent light bulbs that are hung on poles or strung on wires is prohibited, except for allowed temporary festivals serving a charitable or public purpose.

SECTION 348 FORESTRY

348.1. Purposes. To promote management of forests for long-term benefits; promote good forest stewardship; protect adjoining property owners; minimize the potential for adverse environmental impacts; and avoid unreasonable restrictions on forestry.

348.2. Applicability. Forestry shall be permitted by right in all zoning districts, provided it complies with the requirements of this Ordinance. This section shall regulate all Forestry when the total harvesting area is one acre or greater in a calendar year.

1. These provisions shall not regulate the following:
 - A. cutting of up to 10 percent of trees with a trunk diameter of 6 inches or greater (measured 4.5 feet above the ground level) on a lot in any calendar year, provided such cutting does not involve clear cutting but instead involves routine thinning of woods;
 - B. cutting of trees with a trunk diameter of less than 6 inches (measured 4.5 feet above the ground level),
 - C. cutting of dead or diseased or hazardous trees, and cutting of trees that the applicant proves to the Zoning Officer is necessary to accommodate a Township-approved subdivision, land development, street, driveway, building, utility or use. See Section 402.03.6 of the Subdivision and Land Development Ordinance.

348.3. Application Requirements. An application for Forestry shall be made a minimum of 30 days prior to the start of work. No forestry shall occur until a zoning permit has been issued by the Zoning Officer.

1. The application shall include a written forest management plan, which shall be prepared by a qualified professional with at least a bachelor's degree in a forestry-related field and/or at least four years professional experience in forest management. The provisions of the plan shall be followed throughout the operation. The plan shall be available for inspection at the harvest site at all times during the operation.
2. The landowner, the applicant and the timber operator shall be jointly and separately responsible for complying with the terms of the Forestry plan and permit.
3. The applicant shall specify, in writing, the land on which harvesting will occur, the expected size of the harvest area, and the anticipated starting and completion date of the operation. The zoning permit shall be valid for up to two years from the date of issuance.

4. The Forestry plan shall include, at a minimum, the following information:
 - A. A narrative of proposed cutting practices for each stand in the proposed harvest area and the construction, maintenance and retirement of the access system, including haul roads, skid roads, skid trails and landings;
 - B. An erosion and sedimentation control plan approved by the County Conservation District if over one acre will be disturbed;
 - C. All timbering activities shall use “Best Management Practices” which shall be shown on the plan;
 - D. A narrative of all stream and road crossings, including required permits from the appropriate agency;
 - E. All Township and/or PennDOT Highway Occupancy permits, if applicable;
 - F. An application shall be submitted to the Township, with a map showing waterways, drainage ways, approximate wetlands, lakes, roads, lot lines, and proposed harvest areas.
 - G. The application shall also include the name and address of the property owner and the person who will be responsible to oversee the Forestry.
 - H. The application shall also show proposed erosion and sedimentation control measures, proposed crossings of waterways and proposed vehicle entrance and exit points onto streets.
 - I. The forestry management plan shall be compared in writing to the Timber Harvesting Guidelines of the Pennsylvania Forestry Association or published standards of a similar recognized professional association to show whether such guidelines will or will not be met and to explain reasons for non-compliance with such guidelines.

348.4. Forestry Practices.

1. Felling or skidding on or across any public thoroughfare is prohibited without the express written consent of the Township or PennDOT, whichever is responsible for maintenance of the street.
2. No tops or slash shall be left within 25 feet of any public thoroughfare, trail or private roadway providing access to adjoining residential property.
3. All tops and slash between 25 and 50 feet from a public street right-of-way or private road providing access to adjoining residential property or within 50 feet of adjoining residential property shall be lopped so that they do not extend more than 4 feet above the surface of the ground.

4. Forestry is prohibited within 50 feet of the top of the bank on each side of all perennial waterways, except this distance may be reduced to 25 feet if all of the following conditions are met:
 - a) The basal area of trees in that area within the 50 foot setback shall not be reduced below 50 percent of the basal area present before cutting.
 - b) Trees to be cut within the 50 foot zone described shall be marked with paint or ribbons prior to the start of Forestry.
 - c) All earthmoving within this area shall be minimized or fully avoided.
5. No tops or slash shall be left within a stream channel or within 25 feet of the stream bank.
6. The use of clear-cutting must be fully justified by a Forestry Plan prepared by a qualified professional. Clear-cutting shall be prohibited within 50 feet from the banks of a perennial creek.

348.5. Public Road Responsibility - The landowner and the operator shall be responsible for repairing any damage at locations of entry or exit to public roads caused by traffic associated with the Forestry operation to the extent the damage is in excess of that caused by normal traffic.

348.6. Note: The definition of forestry is limited to activity that is not part of land development. For other types of tree removal, see Section 402.03.6 of the Subdivision and Land Development Ordinance.

348.7. Erosion Control. All forestry operations shall require the preparation of an Erosion and Sediment Control Plan following standards of the County Conservation District for a timber harvesting operation. Such Plan shall be submitted by the applicant to the Township and be adhered to. A copy of the Plan shall be kept on site by the operators. If the forestry involves more than 10 acres, then such Plan shall be submitted to the County Conservation District for pre-approval.

**SECTION 349 SPONSORSHIP SIGNS FOR PUBLIC SCHOOLS,
PRIVATE SCHOOLS, AND VOCATIONAL -
MECHANICAL TRADE SCHOOLS.**

349.1 Purpose. To allow for the placement of Sponsorship Signs in certain locations acknowledging financial contributions made by private individuals or business entities (i.e., “sponsors”) in support of Public Schools, Private Schools, or Vocational-Mechanical Trade Schools.

349.2 Applicability. Sponsorship Signs shall be permitted by right in all zoning districts, subject to the following criteria:

1. Sponsorship Signs shall be permitted only on land used for Public Schools, Private Schools, or Vocational-Mechanical Trade Schools.
2. Sponsorship Signs shall not advertise products or services of the sponsor or any third-party.
3. Sponsorship Signs shall not adversely impact the health, safety, or welfare of persons residing or located off-premises of the Public School, Private School, or Vocational-Mechanical Trade School.
4. Sponsorship signs shall be subject to the Temporary Sign requirements set forth in Section 313.3 above.
5. For purposes of this Section 349, the term “Flat Wall Sign” shall include, in addition to how the term is defined in Section 112 above, a sign that is displayed and/or mounted upon or generally parallel to the same plane as the face of a fence, scoreboard, or similar structure, such that no portion of the sign extends more than twelve (12) inches from said fence, scoreboard, or similar structure.
6. Sponsorship Signs shall be placed or installed on premises of the Public School, Private School, or Vocational-Mechanical Trade School in such a manner that the sponsorship sign is not visible from any public street. For purposes of this Section 349, “not visible from any public street” shall mean that the lettering or any logo on the Sponsorship Sign shall not be readily legible using the naked eye by persons located on any public street.
7. Sponsorship signs may be illuminated, in accordance with Section 313, but only at such times during which the Public School, Private School, or Vocational-Mechanical Trade School venue is in use.
8. A Sponsorship Sign is a Temporary Sign, by definition, and shall be limited in duration of its term of use to a period not to exceed five (5) years in length. The foregoing notwithstanding, sponsors shall not be prohibited from renewing financial commitments in support the Public School, Private School, or Vocational-Mechanical Trade School, and in recognition thereof the term of the Sponsorship Sign may be extended, although any such Sponsorship Sign shall continue to be subject to permit requirements, as provided herein.

9. Except as provided herein, Sponsorship Signs shall be subject to the requirements set forth in Section 313 pertaining to outdoor signs, including but not limited to the requirement of obtaining a permit under Paragraph 313.6. In support of the sign permit application, the Public School, Private School, or Vocational-Mechanical Trade School shall submit to the Township a copy of the sponsorship agreement, evidencing the duration of the sponsorship between the sponsor and the Public School, Private School, or Vocational-Mechanical Trade School. Provided the sign permit application satisfies all conditions set forth herein, and upon payment of any applicable fees, the Zoning Officer shall issue a sign permit for the Sponsorship Sign, which shall have an effective period coinciding with and equivalent in duration to the term of the sponsorship agreement between the sponsor and the Public School, Private School, or Vocational-Mechanical Trade School, but in no case shall be effective for a period exceeding five (5) years in duration.
10. Upon expiration of the sign permit and sponsorship term, the Sponsorship Sign shall be removed from the premises, unless the term is extended following issuance of a new sign permit by the Zoning Officer, as provided herein.

349.3 Exemption from Regulation. The restrictions in Subparagraph 349.2(4), relating to visibility of Sponsorship Signs from public streets, shall not apply to Sponsorship Signs located on scoreboards serving athletic field venues on land owned or utilized by a Public School, Private School, or Vocational-Mechanical Trade School, provided the athletic field venue includes dedicated seating for 1,000 or more spectators.

ARTICLE 4 SPECIFIC CRITERIA

SECTION 400 SPECIFIC STANDARDS FOR SPECIAL EXCEPTION AND CONDITIONAL USES

In addition to the general criteria listed in Sections 604.3. and 704, the following sets forth standards that shall be applied to each individual special exception or conditional use. These standards must be satisfied prior to approval of any application for a special exception or conditional use. The applicant shall be required to demonstrate compliance with these standards and must furnish whatever evidence is necessary to demonstrate such compliance. All uses must comply with the standards expressed within the underlying zone, unless those standards expressed for each special exception or conditional use specify different standards; in such cases, the specific special exception or conditional use standards shall apply.

For the purposes of this Article 4, any required setbacks imposed upon special exceptions or conditional uses shall be measured from the boundary line of the site for which the special exception or conditional use is requested, regardless of whether or not this line corresponds to a property line or a lease line.

SECTION 401 ACCESSORY APARTMENTS

- 401.1.** Within the (VO) Zone, accessory apartments are permitted by conditional use subject to the following criteria and within the (C, A, R, and RE) Zones, accessory apartments are permitted uses, subject to the criteria stated in Section 320.
- 401.2.** Only one (1) accessory apartment shall be permitted as an accessory use to a principal owner-occupied single-family detached dwelling;
- 401.3.** An accessory apartment shall be contained within the principal building or within a portion of an accessory building;
- 401.4.** Regardless of the location of the accessory apartment, no accessory apartment shall comprise more than forty percent (40%) of the habitable floor space contained within the principal dwelling;
- 401.5.** The applicant shall demonstrate that an approved means of sewage disposal and reliable water supply shall be used;
- 401.6.** All units contained on floors above or below grade shall have a direct means of escape to ground level;
- 401.7.** Any modifications to the external appearance of the building (except fire escapes) shall complement its residential character; and,
- 401.8.** One (1) off-street parking space shall be provided in addition to those required by other uses on the property.

SECTION 402 ADULT-RELATED FACILITIES

- 402.1.** Within the (I-2) Zone, adult-related facilities are permitted by conditional use, subject to the following criteria:
- 402.2.** An adult-related facility shall not be permitted to be located within one thousand (1,000) feet of any other adult-related facility;
- 402.3.** No adult-related facility shall be located within six hundred (600) feet of any residentially-zoned land;
- 402.4.** No adult-related facility shall be located within six hundred (600) feet of any parcel of land which contains any one or more of the following specified land uses:
1. Amusement park;
 2. Camp (for minors' activity);
 3. Child care facility;
 4. Church or other similar religious facility;
 5. Community center;
 6. Museum;
 7. Park;
 8. Playground;
 9. School; or
 10. Other lands where minors congregate.
- 402.5.** The distance between any two adult entertainment establishments shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior parcel line of each establishment. The distance between any adult entertainment establishment and any land use specified above shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior property line of the adult entertainment establishment to the closest point on the property line of said land use;
- 402.6.** No materials, merchandise, or film offered for sale, rent, lease, loan, or for view upon the premises shall be exhibited or displayed outside of a building or structure;

- 402.7.** Any building or structure used and occupied as an adult-related facility shall be windowless, or have an opaque covering over all windows or doors of any area in which materials, merchandise, or film are exhibited or displayed, and no sale materials, merchandise, or film shall be visible from outside of the building or structure;
- 402.8.** No sign shall be erected upon the premises pictorially depicting or giving a visual representation of the type of materials, merchandise or film offered therein;
- 402.9.** Each entrance to the premises shall be posted with a notice specifying that persons under the age of seventeen (17) years are not permitted to enter therein and warning all other persons that they may be offended upon entry;
- 402.10.** No adult-related facility may change to another adult-related facility, except upon approval of an additional conditional use;
- 402.11.** The use shall not create an enticement for minors because of its proximity to nearby uses where minors may congregate;
- 402.12.** No unlawful sexual activity or conduct shall be permitted; and,
- 402.13.** No more than one adult-related facility may be located within one building or shopping center.

SECTION 403 AIRPORTS/HELIPORTS

- 403.1.** Within the (A) Zone, airports/heliports are permitted by conditional use, subject to the following criteria:
- 403.2.** Minimum Lot Area - Thirty (30) acres for airports and three (3) acres for heliports;
- 403.3.** All facilities shall be designed and operated in strict compliance with all applicable State and Federal laws and regulations;
- 403.4.** The applicant shall furnish evidence of the obtainment of a license from the Pennsylvania Department of Transportation, Bureau of Aviation, prior to the approval of the conditional use application; and,
- 403.5.** No part of the take-off/landing strip and/or pad shall be located nearer than three hundred (300) feet from any property line.

SECTION 404 BED AND BREAKFASTS

- 404.1. Within the (C, A, R and R-3) Zones, bed and breakfasts are permitted by special exception, subject to the following criteria:
- 404.2. Bed and breakfasts shall only be permitted within single-family detached dwellings that existed on the effective date of this Ordinance;
- 404.3. Any modifications to the external appearance of the building (except fire escapes) shall complement its residential character;
- 404.4. All floors above or below grade shall have a permanently affixed direct means of escape to ground level;
- 404.5. One (1) off-street parking space shall be provided for each room available for rent, in addition to those required for the dwelling unit;
- 404.6. All parking areas shall be set back a minimum of twenty-five (25) feet from all property lines, and shall be screened from adjoining lots and streets;
- 404.7. A bed and breakfast may erect one (1) sign no larger than twelve (12) square feet in size, which must be set back ten (10) feet from all lot lines;
- 404.8. Meals shall be offered only to registered overnight guests;
- 404.9. The applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be used; and,
- 404.10. The applicant shall furnish proof of any needed land development approvals and approval from the PA Department of Labor and Industry.

SECTION 405 BOARDING HOUSES

- 405.1. Within the (R-2 and R-3) Zones, boarding houses are permitted by special exception, subject to the following criteria:
- 405.2. The following minimum lot area requirements shall be provided:

Minimum Required Lot Size	plus	Additional Lot Area Per Boarder (up to 10 boarders)
10,000 sq. ft.	plus	500 sq. ft.

- 405.3. The applicant shall furnish evidence that approved systems for sewage disposal and water supply shall be used;

- 405.4.** No modifications to the external appearance of the building (except fire escapes) which would alter its residential character, shall be permitted;
- 405.5.** All floors above and/or below grade shall have a permanently affixed direct means of escape to ground level;
- 405.6.** One (1) off-street parking space shall be provided for each room available for rent, in addition to those required for the dwelling unit;
- 405.7.** One (1) sign, not to exceed twelve (12) square feet, shall be permitted;
- 405.8.** The applicant shall furnish proof of any needed land development approvals and approval from the PA Department of Labor and Industry; and,
- 405.9.** Within the (R-3) Zone, the applicant shall demonstrate those measures employed to incorporate the design features listed in Section 206.8. of this Ordinance. If the applicant cannot incorporate said features, the applicant shall describe what steps were taken to attempt such design, and the specific reasons why the design is impossible and/or impractical. The applicant shall also suggest what measures could be taken by the Township to facilitate such a design.

SECTION 406 CAMPGROUNDS

- 406.1.** Within the (C and R) Zones, campgrounds are permitted by special exception on a minimum of ten (10) acres, subject to the following criteria:
- 406.2.** Setbacks - All campsites shall be located at least fifty (50) feet from any side or rear property line and at least one hundred (100) feet from any public street line;
- 406.3.** Each campsite shall be at least three thousand (3,000) square feet in size and shall either provide parking space for one (1) automobile which will not interfere with the convenient and safe movement of traffic, or equivalent parking shall be provided in a common parking area;
- 406.4.** An internal road system shall be provided, as required by Section 602 of the SLDO;
- 406.5.** All outdoor play areas shall be set back one hundred (100) feet from any property line and screened from adjoining residentially-zoned properties. Such outdoor play areas shall be used exclusively by registered guests and their visitors;
- 406.6.** All campgrounds shall furnish centralized sanitary and garbage collection facilities that shall be set back a minimum of one hundred (100) feet from any property line. Such facilities shall be screened from adjoining residentially-zoned properties;

- 406.7.** Any accessory retail or service commercial uses shall be set back a minimum of one hundred (100) feet from any property line. Such accessory commercial uses shall be solely designed and constructed to serve the campground's registered guests and their visitors. Any parking spaces provided for these commercial uses shall only have vehicular access from the campground's internal road rather than the public street. All accessory commercial uses and related parking shall be screened from adjoining residentially-zoned parcels;
- 406.8.** All campgrounds containing more than one hundred (100) campsites shall have vehicular access to an arterial or collector street;
- 406.9.** A campground may construct one freestanding or attached sign containing no more than thirty-two (32) square feet. Any reference to accessory commercial or recreational facilities shall remain secondary in size to the reference of the principal campground use. Such sign shall be set back at least ten (10) feet from the street right-of-way line, at least one hundred (100) feet from any residential zone, and, at least twenty-five (25) feet from adjoining lot lines;
- 406.10.** A minimum of twenty percent (20%) of the gross area of the campground shall be devoted to active and passive recreational facilities, which shall not be located within one hundred (100) feet of any property line. Responsibility for maintenance of the recreation area shall be with the landowner;
- 406.11.** During operation every campground shall have an office in which shall be located the person responsible for operation of the campground;
- 406.12.** All water facilities, sewage disposal systems, rest rooms, solid waste disposal and vector control shall be approved and maintained in accordance with the requirements of the PA DEP; and,
- 406.13.** All lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent properties or public streets.

SECTION 407 CHURCHES AND RELATED USES

- 407.1.** Within the (A, R, RE, R-1, R-2 and R-3) Zones, churches, or churches and cemeteries, or churches and related uses are permitted by conditional use, subject to the following criteria:
- 407.2. House of Worship:**
1. Minimum lot area - Two (2) acres, provided that within the (A) Zone no church shall contain more than five (5) acres of lot area;
 2. Minimum lot width - Two hundred (200) feet;

3. All houses of worship shall have vehicular access to an arterial or collector highway;
4. Side yard setback - Fifty (50) feet on each side; and,
5. All off-street parking areas shall be set back at least twenty-five (25) feet from the street right-of-way line.

407.3. Church Related Residences (Rectories and Convents):

1. All residential uses shall be accessory, and located upon the same lot or directly adjacent to a lot containing a house of worship; and,
2. All residential uses shall be governed by the location, height and bulk standards imposed upon other residences within the site's Zone, except that any number of persons of a convent and/or seminary may share group quarters.

407.4. Church-Related Educational or Day-Care Facilities:

1. All educational or day care uses shall be accessory, and located upon the same lot as a house of worship;
2. If education or day-care is offered below the college level, an outdoor play area shall be provided, at a rate of sixty-five (65) square feet per individual enrolled. Off-street parking lots shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard and must be set back twenty-five (25) feet from all property lines. Outdoor play areas shall be completely enclosed by a minimum four (4) foot high fence, and screened from adjoining residentially-zoned properties. Any vegetative materials located within the outdoor play areas shall be of a nonharmful type (poisonous, thorny, allergenic, etc.). All outdoor play areas must provide a means of shade, such as a shade tree(s) or pavilion(s);
3. Enrollment shall be defined as the largest number of students and/or children under day-care supervision at any one time during a seven-day period;
4. Passenger “drop-off” areas shall be provided and arranged so that passengers do not have to cross traffic lanes on or adjacent to the site;
5. All educational or day-care uses shall be governed by the location, height, and bulk standards imposed upon principal uses within the underlying zone; and,
6. Unless the applicant can demonstrate that the off-street parking associated with the house of worship is sufficient for the proposed use, one (1) off-street parking space shall be provided for each six (6) students enrolled below grade ten, and/or one (1) off-street parking space for each three (3) students, grades ten and above.

407.5. Cemeteries:

1. All burial plots or structures shall be located at least twenty (20) feet from any property line or street line;
2. Assurances must be provided that water supplies of surrounding properties will not be contaminated by burial activity within the proposed cemetery; and,
3. No burial plots or facilities are permitted in floodplain or flood fringe areas.

SECTION 409 COMMERCIAL DAY-CARE FACILITIES

- 409.1.** Within the (R-1, INT and C-2) Zones, commercial day-care facilities are permitted by conditional use, in the (R-2) Zone, commercial day-care facilities are permitted by special exception, subject to the following criteria, and within the (I-1 and I-2) Zones, commercial day-care facilities are permitted uses, subject to criteria stated in Section 328.
- 409.2.** An outdoor play area shall be provided, at a rate of sixty-five (65) square feet per individual enrolled. Off-street parking compounds shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard. Additionally, outdoor play areas shall be located and designed so as not to disrupt normal activities of adjoining uses permitted within the Zone and/or neighborhood. Outdoor play areas shall be completely enclosed by a minimum four (4) foot high fence, and screened from adjoining residentially-zoned properties. Any vegetative materials located within the outdoor play areas shall be of a nonharmful type (poisonous, thorny, allergenic, etc.) All outdoor play areas must provide a means of shade, such as a shade tree(s) or pavilion(s);
- 409.3.** Enrollment shall be defined as the largest number of persons and/or children under day-care supervision at any one time during a seven-day period;
- 409.4.** Passenger “drop-off” and “pick-up” areas shall be provided on site and arranged so that the passengers do not have to cross traffic lanes on or adjacent to the site;
- 409.5.** One (1) off-street parking space shall be provided for each six (6) persons enrolled;
- 409.6.** All commercial day-care facilities shall obtain and maintain proper licensure from the Commonwealth of Pennsylvania; and,
- 409.7.** The applicant shall demonstrate that adequate safeguards are provided to protect students from nearby industrial activities and uses.

409.8. Within the R-1 zone, Commercial Day-Care Facilities are subject to the following additional criteria:

1. Tract size shall be a minimum area of 2.0 acres.
2. Tract shall be located at an existing or planned traffic signalized intersection with access of the facility limited to the secondary classified street.
3. Outdoor play areas shall be setback a minimum of twenty-five (25) feet from any adjacent residential uses or any R-1 zoned property.
4. Adequate screening shall be provided for the whole use of the property in addition to the screening required for the outdoor play areas.

SECTION 410 COMMERCIAL LIVESTOCK OPERATIONS

410.1. Within the (C) Zone, commercial livestock operations are permitted by special exception, subject to the following:

410.2. All buildings used for the housing of livestock shall consist of a solid concrete slab or slotted floor;

410.3. Minimum Lot Area - Twenty (20) acres;

410.4. Any area used for the housing, feeding and watering and/or outdoor running of livestock shall be set back five hundred (500) feet from any residential zone;

410.5. The applicant shall furnish qualified evidence that the proposed use has an approved manure management plan that complies with the applicable PA DEP guidelines. All subsequent operations on the site shall be required to strictly adhere to this approved manure management plan; and,

410.6. The applicant shall furnish evidence from the Cumberland Conservation District that the proposed use has an approved conservation plan.

SECTION 411 COMMERCIAL STOCKYARDS OR FEEDLOTS

411.1. Within the (I-2) Zone, commercial stockyards or feedlots are permitted by conditional use, subject to the following:

411.2. Minimum Lot Area - Ten (10) acres;

411.3. All areas for the storage, feeding or keeping of animals shall be completely enclosed by a fence of sufficient strength and size to prevent the escape of animals. Furthermore, all such areas shall be set back at least two hundred (200) feet from any adjoining property, except that such areas shall be set back at least five hundred (500) feet from any land within any residential zone;

411.4. All uses shall have sufficient off-street loading (or stacking) space so as to prevent the back-up of vehicles on adjoining roads;

411.5. **Access** - Vehicular access shall be so arranged as to minimize danger and congestion along adjoining roads and to avoid the creation of nuisances to nearby properties. Access drives used by trucks shall only intersect with collector or arterial roads;

1. All access drives shall be designed and located so as to permit the following minimum sight distances measured from a point at least ten (10) feet behind the curb line or edge of cartway of an intersecting public street. No sight obstructions shall be permitted which are greater than three (3) feet or less than ten (10) feet above the street surface.

Speed Limitation on Public Street (mph)	Required Sight Distance (feet)
25	240
30	275
35	315
40	350
45	425
50	475
55	550

2. All access drives serving the site shall have a paved minimum thirty-five (35) foot wide cartway for a distance of at least two hundred (200) feet from the intersecting street right-of-way line. In addition, a fifty (50) foot-long gravel section of access drive should be placed just beyond the preceding two hundred foot (200) paved section to help collect any mud that may have attached to a vehicle's wheels;
3. In general, access drives shall intersect public streets at ninety degrees (90°) as site conditions permit, however, in no case shall access drives intersect public streets at less than seventy degrees (70°). Said angle shall be measured from the centerline of the street to the centerline of access drive.

411.6. **Traffic Impact** - The applicant shall furnish a traffic study prepared by a professional traffic engineer in accordance with Section 402.05. of the SLDO;

411.7. Any exterior public address system shall be designed and arranged so that the audible levels of any messages conveyed over the system will not exceed the ambient levels of the use. Such measurements shall be conducted at the property lines; and,

411.8. All animal wastes and/or deceased animals shall be properly stored and disposed of, so as not to be objectionable at the site's property line so as not to become a nuisance to adjoining properties.

SECTION 412 COMMUNICATION ANTENNAS, TOWERS AND EQUIPMENT

- 412.1.** Within the (C, A, and R), communication antennas, towers and equipment shall be permitted by special exception, and within the (C-3, I-1 and I-2) shall be permitted by conditional use, subject to the following:
- 412.2.** Applicants are required to show compliance with the provisions of this Section and other applicable provisions of the Zoning Ordinance.
- 412.3.** Applications for the construction of communication antennas, towers, equipment, and related facilities shall include a written report containing the following:
1. Information describing the tower height and design.
 2. A cross section of the structure.
 3. Engineering specifications detailing construction of tower, base, and guy wire anchorage.
 4. Information describing the proposed painting and lighting schemes.
 5. Information describing the tower's capacity, including the number and type of antennas that it can accommodate.
 6. All tower structure information shall be certified by a licensed professional engineer.
 7. Certification that there is not suitable space on existing sites or structures where the intended facility can be accommodated and function as required without unreasonable modification.
 8. Technological evidence that the facility must go where proposed in order to satisfy its function in the grid system and provide the quality of service required by law.
 9. Written authorization from the property owner of the proposed site.
 10. Inventory of existing antenna support structures within a two-mile radius of the proposed site, discussing the unavailability of sites and reasons therefore.
 11. Evidence of the applicant's good faith efforts to locate the antenna on an existing structure.
 12. Applicant shall demonstrate that he/she is licensed by the FCC to operate a communications tower and/or communications antenna.
 13. Applicant shall demonstrate that all emission regulations required by the FCC are in compliance.

- 412.4.** All utilities that are extended to the tower site shall be placed underground.
- 412.5.** All other uses ancillary to the antenna, tower, and associated equipment are prohibited (except accessory equipment buildings), unless otherwise permitted in the zoning district in which the site is located. This includes, but is not limited to, business offices, maintenance depots and vehicle storage.
- 412.6.** Other standards of approval for antenna support structures and antenna-related facilities shall include the following:
1. Setbacks
 - A. Antenna support structures shall be set back from all lot boundary lines at least the distance equal to the combine height of both the support structure and the antenna.
 2. Height
 - A. The maximum height of any single antenna support structure located at a single site for one antenna shall be at the lowest height to function at the proposed location, based upon specific engineering data pertaining to the function of the antenna support structure, to be supplied to the applicant.
 - B. An antenna support structure may exceed the maximum allowable height to allow for the collocation of another antenna, provided that the applicant shows evidence that the antenna support structure will be a shared location site.
 - C. In no case shall the height exceed 150 feet in height.
 3. Landscaping and screening
 - A. If the antenna support structure site is located in an area of existing woodlands, the existing woodlands shall be preserved to the fullest extent possible. The existing woodlands shall be supplemented as needed to fully screen the antenna support base.
 - B. The site shall be landscaped to a density and height sufficient enough to screen the facility base tower and buildings from abutting properties.
 - C. All screening requirements are subject to the regulations in the underlying zoning district.
 4. Equipment or accessory buildings. Accessory buildings must conform to the yard setbacks as required for the zoning district in which the tower is located.
 5. Parking
 - A. At least two off-street parking spaces shall be provided.

6. Security, Maintenance, and Fencing
 - A. The site shall be secured by a fence with a minimum height of eight feet to limit accessibility by the general public.
 - B. All guy wires shall be clearly marked so as to be visible at all times and shall be located within the fence enclosure.
 - C. All equipment and buildings shall be constructed and maintained in accordance with the applicable Building Code.
 - D. All communication antennas and towers shall be fitted with anti-climbing devices, as approved by the manufactures.
7. Signs and Lighting
 - A. No signs shall be mounted on a communications tower except as may be required by the Federal Communications Commission, Federal Aviation Administration, or other governmental agency which has jurisdiction.
 - B. All communications towers shall have lights as may be required by the Federal Communications Commission, Federal Aviation Administration, or other governmental agencies which have jurisdiction. The applicant shall provide a detailed plan for sufficient lighting as required.
8. All Communication antennas shall employ the most current “stealth design” siting and design solutions. Antenna support structures shall be painted in the color that best allows it to blend into the surroundings unless otherwise required by the Federal Aviation Administration regulations. The application of the Stealth Technology chosen by the applicant shall be subject to the approval of the Township.
9. Antenna Support Structure Design and Structural Integrity
 - A. The owner of the antenna or antenna support structure shall provide a registered professional engineer’s report documenting that the structure meets the structural standards of the applicable building code in the Telecommunications Industry Association.
10. Other
 - A. Applicants shall provide documentation that certifies all communication towers, structures, and facilities are in compliance with FCC standards governing human exposure to electromagnetic radiation.
 - B. Evidence shall be submitted from a registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or structure, taking into consideration winds and other loads associated with location.

- C. The tower shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation, zoning regulations, and all other regulations of authorities having jurisdiction.
- D. Certification of insurance evidencing general liability in the minimum amount of \$1,000,000 per incident and property damage coverage in the minimum amount of \$1,000,000 per incident is required to cover the tower, antenna and structures.
- E. The replacement, collocation, or modification of communication antennas, towers, and equipment, where such facilities do not create a substantial change, shall be reviewed for conformance with applicable building permit requirements but shall not be subject to new zoning approvals beyond the initial approval for the existing structure.

11. Abandonment

- A. If an antenna support structure is unused, as evidenced by notice to the Federal Communications Commission of intent to cease operations, for a continuous period of 12 months after said notice, it shall be deemed abandoned.
- B. Any antenna support structure or antenna that is deemed to be “abandoned” must be removed within 90 days.
- C. Removal of the antenna support structure shall be the responsibility of the owner of the antenna support structure. At the time of at the time of issuance of a zoning permit, the owner and/or his successors and assigns of the antenna support structure must enter into an agreement with the Township regarding the removal of an abandoned antenna support structure, as herein defined.
- D. In the case of multiple operators sharing the use of a single tower, this provision shall become effective when all users cease operation.

SECTION 413 CONVENTION CENTERS

- 413.1.** Within the (INT) Zone, convention centers are permitted by conditional use, subject to the following:
- 413.2.** Convention centers may include any of the following uses, provided such uses are primarily sized, located and designed as one integrated development to serve those persons or groups of persons attending the convention center, and not the general public of the Township per se:
1. Offices;
 2. Hotels and motels;
 3. Meeting rooms;
 4. Banquet and social halls;
 5. Restaurants (excluding fast-food restaurants);
 6. Taverns and nightclubs;
 7. Indoor theaters and arenas;
 8. Sports stadiums;
 9. Amusement, water or theme parks and arcades if in compliance with ASTM *F770-88 Standard Practice for Operation Procedures for Amusement Rides and Devices*;
 10. Retail shops and concessionaires;
 11. Personal service shops (i.e., barbers, salons, dry cleaners, tailors, shoe repair, but excluding adult-related uses);
 12. Commercial day-care facilities; and,
 13. Information centers and booths.
- 413.3.** **Minimum Required Lot Area** - Ten (10) acres;
- 413.4.** All uses shall be served by both public sewer and public water utilities;
- 413.5.** The subject property shall front upon an arterial road;

- 413.6.** Required parking will be determined based upon a combination of the types of activities proposed and the schedule listed in the SLDO. In addition, an unimproved grassed overflow parking area to be provided for peak use periods shall be required. Such overflow parking areas shall be accessible only from the interior driveways of the permanent parking lot. Overflow parking areas shall contain fencing to prevent vehicles from crossing adjoining properties or directly accessing adjoining roads. Soil erosion, sedimentation and storm water runoff shall be controlled in accordance with all applicable laws and regulations. If, at any time after the opening of the facility, the Supervisors determine that traffic backups are occurring on adjoining roads, and such backups are directly related to the lack of on-site parking, the Supervisors can require the applicant to revise and/or provide additional on-site parking space.
- 413.7.** Any booths or other structures used for the collection of admission and/or parking fees shall be set back and arranged to prevent vehicle backups on adjoining roads during peak arrival periods. Any other collection of fees (roaming parking lot attendants) shall be conducted in a manner to prevent vehicle backups on adjoining roads. If, at any time after opening, the Township determines that traffic backups are occurring on adjoining roads, and such backups are directly related to the means of access to the subject property, the Township can require the applicant to revise means to relieve the undue congestion;
- 413.8.** Any outside pedestrian waiting lines shall be provided with a means of shade;
- 413.9.** The applicant shall furnish expert evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, noise, light, litter, dust, and pollution;
- 413.10.** Those uses involving extensive outdoor activities and/or display shall provide sufficient screening and/or landscaping measures to mitigate any visual and/or audible impacts on adjoining properties and roads. No outdoor storage is permitted;
- 413.11.** A traffic study shall be prepared by a professional traffic engineer, according to Section 402.05. of the SLDO;
- 413.12.** Any exterior public address system shall be designed and operated so that the audible levels of any messages conveyed over the system will not exceed the ambient noise levels of the use, as measured at each of the property lines;
- 413.13.** The convention center is eligible to utilize signage applicable to planned centers, as listed in Section 313 of this Ordinance; and,
- 413.14.** All uses within the convention center shall be linked with sidewalks and/or pathways to facilitate safe and efficient pedestrian movements.

SECTION 414 CONVERSION APARTMENTS

- 414.1.** Within the (R-3) Zone, conversion apartments shall be permitted by special exception, subject to the following:
- 414.2.** Conversion apartments shall only be permitted within existing single-family detached dwellings on the effective date of this Ordinance;
- 414.3.** All dwelling units within the conversion apartment building shall contain at least four hundred (400) square feet of habitable floor area;
- 414.4.** The applicant shall furnish evidence that an approved system of water supply and sewage disposal will be utilized;
- 414.5.** Any extensions or modifications to the external appearance of the building (except fire escapes) shall complement its residential character;
- 414.6.** All floors above or below grade shall have a direct means of escape to ground level;
- 414.7.** Two (2) off-street parking spaces per unit shall be provided;
- 414.8.** The applicant shall obtain any required land development approvals; and,
- 414.9.** The applicant shall demonstrate those measures employed to incorporate the design features listed in Section 206.8. of this Ordinance. If the applicant cannot incorporate said features, the applicant shall describe what steps were taken to attempt such design, and the specific reasons why the design is impossible and/or impractical. The applicant shall also suggest what measures could be taken by the Township to facilitate such a design.

SECTION 415 SALES, STORAGE AND/OR WHOLESALING OF THE FOLLOWING:

- A. HOME AND AUTO-RELATED FUELS;**
- B. NURSERY AND GARDEN MATERIALS, AND STOCK;**
- C. CONTRACTOR SUPPLIES; AND,**
- D. PLUMBING, HEATING, AIR CONDITIONING, ELECTRICAL, AND OTHER STRUCTURAL COMPONENTS OF BUILDINGS.**

- 415.1.** Within the (I-2) Zone, the sales, storage, and/or wholesaling of Home and auto-related fuels; Nursery and garden materials, and stock; Contractor supplies; and, Plumbing, heating, air conditioning, electrical, and other structural components of buildings are conditional uses, subject to the following criteria:

- 415.2.** All exterior storage areas (exclusive of nursery and garden stock) shall be screened from adjoining residentially zoned properties;
- 415.3.** The applicant shall furnish evidence that the proposed use will not be detrimental to the use of adjoining residentially zoned properties due to hours of operation, noise, light, litter, dust, and pollution;
- 415.4.** Fuel storage tanks will be set back at least two hundred and fifty (250) feet from any residentially zoned property.

SECTION 416 FAMILY DAY-CARE FACILITIES

- 416.1.** Within the (A) Zone, family day-care facilities are permitted uses, within the (C, R, RE, R-1, R-2, and R-3) Zones, family day-care facilities are permitted by special exception and within the (VO) Zone, family day-care facilities are permitted by conditional use, subject to the following criteria:
- 416.2.** All family day-care facilities shall be conducted within a detached single-family dwelling;
- 416.3.** A family day-care facility shall offer care and supervision to no more than six (6) different persons during any calendar day;
- 416.4.** All family day-care facilities with enrollment of more than three (3) persons shall furnish a valid Registration Certificate for the proposed use, issued by the PA Department of Public Welfare;
- 416.5.** An outdoor play area no less than two hundred sixty (260) square feet in area shall be provided. Such play area shall not be located within the front yard nor any vehicle parking lot. Outdoor play areas shall be set back at least twenty-five (25) feet and screened from any adjoining residentially-zoned property. A minimum four (4) foot high fence shall completely enclose the outdoor play area. Any vegetative materials located within the outdoor area shall be of a nonharmful type (poisonous, thorny, allergenic, etc.). All outdoor play areas must include a means of shade, such as a tree(s) or pavilion; and,
- 416.6.** Passenger “drop-off” and “pick-up” areas shall be provided on site and arranged so that passengers do not have to cross traffic lanes on or adjacent to the site.

SECTION 417 FARM OCCUPATIONS

- 417.1.** Within the (A and R) Zones, farm occupations may be permitted by special exception if the proposed use is accessory to the principal agricultural use of the property, and subject to the following standards:
- 417.2.** For the purposes of this section, farm occupations may involve any one of a wide range of uses, so long as it remains secondary to and compatible with the active farm use. Retail sales shall only be permitted incidental to production of goods on the site;
- 417.3.** No more than the equivalent of two (2) full-time nonresidents shall be employed by the farm occupation, and at least one (1) owner/operator of the farm occupation must reside on the site;
- 417.4.** The use must be conducted within one (1) completely-enclosed building. Where practicable the farm occupation shall be conducted within an existing farm building. However, any new building constructed for use by the farm occupation shall be located behind the farm's principal buildings, or must be no less than one hundred (100) feet from any adjoining roads or properties;
- 417.5.** Any new building constructed for use by the farm occupation shall be of a design so that it can be readily converted to agricultural use, or removed, if the farm occupation is discontinued;
- 417.6.** No part of a farm occupation shall be located within one hundred (100) feet of any side or rear lot line, nor three hundred (300) feet of any adjoining land within a residential zone. Such distances shall be measured as a straight line between the closest points of any physical improvement associated with the farm occupation and the property/zoning line;
- 417.7.** The farm occupation shall occupy no more than four thousand (4,000) square feet of gross floor area, nor more than one (1) acre of lot area. However, any access drive serving the farm occupation and the farm shall not be calculated as land serving the farm occupation;
- 417.8.** No more than fifty percent (50%) of the land devoted to a farm occupation shall be covered by buildings, structures, parking or loading areas, or any other impervious surfaces;
- 417.9.** Any sign used for a farm occupation shall not exceed ten (10) square feet in size; and,
- 417.10.** For farm parcels of up to fifty (50) acres in size, while the farm occupation is in operation, no nonfarm subdivision of the site shall be permitted.

SECTION 418 GOLF COURSES

- 418.1.** Within the (R, R-1 and INT) Zones, golf courses are permitted by conditional use, subject to the following:
- 418.2.** In no case shall the golf course design permit or encourage a golf ball to be driven across any building, building lot, parking lot, street, access drive, or driveway;
- 418.3.** **Golf Paths** - Golf paths shall be graded so as to discharge storm water runoff. Surface conditions of paths shall be provided with a dust free surface.
1. The golf course design shall minimize golf path crossings of streets, access drives and driveways. Easily identifiable golf paths must be provided for crossings of streets, access drives or driveways. The golf course design shall both discourage random crossing and require use of the golf path crossings of streets, access drives and driveways. Golf path crossings shall conform with the following:
 - A. Each crossing shall be perpendicular to the traffic movements;
 - B. Only one (1) street, access drive or driveway may be crossed at each location;
 - C. No crossing is permitted between a point fifteen (15) feet and one hundred fifty (150) feet from the cartway edge of a street, access drive or driveway intersection;
 - D. The crossing must be provided with a clear sight triangle of seventy-five (75) feet, measured along the street, access drive or driveway centerline and the golf path centerline, to a location on the centerline of the golf path, five (5) feet from the edge of the roadway. No permanent obstruction over three (3) feet high shall be placed within this area;
 - E. **Sight Distance** - Golf path intersections shall be designed to provide adequate sight distance with regard to both horizontal and vertical alignment. The required sight distance shall be governed by Section 602 of the SLDO;
 - F. The golf cart path shall not exceed a slope of eight percent (8%) within twenty-five (25) feet of the cartway crossing;
 - G. Golf path crossings shall be signed warning motorists and pedestrians and golfers. The surface of the golf path shall be brightly painted with angle stripes; and,
 - H. Golf path crossings of collector or arterial streets shall consist of a tunnel that is located below street grade. The golf course design shall both prohibit on-grade crossing of collector or arterial streets and require the use of the tunnel. The construction of the collector or arterial roadway crossing of the tunnel shall comply with PennDOT standards.

418.4. All golf course buildings shall be set back seventy-five (75) feet from any adjoining roads and one hundred (100) feet from adjoining residential structures or parcels;

418.5. Golf courses may include the following accessory uses, provided such uses are reasonably sized, and located so as to provide incidental service to the golf course employees and users:

1. Clubhouse, which may consist of:
 - A. Restaurant, snack bar, lounge, and banquet facilities;
 - B. Locker and rest rooms;
 - C. Pro shop;
 - D. Administrative offices;
 - E. Golf cart and maintenance equipment storage and service facilities;
 - F. Guest lodging for those using the golf course, provided:
 - o no lodging units have separate exterior means of ingress/egress;
 - o all lodging units shall be contained within the main clubhouse; and,
 - o such guest lodging shall have a total occupancy of no more than twenty (20) persons;
 - G. Fitness and health equipment, including workout machines, spas, whirlpools, saunas, and steam rooms;
 - H. Game rooms, including card tables, billiards, ping-pong, video games, pinball machines, and other similar table games; and,
 - I. Baby-sitting rooms and connected fence-enclosed play lots.
2. Accessory recreation amenities located outside of a building, including:
 - A. Driving range, provided that the applicant shall furnish expert evidence that all lighting has been arranged to prevent glare on adjoining properties and streets;
 - B. Practice putting greens;
 - C. Swimming pools;
 - D. Tennis, platform tennis, handball, racquetball, squash, volleyball, and badminton courts;

- E. Boccie ball, croquet, shuffleboard, quoits, horseshoe pits, and washers courses;
 - F. Picnic pavilions, picnic tables, park benches, and barbecue pits;
 - G. Hiking, biking, horseback riding, and cross-country ski trails; and,
 - H. Playground equipment and play lot games, including 4-square, dodge ball, tetherball, and hopscotch.
3. Freestanding maintenance equipment and supply buildings and storage yards.
- 418.6.** All outdoor storage of maintenance equipment and/or golf carts shall be set back at least one hundred (100) feet and screened from adjoining residential structures and roads;
- 418.7.** All dumpsters and off-street parking and/or loading areas shall be screened from adjoining or nearby residences. In addition, all off-street loading and dumpsters shall be screened from adjoining roads; and,
- 418.8.** Within the (R-1) Zone, golf courses can be integrated with cluster developments regulated by Section 327 of this Ordinance. In such instance, all open areas of the golf course can be calculated as common open space, as determined by Section 327.5. of this Ordinance.

SECTION 419 HEALTH AND FITNESS CLUBS

- 419.1.** Within the (INT) Zone, health and fitness clubs are permitted by conditional use, subject to the following:
- 419.2.** Off-street parking shall be provided as required by the combination of elements comprising the health club, including accessory uses;
- 419.3.** All outdoor recreation facilities shall be set back at least fifty (50) feet from the street right-of-way line, and twenty-five (25) feet from all other lot lines, and one hundred (100) feet from any residentially-zoned properties;
- 419.4.** Any accessory eating, or retail use, shall not be directly accessible without passing through the main clubhouse building; and,
- 419.5.** The applicant shall furnish expert evidence that all lighting of outdoor recreation areas has been arranged to prevent glare on adjoining properties and streets.

SECTION 420 HEALTH - CARE CAMPUS AND HOSPITAL

- 420.1.** Within the (INT) Zone, hospitals and related uses are permitted by conditional use, subject to the following criteria:
- 420.2.** **Minimum Lot Area** - Five (5) acres;
- 420.3.** The subject property shall have frontage along an arterial road;
- 420.4.** Adequate provision shall be made for a system of roads sufficient to accommodate predictable vehicular traffic and to ensure safe and efficient vehicular access for emergency management equipment;
- 420.5.** Emergency entrances shall be located on a building wall which faces away from adjoining residentially-zoned properties or is separated by at least three hundred (300) feet from residentially-zoned properties;
- 420.6.** The applicant shall submit a traffic study as governed by Section 402.05. of the SLDO.
- 420.7.** Public sewer, and public water utilities shall be utilized;
- 420.8.** **Materials and Waste Handling** - All health-care related uses shall be required to provide detailed information regarding materials and waste handling, including:
1. Listing of all materials to be both used or produced on the site;
 2. Listing of all wastes generated on the site; and,
 3. Evidence shall be provided indicating that the disposal of all materials and wastes will be accomplished in a manner that complies with State and Federal regulations. Such evidence shall, at a minimum, include copies of contracts with waste haulers licensed to operate within the County which have been contracted to dispose of the materials and wastes used or generated on-site or some other legal means of disposal. The zoning permit for this use shall remain valid only so long as such contracts remain in effect and all materials and wastes are properly disposed of on a regular basis. Should the nature of the use change in the future, such that the materials used or wastes generated changes significantly either in type or amount, the owner shall so inform the Zoning Officer, and shall provide additional evidence demonstrating continued compliance with the requirements of this section.
- 420.9.** Where more than one (1) of the uses enumerated in 420.10. below are proposed either at one time or separately over time, integrated site function and design shall be required consistent with the creation of a campus-like environment;

420.10. Permitted Uses:

1. Hospitals and hospices;
2. Intermediate care and skilled nursing facilities;
3. Medical and dental offices;
4. Outpatient health services, including, but not limited to, laboratories, radiological and diagnostic imaging services, blood banks, outpatient surgery centers, and outpatient clinics and patient care facilities;
5. Health and fitness clubs;
6. Commercial day-care facilities;
7. Commercial schools with exclusively health care-related curricula intended to prepare enrolled students for careers in health care, nursing schools, and other allied health technology training programs;
8. Accessory buildings, uses and services customarily incidental to the above uses, including, but not limited to, the following:
 - A. Administrative offices;
 - B. Public uses and essential services (e.g., private central utility plant, electrical switching facility, steam generation facility, heating facility, ventilation facility, and oxygen facility);
 - C. Automobile parking lots and parking garages;
 - D. Housing for students, employees and their families in accordance with the standards of the (R-2) Zone;
 - E. Lodging facilities for patients and their families;
 - F. Retail sales of medical/health care-related supplies (e.g., durable medical equipment, prosthetics, pharmaceutical supplies) and retail sales/service for the convenience of employees, patients and visitors (e.g., uniforms, flowers, gifts, uniform cleaning, barber/beauty salons, automatic teller banking, restaurants). All retail sales and services shall be located within buildings in which other permitted uses are located. Retail sales and services may not exceed five percent (5%) of the floor area of existing buildings within this Zone;

- G. Short-term, intermittent educational programs which are not intended to prepare students for careers in health care, but, rather, are intended to inform employees, patients, health care providers, or the public regarding health care issues;
- H. Helistop (see Section 420.11.1.); and,
- I. Incinerators and autoclaves (see Section 420.11.2.);

420.11. Specific Requirements for Selected Accessory Uses:

1. Helistops - The helistop shall only be used for the emergency transport by helicopter of patients to or from other permitted health care-related uses. The helistop shall not include auxiliary facilities, such as fueling and maintenance equipment. The helistop shall be set back a minimum of three hundred (300) feet from any adjoining property and any street. The applicant must demonstrate compliance, through a written statement, and continue to comply with applicable State and Federal standards; and,
2. Incinerators and Autoclaves - Only the processing of waste generated on-site is permitted. All processing and storage of waste shall be conducted within a completely-enclosed building. All storage of waste shall be in a manner that is leak- and vector-proof. No storage of waste shall exceed seven (7) days in length. The incinerator shall be set back at least a distance equal to its height from all lot lines. The applicant must demonstrate compliance, through a written statement, and continue to comply with all applicable State and Federal standards and regulations;

420.12. Maximum Permitted Height - Ninety (90) feet for hospitals, provided all structures are set back a horizontal distance equal to their height from each property line and street right-of-way line; sixty (60) feet for all other uses; and,

420.13. The applicant shall furnish a description of the effect of the proposed use on the delivery of ambulance service. This description shall include a letter from the agency responsible for ambulance service in the site's vicinity. Such letter shall describe the adequacy/inadequacy of existing facilities and services to accommodate the proposed use, and any suggestions that might enhance ambulance service. Should it be determined that the proposed use would overburden local ambulance service, the Township may attach conditions of approval that seek to assure adequate levels of service.

SECTION 421 HISTORIC STRUCTURES CONVERSIONS

- 421.1.** Within the (R-3) Zone, the conversion of historic structures is permitted by special exception, subject to the following criteria:
- 421.2.** Such conversions shall only be permitted within historic structures, as defined herein;
- 421.3.** The applicant shall furnish expert evidence that any alterations, improvements, extensions, additions or other modifications proposed to the historic structure will be accomplished in a manner that does not jeopardize the “historic” status of the structure;
- 421.4.** The applicant shall furnish evidence of an approved means of water supply and sewage disposal;
- 421.5.** The applicant shall obtain any necessary land development approvals;
- 421.6.** All off-street parking and/or loading areas shall be screened from adjoining residences and roads;
- 421.7.** One (1) sign shall be permitted which is no larger than twelve (12) square feet and is located at least ten (10) feet from all lot lines;
- 421.8.** **Historic Restaurant Conversions** - Historic restaurant conversions shall not involve drive-thru, nor fast-food restaurant operations, as defined herein;
1. All restaurant seating shall be provided within the completely-enclosed building, except that limited exterior seating may be provided if:
 - A. Such seating is situated and designed so as not to adversely impact nearby residences;
 - B. Such seating is accessory to the principal interior seating accommodations;
 - C. During use, such seating is continuously supervised by an employee or owner of the restaurant;
 - D. Any lighting or music systems serving such seating is designed and operated so as not to constitute a nuisance to adjoining properties;
 - E. The applicant shall furnish and implement a working plan for the continuous cleanup of litter and debris that may result from such outdoor seating; and,
 - F. Such seating is removed during seasons when not in use;

- 421.9. Historic Conversion Apartment** - All dwelling units within the historic conversion apartment building shall contain at least four hundred (400) square feet of habitable floor area;
1. Any extensions or modifications to the external appearance of the building (except fire escapes) shall complement its residential character;
 2. All floors above or below grade shall have a permanently affixed direct means of escape to ground level;
 3. Three (3) off-street parking spaces per unit shall be provided;
- 421.10.** Historic Office Conversions are permitted; and,
- 421.11.** All historic conversions shall demonstrate those measures employed to incorporate the design features listed in Section 206.8. of this Ordinance. If the applicant cannot incorporate said features, the applicant shall describe what steps were taken to attempt such design, and the specific reasons why the design is impossible and/or impractical. The applicant shall also suggest what measures could be taken by the Township to facilitate such a design.
- 421.12.** A Historic Structure Conversion that complies with this Section 421 may also be converted to a personal service use, a child or adult day care center, a funeral home or a retail store as a special exception use.
- 421.13** As a special exception use, the Zoning Hearing Board may also approve the construction of a new building to house a use listed as allowed by this Section 421 if the Board determines that the new construction not result from the demolition of a significant historic building and the new construction would have an exterior architectural design that would be completely consistent with the historic architectural character of the district and provided that no vehicle parking spaces shall be allowed between the principal building and the front lot line.
- 421.14** To be eligible for these uses within an existing building, the applicant shall prove the following to the satisfaction of the Zoning Hearing Board that a Registered Architect with substantial experience in the rehabilitation of historic buildings provides a written certification that the exterior of the building as visible from public streets will be historically rehabilitated, in full consideration of the Secretary of the Interior's Standards for Historic Rehabilitation, and accompanying guidelines published by the National Park Service. A rendering, elevation or similar graphic shall be presented to the Board to show the appearance of the building as viewed from a public street after the use is occupied.

SECTION 422 HOME OCCUPATIONS

- 422.1.** Within the (C, A, R, RE, R-1, R-2, and R-3) Zones, home occupations are permitted by special exception, and within the (VO) Zone, home occupations are permitted by conditional use, subject to the following criteria:
- 422.2.** The use shall be clearly incidental to the primary use of the premises as a dwelling for living purposes;
- 422.3.** Only residents of the dwelling may be engaged in the home occupation use;
- 422.4.** No more than one (1) home occupation may be located in any dwelling unit;
- 422.5.** The home occupation shall not alter the appearance of the building as a dwelling unit;
- 422.6.** No mechanical equipment shall be employed in a home occupation, other than that customarily utilized for hobby or domestic purposes;
- 422.7.** No sales of any goods or merchandise shall occur on the premises, other than those goods or merchandise which are produced on the premises;
- 422.8.** No manufacturing shall occur on the premises other than the products of customary hobbies and fabrication of garments by a seamstress;
- 422.9.** No goods shall be displayed so as to be visible from the exterior of the premises;
- 422.10.** Home occupations shall be limited to not more than twenty-five percent (25%) of the floor area of the dwelling unit, or five hundred (500) square feet, whichever is less;
- 422.11.** No accessory building or structure shall be utilized for any aspect of a home occupation;
- 422.12.** In addition to the required parking spaces for the dwelling unit, one (1) parking space per potential patron on site at one time shall be provided;
- 422.13.** Only one (1) sign advertising a home occupation shall be permitted. Such sign shall not be illuminated and shall be limited to four (4) square feet in display area, including all sides of the sign; and,
- 422.14.** The applicant shall submit evidence of all applicable State approvals.

SECTION 423 HOTELS AND RELATED FACILITIES

423.1. Within the (O and INT) Zones, hotels and related facilities are permitted by conditional use, subject to the following criteria:

423.2. Minimum Lot Area - Five (5) acres;

423.3. Both public sewer and public water shall be utilized;

423.4. The following accessory uses may be approved as part of the conditional use application:

1. Auditorium;
2. Barber and beauty shops;
3. Tavern or nightclub;
4. Gift shop;
5. Meeting facilities;
6. Recreational uses and swimming pools;
7. Restaurants;
8. Sauna, spa or steam room;
9. Solarium;
10. Valet shop; and,
11. Other similar retail sales and personal services; and,

423.5. The above accessory uses (aside from outdoor recreational uses) shall be physically attached to the main hotel building except that one (1) freestanding restaurant, tavern or nightclub shall be permitted on the same lot as a principal hotel, subject to the following:

1. The proposed restaurant, tavern or nightclub shall offer the preparation and serving of food and drink to be consumed on the premises; no drive-thru or take-out services shall be permitted;
2. No additional freestanding signs (other than those permitted for the principal hotel use) shall be permitted;

3. If a nightclub is proposed, the applicant shall furnish evidence as to what means assure that the proposed nightclub will not constitute a nuisance to adjoining uses (including the hotel) by way of noise, litter, loitering and hours of operation;
4. Sufficient off-street parking spaces have been provided and located to conveniently serve the freestanding restaurant, tavern and/or nightclub without interfering with required off-street parking associated with the hotel use; and,
5. No part of any nightclub shall be located within six hundred (600) feet of any residentially-zoned land.

SECTION 424 JUNKYARDS

- 424.1.** Within the (I-2) Zone, junkyards are permitted by conditional use, subject to the following criteria:
- 424.2.** **Minimum Lot Area** - Ten (10) acres;
- 424.3.** The outdoor area devoted to the storage of junk shall be completely enclosed by an eight (8) foot high, sight-tight fence which shall be set back at least fifty (50) feet from all property lines and one hundred (100) feet from residentially-zoned properties;
- 424.4.** The setback area between the fence and the lot lines shall be kept free of weeds and all scrub growth;
- 424.5.** All completely-enclosed buildings used to store junk shall be set back at least fifty (50) feet from all property lines;
- 424.6.** No material may be stored or stacked so that it is visible from adjoining properties and roads;
- 424.7.** All additional Federal and State laws shall be satisfied;
- 424.8.** All junk shall be stored or arranged so as to permit access by firefighting equipment and to prevent the accumulation of water, and with no junk piled to a height greater than eight (8) feet;
- 424.9.** No material shall be burned at any time;
- 424.10.** Any junkyard shall be maintained in such a manner as to cause no public or private nuisance, nor to cause any offensive or noxious sounds or odors, nor to cause the breeding or harboring of rats, flies, or other vectors; and,
- 424.11.** No junkyard shall be located on land with a slope in excess of five percent (5%).

SECTION 425 MEDICAL RESIDENTIAL CAMPUSES

- 425.1.** Within the (R-2) Zone, medical residential campuses are permitted by conditional use, subject to the following criteria:
- 425.2.** The campus shall primarily serve the needs of retirement-aged persons. At least one (1) resident of each household shall be at least fifty (50) years old, or possess some handicap that can be treated within a setting like the medical residential campus;
- 425.3.** The campus shall achieve a balanced residential/medical environmental which cannot be achieved through the use of conventional zoning techniques;
- 425.4.** Residences shall be functionally, physically, and architecturally integrated with medical service and recreational activity centers;
- 425.5.** Commercial, medical, and recreational uses shall be grouped together and located near the populations being served;
- 425.6.** The minimum land area devoted to the campus shall be ten (10) contiguous acres;
- 425.7.** The site shall front on and have access to a collector or arterial road;
- 425.8.** All buildings or structures containing nonresidential use(s), off-street parking lots and loading areas shall be set back at least seventy-five (75) feet from all adjoining residentially-zoned land, and fifty (50) feet from all lot lines of the campus property;
- 425.9.** The maximum permitted overall density is ten (10) dwelling units per acre. For purposes of this section, each 1.5 care beds associated with a medical use shall constitute one dwelling unit. No more than fifty percent (50%) of the total number of permitted dwelling units shall consist of care beds;
- 425.10.** All buildings or structures used solely for residential purposes shall be set back at least fifty (50) feet from all lot lines of the campus property;
- 425.11.** The maximum permitted height is sixty (60) feet, provided that an additional two (2) feet of required building setback shall be provided for that portion of building height exceeding thirty-five (35) feet. Furthermore, any building exceeding thirty-five (35) feet in height shall require the applicant to obtain a letter from the Township Emergency Management Coordinator indicating that adequate provision has been made for firefighting and rescue activities;
- 425.12.** No more than sixty percent (60%) of the subject property shall be covered with buildings, parking and loading areas and/or other impervious surfaces;
- 425.13.** Each off-street parking lot shall provide at least twenty percent (20%) of the total parking spaces as those designed for the physically handicapped. Furthermore, such parking spaces shall be located throughout the campus in such a manner to be conveniently accessible to the buildings/uses for which they are required;

425.14. Only those uses which provide a harmonious, balanced mix of medical, residential, limited commercial and recreational uses, primarily serving campus residents, and public, quasi-public and medical services for the off-campus retirement-aged community will be permitted. Uses may include, but need not be limited to the following:

1. Dwelling, nursing homes, and congregate living facilities for the elderly or physically handicapped;
2. Medical facilities including offices, laboratories, clinics, professional or paramedical training centers, and ambulatory care facilities;
3. Commercial uses which are strictly related and subordinate to the residential/medical character of the campus and which directly serve the residents and employees of, or visitors to, the center. The uses should be chosen to reflect their local orientation to the immediate campus vicinity and should be of a size and scope so as not to interfere with existing or proposed retail uses located in the off-campus area; and,
4. Recreational and social uses, such as athletic facilities, community centers, and assembly halls, limited to use only by campus residents, employees, or their guests; and,

425.15. The applicant shall furnish a description of the effect of the proposed use on the delivery of ambulance service. This description shall include a letter from the agency responsible for ambulance service in the site's vicinity. Such letter shall describe the adequacy/inadequacy of existing facilities and services to accommodate the proposed use, and any suggestions that might enhance ambulance service. Should it be determined that the proposed use would overburden local ambulance service, the Township may attach conditions of approval that seek to assure adequate levels of service.

SECTION 426 NIGHTCLUBS

426.1. Within the (C-2 and C-3) Zones, nightclubs are permitted by conditional use, subject to the following criteria:

426.2. No part of the subject property shall be located within six hundred (600) feet of any residentially-zoned land;

426.3. The applicant shall furnish expert evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, light, and/or litter;

426.4. The applicant shall furnish expert evidence as to how the use will be controlled so as to not constitute a nuisance due to noise or loitering outside the building; and,

426.5. A working plan for the cleanup of litter shall be furnished and implemented by the applicant.

426.6. Within the C-2 zone, nightclubs must be accessory to some other permitted principal use, including, but not limited to: restaurants, taverns, and hotels. In addition, no area used for nightclub purposes shall have direct exterior access.

SECTION 427 NONCOMMERCIAL KEEPING OF LIVESTOCK

427.1. Within the (RE) Zones, noncommercial keeping of livestock is permitted by special exception, subject to the following criteria and within the (C, A, and R) Zones, noncommercial keeping of livestock is a permitted use, subject to the criteria stated in Section 337.

427.2. Minimum Lot Area - Two (2) acres. Additionally, the following list specifies additional area requirements by size of animals kept:

GROUP 1 - Animals whose average adult weight is less than ten (10) pounds shall be permitted at an animal density of twelve (12) per acre, with a maximum number of fifty (50) animals;

GROUP 2 - Animals whose average adult weight is between ten (10) and sixty-five (65) pounds shall be permitted at an animal density of two (2) per acre, with a maximum number of twenty (20) animals; and,

GROUP 3 - Animals whose average adult weight is greater than sixty-five (65) pounds shall be permitted at an animal density of one (1) per acre, with a maximum number of five (5) animals.

The keeping of a combination of animal types (Group 1, 2 and 3) shall require an animal density equal to the ratio of the number of animals, by type. In no case shall a lot contain more than fifty (50) total animals. Should one structure be used to house a combination of animal types, the most restrictive setback shall apply;

427.3. The following lists minimum setbacks (from all property lines) imposed upon the placement of any structure used to house noncommercial livestock:

GROUP 1 Animals

Up to 25 animals, a 25-foot setback;
Above 25 animals, a 50-foot setback;

GROUP 2 Animals

Up to 2 animals; a 50-foot setback;
Above 2 animals; a 100-foot setback; and,

GROUP 3 Animals

One hundred (100) feet.

- 427.4. All structures used to house noncommercial livestock shall be prohibited from placement in the front yard;
- 427.5. All outdoor pasture/recreation areas shall be enclosed with fencing to prevent the escape of the animals;
- 427.6. All animal wastes shall be properly stored and disposed of, so as not to be objectionable at the site's property line. All animals, their housing, and their outdoor pasture/recreation areas shall be properly maintained so as not to become a nuisance to adjoining properties.

SECTION 428 NURSING, REST OR RETIREMENT HOMES

- 428.1. Within the (R-2) Zone, nursing, rest or retirement homes are permitted by conditional use, subject to the following criteria:
- 428.2. The site shall contain at least two (2) acres;
- 428.3. All parking areas shall be set back a minimum of twenty-five (25) feet from all property lines, and shall be screened from adjoining lots and streets;
- 428.4. A nursing, rest or retirement home may erect one (1) sign no larger than twelve (12) square feet in size, which must be set back ten (10) feet from all lot lines;
- 428.5. The applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be utilized;
- 428.6. At least ten percent (10%) of required parking spaces shall be designed for handicapped persons; and,
- 428.7. No more than twenty-seven (27) care beds per acre shall be permitted.

SECTION 429 OFF-STREET OFF-SITE PARKING LOTS FOR NEARBY LAND USES

- 429.1.** Within the (R-3) Zone, off-street off-site parking lots are permitted by special exception, subject to the following criteria:
- 429.2.** The off-site parking lot shall be within two hundred (200) feet walking distance of the lot on which the principal use is located;
- 429.3.** A safe pedestrian access way shall be provided between the off-site parking lot and the principal use;
- 429.4.** No more than seventy-five percent (75%) of the total number of required parking spaces shall be provided off-site;
- 429.5.** When possible, the off-site parking lot shall be designated for employee use;
- 429.6.** The parking lot shall conform with all other off-street parking design requirements of the SLDO;
- 429.7.** Off-street off-site parking lots shall only be permitted where it can be demonstrated that insufficient areas exist upon the site for required parking and that such insufficiency is not the result of building expansion which occurred after the effective date of this Ordinance; and,
- 429.8.** All applicants shall demonstrate those measures employed to incorporate the design features listed in Section 206.8. of this Ordinance. If the applicant cannot incorporate said features, the applicant shall describe what steps were taken to attempt such design, and the specific reasons why the design is impossible and/or impractical. The applicant shall also suggest what measures could be taken by the Township to facilitate such a design.

SECTION 430 PRINCIPAL WASTE HANDLING FACILITIES

- 430.1.** Within the (I-2) Zone, principal waste handling facilities are permitted by conditional use, subject to the following criteria:
- 430.2.** All principal waste handling facilities for “municipal and residual wastes,” as defined by the PA DEP, shall be operated, and/or designated to be operated, by the Solid Waste Authority of Cumberland County;
- 430.3.** Any processing and/or treatment of waste (including but not limited to incineration, composting, steaming, shredding, compaction, material separation, refuse derived fuel, pyrolysis, etc.) shall be conducted within a wholly-enclosed building;
- 430.4.** No waste shall be deposited, stored or disposed of, and no building or structure shall be located, within two hundred feet (200) of any property line, and five hundred (500) feet of any land within a residential zone;
- 430.5.** Any external area used for the unloading, transfer, storage, or deposition of waste must be completely screened from view at the property line. (The use of an earthen berm is encouraged where practicable.) In addition, such areas must also be completely enclosed by an eight (8) foot high fence, with no openings greater than two (2) inches in any direction;
- 430.6.** The applicant must demonstrate compliance (through a written statement) and continue to comply with all applicable State and Federal standards and regulations;
- 430.7.** The use shall be screened from all adjoining properties;
- 430.8.** All uses shall provide sufficiently-long stacking lanes into the facility, so that vehicles waiting to be weighed and/or unloaded will not back-up onto public roads;
- 430.9.** All access drives on the site shall be completely paved, except in the case of landfills where access drives are required to be paved for a distance of at least two hundred (200) feet from the street right-of-way line. In addition, if portions of on-site access drives are unpaved, then a fifty (50) foot long gravel section of driveway shall be placed just beyond the preceding two hundred (200) foot paved section to help collect any mud that may have attached to a vehicle's wheels;
- 430.10.** Access to the site shall be limited to those posted times when an attendant is on duty. In order to protect against the indiscriminate and unauthorized dumping, all areas of the site shall be protected by locked barricades, fences, gates or other positive means designed to deny access to the area at unauthorized times or locations;
- 430.11.** Litter control shall be exercised to prevent the scattering of wind-borne debris, and a working plan for the cleanup of litter shall be submitted to the Township;
- 430.12.** The unloading, processing, treatment, transfer, and disposal of waste shall be continuously supervised by a qualified facility operator;

- 430.13.** Any waste that is to be recycled shall be stored in leak- and vector-proof containers. Such containers shall be designed to prevent their being carried by wind or water. These containers shall be stored within a completely-enclosed building;
- 430.14.** All storage of waste shall be indoors in a manner that is leak- and vector- proof. During normal operation, no more waste shall be stored on the property than is needed to keep the facility in constant operation; but, in no event for more than twenty-four (24) hours;
- 430.15.** A contingency plan for the disposal of waste during a facility shutdown, shall be submitted to the Township;
- 430.16.** Leachate from the waste shall be disposed of in a manner in compliance with any applicable State and Federal laws or regulations. If leachate is to be discharged to a municipal sewage facility, pre-treatment shall be required and appropriate permits shall be obtained from the applicable agencies and authorities. In no event shall leachate be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with the Department of Environmental Protection's regulations;
- 430.17.** All structures shall be set back at least a distance equal to their height;
- 430.18.** The applicant shall submit an analysis of raw water needs (groundwater or surface water) from either private or public sources, indicating quantity of water required. If the source is from a municipal system, the applicant shall submit documentation that the public authority will supply the water needed.

In addition, if the facility is to rely upon non-public sources of water, a water feasibility study will be provided to enable the municipality to evaluate the impact of the proposed development on the groundwater supply and on existing wells. The purpose of the study will be to determine if there is an adequate supply of water for the proposed development and to estimate the impact of the new development on existing wells in the vicinity. The water feasibility shall be reviewed by the municipal engineer.

A water system which does not provide an adequate supply of water for the proposed development, considering both quantity and quality, or does not provide for adequate groundwater recharge, considering the water withdrawn by the proposed development, shall not be approved by the municipality.

A water feasibility study shall include the following information:

- calculations of the projected water needs;
- a geologic map of the area with a radius of at least one mile from the site;
- the location of all existing and proposed wells within one thousand (1,000) feet of the site, with a notation of the capacity of all high-yield wells;
- the location of all existing on-lot sewage disposal systems within one thousand (1,000) feet of the site;
- the location of all streams within one thousand (1,000) feet of the site and all known point sources of pollution;

- based on the geologic formation(s) underlying the site, the long-term safe yield shall be determined;
 - a determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams, and the groundwater table; and,
 - a statement of the qualifications and the signature(s) of the person(s) preparing the study;
- 430.19.** The applicant shall provide a qualified traffic analysis, as described in Section 402.05. of the SLDO;
- 430.20.** A minimum one hundred (100) foot wide landscape strip shall be located along all property lines. No structures, storage, parking, or any other related activity or operation shall be permitted within this landscape strip. Any fences or other screening erected on the site, must not be located within this landscape strip;
- 430.21.** The applicant shall furnish expert testimony regarding emergency preparedness measures provided and/or otherwise available to respond to potential hazards regarding the spill of waste materials during transport to and from the site, and potential hazards regarding firefighting of waste materials upon the site; and,
- 430.22.** No principal waste handling facility shall be located within one (1) mile of another, as measured in a straight line between closest property lines.

SECTION 431 PRIVATE CLUBHOUSES

- 431.1.** Within the (C and R) Zones, private clubhouses are permitted by special exception, subject to the following standards:
- 431.2.** All private clubs shall front, and have access to, an arterial or collector road;
- 431.3.** All off-street parking shall be provided between the front face of the building and a point twenty-five (25) feet from the right-of-way line of adjoining road(s). Parking compounds will also be set back thirty (30) feet from any adjoining residential lot lines;
- 431.4.** All outdoor recreation/activity areas shall be set back at least fifty (50) feet from any property line;
- 431.5.** Screening shall be provided along any adjoining residentially-zoned property; and,
- 431.6.** The applicant must furnish evidence as to how the use will be controlled so as not to constitute a nuisance due to noise or loitering outside the clubhouse.

SECTION 432 PUBLIC AND PRIVATE SCHOOLS

- 432.1.** Within the (A, R, and R-1) Zones, public and private schools (excluding vocational and mechanical trade schools) and within the (R-2) Zone, only private schools (excluding vocational and mechanical trade schools) are permitted by special exception, subject to the following criteria:
- 432.2.** All height, area, setback, and coverage standards within the underlying zone shall apply;
- 432.3.** All off-street parking lots shall be set back twenty-five (25) feet and screened from adjoining property lines;
- 432.4.** All buildings shall be set back at least one hundred (100) feet from any adjoining land within a residential zone;
- 432.5.** If education is offered below the college level, an outdoor play area shall be provided, at a rate of sixty-five (65) square feet per individual enrolled. Off-street parking lots shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard and must be set back twenty-five (25) feet from all property lines. Outdoor play areas shall be completely enclosed by a minimum four (4) foot high fence and screened from adjoining residentially-zoned properties. Any vegetative materials located within the outdoor play area shall be of a nonharmful type (poisonous, thorny, allergenic, etc.). All outdoor play areas must provide a means of shade such a shade tree(s) or pavilion(s);
- Enrollment shall be defined as the largest number of students on the site at any one time during a seven (7) day period;
- 432.6.** Passenger “drop-off” and “pick-up” areas shall be provided and arranged so that students do not have to cross traffic lanes on or adjacent to the site; and,
- 432.7.** Within the (A) Zone, schools shall only offer education through grade eight, and no school shall contain more than two (2) acres of lot area.

SECTION 433 QUARRY-RELATED MANUFACTURING, MIXING AND PROCESSING FOR SALE OF ASPHALTIC OR BITUMINOUS PRODUCTS

- 433.1.** Within the (Q) Zone, quarry-related manufacturing, mixing and processing for sale of asphaltic or bituminous products is permitted by conditional use, subject to the following criteria:

- 433.2.** In addition to those requirements listed in Section 223, the applicant shall submit a scaled site plan which depicts the location and identification of uses of all buildings within a circular area having a radius of 1,500 feet from the proposed site of the use being sought; and,

- 433.3.** After reviewing the required submission under Section 223.14.(Operational Requirements), should the Board of Supervisors, after a period of operation for one (1) year, determine that the conditional use is detrimental to the health, safety and general welfare of the Township, the Board shall give the operator of the use written notification of the specific detrimental effects, and the operator must correct the specified detrimental effects within ninety (90) days from such date of notice. Failure to correct the detrimental effects within ninety (90) days will result in a notice of termination being sent to the operator by said Board. The operator must cease said use within one (1) year after receipt of said termination.

SECTION 434 (RESERVED FOR FUTURE USE)

SECTION 435 SHOOTING RANGES

- 435.1.** Within the (C) Zone, shooting ranges are permitted by conditional use, subject to the following criteria:

- 435.2. Shooting Range Operations:**
 - 1. May not substantially injure or detract from the lawful existing or permitted use of neighboring properties;
 - 2. May not substantially damage the health, safety or welfare of the Township or its residents and property owners;
 - 3. Must comply with all applicable State and local laws, rules and regulations regarding the discharge of a firearm;
 - 4. Shall limit the storage of ammunition to only that utilized for each day's activity, and in no event shall ammunition remain on the property for greater than twenty-four (24) hours. The storage of live ammunition may only occur indoors in an area secured from general access;

5. Shall limit the number of shooters to the number of firing points or stations identified on the development plan;
 6. Shall require all shooters to satisfactorily complete an orientation safety program given in accordance with the National Rifle Association before they are allowed to discharge firearms;
 7. Shall limit the consumption of alcoholic beverages to days when no shooting activities are permitted, or when the shooting activities are completed for that day. Furthermore, alcoholic beverages may only be consumed in designated areas away from the firing points or stations; and,
 8. Shall limit firing to the hours between one (1) hour after dawn and one (1) hour preceding dusk;
- 435.3.** A development plan shall identify the Safety Fan for each firing range. The Safety Fan shall include the area necessary to contain all projectiles, including direct fire and ricochet. The Safety Fan configuration shall be based upon qualified expert testimony regarding the trajectory of the bullet and the design effectiveness of berms, overhead baffles, or other safety barriers to contain projectiles to the Safety Fan;
- 435.4.** The firing range, including the entire Safety Fan, shall be enclosed with a six (6) foot high non-climbable fence to prevent unauthorized entry into the area. Range caution signs with eight (8) inch tall, red letters on a white background shall be posted at a maximum of one hundred (100) foot intervals around the range perimeter. Signs shall read "SHOOTING RANGE AREA. KEEP OUT!";
- 435.5.** Range flags shall be displayed during all shooting activities. Range flags shall be located in a manner visible from entrance drives, target areas, range floor, and the perimeter of the Safety Fan;
- 435.6.** All surfaces located within the Safety Fan, including the backstop, overhead baffles, berms, and range floor, shall be free of hardened surfaces, such as rocks or other ricochet-producing materials;
- 435.7.** All shooting range facilities, including buildings, parking, firing range, and Safety Fan shall be set back a minimum of one hundred (100) feet from the property line and street right-of-way;
- 435.8.** Sound abatement shields or barriers shall be installed on shooting ranges located within one quarter (1/4) mile of a residential zone, unless significant natural barriers exist. The applicant shall present credible evidence that the sounds of shooting in the residential zone does not exceed the ambient noise level;
- 435.9.** Off-street parking facilities shall be provided with a ratio of one and one-half (1½) spaces per firing station, but not less than one (1) space for each four (4) seats; and,
- 435.10.** No part of a shooting range property shall be located within one-quarter (1/4) mile of any land within a residential zone.

SECTION 436 SHOPPING CENTERS OR MALLS

- 436.1.** Within the (C-2 and C-3) Zones, shopping centers or malls may be permitted by conditional use, subject to the following:
- 436.2.** The subject property shall front on an arterial or collector road, and all access drives shall be set back at least two hundred (200) feet from the intersection of any street right-of-way lines;
- 436.3.** **Minimum Lot Size** - Two (2) acres;
- 436.4.** **Minimum Lot Width** - Two hundred (200) feet;
- 436.5.** A minimum of 5.5 off-street parking spaces shall be provided for each one thousand (1,000) square feet of gross leasable floor area;
- 436.6.** Both public sewer and public water shall be utilized;
- 436.7.** **Maximum Lot Coverage** - Seventy percent (70%);
- 436.8.** A traffic study shall be submitted by the applicant, in accordance with Section 402.05. of the SLDO.
- 436.9.** The shopping center shall be permitted to use planned center signs as regulated in Section 313 of this Ordinance and
- 436.10** Solid fencing or earthen berm at a height of six (6) feet shall be installed along all areas of the shopping center bordering residentially used or zoned property by whoever is the latter to develop the parcel.

SECTION 437 TRUCK OR MOTOR FREIGHT TERMINALS

- 437.1.** Within the (I-2) Zone, truck or motor freight terminals are permitted by conditional use, subject to the following criteria:
- 437.2.** Access shall be onto U. S. Route 11 or one of its feeder roads; and,
- 437.3.** The applicant shall furnish a traffic study prepared by a professional traffic engineer, in accordance with Section 402.05. of the SLDO.

SECTION 438 TRUCK STOPS

- 438.1.** Within the (I-2) Zone, truck stops are permitted by conditional use subject to the following criteria:
- 438.2.** The subject property shall have a minimum of three hundred (300) feet of road frontage along an arterial road;
- 438.3.** The subject property shall be located no closer than five hundred (500) feet from any residential zone and/or property containing a school, day-care facility, park, playground, library, hospital, nursing, rest or retirement home, or medical residential campus;
- 438.4.** All structures (including, but not limited to, air compressors, fuel pump islands, kiosks) shall be set back at least fifty (50) feet from any street right-of-way line;
- 438.5.** Access driveways shall be a minimum of twenty-eight (28) feet, and a maximum of thirty-five (35) feet wide. All access drives onto the same road shall be set back at least one hundred fifty (150) feet from one another, as measured from closest points of cartway edges;
- 438.6.** Off-street parking shall be provided at a rate equal to that required for each of the respective uses comprising the truck stop. The applicant shall also present credible evidence that the number of “oversized” off-street parking spaces provided for trucks will be adequate to accommodate the expected demand generated by truck patrons. Any gates or other barriers used at the entrance to parking areas shall be set back and arranged to prevent vehicle back-ups onto adjoining roads during peak arrival periods;
- 438.7.** Trash receptacles shall be provided amid off-street parking areas which shall be routinely emptied. Furthermore, a working plan for the regular clean-up of litter shall be furnished and continuously implemented by the applicant;
- 438.8.** All uses involving drive-thru restaurant and/or drive-thru vehicle service and/or washing shall provide sufficient on-site stacking lanes to prevent vehicle back-ups on adjoining roads;
- 438.9.** All vehicle service and/or repair activities shall be conducted within a completely enclosed building. No outdoor storage of parts, equipment, lubricants, fuels, or other materials used or discarded in any service or repair operations, shall be permitted;
- 438.10.** The outdoor storage of unlicensed vehicles is prohibited;
- 438.11.** All vehicles and machinery shall be repaired and removed from the premises promptly;
- 438.12.** The demolition or junking of vehicles and machinery is prohibited. Demolished vehicles and/or parts thereof, shall be removed within two (2) weeks after arrival;

- 438.13. Any exterior public address system shall be designed and operated so that the audible levels of any messages conveyed over the system will not exceed the ambient noise levels of the use, as measured at each of the property lines;
- 438.14. The applicant shall submit a traffic study as governed by Section 402.05. of the SLDO; and,
- 438.15. The applicant shall furnish evidence that the storage and disposal of materials and wastes will be accomplished in a manner that complies with all applicable State and Federal regulations.

SECTION 439 SLAUGHTERING, PROCESSING, RENDERING, AND PACKAGING OF FOOD PRODUCTS AND THEIR BY- PRODUCTS

- 439.1. Within the (I-2) Zone, slaughtering, processing, rendering, and packaging of food products and their by-products are permitted by conditional use, subject to the following criteria:
- 439.2. **Minimum Lot Area** - Five (5) acres;
- 439.3. The subject site shall have access to a major collector or arterial road;
- 439.4. Public sewer and public water facilities shall be utilized;
- 439.5. All aspects of the slaughtering, processing, rendering, and packaging operation, excepting the unloading and holding of live animals, shall be conducted within a completely-enclosed building;
- 439.6. All live animals held outside shall be within secure holding pens or runways, sufficiently large to accommodate all animals without crowding, and not located within the front yard;
- 439.7. The applicant shall furnish a working plan for the recovery of escaped animals which minimizes the potential for animals to enter traffic or cross property lines, and which shall be continuously implemented;
- 439.8. All animal wastes shall be regularly cleaned up and properly disposed of, so as not to be objectionable at the site's property line;
- 439.9. The unloading of live animals from trucks into holding pens and their movement into the plant shall be continuously supervised by a qualified operator, whose responsibility it shall also be to immediately identify and appropriately dispatch any obviously ill or injured animals;

- 439.10.** The unloading of live animals and their movement into the plant shall be conducted in an orderly and calm manner so as to minimize noise levels;
- 439.11.** The loading and unloading of trucks shall be restricted to the hours between 6:00 a.m. and 10:00 p.m.;
- 439.12.** No exterior animal holding pens and/or areas devoted to loading/unloading of animals shall be located within two hundred (200) feet of any property line nor five hundred (500) feet of any land within a residential zone;
- 439.13.** All animal holding pens and/or areas used for the loading/unloading of animals shall be screened from all adjoining properties and shall include a minimum fifty (50) foot wide landscape strip;
- 439.14.** Sewer and water lines shall not meet within or beneath the plant, and shall further be designed and installed to minimize the potential for leakage and contamination by maximizing the separation distance between lines and laying sewer lines at greater depth than water lines;
- 439.15.** Where wastewater pretreatment is required by the EPA or local authority, wastewater shall be kept completely covered at all times to reduce the potential for release of odors. In no event shall wastewater be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with PA DEP regulations;
- 439.16.** All unusable animal by-products shall be stored indoors in leak- and vector-proof containers. In the case of slaughtering or processing operations which do not do their own rendering, the applicant shall provide evidence of a written contract with a rendering operation for the daily disposal of such waste products. In no case shall any waste products remain on the site for more than twenty-four (24) hours;
- 439.17.** The applicant must demonstrate written compliance with, and continue to comply with, all applicable local, State and Federal standards and regulations;
- 439.18.** The use shall provide sufficiently-long stacking lanes and on-site loading/unloading areas, so that trucks waiting to be loaded/unloaded will not back up onto public roads. No parking or loading/unloading shall be permitted on or along any public road;
- 439.19.** **Access** - Vehicular access shall be so arranged as to minimize danger and congestion along adjoining roads and to avoid the creation of nuisances to nearby properties. Access drives used by trucks shall only intersect with major collector or arterial roads;
1. All access drives shall be designed and located so as to permit the following minimum sight distances measured from a point at least ten (10) feet behind the curb line or edge of cartway of an intersecting public street. No sight obstructions shall be permitted which are greater than three (3) feet or less than ten (10) feet above the street surface.

Speed Limitation on Public Street (mph)	Required Sight Distance (feet)
25	240
30	275
35	315
40	350
45	425
50	475
55	550

- 439.20.** All access drives onto the site shall have a paved minimum thirty-five (35) foot wide cartway for a distance of at least two hundred (200) feet from the street right-of-way. In addition, if portions of on-site access drives are unpaved, then a fifty (50) foot long gravel section of driveway shall be placed just beyond the preceding two hundred (200) foot paved section to help collect any mud that may have attached to a vehicle's wheels; and,
- 439.21.** The applicant shall furnish a traffic study prepared by a professional traffic engineer in accordance with Section 402.05 of the SLDO.

**SECTION 440 AUTOMOBILE SALES AND AUTOMOTIVE SERVICE
AND REPAIR FACILITIES**

- 440.1** Within the (I-1) and (I-2) Zones, automobile sales and automotive service and repair facilities are permitted by conditional use, subject to the following:
- 440.2** The subject property shall have a minimum of one hundred fifty (150) feet of road frontage along U.S. Route 11;
- 440.3** All structures shall be set back at least fifty (50) feet from the street right-of-way line of U.S. Route 11;
- 440.4** All service and/or repair activities shall be conducted within a completely-enclosed building;
- 440.5** Lubricants, fuel or other petroleum products used as part of the service or repair operation, shall be properly stored and/or discarded;
- 440.6** Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directed toward any adjoining residentially-zoned property;
- 440.7** The demolition or junking of vehicles is prohibited.

SECTION 441 HEAVY INDUSTRIAL USES

- 441.1.** Within the (I-2) Zone, heavy industrial uses are permitted by conditional use, subject to the following criteria:
- 441.2.** The applicant shall provide a detailed written description of the proposed use in each of the following topics:
1. The nature of the on-site processing operations, the materials used in the process, the products produced, and the generation and methods for disposal of any wastes and/or by-products. In addition, the applicant shall furnish evidence that the storage and disposal of materials will be accomplished in a manner that complies with State and Federal regulations;
 2. The general scale of the operation in terms of its market area, specific floor space requirements for each step of the industrial process, the total number of employees on each shift, and an overall needed site size;
 3. Any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, waste water, storm water, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish expert evidence that the impacts generated by the proposed use fall within acceptable levels as regulated by applicable laws and ordinances, including but not limited to those of Section 315 of this Ordinance; and,
 4. A traffic study prepared by a professional traffic engineer, according to Section 402.05 of the SLDO.

SECTION 442 HEAVY EQUIPMENT SALES, SERVICE AND/OR REPAIR FACILITIES

- 442.1.** Within the (I-2) Zone, heavy equipment sales, service and/or repair service facilities are permitted by conditional use, subject to the following criteria:
- 442.2.** All service and/or repair activities shall be conducted within a completely-enclosed building;
- 442.3.** All uses involving drive-thru service shall provide sufficient on-site stacking lanes to prevent vehicle back-ups on adjoining roads;
- 442.4.** All exterior storage and/or display areas shall be screened from adjoining residentially-zoned properties. All exterior storage/display areas shall be set back at least fifty (50) feet from adjoining street lines and shall be covered in an all-weather, dust-free surface;

- 442.5. The storage of junked vehicles, boats, machinery, trucks, trailers, mobile homes and heavy equipment vehicles on the property is prohibited;
- 442.6. Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directly toward any adjoining residentially-zoned property; and,
- 442.7. All vehicles shall be repaired and removed promptly from the premises.

SECTION 443 RECYCLING FACILITIES FOR PAPER, PLASTIC, GLASS, AND METAL PRODUCTS

- 443.1. Within the (I-1 and I-2) Zones, recycling facilities for paper, plastic, glass, and metal products are permitted by conditional use, subject to the following criteria:
- 443.2. All operations, including collection shall be conducted within a completely-enclosed building;
- 443.3. There shall be no outdoor storage of materials processed, used or generated by the operation;
- 443.4. The applicant shall explain the scope of operation, and offer expert testimony regarding the measures used to mitigate problems associated with noise, fumes, dust, and litter; and,
- 443.5. The applicant will be required to assure regular maintenance of the site to immediately collect stray debris.

SECTION 444 OFF-TRACK BETTING PARLORS

- 444.1. Within the (I-2) Zone, off-track betting parlors are permitted by conditional use subject to the following criteria:
- 444.2. An off-track betting parlor shall not be permitted to be located within one thousand (1,000) feet of any other off-track betting parlor;
- 444.3. No off-track betting parlor shall be located within one thousand (1,000) feet of any residentially-zoned land;

- 444.4.** No off-track betting parlor shall be located within one thousand (1,000) feet of any parcel of land which contains any one or more of the following specified land uses:
1. Amusement park;
 2. Camp (for minors' activity);
 3. Child care facility;
 4. Church or other similar religious facility;
 5. Community center;
 6. Museum;
 7. Park;
 8. Playground;
 9. School; or
 10. Other lands where minors congregate;
- 444.5.** The distance between any two off-track betting parlors shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior parcel line of each establishment. The distance between any off-track betting parlor and any land use specified above shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior property line of the off-track betting parlor to the closest point on the property line of said land use;
- 444.6.** No more than one (1) off-track betting parlor may be located within one building or shopping center;
- 444.7.** The applicant shall furnish expert evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, light and/or litter;
- 444.8.** The applicant shall furnish expert evidence as to how the use will be controlled so as to not constitute a nuisance due to noise or loitering outside the building;
- 444.9.** A working plan for the cleanup of litter shall be furnished and implemented by the applicant;
- 444.10.** Off-street parking shall be provided at the rate of one (1) space per each sixty-five (65) square feet of gross floor area, including related dining, restaurant and snack bar areas; and,
- 444.11.** All off-track betting parlors shall comply with the Pennsylvania Horse and/or Harness Racing Commission's Rules and Regulations pertaining to Nonprimary Locations, as defined therein.

SECTION 445 BUS, BOAT, FARM AND EXCAVATION MACHINERY, MOBILE HOME, AND TRAILER SALES

- 445.1 Within the (C-3) Zone, Bus, boat, farm and excavation machinery, mobile home, and trailer sales are permitted by conditional use, subject to the following:
- 445.2 The subject property shall have a minimum of one hundred and fifty (150) feet of road frontage along U.S. Route 11;
- 445.3 All structures shall be set back at least fifty (50) feet from the street right-of-way line of U.S. Route 11;
- 445.4 All service and/or repair activities shall be conducted within a completely enclosed building;
- 445.5 Lubricants, fuel or other petroleum products used as part of the service or repair operation, shall be properly stored and/or discarded;
- 445.6 Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directed toward any adjoining residentially zoned property;
- 445.7 The demolition or junking of vehicles is prohibited.

SECTION 446 BUS, CLASS I RECREATION VEHICLE, BOAT, MOTORCYCLE, AND SNOWMOBILE SERVICE AND REPAIR FACILITIES

- 446.1 Within the (C-3) Zone, bus, Class I recreation vehicle, boat, motorcycle, and snowmobile service and repair facilities are conditional uses, subject to the following criteria:
- 446.2 All service and/or repair activities shall be conducted within a completely-enclosed building;
- 446.3 All uses involving drive-thru service shall provide sufficient on-site stacking lanes to prevent vehicle back-ups on adjoining roads;
- 446.4 No outdoor storage of parts, equipment, lubricants, fuel or other materials used or discarded, as part of the service or repair operation, shall be permitted;
- 446.5 All exterior storage areas shall be subject to lot coverage requirements and screened from adjoining residentially-zoned properties and roads;
- 446.6 The storage of unlicensed vehicles is prohibited;

- 446.7.** Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directly toward any adjoining residentially-zoned property;
- 446.8.** All vehicles and machinery shall be repaired and removed from the premises promptly;
- 446.9.** The demolition or junking of vehicles and machinery is prohibited. Demolished vehicles or parts thereof shall be removed from the site within two (2) weeks of arrival; and,
- 446.10.** The applicant shall furnish evidence that the storage and disposal of materials will be accomplished in a manner that complies with State and Federal regulations.

SECTION 447 AMATEUR RADIO ANTENNAS

- 447.1** Within the (A), (R), (RE) and (R-1) Zones, amateur radio antennas are permitted by special exception, subject to the following criteria:
- 447.2** The amateur radio antenna must be located in the rear yard.
- 447.3** The amateur radio antenna must comply with all building setbacks for the Zone in which it is located.
- 447.4** The applicant shall furnish expert testimony regarding the construction methods or other measures used to prevent (1) the toppling of any structure onto adjoining properties and/or roads, and (2) the wind-borne scattering of ice onto adjoining properties and/or roads.

SECTION 448 BANKS AND SIMILAR FINANCIAL INSTITUTIONS

- 448.1** Within the Interchange Zone, banks and similar financial institutions are permitted by conditional use, subject to the following criteria:
- 448.2** Such uses may include bank offices and services including drive-through facilities and automatic teller machines provided that any such facilities shall be lighted during operational hours.
- 448.3** Any drive-through lanes shall be separated from parking spaces for non-drive-through customers and from pedestrian walkways.
- 448.4** In addition to the vehicular access to the property, the applicant shall provide pedestrian linkages with abutting properties so as to provide safe and convenient pedestrian and vehicular access to the property.
- 448.5** The exterior of each bank or financial institution shall be constructed of brick, stone, masonry; or similar product as approved by the Board of Supervisors.

SECTION 449 SINGLE FAMILY DETACHED DWELLINGS

449.1 The following additional conditional use standards shall apply to a single-family detached dwelling subdivision when conditional use approval is required under the applicable zoning district regulations:

1. Compliance with this Ordinance. The applicant shall establish by credible evidence that the application complies with all applicable requirements of this Ordinance to include Design Requirements of the corresponding zoning district. The applicant shall provide the Board of Supervisors with sufficient plans, studies or other data to demonstrate compliance.
2. Compliance with other Laws. The approval may be conditioned upon the applicant later showing proof of compliance with other specific applicable township, state and federal laws, regulations and permits. Required permits or other proof of compliance may be required to be presented to the Township prior to the issuance of any zoning permit, building permit, certificate of occupancy and/or recording of an approved plan.
3. Traffic. A traffic study shall be submitted by a professional traffic engineer in accordance with Section 402.05.6 of the Subdivision and Land Development Ordinance, which requires a minimum of 25 units before a traffic study shall be required. The applicant shall establish that the traffic from the proposed use will be accommodated in a safe and efficient manner that will minimize hazards and congestion after considering any improvements to be made or funding by the applicant as a condition of approval.
4. Site Planning. The application shall establish that the site layout, internal vehicle and pedestrian circulation, bicycle circulation and parking elements have been addressed in accordance with Article 6 of the Subdivision and Land Development Ordinance.
 - A. As a condition, single-family detached dwelling subdivisions must submit both a preliminary and a final plan in accordance with the procedures in the Subdivision and Land Development Ordinance. There is no option to waive the preliminary plan.
 - B. Single-family detached dwelling subdivisions must provide walkways/sidewalks.
 - C. Net density shall be less than the maximum density allowed by the zoning district and in no case be greater than 4 dwellings per acre.

5. Expressway, Agricultural and Business Compatibility. The applicant shall submit a narrative describing all existing land uses adjacent to the property and establish that the subdivision has been designed to comply with Section 303.4 of the Zoning Ordinance regarding minimum setback from an expressway.
 - A. There shall be a minimum setback of 75 feet from any agricultural use or zoning district.
 - B. Traditional single-family detached dwelling subdivisions shall have pedestrian access to any adjoining business or commercially zoned land.
6. Natural Features. The applicant shall submit a narrative describing all existing natural features and establish that the proposed uses will be suitable for the site, considering the proposed disturbance of trees, streams, seeps, springs, caves, wetlands and habitats of endangered species.
 - A. Street trees shall be installed in all traditional single-family dwelling subdivisions in accordance with Section 345 of the Zoning Ordinance regarding tree planting.
 - B. All trees on the site with a caliper of 18 inches or greater shall be preserved to the maximum extent possible and waivers of the identification of existing trees shall not be considered. If any trees must be removed, a minimum of 25% of the trees removed shall be replaced.
 - C. Areas contained within floodplains, wetlands and steep slopes shall not be included in the required area of a lot. Lots containing these natural features shall meet the lot area requirements of the applicable zone after the deletion of these areas from the lot area.

SECTION 450 HISTORIC BUILDING DEMOLITION

450.1. Purposes. In addition to serving the overall purposes of this Ordinance, this section is intended to:

1. Promote the retention of community character through preservation of the local heritage by recognition and protection of historic and architectural resources;
2. Establish a clear process to review and approve demolition of designated historic buildings;
3. Encourage continued use, appropriate rehabilitation and adaptive reuse of historic buildings;

4. Implement Sections 603(b), 603(g), 604(1) and 605(2) of the Pennsylvania Municipalities Planning Code which address protecting and facilitating the preservation of historic values through zoning and using zoning to regulate uses and structures at or near places having unique historic, architectural or patriotic interest or value;
5. Strengthen the local economy by promoting heritage tourism, improving property values and increasing investment in older buildings;
6. Utilize the Traditional Neighborhood Development provisions of the Pennsylvania Municipalities Planning code; and
7. Carry out recommendations of the County and Township Comprehensive Plans, including recommendations to preserve historic buildings and community character.

450.2 Applicability.

1. This Section 450 shall apply to any principal building that is designated as a Historic Building on the Historic Buildings Map and the accompanying Historic Buildings List. The provisions of this Section shall not apply to barns or other buildings that were built for agricultural storage or livestock.
 - a. This section shall not apply to buildings or additions to buildings that the applicant proves were constructed after January 1, 1945.
2. For a building regulated by this Section 450, all of the provisions of the applicable underlying zoning district shall also continue to apply, in addition to the provisions of this Section. In the event there is a direct conflict between the provisions of Section 450 and the underlying zoning district, the provision that is most restrictive upon development, demolition and uses shall apply.

450.3. General Provisions.

1. The Historic Buildings Map and List has been officially adopted and are in effect as part of this Section 450.
2. Any partial or complete demolition of a building regulated by this Section 450 that is visible from a public street shall only occur in compliance with this Section 450.
3. The Historic Buildings Map and List may be revised as a Zoning Ordinance Amendment.
4. Definitions. The following terms shall have the following meanings for the purposes of this Section 450:

- a. Demolition - The dismantling, tearing down, removal or razing of the exterior of a building, in whole or in part. This term shall not include changes to the interior of a building, provided such changes do not alter the structural integrity of the building.
- b. Demolition by Neglect - The absence of routine maintenance and repair which leads to structural weakness, decay and deterioration in a building to a point that causes a need for major repair or may cause a need for demolition.
- c. Maintenance and Repair - Work that does not alter the appearance or harm the stability of exterior features of a building.
- d. Streetscape - The overall appearance of a block along a public street, including yards visible from a public street, the relationship of building setbacks, the consistency of architectural styles or features, the spacing and shapes of windows and doors and rooflines and similar features that give the block its distinctive visual character.

450.4. Approval of Demolition of Historic Buildings.

- 1. A building regulated by this Section 450 shall not be demolished, in whole or in part, unless the applicant proves by credible evidence to the satisfaction of the Board of Supervisors as a conditional use that one or more of the following conditions exists:
 - a. The existing building cannot feasibly and reasonably be reused, and that such situation is not the result of intentional neglect or demolition by neglect by the owner; or
 - b. The denial of the demolition would result in unreasonable economic hardship to the owner, and the hardship was not self-created; and/or
 - c. The demolition is necessary to allow a project to occur that will have substantial, special and unusual public benefit that would greatly outweigh the loss of the Historic Building, and the project needs to occur at this location. For example, a demolition may be needed for a necessary expansion of an existing public building or to allow a street improvement that is necessary to alleviate a public safety hazard.
- 2. For approval of a demolition, the standards of this Section 450 shall apply in place of any general conditional use standards of this Ordinance. In reviewing the application, the Planning Commission and the Board of Supervisors shall consider the following:
 - a. The effect of the demolition on the historical significance, streetscape and architectural integrity of neighboring Historic Buildings and on the historic character of the surrounding neighborhood.

- b. The feasibility of other alternatives to demolition.
3. An application for partial or complete demolition of a building regulated by this Section 450 shall not be approved unless all of the requirements of this Section 450 have been met. A partial demolition shall include, but not be limited to: removal of an attached porch roof, removal of porch columns and removal of architectural features. See definition of "Demolition" above.
4. A complete application for the demolition shall be submitted by the applicant in writing. This application shall include the following:
 - a. The name, address and daytime telephone number of the owner of record and the applicant for the demolition.
 - b. Recent exterior photographs of the building proposed for demolition. If the applicant is alleging that the building cannot be reused or rehabilitated, then interior photos and floor plans shall be provided as needed to support the applicant's claim.
 - c. A site plan drawn to scale showing existing buildings and the proposed demolition.
 - d. A written statement of the reasons for the demolition.
 - e. The proposed use of the site, and a proposed timeline for development of that proposed use.
 - f. The proposed disposition of materials. The applicant shall show that debris will be disposed in a legal manner. Salvage of building materials is strongly encouraged to preserve historic features and reduce waste, particularly including stone and beams from old barns.
5. **Procedures.** The demolition application shall be submitted to the municipal Planning Commission for review and to Board of Supervisors for approval as a conditional use. The timing requirements for a conditional use shall apply. The applicant shall be informed of meeting dates where the application is intended to be discussed and encouraged to be present to discuss the proposed demolition.
6. **Evidence.** The applicant shall provide sufficient credible evidence to justify any claims that a building cannot feasibly be repaired or reused. The Board of Supervisors may require that this expert testimony and documentation include (but not be limited to): a property appraisal, income and expense statements for the property, a written estimate of the costs of rehabilitation by a qualified contractor, a written report from a professional engineer regarding the structural soundness of the building, testimony concerning efforts to market the property over time, information regarding the applicant's purchase price of the building, and similar relevant information.

7. **Self-Created Conditions.** The conditions that justify the proposed demolition of a building regulated by this section 450 shall not have been self-created by the applicant. These conditions include, but are not limited to:
 - a. lack of proper maintenance of the building, including but not limited to structural elements, the roof, windows or architectural elements, or
 - b. leaving parts of a building open to the elements or accessible to vandalism.
8. The Zoning Officer may require any unoccupied building shall be properly sealed and secured to prevent decay from the elements and vandalism.
9. **Emergency.** The Zoning Officer may issue a permit for the demolition without compliance with this Section 450 if the municipal Building Inspector certifies in writing that the building represents a clear and immediate hazard to public safety, and that no other reasonable alternatives exist to demolition.
10. **Exceptions.** Conditional use approval shall not be needed for the following:
 - a. Demolition of accessory structures that are not attached to the principal building.
 - b. Interior renovations or removal of features (such as a rear porch) that do not harm the structural stability of the building and that are not visible from a public street (not including an alley).
 - c. Removal of features that were added since January 1, 1945, such as a modern porch or aluminum siding or carport.
 - d. Relocation of a building within a municipality, provided that the relocation does not result in a partial or complete demolition that is regulated by this Section.

450.5. Modification to Lot Area and Yard Regulations. As a special exception, the Zoning Hearing Board may modify a specific yard, lot coverage or lot area requirement if the applicant proves to the satisfaction of the Board that such modification is necessary to allow a reasonable use of a building regulated by this Section 450.

450.6. Demolition by Neglect (see definition above).

1. Every property-owner of a building regulated by this Section 450 shall repair and maintain the building to avoid demolition by neglect.
2. Every property-owner of a building regulated by this Section 450 shall properly repair and maintain the building to maintain the structural integrity of the building and to protect the building and attached features from damage from the elements. The attached features that shall be protected, repaired and maintained include the roof, chimney, cornice, soffit, fascia, spouting, columns, beams, posts, window sills, door sills and lintels.

3. If a property-owner fails to comply with an order from the Building Inspector to repair a building regulated by this Section 450 to correct a code violation that threatens the structural integrity of a building, such matter shall be considered a violation of this Section 450 and the property-owner may also be cited for a violation of this Ordinance.

450.7. Guidelines. The following advisory guidelines should be considered in the design of new construction, additions and exterior alterations in a block with Historic Buildings. Some of these features may be required by other sections of this Ordinance in specific cases.

1. Vehicle parking and any garage doors should be placed to the rear of buildings as opposed to between buildings and the street. Where rear parking is not practical, then parking should be provided to the side of a building. Where a driveway needs to enter from the front, the garage should be setback further from the street than the house, and the driveway should be as narrow as practical through the front yard.
2. New construction should have a front yard setback that is similar to adjacent older buildings.
3. Modern additions and features should be placed towards the rear of the property.
4. New construction should have rooflines that are similar to adjacent older buildings. Flat roofs should be avoided. Where a pitched roof is not practical, then the roof should at least appear to have angles and a pitch when viewed from the street.
5. On sides visible from a street, new construction should use building materials that are similar to appearance older buildings, including brick and stone. Modern building materials are available that have a historic appearance, such as artificial stone.
6. Where existing older buildings have a certain horizontal or vertical orientation, that orientation should be continued in new construction. Where existing older buildings have a certain spacing of windows and doors, similar spacing (and similar sizes of windows and doors) should be continued in new construction. Blank walls without door and window openings should be avoided along a street.

SECTION 451 WIND ENERGY CONVERSION SYSTEM

- 451.1.** This Section 451 applies to all Wind Energy Facilities to be constructed after the effective date of the Ordinance, except for one accessory wind turbine on a lot that meets Section 301.5.
- 451.2.** All Wind Energy Facilities shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for over-speed protection.
- 451.3.** On-site transmission and power lines between Wind Turbines shall, to the maximum extent practical, be placed underground.
- 451.4.** Wind Turbines shall be set back from the nearest occupied dwelling located on another lot a distance of not less than 5 times the Hub Height, as measured from the center of the Wind Turbine base to the nearest point on the foundation of the dwelling.
- 451.5.** All Wind Turbines shall be set back from the nearest property line a distance of not less than the greater of the maximum setback requirements for that zoning classification where the turbine is located or 1.1 times the Turbine Height, whichever is greater. The setback distance shall be measured to the center of the Wind Turbine base.
- 451.6.** All Wind Turbines shall be set back from the nearest public street a distance of not less than 1.1 times the Turbine Height, as measured from the right-of-way line of the nearest public road to the center of the Wind Turbine base.
- 451.7.** Audible sound from a Wind Energy Facility shall not exceed fifty (55) dBA, as measured at the exterior of any existing dwelling on another lot.
- 451.8.** The Facility Owner and Operator shall make reasonable efforts to minimize shadow flicker to any Occupied Building on another lot.
- 451.9.** The Facility Owner and Operator shall, at its expense, complete decommissioning of the Wind Energy Facility, or individual Wind Turbines, within 12 months after the end of the useful life of the Facility or individual Wind Turbines. The Wind Turbines will presume to be at the end of its useful life if no electricity is generated for a continuous period of 12 months. Decommissioning shall include removal of Wind Turbines, buildings, electrical components, roads, and any other associated above-ground facilities.

SECTION 452 WAREHOUSING AND WHOLESALE TRADE ESTABLISHMENTS

- 452.1.** Within the (I-2) Zone, warehousing and wholesale trade establishments are conditional uses, subject to the following criteria:
- 452.2.** The applicant shall provide a detailed description of the proposed use in each of the following topics:
1. The nature of the on-site activities and operations, the types of materials stored the frequency of distribution and restocking, the duration period of storage of materials, and the methods for disposal of any surplus or damaged materials. In addition, the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with State and Federal regulations;
 2. The general scale of the operation, in terms of its market area, specific floor space requirements for each activity, the total number of employees on each shift, and an overall needed site size;
 3. Any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, storm water, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinance, including but not limited to those listed in Section 315 of this Ordinance; and,
 4. A traffic study prepared by a professional traffic engineer, according to Section 402.05. of the SLDO.

ARTICLE 5 NONCONFORMITIES

SECTION 500 CONTINUATION

Except as otherwise provided in this section, or Section 313.4. of this Ordinance, any use, building, or structure lawfully existing at the time of enactment of this Ordinance may be continued, although it is not in conformity with the regulations specified by this Ordinance.

SECTION 501 ABANDONMENT

If a nonconforming use of land or of a building or structure ceases or is discontinued for a continuous period of one (1) year, or more, subsequent use of such building, structure, or land shall be in conformity with the provisions of this Ordinance.

SECTION 502 EXTENSION OF A NONCONFORMING USE OF LAND

Any lawful nonconforming use of land exclusive of buildings and structures and the use contained therein, may be extended upon the lot upon which it exists at the time of the effective date of this Ordinance, but such extension shall conform to area and lot regulations and the design standards of this Ordinance and to the percentage limitation as set forth in Section 503.1.2. of this Ordinance. The extension of a nonconforming use on a lot shall be limited to the lot which was in existence on the effective date of this Ordinance.

SECTION 503 EXPANSION OR ALTERATION

503.1. Any nonconforming use may be expanded or altered through the obtainment of a special exception and subject to the following criteria, and those contained in Section 604.3:

1. Expansion of the nonconformity shall be confined to the lot on which it was located on the effective date of this Ordinance, or any amendment thereto creating the nonconformity;
2. The total of all such expansions or alterations of use shall not exceed an additional fifty percent (50%) of the area of those buildings or structures or land devoted to the nonconforming use as they existed on the date on which the use of such buildings, structures or land first became nonconformities. The applicant shall furnish conclusive evidence as to the extent of the nonconformity when it was created. The alteration of a permitted structure having some dimensional nonconformity is exempt from the requirement of a special exception provided no new dimensional nonconformity is created by the alteration.

3. Provision for vehicular access, off-street parking and off-street loading shall be consistent with standards required by this Ordinance;
4. Provision for yards, building height and building area shall be consistent with the standards required for permitted uses in the zone in which the nonconformity in question is located;
5. Appearance should be harmonious with surrounding properties; this feature includes but is not limited to landscaping, enclosure of principal and accessory uses, height control, sign control, architectural control and maintenance of all improvements and open spaces;
6. Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, plantings and open spaces;
7. The expansion shall not create new dimensional nonconformities or further increase existing dimensional nonconformities;
8. No expansion of a nonconforming structure or a nonconforming use located outside of a structure existing on the effective date of this Ordinance shall be permitted in the Floodplain Zone; and,
9. Excluding expansion, any modification, alteration, repair, reconstruction or improvement of any kind to a nonconforming use or structure located in the Floodplain Zone shall be permitted when either elevated above the base flood elevation or flood proofed. In no case, shall any modification, alteration, repair, reconstruction or improvement cause unacceptable increases in flood height, velocities or frequencies; and,

503.2. Any dimensional nonconformity may be reduced by permitted use. No extension or enlargement of a dimensional nonconformity shall be permitted.

SECTION 504 SUBSTITUTION OR REPLACEMENT

Any nonconforming use may be replaced or substituted by another nonconforming use by special exception, if the Zoning Hearing Board determines that the proposed use is at least equally compatible with the surrounding area, as the original nonconforming use. In addition, the proposed nonconforming use shall not increase any dimensional nonconformities. The Zoning Hearing Board may attach reasonable conditions to the special exception to keep the use compatible within its surroundings.

SECTION 505 RESTORATION

Any lawful nonconforming building or other structure which has been involuntarily damaged or destroyed by fire, explosion, windstorm, or other similar active cause may be reconstructed in the same location, provided that:

- 505.1.** The reconstructed building or structure shall not exceed the height, area, or volume of the damaged or destroyed building or structure and such reconstructed building or structure shall not increase any dimensional nonconformities; and,
- 505.2.** Reconstruction shall begin within one (1) year from the date of damage or destruction and shall be carried on without interruption.

SECTION 506 PREVIOUSLY EXPANDED NONCONFORMING USES AND STRUCTURES

It is the express intent and purpose of this Ordinance that if a building, structure, sign or land was expanded or extended to the limits of expansion for a nonconforming building, structure, sign, or use of land as authorized by a prior zoning regulation or ordinance, no further expansion of said building, structure, sign, or land shall be authorized. In the event a nonconforming building, structure, sign, or use of land was expanded to a portion of the limits of expansion authorized by a prior zoning regulation or ordinance, additional expansion if permitted by this Ordinance, shall only be authorized to the amount of expansion not previously utilized pursuant to said prior zoning regulation or ordinance.

SECTION 507 NONCONFORMING LOTS

Subject to the provisions of Section 508(4) of the Act, the following shall apply:

- 507.1.** In any zone in which single-family detached dwellings are permitted, a single-family detached dwelling may be erected on any single lot, as defined in this Ordinance, existing in single and separate ownership on the effective date of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance. This provision shall apply even though such lot fails to meet all of the lot area and lot width requirements of the zone in which the lot is located. All setback and lot coverage requirements shall be met.
- 507.2.** If a lot consists of two or more lots of record or combinations of lots or portions of lots of record held in single and separate ownership on the effective date of this Ordinance, such lots of record shall not be separately transferred or developed, unless the lot so transferred or developed (whether consisting of one or more lots of record) and the lot retained by the transferor (whether consisting of one or more lots of record) shall meet all requirements of the zone in which the lot or lots are located. It is the intention of this provision that no portion of any lot consisting of two or more lots of record shall be used or sold in a manner which does not comply with all requirements established by this Ordinance or which shall result in the creation of a lot with a lot width, lot area or yard setback below the minimum requirements or with lot coverage in excess of the maximum requirements stated in this Ordinance.

ARTICLE 6 ZONING HEARING BOARD

SECTION 600 ESTABLISHMENT AND MEMBERSHIP

When used hereafter in this Article, the word “Board” shall mean the Zoning Hearing Board.

There shall be a Zoning Hearing Board which shall consist of five (5) members who shall be appointed by resolution by the Board of Supervisors. The membership of the Board shall consist of residents of the Township. Their terms of office shall be five (5) years and shall be so fixed that the term of office of one member shall expire each year. The Board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Township. Any member of the Board may be removed for malfeasance, misfeasance, or non-feasance in office or for other just cause by a majority vote of the Board of Supervisors taken after the member has received fifteen (15) days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

The Board of Supervisors may appoint by resolution at least one (1) but no more than three (3) residents of the municipality to serve as alternate members of the Board. The term of office of an alternate member shall be three (3) years. When seated pursuant to the provisions of Section 601, an alternate shall be entitled to participate in all proceedings and discussions of the board to the same and full extent as provided by law for board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this Ordinance and as otherwise provided by law. Alternates shall hold no other office in the municipality, including membership on the Planning Commission and Zoning Officer. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the Board nor be compensated pursuant to Section 602, unless designated as a voting alternate member pursuant to Section 601 of this Ordinance.

SECTION 601 ORGANIZATION OF BOARD

The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all 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 in Section 603. 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. 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. Designation of an alternate pursuant to this section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates. The Board may make, alter, and rescind rules and forms for its procedure, consistent with Ordinances of the Township and laws of the Commonwealth. The Board shall keep full public records of its business, which records shall be the property of the Township, and shall submit a report of its activities to the Board of Supervisors upon request.

SECTION 602 EXPENDITURES FOR SERVICES

Within the limits of funds appropriated by the Board of Supervisors, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties, as may be fixed by the Board of Supervisors. Alternate members of the Board may receive compensation, as may be fixed by the Board of Supervisors, for the performance of their duties when designated as alternate members pursuant to Section 601, but in no case shall such compensation exceed the rate of compensation authorized to be paid to the members by the Board of Supervisors.

SECTION 603 HEARINGS

603.1. The Board shall conduct hearings and make decisions in accordance with the following requirements:

1. Public notice (as defined herein) shall be provided. In addition, the Zoning Hearing Board shall notify by mail the Zoning Officer, Township Secretary, each member of the Board of Supervisors, Secretary of the Township Planning Commission, and every other person or organization who shall have registered with the Zoning Hearing Board for the purposes of receiving such notices. Such mailed notices shall state the location of the site and the nature of the request. It shall also state the time, date, and location of the proposed hearing. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing;
2. The Board of Supervisors 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;
3. The hearing shall be held within sixty (60) days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time;

603.2. The hearings shall be conducted by the Board or the 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 Board; however, the appellant or the applicant, as the case may be, in addition to the municipality, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final;

- 603.3.** The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose;
- 603.4.** The chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties;
- 603.5.** 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;
- 603.6.** Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded;
- 603.7.** The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer; or shall be paid by the person appealing the decision of the 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;
- 603.8.** The 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;
- 603.9.** The 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 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 the Act or of this 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 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 Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer. Where

the Board fails to render the decision within the period required by this subsection, or fails to hold the required hearing within sixty (60) days from the date of the applicant's request for hearing, 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. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of said decision within ten days from the last day it could have met to render a decision in the same manner as provided in Section 603.1 of this Ordinance. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction;

603.10. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined; and,

603.11. Effect of Board's Decision:

1. If the variance or special exception is granted or the issuance of a permit is approved, or other action by the appellant is authorized, the necessary permit shall be secured and the authorized action begun within two (2) years after the date when the variance or special exception is finally granted, or the issuance of a permit is finally approved, or the other action by the appellant is authorized, and the building or alteration, as the case may be, shall be completed within three (3) years of said date. For good cause, the Board may at any time, upon application in writing, extend either of these deadlines;
2. Should the appellant or applicant fail to obtain the necessary permits within said two (2) year period, or having obtained the permit, should he fail to commence work thereunder within such two (2) year period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn, or abandoned his appeal or his application, and all provisions, variances and permits granted to him shall be deemed automatically rescinded by the Board;
3. Should the appellant or applicant commence construction or alteration within said two (2) year period, but should he fail to complete such construction or alteration within said three (3) year period, the Board may, upon ten (10) days' notice in writing, rescind or revoke the granted variance or special exception, or the issuance of the permit, or permits, or the other action authorized to the appellant or applicant, if the Board finds that no good cause appears for the failure to complete within such three (3) year period, and if the Board further finds that conditions have so altered or changed in the interval since the granting of the variance, permit or action, that revocation or rescission of the action is justified; and,

4. As an alternative to the preceding, an applicant can request, as part of the original application before the Board, the granting of a timetable associated with the request which would supersede the deadlines imposed in Sections 603.11.1.-3. In so doing, the applicant must demonstrate that the times requested are logically related to normal and expected progress of the project. In approving a timetable under this section, the Board must establish and bind a definite time-frame for (1) issuance of a zoning permit, and (2) completion of construction of the project.

SECTION 604 BOARD'S FUNCTIONS

The Zoning Hearing Board shall have the exclusive jurisdiction to hear and render decisions in the following matters:

604.1. Substantive Challenges to the Validity of the Zoning Ordinance, except those brought before the Board of Supervisors pursuant to Section 703.6. of this Ordinance.

1. If a challenge heard by a Zoning Hearing Board is found to have merit, the decision of the Zoning Hearing Board shall include recommended amendments to the challenged Ordinance which will cure the defects found. In reaching its decision, the Zoning Hearing Board shall consider the amendments, plans and explanatory material submitted by the landowner and shall also consider:
 - A. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;
 - B. 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 the Ordinance or Zoning Map;
 - C. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodland, wetlands, floodplains, aquifers, natural resources and other natural features;
 - D. 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; and,
 - E. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare;
2. Public notice of the hearing shall be provided as specified in Section 703.2.2. of this Ordinance;

3. The Zoning Hearing Board shall commence its hearings within sixty (60) days after the request is filed unless the landowner requests or consents to an extension of time; and,
4. The Zoning Hearing Board shall render its decision within forty-five (45) days after the conclusion of the last hearing. If the Board fails to act on the landowner's request within this time limit a denial of the request is deemed to have occurred on the 46th day after the close of the last hearing;

604.2. Challenges to the Validity of the Zoning Ordinance, raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of the Ordinance;

604.3. Special Exceptions, as provided for in this Ordinance and subject to all applicable requirements, including, but not limited to:

1. Filing Requirements - In addition to the required zoning permit information (See Section 701) each special exception application shall include the following:
 - A. Ground floor plans and elevations of proposed structures;
 - B. Names and address of adjoining property owners including properties directly across a public right-of-way;
 - C. A scaled drawing (site plan) of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance; and,
 - D. A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Ordinance;
2. General Criteria - Each applicant must demonstrate compliance with the following:
 - A. The proposed use shall be consistent with the purpose and intent of the Zoning Ordinance;
 - B. The proposed use shall not detract from the use and enjoyment of adjoining or nearby properties;
 - C. The proposed use will not substantially change the character of the subject property's neighborhood;
 - D. Adequate public facilities are available to serve the proposed use (e.g., schools, fire, police and ambulance protection, sewer, water and other utilities, vehicular access, etc.);

- E. For development within the Floodplain Zone, that the application complies with those requirements listed in Section 231 of this Ordinance;
 - F. The proposed use shall comply with those criteria specifically listed in Article 4 of this Ordinance. In addition, the proposed use must comply with all other applicable regulations contained in this Ordinance; and,
 - G. The proposed use will not substantially impair the integrity of the Township's Comprehensive Plan;
3. Conditions - The Zoning Hearing Board in approving special exception applications may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same zone. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Ordinance and be subject to the penalties described in Article 7; and,
 4. Site Plan Approval - Any site plan presented in support of the special exception pursuant to Section 604.3.1. shall become an official part of the record for said special exception. Approval of any special exception will also bind the use in accordance with the submitted site plan; therefore, should a change in the site plan be required as part of the approval of the use, the applicant shall revise the site plan prior to the issuance of a zoning permit. Any subsequent change to the use on the subject property not reflected on the originally approved site plan shall require the obtainment of another special exception approval;

604.4. Variances - The Board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. The Board may, by rule, prescribe the form of application to the Zoning Officer. The Board may grant a variance, provided that all of the following findings are made where relevant in a given case:

1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or zone in which the property is located;
2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a variance is therefore necessary to enable reasonable use of the property;
3. That such unnecessary hardship has not been created by the appellant;

4. That the variance, if authorized, will not alter the essential character of the zone or neighborhood in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare;
5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulations in issue;
6. That variances within the Floodplain Zone shall comply with Section 231 of this Ordinance;
7. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Ordinance and subject to the penalties described in Article 7;
8. Filing Requirements - In addition to the required zoning permit information (see Section 701), each variance application shall include thirteen (13) copies of the following:
 - A. Ground floor plans and elevations of existing and/or proposed structures;
 - B. Names and addresses of adjoining property owners, including properties directly across a public right-of-way;
 - C. A scaled drawing (site plan) of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance; and,
 - D. A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Ordinance;
9. Conditions - The Zoning Hearing Board in approving variance applications may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same zone. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Ordinance and be subject to the penalties described in Article 7; and,
10. Site Plan Approval - Any site plan presented in support of a variance shall become an official part of the record for said variance. Approval of any variance will also bind the use in accordance with the submitted site plan;

- 604.5.** Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot;
- 604.6.** Appeals from a determination by a municipal engineer or the Zoning Officer with reference to the administration of any provisions contained within the Floodplain Zone;
- 604.7.** Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of the Zoning Ordinance;
- 604.8.** Appeals from the Zoning Officer's determination under Section 916.2 (and any subsequent amendments) of the Act; and,
- 604.9.** Appeals from the determination of the Zoning Officer or municipal engineer in the administration of any land use Ordinance with reference to sedimentation and erosion control, and/or storm water management for applications not involving a subdivision/land development, nor a planned residential development as regulated in Articles V and VII of the Act, respectively.

SECTION 605 PARTIES APPELLANT BEFORE THE BOARD

Appeals under Sections 604.5., 604.6., 604.7., 604.8. and 604.9. and proceedings to challenge this Ordinance under Sections 604.1. and 604.2. may be filed with the Board in writing by the landowner affected, any officer or agency of the Township, or any person aggrieved. Requests for a variance under Section 604.4. and for special exception under Section 604.3. may be filed with the Board by any landowner or any tenant with the permission of such landowner. Any appeal shall state:

- 605.1.** The name and address of the appellant and applicant;
- 605.2.** The name and address of the landowner of the real estate to be affected;
- 605.3.** A brief description and location of the real estate to be affected by such proposed change together with a plot plan drawn to scale with sufficient clarity to show the nature and character of the request;
- 605.4.** A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof; and,
- 605.5.** A statement of the section of this Ordinance under which the request may be allowed, and reasons why it should, or should not be granted.

SECTION 606 TIME LIMITATIONS

No person shall be allowed to file any proceeding with the Board later than thirty (30) days after an application for development, preliminary or final, has been approved by the Zoning Officer or the agency responsible for granting such approval 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 or 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.

The failure of anyone other than the landowner to appeal from an adverse decision by the Zoning Officer on a challenge to the validity of this Ordinance or the Official Zoning Map pursuant to Section 916.2. of the Act, as amended, shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative preliminary approval.

SECTION 607 STAY OF PROCEEDING

Upon filing of any proceeding referred to in Section 605 and during its pendency before the 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 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, which may be granted by the 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 Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board. After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee but such waiver may be revoked by him if an appeal is taken from a final decision of the court. 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. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.

If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond and the appellate court sustains the order of the court below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses, and attorney fees incurred by the petitioner.

SECTION 608 APPEAL

Any person, taxpayer, or the Township aggrieved by any decision of the Board may within thirty (30) days after such decision of the Board seek review by the Court of Common Pleas of such decision in the manner provided by the laws of the Commonwealth of Pennsylvania and Article X-A of the Act as amended.

ARTICLE 7 ADMINISTRATION

SECTION 700 ADMINISTRATION AND ENFORCEMENT

700.1. Administration:

1. Zoning Officer - The provisions of this Ordinance shall be enforced by an agent, to be appointed by the Board of Supervisors, who shall be known as the Zoning Officer. The Zoning Officer shall be appointed at the first meeting of the Board of Supervisors in January to serve until the first day of January next following, and shall thereafter be appointed annually to serve for a term of one (1) year and/or until his successor is appointed. The Zoning Officer may succeed himself. He/she shall receive such fees or compensation as the Board of Supervisors may, by resolution, provide. The Zoning Officer shall not hold any elective office within the Township. The Zoning Officer may designate an employee of the Township as his Assistant, subject to the approval of the Board of Supervisors, who shall exercise all the powers of the Zoning Officer during the temporary absence or disability of the Zoning Officer.

2. Duties - The duties of the Zoning Officer shall be:
 - A. To receive, examine and process all applications and permits as provided by the terms of this Ordinance. The Zoning Officer shall also issue zoning permits for special exception and conditional uses, or for variances after the same have been approved;
 - B. To record and file all applications for zoning permits or certificates of use and occupancy, and accompanying plans and documents, and keep them for public record;
 - C. To inspect properties to determine compliance with all provisions of this Ordinance as well as conditions attached to the approval of variances, special exceptions, conditional uses and curative amendments;
 - D. To inspect nonconforming uses, structures, and lots and to keep a filed record of such nonconforming uses and structures, together with the reasons why the Zoning Officer identified them as nonconformities, as a public record and to examine them periodically, with the view of eliminating the nonconforming uses under the existing laws and regulations;
 - E. Upon the request of the Board of Supervisors or the Zoning Hearing Board, present to such bodies facts, records, and any similar information on specific requests, to assist such bodies in reaching their decisions;
 - F. To be responsible for keeping this Ordinance and the Official Zoning Map up to date, including any amendments thereto;

- G. Upon the approval by the Zoning Hearing Board of a special exception, or upon the approval of a conditional use by the Board of Supervisors for development located within the Floodplain Zone, written notice of the approval shall be sent by registered mail from the Zoning Officer to the Pennsylvania Department of Community and Economic Development;
- H. To remain eligible for the National Flood Insurance Program, the Zoning Officer shall submit a biannual report to the Federal Insurance Administration concerning the status of the Program in the Township (the report form shall be provided by the Federal Insurance Administration);
- I. To render a preliminary opinion regarding a proposed land use in accordance with Section 916.2. of the Act; and,
- J. To revoke a permit or approval issued under the provisions of this Ordinance in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based or for any other cause set forth in the Zoning Ordinance, or otherwise permitted by law;

700.2. Enforcement - This Ordinance shall be enforced by the Zoning Officer of the Township. No zoning permit or certificate of use and occupancy shall be granted by him/her for any purpose except in compliance with the literal, provisions of this Ordinance. The Zoning Officer may be authorized to institute civil enforcement proceedings as a means of enforcement when acting within his/her scope of employment;

700.3. Violations - Failure to secure a zoning permit prior to a change in use of land or structure, or the erection, construction or alteration of any structure or portion thereof, shall be a violation of this Ordinance. It shall also be a violation of this Ordinance to undertake other deliberates actions which are contrary to the terms of the Ordinance and any conditions placed upon the approval of special exceptions, variances, and conditional uses. Each day that a violation is continued shall constitute a separate offense.

If it appears to the Township that a violation of this Zoning Ordinance enacted under the Act or prior enabling laws has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in the following:

- 1. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record;
- 2. An enforcement notice shall state at least the following:
 - A. The name of the owner of record and any other person against whom the Township intends to take action;

- B. The location of the property in violation;
- C. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the Ordinance;
- D. The date before which the steps for compliance must be commenced and the date before which the steps must be completed;
- E. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in the Ordinance; and,
- F. 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;

700.4. Enforcement Remedies - Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Zoning Ordinance enacted under the Act or prior enabling laws shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars (\$500) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of the Zoning Ordinance shall be paid over to the Township;

700.5. Causes of Action - In case any building, structure landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, repaired, converted, maintained, or used in violation of this Ordinance enacted under the Act or prior enabling laws, the governing body or, with the approval of the governing body, an officer of the municipality, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the municipality at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the governing body of the municipality. No such action may be maintained until such notice has been given.

SECTION 701 PERMITS

701.1. General Requirements for Zoning Permits:

1. A zoning permit shall be required prior to a change in use of land or structure, or the erection, construction, improvement or alteration of any structure or portion thereof, or the alteration or development of any improved or unimproved real estate, including, but not limited to, mining, dredging, filling, grading, paving, excavation or drilling operations or the erection or alteration of any signs specified in Section 313 of this Ordinance. Zoning permits shall also be required for the construction or installation of animal waste impoundments, lakes, ponds, dams, or other water retention basins. No zoning permit shall be required for repairs or maintenance of any structure or land provided such repairs do not change the use or the exterior dimensions of the structure, or otherwise violate the provisions of this Ordinance;
2. Application for zoning permits shall be made in writing to the Zoning Officer;
3. Such zoning permits shall be granted or refused within ninety (90) days from date of application;
4. No zoning permit shall be issued except in conformity with:
 - A. all applicable regulations of this Ordinance;
 - B. any conditions imposed upon the site by the Zoning Hearing Board or the Board of Supervisors; and,
 - C. any recorded subdivision or land development plan;
5. In all instances in which the Zoning Officer expresses a reasonable doubt as to the ability of a proposed use to meet all of the above-described requirements, it will be incumbent upon the applicant to furnish adequate evidence in support of his application. If such evidence is not presented, the zoning permit will be denied;
6. Application for a permit shall be made by the Owner or Lessee of any building or structure, or the agent of either; provided, however, that if the application is made by a person other than the Owner or Lessee, it shall be accompanied by a written authorization of the Owner or the qualified person making an application, that the proposed work is authorized by this Owner. The full names and addresses of the Owner, Lessee, Applicant, and of the responsible officers, if the Owner or Lessee is a corporate body, shall be stated in the application;
7. The Zoning Officer may call upon other Township Staff and/or Township-appointed consultants in the review of submitted materials for applications;

8. The Zoning Officer may revoke a permit or approval issued under the provisions of this Ordinance in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based or for any other cause set forth in the Zoning Ordinance;
9. Where a permit is required by this Ordinance, but the work is commenced or the use is commenced or changed prior to obtaining such permit, the fees set by ordinance or resolution of the Township Board of Supervisors for such permit shall be doubled. The doubling of the permit fee shall be required to reflect the additional expense incurred by the Township resulting from the need to inspect the property, respond to any complaints, issue any enforcement notices and/or process the application as soon as it is received. The payment of such increased permit fee shall not relieve any person from complying with all requirements of this Ordinance or any other applicable Township ordinances or from any penalties or enforcement actions authorized by this Ordinance or the Act;
10. Issuance of Permits - Upon receiving the application, the Zoning Officer shall examine the same within a reasonable time after filing. If the application or plans do not conform to the provisions of all pertinent local laws, he shall reject such application in writing, stating the reasons therefore. He shall inform the applicant of his right to appeal to the Zoning Hearing Board in the event such application is rejected. If satisfied that the proposed work and/or use conforms to the provisions of the Zoning Ordinance and all laws and ordinances applicable thereto, and that the certificate of use and occupancy as required herein has been applied for, he shall issue a permit therefore as soon as practical but not later than ninety (90) days from receipt of the application;
11. Reconsideration of Application - An applicant whose request for a permit has been denied by the Zoning Officer may make a later application for a permit provided all deficiencies which were the basis for the prior denial of the permit have been eliminated. The Zoning Officer shall not be required to make a new inspection of the application if this condition is not met;
12. Expiration of Permit - The permit shall expire after one (1) year from the date of issuance; provided, however, that the same may be extended every six (6) months for a period not to exceed an additional two (2) years, upon written request by the applicant which demonstrates good cause to the Zoning Officer;
13. Compliance with Ordinance - The permit shall be a license to proceed with the work and should not be construed as authority to violate, cancel, or set aside any of the provisions of the Zoning Ordinance, except as stipulated by the Zoning Hearing Board;
14. Compliance with Permit and Plot Plan - All work or uses shall conform to the approved application and plans for which the permit has been issued as well as the approved plot plan;

15. Display of Zoning Permit - All approved zoning permits shall be prominently displayed on the subject property during construction, renovation, reconstruction, repair, remodeling or the conduct of other site improvements. Such permit displays shall occur within five (5) days of permit issuance, or prior to the commencement of actual work on the site, whichever occurs first. Such permit display shall be continuous until the site receives its certificate of use and occupancy; and,
16. Temporary Use Permits - It is recognized that it may be in accordance with the purpose of this Ordinance to permit temporary activities for a limited period of time, which activities may be prohibited by other provisions of this Ordinance. If such uses are of such a nature and are so located that, at the time of petition of special exception, they will in no way exert a detrimental effect upon the uses of land and activities normally permitted in the zone. Zoning Hearing Board to authorize the issuance of a temporary use permit for a period not to exceed six (6) months.

701.2. Application for All Zoning Permits:

1. Applications shall contain a general description of the proposed work, development, use or occupancy of all parts of the structure or land and shall be accompanied by plans in duplicate drawn to scale and showing the following:
 - A. Actual dimensions and shape of lot to be developed;
 - B. Exact location and dimensions of any structures to be erected, constructed and altered;
 - C. Existing and proposed uses, including the number of occupied units, businesses, etc., all structures are designed to accommodate;
 - D. Off-street parking and loading spaces;
 - E. Utility systems affected and proposed;
 - F. Alteration or development of any improved or unimproved real estate;
 - G. The size of structures and the number of employees anticipated; and,
 - H. Any other lawful information that may be required by the Zoning Officer to determine compliance with this Ordinance; and,
 - I. Copies of any applicable approved subdivision or land development plans; and,

2. If the proposed development, excavation or construction is located within the Floodplain Zone, the following information is specifically required to accompany all applications, as prepared by a licensed professional:
 - A. The accurate location and elevation of the floodplain and floodway;
 - B. The elevation, in relation to the National Geodetic Vertical Datum of 1929 (NGVD), of the lowest floor, including basements;
 - C. The elevation, in relation to the NGVD, to which all structures and utilities will be flood proofed or elevated; and,
 - D. Where flood proofing is proposed to be utilized for a particular structure, the zoning permit application shall be accompanied by a document certified by a licensed professional engineer registered by the Commonwealth of Pennsylvania, or a licensed professional architect registered by the Commonwealth of Pennsylvania certifying that the flood proofing methods used meet the provisions of Section 231.9.3.E. of this Ordinance;

701.3. Application for Zoning Permits for Uses in All Commercial and Industrial Zones:

1. A location plan showing the tract to be developed, zone boundaries, adjoining tracts, significant natural features, and streets for a distance of two hundred (200) feet from all tract boundaries;
2. A plot plan of the lot showing the location of all existing and proposed buildings, driveways, parking lots showing access drives, circulation patterns, curb cut accesses, parking stalls access from streets, screening fences and walls, waste disposal fields or other methods of sewage disposal, other construction features on the lot, and the location of all topographical features;
3. A description of the operations proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, vibration, fire hazards, safety hazards, or the emission of any potentially harmful or obnoxious matter or radiation;
4. Evidence that the disposal of materials and wastes will be accomplished in a manner that complies with State and Federal regulations. Such evidence shall, at a minimum, include copies of contracts with waste haulers licensed to operate within Cumberland County which have been contracted to dispose of the materials used and wastes generated on-site. The zoning permit shall remain valid only so long as such contracts remain in effect and all materials and wastes are properly disposed of on a regular basis. Should the nature of the use change in the future such that the materials used or wastes generated change significantly, either in type or amount, the owner shall so inform the Zoning Officer, and shall provide additional evidence demonstrating continued compliance with the requirements of this section;

5. Engineering plans for the handling of traffic, noise, glare, air pollution, water pollution, vibration, fire hazards, or safety hazards, smoke, or emission of any potentially harmful or obnoxious matter or radiation;
6. Designation of the manner by which sanitary sewage and storm water shall be disposed and water supply obtained;
7. The proposed number of shifts to be worked and the maximum number of employees on each shift;
8. Where use by more than one firm is anticipated, a list of firms which are likely to be located in the center, their floor area, and estimated number of employees;
and,

701.4. Certificate of Use and Occupancy:

1. It shall be unlawful to use and/or occupy any structure, building, sign, and/or land or portion thereof for which a zoning permit is required herein until a certificate of use and occupancy for such structure, building, sign, and/or land or portion thereof has been issued by the Zoning Officer. The application for issuance of a certificate of use and occupancy shall be made at the same time an application for a zoning permit is filed with the Zoning Officer as required herein;
2. The application for a certificate of use and occupancy shall be in such form as the Zoning Officer may prescribe and may be made on the same application as it required for a zoning permit;
3. The application shall contain the intended use and/or occupancy of any structure, building, sign, and/or land or portion thereof for which a zoning permit is required herein;
4. The Zoning Officer shall inspect any structure, building, or sign within ten (10) days upon notification that the proposed work that was listed under the permit has been completed and if satisfied that the work is in conformity and compliance with the work listed in the issued permit and all other pertinent laws, he shall issue a certificate of use and occupancy for the intended use listed in the original application;
5. The certificate of use and occupancy or a true copy thereof shall be kept available for official inspection at all times;
6. Upon request of a holder of a zoning permit, the Zoning Officer may issue a temporary certificate of use and occupancy for a structure, building, sign, and/or land, or portion thereof, before the entire work covered by the permit shall have been completed, provided such portion or portions may be used and/or occupied safely prior to full completion of the work without endangering life or public welfare. The Zoning Officer shall also issue a temporary certificate of use and occupancy for such temporary uses as tents, use of land for religious or other

public or semi-public purposes and similar temporary use and/or occupancy. Such temporary certificates shall be for the period of time to be determined by the Zoning Officer, however, in no case for a period exceeding six (6) months;

7. A Certificate of Use and Occupancy shall not be issued for structures and buildings located in subdivisions requiring Improvement Guarantees until the structure or building abuts either a roadway which has been accepted by the Township for dedication or abuts upon a street which has been paved with a base wearing course; and,
8. In commercial and industrial zones in which operation standards are imposed, no certificate of use and occupancy shall become permanent until thirty (30) days after the facilities are fully operational when, upon a reinspection by the Zoning Officer, it is determined that the facilities are in compliance with all operation standards.

SECTION 702 FEES

- 702.1. Determination** - The Board of Supervisors may, by resolution, establish fees for the administration of this Ordinance. All fees shall be determined by a schedule that is made available to the general public. The Board of Supervisors may reevaluate the fee schedule and make necessary alterations to it. Such alterations shall not be considered an amendment to this Ordinance and may be adopted at any public meeting of the Board of Supervisors.

SECTION 703 AMENDMENTS

- 703.1. Power of Amendment** - The Board of Supervisors may from time to time, amend, supplement, change or repeal this Ordinance including the Official Zoning Map. Any amendment, supplement, change or repeal may be initiated by the Township Planning Commission, the Board of Supervisors or by a petition to the Board of Supervisors by an interested party;

703.2. Hearing and Enactment Procedures for Zoning Amendments:

1. Public Hearing - Before hearing and enacting Zoning Ordinance and/or Zoning Map amendments, the Board of Supervisors shall conduct a public hearing to inform the general public of the nature of the amendment, and to obtain public comment. Such public hearing shall be conducted after public notice (as defined herein and listed below) has been given.

2. Public Notice - Before conducting a public hearing, the Board of Supervisors shall provide public notice as follows:
 - A. Notice shall be 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 thirty (30) days, and the second publication shall not be less than seven days from the date of the hearing. Publication of the proposed amendment shall include either the full text thereof or the title and brief summary, prepared by the municipal solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:
 - ° A copy of the full text shall be supplied to a newspaper of general circulation in the municipality at the time the public notice is published; and,
 - ° An attested copy of the proposed Ordinance shall be filed in the county law library or other county office designated by the county commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said Ordinances;
 - B. For Zoning Map amendments, public notice shall also include the posting of a sign at conspicuous locations along the perimeter of the subject property; these sign(s) shall be posted at least one week prior to the hearing and will exhibit the nature, date, time and location of the hearing;
 - C. For curative amendments, public notice shall also indicate that the validity of the Ordinance and/or map is in question, and shall give the place where and the times when a copy of the request including any plans, explanatory material or proposed amendments may be examined by the public; and,
 - D. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment;
3. Enactment Notice - In addition to the public notice requirements defined herein, the Board of Supervisors must publish a reference to the time and place of the meeting at which passage of the Ordinance or amendment will be considered, and a reference to a place within the municipality where copies of the proposed Ordinance or amendment may be examined without charge, or obtained for a charge not greater than the cost thereof. Enactment notice shall be published at least once in one newspaper of general circulation in the municipality not more than sixty (60) days nor less than seven (7) days prior to passage. The published content of the enactment notice shall be the same as that required for public notice described in the preceding subsection A.;

4. Township Planning Commission Referrals - For amendments proposed by parties other than the Township Planning Commission, the Board of Supervisors shall submit each amendment at least thirty (30) days prior to public hearing to the Township Planning Commission for review and comment. The Township Planning Commission shall submit a report of its review, together with any recommendations, to the Board of Supervisors within forty-five (45) days from the date of said referral. The recommendation of the Township Planning Commission may include a specific statement as to whether or not the proposed amendment is in accordance with the intent of this Ordinance and any officially adopted Comprehensive Plan of the Township. The Board of Supervisors cannot act upon the amendment until it has received a recommendation from the Township Planning Commission; however, should the Township Planning Commission fail to submit its recommendation within forty-five (45) days, the Board of Supervisors may proceed without its recommendation;
5. County Planning Commission Referrals - All proposed amendments shall be submitted to the County Planning Commission at least thirty (30) days prior to public hearing on such amendments. The County Planning Commission may submit recommendations to the Board of Supervisors within forty-five (45) days of such referral. The Board of Supervisors cannot act upon the amendment until it has received a recommendation from the County Planning Commission; however, should the County Planning Commission fail to submit its recommendation within forty-five (45) days, the Board of Supervisors may proceed without its recommendation;
6. Adjournment of Public Hearing - If during the public hearing process, the Board of Supervisors needs additional time to understand the proposal, inform the public, receive public comment, and/or render a decision, it may adjourn the public hearing to a specific time and place; and,
7. Within thirty (30) days after enactment, a copy of the amendment to the zoning ordinance shall be forwarded to the Cumberland County Planning Commission;

703.3. Amendments Initiated by the Township Planning Commission - When an amendment, supplement, change or repeal is initiated by the Township Planning Commission, the proposal shall be presented to the Board of Supervisors which shall then proceed in the same manner as with a petition to the Board of Supervisors which has already been reviewed by the Township Planning Commission;

703.4. Amendment Initiated by the Board of Supervisors - When an amendment, supplement, change or repeal is initiated by the Board of Supervisors, such amendment, supplement, change or repeal shall follow the procedure prescribed for a petition under Section 703.2;

703.5. Amendment Initiated by a Petition from an Interested Party - A petition for amendment, supplement, change or repeal for a portion of this Ordinance shall include an accurate legal description and surveyed plan of any land to be rezoned, and all of the reasons supporting the petition to be considered. The petition shall also be signed by at least one record owner of the property in question whose signature shall be notarized attesting to the truth and correctness of all the facts and information presented in the petition. A fee to be established by the Board of Supervisors shall be paid upon the filing of such petition for change and for the purpose of defraying the costs of the proceedings prescribed herein. The Board of Supervisors may require duplicate sets of petition materials. The applicant shall submit the names and addresses of adjoining property owners including properties directly across a public right-of-way;

703.6. Curative Amendment by a Landowner - A landowner, who desires to challenge on substantive grounds the validity of the Ordinance or the Official Zoning Map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest, may submit a curative amendment to the Board of Supervisors (including all of the reasons supporting the request to be considered) with a written request that his challenge and proposed amendment be heard and decided as provided in Sections 609.1. and 916.1. of the Act; as amended. The Board of Supervisors shall commence a hearing thereon within sixty (60) days of the request. The curative amendment shall be referred to the Township and Cumberland County Planning Commissions as provided for in Section 703.2. and public notice of the hearing shall be provided as defined herein.

1. In reviewing the curative amendment, the Board of Supervisors may deny the request, accept the request as submitted, or may adopt an alternative amendment which will cure the challenged defects. The Board of Supervisors shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:
 - A. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;
 - B. 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 the Ordinance or map;
 - C. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodland, wetlands, floodplains, aquifers, natural resources and other natural features;
 - D. 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; and,

- E. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare;
2. The Board of Supervisors shall render its decision within forty-five (45) days after the conclusion of the last hearing;
3. If the Board of Supervisors fails to act on the landowner's request within the time limits referred to in paragraph (b), a denial of the request is deemed to have occurred on the 46th day after the close of the last hearing;
4. Public notice of the hearing shall include notice that the validity of the Ordinance or Zoning Map is in question and shall give the place where and the times when a copy of the request including any plans, explanatory material or proposed amendments may be examined by the public;
5. The challenge shall be deemed denied when:
 - A. The Board of Supervisors fails to commence the hearing within sixty (60) days;
 - B. The Board of Supervisors notifies the landowner that it will not adopt the curative amendment;
 - C. The Board of Supervisors adopts another curative amendment which is unacceptable to the landowner; or
 - D. The Board of Supervisors fails to act on the request forty-five (45) days after the close of the last hearing on the request, unless the time is extended by mutual consent by the landowner and municipality;
6. Where, after the effective date of the Act, a curative amendment proposal is approved by the grant of a curative amendment application by the Board of Supervisors pursuant to this section or a validity challenge is sustained by the Zoning Hearing Board pursuant to Section 604.1., or the court acts finally on appeal from denial of a curative amendment proposal or a validity challenge, and the proposal or challenge so approved requires a further application for subdivision or land development, the developer shall have two years from the date of such approval to file an application for preliminary or tentative approval for a subdivision, land development or planned residential development. Within the two-year period, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant as granted in the curative amendment or the sustained validity challenge. Upon the filing of the preliminary or tentative plan, the provisions of Section 508 (4) of the Act shall apply; and,

7. Where the proposal appended to the curative amendment application or the validity challenge is approved but does not require further application under any subdivision or land development Ordinance, the developer shall have one year within which to file for a zoning permit. Within the one-year period, no subsequent change or amendment in the zoning, subdivision or other governing Ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant as granted in the curative amendment or the sustained validity challenge. During these protected periods, the court shall retain or assume jurisdiction for the purpose of awarding such supplemental relief as may be necessary;

703.7. Curative Amendment by the Board of Supervisors:

1. The Board of Supervisors, by formal action, may declare this Ordinance or portions thereof substantively invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days following such declaration and proposal, the Board of Supervisors shall:
 - A. By resolution, make specific findings setting forth the declared invalidity of the Ordinance or portions thereof which may include:
 - a. references to specific uses which are either not permitted or not permitted in sufficient quantity;
 - b. references to a class of use or uses which require revision; or
 - c. references to the entire Ordinance which requires revisions;
 - B. Begin to prepare and consider a curative amendment to the Ordinance to correct the declared invalidity;
2. Within one hundred eighty (180) days from the date of the declaration and proposal, the Board of Supervisors shall enact a curative amendment to validate or reaffirm the validity of, this Ordinance pursuant to the provisions required by Section 609 of the Act in order to cure the declared invalidity of the Ordinance;
3. Upon the date of the declaration and proposal, the Board of Supervisors shall not be required to entertain or consider any curative amendment filed by a landowner. Nor shall the Zoning Hearing Board be required to give a report, upon request, for a challenge to the validity of the Ordinance under Section 604.1. subsequent to the declaration and proposal, based upon the grounds identical to or substantially similar to those specified in the resolution required by this Section. Upon the enactment of a curative amendment to, or the reaffirmation of the validity of this Ordinance, no rights to a cure by amendment or challenge shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unamended Zoning Ordinance for which the Board of Supervisors propose to prepare a curative amendment; and,

4. The Board of Supervisors, having utilized the procedures as set forth in this Section, 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 the Ordinance; provided however, that if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the Township by virtue of a decision by any Court of competent jurisdiction, the Board of Supervisors may utilize the provisions of this Section to prepare a curative amendment to the Ordinance to fulfill this duty or obligation; and,

703.8. Authentication of Official Zoning Map - Whenever there has been a change in the boundary of a zone or a reclassification of the zone adopted in accordance with the above, the change on the Official Zoning Map shall be made, and shall be duly certified by the Township Secretary and shall thereafter be refiled as part of the permanent records of the Township.

SECTION 704 CONDITIONAL USES

704.1. Filing of Conditional Use - For any use permitted by conditional use, a conditional use must be obtained from the Board of Supervisors. In addition to the information required on the zoning permit application, the conditional use application must show (sixteen (16) copies to be provided):

1. Ground floor plans and elevations of proposed structures for nonresidential applications;
2. Names and addresses of adjoining property owners including properties directly across a public right-of-way;
3. A scaled drawing (site plan) of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance; and,
4. A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Ordinance;

704.2. General Criteria - Each applicant must demonstrate compliance with the following:

1. The proposed use shall be consistent with the purpose and intent of the Zoning Ordinance;
2. The proposed use shall not detract from the use and enjoyment of adjoining or nearby properties;
3. The proposed use will not affect a change in the character of the subject property's neighborhood;

4. Adequate public facilities are available to serve the proposed use (e.g. schools, fire, police and ambulance protection, sewer, water, and other utilities, vehicular access, etc.);
5. For development within the Floodplain Zone, that the application complies with those requirements listed in Section 231 of this Ordinance;
6. The proposed use shall comply with those criteria specifically listed in Article 4 of this Ordinance. In addition, the proposed use must comply with all other applicable regulations of this Ordinance; and,
7. The proposed use will not substantially impair the integrity of the Township's Comprehensive Plan;

704.3. Conditions - The Board of Supervisors in approving conditional use applications, may attach conditions, other than those related to off-site transportation and road improvements, considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same zone. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Ordinance and be subject to the penalties described in this Article;

704.4. Site Plan Approval - Any site plan presented in support of the conditional use pursuant to Section 704.1. shall become an official part of the record for said conditional use. Approval of any conditional use will also bind the use in accordance with the submitted site plan; therefore, should a change in the site plan be required as part of the approval of the use, the applicant shall revise the site plan prior to the issuance of a zoning permit. Any subsequent change to the use on the subject property not reflected on the originally approved site plan, shall require the obtainment of another conditional use approval;

704.5. Hearing Procedures:

1. Before voting on the approval of a conditional use, the Board of Supervisors shall hold a public hearing thereon, pursuant to public notice. The Board of Supervisors shall submit each such application to the Township Planning Commission at least thirty (30) days prior to the hearing on such application to provide the Township Planning Commission an opportunity to submit recommendations. If, after any public hearing held upon an application, the proposed application is revised, the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the application;
2. Public notice as defined herein, and written notice shall be given to the applicant, the Zoning Officer, such other persons as the Board of Supervisors shall designate by Ordinance, and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by Ordinance or, in the absence of Ordinance provision, by rules of the Board of Supervisors. In addition to the written notice provided herein, written

notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing;

3. The Board of Supervisors may prescribe reasonable fees with respect to hearings. Fees for said hearings may include compensation for the secretary, notice and advertising costs, and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses, expenses for engineering, architectural, or other technical consultants, or expert witness costs;
4. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board of Supervisors, and any other person, including civic or community organizations permitted to appear by the Board of Supervisors. The Board of Supervisors shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board of Supervisors for that purpose;
5. The Chairman or Acting Chairman of the Board of Supervisors shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties;
6. 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;
7. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded;
8. The Board of Supervisors may keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board of Supervisors. The cost of the original transcript shall be paid by the Board of Supervisors if the transcript is ordered by the Board of Supervisors; or shall be paid by the person appealing the decision of the Board of Supervisors 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; and,
9. The Board of Supervisors 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.

10. Each party shall provide thirteen (13) copies of each exhibit presented by the party during the conditional use hearing.

704.6. Time Limitation:

1. If a conditional use is granted, the necessary permit shall be secured and the authorized action begun within two (2) years after the date when the conditional use is finally granted, and the building or alteration, as the case may be, shall be completed within three (3) years of said date. For good cause, the Board of Supervisors may at any time, upon application in writing, extend either of these deadlines;
2. Should the appellant or applicant fail to obtain the necessary permits within said two (2) year period, or having obtained the permit should he fail to commence work thereunder within such two (2) year period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn, or abandoned his application, and all approvals and permits granted to him shall be deemed automatically rescinded by the Board of Supervisors;
3. Should the appellant commence construction or alteration within said two (2) year period, but should he fail to complete such construction or alteration within said three (3) year period, the Board of Supervisors may, upon ten (10) days' notice in writing, rescind or revoke the granted conditional use, if the Board of Supervisors finds that no good cause appears for the failure to complete within such three (3) year period, and if the Board of Supervisors further finds that conditions have altered or changed in the interval since the granting of the conditional use that revocation or rescission of the action is justified; and,
4. As an alternative to the preceding, an applicant can request, as part of the original application before the Board, the granting of a timetable associated with the request which would supersede the deadlines imposed in Sections 704.6.1.-3. In so doing, the applicant must demonstrate that the times requested are logically related to normal and expected progress of the project. In approving a timetable under this section, the Board must establish and bind a definite time-frame for (1) issuance of a zoning permit, and (2) completion of construction of the project.

SECTION 705 SAVINGS PROVISION FOR MATTERS IN PROCESS

Plans and applications validly submitted to the Township for approval and any litigation pending under or because of any previously enacted land use or zoning ordinance prior to the effective date hereof shall be governed and evaluated by such prior ordinance, and, for such limited purpose, such previously enacted ordinance or ordinances shall be saved from repeal as hereafter provided.

SECTION 706 REPEALS AND INCONSISTENCIES

Except as otherwise provided in Section 705, any resolution or ordinance, or part thereof, inconsistent herewith and any amendments thereof are hereby expressly repealed.

SECTION 707 EFFECTIVE DATE

This Zoning Ordinance shall become effective upon enactment by the Board of Supervisors of Silver Spring Township, County of Cumberland, Commonwealth of Pennsylvania.