

**ZONING ORDINANCE  
LOCUST TOWNSHIP  
COLUMBIA COUNTY, PENNSYLVANIA**



# **LOCUST TOWNSHIP ZONING ORDINANCE**

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## **ARTICLE I**

### **GENERAL PROVISIONS**

#### **SECTION 101 SHORT TITLE**

**This ordinance shall be known and may be cited as the “Locust Township Zoning Ordinance of 1991, as amended.”**

#### **SECTION 102 PURPOSE**

**This Zoning Ordinance has been prepared in accordance with the Locust Township Comprehensive Development Plan of 1990, with consideration for the character of the municipality, its various parts, and the suitability of the various parts for the particular uses and structures, and is enacted for the following purposes:**

- A. To promote, protect, and facilitate one or more of the following: The public health, safety, [morals], general welfare, coordinated and practical community development, proper density of population, civil defense, disaster evacuation, airports, and national defense facilities, the provisions of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewage, schools, public grounds and other public requirements; as well as**
- B. To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.**

#### **SECTION 103 INTERPRETATION AND CONFLICT**

- A. Interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of health, safety, and the general welfare of the Township and its citizens.**
- B. It is not intended by the Ordinance to interfere with or abrogate or annuls any rules or regulations previously adopted or permits previously issued by the Township which are not in conflict with any provisions of this Ordinance, nor is it intended by this Ordinance to interfere with or abrogate any easements, covenants, building restrictions, or other agreements between parties, provided, however, that where this Ordinance imposes a greater restriction upon the use of the buildings or premises or upon the height of the building, or requires a larger open space than is imposed or required by such ordinance, rules, regulations or permits, or by easements, covenants, building restrictions or agreements, the provisions of this Ordinance shall control.**

#### **SECTION 104 VALIDITY AND SEVERABILITY**

**Should any Article, Section, subsection or provision of this Ordinance be declared by a court of competent jurisdiction to be illegal, unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof.**



## **ARTICLE II COMMUNITY DEVELOPMENT OBJECTIVES**

### **SECTION 201 COMMUNITY DEVELOPMENT OBJECTIVES**

**The Locust Township Zoning Ordinance has been enacted to further implement the goals and objectives established by the Township under the Locust Township Comprehensive Plan of 1990. The following community development objectives from the Comprehensive Plan shall be used when interpreting, implementing or revising the provisions of this Ordinance.**

- A. To provide for the preservation, protection, management and enhancement of the region's natural resources and environmental qualities for present and future generations by:**
  - 1. Encouraging the preservation of prime agricultural soils for agricultural uses;**
  - 2. Promoting the conservation of both natural and man-made resources;**
  - 3. Discouraging the excessive alteration of existing topography;**
  - 4. Protecting the natural character within the Township;**
  - 5. Protecting quality and quantity of both ground and surface water resources;**
  - 6. Minimizing atmospheric pollution;**
  - 7. Seeking means of minimizing noise pollution;**
  - 8. Retaining and protecting the natural beauty of the community; and**
  - 9. Furthering the protection of wildlife and encouraging retention of natural preserves.**
- B. To encourage and promote the provision of a wide range and variety of [decent,] safe and sanitary housing to meet the needs of Township residents – newly formed households, growing families and senior citizens – regardless of age, sex, income, religion or ethnic background which is compatible with the limitations afforded by the environment, transportation network and community facilities and services by:**
  - 1. Encouraging innovation in housing and neighborhood design;**
  - 2. Protecting the quality of existing residential neighborhoods;**

3. Encouraging neighborhood design for people rather than for automobiles; and
  4. Establishing realist population densities which reflect the rural character of the Township.
- C. To provide, within the fiscal limits of the Township, the various facilities and services necessary to meet the existing and future needs of the community in a way that is compatible with the natural and man-made environment by:
1. Guiding future development to areas which provided required services; and
  2. Encouraging underground installation of utilities.
- D. To provide a transportation system that maximizes the efficient, safe, and convenient movement of goods and people while minimizing the adverse impacts the system may have on the natural and man-made environment:
1. Discouraging uncontrolled strip [or ribbon] development along our highways;
  2. Making advance provision for proposed or anticipated highway improvements;
  3. Restoring and enhancing tie rights of non-vehicular traffic;
  4. Encouraging the reduction of on-street parking; and
  5. Reducing traffic hazards as development occurs.
- E. To provide opportunities for managed economical growth and development in the Township compatible with the community's rural environment, [including] services and facilities; and transportation network, and consistent with regional needs and capabilities for appropriate economic activities by:
1. Accommodating [appropriate] commercial uses, which are designed to primarily serve the local market.
  2. Accommodating industrial uses that pose limited adverse impact on the environment, services and facilities of the Township and adjacent land uses.
- F. To promote the adequate provision of recreational open space and cultural opportunities by:

- 1. Pursuing a consistent, calculated, and foresighted policy of open space preservation as part of the development process;**
  - 2. Planning improvements of designated open space areas with recreational facilities; and**
  - 3. Promoting the preservation of historically valuable elements of our community.**
- G. To expand and activate a continuing planning program that will serve to continually update and revise planning goals and objectives, the comprehensive plan and the operational tools necessary for implementation in light of new data and changing conditions.**

## ARTICLE III

### GLOSSARY OF ZONING TERMS

#### SECTION 301 APPLICATION AND INTERPRETATION

[It is not intended that this Glossary include only words used or referred to in this Ordinance.] The words included in this glossary are included in order to facilitate the interpretation of the Ordinance for administrative purposes and in the performing of duties by appropriate officers and by the Zoning Hearing Board.

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

- A. Words used in the present tense include the future tense.
- B. The word “person” includes a profit or non-profit corporation, company, partnership, or individual.
- C. The words “used” or “occupied” as applied to any land or building include the words “intended,” “arranged,” or “designed” to be used or occupied.
- D. The word “building” includes structure.
- E. The word “lot” includes plot or parcel.
- F. The word “shall” is always mandatory.

#### SECTION 302 DEFINITION OF TERMS

For the purpose of this Ordinance, the following words, terms and phrases have the meaning herein indicated:

**Abandonment:** The relinquishment of property, or the ceasing of a use thereon for a continuous period of at least one (1) year, with or without intention to resume the said use. Residential abandonment shall be measured from the last date of regular and permanent occupancy. Nonresidential use abandonment shall begin from the date of last record of sale or regular and permanent occupancy, whichever occurs first. Agricultural uses within the “RA” District shall be exempt from this provision.

**Act 247:** The Pennsylvania Municipalities Planning Code, as amended by Act 170 of 1988, P.L. 805, No. 170.

**Agricultural:** Activities involving the cultivation of the soil, raising and harvesting of products of the soil, or the raising of livestock and poultry, including nurseries, horticulture, forestry and animal husbandry.

**Agricultural-related Industry:** A use involving research, development or the production of a product used in agriculture. The term shall include, but not be limited to feed manufacturers, light industry and agriculture testing facilities.

**Alley:** A public thoroughfare which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

**All-weather surface:** Any surface applied on the ground which is capable of supporting snow removal and can be maintained in a mud free state on a year round basis.

**Alterations:** As applied to a building or structure, means a change or rearrangement in the structural parts of an enlargement, whether by expanding on a side or by increasing in height, or the moving from one location or position to another. An alteration does not include maintenance and repair.

**Alterations, structural:** Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

**Amendments:** A change in use in any district which includes revisions to the zoning text and/or the official zoning map; and the authority for any amendment lies solely with the Municipal Governing Body.

**Applicant:** A land owner, developer, or authorized agent of the owner who has filed an application under this ordinance, including heirs, successors and assigns.

**Animal Hospital:** A building used for the treatment, housing, or boarding of small domestic animals such as dogs, cats, rabbits, and birds or fowl by a veterinarian.

**Basement:** A story partly underground but having at least one-half (1/2) of its height above the average level of the adjoining ground. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet or if used for business or dwelling purposes, other than a game or recreation room. For purposes of Article IX FP-Flood Plain Overlay District, the term shall mean any area of the building having its floor subgrade (below ground level) on all sides.  
(rev.3/00)

**Bed and Breakfast:** An accessory use to a dwelling in which sleeping accommodations for a maximum of six (6) transient persons is provided for compensation.

**Billboard:** A sign upon which advertising matter of any character is printed, posted, or lettered; and it may be either freestanding or attached to a surface of a building or other structure.



**Board:** The Board of Supervisors of Locust Township, Columbia County.

**Boarding house:** Any dwelling in which more than three persons, either individually or as families, are housed or lodged for hire with or without meals. A rooming house or a furnished room house shall be deemed a boarding house.

**Building:** Any structure, including mobile homes, having a roof supported by walls, and intended for the shelter, housing or enclosure of persons, animals or chattel.

**Building, Accessory:** A subordinate building or a portion of the main building on a lot, the use of which is customarily incidental to that of the main or principal building.

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

**Building Coverage:** The percentage of the lot area occupied by all buildings.

**Building, detached:** A building surrounded by open spaces on the same lot.

**Building, Principal:** A building in which is conducted the principal use of the lot on which it is located.

**Building Height:** The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip, and gambrel roofs.

**Building Setback Line:** The line within a property defining the required minimum distance between any building to be erected and the adjacent right-of-way. Such line shall be measured at right angles from the front street right-of-way line which abuts the property upon which said building is located and shall be parallel to said right-of-way line.

**Carport:** An open space for the storage of one or more vehicles in the same manner as a private garage, which may be covered by a roof supported by columns or posts except that one or more walls may be the walls of the main building to which the carport is an accessory building or extension.

**Cartway:** The surface of a road or street available for vehicular traffic.

**Cellar:** A story partly underground and having more than one-half of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the permissible number of stories.

**Certificate of Occupancy:** A statement signed, issued and administered by the Zoning Officer upon completion of construction of a new building or upon completion of change or conversion of an existing structure, which establishes that the said building or structure is in compliance with this ordinance and is suitable for occupancy.

**Community Living Arrangement:** A group home serving as a residence for no more than four (4) unrelated mentally retarded or handicapped persons for social rehabilitative training which affords 24-hour supervision.

**Communications Antenna:** Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation omnidirectional or whip antennae and directional or panel antennae, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennae or amateur radio equipment including, without limitation, ham or citizen band radio antennae. (rev/2-99)

**Communications Equipment Building:** An unmanned building or cabinet containing communications or maintenance equipment required for the operation of communications antennae and covering an area on the ground not greater than 250 square feet. (rev/2-99)

**Communications Tower:** A structure other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support communications antennae. (rev/2-99)

**Comprehensive Plan:** [A] The Comprehensive Plan of Locust Township. The Comprehensive plan includes, but is not limited to, the following related basic elements: a statement of objectives; a plan for land use; a plan for the movement of people and goods; a plan for community facilities and utilities, and a map or statement indicating the relationship of the municipality and its proposed development to the adjacent municipalities and areas.

**Completely Dry Space:** A space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor. (rev/3-97)

**Conditional use:** A use which is not appropriate to a particular zone district as a whole, but which may be suitable in certain localities within the district only when specific conditions and factors prescribed for such cases within this ordinance are present. Conditional uses are allowed or denied by the Board of Supervisors after recommendations by the Planning Commission.

**Conversion:** A change in the principal use on a lot or within a building.

**Court:** An unoccupied open space, other than a yard, on the lot with a building, which is bounded on two or more sides by the walls of such building.

**Day Care Facilities:**

- A. **Family Day Care Home.** A form of a home occupation in which child day care services are provided simultaneously for six (6) or fewer children who are not related to the resident care provider.
- B. **Child Day Care Center.** A facility which, on a daily basis, exclusively provides supplemental parental care and supervision and/or instruction simultaneously to seven (7) or more children who are not all related to the care provider or operator.

**Density:** A measure of the number of dwelling units which occupy, or may occupy, an area of land.

**Density Factors:** Numerical values applied to residential dwelling unit types for the purpose of computing permitted densities.

**Density, Net Residential:** The number of dwelling units in relation to the land area actually in use or proposed to be used for residential purposes, exclusive of public rights-of-way, streets, sidewalks, parks, playgrounds, common open spaces, etc.

**Development:** Any man made change to improved or unimproved real estate, including but not limited to buildings and other structures, the placement of mobile homes, streets and other paving materials, utilities, filling, grading, excavation, mining, storage of materials and equipment, dredging or drilling operations. (rev/3-00)

**District:** A designated portion of the Township land area for the purposes of establishing zoning regulations.

**District, Base:** A specified zoning district whose boundaries are drawn on the Township zoning map.

**District, Overlay:** A specified zoning district whose boundaries are drawn on the Township Zoning map, but whose location is defined by a set of specific criteria established by the district.

**Dog Kennel:** The keeping of four or more dogs that are more than six months old.

**Driveway:** A private access strip, graded and usually hard surfaced, intended for use as a means of vehicular access to an individual dwelling or other structure.

**Driveway, Common:** A private driveway serving two or more lots, uses or units, the use and maintenance of which is shared between or among the property owners.

**Dump:** A parcel of land or part thereof used primarily for the disposal by abandonment, dumping, burial, burning, or other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.

**Dwelling:** A building designed or used as the living quarters for one or more families, The terms “dwelling,” “one-family dwelling,” “multiple dwelling,” “two-family dwelling,” or “dwelling group” shall not be deemed to include automobile court, rooming house, tourist home or hotel.

**Dwelling Types:**

- A. **Residential Conversion Unit:** To be considered a conversion, any proposed alteration must be confined to the interior of an already existing structural shell. Any proposal to extend the sides or increase the height of an existing structure to meet the appropriate provisions established in that District for that particular use.
- B. **Single-Family Detached:** A dwelling unit accommodating a single family and having two side yards.
- C. **Two Family Dwellings:** A building designed for and occupied exclusively as a residence for two (2) families living independently of each other. Two family dwellings are further defined as follows:
  - (1) **Single- Family Semi-Detached:** Two dwelling units accommodating two families which are attached side by side through the use of a party wall, and having one side yard adjacent to each dwelling unit. The term includes “twins”.
  - (2) **Two-Family Detached:** Two dwelling units accommodating two families which are located one over the other, and having two side yards. The term includes “duplexes”.
- D. **Multiple Family Dwelling:** A building designed for and occupied exclusively as a residence, containing three (3) or more dwelling units. Multiple family dwellings are further defined as follows:
  - (1) **Townhouse (Row dwelling):** Three or more dwelling units accommodating three or more families which are attached side by side through the use of common party walls and which shall have side yards adjacent to each end unit. Each dwelling unit is generally two stories in height, but may conceivably be either one or three stories in height.

- (2) **Garden Apartment:** Three or more dwelling units accommodating three or more families which are located one over the other and which, when more than three units are utilized, are attached side-by-side through the use of common party walls, and which shall have side yards adjacent to each first story end unit. Each dwelling unit is accessible by a common stairwell.
- (3) **Apartment House:** A structure consisting of a series of single-story dwelling units clustered on a floor about a central elevator shaft or central corridor, each series, consisting of one story, being stacked one upon the other to a specified maximum height.
- (4) **Two-Family Semi-detached:** Four dwelling units accommodating four families, two units of which are located directly over the other two units. A combination of both the single-family semi-detached and the two-family detached structures.

**Dwelling unit:** A building or portion thereof providing complete housekeeping facilities for one family.

**Dwelling Unit Area:** The minimum or average square footage necessary to constitute a dwelling unit in a multiple-dwelling structure.

**Easement:** An interest in land owned by another party that entitles the holder to a specific limited use or enjoyment, including utility, drainage and access easements.

**Educational Use:** A form of institutional use, involving land or building(s) for the purpose of providing instruction, including public and private schools, colleges, or trade schools.

**Electric Substation:** An assemblage of equipment for purposes other than generation or utilization, through which electric energy in bulk is passed for the purposes of switching or modifying its characteristics to meet the needs of the general public.

**Essentially Dry Space:** A space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water. (rev/3-97)

**Façade:** The front of a building; part of a building facing a street, courtyard, etc.

**Family:** One or more persons who live together in one dwelling unit and maintain a common household. May consist of a single person or of two or more persons,



whether or not related by blood, marriage, or adoption. May also include domestic servants and gratuitous guests.

**Farm:** Any parcel of land containing 10 or more acres, which is used for gain in the raising of agricultural products, livestock, poultry, and dairy products. It includes necessary farm structures within the prescribed limits and the storage of equipment used. It excludes the raising of fur-bearing animals, riding academies. Livery or boarding stables and dog kennels.

**Farm Pond:** An artificial body of water used for irrigation, fire protection or other farm use as approved by the U.S. Department of Agricultural Soil Conservation District Service.

**Feedlot:** A parcel, or portion of a parcel, which is used for the concentration and confinement of cattle and other livestock.

**Fill:** The use of clean material applied to the land to achieve an increase in elevation. This definition shall not include the term “sanitary landfill”.

**Flood Elevation, Regulatory:** The one hundred year flood elevation established by the Federal Insurance Administration Flood Study for Locust Township as representing the point at which the one hundred year flood level is expected to reach.

**Floodplain:** A floodplain is defined and established to be the low area adjoining and including any water or drainage course or body of water subject to periodic flooding or overflow. For the purposes of this Ordinance, such floodplain shall be as delineated by the Federal Insurance Administration in the Flood Insurance Study and on the Accompanying flood maps. (rev.3/00)

**Floodplain, One Hundred Year:** A flood volume likely to occur once in a hundred (100) year period. Such flood volume has a one percent chance of occurring each year and may occur in any year.

**Floodway:** the designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Ordinance, the floodway shall be capable of accommodating a flood of the one hundred(100) year magnitude.(rev/3-97)

**Floor Area of a Building:** The sum of the gross horizontal areas of the several floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas not devoted to residential use, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

**Floor Area, Habitable:** The aggregate of the horizontal of all rooms used for habitation, such as living room, dining room, kitchen, bedroom, but not including hallways, stairways, cellars, attics, service rooms or utility rooms, bathroom, closets, nor unheated areas such as enclosed porches, nor rooms without at least one window or skylight opening onto an outside yard or court. At least one-half of the floor area of that part of any room where the ceiling height is less than five feet shall not be considered as part of the habitable floor area.

**Floor Area Retail, Net:** All that space relegated to use by the customer and the retail employee to consummate retail sales and to include display area used to indicate the variety of goods available for the customer; but not to include office space, storage space, and other general administrative areas.

**Forestry:** The management of forests and timberlands when practiced in accordance with accepted silvicultural principals, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development. (rev. 1-01)

**Garage, Auto Repair:** An enclosed space used for the retail servicing and repair of automotive vehicles.

**Garage, Private:** An enclosed or covered space for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted for profit therein or space therein for more than one car is leased to non-resident of the premises.

**Gardening:** See Home Gardening for definition.

**Grade, Establishing:** The elevation of the center line of the streets as officially established by municipal authorities.

**Grade, Finished:** The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

**Group Housing:** A dwelling providing non-transient lodging for compensation either directly or indirectly on behalf of any or all occupants in which the occupants are unrelated.

**Height of a Communications Tower:** The vertical distance measured from the ground level to the highest point on a communications tower, including antennae mounted on the tower. (rev/2-99)

**Historic Structure:** any structure that is: (rev/3-97)

1. Listed individually in the National Register of Historic Places (a listing of the department of the interior) or preliminarily determined by the secretary of

- the interior as meeting the requirements for individual listing on the National Register;
2. 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;
  3. 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; or
  4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
    - a. By an approved state program as determined by the Secretary of Interior or
    - b. Directly by the Secretary of the interior in states without programs.

**Home Gardening:** The cultivation of herbs, fruits, flowers or vegetables on a piece of ground adjoining the dwelling, excluding the keeping of livestock, and permitting the sale of produce raised thereon.

**Home occupation:** Any use customarily conducted entirely within a dwelling or in a building accessory thereto and carried on by the inhabitants residing therein, providing that the use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, the exterior appearance of the structure or premises is constructed and maintained as a residential dwelling, and no goods are publicly displayed on the premises other than signs as provided herein. Home occupations are further defined by the following types:

- A. **Non-Professional:** An occupation for gain or support conducted only by immediate members of a family residing on the premises, including the practice of trades and crafts. The home occupation shall be conducted entirely within the dwelling or accessory building; provided no article is sold or offered for sale except such as may be produced on the premises by members of the family, and further provided that such occupation shall in no case occupy more than 25 percent of the floor area of the dwelling.
- B. **Professional:** An occupation for gain or support conducted by a member of a recognized profession, including but not limited to medicine, law, and accounting. The home occupation shall be entirely within the dwelling or accessory building, provided that not more than three persons not in residence in the dwelling are employed and further provided that such occupation shall in no case occupy more than 25% of the floor area of the dwelling.

**Hospital:** Unless otherwise specified, the term "hospital" shall be deemed to include sanitarium, sanatorium, preventorium, clinic, rest home, nursing home, convalescent home, and any other place for the diagnosis, treatment or other care of

ailments, and shall be deemed to be limited to places for the diagnosis, treatment or care of human ailments.

**Hotel or Inn:** A building containing rooms intended or designed to be used or which are used, rented, or hired out to be occupied or which are occupied for sleeping purposes by guests and where only a general kitchen and dining room are provided within the building or in any accessory building.

**Impervious surface:** Any surface which reduces or prevents the absorption of storm water into the soil.

**Institutional use:** A building or grounds used primarily for a public or quasi-public activity, including schools, churches, hospitals and convalescent homes, and certain non-profit organizations that cater to the public.

**Junk Yard:** A lot, land or structure, or part thereof, used primarily for the collecting, storage and 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.

**Kennel:** A use of land or buildings for the purpose of providing shelter and boarding five (5) or more customary household pets, for any length of time for compensation.

**Land Development:** The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

- A. A group of two or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure; or
- B. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- C. A subdivision of land.

**Land owner:** The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee, if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land, shall be deemed to be a landowner for the purposes of this Ordinance.

**Landscape Area:** The minimum square footage of lot area that is planted with vegetation and available for the use of the residents of a multiple family development in which it is located or a part of the required area of a commercial or

**industrial development.** This area must be both unsurfaced and water absorbent, and no more than one-third of this total area requirement may include area located within the setback requirements for the front, side or rear yards of the complex.

**Launderette:** A business premise equipped with individual clothes washing machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use in an apartment house or an apartment hotel.

**Light Industry:** Those manufacturing, processing, production and research facilities which do not emit noise, steam air or water borne pollutants, and whose activities are solely contained within an enclosed building or structure.

**Lighting:**

- A. **Diffused:** That form of lighting wherein the light passes from the source through a translucent cover or shade.
- B. **Direct or Flood:** That form of lighting wherein the source is visible and the light is distributed directly from it to the object to be illuminated.
- C. **Indirect:** That form of lighting wherein the light source is entirely hidden, the light being projected to a suitable reflector from which it is reflected to the object to be illuminated.

**Lodging House:** A building in which three (3) or more, but not more than 15 rooms, re-rented and in which no table board is furnished.

**Lot:** A designated parcel, tract or area of land occupied or to be occupied by a use or building and its accessory buildings, together with such open spaces as are required under the provisions of this Ordinance.

**Lot Area:** The total area within the legal limits of lot lines, undivided by public streets or right-of-way.

**Lot Area, Minimum:** The required area of a lot as defined by the appropriate zoning district, exclusive of lands within the legal right-of-way of a public street, designated floodplain district and slopes in excess of twenty-five percent (25%).

**Lot, Corner:** A parcel of land at the junction of and abutting on two or more intersecting streets.

**Lot Coverage:** The percentage of a lot area covered by buildings, structures and all impervious surfaces.

**Lot, Interior:** A lot which has limited frontage on a street serving solely for access to interior lands. This term shall include "flag-shaped lots".



**Lot Lines:** The lines bounding a lot as defined herein.

**Lot Line, Front:** The street right-of-way line.

**Lot Line, Side:** Any lot line which does not serve as a front or rear lot line.

**Lot Line, Rear:** The lot line most parallel to, or within forty-five degrees of parallel, and most distant from the front lot line.

**Lowest Floor:** The lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, provided that such space is not designated and built so that the structure is in violation of the applicable non-elevation design requirements of this Ordinance.(rev/3-97)

**Manufactured Home:** A structure, transportable in one or more sections, assembled at the site into one integral unit, complete and ready for occupancy except for minor and incidental unpacking and connection to utilities.

**Manufactured Home Park or Subdivision:** A parcel of land which has been planned and improved for the placement of two (2) or more manufactured homes.

**Mobile Home:** A transportable, single-family dwelling intended for permanent occupancy, office or place of assembly contained in one unit, or into units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. For floodplain management purposes, the term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on site for more than 180 consecutive days. (rev/3-97)

**Mobile Home Lot:** A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home, which is leased by the park owner to the occupants of the mobile home erected on the lot.

**Mobile Home Park:** A parcel of land under single ownership which has been planned and improved for the placement of mobile homes for non-transient use, consisting of two or more mobile home lots.

**Municipality:** The Township of Locust, Columbia County, Pennsylvania.

**Natural Resource Extraction:** An activity involving the removal, separation or alteration of soil or subsurface environmental resources. This term shall not include the installation of wells.

**New Construction:** Structures for which the start of construction commenced on or after May 4,1979, and includes any subsequent improvements thereto. (rev/3-97)

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

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

**Nursing or convalescent Home:** Any dwelling with less than 15 sleeping rooms where persons are housed or lodged and furnished with meals and nursing care for hire.

**Open Pit Mining:** Open pit mining shall include all activity which removes from the surface or beneath the surface, of the land some material mineral resource, natural resource, or other element of economic value, by means of mechanical excavation necessary to separate the desired material from an undesirable one; or to remove the strata or material which overlies or is above the desired material in its natural condition and position. Open pit mining includes, but is not limited to, the excavation necessary to the extraction of: sand, gravel, topsoil, limestone, sandstone, coal, clay, shale, and iron ore.

**Open Space:** An unoccupied space open to the sky on the same lot with the building.

**Open Space, Common:** The area within a Multiple Family Residential Development proposal which is reserved and designed for the use and benefit of residents within said development.

**Parking Space:** A reasonably level area of land outside of any street right-of-way, available for parking of one motor vehicle, at least nine (9) by eighteen (18) feet in size.

**PennDOT:** The Pennsylvania Department of Transportation.

**Personal Service:** A legal, commercial service provided to an individual by another individual or group, usually but not necessarily licensed.

**Planning commission:** The planning commission of Locust Township, Columbia County.

**Plat:** A map, plan or layout of a subdivision indicating the location and boundaries of individual properties.

**Porch:** A covered area in excess of four (4) feet by five (5) feet or 20 square feet in area at a front, side, or rear door.

**Premises:** Any lot, parcel or tract of land and any building constructed thereon.

**Production of forest products:** Any activity involving the harvesting and preparation of forest resources, including lumbering and milling of wood and wood products.

**Profession:** Includes any occupation or vocation in which a professed knowledge of some department of science or learning is used by its practical application to the affairs of others, either advising, guiding, or teaching them and in serving their interest or welfare in the practice of an art founded on it. The work implies attainments in professional knowledge as distinguished from mere skill and the application of such knowledge to uses for others as a vocation. It requires knowledge of an advanced type in a given field of science or instruction and study.

**Property Line:** A recorded boundary of a lot. However, any property line which abuts a “street” or other public or quasi-public way shall be measured from the full right-of-way.

**Public Notice:** A notice published once each week for two successive weeks in a newspaper of general circulation in the township. Such notice shall state the time and place of the hearing, and the particular nature of the matter to be considered at the hearing.

**Public Uses, Appropriate:** Includes public and semi-public uses of a welfare and educational nature, such as hospitals, nursing homes, schools, parks, churches, cemeteries, civic centers, historical restorations, fire stations, municipal buildings, essential public utilities that require enclosure within a building, airports, fraternal clubs and homes, non-profit recreational facilities, and easements for alleys, streets, and public utility rights-of-way.

**Public Utility Transmission Tower:** A structure owned and operated by a public utility electric company regulated by the Pennsylvania Public Utility Commissions, designated and used to support overhead electricity transmission lines. (rev/2-99)

**Recreational Vehicle:** a vehicle which is:

- A. Built on a single chassis;
- B. Not more than 400 square feet, measured at the largest horizontal projections;
- C. Designed to be self-propelled or permanently towable by a light truck; and
- D. Not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use. (rev/3-97)

**Religious Use:** A non-profit use of land or buildings(s) as a church, place of worship or similar institution.

**Residential Conversion Unit:** See Dwelling Types.

**Restaurant:** A building designed for the preparation and serving of food to the general public within the same structure, wrapping, covering, or packaging food for take-out and consumption of food off-premises is incidental to providing table service to customers for the purpose of facilitating consumption of food on the premises, as distinguished from Drive-In Restaurants.

**Restaurant, Drive-In:** A building designed for the preparation of food to be consumed by and served to the general public within the structure or outside of the structure. Differentiated from a restaurant in that no table service is offered, and wrapping, covering and/or packaging food is specialized to facilitate off-premises consumption of food.

**Retail Use:** A legal commercial activity comprising the sale of goods or services directly to the public.

**Riding Academy:** Any establishment where horses are kept for riding, driving, or stabling for compensation or incidental to the operation of any club, association, ranch or similar establishment.

**Right-of-way, Legal:** A strip of land acquired by reservation, dedication, purchase or other means intended for occupation by a road, and improvements and utilities associated with a public road. The term shall include the term “dedicated right-of-way”.

**Right –of-way, Ultimate:** The land area paralleling a public street which may be required to be reserved for future dedication as defined by the Township Subdivision and Land Development Ordinance.

**Road classification:** Setback distances in this Ordinance vary in accordance with the type of roadway abutting the properties. For the purpose of this Ordinance, the following definitions are employed, as defined by the Township Comprehensive Plan.

- A. **Arterial:** A limited access highway on which access is provided only from another street and not from abutting properties. Right-of-way width is in excess of 60 feet wide. Route 42 is the only arterial road in the Township.
- B. **Collector:** A road, or street, which provides for the movement of large volumes of traffic between arterial and local roads and direct access to abutting property. Right-of-way between 50 and 60 feet wide.
- C. **Local:** A road whose function is to provide for local traffic movement and direct access to abutting properties. Right-of-way 50 feet or less in width. Township roads are classified local.

**Roadside stand:** An accessory structure on a farm constructed and used for the display and sale of farm products.

**Sanitary Landfill:** A lot or land or part thereof used primarily for the disposal of garbage, refuse, and other discarded materials including but not limited to, solid and liquid waste materials resulting from industrial, commercial, agricultural, and residential activities. The operation of a sanitary landfill normally consists of: 1) depositing the discarded material in a planned controlled manner, 2) compacting the discarded material in thin layers to reduce volume, 3) covering the discarded material with a layer of earth, and 4) compacting the earth cover.

**Seasonal Residence:** A dwelling, cabin, lodge or summer house which is intended for occupancy less than 180 days of the year.

**Secondary Farm Business:** An accessory occupation operated by residents of a farm, designed to generate supplemental income, including craftsman shops, woodworking, cabinetry, fencing service, sharpening service, small machine repair.

**Services, Essential:** Uses, not enclosed within a building, necessary for the preservation of the public health and safety including, but not limited to, the erection, construction, alteration or maintenance of, by public utilities or governmental agencies, underground or overhead transmission systems, poles, wires, pipes, cables, fire alarm boxes, hydrants, or other similar equipment.

**Service station:** Any area of land, including structures thereon, that is used or designed to be used for the supply of gasoline or oil or other fuel for the propulsion of motor vehicles and which may include facilities used or designated to be used for polishing, greasing, washing, spraying, dry cleaning or otherwise cleaning or servicing such motor vehicles.

**Sewer Service, Individual:** A single system of piping, tanks or other facilities serving only a single lot and disposing of sewage in whole or part into the soil.

**Sewer Service, Community:** A sanitary sewage collection system designed to serve an entire development in which sewage is collected, treated and disposed of on the tract.

**Sewer Service, Public:** A sanitary sewage collection system in which sewage is carried from individual lot or dwelling units by a system of pipes to a central treatment and disposal plant which may be publicly or privately owned and operated.

**Screen Planting:** A vegetative material of sufficient height and density to conceal from view of property owners in adjoining residential districts the structures and uses on the premises on which the screen planting is located.

**Sign:** Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of government or government agency, or of any civic, charitable, religious, patriotic, or similar organization.

**Slope:** The degree of deviation of the earth's surface from the horizontal expressed as a percentage.

**Special Exception:** The granting of a modification of the provisions of this Ordinance as authorized in specific instances listed, and under the terms, procedures, and conditions prescribed herein. Special exceptions are administered by the Zoning Hearing Board.

**Stable, Private:** An accessory building in which any horses are kept for private use and not for hire, remuneration or resale.

**Stable, public:** A building in which any horses are kept for remuneration, hire or sale.

**Storage, Outdoor:** The collection of man-made materials unprotected from the elements.

**Story:** That portion of a building included between the surface of any floor and the surface floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.

**Street:** A public way which afford principal means of access to abutting properties. The word "street" shall include, but not be limited to, the words "road," "highway," "alley," and "thoroughfare."

**Street-Center Line:** The center of the surveyed street right-of-way, or where not surveyed, the center of the traveled cartway.

**Street Grade:** The Officially established grade of the street upon which a lot fronts or in its absence the established grade of other streets upon which the lot abuts, at the midpoint of the frontage of the lot thereon. If there is no officially established

grade, the existing grade of the street at such midpoint shall be taken as the street grade.

**Street Line:** The legal right-of-way line of a public street, dividing the street and the adjacent lot.

**Structure:** Structure means a combination of materials that form a construction that is safe and stable and includes, among other things, buildings, stadiums, platforms, radio towers, sheds, storage bins, fences, and display signs.

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

**Substantial Damage:** damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty(50) percent or more of the market value of the structure before the damage occurred. (rev/3-97)

**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 either:

- i. any project or improvement of a structure to correct existing violations of 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, or
- ii. any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as “historic structure”. (rev/3-97)

**Swimming Pool:**

- A. **Private:** Any reasonably permanent pool or open tank, not located within a completely enclosed building, and containing, or capable of containing, water to a depth at any point greater than one and one-half feet. Farm ponds and/or lakes are not included, provided that swimming was not the primary purpose for their construction.
- B. **Public:** A public bathing place shall mean any open or enclosed place, open to the public for amateur and professional swimming or recreative bathing, whether or not a fee is charged for admission for the use thereof.

**Telephone Central Office:** A building and its equipment erected and used for the purpose of facilitating transmission and exchange of telephone or radio telephone messages between subscribers and other business of the telephone company; but in a residential district not to include public business facilities, storage of materials, trucks or repair facilities, or housing of repair crews.

**Theater:** A building or part of a building devoted to the showing of moving pictures or theatrical productions on a paid admission basis.

**Theater, Outdoor Drive-In:** An open lot or part thereof, with its appurtenant facilities, devoted primarily to the showing of moving pictures or theatrical productions, on a paid admission basis, to patrons seated in automobiles, or on outdoor seats.

**Tourist Cabins:** A group of buildings, including either separate cabins or a row of cabins, which: a) contain living and sleeping accommodations for transient occupancy; and b) have individual entrances.

**Travel Trailer:** A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational, and vacation uses, permanently identified “travel Trailer” by the manufacturer on the trailer. Unoccupied travel trailers do not constitute mobile homes as used in this Ordinance.

**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. The term “permitted use” or its equivalent shall not be deemed to include any nonconforming use.

**Use, Accessory:** A use customarily incidental and subordinate to the principal use of building and located on the same lot with such principal use building.

**Variance:** The permission granted by the Zoning Hearing Board, following a public hearing that has been properly advertised pursuant to this Ordinance and the Pennsylvania Municipalities Planning Code, for an adjustment to some regulation which, if strictly adhered to, would result in an unnecessary hardship, and where the permission granted would not be contrary to public interest, and would maintain the spirit and original intent of the Ordinance.

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

**Yard:** An unoccupied space open to the sky, on the same lot with a building or structure.



**Yard, front:** An open, unoccupied space on the same lot with a main building, extending the full width of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the street right-of-way line. Covered porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required front yard.

**Yard, Rear:** An open, unoccupied space on the same lot with a main building extending the full-width of the lot and situated between the side lines of the lot and the rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot and the rear line of the building. A building shall not extend into the required rear yard.

**Yard, side:** An open , unoccupied space on the same lot with the building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line. A building shall not extend into the required side yards.

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

**Zoning Map:** The Map of Locust Township, Columbia County, Pennsylvania.

**Zoning Officer:** The designated administrator of the Locust Township Zoning Ordinance.

**Zoning Ordinance:** The Zoning Ordinance of Locust Township, Columbia County, Pennsylvania.

## **ARTICLE IV**

### **DESIGNATION OF DISTRICTS**

#### **SECTION 401 GENERAL DISTRICTS**

**For the purpose of this Ordinance, the Township of Locust is hereby divided into five types of Districts which shall be designated as follows:**

- A. Base Zoning Districts. The Township land area is assigned to one of the following base zoning districts as defined by the Township Zoning Map:**

**RA-----Rural Agricultural District  
F-----Forest District  
R-1-----Residential Low-Density District  
R-2-----Residential Medium-Density District**

- B. Overlay Zoning Districts. Certain areas of the Township are also affected by overlay districts. Said districts shall contain location criteria, and shall contain standards which shall be in addition to the provisions of the applicable base zoning district:**

**FP-----Floodplain District**

#### **SECTION 402 ZONING MAP**

**The boundaries of said Districts shall be designated “Zoning Map”. The map, and all notations, references, and other data shown thereon, are hereby incorporated by reference into this Ordinance as if they were fully described herein.**

#### **SECTION 403 DISTRICT BOUNDARIES**

**Where uncertainty exists as to boundaries of any District as shown on said map, the following rules shall apply:**

- A. District boundary lines are intended to follow or parallel the center line of streets, streams and railroads; and lot or property lines as they exist on a recorded deed or plan or record in the County Recorder of Deed’s office at the time of the adoption of this Ordinance, unless such District boundary lines are fixed by dimensions as shown on the Zoning Map.**
- B. Where a District boundary is not fixed by dimensions, and where it does not scale more than ten feet therefrom, such lot lines shall be construed to be such boundaries unless specifically shown otherwise.**
- C. Where a District boundary divides a lot held in single and separate ownership prior to the effective date of this Ordinance placing 75 percent or**

**more of the lot area in a particular district, the location of such District boundary may be construed to include the remaining 25 percent or less of the lot so divided.**

#### **SECTION 404 INTERPRETATION OF BOUNDARIES**

**In case of any uncertainty, the Zoning Hearing Board shall interpret the intent of the map as to location of District boundaries.**

**ARTICLE V**  
**RA – RURAL AGRICULTURAL DISTRICT**

**SECTION 501 PURPOSE**

The purpose of the R-A Rural Agricultural District is to:

- A. Identify those areas where agricultural activities should be encouraged or preserved to maintain the agricultural rural character of the Township as identified in the Township Comprehensive Plan;**
- B. Provide for the preservation of prime agricultural soils, unpolluted drainage ways, open space, and conservation of the natural environment and natural resources; and**
- C. Provide for agricultural-related uses and those non-agricultural uses that are compatible with farm operations.**

**SECTION 502 PERMITTED USES**

The following uses shall be permitted as uses by right:

- A. Agricultural uses related to the tilling of land, the raising of farm products, the raising and keeping of horses, cattle and other livestock, and the raising of poultry and poultry products.**
- B. Horticultural uses related to the raising, propagating, and selling of trees, shrubs, flowers, and other vegetative material.**
- C. Single-family detached dwellings.**
- D. Grange halls or similar buildings solely serving an agricultural organization.**
- E. Public park or recreational facility.**
- F. The following accessory uses and structures, when incidental and subordinate to a permitted use:**
  - 1. Barns, silos, corncribs, poultry houses, mushroom houses, and other similar structures necessary to the proper operation of agricultural activities.**
  - 2. Stables, dog kennels, and green houses.**
  - 3. Temporary or seasonal road side stand, in accordance with Section 1005.**

4. Home occupation, in accordance with Section 1007.
5. Secondary farm business, in accordance with Section 1025.
6. Bed and Breakfast Facility, in accordance with Section 1006.

- G. Churches, or similar places of worship. (rev/4-96)
- H. Forestry as defined in Section 302 of the Locust Township Zoning Ordinance. (rev.1-01)

### **SECTION 503 SPECIAL EXCEPTION USES**

The following uses shall be permitted by special exception, when granted by the Township Zoning Hearing Board:

- A. Appropriate public uses, except churches, or similar places of worship allowed as a permitted use. (rev/4-96)
- B. Permanent roadside stands, in accordance with Section 1005.
- C. Privately owned parks and recreational areas including swimming pools, resort facilities, golf courses and country clubs.
- D. Residential conversion of an existing single-family detached dwelling, in accordance with Section 1018.

### **SECTION 504 CONDITIONAL USES**

The following shall be permitted by conditional use, when granted by the Board of Supervisors:

- A. Agricultural-related industry, in accordance with Section 1014.
- B. Research and Development Facility.
- C. Junkyard, in accordance with Section 1010.

### **SECTION 505 AREA AND BULK REGULATIONS**

#### **A. Height Regulations**

1. Maximum Building Height 35 feet or three stories.
2. Buildings devoted to agricultural use shall be exempt from height regulations.

## **B. Minimum Lot Area**

- 1. Agriculture/horticulture 10 acres**
- 2. Grange/agricultural organization (rev.4-2000) 2 acres**
- 3. Agricultural-related industry 4 acres**  
**Research and Development Facility (rev/3-99)**
- 4. Junkyards (rev/3-99) 100 acres**
- 5. Single family detached dwellings shall be permitted in the R-A Rural Agricultural District in the following numbers on each parcel of land as follows: (rev.4-2000)**

<b>Current size of parcel rounded to the nearest acre</b>	<b>Number of Single Family detached dwellings permitted (including those currently existing)</b>
<b>0-5 acres</b>	<b>1</b>
<b>6-15 acres</b>	<b>2</b>
<b>16-30 acres</b>	<b>3</b>
<b>31-60 acres</b>	<b>4</b>
<b>61-90 acres</b>	<b>5</b>
<b>91-120 acres</b>	<b>6</b>
<b>121-150 acres</b>	<b>7</b>
<b>Over 151 acres</b>	<b>8 plus 1 dwelling for each 30 acres over 151 acres</b>

- 6. The minimum lot area for a single family detached dwelling is two (2) acres.**
- 7. Single family detached dwellings subsequently located on a parcel within the R-A Rural Agricultural District shall be clustered or similarly located on the least agriculturally productive land within that parcel so as to minimize interference with agricultural production on the remaining portion of the parcel. The clustering shall, at the discretion of the developer, focus on road frontage development or concentrated site planning as shown in Exhibit “A” attached hereto.(rev. 3-05)**

## **C. Yard Regulations**

- 1. Each lot shall have front, side, and rear yards of not less than the depth and width indicated below.**

- a. Minimum side yard 25 feet
- b. Minimum front yard 35 feet
- c. Minimum rear yard 50 feet

- 2. Accessory buildings shall be a minimum of twelve (12) feet from side or rear lot lines.
- 3. On each corner lot there shall be two front yards, each abutting a street.
- 4. New dwellings shall be located no closer than one hundred (100) feet to any structure or feed lot serving livestock (including dog kennels) poultry, or mushroom culture.

**D. Minimum lot width at street line 200 feet**

**E. Coverage Regulations.**

- 1. Maximum Building Coverage 10%
- 2. Maximum lot coverage 15%

**SECTION 506 SUPPLEMENTAL STANDARDS**

See Article X

**SECTION 507 SIGN REGULATIONS**

See Article XII

**SECTION 508 DESIGN STANDARDS**

See Article XI

**SECTION 509 OFF-STREET PARKING REGULATIONS**

See Article XIII

## **ARTICLE VI**

### **F – FOREST DISTRICT**

#### **SECTION 601 PURPOSE**

**The purpose of the F-Forest District is:**

- A. To encourage the preservation and conservation of the natural resources within the Township; and**
- B. To provide reasonable standards for the development and use of land with respect to steep slope, shallow soil and woodland conditions.**

#### **SECTION 602 PERMITTED USES**

**The following uses shall be permitted as uses by right:**

- A. Agriculture, farms, nurseries, orchards, riding academies, livery and boarding stables, dog kennels, animal hospitals and the raising of fur bearing animals.**
- B. Public and private parks and recreation areas.**
- C. Public buildings or uses, municipal buildings or uses.**
- D. Churches, or similar places of worship.**
- E. Radio-television transmission or receiving tower and facilities.**
- F. Single-family detached dwellings.**
- G. Seasonal residences, in accordance with Section 1024.**
- H. Accessory buildings and uses customarily incidental to the above uses, including but not limited to:**
  - 1. Private garage and sheds.**
  - 2. Home Occupations, in accordance with Section 1007.**
  - 3. agricultural barns, sheds and other utility structures.**
  - 4. bed and breakfast Facility, in accordance with Section 1006.**
- I. Communications antennae, buildings or structures, and communications equipment buildings. (rev/2-99)**



- J. Forestry as defined in Section 302 of the Locust Township Zoning Ordinance.(rev. 1-01)**

## **SECTION 603 SPECIAL EXCEPTION USES**

**The following uses shall be permitted by special exception, when granted by the Township Zoning Board:**

- A. Recreational travel trailer camp.**
- B. Resort hotels, motels, and areas.**
- C. Production of forest product, forest industries, in accordance with Section 1013.**

## **SECTION 604 CONDITIONAL USES**

**The following shall be permitted by conditional use, when granted by the Board of Supervisors:**

- A. Sanitary Landfill, in accordance with Section 1011.**
- B. Natural resource extraction uses, including excavating, quarrying, and mining, in accordance with Section 1012.**

## **SECTION 605 AREA AND BULK REGULATIONS**

### **A. maximum building height**

- 1. Maximum building height** **35 feet or three stories**
- 2. The height of a dwelling shall not be less than one story.**

### **B. Minimum Lot Area**

- 1. Sanitary Landfill** **100 acres**  
**Natural Resource Extraction Uses**
- 2. Agriculture/horticulture** **10 acres**
- 3. grange/agricultural organization**  
**Agricultural-related industry**

**Research and Development Facility** **5 acres**

- 4. Single family detached dwellings shall be permitted in the F-Forest District in the following numbers on each parcel of land as follows: (rev. 3-03)**
- 5. the minimum lot area for single detached dwelling in the F-Forest zone is five (5) acres**

<b>Current size of a parcel rounded to nearest acre</b>	<b>Number of Single Family detached dwellings permitted (including those existing as of November 9,2000)</b>
<b>5-10 acres</b>	<b>1</b>
<b>11-15 acres</b>	<b>2</b>
<b>16-30 acres</b>	<b>3</b>
<b>31-60 acres</b>	<b>4</b>
<b>61-90 acres</b>	<b>5</b>
<b>91-120 acres</b>	<b>6</b>
<b>121-150 acres</b>	<b>7</b>
<b>Over 151 acres</b>	<b>8 plus 1 dwelling for each 30 acres over 151 acres</b>

**6. Single family detached dwellings subsequently located on a parcel within the F-Forest District shall be clustered or similarly located on open spaces or other areas not currently being used for forestry or agriculture within that parcel so as to minimize interference with forest or agricultural activities in the preserved portion of the parcel. The clustering shall, at the discretion of the developer, focus on road frontage development or concentrated site planning as shown in Exhibit “A” attached hereto.(rev.3-05)**

#### **C. Lot Width and Yard Regulations**

- 1. Minimum lot width at Street Line** **200 feet**
- 2. Minimum side yard** **30 feet**
- 3. Minimum front yard** **35 feet**
- 4. Minimum rear yard** **50 feet**
- 5. Accessory building setback from side or rear lot lines. (minimum)** **25 feet**
- 6. Buildings housing livestock (including dog kennels) poultry, or mushroom culture, shall be no closer than one hundred (100) feet to any public right-of-way nor two hundred (200) feet to a residential district.**

#### **D. Coverage Regulations**

- |                                     |            |
|-------------------------------------|------------|
| <b>1. Maximum Building Coverage</b> | <b>10%</b> |
| <b>2. Maximum Lot Coverage</b>      | <b>12%</b> |

## **SECTION 606 SUPPLEMENTAL REGULATIONS**

**See Article X**

## **SECTION 607 SIGN REGULATIONS**

**See Article VII**

## **SECTION 608 DESIGN STANDARDS**

**See Article XI**

## **SECTION 609 OFF-STREET PARKING REGULATIONS**

**See Article XIII**

## **ARTICLE VII**

### **R-1 RESIDENTIAL LOW-DENSITY DISTRICT**

#### **SECTION 701 PURPOSE**

**The purpose of the R-1 Residential Low-Density District is:**

- A To provide for the orderly expansion of low-density residential development in those areas where public services are not readily available and are not expected to be available in the foreseeable future.**
- B. To discourage uses not compatible with such low-density residential development, and**
- C. To provide for “overlay zones” for the establishment of planned residential development, which will be compatible with the other permitted uses within the district. Proposals for the establishment of this use shall comply with the procedures set forth in Article VII of Act 247 of July 31, 1968, P.L. 805, as amended, known as “The Pennsylvania Municipalities Planning Code.”**

#### **SECTION 702 PERMITTED USES**

**The following uses shall be permitted as uses by right:**

- A. Single family detached dwellings.**
- B. Agricultural and horticultural uses.**
- C. Accessory buildings and uses customarily incidental to the above uses, including but not limited to.**
  - 1. Private garage and sheds.**
  - 2. Home Occupations.**
  - 3. Agricultural barns, sheds and other utility structures.**
  - 4. Bed and Breakfast facility, in accordance with Section 1006.**
- D. Churches, or similar places of worship. (rev/4-96)**
- E. Forestry as defined in Section 302 of the Locust Township Zoning Ordinance. (rev.1-01)**

## **SECTION 703 SPECIAL EXCEPTION USES**

The following uses shall be permitted by special exception, when granted by the Township Zoning Hearing Board:

- A. Appropriate public uses, except churches, or similar places of worship allowed as a permitted use. (rev/4-96)**
- B. Permanent roadside stands, in accordance with Section 1005.**
- C. Automotive service stations, in accordance with Section 1027.**
- D. Public swimming pools, in accordance with Section 1008.**
- E. Retail stores and personal service shops, offices, studios, medical and dental clinics, and other business compatible with the residential character of the community.**
- F. Accessory buildings and uses customarily incidental to the above uses.**

## **SECTION 704 CONDITIONAL USES**

The following shall be permitted by conditional use, when granted by the Board of Supervisors:

- A. Multiple Family Development, in accordance with Section 1016.**
- B. Mobile home parks, in accordance with Section 1015.**
- C. Residential Conversion, in accordance with Section 1018.**

## **SECTION 705 AREA AND BULK REGULATIONS**

### **A. Height regulations:**

- 1. Maximum Building Height** **35 feet or three stories**
- 2. The height of a dwelling shall not be less than one story.**
- 3. Buildings devoted to agricultural use shall be exempt from height regulations.**

### **B. Minimum Lot Area**

- 1. Agriculture/horticulture**  
**Mobile Home Park Tract** **10 acres**  
**Multiple Family Development Tract**
- 2. Single Family Detached Dwelling**  
**Retail store or service** **40,000 sq. ft.**

### **C. Lot Width and Yard Regulations**

- 1. Minimum lot width at Street Line** **150 feet**
- 2. Minimum side yard** **25 feet**

3. Minimum front yard 35 feet
4. Minimum rear yard 50 feet
5. Accessory building setback from side or rear lot lines (minimum) 12 feet
6. On each corner lot there shall be two front yards, each abutting a street.
7. Buildings housing livestock (including dog kennels) poultry, or mushroom culture, shall be no closer than one hundred (100) feet to any public right-of-way nor two hundred feet to a property uses primarily as a residence.

**D. Coverage Regulations.**

1. Maximum Building Coverage 15%
2. Maximum Lot Coverage 20%

- E. Maximum Gross Density 3.0 DU/acre**  
**Multiple Family Development**  
**Mobile Home Park**

**SECTION 706 SIGN REGULATIONS**

See Article VII

**SECTION 707 SUPPLEMENTAL REGULATIONS**

See Article X

**SECTION 708 DESIGN STANDARDS**

See Article XI

**SECTION 709 OFF-STREET PARKING REGULATIONS**

See Article VIII

## **ARTICLE VIII**

### **R – 2 RESIDENTIAL MEDIUM – DENSITY DISTRICT**

#### **SECTION 801 PURPOSE**

**The purpose of the R-2 Residential Medium-Density District is to provide for the orderly development of existing and proposed medium-density residential areas where adequate off-site services for sewage disposal and water supply and circulation facilities are or will be available; and to exclude those uses not compatible with such development.**

#### **SECTION 802 PERMITTED USES**

- A. Single-family detached dwellings.**
- B. Single-family semi-detached dwellings.**
- C. Two-family detached dwellings.**
- D. Private swimming pools.**
- E. Accessory buildings and uses customarily incidental to the above uses.**
- F. Churches, or similar places of worship. (rev/4-96)**
- G. Forestry as defined in Section 302 of the Locust Township Zoning Ordinance.(rev.1-01)**

#### **SECTION 803 SPECIAL EXCEPTION USES**

**The following uses shall be permitted by special exception, when granted by the Township Zoning Board:**

- A. Appropriate public uses, except churches, or similar places of worship allowed as a permitted use. (rev/4-96)**
- B. Home occupations provided that no façade shall indicate from the exterior that the building is being utilized for any purpose other than that which is permitted by right in this Article, and in accordance with Section 1007.**
- C. Public swimming pools, in accordance with Section 1008.**

- D. Stores and personal service shops, offices, studios, medical and dental clinics, greenhouses, mortuaries and undertaking establishments, and other business compatible with the residential character of the community.**
- E. Automotive service stations, in accordance with Section 1027.**
- F. Accessory buildings and uses customarily incidental to the above uses.**
- G. Bed and Breakfast facility, in accordance with Section 1006.**

## **SECTION 804 CONDITIONAL USES**

**The following shall be permitted by conditional use, when granted by the Board of Supervisors:**

- A. Multiple Family Development, in accordance with Section 1016.**

## **SECTION 805 AREA AND BULK REGULATIONS**

### **A. Height regulations**

- 1. Maximum Building Height** **35 feet or three stories**
- 2. The height of a dwelling shall not be less than one story.**
- 3. Buildings devoted to agricultural use shall be exempt from height regulations.**

### **B. Minimum Lot Area (per use or dwelling unit)**

- 1. Agriculture/horticulture** **10 acres**
  - Multiple Family Development Tract**
- 2. Single Family Dwelling**
  - On-site sewer system** **40,000 sq. ft.**
  - Community or Public Sewer System** **20,000 sq. ft.**
  - Both Sewer and Water Off-site** **15,000 sq. ft.**
- 3. Retail store or service** **40,000 sq. ft.**

### **C. Lot Width and Yard Regulations**

- 1. Minimum lot width at Street Line** **100 feet**



- |   |                |
|---|----------------|
| <b>2. Minimum side yard</b>   | <b>15 feet</b> |
| <b>3. minimum front yard</b>  | <b>35 feet</b> |
| <b>4. Minimum rear yard</b>   | <b>30 feet</b> |
| <b>5. Accessory buildings setback<br/>from side or rear lot lines. (minimum)</b>  | <b>12 feet</b> |
| <b>6. On each corner lot there shall be two front yards, each abutting a street.</b>  |                |
| <b>7. Buildings housing livestock (including dog kennels) poultry, or mushroom culture, shall be no closer than one hundred (100) feet to any public right-of-way nor two hundred feet to a residential district.</b> |                |

**D. Coverage Regulations**

- |                                     |            |
|-------------------------------------|------------|
| <b>1. Maximum Building Coverage</b> | <b>25%</b> |
| <b>2. Maximum Lot Coverage</b>      | <b>50%</b> |

**E. Maximum Gross Density**

- |                                       |                  |
|---------------------------------------|------------------|
| <b>1. Multiple Family Development</b> | <b>3 DU/acre</b> |
|---------------------------------------|------------------|

**SECTION 806 SUPPLEMENTAL REGULATIONS**

**See Article X**

**SECTION 807 SIGN REGULATIONS**

**See Article XII**

**SECTION 808 DESIGN STANDARDS**

**See Article XI**

**SECTION 809 OFF-STREET PARKING REGULATIONS**

**See Article XIII**

## **ARTICLE IX**

### **FP – FLOODPLAIN OVERLAY DISTRICT**

#### **SECTION 901 PROPOSE**

**The purpose of the FP- Flood Plain Overlay District is to:**

- A. Direct development away from areas of the Township subject to flooding;**
- B. Minimize danger to public health by protecting water supply from pollution and obstructions to natural drainage;**
- C. Minimize damage to property associated with flooding;**
- D. Prevent increased flooding conditions within the Township;**
- E. Protect surface waters from sedimentation, stream bank erosion and the preservation of fish and wildlife habitats; and**
- F. Bring the Township zoning ordinance into compliance with the National Flood Insurance program, and Pennsylvania Act 167 Flood Plain Management Act.**

#### **SECTION 902 DEFINITION OF THE FP–FLOODPLAIN OVERLAY DISTRICT**

**The Floodplain Overlay District is defined and established to be the low areas adjoining and including a watercourse or other body of water within Locust Township, which because of its surface contour or soil conditions may be subject to periodic flooding or overflow. The basis for the delineation of the Flood Plain District shall be the following:**

- A. The identified floodplain area shall be those areas of the Township which are subject to the one hundred (100) year flood, as identified in the Flood Insurance Study dated February 1979 and the accompanying maps prepared for the Township by the Federal Insurance Administration, or the most recent revision thereof.(rev/3-00)**
- B. Land denoted as being alluvial soil on the Soil Survey for Columbia County, Pennsylvania, by the Soil Conservation Service, U.S. Department of the Interior; or**
- C. Land which has an historical record of flooding within the last one hundred (100) years.**

**It is specifically understood that the flood plain area designated in Subsection 902A, above, is the minimum flood plain area delineation to be used. (rev. 3/00)**

**The identified floodplain area shall consist of the following specific areas:**

- A. FW (Floodway Area) – The area identified as “Floodway” in the Flood Insurance Study prepared by FEMA/HUD. The term shall include floodway areas which have been identified in other available studies or sources of information for those flood plain areas where no floodway has been identified in the Flood Insurance Study. (rev.3/00)**

**For the purposes of this Ordinance, the floodway is based upon the criteria that a certain area within the floodplain would be capable of carrying the waters of the one hundred (100) year flood without increasing the water surface elevation of that flood more than one (1) foot at any point.**

- B. FF (Flood-Fringe Area)-The remaining portions of the one hundred (100) year Floodplain in those areas identified in the Flood Insurance Study, where a floodway has been delineated.**

**The basis for the outermost boundary of this area shall be the one hundred (100) year flood elevations as shown in the flood profiles contained in the Flood Insurance Study.**

- C. FA (General Floodplain Area)- The areas identified as Zone A in the FIS for which no one hundred (100) year elevations have been provided. When available, information from other Federal, State and other acceptable sources shall be used to determine the one hundred (100) year elevation, as well as a floodway area. When no other information is available, the one hundred (100) year elevation shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question.**

## **SECTION 903 REVISIONS TO THE DISTRICT**

**The burden of proof in any disagreement over the location of the Flood Plain overlay district shall rest with the applicant. All changes to the Flood Plain district shall be subject to the review and approval of the Federal Insurance Administration, and in accordance with applicable procedures of this Ordinance.**

## **SECTION 904 ZONING OVERLAY**

**The FP – Flood Plain district shall be deemed an overlay district on the otherwise applicable zoning district(s) as delineated by the zoning map. Should the Flood Plain district be declared inapplicable to a tract by reason of amendment by the Board, or interpretation of the district boundaries by a court of competent jurisdiction, the zoning otherwise applicable to the tract shall control.**

## **SECTION 905 PERMITTED USES**

**The uses set fourth below in Sections A-G shall be permitted by right, provided that the following four criteria are met:**

- 1. The provisions of this Article and all other applicable provisions of this ordinance are satisfied;**
  - 2. All permits required by federal or state law have been obtained;**
  - 3. The uses do not require structures, fill, or the storage of materials or equipment; and;**
  - 4. Within the Floodway Area there will be no increase in the one hundred (100) year flood elevation: (rev. 3/00)**
- 
- A. Forestry, including selective cutting of trees and reforestation, but excluding storage and structures related to the harvesting of lumber products.**
  - B. Horticultural uses related to the raising and propagating of shrubs, flowers and other vegetative materials.**
  - C. Woodlots, arboretums or other conservation use, intended to preserve natural resources.**
  - D. Game farm, fish hatchery, and hunting and fishing preserves.**
  - E. Public or private outdoor park and recreation facilities, including camps, picnic groves, hunting, fishing and boating clubs.**
  - F. Agricultural uses related to the tilling of the land, the raising of farm products, the raising and keeping of livestock, pasture and grazing land.**
  - G. Residential yard area, provided that no building, structure, well or sanitary sewer system shall be located in the Flood Plain district, and that no more than one quarter (1/4) of the minimum required lot area may be located within a Flood Plain district.**

## **SECTION 906 SPECIAL EXCEPTION USES**

**The following uses shall be permitted in the FP – Flood Plain district when granted by special exception by the Zoning Hearing Board:**

- A. Dams, culverts, bridges and utility transmission lines when approved and permitted by the Pennsylvania Department of Environmental protection. (rev. 3/00)**
- B. Paved roads and driveways when it is successfully demonstrated by the applicant that such roads and driveways are the only means of access.**
- C. Stormwater management facilities, including retention basins and storm sewer lines.**

**D. Sanitary sewer lines and pump stations.**

**E. Utility transmissions lines.**

## **SECTION 907 PROHIBITED USES**

**The following activities are specifically prohibited in the Flood Plain district, and shall not be eligible for variance or special exception consideration:**

**A. Filling of wetlands, the stripping of top soil, or the clear cutting of trees.**

**B. Sod farming or the total removal of vegetation.**

**C. Sanitary landfill, dump, junkyard, or the outdoor storage of man-made materials.**

**D. Sewage disposal or treatment facilities.**

**E. Nursing homes, jails, prisons and hospitals.**

**F. Manufactured/Mobile Homes and Manufactured/Mobile home subdivisions.  
(rev. 3/00)**

**G. Commencement of, construction of, placement or substantial improvement of a manufactured/mobile home park or manufactured/mobile home subdivision.  
(rev. 3/00)**

**H. Production or storage of flammable or toxic material or any other material which, if inundated would degrade or pollute the stream, or will be used for any activity requiring the maintenance of a supply of more than five hundred fifty (550) gallons, or other comparable volume including, but not limited to: (1) acetone, (2) ammonia (3) benzene (4) calcium carbide (5) carbon disulfide (6) celluloid (7) chloride (8) hydrochloric acid (9) hydrocyanic acid (10) magnesium (11) nitric acid and oxide of nitrogen (12) petroleum products, including gasoline and fuel oil (13) phosphorous (14) potassium (15) sodium (16) sulfur and sulfur products (17) pesticides, including insecticides, fungicides and rodenticides and (18) radioactive substances in so far as such substances are regulated by the state and federal agencies. (rev/3-97)**

**I. No variance shall be granted for any construction, development, use or activity with any floodway area that would cause any increase in the one hundred (100) year flood elevation.**

- J. Notwithstanding any of the above, all structures shall be designed and constructed so as to have the capability of resisting the one hundred (100) year flood.**

## **SECTION 908 STANDARDS FOR REVIEW OF PROPOSED SPECIAL EXCEPTIONS OR VARINCES**

**In any instance where the Township Zoning Hearing Boards considers a request for a use by special exception or a variance from the provisions of this Article, in addition to any criteria as outlined in Article XIV, the Board shall consider the following factors:**

- A. The danger to life and property due to increased flood heights or velocities of storm water run-off.**
- B. The danger that materials may be swept on to other lands or downstream to the injury of other land, structures or people.**
- C. The proposed water supply and sewage systems, and the ability of these systems to prevent disease, contamination and unsanitary conditions.**
- D. The importance of the proposed use to the Township.**
- E. The requirements of the use for a waterfront location.**
- F. The availability of alternative locations not subject to flooding or inadequate drainage for the proposed use.**
- G. The relationship of the proposed use to the Township Comprehensive Plan.**
- H. The safety of access to the site during times of flooding for both ordinary and emergency vehicles.**
- I. No special exception or variance shall be granted in the floodway area if it would cause any increase in the one hundred (100) year flood elevation. (rev. 3/00)**
- J. No special exception or variance shall be granted until all permits required by Federal or State law have been obtained. (rev. 3/00)**

## **SECTION 909 CONDITIONS FOR SPECIAL EXCEPTIONS AND VARIANCES**

**As part of the set of conditions imposed by the Township Zoning Hearing Board, the following specific conditions shall be included:**

- A. No expansion or enlargement of an existing structure shall be allowed within any floodway area that would cause any increase in the elevation of the one hundred (100) year flood.**
- B. Any modification, alteration, reconstruction or improvement of any kind to an existing structure, to an extent or amount of fifty percent (50%) or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Ordinance.**
- C. Any modification, alteration, reconstruction or improvement of any kind to an existing structure, to an extent or amount less than fifty (50%) percent of its market value, shall be elevated and/or flood-proofed to the greatest extent possible.**
- D. Any new construction or substantial improvement to an existing residential structure shall have the lowest floor level, including basements, elevated to one and one half (1-1/2) feet above the one hundred (100) year flood elevation. A record shall be maintained by the Township of the elevation of the lowest floor. Fully enclosed spaces below the lowest floor shall be prohibited. (rev. 3/00)**
- E. Any new construction or substantial improvement to an existing non-residential structure shall have the lowest floor level, including basement, elevated to one and one- half (1-1/2) feet above the one hundred year flood elevation, or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height. Fully enclosed spaces below the lowest floor shall be prohibited. A record shall be maintained by the Township of the elevation of the lowest floor or of the level of floodproofing. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and method of construction are in conformance with the above referenced standards. (rev. 3/00)**
- F. All structures shall be securely anchored to prevent floatation, collapse and lateral movement.**
- G. If fill is used, in shall:**
  - 1. Extend laterally at least fifteen (15) feet beyond the building line from all points.**
  - 2. Consist of soil or small rock materials only- sanitary landfills shall not be permitted.**

3. Be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling.
  4. Be no steeper than one (1) vertical to two (2) horizontal, unless substantiated data justifying steeper slopes are submitted to, and approved by the Board; and
  5. Be used to the extent which it does not adversely affect adjacent properties.
- H. Storm drainage facilities shall be designed to convey the flow of storm water run-off in a safe and efficient manner. The system shall insure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess run-off onto adjacent properties.
- I. Water and Sanitary Sewer Facilities
1. All new and replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damage and the infiltration of floodwaters.
  2. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage in flood waters; and
  3. No part of any on-site sewage system shall be located within identified flood plain area except in strict compliance with all state and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during the flood.
- J. The finished elevation of all new streets shall be no more than one (1) foot below the Regulatory Flood Elevation.
- K. All materials that are buoyant, flammable, explosive or in times of flooding, could be injurious to human, animal or plant life, not listed in section 907, shall be stored above the Regulatory Flood Elevation, and flood proofed to the maximum extent possible.
- L. Whenever a variance is granted, the Township shall notify the applicant in writing that:
1. The granting of the variance may result in increased premium rates for flood insurance; and
  2. Such variance(S) may increase the risks to life and property.



3. If granted, a variance shall involve only the least modification necessary to provide relief.
- M. In granting a variance, the municipality shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety and welfare, and to achieve the objectives of this Ordinance and the Township Comprehensive Plan.
- N. No encroachment, alteration or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Township, and until all required permits and approvals have been first obtained from the Department of Environmental Resources, Bureau of Dams and Waterway Management. In addition, the Federal Insurance Administrator and the Pennsylvania Department of Community Affairs, Bureau of Community Planning, shall be notified by the Township, prior to any alteration or relocation of the watercourse.
- O. No encroachment, alteration or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Township, and until all required permits and approvals have been first obtained from the Department of Environmental Protection, Bureau of Waterways Engineering. In addition, the Federal Insurance Administrator and the Pennsylvania Department of Community and Economic Development, Strategic Planning and Operations Office, shall be notified by the Township, prior to any alteration or relocation of a watercourse. (rev. 3./00)
- P. Partially enclosed space below the lowest floor (including basement) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on exterior walls. The term “partially enclosed space” also includes crawl spaces. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
1. A minimum of two 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 permit the automatic entry and exit of floodwaters. (rev/3-97)
- Q. All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

- R. If any existing manufactured/mobile home is replaced with another, the replacement home shall be:**
- 1. Placed on a permanent foundation.**
  - 2. Elevated so that the lowest floor is at least one and one-half (1-1/2) feet above the elevation of the one hundred (100) year flood.**
  - 3. Anchored to resist flotation, collapse, or lateral movement. (rev/3-00)**
- S. The Zoning Hearing Board shall maintain a record of all variances granted, including justification for the issuance, and shall report such decisions in its biennial report submitted to the Federal Insurance Administration. (rev. 3/00)**

## **ARTICLE X**

### **SUPPLEMENTAL REGULATIONS**

#### **SECTION 1001 PURPOSE**

**The purpose of this Article is to establish design standards for specific uses, which shall be applied in addition to the provisions of the applicable zoning district.**

#### **SECTION 1002 ACCESSORY USES**

##### **A. Uses Accessory to Agriculture**

**The following uses shall be permitted when incidental and subordinate to an agricultural use, and when located on the same tract as the principal use:**

- 1. Storage of farm products and farm machinery.**
- 2. Barns, stables, and silos sheltering livestock, poultry and farm products.**
- 3. Keeping, breeding and management of livestock and poultry.**
- 4. Preparation of agricultural products produced on the premises.**
- 5. Farm Signs.**
- 6. Secondary business for supplemental income.**
- 7. Temporary and seasonal Roadside Stands.**

##### **B. Uses Accessory to Residential Use**

**The following uses shall be permitted when incidental and subordinate to existing residential use, and when located on the same lot or tract as the principal use:**

- 1. Private garage, off-street parking or driveway.**
- 2. Flag pole and private antenna.**
- 3. Private swimming pool, bathhouse, tennis court or other private recreational facility.**
- 4. Outdoor utility shed of structure.**

5. Home occupation.
6. Patio or deck.
7. Signs associated with the occupants of a residence and home occupation.
8. Keeping of large domestic animals as pets, provided the residential lot has a minimum area of five (5) acres, and such animals shall not exceed one animal per two (2) acres.

#### **C. Uses Accessory to Commercial Use**

The following uses shall be permitted when incidental and subordinate to an existing commercial use, and when located on the same lot or tract as the principal use:

1. Off-street parking facilities, including parking lots and garages.
2. Outdoor storage of man-made materials.
3. Business signs.
4. Lighting Fixtures.

### **SECTION 1003 ACCESSORY BUILDINGS AND STRUCTURES**

The following standards shall apply to all accessory buildings and structures:

- A. Accessory buildings and structures, with the exception of temporary, seasonal roadside stands shall be located, erected and maintained in side or rear yard areas only.
- B. Accessory buildings and structures sheltering large animals shall be located within the required yard setback provisions.
- C. Accessory buildings and structures shall not occupy more than twenty percent (20%) of the required rear yard area.
- D. The floor area of all residential accessory structures shall not exceed twenty-five (25%) of the principal residential building, exclusive of its basement or any existing attached or detached garage.

### **SECTION 1004 AGRICULTURE**

The following regulations shall apply to agricultural uses:

- A. There shall be a minimum of ten (10) acres of contiguous land area to qualify as an agricultural use.
- B. Silos, bulk bins and barns shall be exempt from setback and yard requirements, provided such structures are setback a distance equal to or greater than their height.
- C. No residence on lands adjacent to an existing farm shall be located closer than two hundred (200) feet from an abutting outdoor feedlot, compost or manure storage. In no case closer shall any feedlot, compost or manure storage be located closer than one hundred (100) feet from any property line.
- D. Farm products grown and produced on site may be sold from the farm either in a temporary or permanent roadside stand. At least fifty percent (50%) of the products for sale shall be produced by the owner or operator of the stand.

#### **SECTION 1005 ROADSIDE STANDS**

The following regulations shall apply to roadside stands:

- A. Temporary roadside stands may be erected for the sale of agricultural produce and products, provided:
  - 1. No building or structure other than a portable stand shall be constructed for such sale;
  - 2. Such stand shall be removed during seasons when such products are not being offered for sale; and
  - 3. In no case shall they remain longer than for a period of six (6) months of any one year; and such stand shall not be placed closer than twenty-five (25) feet to any lot line.
- B. Permanent Roadside stands shall comply with the following conditions, when permitted by this Ordinance:
  - 1. The structure used for the sale and display of farm products shall comply with the minimum yard requirements of the applicable district.
  - 2. A minimum of three (3) off-street parking spaces, or one (1) space for each three hundred (300) square feet of building floor area, shall be provided, whichever is greater.

#### **SECTION 1006 BED AND BREAKFAST FACILITY**

The following regulations shall apply to bed and breakfast facilities:

- A. The facility shall occur only within single-family detached dwellings, or an existing accessory building.**
- B. The facility shall remain accessory and incidental to the principal use of the building as a dwelling.**
- C. A maximum of three (3) rooms shall be devoted to bed and breakfast service, but shall not exceed eight hundred (800) square feet of floor area.**
- D. Exterior and interior alterations shall be limited to those customarily associated with residential use.**
- E. Over-night lodging accommodations shall not exceed seven (7) continuous nights per patron.**

## **SECTION 1007 HOME OCCUPATIONS**

**The following regulations shall apply to home occupations, where permitted by this Ordinance:**

- A. Home occupations shall include the following uses, when incidental and secondary to a dwelling serving as the principal residence of the employee:**
  - 1. Licensed or certified professional practices, including accounting, medicine, law, engineering, realty or similar professional practice.**
  - 2. Personal services limited to tailoring, dressmaking, barber and beauty salon.**
  - 3. In-home day care, provided no more than five (5) children or adults from outside the family occupy the dwelling are tended at any time.**
- B. The home occupation shall operate from a single-family detached dwelling, or a detached accessory building, except for the raising of garden products.**
- C. The owner and principal operator of the home occupation shall be a full time resident of the dwelling.**
- D. The operator of the home occupation may hire a maximum of three (3) full time persons, not residing in such dwelling to participate within the home. Any number of residents of the dwelling may participate in the home occupation.**
- E. No alterations shall occur to the building exterior except for those customarily found in residential dwellings.**

- F. The home occupation shall not occupy more than fifty percent (50%) of the total ground floor area of the dwelling unit, or one thousand (1000) square feet, whichever is less.

## **SECTION 1008 SWIMMING POOLS**

- A. **Private Swimming Pools:** Private swimming pools, in districts where permitted, shall comply with the following conditions and requirements:
1. The pool is intended, and is to be used, solely for the enjoyment of the occupants of a principal use of the property on which it is located.
  2. It may be located only in the rear yard to side yard of the property on which it is an accessory use.
  3. It may not be located, including any walks, or paved areas or accessory structures adjacent thereto, closer than 20 feet to any property line of the property on which located.
  4. The swimming pool area or the entire property on which it is located shall be so walled or fenced or otherwise protected as to prevent uncontrolled access by children from the street or adjacent properties. Said barrier shall not be less than four feet in height and maintained in good condition.
- B. **Public Swimming Pools:** Public swimming pools in districts where permitted shall comply with the conditions set forth in:
1. "Public Bathing Law," 1931, June 23 P.L. 899, and amendments thereto.
  2. Chapter 4, Article 442, Rules and Regulations, Commonwealth of Pennsylvania, Department of Environmental Resources, adopted October 30, 1959, and amendments thereto.

## **SECTION 1009 DRIVE-IN THEATRE**

A site plan shall be submitted with the application and any building permit shall be in accordance with the approved site plan. A drive-in theatre shall be subject to the following regulations:

- A. The minimum lot area shall be fifteen (15) acres.
- B. The screen shall be situated so that its face is not visible from any public right-of-way.

- C. No structure excepting an enclosure fence shall be located within one hundred feet of any lot line provided, however, that the screen shall be located not less than 150 feet from any lot line.**
- D. The site shall be enclosed by a protective screening or planting strip consisting of suitable evergreen plant material. Such planting strip shall be maintained at a minimum height of seven feet and shall be setback at least 30 feet from right-of-way line and 10 feet from other lot lines.**
- E. Sufficient car storage areas, deceleration lanes, sight distance and lighting shall be provided, however, that storage areas shall provide storage space for at least 25 percent of theatre capacity.**
- F. A playground and snack shop will be permitted as an accessory use.**

## **SECTION 1010 JUNK YARDS**

**All junkyards, where permitted, shall comply with the following provisions:**

- A. Any junk yard shall be completely enclosed with a visual screen of evergreen or evergreen-type hedge or tree-row or a variety and size at time of planting that such will attain a height of eight feet within three years thereafter and maintained in sound and attractive manner.**
- B. All junkyards shall be stored or arranged so as to permit access by fire fighting equipment and to prevent the accumulation of water, and no junk piled to a height of more than eight (8) feet.**
- C. Open burning of material is permissible subject to the Title 25 Rules and Regulations of the Department of Environmental Resources, All burning shall be attended and controlled at all times.**
- D. Any junk yard shall be maintained in such a manner as to cause no public or private nuisance, nor to cause any offensive or noxious sounds or odors, nor to cause the breeding or harboring of rats, flies, or other vectors.**
- E. No junk material, appurtenant structures, or other enclosure shall be stored or placed within three hundred (300) feet of any adjoining property or public right-of-way and such setback area shall be kept free of weeds and scrub growth.**
- F. The minimum junkyard size shall be one hundred (100) acres.**
- G. Junkyards shall be located a minimum of 1,000 feet from a residential district.**



- H. Fire lanes with a minimum width of twelve (12) feet shall be provided for access to all parts of the premises for fire fighting and other safety or emergency purposes.**
- I. Storm water management plans shall be prepared and submitted as part of the application for junkyard.**
- J. All flammable, corrosive and explosive materials shall be removed from machinery, and shall not be stored or disposed of on the site.**
- K. All junk piles shall be setback a minimum of fifty (50) feet from any stream or watercourse.**

## **SECTION 1011 SANITARY LANDFILLS**

**The following provisions shall apply to sanitary landfills:**

- A. The tract serving as a sanitary landfill shall contain a minimum of one hundred (100) contiguous acres, undivided by streets, streams or rights-of-way. All operations, structures and grading shall be setback a minimum of two hundred (200) feet from any property line or designated Flood Hazard District.**
- B. All sanitary landfills shall be completely enclosed by fencing to deter trespassing, and to prevent debris from blowing onto adjoining properties.**
- C. All sanitary landfills shall be designed and operated in accordance with the requirements of the Pennsylvania Department of Environmental Resources. A valid operating permit shall be obtained from the Department as a condition of issuing a use permit by the Township.**
- D. Access to a sanitary landfill shall be limited to a designated arterial or collector road (see Appendix), to limit traffic congestion and excessive wear on local designated streets.**
- E. All trucks entering and leaving the landfill shall be completely covered. Roads used for access within and adjacent to the tract shall be patrolled daily to pick up and properly dispose of scattered and blown refuse.**
- F. The applicant for use of a sanitary landfill shall post a road maintenance bond with the Township. Said bond shall establish a guarantee that said roads shall not be damaged by truck traffic directly associated with the landfill.**
- G. The applicant shall be responsible for establishing and maintaining ground water monitoring wells to document water quality at the boundaries of the**

tract. The results of the water quality testing shall be made available to the Township at no cost.

- H. The applicant shall submit a reclamation plan which fully describes the methods, timing and cost of reclamation program. Said plan shall be approved by the Township prior to permitting the sanitary landfill.

## **SECTION 1012 NATURAL RESOURCE EXTRACTION USES**

The following provisions shall apply to all natural resource extraction uses:

- A. The tract planned for extraction uses shall contain a minimum of one hundred (100) contiguous acres, undivided by streets, streams or rights-of-way. All operations, structures, stock piling and grading shall be setback a minimum of two hundred (200) feet from any property line or designated Flood Hazard District.
- B. All extraction operations shall be completely enclosed by fencing to deter trespassing, and to prevent debris from blowing onto adjoining properties.
- C. All extraction operations shall be limited to a designated arterial or collector road (see Appendix), to limit traffic congestion and excessive wear on local designated streets.
- D. All trucks entering and leaving an extraction operations site shall be completely covered.
- E. A dust control program shall be submitted as part of the application for extraction uses and shall meet with the approval of the Township prior to permitting the said use.
- F. The applicant for natural resource extraction uses shall post a road maintenance bond with the Township. Said bond shall establish a guarantee that said roads shall not be damaged by truck traffic directly associated with the extraction use.
- G. The applicant shall be responsibly for establishing and maintaining ground water monitoring wells to document water quality at the boundaries of the tract. The results of the water quality testing shall be made available to the Township at no cost.
- H. The applicant shall submit a reclamation plan which fully describes the methods, timing and cost of a reclamation program. Said plan shall be approved by the Township prior to permitting the use.

- I. All natural resource extraction uses shall comply with the environmental performance standards under section 1109.**

## **SECTION 1013 PRODUCTION OF FOREST PRODUCTS**

**The following standards shall apply to any activity involving lumbering harvest and production of forest products as a principal use:**

- A. No clear cutting shall be permitted on slopes in excess of fifteen percent (15%) within the Township.**
- B. All structures directly associated with the production of forest products shall be setback a minimum of seventy-five (75) feet from any property line or right-of-way line, except that saw mills and processing facilities shall be setback a minimum of one hundred fifty (150) feet from any property line or right-of-way line.**
- C. Clearing operations shall not occur closer than twenty-five (25) feet from any stream, property line, or right-of-way line, unless the operation involves removal of dead, sick or damaged trees.**
- D. The storage and stockpiling of lumber and lumber products shall be screened from all public roads and adjacent properties, and shall be setback a minimum of seventy-five (75) feet from all property lines.**

## **SECTION 1014 Agricultural-related industry**

**The following standards shall apply to agricultural-related industrial uses within the Township:**

- A. All industrial uses shall have direct access to a collector road as designated by the Locust Comprehensive Plan (see Appendix).**
- B. All industrial uses shall have a minimum area of four (4) acres.**
- C. The applicant shall be required to submit to the Township a preliminary land development plan in accordance with the Township Subdivision and Land Development Ordinance. Said plan shall the location of access points, internal drives, structures, off-street parking and loading areas.**
- D. All structures shall be screened from all public roads and all adjacent residences. The applicant shall retain existing vegetation within the screen.**

- E. Clearing for structures shall be limited to a maximum of twenty-five (25) feet from the edge of each building in order to reduce the amount of ground disturbance and potential for erosion and sedimentation.**
- F. All industrial uses shall comply with the environmental performance standards under Section 1109.**

## **SECTION 1015 MOBILE HOME PARKS**

**The following regulations shall apply to mobile home parks, where permitted by this Ordinance, in addition to the Locust Township Mobile Home Park Ordinance:**

- A. The minimum lot area for a mobile home park shall be ten (10) contiguous acres.**
- B. The maximum density within a mobile home park shall be four (4) dwelling units to the acre, exclusive of designated flood plain districts and slopes of twenty-five percent (25%) or greater slope.**
- C. The applicant shall demonstrate that adequate sewer and water facilities have been designed to serve the residents of the proposed mobile home park. Evidence of system approval shall be obtained from the Pennsylvania Department of Environmental Resources prior to use approval.**
- D. A minimum of thirty percent (30%) of the mobile home park shall be designed, used and maintained as common open space for the enjoyment of park residents. The common open space shall provide opportunities for residents, and shall not contain structures other than those related to recreation and sewer and water facilities.**
- E. Mobile homes shall be setback a minimum of one hundred (100) feet from any property line or public right-of-way, and shall be located outside a designated Flood Hazard District.**
- F. Mobile homes shall be separated by a minimum of thirty-five (35) feet in order to insure efficient access by emergency vehicles.**
- G. Each mobile home park shall have a full-time, resident manager who shall be responsible for maintaining the park and compliance with the provisions of this Ordinance.**
- H. All mobile homes shall be anchored on the ground to resist wind loads.**

## **SECTION 1016 MULTIPLE FAMILY DEVELOPMENT**

**The following regulations shall apply to the design of multiple family dwelling developments, where permitted by this Ordinance:**

- A. The minimum lot area for multiple family development shall be ten (10) contiguous acres.**
- B. The maximum length of a multiple family building shall be one hundred and sixty (160) feet, and shall contain no more than eight (8) dwelling units.**
- C. Buildings within a multiple family development shall be designed to provide individual dwelling units with views and direct access to common open space.**
- D. A minimum of thirty percent (30%) of a multiple family development shall be designed, used and maintained as common open space for the enjoyment of park residents. The common open space shall provide opportunities for recreation, and shall not contain structures other than those related to recreation and sewer and water facilities.**
- E. Buildings shall be arranged in clusters so as to create efficient access to common parking, and to avoid parallel rows of buildings. Where clustering is not feasible due to the physical conditions of the tract, no more than three (3) abutting, parallel buildings shall be permitted.**
- F. Dwelling units shall comply with the following setback requirements:**
  - 1. Minimum setback from tract/public rights-of-way** 75 feet
  - 2. Minimum setback from common parking areas** 25 feet
  - 3. Minimum setback between buildings (face to face)** 75 feet
  - 4. Minimum setback between buildings (end to end)** 35 feet
- G. The applicant shall demonstrate that adequate water and sewer facilities have been designed to serve the development. Evidence of systems approval shall be obtained from the Pennsylvania Department of Environmental Resources prior to development approval.**
- H. The design, ownership and maintenance of the common open space shall be in accordance with the provisions of Section 1017.**

## **SECTION 1017 COMMON OPEN SPACE STANDARDS**

**The following regulations shall apply to the design, ownership and maintenance of common open space, where required by this Ordinance:**

- A. Design Regulations**

1. Common open space shall preserve environmentally sensitive areas, including designated Flood Hazard districts and wetlands areas, and slope which exceed twenty-five percent (25%) slope.
2. A minimum of fifty percent (50%) of the common open space area shall be suited for active recreation and capable of supporting sewage disposal systems.
3. All common open space areas shall be designed to provide direct or easy access by all residents for which the open space is to be available.
4. All common open space tracts shall have a minimum width of seventy-five (75) feet.
5. All common open space shall be deed restricted from further subdivision or land development, except upon prior approval of the planning agency that has jurisdiction over subdivision and land development in the Township.

#### **B. Ownership and Maintenance**

Common open space shall be owned and maintained by one of the following options:

1. **Fee Simple Dedication.** The Township may from time to time, but shall not be required, to accept the common open space for dedication for public use.
2. **Homeowners Association.** The common open space may be held by an association comprised of property owners in a manner found acceptable by the Board of Supervisors. Said association shall establish by-laws, a maintenance schedule, association fees and budget.
3. **Condominium.** The common open space may be controlled through the use of condominium agreements found acceptable to the Board of Supervisors. Such agreements shall be in conformance with the Pennsylvania Unit Property Act.
4. **Developer Maintained.** In the event that the developer elects to hold ownership of the tract, the maintenance of the common open space shall remain his responsibility.

#### **SECTION 1018 RESIDENTIAL CONVERSION**

The following regulations shall apply to the conversion of an existing single-family dwelling to two (2) or more dwelling units, where permitted by this Ordinance:

- A. Residential conversion shall apply only to existing single-family detached dwellings.**
- B. No exterior alterations shall occur, except for those required for safety or access. Such alterations shall occur on the side or rear of the building. The building shall maintain the appearance of a single-family dwelling.**
- C. Each proposed dwelling shall be provided with independent living space, and separate kitchen and bathroom facilities, and shall have a minimum floor area of eight hundred (800) square feet.**
- D. The minimum lot area and bulk requirements for the applicable district shall be met.**
- E. The Zoning Hearing Board shall determine the maximum number of dwelling units that can be created.**
- F. The required off-street parking facilities shall be provided for each dwelling unit.**
- G. A minimum of twenty-five percent (25%) of the lot area shall be reserved and maintained as common open space for the residents of the dwelling units.**

#### **SECTION 1019 OUTDOOR STORAGE**

**The following regulations shall apply to the outdoor storage of man-made materials for periods in excess of thirty (30) days:**

- A. Outdoor storage shall occur in side or rear yard areas and shall be setback a minimum of fifteen (15) feet from any property line or public right-of-way.**
- B. All outdoor storage shall be completely screened from view from any public right-of-way or adjacent residential property.**
- C. All organic rubbish and garbage shall be contained in tight, vermin-proof containers.**

#### **SECTION 1020 KENNELS**

**The following standards shall apply to kennels:**

- A. Each kennel shall have outdoor exercise yards entirely fenced to prevent animals from leaving the property.**
- B. Exercise yards shall be setback a minimum of one hundred (100) feet from all lot lines.**
- C. The sale of related products shall remain accessory to the kennel, and shall occupy no more than twenty-five percent (25%) of the total floor area of the principal building.**

## **SECTION 1021 FENCES**

**The following regulations shall apply to the use of fences:**

- A. Fences, walls and hedges may be located within required yard areas, provided that such structures do not obstruct required sight distances or prevent access to all buildings and structures by emergency vehicles.**
- B. Fences and walls shall not exceed four (4) feet in height within residential districts, except for such fences and walls that surround a swimming pool.**

## **SECTION 1022 GROUP HOUSING**

**The following regulations shall apply to housing for residents who do not meet the definition of family, including boarding houses, dormitories and community living arrangements:**

- A. The dwelling serving as a group home shall have no external alterations except those which may be necessary for reasons of safety, including ramps and fire escapes. Such access modifications shall be located at the rear or side of the building.**
- B. Community living arrangements and half-way houses shall be provided with around-the-clock supervision so as to simulate a family unit, and to insure clients receive proper, professional care.**
- C. Group housing shall occur only within a single-family detached dwelling with a minimum lot size of two acres.**
- D. Group housing shall not exceed eight (8) residents.**
- E. Upon the closing of a group home, all special modifications to the dwelling associated with access and those required by the Department of Labor And Industry shall be removed, so that the dwelling can be brought back to its original status as a single-family dwelling.**

## **SECTION 1023 CEMETERIES**

**The following regulations shall apply to new cemeteries, whether public or private, where permitted by this Ordinance:**

- A. The minimum lot area for a cemetery shall be five (5) acres.**
- B. Individual plots, markers and all above ground structures shall be setback a minimum of fifteen (15) feet from all tract boundaries, and public rights-of-**



way; and a minimum of twenty-five (25) feet from any designated floodplain and wetland limits.

- C. All earthmoving activities shall be stabilized and seeded within seven (7) days in order to prevent soil erosion.

#### **SECTION 1024 SEASONAL HUNTING CAMPS AND LODGES**

The following regulations shall apply to seasonal hunting camps, lodges and other temporary dwellings, where permitted by this Ordinance:

- A. The minimum lot area shall be five (5) contiguous acres per dwelling unit, independent of whether said unit is designed for seasonal or year-round habitation.
- B. All buildings, structures and sewer systems shall be setback a minimum of seventy-five (75) feet from any property line, public right-of-way or water body.
- C. Individual cabins shall be separated by a minimum of twenty (20) feet.
- D. All habitable buildings shall be constructed on permanent foundations and securely anchored to resist wind loads.
- E. No building shall be located on slopes greater than fifteen percent (15%) slope.

#### **SECTION 1025 SECONDARY FARM BUSINESS**

The following regulations shall apply to accessory businesses on a farm, when designed as a means of supplementing farm income and where permitted by this Ordinance:

- A. The business shall remain secondary and subordinate to the principal agricultural use.
- B. The minimum tract area shall be ten (10) contiguous acres to qualify for a secondary farm businesses.
- C. Secondary farm businesses shall be operated by residents of the farm tract, and employ no more than three (3) full-time persons which do not reside on the farm.
- D. A secondary farm business may operate in addition to a home occupation, provided a maximum of five (5) non-resident employees.
- E. Secondary businesses shall relate to agriculture, and may include machine repairs and blacksmith services, manufacturing, processing and fabricating uses.

#### **SECTION 1026 SEWAGE SLUDGE APPLICATION**

**The following standards shall apply to all operations involving the application of sewage sludge to land within the Township:**

- A. All sludge application operations shall be in accordance with the applicable regulations of the Pennsylvania Department of Resources (DER0.**

#### **SECTION 1027 AUTOMOTIVE SERVICE STATION AND GARAGE**

**The following regulations shall apply to vehicle service stations, where permitted by this Ordinance:**

- A. The minimum lot area shall be one (1) acre.**
- B. All buildings, structures and gasoline pumps shall be setback a minimum of thirty-five (35) feet from any public right-of-way or property line, and a minimum of fifty (50) feet from a designated flood plain or water body.**
- C. All gasoline storage facilities shall comply with applicable state and federal regulation.**

#### **SECTION 1028 REGULATIONS GOVERNING COMMUNICATIONS ANTENNAE AND COMMUNICATIONS EQUIPMENT BUILDINGS. (rev. 2-99)**

- A. Building mounted communications antennae shall not be located on any single family dwelling or two family dwelling.**
- B. Building mounted communications antennae shall be permitted to exceed the height limitations of the applicable zoning district by no more than 20 feet.**
- C. Omnidirectional or whip communications antennae shall not exceed 20 feet in height or 7 inches in diameter.**
- D. Direction or panel communications antennae shall not exceed 5 feet in height and 3 feet in width.**
- E. An applicant proposing communications antennae to be mounted on a building or other structure shall submit evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with the antennae location.**
- F. Any applicant proposing communications antennae to be mounted on a building or other structure shall submit detailed construction and elevation drawings indicating how the antennae will be mounted on the structure for review for compliance by the Locust Township Zoning Officer.**
- G. Communications antennae shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.**
- H. Communications antennae shall not cause radio frequency interference with other communications facilities located in Locust Township.**

- I. A communications equipment building shall be subject to height and setback requirements of the applicable zoning district for an accessory building.**
- J. The owner or operator of communications antennae shall be licensed by the Federal Communications Commission to operate such antennae.**
- K. Communications facilities that cease to operate for 12 consecutive months shall be determined to have terminated operation and must be removed at the expense of the applicant/owner of the communications facility within 90 days after said determination is made. To ensure the prompt and safe removal of the entire communications facility, the applicant/owner of the communications facility shall post and maintain security in a form acceptable to the Township in the amount of fifty (50) percent of the construction cost of the communications tower (excluding the cost of the communications antennae and related equipment). The security requirement must be fulfilled before the Township Zoning Officer will issue a permit. The security shall be utilized by the Township in the event the applicant/owner of the communications facility fails to remove the same within the time period prescribed above. If the cost of removal by the Township exceeds the security, the Township shall bill the applicant/owner for the excess cost. Should the applicant/owner fail or refuse to pay the same in full within thirty (30) days after receiving the bill for the same, the Township shall have right to file civil action for collection. Any portion of the security not used by the Township shall be returned to the person who posted the security. The security requirement shall remain in effect until the communications facility ceases operation, is dismantled, and inspected by the Township Zoning Officer.**
- L. Access shall be provided to the communications tower and communications equipment building by means of a public street or easement to a public street. The easement shall only be used for access to the communication tower and communications equipment building. Use of the easement for any other purpose is prohibited without additional approval. The easement shall be a minimum of 20 feet in width and shall be improved to a width of at least 10 feet with a gravel or other dust-free all weather surface of sufficient thickness, composition and compaction to resist erosion for its entire length. An appropriate signed maintenance and access agreement shall be provided to the Township.**
- M. A communications tower may be located on a lot occupied by other principal structures and may occupy a leased parcel within a lot meeting the minimum lot size and setback requirements for the Zoning District. However, any communications tower or antennae shall have a designated fallout area equivalent to 110% of the height of the communications tower, which area shall extend from the center of the location of said tower in a three hundred sixty (360) degree radius. Such area shall be under custody and control of the applicant/owner of the communications tower and, further, shall have no occupied or unoccupied structures or buildings or contain anything else which could be a danger or hazard in the fallout area in the event of a collapse of the tower.**

- N. Recording a plat of subdivision or land development shall not be required for a lease parcel on which a communications tower is proposed to be constructed, provided the communications equipment building is unmanned.**
- O. The applicant shall demonstrate that the proposed height of the communications tower is the minimum height necessary to perform its function.**
- P. The maximum height of any communications tower shall be 150 feet, provided, however, that such height may be increased to no more than 200 feet, provided that required setbacks from adjoining property lines (not lease line) are increased by 1 foot for every 1 foot of height excess of 150 feet.**
- Q. The base of a communications tower shall be landscaped so as to screen the foundation and base and communications equipment building from abutting properties.**
- R. The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed communications tower will be designed and constructed in accordance with the current Structural Standards for Steel Antennae Tower and Antennae Supporting Structures, published by the Electrical Industrial Association/Telecommunications Industry Association as amended from time to time.**
- S. The applicant shall submit a copy of its current Federal Communications License; the name, address and emergency telephone number for the operator of the communications tower; and a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000.00 per occurrence and property damage coverage in the minimum amount of \$1,000,000.00 per occurrence covering the communications tower and communications antennae.**
- T. All guy wires associated with guyed communications towers shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure.**
- U. The site of a communications tower shall be secured by a fence with a minimum height of 8 feet to limit accessibility to the general public.**
- V. No signs or light shall be mounted on a communications tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency which has jurisdiction.**
- W. One off street parking space shall be provided within the fenced area.**
- X. The height restrictions set fourth in this Section shall supercede the height limitations set fourth in Section 605.**
- Y. Any applicant proposing construction of a new communications tower shall demonstrate that good faith effort has been made to obtain permission to mount the communications antennae on an existing building, structure or communications tower. A good faith effort shall require that all owners of potentially suitable structures within one half mile radius of the proposed communications tower site be contacted and that one or more of the following reasons for not selecting such structure apply;**

1. The proposed antennae and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at reasonable cost.
  2. The proposed antennae and related equipment would cause radio frequency interference with other existing equipment for that existing and the interference cannot be prevented at reasonable cost.
  3. Such existing structure does not have adequate locations, space, access or height to accommodate the proposed equipment or allow it to perform its intended function.
  4. Addition of the proposed antennae and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communication Commission governing human exposure to electromagnetic radiation.
  5. A commercially reasonable agreement could not be reached with the owners of such structures.
- Z. Communications towers shall comply with all Federal Aviation Administration, Commonwealth Bureau of Aviation and applicable Locust Township Ordinances.**

**Construction of a communication tower shall be considered “Land Development” and shall require the submission of land development plans in accord with Section 602 and related sections of the Locust Township Subdivision and Land Development Ordinance, as amended from time to time.**

**A building permit shall be required prior to the excavation for or the construction or erection of a communications antennae, communications equipment building, communications tower, or related structure.**

**Any costs incurred by the Township for review by its engineer of any aspect of the planning, construction, or dismantling of a communications antennae, communications equipment building, communications tower, or related structure, shall be paid by the applicant. Prior to issuance of the permit, applicant will deposit with the Township an amount to be determined by the Township engineer for such review. Any amount not used will be returned to the applicant. Applicant will be responsible to pay any additional costs within thirty (30) days of billing or suffer revocation of the permit or other appropriate sanctions.**

## **ARTICLE XI**

### **DESIGN STANDARDS**

#### **SECTION 1101 PURPOSE**

The purpose of this Article is to establish minimum standards for the design of uses, buildings and structures. The provisions of this Article shall apply to all uses, unless specifically noted.

#### **SECTION 1102 FENCES, WALLS AND HEDGES**

Except as provided in Section 1021, fences, walls and hedges may be located in required yards providing that in residential districts they do not exceed four (4) feet in height.

#### **SECTION 1103 BUILDING HEIGHT EXCEPTION**

- A. Height regulations shall not apply to spires, belfries, cupolas, or domes not used for human occupancy, not to chimneys, ventilators, skylights, water tanks, bulkheads, utility poles or necessary mechanical appurtenances. Any structure designed to have a height of 150 feet or more above ground level must be approved by the Federal Aviation Agency and a written statement of approval must accompany the Permit Application.**
- B. No dwelling shall be less than one story in height, except, during a reasonable period of construction not to exceed a 24 month period from the date of issuance of the Zoning Permit. This time period may be extended by the Zoning Hearing Board.**

#### **SECTION 1104 PROJECTIONS INTO REQUIRED YARD AREAS**

The following projections into yards and courts shall be permitted:

- A. Cornices, eaves, belt courses, sills or other similar architectural features, exterior stairway, fire escape or other means of egress, rain lead or chimney may extend or project into a required not more than two (2) feet.**
- B. No patio or paved terrace shall be located within five feet of any property line or between building setback line and the right-of-way line.**

#### **SECTION 1105 FRONT YARD EXCEPTION**

- A. In any district, when fifty percent (50%) or more of the block frontage containing a lot upon which a proposed building is to be located is already improved with buildings having front yards of less depth than that required**

for that particular district, the average of such front yards shall establish the minimum front yard depth for the remainder of the frontage provided, however, that in no case shall such front yard have a depth less than 25 feet.

- B. In any use district, when fifty percent (50%) or more of the block frontage containing a lot upon which a proposed building is to be located is already improved with buildings that have observed a front yard greater in depth than that required for the particular use district, new buildings shall not be erected close to the street than the average front yard so established by the existing buildings provided, however, that in no case shall the depth of such front yard be required to exceed such minimum depth by more than 15 feet.

#### **SECTION 1106 REDUCTION OF LOT AREA**

No lot shall be so reduced or divided which will result in a lot that has an area less than the requirements of the applicable district.

#### **SECTION 1107 CORNER LOT OBSTRUCTION**

On a corner lot, no fence, structure or planting higher than two (2) feet above street elevation shall be erected of within twenty-five (25) feet of the intersection of the street lines. In all cases, fences, structures and plantings shall be designed so as to not obstruct the vision of on-coming motorists.

#### **SECTION 1108 SCREENING**

- A. All outdoor storage parking and/or loading areas of industrial and commercial uses shall be screened from view from any residential or commercial development or public right-of-way by a landscape screen or other visual barrier with plantings. The screening shall be placed immediately surrounding the area between any industrial parcel and a contiguous residential, or commercial zoning district and/or public right-of-way.
- B. The landscape screen shall be composed of evergreen plants and trees arranged to form both a low level and a high level screen. The high level screen shall consist of evergreen trees planted at an initial height of not less than four feet, with specimens no younger than three years in age, and planted at intervals of not more than 10 feet. The low level screen shall consist of two rows of evergreen shrubs or hedges planted at an initial height of not less than two feet and spaced at intervals of not more than five feet. The low level screen plantings shall be placed in an alternating or staggered pattern to produce a more effective visual barrier.
- C. An alternative visual barrier shall be a six foot high opaque fence or wall with plantings of trees, shrubs, and/or vines along the surfaces of the barrier facing any residential or commercial district or public right-of-way.

- D. All outdoor industrial use operations, mechanical equipment and other functional accessories of each building, such as elevator, penthouse, ventilation pipes and ducts, water pressure tanks, heating, air conditioning and power supply units shall have an architectural building material screen or covering which is an integral part of the building envelope and/or which is harmonious with the building design.

## **SECTION 1109 PERFORMANCE STANDARDS**

The following environmental performance standards shall apply to all industrial and natural resource extraction use:

- A. Noise Pollution and Vibration: “Rules and Regulations” of the Pennsylvania Department of Environmental Resources.
- B. Air Pollution, Airborne Emissions and Odor: “Rules and Regulations” of the Pennsylvania Department of Environmental Resources.
- C. Water pollution: Pennsylvania Act 394, P.L. 1987, the Clean Streams Act, as amended, 1970.
- D. Mine Reclamation and Open Pit Setback: Pennsylvania Act 147, the “Surface Mining Conservation and Reclamation Act” of 1971.
- E. Glare and Heat: “Rules and Regulations” of the Pennsylvania Department of Environmental Resources.
- F. No use or operation shall be permitted which creates a public nuisance or hazard to adjoining property by reason of fire, explosion, radiation or other similar cause.
- G. Outside Industrial Storage: No outside industrial storage including junkyards shall be located on land with a slope in excess of five percent or within one hundred feet of a public right-of-way.

## **SECTION 1110 PUBLIC UTILITY CORPORATION EXEMPTION**

The provisions of this Ordinance shall apply to any existing or proposed building, or extension, used or to be used, by a municipal authority or public utility corporation unless, upon petition to the Pennsylvania Public Utility Commission (PUC), it is decided that present or proposed building or use in question is reasonably necessary for the convenience or welfare of the general public.

## **SECTION 1111 PIPELINE SETBACK**



All dwellings and other buildings designed for human occupancy shall be setback a minimum of fifty (50) feet from any underground pipeline right-of-way.

## **SECTION 1112 ACCESS AND TRAFFIC CONTROL**

Access to and from all off-street parking and loading facilities, and vehicle service stations along public rights-of-way shall consist of well defined, separate and common entrances and exits, and shall comply with the following provisions:

- A. Access drives shall be setback from the nearest right-of-way line of any intersecting public street according to the following schedule, as defined by the Township Comprehensive Plan:**
  - 1. Collector road 100 feet**
  - 2. Local road 80 feet**
- B. Access drives shall not open upon any public right-of-way where the sight distance in either direction along the public street would be less than required by the Pennsylvania Department of Transportation or five hundred (500) feet, whichever is more.**

## **SECTION 1113 IMPACT STUDY STANDARDS**

The following studies and analysis shall be required in order to determine the extent of impacts proposed development may have on the resources of the Township:

- A. Traffic Impact Study**
  - 1. Applicability**
    - a. A traffic impact study shall be required for all special exceptions, mobile home parks and multiple family development proposals.**
  - 2. Content**
    - a. The applicant shall hire a traffic consultant to prepare a traffic impact study. The study shall follow current PennD.O.T. guidelines for such studies. The study area shall include all public road intersections surrounding the tract.**
    - b. The study shall be designed to enable the Township to assess the impact of the proposed use on the capacity of existing road network, and shall identify what road improvements are needed to maintain current capacity level and to insure safe circulation.**

## **B. Environmental Impact Study**

### **1. Applicability**

- 1. An environmental impact study shall be required for excavation of natural resources, junk yards and sanitary landfills.**
- 2. An environmental impact study shall include an inventory of the location of natural resources located on the site. The Study shall include, through mapping and narration, how these resources shall be protected during development. In the event that a resource must be disturbed, the Study shall document the procedure by which the disturbance will occur and what means of stabilization will occur.**
- 3. The study shall map and interpret natural resources of the site, including:**
  - a. Limits of designed flood plain areas**
  - b. Wet soil and wetlands conditions**
  - c. Slopes between 15 and 25 percent**
  - d. Slopes in excess of 25 percent**
  - e. Ridge lines and points of highest elevation**
  - f. Mature tree stands and wooded areas.**

## **SECTION 1114 INTERIOR LOTS**

**The following standards shall apply to interior lots, where permitted by this ordinance:**

- A. Access to interior lots shall be held in fee simple ownership. No access easement shall substitute for fee simple ownership.**
- B. Interior lots shall be provided an access strip to a public street or private street, and shall have a minimum width of twenty (20) feet.**
- C. No more than two (2) interior lots shall be created which have abutting driveways at the street right-of-way line. Additional interior lots shall be separated by at least two lots having street frontage equal to or greater than the minimum lot width at building line required for the appropriate district.**
- D. The front yard measurement shall be taken from the lot line which is closest to parallel with the street line.**

## **SECTION 1115 SLOPE CONTROLS**

**The following standards shall apply to hillsides which have a slope of twenty-five percent (25%) or greater, measured by the distance between contour intervals on a U.S.G.S. Topographic Survey or actual field survey:**

- A. No on-site sewage disposal system shall be permitted.**
- B. Earth disturbance shall be kept to a minimum. Areas of disturbance shall be noted on the plan submitted for review by the Township.**
- C. Driveways shall parallel contours wherever possible to reduce grading, and the potential for increased run-off and earth disturbance, and provide safe access by emergency service vehicles.**

## **ARTICLE XII**

### **SIGNS**

#### **SECTION 1201 GENERAL REGULATIONS**

**The following regulations shall apply to all permitted signs:**

- A. Signs must be constructed of durable material, maintained in good condition, and not allowed to become dilapidated.**
- B. No sign shall be placed in such a position that it will cause danger to traffic on a street by obscuring the view.**
- C. No sign, other than an official traffic sign, shall be erected within the right-of-way lines of any street, unless authorized by the Municipal Governing Board for a special purpose.**
- D. No sign shall project over a public sidewalk area more than 18 inches.**
- E. Clearance beneath overhead signs shall be at least nine feet, measured from the ground or pavement to the bottom-most part of the sign.**
- F. No portion of a sign shall be positioned in a manner that exceeds the height of the primary structure on the property on which it is located.**
- G. No permit shall be required for the erection, alteration, or maintenance of any signs as permitted in Section 702, Signs Permitted in Residential Districts.**
- H. A permit shall be required for the erection or alteration of panel type signs or advertising sign boards, and business identification signs.**
- I. Advertising painted upon, or displayed upon, a barn or other building or structure shall be regarded as an advertising sign board and the regulations pertaining thereto shall apply.**
- J. Each sign shall be removed when the circumstances leading to its erection no longer apply.**
- K. In all districts, only those signs, billboards, advertising sign boards and business identification signs referring directly to materials or products made, sold, or displayed on the premises shall be permitted, except as otherwise noted. Such signs shall comply with all other requirements, as stated herein, for the district in which they are erected.**

- L. No animated, sequential, flashing or oscillating signs shall be permitted in any district. Any sign by reason of its intensity, color, location, or movement that may interfere with traffic lights, signals or other controls, or abrogate public safety shall not be permitted in any district.**
- M. Open flames used to attract public attention to a place of business or to an advertising sign shall not be permitted.**

## **SECTION 1202 ERECTION AND MAINTENANCE OF SIGNS**

**Signs may be erected and maintained only when in compliance with the provisions of this Article and any and all other ordinances and regulations relating to the erection, alteration, or maintenance of signs and similar devices.**

## **SECTION 1203 SIGNS PERMITTED IN RESIDENTIAL DISTRICTS**

- A. Signs advertising the sale or rental of the premises upon which they are erected, when erected by the owner or broker or any other person interested in the sale or rental of such premises, may be erected and maintained, provided: (1) the size of any such sign is not in excess of six square feet; and (2) not more than two signs are placed upon any property in single and separate ownership unless such property fronts upon more than one street, in which event two such signs may be erected on each frontage.**
- B. Signs indicating the location and direction of premises available for or in the process of development, but not erected upon such premises and having inscribed thereon the name of the owner, developer, builder or agent may be erected and maintained, provided: (1) the size of any such sign is not in excess of six square feet, and not in excess of four feet in length; and (2) not more than one such sign is erected on each five hundred feet of street frontage.**
- C. Signs bearing the word “sold” or the word “rented” with the name of the persons effecting the sale or rental may be erected and maintained provided the conditions in subsection 1203A hereof are complied with.**
- D. Signs of mechanics, painters, and other artisans may be erected and maintained during the period such persons are performing work on the premises on which such signs are erected, provided: (1) the size thereof is not in excess of 12 square feet; and (2) such signs are removed promptly upon completion of work.**
- E. Trespassing signs, or signs indicating the private nature of a driveway or property provided that the size of any sign shall not exceed two square feet.**
- F. Signs of schools, colleges, churches, hospitals, sanitariums, or other institutions of a similar nature may be erected and maintained provided: (1) the size of any**

such sign is not in excess of 40 square feet; and (2) not more than two signs are placed on a property in single and separate ownership, unless such property fronts upon more than one street, in which event two such signs may be erected on each frontage.

- G. Signs advertising home occupations shall not be larger than 12 inches by 24 inches, and may include the name. Occupation, and logotype or trademark, if appropriate, of the practitioner. Such signs shall not be illuminated, with the exception of medical offices during the hours such offices are open for the care of patients.
- H. Signs advertising the sale of farm products when permitted by this Ordinance, provided: (1) the size of any such sign is not in excess of six square feet; (2) not more than two signs are used; and (3) the signs shall be displayed only when such products are on sale.
- I. Official traffic and street name signs when erected by, or with the written approval of, the Township Supervisors.
- J. Signs necessary for the identification, operation or protection of public utility facilities and municipal uses, however, all General Regulations, Section 705, shall apply to such signs.

#### **SECTION 1204 BUSINESS IDENTIFICATION SIGNS**

Signs bearing the name of the occupant and products manufactured, processed, sold or displayed may be erected and maintained on the premises in commercial and industrial districts. The size of business identification signs shall not exceed seventy-five (75) square feet in area.

#### **SECTION 1205 BILLBOARDS**

Signs which advertise products or services other than those which are sold on the premises where the sign is located shall conform to the following requirements:

- A. No billboards or advertising signs boards shall exceed three hundred square feet in area.
- B. Billboards shall be limited to roads designated as an arterial road (see Appendix).
- C. Billboards shall be located outside of the legal right-of-way of public streets.
- D. Billboards shall be separated by a minimum of one thousand (1000) feet, and shall be setback a minimum of five hundred (500) feet from a lot used or zoned for residential use.

- E. A business located within the Township may establish a maximum of two billboards, not exceeding one hundred (100) square feet in area.**
- F. No more than one (1) billboard may be established for uses located outside the Township, and shall not exceed two hundred (200) square feet in area.**

## ARTICLE XIII

### OFF-STREET PARKING, LOADING AND UNLOADING

#### SECTION 1301 GENERAL REGULATIONS

The following standards shall apply to all parking, loading and unloading facilities:

- A. Off-street parking, loading, and unloading facilities shall be provided to lesson congestion in the streets. The facilities required herein shall be available throughout the hours of operation of the particular business or use for which such facilities are provided. As used herein, the term “parking space” includes either covered garage space or uncovered parking lot space located off the pubic right-of-way.
- B. Each off-street parking space shall consist of not less than an average of one hundred eighty (180) square feet of useable area for each motor vehicle, including interior driveways, driveways connecting the garage, or parking space, with a street or alley. Notwithstanding the above, all parking spaces shall be a minimum of ten (10) feet wide by nineteen (19) feet long. Outdoor parking space, and the approaches thereto, shall be paved, or stabilized with suitable material. Such outdoor parking spaces shall not be used to satisfy an open space requirement of the lot on which it is located.
- C. A garage or carport may be located wholly or partly inside the walls of the principal building, the garage may be constructed under a yard or court. The space above an underground garage shall be deemed to be part of the open space of the lot on which it is located.
- D. Parking spaces may be located on a lot other than that containing the principal use with the approval of the Zoning Hearing Board provided a written agreement approved by the municipal solicitor and accepted by the Board of Supervisors, shall be filed with the application for a zoning permit. In such cases, the parking facility shall be within five hundred (500) feet of the principal use.
- E. **Surfacing:** Any off-street parking area shall be graded for proper drainage and shall be surfaced so as to provide a durable and dustless surface, such as a gravel, concrete or bituminous concrete surface, and shall be so arranged as to provide for orderly and safe parking and storage of vehicles.
- F. **Lighting:** Any lighting used to illuminate any off-street parking shall be so arranged as to reflect the light away from adjoining premises and public right-of-way.



- G. There shall be adequate provisions for ingress and egress to all parking and loading spaces designed for use by employees, customers, delivery services, sales people and/or the general public. Where a parking or loading area does not abut a public right-of-way or private alley or easement of access, there shall be provided an access drive per lane of traffic not less than twelve(12) feet in width suitably graded and surfaced not less than eighteen (18) feet in width in all cases where the access is to storage areas or loading and unloading spaces required hereunder.**
- H. For other uses which do not fit into one of the categories listed in Section 1302, determination of the appropriate parking space required shall be made by the Zoning Officer.**
- I. Parking area screening: All off-street parking areas which provide more than five parking spaces shall be screened from any abutting property zoned residential or used for residential purposes. Screening may be accomplished by the placement of buildings, a solid fence six (6) feet high, and/or the provision, and maintenance, or solid planting in the form of contiguous evergreen shrubs. Evergreen trees or shrubs shall be at least four (4) feet in height at the time of planting and setback at least three feet from any property.**
- J. Parking area reservation: All off-street parking areas shall be reserved and used for automobile parking only, with no sales, dead storage, repair work, dismantling or servicing of any kind of residential dwelling lots in Residential Districts. The parking of one commercial vehicle up to one ton is permitted if needed by an individual for his livelihood for a business not conducted on the premises; or one vehicular dwelling is permitted for storage purposes only and is not to be used for any sleeping, recreational or living purposes at any time or in any way, shape or form.**
- K. Off-street parking and loading space as required in this section shall be provided for all new buildings and structures and of additions to existing buildings or structures. The word “addition” as used above shall include any alterations intended to enlarge or increase capacity by adding or creating dwelling units, floor area or seats.**
- L. Existing off-street parking or loading facilities provided at the effective date of this Ordinance and actually being used at that time in connection with the operation of an existing use, shall not be reduced below the minimum required in this Ordinance.**
- M. Whenever the existing use of a building, structure or land shall hereafter be changed to a new use, parking and loading facilities shall be provided as required for such new use. However, if the said building or structure was erected or the use of land established prior to the effective date of this**

Ordinance, additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use.

- N. In the case of mixed uses, the total number of required parking or loading spaces shall be the sum of the required spaces for the various uses computed separately.

**SECTION 1302 REQUIRED OFF-STREET PARKING FACILITIES**

Off-street parking facilities shall be provided as follows:

**A. Residential Parking Requirements**

**1. Schedule**

<b><u>Uses</u></b>	<b><u>One Parking Space for Each</u></b>
Single-family detached dwellings	1/2 dwelling unit
Single-family semi-detached dwellings	1/2 dwelling unit
Two-family detached dwellings	1/2 dwelling unit
Two-family semi-detached dwellings	1/2 dwelling unit
Townhouse dwellings	1/2 dwelling unit
Garden apartment dwellings	2/3 dwelling unit
Residential conversion units	1/2 dwelling unit
Boarding, rooming, or tourist houses	Guest room

2. An attached or unattached garage or carport on the premises, or that portion of the driveway not included in the public right-of-way, may be considered as parking space.
3. Apartment structures in combination with permitted commercial uses shall provide parking spaces as required if both uses were established separately.

## **B. Commercial Parking Requirements**

### **1. Schedule**

#### **Uses**

#### **One Parking Space for Each**

**Places of public or  
private assembly including  
private theatres, auditoriums,  
churches, schools,  
stadiums**

**3 seats provided for public or  
assembly**

**Retail stores and other places  
for trade or business**

**250 square feet of floor  
area for public use**

**Food markets and grocery  
stores**

**200 square feet of floor  
area for public use**

#### **Uses**

#### **One Parking Space for Each**

**Restaurants,  
cafeterias, taverns,  
night clubs**

**3 seats or 3 persons  
based on design capacity**

**Bowling alleys**

**$\frac{1}{4}$  alley plus 1 employee**

**Office Buildings**

**250 square feet of floor area plus  
1 employee**

**Vehicle service stations**

**$\frac{1}{2}$  gas pump, and  $\frac{1}{2}$  garage bay  
plus 1 employee**

**Hospital**

**3 beds, plus each employee on the  
largest shift**

**Drive-in restaurants,  
drive-in dairies or other  
similar establishments**

**50 square feet of building**

**Private clubs and lodges**

**100 square feet of floor area  
available to patrons**

<b>Public swimming pools</b>	<b>3 persons for whom facilities for dressing are provided; or for every 15 square feet of water surface</b>
<b>Golf driving range</b>	<b>Tee provided</b>
<b>Miniature golf</b>	<b>½ hole</b>
<b>Coin Laundries</b>	<b>1-1/2 washing machine</b>
<b>Dormitory, fraternity house, nursing home</b>	<b>1 sleeping room</b>
<b>Mortuaries, funeral homes and undertaking establishments</b>	<b>3 seats based on maximum capacity</b>
<b>Home occupations</b>	<b>Determined to be adequate for the particular home occupational use</b>

#### **C. Industrial Parking Requirements**

##### **1. Schedule**

###### **Uses**

###### **One Parking Space for Each**

**Industrial and manufacturing, establishments, truck terminals whole sale warehouses**

**500 sq. ft. of floor area**

- 2. Space shall be provided in addition to the above parking requirements for salesman and other visitor parking, according to specific needs.**

#### **D. Public and Semi-Public Parking Requirements**

##### **1. Schedule**

###### **Uses**

###### **One Parking Space for Each**

**School**

**staff members plus one space for each 20 students**

**Indoor recreation center**

**100 square feet of floor area available to patrons**

**Outdoor recreation center**

**500 square feet of lot area devoted  
to amusement devices**

- E. Parking Prohibitions: Parking shall not be permitted on public rights-of-way except in designated areas.**

**SECTION 1303 LOADING AND UNLOADING REQUIREMENTS**

- A. In addition to the off-street parking space required above, any building erected, converted or enlarged for any non-residential use shall provide adequate off-street areas for loading and unloading of vehicles. The minimum size loading space shall be fifty (50) feet in depth, twelve (12) feet in width, with an overhead clearance of fourteen (14) feet**
- B. All commercial and industrial establishments shall provide loading and unloading and commercial vehicle storage space adequate for their needs. This required space will be provided in addition to established requirements for patron and employee parking. In no case where a building is erected, converted or enlarged for commercial, manufacturing, or business purposes shall the public rights-of-way be used for loading or unloading of materials.**
- C. Required off-street parking space shall not be computed for loading and unloading purposes.**

**SECTION 1304 ACCESS TO OFF-STREET PARKING AND LOADING AREAS**

**Access to and from all off-street parking, loading, and vehicular service areas along public rights-of-way shall consist of well-defined separate or common entrances and exits and shall comply with the following provisions:**

- A. Access drives shall not be provided upon any public right-of-way within eighty (80) feet of the nearest right-of-way line of any intersecting public street or highway.**
- B. Access drives shall not open upon any public right-of-way where the sight distance in either direction along the public thoroughfare would be less than five hundred (500) feet when the posted speed limit exceeds 35 miles per hour; however, when the posted speed limit is 35 miles per hour or less, the sight distance requirement may be reduced to two hundred fifty (250) feet.**

**SECTION 1305 OFF-STREET PARKING AND LOADING SETBACKS**

**All non-residential parking and loading areas and parallel circulation and service lanes shall be separated from the paving edge of a public thoroughfare or adjoining property lines by a planting strip at least twenty (20) feet in depth, unless adjoining**

**owners mutually agree to common facilities subject to greater setbacks as may be required elsewhere in this Ordinance.**

## **ARTICLE XIV**

### **ZONING HEARING BOARD**

#### **SECTION 1401 CREATION AND MEMBERSHIP**

There is hereby created, to be appointed by the board of Township Supervisors, a Zoning Hearing Board, consisting of three members. Of the initial appointees to this Board, one shall be designated until the first day of January following the date of this Ordinance, one until the first day of the second January thereafter, and one until the first day of the third January thereafter. The successors in office shall be appointed on the expiration of their respective terms to serve three years. The members of the Board shall be removable for cause, by the Board of Supervisors, upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

#### **SECTION 1402 GENERAL PROCEDURES**

The Zoning Hearing Board shall be governed by the provisions of the “Pennsylvania Municipalities Planning Code,” Act 247, 1968, as amended and revised, and such other Commonwealth of Pennsylvania laws as may be applicable. As used in this Ordinance, unless the context clearly indicates otherwise, the term “Board” shall refer to such Zoning Hearing Board, and “Act 247” shall refer to the “Pennsylvania Municipalities Planning Code” of 1968. The Zoning Hearing Board shall operate under the following procedures:

- A. **Officers:** The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves.
- B. **Meetings:** Meetings shall be held and records will be kept in accordance with Article IX, Act 247.
- C. **Powers:** The Zoning Hearing Board shall have the powers permitted by Article IX, Act 247 of 1968, the “Pennsylvania Municipalities Planning Code” as amended.

#### **SECTION 1403 APPEALS TO THE ZONING HEARING BOARD**

- A. Appeals to the Board may be made by any person or by any Township official or agency aggrieved or affected by any decision of the Zoning Officer. Such appeal shall be taken within a reasonable time as provided by the rules of the Board by filing with the Zoning Officer and with the Board a notice of appeal, specifying the grounds thereof. The Zoning Officer shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. An appeal shall state:

1. The name and address of the applicant.
  2. The name and address of the owner of the real estate to be affected by such proposed exception, or variance.
  3. A brief description and location of the real estate by such proposed change.
  4. A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof.
  5. A statement of the section of this Ordinance under which the variance, or exception requested, may be allowed, and reasons why it should be granted.
- B. An appeal to the Board shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Officer certifies to the Board after the notice of appeal shall have been filed, that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life and property. In such a case proceedings shall not be stayed otherwise than by restraining order, which may be granted by the Board or by a Court of record on application, on notice to the Zoning Officer and for due cause shown.

## **SECTION 1404 PUBLIC HEARINGS**

The following procedures shall apply to public hearings before the Zoning Hearing Board:

- A. Upon receiving an appeal, the Board shall fix a reasonable time and place for a public hearing thereon and shall give the notice thereof.
  1. By advertising at least one week before the hearing, at least one time in a newspaper of general circulation within the Township.
  2. By mailing due notice at least six days prior to the date of the hearing to the parties of interest.
  3. By mailing due notice thereof to the Township Planning Commission, the County Planning Agency, if applicable, the Zoning Officer, and such other persons who make timely request for notice.
- B. The Board shall conduct a public hearing on such appeal at which hearing any party may appear in person, or agent or attorney, and all of said parties so affected shall be given an opportunity to be heard. All proceedings shall be conducted in accordance with Article IX of Act 247 of 1968, the "Pennsylvania Municipalities Planning Code," as amended.



- C. **Decision of the Board:** Decisions or finds of the Board shall be rendered in accordance with Act 247 of 1968, the “Pennsylvania Municipalities Planning Code,” as amended.
- D. **Effect of Board’s Decision:** If the variance is granted or the issuance of a permit is approved, or other action by the appellant is authorized action begun within three months after the date when the variance is finally granted or the issuance of a permit is finally approved or the other action by the appellant is authorize; and the building or alteration, as the case may be, shall be completed within twelve (12) months of said date. For good cause the Board may, upon application in writing stating the reasons therefore, extend either the three (3) months’ or twelve (12) months’ period.
- E. Should the appellant or applicant fail to obtain the necessary permits within said three months’ period, or having obtained the permit should he fail to commence work thereunder within such three months’ period it shall be conclusively presumed that the appellant or applicant has waived, withdrawn, or abandoned his appeal or his application, and all provision, variances and permits granted to him shall be deemed automatically rescinded by the Board.
- F. Should the appellant or applicant commence construction or alteration within said three months’ period, but should he fail to complete such construction or alteration within said twelve (12) months’ period, the Board may upon a ten (10) day notice in writing, rescind or revoke the granted variance, or the issuance of the permit, or permits, or other action authorized to the appellant or applicant, if the Board finds that a good cause appears for failure to complete within such twelve (12) month period, and if the Board further finds that conditions have so altered or changed in the interval since the granting of the action is justified.
- G. **Appeals from Board Rulings:** Any person aggrieved by any decision of the Zoning Hearing Board or any taxpayer may appeal to the County Court of Common Pleas under the procedure set forth in Article IX of Act 247 of 1968, the “Pennsylvania Municipalities Planning Code,” as amended.

#### **SECTION 1405 STANDARDS FOR REVIEWING SPECIAL EXCEPTION USES**

- A. Uses specified as special exception within zoning districts of this Ordinance shall be permitted only after approval by the Zoning Hearing Board. Criteria to be used as guidelines in evaluating a proposed special exception shall be as follows:
1. The location and size of the use, the nature and intensity of operations involved and the size of the site in relation to it shall be in harmony with the orderly development of the District. The location, nature, and height

of buildings, walls, and fences shall be such as will not discourage the permitted use of adjacent land and buildings.

2. No special exception use shall be more objectionable to nearby properties by reason of traffic, parking, noise, fumes, vibrations, or lights than any other use allowable in the District.
  3. The principal and accessory buildings shall meet all area and bulk coverage, setback, height, and off-street parking, loading and unloading, sign and any other regulations applicable to the District or use including supplementary regulations.
  4. Each proposed use shall plan for sufficient safeguards such as traffic control, storm drainage, screening, setbacks, lighting, etc. so as to remove any potential adverse effects the use may have on adjoining uses.
  5. Each proposed use shall provide for sewage treatment facilities which meet or exceed specifications established by the Pennsylvania Department of Environmental Resources and submit to the municipality evidence of approval from that agency of such facility and system.
- B. In granting a special exception the Zoning Hearing Board shall require all regulations of the district in which the special exception is proposed to be satisfied if feasible. The proposed special exception shall be appropriate to the specific location and neighborhood for which it is proposed, consistent with a community development plan, and in keeping with the purposes and intent of this Ordinance.
- C. The Zoning Hearing Board's decision to grant a permit for a special exception use shall be made only after public notification of a hearing as established in Section 1403.
- D. At the discretion of the Zoning Hearing Board, an advisory report may be requested from the Planning Commission in which case no decision will be made until the report from the Planning Commission is Received or until the Planning Commission has had such request for thirty (30) days. In the event the Planning Commission fails to file its report within thirty (30) days, such application shall be deemed to be approved by the Planning Commission.
- E. The Zoning Hearing Board shall notify the applicant for a special exception use in writing of their decision and how the decision was arrived at not more than ninety (90) days after the acceptance of the application.

- F. A special exception use permit shall be issued upon approval of the Zoning Hearing Board stating the conditions upon which the permit was issued.**
- G. A special exception permit shall be deemed to authorize only one particular use and shall expire if the conditional use shall cease for more than six (6) months for any reason.**
- H. A special exception use, for which a permit is granted by the Zoning Hearing Board pursuant to the provisions of this Ordinance, shall be construed a conforming use.**

## **SECTION 1406 STANDARDS FOR REVIEWING VARANCES**

- A. The Zoning Hearing Board shall hear all requests for variances from the provisions of this Ordinance, where it is alleged that said provisions inflict unnecessary hardship upon the applicant.**
- B. In granting a variance from an ordinance provision, the Zoning Hearing Board may attach reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance as it applies to a specific tract of land or use.**
- C. The burden of proof shall be the responsibility of the applicant.**
- D. The following criteria shall be used in determining the merits of each variance request:**
  - 1. There are unique physical conditions associated with the tract of land in question, including irregularity, narrowness or shallowness of lot dimensions or area; or exceptional topographic conditions peculiar to the particular property which have created the unnecessary hardship.**
  - 2. The defined hardship is not due to circumstances or conditions generally created by the provisions of this Ordinance in the district in which the property is located.**
  - 3. There is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance because of such physical conditions.**
  - 4. The authorization of a variance is necessary to enable reasonable use of the land.**
  - 5. The requested variance will not alter the essential character of the zoning district in which the property is located, nor substantially or**

**permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public health, safety and welfare.**

- 6. The defined hardship has not been created by the applicant.**
- 7. The variance, if authorized by the Zoning Hearing Board, will represent the minimum variance that will afford relief and will represent the least modification of the regulation at issue.**

**ARTICLE XV  
ADMINISTRATION AND ENFORCEMENT**

**SECTION 1501 GENERAL**

The provisions of this Article shall apply to the administration and enforcement of this Ordinance.

**SECTION 1502 ZONING OFFICER**

- A. The provisions of the Zoning Ordinance shall be enforced by an agent to be appointed by the Board of Supervisors who shall be known as the Zoning Officer.**
- B. The Zoning Officer may designate an employee of the Township as his Deputy who shall exercise all the powers of the Zoning Officer during the temporary absence or disability of the Zoning Officer.**
- C. The compensation for the Zoning Officer and Deputy Zoning Officer shall be determined by the Board of Supervisors.**
- D. The Zoning Officer shall have all the duties and powers conferred by the Zoning Ordinance in addition to those reasonably implied for that purpose. He shall not issue a permit in connection with any contemplated erection, construction, alteration, repair, extension, replacement and/or use of any building, structure, sign and/or land unless it first conforms with the requirements of this Zoning Ordinance, all other Ordinances of the Township, and with the laws of the Commonwealth of Pennsylvania.**
  - 1. Receive applications, process the same, and issue permits for the erection, construction, alteration, repair, extension, replacement, and/or use of any building, structure, sign, and/or land in the Township.**
  - 2. At his discretion, examine or cause to be examined, all buildings, structures, signs, and/or land or portions thereof, for which an application has been filed for the erection, construction, alteration, repair, extension, replacement, and/or use before issuing a permit. Thereafter, he may make such inspections during the completion of work for which a permit has been issued. Upon completion of the building, structure, sign, and/or change, a final inspection shall be made and all violations of approved plans or permit shall be noted and the holder of the permit shall be notified of the discrepancies.**
  - 3. Keep a record of all applications received, all permits and certificates issued, reports of inspections, notices, and orders issued, and the completed recording of all pertinent factors involved. He shall file and**

safely keep copies of all plans permitted, and the same shall form a part of the records of his office and shall be available for use of the Board of Supervisors and other officials of the Township. At least annually, he shall submit to the Board of Supervisors a written statement of all permits and certificates of use and occupancy issued, and violations and stop work orders recommended or promulgated.

## **SECTION 1503 PERMITS**

- A. **Requirements:** It shall be unlawful to commence the excavation for of the construction or erection of any building, including an accessory building, or to commence the moving or alteration of any building, including an accessory building, until the Zoning Officer has issued a building permit for such work. No permit shall be required for repairs to or maintenance of any building, structure or grounds provided such repairs do not change the use or otherwise violate the provisions of this Ordinance.
- B. **Form of Application:** The application for a permit shall be submitted in such form as the Zoning Officer may prescribe and shall be accompanied by the required fee as hereinafter prescribed. Application for a permit shall be made by the owner or lessee of any building or structure, or the agent of either; provided, however, that if the application is made by a person other than the owner or lessee, it shall be accompanied by written authorization of the owner or the qualified person making an application, that the proposed work is authorized by the owner. The full names and addresses of the owner, lessee, applicant, and of the responsible officers, if the owner or lessee is a corporate body, it shall be stated in the application.
- C. **Application for Building Permits:** All applications for building permits shall be accompanied by plans in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact size and location of any buildings existing on the lot, the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building or part of a building, the number of families or dwelling units the building is designed to accommodate, and such information as may be necessary to determine compliance with this Ordinance and all other pertinent ordinances. All applications with accompanying plans and documents shall become a public record after a permit is issued or denied.
- D. **Time Limit for Applications:** An application for a permit for any proposed work shall be deemed to have been abandoned six months after the date of filing, unless such application has been diligently prosecuted or a permit shall have been issued; except that reasonable extensions of time for additional periods not exceeding 90 days each may be granted at the discretion of the Zoning Officer.

- E. **Issuance of Permits:** Upon receiving the application, the Zoning Officer shall examine the same within twenty-one (21) days after filing. If the application or plans do not conform to the provisions of all pertinent local laws, he shall reject such application in writing, stating the reasons therefore. He shall inform the applicant of this right of appeal to the Zoning Hearing Board in the event such application is rejected. If satisfied that the proposed work and/or use conforms to the provisions of the Zoning Ordinance and all laws and ordinances applicable thereto, and that the certificate of use and occupancy as required herein has been applied for, he shall issue a permit thereafter as soon as practical.
- F. **Expiration of Permits:** The Permit shall expire after one year from the date of issuance; provided, however, that the same may be extended every six (6) months for a period not to exceed an additional one year.
- G. **Revocation of Permits:** The Zoning Officer may revoke a permit or approval issued under the provisions of the Zoning Ordinance in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based or for any other cause set forth in the Zoning Ordinance.
- H. **Posting of Permits:** A true copy of the permit shall be kept on the site of operations open to public inspection during the entire time or prosecution of the work or use and until the completion of the same as defined on the application.
- I. **Temporary Permit:** A temporary permit may be authorized by the Zoning Hearing Board for a nonconforming structure or use which it deems necessary to promote the proper development of the community, provided that such nonconforming structure or use shall be completely removed upon expiration of the permit without cost to the Township. Such permits shall be issued for a specified period of time not exceeding three (3) years.
- J. **Payment of Fees:** No permit to begin work for the erection, construction, alteration, repair, extension, replacement, and/or use of any building, structure, sign and/or land for construction or use purposes shall be issued until the fees prescribed by the Board of Supervisors pursuant to Resolution shall be paid to the Zoning Officer. The payment of fees under this Section shall not relieve the applicant or holder of said permit from payment of other fees that may be required by this Ordinance, or any other ordinance or law.

- K. Compliance with Ordinance:** The permit shall be a license to proceed with the work and should not be construed as authority to violate, cancel, or set aside any of the provisions of the Zoning Ordinance, except as stipulated by the Zoning Hearing Board.
- L. Compliance with Permit and Plot Plan:** All work or uses shall conform to the approved application and plans for which the permit has been issued as well as the approved plot plan.

#### **SECTION 1504 CERTIFICATE OF OCCUPANCY**

- A.** It shall be unlawful to use and/or occupy any structure, building, sign, and/or land or portion thereof for which a permit is required herein until a certificate of use and occupancy for such structure, building, sign, and/or land or portion thereof has been issued by the Zoning Officer. The application for issuance of a certificate of use and occupancy shall be made at the same time an application for a permit is filed with the Zoning Officer as required herein.
- B.** The application for a certificate of use and occupancy shall be in such form as the Zoning Officer may prescribe and may be made on the same application as is required for a permit.
- C.** The application shall contain the intended use and/or occupancy of any structure, building, sign, and/or land or portion thereof for which a permit is required herein.
- D.** The Zoning Officer shall inspect any structure, building, or sign within 10 days upon notification that the proposed work that was listed under the permit has been completed and if satisfied that the work is in conformity and compliance with the work listed in the issued permit and all other pertinent laws, he shall issue a certificate of use and occupancy without fee for the intended use listed in the original application.
- E.** The certificate of use and occupancy or a true copy thereof shall be kept available for official inspection at all times.
- F.** Upon request of a holder of a permit, the Zoning Officer may issue a temporary certificate of use and occupancy for a structure, building, sign, and/or land, or portion thereof, before the entire work covered by the permit shall have been completed, provided such portion or portions may be used and/or occupied safely prior to full completion of the work without endangering life or public welfare. The Zoning Officer shall also issue a temporary certificate of use and occupancy for such temporary uses as tents, use of land for religious or other public or semi-public purposes and similar temporary use and/or occupancy. Such temporary certificates shall be for the



period of time to be determined by the Zoning Officer, however, in no case for a period exceeding six (6) months.

#### **SECTION 1505 ENFORCEMENT NOTICE**

- A. When it appears to the Township that a violation of any provision of this Ordinance has occurred, the Zoning Officer shall initiate enforcement proceedings by sending an enforcement notice as provided by this Section.**
- B. The enforcement notice shall be sent to the owner of record on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.**
- C. The enforcement notice shall state the following:**
  - 1. The name of the owner of record and any other person against whom the Township intends to take action.**
  - 2. The location of the property in violation.**
  - 3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the Ordinance.**
  - 4. The date before which the steps for compliance must be commenced, and the date before which the steps must be completed.**
  - 5. The recipient of the notice has the right to appeal to the zoning hearing board within a prescribed period of time.**
  - 6. That failure to comply with the notice within the specified time specified, constitutes a violation.**

#### **SECTION 1506 ENFORCEMENT REMEDIES**

- A. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this zoning ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by a municipality, pay a judgment of five hundred dollars (\$500) plus court costs, including attorney fees incurred by the Township as a result thereof.**
- B. No judgment shall commence or be imposed, levied or payable until the date of determination of a violation by the district justice.**

- C. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure.
- D. Each day that a violation continues shall constitute a separate violation, unless the district justice determines that there is good faith basis for the person, partnership or corporation to have believed there was no violation, in which case there shall be deemed to have been only one violation until the fifth day following the date of the determination of the violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.
- E. All judgments, costs and attorney fees collected for the violation of the zoning ordinance shall be paid to the Township.

#### **SECTION 1507 NONCONFORMING USES, BUILDINGS AND STRUCTURES**

- A. The Zoning Officer shall identify and register all structures and uses which are in conflict with the use designated for the zone in which they are situated.
- B. Continuation: Any lawful use of a structure or land existing at the effective date of this Ordinance, may be continued although such use does not conform to the provisions of this Ordinance.
- C. Extensions: A nonconforming use shall not be extended either within a building or upon a lot in any manner authorization as a special exception. The Zoning Hearing Board may not waive district regulations related to yard, coverage, parking, sign and other applicable regulations. The Zoning Hearing Board may authorize the expansion up to twenty-five (25) percent of floor area of a nonconforming building or structure.
- D. Nonconforming Lots of Record:
  - 1. In any district in which single-family houses are permitted, a single-family house and customary accessory buildings may be erected on any lot of record in existence at the effective date of the Ordinance. Consideration shall be given by the Zoning Hearing Board as to the desirability and feasibility of re-subdividing the area when two or more conforming lots have contiguous frontage and are in single ownership.
  - 2. This provision shall apply even though such lots fail to meet requirements of side, front or rear yards or the minimum lot area requirements applicable to the district in which the lot is located.
- E. Restoration:

1. A nonconforming structure that has been damaged or destroyed by fire, windstorm, lightning, or similar cause deemed to be no fault of the owner may be rebuilt. Request for a building permit must be submitted within one year from the date of damage or destruction or the nonconforming use shall not be restored.
  2. No rebuilding shall be undertaken as provided herein until plans for rebuilding have been presented and approved by the Zoning Officer. Approval shall be for the same use or for a use of a more restricted classification.
  3. Restoration regulations shall not apply to activities nonconforming agricultural buildings and active farms, which may be restored by right.
- F. **Changes in Use:** A nonconforming use of a building or land may be changed to a use of an equal or more restricted classification when authorized as a special exception by the Zoning Hearing Board.
- G. **Abandonment:**
4. If a nonconforming use of a building or land ceases for a period of one year or more, subsequent use of such building or land shall be in conformity with the provisions of this Ordinance.
  5. Abandonment regulations shall not apply to agricultural uses.
- H. **Building Permits:**
- A. In a case where a building permit has been issued prior to the effective date of this Ordinance, and the proposed use of land and/or building does not conform with this Ordinance, said proposed use shall be regulated by the nonconforming use requirements of this Ordinance and shall be considered the same as a lawful nonconforming use if constructed other than excavation and foundations is undertaken within a period of thirty (30) calendar days after issuance date of said building permit and construction thereof if complete within twelve (12) calendar months from issuance date of the building permit.
- I. **Nonconforming Use of Open Land:** All nonconforming signs, billboards, junk storage areas, storage areas, and similar nonconforming use of open land, when discontinued for a period of 90 days or damaged to an extent of 60 percent or more of replacement costs, shall not be continued, repaired or reconstructed.

## **SECTION 1508 CONDITIONAL USE PROCEDURE**

- A. An application for a conditional use shall be submitted to the Board of Supervisors.**
- B. The application shall be accompanied by a plan for the proposed use. Such plan shall indicate the location and specification of all buildings, parking areas, traffic access and circulation drives, open spaces, landscaping, storm drainage facilities and sewage treatment facilities. In addition the plan shall show tax map designations and total tract boundaries of the property including bearings, distances and a statement of total acreage, name and address of all abutting property owners and zoning data of surrounding properties. The plan shall also contain any other require in order to determine if the proposed conditional use meets the provisions of this Ordinance.**
- C. Upon receiving an application for a conditional use permit, the Board of Supervisors shall review the application in conjunction with the standards set forth in this Section. After due investigation and review, if the application is tentatively approved, a public hearing shall be authorized and conducted in the following manner.**
  - 1. The Board of Supervisors shall hold a public hearing on the application within sixty (60) days after its receipt.**
  - 2. Written notice of the hearing shall be given to the applicant and to all abutting property owners of the proposed conditional use. A notice of the hearing shall be published twice, the first notice appearing not more than thirty (30) days and not less than fourteen (14) days before the hearing, in a newspaper of general circulation in the Township. All notices shall be the applicant's expense.**
  - 3. Within thirty (30) days after the public hearing, the conditional use permit shall be granted or denied. In granting the conditional permit, the Board of Supervisors shall be authorized to permit the use applied for subject to such reasonable conditions as it may impose. These conditions may contain such requirements for improving, maintaining, operating, and screening and conditional use as will protect character of the surrounding property.**
- D. The following standards shall be applicable to conditional uses and special exceptions:**
  - 1. The location and size of the use, the nature and intensity of operations involved and the size of the site in relation to it shall be in harmony with the orderly development of the District. The location, nature, and height of buildings, walls, and fences shall be such as will not discourage the permitted use of adjacent land and buildings.**
  - 2. No conditional use shall be more objectionable to nearby properties by reason of traffic, parking, noise, fumes, vibrations, or lights than any other use allowable in the District.**
  - 3. The principal and accessory buildings shall meet all area and bulk coverage, setback, height, and off-street parking, loading and**

- unloading, sign and any other regulations applicable to the District or use including supplementary regulations.
  - 4. Each proposed use shall plan for sufficient safeguards such as traffic control, storm drainage, screening, setbacks, lighting, etc. So as to remove any potential adverse effects the use may have on adjoining uses.
  - 5. Each proposed use shall provide for sewage treatment facilities which meet or exceed specifications established by the Pennsylvania Department of Environmental Resources and submit to the municipality evidence of approval from that agency of such a facility and system.
- E. The Board of Supervisors shall request an advisory report from the Planning Commission. No decision will be made until the report from the Planning Commission is received or until the Planning Commission has had such request for thirty (30) days. In the event that the Planning Commission fails to file its report within thirty (30) days, such application shall be deemed to be approved by the Planning Commission.
  - F. The Board of Supervisors shall notify the applicant for a conditional use in writing of their decision and how the decision was arrived at not more than ninety (90) days after the acceptance of the application.
  - G. A conditional use permit shall be issued upon approval of the Board of Supervisors stating the conditions upon which the permit was issued.
  - H. A conditional use for which a permit is granted by the Board of Supervisors pursuant to the provisions of this Ordinance, shall be construed a conforming use.

## **SECTION 1509 AMENDMENTS**

- A. The Board of Supervisors may from time to time, after public notice and hearing, prescribe, amend, supplement, change or repeal this Ordinance including the Zoning Map.
- B. Any amendment, supplement, change or repeal may be initiated by the Board of Supervisors, Township Planning Commission, or by petition to the Board of Supervisors. Proposed amendments shall be considered by the Board of Supervisors at their discretion.
- C. Before voting on the enactment of an amendment, the Board of Supervisors shall refer the amendment to the Township Planning Commission and the County Planning Commission for review and comment at least thirty (30) days prior to the public hearing.
- D. Said amendment shall be specifically found by the Board of Supervisors to be in accordance with the spirit and intent of the formally adopted portions of the Comprehensive Plan before final action shall be taken by the Board of Supervisors.
- E. Within thirty (30) days after enactment, a copy of the amendment shall be forwarded to the County Planning Commission office.

- F. **Amendments Initiated by the Township Planning Commission:** When an amendment, supplement, change or repeal is initiated by the Township Planning Commission, the proposal shall be presented to the Board of Supervisors, which shall then proceed in the same manner as with a petition to the Board of Supervisors which has already been reviewed by the Township Planning Commission.
- G. **Amendment Initiated by landowner-curative Amendment:** A landowner who, of substantive grounds, desires to challenge the validity of the zoning ordinance of map or any provision thereof which he has an interest shall submit a petition to the governing body together with a request for a curative amendment as set forth in Section 1003 of the "Pennsylvania Municipalities Planning Code," Act 247 of 1968, as amended. A fee established by resolution of the Board of Supervisors shall be paid upon filing of such petition for change and for the purpose of defraying the costs of the proceedings prescribed herein.
- H. **Procedure for Petition:** The petition for amendment, supplement, change or repeal shall contain as fully as possible all the information requested by the Zoning Officer and shall be signed by at last on record owner of the property in question whose signature shall be notarized attesting to the truth and correctness of all the facts and information presented in the petition. A fee established by resolution of the Board of Supervisors shall be paid upon the filing of such petition for change and for the purpose of defraying the costs of the proceedings prescribed herein.
- I. **Public Hearing:** The Board of Supervisors shall fix a time and place for a public hearing at which parties of interest of citizens shall have an opportunity to be heard. Two notices of the time and place of such hearing shall be published in a newspaper of general circulation in the Township, the first notice shall be placed not more than thirty (30) days nor less than fourteen (14) days prior to the date of the Hearing.
- J. **Action by the Board of Supervisors:** At the time and place specified, the Board of Supervisors shall conduct a hearing on said petition to amend, supplement, change or repeal the Zoning Ordinance or Zoning Map or the Township and shall thereafter within a period of thirty (30) days either reject the proposed change or adopt an Ordinance implementing the proposed change. The Board of Supervisors may adjourn said hearing at its discretion to a time and place certain.
- K. **Authentication of Official Zoning Map:** Whenever there has been a change in the boundary of a Zoning District or a reclassification of the Zoning District adopted in accordance with above, the change on the official map shall be made, and shall be duly certified by the Township Secretary and shall thereafter be refilled as part of the permanent records of the Township.

## SECTION 1510 VALIDITY

- A. **Severance:** If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, or word in the Zoning Ordinance is, for

any reason, declared to be illegal, unconstitutional or invalid, by any court of competent jurisdiction, such decision shall not affect or impair the validity of the Zoning Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of the Zoning Ordinance. The Board of Supervisors of the Township of Locust, Columbia County, Pennsylvania, hereby declares that it would have adopted the Zoning Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, irrespective of the fact that any one or more of the sections, subsections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases, or words may be declared illegal, unconstitutional, or invalid.

#### **SECTION 1511 REPEALER**

A. **Inconsistent Ordinances:** Any resolution, ordinance, or part of any ordinance or resolution inconsistent herewith and any amendment thereto are hereby expressly repealed.

ARTICLE XVI  
ADOPTION AND EFFECTIVE DATE RESOLUTION  
# c - 91

THIS RESOLUTION is made this 9<sup>th</sup> day of May 1991 by the Board of Supervisors of Locust Township, Columbia/County, Pennsylvania.

WHEREAS, the Board of supervisors of Locust Township find the Township zoning Ordinance of 1991 to be ready for adoption, having previously held a public hearing pursuant to public notice; and

WHEREAS, having complied with the applicable provisions of the Pennsylvania Municipalities Planning Code, Act 247, as amended.  
NOW, THEREFORE, be it resolved that the Locust Township zoning Ordinance of 1991 is hereby adopted by the Township on this date.

NOW, THEREFORE the effective date shall be five (5) days following the adoption of the Ordinance.

BOARD OF SUPERVISORS  
TOWNSHIP OF LOCUST

Dennis C. Sharrow

Earl Lindemuth

Kenneth Kreisher

ATTESTED BY:

Helen Lindenmuth



## APPENDIX

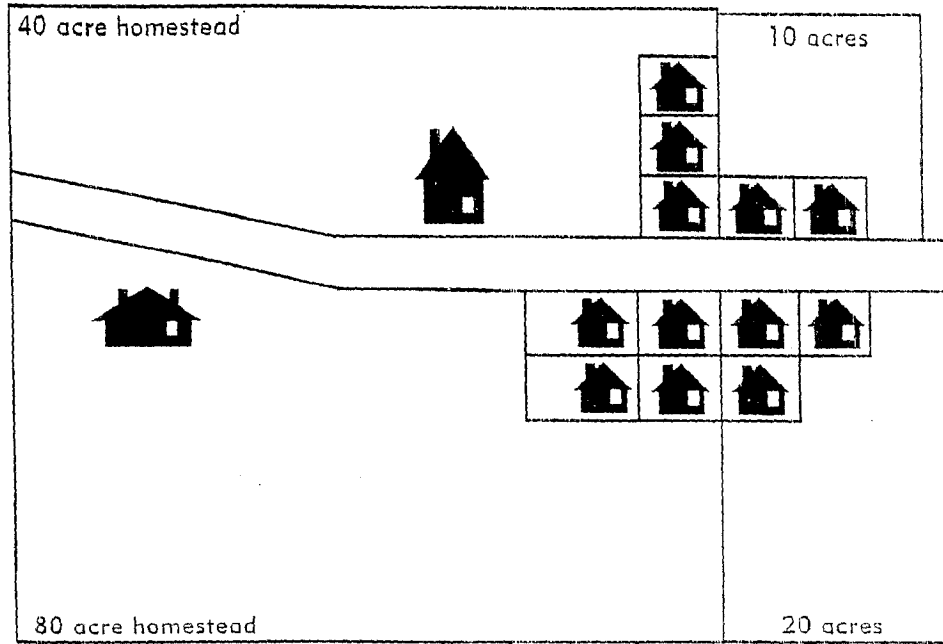
### ROAD FUNCTIONAL CLASSIFICATION

THE FOLLOWING CLASSIFICATIONS ARE ASSIGNED AS DESIGNATED BY THE TOWNSHIP COMPREHENSIVE PLAN TO THE ROAD SEGMENTS AS LISTED, AND SUCH DESIGNATIONS ARE TO BE USED WHERE APPLICABLE IN THE PROVISIONS OF THE TOWNSHIP ZONING ORDINANCE.

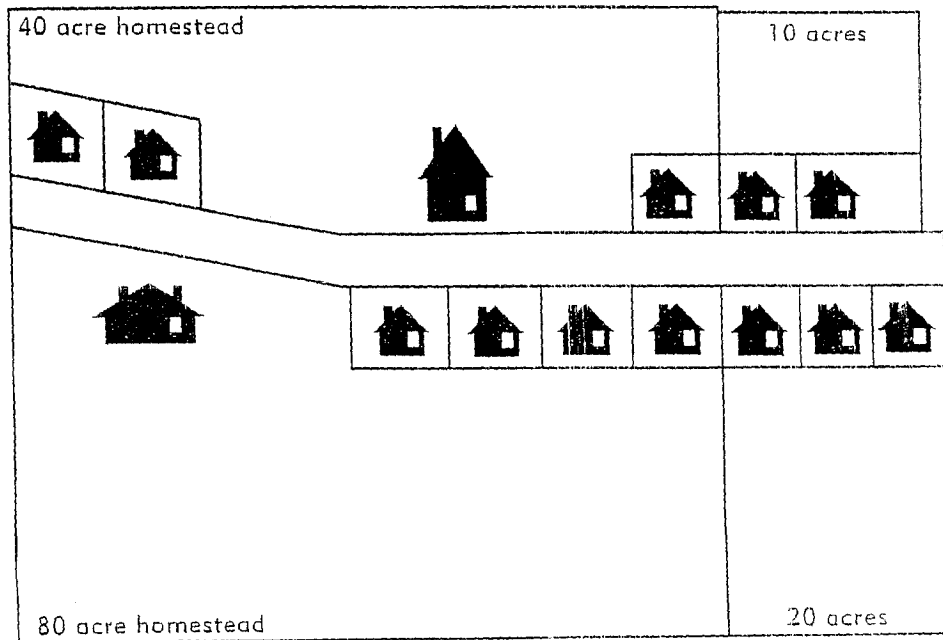
<u>CLASSIFICATION</u>	<u>ROAD IDENTIFICATION</u>	<u>EXISTING</u>	<u>FUTURE</u>
ARTERIAL ROAD	ROUTE 42 Numidia Road	x	x
COLLECTOR ROAD	SR2003 Old Reading Road	x	x
	SR2001	x	x
	SR2010 Ringtown Mountain RD	x	x
	SR2012	x	x
	SR2014 Creek Road	x	x
	SR2008 Mountain Road	-	x
	SR3008 Bear Gap Road	x	x
	SR3001 Tyson School Rd.	-	x
	SR3010 Middle Road	-	x
LOCAL ROAD	T 345 Pine Swamp Road	-	x
	ALL OTHER ROAD SEGMENTS IN THE TOWNSHIP		

# EXHIBIT A

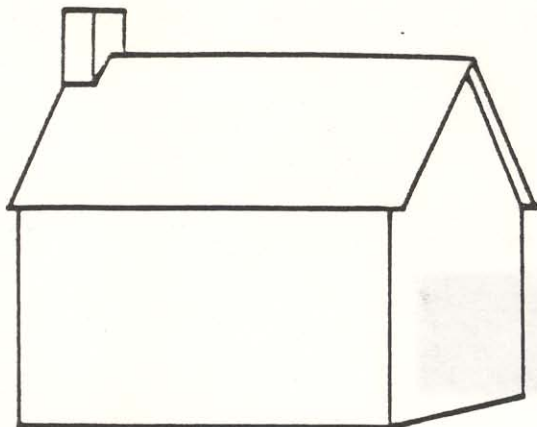
## Sliding Scale: Concentrated Site Planning



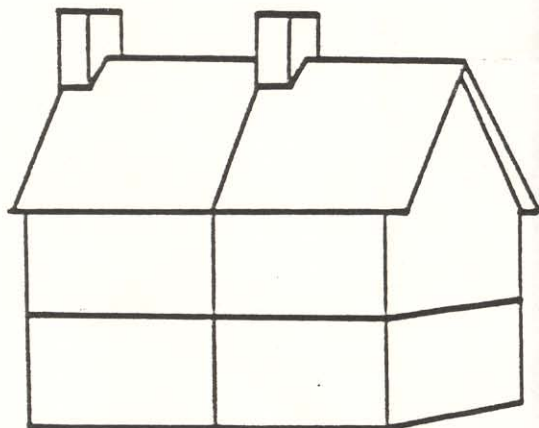
## Sliding Scale: Road Frontage Development



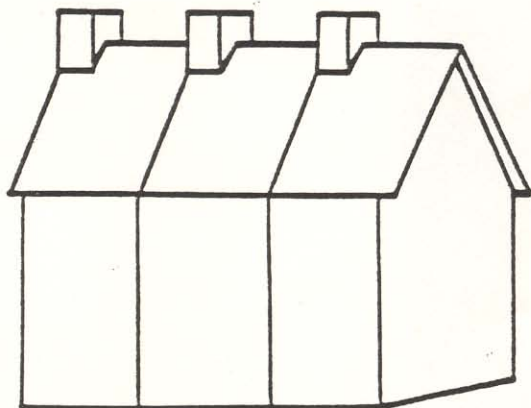
# DWELLING UNIT CLASSIFICATION



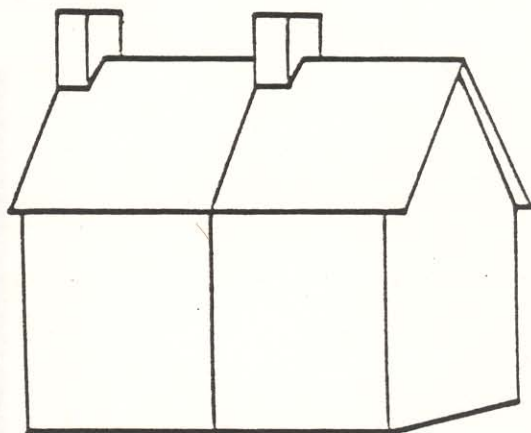
SINGLE - FAMILY



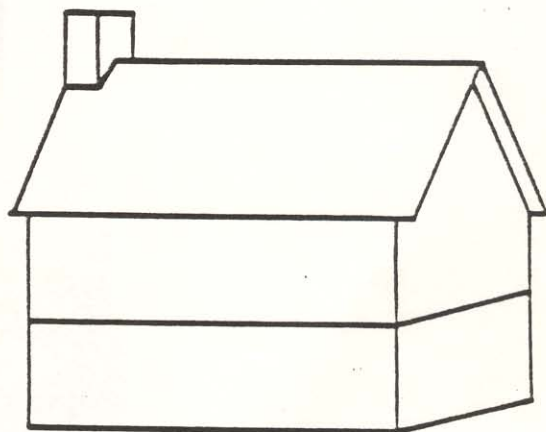
MULTI - FAMILY  
(APARTMENT EXAMPLE)



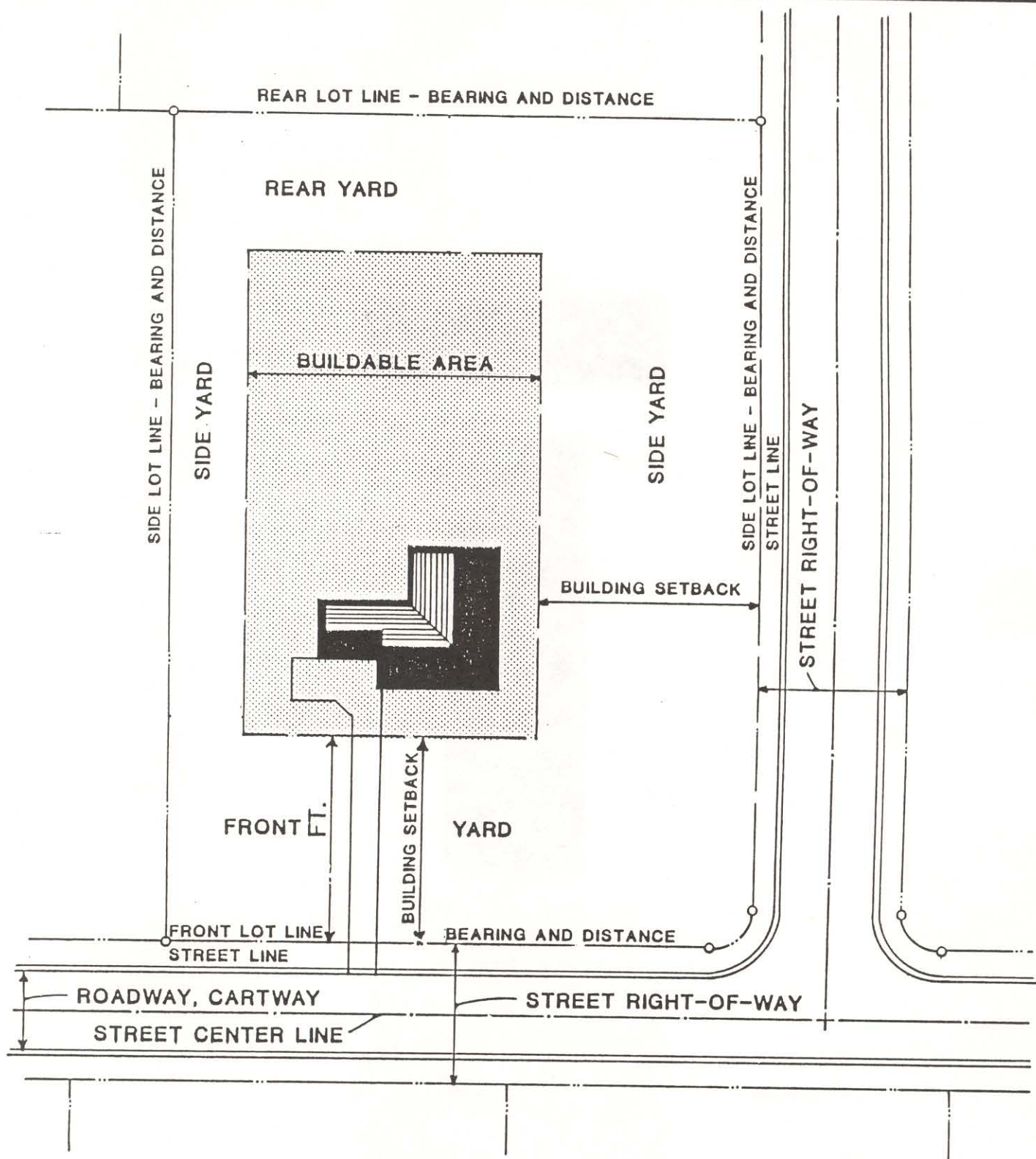
MULTI - FAMILY  
(TOWNHOUSE EXAMPLE)



TWIN



DUPLEX



**TYPICAL PLAT LAYOUT  
CORNER LOT**



[illegible]

SCALE: 1" = 1000'

LOW DENSITY RESIDENTIAL

FLOOD PLAIN (overlay district)

ADOPTED MAY 1991