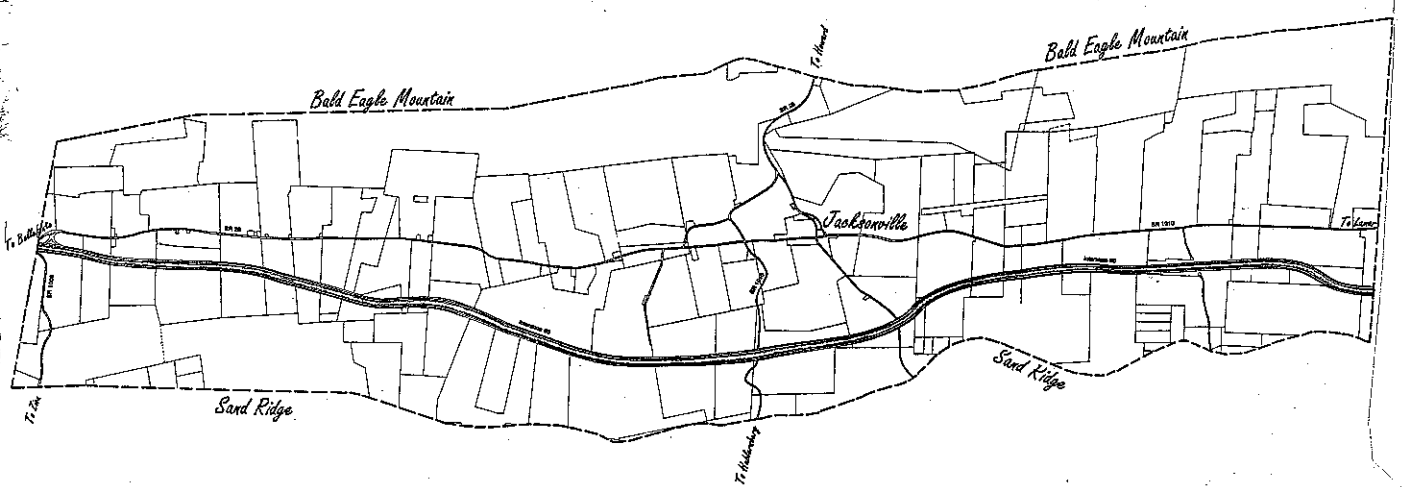
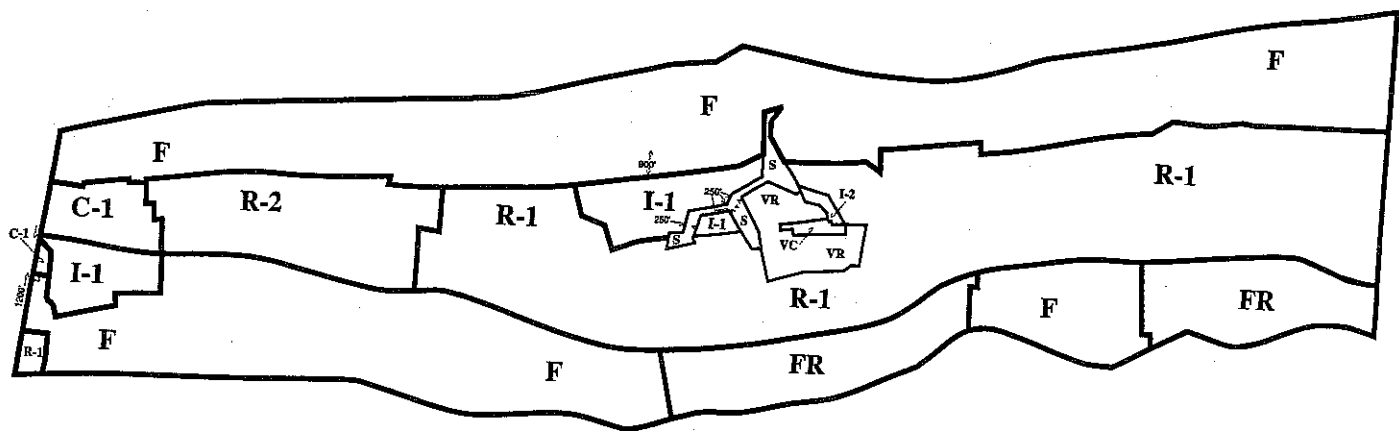
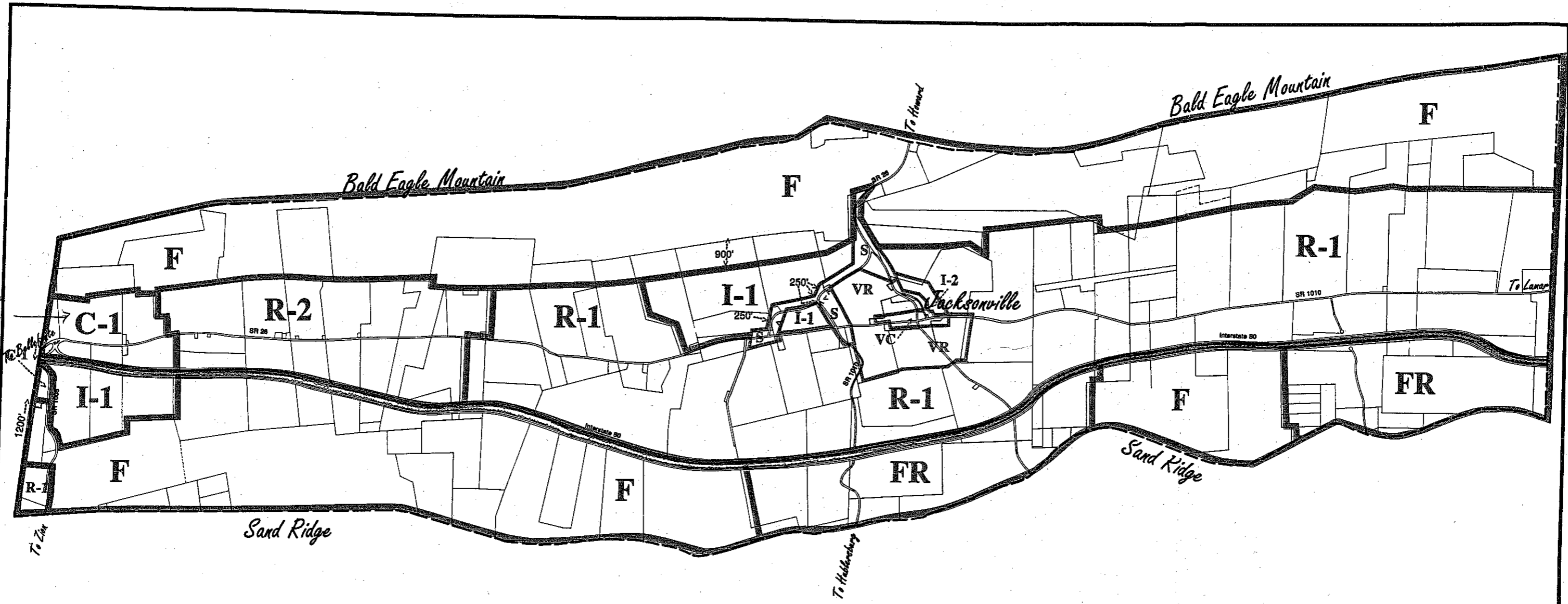


MARION TOWNSHIP ZONING ORDINANCE



November 16, 1992





ZONING MAP

CONSERVATION DISTRICTS

- F - Forest
- S - Stream Valley
- R-1 - Agricultural / Rural Residential

RESIDENTIAL DISTRICTS

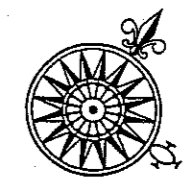
- FR - Forest Residential
- R-2 - Single Family Residential
- VR - Village Residential

COMMERCIAL DISTRICTS

- VC - Village Commercial
- C-1 - Planned Commercial

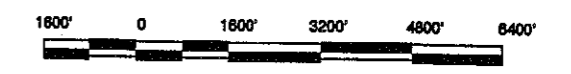
INDUSTRIAL DISTRICTS

- I-1 - General Industrial
- I-2 - Light Industrial



MARION TOWNSHIP CENTRE COUNTY, PENNSYLVANIA

prepared: Centre County Planning Commission, August 1972
revised: Stallman & Stahlman, Inc., November 1990



THIS IS TO CERTIFY THAT THIS IS THE OFFICIAL ZONING MAP OF THE TOWNSHIP OF MARION, CENTRE COUNTY, PENNSYLVANIA, PURSUANT TO THE MARION TOWNSHIP ZONING ORDINANCE NO. 22 AS AMENDED BY ORDINANCE NO. 'S 23, 24 AND 25 ALL WHICH BECAME EFFECTIVE ON THE 16TH DAY OF NOVEMBER, 1992.

William E. O'Donald, Chairman
Richard E. Telford, Jr.
Archie B. Dettig, Jr.
Edgar Ann Knight 4/10/92 Secretary

AN ORDINANCE OF THE TOWNSHIP OF MARION, CENTRE COUNTY,
PENNSYLVANIA, AMENDING THE MARION TOWNSHIP ZONING MAP

BE IT ENACTED AND ORDAINED and it is hereby enacted and ordained by the Board of Supervisors of Marion Township to amend the Marion Township Zoning Ordinance and Map as follows:

A2 Section 3. Official Marion Township Zoning Map. The official Marion Township Zoning Map shall be amended to change the zoning classification of approximately 62.5 acres of land located on the west side of Forest Avenue directly opposite to the Curtin Gap Quarry from Forest (F) and Commercial C-1) to a General Industrial (I-1) District. The area rezoned is a portion of a tract owned by Edna Grove Line 15 of the Criteria and Standards for the , Debra Robinson, and the property owned by Robert J. Rimmey and is as depicted on the map which is attached to this Ordinance and made a part by this reference.

A2 Section 3.2 Changes in the Official Zoning Map. The changes adopted pursuant to this Ordinance shall be portrayed on the official zoning map and those changes initialed by the Chairman of the Marion Township Supervisors as having been adopted on February 11, 2003.

ENACTED AND ORDAINED as an Amendment to the Marion Township Zoning Ordinance this 11th day of February, 2003.

ATTEST:

Sharon J. Cathgate

TOWNSHIP OF MARION

[Signature]
[Signature]
[Signature]

PREFACE

(The Preface of this Zoning Ordinance is taken from the Marion Township Comprehensive Plan)

This Ordinance was prepared by the Marion Township Planning Commission as part of the Cooperative Zoning Project involving seven Centre County municipalities which went together to jointly develop up-to-date comprehensive plans and zoning ordinances for each of the seven participating municipalities. The participating municipalities were the Boroughs of Port Matilda, Bellefonte and Centre Hall, and the Townships of Benner, Marion, Spring and Walker.

The Solicitor and coordinator for the Cooperative Zoning Project was Ben Novak, Esquire, of Novak, Stover & McCarty, Attorneys-at-Law, of Bellefonte and State College, Mr. Novak worked with the Marion Township Planning Commission and the comprehensive plan consultant, George Stallman, to develop this Zoning Ordinate specially tailored to meet the needs of the Township of Marion.

MUNICIPAL ROLES

Every municipality performs certain economic and social roles within its area region. The larger the community, generally the more varied and complex these roles become; for example, every city in the Commonwealth provides a good example of a community providing multiple roles.

And most boroughs, regardless of size, have traditionally performed multiple roles as places of work, places of residence, and places of trade. They are throwbacks to a time when transportation modes and opportunities were limited, making close proximity of all elements of daily life extremely important. But the need for such proximity has been eroding for decades, and today many Boroughs perform strictly a residential role.

But sheer size is not always the determining factor. Thanks to mobility made possible by the automobile and improved highways, many townships in the Commonwealth have experienced extraordinary population growth. Yet the role of many of these Townships is often exclusively limited to providing homes for residents who work elsewhere -- i.e.: "Bedroom Communities". Other townships, such as Marion, have not experienced this growth and their role remains primarily agricultural.

THE MAJOR OBJECTIVE

Historically, Marion Township's role in the Centre County region has, like most of its neighbors, been predominantly agriculture. Agriculture production whether for local use or export has been the Township's economic backbone. But in recent years some factors have emerged that are challenging if not changing this role.

For some farmers, farming is not as attractive occupation as it once was. Farming as a way of life to be passed from one generation to another has lost its appeal for some. Then the relatively small size of the area's typical farms

combined with the relatively large financial investment for equipment places other farmers at a competitive disadvantage. And finally, when the pressures for development become financially strong enough another group of farmers succumb and sell.

The current pressures for development in Centre county as well as over the past generation are primarily the direct and indirect results of the expansion of Penn State University. Table 3.5 compares, by municipality, growth in the Centre Region and the Nittany Valley subregion with Centre County and Pennsylvania over the past thirty years. The table shows (1) extraordinary growth occurring in all of the Centre Region municipalities abutting the University and State College Borough, (2) moderate growth in the next ring of municipalities including Benner and Spring Townships, and (3) moderate growth in more outlying townships such as Marion. Even though the most proximate point of State college Borough to Marion Township is 12.5 miles via PA Route 26, the automobile makes that comparatively easy commuting distance.

But there are also strong factors supporting keeping an agricultural lifestyle and a rural atmosphere.

First and perhaps foremost among these is that the residents of Marion Township strongly supported the idea of the Township taking an active role in preserving its farmland. While it may be argued that the majority of the residents of Marion Township do not own farms and thus would be benefitting at someone else's expense, on the other hand, the overwhelming majority of affirmative responses to this question indicates that most farmers agree with this position as well.

Secondly, the geography of Marion Township, as noted in Chapter 2 -- Natural Features, is a long and narrow valley between Bald Eagle Mountain and Sand Ridge. The result of this configuration is that entry into the valley, is from a practical standpoint, limited to two "gates" at either end of the valley - PA 26 from the west and SR 1010 from the east. The significance of this fact is that development can more easily be controlled and channeled since its source and direction can be so clearly identified.

Thirdly, and critically important, is that farming remains an important and desirable occupation and way of life. Encouraged by an infusion of new Amish farmers, most farms bought today are bought with agricultural usage in mind.

And finally, the lack of public water and public sewer in Marion Township limits the size and scale of future land development to challenge the Township's agricultural lifestyle.

The questions to be resolved by this Plan then are not whether agriculture should be encouraged and protected, but how, and yet be in a fair and equitable manner for all.

But, as it always has, Marion Township's continuing strength as an agriculturally based community rests upon external factors and upon third parties:

1. The ongoing importance of agriculture in all of Centre County in general to maintain the agricultural strength and the rural character of Marion Township in particular.
2. The continued economic vitality and the employment base of the entire region as a local market for agricultural products and as alternative/supplemental incomes sources.
3. The support of other governmental bodies to make decisions and to provide services that are in the best interest of Marion Township.

Marion Township is but one player in Centre County among a large group of players, both public and private. Cooperation among all the Centre County Region's players will be necessary to ensure that Marion Township and its fellow municipalities advance in the best interests of all.

These factors do not mean, however, that Marion Township should be pessimistic in regard to the control of the Township's destiny. Quite to the contrary, there is much that needs to be done and by and large the Township must look to itself to ensure that these matters be identified and resolved. This is the purpose of the Comprehensive Plan.

THE MAJOR GOAL OF THE COMPREHENSIVE PLAN is that first and foremost Marion Township maintain its current primary role as a rural farm community, and that all times maximum concern be given to maintaining and attaining those economic and environmental qualities that will enable its farms to thrive and its homes and residents to prosper.

SUPPORTING OBJECTIVES

While the major goal is the most significant idea expressed by the Comprehensive Plan, the following objectives serve to clarify the Township's role as stated in that major objective. It shall likewise be the objectives of Marion Township to:

◆ **Encourage Continued Agricultural Activity.** Farming has long been the most important part of community life in Marion Township. Today, when the economic viability of farming is in question in many parts of Pennsylvania, the importance of farming as a national industry, as well as a means of maintaining and protecting agricultural land as a national resource and as open space, has never been more important. For these reasons and also because of the obvious economic inefficiencies of providing public services to scattered development, the Plan strongly endorses all necessary steps to ensure continuance of agriculture in the Township.

◆**Protect the Environment.** Because an outstanding natural environment is an important key to the quality of life, natural features and resources will be recognized as the most critical limitation to any future development in Marion Township. In the past, we have often ignored the effects of our individual actions upon the environment. It is the intent of the Plan to make environmental preservation and conservation a major factor in the future development of Marion Township. Attention will be given to the protection of the following natural features and resources:

1. Agriculturally productive soils.
2. The slopes and forests of Bald Eagle Mountain and Sand Ridge.
3. The stream valleys of Nittany Creek, Lick Run and Cedar run; including associated floodplains, wetlands, and valley slopes.
4. Mineral resources, particularly limestone of the Valentine formation.
5. Water quality, both surface and groundwater.

◆**Limit Mineral Extraction.** Marion Township recognizes vested rights of property owners to extract minerals from their property and a need by the community at large to use these products, but the Township specifically rejects any notion that operation of any mineral extraction facility need to disrupt community life, to be a financial burden to any level of government, or to leave an extraction site unusable upon completion of operations. It will be the policy of Marion Township in regard to any permitted extraction operation to:

1. Place locational and operational restrictions upon an permitted extraction operation to eliminate any disruptive influence upon the Township;
2. Require financial contributions by any such facility in an amount sufficient to cover any public expenditures required in connection therewith; and
3. Require post operational reclamation measures of a level sufficient to render the site again useful.

◆**Limit Residential Development.** In order to minimize interference with Township agricultural activity and to help protect the Township's environment, future residential development will be concentrated within specified areas selected on the basis of:

- Public road accessibility,
- Proximity to existing residential areas,
- Proximity to major employment and shopping areas,
- Proximity to existing public water and sewer facilities,

Proximity to public schools and recreation, and
Watershed drainage areas.

◆Postpone the Location of Industry. Marion Township --

1. Recognizing the existing major employment centers of State College, Bellefonte Borough and Spring Township where substantial numbers of Marion Township residents are employed;
2. Recognizing the proposed major initiative by Penn State University for a science/technological park at Park Avenue extended and for significant expansion on and about the University Park Airport in Benner Township in the foreseeable future;
3. Recognizing that Marion Township, through the Plan, has declared agriculture to be its primary economic base and mineral extraction to be a secondary economic base; and
4. Recognizing that Marion Township has no previously established industrial areas --

Proposes to limit the area of the Township for the establishment of industrial districts or parks to the reuse of land previously utilized for mineral extraction.

◆Strictly Define Commercial Activity and Location. Because Marion Township:

1. Is not currently and does not plan upon becoming a major employment center;
2. Has a small existing population base and does not plan for major residential expansion;
3. Wishes to conserve its agricultural resources;
4. Wishes to retain its rural atmosphere; and
5. Views commercial activities as a public service;

The Township will limit commercial activities to those services needed by Township residents and to the highway services needed to serve regional traffic travelling Interstate 80.

◆Provide Public Services that are efficient in operation and adequate in extent to supply desired amenities as well as required necessities for Township residents and businesses.

1. The Township recognizes and accepts a responsibility to provide limited park and recreational facilities for Township residents.
2. The Township pledges to provide public water to areas of the Township needing and requesting such service.

3. The Township pledges to provide public sanitary waste collection and treatment to residential and business areas as health conditions dictate and as time and money permit. Conversely it will be Township policy not to extend public sewers to conservation and agricultural areas.

◆Maintain and Improve the Transportation System as a support for the Township's residents and activities. The system should generally be limited to highway and road transportation.

1. Establish a street classification system and street construction standards consistent with the requirements of the Pennsylvania Department of Transportation.
2. Correct existing intersection and traffic flow problems.
3. Create a street network by planning for specific new street connections and extensions.

◆Use the Comprehensive Plan as a guide for making decisions regarding physical development and as the basis for evaluating proposed actions affecting physical development. Also to:

1. Use the Plan as a guide for establishing budget priorities.
2. Use the Plan as the primary means of communicating Township policy to any concerned organization or individual.
3. View the Plan as having a useful life of approximately ten years at which time it will be updated in light of intervening events and trends.

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**ZONING ORDINANCE
OF THE
TOWNSHIP OF MARION**

**ARTICLE I
GENERAL PROVISIONS**

A1 SECTION 1. SHORT TITLE

This Ordinance shall be known, and may be cited, as the "Marion Township Zoning Ordinance".

A1 SECTION 2. AUTHORITY

This Ordinance is enacted and ordained under the grant of powers by the General Assembly of the Commonwealth of Pennsylvania, "The Pennsylvania Municipalities Planning Code", Act of 1988, December 21, P.L. 1329, as amended (53 P.S. 10101 et seq.).

A1 SECTION 3. PURPOSE

This Ordinance is enacted for the purposes for which zoning ordinances may be enacted pursuant to Section 604 of the Pennsylvania Municipalities Planning Code, as amended, 53 P.S. 10604.

A1 SECTION 4. STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES

The Community Development Objectives of this Ordinance are the goals, objectives, and policies stated in the Preface and in the Comprehensive Plan of Marion Township, adopted on the 10th day of August A.D. 1992, or as it may be amended.

A1 SECTION 5. ESTABLISHMENT OF CONTROLS

In their interpretation and application, the regulations set by this Ordinance within each district shall be held to be the minimum requirements adopted for the promotion of the purposes of this Ordinance and shall apply with uniformity to each class of use or structure.

A1 Section 5.1 Types of Control. The following regulations shall apply in the respective districts: use regulations, including primary and accessory uses; lot requirements, including size, width, and coverage; setback requirements for front, side, and rear yards; maximum height requirements; and, supplemental regulations.

A1 Section 5.2 New Lots, Uses, and Structures. In all districts, after the effective date of this Ordinance any new lot, use, or structure shall be constructed, developed, and used only in accordance with the regulations specified for each district.

A1 Section 5.3 Existing Lots, Uses, and Structures. In all districts, after the effective date of this Ordinance, any existing lot, use, or structure which is not in conformity with the regulations for the district in which it is located shall be deemed to be nonconforming, and subject to the regulations set forth herein.

A1 Section 5.4 Relationship With Other Restrictions. The provisions of this Ordinance are not intended to interfere with, abrogate, or annul other rules, regulations, ordinances or private agreements, provided that where this Ordinance imposes a greater restriction than that imposed by such other rules, easements, covenants, restrictions, agreements, regulations, or ordinances, the provisions of this Ordinance shall control.

A1 Section 5.5 Exemptions. This Ordinance shall not apply to any lot, use or structure which is owned or leased by the municipality or which is exempted from zoning regulations by the Pennsylvania Municipalities Planning Code or other laws of the Commonwealth of Pennsylvania.

A1 SECTION 6. SEVERABILITY

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, nor the validity of any other section or provision of the Ordinance than the one so declared.

ARTICLE II

DISTRICT REGULATIONS

A2 SECTION 1. ESTABLISHMENT OF DISTRICTS

For the purposes of this Ordinance, the municipality is hereby divided into the following districts.

<u>District</u>	<u>Map Symbol</u>
A2 Section 1.1 Conservation Districts	
Forest	F
Stream Valley	S
Agricultural/Conservation	R-1
A2 Section 1.2 Residential Districts	
Forest Residential	FR
Single Family Residential	R-2
Village Residential	VR
A2 Section 1.3 Commercial Districts	
Village Commercial	VC
Planned Commercial	C-1
A2 Section 1.5 Industrial Districts	
General	I-1
Light Industrial	I-2

A2 SECTION 2. ANNEXED TERRITORY

All territory which may hereafter be annexed by the municipality shall be zoned and classified simultaneously with the perfection of the annexation.

A2 SECTION 3. THE OFFICIAL MARION TOWNSHIP ZONING MAP

The map shall hereafter be referred to as "Official Zoning Map". The boundaries of the districts in which this municipality is divided shall be shown upon a map entitled the "Official Zoning Map". The said Map and all notations, references, and other data shown thereon is hereby incorporated by reference into this Ordinance as if it were fully described herein.

A2 Section 3.1 Adoption of the Official Zoning Map. The Official Zoning Map shall be identified by the signatures of the chairman or president of the governing body, attested by the municipal secretary, under the following words: "This is to certify that this is the Official Zoning Map of the Township of Marion, Centre County, Pennsylvania", together with the date of enactment of the Ordinance. The Map shall be kept on file with the municipal Zoning Officer, and shall be the final authority as to the current zoning status of land and water areas in the municipality.

A2 Section 3.2 Changes in the Official Zoning Map. If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered promptly on said Map. All changes shall be certified by initialing of the chairman or president of the governing body, together with a brief description of the changes and the date of enactment of such changes, under the word "Revised". No amendment to this Ordinance which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been shown on said Map.

A2 Section 3.3 Replacement of the Official Zoning Map. In the event that the Official Zoning Map becomes damaged, lost, or difficult to interpret because of the nature or number of changes, the municipal governing body may, by resolution, adopt a new Official Zoning Map which shall supersede the previous Map. The new Official Zoning Map shall be identified by the signatures of the chairman or president of the governing body, attested by the municipal secretary, under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted as part of Ordinance No. , known as the Zoning Ordinance of Marion Township", together with the date of adoption of the resolution. The previous Official Zoning Map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

A2 Section 3.4 District Boundary Lines. The district boundary lines shall be shown on the Official Zoning Map. Where uncertainty exists as to the boundaries of districts, the following rules shall apply:

A2 Section 3.4.1 Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;

A2 Section 3.4.2 Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

A2 Section 3.4.3 Boundaries indicated as approximately following municipal limits shall be construed as following such municipal limits;

A2 Section 3.4.4 Boundaries indicated as following railroad lines or railroad rights-of-way shall be construed to be midway between the main tracks or if there are no tracks, to the center of the right-of-way;

A2 Section 3.4.5 Boundaries indicated as approximately following the center lines of streams or other bodies of water shall be construed to follow such center lines and, in the event the stream or other body of water moves, the boundary shall move with the center line of such;

A2 Section 3.4.6 Boundaries indicated as approximately following the edges or banks of streams or other bodies of water

shall be construed as following such edges or banks and, in the event the stream or body of water moves, the boundary shall move with the edge or bank of same.

A2 Section 3.4.7 Boundaries indicated as parallel to or extensions of features indicated in subsection 3.4.1 through 3.4.5 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the Map to carry out the spirit and intention of the Zoning boundary designation;

A2 Section 3.4.8 Where physical features existing on the ground are alleged to be at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections 3.4.1 through 3.4.6 above, it shall be the function of the Zoning Officer to make a determination;

A2 Section 3.4.9 Where one or more district boundary lines divides a lot held in single ownership, the regulations of one of the districts on either side of any such boundary line may be chosen by the owner to apply to the portion of such lot in the district on the other side of such line for a distance of not more than fifty (50) feet beyond the district boundary lines provided lot, or area and setback requirements are met for said portions.

A2 SECTION 4. USE REGULATIONS

The use of land and structures shall be limited to only the primary and accessory uses permitted in each zoning district, unless specifically permitted, exempted, or otherwise modified by this or other sections of this Ordinance. All other uses not expressly permitted or listed as conditional use or special exceptions are prohibited. In addition to the regulations stipulated for each use elsewhere in this Ordinance, the following use regulations shall apply.

A2 Section 4.1 Primary Uses. In the Residential Districts, no more than one primary use shall be permitted on any single lot of record. In all other zoning districts, there may be more than one primary use, but each additional primary use must conform to the lot, yard setback, maximum height and all other regulations contained herein.

A2 Section 4.2 Accessory Uses. All accessory structures, except where otherwise permitted by this Ordinance, shall comply with the lot, yard setback, and maximum height requirements for the primary use to which it is accessory. Accessory uses and structures may include, but are not limited to, the following:

A2 Section 4.2.1 Apartment. All single family detached dwellings may include one one-bedroom apartment, provided that: 1) such is part of the dwelling; 2) the total floor area of the apartment does not exceed five hundred (500) square feet; 3) one additional off-street parking space is provided; and 4) no more than two (2) persons occupy the apartment.

A2 Section 4.2.2 Dwelling Unit in Commercial Districts. All commercial buildings permitted in the VR, VC, and C-1 districts may include one dwelling unit.

A2 Section 4.2.3 Retail Outlets. Industrial uses may include a retail factory-outlet for the sale of those products produced on the premises, provided that the floor area of such outlet does not exceed twenty-five (25) percent of the total floor area of the primary structure, or, if there is more than one use in the primary structure, twenty-five (25%) percent of the particular use, whichever is less. Wholesale distribution use may include retail sales to the general public as an accessory use provided that total accessory uses do not exceed twenty-five (25%) percent of the total floor area of the use. Any such retail outlet use must comply with the parking requirements.

A2 Section 4.2.4 Swimming Pools. Swimming pools are permitted as accessory structures in any district, provided that outdoor pools capable of containing water eighteen (18) inches or more in depth shall meet the following requirements:

A2 Section 4.2.4.1 No swimming pool may be located in any front yard setback area, but may be located in the side or rear yard setback area provided that no part of the pool, excluding paved areas, accessory structures and fencing, shall be located within twenty (20) feet of rear property line, nor from the side lot line of a distance equivalent to the side yard setback for an accessory structure within the applicable district.

A2 Section 4.2.4.2 All outdoor swimming pools below ground level shall be completely surrounded by a fence or wall not less than four (4) feet in height, which shall be so constructed as not to have openings, holes, or gaps larger than four (4) inches in either height or width. Should the wall of the pool be above ground, the required fence or wall may be securely affixed to the top of the pool wall so that the total height of the wall of the pool and the fence or wall shall be not less than four (4) feet.

A2 Section 4.2.4.3 All gates or doors opening through such required fence or wall shall be equipped with a self-latching device capable of being locked for keeping the gate or door securely closed at all times when not in use.

A2 Section 4.2.4.4 Lights used to illuminate any swimming pool shall be so arranged and shaded as to reflect light

away from adjoining premises so as not to become a nuisance or annoyance to adjacent property owners.

A2 Section 4.2.5 Accessory Buildings. Small accessory buildings of not more than one hundred forty-four (144) square feet in ground floor area and not more than ten (10) feet in height are permitted in the side and rear yard setback areas provided they are not placed closer than five (5) feet from any lot line.

A2 Section 4.3 Airports and Landing Strips. All airports and landing strips shall be designed and constructed in accordance with standards of the Federal Aviation Agency and the Pennsylvania Bureau of Aviation.

A2 Section 4.4 Automobile Service Stations. In addition to the district regulations specified, all automobile service stations shall meet the following regulations:

A2 Section 4.4.1 Dismantled Motor Vehicles. The dismantling of motor vehicles shall be performed within a completely enclosed building, and all dismantled motor vehicles, and parts thereof, shall be stored within such buildings.

A2 Section 4.4.2 Fuel Pumps. Fuel pumps may be located within the front yard setback area provided such are at least thirty (30) feet from any lot line and not within the right of way of any public street.

A2 Section 4.5 Auto Wrecking, Junk, and Scrap Establishments. In addition to the district regulations specified, all auto wrecking, junk, and scrap establishments shall meet the following regulations:

A2 Section 4.5.1 All material shall be placed in such a manner that it is incapable of being transferred off the premises by wind, water, or other natural cause.

A2 Section 4.5.2 No material shall be placed within the front, side, or rear yard setback areas. All yard setback areas shall at all times be kept clean, vacant, and maintained with grass and vegetative cover.

A2 Section 4.5.3 All paper, cloth and rags, and other fibers, and activities involving the same, other than loading and unloading, shall be within fully enclosed buildings.

A2 Section 4.5.4 All materials and activities not within fully enclosed buildings shall be surrounded by a fence or wall at least six feet in height. Such fence shall be completely sight obscuring from the nearest point on the lot line and maintained in good condition. No such fence may be permitted in any yard setback area. Any gate in a fence shall be similarly constructed and maintained, and shall be kept securely locked at all times when the establishment is not in operation. The yard setback areas shall be planted in grass, trees, bushes and other vegetative cover.

A2 Section 4.5.5 All gasoline and oil shall be drained from any junked motor vehicle into containers and stored above ground at only one location on the premises. No more than twenty (20) gallons in aggregate shall be stored, in accordance with Pa. Department of Environmental Resources regulations.

A2 Section 4.5.6 Fire hazards shall be minimized by the segregation of combustible from noncombustible materials, and the provision of adequate aisles for escape and fire fighting equipment.

A2 Section 4.5.7 The storage of material in piles shall not exceed ten (10) feet in height.

A2 Section 4.5.8 The manner of storage and arrangement of junk and the drainage facilities of the premises shall be such as to prevent the accumulation of stagnant water.

A2 Section 4.5.9 Every structure erected upon the lot after the enactment of this Ordinance shall be of fireproof construction.

A2 Section 4.6 Child Day Care Centers. In addition to the district regulations specified, all child day care centers shall meet the following requirements:

A2 Section 4.6.1 Child day care centers shall be located only on lots with direct motor vehicle access onto collector or arterial streets in the districts where they are permitted uses.

A2 Section 4.6.2 All outdoor play areas shall be completely enclosed by a fence or wall with a minimum height of four (4) feet and screened by an evergreen planting which shall reach a height of at least six (6) feet at maturity. Such play areas shall not be placed in the front or side yard setback area.

A2 Section 4.7 Churches and Other Places of Worship and Theaters for the Performing Arts and Auditoriums. Churches and other places of worship and Theaters for the performing arts and auditoriums shall be located only on lots with direct motor vehicle access onto collector or arterial streets in the districts where they are permitted uses.

A2 Section 4.8 Convenience Food Stores. Convenience food stores are defined as small stores permitted in selected rural and residential districts which retail food and beverages primarily to the immediately

surrounding population. Sales of additional products, when clearly incidental and subordinate to the retailing of food and beverages, may include non-prescription drugs, housewares, periodicals, and tobacco. In addition to the district regulations specified, all convenience food stores shall meet the following requirements:

A2 Section 4.8.1 No convenience food store shall have a gross floor area exceeding 2,500 square feet.

A2 Section 4.8.2 Except for driveways and walkways, all yards shall have a continuous buffer yard extending ten (10) feet in depth from the front lot line and twenty-five (25) feet in depth from the side and rear lot lines. The buffer yard shall be planted with a vegetative ground cover and maintained and shall also include a continuous, sight-obscuring private fence of six (6) feet in height parallel to the side and rear lot line.

A2 Section 4.8.3 All sales and display shall be within completely enclosed buildings, and there shall be no display or storage of any material outside such buildings. No public address systems or other devices for reproducing or amplifying voices or music shall be mounted outside such buildings or be audible beyond any lot line on which the building is situated.

A2 Section 4.8.4 The convenience food store may include one dwelling unit.

A2 Section 4.8.5 The convenience food store must be located on a collector or arterial street.

A2 Section 4.9 Dwelling Units, Attached. In addition to the district regulations specified, no buildings used for attached dwelling units shall exceed two hundred (200) feet in length.

A2 Section 4.10 Manure storage. In addition to the district regulations specified, the outdoor storage of silage or hydrated manure in bulk for farm uses shall not be permitted within one hundred fifty (150) feet of any lot line.

A2 Section 4.11 Golf Courses, Mini-Golf Courses, Pitch Putt Golf Courses, and Driving Ranges. In addition to the district regulations specified, all golf courses, pitch putt golf courses, and driving ranges shall meet the following applicable regulations:

A2 Section 4.11.1 No golfing green or fairway shall be closer than two hundred (200) feet to any lot line.

A2 Section 4.11.2 Golfing tees and greens for the same hole may not be separated by a street.

A2 Section 4.11.3 Driving ranges shall have screens or fences of a height and location sufficient to prevent golf balls from landing on the property of another.

A2 Section 4.12 Home Occupations. Permitted home occupations shall include professional offices, crafts, and domestic services such as: the professional practice of medicine and dentistry; architecture and engineering; law, teaching, accounting, real estate, and insurance; artists, artisans, and writers; barbers and beauticians; domestic service such as babysitting (no more than five (5) children who are not regular members of the household), cooking and sewing. Under no circumstances shall home occupation be construed to include motor vehicle repair and/or maintenance. All home occupations shall conform to the following regulations:

A2 Section 4.12.1 The home occupation shall be carried on completely within the dwelling unit or garage for personal vehicle storage.

A2 Section 4.12.2 The home occupation shall be carried on only by members of the immediate family residing in the dwelling unit plus not more than one (1) full-time additional employee or equivalent.

A2 Section 4.12.3 Not more than twenty--five percent of the floor area (footprint) of the dwelling and garage for personal vehicle storage shall be devoted to home occupations.

A2 Section 4.12.4 There shall be no use of show windows or display or advertising visible outside the premises to attract customers or clients except as permitted in the Sign Ordinance. Nor shall there be any exterior storage of wares or materials.

A2 Section 4.12.5 No exterior alterations, additions, or changes to the residential character of the dwelling unit shall be permitted in order to accommodate or facilitate a home occupation.

A2 Section 4.12.6 No repetitive servicing by truck or service vehicle for supplies and materials shall be required by the home occupation.

A2 Section 4.12.7 The home occupation shall comply with all other provisions of this Ordinance.

A2 Section 4.12.8 Adequate parking and parking spaces shall be provided for residents, employees, and for the reasonably expected needs of persons visiting the premises because of the home occupation and conformity with the parking regulations of this Ordinance. As a minimum, if a non-family member is employed, at least three off-street parking spaces shall be provided.

A2 Section 4.13 Public and Private Nurseries, Kindergartens, Elementary, Secondary, and Post-Secondary Schools. Public and private nurseries, kindergartens, elementary, secondary, and post secondary schools shall locate in the districts where they are permitted uses only when adjacent to a public street.

A2 Section 4.14 Personal Care Boarding Home, Family Care, Group Homes and Halfway Houses/Rehabilitation Centers.

A2 Section 4.14.1 No abuse centers, family care, group home, or halfway house/rehabilitation center shall be allowed unless it is certified by, and meets all regulations of appropriate local, state or federal agencies.

A2 Section 4.14.2 No more than one personal care boarding home, family care, group home or halfway house/rehabilitation center shall be allowed per 2500 feet of street length.

A2 Section 4.15 Uses Omitted and Prohibited. This Ordinance is intended to apply to all conceivable uses and structures. Under no circumstances, however, shall the following uses be permitted in any district in the Township:

A2 Section 4.15.1 Any dumping, depositing, or filling with refuse, garbage, or building debris not in accordance with State, County, or Township regulations or this Ordinance.

A2 Section 4.15.2 The removal of topsoil and sod, except as part of the construction, grading, or alteration of an approved building, street, construction site or other structure, the normal preparation and maintenance of lawns, mining and quarrying, or the removal of sod as part of a recognized farm or garden use.

A2 Section 4.16 Pets in Residential Districts. The raising and keeping of animals except as household pets in a residential district unless as a part of a farm use meeting the requirements in the appropriate district regulations is prohibited.

A2 SECTION 5. LOT REQUIREMENTS

The lot requirements for any use or structure shall not include any part of a lot that is required by any other use or structure to comply with the requirements of this Ordinance.

A2 Section 5.1 Minimum Lot Size and Width. All lots created after the date of enactment of this Ordinance shall be no less than the minimum lot size and width requirements stipulated for each use in the district regulations, except for uses otherwise regulated under the Cluster Option for Rural Districts in subsection 5.3 below.

A2 Section 5.2 Maximum Lot Coverage. The total ground floor area of all primary and accessory buildings shall not exceed the percent of coverage of the lot specified for the use in the district regulations.

A2 Section 5.3 Cluster Option for Rural Districts. The following cluster option is available for residential development of land in the Forest, Stream Valley and Agricultural-Conservation Districts for the purposes of preserving large tracts of farm and forest land and other open spaces for future generations.

A2 Section 5.3.1 Provisions. All plots of land which are 10 acres or larger included in the Forest, Stream Valley, or the Agricultural Conservation District which are developed for single family detached dwellings shall have lot and yard setback requirements for each lot reduced to those applicable to single family detached dwellings with off-site sewer service in the Single Family Residential District, provided that the overall density of the tract does not exceed what would have otherwise been possible under the district regulations applicable to single family detached dwellings in the Rural District in which the tract is located, and provided that:

A2 Section 5.3.1.1 Off-site public sewer service is available to all dwelling units;

A2 Section 5.3.1.2 The total size of the tract shall be at least ten (10) acres;

A2 Section 5.3.1.3 No more than fifty (50) percent of the total tract be developed for single family detached dwelling lots, including streets and accessory uses;

A2 Section 5.3.1.4 The remaining portion of the tract, which shall be at least fifty (50) percent of the tract, shall be used for one or more of the following uses:

A2 Section 5.3.1.4.1 The tilling of the land, the raising of crops, fruits, and vegetables, and the raising and keeping of livestock and poultry and fish;

A2 Section 5.3.1.4.2 Horticultural uses related to the raising, propagating, and selling of trees, shrubs, flowers, and other plant materials;

A2 Section 5.3.1.4.3 Usual farm structures, including barns and greenhouses;

A2 Section 5.3.1.4.4 Commercial establishments for the processing, storage, and sale of farm products produced and raised on the premises;

A2 Section 5.3.1.4.5 The conservation of open space, water, soil, forests, and wildlife resources;

A2 Section 5.3.1.4.6 Park and recreational uses for use by the general public and/or the home owners of the developed portion of the tract;

A2 Section 5.3.1.4.7 All such uses shall meet the lot, yard setback, and height requirements specified for such use in the Agricultural District;

A2 Section 5.3.1.5 The undeveloped portion of the tract shall be a single lot.

A2 Section 5.3.2 Procedure for Approval. All land to be subdivided or developed as a land development under the zoning provisions of this subsection shall follow the procedures for the subdivision or land development of land contained in the applicable Subdivision Regulations, with the following additional requirements:

A2 Section 5.3.2.1 That the portion of the tract to remain undeveloped shall be bordered and labeled "Open Space" on the preliminary and final plans, and such plans shall include the following statement: "All lands labeled 'Open Space' on this plan shall be used only as permitted in Article II, subsection 5.3.1.4 of the Zoning Ordinance."

A2 Section 5.3.2.2 That at the time an application is made for preliminary plan approval, the applicant shall supply a written agreement to the Zoning Officer, in a manner and form approved by the municipal solicitor and acceptable for recording by the Recorder of Deeds, Centre County, Pennsylvania, stipulating the means by which said open space shall be preserved for the uses permitted by this subsection. Such means shall be either of the following:

A2 Section 5.3.2.2.1 Dedication of the open space to the municipality;

A2 Section 5.3.2.2.2 Establishment of a corporate ownership of the open space by the home owners of the developed portion of the tract, incorporating into the deeds of the home owners an interest in such open space, indicating the uses, as permitted above, to be made of such open space;

A2 Section 5.3.2.2.3 Disposition of such open space to a private or non-profit corporation chartered under the laws of Pennsylvania to administer and maintain the facilities subject to an acceptable deed restriction limiting eventual disposition of said open space for one or more of the uses permitted above;

A2 Section 5.3.2.2.4 Retention of land by the owner at the time of cluster development with covenants that the open space portion of the land be limited to the uses allowed in Section 5.3.1.4 or its successor, in perpetuity.

A2 Section 5.3.2.3 Such means may include an arrangement, upon the agreement of all parties to the arrangement, whereby the present landowner and his heirs and assigns may continue to use the land labeled "Open Space" after subdivision has been accomplished for any or all of the uses permitted in Section 5.3.1.4 above. Such arrangement shall specify the responsibilities of all parties to the agreement for the payment of taxes, provision of liability insurance, and care and maintenance of the open space.

A2 Section 5.3.3 Any of the alternatives specified in subsections 5.3.2.2 and 5.3.2.3 which are proposed by the landowner are subject to review and approval by the Zoning Officer and the governing body as to their acceptability and workability in the particular case.

A2 Section 5.3.4 Nothing in this subsection shall be construed to mean denial of the right of the landowner to otherwise develop in accordance with the regulations applicable to the appropriate Rural District, nor shall it exempt any development from complying with other applicable requirements of this Ordinance.

A2 SECTION 6. YARD REQUIREMENTS

No structure shall be placed in the front, side, or rear yard setback areas specified for each use in the district regulations of this Ordinance, except where specifically permitted below or in other sections of this Ordinance.

A2 Section 6.1 Where two or more primary structures for non-residential use are proposed to be placed upon a lot in single ownership, the front, side, and rear yard setback areas are required only at lot lines abutting other property.

A2 Section 6.2 Where two or more detached or semi-detached dwelling units are proposed to be built upon a lot in single ownership, the front, side, and rear yard setback areas are required as though each structure were on an individual lot.

A2 Section 6.3 Where a side lot line runs coterminous with a party wall of a semi-detached and an attached dwelling, the side yard setback for such lot line does not apply to the structure.

A2 Section 6.4 Where two or more attached dwelling units are proposed to be placed upon a lot in single ownership, or upon two or more abutting lots under single ownership, the front, side, and rear yard setback areas stipulated in the district regulations are required only from the lot lines abutting the property of another. Within the lot, however, the minimum horizontal distance between facing walls of any two buildings shall be forty (40) feet.

A2 Section 6.5 Where a lot abuts upon a street (including private streets) with a right-of-way of less than fifty (50) feet in width, the front yard setback shall be measured from a line parallel to, and twenty-five (25) feet from, the center line of the street cartway.

A2 Section 6.6 Fences, hedges, and free-standing walls are permitted in any yard setback area unless otherwise restricted or prohibited by other provisions of this Ordinance.

A2 Section 6.7 Balconies, bay window, chimneys and flues, columns, cornices and eaves, fire escapes, gutters and downspouts, sills, and unenclosed porches may project into the specified yard setback areas of a lot, but not more than three feet, except in the Village Residential and Village Commercial District where they may not extend into the side yard setback.

A2 Section 6.8 On corner lots, nothing, including structures, fences, walls and vegetation, shall be erected, placed, planted, or allowed to grow in such a manner as to impede vision between a height of two and one-half (2 1/2) and ten (10) feet above the centerline grades of the intersecting streets and within an area bounded by the street right-of-way lines of such corner lots and a line joining points on these street right-of-way lines twenty-five (25) feet from their intersection.

A2 Section 6.9 On a corner lot, the side yard abutting the street shall have a setback area equal to the depth of the front yard setback area required for the use, and shall be governed by all front yard setback requirements of this Ordinance. The owner shall choose what shall be rear and side yards.

A2 Section 6.10 On a through lot, the rear yard setback width shall be either the rear or front yard setback width designated for the use, whichever is greater.

A2 Section 6.11 Buffer Yards. Where a Commercial or Industrial District adjoins a Residential District, a buffer yard of not less than twenty-five (25) feet shall, at the time of development, be provided on such commercial or industrial land, except where the district boundary is coterminous with a public street. The buffer yard shall be parallel to, and adjacent with, the district boundary, and shall be completely covered with a vegetative ground cover. In addition, sight obscuring evergreen planting shall be placed the full length of the boundary in accordance with the following requirements: