Print

South Annville Township, PA Code of Ordinances

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Part 1
Definitions

§ 101. General Usage.

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

1. Words used in the present tense include the future tense. The singular includes the plural.

2. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as individual.

3. The word "lot" includes the word "plot" or "parcel".

4. The term "shall" is always mandatory, the word "may" is permissive.

5. The word "used or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied".

(Ord. 7/8/1978, Art. 1)

§ 102. Specific Terms Defined.

ACCESSORY BUILDING - a building detached from and subordinate to the principal building on the same lot and used for purposes customarily incidental to the principal building, but not construed to include vehicles, mobile homes, travel trailers

or any parts thereof.

ACCESSORY DWELLING - An additional dwelling unit created by the addition to or conversion of an existing principal dwelling or by the placement of a manufactured home on a lot containing an existing single family detached dwelling which may be occupied only by persons related by blood, marriage or adoption to the occupants of the principal dwelling. [Ord. 1-9-19]

ACCESSORY USE - a use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

ADULT BOOKSTORE - ause with a significant portion of the market value of, or over 15 square feet of total floor area occupied by, items for sale or rent being books, films, magazines, videotapes, coin- or token-operated films or videotapes, paraphernalia, novelties, or other periodicals which are distin-guished or characterized by a clear emphasis on matter depicting, displaying, describing or relating to uncovered male or female genitals or specified sexual activities. This shall include but not be limited to materials that would be illegal to sell to persons under age 18 under State law. [Ord. 91102]

ADULT LIVE ENTERTAINMENT FACILITY - a use including live entertainment involving persons (which may include, but not be limited to, waiters, waitresses, dancers, clerks, bartenders, contractors or others) displaying uncovered male or female genitals or nude or almost nude female breasts or engaging in simulated or actual specified sexual activities related to some form of monetary compensation paid to a person, company or organization operating the use or to persons involved in such activity. [Ord. 91102]

ADULT MOVIE THEATER - a use involving the presentation to three or more persons at one time in a room of motion pictures, videotapes or similarly reproduced images distinguished or characterized by an emphasis on depiction of specified sexual activities for observation by such persons and that is related to some form of monetary compensation paid by the persons viewing such matter. [Ord. 91102]

ADULT USE - this term shall include any of the following uses: Adult Bookstore, Adult Movie Theater, Massage Parlor or Adult Live Entertainment Facility/Use. [Ord. 91102]

AGRICULTURE - includes the cultivation of the soil for food products or other useful or valuable growths of the field or garden, horticulture, animal husbandry, apiculture, aviculture, etc.

AIRPORT - an airstrip/landing strip where aircraft can land and take off, usually equipped with hangers, facilities for refueling and repair, accommoda-tions for passengers, freight, etc.

AIRSTRIP/LANDING STRIP - an area adapted with minimal improvements for use as a temporary runway for aircraft.

ALTERATIONS - as applied to a building or structure, any change or rearrangement of the total floor area, or any enlargement, whether by extending on a side or by increasing in height, or moving from one (1) location or position to another.

ALTERATIONS, STRUCTURAL - any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

AREA, LOT - the total area within the lot lines, excluding right-of-way areas.

BLOCK - an area bounded by three (3) or more streets.

BUILDING - any structure having a roof supported by columns, piers or walls and intended for the shelter, housing or enclosure of human beings, animals, or chattel, including covered porches, bay windows, and chimneys, or for use and occupation for some purpose of trade or manufacture.

BUILDING AREA - the total areas of outside dimensions on a horizontal place at ground level of the principal building and all accessory buildings exclusive of cornices, eaves, gutters, or chimneys projecting not more than eighteen inches (18"); bay windows not extending through more than one (1) story and not projecting more than five feet (5'); steps and balconies.

BUILDING, DETACHED - a building surrounded by open space on the same lot as the principal building.

BUILDING HEIGHT - the vertical dimensions measured from the average elevation of the finished lot grade at the front of the building to the highest point of the ceiling of the top story in the case of a flat roof; to the deckline of a mansard roof; and to the average height between the plate and ridge of a gable, hip or gambrel roof.

BUILDING LINE - a line parallel to the front, side or rear lot line or public right-of-way line set so as to provide the required yard setback.

BUILDING, PRINCIPAL - a non-accessory building in which the principal use of the lot is conducted.

BUILDING, SEMI-DETACHED - a building which has one (1) wall in common with an adjacent building.

BULK - a term used to describe the size, volume, area, or shape of buildings or structures, and their physical relationship to each other, to open space, or to tracts of land, to lot lines, or to other buildings or structures.

CARPORT - See Garage, Private.

CERTIFICATE OF ZONING COMPLIANCE - a certificate issued and enforced by the Zoning Officer upon the completion of the construction of a new building or upon a change or conversion of a structure or use of a building which certifies that the applicant has complied with any and all requirements and regulations as provided herein and all other applicable requirements.

COMMON OPEN SPACE - a parcel of land or water or combination of both located within a development site and designed and intended for the use or enjoyment of residents of a planned development not including streets, off-street parking areas, and areas set aside for public facilities.

COMMONS - a spatially defined element of open space distributed strategically within a Neighborhood Greenway Development such that it provides a focal point for residences as well as a gathering place for residents and an assembly area for community functions. Permanent structures directly related to the intended function of the commons may be included in this space in addition to landscaping and lighting elements. [Ord. 61406]

COMPREHENSIVE PLAN - the Comprehensive Plan for the Township adopted by the Board of Supervisors in accordance with Article III of the MPC. [Ord. 61406]

CONDITIONAL USE - a use which is approved by the Board of Supervisors after review and recommendation by the Township Planning Commission. [Ord. 10-10-01]

DEVELOPMENT PLAN - the provisions for the development of a planned residential development, including a plat of subdivision; all covenants relating to use, location and bulk of buildings and other structures; intensity of use or density of development; streets, ways and parking facilities; common open space, and public facilities.

DISTRICT - a portion of South Annville Township within which certain uniform regulations and requirements or combinations thereof apply under the provisions of this Chapter.

DOG KENNEL - any premises, except where accessory to an agricultural use, where three (3) or more dogs, ten (10) weeks in age or older, are kept or boarded.

DRIVE-IN RESTAURANT - a commercial establishment where food or beverage is sold for consumption on the premises but not necessarily within a building.

DWELLING, APARTMENT - a dwelling unit for rent or lease within multi-family or group buildings providing separate, independent living and sanitary facilities for one (1) family, including provisions for cooking and sleeping. An apartment dwelling may include an efficiency unit where no specific bedroom is provided or a unit containing one (1) or more bedrooms.

DWELLING, GROUP - a group of two (2) or more single family, two-family, or multi-family dwellings occupying a lot in one (1) ownership.

DWELLING, MULTI-FAMILY - a building designed for or occupied exclusively by three (3) or more families living independently of each other and doing their own cooking, including apartment houses.

DWELLING, SINGLE-FAMILY - a detached building designed for or occupied exclusively by one (1) family, but shall not be construed to include single unit mobile homes.

DWELLING TWO-FAMILY - a detached or semi-detached, residential building containing two (2) dwelling units designed for occupancy by not more than two (2) families.

DWELLING UNIT - one (1) or more rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on weekly, monthly, or longer basis and physically separated from any other room or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities for one (1) family.

FAMILY - one (1) or more persons occupying a dwelling unit, provided that unless all members are related by blood or marriage, no such family shall contain over five (5) persons, but provided further that domestic servants employed on the premises may be housed on the premises without being counted as a family or families.

FARM - all contiguous land held in single or separate ownership of ten (10) acres or more regardless or whether:

A. Such land is divided into one (1) or more lots, parcels, purports or tracts.

B. Such land was acquired by the landowner at different times or by different deeds, devise, partition or otherwise.

C. Such land is bisected by public or private streets or rights-of-way.

[Ord. 1-14-98]

FEEDLOT - a feedlot shall be determined to be any of the following facilities: (1) any tract of land or structure wherein any type of fowl or the by-products thereof are raised for sale at wholesale, or retail; (2) any structure, pen or corral wherein cattle, horses, sheep, goats, and swine are maintained in close quarters for the purpose of fattening such livestock for final shipment to market; (3) the raising of swine under any conditions.

FLOOD AREA, LIVABLE - the sum of the horizontal areas of all rooms used for habitation, such as living rooms, dining room, kitchen or bedroom but not including hallways, stairways, cellars, attics, garages, enclosed porches and roofed terraces, nor unheated areas such as enclosed porches. At least one-half feet (1/2') of the floor area of every habitable room shall have a ceiling height of not less than seven feet (7'), and the floor area of the part of any room where the ceiling height is less than five feet (5') shall not be considered as part of the livable floor area.

FUEL DISPENSING FACILITY - a facility for the retail sale of gasoline and other fuel for motor vehicles, including trucks, buses and other commercial vehicles. A fuel dispensing facility shall have multiple fuel dispensers for the diesel fueling of at least two (2) large-sized vehicles at the same time. It shall also have multiple fuel dispensers for the fueling of at least five (5) standard-sized vehicles at the same time. Large-sized vehicles are tractor-trailers, dump trucks, fire engines, buses, motor homes and similar vehicles. Standard-sized vehicles are cars, vans, pick-up trucks and similar vehicles. A fuel dispensing facility shall not include motor vehicle sales, service or repair facilities but may include retail sales of food and related items in a building which shall not exceed seventy-five hundred (7,500) square feet. The building shall not have a drive-through facility for the pick-up of food and related items. [Ord. 10-14-15]

GARAGE, PRIVATE - a building or space used as an accessory to the principal building which provides for the storage of motor vehicles of the families residing upon the premises and in which no occupation, business or service for profit is carried on.

GARAGE, PUBLIC - any garage other than a private garage, which is used for storage, repair, rental, servicing, or supplying of gasoline or oil to motor vehicles.

GASOLINE SERVICE STATION - a structure, building or area of land or any portion thereof that is used primarily for the sale of gasoline or other motor fuel which may or may not include facilities for lubricating, washing, selling of accessories, and otherwise servicing motor vehicles, including minor repairs, but not including body or paint shops. Any business or industry dispensing gasoline solely for its own use and vehicles will not be deemed to be a gasoline service station.

GRADE, FINISHED - the completed surface of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

GREENS - a spatially defined element of open space designed to serve a variety of outdoor leisure and assembly needs. Landscaping, lighting, and accessory structures integral to the function of the greens may be included. [Ord. 61406]

GROUP FOSTER HOME - a facility for mentally ill or mentally retarded adults and children. The home is maintained solely for the admission of not more than thirteen (13) mentally ill and/or emotionally disturbed or mentally retarded patients, who are provided with a program of service and protective supervision in a home setting and in which twenty-four (24) hour adult care and supervision is available through appropriate local and state agencies.

HEIGHT OF BUILDING - the vertical distance measured from the mean level of the ground surrounding the building to a point midway between the highest and lowest point of the roof, but not including chimneys, spires, towers, elevator pent houses, tanks and similar projections.

HOME OCCUPATION - a lawful, gainful service oriented occupation or profession other than a no-impact home-based business that is operated by a member of the immediate family residing on the premises and where the occupation or profession is conducted wholly within and as an accessory use to a principal dwelling. The conduct of a clinic, hospital, tea room, tourist home, animal hospital, kennel or automobile services or any similar use shall not be considered a home occupation. [Ord. 91102]

HOSPITAL - a place for the diagnosis, treatment, or other care of humans and having facilities for inpatient care including such establishments as a sanatarium, sanatorium, and preventorium.

HOTEL OR LODGING HOUSE - a building used as the more or less temporary abiding place of three (3) or more individuals who are, for compensation, lodged with or without meals, and in which no provision is made for cooking in any individual room or suite.

JUNK YARD - a lot, land or structure, or part thereof, used primarily for the collecting, storage, and/or sale of waste paper, rags, scrap metal, or discarded material, or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition and for the sale of parts thereof.

LAUNDROMAT - a business premises equipped with individual clothes washing and/or drying machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use in an apartment house or an apartment hotel.

LOADING SPACE - an off-street space not less than twelve feet (12') wide and fifty-five feet (55') long exclusive of access area, for the parking of one (1) vehicle while loading or unloading merchandise or materials.

LOT - a single tract or parcel of land, which may legally be described as such, held in single or joint ownership, which is occupied or capable of being occupied by one (1) principal building or principal use together with such accessory buildings, structures, and such open spaces as are arranged and permitted by this Chapter.

LOT AREA - an area of land which is determined by the limits of the property line bounding that area and expressed in terms of square feet or acres. Any portion of a lot included in a street right-of-way shall not be included in calculating lot area.

LOT, CORNER - a lot at the point of intersection of and abutting on two (2) or more intersecting streets, and which has an interior angle of less than one hundred and thirty-five degrees (135°) at the intersection of the two (2) street lines.

LOT COVERAGE - the percentage of the lot area covered with an impervious surface (e.g., buildings, driveways, parking areas, sidewalks). [Ord. 10-10-01]

LOT DEPTH - a mean horizontal distance between the front and rear lot lines measured in the general direction of its side lot lines.

LOT, INTERIOR - a lot other than a corner lot, the sides of which do not abut a street.

LOT LINE - any line dividing one (1) lot from another lot, street or parcel.

LOT, THROUGH - an interior lot having frontage on two (2) parallel or approximately parallel streets.

LOT WIDTH - the horizontal distance between the side lot lines. Required lot width shall be measured at the required setback line; however, the mean lot width shall not be less than the required lot width.

MAP OR ZONING MAP - the zoning maps of Lebanon County and South Annville Township, Lebanon County. [Ord. 10-78]

MASSAGE PARLOR - an establishment that meets all the following criteria: (i) massages are conducted; (ii) the use does not meet the definition of "massage therapy, certified" and the person conducting the massage is not licensed as a health care professional by the State; (iii) the massages are not conducted within a licensed hospital or nursing home or an office of a medical doctor or chiropractor; (iv) the massages are conducted within private or semi-private rooms; and (v) the use is not clearly a customary and incidental accessory use to a permitted exercise club or to a high school or college athletic program. [Ord. 91102]

MESSAGE THERAPY, CERTIFIED - a use involving the performance of massages by a person licensed by the State as a massage therapist or certified by a recognized national organization that requires substantial professional training. [Ord. 91102]

MOBILE HOME - a transportable, single unit dwelling intended for permanent occupancy, office or place of assembly contained in one (1) unit or in two (2) units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operation, and constructed so that it may be used without a permanent foundation.

MOBILE HOME COURT OR PARK - any site, lot, or tract of land upon which two (2) or more authorized mobile homes are parked permanently or temporarily, either free of charge or for revenue purposes, and shall include any appurtenant facilities used or designed as part of the equipment of such mobile home court or park.

MOBILE HOME SUBDIVISION - an area planned, designed and improved exclusively for three (3) or more mobile home dwelling units where said lots are sold rather than rented.

MODULAR HOME - a sectional, single family dwelling intended for permanent occupancy, contained in two (2) or more units designed to be permanently joined into one (1) integral unit, which arrives at a site complete and ready for occupancy except for assembly operations and construction of the necessary permanent foundation.

MOTEL - a building or group of buildings, whether detached or in connected units, used as individual sleeping, or dwelling units, designated with separate entrances and designed for occupancy primarily for transient automobile travelers, and provided with accessory off-street parking facilities. The term "motel" includes buildings designated as tourist courts, tourist cabins, motor lodges, and similar terms, but shall not be construed to include mobile or immobile trailers or homes.

MPC - the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as reenacted and amended, 53 P.S. § 10101 et seq., and as may be subsequently amended. [Ord. 91102]

MUNICIPALITY - South Annville Township, Lebanon County, Pennsylvania.

NEIGHBORHOOD CENTER - a facility designed to provide space for one (1) or more neighborhood facilities. A neighborhood center may also include small retail or personal service establishments which are designed to serve a pedestrian-oriented clientele from a Neighborhood Greenway Development. [Ord. 61406]

NEIGHBORHOOD FACILITY - meeting rooms, multi-purpose spaces, and similar spaces available for the use of residents of the Neighborhood Greenway Development; library; adult education classroom; and satellite offices for municipal agencies (including, but not limited to, a community police station), social service agencies, and non-profit organizations. [Ord. 61406]

NEIGHBORHOOD GREENWAY DEVELOPMENT - the dwelling units, residential accessory uses, neighborhood center, open spaces, and nonresidential structures installed or to be installed upon a Neighborhood Greenway Development tract in accordance with the provisions of § 1425 of this Chapter. [Ord. 61406]

NEIGHBORHOOD GREENWAY DEVELOPMENT TRACT - the land, which may be comprised of one (1) or more lots, which is proposed to be developed as a single, unified Neighborhood Greenway Development in accordance with the provisions of § 1425 of this Chapter. [Ord. 61406]

NO-IMPACT HOME-BASED BUSINESS - a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pick-up, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy all of the following requirements:

A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.

B. The business shall employ no employees other than family members residing in the dwelling.

C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

D. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.

E. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

F. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.

G. The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five percent (25%) of the habitable floor area.

H. The business may not involve any illegal activities. [Ord. 91102]

NONCONFORMING BUILDING OR STRUCTURE - a building/structure or part thereof, which at the time of the passage of this Chapter or any subsequent amendments thereto, does not comply with the provisions of this Chapter or such amendments, with regard to restrictions on area, lot coverage, height, yard requirements, location on the lot, or other similar requirements.

NONCONFORMING LOT - a lot of record existing at the date of the passage of this Chapter or any amendments thereto, which does not at this time have the minimum lot width or contain the minimum lot area for the zoning district in which it is located.

NONCONFORMING USE - a use, whether land, building, or structure, which does not comply with the applicable use provisions of this Chapter, or subsequent amendments thereto, where such use was lawfully in existence at the time of the enactment of this Chapter or amendments thereto.

NURSING OR CONVALESCENT HOME - a building with sleeping rooms where persons are housed or lodged and furnished with meals and nursing care for hire.

OFFICE BUILDING - a building designed for or used as the offices of professional, commercial, industrial, religious, public or semi-public organizations.

OPEN SPACE - land that has been restricted from development so as to achieve one (1) or more of the objectives as specified in § 1425.6.A of this Chapter. Such area is intended for the common use and enjoyment of residents of a Neighborhood Greenway Development and may include such complementary structures and improvements as are necessary and appropriate including, but not limited to, walking trails, fitness stations, educational signage or other recreational improvements and amenities. Open space shall not include any of the following: residential or neighborhood center lots or portions of lots, streets, parking areas (other than parking areas serving facilities within with open space), above ground utilities, or other

infrastructure. Floodplains, wetlands, historic resources and recreational facilities may be incorporated within any area designated as open space except as provided in § 1425.6.O of this Chapter. [Ord. 61406]

OPEN SPACE AND GREENWAYS PLAN - the plan of South Annville Township

which generally prescribes the standards for and identifies the location of residential development in the Township which incorporates designated open space in ways to protect and preserve natural, historical and cultural resources and scenic views, provide useable recreation area and public space, and interconnect with existing or planned open space, recreation or pedestrian facilities. [Ord. 61406]

PARKING LOT - an off-street surfaced area designed solely for the parking of motor vehicles, including driveways, passageways, and maneuvering space appurtenant thereto.

PARKING SPACE - the space within a building or on a lot or parking lot, for the parking or storage of one (1) automobile. The minimum size of said space shall be two hundred (200) square feet or dimensions of ten feet (10') by twenty feet (20'), exclusive of passageways and driveways and not an integral portion of the street. [See also, § 1502 Standards and Definitions for Off-Street Parking]

PERMIT - building and zoning permit issued by Zoning Officer.

PREMISES - any lot or tract of land and any building or buildings constructed thereon.

PRIVATE ROAD - a legally established right-of-way, other than a public street, which provides the primary vehicular access to a lot.

RETREAT - a facility in a private, natural area, free from distractions thus allowing retreat participants to focus on the goals and objectives of the retreat or allowing individuals opportunity for solitude and reflection and which may provide meals and housing for participants only during the period of the retreat or program only. All kitchen and dining facilities shall be located in a single centrally located building or buildings. [Ord. 9804]

ROAD CLASSIFICATION - a designation given a road in accordance with its function as a carrier of traffic. For the purposes of this Chapter, the following classifications shall apply:

A. Arterial - a road whose function is to provide for high volumes of traffic between communities.

B. Collector - a road whose function is to provide the movement of traffic to community facilities and carry larger volumes of traffic to the arterial road system.

(1) Internal Collector - a road whose function is to provide for the movement of the traffic within and is constructed as part of a subdivision or land development to carry traffic from local to arterial roads.

C. Local - a road whose function is to provide for local traffic movement and direct access to abutting properties.

(1) Internal Local Street - a road whose function is to provide for local traffic within and is constructed as part of a subdivision or land development.

D. Existing Perimeter Street - any street as defined herein that is in existence, or is under construction in accordance with a subdivi-sion or land development by the applicable governing body, on the effective date of this amendment to the South Annville Township Zoning Ordinance. For the purposes of this Chapter, this term shall also include any portion of any existing street proposed to be relocated as part of any subdivision or land development.

[Ord. 10-10-01]

ROW HOUSE (TOWNHOUSE OR ATTACHED DWELLINGS) - three (3) or more single family dwellings in a group, one or more of which have two (2) walls in common with adjoining dwellings.

SANITARIUM, SANATORIUM - a private hospital whether or not such facility is operated for profit.

SCREEN PLANTING - a vegetative material of sufficient height and density to screen the view from adjoining districts of the structures and uses on the premises upon which the screen planting is located.

SETBACK - the horizontal distance from a lot line to the part of the building nearest to such lot line.

SIGN - [See, § 1601 - Definition of Signs]

SITE PLAN - a plan of a lot or subdivision on which is shown topography; location of all buildings, structures, roads, rights-of-way, boundaries; all essential dimensions and bearings; and any other information deemed necessary by the Township in unusual or special cases.

SPECIAL EXCEPTION - a use specified in district regulations which is permitted only if the Zoning Hearing Board grants approval for issuance of a permit pursuant to the provisions of this Chapter.

SPECIFIED SEXUAL ACTIVITIES - one or more of the following: (i) human male genitals in a visible state of sexual stimulation; (ii) acts of human masturbation, sexual intercourse, oral sex or sodomy; or (iii) fondling or other erotic touching of human genitals. [Ord. 91102]

STORY - a story is that part of a building between the surface of any floor and the next floor above it or, in its absence, then the finished ceiling or roof above it. A "split level" story shall be considered a second story if its floor level is six feet (6') or more above the level of the line of the finished floor next below it. Any floor under a sloping roof at the top of a building which is more than two feet (2') below the top plate shall be counted as a story; and, if less than two feet (2') below the top plate, shall be counted as a half (1/2) story.

STREET - includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other used or intended to be used by vehicular traffic or pedestrians whether public or private. [Ord. 10-10-01]

STREET LINE - the line determining the limit of the street or public right-of-way, either existing or contemplated. Also referred to as the street lot line or road right-of-way line. Where a definite right-of-way width has not been established, the street line shall be determined as a line twenty-five feet (25') from the centerline of the existing street.

STRUCTURE - any man-made object having an ascertainable stationary location on or in land or water or attached to something having a fixed location on or in land or water.

SUBDIVISION - the division or redivision of a lot, or parcel of land by any means into two (2) or more lots, parcels, or other division of land including changes in existing lot lines for the purpose, whether immediate or future, of lease transfer or ownership, or building or lot development; provided, however, that the division of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access, shall be exempted.

SUBDIVISION ORDINANCE - the Lebanon County Subdivision and Land Development Ordinance [Chapter 22], as amended and as it may be amended or reenacted, or any ordinance enacted by the Board of Supervisors in the future which governs subdivision and land development within the Township. [Ord. 61406]

TOWNHOUSE - a multi-family dwelling consisting of not more than eight (8) attached single family dwelling units, separated by an unpierced party wall, each single family dwelling unit having a separate entrance from the outside, parking and service in the front, and a semi-private rear yard area.

TRAVEL TRAILER - a vehicular portable structure built on a chassis (motorized home, converted bus, tent trailer, tent or similar device) designed to be used as a temporary dwelling for travel and recreational purposes.

TRAVEL TRAILER CAMP OR PARK - any site, lot or tract of land upon which provisions are made to accommodate any travel trailer and/or similar temporary dwelling for travel or recreation purposes for short-term occupancy, either free of charge or for revenue purposes, and shall include any appurtenant facilities used or designed as part of the equipment of such travel trailer camp or park.

USE - the specific purpose for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained.

VARIANCE - a modification of the regulations of this Chapter granted by the Zoning Hearing Board to the applicant on grounds of practical difficul-ties or an unnecessary hardship, not self-imposed, pursuant to the provisions of this Chapter and Act 247, Pennsylvania Municipalities Planning Code.

YARD - a required open space, other than a court, unoccupied by a structure, however, fences, walls, posts, trees, lawn furniture, and other customary yard accessories are permitted in any yard subject to height limitations and requirements limiting obstructions of visibility.

YARD, FRONT - an unoccupied space, open to the sky, provided between the front property line (road right-of-way line) and a line drawn parallel thereto at such distance therefrom as may be specified herein for any district, and extending for the full width of the lot.

YARD, REAR - an unoccupied space, open to the sky, between the rear property line and a line drawn parallel thereto at such distance therefrom as may be specified herein for any district, and extending for the full width of the lot.

YARD, SIDE - an unoccupied space, open to the sky, between the side property line and a line drawn parallel thereto at such distance therefrom as may be specified herein for any district, and extending the full depth of the lot.

ZONING OFFICER (ZONING ADMINISTRATIVE OFFICIAL) - the agent(s) or official(s) designated by the Township Supervisors to enforce the Official Zoning Ordinance of the Township.

(Ord. 7/8/1978; as amended by Ord. 10-78, 10/7/1978; by Ord. 1-14-98, 1/14/1998, § 1; by Ord. 10-10-01, §§ 1-2; by Ord. 91102, 9/11/2002, § 1; by Ord. 9804, 9/8/2004, § 1; by Ord. 61406, 6/14/2006, § 1; by Ord. 10-14-15, 10/14/2015, § 1; and by Ord. 1-9-19, 1/9/2019, §1)

Part 2
Establishment of Districts; Provision for Official Zoning Map

§ 201. Official Zoning Map.

1. The Township is hereby divided into zones, or districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Chapter.

2. The Official Zoning Map shall be identified by the signature of the Chairman of the Board of Supervisors attested by the Secretary and bearing the seal of the Township under the following words: "This is to certify that this is the Official Zoning Map referred to in § 201 of Ordinance Number of the Township of South Annville, Lebanon County, Pennsylvania, together with the date of the adoption of this Ordinance."

3. If, in accordance with the provisions of this Chapter, and Article VI, Pennsylvania Municipalities Planning Code, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Township Supervisors with an entry on the Official Zoning Map as follows: "On (date), by official action of the Township Supervisors, the following (change) (changes) were made in the Official Zoning Map; (brief description of nature of change)." Said entry shall be signed by the Chairman of the Board of Supervisors attested by the Township Secretary. No amendment to this Chapter, which involves matter portrayed on the Official Zoning Map, shall become effective until after such change and entry has been made on said map.

4. No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Chapter. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Chapter and punishable as provided under Part 20.

5. Regardless of the existence of purported copies of the Official Zoning Map, which may from time to time be made or published, the Official Zoning Map which shall be located in the office of the Township Supervisors shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the Township.

(Ord. 7/8/1978, § 2.01)

§ 202. Replacement of the Official Zoning Map.

In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Township Supervisors may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map shall be identified by the signature of the Chairman of the Board of Supervisors attested by the Township Secretary and bearing the seal of the Township under the following words: "This is to certify that this Official Zoning Map, was adopted as part of Ordinance No. ____ of the Township of South Annville, Lebanon County, Pennsylvania.

Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof, remaining shall be preserved together with all available records pertaining to its adoption or amendment.

(Ord. 7/8/1978, § 2.02)

§ 203. Rules for Interpretation of District Boundaries.

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

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

2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

3. Boundaries indicated as approximately following Township limits shall be construed as following such Township limits;

4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;

5. Boundaries indicated as parallel to, or extensions of, features indicated in Subsection 1 through 4 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;

6. Where physical or cultural features existing on the ground are at variance with those shown on the Official Map, or in other circumstances not covered by Subsections 1 through 6 above, the Zoning Hearing Board shall interpret the District boundaries.

(Ord. 7/8/1978, Art. 3)

§ 204. Use Districts.

For the purpose of regulating and restricting the location of trades, industries, multiple family houses, single family houses, and other uses of property, the number of square feet of lot area per family house, the width of lots, the location and size of yards, and the size and height of buildings, the Township is divided into seven (7) classes of use districts termed respectively.

Class A	or Agricultural District
Class RR	or Rural Residential District
Class R-1	or Low Density Residential District
Class R-2	or Medium Density Residential District
Class C-1	or General Commercial District
Class C-2	or Highway Commercial District
Class I-1	or Industrial District
Class F	or Floodplain District (overlay district) [Ord. 5-9- 2012]

(Ord. 7/8/1978, § 5.01; as amended by Ord. 5-9-2012, 5/9/2012, § 2)

Part 3
Application of District Regulations

§ 301. Uniformity of Application.

The regulations set by this Chapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided.

§ 302. Compliance Required for Subsequent Changes in Use.

No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all the regulations herein specified for the district in which it is located.

(Ord. 7/8/1978, § 4.01)

§ 303. Buildings and Structures.

No building or other structure shall hereafter be erected or altered:

1. To exceed the height or bulk;

2. To accommodate or house a greater number of families;

3. To occupy a greater percentage of lot area;

4. To have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or in any other manner contrary to the provisions of this Chapter.

(Ord. 7/8/1978, § 4.02)

§ 304. Required Yards and Spaces Not to be Shared.

No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Chapter, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

(Ord. 7/8/1978, § 4.03)

§ 305. Lots and Yards Must Meet Minimum Requirements.

No yard or lot existing at the time passage of this Chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Chapter shall meet at least the minimum requirements established by this Chapter.

(Ord. 7/8/1978, § 4.04)

§ 306. Proposed Uses Not Covered.

When a specific use is neither permitted nor prohibited in the schedule of district regulations, the Zoning Hearing Board shall make a determination as to the similarity or compatibility of the use in question to the permitted uses in the district basing the decision on the overall intent stipulated for the district.

(Ord. 7/8/1978, § 4.05)

§ 307. Future Annexations of Territory.

All territory which may hereafter be annexed to the Township shall be considered to be in the agricultural (A) District until otherwise classified.

(Ord. 7/8/1978, § 4.06)

Part 4
A - Agricultural Districts

§ 401. Intent.

The regulations of the Agricultural Districts are designed to protect and preserve the existing agricultural lands of the Township and those areas where environmental conditions are most conducive to agricultural operations which will produce high crop yields. Principal protection and preservation emphasis is concentrated on prime farm land and conversion to nonfarm usage is discouraged. Where designated for nonprime farm land, limited residential, nonresidential and farm-related commercial uses are permitted to facilitate those individuals who may desire to locate in an agricultural setting.

(Ord. 7/8/1978, § 6.01; as amended by Ord. 1-14-98, 1/14/1998, § 401)

§ 402. Permitted Uses.

1. Single-family dwellings.

2. Soil cultivation and crop production, truck farming, nurseries, noncommercial greenhouses, general farms, dairying, breeding of horses, etc., including the nonintensive raising, keeping and breeding of poultry, livestock, etc.

3. Intensive raising, breeding and/or keeping of poultry and livestock, including feedlots, poultry houses, etc., for gainful purposes provided that the following conditions are met:

A. Feedlots, poultry houses and other buildings, structures, corrals or pens in which poultry or livestock are kept for the above use shall be no closer than one hundred (100) feet to any adjoining lot line or road right-of-way or two hundred (200) feet to any residentially zoned property.

B. No storage of manure or odor or dust producing substances or materials shall be permitted within one hundred (100) feet of any adjoining lot line or road right-of-way or within two hundred (200) feet of any residentially zoned property.

C. Minimum lot area of ten (10) acres.

D. Riding academies, boarding stables and kennels provided that no kennel runway or animal exercise pen or corral shall be located within one hundred (100) feet of any lot line or right-of-way line, exclusive of clearly identified bridle paths.

4. Public conservation area and structures for the conservation of open space, water, soil, forest and wildlife resources.

5. Public uses identified below and subject to the limitations set forth:

A. Governmentally owned park and recreation areas.

B. Forest reserves, game refuges, and similar non-intensive uses.

C. Schools providing kindergarten through grade 12 education meeting applicable requirements of the Commonwealth of Pennsylvania limited in size and intensity to recognize the intent of the Agricultural District. To implement this limitation, a school shall either be limited to a maximum of thirty-five (35) students and twelve (12) staff persons or be limited to a maximum lot area of two (2) acres.

6. Municipal buildings and structures.

7. Churches and cemeteries.

8. Animal hospitals.

9. Necessary public utility structures and buildings.

10. Customary accessory uses and buildings which are clearly incidental to any of the above permitted uses, including the following:

A. Road side stands for the sale of "home-grown" or "home-made" products provided that the following conditions are met:

(1) At least one-half (½) of all products sold must be produced on the premises.

(2) The structure used to display and sell such products shall be located at least forty (40) feet from any road right-of-way line and any property line.

(3) The structure shall not occupy more than two thousand (2,000) square feet of area.

(4) All parking for the use shall be off-street. A minimum of three (3) off-street parking spaces shall be provided. Additional off-street parking may be required to adequately handle the parking needs.

B. Home occupations as provided for in § 1412 of this Chapter.

C. Accessory uses as provided for in Part 14 of this Chapter.

D. Accessory dwelling units as provided for in Part 14 of this Chapter.

11. The following special exception uses, upon approval by the Zoning Hearing Board, as provided for in Part 19 of this Chapter.

A. Agriculturally oriented commercial establishments as follows:

(1) Commercial establishments shall bear relationship to the agricultural district and uses permitted therein (i.e., farm implement dealer, feed mill, etc.).

(2) On-premises butchering operations, as an accessory use, provided that the following conditions are met:

(a) Butchering operations shall be conducted only by an immediate member of the family, owning and residing on the property.

(b) Butchering operations shall be limited to the employ of not more than one (1) assistant.

(c) Any building(s) or structure(s) which involves this use or in which this use is conducted shall be located at least one hundred (100) feet from any adjoining property line.

(d) Any remains, entrails, carcass, etc., resulting from this use shall not be stored on the property.

(e) No objectional noise, fumes, odor, dust or electrical interference shall be created through this use.

B. Quarrying, including sandpits, gravel pits, removal of topsoil and landfill and the excavation, extraction or removal of any natural resource from the land or ground for any purpose are permitted subject to the following conditions:

(1) Removal of forests or timber is prohibited without prior approval of the Zoning Hearing Board.

(2) The proposed operation shall not adversely affect soil fertility, drainage and lateral support of abutting land or other properties, nor shall it contribute to soil erosion by water or wind.

(3) Where any open excavation will have a depth of ten (10) feet or more and a slope of more than thirty (30) degrees there shall be a substantial fence, approved by the Zoning Hearing Board, with suitable gates where necessary, effectively blocking access to the area in which such extraction is located. Such fence shall be located no less than fifty (50) feet from the edge of the excavation. All operations shall be screened from nearby residential uses as required by the Zoning Hearing Board.

(4) That portion of access roads located within one hundred (100) feet of any lot in residential use or lot zoned for residential use shall be provided with a dustless surface. Access roads shall connect to collector or major networks avoiding undue movement through a residential area.

(5) At all stage of operations, proper drainage shall be provided to prevent the collection and stagnation of water and to prevent harmful effects upon surrounding properties.

(6) A site plan for rehabilitation, showing both existing and proposed final contours, shall be submitted and approved by the Zoning Hearing Board. After any such operations, the site shall be made reusable for a use permitted in the zoning district. Where topsoil is removed, sufficient arable soil shall be set aside for retention of the premises and shall be respread over the premises after the operation is retained, the area shall be brought to final grade by a layer of earth capable of supporting vegetation of at least two (2) feet or to original thickness, whichever is less. Fill shall be suitable material approved by the Zoning Hearing Board.

(Ord. 7/8/1978; as amended by Ord. 1-14-98, 1/14/1998, § 402; by Ord. 10-10-18-1, 10/10/2018; and by Ord. 1-9-19, 1/9/2019)

§ 403. General District Requirements.

All principal buildings, structures and uses erected or established after the adoption date of this Part shall comply with the following requirements:

A. Existing farms shall be permitted the following number of new lots or principal uses, based upon farm size at the date of adoption of this Part.

Size of Farm	Maximum Number of Lots or Uses
0 acres to less than 10 acres	Any number in accordance with §§ 403(C)(4) and 404.
10 acres to less than 50 acres	2
50 acres to less than 100 acres	3
100 acres to less than 175 acres	4
175 acres to less than 250 acres	5
250 acres to less than 400 acres	6
400 acres or more	7

Existing unsubdivided dwellings and principal, nonresidential uses located on the farm shall not be considered part of the permitted allotment. The maximum permitted number of new lots or uses shall apply whether or not individual lots are subdivided at the time the uses are established. Resubdivision of lots created after the adoption date of this Part shall be subject to the maximum allotment determined for the original farm or property.

B. All applications for building and zoning permits to erect a single-family dwelling or principal, nonresidential use structure on unsubdivided land and all applications for subdivision shall be accompanied by an agricultural plan identifying the following:

(1) Size, shape and dimensions of the farm, size and location of all existing buildings and size, location and use of all proposed buildings or lots.

(2) Lots or uses previously approved under these regulations.

(3) Land under active cultivation and land in woodlots or forests.

(4) Soil information for the farm, including soil series and soil capability class, subclass and unit as classified within the 1981, Soil Survey of Lebanon County, Pennsylvania, and Agricultural Handbook No. 210 of the United States Department of Agricultural Soil Conservation Service.

(5) Notation as to which lot or lots carry with it a right of further subdivision or erection of accessory farm or nonfarm single-family dwellings or principal nonagricultural buildings, if any such right remains from the quota allocated to the farm. This right of further subdivision or erection of accessory farm or nonfarm single-family dwellings or principal nonagricultural buildings or an indication that no further subdivision or erection of such dwellings or principal buildings is permissible, shall also be included in the deed to the newly-created lot. This restriction shall remain in effect as long as further subdivision is prohibited under the zoning ordinance then in effect.

C. Applications to erect or establish a use or subdivide a farm or property shall be reviewed subject to the following criteria:

(1) The least suitable farmland (highest numbered soil capability unit) should be utilized for development, unless the applicant can demonstrate: (a) its suitability for the proposed use or (b) design advantages that support the use of other frontage land (view, location, alignment with farming patterns, proximity to other dwellings, etc.). When a soil has been determined to be unsuitable because of slope, drainage, flooding, sewage disposal deficiencies or other physical characteristics, then the least suitable remaining farmland should be utilized for development.

(2) When a farm is comprised entirely of prime farmland (soil capability classes I and II) then the least suitable or least prime land should be utilized for development.

(3) Lots and uses shall be grouped, where possible, adjacent to other similar lots and uses to avoid a scattering of development. Lots and uses shall not be located near intensive farming operations. Subdivision or development shall not necessitate any new streets, except that one (1) lot or use may be assessed via an unimproved fifty (50) foot right-of-way.

(4) A maximum lot area of two (2) acres for single-family dwellings is established in the district requirement chart in § 404. The maximum lot area applies to subdivisions for new dwellings and subdivision of preexisting dwellings, even though the preexisting dwellings do not count in the lot allotment for the farm. The purpose of the maximum lot size is to prevent the creation of large lots which remove excessive amounts of agricultural land from crop production. The two (2) acre maximum lot size shall not apply to (a) lot additions for agricultural purposes and (b) subdivision of existing parcels of ten (10) acres or less in size. The Zoning Hearing Board may grant a special exception to allow the creation of a lot in excess of the two (2) acre maximum lot size if the applicant demonstrates that physical characteristics of the property (excessive slope, drainage problems, soil limitations, flooding, sewage disposal deficiencies, ground water recharge area, property shape, etc.) dictate that lot design exceeding the two (2) acre standard is desirable; or that the lot size will result in consolidation of residual land after other suitable lots have been removed; or that the lot will contain areas which are unsuitable for farming; or that the existing configuration of the tract will result in lot design and layout which would otherwise unavoidably physically isolate the excess land from the remainder of the farm; or that the landowner demonstrates that the lot size must be increased to insure an acceptable level of nitrate-nitrogen in the groundwater in accordance with the regulations of the Pennsylvania Department of Environmental Protection and any approved planning module for land development. [Ord. 2/12/2003]

(5) Application for the last lot or use permitted within a farm or property shall be accompanied by a proposed deed for the residual farm land or property. Said proposed deed shall contain a restriction to identify that subdivision and development allotments have been used and that no further subdivision, development or establishment of additional principal uses shall be permitted. Said restrictive deed shall be recorded within thirty (30) days of subdivision or permit approval for the last allowable lot or use. Failure to record said deed, subsequent removal of the deed restriction or subsequent subdivision or establishment of additional uses or lots shall constitute a violation of this Part, punishable in accordance with Part 20 of this Chapter.

(Ord. 1-14-98, 1/14/1998, § 403; as amended by Ord. 2/12/2003)

§ 404. Lots and Yards Requirements.

A lot area, lot width, lot coverage, yard depths and building height satisfying the requirements of the following table, unless otherwise specified heretofore in §§ 402 and 403, shall be provided for every dwelling unit and/or principal nonresidential building or use hereafter erected, altered or established in this district.

District Requirements	Lot Requirements				Yard Requirements			
Use	Min. Lot Area	Max. Lot Area	Min. Lot Width	Max. Lot Coverage	Front	One Side	Total Sides	Rear
Nonresidential								
Use or Building Specified in §§ 402(3) and 402(11)	1 acre	[1] --	150 feet	15%	50 feet	20 feet	40 feet	50 feet
Use or Building Specified by Special Exception § 402 (13) (A) and in § 402 (13) (B)	1 acre 1 acre	4 acres [1] --	150 feet 150 feet	15% 15%	50 feet 100 feet	20 feet 100 feet	40 feet 100 feet	50 feet 100 feet
Residential								
Single-family detached	1 acre	2 acres	125 feet	20%	50 feet	20 feet	40 feet	50 feet

[1] Maximum lot area shall not apply to lot additions for agricultural purposes and permitted uses specified within §§ 402(3) through 402(11) and § 402(13)(B) of this Part.

No building, with the exception of farm structures, shall exceed two and one-half (2½) stories and thirty-five (35) feet in height unless authorized as a special exception.

(Ord. 1-14-98, 1/14/1998, § 404)

§ 405. Minimum Off-Street Parking Requirements.

Off-street parking shall be provided in accordance with Part 15 of this Chapter.

(Ord. 1-14-98, 1/14/1998, § 405)

Part 5
RR - Rural Residential Districts

§ 501. Intent.

The regulations of this district are designed to provide for and protect the growing number of single family residences in a predominately wooded, forest area and to protect the inherent rural nature of the area.

(Ord. 7/8/1978, § 7.01)

§ 502. Permitted Uses.

1. Single family dwellings, not including single unit mobile homes.

2. Soil cultivation and crop production, truck farming, nurseries, non-commercial greenhouses, general farms, dairying, breeding of horses, etc., including the non-intensive raising, keeping and breeding of poultry, livestock, etc.

3. Riding academies, boarding stables, and kennels provided that no kennel runway or animal exercise pen or corral shall be located within one hundred feet (100') of any lot line or right-of-way line, exclusive of clearly identified bridle paths.

4. Public conservation areas and structures for the conservation of open space, water, soil, forest, and wildlife resources.

5. Public uses such as park and recreation areas, forest reserves, game refuges and similar non-intensive public uses.

6. Necessary public utility structures and buildings.

7. Customary accessory uses and buildings which are clearly incidental to any of the above permitted uses, including the following:

A. Home occupations as provided for in § 1416 of this Chapter.

B. No-impact home-based business as defined in this Chapter. [Ord. 91102]

C. Accessory uses as provided for in Part 14 of this Chapter. [Ord. 91102]

8. The following special exception uses, upon approval by the Zoning Hearing Board as provided for in § 1902 of this Chapter and further provided that the proposed use is not found to have an adverse effect on the welfare of the area due to noise, odor, dust, glare, lighting, traffic circulation or design.

A. Special exceptions as specified in Part 4, A - Agricultural Districts, of this Chapter.

B. Retreat, subject to the following regulations:

(1) The retreat shall be conducted on a single lot and shall be operated by a single entity.

(2) The applicant shall provide a water and sewer feasibility study with its application to the Zoning Hearing Board. The water and sewer feasibility study shall specify the maximum occupancy of the retreat, the estimated water consumption, the source of water, estimated sewage flows, method of sewage disposal, and other relevant information. The water and sewer feasibility study shall specify whether the retreat will be seasonal or whether the retreat will operate on a year-round basis. The water and sewer feasibility study shall demonstrate that an adequate water supply exists (quantity and quality) to serve the intended uses and shall demonstrate that the use will not have an adverse impact on adjoining existing uses and future groundwater withdrawal.

(3) The applicant shall submit a traffic impact study with its application to the Zoning Hearing Board which shall be prepared in accordance with the requirements of § 1419.3 of this Chapter.

(4) The applicant shall submit a plan with its application to the Zoning Hearing Board which shall provide all information required at § 1904.2 of this Chapter. The requirements of § 1904.2 shall be applicable to a plan for a retreat. Such plan shall also clearly identify the lot lines for the retreat and clearly distinguish which features are existing and which are proposed. The plan shall clearly identify the maximum occupancy of each existing and proposed structure. The plan shall identify the number of off-street parking spaces required under Part 15 and off-street parking spaces proposed.

(5) The applicant shall submit evidence with its application to the Zoning Hearing Board that applicant has requested the comments of all first due emergency response providers at least thirty (30) days prior to submitting the application. If applicant has received any comments from any first due emergency response providers, applicant shall include such comments with its application.

(6) The applicant shall submit an emergency plan of access with its application to the Zoning Hearing Board meeting the requirements of § 1420.21 of this Chapter.

(7) The applicant shall submit a written plan for the long term operation and management of the retreat with its application to the Zoning Hearing Board. Such plan shall at a minimum identify the entity which will own the retreat, the entity which will operate the retreat, staffing and management of the retreat, sanitary sewage disposal system operation and maintenance; water supply system operation and maintenance; street and access drive maintenance and similar matters.

(8) The applicant shall provide at least one (1) full-time manager that is responsible for the operation of the facility. The manager or other responsible staff shall be on site or available by telephone and able to be on site within sixty (60) minutes at all times (twenty-four (24) hours) the use is in operation. The applicant shall provide contact information to all first due emergency response providers.

(9) The applicant shall demonstrate that all operations at the retreat shall have the sole purpose of providing professional, educational, or religious meetings limited to registered participants and/or opportunities for individuals to engage in solitude and meditation. A religious retreat may offer religiously related counseling services to active or retired members of the clergy, other church officials, missionaries, and the families of such individuals, including transitional housing for missionaries or members of the clergy. If a religious retreat offers temporary or transitional housing for missionaries or members of the clergy, the occupants of such temporary or transitional housing may occupy the dwelling units in accordance with the same standards as persons occupying other residential dwellings in the Rural Residential District.

(10) The maximum length of occupancy in any temporary housing facilities for any person or family shall not exceed 365 total days.

(11) The maximum length of occupancy in any retreat cabins for any person or family shall not exceed thirty (30) total days per calendar year.

(12) Outdoor camping shall be allowed on a limited basis with the length of camping stays to not exceed seven (7) days and the maximum number of campers at any time shall not exceed fifty (50). Camping shall only be at areas designated on the approved land development plan. All camping areas shall be at least two hundred (200) feet from any property line.

(13) The retreat shall not provide any in-patient, out-patient, parent-mandated, or court-mandated, substance abuse or behavioral treatment services.

(14) The retreat shall not contain or serve as a halfway house, wilderness camp or other educational alternative for youths, a rehabilitation center, "extreme" sports center, or health care facility.

(15) The retreat shall not provide housing or counseling adults or juveniles who are sentenced to correctional facilities, on probation, or subject to any other court-restricted activity is prohibited.

(16) Use or storage on the site of mobile homes, recreational vehicles, or any other similar kind of vehicle is prohibited. Notwithstanding the foregoing, the retreat may maintain all terrain vehicles and/or snowmobiles for use by staff only.

(17) The retreat shall not be used to house an institution of higher education, day care facility, or school as each of those terms is defined by the Pennsylvania Department of Education under Title 24 of the Pennsylvania Statutes or Title 22 of the Pennsylvania Code, nor shall the retreat be used for ancillary activities commonly associated with such institutions. This paragraph shall not prevent participants at the retreat from receiving continuing education credits if such credits can be provided or earned in a manner which does not conflict with this subparagraph.

(18) The retreat shall not be developed with a church or house of worship open to the community at large or used for ancillary outdoor activities commonly associated with a church, with the exception of quiet prayer and meditation. Notwithstanding the foregoing, the construction and operation of a chapel for the exclusive use of retreat residents, visitors and staff is permitted, for religious purposes only. The chapel shall be designed and constructed such that its occupancy shall not be greater than the capacity of the retreat as determined in this Section.

(19) The retreat shall not conduct and shall not allow the use of the retreat facilities for the conduct of any activities or events that are open to the public including, but not limited to, lectures, seminars, workshops, meetings, conferences, and entertainment or sporting events. Any place of assembly shall be designed and constructed such that its occupancy shall not be greater than the capacity of the retreat as determined in this Section.

(20) Outdoor events and activities shall be limited to such size and nature as to accommodate retreat participants only. Amplified music, entertainment, or announcements, outdoor movies or films, fireworks displays, and light shows audible or visible off of the retreat property are prohibited.

(21) Commercial or industrial uses and retail sales are prohibited. Provided, however, that provision of meals, vending machines, and incidental sales of a minor nature may be permitted. In no event shall retail sales of any goods or products be permitted to be made to the general public. All sales shall be limited to staff and participants of the retreat.

(22) In light of the importance of solitude for the proper functioning of the retreat use of the lot, the maximum number of persons at the site shall not exceed two (2) persons per acre at any given time, including staff, residents and visitors.

(23) A retreat shall meet the following minimum requirements:

(a) Minimum lot area: 20 acres.

(b) Minimum lot width: 200 feet.

(c) Maximum lot coverage: 10%.

(d) Minimum setback from all property lines for all structures other than single family detached dwellings: 200 feet.

(e) Minimum setback from all property lines for single family detached dwellings: 100 feet.

(f) Minimum building separation: Completely detached buildings or structures shall not be less than 20 feet from one another.

(g) Maximum building height: two and one-half stories or 35 feet.

(24) A retreat shall be provided with a buffer zone of not less than 50 feet in width along all property lines. The buffer zone shall not be used for any purpose whatsoever; provided, however, required access drives may cross the buffer zone.

(25) The applicant shall demonstrate that any lighting to be installed within the retreat shall meet all requirements of § 1420.16 of this Chapter.

(26) The applicant shall comply with all applicable stormwater management, sedimentation and erosion control, and subdivision and land development regulations.

[Ord. 9804]

(Ord. 7/8/1978, § 7.02; as amended by Ord. 91102, 9/11/2002, § 2; and by Ord. 9804, 9/8/2004, § 2)

§ 503. Lot Area, Building Height, and Yard Requirements.

A. A lot width, lot area, and yard setback requirements of not less than the dimensions shown in the following table shall be provided for every dwelling unit erected or altered for any use permitted in this district. [Ord. 1/17/96]

TABLE OF RR - DISTRICT REQUIREMENTS

	Lot Requirements			Yard Requirements			
	Min. Lot Area (Sq.ft.)	Min. Lot Width	Max. Lot Coverage %	Front	One Side	Total Sides	Rear
All Permitted Uses	2 acres	200'	10%	40'	20'	40'	50'
All Permitted Uses if general landscape has slope in excess of 20%	3 acres	250'	10%	50'	30'	60'	50'

B. A lot width, lot area, and yard setback requirements of not less than the dimensions shown in the following table shall be provided for every non- residential building erected or altered for any use permitted in this district. [Ord. 1/17/96]

TABLE OF RR - DISTRICT REQUIREMENTS

	Lot Requirements			Yard Requirements			
	Min. Lot Area (Sq.ft.)	Min. Lot Width	Max. Lot Coverage %	Front	One Side	Total Sides	Rear
All Permitted Uses	2 acres	200'	20%	40'	20'	40'	50'
All Permitted Uses if general landscape has slope in excess of 20%	3 acres	250'	20%	50'	30'	60'	50'

[Ord. 1/17/96]

No building, with the exception of farm structures, shall exceed two and one-half (2½) stories or thirty-five feet (35') in height unless authorized as a special exception.

(Ord. 7/8/1978, § 7.03; as amended by Ord. 1/17/96)

§ 504. Minimum Off-Street Parking Requirements.

Off-street parking shall be provided for in accordance with Part 15 of this Chapter.

(Ord. 7/8/1978, § 7.04)

§ 505. Ecological Safeguards.

Applications for development of plots with the general landscape having slopes in excess of twenty percent (20%) shall be accompanied by a soil erosion control plan approved and/or prepared by the Soil Conservation Service. Additionally, such properties shall be limited to the removal of no more than twenty-five percent (25%) of the vegetative cover.

(Ord. 7/8/1978, § 7.05)

Part 6
R-1 Low Density Residential Districts

§ 601. Intent.

The regulations for these districts are designed to accommodate and encourage harmonious and compatible residential development consistent with the characteristics of the prevailing open environment of the Township. For this purpose, development is restricted to conventional, low density, single family detached dwellings and related land uses.

(Ord. 7/8/1978, § 8.01)

§ 602. Permitted Uses.

1. One single-family detached dwelling on any lot existing as of the effective date of this subsection and any subdivision or land development of land which initially or cumulatively creates five (5) or fewer residential lots or dwelling units from any lot existing as of the effective date of this subsection. [Ord. 61406]

2. Churches and similar places of worship.

3. Public and private nurseries, elementary, middle and high schools, institutions of higher education, municipal buildings and structures, public parks and playgrounds, provided that the following conditions are met:

A. A minimum front yard of one hundred feet (100') shall be maintained from the road right-of-way line. No parking facilities shall be permitted in the required front yard.

4. Necessary public utility structures and buildings.

5. Soil cultivation and crop production, truck farming, gardening, flower and tree nurseries, non-commercial greenhouses, but not including any raising, keeping, and breeding of poultry, bees, and livestock. In no case shall manure, fertilizer or other odor or dust producing substances be stored anywhere within two hundred feet (200') of any adjoining lot line.

6. Nonintensive raising, breeding, or keeping of poultry, bees or livestock (which shall not be construed to include feedlots, poultry houses, etc.) provided that the following conditions are met:

A. The minimum lot size shall be ten (10) acres.

B. No building in which livestock, poultry, or bees, other than customary household pets are kept shall be closer than two hundred feet (200') to any adjoining lot line or road right-of-way.

C. No storage of manure or odor or dust producing substances shall be permitted within two hundred feet (200') of any adjoining lot line or road right-of-way.

7. Customary accessory uses and buildings which are clearly incidental to any of the above permitted uses, including:

A. Home occupations as defined in § 1416 of this Chapter.

B. No-impact home-based business as defined in this Chapter. [Ord. 91102]

C. Accessory uses as provided for in Part 14 of this Chapter. [Ord. 91102]

8. Hospitals, clinics, convalescent homes, animal hospitals and sanitariums provided that the following conditions are met:

A. A minimum front yard of one hundred feet (100') shall be maintained from the road right-of-way line. No parking facilities shall be permitted in the required front yard.

9. The following Special Exception uses, upon approval by the Zoning Hearing Board, as provided for in Part 19 of this Chapter.

A. Public, semi-public or private recreation uses such as golf courses, country clubs, swimming and tennis clubs provided that no principal building or structures or parking area will be located within one hundred feet (100') of any road right-of-way line or lot line and provided that the proposed use is not found to have an adverse effect on the welfare of the area due to noise, odor, glare, lighting, traffic circulation or design.

10. The following conditional uses when authorized by the Board of Supervisors as provided in Part 12 of this Chapter:

A. Neighborhood Greenway Development (See § 1425).

B. Any land development or subdivision of land proposing more than five (5) dwelling units or lots initially or cumulatively other than Neighborhood Greenway Development (See § 1426).

[Ord. 61406]

(Ord. 7/8/1978, § 8.02; as amended by Ord. 91102, 9/11/2002, § 3; and by Ord. 61406, 6/14/2006, § 2)

§ 603. Lot Area, Building height and Yard Requirements.

A lot width, lot area and yard setback requirements of not less than the dimensions shown in the following table shall be provided for every dwelling unit and/or principal non-residential building hereafter erected or altered for any use permitted in this district.

TABLE OF R-1 DISTRICT REQUIREMENTS

	Lot Requirements			Yard Requirements			
Public Utilities	**Min. Lot Area (Sq.ft.)**	**Min. Lot Width**	**Max. Lot Coverage %**	**Front**	**One Side**	**Total Sides**	**Rear**
Nonresidential Building	3 acres	250'	10%	50'	20'	40'	50'
Single-Family Dwelling							
None	1 acre	150'	25%	40'	15'	30'	30'
Public Water or Sewer	30,000	125'	25%	30'	12'	30'	25'
Public Water & Sewer	20,000	100'	30%	30'	10'	20'	25'

No building shall exceed two and one-half (2 1/2) stories or thirty-five feet (35') in height unless authorized as a special exception.

(Ord. 7/8/1978, § 8.03)

§ 604. Minimum Off-Street Parking Requirements.

Off-street parking shall be provided for in accordance with Part 15 of this Chapter.

(Ord. 7/8/1978, § 8.04)

§ 605. Greenway Requirement.

Any use proposed for lands which are located in the area(s) of the Township identified as part of the open space and greenways plan shall provide designated open space as part of its subdivision and/or land development plan in accordance with the open space and greenways plan and this Chapter.

(Ord. 7/8/1978; as added by Ord. 61406, 6/14/2006, § 3)

Part 7
R-2 Medium Density Residential Districts

§ 701. Intent.

The regulations of the Medium Density Residential Districts are designed to provide for a wider range of medium density housing types where municipal services and commercial facilities are most readily available.

(Ord. 7/8/1978, § 9.01)

§ 702. Permitted Uses.

1. One single-family detached dwelling on any lot existing as of the effective date of this subsection and any subdivision or land development of land which initially or cumulatively creates five (5) or fewer residential lots or dwelling units from any lot existing as of the effective date of this subsection. [Ord. 61406]

2. Two-family residential structures (duplexes).

3. Multiple family and conversion apartment dwellings.

4. Customary accessory uses and buildings which are clearly incidental to any of the above permitted uses, including:

A. Home occupations as defined in § 1416 of this Chapter.

B. No-impact home-based business as defined in this Chapter. [Ord. 91102]

C. Accessory uses as provided for in Part 14 of this Chapter. [Ord. 91102]

5. The following uses are permitted by Special Exception, upon approval by the Zoning Hearing Board, provided that the proposed use is not found to have an adverse effect on the welfare of the area due to noise, odor, dust, glare, lighting, traffic circulation, or design.

A. Special Exceptions as specified in the R-1 Residential Districts.

6. The following conditional uses when authorized by the Board of Supervisors as provided in Part 12 of this Chapter:

A. Neighborhood Greenway Development (See § 1425).

B. Any land development or subdivision of land proposing more than five (5) dwelling units or lots initially or cumulatively other than Neighborhood Greenway Development (See § 1426).

[Ord. 61406]

(Ord. 7/8/1978, § 9.02; as amended by Ord. 91102, 9/11/2002, § 4; and by Ord. 61406, 6/14/2006, § 4)

§ 703. Lot Area, Building Height, and Yard Requirements.

A lot width, lot area, and yard depths of not less than the dimensions shown in the following table shall be provided for every dwelling unit and/or principal non-residential building hereafter erected or altered for any use permitted in this district.

TABLE OF R-2 DISTRICT REQUIREMENTS

	Lot Requirements			Yard Requirements			
Use Utilities	**Min. Lot Area (Sq.ft.)**	**Min. Lot Width**	**Max. Lot Coverage %**	**Front**	**One Side**	**Total Sides**	**Rear**
Nonresidential Building	3 acres	250'	10%	50'	20'	40'	50'
Single Family Dwelling							
No Public Utilities	1 acre	125'	20%	40'	12'	30'	30'
Public Water or Sewer	20,000	100'	30%	30'	10'	20'	25'

Public Water & Sewer	10,000	80'	30%	30'	8'	20'	25'
Semi-Detached							
Public Water & Sewer	8,000	60'	30%	30'	10'		25'
*Row House	8 units per gross area (max.)	18'	40%	30'			25'
Apartments	5,000 sq.ft. per unit		40%	30'	20'	40'	30'

*No group of row houses shall consist of more than six (6) units, with no more than three (3) continuous row houses with the same front setback, each variation of the setback being at least four feet (4').

No building shall exceed two and one-half (2 1/2) stories or thirty-five feet (35') in height unless authorized as a special exception.

(Ord. 7/8/1978, § 9.03)

§ 704. Minimum Off-Street Parking Requirements.

Off-street parking shall be provided in accordance with Part 15 of this Chapter.

(Ord. 7/8/1978, § 9.04)

§ 705. Greenway Requirement.

Any use proposed for lands which are located in the area(s) of the Township identified as part of the open space and greenways plan shall provide designated open space as part of its subdivision and/or land development plan in accordance with the open space and greenways plan and this Chapter.

(Ord. 7/8/1978; as added by Ord. 61406, 6/14/2006, § 5)

Part 8
C-1 - General Commercial District

§ 801. Intent.

Within any largely agricultural and residential community there exists a need for certain commercial facilities to fulfill needs of persons living therein. These needs are designed to be met by providing for a commercial district easily accessible to the Township residents.

(Ord. 7/8/1978, § 10.01)

§ 802. Permitted Uses.

1. Stores for the retailing of food, clothing, drugs, confectionary, hardware, farm equipment and supplies, sporting goods, household appliances, flowers, etc.

2. Personal service shops including barbers, beauty parlors, tailors, shoe repair, dry cleaning, laundromats, etc.

3. Banks, savings and loan, and finance agencies.

4. Restaurants, tea rooms, cafes, and other places serving food and drink, but not including drive-in restaurants.

5. Business and professional offices.

6. Automobile dealers, repair shops, auto fillings and service stations, body shops, parts centers, supply centers, and washes.

7. Printing and publishing establishments.

8. Mortuary and undertaking establishments.

9. Shops for contractors, plumbing, heating, printing, upholstering, etc.

(Ord. 7/8/1978, § 10.02)

§ 803. Performance Required.

All of the above listed uses must be non-objectionable in terms of smoke or dust emission, odors, noise, or glare, and shall not be injurious or have an adverse effect on adjacent areas.

Should the Zoning Officer feel there is any possibility of the abovementioned dangers, the applicant must prove the contrary to the Zoning Hearing Board before a permit is issued.

(Ord. 7/8/1978, § 10.03)

§ 804. Lot Area, Building Height and Yard Requirements.

A lot width, lot area, and lot depth of not less than the dimensions shown in the following table shall be provided for every principal building hereafter erected or altered for any use permitted in this district.

TABLE OF C-1 DISTRICT REQUIREMENTS

Area Requirements			Yard Requirements			
Min. Lot Size	Min. Lot Width	Max Coverage	Front	One Side	Total Sides	Rear
1 acre	200'	70%	50'	20'	40'	40'

[Ord. 9-13-06-01]

A. Parking areas may be included in fifty percent (50%) of the required yards of the C-1 Commercial Districts except where they adjoin a residential district. All yards or portions of yards not used for parking shall be appropriately landscaped and maintained.

B. Where side or rear yards adjoin any R-1, R-2, or RR Residen tial Districts, they shall be no less than fifty feet (50') in width, shall not be used for parking and shall be appropriately landscaped and maintained.

C. No building shall exceed two and one-half (2 1/2) stories or thirty-five feet (35') in height unless authorized as a Special Exception by the Zoning Hearing Board.

(Ord. 7/8/1978, § 10.04; as amended by Ord. 9-13-06-01, 9/13/2006, § 1)

§ 805. Minimum Off-Street Parking and Loading Requirements.

1. Off-street parking shall be provided in accordance with Part 15 of this Chapter.

2. Each business use established or expanded after the date of adoption of this Chapter shall provide off-street loading and unloading space at the side or rear of the building for each four thousand (4,000) square feet of floor area in each building. Such space or spaces shall be not less than six hundred sixty (660) square feet in area with a dimension of twelve feet (12') by fifty-five feet (55') per space with a clearance of not less than fifteen feet (15') in height. Required spaces shall be located exclusive of any public right-of-way.

(Ord. 7/8/1978, § 10.05)

Part 9
C-2 - Highway Commercial Districts

§ 901. Intent.

The regulations of this district are designed to increase the area and accommodate the growing need for commercial districts within the Township. However, since this district is located in a predomi nantly rural, agricultural area, uses permitted shall be designed and located so as to blend aesthetically with the rural nature of the Township and shall be compatible with those same uses.

(Ord. 11/8/1980, § 10.01A)

§ 902. Permitted Uses.

1. All uses permitted in Part 4, A - Agricultural District and subject to the requirements therein.
2. Stores for the retailing of groceries, clothing, drugs, confection ary, hardware, farm equipment and supplies, sporting goods, household appliances, antiques, furniture, flowers, etc.
3. Printing and publishing establishments.
4. Shops for contractors, plumbing, heating, upholstering, etc.
5. Banks, savings and loan, and finance companies.

(Ord. 11/8/1980, § 10.02A)

§ 903. Performance Required.

The above listed uses (2 through 5) must be non-objectionable in terms of smoke or dust emission, odors, noise and glare, and shall not be injurious or have an adverse effect or adjacent areas. Furthermore, all applications for development shall be submitted to, the South Annville Township Planning Commission for their review and approval prior to issuance of a Building and Zoning Permit. Said uses shall be designed so as to continue the rural, agricultural nature of the area. Structures shall, therefore, be appropriately constructed and landscaped.

Should the Planning Commission disapprove said application or should the Zoning Officer feel there is any possibility of an adverse effect to the general health, safety and welfare of local residents, the applicant must prove the contrary to the Zoning Hearing Board before a permit is issued.

(Ord. 11/8/1980, § 10.03A)

§ 904. Lot Area, Building Height and Yard Requirements.

A lot width, lot area and lot depth of not less than the dimensions shown in the following table shall be provided for every principal building hereafter erected or altered for any use permitted in this district.

TABLE OF C-2 DISTRICT REQUIREMENTS

	Lot Requirements			Yard Requirements			
	Min. Lot Area (Sq.ft.)	Min. Lot Width	Max. Lot Coverage %	Front	One Side	Total Sides	Rear
Nonresidential Uses	3 acres	250'	70%	100'	50'	100'	50'
Agricultural Uses	3 acres	200'	30%	50'	20'	40'	50'
Residential Uses	3 acres	200'	15%	50'	20'	40'	50'

[Ord. 9-13-06-01]

A. No building shall exceed two and one-half (2 1/2) stories or thirty-five feet (35') in height, unless authorized as a Special Exception by the Zoning Hearing Board.

(Ord. 11/8/1980, § 10.04A; as amended by Ord. 9-13-06-01, 9/13/2006, § 2)

§ 905. Minimum Off-Street Parking and Loading Requirements.

1. Off-street parking shall be provided in accordance with Part 15 of this Chapter. In addition to the requirements of Part 15, parking areas may be included in seventy percent (70%) of the required yards of the C-2 Commercial District. All yards or portions of yards not used for parking shall be appropriately landscaped and maintained.

2. Each business use established or expanded after the date of adoption of this Chapter shall provide off-street loading and unloading space at the side or rear of the building for each four thousand (4,000) square feet of floor area in each building. Such space or spaces shall not be less than six hundred and sixty (660) square feet in area with a dimension of twelve (12) by fifty-five feet (55') per space, with a clearance of not less than fifteen feet (15') in height. Required spaces shall be located exclusive of any public right-of-way.

(Ord. 11/8/1980, § 10.05A)

§ 906. No Outside Storage.

There is to be no outside storage of equipment and/or building materials in this district.

(Ord. 11/8/1980, § 10.06A)

Part 10
I - Industrial Districts

§ 1001. Intent.

This district is designed to promote a compatible combination of light industrial, professional and commercial uses in an environment where such uses can complement each other and the surrounding environs. It is also the intent of this district to limit the adverse effect of the permitted, special exception and conditional uses on the existing transportation network and ensure compatibility with the surrounding zoning districts. Attractive buildings, larger lots and inoffensive processes characterize such uses. To these ends, the District is intended to discourage and minimize air and water pollution, noise, glare, heat, vibration, fire and safety hazards and other detriments to the human and natural environment.

(Ord. 7/8/1978; as amended by Ord. 10-10-01, 10/10/2001, § 3)

§ 1002. Permitted Uses.

In an (I) Industrial District, no building or premises shall be used and no building shall be erected, which is arranged, intended or designed to be used in whole or in part, for any purpose except those listed below, and all such uses shall be subject to land development plan approval in accordance with the Lebanon County Subdivision and Land Development Ordinance and those regulations specified elsewhere in this Chapter:

A. Offices or office complexes.

B. Business services, such as banks, credit unions, loan companies and other financial institutions, real estate and insurance agencies, utility offices, government, business and professional offices and veterinary clinics.

C. Light manufacturing, fabricating, processing, packaging, compounding, or assembling activities conducted within a completely enclosed building and screened in accordance with the requirements of § 1004.4.A.

D. Wholesale, warehousing distribution centers and contractors' supply centers conducted within a completely enclosed building and screened in accordance with the requirements of § 1004.4.A.

E. Medical research laboratories and pharmaceutical facilities.

F. Repair services, such as radio, television and appliance shops.

G. Plumbing and HVAC, carpentry, electrical, roofing and similar contracting businesses.

H. Construction vehicles and equipment sales and services.

I. Newspaper and printing establishments.

J. Fitness center, health club, golf driving range and batting cages.

K. Day care centers.

L. Personal services, such as barbershops, beauty salons, photographic studios, coin operated laundromats, tailor, dressmaking, millinery and dry cleaning and laundry services, upholstery operations and shoe-repair shops.

M. Municipal buildings and facilities.

N. Fuel dispensing facility subject to the following criteria:

(1) Parking. At least one (1) standard vehicle parking space for every one hundred fifty (150) square feet of gross floor area and at least one (1) large vehicle parking space for every one thousand (1,000) square feet of gross floor area. Fueling spaces shall not be counted as a parking space. The standard vehicle parking space size shall be as regulated elsewhere in this Chapter and the large vehicle parking space shall be a minimum of twelve (12) feet wide by sixty (60) feet long.

(2) Minimum Setbacks from Street Right-of-Way Lines.

(a) Fuel pumps. Twenty-five (25) feet.

(b) Building. Fifty (50) feet.

(c) Fuel canopy roof. Twenty (20) feet.

(d) Fuel canopy supporting structure. Twenty-five (25) feet.

(3) Fuel Pumps and All Related Service Equipment. Fuel pumps and all related service equipment shall be set back not less than twenty-five (25) feet from any lot line and so located that vehicles stopped for service will not extend over the property line. The maximum storage quantities of flammable liquids as regulated under § 1420.15.B of this Chapter may be exceeded if the liquid is stored underground and all required Federal, State and Local permits and approvals have been obtained.

(4) Access Drives.

(a) Minimum offset from intersection of street right-of- way lines. Right in, right out only access drive shall have a minimum offset of twenty-five (25) feet. All other access drives shall comply with § 1516.D.

(b) Side lot line offset. Ten (10) feet.

(c) Minimum width. Sixteen (16) feet.

(d) Maximum width. Fifty (50) feet.

(e) Minimum separation of drives on same lot shall meet § 1516.D.

(5) Curbing. A concrete curb of at least six (6) inches in height shall be placed along all street right-of-way lines and along the entrance portion of each access drive.

(6) Signs. Signs shall be permitted as regulated elsewhere in this Chapter; however free-standing ground pole signs shall be permitted an additional fifty (50) square feet on each side to accommodate the display of fuel prices. The maximum total sign area of all signs shall also be increased by one hundred (100) square feet if the lot fronts on one (1) street and by two hundred (200) square feet if it is a corner lot to accommodate the display of fuel prices. Fuel price display signs shall be permitted to use LED lights to display the prices and use any light bulb color; however such sign shall be located so as to not create confusion and create a traffic hazard with motorists traveling on the public street. The applicant shall demonstrate that any sign with red, yellow or green lights is located at least one hundred fifty (150) feet from any traffic signal.

(7) Storage. An area enclosed by a wall or fence, screened from view of adjoining properties, shall be provided whenever trash and recyclable materials are stored outdoors. No materials may be stored so as to create a fire hazard.

(8) Lighting. All lights must be diverted inward and downward. Lighting shall be as regulated elsewhere in this Chapter; however lighting levels at outdoor fueling areas shall not exceed forty-five (45) foot-candles at ground level and lighting levels in parking areas and traffic aisles shall not exceed ten (10) foot-candles at ground level. Lighting levels at outdoor fueling areas shall not be less than ten (10) foot-candles at ground level. Lighting levels in parking areas and traffic aisles shall be provided at a minimum average of three (3.0) foot-candles at ground level.

(9) Circulation. The applicant shall provide truck turning templates with the zoning permit application (if the applicant dis not do so as part of the land development approval process) to demonstrate that the largest anticipated vehicle can safely negotiate turns in to, out of and through the site without encroaching on opposing traffic lanes, parking areas, fueling islands, and other proposed improvements.

[Ord. 10-14-15]

(Ord. 7/8/1978; as amended by Ord. 10-10-01, 10/10/2001, § 3; by Ord. 10-14-15, 10/14/2015, § 2; and by Ord. 4-10-19, 4/10/2019, §§ 1-2)

§ 1003. Special Exception Uses.

The following uses and activities are permitted as Special Exceptions, upon approval by the Zoning Hearing Board as provided for in Part 19 of this Chapter:

A. Reserved for future use.

B. Restaurants, cafes, delis and other places serving food subject to:

(1) Restaurants, cafes, delis and other places serving food shall be primarily intended to serve the employees, tenants and users of the industrial district.

(2) The primary operation of the facility shall be for food that is served and consumed on the premises where prepared.

(3) Restaurants, cafes, delis and other places serving food shall not include entertainment and or dancing.

(4) No establishment will be permitted which allows or permits patrons to bring their own alcoholic beverages onto the premises for consumption thereon.

C. Automobile recycling and junkyards used for storage, wrecking, and converting used or discarded materials provided that the following conditions are met:

(1) Minimum lot of ten (10) acres.

(2) Such use shall be not closer than one hundred fifty feet (150) feet to any road right-of-way and no less than five hundred (500) from any district other than industrial.

(3) Such use shall be completely enclosed by an evergreen screen planting to be planted and maintained at a height of not less than eight (8) feet backed by a solid fence no less than six (6) feet in height.

4. Air fields, strips, or landing facilities and buildings accessory thereto provided that the following conditions are met:

A. Minimum lot area of ten (10) acres.

B. Applicant shall submit a plot plan of the lot indicating the runway and approach area and existing residences located within a five hundred (500) foot radius of the runway.

C. Runway shall be no closer than one hundred (100) feet to any residential district, and no closer than fifty (50) feet to any adjoining property line or road right-of-way line.

D. A description of equipment and facilities to be utilized, and a description of overall development plans for the lot shall be made available to the Zoning Hearing Board.

E. The airport approach area shall be defined as an area three hundred (300) feet wide and lying within and below an inclined plane extending outward horizontally one thousand (1,000) feet at a ratio of one (1) foot of height for each twenty feet (20) from each end of runway. No building, structure or airport hazard shall exceed one (1) foot in height, for each twenty (20) feet of length of an established airport runway, with no structure or airport hazard to exceed thirty-five (35) feet in height anywhere within the lot.

F. Any pulsating or flashing lighting is prohibited.

G. Flood lights, sport lights and other lighting devices shall be arranged or shielded so as to illuminate parallel to the ground and not in an upward direction.

H. Any radio or electronic device shall be permitted only with approval and license by the Federal Communication Commission.

I. All facilities of this nature shall conform and operate under the standards set by the FAA and the Pennsylvania Aeronautical Commission.

J. The Zoning Hearing Board may impose other conditions as are appropriate to public safety and welfare, including hours of operation, frequency of use and a location in relation to existing residences.

5. Uses which, in the opinion of the Zoning Hearing Board, are of the same general character as those listed as permitted uses and which will not be detrimental to the intended purpose of this district. In such instances, final approval of the use shall be subject to the functions and procedures as identified in this Chapter.

6. Adult uses in accordance with the requirements of § 1422. [Ord. 91102]

(Ord. 7/8/1978; as amended by Ord. 10-10-01, 10/10/2001, § 3; by Ord. 91102, 9/11/2002, § 5; and by Ord. 4-10-19, 4/10/2019, § 3)

§ 1004. Use Limitations.

1. All uses shall be provided for in accordance with the standards as contained within Part 14, "Supplementary District Regulations."

2. Outdoor storage and display, when accessory to a permitted, special exception or conditional use, shall be regulated as follows:

A. Display areas shall not occupy any part of the street right-of-way, any areas intended or designed for pedestrian use, required off-street parking areas, or required front yard.

(1) Areas used as outdoor display shall be considered as floor area as if the display area is contained within a building. The area shall be calculated using the perimeter of the entire display area.

B. Outdoor storage of materials is prohibited unless located within the side or rear yard, enclosed within a fenced area and screened in accordance with this Chapter.

(1) For the purposes of this Section, outdoor storage shall:

(a) Be an accessory use to the principal use of the property.

(b) Include accessory materials including, but not limited to, shipping pallets or skids, disabled vehicles or equipment, waste or recyclable products produced as a by-product of a manufacturing, assembly or processing operation and other similar materials which are utilized from time to time on the property.

(c) Exclude principal materials and components of products delivered to the property and used as a part of a manufacturing, assembly or processing operation on the property.

(d) Exclude principal materials, components of products, or finished products manufactured, assembled, or processed on the property and intended to be shipped from the property.

(2) The maximum area for outdoor storage shall be one thousand (1000) square feet.

(3) Storage areas shall not occupy any part of the street right-of-way, any areas intended or designed for pedestrian use or required off-street parking areas.

3. Parking, Loading or Service Areas. All parking, loading or service areas shall be provided in accordance with Part 15 of this Chapter.

4. Landscaping and Screening. All landscaping and screening shall be installed in accordance with § 1418 of this Chapter.

A. Where required by Section 1002, a landscaped berm and screen shall be provided within the required front yard along all existing public streets within and adjoining the I-Industrial District subject to the following:

(1) The landscaped berm and screen shall include the following:

a. An earthen berm meeting the following minimum design standards:

i. The earthen berm shall be a minimum of six (6) feet in height.

ii. The earthen berm shall have a minimum eight (8) feet top width for plantings.

iii. An earthen berm having slopes of 3 to 1 or less can be landscaped in grass or other vegetative ground cover.

iv. All earthen berms having slopes of greater than 3 to 1 shall be constructed, landscaped and stabilized utilizing site specific soil-stabilizing practices.

v. No earthen berm shall have a slope greater than 2 to 1.

vi. All earthen berm slopes shall have a continuous bed of vegetative ground cover over at least ninety-five (95) percent of the berm within two (2) years.

b. A mix of shade tolerant evergreen trees and shade tolerant evergreen and semi-evergreen broadleaf shrubs shall be provided on top of the berm which, at maturity, shall provide full opacity from the ground to a minimum height of thirty (30) feet.

c. Screening material shall meet the following American Standard for Nursery Stock standards as published by the American Horticulture Industry Association d/b/a AmericanHort, latest edition:

i. Type 4 Conifers (evergreen) trees

(a) Natural or semi-sheared

(b) Minimum planted height of eight (8) feet

ii. Type 4 and Type 5 broadleaf evergreens

(a) Natural or semi-sheared

(b) Minimum planted height of eighteen (18) inches

(c) Minimum planted spread of twelve (12) to fifteen (15) inches

(d) Container stock #3, #5 or #7

(2) The landscape berm and screen shall not be located within any portion of any existing or proposed street right-of-way.

(3) Access drives, streets, site signage, pedestrian sidewalks and trails, and underground and overhead utilities are permitted within the landscaped berm and screen. Access drives, streets and utilities shall cross the landscape berm and screen perpendicular to the adjoining street.

(4) No outside storage or display area, off-street parking, or parking aisle shall be within the landscaped berm and screen. No outside storage or display area or off-street parking shall be located between the berm and the street right-of-way.

(5) The landscape berm width may be reduced to a minimum of four (4) feet in width to accommodate stormwater management conveyance facilities, provided the screening requirements of § 1004.A.1.b (above) are met. Stormwater storage and/or infiltration facilities shall not be located in a manner to reduce the minimum eight (8) feet width of the landscaped berm.

(6) The landscaped berm and screen shall be designed, constructed and maintained to avoid encroachment into:

a. Any utility easement existing on the effective date of this ordinance

b. Any existing or proposed required minimum safe stopping sight distance or clear sight triangle

c. Any existing or proposed stormwater management facility

d. Any existing or proposed pedestrian facilities.

B. All other applicable Screening and Landscaping Requirements as required in § 1418 shall apply.

(1) Where the requirements of this § 1004.4 conflict with the requirements of § 1418, the requirements of this § 1004.4 shall apply.

5. Signs. All signs shall be provided in accordance with Part 16 of this Chapter.

6. Illumination. All illumination shall be provided in accordance with the requirements of § 1517 and § 1518(J) of this Chapter.

7. Performance Standards. All uses shall comply with the performance standards as provided for in § 1420 of this Chapter.

(Ord. 7/8/1978; as amended by Ord. 10-10-01, 10/10/2001, § 3; and by Ord. 4-10-19, 4/10/2019, §4)

§ 1005. Lot Area, Lot Width, and Coverage Requirements.

1. Minimum lot area: One (1) acre.

2. Minimum lot width at the street line: One hundred fifty (150) feet.

3. Minimum landscape area: Thirty (30) percent.

4. Improvements to a tract existing on the effective date of this section proposed through one or more subdivision and/or land development plans that cumulatively propose five hundred thousand (500,000) square feet or more of impervious coverage shall with each application for approval of a subdivision and/or land development plan and zoning permit application:

(a) Calculate the existing loading of stormwater pollutants within the boundaries of the total tract area of the proposed development in pounds/year. For the purposes of this provision, the total tract area shall include all land within the Industrial District held in single and separate ownership on March_____, 2019, whether acquired by one or more deeds or acquired at different times or separated by a public street. This calculation can be used for each application for development of a portion of such total tract. Calculate the minimum required reduction in loading, in pounds/year for the portion of the total tract area being developed and select the Best Management Practice (BMP) to reduce the loading rates; and demonstrate the selected BMP will achieve the minimum reductions. The pollutants of concern and associated required reductions for the Chesapeake Bay in South Annville Township are set forth in the NPDES Permit for the Township Municipal Separate Storm Sewer System in effect on the date an application for development is filed. As of January 1, 2019, the pollutants of concern and associated required reductions are sediment (ten (10) percent), phosphorus (five (5) percent), and nitrogen (three (3) percent).

(b) The Township follows the Pennsylvania Department of Environmental Protection's (PA DEP) presumptive approach in which it is assumed that a ten (10) percent reduction in sediment will accomplish a five (5) percent reduction in phosphorus and a three (3) percent reduction in nitrogen.

(c) The BMPs implemented to achieve the required pollutant reduction shall not be counted towards satisfying the Subdivision and Land Development Ordinance requirements for stormwater management for development of the site.

(d) Off-Street Parking BMP Requirements - The implementation of BMP's for water quality improvement, in addition to the required stormwater management facilities, shall be applied to the employee and customer designated parking areas not subject to heavy duty pavement. Heavy duty pavement cannot be used in employee and customer designated parking areas. A minimum five (5) percent of the required parking spaces shall be designed as a pervious surface.

(Ord. 7/8/1978; as amended by Ord. 10-10-01, 10/10/2001, § 3; and by Ord. 4-10-19, 4/10/2019, § 6)

§ 1006. Setback Requirements.

1. Front Yard. Front yard setback distances are determined by the kind of road or highway on which the property fronts as follows:

A. Existing Perimeter Street. Eighty (80) feet from the street right-of-way line or ninety-five (95) feet from street centerline, whichever is greater.

B. Internal Collector Street. Seventy (70) feet from the street right-of-way line or eighty-five (85) feet from street centerline, whichever is greater.

C. Internal Local Street. Sixty (60) feet from the right-of-way line or seventy-five (75) feet from the street centerline, whichever is greater.

2. Side Yard. A minimum of fifty (50) feet each side.

A. Loading areas, and outdoor display and storage areas shall be set back at least fifteen (15) feet from the side lot lines.

3. Rear Yard. A minimum of fifty (50) feet in depth.

A. Loading areas, and outdoor display and storage areas shall be set back at least twenty (20) feet from rear lot line.

4. Residential Buffer. No building shall be located nearer than two hundred (200) feet, and no other structure, off-street parking lot, loading area, dumpster or outdoor storage area shall be located nearer than fifty (50) feet, to an existing residential building unless the owner of such residence waives this restriction in writing to the Board of Supervisors.

(Ord. 7/8/1978; as amended by Ord. 10-10-01, 10/10/2001, § 3)

§ 1007. Building Height Regulations.

1. The maximum building height shall be three (3) stories or forty (40) feet, which ever is less.

2. The height of a principal building may be increased to a maximum height of one hundred twenty (120) feet provided the structure is setback a horizontal distance at least equal to its height from all right-of-way and property lines.

(Ord. 7/8/1978; as amended by Ord. 10-10-01, 10/10/2001, § 3; and by Ord. 4-10-19, 4/10/2019, § 5)

§ 1008. Design Features/Bonus Incentives.

To reduce the potential for traffic congestion, the following bonus incentives are available when prescribed design features are provided. These bonus incentives and specified design features are as follows:

Design Features	Bonus Incentive
Coordinated vehicular access between two or more adjoining land uses that make use of only one shared access drive onto an adjoining road.	A five (5) percent increase in the maximum permitted lot coverage for each use.
Coordinated off-street parking between two or more adjoining land uses that share a single access drive. Such parking lots shall be arranged to provide ready access to all properties.	Waiver of one side yard setback requirement as it applies to the off-street parking lot, and a fifteen percent (15) reduction in the total number of parking spaces required for all uses.
Coordinated signage with two or more uses sharing only one free standing sign.	A five (5) percent increase in the maximum permitted lot coverage and a twenty-five percent (25) increase in the maximum permitted size of any attached or freestanding signs.

(Ord. 7/8/1978; as amended by Ord. 10-10-01, 10/10/2001, § 3)

Part 11
Floodplain District

§ 1101. Intent.

These regulations are designed to prohibit or restrict construction of any permanent building or structure, or uses and activities in the Special Flood Hazard Area (SFHA), in order to prevent unnecessary loss of life or property from possible natural catastrophe, as well as to protect stream valleys from ecologically detrimental development that may contribute to a water pollution problem, create erosion in and around watercourses, and induce flooding conditions. In addition, these provisions are intended to prevent the creation of health, welfare, and safety hazards, the extraordi nary and unnecessary expenditure of public funds for flood protection and relief, to minimize future flood damage, and comply with Federal and State floodplain management requirements.

(Ord. 7/8/1978; as added by Ord. 5-9- 2012, 5/9/2012, § 3)

§ 1102. Definition of Terms Utilized in the SFHA.

ACCESSORY USE OR STRUCTURE - a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

ALLUVIAL SOILS MAPS - soils maps prepared by the United States Department of Agriculture, Soil Conservation Service which indicate the location of soil types. Alluvial soils on these maps are soils of flood plains that are sediment deposits washed from upland areas. The presence of an alluvial soil indicates that the land has been flooded at some previous point in time.

BASE FLOOD - A flood which has a one percent (1%) chance of being equaled or exceeded in any given year (also called the “one hundred (100) year flood”).

BASE FLOOD ELEVATION (BFE) - the elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a one percent (1%) or greater chance of being equaled or exceeded in any given year.

BASEMENT - any area of the building having its floor below ground level on all sides.

BUILDING - a combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human occupancy.

CONSTRUCTION - The term “construction” shall include the building, reconstruction, extension, expansion, alteration, substantial improvement, erection or relocation of a building or structure, including manufactured homes, and gas or liquid storage tanks. For floodplain purposes, “new construction” includes structures for which the “start of construction” commenced on or after the effective date of a floodplain management regulation adopted by the Township.

DCED - the Pennsylvania Department of Community and Economic Development or any agency successor thereto.

DEP - the Pennsylvania Department of Environmental Protection or any agency successor thereto.

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

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the Township.

EXPANSION TO AN EXISTING MANUFACTURED HOME SUBDIVISION - the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEMA - the Federal Emergency Management Agency or any agency successor thereto.

FLOOD - a general and temporary inundation of normally dry land areas by water from waterway overflows or the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM) - the official map on which FEMA or the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the Township.

FLOOD INSURANCE STUDY (FIS) - the official report provided by FEMA that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

FLOODPLAIN AREA - a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

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

FLOODWAY - the channel of a river or other watercourse and the adjacent land area that must be reserved to discharge the base flood without cumulatively increasing the water surface elevation of that flood more than one (1) foot at any point.

HIGHEST ADJACENT GRADE - the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE - any structure that is:

A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or prelimi narily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.

B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.

C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior.

D. Individually listed on a local inventory, of historic places in communities with historic preservation programs that have been certified either:

(1) By an approved State program as determined by the Secretary of the Interior.

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

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

MANUFACTURED HOME - a structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes (A) all mobile homes and (B) camping trailers, recreational vehicles, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days.

MANUFACTURED HOME PARK AND/OR SUBDIVISION - a lot or area which is a planned development and designated to contain two (2) or more manufactured homes for rent or for sale. Any lot or area proposed to utilize such design where individual manufactured home sites are proposed for sale shall be known as a "manufactured home subdivision."

MARKET VALUE - for the purposes of this Part, shall be determined utilizing the market value established by the Lebanon County Tax Assessment Office.

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

NEW CONSTRUCTION - structures for which the start of construction commenced on or after June 5, 2012, and indicates any subsequent improvements to such structures. Any construction started after December 16, 1980, and before June 5, 2012, is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within ninety (90) days of permit issuance.

NEW MANUFACTURED HOME PARK OR SUBDIVISION - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by the Township.

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

RECREATIONAL VEHICLE - a vehicular-type of portable structure which is (A) built on a single chassis, (B) four hundred (400) square feet or less when measured at the largest horizontal projection, (C) self-propelled or mounted on or drawn by another vehicle, and (D) primarily designed as temporary living accommodations for recreation, camping or travel or seasonal use and not as a permanent dwelling. The term "recreational vehicle" includes, but is not limited to, travel trailers, camping trailers, truck campers and self-propelled motor homes.

REGULATORY FLOOD ELEVATION - the base flood elevation (BFE) plus a freeboard safety factor of two (2) feet.

SFHA - see "special flood hazard area."

SPECIAL FLOOD HAZARD AREA (SFHA) - an area in the floodplain subject to a one percent (1%) or greater chance of flooding in any given year. It is shown on the FIRM as Zones A, AO, A1-30, AE, A99, or AH.

START OF CONSTRUCTION - includes substantial improvement and other proposed new development and means the date the permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within ninety (90) days from the date of the permit and shall be completed within two (2) years after the date of issuance of the permit unless a time extension is granted, in writing, by the Floodplain Administrator. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For a substantial

improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE - a walled and roofed building, including a gas or liquid storage tank (principally above ground), a manufactured home, or any other man-made object usually assembled of interdependent parts or components which is designed to have a more or less fixed location, whether or not permanently attached at that location.

SUBSTANTIAL DAMAGE - damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT - any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage” regardless of the actual repair work performed. The term does not, however include any project for the improvement of a structure to correct existing violations of the State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined in this Part must comply with all requirements of this Part that do not preclude the structure’s continued designation as a historic structure. Documentation that a specific requirement of this Part will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic Places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from the requirements of this Part will be the minimum necessary to preserve the historic character and design of the structure.

TOXIC MATERIALS - the following materials and substances, which are listed in § 38.7 of the DCED Flood Plain Management regulations, adopted pursuant to the Pennsylvania Flood Plain Management Act (Act 1978-166) have been determined to be dangerous to human life:

A. Acetone.

B. Ammonia.

C. Benzene.

D. Calcium carbide.

E. Carbon disulfide.

F. Celluloid.

G. Chlorine.

H. Hydrochloric acid.

I. Hydrocyanic acid.

J. Magnesium.

K. Nitric acid and oxides of nitrogen.

L. Petroleum products (gasoline, fuel oil, etc.).

M. Phosphorus.

N. Potassium.

O. Pesticides (including insecticides, fungicides, and rodent icides).

P. Sodium.

Q. Sulfur and sulfur products.

R. Radioactive substances, insofar as such substances are not otherwise regulated.

UCC - see “Uniform Construction Code.”

UNIFORM CONSTRUCTION CODE (UCC) - the Statewide building code adopted by the Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether by the municipality, a third party, or the Department of Labor and Industry. Applicable to residential and commercial buildings. The Code adopted the International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with

the State floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

VIOLATION - the failure of a structure or other development to be fully compliant with the Township's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR § 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

(Ord. 7/8/1978; as added by Ord. 5-9-2012, 5/9/2012, § 3)

§ 1103. Delineation of Districts.

1. The Special Flood Hazard Area (SFHA) shall include all areas of this Township subject to inundation by flood waters of the base flood. The basis for the delineation of the SFHA shall be the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Map (FIRM) issued by FEMA (FEMA) (dated June 5, 2012, or the most recent revision thereof). The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by the Township and declared to be part of this Part.

2. The A and AE Zones are necessary to equitably enforce floodplain management controls in the SFHA. The A Area/District shall be those areas of the Township identified as an A Zone on the FIRM included in the FIS prepared by FEMA for which no one-percent (1%) annual chance flood elevations have been provided. The actual elevation and extent of the district is to be determined by the base flood elevation. In order to determine the base flood elevation, the following variety of sources of data shall be used:

A. All digital data developed as part of the Flood Insurance Study.

B. Alluvial Soil Maps prepared by the U.S. Soil Conservation Service.

C. Local data from the 1972 flood.

D. Army Corps of Engineers - Floodplain Information Reports.

E. U.S. Geological Survey - Flood Prone Quadrangles.

F. Other available studies and sources of floodplain information For these areas, elevation and floodway information from Federal, State or other acceptable sources shall be used when available. In lieu of the previously mentioned, the Township shall require the applicant to determine the base flood elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analysis shall be undertaken only by professional engineers or others of demonstrated qualifications who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analysis, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township or a qualified agent thereof. The actual elevation and extent of the district shall be determined by the base flood elevation.

3. Floodway areas in the AE Zones, where flood heights and velocities are greatest, must have more restrictive provisions to prevent encroaching development from elevating flood levels or creating more danger to life or destruction of property. It has been delineated for purposes of this Part using criteria that a certain area within the floodplain must be capable of carrying the water of the base flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The areas included in this district are specifically defined in the Flood Insurance Study and shown on the accompanying Flood Insurance Rate Maps (FIRM). In the AE Zones outside of the floodway, where base flood elevations have been determined, and the dangers of flooding are generally of a lesser degree, more types of development may occur, but with necessary restrictions. In a detailed study area, the AE Zones outside of the floodway shall be that area of the one hundred (100) year floodplain not included in the Floodway District. The basis for the outermost boundary of the AE Zone shall be the base flood elevations contained in the flood profiles of the previously referenced Flood Insurance Study, and as shown on the accompanying maps.

4. All subdivision proposals and other proposed new developments shall provide base flood delineations; however, subdivision proposals and other proposed new development greater than fifty (50) lots or five (5) acres, whichever is the lesser, shall include actual base flood elevation data. It shall be the responsibility of the developer to provide the required base flood elevation data, in a form comparable to HEC-2, which shall be certified as accurate by a Registered Professional Engineer.

5. Initial interpretations of the boundaries of the SFHA shall be made by the Floodplain Administrator. Where interpretation is needed concerning the exact location of any boundary of the SFHA, the Zoning Hearing Board shall make the necessary determination after hearing all evidence presented by the person or persons contesting the location of district

boundaries. The burden of proof shall be the responsibility of the appellant, and he shall provide any and all technical information to support his case.

6. The identified floodplain area may be revised or modified by the Board of Supervisors where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from FEMA. Additionally, as soon as practicable, but not later than six (6) months after the date such informa tion becomes available, the Township shall notify FEMA of the changes by submitting technical or scientific data.

(Ord. 7/8/1978; as added by Ord. 5-9-2012, 5/9/2012, § 3)

§ 1104. District Provisions.

1. All uses, activities, construction, including manufactured homes, and other development occurring within the SFHA shall be undertaken only in strict compliance with the provisions of this Part and and with all other applicable State and Federal codes, ordinances and requirements including, but not limited to, UCC and the Lebanon County Subdivision and Land Development Ordinance.

2. Under no circumstances shall any use, encroachment, activity and/or development adversely affect the capacity of the stream channels or floodways of any watercourse, drainage ditch or any other drainage facility or system. No structure, including manufactured homes, or land shall hereinafter be used and no structures, including manufactured homes, shall be located, relocated, constructed, reconstructed, enlarged, structurally altered or substantially improved except in full compliance with the terms and provisions of this Part and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this Part.

3. All permitted uses shall be regulated by the provisions of the underlying zoning district as shown on the Official Zoning Map. Where there happen to be conflicts between the provisions or requirements of the SFHA - A Zones and AE Zones and the underlying zoning district, the more restrictive provisions shall apply. In the event that any portion of the SFHA be declared inapplicable as a result of any legislative or administrative actions or judicial discretion, the underlying zoning district shall be deemed to be the district in which the SFHA are located.

4. SFHA; A Zone and Floodway Area in the AE Zones. In the A Zones and the Floodway Area in the AE Zones no development, including manufactured homes, shall be permitted except where it can be demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in the flood levels within the Township during the occurrence of the base flood discharge.

5. Permitted Uses. In the A Zones and Floodway Area of the AE Zones, the following uses and activities are permitted provided that (A) the information required in § 1114 of this Chapter is submitted as a part of the permit application, (B) they are in compliance with the provisions of the nearest zoning district, (C) they will not result in any increase in the level of the base flood anywhere, (D) they are not prohibited by this Chapter or any other ordinance, (E) they do not require the placement or use of permanent on-lot sewage facilities within any of the SFHA, and (F) they do not require encroachments, new construction, manufactured homes, substantial improvements, fill, vehicles or parts thereof, or other development except as outlined below:

A. Agricultural uses such as general farming, horticulture, truck gardening, nurseries, pasturing, grazing, forestry, and sod farming and wild crop harvesting.

B. Public and private recreational uses and activities such as parks; picnic grounds; areas for short term camping or recreational vehicle uses; golf courses, boat launching and swimming areas; hiking, bicycling, and horseback riding trails; wildlife and nature preserves; game farms; fish hatcheries; shooting ranges; and hunting and fishing areas. Open structures such as picnic pavilions, consisting of a slab, open structural supports such as posts and pillars, and a roof shall be permitted only if constructed in compliance with the UCC.

C. All uses and open structures customarily accessory to permitted uses in the nearest adjoining district such as yard areas, gardens, or play areas; signs, unroofed porches, patios, open porches or carports provided that said structures are not enclosed by screening, latticing, studs, or structural supports less than eight (8) feet apart which would in any manner restrict the flow of flood water and debris and are in compliance with the applicable requirements of the UCC; impervious parking and loading areas; and airport landing strips. Accessory structures shall not include manufactured homes, vehicles or parts thereof.

D. Utilities, public facilities and improvements such as railroads, streets, bridges, transmission lines, pipelines, water and sewage treatment plants, and other similar or related uses.

E. Water-related uses and activities such as marinas, docks, wharves, piers, etc.

F. Extraction of sand, gravel, and other materials.

G. Storage of materials and equipment provided that they are not buoyant; toxic to humans, animals, or vegetation; flammable or explo sive, and are not subject to major damage by flooding; or provided that such material and equipment is firmly anchored to prevent flotation or movement; and/or can be readily removed from the area within the time available after flood warning.

6. AE Zones Outside the Floodway Areas. In the AE Zones outside the floodway areas, where base flood elevations have been determined, the development and/or use of land shall be permitted in accordance with the regulations of the underlying zoning district provided that all uses, activities and/or development shall be undertaken in strict compliance with § 1105 of this Chapter and the UCC and any other applicable State or Federal codes and ordinances. No permit shall be granted for any construction, development, use, or activity within any AE Area/District without floodway unless it is demonstrated that the cumulative effect of the proposed development would not, together with all other existing and anticipated development, increase the base flood elevation (BFE) more than one (1) foot at any point.

7. Prohibited Uses. In the SFHA - A Zones and AE Zones, the following uses and activities are strictly prohibited:

A. Hospitals, sanitariums, sanatoriums, clinics, etc., whether public or private.

B. Public or private nursing homes.

C. Jails or prisons.

D. Public or private schools or institutions of higher education.

E. New manufactured home parks and manufactured home subdivisions, and substantial improvements to existing manufactured home parks.

F. A new or substantially improved structure which will be used for the production or storage of any materials which are toxic, flammable or explosive or which will be used for any activity requiring the maintenance of a supply of more than five hundred fifty (550) gallons of such materials or any amount of radioactive substances.

G. Any other use, activity, or development not specifically permitted under the terms of this Part.

(Ord. 7/8/1978; as added by Ord. 5-9-2012, 5/9/2012, § 3)

§ 1105. Flood Damage Control Regulations.

1. Basements and First Floors.

A. All new construction (including manufactured homes) and substantial improvements (including manufactured home) of residential structures must have the lowest floor (including basements) constructed at or above an elevation of two (2) feet above the base flood elevation. Additionally, manufactured homes shall be placed on a permanent foundation; anchored to resist flotation, collapse, or lateral movement.

B. All new construction and substantial improvements of non- residential structures must have the lowest floor (including basements) constructed at or above an elevation of two (2) feet above the base flood elevation: or together with attendant utility and sanitary facilities, be floodproofed to an elevation of two (2) feet above the base flood elevation in accordance with the following:

(1) Plans showing details of all floodproofing measures, prepared by a registered professional engineer or architect, and showing the size of the proposed structure and its relation to the lot where it is to be constructed.

(2) A determination of elevations of existing ground, proposed finished ground, lowest floor level, and floodproofing limits; certified by a registered professional engineer, surveyor, or architect.

(3) A certificate prepared by the registered professional or architect who prepared the plans in subparagraph (1) above, that the structure in question, together with attendant utility and sanitary facilities, is designed so that; (1) below an elevation of two (2) feet above the base flood elevation the structure is watertight, with walls substantially impermeable to the passage of water, (2) the structure will withstand the hydrostatic, hydrody namic, buoyant, impact, and other forces resulting from the flood depths, velocities, pressures, and other factors associated with the base flood.

2. Electrical, Mechanical, and Plumbing Systems.

A. All electric water heaters, electric furnaces, electric air conditioning and ventilating systems, and other critical electrical installation shall be permitted only at elevations of two (2) feet above the base flood elevation.

B. No electrical distribution panels shall be allowed at an elevation less than two (2) feet above the base flood elevation.

C. Water heaters, furnaces, and other critical mechanical installations shall be permitted only at elevations of two (2) feet or more above the base flood elevation.

3. Space below the Lowest Floor.

A. Fully enclosed space below the lowest floor (excluding basements) which will be used solely for parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow the automatic entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on exterior walls. The term "fully enclosed space" also includes crawl spaces.

B. Designs meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following criteria: (1) a minimum of two (2) openings having a net total area of not less than one (1) square inch for every square foot of enclosed space; (2) the bottom of all openings shall be no higher than one (1) foot above grade; (3) openings may be equipped with screens, louvers, etc., or other coverings or devices provided that they may permit the automatic entry and exit of floodwaters.

4. Additionally, all new construction (including manufactured homes) and substantial improvement (including manufactured home) of residential and non-residential structures shall comply with all applicable requirements of the UCC.

(Ord. 7/8/1978; as added by Ord. 5-9-2012, 5/9/2012, § 3)

§ 1106. Additional Safeguards.

1. No encroachments, including manufactured homes, new construction or development, shall be located within a designated floodway. Where the floodway has not been specifically identified for a stream or waterway, no encroachments shall be permitted within the stream channel (from top of bank to top of bank). Furthermore, encroachments outside the stream banks but within the SFHA shall be permitted only when in compliance with this Chapter and DEP permit requirements.

2. No part of any private on-lot sewage disposal system shall be constructed within any SFHA.

3. Community water supply systems and sanitary sewage systems shall be designed and located to preclude infiltration of flood water into the system and discharges from the system into flood waters.

4. The Township will endeavor to coordinate its floodplain management program with neighboring municipalities, particularly when the property(ies) in question is located near a municipal boundary.

5. All buildings and structures, including manufactured homes, shall be constructed and placed on the lot so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.

6. The following shall not be placed or caused to be placed in any of the designated SFHA: Fences, except two-wire fences, other structures, or other matter which may impede, retard, or change the direction of the flow of water, or that will catch or collect debris carried by such water, or that is placed where the natural flow of the stream of flood waters would carry the same downstream to the damage or detriment of either public or private property adjacent to the floodplain.

7. Recreational vehicles to be placed within any SFHA shall be on the site for fewer than one hundred eighty (180) consecutive days and fully licensed and ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect utilities and security devices, and has no permanent foundation or attached additions.

8. Filling or the dumping of fill material is prohibited in the SFHA on vacant lots or on land not scheduled for approved construction activities. Fill shall ONLY be used in the SFHA to raise the finished surface of the lowest floor of a structure to an elevation of a minimum of two (2) feet above the base flood elevation provided the following conditions are met:

A. Fill shall extend beyond a structure for a sufficient distance to provide acceptable access. For residential structures, fill shall extend laterally fifteen (15) feet beyond the building line from all points. For non-residential structures, fill shall be placed to provide access acceptable for the intended use. At grade access, with fill extending laterally fifteen (15) feet beyond the building line, shall be provided to a minimum of twenty-five percent (25%) of the perimeter of a non-residential structure.

B. Fill shall consist of soil or small rock materials only. Sanitary landfills shall not be permitted.

C. Fill material shall be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling.

D. Fill slopes shall be no steeper than one (1) vertical on two (2) horizontal, unless substantiating data justifying steeper slopes are submitted to and approved by the Floodplain Administrator.

E. Fill shall be used only to the extent to which it does not adversely affect adjacent properties.

F. Use of fill shall be permitted only when the property owner or applicant provides a document acceptable by the Floodplain Adminis trator, certified by a registered professional engineer, stating that the cumulative effect of the proposed fill, in conjunction with the other anticipated development, will not result in an increase in the water surface elevation of the base flood at any point.

9. Prior to any stream or watercourse alteration or relocation, a permit shall be obtained from DEP, Bureau of Dams, Waterways and Wetlands. Also adjacent communities, DCED, and FEMA must be notified. Additionally, the Township must be assured that the flood carrying capacity of an altered or relocated watercourse will be maintained by the developer.

10. The placement of any manufactured home in the SFHA is prohibited except as a replacement unit in an existing manufactured home park or an existing manufactured home subdivision. Said replacement units and any substantial improvements thereto shall comply with § 1105 of this Chapter and be placed on a permanent foundation: elevated so that the lowest floor of the manufactured home is at least two (2) feet above the base flood elevation; anchored to resist flotation, collapse, or lateral movement; and comply with the UCC.

(Ord. 7/8/1978; as added by Ord. 5-9-2012, 5/9/2012, § 3)

§ 1107. Factors to Be Considered by the Zoning Hearing Board When Reviewing Applications.

In reviewing applications for special exceptions and variances, the Zoning Hearing Board shall consider and shall apply all relevant factors specified in this Part, this Chapter, the Pennsylvania Municipalities Planning Code, and other State or Federal ordinances and shall apply all of the following factors:

A. The danger of life and property due to increased flood heights or velocities caused by encroachments.

B. The danger that materials may be swept onto other lands or downstream to the injury of others.

C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.

D. The susceptibility of the proposed structure or use and its contents to flood damage and the effect of such damage on the individual owners.

E. The importance of the services provided by the proposed facility to the community.

F. The requirements of the facility for a waterfront location.

G. The availability of alternative locations not subject to flooding for the proposed use.

H. The compatibility of the proposed use or structure with existing development and development anticipated in the foreseeable future.

I. The relationship of the proposed use or structure to the Comprehensive Plan and floodplain management programs of the area.

J. The safety of access to the property in times of flood by ordinary and emergency vehicles.

K. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood water expected at the site.

L. No variance shall be granted to allow either in whole or in part any prohibited use listed in § 1104(7) of this Chapter.

M. Where appropriate, variances may be granted for the recon struction, rehabilitation or restoration of historical structures as defined herein.

N. The granting of a variance shall provide relief only from the specific term(s) of the floodplain regulations requested, not exemption from all floodplain regulations or any applicable insurance premiums, nor any State or Federal permitting requirements.

O. Variances shall not be granted which result in any increase in the base flood elevation.

P. Variances shall be granted only when and where the applicant demonstrates compliance with the provisions of the Pennsylvania Municipalities Planning Code.

Q. Variances shall be granted only when they are shown to be the minimum relief necessary, considering the flood hazard.

R. 18. When variances are granted, written notification, signed by the appropriate local official, shall be given to the applicant indicating that:

(1) Increased insurance premium rates will result.

(2) Construction occurring below the base flood elevation will increase risks to life and property.

S. Other factors which are relevant to the purpose of this Chapter.

(Ord. 7/8/1978; as added by Ord. 5-9-2012, 5/9/2012, § 3)

§ 1108. Nonconformities.

A structure, or use of a structure or land which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following:

A Existing nonconforming structures or uses located in the SFHA - A Zones and Floodway Areas of the AE Zones:

(1) Shall not be moved, replaced or substantially improved, but may be modified, altered, or repaired to incorporate all applicable floodproofing measures as per § 1105 of this Chapter and the UCC, provided that such measures and elevation techniques do not raise the level of the base flood.

(2) May be expanded or enlarged, but not substantially improved, provided that said expansion or enlargement (a) does not exceed twenty-five percent (25%) of the area of the first floor of the structure existing at the effective date of a floodplain management regulation adopted by the Township, (b) is not con structed below the existing first floor elevation, and (c) complies with all applicable floodproofing requirements of § 1105 of this Chapter and the UCC. Plans for the above-mentioned expansion or enlargement shall be accompanied by a side profile of the existing and proposed structures and shall indicate existing grade, floor elevations, use of fill, etc.

B. Existing nonconforming structures or uses located in the AE Zones, outside the floodway areas, where base flood elevations have been determined:

(1) May be substantially improved, moved, replaced, modified, altered, or repaired provided that such work is conducted in full compliance with the provisions of this Part, § 1105 of this Chapter, and the UCC, and any other applicable codes or ordinances.

(2) May be enlarged or expanded in a manner which is not a substantial improvement as defined by this Chapter, and provided that said enlargement or expansion complies with the above requirements of § 1108.

C. If any nonconforming structure or use, including manufactured homes, located in the SFHA is demolished, removed, substantially damaged or destroyed by any means, including floods, to an extent of fifty percent (50%) or more of the market value of the structure, it shall not be reconstructed, replaced, or continued except in conformity with the provisions of this Part, § 1105 of this Part, and the UCC, and any other applicable ordinance.

(Ord. 7/8/1978; as added by Ord. 5-9-2012, 5/9/2012, § 3)

§ 1109. Lot Area, Yard and Sign Requirements.

The lot area, yard, sign and other district requirements of the land in question shall be the same as the district requirements of the underlying zoning district.

(Ord. 7/8/1978; as added by Ord. 5-9-2012, 5/9/2012, § 3)

§ 1110. Designation of the Floodplain Administrator.

The Zoning Officer is hereby appointed to administer and enforce this Part and is referred to as the “Floodplain Administrator.”

(Ord. 7/8/1978; as added by Ord. 5-9-2012, 5/9/2012, § 3)

§ 1111. Duties of the Floodplain Administrator.

1. The Floodplain Administrator shall issue a permit only after it has been determined that the proposed work to be undertaken will be in confor mance with the requirements of this Part and all other applicable codes and ordinances.

2. During the construction period, the Floodplain Administrator or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable Township laws and ordinances. He/she shall make as many inspections during and upon completion of the work as are necessary.

3. In the discharge of his/her duties, the Floodplain Administrator shall have the authority to enter any building, structure, premises, or development in the identified floodplain area, upon presentation of the proper credentials, at any reasonable hour to enforce the provisions of this Part.

4. In the event the Floodplain Administrator discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Floodplain Administrator shall revoke the permit and report such fact to the Board of Supervisors for whatever action it considers necessary.

5. The Floodplain Administrator shall maintain all records associated with the requirements of this Chapter including, but not limited to, permitting, inspection, and enforcement.

6. The Floodplain Administrator or other authorized official shall consider the requirements of Title 34 of the Pennsylvania Code and the UCC.

(Ord. 7/8/1978; as added by Ord. 5-9-2012, 5/9/2012, § 3)

§ 1112. Building Permits Required.

Building permits shall be required before any new construction, substantial improvement, placement or relocation of any structure (including manufactured homes) or development is undertaken within any identified flood prone area of the Township. Prior to the issuance of any permit, the Floodplain Administrator shall review the application for the permit to determine if all other necessary government permits required by the State and Federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); the U.S. Clean Water Act, § 404, 33 U.S.C. 1344; and any other required local, State, or Federal permits including, but not limited to, the following permits when applicable; floodway, wetland, surface mining, earth distur bance, or the State Fire Marshall. No permit shall be issued until this determination has been made. The applicant shall submit to the Floodplain Administrator copies of all other required State and Federal permits. Copies of all required permits shall be maintained by the Floodplain Administrator as a part of the building permit file. After the issuance of a building permit or site plan approval by the Floodplain Administrator, no changes of any kind shall be made to the application, permit, or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Floodplain Administrator.

(Ord. 7/8/1978; as added by Ord. 5-9-2012, 5/9/2012, § 3)

§ 1113. Application Procedures and Requirements.

Applications for a building and zoning permit shall be filed by the property owner, his authorized agent or an individual with a proprietary interest in the property, said individual to hereafter be known as the applicant. Applica tions shall be submitted to the Floodplain Administrator and contain the following:

A. Building and Zoning Permit Application Form. On a form supplied by the Floodplain Administrator, the applicant shall provide information to describe the size, location, and nature of the proposed building, structure or use. The applicant shall sign the application form to verify the accuracy of their information.

B. Plot Plan. All applications for a building and zoning permit shall be accompanied by a plot plan in accordance with the following:

(1) Name and address of the applicant.

(2) Name and address of the owner of the land on which the proposed construction is to occur.

(3) Name and address of contractor.

(4) Site location address.

(5) Three (3) copies of the plot plan shall be submitted. In lieu thereof, an eight and one-half inch (8½") x eleven inch (11") plot plan is acceptable, provided it is suitable for photocopying.

(6) The plot plan shall show, where applicable, size, shape, and dimensions of the lot; size and location of all existing buildings; size, location, and use of all proposed buildings, additions, or alterations; parking lots; parking spaces, driveways, signs, and other site improvements; and other information as may be necessary to determine conformance with this Part.

(7) Brief description of proposed work and estimated cost, including a breakout of flood related cost and market value of the building before the flood damage occurred where appropriate.

C. Application Fee. All applications for a building and zoning permit shall be accompanied by a fee in accordance with the current schedule of fees adopted by resolution by the Township.

D. Placards. In addition to the building and zoning permit, the Floodplain Administrator shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the building and zoning permit, the date of issuance, and signed by the Floodplain Administrator.

E. Start of Construction. Work on the proposed construction and/or development shall begin within ninety (90) days after the date of issuance and shall be completed within two (2) years after the date of issuance of the building and zoning permit or the building and zoning permit shall expire unless a time extension is granted, in writing, by the Floodplain Administrator. Construction and/or development shall be considered to have started with the preparation of land, land clearing, grading, filling, excavation of basement, footings, piers, or founda tions, erection of temporary forms, the installation of piling under proposed subsurface footings, or the installation of sewer, gas and water pipes, or electrical or other service. Time extensions shall only be granted if the written request is submitted by the applicant, which sets forth sufficient and reasonable cause for the Floodplain Adminis trator to approve such a request.

(Ord. 7/8/1978; as added by Ord. 5-9-2012, 5/9/2012, § 3)

§ 1114. Additional Administrative Requirements.

1. To insure that all construction and development on property which contains identified floodplain areas will be conducted employing flood damage controls, the Floodplain Administrator shall require the following additional information to be included as part of an application for a permit:

A. A plan, at a scale of one (1) inch being equal to one hundred (100) feet or less, shows a north arrow, scale, and date, the location of all existing and proposed buildings structures, and other improve ments, which accurately locates the proposed construction and/or development with respect to existing bodies of water or watercourses, identified floodplain area boundaries, stream channel, and if available, information pertaining to the floodway, and flow of water including direction and velocities, existing floodplain development and all proposed subdivision and land development to assure that:

(1) All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this Part and all other applicable codes and ordinances.

(2) All public utilities and facilities, such as sewer, water, gas, telephone, electrical and water systems are located, elevated and constructed to minimize or eliminate flood damage.

(3) Adequate drainage is provided to reduce exposure to flood hazard.

(4) Structures will be anchored to prevent flotation, collapse, or lateral movement.

(5) Building materials are flood-resistant.

(6) Appropriate practices that minimize flood damage have been used.

(7) Electrical, heating, ventilation, plumbing, air condi tioning equipment, and other service facilities have been designed and located to prevent water entry or accumulation.

B. Such plan shall also include existing and proposed contours (at intervals determined to be adequate by the Floodplain Administrator based upon site conditions) and elevations of the grounds, base flood elevations, structure elevation, lowest floor elevation based upon North American Vertical Datum of 1988, size of structure, location and elevation of streets, water supply, sanitary sewage facilities, supplemental information as may be necessary under Title 34 of the Pennsylvania Code, the UCC, soil types and flood proofing measures. When proposed construction and/or development involves structures and/or fill to be located within the designated floodplain, such plan shall also include details of proposed fill, pile structures, retaining walls, foundations, erosion control measures, and the Floodplain Administrator may require more detailed contour and elevation data. If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood.

C. A document certified by a registered professional engineer or architect that adequate precautions against flood damage have been taken with respect to the design of any building or structure, and that the plans for the development of the site adhere to the restrictions cited in this Part, the UCC, and other applicable ordinances.

D. A document certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed develop ment within a SFHA when combined with all other existing and anticipated development, will not increase the base flood elevation more than one (1) foot at any point.

E. A document certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the base flood elevation. Such statement shall include a description of the type and extent of the flood proofing measures which have been incorporated into the design of the structure and/or the development.

F. The appropriate component of the DEP "Planning Module for Land Development."

G. Where excavation or grading is proposed, a plan meeting the requirements of the DEP to implement and maintain erosion and sedimenta tion control.

2. Review of Application by Others. The Floodplain Administrator may require that a copy of all plans and specifications for construction and/or development affecting identified floodplain areas be submitted to other appropriate agencies and/or individuals (e.g., Lebanon County Conservation District, Township Planning Commission, Township Engineer, etc.) for review and comment prior to the issuance of a building permit. When proposed construction and/or development involves structures and/or fill which will be located directly within the designated floodplain, the Floodplain Administra tor shall submit said plans and specifications to the appropriate agencies and/or individuals as indicated above. Recommendations from these sources shall be considered for possible incorporation into the proposed plan and may be made a condition for approval of a building and zoning permit.

3. A record of all variances granted, including their justification, shall be maintained by the Township as well as reported in the annual report to the DCED and the biennial report to FEMA.

(Ord. 7/8/1978; as added by Ord. 5-9-2012, 5/9/2012, § 3)

§ 1115. Enforcement.

The Floodplain Administrator shall enforce this Part in accordance with the procedures in Part 20 of this Chapter.

(Ord. 7/8/1978; as added by Ord. 5-9-2012, 5/9/2012, § 3)

§ 1116. Conflicting Ordinances.

Ordinances or parts of ordinances in conflict with this Part, or inconsistent with the provisions of this Part are hereby repealed to the extent necessary to give the SHFA - A Zones full force and effect. This Part supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this Part, the more restrictive shall apply.

(Ord. 7/8/1978; as added by Ord. 5-9-2012, 5/9/2012, § 3)

§ 1117. Severability.

Should any section, subsection, paragraph, sentence, clause, or phrase of this Part shall be declared to be invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Part, which shall remain in full force and effect, and for this purpose the provisions of this Part are hereby declared to be severable.

(Ord. 7/8/1978; as added by Ord. 5-9-2012, 5/9/2012, § 3)

§ 1118. Statement of Disclaimer.

The degree of flood protection sought by the provisions of this Part is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study; however, larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Part does not

imply that areas outside the floodplain districts or that land uses permitted within such districts will be free from flooding or flood damages. This Part shall not create liability on the part of this Township or any officer or employee thereof for any flood damage that results from reliance on this Part or any administrative decision made thereunder.

(Ord. 7/8/1978; as added by Ord. 5-9-2012, 5/9/2012, § 3)

Part 12
Conditional Use Procedures

§ 1201. Conditional Use Applications.

Any person desiring to obtain approval of a conditional use from the Board of Supervisors shall submit an application to the Board of Supervisors which shall contain all of the information required for an application for a special exception set forth in § 1904 of this Chapter and shall submit a plan meeting all requirements of § 1904.1. No conditional use application is complete without payment of the required fee.

(Ord. 7/8/1978; as added by Ord. 61406, 6/14/2006, § 7)

§ 1202. General Criteria.

When conditional uses are provided for in this Chapter, the Board of Supervisors shall hear and decide requests for such conditional uses in accordance with the stated standards and criteria. The Board of Supervisors may grant approval of a conditional use provided that the applicant complies with all of the specific standards and criteria for the particular use and all of the following general standards for conditional uses. The burden of proof shall rest with the applicant.

A. The applicant shall establish by credible evidence compliance with all conditions, requirements, standards, criteria and performance standards for the conditional use enumerated in the Section which gives the applicant the right to seek the conditional use and any other Section of this Chapter which relates to the proposed use.

B. The applicant shall establish by credible evidence that the proposed conditional use shall be properly serviced by all existing public service systems. The peak traffic generated by the subject of the application shall be accommodated in a safe and efficient manner or all improvements shall be made in order to effect the same. Similar responsibilities shall be assumed with respect to other public service systems including, but not limited to, police protection, fire protec tion, utilities, parks and recreation.

C. The applicant shall establish by credible evidence that the proposed conditional use shall be in and of itself properly designed with regard to internal vehicle and pedestrian circulation, parking, buffering, and all other elements of proper design as specified in this Chapter and any other governing law or regulation.

D. The applicant shall provide the Board of Supervisors as part of the application for the conditional use with sufficient plans, studies or other data to demonstrate compliance with all applicable regulations.

E. The proposed conditional use shall not substantially injure or detract from the use of neighboring properties or from the character of the neighborhood, and the use of property adjacent to the area included in the conditional use application shall be adequately safeguarded.

(Ord. 7/8/1978; as added by Ord. 61406, 6/14/2006, § 7)

§ 1203. Conditions.

The Board of Supervisors, in approving conditional use applications, may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same zone. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Chapter and be subject to the penalties described in this Chapter.

(Ord. 7/8/1978; as added by Ord. 61406, 6/14/2006, § 7)

§ 1204. Notice and Hearing for Conditional Use Application.

The Board of Supervisors shall provide notice of the hearing on an application for a conditional use in accordance with MPC requirements. The Board of Supervi sors shall conduct the hearing on an application for a conditional use in accordance with all MPC requirements.

(Ord. 7/8/1978; as added by Ord. 61406, 6/14/2006, § 7)

§ 1205. Site Plan.

Any site plan presented in support of the condi tional use shall become an official part of the record for said conditional use. Approval of any conditional use will also bind the use in accordance with the submitted site plan; therefore, should a change in the site plan be required as part of the approval of the use, the applicant shall revise the site plan prior to the issuance of a zoning permit. Any subsequent change to the use on the subject property not reflected on the originally approved site plan shall require the obtainment of another conditional use approval.

(Ord. 7/8/1978; as added by Ord. 61406, 6/14/2006, § 7)

§ 1206. Expiration of Conditional Use Approval.

If the conditional use is granted, the applicant shall file an application for and shall gain approval of a preliminary subdivision and/or land development within eighteen (18) months of the date of the decision of the Board of Supervisors. The applicant shall obtain approval of a final subdivision or land development plan within thirty (30) months from the date of the decision of the Board of Supervisors. Applications for preliminary subdivision and/or land develop ment and final subdivision and/or land development shall contain all relevant information from the conditional use process. The applicant shall complete the construction authorized by a decision of the Board of Supervisors granting conditional use approval within five (5) years from the date of the decision. However, upon written request by the applicant and for good cause, the Board may extend either the time within which to obtain approval of a preliminary subdivision plan and/or to obtain approval of a final subdivision plan and/or to complete construction. If the applicant fails to meet such time periods, the conditional use approval shall expire.

(Ord. 7/8/1978; as added by Ord. 61406, 6/14/2006, § 7)

§ 1207. Number of Applications Which May Be Pending.

No more than one (1) application for the same property shall be pending before the Board of Supervisors at any time. If an applicant files a second or subsequent application with the Board of Supervisors while an application for the same property is pending, the Board of Supervisors shall schedule a hearing for the second or subsequent application as required by the MPC and may deny the second or subsequent application for violation of this Section unless that applicant has, in writing, withdrawn the application for the property which was pending on the date the second or subsequent application was filed.

(Ord. 7/8/1978; as added by Ord. 61406, 6/14/2006, § 7)

Part 13
Nonconforming Lots
Nonconforming Uses of Land
Nonconforming Structures
Nonconforming Uses of Structures and Premises and
Nonconforming Characteristics of Use

§ 1301. Intent.

1. Within the districts established by this Chapter or amendment that may later be adopted, there exist;

   A. lots,

   B. structures,

   C. uses of land and structures, and

D. characteristics of use,

which were lawful before this Chapter was passed or amended but which would be prohibited, regulated, or restricted under the terms of this Chapter or future amendment. It is the intent of this Chapter to permit these nonconformities to continue until they are removed. It is further the intent of this Chapter that nonconformities shall not be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

2. Nonconforming uses are declared by this Chapter to be incompatible with permitted uses in the districts involved. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this Chapter by attachment on a building or premises of additional signs intended to be seen from the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

3. To avoid undue hardship, nothing in this Chapter shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Chapter upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in a permanent position and fastened in a permanent manner. Where excavation or demolition to removal of an existing building 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.

(Ord. 7/8/1978, § 14.01)

§ 1302. Nonconforming Lots of Record.

In any district a permitted building and customary accessory building(s) may be erected on any single lot of record at the effective date of adoption or amendment of this Chapter, not withstanding limitations imposed by other provisions of this Chapter. Such lot must be in separate ownership. This provision shall apply even though such lot fails to meet the minimum requirements for area or width, or both, that are generally applicable in this district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Zoning Hearing Board.

If one or more lots are on record in the Office of the Recorder of Deeds of Lebanon County and have been duly approved by the Township Supervisors, they may be developed according to the recorded plan even though said lots may not conform with the minimum requirements for area or width or both that are generally applicable in the district. However, no portion of said lots or parcels shall be used or sold in a manner which further diminishes compliance with lot width and area requirements as established by this Chapter.

(Ord. 7/8/1978, § 14.02)

§ 1303. Nonconforming Uses of Land (or Land With Minor Structures Only).

Where at the time of passage of this Chapter, lawful use of land exists which would not be permitted by the regulations imposed by this Chapter, and where such use involves no individual structure with a replacement cost exceeding one thousand dollars ($1,000.00), the use may be continued so long as it remains otherwise lawful, provided that the following conditions are met:

A. If any such nonconforming use of land ceases for any reason for a period of more than ninety (90) continuous days, any subsequent use of such land shall conform to the regulations specified by this Chapter for the district in which such land is located.

B. No additional structure not conforming to the requirements of this Chapter shall be erected in connection with such nonconforming use of land.

(Ord. 7/8/1978, § 14.03)

§ 1304. Nonconforming Structures.

Where a lawful structure exists at the effective date of adoption or amendment of this Chapter that could not be built under the terms of this Chapter by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure; such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.

B. Should such nonconforming structure or nonconforming portion of a structure be destroyed by any means, it shall not be reconstructed in a manner which increases its nonconformity.

C. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

(Ord. 7/8/1978, § 14.04)

§ 1305. Nonconforming Uses of Structures or of Structures and Premises in Combination.

If lawful use involving individual structures with replacement cost of one thousand dollars ($1,000.00) or more, or of structure and premises in combination, exists at the effective date of adoption or amendment of this Chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No existing structure devoted to a use not permitted by this Chapter in the district in which it is located shall be enlarged or extended, except on contiguous property owned at the time of adoption of this Chapter.

B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Chapter.

C. Any nonconforming use of a structure, or structure and premises, may as a Special Exception be changed to another nonconforming use provided that the Zoning Hearing Board, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Zoning Hearing Board may require appropriate conditions and safeguards in accordance with the provisions of this Chapter.

D. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.

E. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than ninety percent (90%) of the replacement cost at the time of destruction.

(Ord. 7/8/1978, § 14.05)

§ 1306. Repairs and Maintenance.

Nothing in this Chapter shall be deemed to prevent any repairs or maintenance of a nonconforming building or structure.

(Ord. 7/8/1978, § 14.06)

§ 1307. Uses Under Special Exception Provisions not Nonconforming Uses.

Any use which is permitted as a Special Exception in a district under the terms of this Chapter (other than a change through Zoning Hearing Board action from a nonconforming use to another use not generally permitted in the district) shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

(Ord. 7/8/1978, § 14.07)

Part 14
Supplementary District Regulations

§ 1401. Visibility at Intersections.

On a corner lot in any district, a clear sight triangle shall be provided at all street and alley intersections. Within such triangles, no vision obstructing object other than utility poles shall be permitted which obscures vision above the height of

thirty inches (30") and below ten feet (10') measured from the centerline grade of intersecting streets. Such triangles shall be established from a distance of:

A. Seventy-five feet (75') from the point of intersection of the center line of intersecting streets, except that;

B. Clear sight triangles of one hundred feet (100') shall be provided for all intersections with arterial and major streets as designated in the Township Comprehensive Plan.

(Ord. 7/8/1978, § 15.01)

§ 1402. Lots in Two Districts.

Where a district boundary line divides a lot in single or joint ownership of a lot of record at the time such line is established, the regulations for the less restricted portion of such lot shall extend not more than thirty feet (30') into the more restricted portion, provided that the lot has frontage on a street in the less restricted district.

(Ord. 7/8/1978, § 15.02)

§ 1403. Front Yard Exceptions.

When an unimproved lot is situated between two (2) improved lots with front yard setbacks less than those required for the district, the required front yard of the unimproved lot may be reduced to a depth equal to the average of the two, improved, adjoining lots; however, in no case shall a front yard be reduced by more than fifty percent (50%) of the required front yard of the district.

(Ord. 7/8/1978, § 15.03)

§ 1404. Foundations.

All dwelling units hereafter erected or altered shall have a permanent continuous foundation. The footer shall be installed to a minimum depth of twenty-four inches (24") below ground level.

(Ord. 7/8/1978, § 15.04)

§ 1405. Erection of More Than One Principal Structure on a Lot.

In any district, more than one structure housing a permitted or permissible principal use may be erected on a single lot, provided that area, yard, and other requirements of this Chapter shall be met for each structure as though it were on an individual lot.

(Ord. 7/8/1978, § 15.05)

§ 1406. Accessory Buildings.

No separate accessory building shall be permitted in any required front or side yard. In rear yards, they shall not be permitted within five feet (5') of the rear lot line. However, where abutting a public street or alley, a garage shall be no less than fifteen feet (15') from the right-of-way of said street or alley.

(Ord. 7/8/1978, § 15.06)

§ 1407. Projections Into Yards.

The following projections shall be permitted into required yards and shall not be considered in the determination of yard size or lot coverage:

A. Terraces or patios, provided that such terraces or patios are not under roof or otherwise enclosed and not closer than five feet (5') to any adjacent property line.

B. Projecting architectural features - bay windows, cornices, eaves, fireplaces chimneys, window sills, or other architectural features - provided they do not extend more than five feet (5') into any required yard nor closer than five feet (5') to any adjacent property line.

C. Uncovered stairs and landings.

D. Open balconies or fire escapes provided such balconies or fire escapes are not supported on the ground and do not project more than five feet (5') into any required yard nor closer than five feet (5') to any adjacent property line.

(Ord. 7/8/1978, § 15.07)

§ 1408. Accessory Uses.

1. Private, non-commercial swimming pools which are designed to contain a water depth of twenty-four inches (24") or more shall be located in a rear yard only. Such pools shall be not less than fifteen feet (15') from side and rear property lines, with a continuous fence not less than three and one-half feet (3/') in height above the ground level. Such fence shall be equipped with a lockable gate. Any deck, patio or impermeable surface, not under roof or otherwise enclosed, which surrounds, is attached to, or associated with a pool shall be no closer than ten feet (10') to the side and rear lot lines.

2. Private tennis courts shall be permitted within side or rear yards provided that such facility shall not be less than fifteen feet (15') from side or rear property lines.

3. Patios, paved terraces, or open porches shall be permitted in all yards provided that no impermeable surface shall be within five feet (5') of any property line.

4. Nothing in this section shall be construed to limit other uses not mentioned so long as they are clearly accessory to the principal permitted use of the land and do not create a threat to the public health, safety and/or welfare of the community.

(Ord. 7/8/1978, § 15.08)

§ 1409. Exception to Height Regulations.

The height limitations of this Part shall not apply to church spires or farm structures when permitted by other provisions of this Part, (i.e. silos, barns, etc.), belfries, cupolas, penthouses, and domes not used for human occupancy nor to chimneys, ventilators skylights, water tanks, bulkheads and similar features, utility poles and standards and necessary mechanical appurtenances usually carried above the roof level. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose they are to serve and then only in accordance with any other government regulations.

(Ord. 7/8/1978, § 15.09)

§ 1410. Lots and Structures to Have Access.

Every lot hereafter created shall be, and every principal building or structure hereafter erected or moved, shall be on a lot which is adjacent to and gains access form a public street or a private street improved to the standards of a public street in accordance with the Ordinances of the Township, or, if the Township has not enacted such an ordinance, the applicable subdivision and land development ordinance.

(Ord. 7/8/1978, § 15.10; as amended by Ord. 3-11-15-1, 3/11/2015, § 1)

§ 1411. Parking, Storage, or Use of Major Recreational Equipment.

For purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, pick-up campers or coaches (designated to be mounted on automotive vehicles), motorized dwellings, tent trailers and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. No major recreational equipment shall be parked or stored on any lot used for residential purposes except in a carport, enclosed building or to the rear of the front yard setback line. Furthermore, such equipment may be parked anywhere on residential premises for a period not to exceed twenty-four (24) hours during loading or unloading. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.

(Ord. 7/8/1978, § 15.11)

§ 1412. Parking and Storage of Certain Vehicles.

Automotive vehicles of any kind without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed structures.

(Ord. 7/8/1978, § 15.12)

§ 1413. Corner Lot Restrictions.

On every corner lot, there shall be provided on the side street a side yard equal in depth to the required front yard of all other properties along said side street. When such lot is bounded by a public thoroughfare or private road which is less than twenty feet (20') in width (right-of-way), then those requirements indicated for interior lots shall apply.

(Ord. 7/8/1978, § 15.13)

§ 1414. Municipal Uses.

In any district, a building may be erected, altered, or extended and land may be developed which is arranged, intended, or designed for municipal uses, including municipal recreation uses.

(Ord. 7/8/1978, § 15.14)

§ 1415. Public Utilities Exempt.

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

(Ord. 7/8/1978, § 15.15)

§ 1416. Home Occupation Regulations.

In any district, a member of the immediate family owning and residing on the premises may use parts of a dwelling for any gainful occupation provided that the following conditions are met and a permit is issued by the Zoning Officer.

A. Such occupation shall be clearly incidental or secondary to the use of the property as a residence, and the use of the dwelling shall not change the character thereof or show any exterior evidence of such secondary use other than signs as are regulated by other South Annville Township Ordinance.

B. Home occupation shall be limited to the employment of not more than one (1) assistant.

C. The home occupation shall be conducted wholly within the dwelling and shall not occupy more than twenty-five percent (25%) of the area of the first floor of the dwelling nor more than five hundred (500) square feet.

D. All parking shall be off-street and two off-street spaces shall be provided in addition to that required of the residence unit.

E. Any home occupation which may create objectionable noise, fumes, odor, dust, electrical interference, or more than normal residential traffic shall be prohibited.

(Ord. 7/8/1978, § 15.16)

§ 1417. Gasoline Pumps and All Other Service Equipment.

Gasoline pumps and all other service equipment shall be setback not less than twenty-five feet (25') from any lot line and/or street right-of-way and located in such a manner that vehicles stopped for service will not extend over the property line or right-of- way line.

(Ord. 7/8/1978, § 15.17)

§ 1418. Screening and Landscaping Requirements.

1. Yard Ground Cover. Any part of the site which is not used for buildings, other structures, loading or parking spaces and aisles, sidewalks, and designated storage areas shall be planted with an all-season ground cover approved by the Board of Supervisors (e.g., grass, ivy, pachysandra, etc.). In addition, gravel can be substituted if done in a manner to complement other vegetative materials. It shall be maintained to provide an attractive appearance, and all non-surviving plants shall be replaced.

2. Landscaping Requirements.

A. Any required landscaping (landscaping strips and interior landscaping) shall include a combination of the following elements: deciduous trees, ground covers, evergreens, shrubs, vines, flowers, rocks, gravel, earth mounds, berms, materials. Artificial plants, trees and shrubs may not be used to satisfy any requirements for landscaping and screening. No less than eighty (80) percent of the required landscaping area shall be vegetative in composition, and no outdoor storage shall be permitted within required landscape areas.

B. For each seven hundred fifty (750) square feet of required area for landscape strips, one (1) shade/ornamental tree shall be provided. For every three hundred (300 square feet of interior landscaping required (for parking lots), one (1) shade tree shall be provided. If deciduous, these trees shall have a clear trunk at least five (5) feet above finished grade; if evergreen, these trees shall have a minimum height of six (6) feet. All required landscape strips shall have landscaping materials distributed along the entire length of the lot line abutting the yard.

3. Screening. The following materials may be used: evergreens (trees, hedges, or shrubs), walls, fences, earth berms, or other approved similar materials. Any wall or fence shall not be constructed of corrugated metal, corrugated fiberglass, or sheet metal. Screening shall be arranged so as to block the ground level views between grade, and a height of six (6) feet. Landscape screens must achieve this visual blockage within two (2) years of installation.

4. Selection of Materials. Trees and shrubs shall be typical of their species and variety; have normal growth habits, well-developed branches, densely foliated, vigorous, fibrous root systems. They shall have been grown under climatic conditions similar to those in the locality of the project or properly acclimated to conditions of the locality of the project. Any tree or shrub which dies shall be replaced. All landscaping and screening treatments shall be properly maintained.

5. Landscaping Setbacks.

A. All landscaping materials, excluding yard ground covers, shall be set back five (5) feet from any adjoining street right-of-way line.

B. No shrub nor tree shall be planted within twenty (20) and thirty (30) feet, respectively, of any farm within the (A) Agricultural District.

6. Landscaping and Screening for Parking Areas. The following landscaping and screening requirements shall apply to all parking lots:

A. Landscape Strip.

(1) When a parking lot is located in a yard which abuts a street, a landscape strip shall be provided on the property along the entire street line. If there is no building or other structure on the property, the parking lot shall still be separated from the street by the landscape strip. This strip shall be measured from the street right-of-way line. The strip may be located within any other landscape strip required to be located along a street.

Number of Spaces in Parking Lot, Including Joint Facilities	Landscape Strip Width in Feet Measured From Street Right-Of-Way Line
Less Than 100	20
100 to 250	25
Over 250	30

(2) Unless otherwise indicated, all parking lots constructed in side or rear yards (as defined herein) shall be set back a minimum of fifteen (15) feet from all property lines. Such setbacks shall be used for landscape strips.

B. Interior Landscaping.

(1) In any parking lot containing twenty (20) or more parking spaces (except a parking garage), ten (10) percent of the total area of the lot shall be devoted to interior landscaping.

(2) Such interior landscaping may be used, for example, at the end of parking space rows to help visually define travel lanes through or next to the parking lot.

(3) Landscape islands shall be provided to break up rows of parking spaces at least every ten (10) parking spaces.

(4) All interior landscaping shall be provided in concrete curbed islands.

(5) Landscaped areas situated outside the parking lot, such as perimeter or peripheral areas and areas surrounding buildings, shall not constitute interior landscaping.

(6) For the purpose of computing the total area of the parking lot, all areas within the perimeter of the parking lot shall be counted, including all parking spaces and access drives, aisles, islands, and curbed areas.

(7) A combination of trees, shrubs or other approved material shall be provided. Ground cover alone shall not satisfy this landscape requirement.

(8) Shrubbery provided at interior drive intersections shall be maintained at a maximum height of thirty (30) inches.

(9) At least one (1) shade tree shall be provided for each three hundred (300) square feet (or fraction) of required interior landscaping area. These trees shall have a clear trunk at least five (5) feet above finished grade level.

(10) Parked vehicles may not overhang interior landscaped areas more than two and one-half (2½) feet. Wheel stops or curbing shall be provided.

(11) If a parking lot of under twenty (20) spaces is built without interior landscaping, and later additional spaces are added so that the total is twenty (20) or more, the interior landscaping shall be provided for the entire parking lot.

C. Screening.

(1) When a parking lot is located on a property which is within two hundred (200) feet of, and which adjoins land in a residential zone or an existing residential building, the parking lot shall be screened from the adjoining residential property.

(Ord. 7/8/1978; as added by Ord. 10-10-01, 10/10/2001, § 4)

§ 1419. Required Traffic Study Standards.

1. All residential developments or subdivisions containing ten (10) or more dwelling units or residential lots, all non-residential subdivisions containing ten (10) or more lots or units of occupancy and all non-residential developments (with the exception of agricultural development) with buildings containing in excess of six thousand (6,000) square feet of usable space, shall provide studies and reports in accordance with the requirements of this Section. This requirement shall apply to any development that shall exceed any of the above criteria either initially or cumulatively form the effective date of this Section.

2. General. The applicant is responsible for assessing the traffic impacts associated with a proposed development that meets any condition set forth above. The Township or its designee will review the applicant's assessment and supply available data upon request to aid the applicant in preparing the study. The applicant shall be responsible for all data collection efforts required in preparing a traffic impact study including peak period turning movement counts. In addition, the applicant is responsible for ensuring that any submitted development plans meet the minimum State and local standards for geometric design. The study shall be conducted only by a professional engineer that has verifiable experience in traffic engineering. Upon submission of a draft study, the Township or its designee may review the data sources, methods and findings and provide comments in written form. The applicant shall be responsible for all costs for such review. The applicant will then have the opportunity to incorporate necessary revisions prior to submitting a final study.

3. Traffic Impact Study Contents. A traffic impact study prepared for a specific site development proposal shall follow the basic format shown below. Additions or modifications should be made for a specific site, when appropriate. This basic format allows for a comprehensive understanding of the existing site, future conditions without the proposed use and the impacts associated with the proposed development plan. Following is a brief narrative for each section of a traffic impact study.

A. Introduction. This section identifies the land use and transportation setting for the site and its surrounding area.

(1) Site and Study Area Boundaries. A brief description of the size of the land parcel, general terrain features, legal right-of-way lines of the highway, and the location within the jurisdiction and the region should be included in this section. In addition, the roadways that afford access to the site and are included in the study area should be identified. The exact limits of the study area should be based on engineering judgment and an understanding of existing traffic conditions at the site. In all instances, however, the study limits must be mutually agreed upon by the developer, its engineer, and the Township.2

(2) Site Description. This Section should contain a brief narrative that describes the proposed development in terms of its function, size and near and long term growth potential. This description should be supplemented by a sketch which clearly shows the proposed development within the site boundaries, its internal traffic circulation pattern and the location and orientation of its proposed access points.

(3) Existing and Proposed Site Uses. The existing and proposed uses of the site should be identified in terms of the various zoning categories in the jurisdiction. In addition, identify the specific use on which the request is made since a number of uses may be permitted under the existing ordinances.

(4) Existing and Proposed Nearby Uses. Include a complete description of the existing land uses in the vicinity of the site as well as their current zoning. The applicant should also state the proposed uses for adjacent land, if known. This latter item is especially important where large tracts of underdeveloped land are in the vicinity of the site and within the prescribed study area.

(5) Existing and Proposed Roadways and Intersections. Within the study area, describe existing roadways and intersections (geometrics and traffic signal control) as well as improvements contemplated by government agencies.

B. Analysis of Existing Conditions. This section describes the results, as well as the data collection efforts, of the volume/capacity analysis to be completed for the roadways and intersections in the vicinity of the site under existing conditions.

(1) Daily and Peak Hour(s) Traffic Volumes. Provide schematic diagrams depicting daily and peak hour(s) traffic volumes for roadways within the study area. Turning movement and mainline volumes are to be presented for the three (3) peak hour conditions (AM, PM and site generated) while only mainline volumes are required to reflect daily traffic volumes. Include the source and/or method of computation for all traffic volumes.

(2) Volume/Capacity Analyses at Critical Points. Utilizing techniques described in the Highway Capacity Manual or derivative nomographs, include an assessment of the relative balance between roadway volumes and capacity. Perform the analysis for existing conditions (roadway geometry and traffic signal control) for the appropriate peak hours.

(3) Level of Service at Critical Points. Based on the results obtained in the previous section, levels of service (A through F) are to be computed and presented. This section should also include a description of typical operating conditions at each level of service.

C. Analysis of Future Conditions Without Development. This section describes the anticipated traffic volumes in the future and the ability of the roadway network to accommodate this traffic without the proposed zoning or subdivision request. The future year(s) for which projections are made will be specified by the Township and will be dependent on the timing of the proposed development.

(1) Daily and Peak Hour(s) Traffic Volume. Clearly indicate the method and assumptions used to forecast future traffic volumes in order that the Township can duplicate these calculations. The schematic diagrams depicting future traffic volumes will be similar to those described in § 1419(3)(B)(1)in terms of locations and times (daily and peak hours).

(2) Volume/Capacity Analyses at Critical Locations. Describe the ability of the existing roadway system to accommodate future traffic (without site development). If roadway improvements or modifications are committed for implementation, present the volume/capacity analysis for these conditions.

(3) Levels of Service at Critical Points. Based on the results obtained in the previous section, determine levels of service (A through F).

D. Trip Generation. Identify the amount of traffic generated by the site for daily and the three (3) peak conditions. The trip generation rates used in this phase of the analysis shall be justified and documented to the satisfaction of the Township.

E. Trip Distribution. Identify the direction of approach for site generated traffic for the appropriate time periods. As with all technical analysis steps, the basic method and assumptions used in this work must be clearly stated in order that the Township can replicate these results.

F. Traffic Assignment. Describe the utilization of study area roadways by site generated traffic. The proposed traffic volumes should then be combined with anticipated traffic volumes from § 1419(3)(C) to describe mainline and turning movement volumes for future conditions with the site developed as the applicant proposes.

G. Analysis of Future Conditions With Development. This section describes the adequacy of the roadway system to accommodate future traffic with development of the site.

(1) Daily and Peak Hour(s) Traffic Volumes. Provide mainline and turning movement volumes for the highway network in the study area as well as driveways and internal circulation roadways for the appropriate time periods.

(2) Volume/Capacity Analyses at Critical Points. Perform a volume/capacity analysis for the appropriate peak hours for future conditions with the site developed as proposed, similar to § 1419(3)(B)(2) and § 1419(3)(C)(2).

(3) Levels of Service at Critical Points. As a result of the volume/capacity analysis, compute and describe the level of service on the study area roadway system.

(4) Final Design. Final design must address both traffic flow and traffic safety considerations to provide safe operational characteristics.

H. Recommended Improvements. In the event that the analysis indicates unsatisfactory levels of service will occur on study area roadways, a description of proposed improvements to remedy deficiencies should be included in this section. The levels of service shall not deteriorate to worse than C if they are currently A or B, must be maintained if they are C, and improved to C if they are D, E, or F. In addition, there shall be no increase in delay if a satisfactory level of service can not be attained. These proposals would not include committed projects by the State and local jurisdictions that were described in § 1419(1) and reflected in the analysis contained in §§ 1419(2) and 1419(3).

(1) Proposed Recommended Improvements. Describe the location, nature and extent of proposed improvements to assure sufficient roadway capacity. Accompanying this list of improvements are preliminary cost estimates, sources of funding, timing, and likelihood of implementation.

(2) Volume/Capacity Analyses at Critical Points. Another iteration of the volume/capacity analysis will be described which demonstrates the anticipated results of making these improvements.

(3) Levels of Service at Critical Points. As a result of the revised volume/capacity analysis presented in the previous section, present levels of service for the highway system with improvements.

I. Conclusion. The last section of the report should be a clear concise description of the study findings. This concluding section should serve as an executive summary.

4. Contribution in Lieu of Preparation of Studies. If an applicant believes that the preparation of traffic study and report required herein is not warranted, he may request the Board to waive the preparation of such study, provided:

A. The applicant for approval of any residential subdivision or land development shall provide the Township with a certification of the number and type of dwelling units to be constructed for the purpose of determining the contribution in lieu of preparation of studies.

B. The applicant for approval of any commercial, industrial or institutional subdivision or land development shall provide the Township with a certification of the usable building floor area to be constructed for the purpose of determining the contribution in lieu of preparation of studies.

C. The contribution in lieu of preparation of studies provided for herein shall be in addition to all charges imposed by any Authority for tapping and connection fees and shall be in addition to all other review, Authority, and all sums otherwise agreed to be paid by the applicant.

D. The applicant shall enter into an agreement with the Township setting forth the contribution in lieu of preparation of studies to be paid and the studies to be waived by the Township. All such agreements shall be in a form satisfactory to the Township Solicitor.

E. All contributions in lieu of preparations of fees shall be paid prior to approval of the final plan by the Township Supervisors.

F. All developments receiving a modification of preparation of a traffic evaluation study in accordance with this section shall provide, as a minimum, the information required in § 1419(3)(D).

(Ord. 7/8/1978; as added by Ord. 10-10-01, 10/10/2001, § 5)

2Editor's Note: Text underlined in Ord. 10-10-01 as enacted.

§ 1420. Industrial Performance Standards.

1. Legislative Intent.

A. The Board of Supervisors desires to provide standards for the operation of industrial uses within the Township in order to protect the health, safety and welfare of Township residents, workers at such establishments, and visitors to the Township. Public health and safety shall be maintained through control of noise, vibrations, dust and particulate emissions, sulfur oxides, smoke, odor, toxic matter, detonable materials, fire hazards, glare, heat, radioactive radiation, liquid or solid wastes, and electromagnetic radiation. These items can cause a serious danger to the public health and safety if they are not

properly handled and limited. For example, excessive noise has been demonstrated to cause hearing loss, and air pollution has been proven to exacerbate respiratory difficulties. The dangers of fire are well known, and the control of substances which create a risk of fire is necessary.

B. The Board of Supervisors also seeks to protect the public health and safety by imposing traffic and access control and landscaping and screening requirements. Traffic and access controls will lessen the possibility of vehicular accidents. Landscaping and screening will provide a barrier to the use and discourage trespassing. The limitation of outdoor storage serves a similar purpose.

C. The Board of Supervisors also seeks to protect the public through the requirement of a plan of access in the event of emergency conditions. This will allow police, firefighters and rescue personnel to gain access to the premises in an efficient and safe manner in times of emergency.

2. Enforcement.

A. The industrial performance standards contained in this Part shall be the minimum standards to be met and maintained by all industrial uses within the Township.

B. For the purposes of this section, industrial uses shall be defined as those uses, regardless of location, which are specified as permitted uses or uses by special exception, in the Industrial District established by this Chapter including uses of a similar nature not specifically identified in this Chapter but which would be permitted in an industrial district.

C. Industrial uses existing within the Township on the effective date of this Section which do not currently meet and maintain the standards contained herein shall bring their operations into compliance within six (6) months from the effective date of this Section. It shall be the responsibility of the owner and/or operator of the industrial use to determine if the industrial use meets and maintains the standards set forth in this Section.

D. The owner and/or operator of any industrial use existing on the effective date of this Section shall have the right to appeal a determination that the industrial use does not meet and maintain the industrial performance standards contained herein to the Zoning Hearing Board in accordance with Part 19 herein.

E. The owner and/or operator of any industrial use may, as a special exception, apply to the Zoning Hearing Board for relief from the requirements of the industrial performance standards contained in this Part.

3. Exterior Uses and Storage.

A. For the purposes of this Section, outdoor storage shall:

(1) Be an accessory use to the principal use of the property.

(2) Include accessory materials including, but not limited to, shipping pallets or skids, disabled vehicles or equipment, waste or recyclable products produced as a by-product of a manufacturing, assembly or processing operation and other similar materials which are utilized from time to time on the property.

(3) Exclude principal materials and components of products delivered to the property and used as a part of a manufacturing, assembly or processing operation on the property.

(4) Exclude principal materials, components of products, or finished products manufactured, assembled, or processed on the property and intended to be shipped from the property.

B. All organic rubbish or storage shall be in airtight, vermin proof containers.

C. All industrial uses, as defined herein and not located within the Industrial District, shall be conducted within completely enclosed buildings.

D. In the Industrial District, and except as herein after provided, any use is permitted either indoors or outdoors but in compliance with the applicable performance standards.

(1) All industrial uses, including storage, within 200 feet of a residential district boundary or an existing residential building, shall be conducted within completely enclosed buildings unless the owner of such residence waives this restriction in writing to the Board of Supervisors.

E. Within all other districts, all industrial uses, including storage, within 500 feet of a residential district boundary or an existing residential building, shall be conducted within completely enclosed buildings unless the owner of such residence waives this restriction in writing to the Board of Supervisors.

F. Outdoor storage of materials is prohibited unless located within the side or rear yard, enclosed within a fenced area and screened in accordance with this Chapter.

(1) The maximum area for outdoor storage shall be one thousand (1000) square feet.

(2) Storage areas shall not occupy any part of the street right-of-way, any areas intended or designed for pedestrian use or required off-street parking areas.

4. Certification. All applications for industrial uses must be accompanied by a certification from a registered professional engineer in the Commonwealth of Pennsylvania that the proposed use can meet the performance standards of the appropriate district. Further, the Zoning Officer may employ consultants to evaluate the environmental effects with respect to performance standards.

5. Noise.

A. Noise shall be measured with a sound level meter having an A-weighted filter constructed in accordance with specifications of the American National Standards Institute (ANSI). Measurements are to be made at any point in residential or commercial districts as indicated in Table I following.

B. Impact noise shall be measured using the fast response of the sound level meter. Impact noises are intermittent sounds such as from a punch press or drop forge hammer. Measurements are to be made at any point in residential or commercial districts as indicated in Table I.

C. Between the hours of 7:00 p.m. and 7:00 a.m. the permissible sound levels in a residential district shall be reduced by 5 decibels for impact noises.

D. The following sources of noise are exempt:

(1) Transportation vehicles not used in the ordinary cause of business and not under the control of the owner, tenant, lessor.

(2) Occasionally used safety signals, warning devices, and emergency pressure relief valves.

(3) Temporary construction activity between 7:00 a.m. and 7:00 p.m.

6. The following Table I describes the maximum sound pressure level permitted from any industrial source and measured in any adjacent residential district or existing residential use or any commercial district lot. All industrial uses shall be limited by the following standards:

TABLE I
Maximum sound pressure level in decibels - 0.002 dynes per square centimeter.

Octave band in cycles	**7 a.m. to 7 p.m.**	**7 p.m. to 7 a.m.**
0 - 75	74	69
75 - 150	59	54
150 - 300	52	47
300 - 600	46	41
600 - 1,200	42	37
1200 - 2,400	39	34
2400 - 4,800	36	31
above - 4,800	33	28

For any noise of an impulsive or periodic character the permissible limits for each octave band shall be reduced by five (5) decibels.

Sound levels shall be measured at the lot line with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association.

7. Vibration.

A. Vibration shall be measured at or beyond any adjacent lot line or residential district line as indicated below and such measurements shall not exceed the particle velocities so designated. The instrument used for these measurements shall be a three component measuring system capable of simultaneous measurement of vibration in three mutually perpendicular directions.

B. The maximum vibration is given as particular velocity, which may be measured directly with suitable instrumentation or computed on the basis of displacement and frequency. When computed, the following formula shall be used:

P.V.= 6.28 F x D

P.V.= Particle velocity, inches per second

F = Vibration frequency, cycles per second

D = Single amplitude displacement of the vibration, inches

C. Table I designates the applicable columns of Table II that apply on or beyond adjacent lot lines within the zone, and on or beyond appropriate district boundaries. Vibration shall not exceed the maximum permitted particle velocities in Table II. Where more than one set of vibration levels apply, the most restrictive shall govern. Readings may be made at points of maximum vibration intensity.

TABLE I

Use	Adjacent Lot Line	Commercial Dist. Boundaries	Residential Dist. Boundaries
Industrial Uses	C	B	A

The maximum peak particle velocities that correspond to the above designations are as follows:

TABLE II
MAXIMUM PEAK PARTICLE VELOCITY-IN/SEC

Vibration	A	B	C
Steady State	0.02	0.05	0.10
Impact	0.04	0.10	0.20

D. The maximum particle velocity shall be the maximum vector sum of three mutually perpendicular components recorded simultaneously. (Particle velocity in inches multiplied by the frequency in cycles per second.)

E. For purposes of this Chapter steady-state vibrations are vibrations, which are continuous, or vibrations in discrete impulses more frequent than sixty (60) per minute. Discrete impulses, which do not exceed sixty (60) per minute, shall be considered impact vibrations.

F. Between the hours of 7:00 p.m. and 7:00 a.m. all of the permissible vibration levels indicated in the previous table for residential district boundaries (Column A) shall be reduced to one-half of the indicated values.

8. Dust and Particulates.

A. The total emission rate of dust and particulate matter from all vents, stacks, chimneys, flues or other opening or any process, operation, or activity within the boundaries of any lot, shall not exceed the levels set forth below. Emissions of dust and particulates shall be in accordance with the State of Pennsylvania rules and regulations governing air contamination and air pollution, and, in case of conflict, the most restrictive shall apply.

B. The emission rate of particulate matter in pounds per hour from any single stack shall be determined by selecting a continuous 4 hour period which will result in the highest average emission rate.

C. Particulate matter emission from materials or products subject to becoming windborne shall be kept to a minimum by paving, oiling, wetting, covering or other means, such as to render the surface wind resistant. Such sources include vacant lots, unpaved roads, yards and storage piles of bulk material such as coal, sand, cinders, slag, sulfur, etc.

D. Industrial Uses. For all industrial uses, the maximum emission rate of dust and particulate matter from all stacks shall be five-tenths pounds (0.5) per hour per acre of lot area.

9. Sulfur Oxides.

A. Emission of oxides of sulfur (as sulfur dioxide) from combustion and other process shall be limited in accordance with the requirement of each district. The oxides of sulfur may be computed from the sulfur analysis in the fuel or from known test data of sulfur oxides emission.

B. Industrial Uses. For all industrial uses, the maximum emission rate of oxides of sulfur from all stacks shall be five-hundreths (0.05) pounds per hour per acre of lot area.

10. Smoke.

A. For the purpose of grading the density or equivalent opacity of smoke, the Ringelmann Chart as published by the United States Bureau of Mines shall be used. However, the Umbrascope readings of smoke may be used when correlated with Ringelmann's Chart.

B. Industrial Uses. For all industrial uses, the emission of smoke darker than Ringelmann No. 1 from any chimney, stack, vent, opening, or combustion process is prohibited.

11. Odor.

A. Odor thresholds shall be measured in accordance with ASTM d1391-57 "Standard Method for Measurement of Odor in Atmospheres (Dilution Method)," or its equivalent.

B. Industrial Uses. For all industrial uses odorous materials released from any operation or activity shall not exceed the odor threshold concentration at or beyond the property line measured at either ground level or habitable level.

12. Toxic Matter.

A. The ambient air quality standards for the State of Pennsylvania shall be the guide to the release of airborne toxic materials across lot lines. Where toxic materials are not listed in the ambient air quality standards of the State of Pennsylvania, the release of such materials shall be in accordance with the tractional quantities permitted below, of those toxic materials currently listed in the threshold limit values adopted by the American Conference of Governmental Industrial Hygienists. Unless otherwise stated, the measurement of toxic matter shall be at ground level or habitable elevation, and shall be the average of any 24 hour sampling period.

B. Industrial Uses. For all industrial uses the release of airborne toxic matter shall not exceed one-thirtieth (1/30) of the threshold limit value across lot lines.

13. Detonable Materials.

A. Activities involving the storage, utilization or manufacture of products which decompose by detonation shall be in accordance with the regulations of each industrial district.

B. Such materials shall include, but are not limited to, all primary explosives such as TNT, RDX, HMX, PETN, and picric acid; propellants and components thereof, such as dry nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium nitrate; blasting explosives such as dynamite and nitroglycerine; unstable oxidizing agents such as perchloric acid, perchlorates, and hydrogen peroxide in concentration greater than thirty-five (35) percent; and nuclear fuels, fissionable materials and products, and reactor elements such as Uranium 235 and Plutonium 239.

C. Industrial Uses. For all industrial uses, the storage, utilization or manufacture of materials or products which decompose by detonation is limited to five (5) pounds.

14. Fire Hazards Solids.

A. Industrial Uses. For all industrial uses, the storage, utilization or manufacture of solid materials which are active to intense burning shall be conducted within spaces having fire resistive construction of no less than two (2) hours and protected with an automatic fire extinguishing system.

15. Fire Hazard Liquids and Gases.

A. The storage, utilization or manufacture of flammable liquids or gases which produce flammable or explosive vapors shall be permitted only in accordance with this Section, exclusive of the storage of finished products in original sealed containers (60 gallons or less), which shall be unrestricted.

B. The total storage capacity of flammable liquids and gases shall not exceed those quantities permitted in the following Table for all industrial uses.

TABLE OF STORAGE CAPACITY OF FLAMMABLE LIQUIDS AND GASES

LIQUIDS		GASES
Above Ground, Flash Point, °F		Above Ground
Less than 70	70° - 200°	

5,000 gal	20,000 gal.	150,000 SCF*
LIQUIDS		GASES
Below Ground, Flash Point, °F		Below Ground
Less than 70	70° - 200°	
10,000 gal.	40,000 gal.	300,000 SCF*

*SCF - Standard Cubic Feet at 60°F. and 29.92 inches Hg.

16. Glare and Lighting Standards.

A. Glare. Any operation or activity producing glare shall be conducted so that direct or indirect light from the source shall not cause illumination in excess of five-tenths (0.5) footcandles when measured within a residential district or at an adjoining residential use.

(1) Direct Glare. Direct glare is defined for the purpose of this Chapter as illumination beyond the property lines caused by direct or specularly reflected rays from incandescent, fluorescent or arc lighting, or from such high temperature processes as welding or petroleum or metallurgical refining. No such direct glare shall be permitted with the exceptions that parking areas and walkways may be illuminated by luminaries meeting the standards of subsection (16)(A)(2) below.

(2) Indirect Glare. Indirect glare is defined for the purpose of this Chapter as illumination beyond the property lines caused by diffuse reflection from a surface such as a wall or roof of a structure. Indirect glare shall not exceed a maximum of zero point three-tenths (0.3) footcandles and an average of one-tenth (0.1) footcandles. Deliberately induced sky-reflected glare, such as by casting a beam upward for advertising purposes, is prohibited.

B. Luminaries. All luminaries for parking areas, walkways, and similar purposes shall be so hooded or shielded so that the maximum angle or the cone of direct illumination shall be sixty (60) degrees drawn perpendicular to the ground, with the exception that such angle may be increased to ninety (90) degrees if the luminary is less than four (4) feet above the ground. No luminary may be placed more than twenty-five (25) feet above the ground, and the maximum illumination at ground level shall not exceed three (3) foot candles.

17. Heat. For the purposes of this Chapter, heat is defined as thermal energy of a radioactive, conductive, or convective nature. Heat emitted at any or all points shall not at any time cause a temperature increase on any adjacent property in excess of ten (10) degrees F.; whether such change be in the air or in the ground, in a natural stream or lake, or in any structure on such adjacent property.

18. Radioactive Radiation. No activities shall be permitted which emit dangerous radioactivity at any point. The handling of radioactive materials, the discharge of such materials into air and water, and the disposal of radioactive wastes, shall be in conformance with the regulations of the Nuclear Regulatory Commission as set forth in Title 10, Chapter One, Part 20 - Standards for Protection Against Radiation, as amended; and all applicable regulations of the State of Pennsylvania.

19. Liquid or Solid Waste. No discharge shall be permitted at any point into any sewage disposal system, or watercourse, or lake, or into the ground, except in accord with standards approved by the Department of Environmental Protection or any other regulating department or agency including, but not limited to, the South Annville Township Sewer Authority and any other inter-municipal agreements, of any materials of such nature or temperature as can contaminate any water supply or otherwise cause the emission of dangerous or offensive elements. There shall be no accumulation of solid wastes conducive to the breeding of rodents or insects.

20. Electromagnetic Radiation. It shall be unlawful to operate, or cause to be operated, any planned or intentional source of electromagnetic radiation for such purposes as communication, experimentation, entertainment, broadcasting, heating, navigation, therapy, vehicle velocity measurement, weather survey, aircraft detection, topographical survey, personal pleasure, for any other use directly or indirectly associated with these purposes which does not comply with the current regulations of the Federal Communications Commission regarding such sources of electromagnetic radiation, except that for all governmental communications facilities, governmental agencies and government owned plants, the regulations of the Interdepartment Radio Advisor Committee shall take precedence over the regulations of the Federal Communications Commission, regarding such sources of electromagnetic radiation. Further, said operation in compliance with the Federal Communications Commission or the Interdepartment Radio Advisory Committee regulations shall be unlawful if such radiation causes an abnormal degradation in performance of other electromagnetic radiators or electromagnetic receptors of quality and proper design because of proximity, primary field, blanketing, spurious re-radiation, harmonic content, modulation or energy conducted by power or telephone lines. The determination of "abnormal degradation in performance" and "of quality and proper design" shall be made in accordance with good engineering practices as defined in the latest principles and standards of the American Institute of Electrical Engineers, the Institute of Radio Engineers, and the Electronic Industries Association. In case of any conflict between the latest standards and principles of the above groups, the following

precedence in the interpretation of the standards and principles shall apply: 1) American Institute of Electrical Engineers, 2) Institute of Radio Engineers, and 3) Electronic Industries Association.

21. Emergency Plan of Access.

A. A written plan of emergency access must be provided by the owner in the event of emergency conditions such as fire, assuming the worst condition. All existing uses shall have twelve (12) months to comply with this requirement.

B. The owner's plan of action for emergency access to the building shall be submitted to the Township at the time of submission for a permit.

(Ord. 7/8/1978; as added by Ord. 10-10-01, 10/10/2001, § 6)

§ 1421. Commercial Performance Standards.

A. Enforcement of commercial performance standards shall follow the enforcement procedures of § 1420(4). Commercial uses shall be defined as those uses regardless of location which are specified as permitted uses, uses by special exception or conditional use in any of the commercial districts of this Chapter including uses of a similar nature not specifically identified in this Chapter but which would be classified as Commercial by the Township Zoning Officer.

B. General Commercial Design Standards.

(1) Establishments furnishing carts or mobile baskets shall provide definite areas on the site for the storage of said carts which shall be clearly marked and designated for such storage.

(2) All multiple use commercial centers under single ownership shall have only one free standing advertising sign. Additional flat wall signs shall be allowed in accordance with the sign regulations of this Chapter.

(3) To the greatest extent possible commercial buildings shall be designed to have fifty percent (50%) of the minimum required landscape area contained between the street right-of-way line and the building face.

(Ord. 7/8/1978; as added by Ord. 10-10-01, 10/10/2001, § 7)

§ 1422. Adult Uses.

Where authorized by special exception, adult uses, including but not limited to adult bookstore, adult movie theater, massage parlor, and adult live entertainment use, shall be subject to the following regulations:

A. Purposes. The regulations on adult uses are intended to serve the following purposes, in addition to the overall objectives of this Chapter 27.

(1) To recognize the adverse secondary impacts of adult uses that affect health, safety and general welfare concerns of the municipality. These secondary impacts have been documented in research conducted across the nation. These secondary impacts typically include, but are not limited to: increases in criminal activity, increases in activities that increase the risk of transmission of sexually transmitted diseases, increases in activities that increase the risk of transmission of other communicable diseases, increases in blight, decreases in the stability of residential neighborhoods, and decreases in property values for surrounding homes, and decreases in the marketability of nearby commercial business space. The research conducted across the nation concludes that adult use typically involve insufficient self-regulation to control these secondary effects.

(2) To limit adult uses to locations where these secondary impacts can be minimized, particularly as they affect residential neighborhoods.

(3) To not attempt to suppress any activities protected by the free speech protections of the U.S. Constitution, but instead to control secondary effects.

B. No adult use shall be located within: (i) 500 lineal feet of the lot line of any library, public park, existing dwelling, primary or secondary school, place of worship, day care center or child nursery.

C. No adult use shall be located within 1,000 lineal feet of any existing adult use.

D. A 50 feet buffer yard shall be provided, regardless of zoning district, along the side and rear lot lines.

E. No pornographic material, displays or words shall be placed in view of persons who are not inside of the establishment. The building [shall] be windowless or have an opaque covering over all windows or doors of any area in which materials are displayed.

F. No adult use shall be used for any purpose that violates any Federal, State or municipal law.

G. Signs shall comply with all requirements of Part 16 of this Chapter.

H. The adult use shall not include the sale or display of obscene materials, as defined by State law, as may be amended by applicable court decisions.

I. The adult use shall meet all of the following dimensional requirements:

(1) Minimum lot area: one (1) acre.

(2) Minimum front yard: sixty feet (60').

(3) Minimum side and rear yards: fifty feet (50').

(4) Minimum lot width: two hundred fifty feet (250') at the building line.

(5) Maximum building height: thirty-five feet (35') except as provided in Part 14 of this Chapter 27.

J. For public health reasons, private or semi-private viewing booths of any kind are prohibited. This specifically includes, but is not limited to, booths for viewing adult movies or nude dancers.

K. Only lawful massages as defined by court decisions shall be performed in a massage parlor.

L. All persons within any adult use shall wear non-transparent garments that cover their genitals and the female areola, except within a permitted lawful adult live entertainment use.

M. Any application for an adult use shall state the names and home addresses of (i) all individuals intended to have more than a five percent (5%) ownership in such use or in a corporation owning such use and (ii) an on-site manager responsible to ensure compliance with this Chapter on a daily basis. Such information shall be updated at the beginning of each year in writing to the Zoning Officer.

N. The adult use shall not operate between the hours of 12 midnight and 7 a.m.

O. As specific conditions of approval under this Chapter, the applicant shall prove compliance with the following State laws, as amended: the Pennsylvania Liquor Code, Act 219 of 1990 (which pertains to sale or consumption of alcohol between 2 am. and 8 am.), Act 207 of 1990 (which pertains to obscenity) and Act 120 of 1996 (which pertains to adult-oriented establishments and which limits, enclosed viewing booths among other matters).

P. No adult use may be changed to a different adult use without obtaining a new special exception approval.

(Ord. 7/8/1978; as added by Ord. 91102, 9/11/2002, § 6)

§ 1423. Forestry Activities.

In accordance with the requirements of § 603(f) of the MPC, as amended by Act 68 of 2000, forestry, including the harvesting of timber, is permitted as of right in all zoning districts within the Township subject to the provisions generally applicable to all uses in the district in which such land is located. If in the future the General Assembly amends the MPC to repeal § 603(f) or to remove the requirement that forestry be permitted in all zoning districts in every municipality, this Section will be of no further force or effect.

(Ord. 7/8/1978; as added by Ord. 91102, 9/11/2002, § 7)

§ 1424. Obscenity.

Obscenity shall be prohibited in all zoning districts in the Township.

(Ord. 7/8/1978; as added by Ord. 91102, 9/11/2002, § 7)

§ 1425. Neighborhood Greenway Development.

1. Purpose and Goals. It is the intent of the Board of Supervisors to encourage innovation and to promote flexibility, economy, and ingenuity in development consistent with the provisions of Article VI of the MPC, the Comprehensive Plan, and the Open Space and Greenways Master Plan. The application of alternative design standards and/or increases in the

permissible density of development is dependent on the extent to which a project achieves the following design objectives and goals:

A. Encouraging growth in the most appropriate locations.

B. Encouraging appropriate residential densities and land use intensities.

C. Preserving and enhancing natural and historic or scenic beauty.

D. Creating a distinct physical settlement connected by protected greenway land to adjoining Annville Township, nearby schools and other amenities.

E. Developing a settlement of modest size and scale that accommodates and promotes pedestrian travel rather than motor vehicle trips.

F. Promoting design that results in residentially scaled buildings fronting on, and aligned with, streets.

2. Eligibility. Within the R-1 and R-2 Districts, Neighborhood Greenway Development is permitted by conditional use for subdivisions which create six (6) or more lots either singularly or cumulatively after the effective date of this Section, subject to compliance with the criteria in this Section.

3. Minimum Requirements for Development under the Neighborhood Greenwav Development. Each Neighborhood Greenway Development shall meet all of the following minimum requirements:

A. The Neighborhood Greenway Development tract shall not be less than ten (10) acres in gross lot area.

B. The Neighborhood Greenway Development tract shall be developed according to a single plan that depicts complete build-out of the Neighborhood Greenway Development tract with common authority and responsibility. If more than one (1) person has an interest in all or a portion of the Neighborhood Greenway Development tract, all persons with interests in any portion of the Neighborhood Greenway Development tract shall join as applicants and shall present an agreement, in a form acceptable to the Township Solicitor, guaranteeing that the Neighborhood Greenway Development tract as a whole shall be developed in accordance with any approval granted under this Section as a single Neighborhood Greenway Development with common authority and governing documents.

C. All dwelling units and nonresidential structures shall be provided with public water service and public sewer service.

D. The Neighborhood Greenway Development shall be provided with open space in accordance with this Section.

E. The Neighborhood Greenway Development may be provided with a neighborhood center.

F. No more that fifty percent (50%) of the Neighborhood Greenway Development tract may be covered with impervious surface unless a greater impervious surface coverage is permitted through the use of design incentives set forth in subsection .19 below.

G. Conditional use approval is required before preliminary plan submission.

4. Applicability of Standards. It is the intention of the Board of Supervisors in accordance with § 605(3) of the MPC to encourage innovation and to promote flexibility, economy, and ingenuity in development. To that end, the Board of Supervisors may by conditional use approval authorize develop ment of a Neighborhood Greenway Development under the standards set forth in this Section if the applicant demonstrates to the satisfaction of the Board that the proposed Neighborhood Greenway Development is in accordance with, and substantially advances all of, the goals and design objectives in subsection .1 above. If the Board determines that the proposed Neighborhood Greenway Development does not meet the goals and design objectives of subsection .1 above, the applicant shall be required to comply with all applicable requirements of this Chapter and the Subdivision and Land Development Ordinance [Chapter 22] in the design and installation of the facility which is part of the Neighborhood Greenway Development. If there is any dispute as to whether the Neighborhood Greenway Development or any portion thereof meets the design objectives of this Section, the applicant shall be required to comply with all requirements of this Chapter and the Subdivision and Land Development Ordinance [Chapter 22].

5. Application Procedure. An applicant who desires to develop a Neighborhood Greenway Development shall submit an application for conditional use approval which shall include all of the following:

A. Site plan meeting all requirements of subsection .20 below.

B. Open space plan identifying all features required by subsec tion .6 below. The open space plan shall also include a written statement describing the applicant’s proposal for future ownership and maintenance of the open space.

C. Landscaping plan providing a complete proposal for the landscaping and planting of the Neighborhood Greenway Development tract and identifying all features required by subsection .6.G below.

D. Street lighting plan providing a complete proposal for the installation of street lighting to serve the Neighborhood Greenway Development tract.

E. Traffic impact study meeting all requirements of § 1419.1 of this Chapter.

F. Architectural guidelines for the Neighborhood Greenway Development which shall include styles, proportions, massing, and detailing.

G. Statement identifying all design incentives under subsection .19 below which have been incorporated, and written support for each design incentive. This statement must identify the specific design incentive provided, must identify the reduction of the standard taken, and must support the applicant's claim that the Neighborhood Greenway Development as proposed provides the identified design incentive.

H. Statement identifying all modifications of standards of this Section, under subsection .21 below, and written support for each modification. This statement must identify the specific modification requested and provide support that the modification meets all require ments of subsections .1.A through .1.F.

I. Required Application Fee.

No application shall be considered complete without all of the above-listed items. The Township shall not accept incomplete applica tions for conditional use approval to use the Neighborhood Greenway Development.

6. Open Space. A minimum of thirty-five percent (35%) of the Neighborhood Greenway Development tract shall be devoted to common open space. Through the use of incentives offered in subsection .19 below, the amount of open space maybe reduced. However, every Neighborhood Greenway Development shall be designed to provide a minimum of thirty percent (30%) of the Neighborhood Greenway Development tract as open space.

A. It is the express intent that this requirement for open space be used to protect those valuable resources that are identified by the comprehensive plan and open space and greenway master plan and further addressed by the regulations contained within the Subdivision and Land Development Ordinance [Chapter 22] regarding preservation of natural features, etc. Open space shall be designed and arranged to achieve as many of the following objectives as possible:

(1) Protection of important natural, historic, and cultural resources.

(2) Preservation of scenic views from public roads and neighboring residential properties.

(3) Provision of new and/or connection with existing trails, greenways, linear parks, or open space on adjoining parcels.

(4) Provision of useable play or recreation areas, or equipment, that are conveniently accessible to residents throughout the Neighborhood Greenway Development.

(5) Provision of public space as the focal point of the Neighborhood Greenway Development when coordinated with greens and public commons which are dispersed throughout the Neighborhood Greenway Development.

(6) Interconnection of areas of proposed open space within the Neighborhood Greenway Development and interconnection of open space within the proposed Neighborhood Greenway Development with existing or planned open space or recreational facilities on lands adjoining the Neighborhood Greenway Development tract.

B. The applicant shall demonstrate the specific measures employed to achieve the objectives in subsection .6.A above through the provision of an open space plan depicting all proposed elements of the common open space. Each open space plan shall identify:

(1) The location and size of proposed commons and/or greens.

(2) Connections among proposed areas of open space on the Neighborhood Greenway Development tract and connections of proposed areas of open space on the Neighborhood Greenway Development tract with elements of open space on adjoining tracts if such exists or is proposed.

(3) Location and size of trails, greenways or other pedes trian linkages, including the surface proposed.

C. In all Neighborhood Greenway Developments, regardless of the total amount of open space provided and regardless of the design incentives utilized, the applicant shall provide open space in the amount of at least thirty percent (30%) of the area of the Neighborhood Greenway Development tract. Not less than fifty percent (50%) of the required open space shall meet all of the criteria set forth in subsection .6.C(1) through (3) below. The remaining portion of the required open space may contain floodplains, wetlands, steep slopes, and similar features.

(1) The land shall not contain floodplains, wetlands, steep slopes or other natural features which would render the land unbuildable under applicable ordinances and regulations. For the purposes of this subparagraph, unbuildable land is land

upon which walking trails, fitness stations, or other recreational improve ments and amenities cannot be constructed.

(2) The land shall not contain stormwater management facilities.

(3) The land shall be configured to serve residents ade quately and conveniently. Strips of land running around the perimeter of the Neighborhood Greenway Development tract or separating proposed lots within the Neighborhood Greenway Develop ment less than twenty-five feet (25') in any dimension shall not be counted as open space to meet the required minimum unless such land is improved with walking trails, fitness stations, or other recreational improvements and amenities acceptable to the Board of Supervisors or unless such land is, in the opinion of the Board of Supervisors, integrated and integral to the overall open space design.

D. Each Neighborhood Greenway Development containing fifty (50) or more dwelling units shall be provided with at least one (1) green containing not less than ten thousand (10,000) square feet. Other greens and commons of not less than one thousand (1,000) square feet in area shall be dispersed throughout the Neighborhood Greenway Develop ment. A green or common which meets the requirements of subsection .6.C(1) through (3) above may be included within the required minimum open space.

E. The design of a hard (paved) or soft (mulched) surfaced pedestrian and bicycle network system linking development within the Neighborhood Greenway Development shall be provided to connect various commons and greens depicted on the open space plan. Access to all such areas shall be provided from public streets. Where necessary, easements shall be provided to accommodate pedestrian access as well as access for maintenance equipment and bicycles.

F. Landscaping. A vital component of the required open space plan shall be the design and provision of appropriate landscaping which shall include a combination of types of shrubs, trees (both evergreen and deciduous), and groundcovers, with emphasis on native plant species and low maintenance varieties. To ensure the proper placement of suitable materials, the applicant shall provide a landscaping plan, prepared by a registered landscape architect, which specifies the type and size of proposed vegetation, as well as identifying the location of existing vegetation to be retained. The landscaping plan shall include all portions of the proposed open space and shall identify all lighting proposed for all portions of the open space including, but not limited to, common area and pathways. The landscaping plan shall also include all areas outside of the open space which are required to be landscaped (such as parking areas, dumpster locations, etc.), the location of proposed street plantings and tree lawns, and the type and location of street trees to be provided.

(1) The applicant shall provide a maintenance guarantee to ensure the health and vitality of all plant material for a period of eighteen (18) months from planting. Any of the landscaping which dies or is removed within this time frame shall be replaced with vegetation of the same size and species. The applicant shall also be responsible to assure the proper care and maintenance of all plant material within the open space for the duration of this eighteen (18) months and until such time as the open space is transferred a property owners association or other entity as authorized by this Section.

G. The applicant shall arrange for the ownership, administration, and maintenance of open space in accordance with one or more of the following:

(1) The Township may in its sole discretion accept dedication of open spaces or any interest therein for public use and mainte nance with no consideration to be paid by the Township. Unless waived by the Board of Supervisors at time of approval, the Township shall have the option to accept all or any portion of the open space at any time within ten (10) years of the recording of the final subdivision and/or land development plan for the development. The final plan shall contain a note, in language acceptable to the Township Solicitor, that the common open space is irrevocably dedicated to the Township for a period of ten (10) years from the date of the recording of the final plan. Said note shall also state that the Township shall have no duty to maintain or improve the dedicated open space unless and until it has been accepted by formal action of the Board of Supervisors.

(2) The applicant may establish an automatic-membership property owners association made up of the owners of property in the Neighborhood Greenway Development as a nonprofit corporation for the purpose of owning, administering, and maintaining open space; provided, however, the association shall not be dissolved nor shall it dispose of the open space by sale or otherwise (except to an organization conceived and established to own, administer, and maintain common open space approved by the Board of Supervi sors) without first offering the open space for dedication to the Township. The property owners association shall be empowered to levy and collect assessments from the property owners of the Neighborhood Greenway Development to cover replacements, working capital, operating expenses, insurance against casualty and liability, and contingencies.

(3) The applicant may establish a deed or deeds of trust, approved by the Board of Supervisors, for the purpose of owning, administering, and maintaining open space, with the trustee empowered to levy and collect assessments from the property owners of the Neighborhood Greenway Development to cover replacements, working capital, operating expenses, insurance against casualty and liability, and contingencies.

(4) With permission of the Township and with appropriate deed restrictions in favor of the Township and in language acceptable to the Township Solicitor, the applicant may transfer the fee simple title in the open space or a portion thereof to a

private, nonprofit organization among whose purposes is the conservation of open space land and/or natural resources, provided that:

(a) The organization is acceptable to the Township and is a bona fide conservation organization with a perpetual existence.

(b) The conveyance contains appropriate provisions for proper retransfer or reverter in the event that the organiza tion becomes unable to continue to carry out its functions.

(c) A maintenance agreement acceptable to the Township is entered into by the applicant, organization, and Township.

H. If the Township does not accept dedication of the open space, the applicant shall grant to the Township, in a form acceptable to the Township Solicitor, all of the rights to maintain common open space described in Article VII of the MPC.

7. Street Lighting. The applicant shall provide street lights within the Neighborhood Greenway Development in a manner consistent with the architectural guidelines and acceptable to the Township and the applicable energy provider. Lighting shall be used to increase the safety of pedestri ans as well as vehicles while contributing to the character of the overall Neighborhood Greenway Development.

8. Permitted Uses. The following uses are permitted within a Neighborhood Greenway Development in accordance with types of uses, density and dimensional criteria set forth in this subsection and subsection .9 below:

A. Single-family dwellings in the R-I, Low Density Residential District and the R-2, Medium Density Residential District.

B. Two-family residential structures, multiple family and conversion apartment dwellings in the R-2, Medium Density Residential District.

C. Neighborhood facilities within a Neighborhood Center.

D. Within a neighborhood center, retail sales and personal service establishments including, but not limited to, news stand, coffee shop, apothecary, restaurant, hair and/or nail salons, gift shop, bakery, specialty food store, drycleaner (drop-off only), bike sales/rental, copy center, barber shop or another use which the Board of Supervisors determines during the conditional use approval process is substantially similar to the listed uses. Such retail sales and personal services shall not exceed fifty (50%) of the area of the neighborhood center.

E. Public uses including greenways, trails, commons, greens and municipal and essential community uses.

F. Lot Size Requirements.

Use	Minimum	Maximum
Permitted Residential Dwellings	N/A	N/A
Neighborhood Center	N/A	25,000 sq. ft. lot
Public Use Buildings/Structures	N/A	20,000 sq. ft. lot

9. Requirements for Residential Development. The maximum density for dwelling units within a Neighborhood Greenway Development shall be based upon the gross lot area of the Neighborhood Greenway Development tract. The maximum density without the use of design incentives is three (3.0) dwelling units per acre, while and the maximum density if the applicant uses one or more design incentives is three and five-tenth (3.5) dwelling units per acre.

A. All dwelling units shall be situated so as to retain a view of some portion of the open space and shall be located within eight hundred feet (800') of a commons, green, or trail.

B. All lots shall maintain minimum front, rear, and side yard setbacks of six feet (6').

C. No dwelling units within a Neighborhood Greenway Development shall have direct access to existing Township or state streets surround ing the Neighborhood Greenway Development tract. All access shall be from an internal street system designed to service the Neighborhood Greenway Development.

10. Neighborhood Centers. Each Neighborhood Greenway Development may include one (1) neighborhood center. Each neighborhood center shall comply with the following:

A. Uses are limited to those that residents are likely to need on a daily or regular basis and shall not include any fuel dispensing or drive-through facilities.

B. The overall size and type of each use within the neighborhood center is restricted to prevent the establishment of intensive commercial-type facilities that exceed the local orientation.

C. Each use other than a neighborhood facility within a neighbor hood center shall be designed to provide basic convenience commercial goods and services to existing and future nearby residences.

D. All neighborhood centers shall be provided with convenient pedestrian access. Any necessary parking facilities shall be located to the side or rear of any structure.

E. Where a neighborhood center adjoins residentially zoned lands or existing residential use, the center's side and rear yards shall, regardless of the other uses in those yards, contain landscaping that adequately buffers and screens the adjoining residential properties. The type of landscaping shall be consistent with that in the open space component of the overall development and be arranged so as to block the ground level view between grade and a height of six feet (6'). Such landscape screens must achieve this visual blockage within two (2) years of installation.

F. The adaptive use of historical structures on the Neighborhood Greenway Development tract is a preferred option for the siting of a neighborhood center. However, when new construction must be undertaken, the design of such structure(s) shall not detract from the community character of the Neighborhood Greenway Development and the surrounding area.

G. The applicant may initially use the neighborhood center as a sales office. If the applicant uses the neighborhood center as a sales office, the applicant shall insure that not less than fifty percent (50%) of the floor area of the neighborhood center shall be converted to neighborhood facilities and/or retail sales and personal service establishments authorized in subsection .8 above upon the sale of thirty percent (30%) of the dwelling units. The applicant shall further insure that not less than seventy-five percent (75%) of the floor area of the neighborhood center shall be converted to neighborhood facilities and/or retail sales and personal service establishments authorized upon the sale of seventy-five percent (75%) of the dwelling units in the Neighborhood Greenway Development.

11. Required Parking. All uses within the Neighborhood Greenway Development shall be provided parking in accordance with subsection.

A. On-street parking spaces along the front property line shall count toward the minimum number of parking spaces required for the use on that lot (except where there are driveway curb cuts).

B. The amount of off-street parking required for all dwelling units and public uses shall be in accordance with Part 15 of this Chapter.

C. The amount of parking for all retail sales and personal service establishments in neighborhood centers shall be one (1) parking space for each three hundred (300) square feet of gross floor area. The parking shall be provided either on the neighborhood center lot or in designated on-street parking areas within five hundred feet (500') of the neighborhood center buildings or by a combination thereof.

D. All nonresidential uses shall adequately accommodate both handicap parking and bicycle parking.

12. Architectural Guidelines. It is not the intent of the Board of Supervisors to dictate architectural styles. However, a set of standards shall be chosen by the applicant and adhered to consistently throughout the development. Standards selected shall enhance the design objectives and goals as specified by subsection .1. Architectural guidelines shall be established and approved as a condition of the conditional use approval. The applicant shall submit a set of guidelines which shall include styles, proportions, massing, and detailing. To the extent necessary on each site, these features shall be compatible with the design of historical resources on and adjacent to the Neighborhood Greenway Development tract. The architec tural guidelines shall be recorded with or be part of documentation imposing covenants and conditions upon the Neighborhood Greenway Development.

13. Overall Development Form. In meeting the design objectives and goals specified by subsection .1, new construction shall, to the greatest extent possible, be sited so as to preserve natural vistas and existing resources of the Neighborhood Greenway Development tract as delineated by the required site plan. Components of the Neighborhood Greenway Development shall be designed in a pattern of blocks and interconnecting streets, defined by buildings, street furniture, landscaping, sidewalks, on-street parking, and public space.

14. Streets. Streets within the Neighborhood Greenway Development shall provide safe and convenient access and circulation patterns and shall meet the design standards of this subsection.

A. Streets shall be designed to establish a hierarchy which shall:

(1) Avoid alteration of cultural or historical resources as identified by the Comprehensive Plan and Open Space and Greenway Master Plan.

(2) Minimize alteration of natural resources as identified by the Comprehensive Plan and Open Space and Greenway Master Plan.

(3) Provide a view to prominent natural vistas.

(4) Promote pedestrian movement and calm traffic speeds as necessary.

(5) Provide for on-street parking where applicable.

(6) Be provided with sidewalks on both sides.

(7) Accommodate nonmotorized traffic.

B. Street patterns shall form a network, with variations as needed for topographic, environmental, and other design considerations. Proposed streets within the Neighborhood Greenway Development designed as collector streets shall have a minimum centerline turning radius of one hundred fifty feet (150'). All other streets within the Neighbor hood Greenway Development shall be designed with a minimum centerline turning radius of eighty feet (80'). All intersections of streets and all intersections of access drives with streets shall maintain a clear sight triangle. The minimum clear sight triangle side length shall be seventy-five feet (75'). All intersections of streets with existing arterial streets shall have a minimum clear sight triangle side length of one hundred feet (100').

C. Street width and design standards shall be as set forth in the table below:

Street Type	# Travel Lanes	Parking	Sidewalks	Cartway Width	R-O-W Width	Curb
Collector*	2	No	Yes	28 ft.	50 ft.	Yes
N	2	No	Yes	20 ft.	50 ft.	Yes
N-1	2	1-side	Yes	28 ft.	50 ft.	Yes
N-2	2	2-sides	Yes	32 ft.	50 ft.	Yes

N: Neighborhood Street with neither homes nor parking on either side of the street

N-1: Neighborhood Street with homes and parking on just one side of the street; the parking must be on the same side of the street as the homes

N-2: Neighborhood Street with homes and parking on both sides of the street

*For purposes of this Section, the following streets are considered collectors:

Bachman Road from Royal Road to the northern Township boundary

Louser Road from South White Oak Street (State Route 934) to Mount Pleasant Road

Mount Pleasant Road from Louser Road to the northern Township boundary

South White Oak Street (State Route 934) from Royal Road to the northern Township boundary

Spruce Street from Royal Road to the northern Township boundary

15. Driveways/Garages for Residential Uses.

A. Setbacks. Driveways shall not be located within five feet (5') of a fire hydrant and shall be setback at least two feet (2') from any side lot line, unless a common or joint driveway location is proposed. Driveways shall not connect with a public street within twenty feet (20') from the right-of-way lines of any intersection street. Garages shall be set back a minimum of twenty-four feet (24') from the property-side edge of the sidewalk.

B. Length. A minimum driveway length of twenty-four feet (24') from the sidewalk edge to garage door shall apply to driveways which provide access to the front of dwelling units from streets where sidewalks exist or are proposed.

16. Sidewalks. Sidewalks are to be provided on both sides of all streets within the Neighborhood Greenway Development as well as along existing streets connecting the Neighborhood Greenway Development to existing or future development adjacent to the Neighborhood Greenway Development tract.

A. Sidewalks shall be no less than four feet (4') wide in residential areas and no less than five feet (5') wide in areas providing access to neighborhood facilities within the Neighborhood Greenway Development or commercial areas adjacent to the Neighborhood Greenway Development tract.

B. Sidewalks shall be separated from street curbs by a planting strip or tree lawns not less than three feet (3') wide.

17. Transit Facilities. If the Neighborhood Greenway Development tract is located on an existing or proposed collector street which is on an existing or proposed County of Lebanon Transit Authority (COLT) bus route, a transit shelter and bench shall be provided. A bus pullout lane shall also be provided to accommodate the safe boarding of passengers and smooth transition of traffic. Where the Neighborhood Greenway Development has been designed to provide one (1) or more through street connections, the provision of multiple transit sites may be warranted. If COLT notifies the Township that it will provide service within the Neighborhood Greenway Development tract prior to approval of a final subdivision or land development plan, the applicant shall provide a transit site to serve the neighborhood center or, if more than one (1) neighborhood center building is constructed, to serve the Neighborhood Greenway Development center building selected by COLT or the Board of Supervisors.

18. Shade Trees and Street Plantings. Shade trees shall be provided and installed in accordance with the required landscaping plan. At a minimum, they shall be located along each side of all existing or proposed public or private streets.

A. New street trees shall be deciduous shade trees with a caliper of two and five-tenth (2.5) to three (3) inches measured at chest height.

B. Street trees shall be spaced at intervals no greater than forty feet (40') along both sides of each street, including arterial roads, excluding rear access lanes and alleys.

C. Selected species shall:

(1) Cast moderate to dense shade in summer.

(2) Have a typical life span of more than sixty (60) years.

(3) Mature to a height of at least fifty feet (50').

(4) Be tolerant of pollution and direct or reflected heat.

(5) Require little maintenance by being mechanically strong (not brittle) and insect and disease resistant.

(6) Be able to survive two years with no irrigation after establishment.

(7) Be of native origin, provided they meet the above criteria.

D. Existing healthy and mature street trees may be counted toward the street tree planting requirement.

E. Street plantings may be used to complement the street tree and landscaping requirements within public areas not included within the open space. If permanent containers are used to accommodate such plantings, they shall contain vegetation which is hardy in all seasons or shall be replanted according to the change in seasons. The perpetual care and maintenance of such plantings shall be the responsibility of the entity responsible for the open space.

19. Design Incentives. Designs which incorporate one or more of the following elements shall qualify for reductions in the percentage of open space required, or an increase in the permitted density of a Neighborhood Greenway Development, or other modification of the design standards as specified herein. In no event shall density exceed the maximum density with design incentives set forth in subsection .9.

A. Provision of improvements to active recreational areas such as equipment, fields, spectator facilities, or jogging/stretching/fit ness stations. Each type of such amenity provided shall qualify for consideration of a decrease in the required open space by one percent (1%), with the total reduction of open space not to exceed five percent (5%); or, an increase in the maximum density of one-tenth (0.1) additional dwelling unit per acre, with a total increase in the maximum density not to exceed one-half (1/2) an additional dwelling unit per acre. To qualify for the open space reduction or increase in maximum density, but not both per type of amenity, the location and extent of each type of amenity shall be acceptable to the Township.

B. Provision of improvements to passive recreational areas such as fountains, benches, trail surfacing, or educational signage related to the presence of unique species of plants or animals or the background of historical resources on the Neighborhood Greenway Development tract. Each type of such amenity provided shall qualify for consideration of a decrease in the required open space by one percent (1%), with the total reduction of open space not to exceed five percent (5%) or an increase in the maximum density of one-tenth (0.1) additional dwelling unit per acre, with a total increase in the maximum density not to exceed one-half (1/2) an additional dwelling unit per acre for the open space reduction or increase in maximum density, but not both per type of amenity, the location and extent of each type of amenity shall be acceptable to the Township. To qualify for the reduction, the location and extent of each type of amenity shall be acceptable to the Township.

C. Provision of rear access to properties with the use of alleys. Subdivisions served in whole or in part with alleys shall qualify for consideration of a decrease in the required open space or an increase in the maximum density as follows:

Portion of Total Number of Lots in Subdivision Served	Open Space Decrease	Density Increase
at least one-quarter	1%	one-tenth additional dwelling unit per acre
at least one-half	2 1/2%	one-quarter additional dwelling unit per acre
at least three-quarters	5%	one-half additional dwelling unit per acre

20. Site Plan Requirements and Effect of Site Plan Approval.

A. Each applicant under this Section shall present a site plan of the Neighborhood Greenway Development with the application for a conditional use. The site plan shall at a minimum contain:

(1) The project name or identifying title.

(2) The name and address of the landowner of the tract, the applicant, and the firm that prepared the plan.

(3) The file or project number assigned by the firm that prepared the plan, the plan date, and the dates of all plan revisions.

(4) A north arrow, a graphic scale, and a written scale.

(5) The entire tract boundary with bearings and distances, and identification of all corner markers.

(6) A location map, for the purpose of locating the site to be subdivided or developed, at a minimum scale of two thousand feet (2,000') to the inch, showing the relation of the tract to adjoining property and to all streets, municipal boundaries, and streams existing within one thousand feet (1,000') of any part of the property proposed to be developed.

(7) The plotting of all existing adjacent land uses and lot lines within two hundred feet (200') of the proposed development including the location of all public and private streets, drives or lanes, railroads, historic sites, and other significant natural or man-made features.

(8) The names of all immediately adjacent landowners and the names and plan book numbers of all previously recorded plans for adjacent projects.

(9) Contours at vertical intervals of two feet (2') for land with average natural slope of twelve percent (12%) or less, and at vertical intervals of five feet (5') for more steeply sloping land; location of bench mark and datum used.

(10) The delineation of all those areas which have been identified as being subject to the one hundred (100) year flood in accordance with Part 11 of this Chapter.

(11) The delineation of all soil types as indicated by the most recent U.S.D.A.- N.R.C.S. Soil Survey of Lebanon County.

(12) The plotting of all existing landmarks within the proposed development including the location of all existing streets, buildings, easements, rights-of-way, sanitary sewers, water mains, storm drainage structures, and watercourses.

(13) A list of site data including, but not limited to, the following:

(a) Total acreage of the tract.

(b) Zoning district.

(c) Proposed use of the land.

(d) Proposed gross area of the development.

(e) Proposed gross residential density.

(f) Proposed number of dwelling units.

(g) Proposed number of lots.

(h) Acreage of all street rights-of-way proposed for dedication.

(i) Acreage and percentage of common open space.

(j) Acreage to be sold to individual owners.

(k) Acreage to be retained by landowner.

(l) Acreage of any commercial, public or semi-public use areas.

(m) Proposed number of parking spaces.

(n) Any proposed design incentive, including the provision under which the incentive is authorized, the improvement proposed to qualify for the incentive, the increase in density, the change in the mix of dwelling types, the decrease in open space, the increase in impervious coverage or the decrease in landscaping claimed.

(14) The proposed location and dimensions of all streets, access drives, parking compounds, sidewalks, bikeways, and curbing.

(15) The proposed location of all lot lines with approximate dimensions.

(16) The approximate size of all lots in square feet or acreage.

(17) The proposed location and configuration of all buildings.

(18) The proposed location, size, and use of all common open space areas, structures, and recreation facilities.

(19) Proposed landscaping, buffering, screening, walls, and fences.

(20) A proposed phasing plan of the development.

(21) A descriptive narrative of the proposal's impact on each of the following resources, and the specific measures undertaken or which will be undertaken to incorporate and protect such features in accordance with the objectives and goals identified by subsection .1. The applicant shall take appropriate steps to conserve these resources and shall identify what efforts have been made to mitigate necessary impacts to these resources. Features depicted on the plan shall include, but shall not be limited to, the following:

(a) Existing vegetation and woodlands.

(b) Natural habitats.

(c) Slopes in excess of fifteen percent (15%).

(d) Ponds, lakes, streams, and rivers.

(e) Wetlands.

(f) Ridgelines.

(g) All areas identified as being subject to the one hundred (100) year flood in accordance with Part 11 of this Chapter.

(h) Surface drainage characteristics.

(i) All cultural, historical, and natural features on and adjacent to the Neighborhood Greenway Development tract.

B. The Board of Supervisors in approving conditional use applications shall make compliance with the site plan and any revisions thereto required by the Board of Supervisors a part of the approval. The applicant shall develop the Neighborhood Greenway Development tract in the manner set forth on the site plan and any required revisions thereto unless a change to the site plan is authorized in accordance with paragraphs .C or .D below. This procedure for revisions to the site plan shall supersede the provisions for changes to the site plan set forth in § 1104.4 of this Chapter.

C. An applicant may make minor revisions to the site plan as may be necessary to accommodate fully engineered stormwater management facilities, public sewer facilities, public water facilities, flood plains, and changes to street design as may be required by the Pennsyl vania Department of Transportation as part of a highway occupancy permit. The Board of Supervisors during the subdivision and land development process shall determine whether the applicant's proposed changes to the approved site plan constitute minor revisions necessary to accommodate fully engineered stormwater management facilities, public sewer facilities, public water facilities, floodplains, and changes to street design as may be required by the Pennsylvania Department of Transportation as part of a highway occupancy permit.

D. An applicant who desires to make a change to an approved site plan which the Board of Supervisors determines does not constitute a minor revision authorized by paragraph .C above shall apply for and obtain an additional conditional use approval.

(1) Any applicant who proposes a change to an approved site plan which shall not alter any of the items set forth in subpara graph (2) below shall demonstrate during the additional conditional use approval process that the site plan for the proposed Neighbor hood Greenway Development as revised by the applicant continues to meet all requirements of this Section.

(2) Any applicant who proposes a change to an approved site plan which shall alter any of the following items shall demonstrate during the additional conditional use process that the site plan for the proposed Neighborhood Greenway Development continues as revised by the applicant to meet all requirements of this Section and shall also demonstrate that the proposed modification to the approved site plan meets the requirements of subparagraph (3) below:

(a) Increase in the number of dwelling units or decrease in the number of dwelling units in excess of ten percent (10%).

(b) Change in the amount of nonresidential building area or land area to be devoted to nonresidential uses.

(c) Change in the amount or location of open space areas.

(d) Change in the minimum lot sizes for the residential dwellings.

(e) Change in any improvement proposed to qualify for a design incentive authorized by subsection .19.

(3) An applicant who desires to make a revision to a site plan which affects any of the criteria in subsection .20.D(2) above shall demonstrate to the satisfaction of the Board of Supervisors during the additional conditional use approval process that such change will:

(a) Generally enhance the development plan, or in any case not have an adverse impact on its physical, visual or spatial characteristics.

(b) Generally enhance the streetscape and neighborhood, or in any case not have an adverse impact on the streetscape and neighborhood.

(c) Not result in configurations of lots or street systems which shall be impractical or detract from the appearance of the proposed Neighborhood Greenway Development.

(d) Not result in any danger to the public health, safety or welfare by making access to the dwellings by emergency vehicles more difficult, by depriving adjoining properties of adequate light and air or by violating the other purposes for which zoning ordinances are to be enacted under § 604(1) of the MPC.

(e) Allow for equal or better results than the origi nally approved site plan and represent the minimum modifica tion necessary.

21. Modification of Standards. The Board of Supervisors may, by conditional use approval, permit the modification of the design standards of this Section in order to encourage the use of innovative design. An applicant desiring to obtain such conditional use approval shall, when making application for conditional use approval for a Neighborhood Greenway Development using the neighborhood design option, also make application for conditional use approval under this subsection. The Board of Supervisors shall consider both conditional use approval requests simultaneously. Any conditional use to permit a modification of the design standards shall be subject to the following standards:

A. Such modifications of design standards better serve the intended purposes and goals of the Neighborhood Greenway Development option as expressed in subsection .1.

B. Such modifications of design standards would not result in adverse impact to adjoining properties, nor future inhabitants within the Neighborhood Greenway Development.

C. Such modifications will not result in an increase in residen tial densities permitted for the Neighborhood Greenway Development tract.

D. Such modifications will not result in a decrease in open space below that required in subsection .6 for the Neighborhood Greenway Development tract.

E. The extent of modification provides the minimum amount of relief necessary to ensure compliance with the preceding criteria in this Section.

(Ord. 7/8/1978; as added by Ord. 61406, 6/14/2006, § 6)

§ 1426. Residential Subdivisions and Land Developments of Six or More Lots or Dwelling Units.

1. Approval Required. Any person desiring to subdivide a lot in existence on the effective date of this Section, either initially or cumulatively, into six (6) or more residential lots or who desires to initially or cumulatively create six (6) or more dwelling units shall obtain conditional use approval under this Section.

2. Application Requirements. Any application for a conditional use under this Section shall submit documentation and plans meeting all requirements of § 1425.20.A and shall also submit a landscaping plan providing a complete proposal for the landscaping and planting of the development and identifying all features required by § 1425.6.F above and a street lighting plan.

3. Greenways. Greenways are to be provided as identified on the South Annville Township Open Space and Greenways Master Plan, in accordance with the criteria set forth in § 1425.6.C(1) through (3) above, and to insure connection with greenway elements on adjoining tracts where they exist or are planned.

4. Sidewalks. Sidewalks are to be provided on both sides of all streets within the development as well as along existing streets connecting the development to existing or future development adjacent to the development site.

A. Sidewalks shall be no less than four feet (4') wide in residential areas and no less than five feet (5') wide in areas providing access to neighborhood facilities within the development or commercial areas adjacent to the development.

B. Sidewalks shall be separated from street curbs by a planting strip or tree lawns not less than three feet (3') wide.

5. Transit Facilities. If the development site is located on an existing or proposed collector street which is on an existing or proposed County of Lebanon Transit Authority (COLT) bus route, a transit shelter and bench shall be provided. A bus pullout lane shall also be provided to accommodate the safe boarding of passengers and smooth transition of traffic. Where the development has been designed to provide one or more through street connections, the provision of multiple transit sites may be warranted. If COLT notifies the Township that it will provide service within the develop ment prior to approval of a final subdivision or land development plan, the applicant shall provide a transit site to serve the neighborhood center.

6. Shade Trees and Street Plantings. Shade trees shall be provided and installed in accordance with the required landscaping plan. At a minimum, they shall be located along each side of all existing or proposed public or private streets.

A. New street trees shall be deciduous shade trees with a caliper of two and five-tenth (2.5) to three (3) inches measured at chest height.

B. Street trees shall be spaced at intervals no greater than forty feet (40') along both sides of each street, including arterial roads, excluding rear access lanes and alleys.

C. Selected species shall:

(1) Cast moderate to dense shade in summer.

(2) Have a typical life span of more than sixty (60) years.

(3) Mature to a height of at least fifty feet (50').

(4) Be tolerant of pollution and direct or reflected heat.

(5) Require little maintenance by being mechanically strong (not brittle) and insect and disease resistant.

(6) Be able to survive two (2) years with no irrigation after establishment.

(7) Be of native origin, provided they meet the above criteria.

D. Existing healthy and mature street trees may be counted toward the street tree planting requirement.

E. Street plantings may be used to complement the street tree and landscaping requirements within public areas not included within the open space. If permanent containers are used to accommodate such plantings, they shall contain vegetation which is hardy in all seasons or shall be replanted according to the change in seasons. The perpetual care and maintenance of such plantings shall be the responsibility of the entity responsible for the open space.

(Ord. 7/8/1978; as added by Ord. 61406, 6/14/2006, § 6)

§ 1427. Oil and Gas Operations.

It is the intent of the Township to comply with Chapter 33, Local Ordinances Relating to Oil and Gas Operations, of Title 58, Oil and Gas, of the Pennsylvania Consolidated Statutes, as added by Act 13 of 2012. Oil and gas operations, as defined in 58 Pa.C.S. § 3301, shall be permitted within the Township to the extent of and in the manner required by 58 Pa.C.S. § 3304. All provisions of this Chapter shall apply to oil and gas operations to the maximum extent allowed by Chapter 33 of Title 58.

(Ord. 7/8/1978; as added by Ord. 5-9-2012, 5/9/2012, § 4)

§ 1428. Accessory Dwelling Units.

Where authorized in a specific zoning district, an accessory dwelling unit shall meet all of the following requirements:

A. One accessory dwelling unit may be permitted on a lot.

B. The owner of the lot shall maintain his or her primary residence in either the principal or the accessory dwelling unit. The other dwelling unit shall be occupied by persons related by blood, marriage, or adoption to the lot owner.

C. Each year the owner of the lot shall provide the Township with a written statement in a form prepared by the Township, together with the applicable fee, certifying compliance with this Section. In the event the lot owner fails to comply with this requirement, the lot owner shall be required to reconvert the accessory dwelling unit into part of the principal dwelling unit or completely remove the accessory dwelling unit.

D. One additional off-street parking space shall be provided for the accessory dwelling unit.

E. The accessory dwelling unit shall either be a manufactured home or shall be contained in or attached to the principal dwelling. If the accessory dwelling unit is contained to or attached to the principal dwelling, it shall be designed so that the appearance of the building remains that of a single family detached dwelling. Any necessary additional entrances or exits shall be located to the side or rear of the existing dwelling.

F. The maximum size of the accessory dwelling unit shall not exceed sixty (60) percent of the total floor area of the principal dwelling unit or one thousand two hundred (1,200) square feet, whichever is less.

G. Any on-lot sewage disposal system shall be certified by the Sewage Enforcement Officer to meet all applicable requirements as a result of the inclusion or addition of the accessory dwelling unit.

H. The accessory dwelling unit shall conform with all other zoning requirements including, but not limited to, setbacks and impervious surface coverage. The accessory dwelling unit shall comply with the Uniform Construction Code.

I. The accessory dwelling unit permit shall be deemed to be automatically revoked if the Zoning Officer determines that the owner of the lot no longer meets the requirements of this Section, the accessory dwelling unit or principal dwelling unit are not occupied by persons meeting the requirements of this Section, or if the lot is sold.

J. The owner of the lot shall present evidence of the recording of an agreement between the owner and the Township, in a form acceptable to the Township Solicitor, which sets forth that the occupancy of the accessory dwelling unit is limited as set forth in this section.

(Ord. 1-9-19, 1/9/2019, §3)

Part 15
Off-Street Parking

§ 1501. Off-Street Parking Facilities, When Required.

Accessory off- street parking facilities, including access driveways, shall be required in accordance with the provisions of this Part as a condition precedent to the occupancy of such building or use. Facilities shall be provided for the entire building or use:

A. Whenever a building is constructed or a new use established;

B. Whenever the use of an existing building is changed to a use requiring more parking facilities;

C. Whenever an existing building is altered or enlarged so as to increase the amount of parking spaces required under this Part.

(Ord. 7/8/1978, § 16.01)

§ 1502. Continuation of Parking Facilities.

All off-street parking facilities, or those required as accessory to a use of a proposed or altered building, shall continue unobstructed in operation, shall not be used for commercial automobile service or repair and shall not be reduced below the required size as long as the main use remains, unless an equivalent number of spaces is provided for such use in another approved location.

In order to insure the continued use for parking purposes of any areas established therefor by persons who are not the owners thereof, the Township Supervisors may require, before approval, evidence in writing that the owner or owners of the land to be included in such parking areas have by covenant agreed to allow the use of such land for the required off-street parking; such covenant to be filed for record with the Recorder of Deeds of Lebanon County.

(Ord. 7/8/1978, § 16.02)

§ 1503. Standards and Definitions.

For the purpose of determining accessory off-street parking requirements, definitions and standards shall be as follows:

ACCESSORY PARKING SPACE - an open or enclosed area accessible from a street for parking of motor vehicles of owners, occupants, employees, customers, or tenants of the main building or use. Each parking space shall be not less than ten feet (10') wide and not less than twenty feet (20') long, exclusive of all drives, curbs, and turning space. The number of spaces shall be determined from an accurate plan of the area.

FLOOR AREA - the total area all the floors measured from the exterior faces of the building (except the floor area used for storage or packaging of merchandise may be excluded), or, where set forth in the schedule in § 1504 only the floor area used by a specific use.

SEAT - the number of seating units installed or indicated, or each twenty-four (24) linear inches of benches, pews, or space for loose chairs or similar seating facilities; spacing of rows shall be thirty inches (30") on center.

(Ord. 7/8/1978, § 16.03)

§ 1504. Schedule of Minimum Required Off-Street Parking Spaces.

Building or Use	Parking Spaces Required
INSTITUTIONAL	
1. Civic and educational; primary and secondary school; library places for public assembly	1 space for each employee plus 1 space for each five (5) seats in assembly rooms.
2. Governmental; municipal building used for administrative functions	1 space for each two hundred (200) square feet of office floor area plus 1 space for each four (4) seats in assembly room.
3. Place of worship	1 space for each five (5) seats in principal assembly rooms.
4. Welfare: Hospital	1 space per three (3) beds plus 1 space for each employee on the largest shift.
Health Center	1 space per one hundred fifty (150) square feet of floor area.
Home for the aging; Nursing Home	1 space per each five (5) guest rooms or apartment units plus 1 space for each employee.
Group Foster Home	1 space per each 2 guests plus 2 spaces for each resident family plus 1 space for each employee.
Retreat [Ord. 9804]	2 off-street parking spaces for each transitional housing dwelling unit, plus 1 space for each employee, plus 1 space for each 2 beds in cabins providing overnight accommodation. [Ord. 9804]
RESIDENTIAL	
5. One, two and multi-family	2 spaces per dwelling unit
OFFICE BUILDING	
6. Medical and dental offices and clinics	1 space per two hundred (200) square feet of floor area plus

	1 space for each doctor and dentist.
7. Other Offices	1 space per four hundred (400) square feet of ground floor area; 1 space per five hundred (500) square feet of floor area of upper floors.
8. Motel, Hotel	1 space per guest room or unit.
9. Mortuary	1 space per thirty (30) square feet of assembly rooms, or 1 space for each four (4) seats, whichever requires the greater number, but in no case less than twenty (20) spaces.
RETAIL BUSINESS	
10. Retail stores, banks, service	1 space per three hundred (300) square feet of ground floor area; 1 space per five hundred (500) square feet of floor area of upper floors.
11. Eating places, bars, taverns	1 space per two hundred (200) square feet of floor area, or 1 space per two (2) seats, whichever requires the greater number of spaces.
12. Club, lodge, or other assembly hall	1 space per four (4) seats in building.
COMMERCIAL BUSINESS	
13. Indoor Theater	1 space per four (4) seats in building.
14. Dance hall, skating rink, swimming pool	1 space per fifty (50) square feet of area used for dancing, skating, or swimming.
15. Bowling Alley	Four (4) spaces per bowling lane.
16. Service and Storage	1 space for every two (2) employees on the combined employment on the two (2) largest successive shifts.
17. Executive Offices, Sales	1 space per two hundred (200) square feet of executive and sales office floor area of one and one-half (1½) spaces per employee, whichever is larger.
18. Service and storage establishments, laboratories, manufacturing plants and other uses provided in the Industrial District [Ord. 10-10-01]	One (1) space for every two (2) employees on the two largest shifts or one (1) space per 100 square feet of gross floor area, whichever is greatest. [Ord. 10-10-01]
19. Storage and warehousing [Ord. 10-10-01]	One (1) space per employee on the two (2) largest shifts [Ord. 10-10-01]
20. For a specific building or use not scheduled, the Zoning Officer shall apply the unit of measurement of the above deemed most similar to the proposed use. [Ord. 10-10-01]	

(Ord. 7/8/1978, § 16.04; as amended by Ord. 10-10-01, 10/10/2001, §§ 8-9; and by Ord. 9804, 9/8/2004, § 3)

§ 1505. Separate or Combined Use or Facilities.

A building containing one (1) use shall provide the off-street parking space as required for the specific use. A building or group of buildings containing two (2) or more uses, operating normally during the same hours, and which have different off-street parking requirements, shall provide spaces for not less than the sum of spaces required for each use.

(Ord. 7/8/1978, § 16.05)

§ 1506. Parking and Garage Facilities for Residences.

Accessory parking facilities shall be located on the same lot as the dwelling served. Each single family, duplex, two-family and multi-family dwelling shall have on its premises a private parking space sufficient in capacity for the storage at one time of at least two (2) automobiles for each dwelling on the premises.

(Ord. 7/8/1978, § 16.06)

§ 1507. Site Plan Approval.

1. Each application for a zoning permit (for a use for which parking spaces are required) shall include a detailed drawing (site plan), drawn to scale, showing the proposed layout of the parking area. The drawing shall indicate all of the design elements required hereafter; and,

2. No zoning permit shall be issued for any use for which parking spaces are required unless the site plan has been approved or necessary variances have been obtained.

(Ord. 7/8/1978, § 16.07; as amended by Ord. 10-10-01, 10/10/2001, § 10)

§ 1508. Surfacing.

1. All parking lots shall be constructed and maintained with a paved surface of bituminous materials or another dust-free surface approved by the Board.

2. All parking compounds proposed for automobiles shall be paved to meet the following minimum standards:

A. Crushed aggregate base course with a minimum thickness of six (6) inches, as specified in PennDOT Specifications, Publication 408, and its latest revisions.

B. The bituminous surface shall consist of a minimum of two (2) inches of ID-2 binder course and one and one-half (1½) inch ID-2 wearing course. Material shall be equal or superior to current PennDOT Specifications Publication 408/90, as amended, and shall be applied in accordance with those same specifications.

3. Parking compounds proposed for trucks shall require a heavier pavement section. The pavement section for parking compounds for trucks shall be designed for their intended use but in all instances the paving section shall not be less then the design guidelines for the minimum depths of pavement courses, flexible pavement, collector functional classification, (Table 2.1) as provided in PENNDOT Publication 70, Guidelines For the Design of Local Roads and Streets, as amended.

(Ord. 7/8/1978, § 16.08; as amended by Ord. 10-10-01, 10/10/2001, § 11)

§ 1509. Separation From Streets and Sidewalks.

Parking spaces shall be guarded by curbs or concrete wheel stops which are arranged so that parked cars cannot project into streets, yards, landscaping or sidewalks.

(Ord. 7/8/1978, § 16.09; as amended by Ord. 10-10-01, 10/10/2001, § 12)

§ 1510. Drainage.

Parking lots shall be graded to a minimum slope of one (1) percent and a maximum slopes of five (5) percent. Adequately sized inlets and stormwater management facilities shall be provided to discharge storm water in accordance with the applicable stormwater management regulations.

(Ord. 7/8/1978, § 16.09; as amended by Ord. 10-10-01, 10/10/2001, § 13)

§ 1511. Parking Space Size.

Parking spaces shall be sized as follows:

A. Parallel parking spaces shall be a minimum of twenty-three (23) feet by eight (8) feet.

B. Non-parallel parking spaces shall be a minimum of nineteen (19) feet by nine (9) feet.

(Ord. 7/8/1978, § 16.09; as added by Ord. 10-10-01, 10/10/2001, § 14)

§ 1512. Handicap Parking Spaces.

Handicap parking spaces shall be designed and provided in accordance with the standards of the Americans With Disabilities Act.

(Ord. 7/8/1978, § 16.09; as added by Ord. 10-10-01, 10/10/2001, § 15)

§ 1513. Parking Spaces and Interior Drives.

1. Interior drives within any commercial or industrial land development shall be designed so as to prevent blockage of vehicles entering or leaving the site.

2. Interior drives between or along rows of parking spaces shall have the following minimum width:

Angle of Parking	Width of Driveway in Feet One-Way Traffic	Width of Driveway in Feet Two-Way Traffic
90 Degrees	24	24
60 Degrees	20	24
45 Degrees	18	24
30 Degrees	12	24
Parallel	12	24

3. No interior drive shall be less than twelve (12) feet wide for each lane of travel.

4. Not less than a five (5) foot radius shall be provided for horizontal curves in interior drives and parking areas.

5. Areas provided for loading and unloading of delivery trucks and other vehicles, and for the servicing of shops by refuse collection, fuel and other service vehicles shall be adequate in size, and shall be so arranged that they may be used without blockage or interference with the use of interior drives or parking facilities.

6. Interior drives shall be clearly marked by adequate painted markings, curbing and signs so that operations of vehicles intending to patronize such parking areas shall not duly impede traffic as a result of any confusion as to location of entrances and exits and manner of reaching them.

7. All parking spaces and interior drives shall be adequately marked and maintained. The lines defining parking spaces shall be a solid white line with at least a four (4) inch width. Painted lines for interior drives and painted arrows shall be provided and maintained to control parking and direct traffic circulation.

8. A sufficient back-up area shall be provided for all dead-end parking areas by extending the interior drive a minimum of ten (10) feet beyond the last parking space(s).

9. For any parking area designed or expanded for over thirty vehicles, permanent curbed raised islands shall be provided to separate parking spaces from access lanes.

(Ord. 7/8/1978, § 16.09; as added by Ord. 10-10-01, 10/10/2001, § 16)

§ 1514. Off Street Loading Areas.

1. Size; Surfacing. The loading area shall be at least fifteen (15) feet wide and sixty-five (65) feet long. It shall be surfaced and maintained with a bituminous material in accordance with the requirements of this Chapter.

2. Layout. The loading area shall be arranged so that there will be no need for motorists to obstruct or back over any public right-of-way, access drive, or any parking spaces.

3. Location. A ground level loading area may be located in any side or rear yard. Wherever possible, off-street loading facilities shall be located on the face of a building not facing any adjoining residentially zoned land.

4. Spaces Required. Off-street loading spaces must be provided for each building erected, enlarged, or for any change of use in accordance with the following schedule:

Type of Use	Number Spaces	Unit of Measurement
Hospital or other institution	None	First 10,000 sq. ft.
	1.0	10,000 to 100,000 sq. ft.
	+1.0	Each additional 100,000 sq. ft. (or fraction)

Hotel	None	First 10,000 sq. ft.
	1.0	10,000 to 100,000 sq. ft.
	+1.0	Each additional 100,000 sq. ft.
Industry or manufacturing	None	First 2,000 sq. ft.
	1.0	2,000 to 25,000 sq. ft.
	+1.0	Each additional 40,000 sq. ft.
Multi-family dwelling	None	Less than 100 dwelling units
	1.0	100 to 300 dwelling units
	+1.0	Each additional 200 dwelling units (or fraction)
Office building, including banks	None	First 10,000 sq. ft.
	1.0	10,000 to 100,000 sq. ft.
	+1.0	Each additional 100,000 sq. ft. (or fraction)
Retail sales and services, per store	None	First 3000 sq. ft.
	1.0	3,000 to 10,000 sq. ft.
	2.0	10,000 to 40,000 sq. ft.
	1.0	Each additional 100,000 sq. ft.
Shopping centers gross lease area	1.0	25,000 sq. ft. up to 100,000 of sq. ft.
	+1.0	Each additional 100,000 sq. ft.
Theater, auditorium, bowling alley, etc.	None	None First 10,000 sq. ft.
	1.0	10,000 to 100,000 sq. ft.
	+1.0	Each additional 100,000 sq. ft.
Undertaking establishment or funeral parlor	None	First 3,000 square feet
	1.0	3,000 to 5,000
	+1.0	Each additional 10,000 sq. ft.
Wholesale or warehousing, (except Mini-warehousing)	None	First 1,500 sq. ft.
	1.0	1,500 to 10,000 sq. ft.
	+1.0	Each additional 30,000 sq. ft.

(Ord. 7/8/1978, § 16.09; as added by Ord. 10-10-01, 10/10/2001, § 17)

§ 1515. Lighting.

Parking areas, loading areas and pedestrian areas shall be lighted to the following standards:

A. Lighting shall be provided at a minimum average of two (2) foot candles at an elevation of three (3) feet above the surface.

B. All lighting shall be so arranged as to reflect the light downward and away from adjoining premises and public rights-of-way.

C. Poles for mounting lights shall not exceed twenty-five (25) feet in height.

D. All lighting plans shall be delineated on the plan and shall include photo metrics.

E. Appropriate footer and mounting details shall be included on the plans.

F. Light fixture and pole styles shall be approved by the Township.

(Ord. 7/8/1978, § 16.09; as added by Ord. 10-10-01, 10/10/2001, § 18)

§ 1516. Access Drive Requirements.

Every parking lot shall be connected to a street by means of an access drive. Access drives shall be designed in accordance with the following:

A. Access drives shall be connected to a street of lesser classification when there is more than one street classification involved.

B. The number of access drives intersecting with a street may not exceed two (2) per lot. The Zoning Hearing Board may, by special exception, grant additional access drive connections where the street frontage is greater than two thousand (2000) feet.

C. Access drives shall be designed so as to prevent blockage of vehicles entering or leaving the site.

D. The edge(s) of all access drives shall be set back the following minimum distances:

(1) Two hundred (200) feet from any portion of any street intersection.

(2) Two hundred (200) feet from any other access drive located upon the same lot.

(3) Fifteen (15) feet from any side or rear property line. However, this setback shall be waived when a shared access/parking area is proposed.

E. A one-hundred (100) foot clear sight triangle shall be provided and maintained at the intersections of all access drive and streets.

(1) Clear sight triangles shall be indicated on all plans.

(2) No building, structure, landscaping, or other obstruction that would obscure the vision of a motorist shall be permitted within these areas.

F. The cartway of all access drives shall be designed and constructed in accordance with the design guidelines for the minimum depths of pavement courses, flexible pavement, collector functional classification, (Table 2.1) as provided in PENNDOT Publication 70, Guidelines for the Design of Local Roads and Streets, as amended.

G. Access drives do not require a specific right-of-way; however, the following standards for cartway width shall apply:

Number of Lanes	**Cartway Width**
Three (3) lanes	Thirty-six (36) feet
Two (2) lanes	Twenty-four (24) feet
One (1) lane	Twelve (12) feet

H. Parallel parking may be permitted along one side of access drives provided the required width is increased by eight (8) feet.

I. The maximum grade of any access drive shall not exceed four (4) percent within one hundred (100) feet of the centerline of the intersecting street. The maximum grade of access drives shall not exceed ten (10) percent. Vertical and horizontal curves shall be provided as required by the applicable subdivision and land development ordinance.

J. Access drives shall be provided with an unobstructed green area (setback) that is parallel to, and along the entire length of the access drive.

(1) The width of the green area shall be measured from the edge of paving and be a minimum of fifteen (15) feet in width.

(2) The green area may be utilized for storm water management facilities, utilities, lighting, landscaping and other compatible uses. In no case shall any building or structure be located within the required green area.

K. Access drives which terminate in a cul-de-sac shall not exceed one thousand six hundred (1,600) feet in length, measured from the centerline intersection of a street or access drive which is not a cul-de-sac to the center of the turnaround area.

L. Access Drive Lighting. Any subdivision or land development plan that proposes an access drive shall provide access drive lighting in accordance with the following:

(1) Lighting shall be provided at a minimum average of one-half (½) foot candles at an elevation of three (3) feet above the surface.

(2) All lighting shall be so arranged as to reflect the light downward and away from adjoining premises.

(3) Poles for mounting lights shall not exceed twenty-five (25) feet in height.

(4) All lighting plans shall be delineated on the plan and shall include photo metrics.

(5) Appropriate footer and mounting details shall be included on the plans.

(6) Light fixture and pole styles shall be approved by the Township.

(Ord. 7/8/1978, § 16.09; as added by Ord. 10-10-01, 10/10/2001, § 19)

Part 16
Signs

§ 1601. Definitions.

As used in this Chapter, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

SIGN: The word "sign" includes any writing (including letter, word or numeral); pictorial representation (including illustration or decoration); emblem (including device, symbol, or trademark); or any other device or similar character which (1) is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building, vehicle or other structure; (2) is used to announce direct attention to, or advertise; and (3) is visible from outside a building.

ANIMATED/MOVING SIGN: A sign employing actual motion or the illusion of motion. Animated signs, which are different from changeable signs as defined and regulated in this Chapter, include the following types:

A. Electrically activated. Animated signs producing the illusion of movement by means of electronic, electrical or electro-mechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:

1. Flashing. Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle of intermittent illumination which includes the illusion of intermittent flashing light by means of animation. Also any mode of lighting which resembles zooming, twinkling, or sparkling. For the purposes of this Chapter, flashing will not be defined as occurring if the cyclical period between on-off phases of illumination exceeds five (5) seconds.

2. Patterned illusionary movement. Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.

B. Environmentally activated. Animated signs or devices motivated by wind, thermal changes or other natural environmental input. Includes spinners, pinwheels, pennant strings and/or other devices or displays that respond to naturally occurring external motivation.

C. Mechanically activated. Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.

BANNER: Any sign of lightweight fabric or similar material that is permanently mounted to a pole or building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

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

BUILDING MARKER: Any sign indicating the name of a building and data and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

CANOPY SIGN: Any sign that is part of or attached to an awning, canopy or other fabric, plastic, or structural protective cover over a door, entrance, window, or outside service area. A marquee is not a canopy.

CHANGEABLE SIGN: A sign with the capability of content change by means of manual or remote input, including signs which are:

A. Manually activated. Changeable sign whose message copy or content can be changed manually.

B. Electrically activated. Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display. (See also "Electronic Reader Board/Message Center").

ELECTRONIC READER BOARD/MESSAGE CENTER: An electrically activated changeable sign whose variable message capability can be electronically programmed. A sign that contains a changing message within the copy area that remains on for a specified minimum period of time and blacks out for a specified period of time between messages. Messages contained on the sign do not travel or appear to travel in any direction.

FLAG: Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

FLASHING SIGN: See "Animated/Moving Sign, electrically activated."

FREESTANDING SIGN: An independently supported sign which is not attached to any building or structure.

IDENTIFICATION SIGN: Any sign indicating the name and address of an occupant of a building.

INCIDENTAL SIGN: A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar directives. No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered incidental.

MARQUEE SIGN: Any sign attached to, in any manner, or made part of a marquee.

NONCONFORMING SIGN: Any sign that does not conform to the requirements of this Chapter.

PENNANT: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, string, usually in series, designed to move in the wind.

PORTABLE SIGN: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A-frames or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

PROJECTING SIGN: A sign erected or displayed which is attached to the wall of a building and projects in a perpendicular fashion from said wall. Wall signs that project more than twelve (12) inches shall be treated as projecting signs.

ROOF SIGN: Any sign erected and constructed wholly on and over the roof of building supported by the roof structure, and extending vertically above the highest portion of the roof. Roof signs shall not exceed the maximum height requirements for buildings or structures.

ROOF SIGN, INTEGRAL: Any sign erected or constructed as an integral or essentially integral part of a normal roof structure or design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six (6) inches.

SUSPENDED SIGN: A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

TEMPORARY SIGN: Any sign that is used temporarily and is not permanently mounted.

WALL SIGN: A sign erected or displayed on or parallel to the surface of a building and does not project more than twelve (12) inches therefrom.

WINDOW SIGN: Any sign, pictures, symbol or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, which is placed inside a window or upon the windowpanes or glass and is visible from the exterior of the window.

SIGN, ADVERTISING: Any sign which is owned or operated by any person, firm, or corporation engaged in the business of outdoor advertising for direct profit gained from the rental of such signs or any sign advertising a commodity not sold or produced on the premises, including "billboards".

SIGN, DOUBLE-FACED: A sign consisting of two (2) display areas placed back to back or joined along a common edge and is treated as having one (1) sign area. If the display areas are joined along a common edge and the interior angle is greater than forty-five (45) degrees, the structure shall be treated as having two (2) sign areas.

SIGN AREA: The area of a sign shall be construed to include the entire display surface and background, whether open or enclosed, which encompasses lettering, wording, designs, and symbols, but not including any supporting framework and bracing which is incidental to the display itself. The area shall be determined using the largest visible sign or silhouette area. When the sign consists of individual letters or symbols attached to or printed on a surface, the area shall be considered to be the smallest rectangular shape or shapes which can be drawn together to encompass all of the letters and symbols.

(Ord. 10-11-17, 10/11/2017)

§ 1602. Intent.

The purpose of these regulations is to permit signs or advertising structures that will not, by reason of their size, location, construction, or manner of display, endanger the public safety of individuals, confuse, mislead, or obstruct the vision necessary for traffic safety or otherwise endanger public health, safety, and morals; and to permit and regulate signs in such a way as to support and complement land use objectives set forth in this Chapter. Signs may be permitted only when in compliance with the provisions of this Chapter and any and all ordinances and regulations relating to the erection, construction, reconstruction, enlargement, relocation, replacement, alteration or maintenance of signs and similar devices.

(Ord. 10-11-17, 10/11/2017)

§ 1603. General Regulations.

All signs and/or advertising structures, where permitted under the terms of this Chapter, are subject to the following:

A. No sign shall be erected, constructed, reconstructed, replaced, altered removed for repair, enlarged, or relocated until a permit is obtained from the Zoning Officer, except that no permit shall be required by this Chapter for the following signs:

1. Signs not exceeding two (2) square feet in area and bearing only property numbers, postal box numbers or names of the occupants of the premises.

2. Flags and insignia of any government, except when displayed in connection with commercial promotion.

3. Legal notices, official traffic signs, community facilities signs, municipality identification signs, non-commercial historical or geographical identification information, or directional signs erected by government bodies. Such signs may be placed within the road right-of-way.

4. Geographical identification and greeting signs erected by civic and service organizations provided that they do not exceed four (4) square feet in area and are comprised of the organization's standard emblem or seal.

5. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.

6. Signs directing and guiding traffic and parking on private property, provided that such signs shall not exceed three (3) square feet and such signs shall not contain advertising copy.

7. Temporary signs as described in § 1604 and 1606.C. of this Chapter.

8. Signs identifying farms, farm associations, and agricultural products, provided that no farm or association identification signs exceeds ten (10) square feet in area and no more than one (1) sign shall be erected per road frontage. Signs identifying agricultural products shall not exceed two (2) square feet in area.

9. Hunting, fishing, and trespassing signs and signs indicating private ownership of roadways or property, provided that such signs do not exceed two (2) square feet in area and when erected along street frontage the signs shall be spaced at intervals of not less than one hundred (100) feet.

10. Signs up to four (4) square feet in area which are necessary for the identification, protection, and operation of public utility facilities.

B. Every sign shall be maintained in a safe, presentable and good structural condition at all times, including the replacement of defective parts, painting, repainting, cleaning and other acts required for the maintenance of said sign.

C. All signs not owned by the person, firm or organization advertising thereon shall carry a clearly legible imprint showing the owner's name.

D. No sign shall be so illuminated as to have a glaring effect upon vehicular traffic or adjacent properties. No sign shall be illuminated so as to constitute a nuisance. No sign shall contain moving parts or use flashing or intermittent illumination. The source of the light shall be continuous and stationary.

E. No sign shall be higher than thirty-five (35) feet from the ground to the highest part of the sign.

F. No sign shall be erected so as to obstruct entrance to or exit from a required door, window, fire escape or other required exit way.

G. No sign shall be erected that screens traffic signals or signs or utilizes red, green or amber lights or reflectorized material that creates a flashing action and is so located as to render ineffective any traffic sign or signal. Any sign which resembles an official traffic sign or signal, by way of its appearance or content, shall be prohibited.

H. Unless otherwise provided, no sign shall be painted, pasted, or otherwise affixed to any tree, rock, utility pole, hydrant, bridge, sidewalk, curb, or street.

I. Unless otherwise provided, no portion of any sign shall be erected within or placed on an existing structure in the road right-of-way. Additionally, no portion of any sign shall be erected in the "clear sight triangle" as specified in § 1401.

J. Unless otherwise specified, all signs shall be on on-premises, and no sign shall be erected until a permit has been secured from the Zoning Officer and approval has been received from any other applicable state or local agencies.

K. No sign shall contain obscene material.

L. For the purposes of this Chapter, portable signs, if utilized, shall comply with the requirements for freestanding signs and shall be included in the calculation of the maximum allowable sign area for the use.

M. For the purposes of this Chapter, canopy signs and suspended signs, if utilized, shall comply with the requirements for projecting signs and shall be included in the calculation of the maximum allowable sign area for the use.

N. Signs Prohibited Under this Chapter. All signs not expressly permitted under this Chapter or exempt from regulation hereunder in accordance with the previous section are prohibited in the Township. Such signs include, but are not limited to:

1. Beacons.

2. Pennants.

3. Strings of lights not permanently mounted to a rigid background, except for holiday lights and decorations with no commercial message.

4. Inflatable signs and tethered balloons.

(Ord. 10-11-17, 10/11/2017)

§ 1604. Signs Permitted in all Districts.

The following signs are permitted in any zoning district:

A. Temporary signs which do not require a permit:

1. Temporary signs of painters, mechanics, contractors, realtors, and the like not exceeding a total of sixteen (16) square feet in area, provided such signs are removed as soon as the work has been completed.

2. Temporary signs and banners of a non-commercial nature across a public right-of-way are permitted provided (a) permission is obtained from the Township Supervisors, (b) they are erected in a location which will not cause a traffic hazard, (c) they meet safety standards and are maintained, and (d) they are removed when their temporary use is completed.

3. Temporary signs announcing a campaign, drive, or event of civic, philanthropic, educational or religious organization. Such signs shall not exceed twelve (12) square feet in area and shall be removed within forty-eight (48) hours after completion of the campaign, drive or event.

4. Temporary signs directing patrons, members, audience or customers to temporary exhibits, shows, events, or activities (e.g. yard sales, fruit sales, conventions, etc.). Such signs shall not exceed twelve (12) square feet in area and shall be removed within forty-eight (48) hours after completion of the campaign, drive or event.

5. Signs erected in conjunction with a political election provided that all signs are removed within forty-eight (48) hours after the date of the election.

B. Off-premises directional signs which require issuance of a permit:

1. Off-premises directional signs which are used to direct patrons, members, audience, customers, clients to service clubs, churches, commercial, industrial, institutional or other organizations may be erected subject to the following

requirements:

a. A sign shall indicate only the name of the organization and the direction to the facility.

b. Except at intersections, no sign shall be placed within two hundred (200) feet of another sign associated with the same principal use.

c. All signs shall be placed within two (2) miles of the use and no more than six (6) signs for each principal use may be erected within the borders of the municipality.

d. All signs shall consist of dark lettering on a light background, excluding standard issue signs. The signs shall not exceed three (3) square feet in area, and no moving parts, flashing lights, or any type of illumination shall be permitted.

e. At intersections of public streets, no more than one (1) sign post accommodating all directional signs may be erected per corner. Said posts shall not exceed six (6) inches in width and shall not be less than three (3) feet nor greater than eight (8) feet in height above ground. No more than one (1) sign per principal use may be attached to any sign post and no portion of any sign shall be erected within the clear sight triangle as specified in Section 1401 of this Chapter.

f. Application for off-premises directional sign permits shall include a map indicating location of placement requests and the land owner's written approval, name to be placed on sign, and distances from the facility to each sign.

C. One (1) name plate for a home occupation, provided that the sign does not exceed four (4) square feet in size and identifies only the name of the occupant and title of the occupation. If lighted, the sign shall be illuminated without objectionable glare. No displays or change in façade shall indicate from the exterior that the building is being used for any purpose other than that of a dwelling.

D. One (1) institutional sign and/or one (1) bulletin board, for places of worship, schools, hospitals, libraries, museums, social clubs, and similar uses, provided each sign or bulletin board does not exceed sixteen (16) square feet in area and is located no closer to a road right-of-way than 1/2 the depth of the existing front yard or twenty-five (25) feet, whichever is less. If lighted, it shall be illuminated without objectionable glare. Additionally, if such property fronts on more than one (1) street, each street frontage may contain the above mentioned signs.

E. Subdivision signs.

1. Temporary - a sign advertising lots for sale, giving prices, dimensions, services, etc., and which shall be removed within thirty (30) days of the sale date of the last lot.

2. Permanent - a sign containing only the name of the development or subdivision and designed to be permanently affixed to the land.

One (1) sign per road frontage may be permitted provided the sign is placed at an entrance to the subdivision, is located on the property to be subdivided, and does not exceed twenty-four (24) square feet in area. No portion of any sign shall be erected within the clear sight triangle as specified in § 1401.

(Ord. 10-11-17, 10/11/2017)

§1605. Signs in Agricultural Districts.

The following types of on-premises signs may be permitted in Agricultural Districts unless otherwise prohibited:

A. Signs for the advertisement of permitted agricultural businesses. For each property involved in a permitted agri-business, one sign may be erected, provided no sign or portion thereof shall be located closer to the road right-of-way than 1/2 the depth of the existing front yard or twenty-five (25) feet, whichever is less.

1. Wall, or projecting sign - maximum sign area shall not exceed sixteen (16) square feet.

2. Freestanding sign - maximum sign area shall not exceed twenty-five (25) square feet.

B. Signs for permitted and nonconforming commercial, industrial or institutional uses. For each property involved in a permitted or nonconforming commercial, industrial or institutional use, a total sign area of thirty (30) square feet shall be permitted. No sign or portion thereof shall be located no closer to the road right-of-way than 1/2 the depth of the existing front yard or fifteen (15) feet, whichever is less.

1. Projecting sign - maximum sign area shall not exceed twelve (12) square feet.

2. Freestanding sign - maximum sign shall not exceed sixteen (16) square feet.

3. Wall or window sign - maximum sign size shall not exceed twelve (12) square feet.

C. Signs as permitted in § 1604 of this Chapter.

(Ord. 10-11-17, 10/11/2017)

§1606. Signs in Residential Districts.

The following types of on-premises signs may be permitted in residential districts unless otherwise prohibited:

A. Signs for permitted and nonconforming commercial, industrial, institutional and/or agricultural uses. For each property involved in a permitted or nonconforming commercial, industrial, institutional and/or agricultural use, a total sign area of thirty (30) square feet shall be permitted. No sign or portion thereof shall be located closer to the road right-of-way than 1/2 the depth of the existing front yard or fifteen (15) feet, whichever is less.

1. Projecting sign - maximum sign area shall not exceed twelve (12) square feet.

2. Freestanding sign - maximum sign shall not exceed sixteen (16) square feet.

3. Wall or window sign - maximum sign size shall not exceed twelve (12) square feet.

B. Signs as permitted in § 1604 of this Chapter.

(Ord. 10-11-17, 10/11/2017)

§ 1607. Signs in General Commercial, Highway Commercial and Industrial Districts.

Unless otherwise specified, only on-premises signs may be permitted, provided the maximum signs area shall not exceed two hundred fifty (250) square feet per street frontage. All wall, projecting, marquee, roof or freestanding signs must be erected in compliance with the following standards:

A. Signs for the advertisement of agri-business as permitted in § 1605 of this Chapter.

B. Signs for permitted and nonconforming commercial, office, institutional, and industrial uses as follows:

1. One (1) or more wall signs for each road frontage provided each wall sign is attached to the wall of the principal building and projects horizontally not more than twelve (12) inches therefrom and the total of all wall signs on the wall shall occupy not more than fifteen (15) percent of the total area of the front of the principal building. No wall sign shall project more than three (3) feet above the roof line or parapet wall.

2. One (1) projecting, marquee or roof sign for each road frontage provided it shall not project beyond a vertical plane two (2) feet inside the road right-of-way line and shall not exceed twenty (20) square feet in area. Said signs shall not exceed a height of thirty-five (35) feet.

3. One (1) freestanding sign for each road frontage, provided it does not exceed sixty (60) square feet in area. It shall not extend beyond a vertical plane two (2) feet inside the lot from the road right-of-way line and shall not exceed a height of thirty-five (35) feet.

4. Shopping center identification signs, provided they are separate and not attached to any building. There shall be a maximum of two (2) such signs for any one (1) shopping center. The height of signs shall be a maximum of thirty-five (35) feet measured from the ground, and the maximum size of the sign portion itself shall not exceed one hundred (100) square feet.

C. Off-premises billboards and advertising sign boards may be erected and maintained by special exception, provided the total display area of any sign shall not exceed three hundred (300) square feet in area. Each such sign shall not be placed less than five hundred (500) feet apart or within five hundred (500) feet of existing billboards or advertising sign boards. No sign or portion thereof shall be located closer than twenty-five (25) feet to the road right-of-way and shall not exceed thirty-five (35) feet in height. Any electrically activated changeable sign shall also comply with § 1608.

D. Signs as permitted in §1604 of this Chapter.

(Ord. 10-11-17, 10/11/2017)

§ 1608. Electrically Activated Changeable Signs and Electronic Reader Boards/Message Centers.

Electrically activated changeable signs and electronic reader boards/message centers may be erected and maintained in the General Commercial and Industrial Districts by special exception; and as accessory uses to institutional uses in any zoning district, provided that:

A. No electrically activated changeable sign or electronic reader board/message center shall be placed in such a position, or have such a source of illumination, that it will cause any danger to pedestrians or vehicular traffic.

B. Except as noted below, electrically activated changeable signs and electronic reader boards/message centers may not contain any flashing, pulsing, scrolling or moving lights, text or graphics, or any full-motion video.

C. When approved as a special exception by the zoning hearing board, electrically activated changeable signs and electronic reader boards/message centers, may also contain electrically activated, patterned illusionary movement (animation) as defined in this Chapter. As part of its approval, the Zoning Hearing Board may attach whatever conditions it deems necessary (a) to maintain the character of the neighborhood in which the sign is located and (b) to mitigate any negative impacts on neighboring properties and/or uses.

D. Change Interval. Electrically activated changeable signs and electronic reader boards/message centers must provide a minimum change interval of at least five (5) seconds. A change interval is defined as the time period in which the display of an electronic sign must remain static and during which the display may not transition to display another image.

E. Transition Interval. Electrically activated changeable signs and electronic reader boards/message centers must provide a maximum transition interval of one (1) second. The "transition interval" is defined as the time period in which the display of an electronic sign transitions to another display.

F. On-premises electrically activated changeable signs and electronic reader boards/message centers shall not be illuminated more than one-half hour before the time at which the premises is open to the public or more than one-half hour after the time at which the premises is closed to the public, or 11:00 p.m., whichever is later, unless a special exception to allow longer hours is granted by the Zoning Hearing Board.

G. The changeable portion of an electrically activated changeable sign or electronic reader board/message center other than a billboard shall not exceed an area of thirty-two (32) square feet, unless a special exception to allow a larger area is granted by the Zoning Hearing Board.

H. The display may only be used to advertise goods and services sold on-premises, time and temperature, and public service announcements.

I. No electrically activated changeable sign or electronic reader board/message center shall be permitted on any residential lot.

J. Any premises with an electrically activated changeable sign or electronic reader board/message center shall not be permitted to have any other freestanding sign on the property.

K. Video is prohibited.

(Ord. 10-11-17, 10/11/2017)

§ 1609. Nonconforming Signs.

Any sign erected, constructed, replaced, altered, enlarged, or relocated before the effective date of this Chapter that would not otherwise be permitted under the terms of this Chapter may remain and continue to be used, maintained and repaired provided:

A. A nonconforming sign shall not be replaced, altered, relocated, or reconstructed except to bring the sign into total compliance with the provisions of this Chapter.

B. A nonconforming sign may be used, maintained and repaired subject to the following requirements:

1. Maintenance and repair of a nonconforming sign is permitted when said activities are necessary to maintain the sign in a presentable, functional condition. Maintenance and repair activities shall not include alterations, relocation or reconstruction but may include: replacement of defective parts, painting, repainting, cleaning and other acts required for the maintenance of said sign. Prior to the removal of a nonconforming sign for maintenance, repair or message change, a permit shall be secured from the Zoning Officer. Said permit shall allow the applicant to re-erect the repaired or re-messaged nonconforming sign within thirty (30) days of issuance. If the nonconforming sign is not erected within the specified time, it shall lose its nonconforming status and any successive sign shall conform with all applicable Chapter requirements.

2. Nothing in this Chapter shall prohibit the change in advertising, identifying, or directional message of a nonconforming sign so long as the change does not involve any alterations, relocation or reconstruction of the nonconforming sign. Message changes of a nonconforming sign that are a result of a transfer in ownership of the premises on which the principal use is located, excluding contract advertising signs, shall be prohibited and any successive sign shall conform to the Chapter requirements. If the message change requires removal of the sign, a permit shall be secured as in the above sub-section.

3. A nonconforming sign, which has been damaged or destroyed by fire, explosion, accident, or calamity, to an extent which is greater than fifty (50) percent of the sign or sign value, may not be repaired except in compliance with the provisions of this Chapter. A nonconforming sign which has sustained less than fifty (50) percent damage of the sign or sign value may be repaired provided:

a. The repaired sign is virtually unchanged, except for building materials and message, or is less nonconforming than the original sign; and

b. Repair is completed within sixty (60) days from the date of damage. Failure to repair within sixty (60) days shall result in the loss of nonconforming sign rights and any successive sign shall conform with all applicable Chapter requirements.

4. When a nonconforming sign has been demolished or destroyed by deterioration or removal, or has been moved from its location for reasons other than for an approved repair, maintenance or a change in message, said sign shall not be reconstructed or replaced except in complete conformity with the provisions of this Chapter.

C. A nonconforming sign which pertains to a time, event, purpose or use which no longer applies, has been abandoned or changed, shall be removed by the owner of the sign or the owner of the premises on which the sign is located.

D. Proposed signs that are associated with a nonconforming use shall conform to the regulations of the district in which the sign is located.

(Ord. 10-11-17, 10/11/2017)

Part 17
Building Permits and Certificates of Zoning Compliance

§ 1701. Administration and Enforcement.

An administrative official designated by the Township Supervisors shall administer and enforce this Chapter. He may be provided with the assistance of such other person as the Township Supervisors may direct.

If the administrative official shall find that any of the provisions of this Chapter are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Chapter to ensure compliance with or to prevent violation of its provisions.

(Ord. 7/8/1978, § 17.01)

§ 1702. Building Permits Required.

No building or other structure shall be erected, constructed, moved, added to, altered, nor the use therein changed without a permit therefor issued by the administrative official except in conformity with the provisions of this Chapter, unless he receives a written order from the Zoning Hearing Board in the form of an administrative review, Special Exception, or variance as provided by this Chapter.

(Ord. 7/8/1978, § 17.02)

§ 1703. Application for Zoning Permit.

1. Application for Zoning Permit. The application for a zoning permit shall be submitted in such form as the Zoning Administrator may prescribe by the owner or lessee of any building, structure or land or the agent of either, provided,

however, that if the application is made by a person other than the owner or lessee, the applicant shall demonstrate that the application has authorization from the owner or lessee to make such application. The full name and address of the applicant and the landowner, if different, shall be stated on the application. If the applicant is a corporation, the names and addresses of the officers of the corporation shall be included on the application. If the applicant is requesting a reasonable accommodation under the United States Fair Housing Amendments Act of 1988 or the Americans with Disabilities Act, the applicant shall identify the disability which is protected by such statutes, the extent of the modification of the provisions of this Chapter necessary for a reasonable accommodation, and the manner by which the reasonable accommodation requested may be removed when such person with a protected disability no longer will be present on the property.

2. Description of the Work. The application shall contain a description of the proposed work and/or use and occupancy of the building, structure and/or land and any other information required by the Zoning Administrator to determine compliance with this Chapter and other applicable Township and County ordinances, statutes and regulations. The application shall be accompanied by plans in a form acceptable to the Zoning Administrator, drawn to scale, showing the actual dimensions and shape of the lot, the size and location and dimensions of the proposed use, building or alteration, distance from existing lot lines and street right-of-way lines, parking areas, and other pertinent information. The application shall be accompanied by all required fees as established by the Board of Supervisors by ordinance or resolution.

3. Approval or Disapproval of Application. Upon receipt of the application, the Zoning Administrator shall examine the application and supporting information to determine compliance with this Chapter and other applicable Township and County ordinances, statutes and regulations. The Zoning Administrator shall determine if subdivision and/or land development approval has been obtained, if State sanitation inspection requirements have been met, and, in the case of public buildings, the required permits have been issued by the Department of Labor and Industry. No zoning permit shall be issued unless the applicant presents the Zoning Administrator with proof that any applicable subdivision and/or land development approval has been granted, a sewage permit has been issued by the Township Sewage Enforcement Officer for the lot, a driveway permit under the Township Driveway Ordinance or a PENNDOT Highway Occupancy Permit has been issued in order that access may be gained to the lot, and all other required Township approvals and permits have been granted or issued. The Zoning Administrator shall mark the application as either approved or disapproved. The Zoning Administrator shall retain a copy of the application for the Township files. If disapproved, the Zoning Administrator shall forward a statement to the application explaining the reasons for such disapproval and informing the applicant of his right to appeal to the Zoning Hearing Board.

4. Issuance and Posting of Permits. Upon approval of the application by the Zoning Administrator, the Zoning Administrator shall issue a zoning permit and a placard which placard shall be visibly posted on the site of operations during the entire time of construction.

(Ord. 7/8/1978, § 17.03; as amended by Ord. 10-10-01, 10/10/2001, § 22)

§ 1704. Certificates of Zoning Compliance for New, Altered, or Nonconforming Uses.

1. It shall be unlawful to use, occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, if erected, converted, or wholly or partly altered or enlarged in its use of structure until a Certificate of Zoning Compliance has been issued by the administrative official stating that the proposed use of the building or land conforms to this Chapter.

2. No nonconforming structure or use shall be maintained, renewed, changed, or extended until a Certificate of Zoning Compliance shall have been issued by the administrative official. The Certificate of Zoning Compliance shall state specifically wherein the nonconforming use differs from the provisions of this Chapter. Upon enactment or amendment of this Chapter, owners or occupants of nonconforming uses or structures shall apply for Certificates of Zoning Compliance.

3. No permits for erection, alteration, moving, or repair of any building shall be issued until an application has been made for a Certificate of Zoning Compliance, and the certificate shall be issued in conformity with the provisions of this Chapter upon completion of the work.

4. A temporary Certificate of Zoning Compliance may be issued by the administrative official for a period not to exceed six (6) months during alterations or partial occupancy of a building pending its completion. Such temporary Certificate may include such conditions and safeguards as will protect the safety of the occupants and public.

5. The administrative official shall maintain a record of all Certificates of Zoning Compliance and a copy shall be furnished upon request of any person.

6. Failure to obtain a Certificate of Zoning Compliance shall be a violation of this Chapter and punishable under § 2005 of this Chapter.

(Ord. 7/8/1978, § 17.04)

§ 1705. Temporary Use Permits.

It is recognized that it may be in accordance with the purpose of this Chapter to permit temporary activities for a limited period of time, which activities may be prohibited by other provisions of this Chapter. If such uses are of such a nature and are so located that, at the time of petition of Special Exception they will:

A. In no way exert a detrimental effect upon the uses of land and activities normally permitted in the zone, or

B. Contribute materially to the welfare of the Township, particularly in a state of emergency, under conditions peculiar to the time and place involved, then the Zoning Hearing Board may, subject to all regulations for the issuance of Special Exceptions elsewhere specified, direct the Zoning Officer to issue a permit for a period not to exceed six (6) months. Such permits may be extended not more than once for an additional period of six (6) months.

(Ord. 7/8/1978, § 17.05)

§ 1706. Expiration of Building Permit.

1. If the work described in any building permit has not begun within ninety (90) days from the issuance thereof, said permit shall expire; it shall be cancelled by the administrative official; and written notice thereof shall be given to the persons affected.

2. If the work described in any building permit has not been substantially completed within two (2) years of the date of issuance thereof, said permit shall expire and be cancelled by the administrative official, and written notice that future work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained.

(Ord. 7/8/1978, § 17.06)

§ 1707. Construction and Use to be Provided in Applications, Plans, Permits, and Certificates of Zoning Compliance.

Building permits or Certificates of Zoning Compliance issued on the basis of plans and applications approved by the administrative official authorize only the use, arrangement and construction set forth in such approval plans and applications. No changes of any kind shall be made to the application, permit or any of the plans submitted with the application without the written approval of the Zoning Officer. Use, arrangement or construction at variance with that authorized shall be deemed a violation of this Chapter and punishable as provided by § 2005 hereof.

(Ord. 7/8/1978, § 17.07)

Part 18
Zoning Hearing Board; Establishment and Procedure

§ 1801. Establishment And Membership.

1. There shall be a Zoning Hearing Board which shall consist of three members who shall be appointed by the Board of Supervisors.

2. Membership of the Zoning Hearing Board shall consist of residents of the Township. Their terms of office shall be three (3) years and shall be so fixed that the term of office of no more than one member shall expire each year. The Zoning Hearing Board shall promptly notify the Board of Supervisors of any vacancies that occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Zoning Hearing Board shall hold no other office in the Township. Any member of the Zoning Hearing Board may be removed for malfeasance, misfeasance, or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors taken after the member has received a fifteen (15) day advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing. The Board of Supervisors may appoint by resolution at least one but no more than three (3) residents of the municipality to serve as alternate members of the Board. The terms of office of an alternate member shall be three (3) years. When seated pursuant to the provisions of § 1802, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this act and as otherwise provided by law. Alternates shall hold no other office in the Township, including membership on the Planning Commission and Zoning Officer. Any alternate may participate in any proceeding or discussion of the Board but shall not be

entitled to vote as a member of the Board nor be compensated pursuant to § 1803 unless designated as a voting alternate member pursuant to § 1802 of this Chapter.

(Ord. 7/8/1978, Art. 18; as amended by Ord. 10-10-01, 10/10/2001, § 23)

§ 1802. Organization.

The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in § 2204. If, by reason of absence or disqualification of a member, a quorum is not reached, the chairman of the Board shall designate as many alternate members of the Board to sit on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates. The Board may make, alter, and rescind rules and forms for its procedure, consistent with Ordinances of the Township and laws of the Commonwealth. The Board shall keep full public records of its business, which records shall be the property of the Township, and shall submit a report of its activities to the Board of Supervisors upon request.

(Ord. 7/8/1978, Art. 18; as amended by Ord. 10-10-01, 10/10/2001, § 23)

§ 1803. Expenditures For Services.

1. The Board of Supervisors may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.

2. Within the limits of funds appropriated by the Board of Supervisors, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties, as may be fixed by the Board of Supervisors. Alternate members of the Board may receive compensation, as may be fixed by the Board of Supervisors, for the performance of their duties when designated as alternate members pursuant to § 1802. In no case shall the compensation paid to members of the Board or any alternate members exceed the rate of compensation authorized to be paid to the members by the Board of Supervisors.

(Ord. 7/8/1978, Art. 18; as amended by Ord. 10-10-01, 10/10/2001, § 23)

§ 1804. Hearings.

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the requirements of the Pennsylvania Municipalities Planning Code, Act of July 3, 1968, as amended and reenacted, as well as the following requirements:

A. Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer, such other persons as the Township Board of Supervisors shall designate by ordinance and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by ordinance, or in the absence of Ordinance provision, by rules of the Zoning Hearing Board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.

B. All persons who wish to be considered parties to a hearing shall enter their appearance on forms provided by the Zoning Hearing Board.

C. Every person who requests a hearing before the Zoning Hearing Board shall submit a fully completed application to the Zoning Officer or the Zoning Hearing Board on the form prescribed by the Zoning Hearing Board. The Zoning Officer shall reject all incomplete applications. The date of an Applicant's request shall be the date when a fully completed Application accompanied by the appropriate fee is submitted to and received by the Zoning Officer.

D. All requests for a continuance of a scheduled hearing shall be submitted in writing with the reasons therefor and shall contain a statement that the Applicant agrees to an extension of time period, within which the Zoning Hearing Board is

required to hold a hearing or to render a written decision. No more than two (2) continuances shall be permitted unless the party requesting the continuance pays the fee prescribed by the Board of Supervisors pursuant to resolution.

E. The Zoning Hearing Board or the hearing officer shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer; or shall be paid by the person appealing from the decision of the Zoning Hearing Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the costs.

(Ord. 7/8/1978, Art. 18; as amended by Ord. 10-10-01, 10/10/2001, § 23)

§ 1805. Effect of Zoning Hearing Board's Decision.

The following time requirements and conditions shall apply to approvals granted by the Zoning Hearing Board:

A. Permit Period.

(1) The applicant or appellant shall secure all necessary zoning and building permits within two (2) years after the approval date of the variance, special exception, or other action of approval by the Zoning Hearing Board.

(2) The Zoning Hearing Board may grant an extension of the two (2) year permit period provided that the applicant or appellant has demonstrated good cause in a written application to the Zoning Hearing Board.

(3) Should the applicant or appellant fail to obtain all necessary zoning permits within the time limitations of this Section, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn, or abandoned the appeal or application, and all provisions, variances, special exceptions and Zoning Permits granted shall be deemed automatically rescinded by the Zoning Hearing Board.

B. Construction Period.

(1) The applicant or appellant shall complete the building, alteration, or use within two (2) years after a Zoning Permit has been issued.

(2) The Zoning Hearing Board may grant an extension of the two (2) year construction period provided that the applicant or appellant has demonstrated good cause in a written application to the Zoning Hearing Board.

(3) Should the applicant or appellant fail to complete such construction, alteration, or use within the time limitations of this Section, the Zoning Hearing Board may rescind or revoke the granted variance, special exception, or Zoning Permit. The Zoning Officer shall provide the applicant or appellant with a written notice at least ten (10) days prior to such decision of the Zoning Hearing Board. The decision to rescind or revoke such approvals shall be based on one or more of the following findings of the Zoning Hearing Board:

(a) That there is no good cause for the failure to complete such construction, alteration, or use within the required time.

(b) That conditions have so changed since the approval of the Zoning Permit that revocation of the action is justified.

(Ord. 7/8/1978, Art. 18; as amended by Ord. 10-10-01, 10/10/2001, § 23)

Part 19
Zoning Hearing Board; Powers and Duties

§ 1901. Appeals from the Zoning Officer.

1. The Zoning Hearing Board shall hear and decide the following appeals:

A. Appeals in which it is alleged by the appellant that the Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of a valid ordinance or map or any valid rule or regulation governing the action of the Zoning Officer.

B. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.

C. Appeals from the Zoning Officer's determination of a preliminary opinion pursuant to Article IX, Section 916.2 of the Pennsylvania Municipalities Planning Code;

(Ord. 7/8/1978, Art. 19; as amended by Ord. 10-10-01, 10/10/2001, § 24)

§ 1902. Substantive Challenges to the Validity of the Zoning Ordinance.

The Zoning Hearing Board shall hear substantive challenges to the validity of the Zoning Ordinance, except those brought before the Board of Supervisors.

A. If a challenge heard by the Zoning Hearing Board is found to have merit, the decision of the Zoning Hearing Board shall include recommended amendments to the challenged Zoning Ordinance which will cure the defects found. In reaching its decision, the Zoning Hearing Board shall consider the amendments, plans and explanatory material submitted by the applicant and shall also consider;

(1) The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;

(2) If the proposal is for a residential use, the impact of the proposal upon regional housing needs, and the effectiveness of the proposal in providing housing units of a type actually available to, and affordable by, classes of persons otherwise unlawfully excluded by the challenged provisions of the Zoning Ordinance or map;

(3) The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodland, wetlands, flood plains, aquifers, natural resources and other natural features;

(4) The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and

(5) The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

B. The Zoning Hearing Board, shall render its decision within forty-five (45) days after the conclusion of the last hearing. If the Zoning Board fails to act on the applicant's request within this time limit, a denial of the request is deemed to have occurred on the forty-sixth (46th) day after the close of the last hearing.

C. The Zoning Hearing Board shall commence its hearings within sixty (60) days after the request is filed unless the applicant requests or consents to an extension of time.

D. Public notice of the hearing shall be provided as specified in § 1804(1) of this Chapter.

E. Challenges to the validity of the Zoning Ordinance, raising procedural questions or alleged defects in the process of enactment or adoption which challenges, shall be raised by an appeal taken within thirty (30) days after the effective day of the Ordinance.

(Ord. 7/8/1978, Art. 19; as amended by Ord. 10-10-01, 10/10/2001, § 24)

§ 1903. Variances.

1. The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this Chapter inflict unnecessary hardship upon the applicant. The Zoning Hearing Board may grant a variance upon a finding that the applicable provisions of the Pennsylvania Municipalities Planning Code regarding the granting of variances have been met by the applicant. In granting any variance the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the MPC and this Chapter.

2. All applicants for a variance shall submit the following:

A. Statement describing the proposed use.

B. A location map showing the entire tract and its relation to the surrounding area drawn at a scale of one thousand (1,000) feet to the inch.

(Ord. 7/8/1978, Art. 19; as amended by Ord. 10-10-01, 10/10/2001, § 24)

§ 1904. Special Exceptions.

1. General. Special exceptions are deemed to be uses that may be allowed in their respective districts subject to the satisfaction of the requirements and standards set forth in this Part, in addition to all other requirements of this Chapter. All such uses are hereby declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case. Before any special exception shall be granted, the Zoning Hearing Board shall review the proposed special exception in accordance with the following requirements and criteria and satisfy itself that they have been met in addition to any other requirements necessary to fulfill the objectives of this Chapter. The Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of and insure compliance with the MPC and this Chapter, which conditions may include plantings and buffers, harmonious designs of buildings and the elimination of noxious, offensive or hazardous elements.

2. Plan Required. The applicant shall submit a site plan, the number of copies of which shall be established by the Board, at a sufficient scale and at a sufficient level of detail to demonstrate compliance with all applicable requirements drawn to a scale of not more than one hundred (100) feet to the inch and which shall include all of the following:

A. The location of all existing floodplains, watercourses, railroads, areas of subsidence, wooded areas (marking all wooded areas to be cleared), bridges, culverts, and other significant natural features on the tract and within two hundred (200) feet of the tract.

B. The location of all streets, adjoining tracts, and buildings within two hundred (200) feet of the tract.

C. The location of all proposed land uses including residential uses by types.

D. Size and intensity of use data, including the number of residential or commercial lots, lot sizes, the number and types of dwelling units, and the density per acre of each type of dwelling unit.

E. The location and arrangement of all open spaces and yards, landscaping, fences and buffer yards, including the methods and materials to be employed for screening.

F. The location, size (numbers shown), arrangement and capacity of all areas to be used for motor vehicle access, off-street parking, off-street loading and unloading, and provisions to be made for lighting such areas.

G. The dimensions (numbers shown), location and methods of illumination for signs and exterior lighting.

H. The location and dimensions of sidewalks and all other common areas.

I. If applicable, a description of any proposed industrial or commercial operation in sufficient detail to indicate the effects of those operations in producing noise, glare, air pollution, water pollution, fire hazards, traffic congestion or other safety hazards.

J. Provisions to be made for the treatment and disposal of sewage and industrial wastes and for water supply.

K. Site contours at two (2) foot intervals.

L. All proposed site grading and drainage provisions and proposals. Zoning districts and applicable area, bulk, and yard requirements. Certification by the person who prepared the site plan.

M. Zoning districts and applicable area, bulk, and yard requirements.

N. Certification by the person who prepared the site plan.

O. Certification of ownership and acknowledgment of plans signed by owner and developer.

2. General Standards. In order for the Zoning Hearing Board to grant a special exception, the applicant shall demonstrate all of the following. The burden of proof shall rest with the applicant.

A. The applicant shall establish by credible evidence compliance with all conditions on the special exception enumerated in the Section which gives the applicant the right to seek the special exception.

B. The applicant shall establish by credible evidence that the proposed special exception shall be properly serviced by all existing public service systems. The peak traffic generated by the subject of the approval shall be accommodated in a safe and efficient manner or improvements made in order to effect the same. The applicant shall have similar responsibilities with respect to other public service systems including but not limited to police protection, fire protection, utilities, parks and recreation.

C. The applicant shall establish by credible evidence that the proposed special exception shall be in and of itself properly designed with regard to internal circulation, parking, buffering, and all other elements of proper design as specified in this Chapter and any other governing law or regulation.

D. The applicant shall establish by credible evidence that the proposed use shall not substantially change the character of the subject property's neighborhood and shall meet the requirements of the district in which it lies.

E. The applicant shall establish by credible evidence that adequate public facilities are available and existing to serve the proposed use (e.g., schools, fire, police and ambulance protection, sewer, water and other utilities, parks, vehicular access, recreation, and etc.).

F. For development within the Floodplain Districts, the applicant shall establish by credible evidence that the application complied with those requirements listed in Chapter 8 of the Code of Ordinances and the necessity of the development to be located in the floodplain.

G. The applicant shall establish by credible evidence that the proposed use of the site complies with the requirements of any other public agency having jurisdiction over the proposed use.

H. For all lands located in the Agricultural District or adjacent to the Agricultural District, the applicant shall establish by credible evidence that the proposed use of the site or development shall not be inconsistent with or frustrate the legislative intent of the Agricultural District.

I. The applicant shall provide the Board with sufficient plans, studies or other data to demonstrate compliance with all applicable regulations.

J. The proposed special exception shall not substantially injure or detract from the use of neighboring property or from the character of the neighborhood and that the use of property adjacent to the area included in the special exception application is adequately safeguarded.

(Ord. 7/8/1978, Art. 19; as amended by Ord. 10-10-01, 10/10/2001, § 24)

§ 1905. Appeals Regarding the Floodplain Zone.

Appeals from a determination by a municipal engineer or the Zoning Officer with reference to the administration of any provisions contained within the Floodplain Zone.

(Ord. 7/8/1978, Art. 19; as amended by Ord. 10-10-01, 10/10/2001, § 24)

§ 1906. Appeals Regarding Development Rights and Density.

Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of the Zoning Ordinance.

(Ord. 7/8/1978, Art. 19; as amended by Ord. 10-10-01, 10/10/2001, § 24)

§ 1907. Appeals Regarding Sedimentation and Erosion Control and Storm Water Management.

Appeals from the determination of the Zoning Officer or municipal engineer in the administration of any land use ordinance with reference to sedimentation and erosion control, and/or stormwater management for applications not involving a subdivision/land development, nor a planned residential development as regulated in Articles V and VII of the Pennsylvania Municipalities Planning Code.

(Ord. 7/8/1978, Art. 19; as amended by Ord. 10-10-01, 10/10/2001, § 24)

§ 1908. Appeals from a Notice of Violation Issued under Part 17 of this Chapter.

(Ord. 7/8/1978, Art. 19; as added by Ord. 10-10-01, 10/10/2001, § 24)

§ 1909. Parties Appellant Before Zoning Hearing Board.

1. Appeals and proceedings to challenge any provision under this Chapter may be filed with the Zoning Hearing Board in writing by the landowner affected, by any officer or agency of the Township, or any person aggrieved. Requests for a variance and for a special exception under this Chapter may be filed with the Zoning Hearing Board by any landowner. An appeal or request shall state:

A. The name and address of the applicant.

B. The name and address of the owner of the real estate to be affected by the proposed special exception, or variance.

C. A brief description and location of the real estate to be affected by such proposed change.

D. A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereon.

E. A statement of the section of this Ordinance under which the variance, or special exception is requested, may be allowed, and reasons why it should be granted.

(Ord. 7/8/1978, Art, 19; as amended by Ord. 10-10-01, 10/10/2001, § 24)

§ 1910. Time Limitations.

No person shall be allowed to file any proceeding with the Zoning Hearing Board later than thirty (30) days after any application for development, preliminary or final, has been approved by the Board of Supervisors, if such proceeding is designed to secure reversal or to limit the approval in any manner, unless such person alleges and proves that he had no notice or knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest.

(Ord. 7/8/1978, Art. 19; as amended by Ord. 10-10-01, 10/10/2001, § 24)

§ 1911. Stay Of Proceedings.

Upon the filing of any proceeding referred to in this Part and during its pendency before the Zoning Hearing Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer, or of any agency or body, and all official action thereunder, shall be stayed unless the Zoning Hearing Board determines there are facts indicating that such stay would cause imminent peril to life or property; in which case, the development or official action shall not be stayed, otherwise than by a restraining order, which may be granted by the Zoning Hearing Board or by the court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Zoning Hearing Board, by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Zoning Hearing Board. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the Court.

(Ord. 7/8/1978, Art. 19; as amended by Ord. 10-10-01, 10/10/2001, § 24)

Part 20
Administrative Matters

§ 2001. Schedule of Fees, Charges, and Expenses.

1. The Township Supervisors shall establish a schedule of fees, charges, and expenses and a collection procedure for building permits, Certificates of Zoning Compliance, appeals, and other matters pertaining to this Chapter. The schedule of fees shall be posted in the office of the administrative official, and may be altered or amended only by the Township Supervisors.

2. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or application of appeal.

(Ord. 7/8/1978, Art. 22)

§ 2002. Amendments.

1. The regulations, restrictions, and boundaries set forth in this Chapter may from time to time be amended, supplemented, changed, or repealed provided, however, that no such action may be taken until after a public hearing in relation thereto by

the Township Supervisors, at which parties in interest and citizens shall have an opportunity to be heard. At least fourteen (14) days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the Township at least once in each of two (2) successive weeks.

2. If the amendment is initiated by any party other than the municipal planning agency or county planning agency, the governing body shall submit each amendment to the municipal planning agency and/or county planning agency at least thirty (30) days prior to the hearing on such proposed amendment to provide these agencies with an opportunity to submit recommendations. If after any public hearing held upon an amendment, the proposed amendment is revised, or further revised to include land previously not affected by it, the governing body shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

(Ord. 7/8/1978, Art. 23)

§ 2003. Provisions of Ordinance Declared to be Minimum Requirements.

In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements adopted for the promotion of the public health, safety, morals, or general welfare. Wherever the requirements of this Chapter are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standards shall govern.

(Ord. 7/8/1978, Art. 24)

§ 2004. Complaints Regarding Violations.

Whenever a violation of this Chapter occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the administrative official. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this Chapter.

(Ord. 7/8/1978, Art. 25)

§ 2005. Violations.

The construction, alteration, maintenance or use of any structure, building, sign, land, or landscaping or the change of use, area of use, percentage of use or displacement of the use of any structure, building, sign, land or landscaping without first obtaining a permit; or the use of any building, structure, sign or land without receipt of a certificate of use and occupancy; or the use or maintenance of any building, structure, sign or land for a use or in a manner which is not in accordance with the provisions of this Chapter; or the use of property for a use different from that set forth in any zoning or certificate of zoning compliance which has been granted for the property without applying for and being granted a permit and certificate of zoning compliance for such new or different use; or the excavation, grading of or earthmoving activities on any property in preparation for the erection of a structure or change in use of a property without first obtaining a permit; or the failure to comply with any other provision of this Chapter; or the violation of any conditions imposed upon the grant of a special exception or variance by the Zoning Hearing Board or a conditional use by the Board of Supervisors or by a court of competent jurisdiction if a special exception, variance or conditional use is granted by such court are hereby declared to be violations of this Chapter. The owner or tenant of any land or structure or parts thereof and any architect, builder, contractor, agent or other person who commits, assists in or maintains a violation shall also be considered to have violated this Chapter and shall be subject to penalties and remedies for such violation.

(Ord. 7/8/1978, Art. 26; as amended by Ord. 91102, 9/11/2002, § 8)

§ 2006. Enforcement Notice.

If it appears to the Zoning Administrator that a violation of this Chapter shall exist, the Zoning Administrator shall send an enforcement notice to the owner of record of the lot on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that lot, to any other person requested in writing by the owner of record, and to any person against whom the Township may bring an enforcement action. The enforcement notice shall contain the name of the owner of record and any other persons against whom the Township may take action, the location of the property in violation, the specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Chapter, the date before which steps for compliance must be commenced and that date before which the steps must be completed, that the recipient of the enforcement notice has the right to appeal to the

Zoning Hearing Board within thirty (30) days, and that a failure to comply with the notice within the time specified, unless extended by an appeal to the Zoning Hearing Board, constitutes a violation with sanctions as provided in this Chapter.

(Ord. 7/8/1978; as amended by Ord. 91102, 9/11/2002, § 8)

§ 2007. Enforcement Action.

If the enforcement notice is not complied with promptly, the Zoning Administrator shall notify the Board of Supervisors. The Board of Supervisors may request the Township Solicitor to institute in the name of the Township any appropriate action or proceeding at law or in equity to prevent, restrain, correct or abate such violation or to require the removal or termination of the unlawful use of the structure, building, sign, landscaping or land in violation of the provisions of this Chapter or the order or direction made pursuant thereto. The Board of Supervisors may also direct the Zoning Administrator or Township Solicitor to institute a civil enforcement proceeding before a district justice.

(Ord. 7/8/1978; as amended by Ord. 91102, 9/11/2002, § 8)

§ 2008. Penalties.

Any person who or which has violated or permitted the violation of the provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than Five Hundred ($500.00) Dollars plus all court costs, including the reasonable attorneys' fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless a district justice determining that there has been a violation further determines that there was a good faith basis for the person violating this Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice, and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorneys' fees collected for the violation of this Chapter shall be paid over to the Township for the general use of the Township.

(Ord. 7/8/1978; as amended by Ord. 91102, 9/11/2002, § 8)

§ 2009. Remedies.

In case any building, structure, sign or landscaping is erected, constructed, reconstructed, altered, repaired, converted, or maintained; or any building, structure, sign or land is used; or any hedge, shrub, tree, or other growth is maintained in violation of this Chapter or of any of the regulations made pursuant thereto or any of the permits or certificates of use and occupancy or certificates of use issued under this Chapter; or any conditions imposed upon the grant of a special exception or variance by the Zoning Hearing Board or upon the grant of a conditional use by the Board of Supervisors, then in addition to any other remedies provided by law, any appropriate action or proceeding may be instituted or taken to prevent or restrain such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use or to prevent any illegal act, conduct, business or use in and about such premises.

(Ord. 7/8/1978; as amended by Ord. 91102, 9/11/2002, § 8)

§ 2010. Separability Clause.

Should any Section or provision of this Chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Chapter as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

(Ord. 7/8/1978, Art. 27; as amended by Ord. 91102, 9/11/2002, § 8)

§ 2011. Repeal of Conflicting Ordinances; Effective Date.

All ordinances or parts of ordinances in conflict with this Zoning Chapter, or inconsistent with the provisions of this Chapter, are here repealed to the extent necessary to give the Chapter full force and effect. This Chapter shall become effective on July

13, 1978.

(Ord. 7/8/1978, Art. 28; as amended by Ord. 91102, 9/11/2002, § 8)

Zoning Map Amendments

Ord.	Date	Subject
Ord. 5-9-2012	5/9/2012	Amending the Official Zoning Map of South Annville Township to reflect the change in terminology regarding the Floodplain Districts. The current F1 - Approximated Flood Plain shall be renamed to SFHA - Zone A. The current F2 Floodway and F3 - Flood Fringe shall be renamed to SFHA - Zone AE.
Ord. 10-10-12-1	10/10/2012	Amend the Zoning Ordinance by changing the classification of tracts of land with frontage on the west side of Mount Pleasant Road and the south side of West Main Street (SR 0422) containing a total of 116 acres, more or less, from their present classification of Agricultural District to a New Classification of C-1 General Commercial District.

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