

# **MODEL ZONING ORDINANCE**

Prepared by the  
NITTANY VALLEY JOINT PLANNING COMMISSION

For

**Marion Township**

Adopted as of  
June 10, 2008

## ARTICLE 1: GENERAL PROVISIONS

- A. Title.** This chapter shall be known and may be cited as the “Marion Township Zoning Ordinance.”
- B. Authority.** This chapter is enacted and ordained under the grant of powers by the General Assembly of the Commonwealth of Pennsylvania in the Pennsylvania Municipalities Planning Code, Act of 1968, July 31, P.L. 805, as amended (53 P.S. § 10101 et seq.) and has been developed to be consistent with the Nittany Valley Regional Comprehensive Plan.
- C. Purpose.** This chapter is enacted for the following purposes:
1. To promote, protect and facilitate public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, civil defense, disaster evacuation, airports and national defense facilities, the provision of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds and other public requirements.
  2. To prevent the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.
  3. To satisfy the land use, infrastructure, services, and facilities planning elements of the Nittany Valley Regional Comprehensive Plan. This chapter is made in accordance with the Nittany Valley Regional Comprehensive Plan and with consideration to the character of the municipality, its various parts and to the suitability of the various parts for particular uses and structures.
- D. Community development objectives.** The community development objectives of this chapter are the goals, objectives and policies of the Nittany Valley Regional Comprehensive Plan as applicable to the purposes of this chapter.
- E. Establishment of controls.** In their interpretation and application, the regulations set by this chapter within each district shall be held to be minimum requirements adopted for the promotion of the purposes of this chapter and shall apply with uniformity to each class of use or structure.
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.

2. New lots, uses and structures. In all districts, after the effective date of this chapter, any new lot, use or structure shall be constructed, developed and used only in accordance with the regulations specified for each district.
3. Existing lots, uses and structures. In all districts, after the effective date of this chapter, 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 as nonconforming and subject to the regulations of *the section of this Chapter entitled "Nonconforming Lots, Structures and Uses"*.
4. Relationship with other restrictions. The provisions of this chapter are not intended to interfere with, abrogate or annul other rules, regulations or ordinances, provided that where this chapter imposes a greater restriction than that imposed by such other rules, easements, covenants, restrictions, regulations or ordinances, the provisions of this chapter shall control.
5. Exemptions. This chapter shall not apply to any lot, use or structure exempted from zoning regulations by the Pennsylvania Municipalities Planning Code or other laws of the Commonwealth of Pennsylvania.

**ARTICLE 2: NONCONFORMING LOTS, STRUCTURES, AND USES**

**A. Intent.** It is the intent of this chapter to recognize the right of nonconformities to continue, but to encourage that such lots, uses and structures be brought into conformity with this chapter as soon as constitutionally permissible. To achieve this end, nonconformities are subject to the regulations set forth in this article.

**B. Nonconforming lots of record.**

1. In any district in which dwellings are permitted as primary uses, a single-family detached dwelling and customary accessory uses may be erected on any single nonconforming lot of record at the effective date of adoption or amendment of this chapter, notwithstanding limitations imposed by this chapter. Such nonconforming lot must be in separate ownership and not abut other lots under the same ownership. This provision shall apply even though such lot fails to meet the requirements for area and/or width that are applicable in the district, provided that all other yard dimensions and requirements of the lot shall conform to the regulations for single-family detached dwellings in the Medium Density Residential District. Variance of yard setback requirements may be obtained only through action of the Zoning Hearing Board.
2. If two or more abutting lots or combinations of abutting lots and portions of lots under the same ownership are of record at the time of passage or amendment of this chapter and if all or part of the lots do not meet the requirements established for lot width or area, the lands involved shall be considered to be an undivided parcel for the purposes of this chapter, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width or area requirements established by this chapter, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this chapter.
3. Lots which fail to meet minimum width or area requirements may be expanded to include abutting lots under the same ownership.

**C. Nonconforming uses and structures.** Where a lawful use or structure exists which, on the effective date of this chapter or subsequent amendment thereto, becomes nonconforming, such use or structure may be continued as long as it remains otherwise lawful, including subsequent sales of the property, subject to the following provisions:

1. The existing nonconforming use shall not be changed to a different nonconforming use.
2. No such nonconforming use or structure shall be altered or extended except if such use complies with the following criteria and standards:

- a. To provide for a natural expansion that is not detrimental to public health, safety and general welfare, provided that such expansion does not exceed 50% of the existing ground floor area of the structure or other space occupied by the use.
  - b. Provided that such does not constitute the addition of a new nonconforming use or structure.
  - c. Provided that such does not decrease yards when such already fail to meet minimum yard setback areas.
  - d. Provided that the alteration or extension meets the district regulations for such use or structure as if same were being altered or extended in the district where such use is permitted. In cases where the use is permitted in two or more districts, the most restrictive district regulations shall apply.
3. In the event that any nonconforming structure is destroyed or partially destroyed by any means to an extent of 75% or more of the market valuation of all structures and other improvements on the lot, as determined from the Centre County Tax Assessment office, effective at the date of the destruction, such nonconforming structure and use thereof shall terminate and the lot shall thereafter be used only for conforming uses and structures.
  4. When a nonconforming use or structure is discontinued or abandoned for a period of one year or more continuously or replaced by a conforming use or structure, the premises shall not thereafter be used except in conformity with the regulations of the district in which it is located, except if the use is a farm use as herein defined.

**D. Registration of nonconforming uses and structures.** In order to administer this article, the Zoning Officer shall identify and register nonconforming uses and structures.

**E. New construction.** To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any structure on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this chapter and upon which actual building construction has been carried on diligently. "Actual construction" is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing structure has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

**ARTICLE 3: AGRICULTURAL PRESERVATION DISTRICT (A-1)**

**A. Intent.** It is the intent of the Agricultural Preservation District to promote the following:

1. To preserve and protect agricultural land and highly productive soils in the rural areas
2. To maintain the opportunity for the production of all agricultural products for the residents of Centre County
3. To protect the area’s rural atmosphere and lifestyle
4. To minimize impacts from incompatible land uses
5. To discourage the subdivision of large agricultural tracts into smaller lots contributing to sprawling development and further deterioration of rural character
6. To identify the “sending areas” for the region’s Transfer of Development Rights (TDR) Program
7. To implement the Nittany Valley Regional Comprehensive Plan which contains the goals of protecting agricultural lands and promoting agriculture as an important component of the local economy

**B. District Regulations.** Only uses listed below shall be permitted in the Agricultural Preservation District. All uses shall conform to the lot, yard setback, and maximum height regulations stipulated herein, as well as other appropriate requirements of this Chapter.

Permitted Uses	Lot Requirements			Yard Setback and Height Requirements			
	Minimum Lot Size	Minimum width (feet)	Maximum impervious coverage	Front yard (feet)	Side yard (feet)	Rear yard (feet)	Maximum Height (feet)
<b>PERMITTED USES</b>							
<b>Farm Uses</b>							
Horticultural uses	5 acres	300	10% building 20% total impervious	50	75	75	35

Permitted Uses	Lot Requirements			Yard Setback and Height Requirements			
	Minimum Lot Size	Minimum width (feet)	Maximum impervious coverage	Front yard (feet)	Side yard (feet)	Rear yard (feet)	Maximum Height (feet)
Agricultural Uses	10 acres	300	10% building; 20% total impervious	50	100	75	35; 120 (silos)
Commercial establishments for the processing, storage, and sale of farm products produced and raised on the premises							
<b>Non-Farm Uses</b>							
Public or private land conservation areas, including state game and forest lands, wildlife or nature preserves	1.5 acres	50	10% building; 15% total impervious	50	25	35	35
Camgrounds	5 acres	150	10% building; 20% total impervious	50	50	50	35
Agricultural entertainment (e.g. hayrides, corn mazes, etc.)							
Stables and/or riding academies							
Public or private park and recreation areas	No minimum	150	10% building; 20% total impervious	50	50	50	35
Forestry or forest management activities	10 acres	300	10% building; 20% total impervious	50	100	75	35
Churches (w/ public sewer)	2 acres	200	50%	50	50	50	35
Churches (w/out public sewer)	5 acres	200	50%	50	50	50	35
Public and private schools (w/ public water and sewer)	2 acres	200	50%	50	50	50	35
Bed and breakfasts	1.5 acres	150	30%	50	30	50	35
<b>Residential Uses</b>							
Single family detached residential units	1.5 acres (overall density shall not exceed 1 unit per 20 acres)	150	30%	50	30	30	35
<b>ACCESSORY USES</b>							
Home occupations	See primary use above to which proposed use is accessory						
Customary and secondary uses and structures necessary to the above primary uses							
Essential services							
Roadside stands for the sale of products grown on the premises; Family and Group Child Day Care Homes							

	Lot Requirements			Yard Setback and Height Requirements			
	Minimum Lot Size	Minimum width (feet)	Maximum impervious coverage	Front yard (feet)	Side yard (feet)	Rear yard (feet)	Maximum Height (feet)
<b>CONDITIONAL USES</b>							
Airports	See supplemental regulations "Conditional Use Criteria"						
Communications towers and antennas							
Concentrated animal feeding operations							
Sawmills							

- C. General Requirements.** Applicants shall identify measures to protect stream banks and stream corridors. Such measures may include, but are not limited to stream corridor buffers, riparian buffers, stream bank fencing, etc.

**ARTICLE 4: AGRICULTURAL DEVELOPMENT DISTRICT (A-2)**

**A. Intent.** It is the intent of the Agricultural Development District to promote the following:

1. To preserve and protect agricultural land in the rural areas
2. To protect the area’s rural atmosphere and lifestyle and minimize impacts from incompatible land use.
3. To keep substantial areas of permanent open space as one means of retaining that rural atmosphere
4. To provide for limited and clustered development activities on appropriate sites, such as areas with low productive soils
5. To promote the continuation of farming in areas where it is already established
6. To implement the Nittany Valley Regional Comprehensive Plan which contains the goals of protecting agricultural lands and promoting agriculture as an important component of the local economy
7. To permit limited commercial and community facilities compatible with the rural environment, and offer economic alternatives to property owners not able to continue farming, and/or which would create serious nuisances or hazards if located within populous areas.

**B. District Regulations.** Only uses listed below shall be permitted in the Agricultural Development District. All uses shall conform to the lot, yard setback, and maximum height regulations stipulated herein, as well as other appropriate requirements of this Chapter.

Permitted Uses	Lot Requirements			Yard Setback and Height Requirements			
	Minimum Lot Size	Minimum width (feet)	Maximum impervious coverage	Front yard (feet)	Side yard (feet)	Rear yard (feet)	Maximum Height (feet)
<b>PERMITTED USES</b>							
All permitted primary uses of the A-1 District							
Golf courses <sup>1</sup>	200 acres (18-hole); 100 acres (9-hole)	50 at street line	10% building; 20% total impervious	50	50	50	35
Driving ranges <sup>2</sup>	5 acres						
Veterinary clinics, animal hospitals, and/or kennels	3 acres	150	25%	50	50	50	35
Community centers	5 acres	150	50%	50	50	50	35

See supplemental regulations – “Conditional Use”  
See supplemental regulations – “Conditional Use”

Permitted Uses	Lot Requirements			Yard Setback and Height Requirements			
	Minimum Lot Size	Minimum width (feet)	Maximum impervious coverage	Front yard (feet)	Side yard (feet)	Rear yard (feet)	Maximum Height (feet)
Seasonal dwelling units	1.5 acres	150	30%	50	30	30	35
Government buildings/facilities	5 acres	150	50%	50	50	50	35
Self-storage facilities	10 acres	300	10% building; 25% total impervious	50	100	75	35
Commercial establishments for the processing, storage, and sale of farm products	10 acres	300	10% building; 25% total impervious	50	100	75	35
Horticultural uses related to the raising, propagating, and selling of trees, shrubs, flowers, and other plant materials	5 acres	200	10% building; 25% total impervious	50	75	75	35
Owner-occupied artists, artisans, and craftsmen studios and facilities for the design, production, execution, and storage of arts and crafts in an enclosed structure	5 acres	150	10% building; 25% total impervious	50	50	50	35
Single family detached residential units  * minimum designated open space required = 50%	1.5 acres minimum	150	30%	50	30	30	35
<b>ACCESSORY USES</b>							
All permitted accessory uses in the A-1 District	See primary use above to which proposed use is accessory						
	<b>Lot Requirements</b>			<b>Yard Setback and Height Requirements</b>			
	<b>Minimum Lot Size</b>	<b>Minimum width (feet)</b>	<b>Maximum impervious coverage</b>	<b>Front yard (feet)</b>	<b>Side yard (feet)</b>	<b>Rear yard (feet)</b>	<b>Maximum Height (feet)</b>
<b>CONDITIONAL USES</b>							
Airports	See supplemental regulations "Conditional Use Criteria"						
Communications towers and antennas							
Concentrated animal feeding operations							
Sawmills							
Cemeteries							
Correctional facilities							
Shooting ranges							

**C. General Requirements.** Applicants shall identify measures to protect stream banks and stream corridors. Such measures may include, but are not limited to stream corridor buffers, riparian buffers, stream bank fencing, etc.

**ARTICLE 5: CONSERVATION DISTRICT (C-1)**

**A. Intent.** It is the intent of the Conservation District to promote the following:

1. To preserve and protect the natural diversity of the rural areas
2. To preserve and protect the region’s natural landscapes, including wooded areas, hillsides, ridges, steep slopes, wetlands, and floodplains
3. To protect the quality of the region’s surface waters
4. To protect natural habitat areas and provide passive recreational opportunities
5. To discourage sprawling development patterns and further deterioration of rural character

**B. District Regulations.** Only uses listed below shall be permitted in the Conservation District. All uses shall conform to the lot, yard setback, and maximum height regulations stipulated herein, as well as other appropriate requirements of this Chapter.

Permitted Uses	Lot Requirements			Yard Setback and Height Requirements			
	Minimum Lot Size	Minimum width (feet)	Maximum impervious coverage	Front yard (feet)	Side yard (feet)	Rear yard (feet)	Maximum Height (feet)
<b>PERMITTED USES</b>							
Single family detached residential units (without public sewer)  * minimum designated open space required = 70% <sup>3</sup>	1.5 acres (overall density shall not exceed 1 unit per 5 acres)	150	20% building; 35% total impervious	50	30	30	35
Forestry and forest management uses Horticultural uses relating to the raising and propagating of shrubs, flowers, and other plant materials produced and raised on the premises	5 acres	300	10% buildings, 20% total impervious	50	50	50	35

See Supplemental Regulations – “Open Space Dedication”

Permitted Uses	Lot Requirements			Yard Setback and Height Requirements			
	Minimum Lot Size	Minimum width (feet)	Maximum impervious coverage	Front yard (feet)	Side yard (feet)	Rear yard (feet)	Maximum Height (feet)
Tilling of land, raising of crops, fruits, and vegetables	5 acres	300	10% building 20% total impervious	50	50	50	35
Raising and keeping of livestock and poultry (excluding concentrated animal feeding operations)							
Public or private conservation areas for the conservation of open space, water, soil, and wildlife resources							
Public park and recreation areas							
<b>ACCESSORY USES</b>							
Home occupations	See primary use above to which proposed use is accessory						
Customary and secondary uses and structures necessary to the above primary uses							
Bed and breakfast establishments							
Essential services; Family and Group Child Day Care Homes							
<b>CONDITIONAL USES</b>							
Sawmills	See Supplemental Regulations – “Conditional Use”						
Sales of shrubs, flowers, and other plant materials produced and raised on the premises							

**C. Development Standards.** An environmental impact report shall be required prior to the creation of new lots within the Conservation District. This report shall identify important natural features on the site (e.g. steep slopes, soil types, wetlands, floodplains, surface water features, etc.) and shall provide a plan to manage potential impacts to these features. Proposed development activities should be located in such a manner as to minimize impacts to these features.

**ARTICLE 6: RURAL RESOURCE DISTRICT (RRD)**

**A. Intent.** The intent of the Rural Resource District is to promote the following:

1. To separate incompatible land uses and maintain the region’s rural character.
2. To provide for adequate regional mining and quarrying opportunities in appropriate locations.
3. To provide sites for mining and quarrying activities separated from incompatible uses.
4. To minimize the hazards and nuisances resulting from the operation of mining and quarrying.

**B. District Regulations.** Only uses listed below shall be permitted in the Rural Resource District. All uses must conform to the lot, yard setback, and maximum height requirements stipulated herein, as well as other appropriate requirements of this Chapter.

Permitted Uses	Lot Requirements			Yard Setback and Height Requirements			
	Minimum Lot Size	Minimum width (feet)	Maximum impervious coverage	Front yard (feet)	Side yard (feet)	Rear yard (feet)	Maximum Height (feet)
<b>Primary Uses</b>							
Tilling of land, raising of crops, fruits and <u>vegetables</u>	10 acres	300	10% building; 20% total impervious	5	5	5	5
Horticultural uses related to the raising, propagating, and selling of trees, shrubs, flowers, and other plant materials produced and raised on <u>the premises</u>				50	100	75	35
Commercial establishments for the processing, storage, and sale of farm products produced and raised on <u>the premises</u>							35; 120 (silos)
Forestry or forest <u>management areas</u>							
Usual farm structures including barns, silos, and <u>greenhouses</u>							
Public or private land conservation areas, including state game and forest lands, wildlife or <u>nature preserves</u>	No minimum	150	10% building; 20% total impervious	50	50	50	35
Public or private park and <u>recreation areas</u>							

Permitted Uses	Lot Requirements			Yard Setback and Height Requirements			
	Minimum Lot Size	Minimum width (feet)	Maximum impervious coverage	Front yard (feet)	Side yard (feet)	Rear yard (feet)	Maximum Height (feet)
<b>Accessory Uses</b>							
Customary, incidental and secondary uses and structures to the above primary uses	See primary use above to which it is accessory						
Essential services							
<b>Conditional Uses</b>							
See supplemental regulations – “Conditional Use Criteria”							
Mining and quarrying	10 acres	300	10% buildings; 30% total impervious	50	100	75	35
Mineral resource processing facilities							
Solid waste disposal and processing facilities							
Recycling facilities							
Incinerators							

### C. Design Standards

1. Front yard landscaping shall be required along public road frontage (see Supplemental Regulations – “Landscaping”).
2. Off-street loading spaces and outdoor storage areas (exclusive of outdoor sales) shall be screened from public roads and adjoining properties (see Supplemental Regulations – “Landscaping”).
3. On-site lighting of buildings and surrounding areas shall employ hooded or screened fixtures that confine glare to the site, and security lighting should be directed toward the building, rather than the area around it (see Supplemental Regulations – “Lighting”).

**ARTICLE 7: MEDIUM DENSITY RESIDENTIAL DISTRICT (R-2)**

**A. Intent.** The intent of the Medium Density Residential District is to promote the following:

1. To provide for medium density residential development opportunities;
2. To provide neighborhood development opportunities that promote infill development in areas served by a full range of public utilities and services;
3. To promote the expansion of traditional neighborhoods as appropriate;
4. To promote adaptive reuse of carriage houses and other related outbuildings as a means of providing affordable housing opportunities;
5. To provide limited home occupations and suitable adaptive reuse of accessory historic structures;
6. To ensure a diversity of housing types, sizes, and costs;
7. To meet minimum standards of health and safety by protecting against hazards and nuisances;

**B. District Regulations.** Only uses listed below shall be permitted in the Medium Density Residential District. All uses must conform to the lot, yard setback, and maximum height requirements stipulated herein, as well as other appropriate requirements of this Chapter.

Permitted Uses	Maximum Permitted Density (per acre)	Minimum width (feet)	Maximum impervious coverage	Front yard (feet)	Side yard (feet)	Rear yard (feet)	Maximum Height (feet)
Single family home	4.0 units	50 ft.	50%	20	10	40	35
Duplex	4.0 units	50 ft.		20	2; 0 at common wall	30	
Churches	1 acre	150 at building setback line; 50 at street line	60%	50	30	50	
Public and private schools	1 acre				30	50	
Community centers, Government uses	1 acre		60%		30	50	
Public park and recreation areas	No minimum		40%		50	50	

**Accessory Uses**

Home occupations<sup>4</sup> See primary use above to which it is accessory

See Supplemental Regulations – “Conditional Use”

<b>Accessory Uses (cont.)</b>	
Bed and breakfast establishments	See primary use above to which it is accessory
Accessory building apartments (see below)	
Customary uses accessory to above	
Essential services; Family and Group Child Day Care Homes	
<b>Conditional Uses</b>	
Group Home	

**C. Accessory Building Apartments.** Within the R-2 Medium Density Residential Zone, an accessory outbuilding that existed on the effective date of this ordinance may be converted into one (1) dwelling unit, or may accommodate an accessory occupation by conditional use, subject to the following criteria:

1. The applicant shall furnish evidence that an approved system of water supply and sewage disposal will be utilized;
2. Each dwelling unit/use shall have at least 400 square feet of habitable floor area and a direct means of escape to ground level, and;
3. The applicant must provide for two (2) off-street parking spaces.

**ARTICLE 8: HIGHWAY COMMERCIAL DISTRICT (HC)**

**A. Intent.** The intent of the Highway Commercial District is to promote the following:

1. To permit a concentration of retail establishments, commercial offices, and community facilities that may be too large or intensive to adapt to a downtown or village setting;
2. To minimize the impacts of highway commercial activity;
3. To encourage the clustering of commercial establishments;
4. To encourage shared development features;
5. To meet minimum standards of health, safety, and welfare by protecting against hazards and nuisances.

**B. District Regulations.** Only uses listed below shall be permitted in the Highway Commercial District. All uses must conform to the lot, yard setback, and maximum height requirements stipulated herein, as well as other appropriate requirements of this Chapter.

Permitted Uses	Lot Requirements			Yard Setback and Height Requirements			
	Minimum Lot Size	Minimum width (feet)	Maximum impervious coverage	Front yard (feet)	Side yard (feet)	Rear yard (feet)	Maximum Height (feet)
All retail establishments for the sale, service, and rental of goods	The minimum lot size shall be determined on the basis of the minimum width, maximum coverage, yard setback, parking and other requirements contained in this Chapter	150	30% buildings; 70% total impervious	50	15	50	45
Eating and drinking establishments							
Hotels and motels							
Professional offices							
Business and financial services							
Personal services							
Studios for instruction in music and the performing arts							
Photography studios							
Motor vehicle services and sales							
Bus passenger services							
Commercial parking lots							
Transportation terminals							

Permitted Uses	Lot Requirements			Yard Setback and Height Requirements			
	Minimum Lot Size	Minimum width (feet)	Maximum impervious coverage	Front yard (feet)	Side yard (feet)	Rear yard (feet)	Maximum Height (feet)
Amusement enterprises	The minimum lot size shall be determined on the basis of the minimum width, maximum coverage, yard setback, parking and other requirements contained in this Chapter	150	30% buildings; 70% total impervious	50	15	50	45
Arenas, stadiums, and commercial auditoriums							
Motion picture and other theaters							
Government offices							
Public and private institutions of higher education							
Emergency service facilities							
Community centers							
Clubs, lodges, and fraternal organizations							
Out-patient medical clinics and offices							
Adult day care centers							
Hospitals							
Opticians and optical goods dealers							
Animal hospitals and veterinary offices							
Funeral homes/mortuaries							
Self storage facilities							
Essential services							
Accessory uses customary to the above	See primary use above to which it is accessory						

### C. Design Standards

1. Front yard landscaping strips shall be required along the road (see Supplemental Regulations – “Landscaping”).
2. Off-street loading spaces and outdoor storage areas (exclusive of outdoor sales) shall be screened from the roads and adjoining properties (see Supplemental Regulations – “Landscaping”).
3. Shared parking facilities shall be required where applicable (see Supplemental Regulations – “Parking”).
4. On-site lighting of buildings and surrounding areas shall employ hooded or screened fixtures that confine glare to the site, and security lighting should be directed toward the building, rather than the area around it (see Supplemental Regulations – “Lighting”).
5. Speaker and/or public address systems used in external areas shall be designed to keep audible impact at ambient levels.

**ARTICLE 9: LIGHT INDUSTRIAL DISTRICT (LI)**

**A. Intent.** The intent of the Light Industrial District is to promote the following:

1. To cluster industrial development in appropriate locations.
2. To provide for a mix of light industrial and office uses.
3. To provide sites for light industries separated from incompatible uses.
4. To minimize the hazards and nuisances resulting from the operation of industries.

**B. District Regulations.** Only uses listed below shall be permitted in the Light Industrial District. All uses must conform to the lot, yard setback, and maximum height requirements stipulated herein, as well as other appropriate requirements of this Chapter.

Permitted Uses	Lot Requirements			Yard Setback and Height Requirements			
	Minimum Lot Size	Minimum width (feet)	Maximum impervious coverage	Front yard (feet)	Side yard (feet)	Rear yard (feet)	Maximum Height (feet)
Assembly from electronic or microelectronic components	The minimum lot size shall be determined on the basis of the minimum width, maximum coverage, yard setback, parking and other requirements contained in this Chapter	150	50% building; 65% total impervious	50	50	50	35
Fabricating of models or test equipment used in research							
Newspaper publishing							
Printing and binding							
Research, engineering, or testing laboratories							
Optical instrument systems development							
Medical device manufacturing							
Radio and television studios, transmitters, and towers							
Public utility facilities							
Business and professional offices							
Self-service storage facilities							
Government buildings							
Pharmaceutical production and packaging							
Contractors supply, offices, and equipment storage							

Permitted Uses	Lot Requirements			Yard Setback and Height Requirements			
	Minimum Lot Size	Minimum width (feet)	Maximum impervious coverage	Front yard (feet)	Side yard (feet)	Rear yard (feet)	Maximum Height (feet)
Moving and storage, parcel delivery, and express transfer station	The minimum lot size shall be determined on the basis of the minimum width, maximum coverage, yard setback, parking and other requirements contained in this Chapter	150	50%	50	50	50	35
Communication antennas mounted on an existing public utility transmission tower, existing communication tower and structures							
Warehousing and wholesale trade establishments							
Heavy equipment sales, service, and repair							
<b>Accessory Uses</b>	See primary use above to which it is accessory						
Customary, incidental and secondary uses and structures to the above primary uses							
Essential services							
Communications equipment building							
<b>Conditional Uses</b>	See supplemental regulations – “Conditional Use Criteria”						
Communication towers and antennas							
Billboards							
Truck or motor freight terminals							
Adult oriented businesses							
Junkyards							
Sawmills							
Slaughtering, processing, rendering, and packaging operations							
Liquid natural gas transmission facility							

Note: No more than 10% of the gross floor area may be used for retail/showroom space.

### C. Design Standards

1. Front yard landscaping strips shall be required along public road frontage (see Supplemental Regulations – “Landscaping”).
2. Off-street loading spaces and outdoor storage areas (exclusive of outdoor sales) shall be screened from the roads and adjoining properties (see Supplemental Regulations – “Landscaping”).

3. Shared parking facilities shall be required where applicable (see Supplemental Regulations – “Parking”).
4. On-site lighting of buildings and surrounding areas shall employ hooded or screened fixtures that confine glare to the site, and security lighting should be directed toward the building, rather than the area around it (see Supplemental Regulations – “Lighting”).
5. Speaker and/or public address systems used in external areas shall be designed to keep audible impact at ambient levels (see Supplemental Regulations – “Noise”).

## **ARTICLE 10:       CONDITIONAL USE CRITERIA**

### **A.     Application Requirements**

1.     A potential applicant for a conditional use permit shall request a conference with the Zoning Officer prior to application submission. The Zoning Officer may recommend that the applicant request a conference with the Planning Commission prior to application submission.
2.     A pre-application conference shall not be regarded as a formal application for the proposed conditional use. The filing of any report, sketch plan, plat or map prior to or at such conference shall not constitute submission of a plan or application for conditional use nor shall such materials be binding on subsequent submissions by the applicant.
3.     An application for conditional use shall meet all content requirements of a preliminary land development plan. In addition, the applicant shall provide a copy of all proposed, pending and/or approved federal or state permits necessary for the conduct of operations. The municipality may require additional site specific information necessary for a thorough review of the application.
4.     The required filing fee for conditional use application review and hearing will be specified by municipal resolution. This fee may from time to time be amended by municipal resolution.

### **B.     Application Procedures**

1.     Following the required pre-application conference, the applicant shall present to the municipality a complete application submission as per the guidelines set forth in the application requirements section above and shall appear before the municipal governing body to request that a public hearing be set on the application. Upon this request, the municipal governing body shall establish the date, time and place for a public hearing. The public hearing shall be held no later than 60 days following the meeting at which the municipal governing body receives the request unless the applicant has agreed, in writing, to an extension of time.
2.     The Planning Commission shall review the application at the next legally advertised regular meeting following the receipt of the application from the municipal governing body or at a meeting specially called for this purpose and shall make a recommendation to municipal governing body prior to the public hearing.
3.     The applicant shall provide public notice, as defined by the Pennsylvania Municipalities Planning Code, concerning the public hearing for the proposed use.

4. In addition to the public hearing notice, the applicant shall provide, via certified mail, a written notice to the owners of all property within 1,500 feet of the site proposed for conditional use. Copies of the certified mail return receipts shall be provided to the municipality by the applicant.
  
5. The municipal governing body shall render a written decision on the application within 45 days after the last hearing before the municipal governing body. The municipal governing body may approve the request for a conditional use permit or may deny the request for a conditional use permit with a specific list of reasons for such denial. The municipality shall mail written notification of the governing body's action, including the specific list of reasons for denial if applicable, to the applicant within five days of said action by the governing body.

**ARTICLE 11:           CONDITIONAL USE CRITERIA - ADULT ORIENTED BUSINESSES**

**A.     Intent.** The following conditions are intended to provide for the reasonable operation of adult oriented businesses within the Nittany Valley Region while providing reasonable protection to the municipality and to the neighborhood in which the adult oriented business operation will occur against possible detrimental effects of operations.

**B.     Buffer Area.** Adult oriented businesses shall be located and buffered in such a manner as to minimize the potential adverse impacts associated with the operation. The following setbacks shall apply in addition to those applicable through the base district zoning:

1.     Adult oriented businesses shall not be permitted within 100 feet of lands zoned other than LI or HI.
2.     Adult oriented businesses shall not be permitted within 500 feet of any residential dwelling unit or any area zoned for residential use.
3.     Adult oriented businesses shall not be permitted within 500 feet of any public building, public park, or other public institution.
4.     Adult oriented businesses shall not be permitted within 500 feet of any public or private school, public or private daycare facility, or any establishment intended to be used by or for minors.
5.     Adult oriented businesses shall not be permitted within 500 feet of any church or other place of worship.
6.     Adult oriented businesses shall not be permitted within 1000 feet of any other Adult oriented business establishment.

**C.     Operations.** The following operational conditions shall apply:

1.     Discontinuation of use. Discontinuation of any nonconforming operation for a period of more than one year shall result in the loss of vested status for that operation.
2.     Local and state laws. All adult oriented business establishments shall comply with all applicable local, state, and federal laws regarding the location and operation of said facilities.
3.     Hours of Operation. Hours of operation may be designated by the municipal governing body as a condition of a Conditional Use Permit if it finds, based on substantial evidence, that there is a public health, safety, or welfare need for regulation of hours.
4.     Inspection. All adult oriented business establishments shall permit law enforcement and code enforcement officers to inspect the premises at any time without advance notice during normal business hours.

5. Conduct. All adult oriented business establishments shall take all reasonable measures necessary to control patrons' conduct resulting in disturbances, vandalism, criminal activity or crowd control problems occurring inside or outside the premises, traffic control problems, or creation of a public or private nuisance, or obstruction of the operation of another business.
6. Visibility of interior of the establishment from the exterior. The interior of an Adult oriented business establishment shall not be visible from the exterior of the establishment. All building openings, entries, and windows of Adult Business Establishments shall be located, covered, or screened in such a manner as to prevent a view into the interior from any public or semi-public area, including public sidewalks, streets, arcades, hallways, or passageways of any sexually explicit material.
7. Visibility within the establishment. The maintenance, operation or management of any sexually oriented motion picture area or viewing area shall not be visible from a general public area. Such areas shall be obscured by a curtain, door, wall, or other enclosure. For purposes of this Section, viewing area means the area where a patron or customer would ordinarily be positioned while watching the film, performance, picture, program or show.
8. Occupancy of an individually partitioned viewing area or booth. No more than 1 person at a time shall be permitted to occupy an individually partitioned viewing area or booth.
9. Sexually oriented materials in bathrooms. It shall be unlawful for sexually oriented materials to be permitted in bathrooms.
10. Separation. All live adult business entertainment shall take place in an area which is at least 6 feet from all members of the public and which is separated by a rail or other physical barrier designed to obstruct any contact between any entertainer and the public.
11. Site-specific conditions. The municipal governing body may impose other conditions not listed above as are shown to be necessary and appropriate to protect the public health, safety and welfare, provided that those conditions do not preclude the reasonable conduct of sawmill operations within the Nittany Valley Region.

## **ARTICLE 12:           CONDITIONAL USE CRITERIA - COMMUNICATIONS TOWERS**

**A.    Intent.** The following conditions are intended to provide for the siting and operating of communications towers within the Nittany Valley Region while providing reasonable protection to the municipality and to the neighborhood in which the facility will be located against possible detrimental effects. Further, these regulations are intended to achieve the following:

1. To provide a competitive and wide range of communications services while minimizing the impacts of the communications infrastructure;
2. To require the shared use of existing communication towers, buildings and structures;
3. To ensure that new towers will be safe, placed in suitable locations, and blend into the environment to the greatest extent practicable.
4. Legally preexisting towers and antennas will not be required to meet the following requirements unless specifically indicated.

### **B.    General Site Requirements**

1. Maximum height of communications towers shall be 200 feet, measured from the average natural grade of the approved facility area to the top point of the tower or antenna, whichever is greater, except for locations above elevation 1,400 feet as shown on United States Geological Survey Topographic Quadrangle mapping, in which case, the maximum height shall be 50 feet or the average height of the trees within a two-hundred-foot radius of the proposed location of the tower, measured from the average natural grade of the approved facility area to the top point of the tower or antenna, whichever is greater.
2. The tower and/or antenna must be of a concealed, camouflaged or stealth design that blends into the natural environment. This includes tree poles or architecturally screened antennas that can be attached to existing structures other than towers. Except as required by the Federal Aviation Administration (FAA), lighting shall be prohibited from these concealed towers and/or antennas.
3. Minimum setback of communications towers shall be as required in the applicable zoning district, except for the following: No communications tower shall be located closer than 200 feet or 110% of the proposed communications tower height, whichever is greater, from any existing residential lot line regardless of the zoning district in which the tower and associated buildings are located. No new residential structures shall be built within this setback area after the cell tower has been approved and the plan recorded. In cases where this includes adjacent property, an easement shall be obtained from the property owner limiting residential development within the setback area as long as the tower is in existence.

4. No minimum lot, lease area and/or license area size is required for a communications facility; however the setbacks of the parent tract perimeter boundaries shall apply.
5. Applicants shall submit to the municipality evidence of the need for the communications tower in the proposed location and that the applicant has exhausted all alternatives to locate on an existing tower or structure. Applicants shall also demonstrate via written evidence from a qualified, licensed and professional engineer that, in terms of location and construction, there are not existing towers, communications tower, buildings, structures, elevated tanks or similar uses able to provide the platform for the communications antenna within a one-mile radius of the chosen location.
6. In order for the applicant to demonstrate that collocation is not a practicable alternative, coverage diagrams and technical reports shall be submitted to the municipality which demonstrate that:
  - a. Collocation on existing communications towers is not technically possible in order to serve the need, or
  - b. Planned equipment would exceed the structure capacity of existing communications towers within the municipality, considering existing and planned use of the communications tower; or
  - c. Existing communications towers cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost, or
  - d. Planned equipment will cause radio frequency (RF) interference with other existing or planned equipment for that communications tower, and the interference cannot be prevented at a reasonable cost; or planned equipment can be placed so it can function effectively and at least in parity with existing or approved communications towers which do not have the space on which other similar equipment is in place or planned; or
  - e. Other reasons make it impractical to place the equipment planned by the applicant on existing and approved communications towers.
7. Communications antennas may be attached to any building or structure in all zoning districts, including, but not limited to a church, a municipal or governmental building or facility, an agricultural building, a building owned by a utility, communications tower, water tank and major electrical transmission lines, pursuant to the following:
8. Antennas shall not be permitted on single-family homes, townhomes, and duplexes.

9. Building and zoning permits shall be required
10. Antennas shall be no taller than fifteen (15) feet above the existing structure
11. Any proposed communications tower shall be designed, structurally, electrically and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is over 100 feet in height, or for at least one additional user if the tower is over 60 feet but less than 100 feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.
12. A communications tower may not be located on a lot that is listed on an historic register or in an officially designated state or federal historic district.
13. The applicant shall present documentation that the communications tower is designed in accordance with all applicable state and federal regulations.
14. Guy wires, if utilized, must be anchored no closer than 25 feet from any property line. Guy wires shall not cross or encroach on any utility rights-of-way.
15. Except as required by the Federal Aviation Administration, no communications tower may use artificial lighting or strobe lighting at night.
16. Upon request, the applicant shall provide to the municipality, not more than once per year, information indicating that the approved communications tower or antenna remains structurally sound. The applicant shall bear the costs of any inspection necessary to determine the structural soundness of a communications tower or antenna.
17. All federal, state and local environmental regulations regarding the placement and operation of communications facilities must be followed in the design, review and construction, and operation processes.
18. All federal, state, and local permits required for the siting and operation of communications towers, antennas, and facilities shall be provided to the municipality for review.
19. Communications facilities shall be fully automated and unattended on a daily basis. The site shall be visited only for necessary observation and maintenance.
20. Fencing and screening of facilities shall be required. A security fence (including security wiring), of approved design, shall not exceed eight feet in height and shall completely enclose the communications facility and the anchored locations of guy wires, if used.

21. No signs displaying commercial advertisement as defined in shall be permitted on the communications tower or antenna.
22. The applicant must demonstrate on the land development plan that parked vehicles at the facility will not impede traffic on the adjoining cartways.
23. Communications facilities that cease to operate for 12 consecutive months shall be determined to have terminated operation and must be removed within 90 days at the expense of the facility and/or property owners.
24. Site-specific conditions. The municipal governing body may impose other conditions not listed above as are shown to be necessary and appropriate to protect the public health, safety and welfare, provided that those conditions do not preclude the reasonable conduct of communications tower and antenna siting and operations within the Nittany Valley Region.

**ARTICLE 13:           CONDITIONAL USE CRITERIA - MINING, QUARRYING, &  
MINERAL RESOURCE PROCESSING FACILITIES**

**A.    Intent.** The following conditions are intended to provide for the reasonable development of minerals within the Nittany Valley Region while providing reasonable protection to the municipality and to the neighborhood in which the mining or quarrying operation will occur against possible detrimental effects of the mining operations.

**B.    Buffer Requirements.** Mining and quarrying sites shall be located and buffered in such a manner as to minimize the noise-related impacts associated with the operation. The options set forth below allow flexibility for the applicant to select criteria best suited for a given operation while providing the municipality with the opportunity to ensure a reasonable level of protection against possible negative impacts. An applicant for a conditional use permit shall employ either set of the following conditions:

1.    Option I. The buffer requirement of Option I consists of a landscaped soil berm.
  - a.    The required berm shall have a total height of not less than six feet.
  - b.    Where there is a difference in elevation on opposite sides of the berm, the height shall be measured from the highest elevation.
  - c.    To accommodate the required landscaping, the berm shall be constructed of earthen materials, shall be a minimum of 25 feet in width and shall be stabilized with topsoil and grass and/or other suitable vegetative groundcover.
  - d.    The top of the berm shall be landscaped to provide additional noise attenuation. The landscaping shall consist of the following:
    1.    A minimum of one row of coniferous trees shall be planted. The required trees shall be spaced no less than 10 feet and no more than 15 feet apart on center. The trees shall be a minimum of six feet in height at the time of planting. Due to varying tree spread patterns and hardiness in the local environment, the required trees shall be a variety of spruce or fir to ensure that the noise attenuation effects are maximized.
    2.    One row of evergreen shrubs shall be planted and shall be spaced at an interval of not more than five feet, though not evenly spaced across as screen width. The shrubs shall be at least three feet tall at the time of planting.

- e. The berm requirements may be modified or waived by the municipality for that portion of the site which has natural geologic conditions, features and resources which would serve the same objectives as the soil berm and which, in the opinion of the Municipal Engineer, should not be disturbed by the berm construction.
  - f. In combination with the above berming requirements, the following setback distance requirements shall apply:
    - i. Mining or quarrying activities shall not occur within 100 feet of land zoned or used other than RR-Rural Resource District (excluding HI-General Industrial).
    - ii. Mining or quarrying activities shall not occur within 200 feet of a public road right-of-way.
    - iii. Mining or quarrying activities shall not occur within 600 feet of any residential dwelling unit unless the applicant obtains written permission of the property owner(s) consenting to the operation.
    - iv. Mining or quarrying activities shall not occur within 500 feet of any public building, public park or other public institution unless the governing body having jurisdiction over the site has consented to the operation.
    - v. Mining or quarrying activities shall not occur within 750 feet of any structure listed on the National Register of Historic Places.
    - vi. Mixing plants, crushers and other processing mechanisms on the site shall not be located within 1,000 feet of any residential dwelling unit unless the applicant obtains written permission of the property owner(s) consenting to operation. In order to minimize noise and traffic impacts, processing mechanisms shall, if practicable, be located on the site. All processing mechanisms shall be located at the lowest practicable site elevation.
2. Option 2. The criteria set forth in Option 2 are designed to be utilized in the instance where the applicant for a conditional use permit elects against the berming provisions included in Option 1 above or if, for any other reason, the berming provisions included in Option 1 above are not employed. The conditions outlined in Option 2 consist of a dense vegetative buffer.

a. Series of trees.

i. The required buffer will consist of a series of coniferous trees and deciduous canopy trees to be planted within a thirty-foot-wide buffer area according to the following schedule:

### **Required Plant Units per 100 Feet**

<b>Type</b>	<b>Number</b>
Coniferous	24
Canopy	10

- ii. Twenty percent of the coniferous trees shall be a minimum of eight feet in height at the time of planting. The remainder of the coniferous trees shall be a minimum of six feet in height at the time of planting. All canopy trees shall be a minimum of six feet in height at the time of planting.
- b. Due to varying tree spread patterns and hardiness in the local environment, the required coniferous trees shall be a variety of spruce or fir to ensure that the noise attenuation effects are maximized.
- c. In combination with the above landscape buffer requirements, the following distance requirements shall apply:
  - i. Mining or quarrying activities shall not occur within 200 feet of land zoned or used other than RR-Rural Resource (excluding H-I Heavy Industrial).
  - ii. Mining or quarrying activities shall not occur within 200 feet of a public road right-of-way.
  - iii. Mining or quarrying activities shall not occur within 1,500 feet of any residential dwelling unit unless the applicant obtains written permission of the property owner(s) consenting to the operation.
  - iv. Mining or quarrying activities shall not occur within 1,500 feet of any public building, public park or other public institution unless the governing body having jurisdiction over the site has consented to the operation.
  - v. Mining or quarrying activities shall not occur within 1,500 feet of any structure listed on the National Register of Historic Places.
  - vi. Mixing plants, crushers and other processing mechanisms on the site shall not be located within 1,500 feet of any residential dwelling unit unless the applicant obtains written permission of the property owner(s) consenting to operation. In order to minimize noise and traffic impacts, processing mechanisms shall, if practicable, be located on the site. All processing mechanisms shall be located at the lowest practicable site elevation.

3. The following conditions shall apply to both Option 1 and Option 2:
- a. Installation and maintenance along perimeter.
    - i. At a minimum, the operator shall install and/or maintain the required buffer along the perimeter of the visible portion of the area to be operated. This portion shall be defined as any part of the site visible from any adjacent parcel or any adjacent public right-of-way. An exception to this requirement may, at the request of the applicant, be granted by the municipal governing body when the following apply:
      - (a) The adjacent parcel is presently in use as a mining or quarrying operation.
      - (b) The proposed use is an expansion of the existing use.
    - ii. In order to maintain the integrity of the buffer, if such a request is approved, the buffering requirements shall extend to the entirety of the existing site.
  - b. In order to maximize noise attenuation, the buffer shall, to the greatest extent practicable, be located within a fifty (50) foot zone nearest to the adjacent property or public right-of-way from which the specified distance requirements have been measured.
  - c. Prior to planting of any required landscaping, the applicant shall provide evidence of a soils test to determine soil suitability to sustain the required landscaping and to determine any necessary soil supplements or remedies.
  - d. Alternative designs for buffering may be approved if the applicant can show, through the submission of a comprehensive noise study, that the alternative designs are at least as effective in controlling noise-related impacts.
  - e. All required buffering shall be installed prior to commencement of operations.
  - f. Adequacy of the buffer shall be determined by the Zoning Officer and the municipal Engineer.
  - g. Site specific exceptions to the buffering requirement shall be available for vehicular access, public and other infrastructure improvements (including drainage systems), maintenance requirements and safety considerations. The nature and location of such exceptions shall be approved by the Zoning Officer and the municipal Engineer.
  - h. The operator shall provide a bond or other acceptable security in the amount of 100 percent of the cost of improvements for approved buffering, which will be returned after the improvements have been satisfactorily installed and have been in place for one year. Acceptability shall be determined on advice of the

municipal Solicitor. Adequacy as to amount shall be determined by the municipal Engineer.

### **C. Reclamation**

1. All proposed, pending and/or approved reclamation plans required by any governing body or regulatory agency shall be submitted to the municipality for review and consideration prior to issuance of a conditional use permit.
2. The operator will provide a bond or other acceptable security to ensure that land will be reclaimed in accordance with the approved reclamation plan.
3. In order to minimize additional adverse impacts to adjacent properties, when any mining or quarrying operation (including legally nonconforming operations) expands into an area governed by the provisions set forth in this chapter, efforts should be made by the operator, to the greatest extent practicable, to commence reclamation activities on the existing mined or quarried portion of the site. Completed areas should be resurfaced and restored in accordance with approved reclamation plans prior to or concurrent with the commencement of extraction activities in an undisturbed area.
4. The applicant shall provide a bond or other acceptable surety, in an amount determined to be acceptable by the municipal Engineer, to cover the costs of repairs to any municipal roads to be used by the applicant or by other haulers to and from the site. The amount of said bond or surety shall be reviewed annually and any unused portion shall be returned to the applicant within one year after the site is no longer in use.

### **D. Monitoring**

1. Timing. Unless the uses and conditions prescribed in a conditional use permit are implemented within a maximum period of two years of the issuance of all permits required by any federal or state agency having regulatory authority over the conduct of such uses, the conditional use permit shall expire. Evidence of receipt of all necessary permits shall be provided to the municipality. The municipal governing body may grant a maximum extension of one year under exceptional circumstances.
2. Discontinuation of use. Discontinuation of any nonconforming operation for a period of more than one year shall result in the loss of vested status for that operation. "Discontinuation" is defined as the cessation of excavation or processing of material.

3. Inspection. The municipality shall conduct an annual inspection to ensure compliance with all approved conditions. An inspection fee may be set by the municipal governing body by resolution.
4. Blast notification. The applicant shall maintain a blast notification list for anyone who requests notification and who owns, resides on or has a business interest in property located within, at a minimum, a radius of one mile around the site. Notification shall be provided at least 24 hours prior to blasting. The applicant shall provide an up-to-date blast notification list for municipal review at the time of annual inspection.
5. Preblast survey. Prior to the issuance of a conditional use permit, the applicant shall provide documentation of the condition of buildings, structures, wells, infrastructure, protected and unique natural resources and historic sites located within 1,500 feet of the proposed site. Adequacy of the survey shall be determined by the municipal Engineer. Any preblast surveys required by any federal or state agency subsequent to the issuance of a conditional use permit shall be provided to the Municipality.
6. Explosives storage. No explosive materials may be produced or stored on site in any manner that is potentially endangering to surrounding properties.
7. Landscaping. The municipality shall require that the applicant submit an annual survey of the health of all required landscaping. This survey shall be required in each of the first two years after planting. The applicant shall replace any trees not surviving as of the date of each survey.
8. Modification of conditions. No approved conditional use shall be modified or expanded in ground area unless the plan is amended and approved in accordance with procedures applicable to initial approval of the conditional use permit.

#### **E. Other Conditions**

1. Operational conditions. To further protect the health, safety and welfare of adjacent property owners, the following conditions shall also apply:
  - a. *Hours of operation.* The hours of operation at any site may be limited as the municipal governing body deems advisable.
  - b. *Dust mitigation.* A dust mitigation plan shall be provided. Dust and debris from any mining and quarrying operation shall not be permitted to accumulate within the right-of-way of any public road. Adequate applicable technology shall be employed on the site to prevent any dust and/or materials from being washed and/or blown from the site. Adequacy of the dust mitigation plan shall be determined by the Municipal Engineer.

- c. *Environmental impact analysis.* The applicant shall provide an environmental impact analysis to address the following: watershed impacts, surface and/or groundwater resource impacts, air quality impacts and erosion, sedimentation and stormwater impacts. Adequacy of the analysis shall be determined by the municipal Engineer. The applicant shall provide any environmental impact reports, statements or analyses that are required by any federal, state or county governing body or regulatory agency having jurisdiction over the conduct of mining and quarrying operations. The applicant will be required to demonstrate that the proposed project will not substantially injure or detract from the lawful existing or permitted uses of neighboring properties, will not injure any water supply sources, and will not adversely affect any fragile environmental system of particular significance.
  - d. *Stockpiles.* No material stockpiles shall be located within two hundred (200) feet of the property line nor within three hundred (300) feet of a public right-of-way. Any materials or wastes deposited on any stockpile shall be prevented from washing, blowing, or otherwise transferring off the premises. Such stockpiles shall contain extracted material from the on-site mining operation only.
2. Site-specific conditions. The municipal governing body may impose other conditions not listed above as are shown to be necessary and appropriate to protect the public health, safety and welfare, provided that those conditions do not preclude the reasonable development of minerals within the Nittany Valley Region. Such conditions may include, but are not limited to:
- a. *Development phasing schedule.* The municipal governing body may impose conditions related to the phasing of mining and quarrying activities as it deems necessary to protect public health safety and welfare.
  - b. *Open space dedication.* The municipal governing body may impose conditions related to the provision of open space in order to implement the land use goals of the Nittany Valley Regional Comprehensive Plan.
  - c. *Fencing and screening.* The applicant shall provide details showing any fencing and/or screening proposed to be located on the site. The municipal governing body may impose fencing and/or screening conditions as it deems necessary to protect public health, safety and welfare. At a minimum, the applicant shall provide a fence at least six feet in height around the perimeter of the mining operation.
  - d. *Lighting.* The applicant shall provide details showing the height, number, types and location of any fixtures proposed to be located on the site. All lighting shall be directed away from adjacent properties and/or adjacent streets.

- e. *Public facilities and services.* The applicant shall provide evidence that the proposed project will not adversely affect the logical, efficient, and economical extension of public facilities and services throughout the municipality and the Nittany Valley Region.
- f. *Lighting.* The municipal governing body may impose lighting conditions as it deems necessary to protect public health, safety and welfare.

**ARTICLE 14:           CONDITIONAL USE CRITERIA - SHOOTING RANGES**

**A.    Intent.** The following conditions are intended to provide for the siting and operating of shooting ranges within the Nittany Valley Region while providing reasonable protection to the municipality and to the neighborhood in which the facility will be located against possible detrimental effects.

**B.    Buffer Requirements.** The following buffer requirements apply to all shooting range facilities. The buffer requirements are applicable to all roads, dwelling units, and/or structures in existence at the time that application has been made to the municipality for the development of a shooting range facility.

1.    No part of a shooting range property shall be located within five hundred (500) feet of any public road;
2.    No part of a shooting range property shall be located within one thousand (1000) feet of any residential dwelling unit;
3.    No part of a shooting range property shall be located within one thousand five hundred (1500) feet of any residential zoning district;
4.    No part of a shooting range property shall be located within one thousand five hundred (1500) feet from any church, public library, public park or trail, or any other public facility;
5.    No part of a shooting range property shall be located within two thousand five hundred (2500) feet from any public or private school or hospital;

**C.    General Site Requirements**

1.    Shooting range operations are permitted by conditional use, provided that such operations shall not:
  - a.    Substantially injure or detract from the lawful existing permitted use of neighboring properties;
  - b.    Substantially damage the health, safety or welfare of the municipality or its residents and property owners.
2.    Shooting range operations shall comply with all applicable federal, state, and local regulations regarding the possession, transportation, and discharge of firearms and shall:
  - a.    Store live ammunition in an approved safe;

- b. Limit the number of shooters to the number of firing points or stations identified on the development plan;
  - c. Require all shooters to satisfactorily complete an orientation program given in accordance with the PA Game Commission or National Rifle Association, or show a valid hunting permit or gun permit before they are allowed to discharge firearms on the site;
  - d. Limit firing to the hours between 10:00 a.m. to 6:00 p.m. Monday through Saturday and 12:00 p.m. to 5:00 p.m. on Sunday. Shooting activities shall only be permitted on one Sunday per month.
3. The consumption of alcoholic beverages shall not be permitted on the site.
4. 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.
5. The firing range, including the entire Safety Fan, shall be enclosed with a six foot (6') high non-climbable fence to prevent unauthorized entry into the area. Range caution signs with eight inch (8") tall, red letters on a white background shall be posted at a maximum of one hundred foot (100') intervals around the range perimeter. Signs shall read "SHOOTING RANGE AREA. KEEP OUT!".
6. 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.
7. 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.
8. All shooting range facilities, including buildings, parking, firing range, and Safety Fan shall be set back a minimum of one hundred feet (100') from the property line and street right-of-way.
9. The applicant shall present credible evidence from a qualified professional that the sounds of shooting in the nearest residential zone and at any adjacent residential dwelling unit do not exceed the ambient noise level.
10. 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.
11. A site security plan shall be required.

12. An illumination plan shall be required. Lighting on the site shall use full cut-off fixtures with shielding in appropriate areas to limit spillover onto adjacent properties.
13. The applicant shall be required to secure all necessary federal, state, and/or local permits. All materials, including but not limited to those associated with permits, submitted to any federal, state, or local governing body or regulatory agency shall also be submitted to the municipality for review, comment, and, if applicable, approval.
14. The municipal governing body may impose other site specific conditions as it deems necessary to protect public health, safety and welfare.

**ARTICLE 15:           CONDITIONAL USE CRITERIA - SOLID WASTE DISPOSAL SITES, INCINERATORS, AND RECLYING FACILITIES**

**A.    Intent.** The following conditions are intended to provide for the siting and operating of solid waste disposal and/or recycling facilities within the Nittany Valley Region while providing reasonable protection to the municipality and to the neighborhood in which the facility will be located against possible detrimental effects.

**B.    Buffer Requirements.** The following buffer requirements apply to all solid waste disposal sites, incinerators, and/or recycling facilities. The buffer requirements are applicable to all roads, dwelling units, and/or structures in existence at the time that application has been made to the municipality for the development of a liquid natural gas compression facility.

1.    All sites shall be screened from all adjacent streets and all adjacent property by a sight-obscuring fence or wall of no less than seven (7) feet in height.
2.    No portion of any parcel of land on which any solid waste disposal facility, incinerator, or recycling facility is sited may be closer than:
  - a.    Two thousand five hundred (2500) feet from any public or private school or hospital;
  - b.    Two thousand (2000) feet from any public or private water well which is used for human or animal consumption;
  - c.    One thousand five hundred (1500) feet from any church, public library, public park or trail, or any other public facility;
  - d.    One thousand five hundred (1500) feet from any surface water body;
  - e.    Two thousand (2000) feet from any residential dwelling unit;
  - f.    Five hundred (500) feet from any public road.

**C.    Traffic Impact Analysis.** The applicant shall submit a traffic impact study prepared by a qualified professional. The scope of said study shall be determined by concurrence between the municipal engineer and the Zoning Officer and shall include, at a minimum, the following:

1.    Analysis and description of existing conditions and traffic volumes for the external road network serving the site.

2. A base condition analysis shall be prepared to establish existing levels of service followed by analysis and description of projected traffic conditions based on the land uses proposed within the development. Trip generation rates for project peak hours shall be prepared, as well as the internal/external trip distribution and intersection analysis.
3. The analysis shall address the traffic impacts of the proposed development along with surrounding traffic generating land uses in the area including land use changes. The analysis will demonstrate the adequacy of the area road network and identify access and traffic control measure improvements impacted by the proposed development and surrounding land uses.
4. The analysis shall contain recommended internal and off-site road improvements. These recommended improvements should be specific as to location and scope of work required along with a phased schedule for possible implementation.
5. Utilization of alternate modes of transportation (e.g. rail) shall be a component of the traffic impact analysis. Evaluation of traffic mitigation measures as it relates to alternative transportation and future site development should also be addressed.

**D. General Site Requirements**

1. The applicant shall provide a bond or other acceptable surety, in an amount determined to be acceptable by the municipal Engineer, to cover the costs of repairs to any municipal roads to be used by the applicant or by other haulers to and from the site. The amount of said bond or surety shall be reviewed annually and any unused portion shall be returned to the applicant within one year after the site is no longer in use.
2. An environmental assessment plan shall be provided to identify and mitigate impacts of the proposed development on the environment, public health, and public safety, including, but not limited to, aesthetics, air quality, water quality, stream flow, fish and wildlife, nuisance management, dust control, litter control, plants, aquatic habitat, threatened or endangered species, water uses, and land use. Proof of environmental impairment liability insurance may be required. Consideration should be given to the minimization of land disturbance activities within an Exceptional Value (EV) or High Quality (HQ) sub-watershed or other areas of environmental concern.
3. A mitigation plan shall be submitted to identify procedures for the removal of any mud, dust, or debris on any public road from the traffic entering or exiting the site. All mud, dust, or debris shall be kept off the public road and adjoining lands.
4. An illumination plan shall be required. Lighting on the site shall use full cut-off fixtures with shielding in appropriate areas to limit spillover onto adjacent properties.
5. A site security plan shall be required.

6. The applicant shall be required to secure all necessary federal, state, and/or local permits. All materials, including but not limited to those associated with permits, submitted to any federal, state, or local governing body or regulatory agency shall also be submitted to the municipality for review, comment, and, if applicable, approval.
7. Any suspension or revocation of any necessary federal or state permit shall constitute an automatic suspension or revocation of the conditional use permit.
8. Inspection. All solid waste disposal, recycling, or incinerator establishments shall permit code enforcement officers to inspect the premises at any time without advance notice during normal business hours.
9. The municipal governing body may impose other site specific conditions as it deems necessary to protect public health, safety and welfare.

**ARTICLE 16: SUPPLEMENTAL REGULATIONS - BED AND BREAKFAST ESTABLISHMENTS**

**A. Intent.** The following conditions are intended to provide for the siting and operating of bed and breakfast establishments within the Nittany Valley Region while providing reasonable protection to the municipality and to the neighborhood in which the facility will be located against possible detrimental effects. In addition to the underlying district regulations specified in this Chapter, all bed and breakfast establishments, either homes or inns, shall meet the following requirements:

1. The owner of the facility must physically reside on-site during all periods that the facility is open to the public and that guests are house.
2. The building and parking areas shall be located and maintained in a manner compatible with the general character of the surrounding neighborhood. Exterior alterations, additions, or changes to the dwelling unit in order to accommodate or facilitate a bed and breakfast establishment shall retain the residential character of the dwelling unit and the surrounding neighborhood.
3. One off-street parking space shall be provided for each guestroom in addition to any other required parking for the primary use. All such parking shall be unobtrusive. Parking within an Agricultural or Conservation District shall be located and/or landscaped in such a manner that it is screened from the view of adjacent properties. On-street guest parking shall not be permitted in any district.
4. Signage for bed and breakfast establishments shall be consistent with the requirements set forth in Supplemental Regulations – “Signs” for the appropriate zoning district and use.
5. No outdoor storage shall be permitted other than that which would be permitted under existing zoning.
6. Meals for compensation shall be provided only to guests of the bed and breakfast establishment. No cooking or kitchen facilities shall be permitted in any of the guestroom units.
7. The length of stay per guest shall be limited to seven (7) consecutive days and twenty-one (21) total days in any twelve (12) month period.
8. In order to ensure compliance with all aforementioned criteria, the applicant shall be required to submit a general site plan and obtain a zoning permit prior to receiving guests for compensation.
9. Permits required for the establishment and operation of a bed and breakfast establishment shall not be automatically transferred upon the sale of the subject property. Permits shall not be transferable from one location to another.

10. Bed and breakfast establishments shall comply with all applicable federal, state, and local regulations.
11. Use of a single-family detached residential dwelling unit as a bed and breakfast establishment shall not constitute an abandonment of single family residential use as a use by right.

**ARTICLE 17: SUPPLEMENTAL REGULATIONS - CEMETERIES**

- A. Intent.** The following conditions are intended to provide for the siting and operating of cemeteries within the Nittany Valley Region while providing reasonable protection to the municipality and to the neighborhood in which the facility will be located against possible detrimental effects.
- B. General Requirements.** Any person desiring to establish or maintain a cemetery or extend the boundaries of any existing cemetery shall file an application for a conditional use permit which shall include the following additional information:
1. The names, addresses and applicable State licenses of all officers and directors of the corporation or organization which will be in charge of the operation of the cemetery.
  2. A map showing the exact location, exterior boundaries and legal description of the property which is proposed to be used for a cemetery or extension of an existing cemetery. Said map shall also show any water sources, bodies of water, and/or wells existing on site or within 300 feet of the exterior boundaries of the property along with cemetery buildings and burial plots.
  3. A proposal for the perpetual care of the facility and proof of financial ability to develop and maintain the facility in such a manner as to prevent the proposed cemetery from becoming a public nuisance.

**ARTICLE 18: SUPPLEMENTAL REGULATIONS – GOLF COURSE FACILITIES**

**A. Intent.** The following conditions are intended to provide for the siting and operating of golf course facilities within the Nittany Valley Region while providing reasonable protection to the municipality and to the neighborhood in which the facility will be located against possible detrimental effects.

**B. General Site Requirements**

1. Minimum tract size for a golf course shall be 200 acres
2. No golfing green or fairway shall be closer than one hundred (100) ft. to any lot line, except for miniature golf facilities where the underlying zoning district setbacks shall apply.
3. Golfing tees, tee boxes, and greens for the same fairway or range may not be separated by a street. Access drives shall be located in such a manner as to provide maximum site distances for motorists.
4. Driving ranges shall have screens or fences of a height and location sufficient to prevent golf balls from landing on adjoining properties.
5. Site boundary areas if wooded shall remain wooded to the greatest extent practicable.
6. An illumination plan shall be required. Lighting on the site shall use full cut-off fixtures with shielding in appropriate areas to limit spillover onto adjacent properties.
7. Accessory and incidental uses (including pro shop and eating and drinking establishment) shall be permitted, however such uses shall only continue as long as the golf course is in operation.
8. A minimum of four off-street parking spaces per hole shall be provided. In addition, one off-street parking space per 200 square feet of restaurant and/or retail space shall be provided.

**ARTICLE 19: SUPPLEMENTAL REGULATIONS - ON-SITE HORTICULTURAL, FARM, AND GARDEN SALES**

**A. Intent.** The following conditions are intended to provide for the siting and operating of on-site horticultural, farm, and garden sales establishments within the Nittany Valley Region while providing reasonable protection to the municipality and to the neighborhood in which the facility will be located against possible detrimental effects.

**B. General Site Requirements**

1. A minimum of fifty (50) percent of the farm/garden products sold at the facility must be produced on the property.
2. A minimum of three (3) off street parking spaces shall be provided.
3. Sales of such products may be conducted from a portable stand located behind the street right of way line. Such stand(s) shall be removed or dismantled at the end of the growing season. All permanent buildings shall comply with all applicable zoning district requirements.
4. The floor area of any portable stand and/or permanent building shall not exceed six hundred (600) square feet.
5. The siting and operation of any on site horticultural farm and garden sale facility shall not create a threat to the public health, safety and/or welfare of the community.
6. No outdoor lighting shall be permitted.
7. Signs advertising the sale of products shall comply with the municipal sign ordinance.

**ARTICLE 20: SUPPLEMENTAL REGULATIONS - PORTABLE STORAGE UNITS**

- A. Intent.** The following conditions are intended to provide for the use of portable storage units for temporary storage within the Nittany Valley Region while providing reasonable protection to the municipality and to the neighborhood in which the units will be located against possible detrimental effects.
- B. General Requirements.** Portable Storage Units shall not be permitted as permanent accessory structures in any zoning district. Such Units shall be permitted as a temporary use in the following districts subject to the following requirements:
1. Portable Storage Units may be located in any residential zoning district and in the A-2, and C-1 Districts. Such units shall be set back a minimum of ten (10) feet from the front property line.
  2. Portable Storage Units may be allowed in non-residential zoning district so long as the Unit is placed in the rear or side yard area of the site. Under no circumstances shall a Portable Storage Unit be placed in an area fronting a street or road, or in a grass/landscaped area, or in the front parking lot of a commercial establishment. The placement of Portable Storage Units in fire lanes, passenger loading zones, commercial loading zones, or public rights-of-way shall be strictly prohibited.
  3. Placement of Portable Storage Units shall occur with the concurrence of the Zoning Officer after demonstrating that the specific location can sufficiently accommodate the Unit and continue to provide adequate parking and public safety access and provide for the general health, safety, and welfare of nearby residents. Under no circumstances shall a Unit be placed so as to interfere with any use of a sidewalk, bike path, or public right of way.
  4. No more than one (1) Portable Storage Unit per site may be permitted in any residential zoning district. Such Units shall be no larger than eight (8) feet wide by sixteen (16) feet long by eight (8) feet high.
  5. No more than two (2) Portable Storage Units per site may be permitted in any non-residential zoning district. Such Units shall be no larger than eight (8) feet wide by forty (40) feet long by eight (8) feet high.
  6. Portable Storage Units shall not remain at any site within a residential zoning district in excess of five (5) consecutive days or in excess of ten (10) days in any calendar year. No Portable Storage Unit shall remain at any non-residential site in excess of fourteen (14) consecutive days or in excess of thirty (30) days in any calendar year.
  7. The owner and/or operator of any site on which a Portable Storage Unit is placed shall be responsible for ensuring that the Unit is in good condition and free from evidence of deterioration, weathering, discoloration, rust, holes, etc.

8. No form of waste, refuse, or hazardous material shall be stored within a Portable Storage Unit.
9. A Portable Storage Unit shall have no signage other than a serial number identifying the Unit, the name, address, and telephone number of the person or firm engaged in the business of renting or otherwise placing the Unit.
10. A permit shall be required for the placement of a Portable Storage Unit on any property within the municipality. Application for a permit shall be made to the Zoning Officer. Said application shall include the signature of the property owner or the owner's agent in order to ensure that the owner has full knowledge of, and consents to, placement of the Portable Storage Unit on his or her property and consents to conform to the provisions of this article.

**ARTICLE 21: SUPPLEMENTAL REGULATIONS – PRESUBMISSION CONFERENCE**

- A. Intent.** The intent of this article is to ensure that any potential negative impacts associated with certain development activities are properly identified and mitigated by providing a forum for discussions between the applicant and the municipality.
- B. Purpose.** In instances where a pre-submission conference is required, a meeting between the municipal staff and the applicant shall be held prior to the submission of a formal plan. The owner, equitable owner, and/or the owner's agent shall request such a conference with the Municipal Zoning Officer, the purpose of which shall be as follows:
1. To allow the petitioner to submit unofficial preliminary studies of the concept of the proposed development for tentative review, comments and recommendations.
  2. To review the Zoning Ordinance as it may relate to the proposed development.
  3. To determine whether the proposal may have an undue adverse impact on the surrounding neighborhood.
  4. To identify strategies to mitigate such impacts.
- C. Pre-submission Conference.** The applicant shall, at a minimum, present a sketch plan detailing the development proposal and a document identifying potential impacts and detailing a strategy to mitigate said impacts. The municipality may identify other potential impacts to be addressed prior to plan approval.

**ARTICLE 22:           CONDITIONAL USE CRITERIA - SAWMILLS**

**A.    Intent.** The following conditions are intended to provide for the reasonable operation of sawmills within the Nittany Valley Region while providing reasonable protection to the municipality and to the neighborhood in which the sawmill operation will occur against possible detrimental effects of operations.

**B.    General Requirements.** Sawmills shall be located and buffered in such a manner as to minimize the noise-related impacts associated with the operation. The following setbacks shall apply in addition to those applicable through the base district zoning:

1.     Sawmill activities shall not occur within 100 feet of lands zoned other than A-1, A-2, C-1, or H-I.
2.     Sawmill activities shall not occur within 500 feet of any residential dwelling unit unless the applicant obtains written permission of the property owner(s) consenting to the operation.
3.     Sawmill activities shall not occur within 500 feet of any public building, public park or other public institution unless the governing body having jurisdiction over the site has consented to the operation.

**C.    Operational Conditions**

1.     Discontinuation of use. Discontinuation of any nonconforming operation for a period of more than one year shall result in the loss of vested status for that operation.
2.     Hours of operation. The hours of operation at any site may be limited as the municipal governing body deems advisable.
3.     Site-specific conditions. The municipal governing body may impose other conditions not listed above as are shown to be necessary and appropriate to protect the public health, safety and welfare, provided that those conditions do not preclude the reasonable conduct of sawmill operations within the Nittany Valley Region.
4.     Fencing and screening. The applicant shall provide details showing any fencing and/or screening proposed to be located on the site. The municipal governing body may impose fencing and/or screening conditions as it deems necessary to protect public health, safety and welfare.

**ARTICLE 23: SUPPLEMENTAL REGULATIONS – SLAUGHTERHOUSES  
(COMMERCIAL)**

- A. Intent.** The intent of the supplemental regulations regarding commercial slaughterhouse activities is to recognize that unregulated operation of slaughter houses may create health hazards or otherwise jeopardize the public health and welfare of the residents of Nittany Valley Region. It is the intent of the municipality to provide for the consistent and convenient regulation of slaughterhouses.
- B. General Site Requirements.** The operation of a slaughterhouse for the butchering of animals in the municipality shall only be permitted in conformance with this Ordinance and shall, at a minimum, meet the following conditions:
1. Slaughter of animals shall take place inside a closed building in a confined area to prevent the transmission of sound associated with the slaughter to the outside.
  2. Off street parking sufficient to handle all customers, employees, trucks or transport vehicles shall be provided. Parking for all traffic utilizing the business shall be provided for on-site and off public roads, and other easements.
  3. The facility must have all necessary federal, state and county licenses and approvals, and comply with all state and federal health and safety regulations. Evidence of such shall be provided to the municipality. The municipal zoning officer may periodically inspect the site to ensure compliance.
  4. The maximum area (indoor, outdoor or combination thereof) for the keeping or slaughtering of animals shall not exceed fifty percent (50%) of the individual lot or parcel site.
  5. Exterior storage areas, including animal storage areas, vehicle and trailer storage, and other storage uses shall be fenced and screened from adjacent property and public rights of way. Fencing shall be sufficient to provide adequate screening and contain animals securely on the owner’s property at all times.
  6. Animals shall be kept in gated enclosures with a fence of an appropriate height for containment.
  7. Live animals may be held on the site for no more than twenty-four (24) hours.
  8. Waste slaughter byproducts shall be disposed of in accordance with all applicable federal, state, and local regulations. At a minimum, waste shall be disposed of within forty-eight (48) hours of being produced. Waste shall be stored in airtight containers and shall be confined in fully enclosed structures. Manure from holding areas shall be removed from the site daily or stored in a manner to control odor as approved by the municipality.

9. All loading and unloading areas shall be screened from view from adjacent properties and public streets.

**ARTICLE 24: MOTOR VEHICLE ACCESS REGULATIONS**

- A. Intent.** The following conditions are intended to provide motor vehicle access regulations to protect the health, safety, and welfare of the municipality.
- B. General Regulations.** Every building hereafter erected or moved shall be on a lot adjacent to a public street or with motor vehicle access to a private street. The intent of the following regulations is to provide safe and convenient access for servicing, fire protection, traffic circulation and required off- street parking:

  - 1. On arterial streets, access for each lot shall be limited to not more than two driveways for the first 300 feet of frontage or fraction thereof and one driveway for each additional 300 feet of frontage. On all other streets, access shall be provided by not more than one driveway for the first 50 feet of frontage or fraction thereof and one driveway for each additional 50 feet of frontage.
  - 2. No driveway shall be closer to the side or rear property line than 5 feet, unless the two adjoining property owners mutually agree to a common driveway in such form and manner acceptable for recording in the Office of the Recorder of Deeds of Centre County, Pennsylvania, binding their heirs and assigns to the easement so created.
  - 3. Driveways which provide access individually to single-family and two family dwellings on individual lots shall have a throat width of not less than 10 feet or greater than 20 feet and curb returns are not required. A single driveway which provides joint access to no more than two dwelling units on an individual lot shall have a throat width of not less than 15 feet nor greater than 24 feet and curb returns are not required. Driveways which provide access to all uses other than single-family and two-family dwellings shall have a throat width of not less than 15 feet or greater than 24 feet and the curb return radius shall not be less than 13feet or greater than 55 feet.
  - 4. In the R-3, R-4, HC, IC, LI, and HI Districts, all driveways shall enter a public street right-of-way at least 100 feet from its intersection with another public street, except for intersections of two or more arterial streets, in which case the minimum distance shall be at least 200 feet. In all other districts, all driveways shall enter a public street right-of-way at least 50 feet from its intersection with another public street of any classification. For all cases cited above, the distance in which access is prohibited shall be measured from the tangent of the curb return of the intersecting street cartway to the tangent of the curb return of the driveway.

5. Distance Between Driveways.
  - a. When the use on a lot is single-family detached dwelling, single-family semidetached dwellings, two-family detached dwellings or two-family semidetached dwellings, and if two or more driveways of the same lot, any of which serve more than one dwelling, enter a public street right-of-way, the distance between the entrances of the driveways shall be at least 50 feet, measured between the inner edges of the driveway.
  - b. When the use on a lot is other than single-family detached dwelling, single-family semidetached dwellings, two-family detached dwellings, or two family semidetached dwellings, and if two or more driveways of the same lot enter a public street right-of-way, the distance between the entrances of the driveways shall be at least 75 feet measured between the inner edges of the driveway.
- G. Driveways to corner lots or through lots shall gain access from the street of lower classification when the lot is bound by streets of two different classifications.

**ARTICLE 25: OFF-STREET PARKING AND LOADING REGULATIONS**

**A. Intent.** It is the intent of this section to:

1. Ensure adequate parking and loading facilities to serve the use or uses of the property;
2. Ensure that any parking facility is designed so as to provide proper circulation, reduce hazards to pedestrians, and protect the users of adjoining properties from nuisance created by the use of the facility;
3. Reduce congestion in the streets and contribute to traffic safety;
4. Encourage shared parking facilities and alternative modes of travel that will reduce overall impervious coverage and reduce dependence on the single-occupancy automobile.

**B. Application.** Off-street parking and loading space shall be provided and maintained for each use and structure hereafter established, erected, altered or extended in accordance with the provisions of this Section.

**C. General Regulations**

1. Use. All required off-street parking spaces shall be used solely for the parking of motor vehicles by residents, visitors, patrons or employees.
2. Location. It is the intent of this ordinance that required parking spaces shall be located on the same lot as the use they serve, except as provided for in the shared parking provisions of this Section.
  - a. If the required off-street parking spaces cannot be reasonably provided on the same lot as the building it serves, such spaces may be provided on other property located not more than five hundred (500) feet away from the subject property as measured from lot line to lot line along the nearest pedestrian route.
  - b. Up to 50 percent of nonresidential spaces may be provided at distances greater than five hundred (500) feet if dedicated shuttle bus or van service is provided from a remote parking facility.
  - c. Required off site parking for any property in the Central Business District may be provided in the Waterfront Business District, and required off site parking for any property in the Waterfront Business District may be provided in the Central Business District, regardless of distance from lot line to lot line provided that a minimum of 1.5 parking spaces are provided for every 1 required parking space.

3. In all instances, the total number of spaces provided shall not be less than the sum of spaces required for all the uses.
4. Means of pedestrian access from the parking space to the uses they serve shall be provided such that pedestrians are not required to traverse property owned by other than said property owners, except where public sidewalks may provide the access. Pedestrians shall not be required to cross an arterial street except at a signalized intersection along the pedestrian pathway.
5. A lease, easement or other form of agreement be executed among said property owners assuring use of the required parking spaces are located on the same lot as the use they serve, and recorded in the office for the recording of deeds of Centre County.
6. Unless utilizing the shared parking provisions on adjoining parcels, all parking spaces and lots open to the sky, (i.e., not in garages or carports), shall be located no closer than 10 feet to any property line except for the Highway Commercial and Interchange Commercial which shall be located no closer than 30 feet from the property line.
7. All covered parking spaces and lots, including garages and carports shall not be located within any yard setback area.
8. For any lot of record at the time of adoption of this subsection which is divided by a zoning line and where said zoning line separates commercial and residential zones, the owner of such lot may use the area of the lot which is zoned residential to locate the parking required or proposed for the commercially zoned portion of the lot. If the owner elects to use the area zoned residential for parking, such parking area shall not be within 100 feet of any property line adjacent to the residential zoned portion. All other parking regulations for commercial areas shall apply.
9. In order to promote and provide for more flexibility within the current zoning regulations and to maintain an aesthetically pleasing visual appearance of both the road corridor and individual businesses and properties, the front yard parking setback area for general commercial districts (**HC, IC**) may be reduced by 10 feet, at the discretion of the municipal governing body, by reducing the maximum impervious surface coverage ratio by 5%. This reduction may only be permitted when the developer can demonstrate to the municipal governing body the following:
  - a. That the reduction in setbacks and impervious area will allow the developer to provide open space in sensitive areas, such as wetlands and steep slopes, or to provide additional buffing to adjacent properties.
  - b. That the reduction is not requested solely to help enhance the visibility or desirability of the business.

10. Parking of self-propelled motor vehicles (not including recreational vehicles) is prohibited on the lawn or in yard areas for all residential uses in all districts except for the rural zoning districts. This does not include the incidental parking of vehicles for washing or cleaning.

**D. Provisions to Reduce Required Off-Street Parking Spaces.** In an effort to reduce impervious coverage, traffic congestion and allow an increase in landscaped green space area and/or building size, the following shall be considered:

1. Shared parking spaces that are accessible by neighboring properties or uses may be permitted when use of the spaces does not occur during the same daily time period. The applicant must provide justification showing calculations of the peak parking use for the spaces that would have overlapping users, during their respective hours of operation. The hours of operation must show that sufficient spaces would be available for the shared parking purpose. As a result, the number of parking spaces could be reduced no more than one half of the total required for the particular use(s) participating in shared parking. Should the use change in the future, and its associated off-street parking, the parking must be provided as required or shared additional parking be pursued.
2. When increasing the passengers per vehicle to sites with high employment would decrease parking demand, relief in the required parking spaces may occur. The parking spaces may be reduced by a factor of 25% if the applicant for land development plan approval provides a transportation management program to utilize one or a combination of the following modes to reduce single occupant vehicles that is based on substantiated projections of reduction in demand:
  - a. Shared ride/car pooling.
  - b. Van pooling.
  - c. Subscription bus service(s); CATA bus.
3. To qualify for the above, the applicant must provide evidence to the approval of the municipal governing body that:
  - a. The applicant shall establish an approved carpooling program or;
  - b. Applicant will obtain or lease to qualified employees vans, buses or the high passenger-capacity vehicles, for the purpose of providing transportation of additional passengers (vanpooling); or
  - c. Applicant will operate or hire vans, buses or other high passenger capacity vehicles to provide exclusive or non-exclusive commuter transportation of employees from residential areas, other transit terminals, such as park and ride; or
  - d. Applicant shall contribute to the public bus service to add routes, shelter, amenities or fare contribution that would be generated by those employees to utilize the bus service.

4. Additionally, programs to increase vanpooling and carpooling, are examples that follow:
  - a. Applicant will employ working day policy known as flextime where employees are given some latitude on starting and quitting times.
  - b. Applicant will provide adequate lunch facilities on the site.
  - c. Applicant will provide preferential parking.

As a part of the request to reduce parking spaces, the applicant shall show to the satisfaction of the municipal governing body that the actions proposed shall reduce the parking demand by the amount requested.

5. At the option of the approval by the municipal governing body, a reduction of off-street parking spaces may be considered as follows that would pertain only to parking at the site fronting arterial and/or highway roads:
  - a. The buffer yard in the front contains unique natural features as determined by the municipal governing body that may require an area to be wider than the minimum front buffer.
  - b. The buffer yard in the front contains features that contribute to the community character of the municipality as determined by the governing body that may require an area to be wider than the minimum front buffer.
  - c. The requirements of a corridor overlay zone that may provide for a wider than minimum buffer.
  - d. Opportunities to preserve stands of existing trees using creative landscaping designs would be helpful to enhance the appearance of pedestrian areas, as well as breaking up the monotony of a large lot. The Planning Commission may recommend and the governing body may approve the reduction in off-street parking spaces associated with increasing the front buffer yard. The area removed from parking must be sufficient to provide the required parking. The area removed from parking may be returned to parking at a future date should the operator of the use experience a parking shortage based on demand after the use has been in operation for a period exceeding 2 years. The requirement of land development plan submission and approval must follow in order to return the area to parking.

**E. Existing Facilities.** Parking spaces and lots serving structures and uses in existence at the date of the adoption of this Chapter shall not be subject to the requirements of this Section as long as the kind or extent of use is not changed; provided, that any parking facility now serving such structures or uses shall not in the future be reduced below such requirements, or if already below such requirements, be reduced further.

**F. Change in Requirements.** Whenever there is an alteration or extension of a use or structure which increases the parking requirements according to the parking calculation requirements below, the total additional parking required for the alteration or extension shall be provided in accordance with the requirements of that subsection.

**G. Construction.** All required off-street parking spaces, aisles, and driveways shall be paved with an all-weather material. For spaces and aisles which are not part of a parking lot as herein defined, this may include gravel or other crushed stone. However, for parking lots, the paving material shall be limited to asphalt, concrete or similar hard surface material with all parking spaces designated with a 4 inch contrasting stripe painted the entire length of each space in accordance with the dimensional requirements stipulated below. All required off-street parking spaces and aisles for private recreational areas shall be constructed with 6 inches of crushed and compacted stone. Private and/or public recreation areas shall be exempt from such other construction regulations.

**H. Required Off-Street Parking Spaces.** All uses and structures shall provide off-street parking spaces in an amount equal to, or greater than, the number listed below. The total number of parking spaces necessary for two or more uses on the same lot shall be the sum of that required for each use.

1. Dimensions. Each required off-street parking space shall be at least 9.5 feet wide and 18 feet long if set at an angle to the access aisle or 8 feet wide and 24 feet long if parallel to the access aisle.
2. Number and Computation. In computing the required number of spaces, all fractional numbers more than  $\frac{1}{2}$  shall be increased to the next highest integer. When computation is based on the number of employees, the number employed during the largest work shift shall be used.

## Table of Required Parking Spaces per Use

### a. Residential Uses

Use	Parking Spaces Required (per dwelling unit unless otherwise noted)
Single family detached dwelling unit (on a lot less than 10,000 sq. ft)	2 spaces
Single family detached dwelling unit (on a lot 10,000 sq. ft. or greater)	3 spaces
Duplex	2.5 spaces
Townhouse	2.25 spaces
Multi-family	2.5 spaces
Age restricted housing (55 and older; any type)	1 space per unit (plus additional spaces based on office and other service areas if applicable)
Group home	1 space per 300 sq. ft. gross floor area
Personal care boarding home	1 space per unit

### b. Commercial Uses. Any portion of a building used for office, repair/service, retail, and restaurants require parking as pertains to that individual use, as if it were a freestanding use.

Use	Parking Spaces Required (spaces per gross floor area unless otherwise noted)
Retail (general)	1 space per 250 sq. ft.
Supermarket/grocery stores	1 space per 250 sq. ft.
Furniture, appliance, carpet, musical instrument stores	1 space per 350 sq. ft.
Sales of construction equipment, farm equipment, feed, boat and marine vehicles, mobile/motor-home vehicles, motor vehicles, and monument, burial vault and casket sales	1 space per 350 sq. ft. of office, sales, and service area plus 1 space per 3,000 sq. ft. of outside sales area
Automobile service station	1 space per pump, 6 spaces per repair/service bay, and additional spaces based on retail space.
Barbers and beauticians	2 spaces per chair
Car wash	4 spaces per stall, plus 1 space per vacuum if applicable
Funeral Home	1 space per 3 seats based on maximum building occupancy
Bowling alley, miniature golf course	5 spaces per alley, 2 spaces per golf tee
Billiard parlors, amusement enterprises	2 spaces per table or machine
Business, professional, and financial offices (including mail order)	1 space per 250 sq. ft.
Medical, dental, and veterinary offices / hospitals	1 space per 250 sq. ft.
Arenas, stadiums, auditoriums, theaters, dance halls	1 space per 4 fixed seats; otherwise 1 space per 4 persons based on maximum building occupancy
Eating and drinking establishments (apply dance hall to dance floor area)	1 space per 50 sq. ft. of inside seating area, plus 1 space per 100 sq. ft. of outside seating area.
Hotels or motels	1.2 spaces per room
Radio and/or television studios	1 space per 250 sq. ft.
Post office	1 space per 250 sq. ft.
Mining and quarrying	1 space per 250 sq. ft. of office use
Horse riding stables and academies	1 space per 2 stalls
Animal kennels	1 space per 500 sq. ft.
Cemeteries	1 space per 350 sq. ft. of public area in mausoleum or similar structure
Caterers	1 space per 250 sq. ft.
Shoe repair, tailors, seamstresses	1 space per 250 sq. ft.
Public and private garages for the storage of motor vehicles	1 space per 250 sq. ft. of office
Tanning salon	1 space per bed

Laundromat	1 space per three washers or dryers
Rural agricultural service establishments	1 space per 250 sq. ft.
Greenhouses open to the public	1 space per 250 sq. ft. of sales area

c. *Industrial Uses.* Any portion of a building used for office, repair/service, retail and restaurants require the parking as pertains to that individual use, as if it were a freestanding use, in addition to the following:

Use	Parking Spaces Required (spaces per gross floor area unless otherwise noted)
All industrial uses except those specified below	1 space per 350 sq. ft. plus 1 space per 1,000 sq. ft. of outdoor operations (excluding storage)
Auto wrecking, junk and scrap establishments	1 space per 5,000 sq. ft. of indoor/outdoor storage area plus required office/repair/service area
Freight and trucking terminals, moving and storage, parcel delivery and express transfer stations, depots and wholesale distribution warehouses	1 space per 2,000 sq. ft.

d. *Public, Quasi-Public, and Transportation Uses.* Any portion of a building used for office, repair/service, retail and restaurants require the parking as pertains to that individual use, as if it were a freestanding use, in addition to the following:

Use	Parking Spaces Required (spaces per gross floor area unless otherwise noted)
Ambulance, emergency, fire and rescue, taxi and limousine service	2 spaces per vehicle plus 1 space per 350 sq. ft.
Bus passenger station (park and ride lots, vanpooling lots, etc.)	1 space per 250 sq. ft. of gross floor area or lot area sufficient to support program
Child daycare center	1 space per 350 sq. ft. (minimum of 3)
Churches and other places of worship	1 space per 4 seats based on maximum occupancy
Clubs, lodges, fraternal organizations, community centers, health and athletic clubs, studios for instruction in music, performing arts, photographic and craft studios, martial arts, dance, and gymnastics facilities	1 space per 3 persons based on maximum occupancy
Golf courses and driving ranges	4 spaces per hole, 2 spaces per tee on driving ranges
Hospital	1 space per 400 sq. ft.
Nursing homes, personal care homes, and other convalescent homes	1 space per room
Libraries, museums, art galleries, government buildings	1 space per 500 square feet with bus/van parking areas of 1 space per 2,000 sq. ft. (apply auditorium standards to auditorium areas)

Institutions of higher education, high schools, vocational/technical and business training schools	1 space per 300 sq. ft. for classrooms, offices, cafeteria, plus additional spaces based on components (e.g. arena, theater, etc.)
Nursery, kindergarten, elementary, and middle schools	1 space per 1,000 sq. ft.
Private recreation areas	25 spaces per established field/activity area

e. *Agricultural, Forest, Conservation uses.* All parking areas within this zone are permitted to be gravel.

Use	Parking Spaces Required (spaces per gross floor area unless otherwise noted)
Archery range	1 space per target
Rifle or pistol range	1 space per stand or shooting bench
Skeet or shotgun range	1 space per shooting station
Campground	1 space per site, 1 space per picnic table, plus additional spaces based on components (e.g. cafeteria, recreation building, etc.)
Seasonal dwellings	2 spaces per dwelling

3. Handicapped Parking. The size and number of these spaces shall be required as specified in the municipal Building Code. The signage for each space must contain the handicapped symbol, state that violators will be towed or fined and the minimum and maximum fine.

**I. Parking Lots.** For the purposes of this Chapter, parking lots are defined as facilities providing off-street parking space for five or more motor vehicles. All parking lots shall meet the design and maintenance standards specified below. All applications for a zoning permit to use land, in whole or in part, as a parking lot as herein defined shall be accompanied by a land development plan.

1. Dimensions. All parking spaces shall comply with the dimensions specified in subsection H.(1) above. The minimum dimensions of all aisles providing access to parking lot spaces shall be as follows:

Angle of Parking Space to Aisle (in degrees)	Aisle Width (in feet)	
	One Way	Two Way
Parallel	12	20
30 (150)	12	20
45 (135)	15	20
60 (120)	18	20
90	24	24

No portion of any parking space shall intrude into the required aisle width. For aisles providing access to parking spaces set at angles other than those specified above, the required aisle width shall be that of the nearest specified angle of parking. If equidistant from specified angles, the greatest aisle width of the two nearest angles shall apply.

2. Obstructions. Parking lots shall be designed to permit each motor vehicle to proceed to and from all unoccupied parking spaces without requiring the moving of any other parked motor vehicle.
3. Ingress and Egress. Entrance and exit driveways and aisles linking parking lots to public streets shall comply with the standards for motor vehicle access stipulated in the Motor Vehicle Access Section of this Chapter. Parking spaces shall be designed to prevent motor vehicles from backing onto a public street in order to leave the lot.

**J. Loading Regulations.** Space for the loading and unloading of vehicles shall be provided when required below. Each required space shall be at least 12 feet in width, 45 feet in length and have a vertical clearance of at least 14 feet. Spaces shall be located no closer than 10 feet from a public right-of-way and 5 feet from any other lot line and shall be paved with an all-weather material.

1. One off-street loading space is required for all nonresidential uses with a floor area of at least 5,000 square feet but less than 20,000 square feet or more, one additional space shall be provided for each additional 20,000 square feet or fraction thereof.
2. Required off-street parking spaces shall not be used for loading and unloading purposes except during hours when business operations are suspended.
3. All required loading and unloading spaces shall be located on the same property as the use they serve.
4. The provisions of subsections V and VI above, pertaining to off-street parking space shall also pertain to all required offstreet loading and unloading spaces.

**K. Parking for Vehicles for Sale or Rental and for Vehicle Storage.** Motor vehicles, motorcycles, mobile homes, recreational vehicles, boats and marine craft, held for sale or rental, may be displayed or stored only in accordance with the terms of this subsection:

1. Motor vehicles, motorcycles, mobile homes, recreational vehicles, boats and marine craft held for sale or rental may be displayed or stored only on the lot of the principal place of business of the owner of the sale or rental business or on an adjacent separate lot, but only if the adjacent separate lot is used for no other purpose than the display or storage of said items.
2. All areas used for such display or storage must be located in accordance with the setback requirements set forth in this Chapter for parking lots. All screening required of parking lots shall apply to display and storage parking areas.
3. Areas used for display or storage of said items must be constructed of an impervious surface, unless a pervious surface is approved by the municipal engineer and, in both cases, in accordance with the specifications of the municipal engineer.
4. Areas used for display or storage of said items may not be used in calculating required off-street parking.

5. No motor vehicle, motorcycle, mobile home, recreational vehicle, boat or marine craft may be displayed or stored in an area or manner other than set forth on an approved land development plan.

## ARTICLE 26: SIGN REGULATIONS

**A. Intent.** The intent of the regulations contained in this section is as follows:

1. Provide a safe, orderly and efficient means for the display of commercial, political and other informational advertisements within the municipality.
2. Establish criteria for regulating the form or manner of display and reduce visual clutter resulting from competition among signs.
3. Encourage signs which are attractively designed in order to enhance the economic value as well as the visual character of the various parts of the community

**B. Application.** All signs, unless specifically exempted by this Section, must be approved by the municipality.

**C. Exempted Signs.** Signs listed in this section shall not require permits and/or licenses. Such signs shall not be counted when calculating the number of signs on a property. However, such signs shall conform to the general regulations enumerated in the remainder of this chapter.

1. Any sign which is less than two square feet in area.
2. Signs regulating the use of property, such as "no trespassing," "no hunting," "no fishing," etc., of not more than two square feet per sign in residential zones and five square feet in area in commercial and industrial zones.
3. Real estate signs shall be permitted in all zoning districts upon the property which is for sale or lease subject to the following limitations:
  - a. Real estate signs located on a single lot located in a residential or rural zoning district shall have a sign face no larger than five square feet single-faced or 10 square feet double-faced.
  - b. Real estate signs advertising the sale of lots located within a subdivision shall be limited to one sign per entrance to the subdivision, and each sign shall have a sign face no larger than 32 square feet single-faced or 64 square feet double-faced.
  - c. Real estate signs advertising the sale or lease of an existing commercial or industrial building or space within such shall be no greater than 16 square feet single-faced or 32 square feet double-faced.
  - d. Real estate signs advertising the sale or lease of vacant land located within a commercial or industrial zone shall have a sign face no larger than 32 square feet single-faced and 64 square feet double-faced.
  - e. Real estate signs shall be removed no later than 10 days after the execution of a lease agreement in the event of a lease, the closing of the sale in the event of a purchase or, in the case of a real estate sign advertising the sale of lots in a subdivision, when 75% of the lots have been issued a zoning permit. For subdivisions built in phases, the total number of lots in which the aforementioned 75% shall apply to will be that of the total number of lots

located in phases which have received final land development/subdivision approval.

4. Signs for charitable, public or religious institutions when located on the premises. The sign area shall not exceed 32 square feet if single-faced, or exceed 64 square feet of sign area if double-faced. Signs must be used exclusively for noncommercial announcement.
5. Signs regulating on-premises traffic, such as parking, restroom facilities or telephones, and signs denoting other sections of a building, such as offices, service bays, etc., when less than five square feet in area and bearing no commercial advertisement.
6. Signs erected by a governmental body, or under direction of such body, bearing no commercial advertisement, such as traffic signs, railroad crossing signs, safety signs, signs identifying public schools and playgrounds, zoning requests, hospital emergency signs, etc.
7. Memorial signs or tablets and signs denoting the date of erection of buildings.
8. The flag, pennant or insignia of any government or of any religious, charitable or fraternal organization.
9. Temporary signs no larger than five square feet of sign area, advertising the sale of farm products produced on the premises, or advertising auctions or events of charitable, political or public service groups.
10. Temporary signs for garage sales, porch sales and yard sales, which may be displayed for no more than twice per calendar year per property. Each sign display may last three days, with a sign face no larger than five square feet in area.
11. Construction and development signs shall be erected temporarily and shall be subject to the following limitations:
  - a. Such signs on a single lot located in a residential or rural zoning district shall have a sign face no greater than 16 square feet single-faced or 32 square feet double-faced.
  - b. Such signs for a subdivision shall be limited to one sign per entrance to the subdivision and shall have a sign face no larger than 32 square feet single-faced or 64 square feet double-faced.
  - c. Such signs for nonresidential uses in residential or rural zoning districts, and for all uses in commercial and industrial zoning districts shall be limited to 32 square feet single-faced or 64 square feet double-faced.
  - d. Such signs shall be limited to one sign per lot for each public street the lot abuts with the exception of such signs advertising the sale of lots in a subdivision.
  - e. Such signs shall not be displayed until the project has received preliminary subdivision/land development approval or the issuance of a building permit, whichever comes first.
  - f. Such signs shall be removed within 10 days of an issuance of an occupancy permit for all or any of the project except in the case of such signs advertising a subdivision, which shall be removed within 10 days of the issuance of a zoning permit for 75% of the lots in the subdivision.

12. Contractor's/property maintenance signs of not more than five square feet single-faced or 10 square feet double-faced identifying the contractor or property maintenance company contracted to remodeling and property maintenance activities. Not more than one sign, or two signs for those lots abutting two or more streets, shall be located on a lot and shall be removed within 10 days of completion of the activity or after 30 days, whichever is less.
13. Political candidacy signs which are placed on private property with the property owner's permission, provided that they are not placed in the public right-of-way, no larger than 32 square feet single-faced or 64 square feet double-sided, and the signs shall be removed no later than two days after election day.
14. Clocks, time and temperature signs and barber poles, provided that they are no larger than 32 square feet. Any commercial advertisements attached to such structures must be permitted.
15. Information signs, provided that the area of any such sign shall not exceed five square feet.

**D. Prohibited Signs.** The following signs shall not be permitted, erected or maintained in any zoning district, notwithstanding anything else contained in this chapter.

1. Signs which incorporate in any manner flashing or moving illumination, or with illumination which varies in intensity or varies in color, and signs which have any visible moving part, visible revolving part, visible mechanical movement of any description or other apparent visible movement achieved by electrical pulsation.
2. Exterior or interior flashing signs or lights that are distracting to drivers of motor vehicles.
3. Any sign or structure for which state of disrepair constitutes a hazard to public safety or health.
4. Signs which obstruct the vision of drivers or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on public streets and roads.
5. Any sign which obstructs free ingress or egress from a fire escape, door, window or other required exitway.
6. Signs which make use of words such as "stop," "look," "one-way," "danger," "yield" or any similar words, phrases, symbols, lights or characters in such a manner as to interfere with, mislead or confuse traffic.
7. Any obsolete sign (including the structural members of the sign) which is no longer permitted.
8. Signs on public property, public rights-of-way or utility poles that are not erected by a governmental body or utility company.

9. All off-premises signs unless they are off-site directional signs.
10. Movable signs, except as temporary signs.
11. Signs affixed to or otherwise attached to trees or any other living vegetation except those property use signs exempted in this chapter.
12. Any sign attached to, or placed on, a vehicle or trailer parked on any public or private property except for signs meeting the following conditions:
  - a. The primary purpose of such vehicle or trailer is not the display of signs;
  - b. The signs are magnetic, decals or painted upon an integral part of the vehicle or equipment as originally designed by the manufacturer;
  - c. The vehicle or trailer is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used or available for use in the daily function of the business to which such signs relate; or
  - d. The vehicle or trailer is utilized as storage, shelter or distribution points for products or services available to the general public.
13. Any interior sign above 25 feet in height which bears a commercial advertisement and is within 10 feet of the window. Interior signs above 25 feet in height bearing a commercial advertisement that are further from a window than the prescribed distance noted previously may also be prohibited if the Zoning Officer determines that the sole purpose of the interior sign due to its size and positioning is to be viewed from the outside.
14. All roof signs shall be prohibited.
15. Balloons, hot-air balloons or other inflatable objects shall be permitted only as temporary signs.

**E. Sign Type Regulations – General Provisions.** All signs, unless exempted in this Section, must be licensed by the municipality. In addition, all applicants proposing signs with electrical wiring and/or structures exceed ten (10) feet in height must obtain a building permit.

**F. Measuring Sign Area.** For the purposes of this chapter, sign area shall be calculated as follows:

1. The area of freestanding signs shall include the entire area within a single continuous perimeter enclosing the outer limits of such sign. The sign area shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the sign face.

2. Unless specifically noted, all visible faces of a multi-faced sign shall be counted separately and totaled together in calculating sign area.
3. When individual lettering, logos and/or figures are mounted and/or painted directly on a wall, canopy, awning, marquee or parapet, the sign area shall be measured by the smallest rectangle, triangle or circle that can circumscribe all of the lettering, logos and/or figures as well as any ornamental strip, border or design around the edges of the lettering.

**G. Freestanding Signs.** In addition to all other applicable sections of this chapter, the following regulations shall apply to all freestanding signs:

1. Freestanding signs, with all parts, braces and supports thereof, shall be located entirely behind the property line and shall not project over the public right-of-way or other adjoining lands.
2. Freestanding signs shall have a maximum area of 32 square feet if single-faced and 64 square feet if double-faced, with no dimension being longer than 12 feet.
3. A property may have one projecting, under-canopy or freestanding sign per business. Lots which abut more than one collector or arterial street and also have one or more points of egress and/or ingress on more than one collector or arterial street may have one additional projecting, under-canopy or freestanding sign.
4. No individual business or other enterprise within a shopping center/shopping mall or office/industrial park may erect or maintain a freestanding sign.
5. The height of a freestanding sign shall be no greater than 20 feet.
6. Freestanding signs shall not be placed as to obstruct sight distance.
7. Signs attached to a wall not incorporated into the structural support of a building shall be considered freestanding signs and in addition to the regulations stipulated above have the following regulations:
  - a. The wall in which the sign is attached is made of permanent structural material which can withstand the natural elements and is considered decorative in color and texture and incorporates landscaping into the overall design of the sign. An example would be the placement of a sign on a brick retaining wall.
  - b. The area of the sign on the wall shall not exceed 48 square feet.
  - c. The wall, unless used for purposes other than decorative, shall be no higher than eight feet to be eligible for the placement of a sign affixed to such.

- d. The sign on the wall shall be illuminated by direct lighting or through silhouette lighting of the lettering or characters of the sign.

**H. Projecting and under-canopy signs.** In addition to the provisions of this Section, the following regulations shall apply to all projecting and under-canopy signs:

1. Such signs shall not project more than five feet beyond the building line in the direction of the street, nor shall any portion of a projecting sign be closer than two feet to the plane of the vertical face of the street curb or curbline.
2. Such signs shall not have any portion less than 10 feet above grade level.
3. Such signs shall have a maximum area not to exceed 15 square feet if single-faced or 30 feet if double-faced.
4. Such signs shall have a vertical dimension of not more than six feet in height.
5. A property may have one projecting sign, one under-canopy sign or one freestanding sign. Properties which abut more than one collector or arterial street and also have one or more points of egress and/or ingress on more than one collector or arterial street may have one additional projecting, under-canopy or freestanding sign.
6. No individual business or other enterprise within a shopping center/shopping mall or office/industrial park may erect or maintain a projecting sign.

**I. Wall, canopy, awning, marquee, window, and parapet signs.** In addition to the provisions of this Section, the following except those exempted from regulations in this Chapter.

1. No such sign, except for parapet signs, shall extend above the top of the wall upon which it is placed.
2. Parapet signs shall not extend more than 10 feet above the point at which the roof meets an exterior wall of the building.
3. No such sign, or any part thereof, shall project more than 12 inches from the wall upon which it is mounted. If external lighting is used, reflectors must be 10 feet above the surface of the sidewalk, equipped with wire mesh guards in order to protect pedestrians passing underneath. Canopy, awning and marquee signs are exempt from this subsection.
4. No such sign, or any part thereof, including braces, supports or lights, including parapet signs, shall exceed a height of 25 feet as measured from grade level directly below the face of the sign.
5. No such sign shall extend laterally beyond the extremities of the wall to which it is attached.

6. Signs attached to a wall not incorporated into the structural support of a building shall be regulated as freestanding signs.

**J. Off-site Directional Signs.** In addition to the provisions of this Section, the following regulations shall apply to all off-site directional signs:

1. Off-site directional signs are for businesses not located along an arterial street.
2. The content of off-site directional signs shall be limited to the name of the establishment and direction and distance information.
3. The square footage of the sign area will count towards the advertiser's property. No advertiser shall have more than two off-site directional signs displayed at one given time
4. Off-site directional signs shall be freestanding signs, with a maximum area of 10 square feet on a single-faced sign or 20 square feet on a double-faced sign and a maximum height of 10 feet.
5. No more than two off-site directional signs may be located on any given property.

**K. On-site Directional Signs.** In addition to the provisions of this Section, the following regulations shall apply to all on-site directional signs:

1. On-site directional signs may be erected on nonresidential properties if one or more of the following conditions are met:
  - a. The premises contains 250,000 square feet of space on a single lot;
  - b. The premises contains 250,000 square feet of space on multiple lots under single ownership or lots regulated by one common property owners' association;
  - c. The lot is 25 acres in size or greater;
  - d. The lot is under single ownership; or
  - e. Multiple lots are regulated by one common property owners' association totaling 25 acres or greater in size.
2. All on-site directional signs must be similar in style and color.
3. On-site directional signs shall be no higher than 10 feet as measured from the grade directly below the sign.
4. On-site directional signs shall have a sign area no larger than 32 square feet single-faced or 64 square feet double-faced.
5. On-site directional signs must be at least 200 feet from the edge of any public street right-of-way adjacent to the property.
6. On-site directional signs may bear commercial advertisements as follows:
  - a. The total area for commercial advertisement that identifies the property is less than 20% of area or five square feet of the on-site directional sign, whichever

is less, and the area of which shall be calculated into the total sign area for the property pursuant to Article XII and Article XIV of this Section.

- b. The commercial advertisement that identifies the property shall be the same on each on-site directional sign.
  - c. If the on-site directional sign is going to list individual businesses, the total area for the commercial advertisement for each individual business listed on such a sign shall be less than 20% of total area or two square feet of the on-site directional sign, whichever is less.
7. The content of the on-site directional signs shall be limited to the businesses and/or related entities on the premises and must include direction or distance information.

**L. Shopping Center/Shopping Mall and Office/Industrial Park Signs.** In addition to the provisions of this Section, the following regulations shall apply to all shopping center/shopping mall and office/industrial park signs:

1. Individual stores or businesses located in a shopping center/shopping mall and office/industrial park may not have freestanding signs or projecting signs.
2. Individual stores or businesses may have exterior signs only if the store has a direct exterior door for general public use.
3. A shopping center/shopping mall or office/industrial park is permitted to have a freestanding sign. The freestanding sign shall be regulated as such with the following additional regulations:
  - a. A shopping center/shopping mall or office/industrial park must have access to and/or frontage on an arterial street or collector street to qualify for a freestanding sign.
  - b. The freestanding sign shall designate the name of the shopping center/shopping mall or office/industrial park and address of the development, a portion of which may be used as a directory sign.
  - c. Only one freestanding sign per major entrance at an arterial or collector street (a maximum of three signs), bearing the name of the shopping center/shopping mall or office/industrial park, may be erected on the lands occupied by the development and is subject to the provisions contained herein.
  - d. In any case where the name of the shopping center/shopping mall or office/industrial park duplicates, approximates or phonetically sounds the same as a particular business or store and is placed on a freestanding sign of such a development, the area of the said sign(s) shall be calculated towards that business's or store's allowable sign area.
4. Sign area for all signs in a shopping center/shopping mall or office/industrial park shall be calculated as follows:
  - a. Individual stores or businesses. Any sign within the aforementioned development that identifies an individual business, product or service offered at such as permitted pursuant to Article **XII.B.** shall calculate their allowable sign area based on their gross floor area as provided for in Article **XIV.**
  - b. Signs identifying the development. The sign area for all freestanding signs, including the entire area of directory signs, portion of on-site directional signs

identifying the development and all other permitted signs, other than those or portion of which that identify the individual businesses or stores as permitted pursuant to Article L.2., shall be calculated based on the gross floor area of the entire shopping center/shopping mall or office/industrial park as provided for in Article XII.

M. Signs in Residential Districts. Signs located in the rural and residential zoning districts shall be subject to the following requirements and must obtain permits from the municipality:

1. Signs identifying registered home occupations are permitted, provided that their sign area is no greater than five (5) square feet if single-faced or ten (10) square feet if double-faced. Only one home occupation sign shall be permitted per dwelling unit on a property. The height of the sign shall be no greater than five feet.
2. Signs identifying recreational facilities shall be permitted when located on the premises thereof and containing no commercial advertisement.
3. Wall signs denoting the name of an apartment building, community or municipal center or similar enterprise shall be permitted, provided that the signs bear no commercial advertisement. The area of such signs shall not exceed 25 square feet and shall be limited to the main entrances of said buildings.
4. Information signs in all residential districts which identify the general direction of apartment buildings, office buildings, community or municipal centers and similar enterprises shall be permitted, provided that such signs are located at an interior intersection of the development.
5. Nonresidential uses located in any of the residential zones shall be permitted to have any type of sign pursuant to the appropriate sign type regulations and sign area for the entire property based on the size chart provided in Article XIV.
6. Freestanding signs shall be permitted given the following regulations:
  - a. Residential developments shall be permitted to have one freestanding sign at each entrance to the subdivision or multifamily property from a collector or arterial street.
  - b. Each freestanding sign for a residential development shall be compliant with the freestanding signs standards.

N. **Signs in Commercial and Industrial Districts and other Nonresidential Districts.** Signs in the commercial and industrial zoning districts shall be subject to the following regulations and must obtain permits through the municipality.

1. Calculations. For each individual business in a shopping center/shopping mall or office/industrial park, the maximum sign area shall be calculated on a basis of gross floor area (gfa), as described below. For any other nonresidential use, this formula shall be applied for the allowable sign area on the basis of the gfa for the entire property:

Store/Business Area (GFA)	Sign Area per GFA Formula	Maximum Sign Area per Class (square feet)
15,000 or less	1 sq. ft. per 100 GFA	150
Greater than 15,000	1 sq. ft. per 100 GFA	250

**O. Temporary Signs Requirements and Design Regulations.**

1. No person group, business, organization or entity may erect or maintain any temporary sign without first obtaining a temporary sign permit from the Zoning Office, except exempted signs as described in this Section.
2. Temporary signs must meet all requirements of this chapter with the following exceptions: A-frame signs and movable signs are permitted as long as the sign is secured and would not be easily blown down by normal wind currents.
3. Balloons containing advertisement, hot-air balloons or other inflatable objects are permitted as temporary signs for a maximum of seven calendar days per year. However, they must be secured and not create a safety hazard. The sign area of the balloon will not be counted towards temporary sign area maximum.
4. No temporary sign may be placed so as to impede the normal flow of pedestrian or vehicle traffic, nor shall such signs impede the sight of or cover any existing business sign and traffic control sign or any entrance or exit to any property or business.
5. No business shall exceed a maximum of 50 square feet of temporary sign area.
6. The time limit for temporary signs is 60 days per calendar year per business or other entity. Such entity must obtain a separate permit for each time period that the sign is on display. The duration of each time period must be declared by the permittee and will be specified on the permit. Each sign requires a separate permit.
7. Temporary sign permits must be obtained prior to the display of any temporary sign. Should a permit not be applied for before the sign is erected, the ensuing permit would be dated retroactive to the first day of the sign's display.
8. If a sign is not removed at the end of the permitted duration, the time duration beyond that which is permitted will be deducted from the permittee's total maximum temporary sign allowance of 60 days per calendar year.
9. A temporary business may have a temporary sign for the duration of the valid temporary business license, not to exceed a maximum of 13 weeks.

**P. Permitting Provisions.** All signs, unless exempted by this Section, must be permitted by the municipality.

1. All signs to be permitted shall be classified as either temporary, permanent or nonconforming for the purpose of permit duration and corresponding fees. The municipality reserves the right to require evidence that the property owner has granted permission for a sign to a tenant prior to the issuance of a license.
2. The change of a sign face or product advertised may be done under the same license; however, any change of the name of the business on a sign will require a new permit.
3. Permit fees will be set by resolution of the municipality.
4. There shall be no fees for government or nonprofit organizations.
5. There shall be no fees for signs identifying developments in residential districts.

6. Prior to placing a permanent sign not exempt in this Section, an application must be submitted to the Zoning Officer on forms provided by the municipality. If the application is approved, a permit will be issued and the applicant may erect the sign.
7. The permit fee for a permanent sign will be due upon permit approval. When the sign is in place, the Zoning Officer will inspect the sign to ensure that it complies with the appropriate ordinances.
8. Sign permits for permanent signs shall be renewed every three years upon payment of the permit fee
9. Prior to placing a temporary sign not exempt in this Section, an application must be submitted to the Zoning Officer on forms provided by the municipality. If the application is approved, the applicant may erect the sign.
10. After permit approval, the applicant will be billed for the temporary sign permit. When the sign is in place, the Zoning Officer will inspect the sign and, if it complies with the appropriate ordinances, will issue a final sign permit.

**Q. Nonconforming Signs.**

1. All existing signs that do not conform with the regulations of this chapter must be licensed within 180 days after adoption of this chapter.
2. Nonconforming signs must comply with the regulations of this chapter if the sign is damaged or destroyed to the extent of 50% or more of its replacement value.
3. Nonconforming signs must comply with the regulations of this chapter if the use of the sign is abandoned for longer than one year.

**R. Safety and Maintenance.** Every sign and all parts thereof, including framework, supports, background, anchors and wiring systems, shall be constructed and maintained in compliance with all applicable building codes. All signs and all parts thereof shall be kept in good state of repair and maintenance.

**S. Enforcement.** The Zoning Officer shall examine all applications for permits for the erection of signs and issue permits for new signs and for continued use of signs which conform to the requirements of this chapter. He or she shall file all applications for permits with any accompanying plans and documents, make routine inspections of signs in the municipality and make such reports as the municipality may require.

## **ARTICLE 27: LANDSCAPING REGULATIONS**

**A. Intent.** The intent of this Section is to provide landscaping requirements which:

1. Enhance and promote the image of the community.
2. Protect the public health, safety and welfare by:
  - a. Screening and buffering incompatible land uses.
  - b. Minimizing noise, air, water, dust and visual pollution.
  - c. Preserving property values and the character of neighborhoods.
  - d. Reducing the heat and glare absorbed and radiated by development.
  - e. Helping control soil erosion.
  - f. Increasing traffic safety.
3. Increase the variety of plant materials used in landscape plans.
4. Improve the aesthetics of the site through seasonal diversity of plantings.

### **B. General Requirements**

1. Required buffers shall be reserved solely for open space and landscaping. No proposed building addition, structure, parking area or any other type of physical land improvement shall be located in a required buffer; provided that driveways or roads may cross required buffers if necessary to provide access to the building site. Sidewalks, bikeways and pedestrian paths may also be located within required buffers.
2. All selected trees and shrubs must be listed on the official municipal plant list.
3. All landscaping, trees and planting materials adjacent to parking areas, loading areas or driveways shall be properly protected by barriers, curbs or other means from damage by vehicles. In addition, the tree or shrub shall be planted a minimum of 3 feet from any curb.
4. Plant materials with seasonal diversity should be selected and distributed throughout the site.

**C. Conflicting Requirements.** In the event that one or more of the subsections of this Section, is applicable and there is a conflict among them, the more restrictive subsection requirement shall apply.

**D. Landscaping Plan.** When a site or land development plan requires the installation of landscaping, subject to the requirements of this Section, a landscaping plan shall be submitted along with the site or land development plan. The landscaping plan shall show the following:

1. The location of all buffer yards and planting areas shall be graphically depicted.

2. The plan must graphically depict the distribution, mature height and spread of all required plant materials. The official municipal plant list shows the plant height and spread which is to be used for each plant species.
3. The plan must show a table which identifies the required and proposed number of each plant species being provided for each type of buffer, screen or other use. (i.e., the number of plants within each flexible buffer yard, corridor overlay buffer, parking lot, general site). The table shall also identify the botanical and common name of each plant, the mature height and spread and the symbol used for the plant.
4. The plan must identify the specific size and species of materials, both vegetative and fencing, which will be used for screening of trash collection and storage areas.

**E. Maintenance.**

1. The owner or his agent shall be responsible for the maintenance, repair and replacement of all landscaping materials and screening fences or walls to maintain conformance with the landscaping requirements.
2. Any plant material that is 25% dead or more shall be considered dead and must be replaced.
3. Replacements shall be made during the first spring or fall planting season following the death of the plants.
4. Replacements shall be of the same size and type (canopy, understory, shrub) of plant as shown on the plan.
5. All parking lots and buffer yards shall be kept free of litter and trash.

**F. Standards.** All landscape material planted shall meet or exceed the following standards at the time of planting:

1. All canopy trees shall reach a minimum height of 20 feet at maturity and shall have a caliper of at least 2 inches at planting. Canopy trees are to be planted such that the majority of the canopy is located on the site of the applicant's land development.
2. All evergreen trees shall reach a minimum height of 20 feet at maturity and shall be a minimum of 6 feet tall at planting.
3. All understory trees shall reach a minimum height of 10 feet at maturity and shall have a caliper of 1½ inches at planting.
4. All deciduous or evergreen shrubs used for general or parking lot landscaping must be a minimum of 2 gallons at planting.

5. Where the plantings identified in subsections ***6.A through 6.D*** immediately above, would result in an inappropriate or impractical design due to underground utilities, overhead wires or other factors, the following substitutions may be made:
  - a. Two understory trees (1½ inch caliper) may be substituted for one canopy tree.
  - b. Two evergreen trees may be substituted for one canopy tree.
  - c. One evergreen tree may be substituted for five shrubs.

**G. Use of Existing Vegetation.**

1. Where an existing hedgerow or forested area is located within a proposed buffer yard, the use of existing vegetation is encouraged, to the extent that a suitable buffer will be provided. One existing canopy tree of at least 4 inch caliper may be substituted for one new tree. The existing tree must be listed on the municipality's Official Plant List or approved substitution list.
2. Existing understory trees and shrubs may be substituted for new understory trees or shrubs. The existing trees and shrubs must be listed on the municipality's Official Plant List.
3. In an area where the canopy trees will not allow for the planting and growth of understory trees, four shrubs could be planted in lieu of each required understory tree.
4. Prior to plan approval, the plan for tree substitution must be verified by the Zoning Officer.

**H. Preservation of Existing Vegetation.** Existing site vegetative tree growth of 4 inches trunk diameter or larger is encouraged.

**I. Use of Existing Features.** Lots separated by a bona fide drainageway, creekway or stream channel may not substitute such condition for a portion of any corresponding buffer yard width.

**J. Screening of Trash Collection and Storage Areas.** All trash collection and storage areas shall be screened from all adjoining properties and streets with vegetative materials and/or fences of at least 8 feet in height at the time of installation.

**K. Access and Visibility.** No tree, shrub, fence, wall or similar item shall be installed in the sight triangle of any corner, street intersection or accessway intersecting a public right-of-way that would cause an obstruction to visibility.

**L. Flexible Buffer Yard.**

1. Purpose. Flexible buffer yards are intended to aid the municipality in protecting community character by separating incompatible uses either within the same zoning district and/or between adjacent zoning districts. The purpose of the flexible buffer yard requirements is to alleviate problems which could be encountered by a single standard. The requirements of this Section can reasonably accommodate the characteristics of each site and the range of land uses.
2. Procedure. The following procedure shall be used to determine the type of buffer yard required between two uses located on separate but abutting parcels:
  - a. *Step One.* Identify the land use classification of the proposed use and of all existing uses located on separate adjoining lots by referring to the Land Use Intensity Classification Chart as follows:

### **Land Use Intensity Classification Chart**

#### Group I

Agricultural  
Single-Family Detached Residential Use(s)  
Nonagricultural Residential Lot  
Stormwater Detention Basin

#### Group II

Public/Private Recreational Areas  
Townhouses, Multifamily Housing, Duplexes  
Churches and other places of worship  
Schools

#### Group III

All uses not identified in Group I or II. If there is a question as to which group a use should be classified under, the municipal Zoning Officer shall determine the group based on the most comparable land use to the use listed in the application for a zoning permit. The use group of vacant land adjacent to the site is determined by identifying the least intensive use permitted within the applicable zoning district.

- b. *Step Two.* Determine the buffer yard required between uses by referring to the following Buffer Yard Table 1.

**Buffer Yard Table 1**

The table set forth below displays the range of buffer yard requirements associated with the site use from the use groups found on the Land Use Intensity Classification Chart at subsection 12.B(1), above. The letters A-D denote the planting plan buffer option set forth in Buffer Yard Table 2. The letter (N) means that no buffer yard is required.

Land Use Classification of Development	Land Use Intensity Classification of Adjacent Lot(s)		
	I	II	III
Group I	N	N	N
Group II	B	A	C
Group III	D	C	A

c. *Step Three.*

- i. Determine the specific buffer yard to be used based on the options for each buffer yard in the following table (Buffer Yard Table 2).
- ii. Table 2 below displays the range of buffer yard requirements associated with each buffer yard and shows the minimum planting units required per every 100 linear feet of distance along a site's perimeter. Areas less than 100 linear feet and/or fractions thereof are to be landscaped with the corresponding ratio by 100 linear feet, rounded up to the nearest whole plant.

Buffer Yard	Required Width	Canopy Tree	Understory Tree, Evergreen Tree	Deciduous or Evergreen Shrub
A	30 ft.	6	2	-
	25 ft.	3	4	-
	15 ft.	2	6	-
B	30 ft.	1	4	5
	25 ft.	2	5	8
	15 ft.	2	6	9
C	30 ft.	2	5	9
	25 ft.	2	7	12
	15 ft.	1	8	15
	12 ft.	1	4	8 w/ fence/wall
D	30 ft.	2	6	12
	25 ft.	2	7	17
	15 ft.	2	8	26
	12 ft.	1	3	18 w/ fence/wall

The installation of a fence or berm shall satisfy a portion of the buffer yard requirements of Buffer C and D as identified above if the fence consists of at least 50% fence material distributed evenly, not less than 4 feet nor more than 6 feet in height. A perimeter wall shall also satisfy a portion of the buffer yard requirements of Buffer C and D as identified above if the wall is not less than 4 feet nor more than 6 feet in height. When landscaping is being provided to buffer against a different use group than is on the site, the required plant material must be evenly distributed within each 100 foot section of the buffer area. The even distribution of plantings is intended to screen objectionable views. When landscaping is being provided to buffer against the same use group as exists on the site, the required plant material may be grouped or unevenly distributed within each 100 foot section of the buffer area.

- d. *Step Four.* Determine the planting stock to be used as landscape materials for the buffer yard in question by referring to the municipality's Official Plant List.
3. Placement of Buffer Yard Width. The landscaped buffer yard area shall be established along the length of, and contiguous to, any lot line or demarcation of land use, such as a leasable area. The width of the area determined from Buffer Yard Table 2 of this Section shall be measured at right angles to the lot line of the applicant's land development.

#### **M. Interior and Exterior Parking Lot Landscaping.**

1. All parking lots shall meet the location requirements stipulated in the Parking Section of this Chapter. All raised yards surrounding the parking lot shall be bordered by a curb 6 inches high along the sides of the yard area abutting the parking lot, including spaces and aisles. Where the yards are not raised, separate stops shall be provided at the end of each parking space abutting the yards. Where walkways terminate at curbs, ramps shall be provided. Parking setback areas shall be planted with grass or similar vegetative material and may include shrubs, fences or walls.
2. Planting areas shall be installed at the end of all parking bays abutting an aisle or driveway. The planting areas shall be bordered by a curb 6 inches high wherever it abuts a space or aisle, and shall be at least 9.5 feet wide and extend the length of the parking space and/or bay. Each planting area shall be planted with a combination of suitable ground covers, grass, and/or mulch and a minimum of one canopy tree.
3. Utility poles and light standards are permitted within the planting areas provided they are separated from the spaces and aisles as detailed in the Parking Section of this Chapter. Utility poles and light standards are also permitted within the parking lot provided the pole is surrounded on all sides by a 6 inch concrete curb. The back of the curb must be a minimum of 3 feet away from the edge of the pole. No poles are permitted within a required parking space or drive aisle.

4. When parking bays incorporate more than ten parking spaces in a continuous row, a raised island shall be incorporated within the parking bay for every ten parking spaces. The raised island shall be bordered by a curb 6 inches high minimum wherever it abuts a space or aisle and shall be 9.5 feet wide and extend the length of the parking space and/or bay. Each raised island shall be planted with a combination of suitable ground covers and/or grass and a minimum of one canopy tree. No islands are required in parking lots that are less than 60 feet in width as long as perimeter planting is used around the entire parking lot with the exception of where the parking lot abuts the building. Wherever a building adjoins a parking lot perimeter, islands shall be required.
5. In order to provide flexibility in design, reduce heat, glare and visual expansiveness, the following option may be considered in conjunction with interior landscaped islands: provision of a continuous landscaped strip between every four bays of parking in lots that contain eight or more bays in one area. The strip shall be a minimum of 15 feet wide and shall include a vehicle overhang of 2½ feet when parking spaces are adjacent to the strip. The stall length with the overhang strip may be reduced to 16 feet. The strip shall contain a landscaped area of 10 feet minimum width and shall be planted with shade trees at a ratio of at least one tree for every 45 feet of the strip length inclusive of driveway widths. These trees shall be planted no less than 25 feet nor greater than 50 feet apart. A combination of suitable ground covers and/or grass shall cover the remainder of the strip. If the landscaped strip provides direct access to a building entrance, a minimum 5 foot wide sidewalk shall also be included in the strip. In this event, the landscaped strip will be required to be 20 feet in width, with the sidewalk in the middle of the strip. The required trees can then be planted alternately on each side of the sidewalk at the required distance.
6. In the event an existing parking lot is being enlarged or revised, these regulations will apply only to the new section of the parking lot.

**N. Commercial District Planting Requirements.**

1. In the HC and IC Districts, the off-street parking located within the front yard setback area shall be provided with a 12 foot wide buffer yard between the parking lot and property line fronting any street right-of-way.
2. The planting shall provide shade and a view restrictive screen for parking areas. For evening uses, the screen is intended to function to block headlight glare affecting vehicles offsite. Headlights of parked vehicles must be obscured from the public right-of-way.
3. One of the following options shall be used for the perimeter planting:
  - a. A minimum 10 foot wide landscaped strip shall be planted with a minimum of one canopy tree or evergreen tree and fifteen shrubs per 35 linear feet of frontage along the parking area (excluding driveway openings).

- b. A berm/earth mound, the top of which is at least 2 feet higher than the elevation of the adjacent parking lot pavement. The slope of the berm shall not exceed 25% (4:1) for lawn areas. Berms planted with ground covers and shrubs may be steeper. However, no slope shall exceed 50% (2:1). Berms shall be graded to appear as naturalistic forms not causing any soil erosion problems and planted with a minimum of one canopy tree and ten shrubs per 35 linear feet of frontage along the parking area (excluding driveway openings).
  - c. A 6 foot wide landscaped embankment strip and a minimum 3 feet grade drop from the required yard area into any adjacent parking lot pavement. The resulting embankment shall be planted with a minimum of one canopy tree and ten shrubs per 35 linear feet of frontage along the parking area (excluding driveway openings). At least 50% of the required shrubs shall be planted in the top half of the grade drop area.
  - d. A minimum of a 5 foot wide landscaped strip with a minimum 3 feet high brick, stone or finished concrete material wall to screen any parking lot. The wall shall be located adjacent to, but entirely outside, the minimum 5 foot wide landscaping strip. The strip shall be planted with a minimum of one canopy tree and five shrubs per 35 linear foot of frontage along the parking area (excluding driveway openings).
5. No tree, fence, wall or similar item shall be installed in the sight triangle of any corner, street intersection or accessway intersecting a public right-of-way that would cause an obstruction to visibility.

**O. Invasive Species.** Invasive species as detailed below shall not be permitted as a component a landscape plan, except for those species that are existing on the site and are proposed for incorporation into the site landscaping pursuant to the provisions set forth in section X above.

- 1. Characteristics of Invasive Species. Invasive plants displace naturally occurring vegetation and, in the process, upset nature's balance and diversity. Invasive plants share the following characteristics:
  - a. Rapid growth and prolific reproductive capabilities.
  - b. Highly successful seed dispersal, germination, and colonization processes.
  - c. Rampant spreading that takes over native species
  - d. Costly to control.
- 2. Prohibited Species. In general, aggressive, non-native plants have no enemies or controls to limit their spread. Those listed below shall not be permitted as a component of a land development plan, except for those species that are existing on the site and are proposed for incorporation into the site landscaping pursuant to the provisions set forth in section X above .

- a. Trees (botanic name; common name)
  - i. *Acer platanoides*; Norway Maple
  - ii. *Acer pseudoplatanus*; Sycamore Maple
  - iii. *Ailanthus altissima*; Tree-of-Heaven
  - iv. *Elaeagnus angustifolia*; Russian Olive
  - v. *Populus alba*; White Poplar
  - vi. *Ulmus pumila*; Siberian Elm
  - vii. *Viburnum lantana*; Wayfaring Tree
  
- b. Shrubs and Vines (botanic name; common name)
  - i. *Berberis thunbergii*; Japanese Barberry
  - ii. *Elaeagnus umbellata*; Autumn Olive
  - iii. *Euonymus alatus*; Winged Euonymus
  - iv. *Ligustrum vulgare*; European Privet
  - v. *Lonicera japonica*; Japanese Honeysuckle
  - vi. *Lonicera maackii*; Amur Honeysuckle
  - vii. *Lonicera morrowii*; Morrow's Honeysuckle
  - viii. *Lonicera tatarica*; Tartarian Honeysuckle
  - ix. *Lonicera x-bella*; Hybrid Honeysuckle
  - x. *Lythrum salicaria*; Purple Loosestrife (herbaceous)
  - xi. *Morus alba*; White Mulberry
  - xii. *Morus rubra*; Red Mulberry
  - xiii. *Phyllostachys aubea*; Bamboo
  - xiv. *Rhamnus cathartica*; Common Buckthorn
  - xv. *Rhamnus frangula*; Glossy Buckthorn
  - xvi. *Rosa multiflora*; Multiflora Rose
  - xvii. *Viburnum opulus*; European Highbush Cranberry

**P. Plants Native to Central Pennsylvania.** Native plants appropriately selected for the site conditions provide a beautiful, hardy, low maintenance landscape while benefiting the environment. Once established, native plants save time and money by eliminating or significantly reducing the need for fertilizers, pesticides, water, and maintenance equipment.

1. In addition to a wide variety of plant species native to Central Pennsylvania, the following native plant list is well suited to the climate of the Nittany Valley Region and should be considered for use in an approved landscaping plan.

- a. Trees (botanic name, common name)
  - i. *Acer spp.*; Maple species
  - ii. *Amelanchier spp.*; Serviceberry species
  - iii. *Alnus rugosa*; Hazel Alder
  - iv. *Carpinus caroliniana*; American Hornbeam
  - v. *Carya spp.*; Hickory species

- vi. *Celtis occidentalis*; Common Hackberry
- vii. *Cercis Canadensis*; Eastern Redbud
- viii. *Cornus alternifolia*; Pagoda Dogwood
- ix. *Cornus florida*; Flowering Dogwood
- x. *Fagus grandifolia*; American Beech
- xi. *Fraxinus spp.*; White, Black & Green Ash
- xii. *Juniperus virginiana*; Eastern Red Cedar
- xiii. *Liriodendron tulipifera*; Tuliptree
- xiv. *Nyssa sylvatica*; Black Tupelo
- xv. *Ostrya virginiana*; American Hophornbeam
- xvi. *Pinus strobus*; Eastern White Pine
- xvii. *Pinus resinosa*; Red Pine
- xviii. *Platanus occidentalis*; American Planetree
- xix. *Populus spp.*; Aspen species
- xx. *Prunus spp.*; Pin and Black Cherry; Chokeberry
- xxi. *Quercus spp.*; Black, White, Northern Red, Scarlet, Pin & Chestnut Oak
- xxii. *Rhus spp.*; Sumac species
- xxiii. *Salix discolor nigra*; Pussy and Black Willow
- xxiv. *Sassafras albidum*; Common Sassafras
- xxv. *Tilia Americana*; American Basswood (Linden)
- xxvi. *Tsuga Canadensis*; Canada Hemlock

2. Shrubs (botanic name; common name)

- i. *Alnus serrulata*; Common alder
- ii. *Aronia spp.*; Red, Black and Purplefruit Chokeberry
- iii. *Comptonia peregrine*; Sweetfern
- iv. *Cornus spp.*; Dogwood species
- v. *Corylus spp.*; Filbert species
- vi. *Hydrangea arborescens*; Smooth Hydrangea
- vii. *Hypericum prolificum*; Shrubby St. Johnswort
- viii. *Ilex verticillata*; Common Winterberry Holly
- ix. *Kalmia latifolia*; Mountain Laurel
- x. *Lindera benzoin*; Common Spicebush
- xi. *Rhododendron arborescens*; Sweet Azalea
- xii. *Rhododendron nudiflorum*; Pinxterbloom Azalea
- xiii. *Rhododendron roseum*; Roseshell Azalea
- xiv. *Rubus spp.*; Blackberry, Raspberry, & Thimbleberry
- xv. *Sambucus spp.*; Elder species
- xvi. *Vaccinium spp.*; Lowbush & Highbush Blueberry; Deerberry
- xvii. *Viburnum spp.*; Mapleleaf, Hobblebush, & Cranberrybush Viburnum

## ARTICLE 28: DEFINITIONS

**A. Word Usage.** For the purpose of this Ordinance, certain terms and words used herein shall be interpreted as follows:

1. Words used in the present tense include the future tense; the singular number includes the plural and the plural number includes the singular; words of masculine gender include feminine gender and words of feminine gender include masculine gender.
2. The word “includes” or “including” shall not limit the term to the specific example, but is intended to extend its meaning to all other instances of like kind and character.
3. The word “person,” “applicant,” “subdivider,” “developer” and “owner” shall include an individual firm, association, organization, partnership, trust, company, public or private corporation for profit or not-for-profit, political subdivision, agency or instrumentality of the Commonwealth, bureau or agency of the United States, or any other similar entity.
4. The words “shall” and “must” are mandatory; the words “may” and “should” are permissive.
5. The words “used or occupied” include the words “intended, designed, maintained, or arranged to be used or occupied.”
6. The word “Township” or “Borough” shall mean **municipal name**.
7. The word “municipality” shall mean **municipal name**.
8. The term “planning agency” and “planning commission” shall mean **municipal planning commission**.
9. The word “Supervisors” or “Council” shall mean the **municipal name** Board of Supervisors or Council.
10. The term “governing body” shall mean the governing body of **municipal name**.
11. The word “County” shall mean the County of Centre.

**B. Definitions.** The following words and phrases shall have the meaning given in this Article, unless a contrary intention clearly appears. All words and terms not defined herein shall be used with a meaning of standard usage.

**A-Frame Sign:** A single or double-faced sign used only on a temporary basis and commonly called a “sandwich board”.

**Access:** A way or means of approach for vehicle and/or pedestrian traffic from a street, right-of-way, public area or community facility to a lot.

Access drive: A driveway providing pedestrian and vehicular access between a public or private street and a parking area within a land development. (See also Street).

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.

Adaptive Reuse: Adaptive Reuse is a process that adapts buildings for new uses while retaining their historic features.

Addition: An addition to the floor area of an existing structure or building, an increase in the size of a structure or building, or an increase in that portion of a lot occupied by an existing use; an enlargement of a use, structure, or building.

Adult oriented business (use): Any business, establishment, or use which offers materials, services, or entertainment characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” or any business or establishment within which the conduct of business is restricted to persons age eighteen (18) and older.

Adult day care center: Establishment where out-of home care is provided to 4 or more elderly or disabled adults for part of a 24-hour day, excluding care provided by relatives. Care includes personal assistance in the activities of daily living, the development of skills for living, and providing social contact to reduce isolation and loneliness.

Adverse Effect: An activity or action that may be detrimental to natural and/or cultural resources.

Agriculture: The tilling of the soil, the raising of crops, forestry, horticulture and gardening, including the keeping or 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 as well as the processing and retail sale of goods produced on the farm. This definition shall also expressly include the incidental slaughter of livestock which have been raised on the site.

Agricultural use: Any use of land or structures for farming, dairying, pasturage, forestry, or animal husbandry including the sale of agricultural products and services. Uses accessory to an agricultural use may include barns, stables, corn cribs, silos and any other structure or building clearly related to an agricultural operation.

Agri-tourism: An agriculture related activity conducted on a working farm for the enjoyment of visitors that generates income for the owner.

Airport: Any area of land or water used, or intended to be used, for the landing and takeoff of aircraft and any appurtenant areas which are used, or intended to be used, for airport buildings or air navigation facilities or rights-of-way, together with all airport buildings and facilities.

Alley: A public way less than 33 ft. in right of way width, designated as an alley on a recorded plot or dedicated as such in a deed, whether privately or publicly owned, primarily for secondary means of access to the rear or sides of properties.

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.

Amusement arcade or enterprise: A commercial establishment which provides as a principal use, amusement devices and/or games of skill or chance (e.g., pinball machines, video games, skeet-ball, electronic or water firing ranges or 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.

Antenna: Any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including but not limited to, directional antennas, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whip antennas.

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

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

Approved: Approved by the recognized authoritative agency or official as specified in the respective regulations.

Area: The two-dimensional measurement of space between known lines or boundaries.

- A. Gross floor area (GFA): the sum of the floor areas of a building as measured to the outside surfaces of exterior walls and/or all areas intended for the conduct of a use.
- B. Habitable floor area: 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, basement, bedroom, bathroom, family room, closets, hallways, stairways, and foyers, but not including cellars or attics, service or utility rooms, nor unheated areas such as enclosed porches or garages.
- C. Lot area: the total surface area contained within the property lines of a lot.
- D. Retail sales area: the total area of use which is devoted to the display of goods and/or services, including aisles, to prospective patrons.

E. Outdoor storage area: the total area of use devoted to the storage of goods and/or materials in areas open to the sky and/or outside of a primary or accessory building. .

Automated Teller Machines: A pedestrian-oriented machine used by bank and financial service patrons for conducting transactions including deposits, fund transfers, and withdrawals without contact with financial institution personnel. The machines may be located at or within a bank, or in other locations.

Automobile Auction: A use whereby passenger vehicles are offered for wholesale and/or retail sales at prearranged auction sales.

Automobile filling station: Any area of land, including structures thereon, that is used for the sale of gasoline of any other motor vehicle fuel and oil and other lubricating substances, including any retail sales of motor vehicle accessories, which shall 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 motor vehicles, including accessory service and repair facilities, if such service and repair area conducted within a completely-enclosed building.

Automobile service: The retail repair, servicing, maintenance, and reconstruction of motor vehicles, but not including car washes per se.

Awning sign: A sign made of cloth, metal or other material and affixed to a building in such a manner that the sign may be raised or retracted to a position against the building.

Banks and Financial Institutions: A bank, savings and loan, credit union, or other financial institution that provides retail banking services to individuals and businesses. These uses include only those institutions engaged in the on-site circulation of cash money.

Balcony: An unroofed platform projecting from the wall of a building and enclosed by a parapet or railing.

Banner: Any sign made of cloth, plastic, or similar material used only on a temporary basis.

Basement: A space with less than ½ of its floor-to-ceiling height above the average finished grade of the adjoining ground, and with a floor-to-ceiling height of greater than 6 ½ ft.

Bed and Breakfast Home: An owner-occupied single-family residential dwelling unit providing, for compensation, sleeping accommodations and breakfast for transient guests in five (5) or less guestrooms.

Billboard: A sign which directs attention to a business, commodity, service, entertainment or attraction which are sold, offered or existing elsewhere than upon the same lot where such sign is displayed. Billboards offer space which is generally leased or rented by the owner thereof to others for the purpose of conveying a commercial or noncommercial message. For the purposes of this Chapter, a billboard shall be considered an off-premises sign.

Block: The length of a street between two (2) street intersections.

Blockface: The lots abutting on one side of a street, between the two nearest intersecting streets. Lanes or alleys do not constitute a street.

Buffer area: A strip of land planted and maintained in shrubs, bushes, trees, grass, or other vegetative material and where no structure or building is permitted except a wall or fence.

Building: A structure, including any part thereof, having a roof and used for a shelter or enclosure of persons or property, including but not limited to: Any structure used for a residence, business, industry, or other public or private purpose, or accessory thereto, and including porches, greenhouses, stables, garages, roadside stands, mobile homes, manufactured homes, and similar structures, whether stationary or movable, but excludes fences and walls part of landscaping, signs and awnings.

Building coverage: The horizontal area measured within the outside of the exterior walls of the ground floor of all principle and accessory buildings on the lot designated as either gross sq. ft. or as a percentage of the total lot area.

- A. Accessory, building: A detached subordinate building, the use which is customarily incidental and subordinate to that of the primary building, and located on the same lot as that occupied by the primary building.
- B. Alteration, building: As applied to a building, a change or rearrangement in the structural parts, including supporting members such as bearing walls, columns, beams, or girders, or an enlargement, whether by extending on a side or by increasing in height, or the relocation of a building onto or within a lot.
- C. Area, building: The total areas of the greatest outside dimensions on a horizontal of the principal building and all accessory buildings.
- D. Frontage, building: The linear length of all ground-floor walls facing or exposed to any street right-of-way, plaza or arcade.
- E. Height, building: The vertical distance from grade to the top of the highest roof beams of a flat roof, or the mean level of the highest gable or slope of a hip roof.
- F. Length, building: The horizontal measurement of any continuous building wall.
- G. Principal, building: A building or structure where the principal use is conducted on the lot where the building is located.

H. Setback line, building: A line establishing the minimum depth of the front yard for the applicable zoning district as measured from the street line.

Business service uses: Business service uses may include the following uses: advertising agency, credit reporting agency, data processing service, equipment leasing, mailing service, management consulting, news service, photography, protective service, public relations, reproduction service, research and development, and stenographic service.

Caliper: The diameter of a tree at the height of 6 inches from the top of the root ball or, in the case of a multi-stem tree, the caliper is determined by the average of the stems.

Canopy tree: A tree, either single-stemmed or multi-stemmed, which has a caliper of at least 2 inches at planting and is of a species which, at maturity, can be expected to reach a height of at least 30 feet.

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

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

Campus: A contiguous area of land constituting and making up the grounds of a college, university, hospital, or public/private school containing buildings and related uses. For the purpose of this definition, the contiguity of any land area for such uses shall not be deemed destroyed by the presence of public rights-of-way.

Canopy sign: A sign attached to a rigid structure, other than an awning, that is permanently attached to a building; usually covering a sidewalk or walkway.

Cemetery: Land used or intended to be used for the burial of the deceased, including columbariums, crematoria, mausoleums, and mortuaries when operated in conjunction with the cemetery and within the boundaries thereof.

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, cemeteries and church-related education and/or day-care facilities.

Clubs, lodges, and fraternal organizations: The use of land or structures by a non-profit group not operating for the purpose of trade or business, but operating for social and community service activities among group members and their guests.

Club, private: 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 provided 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 uses, as defined in this Ordinance.

Cluster: A development design technique that concentrates buildings on a part of the site to allow the remaining land to be used for recreation, common open space, and/or preservation of environmentally sensitive features or agricultural areas.

Co-location (telecommunications facilities): The use of wireless telecommunication support facilities by more than one wireless telecommunication provider.

Community center or club: The use of land or structures for social and community service activities charitable, educational, or religious in nature for public rather than for private gain, including recreational programs, counseling services and human service agencies and programs. A group of individuals formally organized for a common interest.

Commercial advertisement: The display of the name of any business or professional establishment, logo of such, or the description and/or prices of items or services available.

Commercial parking (surface or structure): Primary business where passenger vehicles may be stored, for a fee, for short-term, daily, or overnight off-street parking, and connected to a street by an access drive.

Condominium: A form of property ownership providing for individual ownership of a specific dwelling unit, or other space not necessarily on ground level, together with an undivided interest in the land or other parts of the structure in common with other owners.

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

Construction and development sign: A sign temporarily erected during construction to inform the public of the developer, contractors, architects, engineers, the nature of the project and/or anticipated completion dates. Any sign offering land or space for lease or sale shall be considered a real estate sign.

Contractor's/property maintenance sign: A sign identifying the individuals or companies involved in smaller construction and property maintenance activities. The signs typically identify but are not limited to those involved in remodeling, roofing, siding, landscaping, lawn care, painting, or pool cleaning.

Convenience store: A business which specializes in the retail sales and/or rental of household products and foods. Convenience stores may also include any of the following, provided that each use has obtained the necessary respective approvals, and it operates as an accessory use to the convenience store:

- (1) Retail sales or rental of books, magazines, videos, software, and video games, provided that adult-related uses are expressly prohibited.

- (2) Restaurants, including drive-thru or fast-food operations, subject to the requirements of this Ordinance, and provided that rest rooms are made available to the public;
- (3) Accessory amusements devices with no more than two (2) such devices;
- (4) Automatic bank teller machines;
- (5) Film development drop-off sites;
- (6) Laundry, dry cleaning and tailoring drop-off sites;
- (7) Lottery sales counters and machines;
- (8) Propane fuel sales with no larger than 20 pound tanks, which must be stored outside of the building at all times.
- (9) Dispensing of motor vehicle fuels, oils, compressed air, kerosene, washer fluid, and other motor vehicle-related items, subject to the requirements of this Ordinance.

Correctional facility (public or private): A prison and its related offices for the housing of inmates.

Curb return: A curved curb connecting the tangents of two (2) intersecting curbs of streets or driveways.

Deck: A flat-floored, roofless area, usually built above grade and adjoining a building.

Density: The number of dwelling units and/or amount of commercial (including retail, office, and/or industrial) gross floor area in relation to the land area of the lot proposed for such use(s).

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

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

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

Direct lighting: Illumination of a sign, which is effected by an artificial source of light not contained within the sign itself, in which the light itself travels without reflection on a straight path from the light fixture to the intended surface to be illuminated.

Directional sign, Off-Site: A sign, located off site and along an arterial street, listing the names of one or more business establishments with distance information designed to direct vehicular traffic. For the purposes of this Chapter, an off-site directional sign shall be considered an off-premises sign.

Directional sign, On-Site: Any sign on the property which includes information aiding in the flow of vehicular and/or pedestrian traffic.

Directory sign: A sign which is located on the premises and lists the name(s) and/or address of the occupant, the address of the premises and/or the identification of a legal business or occupation which exists at the premises. (sometimes referred to as a “menu board”)

Driveway: A corridor providing motor vehicle access from a street to a lot.

Dry cleaning establishment: An establishment or business maintained for the pickup and delivery of dry cleaning and/or laundry without the maintenance or operation of any laundry or dry-cleaning equipment or machinery on the premises.

Dry cleaning plant: A building, portion of a building, or premises used or intended to be used for cleaning fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation, or by immersions only, in volatile solvents including, but not limited to, solvents of the petroleum distillate type, and/or the chlorinated hydrocarbon type, and the processes incidental thereto.

Dwelling: A building or structure portion thereof arranged or designed to provide living facilities for one or more families.

Dwelling unit: One or more living and/or sleeping rooms arranged for the use of one or more individuals living as a family with cooking, living and sanitary facilities.

Dwelling types:

- A. Apartment: A dwelling unit with multiple dwellings.
- B. Multi-family Residential: A building containing three (3) or more dwelling units, at least one (1) of which must be located above or below the remaining units.
- C. 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 as shown.
- D. Single-family detached: A dwelling containing one (1) dwelling unit and not attached to any other dwelling units. This definition includes “manufactured homes”.
- E. Townhouse: A dwelling containing at least 3 dwelling units, but not more than 8 dwelling units attached side-by-side by the use of a common wall.

Eating and drinking establishment: Retail establishment selling food and drink for consumption on the premises.

Educational institution: Any building or part thereof or group of buildings or structures designed, constructed, or used for instruction in any branch of knowledge. This definition includes elementary, secondary, or vocational schools.

Elderly / age restricted and/or disabled persons housing: A residential building or complex of buildings with dwelling units specifically designed for the use of and occupied by any person(s) 55 years of age or older and their spouse and dependent relatives, or any person(s) less than 55 years of age who has a record of or is regarded as having a physical or mental impairment substantially limiting one or more of the major life activities of that person(s) and their spouse and dependent relatives and live-in caregivers. Impairment does not include those exceptions listed in the Americans with Disabilities Act (ADA) of 1990.

Engineer: A professional engineer registered in the Commonwealth of Pennsylvania.

Erected: Constructed or assembled.

Erosion: The removal of soil, stone, and other surface materials by the action of natural elements.

Essential services: Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure; including but not limited to underground, surface, or overhead gas, electrical, steam, water, sanitary sewerage, stormwater drainage, and communications systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants, but not including buildings used or intended to be used for human habitation.

Evergreen tree: A coniferous tree displaying year round needles or leaves, either single-stemmed or multi-stemmed, which is a minimum of 6 feet tall at planting and is of a species which at maturity can be expected to reach a height of at least 20 feet.

Extension: “See addition”

Family: An individual or individuals related by blood, marriage, or adoption that maintain one common household and live within one dwelling unit. Additionally, up to five (5) unrelated individuals who maintain a common household and live within one dwelling unit may be considered a family. Finally, a family may also be considered any number of unrelated individuals who are developmentally disabled and occupy a group home that is licensed by the appropriate governmental agencies.

Family child day care home: The use of a single family home and accessory yard area for the care and supervision of no more than six (6) nonresident children in accordance with the Commonwealth of PA regulations.

Farm: A parcel of land 10 acres or more devoted to or available for the cultivation of land or other agricultural uses.

Fence: A structure, solid or otherwise, which is a barrier and used as a boundary or means of protection, confinement, or concealment.

Financial service uses: Financial service uses may include the following: banks, commodity broker; credit union, insurance agent and company, investment company, mortgage broker, real estate agency and broker, savings and loan, and securities broker.

Finished living area: All habitable interior space, excluding unheated porches, unfinished basements, carports, and garages.

Fire training facility: A publicly owned and operated facility used for the training of volunteer fire protection personnel and other individuals directly involved in providing fire safety services.

Flea market: An outdoor market where several persons lease or are provided spaces to sell generally second-hand or antique items. An indoor flea market shall be considered a retail store.

Floor area: The total area of a structure obtained by multiplying the area of each floor as measured from the face of the exterior walls by the total number of floors contained in the structure. Retail and service floor area is that portion of the total floor area regulated to use by the customer and employees to consummate retail sales and services including display areas for goods, but not including, office space or storage areas.

Franchise architecture: Building design that is trademarked or identified with a particular chain or corporation and is generic in nature.

Freestanding sign: A sign that is not attached to a building and which is supported permanently upon the ground by poles, pedestals or braces. Such signs include what are commonly called “ground pole and monolith signs”.

Funeral home: A use which prepares the remains of deceased humans for burial and cremation. This use may also conduct funeral services.

Garage, private: A structure or any portion thereof accessory to a dwelling used for the housing of private motor vehicles. This definition does not include a garage offering commercial automotive services to the public or a garage where any provision is made for repairing or servicing of vehicles for profit (see Motor Vehicle Service Station or Garage).

Gasoline station: The use of land and structure engaged in the retail sale of any type of fuel (gasoline, diesel, kerosene or any type of fuel that may be used in the future for the propulsion of an automobile), including a stand-alone gasoline station or the provision of fuel as part of a larger business. “Gasoline station” shall also refer to “filling station,” “gas station,” “service station,” fuel center,” and petrol station.”

Gasoline station service area: The area which will be used for the sale of gasoline including service islands, pumps, customer service areas, and any impervious driving, gassing, and parking areas.

Gasoline station within a shopping center: Any type of gasoline station, as defined in this Ordinance, that is on the same parcel as a shopping center.

Golf course: A recreational area primarily used for playing golf which may include accessory facilities such as a driving range, pro shop, restaurant, meeting space, and banquet facilities.

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

Grading: The act of excavating and/or filling land for the purpose of changing natural slope.

Gross acres: The extent of surface area contained within the boundary of a property, excluding existing street rights-of-way.

Gross residential density: The number of dwelling units in relation to the total land area proposed to be used for residential purposes, including rights-of-way, interior parking areas, access drives, private streets, sidewalks, common open space, parks and playgrounds.

Ground Floor / Street Level: Any occupiable floor of a building that is located less than one story above or below grade with direct access to grade; provided, however, that no portion of a floor constitutes a basement.

Group child day care home: The use of a single family home and accessory yard area for the care and supervision of at least seven (7) and no more than twelve (12) nonresident children in accordance with the Commonwealth of PA regulations.

Group home: A dwelling unit operated by a responsible individual, family, or organization with a program to provide a supportive living arrangement for individuals larger than a family, where special care is needed by the individuals served due to age, emotional, mental, or physical handicap. Group homes must be licensed where required by any appropriate government agencies, and a copy of any such licenses must be delivered to the municipality prior to beginning the use. Group homes shall be subject to the same limitations and regulations by the municipality as single-family detached dwellings, except insofar as and where such limitations and regulation would result in a tendency to perpetuate segregation of the challenged (mentally, physically, emotionally) person in housing patterns, as substantiated by reasonable evidence provided to the governing body.

Halfway house/rehabilitation center: A residence or community center where social and community service activities in accordance with regulations of the appropriate State agency(ies) are provided for no more than 8 residents and an unlimited number of nonresident alcoholics, drug addicts, emotionally disturbed adults, former convicts, or other adjudicated individuals.

Hazard to air navigation: Any obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

Health / 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.

Health services: Establishments providing health care and treatment beyond traditional office care. Such establishments include, but are not limited to, surgical centers, radiological centers, medical and dental labs, outpatient care facilities, blood banks, medical supplies and services businesses. This definition does not include establishments providing overnight care or stays of any kind.

Height-story: The vertical distance from top to top of two successive tiers of beams or finished floor surfaces; and, for the topmost story, from the top of the floor finish to the top of the ceiling joists, or when there is not a ceiling, to the top of the roof rafters.

Height of signs: The vertical distance measured from the average ground level immediately below a sign to highest point of the sign and its supporting structure.

Historic Architectural Review Board (HARB): The quasi-government body appointed by a municipality to enforce the provisions of a municipally designated historic district.

Historic District: An area within a municipality assigned, by the municipal governing body, a special designation based on the historical significance of structures and/or land for the purposes of preservation. Such designation entitles the municipality to enact and enforce standards to meet the preservation goals of the district.

Home occupation: A business, profession, occupation, or trade conducted for financial gain or profit and located entirely within an owner occupied, residential dwelling, which use is accessory, incidental, and secondary to the use of the dwelling for residential purposes and does not change the residential character or appearance of the dwelling. No more than 25% of the gross floor area may be used for the home occupation nor shall there be more than two (2) unrelated persons employed full-time not living on the premises.

Horticulture: The cultivation of a garden or orchard.

Hospital: An institution, licensed in the Commonwealth of Pennsylvania, which renders inpatient and outpatient medical care on a 24 hour 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, excluding adult-related uses, as defined herein, which contains more than eight (8) rooms, and which may provide meals, meeting rooms and/or facilities, and other services as part of the compensation.

Illuminated sign: A sign that provides artificial light, directly or through any transparent or translucent materials from a source of light connected with such signs, or those that utilize direct or silhouette lighting.

Impervious surface: A surface preventing the penetration of water into the ground. All buildings, parking areas, driveways, roads and sidewalks, whether paved or gravel, and any areas in concrete and asphalt shall be considered impervious surfaces.

Improvement area: An area of land, when specified in the Zoning Ordinance, shall be considered a “buffer” area where grass shrubbery, trees or other types of plant material shall be planted. In no case, shall these areas be paved or covered with an impervious surface except for driveways, sidewalks, and bike paths which cross the “buffer area”.

Industrial:

- A. Park, industrial: An area planned for the integrated design of two (2) or more primary industrial uses, structures, or buildings on a lot held in single ownership with a total gross floor area of 50,000 square feet or greater.
- B. Use, industrial: Any use of land, buildings, or structures for construction, manufacturing, mining, transportation, junk, salvage yards and materials, articles or merchandise. Uses may include: bindery, bore holds, building contractor facility, junk yard, auto wrecking, scrap yard, postal facility, and trucking and freight terminal.

Industry: The manufacture, compounding, processing, assembly or treatment of materials, articles, or merchandise.

Information sign: A sign bearing no commercial advertisement but which lists facilities such as telephones, restrooms, emergency signs, etc., and/or public buildings, tourist attractions, parks, etc. (or otherwise directs attention to an activity on the same lot where the sign is located).

Institutional care: Residential care provided on a 24-hour basis under nursing/medical supervision.

Interchange access road: The highest order road serving an interchange and providing access to the Interstate Highway).

Interior sign: Any sign which is located in the interior of a building or affixed to the inside of a window. For the purposes of this Chapter, interior signs shall not be interpreted to include the use of objects which are customarily sold on premises or are actual examples of stock in trade as elements in a window display.

Intermediate care facility: A facility providing, on a regular basis, health-related care and services to individuals not requiring the degree of care and treatment found in a hospital or skilled nursing facility, but because of their mental or physical condition, require care and services (above the level of room and board) available only through institutional facilities such as these.

Junk: Used materials, discarded materials, or both, including, but not limited to, waste paper, rags, metal, building materials, house furnishings and appliances, machinery, unlicensed and/or

uninspected vehicles or parts thereof, all of which are being stored awaiting potential reuse or ultimate disposal.

Junk yard: An area of land, with or without buildings, used for the storage, outside a completely enclosed building, or 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 operated under its own power for any reason, or a vehicle that does not have a valid current registration plate or certificate of inspection).

Kennel: Any lot on which five or more animals (except relating to a farm) are kept, boarded, raised, bred, treated, or trained for a fee, including but not limited to dog and cat kennels.

Land development: Any of the following activities:

- A. The improvement of one lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
  - (1) A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
  - (2) The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features.
  
- B. A subdivision of land.

Landlord: A lessor, or person who acts as an agent for the lessor, of any parcel of real estate, or any improvements on real estate or any building located in the municipality.

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/she is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

Lane: A public way less than 33 ft. in right of way width, designated as a lane on a recorded plot or dedicated as such in a deed, whether privately or publicly owned, primarily for secondary means of access to the rear or sides of properties.

Light industrial use: A use engaged in the manufacture (predominantly from previously prepared materials) of finished products or parts including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing.

Live/Work Unit: Integrated living unit and working space with an internal connection between the living unit and working space, occupied and utilized by a person or a single family who shall be the owner(s) and/or operator(s) of the associated business.

Loading space: An area located outside any street right-of-way set aside for the use of motor vehicles to load and unload material for a period of time.

Lot: A parcel of land, occupied or unoccupied by a primary building and/or accessory building, fronting on a street or other public or recorded private way; including yard setback and other open spaces required by this Ordinance or as shown on a parcel of land.

- A. Area, lot: The total horizontal area included within the rear and side property lines and front street or proposed street lines.
- B. Classification, lot
  - (1) Corner: A lot fronting on two (2) streets at their intersection.
  - (2) Interior: A lot with only one (1) frontage on a street.
  - (3) Through: A lot with front and rear street frontage.
- C. Coverage (maximum), lot: The percentage of lot area occupied by the ground floor area of all primary and accessory buildings.
- D. Depth, lot: The mean horizontal distance between the front and rear lot lines, measured in the direction of the side lot lines.
- E. Flag, lot: 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.
- F. Frontage, lot: The portion of a lot boundary abutting a street.
- G. Line, lot: A boundary line of a lot; includes property line.
  - (1) Front: The line separating the lot from the street right-of-way.
  - (2) Side: Any lines considered not front or rear lot lines.
  - (3) Rear: The lot line generally opposite of the front lot line parallel to the street line.
- H. Size, lot: The area contained within the boundary lines of a lot.
- I. Width, lot: The width of a lot measured between the two (2) side property lines at the building setback line. When a lot abuts on a curved street, the width shall be determined by utilizing the arc distance.

Manufactured home: A transportable, single-family dwelling unit built to state code, intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, arriving at the site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so it may be used with or without a permanent foundation.

Manufactured home park: A parcel (or contiguous parcels) of land planned and improved for the placement of two (2) or more manufactured homes.

Manufacturing use: The processing and/or converting of raw unfinished materials or finished materials or products, or any combination of them, into an article or substance of different character, or of use of a different purpose. Additionally, the term manufacturing shall include industries furnishing labor in manufacturing or in the refinishing of manufactured articles. This use includes apparel and textile products, chemicals and allied products, electric and electronic equipment, fabricated metal products, food and kindred products, lumber and wood products, machinery, paper and allied products, petroleum and coal products, stone, clay and glass products, textile mill products, tobacco products, transportation equipment and miscellaneous industries including the manufacture of jewelry, silverware, musical instruments, toys and sporting goods, office and art supplies, costume jewelry, notions, etc. (also see “Industrial Use”).

Marquee: Any hood, canopy, awning or permanent construction which projects from a wall of a building, usually above an entrance and/or across a sidewalk towards the street.

Medical and/or Dental Office: An office or health facility providing health services including, without limitation, preventative and rehabilitation treatment, diagnostic services, testing and analysis. This use includes offices providing medical, dental, surgical, rehabilitation, podiatric, optometric, chiropractic and psychiatric services, medical or dental laboratories incidental to these offices.

Menu board sign: See “directory sign”.

Mining and quarrying: The use of land for the purpose of extracting rocks and minerals for sale, exclusive of grading a lot preparatory to the construction of a structure or building for which a Zoning Permit has been issued.

Mixed use: The use of any lot or structure for a combination of residential and non-residential purposes.

Mobile home: A transportable, single-family dwelling unit built to national code intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, arriving at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so it may be used without a permanent foundation.

A. Lot, mobile home: A lot in a mobile home park, improved with utility connections and other appurtenances necessary for the placement of a mobile home.

- B. Park, mobile home: A parcel or continuous parcels of land designated and improved containing two (2) or more mobile home lots for the placement of mobile homes.

Modular or sectional home: A type of dwelling meeting the definition of single family detached dwelling, single family semi-detached dwelling, townhouse or garden apartment substantial in part but not wholly produced in sections off the site and then is assembled and completed on the site. This shall not include any dwelling meeting the definition of mobile/manufactured home, nor shall it include any dwelling not resting on a permanent foundation, nor any dwelling intended to be moved to a different site once assembled, nor any dwelling not fully complying with any and all applicable building codes. A modular home also shall not include a building that includes only one substantial piece prior to delivery on the site.

Mortuary: See “Funeral Home”

Motel: A single story facility, typically with access to individual rooms provided from the exterior of the building, which provides lodging to boarders for compensation, excluding adult-related uses, as defined herein, which contains more than eight (8) rooms with at least 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 part of the compensation.

Motor vehicles:

- A. Commercial, motor vehicle: A licensed, motorized vehicle designated for transportation of commodities, merchandise, produce, freight, animals or passengers, and operated in conjunction with a business occupation, or home occupation, including but is not limited to, automobiles, trucks, tractor/trailers, and vans.
- B. Sales Area, motor vehicle: An open area, other than a street right-of-way, used for the display or sale or lease of new and used motor vehicles, boats, trailers, farm equipment, construction equipment, and accessories.
- C. Sales building, motor vehicle: A structure used for the sale or lease of motor vehicles, boats, trailers, and accessories.
- D. Service station or garage, motor vehicle: The use of land or structures engaged in the retail sale of gasoline, oil, grease, batteries, tires and other motor vehicle accessories, and may also provide minor mechanical repairs, and servicing of motorized vehicles.
- E. Washing facility, motor vehicle: Any premises used for the washing and/or cleaning of motor vehicles, boats, trailers and accessories.
- F. Wrecking, junk and scrap establishments, motor vehicle: The use of land structures for the storage, baling, packing, sorting, handling, disassembling, purchase or sale of any material used for salvage, scrap, or reclaimed, capable of being reused in some form; including metals, fiber, paper, cloth and rags, rubber, rope, bottles, machinery, tools, appliances, fixtures, utensils, lumber, boxes, crates, pipe and pipe fittings and tires. Motor vehicles which are inoperable and do not have current inspection stickers or a current license, as required by the

Commonwealth of Pennsylvania, and motor vehicle parts are also included. Collection and storage of garbage or other organic waste is prohibited.

Moveable sign: A sign which is erected upon a structure having wheels, rollers, or other means of facilitating movement from one location to another.

Mulch: An organic or inorganic material used to cover the ground or a planting bed (e.g. tree bark, stones). The depth of mulch should be no less than 2 inches with periodic refreshing to maintain the 2 inches.

Multi-shop arcade: Multiple shops under one roof with shared access to the street.

Neighborhood retail: Commercial retail activities encompassing a gross floor area no greater than 20,000 square feet within one building.

Non-coal minerals: An aggregate or mass of mineral matter, extracted by surface and subsurface mining, including but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay. The definition does not include peat, anthracite or bituminous coal or coal refuse.

Non-coal surface mining activities: The extraction of minerals from the earth, from waste or stockpiles or from pits or from banks by removing the strata or material that overlies or is above or between them or otherwise exposing and retrieving them from the surface activity connected with surface or underground mining, including, but not limited to, exploration, site preparation, entry, tunnel, drift, slope, shaft and borehole drilling and construction and activities related thereto. The definition does not include mining operations carried out beneath the surface by means of shafts, tunnels or other underground mining openings. The definition does not include the following:

- (1) The extraction of minerals by a landowner for the landowner's noncommercial use from land owned or leased by the landowner.
- (2) The extraction of sand, gravel, rock, stone, earth or fill from borrow pits for highway construction purposes for the Department of Transportation or the extraction of minerals under construction contracts with the Department if the work is performed under a bond, contract and specifications that substantially provide for and require reclamation of the area affected.
- (3) The handling processing or storage of slag on the premises of a manufacturer as part of the manufacturing process.

Nonconformities: Any nonconforming lot, use of land or structures.

A. Lot, non-conforming: The area or dimension of a lot lawfully existing prior to the adoption or amendment of a zoning ordinance, but fails to conform to the requirements of the zoning district where it is located by reasons of such adoption or amendment.

- B. Structure or building, nonconforming: A structure or building or part of a structure or building not complying with the applicable provisions of a zoning ordinance or amendment thereafter enacted, when such structure or building 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 or buildings include, but are not limited to, nonconforming signs.
- C. Use, nonconforming: A use, whether of land, building or structure, not complying with the applicable use provisions of a zoning ordinance or amendment thereafter enacted, when such use 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.

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.

Nursing or convalescent home: A resident facility for the elderly providing a wide variety of services depending on the individual's need, including independent living units in association with the home.

Occupancy permit: A permit issued by the municipality upon completion of the construction of a new building or upon a change or conversion of the structure or use of a building certifying all requirements and regulations as provided herein, and all other applicable requirements, have been complied with.

Occupant-owned businesses: Businesses owned by occupants of a single family residence where a business activity is conducted off-site, but managerial office functions and storage of equipment are conducted on the residential site.

Occupy: When used in relation to residence, shall mean the same as "reside in."

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.

Office park: A large tract of land planned, developed, and operated as an integrated facility for a number of separate office buildings and supporting ancillary uses, with a total gross floor area of 50,000 square feet or greater, with special attention given to circulation, parking, utility needs, aesthetics, and compatibility.

Off-premises sign: A sign which advertises or directs the public to a business product or service not present on the property where said sign is located, including but not limited to billboards and off-site directional signs.

Open space: Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

- A. Active, open: Open space more useable for recreation. Usable area is defined as land having slopes of less than 10%.
- B. Area, open: The required ground surface needing to remain uncovered by building and/or paved areas; the extent of which is expressed as a percentage of the lot size.
- C. Common, open space: A parcel or parcels of land or an area of water, or a combination of land and water within a development site designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.
- D. Passive, open space: Open space used as green space or wooded areas.

Overburden: The strata or material overlying a non-coal deposit or between non-coal deposits in its natural state and material before or after its removal by mining.

- A. Aisle, parking: A corridor used for access within a parking lot by motor vehicles to the parking space.
- B. Bay, parking: The portion of an off-street parking area containing an aisle and one (1) or two (2) rows of parking stalls.
- C. Deck, parking: A structure for motor vehicle parking or storage, usually with partial walls, as opposed to a fully enclosed garage building.
- D. Employee, parking: An off-street parking area used exclusively to park employees' personal vehicles during working hours. For purposes of this Ordinance, an employee is any person who works or provides services for an employer for salary or wages or who provides services as a volunteer for the employer provided such person spends at least 4 consecutive hours on any given day at the place of employment.
- E. Interior space, parking: A parking space not abutting the perimeter of the off-street parking area.
- F. Lot, parking: A facility providing off-street parking space for 5 or more motor vehicles.
- G. Off-street, parking: An area or structure located outside the street right-of-way designed to be used for parking motor vehicles.
- H. Perimeter, parking: The outer boundary of the hard surface area of an off-street parking area.

- I. Public, parking: An off-street parking area containing parking spaces available to the public for the parking or storage of non-commercial motor vehicles on a rental or free basis. When permitted, such parking area may be the principal use of the land.
- J. Space, parking: An area located beyond the street right-of-way for parking one (1) motor vehicle.
- K. Stall, parking: The area where one (1) vehicle is to be parked; a parking space.
- L. Structure, parking: Any building, either above grade, below grade, or both, or any deck designated or used for the parking of motor vehicles.

Owner: The legal or beneficial owner(s) 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 authorized under the lease to exercise the rights of the owner; or other persons having a proprietary interest in the land shall be deemed to be an owner for the purposes of this Chapter.

Parapet: The extension of the main walls or a false wall of a building above the roofline.

Parapet sign: A sign affixed or applied directly to a parapet.

Parks, private: A recreational facility owned or operated by a nonpublic agency and/or conducted as a private gainful business. This use shall exclude adult oriented uses, as defined herein.

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-related uses and amusement arcades, as defined herein.

Paved area: Any impervious paving or other durable surface for driveways, dedicated walkways, and parking facilities, exclusive of building area. The extent expressed as a percentage of the lot size.  
Paving material — Cement concrete, bituminous concrete, brick, paving block or other similar material that cannot be deformed or scattered. Such material shall meet the construction standards of the municipality.

Pedestrian-Oriented Uses: A land use that is intended to encourage walk-in customers and that generally does not limit the number of customers by requiring appointments or otherwise excluding the general public. A pedestrian-oriented use provides spontaneous draw from the sidewalk and street due to visual interest, high customer turnover, and social interaction.

Permanent foundation: A wall below or partly below grade providing support for exterior, walls or other structural parts of a building. Such wall being constructed of concrete, or a combination of building units or materials of brick, concrete, masonry units, stone or other approved units bonded together with mortar.

Permanent sign: Any permitted sign which remains in place for more than 60 days.

Permitted: Permitted by right, without the approval of a Conditional Use Permit.

Personal Services: An establishment that provides a service oriented to personal needs of the general public, which does not involve primarily retail sales of goods or professional advisory services. Personal services include barber and beauty shops, shoe repair shops, household appliance repair shops and other similar establishments.Plan:

- A. Final, plan: A complete and exact subdivision or land development plan prepared for official recording as required by statute; a final plot.
- B. Preliminary, plan: A tentative subdivision or land development plan, in lesser detail than the final plan, indicating the approximate proposed layout of a subdivision or land development as a basis for consideration prior to preparation of the final plan(s); a preliminary plot.
- C. Sketch, plan: A plan of a subdivision or land development showing the tentative street and lot layout, to be used for informal discussion with the Planning Commission/municipal staff prior to preparation of the preliminary and/or final plan(s). Submission of a sketch plan does not constitute a formal plan submission; such plan is for discussion purposes only.

Planned residential development (PRD): An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses. A development plan which does not correspond in lot size, type of dwelling or use, density or intensity, lot coverage, and required open space to the regulations established in the applicable zoning district.

Platform: Any horizontal flooring surface, usually higher than the adjoining area.

Political candidacy sign: Any sign which bears the name of a candidate running for political office and may include other pertinent information such as the political party in which the candidate belongs, title and office the candidate is running for, and/or slogan or logos related to the campaign.

Porch: A roofed area, usually open on one or more sides, providing cover over the entrance of a building or along some portion of the building face.

Premises: Any lot and any structure or building constructed thereon.

Private: Not publicly owned, operated, or controlled.

Processing: A function involved in the manufacturing of goods or products where the material used is not physically changed except for packaging or sizing.

Product: Any article whose appearance or composition has been changed or altered, but not in a complete form for ultimate disposition.

Production: A function involved in the manufacturing of materials, goods, or products where it is physically changed.

Professional office / Professional service uses: A recognized profession including but not limited to accountant, architect, city planner, engineer, real estate, insurance, medical, dental, attorney, financial advising or similar operation. Banks, automated teller machines, or other financial institutions are not defined as professional offices.

Projecting sign: A sign which projects from, and is supported by, the wall of a building.

Property: An area of land held in single and separate ownership, with a tax parcel code assigned, which may have one or more businesses or dwelling units located on it. "Property" includes "tract" and "parcel".

Public: Owned, operated, or controlled by a governmental unit or a governmental agency.

Public utility:

- A. Facility, public service: A facility for the management and distribution of utility services, including gas, electric, steam, water, sewerage, telephone, cable television and similar services; for the provision of municipal services such as road maintenance, refuse collection, public transportation and public safety and emergency services; for governmental offices.
- B. Use, public utility: A use defined as an electric generating plant, electric substation, energy storage facility, gas substation, gas works, power/telephone pole, pump station, sewer plant, sewer riser pipe, stormwater management structure, telephone booth, telephone exchange, water plant, water riser pipe, and water storage tower.

Real estate sign: A sign used to offer for sale, rent, or lease one or more properties upon which such sign is located.

Recreation:

- A. Area, recreation: A private or public space, including essential buildings and structures, used for play and/or recreation by individuals.
- B. Park, recreation: A tract of land designated and used for active and passive recreation.
- C. Use, recreation: Recreational uses shall include the following: amusement park, auditorium, arcade, athletic health spa, billiards parlor, club dancing studio, golf course, music studio, swimming club, target range, and theater.
- D. Use, commercial recreation: A business unit conducting indoor or outdoor recreation activities for use by individuals.

Recreation facility (public or private): An activity operated as a business, open to the public, for the purpose of 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

definition does not include adult-related uses or amusement arcades, as defined within this Ordinance.

Recreational Vehicle: A vehicle primarily designed and utilized as temporary living quarters for recreational, camping, or travel use, whether self-propelled or mounted on or drawn by another vehicle, and including travel trailers, recreational trailers, camping trailer, truck camper, motor homes, and similar types of vehicles. It shall also include horse trailers used for such purposes. The term shall not mean or include a mobile home, manufactured home or seasonal dwelling.

Repair establishments: Establishments primarily engaged in the provision of repair services, excluding automotive and equipment repair. Typical uses include appliance repair shops, shoe repair, watch and/or jewelry repair, or repair of musical instruments.

Residential Condominium: A building dedicated for multi-family residential use within which each individual dwelling unit is owned by an individual person or persons with a requirement that the building itself and all related facilities and common areas are owned and maintained by a condominium property owners association.

Restaurant: Any business or 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 either 10% of the total patron seating area or 200 sq. ft. (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.

- A. Drive-in restaurant: Any restaurant where food or beverages are served to the occupants of a motor vehicle while seated therein, either through a drive-in window or by service from an attendant waiting on occupants within a motor vehicle.
- B. Fast-food, restaurant: Any establishment whose principal business is the sale of food or beverages with rapid turnover to customers in a ready-to-consume state for consumption either within the building or for carry-out off the premises and whose design or principal method of operation includes the following: foods and beverages are usually served in disposable or edible containers; it is self-service, with customers expected to clean up after themselves, and menus are posted

Retail establishments: Retail stores are those businesses whose primary activities involve the display and retail sales and/or rental of goods and products to the general public for personal or household consumption and rendering services incidental to the sale of such goods. This term shall not include adult-related facilities as defined therein.

Riding stable and academy: An establishment where horses are kept for riding, driving or are stabled for compensation as part of a club, association, ranch, or similar establishment.

Right-of-way: A strip of land acquired by reservation, dedication, prescription, purchase, or condemnation and intended to be occupied by a street, trail, access way, water line, sanitary sewer, and/or other public utilities or facilities.

Roof sign: A sign erected and maintained up on or above the roof of any building, except for a parapet sign.

Runoff: The surface water discharge or rate of discharge of a given watershed after a fall of rain, snow, or other form of precipitation not entering the soil, but runs off the surface of the land.

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

- A. Private school: A school that may offer a wide range of education 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 public school district.
- B. 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.
- C. 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: truck driving; engine repairs; building construction and general contracting; woodworking; masonry; plumbing; electrical contracting; and, other similar trades.

Seasonal dwelling unit: Permanent single-family detached dwellings or mobile homes utilized periodically during the year. Such use may include occupancy during hunting or fishing seasons, vacations, weekends and other similar periodic visits. Such use may not include occupancy for more than 90 consecutive days.

Self storage facility: A building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-service storage of personal property.

Shared parking: Joint use of a parking area to serve more than one use, or to be used by one or more owners or properties.

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, training, or any combination thereof. 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: One store containing more than 20,000 sq. ft. of gross floor area, or two (2) or more stores which are designed to function as a unit, with shared vehicular access, off-street parking and signage and with entrances to the store(s) generally accessed from the outside.

Shopping mall: A cohesive unit of stores, within a single building measuring at least 20,000 sq. ft. of gross floor area, with entrances to the stores generally accessed from an enclosed corridor.

Shrub: An ornamental plant with woody stems that is at least 2 gallons at planting.

Sign: Any permanent or temporary structure or part thereof or any device attached, painted or represented, directly or indirectly, on a support structure or other surface that displays or includes any letter, word, insignia, flag or representation used as or which is in the nature of an advertisement, announcement, visual communication, direction or which is designed to attract the eye or bring the subject to the attention of the public.

Sign area: The area of the sign face. All visible faces of a multifaced sign shall be counted separately and totaled together in calculating sign area.

Sign face: The surface area of a sign where advertising copy is displayed.

Silhouette lighting: A special effect that lights a background, such as a wall, and causes the object in front to appear as a silhouette.

Slaughterhouse: A building used for the for-profit slaughtering of animals that are either raised on the premises or transported to the premises, and the processing and storage of animal products and waste that results from a slaughtering process.

Solid waste disposal facility: The burial of non-hazardous and non-medical residential, industrial, institutional, commercial, or farm waste in an area specifically permitted by the Pennsylvania State Department of Environmental Protection.

Spoil: Overburden and rejected material removed during surface non-coal mining operations.

Spoil pile: The overburden and rejected material piled or deposited in surface mining.

Stable: A structure used for the shelter or care of horses, cattle, or other large animals.

Steep slope: Land whose slope is 25% or more.

Story: That portion of a building between the surface of any floor and the ceiling next above. A basement shall be counted as a story if its ceiling is over 6 ft. above the average level of the finished ground surface adjacent to the exterior walls of such story.

A. Half, story: A partial story situated under a roof. The wall plates, on at least two (2) opposite exterior walls, shall not be more than 4 ft. above the floor of such story.

B. First, story: The lowest story or the ground story of a building. The floor shall not be more than 1 ft. below the average ground level at the exterior building walls. The basement or cellar shall not be considered the first story.

Street: A public or dedicated right-of-way 33 ft. or more in width or a private right-of-way or easement or a proposed right-of-way widening or extension of an existing street or public way on any approved plan, street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

- A. Cartway, street: The surface of a street, access drive or alley available for vehicular traffic.
- B. Center line, street: A line midway between and parallel to the two (2) street or road property lines, or as otherwise defined by the governing body.
- C. Classification, street:
  - 1. Arterial: A major street with fast or heavy traffic on considerable continuity used primarily as a traffic artery connecting two or more neighborhoods or areas. Primary arterial streets extend through the entire urban area while secondary arterial streets extend through only a portion of the area.
  - 2. Collector: A major street which carries traffic from local streets to arterial streets.
  - 3. Local: All streets not qualifying as arterial or collector streets or alley as defined herein, are considered local street.
  - 4. Internal marginal access: Any type of street or driveway, public or private, that provides a means of conveyance for automobiles into and through the site. An internal marginal access street typically has all the components of a public street, such as lane markings, turn lanes, shoulders, etc.
  - 5. Interstate highway: An arterial highway meeting the federal functional classification of interstate highway.
- D. Line, street: The dividing line between a street and the lot; including the right-of-way line and the front lot line.
- E. Right-of-way, street: A corridor of land set aside for use, in whole or in part, by a street.

Structure: Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. This definition is intended to include all man-made objects, and specifically includes buildings, towers, cranes, smokestacks, pavement, satellite dishes, paved parking areas, bridges, runways, taxi-ways, earth formations and overhead transmission lines, and all other man-made objects.

- A. Alteration, structure: As applied to a structure, a change or rearrangement in the structural parts, including supporting members such as bearing walls, columns, beams, or girders, or an

enlargement, whether by extending on a side or by increasing in height, or the relocation of a structure or building onto or within a lot.

B. Principal, structure: A structure where the principal use is conducted on the lot where the structure is located.

Subdivision: The division or re-division of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development.

Substantial improvement: Any modification, alteration, reconstruction or improvement of any kind to an existing structure or building, to an extent or amount of 50% or more of its market value either (a) before the improvement, modification, or repair is started, or (b) if the structure or building has been damaged and is being restored, before the damage occurred.

Substantially completed: Where, in the judgment of the municipal Engineer, at least 90% (based on the cost of the required improvements for which financial security was posted pursuant the MPC) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied, or operated for its intended use.

Surface material (hard): A material such as cement, concrete, bituminous concrete, brick, paving block, or other similar material not easily deformed or scattered.

Supermarket: A retail store selling a complete assortment of food and food preparation materials, household items and other retail items. Sale of additional products, when clearly incidental and subordinate to the retailing of food and beverages may include housewares, periodicals, tobacco and both prescription and nonprescription drugs. Supermarkets contain a more complete line of food products and have a minimum of 5,000 sq. ft. of gross floor area.

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.

Telecommunication facility: Telecommunication facility consisting of equipment, buildings, and structures involved in transmitting and receiving electromagnetic waves.

Telecommunication facility building: Building in which electronic receiving and relay equipment for a telecommunication tower is housed.

Temporary sign: A sign intended for a limited period of display, no greater than 60 days per calendar year.

Tenant: A person who has the use, either by himself/herself or with others, of a dwelling unit or a business unit owned by a person other than himself/herself, for a period exceeding 30 days.

Theater for the performing arts: The use of land and structures containing an assembly hall and studios with or without stage, equipped with curtains and permanent stage scenery, or with mechanical equipment adaptable, but not limited to, the showing of plays, operas, performances, spectacles and similar forms of live or audio visual entertainment, and for instruction in the performing arts.

Tower: Any ground mounted structure designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like. The term includes the structure and any support thereto. Not included are towers and supportive structures on residential dwellings for private non-commercial amateur purposes, including but not limited to, ham radios and citizen band radios.

Trailer: A portable, vehicular structure built on a chassis and designated for travel, recreation, or hauling.

Transfer of development rights (TDR's): The conveyance of development rights, within and among areas specifically designated by the municipal governing body, by deed, easement or other legal instrument authorized by local law to another parcel of land, within and among areas specifically designated by the municipal governing body, and the recordation of that conveyance among the land records of the municipality and the County.

Transfer of development rights easement: A legal covenant that protects the subject land in perpetuity from development beyond any development rights expressly reserved.

Transfer of development rights – receiving area: The area, specifically designated by the municipal governing body, within which development rights transferred from a transfer of development rights sending area can be used.

Transfer of development rights – sending area: The area, specifically designated by the municipal governing body, from which TDR's can be transferred.

Truck or motor freight terminal: Any property used for the origin and/or destination point of short and long distance hauling for the purpose of storing, transferring, loading, and unloading, in addition to truck parking. This use would include solid waste disposal vehicles, tank trucks, and livestock trucks.

Under-canopy sign: A sign suspended a beneath a canopy, ceiling, roof, or marquee.

Underground non-coal mining activities: An operation where non-coal minerals are extracted from beneath the surface by means of shafts, tunnels, or other mine openings.

Understory tree: A tree, either single-stemmed or multi-stemmed, which has a caliper of at least 1 1/2 inches at planting and is of a species which, at maturity, can be expected to reach a height of at least 10 feet.

Use: Any purpose for which a lot, building, or structure is designed, arranged or intended to be used, occupied or maintained.

- A. Use, accessory: A secondary use customarily incidental and subordinate to the primary use of the land or its structures, and located on the same lot with such primary use, unless specifically permitted elsewhere by this Ordinance.
- B. Use, change of: Any change of use of land or of a building from that of one zoning district classification to another, as defined by this Ordinance.
- C. Use, conditional: A use conditionally permitted in a zoning district based on the location of the use within the zoning district and upon compliance with specific conditions and criteria. Conditional uses are approved by the municipal governing body. The governing body may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, necessary to implement the purposes of this Ordinance.
- D. Use, nonconforming: see “Nonconforming Use.”
- E. Use, primary: The principal use of a lot, building, or structure.
- F. Use, principal: The primary reason for the structure or activities on the lot. In any residential district, there shall be no more than one principal use on each lot unless it is possible to show the use can meet all requirements of this Ordinance and a subdivision ordinance to establish each use on a separate, conforming lot.
- G. Use, special exception: An exceptional use permitted in an approved zoning district once specific criteria are been met. Special Exceptions are approved by the Zoning Hearing Board. The Zoning Hearing Board may attach such reasonable conditions and safeguards necessary to implement the purposes of this Ordinance.
- H. Use, temporary: A use permitted for a fixed period of time with the obligation and intent to discontinue the use at the end of such time. Such uses do not involve the construction or alteration of any permanent structure.

Utility easement: An area of land granted or set apart by the owner for the purpose of installation of public utilities, including but not limited to: sanitary sewer, water lines, gas lines, electric lines, telephone lines, television cables, or storm sewers, whether or not shown on an approved plan.

Valet parking facility: Any lot or parcel of land used, in whole or in part, for storage or for parking of motor vehicles, where a storage or parking fee is charged and which is open to the general public.

Variance: Relief granted pursuant to the provisions of the MPC.

Vehicular access point: A vehicular access point approved either the state or local government with a permit.

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.

Visitor's center: The use of the land, building, and structure or part thereof, open to the general public and designed for the dissemination of information. Such information may include, but shall not be limited to, exhibits, maps, brochures, pamphlets, and similar items.

Volunteer: A person of his/her own free will, without monetary compensation, providing services for clients.

Wall sign: A sign which is attached directly to or painted upon a building wall and which does not extend more than 12 inches from the building or extend above the roofline. Lettering, logos or figures affixed to or painted directly on a wall which is not part of a building shall have separate requirements from that of signs affixed or painted upon a building wall.

Warehousing: Distribution facilities for handling goods with or without maintenance facilities.

A. Mini, warehouse: A structure containing separate storage spaces of varying sizes leased on an individual basis (see "Self-storage facility").

Water pollution control facility: Buildings, structures or premises where wastewater is collected and treated prior to legal discharge; such premises shall be publicly owned and operated and subject to the regulations of the Pennsylvania Department of Environmental Protection (PA DEP) and United States Environmental Protection Agency (EPA).

Wholesale:

A. Clubs, wholesale: Establishments engaged in selling of merchandise at reduced or "wholesale" prices to its club members only.

B. Sales, wholesale: Establishment engaged in selling merchandise to retailers, to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Window sign: A sign which is affixed to or painted on the inside or outside of any window or door window with the intent of viewing from the outside of such building.

Yard: An open space of uniform width located on the same lot with a building or group of buildings between the building or outer building of a group and the nearest lot or street line, unoccupied and unobstructed by buildings and streets from the ground upward, except as provided in this Ordinance.

- A. Buffer, yard: A yard covered with vegetation designed to provide an area of separation between different zoning districts or uses.
- B. Front, yard: An area defined by the front property line and a line parallel to the front property line intersecting the side property lines. The distance separating these lines is called the "front yard," and the depth as specified by the regulations for each zoning district.
- C. Rear, yard: An area defined by the rear property line and a line parallel to the rear property line intersecting the side property lines. The distance separating these lines is called the "rear yard", and the depth as specified in the regulations for each zoning district.
- D. Side, yard: An area defined by the side property line and a line parallel to the side property line intersecting the front and rear property lines. The distance separating these lines is called the "side yard", and the depth as specified in the regulations for each zoning district.
- E. Setback area, yard: An area bounded by a lot line and a line drawn parallel to the lot line at a distance specified in the Ordinance for front, side, or rear yard setbacks.

Zoning district: All land and watercourses located within designated zoning boundaries on the municipal Zoning Map; a zoning district.

Zoning and overlay maps (official): The municipal maps setting forth the boundaries of the zoning and overlay districts of this Ordinance and adopted by municipal governing body.

Zoning officer: A person retained by the municipality to enforce the regulations of the Zoning Ordinance, with power to issue permits, to halt illegal construction, and to interpret literally the meaning of the various sections of the Zoning Ordinance subject to appeal to the Zoning Hearing Board.

#### ARTICLE 29: Appeals

An appeal from a decision or action of the Marion Township Supervisors or any officer or agency of the Township regarding this ordinance shall be made in accordance with the Pennsylvania Municipalities Planning Code, Act 247, as amended.

#### ARTICLE 30: Amendments

The regulations and district boundaries set forth in this ordinance may be amended through the action of the Marion Township Supervisors in accordance with the Pennsylvania Municipalities Planning Code, Act 247, as amended.

ARTICLE 31: Interpretation

(a) Severability

If any provision, sentence, clause, section, or any part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Township Supervisors, that this ordinance would have been adopted had such unconstitutional, illegal, or invalid provision, sentence, clause, section, or part thereof not have been included herein.

(b) Saving Clause

Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquitted, or liability incurred, or any cause or causes of action acquired or existing under any act or ordinance hereby repealed, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

(c) Conflict with other Laws

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

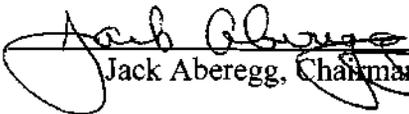
(d) Repealer

All ordinances or any parts of ordinances which are inconsistent herewith are hereby repealed.

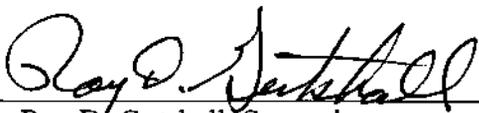
ARTICLE 32: Effective Date

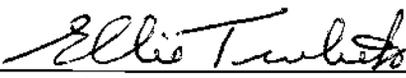
This Ordinance shall become effective on the date of adoption.

Enacted, adopted, and ordained as an Ordinance of the Township of Marion this 10th day of June, 2008.

  
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Jack Aberegg, Chairman

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Archie B. Gettig, Jr., Vice Chairman

  
\_\_\_\_\_  
Ray D. Gutshall, Supervisor

  
\_\_\_\_\_  
Secretary