

Chapter 27

Zoning

Part 1

Title, Authority, and Purpose

- §27-101. Short Title
- §27-102. Authority
- §27-103. General Purposes
- §27-104. Community Development Objectives
- §27-105. Disclaimer of Municipal Liability
- §27-106. Conflict with Other Laws

Part 2

Designation of Zoning Districts

- §27-201. Designation of Districts
- §27-202. District Purpose Statements
- §27-203. Zoning Map
- §27-204. Interpretation of Zoning District Boundaries
- §27-205. Floodplain District Boundary Changes

Part 3

District Regulations

- §27-301. Application of District Regulations
- §27-302. Use Regulations and Dimensional Requirements
- §27-303. RR Rural Residential District
- §27-304. SR Suburban Residential District
- §27-305. UR Urban Residential District
- §27-306. UR-1 Urban Residential 1 Districts
- §27-307. C General Commercial District
- §27-308. IC Interchange Commercial District
- §27-309. I Industrial District
- §27-310. A Agricultural District
- §27-311. FF and FP Flood Fringe and General Floodplain District (Overlying District)
- §27-312. FW Floodway District (Overlying District)

Part 4

Supplementary Use Regulations

- §27-401. Purpose and Applicability
- §27-402. Uses Not Provided For
- §27-403. Dwelling Units
- §27-404. Conversion Apartments
- §27-405. Townhouse Structures

- §27-406. Apartment Buildings
- §27-407. Residential Cluster Developments
- §27-408. Mobile Home Parks
- §27-409. Rooming or Boarding Houses
- §27-410. Group Homes or Institutional Residences
- §27-411. Student Housing Facilities
- §27-412. Nursing or Personal Care Homes
- §27-413. Group Day Care Homes, Day Care Centers, or Nursery Schools
- §27-414. Bed and Breakfast Establishments
- §27-415. Retail Establishments
- §27-416. Automotive Service Stations and/or Repair Garages
- §27-417. Personal Storage Warehouses
- §27-418. Adult Entertainment Establishments
- §27-419. Shopping Centers and/or Shopping Malls
- §27-420. Industrial Operations
- §27-421. Junkyards or Auto Salvage Operations
- §27-422. Mineral Extraction Operations
- §27-423. Agricultural Uses
- §27-424. Roadside Stands
- §27-425. Seasonal Dwellings or Hunting Camps
- §27-426. Outdoor Commercial Recreation Uses
- §27-427. Utility Supply Facilities
- §27-428. Communications Antennas, Towers and/or Equipment Buildings
- §27-429. Home Occupations
- §27-430. Farm-Related Businesses
- §27-431. Swimming Pools
- §27-432. Outdoor, Unenclosed Storage
- §27-433. Accessory Warehousing and Storage Facilities
- §27-434. Temporary Uses
- §27-435. Wind Energy Facility

Part 5 Supplementary Lot Regulations

- §27-501. Purpose
- §27-502. General Lot Requirements
- §27-503. Yard Requirements
- §27-504. Height Regulations
- §27-505. Miscellaneous Regulations
- §27-506. Buffer Yards/Landscaping
- §27-507. Screening

Part 6 Supplementary Floodplain Management Regulations

- §27-601. General Provisions
- §27-602. Basis for Floodplain Districts
- §27-603. Flood Damage Control Provisions
- §27-604. Water Management Uses
- §27-605. Existing Structures in Floodplain Areas

- §27-606. Special Provisions for Accessory Structures
- §27-607. Development Which May Endanger Human Life
- §27-608. Activities Requiring Special Permits
- §27-609. Administration
- §27-610. Variances in Floodplain Districts
- §27-611. Special Exceptions in Floodplain Districts

Part 7 Sign Regulations

- §27-701. Purpose
- §27-702. Types of Signs
- §27-703. General Sign Regulations
- §27-704. Signs in the RR Rural Residential, SR Suburban Residential and UR Urban Residential Districts
- §27-705. Signs in the C General Commercial IC Interchange Commercial, and I Industrial Districts
- §27-706. Signs in the A Agricultural District
- §27-707. Permit Requirements

Part 8 Off-Street Parking and Loading Requirements

- §27-801. Off-Street Parking Requirements
- §27-802. Off-Street Loading Requirements
- §27-803. Driveway Requirements

Part 9 Nonconformities

- §27-901. Nonconforming Uses and Structures
- §27-902. Nonconforming Lots

Part 10 Responsibilities of the Zoning Hearing Board

- §27-1001. Organization and Procedure
- §27-1002. Powers and Duties
- §27-1003. Hearing Procedures

Part 11 Responsibilities of the Township Supervisors

- §27-1101. Amendments to Zoning Ordinance or Map
- §27-1102. Conditional Uses

Part 12 Administration and Enforcement

- §27-1201. Duties of the Zoning Officer

- §27-1202. General Procedure for Zoning and Building Permit Applications
- §27-1203. Zoning Permits
- §27-1204. Certificates of Compliance
- §27-1205. Violations and Enforcement
- §27-1206. Fees

Part 13 Definitions

- §27-1301. Interpretations
- §27-1302. Definitions

Part 14 Miscellaneous Provisions and Enactment

- §27-1401. Interpretation, Purpose and Conflict

Part 15 Flex Interchange Complex Commercial

- §27-1501. Flexible Redevelopment

Part 16 Flex Interchange Complex Industrial

- §27-1601. Flexible Redevelopment

Appendices

- Appendix 27-A. Table of Uses
- Appendix 27-B. Table of General Dimensional Requirements
- Appendix 27-C. Variance Procedure
- Appendix 27-D. Special Exception Procedure
- Appendix 27-E. Procedure for Amending the Zoning Ordinance or Map
- Appendix 27-F. Conditional Use Procedure
- Appendix 27-G. General Procedure for Zoning and Building Permit Applications

Zoning Map

Part 1**Title, Authority, and Purpose****§27-101. Short Title.**

This Chapter shall be known and be cited as the "Hemlock Township Zoning Ordinance of 2005" and is intended to serve as a comprehensive amendment of the Hemlock Township Zoning Ordinance enacted and ordained by the Township Board of Supervisors on May 23, 1988.

(Ord. 8-9-2005, 8/9/2005, §100)

§27-102. Authority.

1. The Pennsylvania Municipalities Planning Code, P.L. 1329, Act 170, as reenacted December 21, 1988, and as subsequently amended, 53 P.S. §10101 *et seq.*, provides that the Supervisors of Hemlock Township may implement comprehensive plans or accomplish any of the purposes of the Planning Code by enacting a zoning ordinance.

2. The Supervisors of Hemlock Township, Columbia County, Pennsylvania, under the authority cited above, do hereby ordain that this Chapter was enacted in order to promote and protect the health, safety, morals, and general welfare of the residents of the Township.

(Ord. 8-9-2005, 8/9/2005, §101)

§27-103. General Purposes.

The zoning regulations and districts herein set forth were developed in accordance with an overall program for the Township, with consideration being given to the character of the area, the municipality's various parts, and the suitability of the various parts for particular uses and structures. As such, the regulations were designed to:

A. Promote, protect and facilitate:

(1) The public health, safety, morals, and the general welfare.

(2) Coordinated and practical community development; and proper density of population.

(3) Emergency management preparedness and operations, airports and national defense facilities.

(4) The provision of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, public grounds, the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements.

(5) Preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.

B. Prevent the overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life, or property from fire, flood, panic or other

dangers.

C. Preserve prime agriculture and farmland considering topography, soil type and classification, and present use.

D. Provide for the use of land within the municipality for residential housing of various dwelling types encompassing all basic forms of housing.

E. Accommodate reasonable overall community growth and provide opportunities for development of a variety of residential dwelling types and nonresidential uses.

F. Facilitate appropriate development of the Township, protect the tax base, and encourage economy in public expenditures.

(Ord. 8-9-2005, 8/9/2005, §102)

§27-104. Community Development Objectives.

This Chapter provides a legal basis and framework for future development in Hemlock Township. Its provisions were guided by the future growth management strategies set forth in the Township's *General Development Goals and Objectives*, dated February, 2004. The following list of goal statements represent the Township's findings with respect to land use; density of population; the need for housing, commerce and industry; the location and function of streets and other community facilities and utilities; the need for preserving agricultural land and protecting natural resources, and other factors which the Board believes relevant in guiding the future development of the municipality.

A. *Goal.* Preserve the peaceful, semi-rural environment and exceptional quality of life in Hemlock Township for future generations.

B. *Goal.* Consider the physical capabilities and limitations of the Township's land and its environment in the development of municipal land use policies and regulations.

C. *Goal.* Protect the Township's natural environment, its physical features, and its natural resources.

D. *Goal.* Support the continuation of varied agricultural activities within the Township.

E. *Goal.* Understand, respect, and protect the region's heritage in all Township policies and initiatives.

F. *Goal.* Guide and direct future development types and densities to the most appropriate and best-suited locations.

G. *Goal.* Identify appropriate locations for and support the growth of commercial and industrial activities in the Township.

H. *Goal.* Support the continued availability of efficient, economical public utilities, community facilities, and municipal services for Township residents.

I. *Goal.* Maintain safe residential environments throughout the Township and support the provision of a variety of housing types and styles for municipal residents of all ages, family size, and income levels.

J. *Goal.* Maintain an efficient, safe transportation network throughout the Township.

K. *Goal.* Use the general development goals and objectives as a guide for making land use decisions and as a base for evaluating proposed actions which could affect the physical development of Hemlock Township.

L. *Goal.* Coordinate local and regional planning efforts to maximize the effectiveness of public sector investments; to provide for orderly growth; and to foster a pleasant, safe living environment.

(Ord. 8-9-2005, 8/9/2005, §103)

§27-105. Disclaimer of Municipal Liability.

This Chapter is not intended to create nor assume liability on the part of Hemlock Township or any officer or employee thereof for any fire, flood, or other damage that may result from reliance on this Chapter or from any administrative decisions lawfully made thereunder. These regulations shall not guarantee a specific level of protection for any construction. The applicant shall in all cases rely on accepted engineering methods or building practices when designing or constructing structures approved pursuant to these regulations. Furthermore, issuance of a zoning permit shall not constitute a representation, guarantee, or warranty of any kind by the Township as to the accuracy of information provided by the applicant as part of a permit application.

(Ord. 8-9-2005, 8/9/2005, §104)

§27-106. Conflict with Other Laws.

The provisions of this Chapter shall be held to be minimum requirements to meet the purposes stated herein. Where the provisions of this Chapter impose greater restriction than those of any other statute, ordinance, or regulation, the provisions of this Chapter shall prevail, except as may be otherwise provided by such statute, ordinance, or regulation. Where however, the provisions of any other statute, ordinance, or regulation impose greater restriction than those of this Chapter, the provisions of such statute, ordinance, or regulation shall prevail. (See also §27-1401.)

(Ord. 8-9-2005, 8/9/2005, §105)

Part 2**Designation of Zoning Districts****§27-201. Designation of Districts.**

For the purpose of implementing the objectives of this Chapter, Hemlock Township is hereby divided into the following zoning districts:

- A. RR Rural Residential District.
- B. SR Suburban Residential District.
- C. UR Urban Residential and UR-1 Urban Residential 1 Districts. [*Ord. 11-11-2014*]
- D. C General Commercial District.
- E. IC Interchange Commercial District.
- F. I Industrial District.
- G. A Agricultural District.
- H. FF and FP Flood Fringe and General Floodplain District (Overlay District)
- I. FW Floodway District (Overlaying District).

(*Ord. 8-9-2005, 8/9/2005, §200; as amended by Ord. 11-11-2014, 11/11/2014*)

§27-202. District Purpose Statements.

1. *RR Rural Residential District.* It is the intent of this district to set aside areas of the Township where new, low density residential uses can be accommodated. Included in this district are areas south and west of the I-80 Interchange; areas northwest of the Village of Buckhom, along Pennsylvania Route 44 and Dahl Road; and the Green Horizons Development. Public sewer and municipal water services are generally not available in this zone. Minimum lot size requirements are therefore based upon the need to safeguard the health of the residents and to preserve the peaceful, rural character of these areas of the Township. Multifamily or higher density residential uses are not permitted in this zoning district, nor are other potentially incompatible nonresidential uses.

2. *SR Suburban Residential District.* This district is designed to provide an area within the Township where moderate density, single-family residential development can be situated and a safe, family home environment can be promoted. Areas set aside for this zone include sections of the municipality where this type of development already exists (i.e., Foxtail, Windsor Heights, and Hunter's Chase Developments) and areas where further development of this nature could be located without creating conflicts with incompatible land uses. Most of these areas presently have access to public sewer, but no municipal or public water services. Compatible public and semi-public uses are permitted in this zone, while commercial activities or other uses which would interfere with the district's primary residential purpose are discouraged.

3. *UR Urban Residential and UR-1 Urban Residential 1 Districts.* The purpose of these zones is to identify areas of the Township where moderate to high density residential development can be situated, along with compatible institutional and

recreational uses. These districts include the Villages of Buckhorn and Fernville and areas adjacent to those communities. Regulations for these zones seek to protect and enhance, to the greatest extent possible, the past residential and non-residential investments that have occurred in this area, Public sewer is currently available in Buckhorn, while both public sewer and water supplies are being utilized in most of Fernville. [Ord. 11-11-2014]

4. *C General Commercial District.* This district is established to accommodate retail and wholesale business activities serving both Township residents and a broader regional market Areas set aside for this zone include portions of the Township along Pennsylvania Route 42, both north and south of the development occurring at the I-80 Interchange. The regulations governing this district permit the development of a wide range of shopping, service and other commercial activities, but require adequate off-street parking and loading areas, and, appropriate buffer yards or screen plantings to be provided. Regulations also require that developers make all necessary arrangements with PennDOT to safely accommodate the anticipated volumes of traffic entering and exiting their sites, thereby helping to assure the efficient movement of people and goods to, from and through the Township.

5. *IC Interchange Commercial District.* The intent of this district is to provide an area of the Township for the development of large-scale commercial activities and businesses oriented to the traveling public in the vicinity of the Buckhorn Interchange of Interstate 80. Businesses located in this zone generally cater to large volumes of traffic and can attract customers from sizeable distance. Provisions are included to ensure that adequate arrangements are made to accommodate anticipated volumes of traffic entering, exiting, and parking on sites in this zone. It is not the intent of this district to encourage “strip” commercial areas, but rather to provide space for the development of concentrated retail activities as safely as possible.

6. *I Industrial District.* It is the purpose of this zone to encourage the continuity and expansion of existing industrial operations and promote new industrial investment in the Township. The majority of the acreage for these uses has been provided in close proximity to Interstate 80 in order to maximize accessibility for the distribution or receiving of goods or materials, and to avoid locating industrial operations in or near residential neighborhoods. Reasonable standards are included to minimize air pollution, noise, odors, glare, heat and potential fire and safety hazards. And, still other requirements insure that adequate buffer yards, planting strips and/or screenings are provided between the uses in this zone and other adjoining zoning districts.

7. *A Agricultural District.* The purpose of this district is to preserve and protect the semi-rural open space and farming characteristics of Hemlock Township and to promote land cultivation and agricultural production as viable economic activities. The intent of such designation is to permit those lands best suited for agriculture to be utilized for that purpose and to discourage incompatible land uses from encroaching into these areas. All types of agricultural activities, including farm-related businesses, as well as woodland preservation and conservation uses are provided for, as are limited or low density residential uses.

8. *FF and FP Flood Fringe and General Floodplain District (Overlying District).* The intent of this district is to prevent the loss of property and life; the creation of health and safety hazards; the disruption of commercial and governmental services; and the extraordinary and unnecessary expenditure of public funds for flood protection and

relief. To achieve this end, permitted uses must be floodproofed against flood damage. (See Part 6.) In these floodplain areas, development and/or the use of land shall be permitted in accordance with the regulations of the underlying district; provided, that all such uses, activities, and/or development shall be undertaken in strict compliance with the flood-proofing and related requirements of this and all Township codes and ordinances.

9. *FW Floodway District (Overlying District).* The intent of this district is to prevent the loss of property and life; the creation of health and safety hazards; the disruption of commercial and governmental services; and the extraordinary and unnecessary expenditure of public funds for flood protection and relief. To achieve this end, only those uses which will not cause an increase in flood heights, velocities, or frequencies will be permitted in this district. (See Part 6.) In addition, in the Floodway District, no development shall be permitted except where the effects of such development on flood heights is fully offset by accompanying stream improvements which have been approved by all appropriate local and/or state authorities and notification of such has been given to the Federal Insurance Administration and the Pennsylvania Department of Community and Economic Development.

(Ord. 8-9-2005, 8/9/2005, §201; as amended by Ord. 11-11-2014, 11/11/2014)

§27-203. Zoning Map.

1. The locations and boundaries of the zoning districts are hereby established as shown on the Official Zoning Map, which is made a part of this Chapter together with all future notations, references and amendments.

2. No change of any nature shall be made to the Official Zoning Map, except in conformance with the procedures set forth in §27-1101 of this Chapter. The final authority as to the current status of zoning districts shall be the Official Zoning Map. Any changes made to the zoning districts shall be made on the Official Zoning Map promptly after the amendment has been approved by the Township Supervisors. All such changes shall be recorded on the Map's "Revision Block" and shall include the date of the amendment, a brief description of the change, and the initials of the individual making the change.

(Ord. 8-9-2005, 8/9/2005, §202)

§27-204. Interpretation of Zoning District Boundaries.

1. *Designation of District Boundaries.* The district boundary lines, except for the floodplain districts, are intended to generally follow the centerlines of streets, highways, railroad rights-of-way, existing lot lines, municipal boundary lines, or streams or may be designated on the Official Zoning Map by a specific dimension from a road centerline or other boundary as indicated.

2. *Determination of District Boundary Locations.* Where uncertainty exists with respect to the actual location of a district boundary line in a particular instance, the Zoning Officer shall request the Zoning Hearing Board to render its interpretation with respect thereto; provided, however, no boundary shall be changed by the Zoning Hearing Board. (The Board may request recommendations from the Township Planning Commission prior to making such decisions.) If the true location of the boundary cannot be determined by interpretation of the Zoning Hearing Board, a request for corrective

action shall be filed with the Township Supervisors.

3. *Severed Lots.* Where a district boundary line divides a lot which was in single ownership at the time of adoption of this Chapter or amendment thereto, the Zoning Hearing Board may permit the extension of the regulations for either zone into the remaining portion of the lot for a distance not to exceed 50 feet beyond the district line, provided that they determine such extension is consistent with the purposes of this Chapter, including all floodplain management regulations.

(Ord. 8-9-2005, 8/9/2005, §203)

§27-205. Floodplain District Boundary Changes.

The delineation of any boundary of the floodplain district may be revised by the Township Supervisors in accordance with the amendment procedure outlined in §27-1101 of this Chapter where natural or man-made changes have occurred and more detailed studies have been conducted by a qualified agency or individual, such as the U.S. Army Corps of Engineers. No change in any floodplain boundary shall be made unless the Township has sought and obtained approval for said change from the Federal Emergency Management Agency (FEMA) as per the National Flood Insurance Program regulations and has received a Letter of Map Revision (LOMR) or Letter of Map Amendment (LOMA) from FEMA for the proposed boundary change.

(Ord. 8-9-2005, 8/9/2005, §204)

Part 3**District Regulations****§27-301. Application of District Regulations.**

The regulations set forth in this Part for each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as may be hereinafter provided.

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

B. No building or other structure shall hereafter be erected or altered to:

- (1) Exceed the height or bulk;
- (2) Accommodate or house a greater number of persons or families;
- (3) Occupy a greater percentage of lot area;
- (4) Have narrower or smaller rear yards, front yards, side yards or other open space; than is required in this Part, or in any other manner be contrary to this Chapter.

C. No yard or lot existing at the time of adoption of this Chapter shall be reduced in dimension or area below the minimum requirements herein specified for the district in which it is located.

D. The commencement of any of the uses or activities listed in this Part (the District Regulations) shall require the issuance of a zoning permit from the Township Zoning Officer, except as may be exempted by §27-1203.1 of this Chapter.

(Ord. 8-9-2005, 8/9/2005, §300)

§27-302. Use Regulations and Dimensional Requirements.

1. The specific use regulations and dimensional requirements pertaining to each district are contained on the charts that follow, namely §§27-303–27-311.

2. Permissible uses and structures are presented in the first four columns of the chart for each district. Applications for activities listed in the columns titled permitted principal and permitted accessory uses and structures may be approved by the Zoning Officer upon finding that the proposed use meets this Chapter requirements. Activities listed in the special exception uses and structures column must be reviewed and approved by the Township Zoning Hearing Board, and uses listed in the conditional uses and structures column must be reviewed and approved by the Township Supervisors. (See Appendix 27-D and Appendix 27-F of this Chapter for an illustration of the special exception and condition use procedures, and §§27-1002.D and 27-1102, respectively, for specific details of the process.)

3. Specific lot, yard and open space requirements are presented in the final three columns of each district chart. Applications for uses which do not meet the dimensional requirements for the district in which they are to be located, may be submitted to the Township Zoning Hearing Board for variance consideration. (See Appendix 27-C of this

Chapter for an illustration of the variance procedure, and §27-1002.C for specific details of the process.)

4. The use regulations are also presented by category of use in the table of uses which can be found in Appendix 27-A of this Chapter and general dimensional requirements are presented in the table of dimensional requirements which can be found in Appendix 27-B.

(Ord. 8-9-2005, 8/9/2005, §301)

§27-303. RR Rural Residential District.

Uses and Structures			
Permitted Principal Uses and Structures (Zoning Officer)	Permitted Accessory Uses and Structures (Zoning Officer)	Special Exception Uses and Structures (Zoning Hearing Board)	Conditional Uses and Structures (Township Supervisors)
<ol style="list-style-type: none"> 1. Single-family detached dwellings. (See §27-403) 2. Mobile homes on individual lots. (See §27-403) 3. Churches or places of worship. 4. Municipal or government buildings. 5. Parks or playgrounds. 6. Land cultivation. (See §27-423) 7. Horticultural activities, including plant nurseries, greenhouses, and/or orchards. 8. Forestry or forest management activities. 	<ol style="list-style-type: none"> 1. Uses and structures customarily incidental to an approved principal use. 2. Temporary roadside stands. (See §27-424) 3. No-impact home-based businesses. (See §27-429.A) 4. Swimming pools. (See §27-431) 5. Family day care homes or accessory group day care homes. 6. Signs. (See Part 7) 7. Off-street, parking and/or loading areas. (See Part 8) 	<ol style="list-style-type: none"> 1. Group homes. (See §27-410) 2. Group day care homes, day care centers, or nursery schools. (See §27-413) 3. Bed and breakfast establishments. (See §27-414) 4. Fire stations. 5. Cemeteries. 6. Roadside stands or garden shops. (See §27-424) 7. Home occupations. (See §27-429.B) 	<ol style="list-style-type: none"> 1. Residential cluster developments. (See §27-407) 2. Public or private schools (K-12). 3. Utility supply facilities. (See §27-427)

Lot, Yard and Open Space Requirements		
Minimum Lot Requirements (See §27-502)	Minimum Yard Requirements (See §27-503)	Maximum Height Requirements (See §27-504)
<ol style="list-style-type: none"> 1. Minimum lot area per principal structure or use: <ol style="list-style-type: none"> a. Residential uses <ol style="list-style-type: none"> 1) Single-family detached dwellings or group homes - <ol style="list-style-type: none"> a) On-lot sewage and water—1 acre (43,560 sq. ft.) per dwelling unit. b) Public or community sewer and/or water—30,000 sq. ft. per dwelling unit. 2) Residential cluster developments—10 acres. b. All other principal uses—1 acre (43,560 sq. ft.) per use, except as provided below. <ol style="list-style-type: none"> 1) Churches or places of worship—2 acres. 2) Public or private schools—2 acres. c. Regardless of the minimums provided above, all lots must meet the requirements of the Pennsylvania Sewage Facilities Act and all other State or local sewage and water regulations. 2. Minimum lot width: (measured at the building setback line) 	<ol style="list-style-type: none"> 1. Front yard: 30 feet from edge of road right-of-way or 55 feet from road centerline, whichever is greater. 2. Side yards: (Principal and accessory structures) (See also §27-503.3.) <ol style="list-style-type: none"> a. On-lot sewage and water—25 feet each side. b. Public or community sewer and/or water—20 feet each side. 3. Rear yard: (See also §27-503.4.) <ol style="list-style-type: none"> a. Principal structures—35 feet. b. Accessory structures—10 feet. 	<ol style="list-style-type: none"> 1. Principal structures: 40 feet. 2. Accessory structures: 20 feet.

Lot, Yard and Open Space Requirements		
Minimum Lot Requirements (See §27-502)	Minimum Yard Requirements (See §27-503)	Maximum Height Requirements (See §27-504)
<ul style="list-style-type: none">a. On-lot sewage and water—150 feet.b. Public or community sewer and/or water—125 feet.3. Maximum building coverage: 25%.		

(Ord. 8-9-2005, 8/9/2005, §302; as amended by Ord. 11-11-2014, 11/11/2014)

§27-304. SR Suburban Residential District.

Uses and Structures			
Permitted Principal Uses and Structures (Zoning Officer)	Permitted Accessory Uses and Structures (Zoning Officer)	Special Exception Uses and Structures (Zoning Hearing Board)	Conditional Uses and Structures (Township Supervisors)
<ol style="list-style-type: none"> 1. Single-family detached dwellings. (See §27-403) 2. Mobile homes on individual lots. (See §27-403) 3. Duplexes (two-family dwellings). (See §27-403) 4. Churches or places of worship. 5. Municipal or government buildings. 6. Parks or playgrounds. 7. Land cultivation. (See §27-423) 	<ol style="list-style-type: none"> 1. Uses and structures customarily incidental to an approved principal use. 2. No-impact home-based businesses. (See §27-429.A) 3. Swimming pools. (See §27-431) 4. Family day care homes or accessory group day care homes. 5. Signs. (See Part 7) 6. Off-street parking and/or loading areas. (See Part 8) 	<ol style="list-style-type: none"> 1. Conversion apartments (up to 4 dwelling units). (See §27-404) 2. Group homes. (See §27-410) 3. Group day care homes, day care centers, or nursery schools. (See §27-413) 4. Fire stations. 5. Cemeteries. 6. Home occupations. (See §27-429.B) 	<ol style="list-style-type: none"> 1. Townhouse structures (up to 4 dwelling units). (See §27-405) 2. Apartment buildings (up to 4 dwelling units). (See §27-406) 3. Residential cluster developments. (See §27-407) 4. Public or private schools. 5. Utility supply facilities. (See §27-427)

Lot, Yard and Open Space Requirements		
Minimum Lot Requirements (See §27-502)	Minimum Yard Requirements (See §27-503)	Maximum Height Requirements (See §27-504)
<p>1. Minimum lot area per principal structure or use:</p> <p>a. Residential uses -</p> <p>1.) Single-family detached dwellings or group homes—</p> <p>a) Public or community sewer and on-lot water—22,000 sq. ft. per dwelling unit.</p> <p>b) Public or community sewer and public water—15,000 sq. ft. per dwelling unit.</p> <p>c) On-lot septic and on-lot water—22,000 sq. ft. per dwelling unit.</p> <p>d) On-lot septic and public water—15,000 sq. ft. per dwelling unit.</p> <p>2.) Duplexes and conversion apartments—</p> <p>a) Public or community sewer and on-lot water—15,000 sq. ft. per dwelling unit..</p> <p>b) Public or community sewer and public water—10,000 sq. ft. per dwelling unit..</p>	<p>1. Front yard: 30 feet from edge of road right-of-way or 55 feet from road centerline, whichever is greater.</p> <p>2. Side yards: (Principal and accessory structures) (See also §27-503.3.)*</p> <p>a. Public or community sewer and on-lot water—20 feet each side.</p> <p>b. Public or community sewer and/or water—15 feet each side.</p> <p>3. Rear yard: (See also 502 D.)</p> <p>a. Principal structures—35 feet.</p> <p>b. Accessory structures—10 feet.</p> <p> *Note: No side yard shall be required where approved fireproof common walls are used.</p>	<p>1. Principal structures: 40 feet.</p> <p>2. Accessory structures: 20 feet.</p>

Lot, Yard and Open Space Requirements		
Minimum Lot Requirements (See §27-502)	Minimum Yard Requirements (See §27-503)	Maximum Height Requirements (See §27-504)
<ul style="list-style-type: none"> <ul style="list-style-type: none"> c) On-lot septic and on-lot water—15,000 sq. ft. per dwelling unit. d) On-lot septic and public water—10,000 sq. ft. per dwelling unit 2. Minimum lot width: (measured at the building setback line) <ul style="list-style-type: none"> a. Public or community sewer and on-lot water—125 ft.. b. Public or community sewer and public water - <ul style="list-style-type: none"> 1) Single-family detached dwellings and other principal uses—100 ft. 2) Townhouse structures—20 feet per dwelling unit (+ applicable side yard requirements) c. On-lot septic and on-lot water—125 ft. d. On-lot septic and public water - <ul style="list-style-type: none"> 1) Single-family detached dwellings and other principal uses—100 ft. 2) Townhouse structures—20 feet per dwelling unit (+ applicable side yard requirements) 3. Side yards: (principal and accessory structures) (See also §27-503.3.)* 		

Lot, Yard and Open Space Requirements		
Minimum Lot Requirements (See §27-502)	Minimum Yard Requirements (See §27-503)	Maximum Height Requirements (See §27-504)
<ul style="list-style-type: none"> a. Public or community sewer and on-lot water—20 feet each side b. Public or community sewer and public water—15 feet each side. c. On-lot septic and on-lot water—20 feet each side. d. On-lot septic and public water—15 feet each side. <p>[Ord. 07-08-2008]</p>		

(Ord. 8-9-2005, 8/9/2005, §303; as amended by Ord. 07-08-2008, 7/08/2008, §1; and by Ord. 11-11-2014, 11/11/2014)

§27-305. UR Urban Residential District.

Uses and Structures			
Permitted Principal Uses and Structures (Zoning Officer)	Permitted Accessory Uses and Structures (Zoning Officer)	Special Exception Uses and Structures (Zoning Hearing Board)	Conditional Uses and Structures (Township Supervisors)
<ol style="list-style-type: none"> 1. Single-family detached dwellings. (See §27-403) 2. Mobile homes on individual lots. (See §27-403) 3. Duplexes (two-family dwellings). (See §27-403) 4. Conversion apartments (up to 4 dwelling units.) (See §27-404) 5. Churches or places of worship. 6. Municipal or government buildings. 7. Parks or playgrounds. 8. Land cultivation. (See §27-423) 	<ol style="list-style-type: none"> 1. Uses and structures customarily incidental to an approved principal use. 2. No-impact home-based businesses. (See §27-429.A) 3. Swimming pools. (See §27-431) 4. Family day care homes. 5. Accessory residential uses. 6. Signs. (See Part 7) 7. Off-street parking and/or loading areas. (See Part 8) 	<ol style="list-style-type: none"> 1. Townhouse structures (up to and dwelling units). 2. Rooming or boarding houses. (See §27-409) 3. Group homes. (See §27-410) 4. Nursing or personal care homes. (See §27-412) 5. Group day care homes, day care centers, or nursery schools. (See §27-413) 6. Fire stations. 7. Professional offices, including medical or dental offices. 8. Home occupations. (See §27-429.B) 9. Cemeteries. 	<ol style="list-style-type: none"> 1. Apartment buildings. (See §27-406) 2. Residential cluster developments. (See §27-407) 3. Institutional residences. (See §27-410) 4. Public or private schools. 5. Neighborhood retail activities. (See §27-415) 6. Utility supply facilities.

Lot, Yard and Open Space Requirements		
Minimum Lot Requirements (See §27-502)	Minimum Yard Requirements (See §27-503)	Maximum Height Requirements (See §27-504)
<ol style="list-style-type: none"> 1. Minimum lot area per principal structure or use: <ol style="list-style-type: none"> a. Residential uses - <ol style="list-style-type: none"> 1) Single-family detached dwellings or group homes - <ol style="list-style-type: none"> a) Public or community sewer and on-lot water—15,000 sq. ft. per dwelling unit. b) Public or community sewer and water—8,000 sq. ft. per dwelling unit. 2) Duplexes or conversion apartments - <ol style="list-style-type: none"> a) Public or community sewer and on-lot water—10,000 sq. ft. per dwelling unit. b) Public or community sewer and water—6,000 sq. ft. per dwelling unit. 3) Townhouse structures (public or community sewer and water only)—5,000 sq. ft. per dwelling unit. 4) Apartment buildings (public or community sewer and water only)—3,500 sq. ft. per dwelling unit. 	<ol style="list-style-type: none"> 1. Front Yard: 30 feet from edge of road right-of-way or 55 feet from road centerline, whichever is greater. 2. Side yards: (principal and accessory structures) (See also §27-503.3.) * <ol style="list-style-type: none"> a. Public or community sewer and on-lot water—15 feet each side. b. Public or community sewer and water—10 feet each side. 3. Rear yard: (See also §27-503.4.) <ol style="list-style-type: none"> a. Principal structures - <ol style="list-style-type: none"> 1) Public or community sewer and on-lot water—20 feet. 2) Public or community sewer and water—10 feet. b. Accessory structures - <ol style="list-style-type: none"> 1) Abutting another lot—10 feet. 2) Abutting an alley—20 ft. from alley centerline. 	<ol style="list-style-type: none"> 1. Principal structures: 40 feet. 2. Accessory structures: 20 feet. <p>*Note: No side yard shall be required where approved f reproof common walls are used.</p>

Lot, Yard and Open Space Requirements		
Minimum Lot Requirements (See §27-502)	Minimum Yard Requirements (See §27-503)	Maximum Height Requirements (See §27-504)
<ul style="list-style-type: none"> 5) Multi-family housing developments (public or community sewer and water only)—2 acres. 6) Residential cluster developments (public or community sewer and water only)—5 acres. b. All other principal uses—15,000 sq. ft. per use, except as provided below. <ul style="list-style-type: none"> 1) Churches or places of worship—1 acre. 2) Nursing or person(a) care homes—1 acre. 3) Institutional residences—1 acre. 4) Public or private schools—1 acre. 5) Neighborhood retail activities; and professional offices—30,000 sq. ft. c. Regardless, of the minimums provided above, all lots must meet the requirements of the Pennsylvania Sewage Facilities Act, and all other State and local sewage and water regulations. 2. Minimum lot width: (measured at the building setback line) 		

Lot, Yard and Open Space Requirements		
Minimum Lot Requirements (See §27-502)	Minimum Yard Requirements (See §27-503)	Maximum Height Requirements (See §27-504)
<ul style="list-style-type: none"> a. Public or community sewer and on-lot water—100 feet. b. Public or community sewer and water <ul style="list-style-type: none"> 1) Single-family detached dwellings and other principal uses—80 feet. 2) Townhouse structures—20 feet per dwelling unit (+ applicable side yard requirements) 3. Maximum building coverage: 35%. 		

(Ord. 8-9-2005, 8/9/2005, §304; as amended by Ord. 11-11-2014, 11/11/2014)

§27-306. UR-1 Urban Residential District.

Uses and Structures			
Permitted Principal Uses and Structures (Zoning Officer)	Permitted Accessory Uses & Structures (Zoning Officer)	Special Exception Uses & Structures (Zoning Hearing Board)	Conditional Uses & Structures (Township Supervisors)
<ol style="list-style-type: none"> 1. Single-family detached dwellings. (See §27-403). 2. Mobile homes on individual lots.(See §27-403) 3. Duplexes (two-family dwellings).(See §27-403) 4. Conversion apartments (up to 4 dwelling units.)(See §27-404) 5. Churches or places of worship. 6. Municipal or government buildings. 7. Parks or playgrounds. 8. Land cultivation.(See §27-423) 	<ol style="list-style-type: none"> 1. Uses & structures customarily incidental to an approved principal use. 2. No-impact home-based businesses. (See §27-429). 3. Swimming pools. (See §27-431). 4. Family day care homes. 5. Accessory residential uses. 6. Signs (See Part 7). 7. Off-street parking &/or loading areas. (See Part 8) 	<ol style="list-style-type: none"> 1. Townhouse structures (up to 8 dwelling units).(See §27-405). 2. Rooming or boarding houses.(See §27-409). 3. Group homes. (See §27-410). 4. Student housing facilities (See §27-410). 5. Nursing or personal care homes (See §27-412). 6. Group day care homes, day care centers, or nursery schools. (See §27-413). 7. Fire stations. 8. Professional offices, including medical or dental offices. 9. Home occupations. (See §27-429). 10. Cemeteries. 	<ol style="list-style-type: none"> 1. Apartment buildings. (See §27-406). 2. Residential cluster developments. (See §27-407). 3. Institutional residences.(See §27-410). 4. Public or private schools. 5. Neighborhood retail activities.(See §27-415). 6. Utility supply facilities. (See §27-427.)

Lot, Yard and Open Space Requirements		
Minimum Lot Requirements (See §27-502)	Minimum Yard Requirements (See §27-503)	Maximum Height Requirements (See §27-504)
<p>1. Minimum Lot Area Per Principal Structure or Use:</p> <p>A. Residential -</p> <p>(1) Single-Family Detached Dwellings or Group Homes -</p> <p>(a) Public or Community Sewer and On-Lot Water 15,000 sq.ft. per dwelling unit.</p> <p>(b) Public or Community Sewer and Water - 8,000 sq.ft. per dwelling unit.</p> <p>(2) Duplexes or Conversion Apartments -</p> <p>(a) Public or Community Sewer and On-Lot Water 10,000 sq.ft. per dwelling unit.</p> <p>(b) Public or Community Sewer and Water - 6,000 sq.ft. per dwelling unit.</p> <p>(3) Townhouse Structures (Public or Community Sewer & Water Only) - 5,000 sq.ft. per dwelling unit.</p> <p>(4) Apartment Buildings (Public or Community Sewer & Water Only) - 3,500 sq.ft. per dwelling unit.</p> <p>(5) Multi-Family Housing Developments (Public or Community Sewer and Water Only) - 2 acres.</p> <p>(6) Residential Cluster Developments (Public or community Sewer & Water Only) - 5 acres.</p>	<p>1. Front Yard: 30 feet from edge of road right-of-way or 55 feet from road centerline, whichever is greater.</p> <p>2. Side Yards: (Principal AND Accessory Structures) (See also §27-503 C.) *</p> <p>A. Public or Community Sewer and On-Lot Water - 15 feet each side.</p> <p>B. Public or Community Sewer and Water 10 feet each side.</p> <p>3. Rear Yard: (See also §27-503 D.)</p> <p>A. Principal Structures -</p> <p>(1) Public or Community Sewer & On-Lot Water - 20 feet..</p> <p>(2) Public or Community Sewer & Water 10 feet.</p> <p>B. Accessory Structures –,</p> <p>(1) Abutting Another Lot - 10 feet.,</p> <p>(2) Abutting an Alley - 20 ft. from alley centerline.</p> <p>*NOTE: No side yard shall be required where approved fireproof common walls are used.</p>	<p>1. Principal Structures: 40 feet.</p> <p>2. Accessory Structures: 20 feet.</p>

Lot, Yard and Open Space Requirements		
Minimum Lot Requirements (See §27-502)	Minimum Yard Requirements (See §27-503)	Maximum Height Requirements (See §27-504)
<p>B. All Other Principal Uses 15,000 sq.ft. per use, except as provided below.</p> <p>(1) Churches or Places of Worship - 1 acre.</p> <p>(2) Nursing or Personal Care Homes - 1 acre.</p> <p>(3) Institutional Residences - 1 acre.</p> <p>(4) Public or Private Schools - 1 acre.</p> <p>(5) Neighborhood Retail Activities: .& Professional Offices - 30,000 sq.ft.</p> <p>C Regardless of the minimums provided above, all lots must meet the requirements of the PA Sewage Facilities Act, and all other State and local sewage and water regulations.</p> <p>2. Minimum Lot Width: (measured at the building setback line).</p> <p>A. Public or Community Sewer and On-Lot Water - 100 feet.</p> <p>B. Public or Community Sewer and Water -</p> <p>(1) Single-Family Detached Dwellings and Other Principal Uses - 80 feet.</p> <p>(2) Townhouse Structures - 20 feet per dwelling unit (+ applicable side yard requirements)</p> <p>3. Maximum Building Coverage: 35 percent.</p>		

(Ord. 8-9-2005, 8/9/2005; as added by Ord. 11-11-2014, 11/11/2014)

§27-307. C General Commercial District.

Uses and Structures (* See §27-415)			
Permitted Principal Uses and Structures (Zoning Officer)	Permitted Accessory Uses and Structures (Zoning Officer)	Special Exception Uses and Structures (Zoning Hearing Board)	Conditional Uses and Structures (Township Supervisors)
1. Retail and personal service business establishments, excluding adult entertainment establishments. 2. Business and professional offices. 3. Banks or financial institutions. 4. Medical, dental, or veterinary offices or clinics. 5. Art galleries or studios for art, music, dance, etc. 6. Libraries or museums. 7. Clubs or fraternal organization facilities. 8. Municipal or government buildings/ inc. fire stations. 9. Roadside stands or garden shops, inc. plant nurseries or greenhouses. (See §27-424) 10. Antique shops. 11. Personal storage warehouses. (See §27-417) 12. Land cultivation. (See §27-423)	1. Uses and structures customarily incidental to an approved principal use. 2. Temporary roadside stands. (See §27-424) 3. Building-mounted or co-located 4. Swimming pools. (See §27-431) 5. Accessory warehousing or storage associated with an approved principal use. (See §27-433) 6. Accessory residential uses. 7. Signs. (See Part 7) 8. Off-street parking and/or loading areas. (See Part 8) 9. No-impact home-based businesses. (See §27-429.A) [Ord. 11-11-2014]	1. Automotive service stations and/or repair garages. (See §27-416) 2. Grocery stores or food markets. 3. Automotive sales facilities. 4. Public entertainment establishments, inc. theaters. 5. Restaurants, with or without alcohol sales. 6. Bars or taverns. 7. Flea markets or auction houses. 8. Funeral homes or mortuaries. 9. Lumber yards. 10. Animal hospitals. 11. Office buildings or complexes. 12. Outdoor commercial recreation uses. (See §27-426) 13. Outdoor cultural, religious, amusement or sporting events. (See §27-434.A)	1. Shopping centers and/or shopping malls. (See 27-419) 2. Medical centers. 3. Utility supply facilities. (See §27-427) 4. Flex Interchange Complex Commercial. [Ord. 11-11-2014] 5. Flex Interchange Complex Industrial. [Ord. 11-11-2014]

Uses and Structures (* See §27-415)			
Permitted Principal Uses and Structures (Zoning Officer)	Permitted Accessory Uses and Structures (Zoning Officer)	Special Exception Uses and Structures (Zoning Hearing Board)	Conditional Uses and Structures (Township Supervisors)
		14. Image-changing advertising sign boards or digital message boards. (See Part 7)	

Lot, Yard and Open Space		
Minimum Lot Requirements (See §27-502)	Minimum Yard Requirements (See §27-503)	Maximum Height Requirements (See §27-504)
<ol style="list-style-type: none"> 1. Minimum lot area per principal structure or use: <ol style="list-style-type: none"> a. 20,000 waft. per use; however each tot shall be of sufficient size to provide for all proposed buildings and structures, and shall meet all required service, access, parking, loading, and open space requirements. b. All lots shall also meet the requirements of the Pennsylvania Sewage Facilities Act and all other State and local sewage and water regulations. 2. Minimum lot width: 100 feet (measured at the building setback line). 3. Maximum building coverage: 40%. 4. Maximum impervious surface: 70%. 	<ol style="list-style-type: none"> 1. Front yard: <ol style="list-style-type: none"> a. Buildings—50 feet from edge of road right-of-way or 75 feet from road centerline, whichever is greater. b. Parking areas—20 feet from edge of road right-of-way. (No parking shall be permitted within this required setback area.) 2. Side Yards: <ol style="list-style-type: none"> a. Buildings (principal and accessory structures)—10 feet when abutting a lot in the Commercial or Industrial District; 50 feet when abutting a lot in any other zone. b. Parking and/or loading areas—10 feet when abutting a lot in the commercial or industrial district; 50 feet when abutting a lot in any other zone. 3. Rear yard: <ol style="list-style-type: none"> a. Buildings - <ol style="list-style-type: none"> 1) Principal structures—25 feet when abutting a lot in the Commercial or Industrial District; 50 feet when abutting a Lot in any other zone. 2) Accessory structures—10 feet when abutting a Lot in the Commercial or Industrial 	<ol style="list-style-type: none"> 1. Principal structures: 50 feet. 2. Accessory structures: 20 feet.

Lot, Yard and Open Space		
Minimum Lot Requirements (See §27-502)	Minimum Yard Requirements (See §27-503)	Maximum Height Requirements (See §27-504)
	<p>District; 50 feet when abutting a lot in any other zone.</p> <p>b. Parking and/or loading areas—10 feet when abutting a lot in the Commercial or Industrial District; 50 feet when abutting a lot in any other zone.</p> <p>*Note No side yard shall be required where approved fireproof common walls are used.</p>	

(Ord. 8-9-2005, 8/9/2005, §305; as amended by Ord. 11-11-2014, 11/11/2014)

§27-308. IC Interchange Commercial District.

Uses and Structures * (See §27-415)			
Permitted Principal Uses and Structures (Zoning Officer)	Permitted Accessory Uses and Structures (Zoning Officer)	Special Exception Uses and Structures (Zoning Bearing Board)	Conditional Uses and Structures (Township Supervisors)
1. Retail and personal service business establishments, excluding adult entertainment establishments. 2. Business or professional offices. 3. Banks or financial institutions. 4. Medical or dental offices or clinics. 5. Art galleries or studios for art, music, dance, etc. 6. Municipal or government buildings, including fire stations. 7. Commercial lodging facilities, without alcohol sales. 8. Grocery stores or food markets. 9. Automotive sales facilities. 10. Restaurants, without alcohol sales. 11. Antique shops, flea markets or auction houses. 12. Personal storage warehouses. (See §27-417)	1. Uses and structures customarily incidental to an approved principal use. 2. Building-mounted or co-located communications antennas. (See §27-428) 3. Swimming pools. (See §27-431) 4. Accessory warehousing or storage associated with an approved principal use. (See §27-433) 5. Signs. (See Part 7) 6. Off-street parking and/or loading areas. (See Part 8) 7. No-impact home-based business. (See §27-429.A) [Ord. 11-11-2014]	1. Automotive service stations and/or repair garages. (See §27-416) 2. Public entertainment establishments, including theaters but excluding adult entertainment establishments. 3. Commercial lodging facilities, with alcohol sales. 4. Restaurants, with alcohol sales. 5. Bars or taverns. 6. Office buildings or complexes. 7. Bus stations or terminals. 8. Multi-tenant convenience plazas. 9. Outdoor cultural, religious, amusement or sporting events. (See §27-434.A) 10. Image-changing advertising sign boards or digital message boards. (See Part 7)	1. Shopping centers and/or shopping malls. (See §27-419) 2. Multi-tenant truck stops. 3. Utility supply facilities. (See §27-427) 4. Flex Interchange Complex Commercial. [Ord. 11-11-2014] 5. Flex Interchange Complex Industrial. [Ord. 11-11-2014]

Uses and Structures * (See §27-415)			
Permitted Principal Uses and Structures (Zoning Officer)	Permitted Accessory Uses and Structures (Zoning Officer)	Special Exception Uses and Structures (Zoning Bearing Board)	Conditional Uses and Structures (Township Supervisors)
13. Land cultivation. (See §27-423)			

Lot, Yard and Open Space Requirements		
Minimum Lot Requirements (See §27-502)	Minimum Yard Requirements (See §27-503)	Maximum Height Requirements (See §27-504)
<ol style="list-style-type: none"> 1. Minimum lot area per principal structure or use: <ol style="list-style-type: none"> a. 20,000 sq. ft. per use; however each lot shall be of sufficient size to provide for all proposed buildings and structures, and shall meet all required service, access, parking, loading, and open space requirements. b. All lots, shall also meet the requirements of the Pennsylvania Sewage Facilities Act and all other State and local sewage and water regulations. 2. Minimum lot width: 100 feet (measured at the building setback line). 3. Maximum building coverage: 40%. 4. Maximum impervious surface: 70%. 	<ol style="list-style-type: none"> 1. Front yard: <ol style="list-style-type: none"> a. Buildings—50 feet from edge of road right-of-way or 75 feet from road centerline, whichever is greater. b. Parking areas—20 feet from edge of road right-of-way. (No parking shall be permitted within this required setback area.) 2. Side yards: (See also §27-503.3.) <ol style="list-style-type: none"> a. Buildings (principal and accessory Structures)—10 feet when abutting a Lot in the Commercial or Industrial District; 50 feet when abutting a lot in any other zone. * b. Parking and/or loading areas—10 feet when abutting a lot in the Commercial or Industrial District; 50 feet when abutting a lot in any other zone. 3. Rear yard: (See also §27-503.4.) <ol style="list-style-type: none"> a. Buildings - <ol style="list-style-type: none"> 1) Principal structures—25 feet when abutting a tot in the Commercial or Industrial District; 50 feet when abutting a lot in any other zone. 2) Accessory structures—10 feet when abutting a tot in the Commercial or Industrial 	<ol style="list-style-type: none"> 1. Principal structures: 50 feet. 2. Accessory structures: 20 feet.

Lot, Yard and Open Space Requirements		
Minimum Lot Requirements (See §27-502)	Minimum Yard Requirements (See §27-503)	Maximum Height Requirements (See §27-504)
	<p>District; 50 feet when abutting a lot in any other zone.</p> <p>b. Parking and/or loading areas—10 feet when abutting a lot in the commercial or Industrial District; 50 feet when abutting a lot in any other zone.</p> <p>Note: No side yard shall be required where approved fireproof common walls are used.</p>	

(Ord. 8-9-2005, 8/9/2005, §306; as amended by Ord. 11-11-2014, 11/11/2014)

§27-309. I Industrial District.

Uses and Structures *(See §27-420)			
Permitted Principal Uses and Structures (Zoning Officer)	Permitted Accessory Uses and Structures (Zoning Officer)	Special Exception Uses and Structures (Zoning Hearing Board)	Conditional Uses and Structures (Township Supervisors)
1. Enclosed manufacturing, industrial, processing, assembly, and packing operations. 2. Research and development facilities. 3. Warehousing or enclosed storage facilities. 4. Freight terminals, depots, or multi-tenant truck stops. 5. Printing, binding or publishing operations. 6. Wholesale establishments. 7. Wood products manufacturing. 8. Lumber yards. 9. Contractor's shops and yards. 10. Personal storage warehouses. (See §27-417) 11. Public utility service centers. (See §27-427) 12. Utility supply facilities. (See §27-427)	1. Uses and structures customarily incidental to an approved principal use. 2. Administrative offices. 3. Building-mounted or co-located communications antennas. (See §27-428) 4. Accessory warehousing or storage associated with an approved principal use. (See §27-433) 5. Signs. (See Part 7) 6. Off-street parking and/or loading areas. (See Part 8) 7. No-impact home-based business. (See §27-429.A) [Ord. 11-11-2014]	1. Recycling centers. 2. Solid waste transfer stations. 3. Tire recapping operations. 4. Image-changing advertising sign boards or digital message boards. (See Part 7)	1. Multi-tenant industrial facilities or industrial perks. 2. Adult entertainment establishments. (See §27-418) 3. Incinerators. 4. Junkyards or auto salvage operations. (See §27-421) 5. Hazardous or explosive material storage facilities. 6. Flex Interchange Complex Commercial. [Ord. 11-11-2014] 7. Flex Interchange Complex Industrial. [Ord. 11-11-2014] 8. Landfill. [Ord. 11-11-2014]

Lot, Yard and Open Space Requirements		
Minimum Lot Requirements (See §27-502)	Minimum Yard Requirements (See §27-503)	Maximum Height Requirements (See §27-504)
<ol style="list-style-type: none"> 1. Minimum lot area per principal structure or use: <ol style="list-style-type: none"> a. 1 acre per use, except as provided below. In addition, each lot shall be of sufficient size to provide for all proposed buildings and structures, and shall meet all required service, access, parking, Loading, and open space requirements. b. Solid waste transfer stations: multi-tenant industrial facilities or Industrial Parks—5 acres. c. Incinerators; or hazardous materials storage facilities—10 acres. d. Junkyards or auto salvage operations—see current Township junkyard ordinance. e. All lots shall meet the requirements of the Pennsylvania Sewage Facilities Act and all other State and local sewage and water regulations. 2. Minimum lot width: 100 feet (measured at the building setback line). 3. Maximum building coverage: 50%. 4. Maximum impervious surface: 80%. 	<ol style="list-style-type: none"> 1. Front yard: <ol style="list-style-type: none"> a. Buildings—50 feet from edge of road right-of-way or 75 feet from road centerline, whichever is greater. b. Parking areas—20 feet from edge of road right-of-way. (No parking shall be permitted within this required setback area.) 2. Side yards: (See also §27-503.3.) <ol style="list-style-type: none"> a. Buildings (principal and accessory structures)—20 feet when abutting a lot in the Commercial or Industrial District; 50 feet when abutting a lot in any other zone. b. Parking and/or loading areas—10 feet when abutting a lot in the Commercial or Industrial District; 50 feet when abutting a lot in any other zone. 3. Rear yard: (See also §27-503.4.) <ol style="list-style-type: none"> a. Buildings - <ol style="list-style-type: none"> 1) Principal structures—30 feet abutting a lot in the Commercial or Industrial District; 50 feet when abutting a lot in any other zone. 2) Accessory structures—10 feet when abutting a lot in the Commercial or a lot in any other zone. 	<ol style="list-style-type: none"> 1. Principal structures: 50 feet. 2. Accessory structures: 20 feet.

Lot, Yard and Open Space Requirements		
Minimum Lot Requirements (See §27-502)	Minimum Yard Requirements (See §27-503)	Maximum Height Requirements (See §27-504)
b. Parking and/or loading areas—10 feet when abutting a lot in the Commercial or Industrial District; 50 feet when abutting a lot in any other zone.		

(Ord. 8-9-2005, 8/9/2005, §307; as amended by Ord. 11-11-2014, 11/11/2014)

§27-310. A Agricultural District.

Uses and Structures			
Permitted Principal Uses and Structures (Zoning Officer)	Permitted Accessory Uses and Structures (Zoning Officer)	Special Exception Uses and Structures (Zoning Hearing Board)	Conditional Uses and Structures (Township Supervisors)
<ol style="list-style-type: none"> 1. Land cultivation. (See §27-423) 2. Commercial raising of livestock or poultry, inc. animal husbandry, but excluding concentrated animal feeding operations. (See Conditional Uses) (See also §27-423) 3. Horticultural activities, including plant nurseries, greenhouses, or orchards. 4. Roadside stands and/or garden shops. (See §27-424) 5. Stables or riding academies. 6. Forestry or forest management activities. 7. Conservation areas or game preserves. 8. Parks or playgrounds. 9. Single-family detached dwellings. (See §27-403) 10. Mobile homes on individual lots. (See §27-403) 11. Seasonal dwellings or hunting camps. (See §27-425) 		<ol style="list-style-type: none"> 1. Uses and structures customarily incidental to an approved principal use. 2. Temporary roadside stands. (See §27-424) 3. Home occupations. (See §27-429.B) 4. Farm-related businesses. (See §27-430) 5. Swimming pools. (See §27-431) 6. Family day care home or accessory group day care home. 7. Signs. (See Part 7) 8. Off-street parking and/or loading areas. (See Part 8) 9. Wind Energy Facility. (See §27-435) [Ord. 11-11-2014] 	<ol style="list-style-type: none"> 1. Agri-businesses. (See §27-415) 2. Veterinary clinics, animal hospitals, and/or kennels. 3. Sawmills. 4. Nursing or personal care homes. (See §27-412) 5. Group day care homes, day care centers, or nursery schools. (See §27-413) 6. Bed and breakfast establishments. (See §27-414) 7. Conversion apartments (up to 2 dwelling units). (See §27-404) 8. Churches or places of worship. 9. Cemeteries. 10. Outdoor commercial recreation uses, including campgrounds or RV parks. (See §27-42) 11. Outdoor cultural, religious, amusement or sporting events. (See §27-434.2)

Uses and Structures			
Permitted Principal Uses and Structures (Zoning Officer)	Permitted Accessory Uses and Structures (Zoning Officer)	Special Exception Uses and Structures (Zoning Hearing Board)	Conditional Uses and Structures (Township Supervisors)
12. Municipal or government buildings, including fire stations.			12. Communications antennas, towers, and/or equipment buildings. (See §27-428)

Lot, Yard and Open Space Requirements		
Minimum Lot Requirements (See §27-502)	Minimum Yard Requirements (See §27-503)	Maximum Height Requirements (See §27-504)
<ol style="list-style-type: none"> 1. Minimum lot area per principal structure or use: <ol style="list-style-type: none"> a. Agricultural uses—1 acre, except as provided below. <ol style="list-style-type: none"> 1) Raising of livestock or poultry—2 acres. 2) Stables or riding academies, animal hospitals, or kennels—2 acres. 3) Concentrated animal feeding operations—25 acres. b. Residential uses - <ol style="list-style-type: none"> 1) Single-family detached dwellings or seasonal dwellings - <ol style="list-style-type: none"> a) Lots with slopes of less than 10%—1 acre.* b) Lots with slopes From 10% to 15%—2 acres * c) Lots with slopes over 15%—5 acres * 2) Mobile home parks—5 acres. 3) Residential cluster developments—25 acres. 4) Continuing care retirement communities—25 acres. c. Commercial recreational uses—5 acres. d. All other principal uses—2 acres per use, except as provided below. 	<ol style="list-style-type: none"> 1. Front yard: 30 feet from edge of road right-of-way or 55 feet from road centerline, whichever is greater. 2. Side yards (principal and accessory structures) (See also §27-503.3.) <ol style="list-style-type: none"> a. Residential uses—25 feet each side. b. Buildings housing livestock or unenclosed manure storage—100 feet each side. 3. Rear yard: (see also §27-503.4.) <ol style="list-style-type: none"> a. Residential uses - <ol style="list-style-type: none"> 1) Principal structures—45 feet. 2) Accessory structures—10 feet. b. Buildings housing livestock or unenclosed manure storage—100 feet. <p>*Note: Lot slope shall be measured from the edge of the road R/W or front property Line to the rear property line and shall be determined by dividing the change in elevation between the lowest elevation on the front lot line to the highest elevation on the rear lot line (i.e., the vertical distance) by the total distance measured between the same two points (i.e., the horizontal distance).</p>	<ol style="list-style-type: none"> 1. Principal structures: 40 feet. 2. Accessory structures: 20 feet. 3. Agricultural structures: No maximum.

Lot, Yard and Open Space Requirements		
Minimum Lot Requirements (See §27-502)	Minimum Yard Requirements (See §27-503)	Maximum Height Requirements (See §27-504)
<ul style="list-style-type: none"> 1) Mineral extraction operations—5 acres. e. Regardless of the minimums provided above, all lots must meet the requirements of the Pennsylvania Sewage Facilities Act and all other State and local sewage and water regulations. 2. Minimum lot width: 150 feet (measured at the building setback line). 3. Maximum building coverage: 25%. 		

(Ord. 8-9-2005, 8/9/2005, §308; as amended by Ord. 11-11-2014, 11/11/2014)

§27-311. FF and FP Flood Fringe and General Floodplain District (Overlying District).

Uses and Structures*			
Permitted Principal Uses and Structures (Zoning Officer)	Permitted Accessory Uses and Structures (Zoning Officer)	Special Exception Uses and Structures (Zoning Hearing Board)	Conditional Uses and Structures (Township Supervisors)
Same as the underlying district, and in addition: 1. Land cultivation. (See §27-423) 2. Horticultural activities, including plant nurseries, greenhouses, and orchards. 3. Parks or playgrounds. 4. Temporary uses, including carnivals or circuses. (See §27-434)	Same as the underlying district, and in addition: 1. Uses and structures customarily incidental to an approved principal use.	Same as the underlying district.	Same as the underlying district.
SAME AS THE UNDERLYING DISTRICT			
* NOTE: ALL uses, activities, and/or development in this District shall be undertaken in strict compliance with the floodproofing requirements contained in Part 6 of this Chapter and any subsequently enacted floodplain management regulations.			

Lot, Yard and Open Space Requirements		
Minimum Lot Requirements (See §27-502)	Minimum Yard Requirements (See §27-503)	Maximum Height Requirements (See §27-504)
SAME AS THE UNDERLYING DISTRICT		

(Ord. 8-9-2005, 8/9/2005, §309)

§27-312. FW Floodway District (Overlying District).

Uses and Structures *			
Permitted Principal Uses and Structures (Zoning Officer)	Permitted Accessory Uses and Structures (Zoning Officer)	Special Exception Uses and Structures (Zoning Hearing Board)	Conditional Uses and Structures (Township Supervisors)
Same as the underlying district, and in addition: <ol style="list-style-type: none"> 1. Land cultivation. (See §27-423) 2. Horticultural activities, including plant nurseries or orchards. 3. Undeveloped public or private recreation facilities, including trails, wildlife or game preserves, or hunting, fishing or swimming areas. 4. Temporary uses, including carnivals or circuses. (See §27-432) 	Same as the underlying district, and in addition: <ol style="list-style-type: none"> 1. Uses and structures customarily incidental to an approved principal use. 	Same as the underlying district, and in addition: <ol style="list-style-type: none"> 1. Wind Energy Facility. (See §27-435) [<i>Ord. 11-11-2014</i>] 	Same as the underlying district.
SAME AS THE UNDERLYING DISTRICT			
* Note: No development shall be permitted in this District which will increase the 100 year flood elevation. (See also Part 6 of this Chapter for floodproofing requirements.)			

Lot, Yard and Open Space Requirements		
Minimum Lot Requirements (See §27-502)	Minimum Yard Requirements (See §27-503)	Maximum Height Requirements (See §27-504)
SAME AS THE UNDERLYING DISTRICT		

(Ord. 8-9-2005, 8/9/2005, §310; as amended by Ord. 11-11-2014, 11/11/2014)

Part 4**Supplementary Use Regulations****§27-401. Purpose and Applicability.**

The purpose of this Part is to supplement the District Regulations contained in Part 3 with additional requirements applicable to certain specific uses. Therefore, in addition to those standards outlined in Part 3, the following regulations shall pertain to the identified uses, as well as all applicable requirements of the Hemlock Township Subdivision and Land Development Ordinance [Chapter 22].

(Ord. 8-9-2005, 8/9/2005, §400)

§27-402. Uses Not Provided For.

1. Whenever, under this Chapter, a lawful use is neither specifically permitted nor prohibited, and an application is made to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Township Supervisors to hear and decide such request as a conditional use. The Township Supervisors shall have the authority to permit the use or deny the use in accordance with the standards governing conditional use applications set forth in §27-1102 of this Chapter; provided, however, that this provision shall not be invoked to permit as a conditional use any lawful use which could create undue nuisance or serious hazard, or otherwise violate the conditional use criteria. In addition, the proposed use may only be permitted if:

A. The use is similar in character to and compatible with the other uses permitted in the zone where the subject parcel is located.

B. The use is not permitted in any other zone under the terms of this Chapter.

C. The use does not conflict with the general purposes of this Chapter.

2. The burden of proof shall be upon the applicant to demonstrate that the proposed use meets the foregoing criteria and would not be detrimental to the health, safety, and welfare of the neighborhood where it is to be located.

(Ord. 8-9-2005, 8/9/2005, §401)

§27-403. Dwelling Units.

All dwelling units, including single-family, two-family, and multi-family units, hereafter erected shall adhere to the following requirements:

A. *General Requirements.*

(1) *Building Codes.* Every dwelling unit hereafter erected, created or altered shall conform to the applicable requirements of the Pennsylvania Uniform Construction Code, 34 Pa.Code, Chapters 401–405, Pennsylvania Act 45 of 1999, 35 P.S. §7210.101 *et seq.*, or as may hereafter be amended.

(2) *Floodplain Development.* Every dwelling unit which is to be located in a Flood Fringe or General Floodplain District shall comply with all applicable District Regulations in Part 3 and the floodplain management provisions contained in Part 6 of this Chapter.

B. Foundation Requirements.

(1) *Dwelling Units.* Every dwelling unit shall be placed upon and firmly anchored to a permanent foundation. (See subparagraph (2) below for foundation requirements for mobile homes.) Such foundation shall consist of no less than masonry construction or footers set well below the frost line, or other technique or methodology of demonstrated capability approved by the Township Zoning Officer and Building Code Official. The foundation shall be designed to support the maximum anticipated loads for the intended structure and/or use, and no unnecessary open space shall be left between the dwelling unit and foundation, except for windows and other openings as might be necessary for floodproofing purposes. In no case shall any dwelling unit be placed or erected on jacks, loose blocks or other similar temporary materials.

(2) *Mobile Homes.* All mobile homes shall be placed on and anchored to foundations sufficient to meet the requirements of the Pennsylvania Uniform Construction Code, 34 Pa.Code, Chapters 401–405. In addition, all mobile homes shall be installed in accordance with the instructions of the mobile home manufacturer and shall be inspected and approved by the Township Building Code Official.

C. Gross Floor Area Requirements. In the absence of more restrictive codes, every single-family dwelling unit (whether attached or detached, including townhouse units, mobile homes or manufactured housing) shall contain a minimum of 600 square feet of gross floor area. In the case of apartment units (including conversion apartments, student housing apartment units, or retirement complex apartment units), each dwelling unit must contain a minimum of 500 square feet of gross floor area, except for efficiency apartments designed for and inhabited by no more than two persons, which shall contain a minimum of 400 square feet of gross floor area.

(Ord. 8-9-2005, 8/9/2005, §402)

§27-404. Conversion Apartments.

The conversion of any dwelling so as accommodate a greater number of dwelling units or households, shall be permitted only within those zoning districts and as specified in the District Regulations, Part 3. Further, all such conversions shall meet the requirements outlined below.

A. The lot upon which a conversion apartment is located shall meet the minimum lot area requirement for the zoning district in which it is to be located.

B. Conversions may only be authorized for structures which were erected prior to the adoption of this Chapter. Conversions shall be limited to one building or structure per lot.

C. Conversions shall be limited to the number of dwelling units specified in the District Regulations, Part 3.

D. All conversion dwelling units shall meet the gross floor area requirements set forth in §27-403.C of this Chapter.

E. Sewage facilities shall be provided which are capable of treating the volume of effluent anticipated from the conversion. Where connection to a public

or community sewage system cannot be made, certification, from the Township Sewage Enforcement Officer, verifying the acceptability and/or suitability of an existing subsurface system or a sewage permit for the installation of a new system shall be submitted as part of an application for such a use.

F. No structural alterations designed to increase the gross floor area dimensions of the original structure shall be made in order to achieve the conversion, except as may be necessary to assure adequate emergency egress is provided or to improve handicapped accessibility.

G. The yard, off-street parking, and other applicable requirements of this Chapter shall be met.

(Ord. 8-9-2005, 8/9/2005, §403)

§27-405. Townhouse Structures.

Townhouse structures (i.e., single-family attached dwelling structures) may be permitted only in those zoning districts and as specified in the District Regulations, Part 3. Every application for such a use shall also meet the requirements outlined below as well as the standards set forth in the Hemlock Township Subdivision and Land Development Ordinance [Chapter 22].

A. Minimum Tract Area and Maximum Density Requirements.

(1) The minimum gross area required for each tract containing a townhouse structure shall be as specified in the District Regulations, Part 3. Townhouse structures in the Suburban Residential District shall contain no more than four dwelling units per structure, and no more than eight dwelling units per structure in the Urban Residential District, Overall density shall not exceed five dwelling units per acre in the Suburban Residential District and eight dwelling units per acre in the Urban Residential District.

(2) Where individual dwelling units of a townhouse structure and the land on which the structure is located are proposed to be subdivided and conveyed as separate lots, the following dimensional requirements shall be met. In such cases, the applicant shall submit sufficient documentation along with the subdivision plans which demonstrate that satisfactory arrangements have been made regarding the ownership and maintenance of all common ground or open space not proposed for conveyance. (See also paragraph .E(8) below.)

(a) *SR Zone.* Six thousand square feet per dwelling unit.

(b) *UR Zone.* Four thousand square feet per dwelling unit.

(3) Where individual dwelling units of a townhouse structure are to be conveyed independently of any land area, the applicant shall demonstrate that all other requirements of the Uniform Condominium Act, 68 Pa.C.S.A. §3101 *et seq.*, will be met.

(4) Where title to individual dwelling units of a townhouse structure is proposed to be conveyed, all dwelling units contained in the structure shall be part of the proposal.

B. *Minimum Tract Width Requirements.* The minimum width required for a tract containing a townhouse structure may vary with each application depending

upon the number of units being proposed in each structure. In no case however, shall the width of the tract be less than the minimum lot width required for a single-family detached dwelling in the district where such structure is located. Each dwelling unit of a townhouse structure shall maintain the minimum width set forth in the district regulations for the district in which it is to be located.

C. *Minimum Yard Requirements.* The minimum yard requirements for each tract containing a townhouse structure shall be as specified in the District Regulations, Part 3.

D. *Gross Floor Area Requirements.* Each dwelling unit located in a townhouse structure shall meet the gross floor area requirements set forth in §27-403.C of this Chapter.

E. *Design Standards.* Proposals for townhouse structures shall be designed to meet the standards set forth in the Hemlock Township Subdivision and Land Development Ordinance [Chapter 22]. In addition, the following standards shall apply.

(1) *Maximum Structure Length.* No townhouse structure shall exceed 100 feet in length when located in the Suburban Residential District nor 200 feet when located in the Urban Residential District.

(2) *Traffic Access.* No townhouse unit may access directly onto a public street. All such units shall access public roadways via an approved private street, driveway or common parking area. All new streets, access drives, and parking areas shall be designed and constructed in accordance with the applicable street standards outlined in the Hemlock Township Subdivision and Land Development Ordinance [Chapter 22].

(3) *Off-Street Parking Spaces.* A minimum of two off-street parking spaces shall be provided for each dwelling unit contained in the townhouse structure. One additional off-street parking space shall also be provided for each dwelling unit in the structure for visitor parking.

(4) *Grading and Landscaping.* Where excavation or grading is proposed, or where existing trees, shrubs, or other vegetative cover is to be removed, plans shall be prepared by the developer and submitted to the Township which illustrate that all erosion and sedimentation control requirements set forth in the Hemlock Township Subdivision and Land Development Ordinance [Chapter 22] will be met. And, where adjacent to existing single-family detached dwellings or noncompatible land uses, buffer yards and/or screening as required in §§27-506 and 27-507 of this Chapter shall be provided by the developer.

(5) *Drainage Facilities.* All drainage and/or stormwater management standards set forth in the Hemlock Township Subdivision and Land Development Ordinance [Chapter 22] shall be met.

(6) *Solid Waste Collection. Storage and Disposal.* Arrangements for the collection, storage and disposal of solid wastes generated by the proposed development shall be made by the developer and submitted to the Township for approval as a part of the plan submission process.

(7) *Sewage and Water Facilities.* Sewage and water facilities for

townhouse structures shall be provided by the developer in accordance with the standards of the Pennsylvania Department of Environmental Protection and as follows.

(a) *Sewage Facilities.* A public or community sewerage system or a private package sewage treatment facility shall be utilized to provide sewage service for such developments.

(b) *Water Supply.* Where a public water supply system of satisfactory quantity, quality and pressure is reasonably accessible to the proposed development and there is a willingness on the part of the system owner to serve the proposed development, connection shall be made to this system and its supply shall be used exclusively. Where a public water supply system is not available, a private water supply system shall be designed by the developer to provide service for the development.

The developer shall provide sufficient documentation to the Township, along with his development plans, to indicate that such facilities are presently available and will be extended to serve his development or that he has obtained the necessary approvals to construct them.

(8) *Common Open Space Ownership and Maintenance.*

(a) The developer shall submit a plan to the Township indicating the arrangements to be made for ultimate ownership of and maintenance responsibilities for any common open space/land area associated with the townhouse structure (including access drives and driveways). Such plans shall be submitted to the Township for approval as a part of the plan submission process. Where no conveyance of land area is proposed, the developer shall submit a copy of his plan for the maintenance of all common open space areas associated with the structure for the Township's approval.

(b) Where more than one townhouse structure is proposed to be located on a single tract of ground, a minimum of 10 percent of the gross area of the development shall be reserved by the developer as common open space for the use of all residents of the complex. Such open space may include areas of land and water, but shall exclude all roads, parking areas, structures, or service lanes. This area shall also be easily accessible to all units. Applicants for such developments shall submit a proposal indicating the ultimate ownership and maintenance responsibilities for all common open space areas to the Township for review and approval as part of the plan submission process. Copies of all approved arrangements shall be included in each deed or lease for a unit in such a development.

F. *Building Relationships.* Where more than one townhouse structure is proposed for a single tract of ground, the following minimum standards shall apply:

(1) *Minimum Tract Area Requirements.* A minimum of 2 contiguous acres of land shall be provided for each development containing more than one townhouse structure.

(2) *Arrangement of Buildings.* Adequate provision must be made for light, air, access and privacy in the arrangement of the buildings to each other. Each

dwelling unit shall have a minimum of two exterior exposures.

(3) *Emergency Access.* Building groups must be arranged in order to be accessible by emergency vehicles.

(4) *Distance Between Buildings.*

(a) The front or rear of any building shall be no closer to the front or rear of any other building than 40 feet.

(b) The side of any building shall be no closer to the side, front, or rear of any other building than 30 feet.

(5) *Distance Between Buildings and Driveways.*

(a) No driveway or parking lot shall be closer than 15 feet to the front of any building, nor 10 feet to the side or rear of any building, except that space may be provided for loading and unloading which is closer to the building it is intended to serve than is herein provided.

(b) In the case of an enclosed garage or carport provided as a portion of the main structure, distance requirements for driveways providing access to these accommodations shall not apply.

(Ord. 8-9-2005, 8/9/2005, §404)

§27-406. Apartment Buildings.

Apartment buildings (i.e., multi-family dwelling structures, excluding townhouse structures) may be permitted only in those zoning districts and as specified in the District Regulations, Part 3. Every application for such a use shall also meet the requirements outlined below as well as the standards set forth in the Hemlock Township Subdivision and Land Development Ordinance [Chapter 22]:

A. *Minimum Tract Area and Maximum Density Requirements.* The minimum gross area required for each tract containing an apartment building shall be as specified in the District Regulations, Part 3. Apartment buildings located in a Suburban Residential District shall not contain more than four dwelling units per structure. There shall be no maximum number of dwelling units in such structures when they are located within an Urban Residential District. Overall density shall however not exceed six dwelling units per acre in the Suburban Residential District and 10 dwelling units per acre in the Urban Residential District.

B. *Minimum Tract Width Requirements.* The minimum width required for each tract containing an apartment building be as specified in the District Regulations, Part 3.

C. *Minimum Yard Requirements.* The minimum yard requirements for each tract containing an apartment building shall be as specified in the District Regulations, Part 3.

D. *Gross Floor Area Requirements.* Each dwelling unit located in an apartment building shall meet the gross floor area requirements set forth in §27-403.C of this Chapter.

E. *Design Standards.* The design standards set forth in §27-405.E of this Chapter shall also be met for apartment buildings.

F. *Building Relationships.* Where more than one apartment building is

proposed for a single tract of ground, the standards set forth in §27-405.F of this Chapter shall apply.

(Ord. 8-9-2005, 8/9/2005, §405)

§27-407. Residential Cluster Developments.

1. Residential cluster developments may be permitted only in those zoning districts and as specified in the District Regulations, Part 3. Every such application shall also meet the requirements outlined below as well as the standards set forth in the Hemlock Township Subdivision and Land Development Ordinance [Chapter 22].

2. Residential cluster development is an optional form of development which allows the developer more choices of housing types, and enables him to develop lots smaller than otherwise provided for in this Chapter, so long as the land saved by the reduction in lot sizes is reserved as permanent open space for the benefit of all residents of the development.

A. *Minimum Tract Area Requirements.* Residential cluster developments situated in the Rural Residential and Suburban Residential Districts shall contain a minimum of 10 contiguous acres of land suitable for development. In the Urban Residential District, such developments shall contain a minimum gross lot area of 5 contiguous acres of land, and in the Agricultural District, a minimum of 25 contiguous acres shall be provided. Excluded from the determination of tract size shall be: (1) all land situated in a wetland or 100-year floodplain; and (2) all land with a slope exceeding 15 percent.

B. *Permitted Dwelling Types.* The type of dwelling units permitted in any cluster development shall be as set forth in the District Regulations, Part 3, for the zoning district in which the development is located; that is, in the SR and UR Zones, single-family detached, duplexes, townhouse structures, and apartment buildings may be clustered; and in the RR District and A Districts, only single-family detached dwelling units may be included in the cluster development.

C. *Tract Density Standards.* All residential cluster developments shall be designed in accordance with the standards of this Section, except that the maximum gross density set forth in the District Regulations, Part 3, for the zoning district in which the development is located shall not be exceeded; that is:

(1) *RR District.* In the RR District, the maximum allowable tract density shall not exceed 1.45 dwelling units per acre.

(2) *SR District.* The maximum allowable gross tract density in the SR District shall not exceed:

- (a) Single-family detached dwelling units—2.9 dwelling units per acre.
- (b) Duplex dwelling units—4.36 dwelling units per acre.
- (c) Townhouse dwelling units—5.0 dwelling units per acre.
- (d) Apartment dwelling units—6.0 dwelling units per acre.

(3) *UR District.* In the UR District, the maximum allowable gross tract density shall not exceed:

- (a) Single-family detached dwelling units—5.45 dwelling units per acre.

- (b) Duplex dwelling units—7.26 dwelling units per acre.
- (c) Townhouse dwelling units—8.0 dwelling units per acre.
- (d) Apartment dwelling units—10.0 dwelling units per acre.

(4) *A District*. The maximum allowable gross tract density in the A District shall not exceed 1.0 dwelling unit per acre.

The maximum number of dwelling units per structure for townhouse structures and apartment buildings shall be as set forth in §§27-405.A and 27-406.A of this Chapter.

D. *Permitted Lot Area Reductions*. The minimum lot area requirement for single-family detached and duplex dwellings may be reduced up to 50 percent from the minimum established for the district in which the development is to be located. The minimum gross lot area requirement for townhouse units may be reduced to the area of the dwelling unit, and for apartment buildings, the minimum gross lot area may be reduced to the area of the dwelling structure.

E. *Minimum Width Requirements*. The minimum lot width required for single-family detached dwellings shall be 100 feet in the A District, 80 feet in the RR District, 75 feet in the SR District, and 50 feet in the UR District. Width requirements for duplex dwellings in the SR and UR Districts shall be the same as those required for single-family detached dwellings. Requirements for all other types of dwelling units shall be as set forth in the District Regulations, Part 3.

F. *Minimum Yard Requirements*.

- (1) *RR District*. Minimum yard requirements for the RR District shall be:
 - (a) Front yard—30 feet from edge of road right-of-way.
 - (b) Side yards—10 feet each side.
 - (c) Rear yard—25 feet.
- (2) *SR District*. In the SR District, the minimum yard requirements shall be:
 - (a) Front yard—20 feet from edge of road right-of-way.
 - (b) Side yards—10 feet each side.
 - (c) Rear yard—15 feet.
- (3) *UR District*. Minimum yard requirements for the UR District shall be:
 - (a) Front yard—15 feet from edge of road right-of-way.
 - (b) Side yards—5 feet each side.
 - (c) Rear yard—10 feet.
- (4) *A District*. In the A District, the minimum yard requirements shall be:
 - (a) Front yard—30 feet from edge of road right-of-way.
 - (b) Side yards—15 feet each side.
 - (c) Rear yard—35 feet.

In addition to the yard requirements set forth above, a 25-foot buffer yard shall be provided around the entire perimeter of the development site. The area of this buffer may be included as part of the development's required open space; however, where such buffer is included as part of the required open

space, it shall not be included as part of any required lot area. If the area of the buffer is not included as part of the required open space, then the area may be included as part of the required lot area. (See also paragraph .J below.)

G. *Gross Floor Area Requirements.* Each dwelling unit located in a residential cluster development shall meet the gross floor area requirements set forth in §27-403.C of this Chapter.

H. *Maximum Building Coverage.* The maximum permitted building coverage shall be 30 percent and shall apply to the entire development tract, rather than to individual lots.

I. *Design And Building Relationship Standards.* The design and building relationship standards set forth in §27-405.E and .F shall also be met for residential cluster developments. In addition, the following standards shall apply:

(1) *Arrangement of Buildings and Facilities.*

(a) All of the elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and shape of the tract, the character of the adjoining property, and the type and size of the proposed buildings in order to produce a liveable and economic land use pattern.

(b) Buildings shall be arranged in favorable relation to the natural topography, existing desirable trees, views within and beyond the site, and exposure to the sun and other buildings on the tract. Grading around the buildings shall be designed to be in harmony with the natural topography, at the same time assuring adequate drainage and safe and convenient access.

(2) *Access and Circulation.*

(a) Access to the dwellings and circulation between the buildings and other important project facilities for vehicular and pedestrian traffic shall be safe, adequate and convenient for the residents of the development.

(b) Access and circulation for firefighting apparatus, furniture moving vans, fuel trucks, garbage collection, deliveries, and snow removal shall be planned for efficient operation and maintenance.

(3) *Yards.* Yards shall assure privacy, desirable views, adequate natural light and ventilation, convenient access to and around the dwelling and other essential facilities or uses.

J. *Open Space Requirements.*

(1) *Size and Physical Requirements.*

(a) A minimum of 50 percent of the gross area of the development tract shall be reserved by the developer as common open space for the benefit of all residents of the development. Such open space may include areas of land and water, but shall exclude all roads, parking areas, structures or service lanes. The area shall also be easily accessible to all units in the development and shall be free of safety and health hazards. Portions of the area to be used for recreational purposes shall have suitable physical characteristics, including well-drained soils, gentle

topography, and suitable shape and size.

(b) No more than 25 percent of the open space may be wetlands, floodplains, or areas with slope exceeding 20 percent.

(2) *Use Standards.*

(a) Open space required and provided as part of a residential cluster development shall not be subdivided nor conveyed unless approved as part of the original site development plan.

(b) Required open space may be used for agricultural, woodland conservation, or recreation purposes.

(c) Only structures that enhance the use of the required open space may be permitted. There shall be no residential or commercial use of such structures, nor shall more than a total of 2 percent of the open space be devoted to structures.

(3) *Ownership and Maintenance Responsibilities.* Applications for residential cluster developments shall include a proposal indicating the ultimate ownership and maintenance of required open space areas. Where such open space is not dedicated to the Township or where such dedication is not accepted by the Township, an agreement which assigns maintenance responsibilities for the open space and/or recreational facilities shall be submitted by the developer and approved by the Township, recorded with the final plan, and shall be included in the deeds for each parcel or dwelling unit within the development. At a minimum, covenants in the agreement shall:

(a) Obligate the purchasers to participate in a homeowners association and to support maintenance of the open space by paying assessments to the association sufficient to cover the cost of such maintenance and subjecting their properties to a lien for enforcement of payment of the respective assessments.

(b) Obligate such an association to maintain the open areas as well as any private streets and utilities which may have been approved within the development.

(c) Empower purchasers of lots or dwelling units in the development to enforce the covenants in the event of failure of compliance.

(d) Provide that the developer shall be responsible for the formation of the homeowners association of which the developer (or owner, if other than the developer) shall remain a member until all lots in the development are sold. (Other equivalent provisions to assure adequate perpetual maintenance may be considered and approved by the Township.)

(e) Guarantee that the homeowners association formed to own and maintain the open space will not be dissolved without the consent of the Township.

K. *Criteria for Granting Approval of Residential Cluster Developments.* In addition to the standards set forth the §27-1102 of this Chapter for review and approval of conditional use applications, the following criteria shall be utilized in reviewing applications for residential cluster developments:

(1) The proposed cluster development shall be in harmony with the

general purpose, goals, objectives, and standards of the Hemlock Township Comprehensive Plan, this Chapter, and the Township Subdivision and Land Development Ordinance [Chapter 22].

(2) The proposed cluster development shall not have substantial or undue adverse effects, as compared to a standard development permitted by this Chapter, upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, safety and general welfare.

(3) The proposed cluster development shall be served adequately by essential public facilities and services, such as highways, streets, off-street parking spaces, police and fire protection, drainage structures, refuse disposal, water, sewers and schools.

(4) The proposed cluster development shall not result in the destruction, loss or damage of any natural, scenic or historic features of significant importance.

(Ord. 8-9-2005, 8/9/2005, §406)

§27-408. Mobile Home Parks.

1. Mobile home parks may be permitted only in those zoning districts and as specified in the District Regulations, Part 3. All proposed mobile home parks and extensions to existing parks shall also meet all requirements set forth in the Hemlock Township Subdivision and Land Development Ordinance [Chapter 22].

2. Every mobile home placed in an approved mobile home park in Hemlock Township, including replacement units, shall obtain a zoning permit prior to its placement in the mobile home park. In addition, each unit, including replacement units, must obtain a certificate of compliance, as required by this Chapter, prior to being used as a dwelling unit. All additions proposed for mobile homes located in mobile home parks shall also require a zoning permit prior to being initiated. Zoning permits for replacement units which do not exceed the length or width of the prior unit or which can be placed on the lot to meet all setback requirements may be authorized by the Township Zoning Officer. Where however, the replacement unit will not meet all setback requirements, permit authorization must be obtained from the Township Zoning Hearing Board.

(Ord. 8-9-2005, 8/9/2005, §407)

§27-409. Rooming or Boarding Houses.

Rooming or boarding houses may be permitted only in those zoning districts and as specified in the District Regulations, Part 3. All applications for such uses, whether new construction or a conversion, shall also meet the requirements outlined below.

A. The lot upon which the rooming or boarding house is situated shall meet the minimum area requirements established in the district regulations for the district in which the use is to be located.

B. For the purposes of this Chapter, rooming or boarding houses shall be accessory to a single-family detached dwelling, and the owner of the residence must occupy the unit as its legal resident

C. Accommodations may be provided for up to four boarders, with a maximum

of two persons per bedroom. Such accommodations shall be for periods of 1 week or more in duration and may or may not include arrangements for meals.

D. Sewage and water facilities shall be sufficient to handle the anticipated loading created by the proposed facility and shall meet all requirements of the Pennsylvania Department of Environmental Protection and/or the applicable public or community sewer and water boards or authorities.

E. Signs advertising the facility shall meet the requirements of Part 7 of this Chapter.

F. The off-street parking requirements set forth in Part 8 and all other applicable provisions of this Chapter shall also be met.

(Ord. 8-9-2005, 8/9/2005, §408)

§27-410. Group Homes or Institutional Residences.

Group homes or institutional residences may be permitted only in those zoning districts and as specified in the District Regulations, Part 3. Applications for such uses, whether new construction or a conversion, shall also meet all applicable State regulations, as well as the requirements outlined below.

A. The lot upon which the group home or institutional residence is situated shall meet the minimum area requirements established in the District Regulations for the district in which the use is to be located.

B. Residents of a group home shall maintain a single household unit with shared use of rooms, and shall share mealtimes and housekeeping responsibilities. There shall however be no more than two persons per bedroom.

C. Accommodations in a group home shall be provided for no more than eight residents, excluding staff, at one time. For the purposes of this Chapter, group homes providing accommodations for more than eight residents shall be considered to be institutional residences. Applications for group homes shall specify the maximum number of residents or occupants to be housed or cared for at the facility.

D. Adult supervision shall be provided at the group home or institutional residence on a 24-hour basis.

E. Applicants for group homes or institutional residences shall indicate the type of care, counseling or treatment to be provided at the site. In each instance, medical care shall be incidental in nature and shall not be a major element of the care being provided at the facility.

F. Residents of such facilities shall remain in residence for a period of at least 3 months, and a change of residents shall not routinely occur, except in the case of death, extended illness, disability or similar circumstances, or by court order.

G. Evidence shall be provided with the application for a group home or institutional residence indicating that all applicable State certification and/or licensing requirements have been met. Revocation or suspension of the State permit shall constitute an automatic revocation of the Township zoning permit

H. Sewage and water facilities shall be sufficient to handle the anticipated loading created by the proposed facility and shall meet all requirements of the Pennsylvania Department of Environmental Protection and/or the applicable public

or community sewer and water boards or authorities.

I. Evidence shall be provided with the application indicating that all appropriate State licensing requirements have been met.

J. Arrangements for the collection, storage and disposal of solid waste generated by the facility shall be made by the applicant and submitted to the Township for approval as part the application for such a use.

K. Signs advertising the facility shall meet the requirements of Part 7 of this Chapter.

L. The off-street parking requirements set forth in Part 8 and all other applicable provisions of this Chapter shall also be met.

(Ord. 8-9-2005, 8/9/2005, §409)

§27-411. Student Housing Facilities.

Student housing facilities may be permitted by the special exception in the UR-1 District as specified in the District Regulations, Part 3. All applications for such uses, whether new construction or a conversion, shall also meet the requirements listed below:

A. The lot upon which the student housing facility is situated shall meet the minimum area requirements established in the District Regulations.

B. *Purpose.* The purpose of this special exception use is to provide for student housing facilities that are designed and located in an appropriate manner to enhance the residential neighborhood in which this housing is located.

C. The principle permitted use shall be student housing.

D. No more than one principle structure shall be permitted on a lot with the exception of attached dwelling units such as duplexes and townhouse structures.

E. Existing single-family detached dwellings may be converted into student housing accommodations with a maximum occupancy of four individuals with a maximum of two persons per bedroom.

F. Where student housing facilities are constructed such structures shall consist of a maximum of four dwelling units with a maximum occupancy of four individuals per dwelling unit with a maximum of two persons per bedroom.

G. Minimum bedroom size:¹

(1) One student per bedroom—70 square feet per person.

(2) Two students per bedroom—50 square feet per person.

H. A full bathroom or a three-quarter bathroom shall be located on the same level as the bedrooms. The maximum number of students per bathroom (three-quarter or full) shall be four.

I. Bedroom/bathroom access:

(1) Access to a bathroom shall not require travel through any bedrooms.

¹The bedroom must be a minimum of 8 feet when measured in any direction and any closets in the bedroom are not included in the square footage calculations.

(2) Access to any bedroom shall not require travel through a bathroom, another bedroom or bedrooms.

J. Housing facilities designed to accommodate students in individual dwelling units may be permitted and shall meet the gross floor area requirements set forth in §27-403.C of this Chapter for each dwelling unit and the density and design requirements of §27-406 for apartment buildings. In addition, there shall be no more than four individuals occupying one dwelling unit.

K. Residents of a student housing facility shall maintain a single household unit with shared use of common rooms, cooking and eating facilities and shall have housekeeping responsibilities. No cooking shall take place in any other room than the kitchen area.

L. Minimum living room and dining area size:

(1) *Living Room*:

(a) 1-2 occupants: 100 square feet.

(b) 3-4 occupants: 120 square feet.

(2) *Dining Room*:²

(a) 1-2 occupants: 80 square feet.

(b) 3-4 occupants: 80 square feet.

M. *Dimensional Regulations*.

(1) The use must conform to the district regulations governing the Urban Residential 1 District set forth in Part 3, §27-306 of this Chapter.

(2) The use must conform to any applicable supplementary lot regulations set forth in Part 5, §§27-501–27-507 of this Chapter.

(3) Student housing facilities shall be spaced a minimum of 350 feet from any other student housing facilities when measured in any direction from the lot line to lot line.³

N. *Parking Criteria*.

(1) One off-street parking space shall be required for each student

²If the kitchen is to be utilized as the dining area, the space shall be measured from the face of the kitchen cabinets and major appliances, not from the walls behind the kitchen cabinets or the major appliances.

³The only two acceptable sources which may be utilized to identify the location of lot lines are copies of tax assessment parcel maps, which presently are on file at the Columbia County Real Estate Tax Assessment Office or a land survey map, that depicts the location of all the lot lines of all of the affected properties. The land survey must be prepared by a qualified land surveyor who is a licensed surveyor within the Commonwealth of Pennsylvania. All land survey maps must include the signature and official seal of the surveyor. If lot line location verification documentation is required, it shall be the responsibility of the applicant to furnish the Zoning Office with the required documentation. The documentation must verify the location of the lot lines of all affected properties.

residing within a student housing facility and there shall be one additional off-street parking space per dwelling unit provided for guest parking.

(2) The required parking spaces shall be located on the same lot as the student housing facility.

(3) The parking spaces shall be sized in accordance with the off-street parking requirements set forth in Part 8, §27-801.A, of this Chapter.

(4) The parking spaces shall be surfaced with concrete, asphalt paving or crushed stone.

(5) The parking spaces shall be individually defined with painted lines or bumper blocks.

(6) All off-street parking areas for four or more automobiles shall be developed in accordance with the following standards:

(a) Each off-street parking space shall open directly upon an aisle or driveway at least 12 feet wide to provide safe and efficient means of vehicular access to each parking space.

(b) Such aisle or driveway shall be unobstructed and allow for the passage of emergency vehicles at all times.

(c) All required parking spaces and aisles shall be provided entirely within the property lines and shall not extend into the public right-of-way.

(d) Parking spaces and aisles/driveways shall be a minimum of 6 feet from side or rear of property lines and shall not be located within the front building setback.

(e) Parking spaces and aisle/driveways shall be a minimum of 10 feet from the principle structure.

O. *Site Element Areas.* Areas for parking, recreation, service, utility equipment, waste receptacles, dumpsters and/or other elements which because of their appearance, odor and/or noise would be offensive to those occupying the lot or adjoining lots or those on the street, shall be screened, landscaped or otherwise treated to eliminate the offensive condition.

P. All other aspects of this Chapter and the Subdivision and Land Development Ordinance [Chapter 22] as applicable.

Q. Sewage and water shall be sufficient to handle the anticipated loading created by the proposed facility and shall meet all requirements of the Pennsylvania Department of Environmental Protection and/or applicable public or community sewer and water boards or authorities.

R. The Hemlock Township Zoning Office shall be provided with copies of the leases for each student housing facility which must include the name of each occupant and an emergency contact telephone number for each occupant. The copies of the leases, a list of the occupant's names and emergency contact telephone numbers shall be provided to the Hemlock Township Zoning Office within 15 days of occupancy. Any changes in occupancy shall be reported to the Hemlock Township Zoning Office within 15 days of the change of occupancy.

S. If the owner of a student housing facility is not residing within the area, a local emergency contact person shall be appointed by the owner and the name

and telephone number of the contact person shall be provided to the Hemlock Township Zoning Office prior to the occupancy of the student housing facility. The name and telephone number of the appointed emergency contact person shall be legibly printed on a durable printing medium and this information shall be openly displaced in an area within the building that is readily accessible to all occupants whom reside within the structure. This information may be displayed in a common area within the building which is accessible to all occupants, or on an exterior wall of the building next to all of the exterior doors that are utilized by the occupants of the structure to access their individual dwelling unit or next to the main access door within the interior of each individual dwelling unit.

T. Each dwelling unit within each student housing building is subject to an annual licensing fee and every person whom resides within the building is subject to an annual occupancy fee. The amount of the annual license and occupancy fees will be set by the governing body of Hemlock Township 90 days prior to August 15 of each calendar year. The entire amount of the annual fees must be received by the zoning office prior to any occupancy of the building. If an additional person or persons is included on an existing lease after the issuance of the annual license, any additional occupancy fees must be paid to the Zoning Office prior to the building being occupied by the additional person or persons.

U. All student housing facilities are subject to an annual inspection by Tri County COG IBC Inspection Service or the designated inspection service by the Hemlock Township prior to occupancy. Any and all safety issues, health issue and structural deficiencies shall be satisfactorily addressed prior to occupancy. The inspection fee and any re-inspection fees shall be paid by the owner of the property and the fees are to be paid directly to the inspection service. It shall be the responsibility of the owner of the property to contact the designated inspection service and schedule an inspection appointment. A copy of the annual occupancy certificate issued by the inspection service must be provided to the zoning office prior to occupancy of the building and the issuance of a license from the zoning office. The inspection should be ordered and completed at least 15 days prior to August 15th of each calendar year. This will allow adequate time for the zoning office to receive all required fees, process the license application and issue the license. The licensing period for all student housing facilities shall commence August 15 of each calendar year and expire on August 15 of each succeeding year. It shall be the responsibility of the property owner to submit a license renewal application and remit all the required fees to the zoning office 60 days prior to expiration of the license. Should the property owner fail to renew the license before the expiration date of the license, the building cannot continue to be utilized as a student housing facility. In addition, a new zoning hearing would be required to seek a special exception to re-use the property as a student housing facility.

V. Evidence shall be provided with the application indicating that all appropriate state and local licensing requirements have been met.

W. Signs advertising the facility shall meet the sign ordinance regulation requirements set forth in Part 7, §27-701–707 of this Chapter.

(*Ord. 8-9-2005, 8/9/2005, §410; as amended by Ord. 11-11-2014, 11/11/2014*)

§27-412. Nursing or Personal Care Homes.

Nursing or personal care homes may be permitted only in those zoning districts and as specified in the District Regulations, Part 3. All applications for such uses, whether new construction or a conversion, shall also meet the requirements outlined below:

A. The lot upon which the nursing or personal care home is situated shall meet the minimum area requirements established in the District Regulations for the district in which the use is to be located.

B. There shall be no more than two persons per bedroom in a personal care home, and adult supervision shall be provided on a 24-hour a day basis.

C. Nursing home facilities shall meet all applicable State codes regarding patient space requirements, and medical or nursing personnel shall be available on a 24-hour a day basis.

D. Sewage and water facilities shall be sufficient to handle the anticipated loading created by the proposed facility and shall meet all requirements of the Pennsylvania Department of Environmental Protection and/or the applicable public or community sewer and water boards or authorities. In addition, for the purposes of this Chapter, nursing homes must be served by public or community sewer facilities.

E. Evidence shall be provided with the application indicating that all appropriate state licensing requirements have been met.

F. Signs advertising the facility shall meet the requirements of Part 7 of this Chapter.

G. The off-street parking requirements set forth in Part 8 and all other applicable provisions of this Chapter shall also be met

(Ord. 8-9-2005, 8/9/2005, §411)

§27-413. Group Day Care Homes, Day Care Centers, or Nursery Schools.

Group day care homes, day care centers, or nursery schools may be permitted only in those zoning districts and as specified in the District Regulations, Part 3. All applications for such uses, whether new construction or a conversion, shall also meet the requirements outlined below.

A. The lot upon which the group day care home, day care center, or nursery school is situated shall meet the minimum area requirements established in the District Regulations for the district in which the use is to be located.

B. Outdoor recreation area shall be provided in accordance with the applicable State regulations. Such areas shall be completely enclosed with a fence, wall, or natural barrier at least 6 feet in height which is located no less than 25 feet from the edge of any adjoining street right-of-way. A dwelling or other accessory building may also be used as part of the required enclosure.

C. Passenger drop-off and pick-up areas shall be provided and arranged so that passengers do not have to cross traffic lanes on or adjacent to the site.

D. Sewage and water facilities shall be sufficient to handle the anticipated loading created by the proposed facility and shall meet all requirements of the Pennsylvania Department of Environmental Protection and/or the applicable public

or community sewer and water boards or authorities.

E. Evidence shall be provided with the application indicating that all appropriate State licensing requirements have been met.

F. Signs advertising the facility shall meet the requirements of Part 7 of this Chapter.

G. The off-street parking requirements set forth in Part 8 and all other applicable provisions of this Chapter shall also be met.

(Ord. 8-9-2005, 8/9/2005, §412)

§27-414. Bed and Breakfast Establishments.

Bed and breakfast establishments may be permitted only in those zoning district and as specified in the District Regulations, Part 3. Every application for such a use, whether new construction or a conversion, shall also meet the requirements outlined below.

A. The lot upon which the bed and breakfast establishment is situated shall meet the minimum area requirements established in the District Regulations for the district in which the use is to be located.

B. The operator of the facility shall reside on the lot.

C. Overnight lodging accommodations for any guest shall not exceed 14 continuous nights nor more than 60 days in any calendar year.

D. Lodging accommodations may or may not include arrangements for breakfast or other meals.

E. Dining facilities and food services shall be available only to lodgers.

F. Satisfactory evidence shall be provided to the Township by the applicant indicating that the proposed facility will conform to all applicable State and local regulations (including regulations of the Pennsylvania Department of Health and Pennsylvania Department of Labor and Industry).

G. Sewage and water facilities shall be sufficient to handle the anticipated loading created by the proposed facility and shall meet all requirements of the Pennsylvania Department of Environmental Protection and/or the applicable public or community sewer and water boards or authorities.

H. Arrangements for the collection, storage and disposal of solid wastes generated by the facility shall be made by the applicant and submitted to the Township for approval as part of the application for such use.

I. Signs advertising the facility shall meet the requirements of Part 7 of this Chapter.

J. The off-street parking requirements set forth in Part 8 and all other applicable provisions of this Chapter shall also be met.

(Ord. 8-9-2005, 8/9/2005, §413)

§27-415. Retail Establishments.

Retail establishments, including all those commercial and business establishments set forth in the District Regulations, may be permitted only in those zoning districts

and as specified in the District Regulations, Part 3. In addition, every proposed retail establishment shall meet the requirements outlined below as well as the standards set forth in the Hemlock Township Subdivision and Land Development Ordinance [Chapter 22]. Additional documentation may be required where it is deemed necessary by the Township to protect the health, safety and welfare of its residents.

A. Applications for new retail establishments shall include documentation and information sufficient to determine that the proposed use will meet the following standards:

(1) A site plan drawn to scale, showing the tract of ground on which the use is to be situated and the location of all buildings or structures existing or proposed for the site shall be submitted for all new retail establishments.

(2) Retail establishments shall have no detrimental effect on the character of the area or neighborhood where they are proposed to be located. All applications for such uses shall include details regarding the proposed use of externally broadcast music, public address systems, public announcements, paging, and similar activities.

(3) All retail uses shall provide adequate sewage disposal facilities and a safe water supply.

(4) Outdoor lighting associated with the proposed establishment shall be mounted and shielded to effectively eliminate direct or reflective glare on adjacent properties and on public streets.

(5) Buffer yards and/or screening shall be provided as required in §§27-506 and 27-507 of this Chapter, unless required otherwise by the regulations of this Part.

(6) All signs used to advertise retail activities shall meet the requirements of Part 7 of this Chapter.

(7) Off-street parking and loading areas shall be provided in accordance with the requirements of §§27-801 and 27-802 of this Chapter. Access to all proposed retail uses shall meet the requirements of §27-803.

(8) Arrangements for the collection, storage and disposal of solid wastes generated by the commercial use shall be made by the applicant and submitted to the Township for approval as part of the application for the retail activity. Such arrangements shall indicate the type of screening to be used to conceal waste storage facilities used by the retail operation.

(9) Applications for retail establishments shall also include an indication of the activity's proposed hours of operation.

(10) No offensive or objectionable noise, vibration, smoke, dust, odor, heat or glare shall be detected at or beyond the property line of the lot containing the commercial activity.

B. Applicants proposing to change from one commercial use to another in an existing building shall apply to the Zoning Officer for a zoning permit before changing use. All such applicants shall provide sufficient information to the permit officer indicating that the issues raised in paragraph .A above will be adequately addressed.

C. All accessory warehousing and storage facilities associated with a

commercial use shall meet the requirements of §27-433 of this Chapter.

D. No perpetual outside displays or retail sales shall be permitted for commercial uses, except where such display is a necessary part of the use. No merchandise shall be placed on any sidewalk except as part of a periodic sidewalk sale.

(Ord. 8-9-2005, 8/9/2005, §414)

§27-416. Automotive Service Stations and/or Repair Garages.

Automotive service stations and/or repair garages may be permitted only in those zoning districts and as specified in the District Regulations, Part 3. All applications for such uses shall also meet the criteria established in §27-415 of this Chapter for retail uses, as well as the standards outlined below, and all applicable State or Federal laws.

A. No automotive service station or repair shop shall be located within 300 feet of any school, playground, nursing home, church or other place of public assembly.

B. Gasoline pumps or other fuel dispensing devices shall be no closer than 30 feet to any street right-of-way line, nor shall any fuel oil, propane gas, or other similar substance be stored within 30 feet of a street right-of-way or property line. (Additional permits may be necessary to meet State and Federal requirements regarding the location of storage tanks for such purposes.)

C. All associated repair work (excluding preventive maintenance and minor adjustments) shall be carried out within a structure. All repair materials, including new, used, discarded or unusable parts of any vehicle, shall be stored within a building.

D. Vehicles being stored on-site for more than 48 hours shall be kept within a building or shall be screened from view as set forth in §27-507 of this Chapter. No such storage area shall exceed three times the size of the garage area in which repairs are being conducted.

E. Body work or painting of vehicles may be permitted only where the operation is to be conducted within an enclosed structure and where such structure meets the Pennsylvania Department of Labor and Industry and Pennsylvania Department of Environmental Protection regulations and is designed to contain all noise, vibrations, dust, and odor generated by the operation.

F. Arrangements for the collection, storage and disposal of all waste generated by the facility shall be made by the applicant and submitted to the Township for approval as part of the application for such use.

(Ord. 8-9-2005, 8/9/2005, §415)

§27-417. Personal Storage Warehouses.

Personal storage warehouses may be permitted only in those zoning districts and as specified in the District Regulations, Part 3. All applications for such uses shall meet the criteria established in §27-415 of this Chapter for retail uses, as well as the standards outlined below:

A. There shall be no commercial or residential use conducted from or occurring within such facilities.

B. Access to such facilities shall be sufficient to accommodate the size and type of items likely to be stored in the warehouse units.

C. All external storage of boats, RV's, or other vehicles shall be protected by security fencing and shall be shielded or screened from public view as per the requirements of §27-507 of this Chapter.

(Ord. 8-9-2005, 8/9/2005, §416)

§27-418. Adult Entertainment Establishments.

Adult entertainment establishments or facilities may be permitted only in those zoning districts and as specified in the District Regulations, Part 3. All applications for such uses shall meet the criteria established in §27-415 of this Chapter for retail uses as well as the standards outlined below, and all applicable State or local requirements.

A. No adult entertainment establishment may be situated or located within:

(1) One thousand feet of the boundary of any residential district or residential property line.

(2) One thousand feet of the property line of any church, school, day care center, theater, park, playground, or other areas where minors congregate.

(3) Seven hundred and fifty feet of the property line of any establishment licensed by the Pennsylvania Liquor Control Board to dispense alcoholic beverages.

(4) Five hundred feet of the property line of any other adult entertainment establishment.

B. Advertisements, displays, or other promotional materials for adult entertainment establishments shall not be shown or exhibited so as to be visible to the public from any street, sidewalk or other public place.

C. All building openings, entries, exits or windows for adult entertainment establishments shall be located, covered or screened in such a manner so as to prevent a view into the interior from any street, sidewalk or other public place. In the case of any adult drive-in or motion picture theater, viewing screens shall be situated so as to prevent observation from any street, sidewalk or other public area.

D. Screening shall be provided on both sides and to the rear of the establishment in accordance with the requirements of §27-507 of this Chapter.

E. No person under 18 years of age shall be permitted within an adult entertainment establishment, nor be permitted to purchase or rent any adult entertainment materials.

F. Business identification signs shall include no promotional advertisement or displays.

(Ord. 8-9-2005, 8/9/2005, §417)

§27-419. Shopping Centers and/or Shopping Malls.

Shopping centers and/or shopping malls may be permitted only in those zoning districts and as specified in the District Regulations, Part 3. All applications for such uses shall meet the criteria established in §27-415 of this Chapter for retail uses, the standards outlined below, as well as the requirements set forth in the Hemlock

Township Subdivision and Land Development Ordinance [Chapter 22]:

A. Such facilities may include, but need not be limited to, department stores, chain stores, small-scale retail shops, personal service businesses, grocery stores, theaters, financial institutions, restaurants or other eating establishments. In addition, medical, dental or other professional offices and indoor recreational or entertainment activities may also be permitted, although such uses must occupy less than 50 percent of the total facility.

B. Building coverage for shopping centers and/or shopping malls shall not exceed 30 percent of the total site area.

C. The proposed development shall be constructed in accordance with an overall plan and shall be designed in a single architectural style with appropriate landscaping.

D. Shopping centers or shopping malls shall be set back a minimum of 100 feet from all adjoining street rights-of-way and 50 feet from side and rear property lines. No parking, loading, or service areas shall be located closer than 25 feet to any property line. (See also paragraph .E below.)

E. A landscaped buffer, at least 50 feet in width, shall be provided along the side or rear of any shopping center or shopping mall site which abuts a residential district or residential area. Such buffer yard shall be located within the shopping center/shopping mall tract, and may include side or rear setbacks, but may not include any parking, loading, or service areas.

F. Adequate provision shall be made for safe and efficient pedestrian and vehicular traffic circulation within the boundaries of the shopping center/ shopping mall.

(Ord. 8-9-2005, 8/9/2005, §418)

§27-420. Industrial Operations.

Industrial operations, including those manufacturing, assembly, processing, packaging or shipping operations and those research or testing activities set forth in the District Regulations, may be permitted only where specified in the District Regulations, Part 3. Applications for such activities shall meet the requirements outlined below as well as the standards set forth in the Subdivision and Land Development Ordinance [Chapter 22] in effect in Hemlock Township. Additional documentation may also be required where it is deemed necessary by the Township to protect the health, safety and welfare of its residents:

A. Industrial or manufacturing operations shall abut on or provide direct access to a street or highway which is capable of accommodating the anticipated levels and types of industrial and employee traffic. Where access is proposed onto a State highway, a copy of the applicant's PennDOT-issued highway occupancy permit shall be provided to the Township as part of the industrial plan submission.

B. Every industrial operation must be contained within a building, except as may be authorized otherwise for a specific type of industrial activity.

C. Adequate sewage and water facilities shall be provided by the developer in accordance with the standards of the Pennsylvania Department of Environmental Protection. The developer shall provide sufficient documentation

along with development plans to indicate that such service will be provided.

D. Arrangements for the collection, storage and disposal of all solid wastes generated by the operation shall be made by the developer and submitted to the Township for approval as a part of his application for such a use. Where determined appropriate, the Township may request review of the proposed arrangements by the Pennsylvania Department of Environmental Protection prior to granting approval.

E. All accessory warehousing and storage facilities associated with an industrial use shall meet the requirements set forth in §27-433 of this Chapter.

F. Buffer yards and/or screening shall be provided as required by §§27-506 and 27-507 of this Chapter.

G. Off-street parking and loading areas shall be provided in accordance with Part 8 of this Chapter.

H. Accessory sales or retail outlets may be permitted to be associated with approved principal uses, but shall be clearly incidental to the industrial use of the subject site and shall occupy no more than 25 percent of the gross floor area of the operation. Where such retail facilities are to be established, additional off-street parking spaces shall be provided to satisfactorily accommodate the commercial activity.

I. Compliance with the following minimum performance standards, in addition to all applicable local, State or Federal codes or regulations (including DEP's air, water and noise pollution control standards) shall be required. The developer shall present sufficient documentation with his application for the industrial use to indicate that each of the applicable performance standards will be met.

(1) *Sound*. The volume of sound inherently and recurrently generated shall be controlled so as not to cause a nuisance to adjacent uses.

(2) *Vibration*. No vibrations shall be discernible beyond the property lines of the industry.

(3) *Odor*. No emission of odorous gas or other odorous matter shall be permitted in such quantity as would be readily detectable along or beyond the lot lines of the industrial operation without the use of instruments.

(4) *Toxic or Noxious Matter*. No discharge of any toxic or noxious matter in such quantity as would be detrimental or dangerous to public health, safety, comfort or welfare, or would cause injury or damage to property, businesses, or the surrounding natural environment shall be permitted.

(5) *Glare*. No direct or reflected glare shall be detectable at any point along or beyond the property lines of the industry.

(6) *Heat*. No direct or reflected heat shall be detectable at any point along or beyond the property lines of the industry.

(7) *Dust and Fly Ash*. No solid or liquid particles shall be emitted in such quantities as would be readily detectable at any point along or beyond the property lines of the industry or as would produce a public nuisance or hazard.

(8) *Smoke*. No smoke shall be emitted in such quantity as would become

a nuisance.

(9) *Fire, Explosion, and Chemical Hazards.* In all activities involving, and in all storage of flammable and explosive materials, the owner or operator of such use shall provide adequate safety devices against the hazard of fire, explosion, leaks or spills, and appropriate firefighting and fire suppression equipment and devices standard in the industry, or as may be required by the Occupational Safety and Hazards Administration (OSHA). Burning of industrial waste materials in open fires shall be prohibited at all times.

(10) *Radio Waves or Electrical Disturbances.* No activities shall be permitted which emit radio waves or electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance.

(Ord. 8-9-2005, 8/9/2005, §419)

§27-421. Junkyards or Auto Salvage Operations.

All junkyards or auto salvage operations created after the effective date of this Chapter shall comply with the provisions outlined below, as well as all other municipal regulations which may be in effect, including the Hemlock Township Junkyard Ordinance [Chapter 13, Part 4], and any subsequent amendments thereto. Where however there is a conflict between the provisions of this Chapter and the requirements of the Hemlock Township Junkyard Ordinance, or any subsequently enacted amendments thereto, the more restrictive provisions shall apply. Such facilities may be permitted only in those zoning districts and as specified in the District Regulations, Part 3.

A. Such uses shall be conducted within a building or shall be entirely enclosed with a fence or wall not less than 8 feet in height and made of a suitable, permanent material. In addition, a buffer yard of 50 feet shall be provided around the entire perimeter of the facility to maintain adequate separation between the junkyard and adjacent uses. No part of this buffer yard may be used for the storage of any materials or parts associated with the operation. All buffer areas shall also be screened in accordance with the requirements set forth in §27-507 of this Chapter.

B. No junk material, accessory structure, related activity or other enclosure shall be stored, placed, located or conducted within 50 feet of any public street right-of-way, body of water, stream or wetland, or any adjoining property line. No weeds or scrub growth over 8 inches in height shall be permitted to grow within this setback area. And, where determined appropriate by the Township Supervisors, the applicant may be required to prepare and submit a soil erosion and sedimentation control plan for his facility.

C. All junk materials shall be placed so that they are incapable of being transported off the premises by wind, water, or other natural causes.

D. All junk shall be stored or arranged so as to permit access by firefighting equipment and to prevent the accumulation of water. No junk shall be piled to a height exceeding 8 feet.

E. All gasoline and oil shall be drained from junked vehicles prior to being accepted at the facility. All hazardous or toxic materials, including freon and

antifreeze shall be drained from appliances prior to their acceptance at the facility.

F. No oil, grease, tires, gasoline or other similar material shall be burned at any time, and all other burning shall be controlled at all times.

G. All junkyards shall be maintained in such a manner to avoid causing public or private nuisances; causing any offensive or noxious odors; or causing the breeding or harboring of rats, flies, or other vermin that could be hazardous to public health.

(Ord. 8-9-2005, 8/9/2005, §420)

§27-422. Mineral Extraction Operations.

Mineral extraction operations, including the commercial excavation of sand, gravel, clay, shale, rock or other natural mineral deposit as may be defined by State or Federal regulations, may be permitted only where specified in the District Regulations, Part 3. All such operations shall comply with Pennsylvania Department of Environmental Protection's and applicable Federal permit requirements and evidence of such compliance must be submitted with any application for a mineral extraction operation. In addition, the following standards shall be met. (Where, however, the requirements of this Chapter conflict with any State or Federal law or regulation, such State or Federal regulation shall prevail.)

A. Mineral extraction operations shall abut on or provide direct access to a street or highway capable of accommodating heavy trucks and employee traffic. Truck access to any excavation site shall be arranged to minimize danger to traffic and nuisance to surrounding properties. Where access to a State highway is proposed, a copy of the applicant's PennDOT-issued highway occupancy permit shall be provided to the Township as a part of the extraction plan submission.

B. A copy of the applicant's soil erosion and sedimentation control plan, reviewed and approved by the County Conservation District, or other designated agency, shall be submitted to the Township to indicate what precautions are to be taken to avoid erosion and sedimentation problems where excavation is proposed. All exposed ground surfaces shall be stabilized or protected with a vegetative cover to prevent erosion, unless other erosion control techniques are approved as part of the above-referenced plan.

C. Screen plantings, buffering, and/or fencing shall be provided along the perimeter of the excavation site as may be required by State or Federal regulations. Where not specifically regulated by State or Federal standards, a buffer yard of 150 feet and screening in accordance with §27-507 of this Chapter shall be provided. In addition, in the case of open excavation, a fence, at least 8 feet in height, shall completely surround the excavated area, except at approved points of ingress and egress. Points of ingress and egress shall have a gate(s) which shall be locked to prevent unauthorized access when the facility is not in operation.

D. Where not specifically regulated by State or Federal standards, no extraction activities, stockpiling or storage of extracted material shall be located within the required buffer (see paragraph .C above), nor less than 500 feet from a Residential District or 300 feet from any stream, body of water or designated wetland area. Further, no stockpiles may exceed 50 feet in height above the original ground surface. All reasonable precautions shall be taken to prevent any

materials deposited on stockpiles from being washed, blown, or otherwise transported off the site by natural forces.

E. Where permitted, rock crushers, batching or mixing plants, or other grinding, polishing or cutting machinery shall be setback a minimum of 150 feet from all property lines and public rights-of-way. Such facilities shall not exceed 65 feet in height and shall be subject to such additional conditions and safeguards deemed necessary by the Township Supervisors to protect the public health, safety and welfare.

F. The applicant shall submit a copy of the State or Federally mandated post-closure site restoration plans to the Township as a part of the application for a mineral extraction operation.

G. The applicant shall provide evidence that all required governmental approvals have been granted prior to the issuance of a zoning permit. In the event the mining operation is found to be in violation of any governmental regulations which require the operation of the facility to cease, such action shall cause the zoning permit to be forfeited. In this case, no resumption of facility operations shall take place unless and until the applicant obtains approval of a new zoning permit application.

(Ord. 8-9-2005, 8/9/2005, §421)

§27-423. Agricultural Uses.

Irrespective of the specific uses listed or permitted in any of the Township's zoning districts, existing agricultural programs shall be permitted and encouraged as an interim use until such time as the property owner sells or transfers his property interests to persons, agents or others interested in developing a use in conformance with the District Regulations set forth in Part 3. All agricultural uses initiated after the effective date of this Chapter shall however be subject to the following safeguards and regulations.

A. *General Agricultural Use Regulations.* The following general regulations shall apply to all agricultural uses regardless of the zoning district in which they may be located:

- (1) Private gardens shall be permitted in all zoning districts.
- (2) Commercial animal husbandry may be permitted as a principal and/or accessory use only in the Agricultural District. (See also paragraph .B below regarding concentrated animal feeding operations.) Household pets are exempt from these regulations.
- (3) Buildings in which livestock or poultry are to be housed (temporarily or permanently) shall be set back at least 100 feet from all property lines and dwellings (other than the owner's residence). All other agricultural buildings shall be set back in accordance with the standards established in the District Regulations, Part 3.
- (4) No outdoor feedlot, agricultural compost, manure or other similar unenclosed storage shall be located closer than 100 feet to any property line, stream, water body, or designated wetland area.
- (5) Nothing contained in this Chapter shall prohibit a farmer from

carrying out normal farming activities, including the spreading of manure. For all agricultural operations abutting nonagricultural zoning districts however, all manure must be turned under within 24 hours of its application.

B. *Concentrated Animal Feeding Operation Regulations.* Concentrated animal feeding operations (CAFO) may be permitted only where specified in the district regulations, Part 3. All new or expanded CAFO's shall require conditional use approval from the Township Supervisors prior to the issuance of a zoning permit. In addition, all applications for CAFO's shall satisfy the following criteria.

(1) All concentrated animal feeding operations shall meet the requirements set forth in the Pennsylvania Nutrient Management Regulations, 3 Pa.C.S.A. §501 *et seq.*, for the preparation and submission of nutrient management plans. In particular, all such operations shall meet the standards established in the Nutrient Management Regulations pertaining to nutrient application, manure management, and manure storage facilities.

(2) All applications to the Township for new or expanded concentrated animal feeding operations shall include the following information:

(a) A detailed, written description of the type and size of operation being proposed.

(b) A site plan illustrating the proposed location of all outdoor feedlots, animal confinement buildings, manure storage facilities, and manure application areas, and their relation to existing occupied dwellings (other than the owner's residence).

(c) A copy of the applicant's nutrient management plan, reviewed and approved by the County Conservation District, designated nutrient management specialist, or other appropriate agency.

3. At a minimum, buildings in which livestock and/or poultry are to be housed (temporarily or permanently) shall be erected at least 100 feet from all property lines and dwellings (other than the owner's residence). Where however, more restrictive setback requirements are established in the nutrient management regulations, then those standards shall apply.

4. No manure storage facilities shall be permitted to be located within a designated floodway. Where located within a designated flood fringe or general floodplain area, all such structures shall be elevated or floodproofed to meet the requirements of §27-603 of this Chapter.

(5) The applicant shall prepare and show the ability to comply with an odor abatement plan for all aspects of the proposed activity. Recognition must be given by the Township that concentrated animal feeding operations produce odors, but the applicant's plan shall show what steps are to be taken to abate the odors associated with the operation.

(Ord. 8-9-2005, 8/9/2005, §422)

§27-424. Roadside Stands.

Temporary or permanent roadside stands or shelters may be permitted only in those zoning districts and as specified in the District Regulations, Part 3. All applications for such uses shall also meet the standards outlined below. (See also §27-

434 regarding other temporary uses):

A. Temporary stands shall not exceed 400 square feet in size and shall be removed from the site during the season(s) when they are not in use for the sale or display of products.

B. Where a temporary roadside stand is established, a minimum of five off-street parking spaces, located outside of the adjoining street right-of-way, shall be provided. The standards set forth in §27-801, Table 27-8-1, of this Chapter shall apply to all permanent facilities.

C. Temporary stands shall be set back at least 20 feet from the edge of the adjoining street right-of-way and at least 50 feet from any intersection. Permanent stands shall meet the setback requirements set forth in the District Regulations for structures in the district where they are to be located.

D. Seasonal zoning permits shall be required for temporary roadside stands.

E. All signs used to advertise such facilities shall meet the requirements set forth in Part 7 of this Chapter.

F. Accessory roadside stands located in the Rural Residential and Agricultural Districts shall be limited to the sale of farm, nursery, or greenhouse products.

(Ord. 8-9-2005, 8/9/2005, §423)

§27-425. Seasonal Dwellings or Hunting Camps.

Seasonal dwellings or hunting camps may be permitted only in those zoning districts and as specified in the district regulations [Part 3]. All applications for such uses shall also meet the requirements outlined below:

A. Every lot to be utilized for a seasonal dwelling or hunting camp shall meet the minimum area and yard requirements set forth in the District Regulations, Part 3.

B. Every seasonal dwelling or hunting camp shall be provided with adequate sewage disposal and water supply systems subject to the applicable rules and regulations of the Pennsylvania Department of Environmental Protection. Satisfactory evidence that all necessary permits of this type have been issued shall be submitted to the Township as part of an application for such a use.

C. No seasonal dwelling or hunting camp shall be converted to a permanent, full-time dwelling unit unless the same conforms to all applicable Township codes and ordinances. Where seasonal structures are proposed for conversion to full-time occupancy, all foundation and gross floor area requirements contained in §27-403 of this Chapter shall be met and adequate sewage and water supply systems must be provided.

D. Where such uses are proposed to be located within an identified flood fringe or general floodplain area, all requirements regarding floodproofing contained in Part 6 of this Chapter shall be met.

E. No more than one permanent seasonal dwelling or hunting camp shall be erected or placed on one lot, unless such structures are part of an approved land development.

F. Recreational vehicles, campers, travel trailers, motor homes, or other similar units may be used as seasonal dwellings or hunting camps subject to the following standards. (No buses, trucks, truck trailers, or similar vehicles or parts of vehicles may however be permitted as seasonal dwellings or hunting camps.)

(1) *Units to be Placed in a Floodplain.* Recreational vehicles or similar units to be placed on a lot in any floodplain district shall meet the following requirements:

(a) A seasonal zoning permit shall be required for all such units to be placed on a lot in any identified floodplain in the Township for more than 7 consecutive days. Such permits shall be renewed annually.

(b) Such units may only be placed or situated on their site from April 1 to October 1 of each year and shall be removed from the floodplain during the remainder of the year.

(c) Such units shall remain on wheels and shall be capable of being towed or transported from the site at all times.

(d) A workable evacuation plan shall be submitted to the Township as part of the application for the seasonal zoning permit indicating how the unit will be removed from the site if there is a threat of flooding or a flood warning is issued.

(e) Each application for a seasonal zoning permit shall include: 1) an indication of the sewage facilities to be used by the unit or 2) an executed arrangement for dumping at a State-approved dump station.

(2) *Units to be Located Outside of a Floodplain.* Recreational vehicles or similar units to be placed on a lot outside of a floodplain shall meet the following requirements:

(a) A seasonal zoning permit shall be required for all such units to be placed on any lot in the Township for more than 30 days in any calendar year. Such permits may be issued for up to 180 days, but must be renewed annually.

(b) All such units must be removed from the site during the off-season.

(c) Each application for a seasonal zoning permit shall include: 1) an indication of the sewage facilities to be used by the unit or 2) an executed arrangement for dumping at a State-approved dump station.

(d) One additional camping unit may be permitted to visit the site of the original unit periodically during the life of the seasonal permit so long as adequate lot space is available to accommodate both units and all required off-street parking, and adequate arrangements can be made for sewage disposal.

(Ord. 8-9-2005, 8/9/2005, §424)

§27-426. Outdoor Commercial Recreation Uses.

Outdoor commercial recreation uses, including campgrounds, RV parks, golf courses, golf driving ranges, sporting clays or skeet shooting ranges, ski resorts, and similar activities, may be permitted only in those districts and as specified in the

District Regulations, Part 3. Applications for such uses shall also meet the requirements outlined below.

A. A plan showing the proposed facilities and/or design of the recreational facility shall be provided by the applicant with his zoning permit application.

B. All buildings, structures, and/or active recreation facilities shall be located at least 50 feet from all property lines and shall be screened in accordance with the standards set forth in §27-507 of this Chapter.

C. Sewage disposal facilities, when proposed, shall be provided by the applicant in accordance with the standards of the Pennsylvania Department of Environmental Protection and applicable local sewage regulations.

D. Arrangements for the collection, storage and disposal of all solid wastes generated by the facility shall be made by the applicant and submitted to the Township for approval as part of the application process.

E. Off-street parking facilities shall be provided in accordance with the requirements of Part 8 of this Chapter.

F. Outdoor security lighting provided for the facility shall be installed and shielded to eliminate direct glare on adjacent properties or upon public streets.

G. No public address system shall be permitted, except where such system will be inaudible at all property lines.

H. The proposed hours, rules, and security arrangements for the facility shall be included with the application for the use. Consideration shall be given not only to the convenience of the users, but the convenience, safety and welfare of the neighborhood or area in which the facility is to be located.

I. Where the proposed activity involves a use which presents a potentially hazardous situation, such as a trap, skeet, or sporting clays range, additional safeguards or precautions shall be taken by the applicant to ensure the safety of the public. In all such instances, the Zoning Hearing Board shall review the precautions being proposed and shall determine their adequacy before granting approval to the proposed use.

J. In addition to meeting the standards set forth above, applications for campgrounds or RV parks shall also meet the requirements contained in the Hemlock Township Subdivision and Land Development Ordinance [Chapter 22]. Furthermore, a campground or RV park proposed to be situated in any identified floodplain area must meet the floodplain management requirements established in Part 6 of this Chapter.

(Ord. 8-9-2005, 8/9/2005, §425)

§27-427. Utility Supply Facilities.

For the purposes of this Chapter, utility supply facilities shall include those facilities, buildings, and structures constructed and maintained by municipal or governmental agencies, public utilities, public/private co-operatives, or public service organizations, which are necessary for the provision of utility services to the general public, such as electric or telephone substations, sewer or water pumping stations, sewage treatment plants, natural gas metering and flow control devices, and related equipment, but excluding commercial communications antennas and towers. Such

facilities shall meet the following standards:

A. There shall be no specific minimum lot size or lot width requirements applied to these uses. Each application shall be evaluated on a case-by-case basis by the Township Supervisors as they review the conditional use application. Appropriate setback and building coverage requirements, designed to protect the public health, safety, and welfare, will be determined at that time.

B. Utility supply facilities shall be designed and constructed to be compatible with the general character (appearance and structural material) of the other structures within the district in which they are located.

C. Structures may be permitted for the housing of transformers, pumps and similar equipment, but shall house only that equipment that is necessary to provide normal maintenance and repair for the systems. Office space may only be provided in the General Commercial and Interchange Commercial Districts, and service centers may only be located in the Industrial District.

D. Where, in the opinion of the Township Supervisors, potential safety hazards exist with such facilities, additional precautions (such as buffering, screening, or fencing) may be required.

E. Outdoor or unenclosed storage yards associated with utility supply facilities may only be situated in the Industrial District. Such storage areas shall be secured with a fence and shall be shielded from view by the use of screen planting. In addition, where adjacent land use dictates, in the opinion of the Supervisors, buffer yards of 25 feet or more may also be required to provide sufficient separation between uses. (See also §§27-506 and 27-507 of this Chapter.)

(Ord. 8-9-2005, 8/9/2005, §426)

§27-428. Communications Antennas, Towers, and/or Equipment Buildings.

Communications antennas, towers, and/or receiving equipment buildings may be permitted only in those zoning districts and as specified in the District Regulations, Part 3. Applications for such uses shall also be subject to the standards outlined below, as well as all other applicable State or Federal regulations. Residence mounted satellite dishes and television reception devices, and ham or citizen band radio antennas may be located in any zoning district as an accessory use and shall not be subject to further regulation by this Chapter.

A. General Requirements.

(1) No person or entity shall construct, install or otherwise operate a commercial communications antenna or erect a communications tower or equipment building without first securing a zoning permit from the Township Zoning Officer, except as provided above.

(2) The applicant shall provide sufficient documentation that it is licensed by the Federal Communications Commission (FCC) to operate a communications tower and/or antennas. The applicant shall also demonstrate that all antennas proposed to be mounted on such towers will comply with the applicable standards established by the FCC governing human exposure to electromagnetic radiation, and that any proposed tower will comply with all Federal Aviation Administration (FAA), Commonwealth Bureau of Aviation,

and applicable airport zoning regulations.

(3) The applicant shall demonstrate that the proposed antennas will not cause radio frequency interference with other communications facilities located in or adjacent to the Township.

(4) Within 30 days after a change of ownership of any communications antenna, tower, or equipment building, the new owner shall notify the Township in writing of such ownership change.

(5) No provision of this Section is intended to unduly restrict or impair communications activities conducted by any FCC-licensed individual or entity. In the event that it is determined that any provision of this Section would unlawfully restrict the exercise of a license issued by the FCC, the Supervisors of Hemlock Township shall have the power and authority to modify the terms of this Section as they apply to such license holder. Relief under this Section shall however be authorized on a case-by-case basis, and any such application shall be considered as a conditional use.

B. Building-Mounted Communications Antennas. Communications antennas may be mounted to any existing building or structure in the General Commercial, Interchange Commercial, or Industrial District subject to the following standards:

(1) Building-mounted communications antennas shall not be located on any single-family, duplex, or multi-family dwellings, but may be attached to government or municipal buildings, water tanks, agricultural buildings, electrical transmission poles or towers, or other nonresidential buildings.

(2) Building-mounted antennas shall not exceed 15 feet in height above the building to which they are attached. Omni-directional or whip antennas shall not exceed a height of 20 feet and a diameter of 7 inches. Directional or panel antennas shall not exceed 5 feet in height and 3 feet in width.

(3) Any applicant proposing to mount a communications antenna on a building or other structure shall submit evidence to the Township from a registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or structure, considering wind and other loads associated with the antenna's location.

(4) Building-mounted antennas shall be located on those building elevations which do not face public rights-of-way, and shall not project more than 3 feet from the vertical face of the building to which they are attached.

(5) Applicants for building-mounted antennas shall submit evidence to the Township that all necessary agreements and/or easements have been secured to provide access to the building or structure on which the antenna is located.

C. Communications Towers and Tower-Mounted Antennas. Communications towers and antennas mounted on those towers may be located in the Agricultural District subject to the following standards:

(1) Any applicant proposing construction of a new communications tower shall provide documentation to the Township which demonstrates need for the tower in the proposed location. Such documentation shall include, but need not be limited to, coverage diagrams and technical reports prepared by a qualified

professional engineer indicating that the proposed location is necessary to achieve the desired coverage and that co-location on an existing tower, building or structure is not possible. (See also subparagraph (2) below for additional co-location requirements.)

(2) Any applicant proposing construction of a new communications tower shall document that a good faith effort has been made to obtain permission to mount the communications antennas on an existing building, structure or communication tower. A good faith effort shall require that all owners of potentially suitable structures within a $\frac{1}{4}$ mile radius of the proposed tower site be contacted and that one or more of the following reasons applies for not selecting such structure.

(a) The proposed antennas and related equipment would exceed the structural capability of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.

(b) The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that structure and the interference could not be prevented at a reasonable cost.

(c) Such existing structures do not have adequate location, space, access, or height to accommodate the proposed equipment or to allow it to perform its intended function.

(d) Addition of the proposed antennas and related equipment would result in electromagnetic radiation from the structure exceeding applicable standards established by the FCC governing human exposure to such radiation.

(e) A commercially reasonable agreement could not be reached with the owners of such structure.

(3) 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 requirements for the district in which the tower is to be located. Joint use of a site shall be prohibited, however, when an existing or proposed use involves the storage, distribution, or sale of volatile, flammable, explosive or hazardous materials such as propane, gasoline, natural gas, or dangerous chemicals.

(4) The maximum height of any communications tower shall be 180 feet measured from the ground elevation around the tower to the highest point on the tower, including antennas mounted thereon, unless the applicant can demonstrate, to the satisfaction of the Township Zoning Hearing Board, that a greater height is necessary to perform the intended function.

(5) The foundation and base of any communications tower shall be set back from all property lines and public street rights-of-way a distance equal to or greater than the intended height of the tower.

(6) All tower applicants shall provide evidence that at least one antenna contract agreement has been secured to locate on the proposed tower. In addition, the tower shall be designed to accommodate at least four antennas, and shall allow for future rearrangement of antennas or the acceptance of

antennas mounted at varying heights.

(7) All communications towers shall be designed and constructed in dance with currently accepted engineering practices, taking into consideration all relevant safety factors including, but not limited to, wind forces. All guy wires associated with communications towers shall be clearly marked so as to be visible at all times and shall be located within the required fenced enclosure. The applicant shall supply the Township with certification from a registered professional engineer indicating that such practices will be met.

(8) Towers and antennas located thereon shall be finished with a non-reflective surface treatment. Materials used in such construction shall not detract from the appearance of the area surrounding the tower. Where possible, applicants are encouraged to design or camouflage towers as trees, farm buildings, or other natural features. (See also subparagraph (12) below for landscaping requirements.)

(9) The site of a communications tower shall be secured by a fence with a minimum height of 8 feet to limit accessibility by the general public. All towers shall be fitted with anti-climbing devices approved by the manufacturer for the type of installation proposed.

(10) No tower or antenna located thereon shall be illuminated except as may be required by the FAA or FCC, in which case the Township may review the available lighting options and approve the design that would cause the least disturbance to surrounding uses and views.

(11) No signs shall be mounted on a communications tower, except as may be required and approved by the FCC, FAA, or other governmental agency and the Township. No advertising is permitted on a tower or antenna, or other building or structure accessory thereto.

(12) The tower and any antennas located thereon shall be located, designed, and screened to blend in with the existing natural or built surroundings so as to minimize visual impacts and to achieve compatibility with neighboring residences and the character of the community to the extent feasible. In addition, the base of the tower shall be landscaped to screen the foundation, base, and equipment building from abutting properties.

(13) Access to the communications tower and/or equipment building shall be provided by means of a public street or private right-of-way or easement to a public street. Any such right-of-way or easement shall be a minimum of 20 feet in width and shall be improved to a width of at least 10 feet for its entire length.

(14) The applicant shall submit a copy of his FCC license, together with the name, address and emergency telephone number of the operator of the communications tower, and a certificate of insurance evidencing general liability coverage in the amount of \$1,000,000 per occurrence and property damage coverage in the amount of \$1,000,000 per occurrence covering the tower and antennas thereon, with a \$3,000,000 aggregate.

(15) The tower shall be regularly maintained and inspected for structural safety at least annually by a properly qualified professional. The owner of the tower shall submit such inspection report to the Township by June 30 of each

year as a condition of permit approval.

(16) The Township may require a tower removal performance bond be posted by the owner to ensure removal of the tower should it become abandoned or is no longer used to support communication antennas. When required, such bond shall be in an amount no less than 20 percent of the cost of the tower and shall remain with the Township for the life of the tower. Any change in the status of the bond must be reported to the Township by the applicant within 30 days.

(17) If a communications tower remains unused for a period of 12 consecutive months, the Township may consider the use abandoned and may therefore instruct the Zoning Officer to issue a notice to the tower owner to dismantle and remove the facility and associated equipment from the site within 6 months following the date of the notice. Municipal enforcement proceedings and procedures to invoke use of a tower removal bond may be initiated following the 6-month period if the tower has not been satisfactorily removed.

D. *Communications Equipment Buildings.* Communications equipment buildings may be permitted as an accessory use to any communications tower located within the Township and shall be subject to the following standards:

(1) Structures permitted for the housing of equipment, transformers, and other similar hardware, shall be designed and constructed to be compatible with the general character of the other structures located within the same district, and shall be subject to the setback requirements provided in the District Regulations for the district where they are to be located. Such structures shall house only that equipment necessary to provide normal maintenance and repair for the operations, and shall generally be unmanned.

(2) Communications equipment buildings shall be subject to the maximum height requirements of the district in which they are to be located.

(Ord. 8-9-2005, 8/9/2005, §427)

§27-429. Home Occupations.

Where not prohibited by deed restrictions or other covenants or agreements restricting the use of land, no-impact home-based businesses and other home occupations may be permitted subject to the following requirements:

A. *No-Impact Home-Based Businesses.* No-impact home-based businesses may be permitted in all Districts subject to the following standards: [Ord. 11-11-2014]

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

(2) The business activity shall be conducted entirely within the owner's dwelling and may occupy no more than 25 percent of the floor area of the residence, not to exceed a total of 400 square feet.

(3) The business shall employ no employees other than family members residing in the dwelling.

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

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

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

(7) The business activity shall not generate any solid waste or sewage discharge in volume or type which is not normally associated with residential use in the neighborhood.

(8) The business shall not involve any customer, client, or patient traffic, whether vehicular or pedestrian, pick-up, delivery, or removal functions to or from the premises in excess of that normally associated with a residential use.

(9) The business shall not involve any illegal activity.

B. *Home Occupations.* Home occupations meeting the following standards may be located with the Rural Residential, Suburban Residential, Urban Residential, or Agricultural Zoning Districts.

(1) The home occupation shall be clearly secondary to the use of the principal residential nature or use of the dwelling where it is to be located.

(2) In the SR and UR District, the area devoted to the permitted home occupation shall be located within the resident's dwelling; no detached, accessory structure(s) may be used. In the RR or A Districts, the area devoted to the permitted home occupation may be located within the owner's dwelling or a single building accessory thereto. (Any such accessory building located in an RR District shall not contain more than one-half the gross floor area of its principal building, nor shall any such accessory building located in an A District exceed the size of its principal building.)

(3) The home occupation shall occupy no more than 25 percent of the gross floor area of the dwelling, and in the SR and UR Districts, shall not exceed 400 square feet in size. (No maximum gross floor area standards shall apply to family day care homes or to accessory group day care homes.)

(4) The home occupation shall be owned and operated by the individual who is the owner and resident of the dwelling in which the occupation is located. There shall be no more than one nonresident employee engaged in the home occupation.

(5) The home occupation shall in no way alter the residential character of the neighborhood where it is to be located, nor shall it in any way adversely affect the safety of individual properties in that neighborhood.

(6) The home occupation shall not create any adverse impact on existing vehicular traffic or pedestrian circulation patterns in the neighborhood. In the SR and UR Districts, no home occupation shall be permitted where manufactured products or materials are delivered to or distributed from the residence.

(7) No offensive or objectionable noise, vibration, smoke, dust, odor, heat or glare shall be produced or detected at or beyond the property line of the lot containing the home occupation.

(8) There shall be no exterior display or sign advertising the home occupation, except as may be permitted in Part 7 of this Chapter, and no outdoor, unenclosed storage of materials associated with the occupation on the site.

(9) Off-street parking spaces shall be provided for home occupations as set forth in Part 8 of this Chapter.

(10) The majority of all goods or products sold on the premises must be produced on the site, or must be related to a service offered on the site.

(11) Permitted home occupations shall include the following “low-intensity,” service-oriented activities which do not meet the criteria for a no-impact, home-based business as set forth above:

(a) Professional offices for physicians, dentists, architects, engineers, real estate or insurance agents, lawyers, and accountants.

(b) Home offices for seamstresses, fine artists, tutors, and musicians giving lessons.

(c) Bather and beauty shops.

(d) Family day care homes or accessory group day care homes.

(e) Custom baking and catering operations.

(f) Small appliance or nonautomotive electronic equipment repair facilities.

(12) Requests for other home occupations not specified above may be submitted to the Zoning Hearing Board for consideration. Upon finding of the Board that such use complies with the criteria of this Section, other applicable codes and ordinances in effect in the Township, and that the proposed use would not be detrimental to the health, safety and welfare of the residents of the neighborhood where it is to be located, such use may be approved.

(*Ord. 8-9-2005, 8/9/2005, §428; as amended by Ord. 11-11-2014, 11/11/2014*)

§27-430. Farm-Related Businesses.

Farm-related businesses may be permitted as accessory uses in the Agricultural District, subject to the following requirements:

A. For the purposes of this Chapter, a farm-related business shall be defined as an accessory commercial enterprise conducted on a farm parcel which is related to and/or supportive of an on-going agricultural operation located on the same tract of ground. All such operations shall remain secondary to the principal agricultural use of the property.

B. Farm-related businesses shall be conducted entirely within an enclosed building(s) typical of farm buildings, but may not be located within the farm residence. All buildings used for farm-related businesses shall be located in proximity to other farmstead buildings and must remain compatible with the character of the farm and the rural setting in which they are located.

C. The farm-related business must be owned and operated by the individual who is the owner and resident of the farm on which it is located. There shall be no more than two nonresident employees engaged in the business.

D. The area devoted to production, storage and sales associated with the farm-related business shall be limited to a total of 2,500 square feet of gross floor area.

E. No outdoor, unenclosed storage associated with a farm-related business shall become a nuisance or create a safety hazard. All such storage shall meet the requirements set forth in §27-432 of this Chapter.

F. All signs used to advertise such facilities shall meet the requirements of Part 7 of this Chapter.

G. Off-street parking spaces shall be provided for each farm-related business as set forth in Part 8 of this Chapter.

H. Farm-related businesses may include, but need not be limited to, any of the following activities:

- (1) Processing, storage, and/or sale of products raised or produced on the premises.
- (2) Dairy stores.
- (3) Custom butcher shops.
- (4) Horticultural nurseries, greenhouses, and/or garden shops.
- (5) Feed or seed sales.
- (6) Tack shops or blacksmithing operations.
- (7) Livestock or animal grooming services.

I. Requests for other farm-related businesses not specified above may be submitted to the Zoning Hearing Board for consideration. Upon finding of the Board that such use complies with the criteria of this Section, other applicable codes and ordinances in effect in the Township, and that the proposed use would not be detrimental to the health, safety and welfare of the residents of the neighborhood where it is to be located, such use may be approved.

(Ord. 8-9-2005, 8/9/2005, §429)

§27-431. Swimming Pools.

1. *Private Swimming Pools.* Private swimming or bathing pools (pools used by the occupant and his/her guests) may be permitted as accessory uses in all zoning districts, except the Industrial District, but shall be subject to the following requirements:

A. Every outdoor private swimming pool of permanent construction, whether above or below ground, shall be completely surrounded by a fence or wall not less than 4 feet in height to prevent uncontrolled access. (No additional fence or wall shall be required where a minimum of 4 feet of the walls around the entire perimeter of the pool are located above the ground; provided, that steps, ladders and other means of access to the pool are removed or secured to a minimum of 4 feet above ground level when the pool is not in use.) All gates or doors in the fence or wall shall have self-latching or automatic locking devices.

B. A dwelling or accessory structure may be used as part of the required enclosure.

C. The pool shall not be located within any required front yard, nor be closer than 40 feet to the right-of-way line of any street. In addition, pools shall be set

back in accordance with the side and rear yard requirements established in Part 3, the District Regulations, for the district in which they are to be located. (See also §27-505.2 regarding accessory structures.)

2. *Public Swimming Pools.* Public swimming or bathing pools, including pools owned and operated by municipal governments, private organizations, or pools provided in conjunction with commercial lodging facilities, mobile home parks, or similar uses, may be permitted only as specified in the District Regulations, Part 3. Such pools shall be subject to all requirements established by the Pennsylvania Department of Environmental Protection and the Pennsylvania Department of Health.

(Ord. 8-9-2005, 8/9/2005, §430)

§27-432. Outdoor, Unenclosed Storage.

The outdoor or unenclosed storage of materials, equipment, or items of personal property may be permitted as an accessory use on any lot, in all zoning districts in the Township, but shall be subject to the following standards:

A. Such storage shall be located on a lot occupied by the owner of the materials or items of personal property.

B. Such storage shall not constitute a nuisance nor create of safety hazard.

C. No storage shall be permitted in any front yard and shall be situated so as to meet the applicable side and rear yard setback requirements for the district in which it is to be located.

D. No part of a street right-of-way, sidewalk or other area intended or designated for pedestrian use, and no required parking area shall be used for such storage.

E. No flammable or explosive liquids, solids, or gases shall be stored in bulk above ground, except those directly connected to heating devices, appliances located on the same premises, or facilities authorized to sell or distribute such products.

F. All materials or wastes which might cause fumes or dust or which constitute a potential fire hazard or which may be attractive to rodents or insects shall be stored only in properly closed and sealed containers.

G. In Commercial and Industrial Districts, all outdoor, unenclosed storage areas shall be screened or shielded from view from any public street or right-of-way by a fence, wall, or screen plantings as provided in §27-507 of this Chapter.

H. No outdoor, unenclosed storage shall be permitted in a Floodway District. Where permitted with a Flood Fringe or General Floodplain District, all such storage shall be floodproofed to avoid being transferred from the site during times of flooding.

(Ord. 8-9-2005, 8/9/2005, §431)

§27-433. Accessory Warehousing and Storage Facilities.

Warehousing and/or storage facilities accessory to an approved, principal use may be permitted in the General Commercial, Interchange Commercial, and Industrial Districts, but shall be subject to the following standards:

A. The total gross floor area of all accessory warehousing or storage facilities

shall be no more than one-half of the gross floor area of the principal structure.

B. Accessory warehousing and storage may also include temporary facilities for container or trailer storage. Such storage shall be limited to one such unit for each 25,000 square feet of gross floor area (or portion thereof) in the principal commercial or industrial facility; and, may be permitted to be located on a site for up to 90 days in any 6-month period. Applications for the use of all such units at a single commercial or industrial location must be submitted at the same time.

C. Where permitted, temporary container or trailer storage units shall be situated on ground level and may not be stacked. Such units may not however occupy any off-street parking or loading areas, or fire lanes required by this Chapter or other regulations governing the principal use. Further, all such units shall be locked or otherwise secured when not in use to prevent uncontrolled access.

D. There shall be no residential or commercial use of any accessory warehousing or storage facilities.

E. No accessory storage facilities shall be permitted in front of their principal structure and shall be further situated to meet the applicable side and rear yard setback requirements of the district in which they are to be located.

(Ord. 8-9-2005, 8/9/2005, §432)

§27-434. Temporary Uses.

1. *Outdoor Cultural, Religious, Amusement, or Sporting Events.* Temporary uses such as carnivals, circuses, fairs, festivals, or other outdoor cultural, religious, amusement or sporting events may be permitted as a special exception in the General Commercial, Interchange Commercial, and Agricultural Districts in the Township. A temporary zoning permit, valid for no more than 14 days, shall be required for any such activity. All such uses shall be subject to the following standards:

A. If the temporary use is to take place on land not owned by the applicant, the applicant shall present a written statement from the owner of the property in which he agrees to the temporary use of his property.

B. The applicant shall provide sufficient insurance coverage to adequately protect the Township against any damage, accident or other claim resulting from the event. Evidence of such insurance shall be submitted as a part of the permit application.

C. The site of such temporary use shall not be left unattended by the applicant or agents of the applicant at any time during which the use is located on the site. The applicant shall be responsible for all crowd control and for maintaining the event on the approved site.

D. The application shall include a pedestrian and vehicular circulation plan assuring the safe movement of people and materials into, around and away from the proposed site.

E. The applicant shall address all potential noise that may be generated by the proposed activity. His application shall include an indication of the maximum amplification to be used to broadcast all aspects of the event

F. The application shall include an indication of the hours of operation of all aspects of the event. No part of any event shall be permitted to operate after

midnight, or at any other time which the Township may deem inappropriate.

G. Information concerning water supply and sewage disposal facilities to be used shall be presented to the Township by the applicant with assurance from the Pennsylvania Department of Environmental Protection that these arrangements are adequate.

H. Any solid waste generated by the temporary use, including trash, litter, and garbage, shall be collected and disposed of in an acceptable fashion by the applicant. The applicant shall submit a proposed plan for such collection and disposal to the Township as a part of his application for such use.

I. The applicant shall assure the Township that all vendors intending to dispense food or beverages to the public will be properly licensed or approved by the Pennsylvania Department of Health to do so.

J. No more than 10 percent of required parking spaces may be covered. Application by the applicant indicating adequate parking space is provided to the existing property. Assurance shall be given to the Township by the applicant that there is adequate space to satisfy the parking demands that will be generated by the use and that adequate traffic control precautions will be taken. [Ord. 11-11-2014]

K. All wagons, tents, temporary structures, animals and any other materials brought to the site, as well as all debris or refuse generated by the event, shall be removed by the applicant within the time limit stated on the temporary permit and prior to vacating the site.

The Zoning Officer shall note on the temporary permit or attach to the permit application, information that demonstrates that the applicant has agreed to or complies with all requirements of this Section. The Zoning Officer shall inspect the site as often as necessary to ensure that the provisions of the permit are adhered to.

2. *Mobile Homes or Construction Site Trailers.* Mobile homes providing temporary quarters, either for residential, commercial, or industrial uses, or construction site trailers may be authorized by the Zoning Officer, but only for limited periods of time. When so authorized, such units shall be subject to the following standards:

A. A temporary zoning permit shall be required, and when issued, shall indicate the specific period of time for which the authorization is granted. No temporary permit for such uses shall be issued for a period of time exceeding 6 months, except as provided in paragraph .B below.

B. The Zoning Officer may authorize an extension to or renew the temporary permit for as many as two additional 6-month periods, if in the Zoning Officer's opinion, the applicant encountered unforeseen circumstances in carrying out the operation for which the original temporary permit was issued; or if the permit covered residential use, the refusal of an extension would cause an undue hardship to the applicant.

C. Information concerning water supply and sewage disposal facilities to be used shall be presented by the applicant as part of his zoning permit application, along with assurance from the Pennsylvania Department of Environmental Protection or Township Sewage Enforcement Officer that these arrangements are adequate.

D. All such mobile homes shall be removed from the site by the applicant upon expiration of the permit at no cost to the Township.

E. Mobile homes shall not be placed in the Floodway District. Every such unit to be placed in the Flood Fringe or General Floodplain District must comply with all applicable provisions contained in Part 6 of this Chapter.

3. *Temporary Permits for Lot or Tent Sales.* Parking lot or temporary tent sales may be permitted in General Commercial, Interstate Commercial and Industrial Districts in the Township. A temporary zoning permit shall be required for any such activity. All such uses shall be subject to the following standards:

A. No temporary permits for such uses shall be issued for a period of time exceeding 45 days, no more than three times in any calendar year, with no more than two in any 6-month period.

B. Temporary uses shall meet the minimum setback requirements for the zoning district in which they are to be located.

C. All such uses must follow the regulations set forth in subsection .1.

[Ord. 11-11-2014]

4. *Other Temporary Uses.* Other low-impact or no-impact temporary uses deemed beneficial to the public health or general welfare of the Township residents or necessary to promote proper development of the municipality, including yard sales, garage or porch sales, flea markets or auctions may be permitted to be located in any zoning district in the Township. No zoning permit shall be required for these uses or activities. Temporary uses shall however be subject to the following standards (See also §27-424 for requirements for temporary roadside stands):

1. All such temporary uses shall be limited to 3 continuous days no more than two times in any calendar year.

2. Temporary uses shall meet the minimum setback requirements for the zoning district in which they are to be located.

3. If the temporary use is to take place on a lot or land not owned by the applicant, the applicant shall obtain written permission of the owner of the property to conduct the proposed activity.

4. Adequate off-street parking shall be provided to accommodate the proposed temporary activity.

5. All temporary uses located within an identified 100 year floodplain shall be completely removed from the floodplain by the user if there is a threat of flooding or a flood warning is issued.

[Ord. 11-11-2014]

(Ord. 8-9-2005, 8/9/2005, §433; as amended by Ord. 11-11-2014, 11/11/2014)

§27-435. Wind Energy Facility.

1. Wind energy facilities may be permitted only in those districts and as specified in the "District Regulations," Part 3. Applications for such uses shall also be subject to the standards outlined below, as well as all other applicable State or Federal regulations. Stand-alone wind turbines constructed primarily for residential or farm use

may be located in any zoning district as an accessory use and shall not be subject to further regulation by this Chapter.

A. *Permit Requirements.*

(1) No person or entity shall construct, install, or otherwise operate a wind energy facility without first securing a zoning permit from the Township Zoning Officer, except as provided above.

(2) Any physical modification to an existing and permitted wind energy facility that materially alters the size, type and number of wind turbines or other equipment shall require a permit modification under this Chapter. Like-kind replacements shall not require a permit modification.

B. *Permit Application.* At a minimum, the application shall contain the following:

(1) A narrative describing the proposed wind energy facility, including an overview of the project; the project location; the approximate generating capacity of the wind energy facility; the approximate number, representative types and height or range of heights of wind turbines to be constructed, including their generating capacity, dimensions and respective manufacturers, and a description of ancillary facilities.

(2) An affidavit or similar evidence of agreement between the property owner and the facility owner or operator demonstrating that the facility owner or operator has the permission of the property owner to apply for necessary permits for construction and operation of the wind energy facility.

(3) Identification of the properties on which the proposed wind energy facility will be located, and the properties adjacent to where the wind energy facility will be located.

(4) A site plan showing the planned location of each wind turbine, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the wind energy facility to the substation(s), ancillary equipment, buildings, and structures, including permanent meteorological towers, associated transmission lines, and layout of all structures within the geographical boundaries of any applicable setback.

(5) Documents related to decommissioning.

(6) Other relevant studies, reports, certifications and approvals as may be reasonably requested by Hemlock Township to ensure compliance with this Chapter.

2. *Design and Installation.*

A. *Design Safety Certification.* The design of the wind energy facility shall conform to applicable industry standards, including those of the American National Standards Institute. The applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organizations.

B. *Uniform Construction Code.* To the extent applicable, the wind energy facility shall comply with the Pennsylvania Uniform Construction Code, 34 Pa.Code

§§403.1–403.142 [Chapter 5, Part 1].

C. *Controls and Brakes.* All wind energy facilities shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.

D. *Electrical Components.* All electrical components of the wind energy facility shall conform to relevant and applicable local, State and National codes, and relevant and applicable international standards.

E. *Visual Appearance; Power Lines.*

(1) Wind turbines shall be a non-obtrusive color such as white, off-white or gray.

(2) Wind energy facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.

(3) Wind turbines shall not display any signage.

(4) On-site transmission and power lines between wind turbines shall, to the maximum extent practicable, be placed underground.

F. *Warnings.*

(1) A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

(2) Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of 10 feet from the ground.

G. *Climb Prevention/Locks.*

(1) Wind turbines shall not be climbable up to 15 feet above ground surface.

(2) All access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.

3. *Setbacks.*

A. *Occupied Buildings.*

(1) Wind turbines shall be set back from the nearest occupied building a distance not less than the normal setback requirements for that zoning classification or 1.1 times the turbine height, whichever is greater. The setback distance shall be measured from the center of the wind turbine base to the nearest point on the foundation of the occupied building.

(2) Wind turbines shall be set back from the nearest occupied building located on a non-participating landowner's property a distance of not less than five times the hub height, as measured from the center of the wind turbine base to the nearest point on the foundation of the occupied building.

B. *Property Lines.* All wind turbines shall be set back from the nearest property line a distance of not less than the normal setback requirements for that zoning classification or 1.1 times the turbine height, whichever is greater. The

setback distance shall be measured to the center of the wind turbine base.

C. *Public Roads.* All wind turbines shall be set back from the nearest public road a distance of not less than 1.1 times the turbine height, as measured from the right-of-way line of the nearest public road to the center of the wind turbine base.

4. *Waiver of Setbacks.*

A. Property owners may waive the setback requirements in subsection .3.A(2) (occupied buildings on non-participating landowner's property) and subsection .3.B (property lines) by signing a waiver that sets forth the applicable setback provision(s) and the proposed changes.

B. The written waiver shall notify the property owner(s) of the setback required by this Chapter, describe how the proposed wind energy facility is not in compliance, and state that consent is granted for the wind energy facility to not be set back as required by this Chapter.

C. Any such waiver shall be recorded in the Recorder of Deeds Office for the County where the property is located. The waiver shall describe the properties benefitted and burdened, and advise all subsequent purchasers of the burdened property that the waiver of setback shall run with the land and may forever burden the subject property.

D. Upon application, the Township may waive the setback requirement for public roads for good cause.

5. *Use of Public Roads.*

A. The Applicant shall identify all State and local public roads to be used within the Township to transport equipment and parts for construction, operation or maintenance of the wind energy facility.

B. The Township's Engineer or a qualified third party engineer hired by the Township and paid for by the applicant, shall document road conditions prior to construction. The engineer shall document road conditions again 30 days after construction is complete or as weather permits.

C. Hemlock Township may bond the road in compliance with State regulations.

D. Any road damage caused by the applicant or its contractors shall be promptly repaired at the applicant's expense.

E. The applicant shall demonstrate that it has appropriate financial assurance to ensure the prompt repair of damaged roads.

6. *Local Emergency Services.*

A. The applicant shall provide a copy of the project summary and site plan to local emergency services, including paid or volunteer fire department(s).

B. Upon request, the applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the wind energy facility.

8. *Noise and Shadow Flicker.*

A. Audible sound from a wind energy facility shall not exceed 55 dBA, as measured at the exterior of any occupied building on a nonparticipating landowner's property. Methods for measuring and reporting acoustic emissions

from wind turbines and the wind energy facility shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 - 1989 titled "Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems," Volume I: First Tier.

B. The facility owner and operator shall make reasonable efforts to minimize shadow flicker to any occupied building on a non-participating landowner's property.

8. *Waiver of Noise and Shadow Flicker Provisions.*

A. Property owners may waive the noise and shadow flicker provisions of this Chapter by signing a waiver of their rights.

B. The written waiver shall notify the property owner(s) of the sound or flicker limits in this Chapter, describe the impact on the property owner(s), and state that the consent is granted for the wind energy facility to not comply with the sound or flicker limit in this Chapter.

C. Any such waiver shall be recorded in the Recorder of Deeds Office of the County where the property is located. The waiver shall describe the properties benefitted and burdened, and advise all subsequent purchasers of the burdened property that the waiver of sound or flicker limit shall run with the land and may forever burden the subject property.

9. *Signal Interference.* The applicant shall make reasonable efforts to avoid any disruption or loss of radio, telephone, television or similar signals, and shall mitigate any harm caused by the wind energy facility.

10. *Liability Insurance.* There shall be maintained a current general liability policy covering bodily injury and property damage with limits of at least \$1 million per occurrence and \$1 million in the aggregate. Certificates shall be made available to the Township upon request.

11. *Decommissioning.*

A. The facility owner and operator shall, at its expense, complete decommissioning of the wind energy facility, or individual wind turbines, within 12 months after the end of the useful life of the facility or individual wind turbines. The wind energy facility or individual wind turbines will presume to be at the end of its useful life if no electricity is generated for a continuous period of 12 months.

B. Decommissioning shall include removal of wind turbines, buildings, cabling, electrical components, roads, foundations to a depth of 36 inches, and any other associated facilities.

C. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.

D. An independent and certified professional engineer shall be retained to estimate the total cost of decommissioning ("decommissioning costs") without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment ("net decommissioning costs"). Said estimates shall be submitted to the Township after the first year of operation and every fifth year thereafter.

E. The facility owner or operator shall post and maintain decommissioning

funds in an amount equal to net decommissioning costs; provided, that at no point shall decommissioning funds be less than 25 percent of decommissioning costs. The decommissioning funds shall be posted and maintained with a bonding company or Federal or Commonwealth chartered lending institution chosen by the facility owner or operator and participating landowner posting the financial security, provided that the bonding company or lending institution is authorized to conduct such business within the Commonwealth and is approved by the Township.

F. Decommissioning funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to the Township.

G. If the facility owner or operator fails to complete decommissioning within the period prescribed by subsection .11.A, then the landowner shall have 6 months to complete decommissioning.

H. If neither the facility owner or operator, nor the landowner complete decommissioning within the periods prescribed by subsection .11.A and .11.G, then the Township may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a participating landowner agreement to the Township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the Township may take such action as necessary to implement the decommissioning plan.

I. The escrow agent shall release the decommissioning funds when the facility owner or operator has demonstrated and the Township concurs that decommissioning has been satisfactorily completed, or upon written approval of the Township in order to implement the decommissioning plan.

12. *Public Inquiries and Complaints.*

A. The facility owner and operator shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project.

B. The facility owner and operator shall make reasonable efforts to respond to the public's inquiries and complaints.

13. *Remedies.*

A. It shall be unlawful for any person, firm, or corporation to violate or fail to comply with or take any action which is contrary to the terms of this Chapter, or any permit issued under this Chapter, or cause another to violate or fail to comply, or to take any action which is contrary to the terms of this Chapter or any permit issued under this Chapter.

B. If the Township determines that a violation of this Chapter or the permit has occurred, the Township shall provide written notice to any person, firm, or corporation alleged to be in violation of this Chapter or permit. If the alleged violation does not pose an immediate threat to public health or safety, the Township and the parties shall engage in good faith negotiations to resolve the alleged violation. Such negotiations shall be conducted within 30 days of the notice of violation.

C. If after 30 days from the date of the notice of violation the Township determines, in its discretion, that the parties have not resolved the alleged

violation, the Township may institute civil enforcement proceedings or any other remedy at law to ensure compliance with this Chapter or permit.

(*Ord. 8-9-2005*, 8/9/2005, §434; as added by *Ord. 11-11-2014*, 11/11/2014)

Part 5**Supplementary Lot Regulations****§27-501. Purpose.**

The provisions of this Part represent standards and regulations that shall be applied to all uses in addition to those established for the applicable zoning district. These regulations are to be used either in common in all zoning districts or are to be applied to specific situations as stated herein.

(Ord. 8-9-2005, 8/9/2005, §500)

§27-502. General Lot Requirements.

1. No yard or lot existing at the time of passage of this Chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Chapter shall meet at least the minimum requirements established in Part 3, the District Regulations, of this Chapter. In addition, all provisions set forth for lots in the Hemlock Township Subdivision and Land Development Ordinance [Chapter 22] shall be met.

2. Every principal building hereinafter erected shall be located on a lot as defined. There shall not be more than one principal residential building and its accessory structures on one lot, except in the case of multi-family housing developments, mobile home parks, or other land developments approved pursuant to the requirements of the Hemlock Township Subdivision and Land Development Ordinance [Chapter 22].

3. Every lot created hereafter shall be adjacent to a public street or shall have access to a public street via a private street or right-of-way approved pursuant to the requirements of the Hemlock Township Subdivision and Land Development Ordinance [Chapter 22].

4. Lot width shall be measured at the minimum required front setback line, except that lots located on cul-de-sac turn-arounds or curves in the road or lots of unusual shape may have widths less than those required, provided that the average of the front and back lot line is equal to or greater than the required lot width. In no case, however, shall the front lot line have a width of less than 50 feet measured at the front setback line.

5. No portion of a lot included in a street right-of-way shall be included in calculating the lot's area.

6. No space applied or necessary under this Chapter to satisfy the yard and area requirements in relation to any building or use, whether now or subsequently built or conducted, shall be counted or used as part of the required open space or area in relation to any other building or use.

(Ord. 8-9-2005, 8/9/2005, §501)

§27-503. Yard Requirements.

1. *Projections.*

A. Chimneys, fireplace flues, air conditioner condenser units, cornices, eaves,

gutters, steps, or bay windows may project into any required yard, but not more than 24 inches.

B. Porches, patios, decks, loading docks, and attached carports, whether enclosed or unenclosed, shall be considered part of the main building and shall not project into any required yard.

2. *Front Yards.*

A. Front yard setbacks shall be as set forth in Part 3, the District Regulations, and shall be measured from the edge of the adjoining street right-of-way or from the street centerline, whichever is greater. Where however, a lot has no road frontage, the front yard setback shall be measured from the edge of the front property line, or in the case of a “flag lot,” the front yard requirement shall be measured from the edge of the longest lot line opposite the rear lot line.

B. When an unimproved lot is situated between two improved lots, each having a principal building which extends into the required front yard, the front yard of such unimproved lot may be the same depth as the average of the two adjacent improved lots.

C. Where an addition is proposed for an existing principal residential building which extends into the required front yard setback area, the addition may be authorized by the Zoning Officer so long as the addition extends no further into the required front yard than the existing structure and is no closer than 10 feet to the edge of the adjoining street right-of-way (or front property line where the lot has no road frontage).

D. Accessory buildings or structures may not be erected or located within any required front yard setback area, except for fences (as provided in §27-505.3 below), signs (as regulated in Part 7), or as may be provided otherwise in Part 4, the supplementary use regulations, for specific uses. (See also §27-505.2 for additional standards pertaining to accessory buildings or structures.)

E. Off-street parking and loading areas may be located within the required front yard setback area, but only as provided in the District Regulations, Part 3.

3. *Side Yards.*

A. Side yards shall be measured from the edge of the side property line or from the edge of the right-of-way of any adjoining street or alley.

B. On a corner lot, the side yard abutting the street shall have a width equal to the required front yard depth for the district in which the lot lies.

C. Where an addition is proposed for an existing, principal residential building which extends into the required side yard setback area, the addition may be authorized by the Zoning Officer so long as the addition extends no further into the required side yard than the existing structure; it does not obstruct the clear sight triangle of an intersection; and, it is no closer than 10 feet to any property line nor closer than 20 feet to the centerline of any adjoining alley.

D. Accessory buildings or structures may not be erected or located within any required side yard setback area, except for fences (as provided in §27-505.3 below), signs (as regulated in Part 7), or as may be provided otherwise in Part 4, the Supplementary Use Regulations, for specific uses. Where a side yard is adjacent to an alley, all accessory structures shall be set back a minimum of 20 feet from the

centerline of the alley. (See also §27-505.2 for additional standards pertaining to accessory buildings or structures.)

E. Off-street parking and loading areas may be located within the required side yard setback area, but only as provided in the District Regulations, Part 3.

4. *Rear Yards.*

A. Rear yards shall be measured from the rear property line or from the edge of the right-of-way of any adjoining street or alley.

B. Where an addition is proposed for an existing, principal residential building which extends into the required rear yard setback area, the addition may be authorized by the Zoning Officer so long as the addition extends no further into the required rear yard than the existing structure; it does not obstruct the clear sight triangle of an intersection; and, it is no closer than 10 feet to any property line nor closer than 20 feet to the centerline of any adjoining alley.

C. Accessory buildings or structures may be erected or located within a rear yard, but only as set forth in Part 3, the District Regulations. No accessory buildings or structures shall however be located within a required rear yard setback area except for fences (as provided in §27-505.3 below), signs (as regulated in Part 7), or as may be provided otherwise in Part 4, the Supplementary Use Regulations, for specific uses. Where a rear yard is adjacent to an alley, all accessory structures shall be set back a minimum of 20 feet from the centerline of the alley. (See also §27-505.2 for additional standards pertaining to accessory buildings or structures.)

D. Off-street parking and loading areas may be located within the required rear yard setback area, but only as provided in the District Regulations, Part 3.

(Ord. 8-9-2005, 8/9/2005, §502)

§27-504. Height Regulations.

1. The maximum height regulations set forth in Part 3, the District Regulations, shall not apply to spires, belfries, cupolas, chimneys, ventilators, skylights, flag poles, utility poles, solar collectors or related equipment, and ornamental or other necessary mechanical appurtenances normally associated with homes, churches and similar establishments. Such appurtenances shall, however, be erected to such height as is necessary to accomplish their intended purpose and shall not be used for human occupancy.

2. Proposals to exceed the maximum height limitations set forth in Part 3, the District Regulations, in the Suburban Residential, Urban Residential, General Commercial or Interchange Commercial Districts shall require approval of the Township Supervisors.

3. Agricultural or industrial structures such as barns, silos, grain elevators, water storage or cooling tanks, discharge stacks, or similar types of structures generally erected to heights exceeding the maximum limits established in the District Regulations for the zones where they may be located, may also exceed the designated height regulations, provided that such appurtenances are erected only to such height as is necessary to accomplish their intended purpose, and in the case of structures being proposed for location in or adjacent to a Residential District, are set back a distance

equal to their height from all property lines.

4. Commercial communications towers may also exceed the maximum height regulations set forth in Part 3, the District Regulations, provided that they meet the height and setback provisions set forth in §27-428 of this Chapter.

5. Notwithstanding any of the exceptions outlined above, the location and height of all structures shall be in accordance with all applicable rules, regulations, standards and criteria of the U.S. Department of Transportation, Federal Aviation Administration.

(Ord. 8-9-2005, 8/9/2005, §503)

§27-505. Miscellaneous Regulations.

1. *Two or More Principal Uses in Same Building.* When two or more principal uses occupy the same building (not including home occupations as defined in §27-429) sufficient parking spaces, lot area, open space, etc., shall be provided so that the standards pertaining to each use will be met in full, unless provided otherwise in this Chapter or authorized as part of a land development approved pursuant to the requirements of the Township Subdivision and Land Development Ordinance [Chapter 22].

2. *Accessory Buildings or Structures.* An accessory building(s) or structure(s) may be maintained in conjunction with a permitted, principal use provided that the following standards are met:

A. Accessory buildings or structures shall be set back in accordance with the yard requirements established in Part 3, the District Regulations, and the supplemental requirements provided in §27-503 above.

B. In the Rural Residential, Suburban Residential, and Urban Residential Districts, no accessory structure, utility shed, or swimming pool shall be located in front of the front building line of its principal structure.

C. No manufactured housing, mobile home units, buses, van bodies, or truck trailers may be used as accessory buildings or structures, except that temporary storage trailers may be permitted in the General Commercial, Interchange Commercial, and Industrial Districts. (See also §27-433 of this Chapter for standards pertaining to accessory warehousing and storage facilities.)

D. The height of all accessory buildings or structures shall be as set forth in Part 3, the District Regulations, except as may be provided otherwise in Part 4, the Supplementary Use Regulations.

3. *Fences, Walls and Barrier Netting.*

A. Fences, walls or barrier netting may be permitted to be located within any of the required yard setback areas, unless otherwise restricted or prohibited by provisions of this Chapter.

B. Fences, walls or barrier netting erected in a Rural Residential, Suburban Residential, Urban Residential or Urban Residential-1 District shall not exceed 3 feet in height when located within a required front yard and no more than 6 feet in height when located within a required side or rear yard. In any other district, security fencing may be permitted up to 10 feet in height.

C. In no case shall a fence, wall or barrier netting be erected which could

cause danger to traffic on a street or road (whether public or private) by obscuring a driver's view or which does not comply with the clear sight triangle requirements contained in subsection .4.

D. All fences to be placed in an identified floodplain area shall also meet the floodplain management regulations set forth in Part 6 of this Chapter.

[Ord. 11-11-2014]

4. *Clear Sight Triangle Requirements.* No obstruction or planting measuring higher than 30 inches or hanging lower than 10 feet above the established grade or the street at the property line shall be permitted within the clear sight triangle of any street intersection. A clear sight triangle shall be defined as that area of unobstructed vision at a street intersection formed by lines of sight between points at a given distance from the intersection of the street centerlines. These distances shall be as follows:

A. For the intersection of a local street and an alley or two local streets, the distance from the intersection of the street centerlines shall be 50 feet.

B. For the intersection of a local street and a collector street, the distance from the centerline intersection shall be 100 feet.

C. For the intersection of two collector streets, the distance required shall be 150 feet.

5. *Maximum Building Coverage.* The percentage of land covered by principal and accessory buildings or structures on each lot shall not be greater than is permitted in Part 3, the District Regulations, for the district in which the lot is located. For the purposes of this Chapter, swimming pools shall be excluded from the calculation of minimum building coverage.

6. *Maximum Impervious Surface.* The percentage of the lot covered by impervious surfaces, including buildings, structures, and any area in asphalt, concrete or similar materials which will not absorb water (including parking lots, driveways, roads, and sidewalks) shall not be greater than is permitted in Part 3, the District Regulations, for the district in which the lot is located.

7. *Erosion and Sedimentation Control.* All erosion and sedimentation control requirements set forth in the Hemlock Township Subdivision and Land Development Ordinance [Chapter 22] and the Department of Environmental Protection's 25 Pa.Code, Chapter 102, "Erosion Control," or as may hereafter be amended, shall be met to the satisfaction of the Township Zoning Officer prior to the issuance of a zoning permit.

8. *Drainage and Stormwater Management.* All drainage and stormwater management standards set forth in the Hemlock Township Subdivision and Land Development Ordinance [Chapter 22], Act 1978-167, 32 P.S. §680.1 *et seq.* (the Pennsylvania Storm Water Management Act), and any Watershed Stormwater Management Ordinance [Chapter 23] in effect in Hemlock Township or as may hereafter be enacted, shall be met to the satisfaction of the Township Zoning Officer prior to the issuance of a zoning permit.

9. *Outdoor Lighting.* All outdoor flood lighting and spot lighting, whether on public or private premises, shall be mounted and shielded to effectively eliminate direct glare on adjacent properties or on public streets. No moving or flashing lights shall be permitted in any zoning district.

(Ord. 8-9-2005, 8/9/2005, §504; as amended by Ord. 11-11-2014, 11/11/2014)

§27-506. Buffer Yards/Landscaping.

1. Where a commercial or industrial use (commenced after the effective date of this Chapter) abuts a residential district, a buffer yard of at least 50 feet shall be required, unless provided otherwise in Part 4, the Supplementary Use Regulations. Such buffer yard shall be a part of the commercial or industrial installation and shall be parallel and adjacent to the residential district boundary.

2. Where a commercial or industrial use (commenced after the effective date of this Chapter) abuts another lot in the commercial or industrial district, a buffer yard of 10 feet shall be required.

3. All required buffer yards shall be planted and maintained with vegetative material, such as grass, sod, shrubs, or other evergreens. Where required within or in place of buffer yards, screening shall be accomplished in accordance with §27-507 below.

4. A buffer yard may be considered as part of the required yard space.

5. No structure, storage of materials, or off-street parking and loading areas shall be permitted within any required buffer yard; however, utilities and access drives may cross such yards, but shall do so as closely to perpendicular as possible.

(Ord. 8-9-2005, 8/9/2005, §505)

§27-507. Screening.

Where required, screening may be accomplished through the use of any one or a combination of the following methods:

A. Screen Plantings.

(1) Screen planting shall be provided as set forth in Part 4, the Supplementary Use Regulations, or where determined necessary by the Township Supervisors or Zoning Hearing Board, as applicable, to serve as barrier to visibility, glare, and/or noise between adjacent properties.

(2) Plant or vegetative materials, including shrubs or evergreens, used in screen plantings shall be of such species as will produce, within 2 years, a complete visual screen 6 feet in height and shall be of such density as is necessary to achieve the intended purpose.

(3) Screen planting shall be maintained permanently by the lot owner, and any plant material which does not live shall be replaced within 1 year.

(4) Screen planting shall be placed so that, at maturity, it will be no closer than 5 feet to any street right-of-way or property line.

(5) Screen planting shall be broken only at points of vehicular or pedestrian access or utility easements. In accordance with the provisions of §27-505.4, however, a clear sight triangle must be maintained at all street intersections.

(6) Where a commercial or industrial use abuts an existing residential use or residential district, all required screen plantings shall extend the entire length of the common boundary.

B. Fences or Walls.

(1) In lieu of, or in addition to, screen plantings as set forth above, the Township Supervisors or Zoning Hearing Board, as applicable, may consider

the use of a fence or wall as an acceptable barrier to potentially objectionable noise, glare, and/or visibility between adjacent properties.

(2) Fences or walls used to provide required screening shall be at least 6 feet in height and be of such type as is necessary to achieve the intended purpose.

(3) Fences or walls used to provide required screening shall meet the requirements set forth in §27-505.3 of this Chapter.

(4) Any fence or wall used to provide required screening shall be owned and maintained in a structurally sound condition by the property owner.

C. Berms or Other Natural Landforms.

(1) In lieu of, or in addition to, screen plantings as set forth above, the Township Supervisors or Zoning Hearing Board, as applicable, may consider the use of an earthen berm or other existing or proposed landform as an acceptable barrier to potentially objectionable noise, glare, and/or visibility between adjacent properties.

(2) Berms or landforms used to provide required screening shall be of such height and of such type as is necessary to achieve the intended purpose.

(3) Any berm or landform used to provide required screening shall be owned and maintained in satisfactory condition by the property owner, and may not be altered except for usual maintenance.

(Ord. 8-9-2005, 8/9/2005, §506)

Part 6**Supplementary Floodplain Management Regulations****§27-601. General Provisions.**

1. *Purpose.* The purpose of these provisions is to promote the general health, welfare and safety of the community; encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future; minimize danger to public health by protecting water supply and natural drainage; and reduce financial burdens imposed on the community, its governmental units, and residents, by preventing excessive development in floodprone areas.

2. *Compliance.* It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development within the Township except in full compliance with the terms and provisions of this Chapter, including §27-1203 pertaining to zoning permits, and any other applicable regulations which apply to uses within the jurisdiction of this Chapter.

3. *Interpretation of District Boundaries.* Where interpretation is needed concerning the exact location of any boundary of any floodplain district, the Zoning Hearing Board shall make the necessary determination. Persons contesting the location of the district boundary shall be given a reasonable opportunity to present their case to the Zoning Hearing Board and to submit their own technical evidence if they so desires.

4. *Warning and Disclaimer of Liability.* The degree of flood protection sought by the provisions of this Part is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Chapter does not imply that areas outside any identified floodplain areas, or that land uses permitted within such areas, will be free from flooding or flood damages.

(Ord. 8-9-2005, 8/9/2005, §600)

§27-602. Basis for Floodplain Districts.

1. *Identification.*

A. The identified floodplain area shall be any areas of Hemlock Township, subject to the 100-year flood, which is identified as Zone A (Area of Special Flood Hazard) in the Flood Insurance Study (FIS) dated August 19, 2008, and the accompanying maps, or the most recent revisions thereof as issued by the Federal Emergency Management Agency, including all digital data developed as part of the Flood Insurance Study. [Ord. 07-08-2008]

B. For the purposes of this Chapter, the Floodway District and the Flood Fringe and General Floodplain District shall be overlays to the existing underlying districts as shown on the Township's Official Zoning Map. As such, the provisions for these districts shall serve as a supplement to the underlying district provisions. Where there happens to be any conflict between the provisions or requirements of the floodplain districts and those of any underlying district, the

more restrictive provisions and/or those pertaining to the floodplain districts shall apply.

2. *Description of Floodplain Areas.* The identified floodplain shall consist of the following specific areas:

A. The Floodway District includes all those areas of the 100-year floodplain identified as “floodway” in the FIS prepared by DHUD and/or FEMA. The term shall also include those areas which have been identified as floodway in other available studies or sources of information for those floodplain areas where no floodway has been identified in the FIS.

B. The Flood Fringe District includes all the remaining portions of the 100-year floodplain where a floodway has been delineated in the FIS. The basis for the outermost boundary of this district shall be the 100-year flood elevations as shown on the flood profiles contained in the FIS.

C. The General Floodplain District includes areas identified as Zone A in the FIS for which no 100-year flood elevations have been provided. When available, information from other Federal, State or other acceptable sources shall be used to determine the 100-year flood elevation, as well as a floodway area, if possible. When such other acceptable information is not available, the 100-year flood elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site. In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township.

(Ord. 8-9-2005, 8/9/2005, §601; as amended by Ord. 07-08-2008, 7/08/2008, §2)

§27-603. Flood Damage Control Provisions.

In order to prevent excessive damage to buildings and structures due to flooding, the following restrictions shall apply to all new construction, development, and substantial improvement occurring in all designated Floodplain Districts.

A. General Technical Requirements.

(1) Within the identified floodplain areas, the development and/or use of land shall be permitted provided that such development or use complies with the restrictions and requirements of this and all other applicable codes and ordinances in effect in Hemlock Township.

(2) Within any floodway area, the following provisions shall apply:

(a) No new construction, development, use, activity or encroachment shall be permitted that would cause any increase in 100-year flood heights.

(b) No new construction or development shall be allowed unless a permit is obtained from the Department of Environmental Protection's Regional Office.

(3) Within any general floodplain area, no new construction or

development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse unless a permit is obtained from the Department of Environmental Protection's Regional Office.

(4) The standards and specifications contained in 34 Pa.Code (the Uniform Construction Code), Chapters 401–405, or as may hereafter be amended, and the following referenced provisions shall apply to all Sections of this Part, to the extent that they are more restrictive and/or supplement the requirements of this Chapter:

(a) International Building Code (IBC) 2000 or the latest edition thereof. Sections 801, 1202, 1403, 1603, 1605, 1612, 3402 and Appendix G.

(b) International Residential Building Code (IRC) 2000 of the latest edition thereof: R104, R105, R109, R327, Appendix AE101, Appendix E, and Appendix J.

B. *Elevation and Floodproofing Requirements.*

(1) *Residential Structures.* Within any identified floodplain area, the lowest floor (including basement or cellar) in any new construction or substantial improvement of a residential structure (including those structures which have been substantially damaged) shall be elevated 1½ feet above the 100-year flood elevation.

(2) *Nonresidential Structures.*

(a) Within any identified floodplain area, the elevation of the lowest floor (including basement or cellar) in any new construction or substantial improvement of a nonresidential structure (including those structures which have been substantially damaged) shall be elevated 1½ feet above the 100-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.

(b) Any nonresidential structure, or part thereof, having a lowest floor (including basement or cellar) which is not elevated 1½ feet above the 100-year flood elevation, shall be floodproofed in a completely or essentially dry manner in accordance with the W1 or W2 space classification standards contained in the publication entitled "Floodproofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992), or with some other equivalent standard. 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 methods of construction are in conformance with the above referenced standards.

(3) *Space Below the Lowest Floor.*

(a) *Fully Enclosed Spaces.* Fully enclosed spaces below the lowest floor (including basement or cellar) are prohibited.

(b) *Partially Enclosed Spaces.* Partially enclosed space below the lowest floor which will be used solely for the parking of vehicles, building access, or incidental storage in an area other than a basement or cellar, shall be designed and constructed to automatically equalize hydrostatic

flood forces on exterior walls by allowing for the entry and exit of floodwaters. (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 total net area of not less than 1 square inch for every square foot of enclosed area.
- 2) The bottom of all openings shall be no higher than 1 foot above grade.
- 3) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

C. *Design and Construction Standards.* The following minimum standards shall apply to all construction and development proposed within any identified floodplain area:

(1) *Fill.* If fill is used, it shall:

- (a) Extend laterally 15 feet beyond the building line from all points.
- (b) Consist of soil or small rock materials only. Sanitary landfills shall not be permitted.
- (c) Be compacted to provide the necessary permeability and resistance to erosion, scouring or settling.
- (d) Be no steeper than one vertical on two horizontal unless substantiating data, justifying steeper slopes, are submitted to and approved by the Zoning Officer.
- (e) Be appropriately stabilized upon completion of compaction to avoid erosion and scouring of the fill material.
- (f) Be used only to the extent to which it does not adversely affect adjacent properties.

(2) *Special Requirements for Mobile and Manufactured Homes.* For the purposes of this Chapter, the term “mobile home” shall also include manufactured homes, and park trailers, travel trailers, recreational vehicles, and other similar types of units which are placed on a site for more than 180 consecutive days.

- (a) Within any floodway area, all mobile homes shall be prohibited.
- (b) Where permitted within any flood fringe or general floodplain area, all mobile homes and any improvements, including those units substantially damaged as a result of a flood, shall be:
 - 1) Placed on a permanent foundation.
 - 2) Elevated so that the lowest floor of the mobile home is 1½ feet above the elevation of the 100-year flood.
 - 3) Anchored to resist flotation, collapse, or lateral movement.

(3) *Placement of Buildings, Structures and Fences.*

(a) All buildings and structures shall be designed, located and constructed on the lot so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of the flood water.

(b) No fences, except two-wire fences, or other structures which may impede, retard, or change the direction of the flow of floodwaters, or which will catch or collect debris carried by such waters shall be placed within a designated floodway, nor shall any such structure be placed where the natural flow of floodwater could carry the same downstream to the damage or detriment of either public or private property adjacent to the floodplain. Split rail, post and picket, chain link, or other similar types of fencing with a minimum 2:1 open space ratio may be permitted in a designated flood fringe or general floodplain area.

(4) *Anchoring.*

(a) All buildings and structures, including mobile homes, shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, and lateral movement.

(b) All air ducts, large pipes, storage tanks, and other similar objects or components located below the regulatory flood elevation shall be firmly anchored or affixed to prevent flotation.

(5) *Floor, Walls and Ceilings.* Where a structure is located at or below the 100-year flood elevation, the following standards shall apply:

(a) Wood flooring shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain, without incurring structural damage to the building.

(b) Plywood and interior finished walls shall be of any exterior or “marine” grade and of a “water-resistant” variety.

(c) Walls and ceilings shall be designed and constructed of materials that are “water-resistant” and will withstand inundation.

(d) Windows, doors and other such components shall be made of metal or other “water-resistant” material.

(6) *Paints and Adhesives.* Where a structure is located at or below the 100-year elevation, the following standards shall apply:

(a) Paints or other finishes shall be of “marine” or other “water-resistant” quality.

(b) Adhesives shall be of a “marine” or “water-resistant” variety.

(c) All wooden components (doors, trim, cabinets, etc.) shall be finished or sealed with a “marine” or “water-resistant” paint or other finishing material.

(7) *Electrical Components.*

(a) Electric distribution panels shall be at least 3 feet above the 100-year flood elevation.

(b) Separate electrical circuits shall serve lower levels and shall be dropped from above.

(8) *Equipment.* Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the 100-year flood elevation.

(9) *Fuel Supply Systems.* All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the systems and discharges from the systems into flood waters. Provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

(10) *Water and Sanitary Sewer Facilities and Systems.*

(a) All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.

(b) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.

(c) No part of any on-site system shall be located within any identified floodplain 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 a flood.

(11) *Other Utilities.* All other utilities, such as gas lines, electric and telephone systems, shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

(12) *Streets.* The finished elevation of all new streets shall be no more than 1 foot below the 100-year flood elevation.

(13) *Drainage Facilities.* Storm drainage facilities shall be designed to convey the flow of stormwater runoff 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 runoff onto adjacent properties.

(14) *Storage.* All materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal, or plant life (including but not limited to those identified in §27-607.1) shall be stored at an elevation 1½ feet above the 100-year flood and/or be floodproofed to the maximum extent possible.

(Ord. 8-9-2005, 8/9/2005, §602)

§27-604. Water Management Uses.

Uses normally associated with water management projects (such as dams, impoundment basins, culverts, sewers or bridges) may be permitted in any identified floodplain area, regardless of the underlying zoning district, but shall meet the “no rise rule” requirements set forth in §§27-311 and 27-603.A.(2) of this Chapter. Such uses shall also be subject to approval by the Township Supervisors (following review by the Township Planning Commission) and the Pennsylvania Department of Environmental Protection. In addition, no alteration or relocation of a stream or watercourse may take place without the applicant having first obtained the necessary permit from the Department of Environmental Protection. Prior to any such alteration or relocation,

adjacent communities, the Pennsylvania Department of Community and Economic Development and the Federal Emergency Management Agency must be notified. Under no circumstances shall any alteration or relocation take place which will lower the flood-carrying capacity of any stream or watercourse.

(Ord. 8-9-2005, 8/9/2005, §603)

§27-605. Existing Structures in Floodplain Areas.

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

A. Existing structures and/or uses located in a floodway area of the 100-year floodplain shall not be expanded or enlarged, but may be modified, altered, or repaired to incorporate floodproofing measures, provided that such measures do not increase the elevation of the 100-year flood.

B. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure in any identified floodplain district, to an extent or amount of less than 50 percent of its market value, shall be floodproofed and/or elevated to the greatest extent possible.

C. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure in any identified floodplain district, to a cumulative extent or amount of 50 percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Chapter.

(Ord. 8-9-2005, 8/9/2005, §604)

§27-606. Special Provisions for Accessory Structures.

1. Accessory structures which are proposed to be located in the Flood Fringe or General Floodplain District need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:

A. The structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material and equipment related to the principal use or activity.

B. The total floor area of all accessory structures located on any one lot shall not exceed 600 square feet.

C. The structure shall have a low damage potential.

D. The structure shall be located on the site so as to cause the least obstruction to the flow of floodwaters.

E. Power lines, wiring and outlets shall be at least 1½ feet above the 100-year flood elevation.

F. Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc., shall be prohibited.

G. Sanitary facilities shall be prohibited.

H. The structure shall be adequately anchored to prevent flotation or

movement and shall be designed to automatically provide for the entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or must meet or exceed the following minimum criteria:

(1) A minimum of two openings having a net total area of not less than 1 square inch for every square foot of enclosed space.

(2) The bottom of all openings shall be no higher than 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.

2. Individuals should be aware that building a structure as described above could significantly increase the cost of flood insurance for the accessory structure and its contents.

3. The administrative procedures contained in §27-609 and other appropriate Sections of this Chapter shall apply.

(Ord. 8-9-2005, 8/9/2005, §605)

§27-607. Development Which May Endanger Human Life.

1. *Hazardous Materials and Substances.* In accordance with the Pennsylvania Flood Plain Management Act, Act 1978-166, 32 P.S. §679.101 *et seq.*, and the regulations adopted by the Pennsylvania Department of Community and Economic Development, as required by the Act, any new or substantially improved structure which:

A. Will be used for the production or storage of any of the following dangerous materials or substances.

B. Will be used for any activity requiring the maintenance or a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises.

C. Will involve the production, storage, or use of any amount of radioactive substances.

D. Shall be subject to the provisions of this Section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:

(1) Acetone.

(2) Ammonia.

(3) Benzene.

(4) Calcium carbide.

(5) Carbon disulfide.

(6) Celluloid.

(7) Chlorine.

(8) Hydrochloric acid.

(9) Hydrocyanic acid.

- (10) Magnesium.
- (11) Nitric acid and oxides of nitrogen.
- (12) Petroleum products (gasoline, fuel oil, etc.).
- (13) Phosphorus.
- (14) Potassium.
- (15) Sodium.
- (16) Sulphur and sulphur products.
- (17) Pesticides (including insecticides, fungicides, and rodenticides).
- (18) Radioactive substances, insofar as such substances are not otherwise regulated.

2. *Floodproofing Requirements.*

A. Activities and development of the kind described in subsection .1 above shall be prohibited in any identified floodway area.

B. Where permitted within an identified flood fringe or general floodplain area, any new or substantially improved structure of the kind described in subsection .1 above shall be:

- (1) Elevated or designed and constructed to remain completely dry up to at least 1½ feet above the 100-year flood.
- (2) Designed to prevent pollution from the structure or activity during the course of a 100-year flood.

Any such structure, or part thereof, that will be built below the 100-year flood elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Flood-Proofing Regulations" (U.S. Army Corps of Engineers, June 1972, as amended March 1992), or with some other equivalent watertight standard.

C. In addition, the Township may attach whatever additional conditions and safeguards it may deem necessary and reasonable in order to implement the purposes of this Chapter and to protect the general health, safety, and welfare of the public.

(Ord. 8-9-2005, 8/9/2005, §606)

§27-608. Activities Requiring Special Permits.

1. *Identification of Activities Requiring a Special Permit.* In accordance with the administrative regulations adopted by the Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act, Act 1978-166, 32 P.S. §679.101 *et seq.*, the following activities shall be prohibited within any identified floodplain area unless a special permit has been issued by the Township.

A. The commencement of any of the following activities; or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:

- (1) Hospitals.
- (2) Nursing homes.

(3) Jails or prisons.

B. The commencement of, or any construction of, a new mobile home park or mobile home subdivision, or substantial improvement to an existing mobile home park or mobile home subdivision.

2. *Application Requirements.* Applicants for special permits shall provide five copies of the following items:

A. A written request, including a completed zoning permit application form.

B. A small scale map showing the vicinity in which the proposed site is located.

C. A plan of the entire site, clearly and legibly drawn at a scale of 1 inch being equal to 100 feet or less, showing the following:

(1) North arrow, scale and date.

(2) Topography based upon the National Geodetic Vertical Datum of 1929, showing existing and proposed contours at intervals of 2 feet.

(3) All property and lot lines including dimensions, and the size of the site expressed in acres or square feet.

(4) The location of all existing streets, drives, other accessways, and parking areas, with information concerning width, pavement types, and construction, and elevations.

(5) The location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development.

(6) The location of the floodplain boundary line, information and spot elevations concerning the 100-year flood elevations, and information concerning the flow of water including direction and velocities.

(7) The location of all proposed buildings, structures, utilities, and any other improvements.

(8) Any other information which the municipality considers necessary for adequate review of the application.

D. Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at a suitable scale showing the following:

(1) Sufficiently detailed architectural or engineering drawings, including floor plans, sections, and exterior building elevations, as appropriate.

(2) For any proposed building, the elevation of the lowest floor (including basement or cellar) and, as required, the elevation of any other floor.

(3) Complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the 100-year flood.

(4) Detailed information concerning any proposed floodproofing measures.

(5) Cross-section drawings for all proposed streets, drives, other accessways, and parking areas, showing all rights-of-way and pavement widths.

(6) Profile drawings for all proposed streets, drives, and vehicular

accessways including existing and proposed grades.

(7) Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.

E. The Following Data and Documentation.

(1) Certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents.

(2) Certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the 100-year flood.

(3) A statement, certified by a registered professional engineer, architect, landscape architect, or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a 100-year flood, including a statement concerning the effects such pollution may have on human life.

(4) A statement certified by a registered professional engineer, architect or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on 100-year flood elevations and flows.

(5) A statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the 100-year flood elevation and the effects such materials and debris may have on 100-year flood elevations and flows.

(6) The appropriate component of the Department of Environmental Protection's Planning Module for Land Development.

(7) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control.

(8) Any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Protection under §303 of Act 1978-166, 32 P.S. §679.303.

(9) An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a 100-year flood.

3. *Application Review Procedures.* Upon receipt of an application for a special permit by the Township, the following procedures shall apply in addition to all other applicable permit procedures:

A. Within 3 working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded by the Township to the County Planning Commission by registered or certified mail for its review and recommendations. Copies of the application shall also be forwarded to the Township Planning Commission and Township Engineer for review and comment. The Township shall allow a period of 30 days for such reviews prior to

taking action on the application.

B. If an application is received that is incomplete, the Township shall notify the applicant in writing, stating in what respect the application is deficient.

C. If the Township decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.

D. If the Township approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community and Economic Development, by registered or certified mail, within 5 working days after the date of approval.

E. Before issuing the special permit, the Township shall allow the Department of Community and Economic Development 30 days, after receipt of the notification by the Department, to review the application and decision made by the Township.

F. If the Township does not receive any communication from the Department of Community and Economic Development during the 30-day review period, it may issue a special permit to the applicant.

G. If the Department of Community and Economic Development should decide to disapprove an application, it shall notify the Township and the applicant, in writing, of the reasons for the disapproval, and the Township shall not issue the special permit.

4. *Special Technical Requirements.* In addition to any other applicable requirements, the following minimum requirements shall also apply to any proposed development requiring a special permit. If there is any conflict between any of the following requirements and any other applicable provisions, the more restrictive provision shall apply:

A. No application for a special permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:

(1) Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located, and constructed so that.

(a) The structure will survive inundation by waters of the 100-year flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the 100-year flood elevation.

(b) The lowest floor elevation (including basement or cellar) will be at least 1½ feet above the 100-year flood elevation.

(c) The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the 100-year flood.

(2) Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.

B. All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify

that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc. shall be submitted in sufficient detail to allow a thorough technical review by the Township and the Department of Community and Economic Development.

C. In approving any application for a special permit, the Township may attach whatever additional conditions and safeguards it may deem necessary and reasonable in order to implement the purposes of this Chapter and to protect the general public health, safety, and welfare.

(Ord. 8-9-2005, 8/9/2005, §607)

§27-609. Administration.

1. *Zoning Permit Requirements.* To insure that the aforementioned flood damage controls are being employed in all new construction, development and substantial improvement within any designated floodplain area, including the use of fill, the applicant or developer shall obtain a zoning permit prior to commencement of any such activity. The Zoning Officer shall provide the applicant with information from the Township's official floodplain mapping concerning the location of any floodplain district boundary relative to the proposed development and/or construction and the water surface elevation of the 100-year flood at the proposed development and/or construction site. The applicant shall provide all the necessary information in sufficient detail and clarity to enable the Zoning Officer to determine that:

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

B. all utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage.

C. Adequate drainage is provided so as to reduce exposure to flood hazards.

2. *Application Requirements.* The Zoning Officer shall require the following specific information, plus other pertinent information as may be required, to be included as part of an application for a zoning permit in order to make the above determination:

A. A completed zoning permit application form.

B. A plan of the entire site, clearly and legibly drawn at a scale of 1 inch being equal to 100 feet or less, showing the following:

(1) North arrow, scale and date.

(2) Topographic contour lines.

(3) All property and lot lines, with bearing and distances, including dimensions, and the size of the site expressed in acres or square feet.

(4) The location of all existing or proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision or land development.

(5) The location of all existing streets, drives, and other accessways.

(6) The location of all existing or proposed utilities, including sewer, water, electric, and natural gas lines.

(7) The location of any existing bodies of water or water courses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.

C. Plans of all proposed buildings, structures, and other improvements, drawn at a suitable scale showing the following:

(1) The proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1929.

(2) The elevation of the 100-year flood.

(3) If available, information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with a 100-year flood.

(4) Detailed information concerning proposed floodproofing measures.

D. The following data and documentation:

(1) A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the 100-year flood. Such statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or development.

All plans and specifications for floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the standards contained in §27-603 of this Chapter.

(2) Detailed information needed to determine compliance with §27-603.C(14), "Storage," and §27-607, "Development Which May Endanger Human Life," including:

(a) The amount, location and purpose of any materials or substances referred to in §§27-603.C(14) and 27-607 which are intended to be used, produced, stored or otherwise maintained on site.

(b) A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in §27-607 during a 100-year flood.

(3) The appropriate component of the Department of Environmental Protection's Planning Module for Land Development.

(4) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.

3. *Review by County Conservation District.* A copy of all plans for proposed development in any identified floodplain area shall be submitted by the Zoning Officer to the County Conservation District for review and comment at least 30 days prior to the issuance of a zoning permit. The recommendations of the County Conservation District may be incorporated into the plan to provide for protection against predictable hazards. If no comments are received within the 30-day review period, the Zoning Officer may take action on the permit.

4. *Review of Application by Others.* A copy of all plans and applications for any

proposed construction or development in any identified floodplain area to be considered for approval shall be submitted by the Zoning Officer to the Township Planning Commission, and, if requested by the Planning Commission, to the Township Engineer and/or any other appropriate agencies and/or individuals, for review and comment at least 30 days prior to the issuance of a zoning permit.

5. *Issuance of zoning permits.* Prior to the issuance of any zoning permits, the Zoning Officer shall review the application to determine if all other necessary government permits required by State and Federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act, Act 1966-537, 35 P.S. §750.1 *et seq.*, as amended; the Pennsylvania Dam Safety and Encroachments Act, Act 1978-325, 32 P.S. §693.1 *et seq.*, as amended; the Pennsylvania Clean Streams Act, Act 1937-394, 35 P.S. §691.1 *et seq.*, as amended; the U.S. Clean Water Act, §404, 33 U.S.C. 1344. No zoning permit shall be issued until this determination has been made.

(Ord. 8-9-2005, 8/9/2005, §608)

§27-610. Variances in Floodplain Districts.

In passing upon applications for a variance within any identified floodplain area, the Zoning Hearing Board shall consider all factors specified in other Sections of this Chapter, State law relative to variances, and the following:

A. Variances may be granted for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places provided that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure.

B. Variances may not be granted for any construction, development, use, or activity within any floodway area that would result in any increase in flood levels during the 100-year flood.

C. Except for a possible modification of the freeboard requirements involved, no variance shall be granted for any of the other requirements pertaining specifically to §27-607, "Development Which May Endanger Human Life," and to §27-608, "Development Regulated by Special Permit."

D. If granted, a variance shall involve only the least modification necessary to provide relief.

E. In granting any variance, the Township shall attach whatever reasonable conditions and safeguards it considers necessary to protect the public health, safety and welfare, and to achieve the objectives of this Chapter.

F. Whenever a variance is granted, the Township shall notify the applicant in writing that:

(1) The granting of a variance may result in increased premiums for flood insurance.

(2) Such variances may increase the risks to life and property.

G. In reviewing any request for a variance, the Zoning Hearing Board shall consider, at a minimum, the following:

(1) That there is good and sufficient cause.

(2) That failure to grant the variance would result in exceptional hardship to the applicant.

(3) That granting of the variance will:

(a) Neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense.

(b) Nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable State or local ordinances or regulations.

H. Records of all variance requests and related actions, including their justification, shall be maintained by the Township. In addition, a report of all variances granted during the year shall be included in the annual report to the FEMA.

I. Notwithstanding any of the above, all structures shall be designed and constructed so as to have the capability of resisting the 100-year flood.

(Ord. 8-9-2005, 8/9/2005, §609)

§27-611. Special Exceptions in Floodplain Districts.

In passing upon applications for special exceptions within any identified floodplain area, the Zoning Hearing Board shall consider all factors specified in other Sections of this Chapter, and the following:

A. The danger to life and property due to increased flood heights or velocities caused by encroachments. In the Floodway District, no special exception shall be granted which will cause any rise in the elevation of the 100-year flood.

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

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

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

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

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

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

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

I. The safety of access to the property in times of flooding by ordinary and emergency vehicles.

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

K. Such other factors which are relevant to the purposes of this Chapter.

(Ord. 8-9-2005, 8/9/2005, §610)

Part 7**Sign Regulations****§27-701. Purpose.**

In order that the legitimate demands for signage can be met without the unsightly intrusion of an unlimited number of signs of inappropriate size, dimension and location, any sign erected or altered in Hemlock Township after the effective date of this Chapter shall conform to the following regulations.

(Ord. 8-9-2005, 8/9/2005, §700)

§27-702. Types of Signs.

Signage can include a variety of different types of signs, each with unique functions. The following list itemizes and describes the types of signs considered under the provisions of this Part:

A. *Advertising Sign Boards (Billboards)*. A sign or board which attracts the attention of motorists or pedestrians to a product, place or activity that exists or occurs at a location other than the location upon which the sign is situated, excluding official notices or road signs of a governmental body or other directional signs, i.e., an off-premises sign. For the purposes of this Chapter, advertising sign boards may only be free-standing signs.

B. *Business Identification Sign*. A sign or, board which attracts motorists or pedestrians to a business, product, service or activity that is sold, produced, or conducted on the same premises upon which the sign is located; i.e., an on-premises sign. For the purposes of this Chapter, business identification signs may be either free-standing, or parallel or projecting wall signs.

C. *Business or Industrial Complex Identification Sign*. A sign which identifies the name of a business or industrial complex, i.e., a shopping center or shopping mall, office building complex, industrial park, or similar multi-tenant commercial or industrial facility. The names of individual businesses or operations located within such complex may also be displayed on such signs.

D. *Digital Message Board*. A business identification sign or advertising sign board, or part thereof, with a moving message.

E. *Directional Sign*. A sign erected and maintained for the purpose of directing traffic to a particular destination including, but not limited to, places of business, properties for sale, and the like. Such signs may not contain any advertisement or promotional information.

F. *Free-Standing Sign*. A self-supported sign resting on the ground or supported by means of poles or standards placed in or on the ground. Such signs may advertise products or items offered for sale or that are directly related to the premises on which they are located, i.e., a business identification sign, or may advertise a business, product or event located elsewhere, i.e., an advertising sign board.

G. *Image-Changing Advertising Sign Board*. An advertising sign board which

is designed so that its advertising face changes mechanically on a designated frequency.

H. *Institutional Sign*. A sign erected and maintained for the purpose of identifying a school, church or place of worship, park or playground, municipal or government building, art gallery, library or museum, nursing or personal care home, medical center, or other institutional building or use located on the same premises as the sign. Such signs may be either free-standing or parallel wall signs.

I. *Parallel Wall Sign*. A type of wall sign which is attached parallel to the face of its supporting wall, and which does not project more than 12 inches from such wall.

J. *Permanent Sign*. A sign which is permanently affixed to the ground, excluding standard real estate or similar signs.

K. *Political Sign*. A temporary sign erected to announce or support a political candidate or issue in connection with any national, state or local election.

L. *Product or Service Advertising Sign*. Devices, structures or objects used to advertise a product, service, commodity, or activity available or occurring on the same premises as the sign(s). Such signs shall include, but need not be limited to, placards, boards, or other devices which are mounted, hung or painted on the inside of windows and faced outward, or are placed outside of a business, either on the building itself or on the same lot as the building, which advertise or are intended to advertise the variety, type, or pricing of available products or services. Rags, pennants and banners which advertise specific products or services shall also be considered product or service advertising signs for the purposes of this Chapter.

M. *Projecting Wall Sign*. A type of wall sign with its horizontal plane attached at right angles to its supporting wall and which projects more than 12 inches from such wall.

N. *Rolling Billboard*. A mobile digital or electronic changing advertisement sign. [Ord. 11-11-2014]

O. *Temporary Sign*. Any sign which is not permanently affixed to the ground. (Ord. 8-9-2005, 8/9/2005, §701; as amended by Ord. 11-11-2014, 11/11/2014)

§27-703. General Sign Regulations.

The following regulations shall apply to all permitted sign uses:

A. *Construction and Maintenance*. Signs shall be constructed of durable materials, be maintained in good condition, and shall not be allowed to become dilapidated or endanger public health, safety or welfare. All signs shall be securely fastened in order to prevent their displacement by the elements.

B. *Sign Area*.

(1) For the purposes of this Chapter, sign area shall include the entire display face of a single side of a sign, excluding all structural supports and structural margins not exceeding 12 inches in width on each border of the sign.

(2) A double-faced sign shall be considered a single sign, unless the interior angle formed by the two sides of the sign is greater than 45 degrees, then each side of the sign shall be considered to be a separate sign.

(3) Where a sign consists of individual letters or symbols attached to a building, the area of the sign shall be considered to be the smallest rectangle or other regular geometric shape which encompasses all of the letters and/or symbols.

C. Placement.

(1) No sign (whether temporary or permanent) shall be placed within the clear sight triangle of any intersection as per the requirements of §27-505.4 of this Chapter, nor at any other location that could obstruct or impair a motorist's clear vision. In addition, no sign shall be located where it could be an impediment to pedestrian traffic.

(2) No sign, other than an official traffic sign, shall be erected within the right-of-way of any public street or roadway, unless authorized by the Township Supervisors for a special purpose.

(3) The main supporting structure(s) of all permanent free-standing signs shall be set back from the edge of the adjoining street right-of-way or front property line, whichever is greater, as follows:

(a) General use signs, including directional signs—5 feet.

(b) Institutional signs—15 feet for new construction; one-half the depth of the existing front yard for existing structures.

(c) Business identification signs—a distance equal to the height of the sign, but no less than 20 feet.

(d) Business or industrial complex identification signs—50 feet.

(e) Advertising sign boards or billboards—50 feet.

(4) Temporary free-standing signs may be placed to within 5 feet of the edge of the adjoining street right-of-way or front property line, but must still meet the clear sight triangle requirements of subparagraph (1) above.

(5) All free-standing signs shall be set back to meet the side and rear yard requirements for the district in which they are to be located.

(6) No sign shall be erected or maintained which could prevent free ingress or egress from any door, window, or fire escape, nor shall any sign be attached to a vent pipe, fire escape, or the eave of any building. Further, no signs shall be affixed to the roof of any building.

(7) Signs placed in any Floodplain District shall be subject to the regulations of the underlying district, except that no sign in any floodplain area may substantially impede natural drainage or the flow of water.

(8) No sign shall be painted, erected, affixed or maintained on a tree, stone (except for ornamental or architectural stones that may be used to identify a business or personal property), or other natural object, except for property posting signs, nor shall any sign be painted, erected, affixed, supported, or maintained on an accessory storage trailer.

D. Height.

(1) Sign height shall be measured from the average finished grade of the site beneath the sign to the highest point of the sign or sign structure, whichever is greater. No person(s) shall artificially increase the highest

maximum height of a sign by altering the grade at the base of the sign.

(2) Maximum sign heights for free-standing signs shall be as follows:

(a) General use signs, including directional signs—6 feet.

(b) Institutional signs—20 feet.

(c) Business identification signs—20 feet in Residential and Agricultural Districts; 30 feet in General Commercial or Industrial Zones; 50 feet in Interchange Commercial Zone.

(d) Business or industrial complex identification signs—200 feet.

(e) Advertising sign boards or billboards—50 feet.

(3) No portion of a wall sign, whether parallel or projecting, shall extend above the top of the wall or roof line of the wall to which it is attached.

E. Projection.

(1) Parallel wall signs may not extend more than 12 inches from the surface to which they are mounted or attached, nor in any way interfere with pedestrian or vehicular traffic.

(2) Projecting wall signs shall not extend or project more than 5 feet from their supporting structure or wall, nor shall any such sign extend over a public street or walkway.

(3) Parallel or projecting wall signs shall have a clearance of no less than 10 feet, measured from the ground or pavement immediately beneath the sign to the bottom or lowest part of the sign.

F. Illumination. Illuminated signs shall cause no glare or other disturbance which would be incompatible with the nature of the neighborhood where the sign is located or which would in any way impair the vision of passing motorists. Illumination shall be steady in nature, not flashing, moving or changing in brilliance, color or intensity, except for digital message boards or image-changing advertising sign boards which may be considered as special exceptions in the General Commercial, Interchange Commercial and Industrial Districts.

G. State Regulations. All applicable State regulations shall be met where signs are proposed in areas adjacent to highways included in PennDOT's Primary and Interstate Highway Systems. Any person desiring to erect a sign in these areas shall contact PennDOT to determine if the State's regulations will affect his proposal. A written copy of PennDOT's determination shall accompany all applications for signs in such areas.

H. Event Signs. Temporary signs, including those used to advertise garage, porch, or yard sales or other periodic or legally permissible special events in the Township, may be permitted in any zoning district provided that the following criteria are met:

(1) The size or area of each sign shall not exceed the size or area set forth for permanent signs in the district where they are located.

(2) Such signs shall not be located within any street right-of-way, without prior approval of the Township Supervisors. The Township may remove without notice any such sign placed within any street right-of-way without the approval of the Township Supervisors.[Ord. 07-08-2008]

(3) Event signs shall not be displayed more than 30 days prior to the event.

(4) The signs shall be removed by the property owner or promoter within 2 days after the event or the Township may remove any such sign without notice. [Ord. 07-08-2008]

I. *Political Signs.* Temporary signs used to announce or support a political candidate may be permitted in any zoning district provided that the following criteria are met:

(1) Such signs shall not be located within any street right-of-way, nor shall they be located within the clear sight triangle of any intersection or in any other way obstruct or impair a motorist's clear vision.

(2) All such signs shall be removed by the property owner, the candidate or the candidate's representative within 14 days after the election or the Township may remove any such signs without notice.

(Ord. 8-9-2005, 8/9/2005, §702; as amended by Ord. 07-08-2008, 7/08/2008, §3-4)

§27-704. Signs in the RR Rural Residential, SR Suburban Residential and UR Urban Residential Districts.

Signs may be placed or located in the RR, SR, and UR Districts subject to the specified requirements:

A. *General Use Signs.* The following types of nonilluminated, non-advertising general use signs may be permitted in the RR, SR, and UR Districts as indicated below. Such signs may be designed as either free-standing or parallel wall signs. (See also §27-703.C and .D regarding placement and height requirements for such signs.)

(1) *Property Posting Signs.* Signs which indicate the private nature of a property, a driveway, or restrict or prohibit hunting, fishing or other activity may be permitted as follows:

- (a) Maximum size—2 square feet.
- (b) Maximum number—as needed.

(2) *Name Plates or Personal Identification Signs.* Signs which display the name of the property owner and/or address of the property on which they are located may be permitted as follows:

- (a) Maximum size—2 square feet.
- (b) Maximum number—no more than one such sign per property.

(3) *Home Occupation Signs.* Signs which identify the name of a specific home occupation to be conducted on the site where they are located may be permitted as follows:

- (a) Maximum size—4 square feet.
- (b) Maximum number—no more than one such sign per property.

(4) *Property Sale and/or Rental Signs.* Signs which advertise the sale, rental or lease of property on which they are located may be permitted as follows:

(a) Maximum size—6 square feet.

(b) Maximum number—no more than one such sign per property, unless the property is situated on a corner, in which case one sign may be erected on each frontage.

(5) *Directional Signs*. Signs directing persons or motorists to the location of churches, schools, nonprofit or civic organizations, places of business, or residential developments may be permitted as follows:

(a) Maximum size—6 square feet.

(b) Maximum number—as needed; not exceeding four per facility in the Township.

(6) *Artisan's Signs*. Signs of mechanics, painters, or other artisans performing work on the premises may be permitted temporarily while such work is on-going as follows:

(a) Maximum size—16 square feet.

(b) Maximum number—no more than one such sign per property.

(7) *Residential Development Identification Signs*. Signs which identify the name of the residential development upon which they are located may be permitted as follows:

(a) Maximum size—20 square feet.

(b) Maximum number—no more than one such sign per property, unless the property is situated on a corner or has more than one entrance, in which case one sign may be erected on each frontage.

B. *Institutional Signs*.

(1) Externally or internally illuminated, nonadvertising institutional signs may be permitted in the RR, SR, and UR Districts as indicated below. Such signs may be designed as either free-standing or parallel wall signs. (See also §27-703.C and .D regarding placement and height requirements for such signs.)

(2) Signs which display the name of a school, church, group home, park or playground, nursing or personal care home, medical or dental clinics, or any other institutional building or use may be permitted as follows:

(a) Maximum size—16 square feet.

(b) Maximum number—no more than one such sign per property, unless the property is situated on a corner, in which case one sign may be erected on each frontage.

C. *Business Identification Signs*. The following types of externally or internally illuminated, business identification signs may be permitted in the RR, SR, and UR Districts as indicated below. Such signs may be designed as either free-standing or parallel wall signs. (See also §27-703.C and .D regarding placement and height requirements for such signs.)

(1) *Existing Nonconforming Uses*. Signs which identify the name of an existing nonconforming use (whether a new sign or a replacement for an existing sign) may be permitted as follows:

(a) Maximum size—20 square feet for new signs; 20 square feet or the size of the existing sign, whichever is greater, for replacement signs.

(b) Maximum number—no more than one such sign per property.

(2) *New Commercial Uses.* Signs which identify the name of an approved commercial use or activity, including day care facilities, rooming or boarding houses, and professional offices, neighborhood retail activities, or other uses set forth in the District Regulations, §§27-303, 27-304 and 27-305, may be permitted as follows:

(a) Maximum size—20 square feet.

(b) Maximum number—no more than one such sign per property.

(Ord. 8-9-2005, 8/9/2005, §703)

§27-705. Signs in the C General Commercial, IC Interchange Commercial, and I Industrial Districts.

Signs may be placed or located in the C, IC, and I Districts subject to the specified requirements:

A. *General Use Signs.* Those signs permitted in §27-704.A, general use signs in the RR, SR, and UR Districts, may also be permitted in the C, IC, and I Districts at the same size, in the same quantity, and in the same style.

B. *Institutional Signs.* Those signs permitted in §27-704.B, institutional signs in the RR, SR, and UR Districts, may also be permitted in the C, IC, and I Districts, in the same size, same quantity, and in the same style.

C. *Business Identification Signs.* Where proposed in conjunction with an approved commercial or industrial use or activity, externally or internally illuminated business identification signs may be permitted in the C, IC, and I Districts as indicated below. Such signs may be designed as free-standing signs, or parallel or projecting wall signs. (See also §27-703.C and .D regarding placement and height requirements for such signs.)

(1) There shall be no more than one free-standing business identification sign and one parallel or projecting business identification wall sign per property in these zones.

(2) No one business identification sign, whether a free-standing or wall sign, shall exceed 100 square feet in size. No wall sign shall occupy more than 20 percent of the wall to which it is attached, nor shall any projecting wall sign exceed 20 feet in length measured vertically.

(3) Total sign area shall not exceed 200 square feet per business, regardless of the type of signs utilized or the number of frontages available.

(4) Each anchor store located within a multi-tenant shopping mall or commercial complex may be permitted one external business identification wall sign. No external signs shall be permitted for individual internal stores in the complex, except as may be permitted in §27-705.D below. Where however, all stores within a multi-tenant shopping center or commercial complex have independent, outside patron access, each store may be permitted one business identification wall sign. No free-standing business identification

signs shall be permitted in such complexes.

D. *Business or Industrial Complex Identification Signs.* Where proposed in conjunction with an approved commercial or industrial complex, shopping mall or shopping center, industrial park, or similar multi-tenant facility, externally or internally illuminated identification signs may be permitted in the C, IC, and I Districts as indicated below. Such signs may only be designed as free-standing signs. (See also §27-703.C and .D regarding placement and height requirements for such signs.)

(1) There shall be no more than one commercial or industrial complex identification sign for each such complex, except that where such facilities have frontage on two streets or have more than one entrance, one complex identification sign may be erected on each frontage or at each entrance.

(2) Business or industrial complex identification signs shall not exceed 500 square feet in area per face, nor extend more than 200 feet in height above the average finished grade of the site within a 20-foot radius of the supporting pole.

(3) Business or industrial complex identification signs may also include or display the name of individual businesses or operations located within the complex, but shall not exceed the size and height set forth above.

E. *Product or Service Advertising Signs.* Where proposed in conjunction with an approved commercial or industrial use, nonilluminated product or service advertising signs may be permitted in the C, IC, and I Districts as indicated below:

(1) The total amount of permissible product or service advertising signage per commercial or industrial establishment shall not exceed 50 square feet for establishments containing less than 10,000 square feet of gross floor area; 75 square feet for establishments containing between 10,000 and 25,000 square feet of gross floor area; and 100 square feet for establishments containing more than 25,000 square feet of gross floor area.

(2) All such signs shall be located on the same lot as the business or product they are advertising.

F. *Advertising Sign Boards (Billboards).* Externally illuminated advertising sign boards or billboards may be permitted in the C, IC and I Districts as indicated below. Such signs may only be designed as free-standing signs. (See also §27-703.B, .C and .D regarding area calculations, placement, and height requirements for such signs.)

(1) Maximum sign area shall not exceed 300 square feet per face. Advertising sign boards may have two parallel faces, but may not be vertically or horizontally doubled, nor multiplied further in any fashion.

(2) Advertising sign boards shall be located no closer than 1,200 feet (measured on the same side of the street) to any other advertising sign board, and no closer than 150 feet to any residence.

(3) No advertising sign board shall exceed the maximum height limit permitted for principal structures in the district where it is to be located, nor shall it be situated closer to the ground than 15 feet (measured from the lowest part of the sign) when located in a parking, vehicular or pedestrian circulation

area.

G. *Rolling Billboards*. Rolling billboards may be permitted in the General Commercial, Interstate Commercial and Industrial Districts in the Township. Such signs may only be designed as free-standing or mobile signs (See also §27-703.B, .C, .D and .F regarding calculations, placement, height and illumination requirements.

(1) Maximum sign area shall not exceed 100 square feet per face.

(2) Rolling billboards shall be located no closer than 1,200 feet (measured on the same side of the street) to any other advertising sign board, and no closer than 150 feet to any residence.

[Ord. 11-11-2014]

(Ord. 8-9-2005, 8/9/2005, §704; as amended by Ord. 11-11-2014, 11/11/2014)

§27-706. Signs in the A Agricultural District.

Signs may be placed or located in the A District subject to the specified requirements:

A. *General Use Signs*. Those signs permitted in §27-704.A, general use signs in the RR, SR, and UR Districts, may also be permitted in the A District at the same size, in the same quantity, and in the same style.

B. *Institutional Signs*. Those signs permitted in §27-704.B, institutional signs in the RR, SR, and UR Districts, may also be permitted in the A District at the same size, in the same quantity, and in the same style.

C. *Business Identification Signs*. Where proposed in conjunction with an approved commercial use or activity, the following types of internally or externally illuminated business identification signs may be permitted in the A District as indicated below. Such signs may be designed as either free-standing or parallel wall signs. (See also §27-703.C and .D regarding placement and height requirements for such signs.)

(1) There shall be no more than one free-standing business identification sign or one parallel business identification wall sign per property in this zone.

(2) Maximum sign area shall not exceed 20 square feet per business, regardless of the type of sign utilized. Where, however, a business is situated on a corner, or has frontage on two streets, one business identification sign may be erected on each frontage, in which case the total sign area for all signs on the site shall not exceed 36 square feet.

(Ord. 8-9-2005, 8/9/2005, §705)

§27-707. Permit Requirements.

The following requirements shall apply to all permanent signs:

A. A zoning permit shall be required for the placement, erection, or alteration of all permanent signs, except as may exempted in paragraph .C below. All applications for signs being erected on property other than that owned by the applicant shall also include notarized permission from the property owner.

B. Fees for the issuance of zoning permits for signs shall be paid to the

Township upon filing of an application for such use. All such fees shall be in accordance with the schedule of fees established by resolution of the Township Supervisors. There shall be no fee for the erection of any sign necessary to the public welfare.

C. No zoning permits shall be required for the following types of signs, although the requirements of §§27-703 and 27-704.A shall remain applicable:

- (1) Property posting signs.
- (2) Name plates or personal identification signs.
- (3) Property sale or rental signs.
- (4) Event or political signs.
- (5) Artisan's signs or other temporary signs.
- (6) Public service signs, including those advertising the availability of rest rooms, public telephones, or other public conveniences, provided that such signs do not advertise any commercial establishment, activity, product, or goods.

(Ord. 8-9-2005, 8/9/2005, §706)

Part 8**Off-Street Parking and Loading Requirements****§27-801. Off-Street Parking Requirements.**

In all districts, in accordance with every use, there shall be provided at the time any new building or structure is erected or any existing building is converted to a new use or increased in capacity, off-street parking spaces in accordance with the requirements of this Section. The facilities required herein shall be available throughout the hours of operation of the particular business or use for which they are provided.

A. All off-street vehicle parking spaces shall contain a minimum of 200 square feet of useable area, exclusive of any drives, entrances or exits, and shall have a minimum width of not less than 10 feet.

B. Off-street parking spaces for residential uses shall be located on the same lot or contiguous lot as the dwelling unit(s) being served, either inside or outside of a building. Off-street parking spaces for nonresidential uses may be located on a lot other than that containing the principal use, but shall be located within 250 feet of the principal building being served. Such remote parking areas shall however remain under the control and care of the owner of the use to which it is accessory, and applications involving such parking areas shall include documentation which authorizes the use of said area for parking in connection with the proposed use and sets forth appropriate maintenance responsibilities for the parking area.

C. All off-street parking areas shall be designed to provide for the orderly and safe parking or storage of vehicles, shall be clearly marked to facilitate movement and efficiency of use, and shall be maintained in good condition.

D. All off-street parking spaces and parking areas shall be graded for proper drainage and shall be stabilized so as to provide a durable, all-weather wearing surface. Further, parking areas serving five or more vehicles shall be surfaced with an asphalt or concrete pavement.

E. All lighting which is used to illuminate off-street parking areas shall be mounted and shielded in such a manner to avoid creating safety problems for motorists on public streets and to avoid causing direct glare on adjacent properties.

F. As provided in Part 3, the District Regulations, all nonresidential parking areas in the General Commercial, Interchange Commercial, and Industrial Districts, shall be set back a minimum of 20 feet from the edge of any adjoining street right-of-way. No parking or vehicular traffic circulation shall be permitted within this required setback area, nor shall any planting or sign located within such area be placed within the clear sight triangle of any intersection (as per the requirements of §27-505.4 of this Chapter), nor at any other location within the required setback area that could obstruct or impair a driver's clear vision.

G. A minimum 10-foot setback shall be provided between nonresidential parking areas and all side and rear property lines when parking is proposed to be located adjacent to another lot in a commercial or industrial district. Where,

however, such parking abuts a lot in any other district, a setback of 50 feet shall be required. Screening, as provided in §27-507 of this Chapter, shall be used to effectively screen nonresidential parking areas from residential uses.

H. Adequate provisions shall be made for ingress and egress to all off-street parking spaces and parking areas. Access shall be limited to a minimal number of well-defined locations. In no case shall unrestricted access along the length of a street upon which the parking abuts be permitted. Nonresidential parking areas shall be designed so there will be no need for motorists to back over public walkways or street rights-of-way.

I. Required parking spaces for any number of separate uses may be combined into one lot, but the required spaces assigned to one use may not be assigned to another use at the same time, except as may be recommended by the Township Planning Commission and approved by the Township Supervisors.

J. At a minimum, off-street parking shall be provided as set forth in Table 27-8-1 below. In the case of any building or premises, the use of which is not specifically mentioned herein, the provisions for a use so mentioned and to which said use is similar, in the opinion of the Zoning Officer, shall apply. In the case of mixed uses, the total number of required parking spaces shall be the sum of the number of spaces required for each use.

Off-street parking spaces for handicapped persons shall be provided as per the requirements of the Americans with Disabilities Act.

Applicants proposing development in the Urban Residential District are encouraged to provide as much off-street parking as possible. The Township Planning Commission shall review each proposal in this district and recommend an appropriate number of spaces. The Township Supervisors shall ultimately decide the number of spaces that must be provided.

Table 27-8-1**Off-Street Parking Schedule**

Use Classification	Minimum Spaces Required
Residential Uses	
1. Single-family detached dwelling units; duplexes; and conversion apartments.	Two for each dwelling unit.
2. Townhouse and apartment dwelling units.	Two for each dwelling unit; one for each dwelling unit for elderly housing.
3. Mobile home parks.	Two for each dwelling unit.
4. Rooming or boarding houses.	Two for the dwelling unit + one for each boarding unit or room.
5. Student housing.	One for each dwelling unit occupant
Institutional Uses	
6. Day care facilities.	
a. Family day care homes or accessory group day care homes.	Two for the dwelling unit + one for each three students/clients.
b. Day care centers, group day care homes, or nursery schools.	One for each three students/clients + one for each employee.
7. Schools (public or private)	
a. Elementary schools.	Five for each classroom + one for each employee.
b. Middle or high schools or postsecondary education facilities.	One for each three seats of auditorium or gymnasium capacity, whichever is greater.
8. Places of public or private assembly, including churches, municipal or government buildings, or clubs and fraternal organization facilities. (See also "public entertainment facilities," no. 25 below.)	One space for three seats of total facility capacity.
9. Public service or nonprofit facilities not primarily intended for public assembly, including police or fire stations, libraries, museums, and cultural facilities.	One for each 200 sq. ft. of gross floor area + one for each employee.
10. Group homes or institutional residences.	One for each two residents + one for each employee in the max. work shift.

Use Classification	Minimum Spaces Required
11. Nursing or personal care homes.	One for each three beds + one for each employee in the maximum work shift.
12. Medical or dental clinics.	Five for each service provider + one for each employee in the maximum work shift.
13. Medical centers.	One for each patient bed + .75 space for each staff member and each employee in the maximum work shift.
14. Cemeteries.	Five visitor spaces + one per employee.
Commercial/Retail Uses	
15. Retail stores or personal service business establishments, including neighborhood retail activities, <i>except as provided below</i> .	One for each 200 sq. ft. of gross floor area + one for each employee in the maximum work shift.
16. No-impact home-based businesses or home occupations.	Two for the dwelling unit + two customer spaces.
17. Farm-related businesses.	Four for each business + one for each employee.
18. Bed and breakfast establishments.	Two for the dwelling unit + one for each guest room.
19. Restaurants; bars or taverns.	One for each 200 sq. ft. of gross floor area + one for each employee in the maximum work shift.
20. Grocery stores or food markets.	One for each 200 sq. ft. or gross floor area + one for each employee in the maximum work shift.
21. Automobile sales facilities or automobile service stations and repair garages.	One for each 400 sq. ft. of gross floor area + one for each employee in the maximum work shift.
22. Business or professional offices, including banks or financial institutions; and office buildings.	One for each 300 sq. ft. of gross floor area + one for each employee in the maximum work shift.
23. Veterinary clinics, animal hospitals, and/or kennels.	Three for each service provider + one for each employee in the maximum work shift.
24. Commercial lodging facilities.	One for each guest room + one for each employee in the maximum work shift.
25. Public entertainment establishments.	One for each 100 sq.ft. of gross floor area + one for each employee in the maximum work shift.

Use Classification	Minimum Spaces Required
26. Adult entertainment establishments.	One for each 200 sq.ft. of gross floor area + one for each employee in the maximum work shift.
27. Funeral homes or mortuaries.	One for each 50 sq.ft of assembly area + one for each employee in the maximum work shift.
28. Roadside stands, plant nurseries, or greenhouses.	Five for each facility + one for each employee in the maximum work shift.
Industrial Uses	
29. Industrial or manufacturing operations; warehousing or storage facilities, except as provided below.	One-half for each employee in the maximum work shift + five visitor spaces.
30. Research and development facilities.	One for each employee in the maximum work shift + five visitor spaces.
31. Sawmills, lumber yards, or contractors' shops and yards.	One for each employee + five customer spaces.
32. Solid waste transfer stations; fire recapping operations; incinerators; hazardous or explosive materials storage facilities; junkyards or auto salvage operations; or mineral extraction operations.	One for each employee + five customer/visitor spaces.
33. Truck stops or freight terminals.	One for each employee + one for each vehicle to be accommodated on the premises.
Recreational or Open Space Uses	
34. Parks or playgrounds.	One for each five persons of total facility capacity.
35. Outdoor commercial recreation uses; and outdoor cultural, religious, amusement or sporting events.	One for each three persons of total facility capacity + one for each employee in the maximum work shift.
36. Campgrounds or RV parks.	One for each camping space + one additional space for every five camping spaces.
37. Seasonal dwellings or hunting camps.	Two for each seasonal unit.

(Ord 8-9-2005, 8/9/2005, §800)

§27-802. Off-Street Loading Requirements.

Off-street loading space or area shall be provided in connection with every

commercial, industrial, or institutional building or use or part thereof hereafter erected which requires the delivery or shipment of merchandise or materials. Such accommodations shall be provided in accordance with the requirements of this Section and shall meet the following standards:

A. Each off-street loading space shall be of sufficient size to adequately accommodate the use being served and shall be located entirely on the subject lot. At a minimum, each loading space shall be 12 feet in width, 45 feet in length, and shall have an overhead clearance of no less than 14 feet, exclusive of drives or maneuvering area. Where possible, off-street loading spaces or areas shall be located to the side or rear of the buildings they are intended to serve. Further, off-street loading spaces and areas shall be designed so that there will be no need for drivers to back over public walkways or street rights-of-way.

B. Off-street loading spaces shall be graded for proper drainage and shall be surfaced to satisfactorily accommodate the anticipated type and intensity of traffic. Required off-street loading space shall be provided in addition to the required number of off-street parking spaces.

C. All lighting used to illuminate off-street loading spaces shall be mounted and shielded in such a manner to avoid creating safety problems for motorists on public streets and to avoid causing direct glare on adjacent properties.

D. No off-street loading space or area shall extend into any required yard or setback area.

E. A minimum 10-foot setback shall be provided between off-street loading areas and all side and rear property lines when loading is proposed to be located adjacent to another lot in a commercial or industrial district. Where, however, such loading abuts any other district, a setback of 50 feet shall be required. Screening, as provided in §27-507 of this Chapter, shall be used to effectively screen off-street loading areas from residential uses.

F. The number of off-street loading spaces required shall be as set forth in Table 27-8-2 below.

**Table 27-8-2
Off-Street Loading Schedule**

Gross Floor Area	Minimum Number of Spaces Required
Up to 20,000 square feet	1
20,001–40,000 square feet	2
40,001–100,000 square feet	3
Over 100,000 square feet	3 + 1 for each additional 50,000 square feet of gross floor area.

(Ord. 8-9-2005, 8/9/2005, §801)

§27-803. Driveway Requirements.

To minimize traffic congestion and control driveway access in the interest of public

safety, and to minimize the adverse effects of stormwater run-off, the standards contained in Hemlock Township *Ord. 5-95*, §§21-206, 21-207, and 21-208 (or as may hereafter be amended) shall apply to the construction or creation of all new driveways opening onto Township roads.

(*Ord. 8-9-2005*, 8/9/2005, §802)

Part 9**Nonconformities****§27-901. Nonconforming Uses and Structures.**

Any nonconforming use or structure legally existing at the time of adoption of this Chapter or which is created whenever a district is changed by amendment hereafter, may be continued, altered, reconstructed, changed, sold or maintained even though it does not conform to the regulations of the district in which it is located, except as provided below. It is the intent of this Chapter to permit these nonconformities to continue until they are removed, discontinued or abandoned (For nonconforming lots, See §27-902.)

A. *General Application of Provisions.* Nothing contained herein shall require any change in plans, construction, or designated use of a building or structure which complies with existing laws or for which a zoning permit was granted and/or where the construction shall have started before the date of adoption of this Chapter.

B. *Abandonment.* If any nonconforming use, or building or structure occupied by a nonconforming use, is abandoned for a period of 1 year, the future use of such building, structure or land shall be in conformity with the District Regulations of this Chapter. A nonconforming use shall be judged to be abandoned when there occurs a cessation of any such use or activity by an apparent act or failure to act on the part of the tenant or owner to reinstate such use within a period of 1 year from the date of cessation or discontinuance.

C. *Repairs, Alterations, Restoration and Reconstruction.*

(1) Exterior repairs, nonstructural alterations, and other general maintenance adjustments may be made to a nonconforming building or structure or to a building or structure occupied by a nonconforming use. Such work shall however be subject to all applicable zoning permit and/or building code requirements.

(2) Where less than 50 percent of the volume or gross floor area of a nonconforming use or building or structure occupied by a nonconforming use is destroyed by fire, flood or other natural cause, the building or structure may be restored or reconstructed and used as before; provided, that:

(a) The Zoning Officer approves the application for restoration or reconstruction as meeting the requirements of this Chapter.

(b) Said restoration or reconstruction commences within 1 year after the completion of all claims, legal actions and investigations related to the damage and is carried to completion without undue delay.

(c) Said restoration or reconstruction does not exceed the size, bulk, height and area that existed prior to the damage.

(d) The location of the restoration or reconstruction does not create a safety hazard as determined by the Zoning Officer.

(e) The restoration or reconstruction will comply with all floodproof-

ing requirements of Part 6 of this Chapter where the nonconformity is located within any identified Floodplain District.

(2) Where 50 percent or more of the volume or gross floor area of a nonconforming use or building or structure occupied by a nonconforming use is damaged by fire, flood or other natural cause, the building or structure may be restored or reconstructed, and used as before; provided, that:

(a) The Zoning Hearing Board approves said restoration or reconstruction.

(b) Said restoration or reconstruction commences within 1 year after the completion of all claims, legal actions and investigations related to the damage and is carried to completion without undue delay.

(c) Said restoration or reconstruction does not exceed the size, bulk, height and area that existed prior to the damage, unless approved otherwise by the Zoning Hearing Board.

(d) The location of the restoration or reconstruction does not create a safety hazard as determined by the Zoning Hearing Board.

(e) The restoration or reconstruction will comply with all floodproofing requirements of Part 6 of this Chapter where the nonconformity is located within any identified Floodplain District.

D. *Extensions and Enlargements.*

(1) A nonconforming use of a building or structure may be extended throughout the interior of the building provided that no structural alterations are made therein. Prior to the initiation of any such activity however, a zoning permit shall be obtained from the Zoning Officer and all applicable building code requirements shall be met.

(2) Exterior structural alterations proposed to extend or enlarge a nonconforming building or structure or a building or structure occupied by a nonconforming use may be approved by the Zoning Hearing Board; provided, that:

(a) The extension or enlargement does not extend the structure or use beyond the remainder of the lot or parcel as it existed at the effective date of this Chapter, nor extend the structure or use by more than a cumulative total of 25 percent of the gross floor area occupied by such use at the effective date of this Chapter, regardless of ownership.

(b) The extension or enlargement conforms to the yard, height, and other requirements of the district in which it is located.

(c) In the case of a nonconforming use, the extension is attached or contiguous to the existing nonconforming use.

In reviewing applications for extension or enlargement, the Zoning Hearing Board shall give due consideration to the welfare of the community in its entirety and may attach such reasonable conditions and safeguards as they deem appropriate to implement the purposes of this Chapter.

(3) For nonconforming uses where normal operations involve natural expansion (i.e., quarries, junkyards, cemeteries, etc.), expansion shall be

permitted by right up to 25 percent of the volume of area of the nonconformity which existed at the effective date of this Chapter. For expansion beyond 25 percent, approval must be obtained from the Zoning Hearing Board. Prior to the initiation of any expansion however, a zoning permit shall be obtained from the Zoning Officer. Expansions of 25 percent or more proposed for conditional uses shall require approval of the Township Supervisors.

(4) Any nonconforming building or structure, or building or structure occupied by a nonconforming use, which is moved for any reason, must meet all requirements of the district in which it is to be located.

E. *Change of Use.*

(1) The change of a nonconforming use of a building, structure or land to a nonconforming use of the same or a more restricted classification may be approved by the Zoning Hearing Board, provided that the applicant can show that the proposed change will be no more objectionable in external effect than the existing nonconforming use with respect to:

(a) Traffic generation and congestion, including truck, passenger car, and pedestrian movement.

(b) Noise, smoke, dust, fumes, vapor, gases, heat, odor, glare or vibration.

(c) Outside, unenclosed storage, and waste collection and disposal.

(d) Appearance, character, and nature of the neighborhood or area.

(e) Where however, the proposed change of use involves a conditional use, the Township Supervisors shall determine whether such change may be approved.

(2) Whenever a nonconforming use of a building or land has been changed to a conforming use, such use shall not thereafter be changed back to a nonconforming use.

F. *Certification.* Upon receipt of evidence from a property owner or occupant which documents the existence of a nonconforming use or structure on or before the effective date of this Chapter, the Zoning Officer shall issue a certificate of nonconformance for such nonconformity. Any applicant aggrieved of the process for obtaining said certificate or of any decision rendered therefrom, may file an appeal with the Township Zoning Hearing Board.

(Ord. 8-9-2005, 8/9/2005, §900)

§27-902. Nonconforming Lots.

Any nonconforming lot legally existing at the time of the adoption of this Chapter or which is created whenever a district is changed by amendment hereafter, may be continued and/or maintained even though it does not conform to the regulations of the district in which it is located. It is not the intent of this Chapter to be overly restrictive or to cause a hardship for any property owner, but rather to allow these nonconforming lots to continue until they are eliminated as single entities, possibly through the addition of such lots to adjacent property.

A. *Discontinuance / Lot Changes.* Any nonconforming lot which is discontinued or becomes conforming through its addition to adjacent land shall not hereafter be

changed back to a nonconforming lot.

B. *Existing Undeveloped Lots of Record.* In the case of an undeveloped lot of record which lawfully existed at the effective date of this Chapter which cannot accommodate a principal building or structure and meet the requirements for the district in which it is located, a permissible principal structure may be placed on the parcel, provided that:

(1) The owner does not own adjoining land which could be combined to form a conforming or less nonconforming lot.

(2) Each side yard is not less than 15 feet in the RR and A zones; not less than 10 feet in the SR zone; and not less than 5 feet in the UR district, except that no side yard is required where fireproof common walls meeting all building code requirements are used. (There shall be no reduction in required side yard setbacks for lots located in the C, IC and I Districts.).

(3) The rear yard is not less than 20 feet in the RR, SR, and A zones. (There shall be no reduction in required rear yard setbacks for lots located in the UR, C, IC, and I Districts.)

(4) The front yard conforms to the minimum distance required.

(5) Where needed, the site has an approved sewage disposal system or an appropriate sewage permit.

(6) Provided that the site and its intended use complies with all other applicable provisions of this Chapter.

C. *Certification.* Upon receipt of evidence from a property owner or occupant which documents the existence of a nonconforming lot on or before the effective date of this Chapter, the Zoning Officer shall issue a certificate of nonconformance for such nonconformity. Any applicant aggrieved of the process for obtaining said certificate, or of any decision rendered therefrom, may file an appeal with the Township Zoning Hearing Board.

(Ord. 8-9-2005, 8/9/2005, §901)

Part 10**Responsibilities of the Zoning Hearing Board****§27-1001. Organization and Procedure.**

1. *Establishment.* Pursuant to the provisions of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, 53 P.S. §10101 *et seq.*, as amended, a Zoning Hearing Board is hereby established in Hemlock Township, Columbia County.

2. *Appointment and Membership.*

A. The Zoning Hearing Board shall consist of three residents of Hemlock Township to be appointed by Resolution of the Township Board of Supervisors. The terms of the initial appointees shall be for 1, 2 and 3 years from the date of appointment. Their successors shall be appointed for the term of 3 years after the expiration of the terms of their predecessors in office. Members of the Zoning Hearing Board shall hold no other elected or appointed office in the Township, nor shall any member be an employee of the Township.

B. The Township Supervisors may also appoint two alternate members to the Zoning Hearing Board to serve in the event of absence or conflict of interest of a regular member. The term of office of an alternate shall be 3 years. For each case, the Chairman of the Zoning Hearing Board may designate alternate members of the Board to replace any absent or disqualified members, and if, by reason of absence or disqualification, a quorum is not reached, the Chairman shall designate as many alternates as necessary to reach a quorum. Designation shall be made on a case-by-case basis, in rotation, according to declining seniority. Alternates shall hold no other elected or appointed office in the municipality, including service as a member of the Township Planning Commission or as a Zoning Officer, nor shall any alternate be an employee of the Township.

C. A Zoning Hearing Board member may be removed by majority vote of the appointing authority for just cause only after the member has received 15 days advance notice of the Township's intent to take such a vote. A hearing shall be held in connection with the vote if requested in writing by the member.

3. *Appointment to All Vacancies.* Appointments to fill vacancies shall be for the unexpired term of the member or members whose term or terms become vacant. Appointments to fill such vacancies shall be made in the same manner as the original appointment.

4. *General Grant of Power.* The Zoning Hearing Board shall perform all the duties and have the powers prescribed by the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*, as amended, and as herein described.

(Ord. 8-9-2005, 8/9/2005, §1000)

§27-1002. Powers and Duties.

The Zoning Hearing Board shall hear and decide appeals pursuant to the provisions of the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*, as amended, and shall have the following powers:

A. *To Hear and Decide Appeals.*

(1) The Zoning Hearing Board shall hear and decide appeals from any order, requirement, decision or determination made by the Zoning Officer administering this Chapter including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order, or the issuance or refusal to issue a certificate of nonconformance for any nonconforming use, structure, or lot.

(2) The Zoning Hearing Board shall hear and decide appeals from a determination of the Zoning Officer or Township Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving the provisions regulating subdivision or planned residential development contained in Articles V and VII of the Pennsylvania Municipalities Planning Code, 53 P.S. §§10501 *et seq.*, 10701 *et seq.*

(3) The Zoning Hearing Board shall hear and decide appeals from a determination by the Zoning Officer or Township Engineer with reference to the administration of any floodplain or flood hazard ordinance or such provisions with a land use ordinance.

(4) The Zoning Hearing Board shall hear and decide upon appeal from a determination of the Zoning Officer any question involving the interpretation of any provision of this Chapter, including determination of the exact location of any district boundary where there is uncertainty with respect thereto.

B. *To Hear and Decide Challenges to the Validity of any Land Use Ordinance.*

(1) The Zoning Hearing Board shall hear and decide substantive challenges to the validity of any land use ordinance, except those for landowner curative amendments, which shall be brought before the Board of Supervisors pursuant to §§609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code, 53 P.S. §§10609.1, 10916.1(a)(2), as amended.

(2) The Zoning Hearing Board shall hear and decide challenges to the validity of any land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption. Such challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance.

C. *To Hear and Decide Requests for Variances.*

(1) The Zoning Hearing Board shall hear requests for variances and may vary or adapt the strict application of any of the requirements of this Chapter in the case of exceptionally irregular, narrow or shallow lots or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved, but in no other case. The sole purpose of any variance shall be to prevent discrimination and no variance shall be granted which would have the effect of granting a special privilege not shared by other property owners in the same vicinity and district and under the same conditions.

(2) The Board's decision to approve or deny a variance request shall be

made only after public notice and hearing. (See §27-1003.) (See also §27-610 for additional information regarding variances in Floodplain Districts and Appendix 27-C for an illustration of the variance procedure.)

(3) No variance in the strict application of any provisions of this Chapter shall be granted by the Zoning Hearing Board unless all of the following findings are made, where relevant, in a given case:

(a) There are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this Chapter in the neighborhood or district in which the property is located.

(b) Because of such physical circumstances or conditions there is no possibility that the property can be developed in strict conformity with the provisions of this Chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

(c) Such unnecessary hardship has not been created by the appellant.

(d) The variance, if authorized, will not alter the essential character of the neighborhood or 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 welfare.

(e) The variance, if authorized will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

(4) In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter.

D. To Hear and Decide Request for Special Exceptions.

(1) The Zoning Hearing Board may grant special exceptions only for such uses as are provided for in Part 3, "District Regulations," and pursuant to express standards and criteria outlined in Part 4. The Board's decision to approve a special exception shall be made only after public notice and public hearing. (See §27-1003.) Such approval shall apply specifically to the application and plans submitted and presented at said public hearing. Any subsequent changes or additions shall be subject to further review and public hearing by the Zoning Hearing Board as a separate special exception request (See §27-611 for additional information regarding special exceptions in Floodplain Districts and Appendix 27-D for a chart illustrating the special exception procedure.)

(2) The Zoning Hearing Board, at its discretion, may also request that the Township Planning Commission review the special exception application. Where such review is requested, the Township Planning Commission shall have 30 days from the date of its receipt of the application from the Board within which to conduct its review and file its report. In the event that the

Commission fails to complete its review or file its report within 30 days, such application shall be deemed to have been approved by the Commission. Further, the Commission may have representation at the hearing held by the Zoning Hearing Board on such application.

(3) In reviewing applications for special exceptions, the Zoning Hearing Board shall take into account the comments received from the Township Planning Commission and the following requirements, in addition to the standards set forth in Part 4, and in other applicable Sections of this Chapter:

(a) The use is so designed, located and proposed to be operated that the public health, safety, welfare and convenience will be protected.

(b) The use will not cause substantial injury to the value of other property in the neighborhood where the use is to be located.

(c) The use will be compatible with adjoining development and the proposed character of the zoning district where it is to be located.

(d) Adequate landscaping and screening is provided as required herein.

(e) Adequate off-street parking and loading is provided and ingress and egress is designed to cause minimum interference with traffic on abutting streets.

(f) The use conforms with all applicable regulations governing the district where it is to be located, except as may otherwise be determined for large-scale developments.

(4) In approving a special exception, the Zoning Hearing Board may attach whatever reasonable conditions and safeguards it deems necessary in order to insure that the proposed development is consistent with the purposes of this Chapter.

(Ord. 8-9-2005, 8/9/2005, §1001)

§27-1003. Hearing Procedures.

1. *Parties Appellant Before Zoning Hearing Board.* Appeals from a decision of the Zoning Officer and proceedings to challenge the validity of this Chapter may be filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agency of the Township, or by any person aggrieved. Requests for a variance or special exception must however be filed with the Board by any landowner or an authorized agent of such landowner.

2. *Time Limitations.*

A. Appeals from the denial of any permit application, interpretation of this Chapter, or other appeals permitted by the Municipalities Planning Code, 53 P.S. §10101 *et seq* to the Hemlock Township Zoning Hearing Board shall be filed with the Township Secretary within 30 days from the issuance of the denial or interpretation.

B. Appeals from the issuance of a notice of enforcement pursuant to §27-1205.A to the Hemlock Township Zoning Hearing Board shall be filed within 15 days from the issuance of the denial or interpretation.

C. The appeal shall be filed on a form provided by Hemlock Township and shall be accompanied by a fee for the appeal as set forth from time to time by the Board of Supervisors or Hemlock Township.

[Ord. 07-08-2008]

3. *Applications Required.* All requests and appeals made to the Zoning Hearing Board shall be in writing and in such form as may be prescribed by the Zoning Officer. Every appeal or request shall refer to a specific provision of this Chapter and shall exactly set forth the interpretation that is claimed or shall include the plans or details of the variance or special exception that is requested, in addition to the following information:

- A. The name and address of the applicant or appellant.
- B. The name and address of the owner of the parcel to be affected by such proposed change or appeal.
- C. The name and address of all adjacent property owners.
- D. A brief description and location of the parcel to be affected by such proposed change or appeal.
- E. A statement of the present zoning classification of the parcel in question, the improvements thereon and the present use thereof.
- F. A reasonably accurate description of any existing buildings, structures, or improvements located on the site and the additions or changes intended to be made under this application, indicating the size of such proposed improvements. In addition, the applicant shall provide the Zoning Hearing Board with an accurate plot plan, drawn to scale, of the property to be affected, indicating the location and size of the lot and size and location of all existing buildings, structures, trees, or other physical features thereon and those additional improvements proposed to be erected.

4. *Procedure for Zoning Officer.*

A. The notice of appeal in any case where a permit has been granted or denied by the Zoning Officer shall be prescribed by the Zoning Hearing Board under general rule after notice of such action granting or denying the permit has been mailed to the applicant. The Zoning Officer shall then immediately transmit to the Zoning Hearing Board all papers constituting the record from which the appealed action was taken or, in lieu thereof, certified copies of said papers.

B. It shall be acceptable for the Zoning Officer to recommend to the Zoning Hearing Board a modification or reversal of his action in cases where he believes substantial justice requires the same but where he does not have sufficient authority to grant the relief sought.

5. *Hearings Required and Notice of Hearings.*

A. The Zoning Hearing Board, before rendering a decision, shall hold hearings on any appeal, interpretation, variance, special exception, challenge or other matter requiring the Zoning Hearing Board's decision or other official action. Within 60 days of the date of receipt of an applicant's application for such hearing, the Board shall fix a reasonable time and place for and commence the first hearing thereon, giving notice as follows:

(1) Publish public notice in accordance with the definition of “public notice” in Part 13 of this Chapter.

(2) Post in a conspicuous place on the property involved a written notice of the pending hearing and action; such notice shall take place at least 7 days prior to the public hearing.

(3) Give written notice to the applicant, the Zoning Officer, the Township Secretary or Township Manager, as applicable, Secretary of the Township Planning Commission, and to any person who has made a timely request for the same at least 7 days prior to the hearing.

(4) Notify all land owners adjoining the affected tract at least 7 days prior to the date of the hearing.

B. Each subsequent hearing on the application shall be held within 45 days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record.

6. *Rules of Conduct.*

A. The Zoning Hearing Board shall adopt rules in accordance with the provisions of this Chapter and shall commence, conduct and complete all hearings in accordance with the requirements of the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*, as amended. Meetings of the Zoning Hearing Board shall be held at the call of the chairman and at such other times as the Zoning Hearing Board may determine. Such chairman or, in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. Irrelevant, immaterial or unduly repetitious evidence may be ruled out of order and excluded from the hearing record.

B. All hearings and meetings of the Zoning Hearing Board shall be open to the public. The Zoning Hearing Board shall keep a stenographic record of the hearing proceedings. Minutes shall be kept of all other meetings and shall show the vote of each member upon each question or if absent or, failing to vote, indicate such fact. Such records shall be public and shall be kept on file with the Township. A report of the Zoning Hearing Board’s activities shall be submitted to the Township Supervisors once each year.

C. A quorum of two Board members shall be required for the Zoning Hearing Board to take action. The Chairman of the Board may designate alternate members of the Board to replace any absent or disqualified member, and if, by reason of absence or disqualification of a member, the Chairman of the Board shall designate as many alternate members as necessary to reach a quorum.

7. *Decisions.*

A. The Zoning Hearing Board shall render a written decision or, when no decision is called for, make written findings on any application brought before them within 45 days after the date of the last hearing on said application. Every decision of the Zoning Hearing Board shall be based on stated findings of fact and every finding of fact shall be supported in the record of the hearing. The enumerated conditions required to exist for the authorization of a variance shall be construed as limitations of the power of the Zoning Hearing Board to act. A mere finding or recitation of the enumerated conditions, unaccompanied by findings of specific fact,

shall not be deemed findings of fact and shall not be deemed compliance with this Chapter.

B. In exercising the above-mentioned powers, the Zoning Hearing Board may, in conformity with the provisions of this Part, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as it feels appropriate.

C. A copy of the final decision or findings must be delivered to the applicant personally or must be mailed to him not later than the day following its date. All other persons interested in the result, who filed their name and address with the Board not later than the last day of the hearing, shall be provided with a brief notice of the decision or findings and a statement indicating where the full decision may be examined.

8. *Expiration of Appeal Decision.* Unless otherwise specified by the Zoning Hearing Board at the time of their action, a decision on any appeal or request shall expire if the applicant fails to obtain any necessary zoning and/or building permit(s) and start construction, or fails to comply with the conditions of said decision, within 12 months from the date of said decision.

9. *Required Interval for Hearings on Applications and Appeals after Denial.* Whenever the Zoning Hearing Board, after hearing all the evidence presented upon an application or appeal under the provisions of this Chapter, denies the same, the Zoning Hearing Board shall refuse to hold further hearings on the same or substantially similar application or appeal by the same applicant, his successor or assign, for a period of 1 year, except and unless the Zoning Hearing Board shall find and determine from the information supplied by the request for a rehearing, that changed conditions have occurred relating to the promotion of the public health, safety, convenience, comfort, prosperity and general welfare and that a reconsideration is justified. Such rehearing would be allowable only upon a motion initiated by a member of the Zoning Hearing Board and adopted by the unanimous vote of the members present, but not less than a majority of all members.

10. *Failure to Hold Required Hearing or Render Decision.* Where the Board fails to commence, conduct, or complete the required hearing or fails to render a decision within the prescribed time period (except for challenges filed under §916.1 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10916.1), the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing or on the record to an extension of time. When a decision is rendered in favor of the applicant due to a violation of the established time requirements, the Zoning Hearing Board must give public notice of this decision within 10 days from the last day it could have met to render a timely decision. If the Board fails to provide such notice, the applicant may do so.

11. *Stay of Proceedings.* An appeal to the Zoning Hearing Board shall automatically stop all affected land development. However, if the Zoning Officer or other appropriate agency certifies to the Zoning Hearing Board that such a halt could cause an imminent danger to life or property, then development may only be stopped by a restraining order granted by the Zoning Hearing Board or by the court having jurisdiction, on petition, after notice to the Zoning Officer and any other appropriate

agency.

12. *Appeals.* Any person aggrieved by any decision of the Zoning Hearing Board may appeal therefrom within 30 days to the Court of Common Pleas of Columbia County pursuant to the procedures established in Part X-A of the Pennsylvania Municipalities Planning Code, 53 P.S. §11001-A, as amended.

(*Ord. 8-9-2005*, 8/9/2005, §1002; as amended by *Ord. 07-08-2008*, 7/08/2008, §§5, 6)

Part 11**Responsibilities of the Township Supervisors****§27-1101. Amendments to Zoning Ordinance or Map.**

The Township may on its own motion or by petition amend, supplement, change, modify or repeal this Chapter, including the Zoning Map, by proceeding in the following manner. (See Appendix 27-E of this Chapter for an illustration of the amendment procedure.) For curative amendments See §609.1, "Procedure For Landowner Curative Amendments," under Article VI of the Pennsylvania Municipalities Planning Code, 53 P.S. §10609.1 *et seq.*

A. Public Hearing and Notice Requirements.

(1) The Township Supervisors shall, at a public meeting, establish a date, time and place for a public hearing on the proposed amendment. Notice of such hearing shall be published once each week for 2 successive weeks in a newspaper of general, local circulation. The first notice shall be published not more than 30 days and the second publication should appear no less than 7 days prior to the hearing date. The notice shall state the time and place of the hearing and the general nature of the proposed amendment in such reasonable detail as will give adequate notice of its contents and shall name the place(s) where copies of the proposed amendment may be examined.

(2) In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Township at points deemed sufficient by the municipality along the affected tract at least 7 days prior to the date of the hearing. Further, where a proposed amendment involves a zoning map change, other than a comprehensive municipal rezoning, the Township shall notify all property owners within the area proposed for rezoning (by first class mail) of the date, time and location of the hearing at least 30 days prior to the hearing.

(3) If, after said public hearing, the proposed amendment is changed substantially or is revised to include land not previously affected by it, the Supervisors shall hold another public hearing and give notice thereof as set forth above, before proceeding to vote on the amendment.

B. Review by Planning Commissions. Every such proposed amendment or change, whether initiated by the Township Supervisors or by petition, shall be referred to the Township Planning Commission and the County Planning Commission at least 30 days before the public hearing for report thereon. If the Planning Commission(s) fail to file such a report before the public hearing it shall be presumed that the Planning Commission(s) have no comments or concerns regarding the proposed amendment, supplement or change.

C. Opportunity to be Heard. At the public hearing, any citizen and all parties in interest shall be given the opportunity to be heard.

D. Notice of Enactment. Prior to taking action on the amendment, the Township Supervisors shall give notice of proposed enactment by publishing the entire amendment or the title and a brief summary in a newspaper of general, local

circulation. Such notice shall include the time and place of the meeting at which passage is to be considered and shall name the place where copies of the proposed amendment may be examined. The notice shall be published one time, not more than 60 days nor less than 7 days prior to passage. If the full text is not published, a copy of the amendment shall be supplied to the newspaper at the time of publication of the notice, and an attested copy of the proposed amendment shall be filed in the County Law Library or other County office designated by the County Commissioners.

E. Enactment of Amendments.

(1) The adoption of an amendment shall be by simple majority vote of the Township Supervisors. The vote of the Supervisors shall be within 90 days after the last public hearing on the amendment. If the Supervisors fail to take action within 90 days, the proposed amendment shall be deemed to have been denied.

(2) Within 30 days after enactment, a copy of the amendment shall be forwarded to the County Planning Commission.

(Ord. 8-9-2005, 8/9/2005, §1100)

§27-1102. Conditional Uses.

The Township Supervisors may grant conditional use approval for only those uses set forth in Part 3 of this Chapter, the “District Regulations,” pursuant to the express standards and criteria outlined in Part 4, the “Supplementary Use Regulations.” In addition, the Supervisors may attach such reasonable conditions and safeguards as they deem appropriate to protect the public welfare and implement the purposes of this Chapter. (See Appendix 27-F of this Chapter for a chart illustrating the conditional use procedure.)

A. Application Procedure. Applications for any conditional use permitted by this Chapter shall be made to the Zoning Officer who shall refer such applications to the Secretary of the Township Supervisors or Township Manager, as applicable. Upon receipt of a conditional use application, the Secretary or Manager, as applicable, shall forward a copy of the application to the Township Planning Commission for their review and recommendation. The Planning Commission shall conduct its review and make its recommendations within 45 days of receipt of such request.

B. Written Statement. All applications for conditional uses shall include a written statement describing the tract of land and its intended use. Such statement shall include the following information:

- (1) The location of the tract of land.
- (2) The present use of the tract for which the conditional use is requested.
- (3) The present use of adjoining tracts.
- (4) The type of conditional use for which the application is made.
- (5) A brief description of the type and extent of the proposed activities.
- (6) An estimate of the total development cost of the conditional use.
- (7) The names of the applicant, the owner of the tract, the developer of the

conditional use and the person or organization who will operate the conditional use.

C. *Site Plan.* All applications for a conditional use shall include a site plan of the proposed development as set forth below. Such site plan shall be drawn to a scale sufficient to clearly show the features of the tract and shall include the following information:

- (1) A title block containing the name of the developer or landowner, date, scale, north arrow and the name and profession of the preparer of the plan.
- (2) Tract boundaries showing bearings and distances.
- (3) Existing significant natural or man-made features of the site.
- (4) Existing and proposed streets, rights-of-way, easements, means of access and setback lines.
- (5) Existing buildings, sewers, water mains, culverts, transmission lines, and fire hydrants on or adjacent to the site.
- (6) Existing contours at vertical intervals of 5 feet or less and the datum to which the elevations refer.
- (7) A proposed grading and drainage plan.
- (8) A proposed plan of any landscaping of the tract showing all paved and planted areas, screens or fences and erosion control measures.
- (9) Plans of any proposed sanitary sewer or storm sewer systems and water supply systems.
- (10) The location, size and floor plan of all proposed buildings or structures and proposed use of all buildings or structures and open or unenclosed areas of the tract.

In cases where little site improvement or development is required or proposed for a conditional use, the Township Supervisors, upon recommendation of the Township Planning Commission, may waive the requirement for submittal of certain information that they deem unnecessary for their review of the application. In all cases however, the information submitted shall be adequate for review of the conditional use request.

D. *Hearing Requirements.* Within 60 days of the date of receipt of an applicant's application for a conditional use, the Supervisors shall select a date, advertise (pursuant to the definition of "public notice"), and hold the first public hearing on the proposal. Hearings shall be conducted in accordance with the procedures set forth in §27-1003.6 of this Chapter for Zoning Hearing Board hearings. The burden of presentation of the conditional use request at the hearing shall rest with the applicant.

E. *Criteria for Review of Conditional Uses.* The Supervisors shall, in making decisions on each application for a conditional use, consider the following general criteria, in addition to the special criteria established elsewhere in this Chapter:

- (1) The purpose of the zone in which the requested conditional use is to be located and the compatibility of the requested conditional use with existing and potential land uses on adjacent tracts of ground.
- (2) Whether the specific site is an appropriate location for the use,

structure or condition.

(3) Whether the use developed will adversely affect the neighborhood.

(4) Whether the use will create undue nuisance or serious hazard to vehicles or pedestrians.

(5) Whether adequate and appropriate facilities and services will be provided to ensure the proper operation of the proposed use.

(6) The economic, noise, glare or odor effects of the conditional use on adjoining properties and properties generally in the district.

(7) Whether satisfactory provision and arrangement has been made concerning the following:

(a) Ingress and egress to the property and structure thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow, control and access in case of fire or other emergency.

(b) Off-street parking and loading areas.

(c) Waste collection, storage and disposal.

(d) Utilities, with reference to location, availability and compatibility.

(e) Screening and buffering with reference to type, dimensions and character.

(f) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district.

(g) Required yards and open spaces.

F. *Decisions.*

(1) The Supervisors shall render a decision or, when no decision is called for, make written findings on the conditional use application within 45 days after their last hearing on the proposal. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefor. Conclusions based on any provisions of the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*, this Chapter, or other ordinance, rule or regulation shall contain a reference to the provision relied upon and the reasons why the conclusion is deemed appropriate in light of the facts found.

(2) A copy of the final decision or, where no decision is called for, the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date.

G. *Failure to Hold Required Hearing or Render Decision.* Where the Supervisors fail to commence, conduct, or complete the required hearing or fail to render a decision within the prescribed time periods (except for challenges filed under §916.1 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10916.1), the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of a violation of the prescribed time periods, the Township Supervisors shall give public notice (in the same manner as is done for the public hearing) of the decision within 10 days from

the last day they could have met to render a timely decision. If the Supervisors fail to provide such notice, the applicant may do so.

H. *Expiration of Decision.* Unless otherwise specified by the Supervisors at the time of their action, a conditional use authorization shall expire if the applicant fails to obtain any necessary zoning and/or building permit(s) and start construction, or fails to comply with the conditions of said authorization, within 12 months from the date of said authorization.

I. *Appeals.* Nothing in this Section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

(Ord. 8-9-2005, 8/9/2005, §1101)

Part 12**Administration and Enforcement****§27-1201. Duties of the Zoning Officer.**

The provisions of this Chapter shall be administered and enforced by the Zoning Officer who shall be appointed by the Township Supervisors and hold no elective office in the Township. Said officer shall be able to demonstrate to the satisfaction of the Supervisors a working knowledge of municipal zoning, and shall meet such other qualifications as the Supervisors may, from time to time, deem necessary for the effective implementation of this Chapter. The Zoning Officer may be compensated for his work and shall have the following duties:

A. To receive and process applications for permits, certificates, variances, conditional uses, special exception uses, appeals and other applications required under the terms of this Chapter.

B. To prescribe the form of all applications, permits and certificates required under the terms of this Chapter.

C. To issue or deny applications for zoning permits in accordance with the procedure set forth in §27-1203 of this Chapter. In cases involving a request for a conditional use, a special exception, or a variance, zoning permits shall be issued only upon written order of the appropriate approving agency. It shall be the responsibility of the Zoning Officer to process requests for such hearings before the Township Supervisors and Zoning Hearing Board, as applicable.

D. To issue or deny requests for certificates of compliance in accordance with the procedure set forth in §27-1204 of this Chapter.

E. To examine land, buildings and structures to determine their consistency with this Chapter at the time of application filing, during the work and upon completion of the work.

F. To issue written enforcement notices as specified in §27-1205.A of this Chapter where it appears that there has been a violation, and to institute civil enforcement proceedings with the appropriate magisterial district judge on behalf of the Township as a means of enforcing the zoning regulations. [Ord. 11-11-2014]

G. To maintain and update the official Zoning Map as amendments are made by the Township Supervisors.

H. To maintain a log of all applications, permits or certificates issued, variances granted, inspections made, reports rendered and notices or orders issued.

I. To post notice of pending Zoning Hearing Board hearings in accordance with the procedures established in §27-1003.5.B and to post notice of proposed zoning district boundary changes as per the requirements of §27-1101.A.

J. To present facts, records, and other information to the Township Supervisors and/or Planning Commission, upon request of such body, as will assist them in their deliberations of specific applications.

K. To present to the Zoning Hearing Board, in each case before the Board, all relevant facts and arguments to support the Township's position, interpretation,

and procedures in application of the provisions of this Chapter.

L. To issue certificates of nonconformance as requested (See also §§27-901.F and 27-902.C)

M. To perform such other duties as may be provided or made necessary by the terms of this Chapter.

(Ord. 8-9-2005, 8/9/2005, §1200; as amended by Ord. 11-11-2014, 11/11/2014)

§27-1202. General Procedure for Zoning and Building Permit Applications.

All persons desiring to undertake any new construction, structural alteration, or change in the use of a building, structure, or land shall apply to the Zoning Officer for a zoning permit by completing the appropriate application form and by submitting the required fee. The Zoning Officer shall then either issue or deny the zoning permit or refer the application to the Zoning Hearing Board or Township Supervisors for their consideration, as applicable. After the applicant has received his zoning permit, he shall contact the Township Building Code Official and make application for a building permit. Following completion of his project, the applicant shall apply to the Zoning Officer for a certificate of compliance. If the Zoning Officer finds that the project has been completed in accordance with the terms of the zoning permit, he shall issue a certificate of compliance, after which the Building Code Official shall inspect the premises and issue or deny an occupancy permit allowing the premises to be occupied or used. (The specifics of each step of the zoning procedure are presented in §§27-1203 and 27-1204 below and in chart form in Appendix 27-G of this Chapter.) Nothing in this Chapter shall exempt the applicant from obtaining any permits which may be required by other regulations or codes in effect in Hemlock Township.

(Ord. 8-9-2005, 8/9/2005, §1201)

§27-1203. Zoning Permits.

1. Requirements for Zoning Permits.

A. Zoning permit shall be required:

(1) Prior to the placement, erection, construction, addition, or alteration of any building, structure, or land.

(2) Prior to the use or change in use of a building, structure, or land.

(3) Prior to the erection or alteration of signs except as specified in Part

7.

(4) Prior to the change or extension of a nonconforming use.

(5) Prior to the demolition or razing of any building or structure.

(6) Prior to development in any Floodplain District, except as listed below.

It shall be unlawful for any person to commence work for the erection or alteration of any building or structure, the change from one use to another use in an existing building (regardless if structural alterations are proposed or necessary to accommodate the change), or for a change in the use of land, until a zoning permit has been duly issued therefor. No zoning permit shall be issued however until all appropriate sewage, driveway, and other related permits have first been issued for the proposed use. (See also subsection .4 below for compliance

requirements.) Upon issuance of the zoning permit, the applicant may apply for a building permit.

B. *Exemptions.* Zoning permits shall not be required for the following activities unless they are proposed within a Floodplain District:

(1) Noncommercial or nonindustrial interior alterations when there is no increase in ground floor exterior dimension and no change in use.

(2) General maintenance and repair to existing buildings or structures, including siding, roofing, painting, the addition of storm windows, and similar activities.

(3) Land cultivation, including crop or tree farming.

(4) Landscaping or clearing woodlands.

(5) Construction or erection of pasture or farm fencing, land terraces, steps or other similar features.

(6) Placement or location of transmission, distribution and/or collection lines for utilities.

2. *Application for Zoning Permits.*

A. Each request for a zoning permit shall be made by completing the appropriate application form obtained from the Zoning Officer and submitting it along with the required fee to the Township. 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, it shall be accompanied by a written authorization from the owner. The full names and addresses of the owner, lessee, applicant or other responsible parties shall be stated in the application.

B. The Zoning Officer shall have 10 working days after receipt of a complete application to issue or deny requests for a zoning permit. Any denial shall be in writing and shall state the reason(s) for such action.

3. *Description of Work and Plan Requirements.*

A. All applications for zoning permits shall be accompanied by a sketch or plans, drawn to scale, which show the actual shape and dimensions of the lot, 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 other information as may be necessary to determine compliance with this Chapter and all other pertinent regulations. No application shall be considered complete until all necessary documents have been filed and all fees have been paid to the Township.

B. All applications and accompanying plans and documents shall become a matter of public record once a permit has been either issued or denied.

4. *Proof of Compliance.* It shall be the responsibility of the applicant in all cases to furnish adequate documentation and to certify that the proposed use will comply with all requirements of this Chapter, and all other applicable Federal, State, or local regulations. Such documentation may include copies of sewage permits, PennDOT highway occupancy or Township driveway permits, Department of Labor and Industry

or Public Welfare approvals, or other regulatory agency reviews, where such permits, approvals or reviews are appropriate.

5. *Changes.* After the issuance of a zoning permit, no change of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written approval of the Zoning Officer. Requests for any such change shall be made in writing and shall be submitted to the Zoning Officer for consideration.

6. *Display of Permit Placard.* In addition to the zoning permit, the Zoning Officer shall issue a permit placard which shall be displayed or posted on the premises during the time that construction is in progress. The permit placard shall remain posted until completion of the project and final inspection has been made by the Zoning Officer. Said placard shall bear the number of the zoning permit, the date of its issuance, and the signature of the Zoning Officer.

7. *Time Limitations for Permit.*

A. Work on the proposed construction shall be commenced no later than 12 months after the date of issuance of the zoning permit and all work covered by the permit shall be completed within 24 months after the date of the permit's issuance or the permit shall expire and become null and void. Additional work on the proposed project shall require the issuance of a new zoning permit. A time extension of the original permit may, however, be granted by the Zoning Officer where the applicant submits a written request prior to the expiration of the original permit setting forth sufficient and reasonable cause for the Zoning Officer to grant such a request. No more than two 90-day extensions may be granted. Additional time shall require the issuance of a new zoning permit.

B. For the purposes of this Chapter, construction and/or development shall be considered to have started with the preparation of land, including land clearing, grading, filling, excavation for basement, footers, piers or foundations, erection of temporary forms, the installation of pilings under proposed subsurface footers, or the installation of sewer, gas, and water pipes, or electrical or other service lines from the street.

8. *Inspections.*

A. During the construction period, the Zoning Officer shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all other applicable Township laws. He shall make as many inspections as necessary to determine compliance.

B. In the discharge of his duties, the Zoning Officer shall have the authority to enter any building, structure, premises, or development located in any zoning district, upon presentation of proper credentials, at any reasonable hour, to enforce the provisions of this Chapter.

9. *Revocation of Permits.* The Zoning Officer may revoke a zoning permit at any time if it appears that the application or accompanying plan is in any material respect false or misleading or that work being done upon the premises differs materially from that called for in the application. In such case, the Zoning Officer shall issue a cease and desist order to the owner, corporation, or person holding the permit to immediately discontinue the illegal action and surrender the permit. In no case, however, shall the

person so served abandon the premises in an unsafe condition. The premises shall be secured, to the satisfaction of the Zoning Officer, to avoid potentially hazardous conditions. A report of such revocation shall be submitted to the Township Building Code Official and to the Township Supervisors for whatever additional action may be deemed necessary.

10. *Temporary Zoning Permits.* A temporary zoning permit may be authorized by the Zoning Officer for a nonpermanent structure or use where it is deemed beneficial to the public health or general welfare or necessary to promote the proper development of the community, provided that such structure or use shall be completely removed upon expiration of the permit without cost to the Township. (See also §§27-433 and 27-434 for additional temporary use permit requirements.)

11. *Seasonal Zoning Permits.* A seasonal zoning permit may be authorized by the Zoning Officer for (A) the placement or establishment of a temporary roadside stand; (B) the placement of a recreational vehicle on a lot located outside of a designated floodplain for between 30 days and 180 days in any calendar year; and (C) the placement of a recreational vehicle on a lot situated within a designated floodplain in the Township for more than 7 consecutive days. Seasonal permits may be valid for no more than 180 days in any calendar year. Before issuing a Seasonal permit the Zoning Officer shall be satisfied that the requirements of §§27-424.D and 27-425.F, and all other applicable provisions of this Chapter, including Part 3, the “District Regulations,” have been met.

(Ord. 8-9-2005, 8/9/2005, §1202)

§27-1204. Certificates of Compliance.

1. *Requirements for Certificates of Compliance.*

A. No land shall be occupied or used and no building hereafter erected, altered or extended shall be used in whole or in part, or shall be changed in use, until a certificate of compliance has been issued by the Zoning Officer. Such requirement shall include proposals to change one use to another use in an existing building (regardless if structural alterations are proposed or necessary to accommodate the change).

B. The issuance of a certificate of compliance is not intended to guarantee or warranty, either stated or otherwise, the soundness of any construction nor the habitability of any building or structure. The purpose of this certificate is only to certify that all work authorized by the zoning permit has been satisfactorily completed and that the building or proposed use thereof complies with the provisions of this Chapter.

2. *Issuance and Effect.* The applicant shall notify the Zoning Officer upon completion of the permitted activity and the Zoning Officer shall inspect the construction or change of use within 10 days of the notification. The Zoning Officer shall then issue or deny the certificate within 10 days after the last inspection thereof. If the Zoning Officer is satisfied that the work has been completed in accordance with the issued zoning permit and is in compliance with the provisions of this Chapter, then the certificate of compliance shall be issued. If, however, any part of the construction is found in violation, the certificate shall be denied and the applicant shall be notified in writing of the deficiencies or the reasons for denial of the certificate. Once granted, the

certificate shall continue in effect so long as there is no change of use, regardless of change in ownership, tenants or occupants.

(Ord. 8-9-2005, 8/9/2005, §1203)

§27-1205. Violations and Enforcement.

Failure to secure a zoning permit when required hereunder or failure to secure a certificate of compliance, or failure to carry out the provisions of this Chapter, shall be considered a violation of this Chapter:

A. *Enforcement Notice.* Whenever it appears to the Zoning Officer that there has been a violation of any provision of this Chapter, the Zoning Officer, on behalf of the Township, shall give written notice of such alleged violation as hereinafter provided. Such enforcement notice shall:

(1) Be served upon the property owner or sent to him by certified mail (return receipt requested) and by regular mail, and be sent to any person who has filed a written request to receive enforcement notices regarding the parcel, and to any other person requested in writing by the owner of record. [07-08-2008]

(2) Include the name of the owner of record and any other person against whom the Township intends to take action.

(3) Include the location of the property in violation.

(4) Identify the specific violation(s) with a description of the requirements which have not been met, citing in each instance the applicable provision(s) of this Chapter.

(5) Contain an outline of remedial action which, if taken, will effect compliance.

(6) Specify the date before which the steps for compliance must be commenced and the date before which the steps must be completed.

(7) Notify the recipient of his right to appeal to the Zoning Hearing Board within 15 days of the issuance of the enforcement notice as set forth in §27-1003.2 of this Chapter. [Ord. 07-08-2008]

(8) Indicate that failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, shall constitute a violation and will be prosecuted or remedied as provided in this Section.

In any appeal of an enforcement notice to the Zoning Hearing Board, the Township shall have the responsibility of presenting its evidence first.

B. *Causes of Action.*

(1) In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Chapter, the Township Zoning Officer may institute, in the name of the Township, any appropriate action or proceeding to prevent, restrain, correct, or abate such building, structure, landscaping or land, or to prevent any action, conduct, business, or use in or about such premises constituting a violation.

(2) Any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation may also institute an appropriate corrective action or proceeding. Such action must be preceded, however, by serving a copy of the complaint on the Township Supervisors at least 30 days prior to being instituted. No such action may be maintained until such notice has been given.

C. *Enforcement Remedies.* Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Chapter, whether enacted under current law or prior law, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, shall pay a judgment of not more than \$500 plus all court costs. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by a magisterial district judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues or each Section of this Chapter which shall be found to have been violated shall constitute a separate violation. Unless the magisterial district judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the magisterial district judge and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Chapter shall be paid over to Hemlock Township. [Ord. 11-11-2014]

(Ord. 8-9-2005, 8/9/2005, §1204; as amended by Ord. 11-11-2014, 11/11/2014)

§27-1206. Fees.

1. Fees for the issuance of zoning permits, certificates of compliance, ordinance amendments, conditional uses, special exception uses, variances, and other zoning actions shall be paid to the Township upon filing of an application. Such fees shall be in accordance with the schedule of fees established by separate resolution of the Township Supervisors and as may be amended hereafter by subsequent resolution.

2. Further, any fees paid by a party for the appeal of an enforcement notice to the Township Zoning Hearing Board shall be returned to the appealing party by the Township if the Zoning Hearing Board, or any court in a subsequent appeal, rules in favor of the appealing party.

(Ord. 8-9-2005, 8/9/2005, §1205)

Part 13**Definitions****§27-1301. Interpretations.**

Unless the context otherwise requires, the following definitions shall be used in the interpretation of this Chapter. Words used in the present tense shall include the future; the singular shall include the plural, and the plural the singular; the word “person” shall include a corporation, partnership, trust, company, organization, firm and association as well as an individual; the word “lot” shall include the words “plot” and “parcel”; the term “shall” is mandatory, the word “may” permissive; and the word “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged, or designed to be used or occupied.”

(Ord. 8-9-2005, 8/9/2005, §1300)

§27-1302. Definitions.

Abandoned—the visible or otherwise apparent discontinuance of a nonconforming use of a building or premises, or the removal of the characteristic equipment or furnishings used in the performance of a nonconforming use without its replacement by similar equipment or furnishings; or the replacement of the nonconforming use or structure.

Abandoned motor vehicle—a motor vehicle that is inoperable and is left unattended on public property for more than 7 days; or has remained illegally on public property for a period of 7 days; or is left unattended on or along a public roadway without a valid registration plate, certificate of inspection, or title. For the purposes of this Chapter, vehicles or equipment used or intended to be used in construction or in the operation or maintenance of public utility facilities, which are left in a manner which does not interfere with the normal movement of traffic, shall not be considered to be abandoned.

Abut—(A) physically touching or bordering on another lot, use, or district boundary; or (B) sharing a common boundary line. (See also “adjoining.”)

Access drive—other than a street, which provides vehicular access from a street or public road to a lot, i.e., a driveway.

Accessory residential use—for the purposes of this Chapter, an accessory residential use shall be defined as a residential dwelling unit which is accessory to the principal commercial use of a lot in the Urban Residential or General Commercial Districts, i.e., an apartment(s) located above or adjoining a retail establishment.

Accessory structure—see “structure, accessory.”

Accessory use—see “use, accessory.”

Accessory warehousing and storage facilities—see “warehousing facility.”

Adjoining—for the purposes of this Chapter, the term “adjoining” shall be defined as the sharing of all or part of a common lot line with another lot or parcel of land. (See also “abut.”)

Adult entertainment facility—adult book stores, adult theaters, adult cabarets, adult massage parlors, and similar establishments providing entertainment of a sexual

nature.

A. *Adult book store*—an establishment which has a substantial or significant portion of its stock in trade as books, video tapes or compact discs, magazines or other periodicals which provide entertainment of a sexual nature.

B. *Adult cabaret*—a club, bar, tavern, restaurant, or other establishment which features go-go dancers, strippers, male or female impersonators, or similar entertainers whose performance is of a sexual nature.

C. *Adult drive-in theater*—an establishment showing sexually explicit motion picture films to patrons who remain seated in their automobiles or motor vehicles.

D. *Adult massage parlor*—an establishment where massages of a sexual nature are offered or furnished.

E. *Adult mini-motion picture theater*—an enclosed building with a capacity of fewer than 50 persons used for showing sexually explicit motion picture films to patrons.

F. *Adult motion picture theater*—an enclosed building with a capacity of 50 or more persons used for showing sexually explicit motion picture films to patrons.

Agent—any person, other than the landowner of a lot, who, acting under specific authorization of the landowner, submits plans, data and/or applications to the Zoning Officer or other designated Township official for the purpose of obtaining approval thereof.

Agri-business—an independent business, not subsidiary to an agricultural operation located on the same tract of land, which is related to the processing or sale of agricultural products or supplies, or the sale and/or repair of agricultural equipment

Agricultural building—a detached accessory structure, whether fully or partially enclosed, intended to provide housing, shelter, enclosure or support for animals, farm equipment, farm supplies or produce, grain, feed, etc. Such building shall be incidental and accessory to the type of farming activities conducted upon the property containing the building or on other properties owned or leased by the same farmer, and shall not be used for residential purposes.

Agriculture—the use of land for agricultural purposes, including crop farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, aquaculture, forestry, animal and poultry husbandry, and the accessory buildings or structures used for packing, treating, or storing that which is produced; provided, however, that the operation of any such accessory use shall be secondary to that of the normal agricultural activities. (See also “agri-business” and “farm-related business.”)

Aircraft—any contrivance, except an unpowered hang glider or parachute, used for the ascent into or flight through the air.

Airport—any area of land or water which is used, or is intended to be used, for the landing or take-off of aircraft and any appurtenant areas which are used, or are intended to be used, for airport buildings or air navigation facilities or rights-of-way, together with all facilities thereon. For the purposes of this Chapter, the term airport may also include facilities designated as heliports or those facilities which can only be used by rotary wing aircraft, as well as private airports.

Airport hazard—any structure or object, natural or manmade, or use of land which obstructs the airspace required for flight of aircraft in landing or take-off at an airport

or is otherwise hazardous to the landing or take-off of aircraft.

Airport hazard area—an area of land or water upon which an airport hazard might be established if not prevented.

Alley—a permanent service way providing a secondary means of access to lots. For the purposes of this Chapter, all alleys shall be considered to have a minimum width of 20 feet, unless otherwise stated or recorded.

Alteration—as applied to a building or structure, an alteration shall be defined as a change or rearrangement in the structural parts or in the exit facilities or an enlargement, whether by extending on a side or increasing in height, or the moving from one location or position to another. For the purposes of this Chapter, alteration shall not be defined to include maintenance or other repair activities.

Amendment—(A) the process set forth by the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*, for changing or altering the provisions of this Chapter or the boundary of any zoning district shown on the Zoning Map (see also §27-1101); or (B) the actual change or alteration proposed for this Chapter, text or map.

Amusement arcade—a retail establishment whose principal business is offering to patrons mechanical, electrical, or video amusement devices or games, such as pinball machines, ping pong, darts, shooting galleries, or similar devices and games.

Animal equivalent unit—1,000 pounds live weight of livestock or poultry animals, regardless of the actual number of individual animals comprising the unit. (See the Pennsylvania Nutrient Management Act, 3 Pa.C.S.A. §501 *et seq.*, for a listing of standard animal weights.)

Animal hospital—an establishment where animals are given medical or surgical treatment and may be boarded for short-term care incidental to their treatment.

Animal husbandry—for the purposes of this Chapter, animal husbandry shall be defined as the raising or keeping of livestock and/or poultry for capital gain or profit or with the intent of selling any livestock or poultry products as a commercial enterprise, including custom butchering. (The housing or raising of livestock or poultry or household pets for personal use or enjoyment pursuant to regulations of this Chapter shall not be considered animal husbandry. See also §27-423.)

Apartment—a single dwelling unit located within an apartment building or within a residence converted for additional residential use. (See also “accessory residential use and conversion apartment.”)

Apartment building—a dwelling structure containing three or more dwelling units, with or without independent outside access, excluding single-family attached dwelling structures as defined above, i.e., multi-family dwelling structure.

Applicant—the person or entity filing an application under this Chapter. [Ord. 11-11-2014]

Area—the surface included within a set of lines:

A. *Area, lot*—the area contained within the property lines of individual parcels of land shown on a plan, excluding any area within a street right-of-way, but including the area of any easement.

B. *Area, buildable*—portion of a lot bounded by the required front, side and rear yards.

C. *Area, site*—the total area of a proposed development, regardless of interior lot lines or proposed lots, streets, or easements.

Automotive, repair garage—a building or structure used primarily for making major repairs to motor vehicles (automobiles, motorcycles, trucks, farm machinery or equipment, and/or snowmobiles), including overhauling, body work, painting, refinishing and upholstering, as well as incidental servicing and maintenance. (See also §27-416.)

Automotive sales facility—any building or land area used for the display and sale of new or used automobiles or other motor vehicles, including warranty repair or associated work.

Automotive service station—a building or place of business where gasoline or any motor vehicle fuel or oil or other lubricating substances, batteries, tires, and other automotive accessories are supplied and dispensed to the motor vehicle trade, at retail, and where minor repair service may be offered. (See also §27-416.)

Auto salvage operation—see “junkyard.”

Bank—see “financial institution.”

Bar—a building or structure, or portion thereof, used primarily for the sale or dispensing of liquor or alcohol by the drink. For the purposes of this Chapter, a bar shall also include those facilities selling bottled goods, either as a principal or accessory use. (See also “tavern.”)

Barrier netting—an obstacle made of plastic, vinyl or other similar materials used as a protective shield to provide security, protection, safety or prevent injury or protect goods or property. [Ord. 11-11-2014]

Basement—(A) that portion of a building partly underground but having less than half of its clear height below the average lot grade; or (B) for floodplain management purposes, a basement shall be that area of a building or structure having its floor subgrade (below ground level) on all sides.

Bed and breakfast establishment—an establishment, dwelling, or part thereof, in which individual rooms are offered for temporary lodging purposes by the owner or operator for limited periods of time. Breakfast or other meals may also be provided for overnight guests as a part of the lodging fee. (See also §27-414.)

Boarding or rooming house—see “rooming or boarding house.”

Board of Supervisors—the elected Board of Supervisors of Hemlock Township, Columbia County, Pennsylvania.

Board or Zoning Hearing Board—the Zoning Hearing Board of Hemlock Township, Columbia County, Pennsylvania.

Buffer yard—yard space, either landscaped or planted, provided between high intensity activities and residential uses. (See also §27-506.)

Building—a structure having walls and a roof which is used for the shelter, housing or enclosure of persons, animals, or property. The word “building” shall include any part thereof. Included shall be all mobile or manufactured homes and trailers to be used for human habitation.

A. *Building, accessory*—a detached, subordinate structure located on the same lot as the principal building, serving a purpose customarily incidental to the use of

the principal building.

B. *Building, principal*—a building in which the principal use of the site is conducted.

C. *Building, attached*—a building which has one or more walls in common with an adjacent building.

D. *Building, detached*—a building which has no common walls and is surrounded by open space on the same lot.

Building coverage—that percentage of the plot or lot area covered by the principal and accessory buildings, including porches, patios, decks, carports, and breezeways, but excluding swimming pools, unenclosed parking or loading areas.

Building height—the vertical distance measured from the average elevation of the finished grade of the ground surrounding the building to the highest point of the roof, excluding chimneys, spires, and similar projections which may be attached to the building. (See also §27-504.)

Building line—the required setback (front, side, or rear) of a building from a property line.

Building setback line—a line established by the required minimum front yard setback from the street right-of-way or front lot line for buildings and/or structures. The building setback line shall be the point at which minimum lot width is measured.

Business office—see “professional office.”

Campground—a tract or tracts of ground, or portion thereof, used for the purpose of providing two or more spaces for recreational vehicles or tents for camping purposes, with or without a fee charged for the leasing, renting, or occupancy of such space. Such facility may also include a recreational vehicle park. (See also §27-426.)

Cartway—the surface of a street or alley available for vehicular traffic or the area between curbs.

Cellar—a portion of a building partly underground, having half or more than half of its clear height below grade. For the purposes of this Chapter, a cellar shall not be considered in calculating gross floor area nor shall it be used for dwelling purposes.

Cemetery—property used for the interring of the dead.

Certificate of compliance—the certificate required by this Chapter which indicates that all work authorized by the project’s zoning permit has been satisfactorily completed, or in a case involving no construction, a proposed new use is in compliance with the terms of this Chapter.

Certificate of nonconformance—a certificate issued by the Zoning Officer which acknowledges the existence of a nonconforming use, structure or lot as of the effective date of this Chapter, thereby authorizing its right to continue until it is eliminated or abandoned.

Change of use—an alteration of a building or a change of use existing within a building or on a lot to a new use which imposes other provisions of this Chapter.

Church or place of worship—a building or structure, or group of buildings or structures, which by design and construction are primarily intended for conducting organized religious or worship services, and uses customarily accessory or incidental thereto. For the purposes of this Chapter, uses such as schools, child nursery or day

care facilities, social halls or similar places of assembly associated with the church or place of worship shall require separate consideration and approval by Township officials.

Clear sight triangle—an area of unobstructed vision at street or driveway intersections defined by lines of sight between points at a given distance from the intersection of the street and/or driveway centerlines.

Clinic, medical or dental—for the purposes of this Chapter, a medical or dental clinic shall be defined as an establishment housing two or more physicians, dentists, psychologists, social workers, or similar health care providers, where patients are received for examination or treatment, but where no surgery is performed and no patients are lodged overnight. (See also “medical center.”)

Clinic, veterinary—for the purposes of this Chapter, a veterinary clinic shall be defined as an establishment housing one or more veterinarians where animals are examined and treated, but where no boarding related to such treatment is provided. (See also “animal hospital.”)

Clubs or fraternal organizations—an organization catering exclusively to members and their guests in premises or buildings for social, recreational, or administrative purposes, which are not conducted for profit. Clubs shall include but need not be limited to service organizations, fraternal organizations, as well as social, athletic, or similar groups.

Commercial lodging facility—see “lodging facility, commercial.”

Common wall—a wall on an interior lot line or a wall adapted for joint service between two buildings, i.e., a party wall.

Communications antennas, towers, and/or equipment buildings—all forms of antennas, dishes, or devices, and the poles, masts, towers, or other structures which support them, as well as all equipment buildings which may be necessary for the operation or maintenance of such uses, except that those communications facilities utilized by government agencies or those regulated by applicable public utility laws shall be exempt. Privately owned and operated communications antennas, including residence-mounted satellite dishes and television receiving devices, and ham or citizen band radio antennas, shall also be exempt from the regulations of this Chapter. (See also §27-428.)

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.

Concentrated animal feeding operations—agricultural operations where the animal density exceeds two animal equivalent units (AEU) per acre on an annualized basis. (See also §27-423.B.)

Conditional use—a principal use allowed in certain districts, as provided for in Part 3, which may only be authorized by the Township Supervisors as set forth in Part 11 of this Chapter, after review and recommendation of the Township Planning Commission.

Condominium—a building, or group of buildings, in which units are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

Conservation areas—land area used for game lands, wildlife or nature preserves, or

similar activities.

Construction—see “new construction.”

Continuing care retirement community—a State-licensed retirement “community” designed to provide a broad range of life care options for residents, from independent living, usually in an apartment or cottage, to a higher level of care, such as personal care or nursing home facilities. Residents move between levels of care as their needs change, and various services and activities are provided through a contractual arrangement for the lifetime of the resident.

Contractor’s shop and yard—a building or group of buildings and space used for the storage of construction equipment and/or building materials. Such uses may also include equipment repair facilities and office space associated with the contractor’s operation.

Convenience market—a retail establishment selling a limited range of food products and some household or other consumer goods. Such facilities generally offer fewer items and maintain a smaller, inventory of merchandise than a supermarket or grocery store. In some cases, gasoline and related automotive supplies are also offered in a self-service basis.

Convenience plaza—a retail establishment contained in one or more buildings offering a variety of products and services to the traveling public, including consumer goods or merchandise, gasoline or related automotive supplies, food and beverages, as well as ATM or similar convenience services. For the purposes of this Chapter, such products and services may be offered by a single owner/operator or may be provided by multiple retailers.

Conversion apartment—a dwelling or other building existing at the effective date of this Chapter which is converted for residential occupancy by more than one family. The specific number of permitted dwelling units shall be as set forth in §27-404 of this Chapter.

County—Columbia County, Pennsylvania.

Cultivation—see “land cultivation.”

Day care center—for the purposes of this Chapter, a day care center shall be defined as a private facility enrolling more than 12 young children where tuition, fees, or other forms of compensation for the care of the children is charged and which is licensed, inspected, and approved to operate as a child day care center by the Pennsylvania Department of Public Welfare. Such facilities may also provide care for adult, elderly or handicapped persons. (See also §27-413.)

Density—the number of families, individuals, dwelling units, or housing structures permitted to be constructed or situated on a specific unit of land.

Dental clinic—see “clinic, medical or dental.”

Developer—any landowner, agent of such landowner, or tenant with the permission of the landowner, who makes or causes to be made a subdivision or land development.

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

and the subdivision of land.

District—a zoning district as laid out on the Zoning Map, along with the regulations pertaining thereto.

Driveway—a minor vehicular right-of-way providing access between a street and a parking area or garage within a lot or property.

Duplex—a dwelling structure containing two independent dwelling units which are entirely separated by vertical walls or horizontal floors, unpierced except for access to the outside or a common basement or cellar, i.e., a two-family dwelling.

Dwelling—a building, structure, or shelter designed for or occupied exclusively as the residence or sleeping place of one or more persons.

A. *Dwelling, apartment*—see “apartment.”

B. *Dwelling, mobile home*—see “mobile home.”

C. *Dwelling, multi-family*:—see “apartment building.”

D. *Dwelling, single-family attached*—see “townhouse and townhouse structure.”

E. *Dwelling, single-family detached*—see “single-family detached dwelling.”

F. *Dwelling, townhouse*—see “townhouse.”

G. *Dwelling, two-family*—see “duplex.”

Dwelling unit—one or more rooms in a dwelling structure designed for use by one or more individuals living together as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities. Recreational vehicles, lodging facilities, rooming or boarding houses, or personal care or nursing homes shall not be considered as dwelling units for the purposes of this Chapter.

Easement—a defined right of use or privilege granted for a limited use of land, usually for a public or quasi-public purpose.

Enclosed storage facility—see “warehousing facility.”

Enclosed use—a use which is located entirely within a building or structure.

Entertainment facility, public—an indoor facility operated as a business for profit, open to the public, for the purpose of providing entertainment including, but not limited to, bowling alleys, roller skating rinks, amusement arcades, motion picture theaters, health clubs, and similar types of establishments, but excluding adult entertainment facilities as defined herein.

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.

Facility owner—the entity or entities having an equity interest in the wind energy facility, including their respective successors and assigns. [Ord. 11-11-2014]

Family—one or more persons occupying a dwelling unit and living as a single nonprofit housekeeping unit, but not including group quarters such as dormitories, sororities, fraternities, student housing, convents and communes.

A. Occupancy by any of the following shall be deemed to constitute a family:

(1) Members of a single family, all of whom are related within the second

degree of kinship (by blood, adoption, marriage or civil union).

(2) A “functional family unit” as defined in paragraph .B below.

(3) Persons with disabilities, as so defined in Title VII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988.

(4) A State registered or licensed daycare facility serving six or fewer children.

B. For purposes of this definition of a family, a group of adults living together in a single-family dwelling unit and functioning as a family with respect to those characteristics that are consistent with the purposes of zoning restrictions in residential neighborhoods shall be regarded as a “functional family unit” and shall also qualify as a family hereunder. In determining whether or not a group of unrelated adults is a “functional family unit” under the standard set forth above, the following criteria must be present:

(1) The occupants must share the entire dwelling unit. A unit in which the various occupants act as separate roomers cannot be deemed to be occupied by a functioning family unit.

(2) The household must have stability with respect to the purpose of this Chapter. Evidence of such stability may include but not be limited to the following:

(a) Minor dependent children regularly residing in the household and school-age children are enrolled in the local schools.

(b) Proof of the sharing of expenses for food, rent or ownership costs, utilities and other household expenses and sharing in the preparation, storage and consumption of food.

[Ord. 11-11-2014]

Family day care home—a family residence where care is provided for no more than six children unrelated to the resident household and which is registered by the Pennsylvania Department of Public Welfare to provide such care.

Farm—for the purposes of this Chapter, a farm shall be defined as a parcel of land containing 10 or more acres which is used for agricultural purposes or activities. (See also “agriculture.”)

Farm building—see “agricultural building.”

Farm-related business—for the purposes of this Chapter, a farm-related business shall be defined as a commercial enterprise conducted on a farm which is related to or supportive of an on-going agricultural operation located on the same tract (See also §27-430.)

Fence—any combination of materials creating an enclosure or barrier to prevent intrusion from outside or straying from within. For the purposes of this Chapter, a fence shall be considered to be a structure and shall therefore require a zoning permit prior to its placement or erection. (See also §27-505.3.)

Fill—(A) any act by which earth, sand, gravel, rock or other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of a stripped surface and shall include the conditions resulting therefrom; (B) the difference in elevation between a point on the original

ground and a designated point of higher elevation on the final grade; or (C) the material used to make a fill which is in turn used to elevate or floodproof a building or structure.

Financial institution—for the purposes of this Chapter, a financial institution shall include, but need not be limited to, a bank, credit union, loan company, or other lending institution, including drive-in windows, automated teller machines, and similar night deposit facilities.

Fire station—any building or structure used primarily for the purpose of housing or storing fire fighting equipment and gear. For the purposes of this Chapter however, such facilities may also include company meeting rooms, administrative offices, and other public service space.

Flea market—an occasional or periodic market held in an open area or within a structure where groups of individual sellers offer goods for sale to the public.

Flood—a temporary inundation of normally dry land areas.

Flood fringe—that portion of the 100-year floodplain outside of the floodway, excluding areas shown as approximate 100-year flood zones on the Township's Flood Boundary and Floodway Maps.

Flood, 100-year—a flood that on the average is likely to occur once every 100 years (i.e., that has a 1 percent chance of occurring each year, although the flood may occur in any year.)

Floodplain—(A) a relatively flat or low land area adjoining a river, stream or other watercourse which is subject to partial or complete inundation; or (B) an area subject to the unusual and rapid accumulation of runoff of surface waters from any source.

Floodproofing—any combination of structural and nonstructural additions, changes or adjustments to structures which reduces or eliminates flood damage to real estate or improved real property, water and sanitary facilities, structures or their contents. (See §27-603 for flood damage control provisions.)

Floodway—the designated area of the floodplain which is required to carry and discharge the flood waters of a 100-year flood.

Floor area—the area of a structure covered by floors.

A. *Floor area, gross*—the sum of the gross horizontal areas of all of the floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, excluding interior parking spaces for motor vehicles, basement or cellar floor areas where this area is not used for business or dwelling purposes, but including the area of all covered or enclosed porches, decks, patios and terraces.

B. *Floor area, habitable*—any floor area within a dwelling unit which is usable for living purposes, including area for working, sleeping, eating, cooking, and recreation, or a combination thereof. Stairways, hallways, and floor area used only for storage purposes, such as closet, attic, or unimproved basement space, or unenclosed or unheated porches shall not be considered habitable floor area, nor shall any space where the floor-to-ceiling height is less than 5 feet.

Food market—see “grocery store.”

Forest management activities—see “forestry.”

Forestry—the management of forests and timberlands when practiced in accordance

with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.

Freeboard—a factor of safety usually expressed in feet above a flood level for purposes of floodplain management, “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

Freight terminal—for the purposes of this Chapter, a freight or distribution terminal or depot shall be defined as a building or group of buildings containing more than 10,000 square feet of gross floor area and/or more than four loading berths or docks where merchandise is stored for ultimate distribution to specific wholesale operators. (See also “warehouse facility.”)

Funeral home—a building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation. (See also “mortuary.”)

Garage—a building or structure used for the parking and storage of vehicles.

A. *Garage, private*—an accessory building or an accessory portion of a principal building designed or used for the parking or storage of motor vehicles of the families residing upon the premises and in which no occupation or business is operated nor service is provided to the general public.

B. *Garage, public*—a building or group of buildings used primarily for the parking or storage of motor vehicles, available to the general public for compensation.

Garden shop—a retail business establishment specializing in sale of seeds, plants, flowers, shrubs, or small or ornamental trees, and related products and utensils.

General floodplain—that portion of the floodplain area for which no specific flood profiles exist and which is designated as approximated 100 year floodplain area on the Township’s Flood Boundary and Floodway Maps.

Grade—the degree of rise or descent of a sloping surface.

A. *Grade, street*—the elevation of the centerline of an existing or proposed street; the percentage of slope.

B. *Grade, finished*—the final elevation of the ground surface after development.

Greenhouse—a building whose sides and roof are made largely of glass or other transparent or translucent material, and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or personal enjoyment. (See also “plant nursery.”)

Grocery store—a retail establishment primarily selling food or groceries as well as other household goods or merchandise, i.e., a supermarket.

Gross floor area—see “floor area, gross.”

Group day care home—a residence where day care is provided for between seven and twelve children unrelated to the resident household, which is licensed and inspected by the Pennsylvania Department of Public Welfare to provide such care. For the purposes

of this Chapter, such use may be either a principal or accessory use (see applicable district regulations) and may also provide care for adult or elderly persons.

Group family household—a group of individuals not related by blood, marriage, adoption or guardianship living together in one dwelling unit as a single housekeeping unit under a common housekeeping plan based on an intentionally structured relationship providing organization and stability, excluding student housing facilities as defined herein.

Group home—for the purposes of this Chapter, a group home shall be defined as a residence occupied by eight or fewer persons (excluding staff) unrelated by blood, marriage, adoption or guardianship who live together as a group family household, excluding student housing as defined herein. Such homes shall include, but are not limited to, homes for orphans, foster children, the elderly, mentally or physically handicapped or challenged persons, battered women and children, and specialized treatment facilities providing less than primary health care. (Further, domiciliary care facilities for adults, which are certified or approved by the applicable State and/or local regulatory agency, may also be considered as group homes, but shall be limited to three or fewer persons per dwelling unit, excluding staff.) Group homes providing space for more than eight residents, excluding staff, shall be considered to be institutional residences. (See also §27-410 and “institutional residence.”)

Habitable floor area—see “floor area, habitable.”

Hazardous materials—any substance or mixture of substances having properties capable of producing adverse effects on the health or safety of a human being.

Hazardous materials storage facility—for the purposes of this Chapter, a hazardous materials storage facility shall be defined as an industrial facility which involves the collection, storage, or transfer of hazardous materials and meets all State and Federal regulations.

Historic structure—any structure that is:

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

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

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

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

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

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

Home occupation—an accessory use or service-oriented occupation operated for gain

or profit conducted entirely within the operator's residence or in a building accessory thereto, which is carried on by the inhabitant(s) thereof and is clearly secondary to the use of the dwelling for residential purposes and does not change the character thereof. (See also §27-429.)

Horticulture—the growing of fruits, vegetables, flowers, ornamental plants, shrubs, or trees for profit.

Hotel—a building or structure containing rooms intended or designed to be used, rented or occupied for sleeping purposes by overnight guests, where such rooms have no independent outside access, and where provision may be made for dining room or restaurant facilities (with or without alcohol sales), or meeting or conference rooms within the building. (See also “lodging facilities, commercial and motel.”)

Hub height—the distance measured from the surface of the tower foundation to the height of the wind turbine hub, to which the blade is attached. [Ord. 11-11-2014]

Identified floodplain area—those floodplain areas specifically identified in this Chapter as being inundated by the 100-year flood, including areas identified as Floodway, Flood Fringe and General Floodplain.

Impervious surface—A. Any surface which reduces or prevents the absorption of stormwater into previously undeveloped land; or B. The percentage of a lot that does not absorb precipitation. For the purposes of this Chapter, all buildings, structures, parking areas, driveways, roads, sidewalks, and any areas in concrete, asphalt, or similar materials shall be considered impervious surfaces.

Incinerator—an engineered apparatus used to burn waste substances and in which all the combustion factors, temperature, retention time, turbulence and combustion air, can be controlled.

Industrial operations—for the purposes of this Chapter, industrial operations shall be defined as those manufacturing, assembly and processing activities itemized in Part 3, the District Regulations, and meeting the supplementary use regulations set forth in Part 4. (See also §27-420 and “manufacturing.”)

Industrial park—a tract of land which has been planned, developed and is operated as an integral facility for three or more individual industrial uses, with special attention to circulation, parking, utility needs, aesthetics, and compatibility.

Institutional residence—establishments primarily engaged in the provision of residential, social and personal care for children, the elderly, and other special categories of persons with some limits on their ability for self-care, but where medical care is not a major element. These uses include, but are not limited to, group foster homes; residential alcohol and drug rehabilitation centers with incidental health care; children's boarding homes; halfway homes for persons with social or personal problems, except halfway homes for delinquents, offenders and other adjudicated individuals, and not including training schools for delinquent and other adjudicated individuals; homes for destitute individuals; homes for the deaf or blind; homes for emotionally disturbed or mentally or physically handicapped persons, with health care incidental; and group homes for nine or more residents, excluding staff. Residents of these facilities would be treated by staff in an institutional setting rather than living independently. Institutional housing where there is commercial rental or condominium ownership is also included in this category, with the exception of personal care homes as defined herein. Such facilities may also require licensing by the Pennsylvania Department of

Public Health, Department of Welfare, or other State agencies. (See also §27-410.)

Interstate highway system—that portion of the national system of interstate highways located within the Commonwealth as officially designated by the State and/or U.S. Departments of Transportation.

Junk—any discarded article or material not ordinarily disposed of as rubbish, garbage, or refuse and including, but not limited to, scrap metal, scrapped, abandoned or junked automobiles, machinery, equipment, paper, rags, glass, containers and other salvageable materials. For purposes of this Chapter, the term “junk” shall not include hazardous wastes or materials, industrial residual wastes, or municipal wastes as defined in the Pennsylvania Solid Waste Management Act, 35 P.S. §6018.101 *et seq.*

Junked motor vehicle—any motor vehicle including, but not limited to, an automobile or truck that is so worn, deteriorated, obsolete, dismantled or disassembled as to make it inoperable or unusable in its current condition, and/or a motor vehicle which has become incapable of being operated for a period of 30 days due to mechanical defects and/or because it is not licensed and/or does not have a current, valid Pennsylvania inspection sticker.

Junkyard—any outdoor establishment, place of business, or use of land which is maintained, used or operated for storing, keeping, buying or selling junk or junked or abandoned motor vehicles, with or without dismantling, processing, sale, or other use or disposition of the same. For the purposes of this Chapter, such facilities may also be referred to as auto salvage operations.

Kennel—for the purposes of this Chapter, a kennel shall be defined as an establishment where eight or more dogs, cats or other domesticated animals in excess of 6 months of age are housed, groomed, bred, boarded, trained or sold. (House pets maintained in a private home, are excluded.) In addition, all requirements of the Pennsylvania Dog Law, 3 P.S. §459-101 *et seq.*, administered by the Pennsylvania Department of Agriculture, shall be met before establishing a kennel in the Township.

Land cultivation—the tilling or cultivation of soil for crop or tree farming.

Land development—any of the following activities:

A. The improvement of one lot, or two or more contiguous lots, tracts or parcels of land for any purpose involving:

(1) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure.

(2) 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.

B. A subdivision of land.

Landfill—a place to dispose of refuse and other waste materials by burying it and covering it over with soil. [Ord. 11-11-2014]

Landowner—the legal or beneficial owner(s) of land, including the holder of an option or contract to purchase (whether or not such option is subject to any condition), a lessee, if he is authorized under the lease to exercise the right of the land owner or

other person having a proprietary interest in the land.

Landscaping—grass and other plantings such as trees, shrubs and/or bushes.

Livestock—for the purposes of this Chapter, “livestock” shall be defined to include cows, pigs, horses, sheep, llamas, and other similar types of farm animals.

Loading space—an off-street space accessible from a street or alley in a building or on a lot, for the temporary use of vehicles while loading or unloading merchandise or materials.

Lock box—a small wall or post mounted safe that holds keys to allow quick access to a building for fire, police and/or emergency services to retrieve for their use in entering without the use of force. [Ord. 11-11-2014]

Lodging facility, commercial—a building or structure arranged or used for sheltering, sleeping, and/or feeding of overnight guests for limited periods of time, including hotels, motels, inns and other similar types of commercial lodging establishments. Dining facilities associated with such uses may also be open or available to the public if authorized by the proper Township officials. (See also “hotel, motel, and bed and breakfast establishment.”)

Lot—a designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

A. *Lot area*—see “area, lot.”

B. *Lot, corner*—a lot with two adjacent sides abutting on streets. A lot abutting on a curved street shall be considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street line intersect at an interior angle of less than 135 degrees.

C. *Lot, depth*—the mean horizontal distance from the front lot line of a lot to its opposite rear lot line.

D. *Lot, double frontage*—a lot which extends from one street along its front lot line to another street along its rear lot line, with frontage on both streets.

E. *Lot, reverse frontage*—a double frontage lot extending between and having frontage on an arterial or collector street and on a local street, with vehicular access restricted to the latter, usually due to physiographic constraints or safety considerations.

F. *Lot, width*—the distance measured between the side lot lines at the required building setback line; in a case where there is only one side lot line, between such lot line and the opposite lot line.

Lot lines—the property lines bounding the lot.

A. *Lot line, front*—the line separating the lot from a street right-of-way; or, where a lot has no road frontage, the lot line opposite the rear lot line.

B. *Lot line, rear*—the lot line opposite and most distant from the front lot line.

C. *Lot line, side*—any lot line other than front or rear lot line.

Lot of record—a lot which individually or as a part of a subdivision has been recorded in the office of the Recorder of Deeds of Columbia County, Pennsylvania.

Lowest floor—the lowest floor of the lowest fully enclosed area of a building or structure (including basement or cellar). An unfinished or flood resistant partially

enclosed area, used solely for parking of vehicles, building access and incidental storage in an area other than a basement or cellar area is not considered a building's lowest floor; provided, that such space is not designed and built so that the structure is in violation of the applicable nonelevation design requirements of this Chapter and the National Flood Insurance Program.

Lumber yard—a business establishment primarily engaged in the sale of lumber and related products to contractors or the general public.

Machine shop—a workshop, manufacturing facility, or other industrial operation where machines are built, repaired or assembled. For the purposes of this Chapter, such facilities shall include tool and die making, engine rebuilding, and similar types of activities and may only be located in an Industrial District.

Manufactured home—also known as a mobile home, a transportable, single-family dwelling intended for permanent occupancy, contained in one unit, or in two 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 is constructed so that it may be used without a permanent foundation. For floodplain management purposes, the term shall include manufactured housing, park trailers, travel trailers, recreational vehicles, and other similar units placed on a site for a period of time exceeding 180 consecutive days. [Ord. 07-08-2008]

Manufactured home lot—a parcel of land in a manufactured home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single manufactured home; also known as a mobile home lot. [Ord. 07-08-2008]

Manufactured home pad—that part of an individual manufactured home lot which has been reserved for the placement of a manufactured home and appurtenant structures and connections; also known as a mobile home pad. [Ord. 07-08-2008]

Manufactured home park—a parcel, or contiguous parcels, of land which has been so designated and improved that it contains two or more manufactured home lots for the placement thereon of manufactured homes; also known as a mobile home park. For floodplain management purposes, the term shall also include facilities for the placement of two or more manufactured homes, or park trailers, travel trailers, recreational vehicles, or other similar units for a period of time exceeding 180 consecutive days. (See also Township Subdivision and Land Development Ordinance [Chapter 22] for mobile home park requirements.) [Ord. 07-08-2008]

Manufacturing—the act of producing, preparing or assembling finished products or goods from raw materials or component parts through the repetitious use of an established or set process.

Manufacturing operations—see “industrial operations.”

Market value—the fair market price of a structure or property as determined by an appraiser or insurance adjuster; the price at which both buyer and seller are willing to do business.

Medical center—an institutional facility, whether public or private, principally engaged in providing services for health maintenance, diagnosis or treatment of human disease, pain, injury, deformity or physical condition including, but not limited to, a

general hospital, public health center, diagnostic center, treatment or rehabilitation center, maternity hospital, and associated laboratories and/or offices for medical staff.

Medical clinic—see “clinic, medical or dental.”

Mineral batching or mixing plant—for the purposes of this Chapter, a mineral batching or mixing plant shall be defined as an operation where extracted minerals are amassed, sorted, mixed, and/or crushed, ground or otherwise treated for distribution or use.

Minerals—any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, anthracite and bituminous coal, limestone and dolomite, sand, gravel, rock, stone, earth, slag, ore, vermiculite, clay, crude oil and natural gas.

Mineral extraction operation—the commercial extraction of sand, gravel, clay, shale, rock or other natural mineral deposits from the earth, including facilities for the batching or mixing of extracted materials. (See also §27-422.)

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

Mortuary—a place for the storage of human bodies prior to their burial or cremation.

Motel—a building or structure arranged or used for sheltering, sleeping, and/or feeding of overnight guests, where each unit has independent outside access and where provision may be made for limited cooking in individual rooms. (See also “hotel” and “lodging facility, commercial.”)

Multi-family dwelling—see “apartment.”

Multi-family dwelling structure—see “apartment building” or “townhouse structure.”

Multi-family housing development—for the purposes of this Chapter, a multi-family housing development shall be defined as a residential development containing more than one apartment building or more than one townhouse structure, or a combination thereof, on a single tract of ground.

Multi-tenant convenience plaza—see “convenience plaza.”

Multi-tenant industrial facilities—see “industrial park.”

Multi-tenant truck stop—see “truck stop.”

Municipality—Hemlock Township, Columbia County, Pennsylvania.

Municipal or government building—a facility housing governmental agencies, including State, County and municipal operations.

Municipal waste—garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semi-solid, or contained gaseous material resulting from operation of residential, municipal, commercial or institutional establishments and from community activities; and sludge not meeting the definition of residual or

hazardous waste as defined in the Pennsylvania Solid Waste Management Act, 35 P.S. §6018.101 *et seq.*, from a municipal, commercial, or institutional water supply treatment plant, wastewater treatment plant, or air pollution control facility. The term does not include source-separated recyclable materials.

Neighborhood retail activity—a retail store, shop or establishment of a limited scale designed to provide service to a local neighborhood and oriented to pedestrian or limited vehicular traffic, including general stores, antique or gift shops, personal service businesses, sandwich shops, cafes, or similar types of operations.

New construction—the construction, reconstruction, renovation, repair, extension, expansion, alteration, location or relocation of a building (including mobile and manufactured homes), structure, and/or improvements (such as streets, utilities, etc.). For floodplain management purposes the term shall pertain to structures for which the start of construction commenced on or after July 9, 1979, and includes any subsequent improvements thereto. [Ord. 07-08-2008]

No-impact home-based business—a business or commercial activity administered or conducted as an accessory use in a residential dwelling located in a Residential District which is clearly secondary to the use of the residence as a dwelling and which meets the no-impact criteria set forth in this Chapter. (See §27-429.)

Nonconforming lot—a lot which does not conform to the minimum width, depth, or other dimensional requirements specified for the district in which it is located (Part 3), including those lots which existed prior to the enactment of this Chapter. (See §27-902 for applicable provisions.)

Nonconforming structure—a structure or part of a structure not designed or built to comply with the use or extent of use provisions of this Chapter, including those structures which lawfully existed prior to the enactment of this Chapter or amendment. Such nonconforming structures include, but shall not be limited to, nonconforming signs. (See §27-901 for applicable provisions.)

Nonconforming use—a use of a building or land which does not comply with the applicable use regulations (Part 3) of this Chapter or amendment, including those uses which lawfully existed prior to the enactment of this Chapter or amendment. (See §27-901 for applicable provisions.)

Non-participating landowner—any landowner except those on whose property all or a portion of a wind energy facility is located pursuant to an agreement with the facility owner or operator. [Ord. 11-11-2014]

Nursery school—a private institutional establishment providing educational and child care services for children up to 5 years of age where tuition, fees, or other forms of compensation is charged for the service. For the purposes of this Chapter, a nursery school may be a independent principal use or may be operated as an accessory use in conjunction with a church, day care center, or other similar institutional establishment. (See also “day care center.”)

Nursing home—a state-licensed institutional establishment which provides full-time convalescent or skilled nursing and/or medical care. Such facilities shall not provide surgical, obstetrical, or other services generally provided by a hospital or medical center. (See also §27-412 and “personal care home.”)

Obstruction—any wall, dam, wharf, embankment, levee, dike, pile, abutment,

projection, excavation, channel rectification, culvert, building, wire, fence, stockpile, refuse, fill, structure or other matter in, along, across or projecting into any channel, watercourse or regulatory flood hazard area which may impede, retard or change the direction of water, either in itself or by catching or collecting debris carried downstream to the damage of life or property.

Occupied building—a residence, school, hospital, church, public library or other building used for public gathering that is occupied or in use when the permit application is submitted. [Ord. 11-11-2014]

Office—see “professional office.”

Office building—a building used primarily for conducting of the affairs of a business, service, industry, government or like activity, which may include ancillary services for office workers, such as food services, and newspaper or candy stands.

Office complex—a development consisting of multiple office buildings, related supporting uses and services, and open space which is planned, designed, constructed and managed on an integrated, coordinated basis.

Off-street loading area—see “loading space.”

Off-street parking space—see “parking area” and “parking space.”

On-lot sewage—see “sewage facility, on-lot.”

On-lot water—see “water system, on-lot.”

Open, space—space not occupied by a structure, open to the sky, and on the same lot with the building or structure.

A. *Open space, public*—any land area set aside, dedicated, designated or reserved for public enjoyment.

B. *Open space, common*—land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use and enjoyment of the residents of the development and which may include complimentary structures and improvements as are necessary and appropriate, but shall not include streets, off-street parking areas, and areas set aside for public facilities or utilities.

Operator—the entity responsible for the day-to-day operation and maintenance of the wind energy facility. [Ord. 11-11-2014]

Outdoor commercial recreation use—see “recreation use, outdoor commercial.”

Outdoor cultural religious, amusement or sporting event—for the purposes of this Chapter, an outdoor cultural, religious, amusement or sporting event shall be defined as a temporary use, activity or event of short-term duration, such as a carnival, circus, fair, festival or other similar occurrence. (See also §27-433.)

Outdoor, unenclosed storage—see “storage, outdoor, unenclosed.”

Parcel—see “lot.”

Parking area—any public or private land area designated and used for parking of vehicles including parking lots, garages, private driveways, or legally designated areas of public streets. For the purposes of this Chapter, however, parking areas shall be not include space on any street or other public way.

Parking space—an off-street area on a lot or in a parking area, designed or used for

the parking of one motor vehicle, having direct, useable access to a street or road. (See also Part 8.)

Park or playground—a public, semi-public, or private park or park-type facility which provides outdoor recreational enjoyment and activity, either for free or on a fee basis. Such facilities may include tennis or basketball courts, baseball or other athletic fields, swimming, hiking and picnic areas, and playgrounds, and may also include buildings and accessory structures. Activities may be organized to include day camps, leagues, or other groups or may be strictly independent.

Permitted use—a principal use allowed in a zoning district, subject to the applicable district regulations, and approved by the Zoning Officer.

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

Personal care home—a State-licensed institutional facility providing supervised care services, including meals and less than full-time skilled or intermediate nursing care for individuals. For the purposes of this Chapter, personal care homes may also be known as assisted living facilities. (See also §27-412 and “nursing home.”)

Personal service business—for the purposes of this Chapter, a personal service business shall be defined as a small-scale retail business providing direct service or care to a patron or client including, but need not limited to, a bather or beauty shop, a tailor or dress-making shop, a music or art studio, upholstery or shoe repair facility, or similar establishment of a related nature.

Personal storage warehouse—a warehouse facility where separate storage spaces, of varying sizes, are available for lease or rental to the general public, usually on a self-service basis. For the purposes of this Chapter, there shall be no residential occupancy of nor commercial sales conducted from such storage areas. (See also §27-417.)

Planned residential development (PRD)—an area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of this Chapter. For the purposes of this Chapter, the terms and conditions of any PRD approved prior to the enactment of this Chapter shall remain in place and shall be unchanged by the standards or requirements contained herein.

Planning Commission—the Planning Commission of Hemlock Township, Columbia County, Pennsylvania.

Plant nursery—land and/or greenhouses used to raise flowers, shrubs, trees and plants for sale.

Pool—see “swimming pool.”

Primary highway system—that portion of connected main highways located within the Commonwealth as officially designated by the State or U.S. Departments of Transportation.

Principal use—see “use, principal.”

Private driveway—a vehicular access way to no more than two single family dwelling

units not dedicated, accepted or maintained by the Township or State in which all required yard setbacks for properties are designed per Part 3 of this Chapter. [Ord. 11-11-2014]

Private street or road—a vehicular access way to more than two single-family dwelling units not dedicated, accepted or maintained by the Township or State in which all required yard setbacks for properties are designed per Part 3 of this Chapter. [Ord. 11-11-2014]

Professional office—the office of a member of a recognized profession including, but not limited to, a real estate or insurance agent, a physician or dentist, an attorney, accountant, architect, or engineer. A professional office may be considered a home occupation when conducted from a residence, by a member of the resident family and when the office is clearly secondary to the residential use of the dwelling.

Public entertainment facility—see “entertainment facility, public.”

Public hearing—a formal meeting held pursuant to public notice by the Township Supervisors, Township Planning Commission, or Township Zoning Hearing Board, intended to inform and obtain public comment, prior to taking action in accordance with this Chapter.

Public meeting—a forum held pursuant to notice under “Sunshine Act,” 65 Pa.C.S.A. §701. [Ord. 11-11-2014]

Public notice—notice published once each week for 2 successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than 7 days from the date of the hearing.

Public or community sewer—see “sewage facility” and “sewage system, community.”

Public water—see “water facility and water system, public.”

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-duty truck; and (D) is not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. Such vehicles are permitted to be used in campground areas in the municipality or on private independent parcels. (See also §27-425.F.)

Recreational vehicle park—any site upon which two or more recreational vehicles are, or are intended to be located. (See also “campground.”)

Recreation use, outdoor commercial—a commercial, outdoor recreation facility, including a golf course, golf driving range, a miniature golf course, campground or recreational vehicle park, ski area or resort, church or service club affiliated camp, a shooting preserve or sporting clays range, and similar facilities. (See also §27-426.)

Recyclable materials—for the purposes of this Chapter, recyclable materials shall be defined as those designated waste products which are collected at approved recycling centers in the Township for transformation into new and/or different products at another location.

Recycling, center—a facility intended for the collection of recyclable materials, not including municipal, residual, or hazardous waste transfer stations.

Regulatory flood—the flood that has been selected to serve as the basis upon which the floodplain management provisions of this Chapter have been based; the 100-year flood.

Regulatory flood elevation—the 100 year flood elevation.

Residential cluster development—a large scale residential development in which individual dwelling units or buildings are grouped together. Modification or reduction of the minimum yard and lot size requirements are permitted in exchange for an equivalent amount of land in open space to be preserved for scenic, recreation or conservation purposes. The type and overall density of dwelling units shall be as set forth in §27-407 of this Chapter.

Residual waste—garbage, refuse, other discarded materials or other waste, including solid, liquid, semi-solid, or contained gaseous materials resulting from an industrial, mining, or agricultural water supply treatment facility, waste water treatment facility, or air pollution control facility, if it is not hazardous. The term does not include coal refuse as defined in the Coal Refuse Disposal Control Act, 52 P.S. §30.51 *et seq.*, nor treatment sludges from coal mine drainage treatment plants, disposal of which is being carried on under and in compliance with a valid permit issued under the Clean Streams Act, 35 P.S. §691.1 *et seq.*

Restaurant—a retail establishment where food and drink is prepared and served, primarily within the principal building. In some instances, the food is consumed on-site and in other cases it is taken out.

Retail business—a place of business engaged in selling goods and merchandise to the general public for personal or household use and rendering services incidental to the sale of such goods. (See also “wholesale business.”)

Riding academy—an establishment where horses are kept for riding, jumping, or showing for compensation or incidental to the operation of a club, association, or similar group.

Right-of-way—(A) a specific type of easement being limited to use for passage over another person’s land, i.e., an easement for vehicular or public utility passage; or (B) a strip of land acquired by reservation, dedication, prescription, or condemnation which is occupied or intended to be occupied by a road, crosswalk, railroad, electric transmission line, oil or gas pipeline, water line, sanitary sewer or storm sewer line, or other similar use.

Roadside stand—a temporary or permanent booth, stand or shelter located along a roadway (but off the road right-of-way) from which farm, nursery or greenhouse products or other merchandise is offered for sale to the general public. (See also §27-424.)

Rolling billboard—a mobile digital or electronic changing advertisement sign. [Ord. 11-11-2014]

Rooming or boarding house—a single-family, owner-occupied dwelling or part thereof where lodging is provided for a fee by the owner thereof. Such lodging shall be provided for no more than four persons unrelated to the owner and shall be for periods of time exceeding 1 week, whether or not arrangements are made for meals. (See also §27-409.)

Satellite dish—for the purposes of this Chapter, a satellite dish antenna shall be

defined as an accessory structure capable of receiving radio or television signals from a transmitter or transmitter relay located in planetary orbit.

Sawmill—a business establishment equipped with machinery for cutting lumber or timber into boards.

School—an establishment or facility, or part thereof, which is designed, constructed, or used for public or private education or instruction in any branch of knowledge. For the purposes of this Chapter, such facilities shall not include halfway homes or training facilities for delinquents, offenders, and other adjudicated individuals, nor other detentional facilities providing residential or “live-in” services. (See “institutional residence.”)

Screening—the provision of a visual shield or barrier between adjacent properties, structures, or uses, which may consist of vegetative plantings, fences, or the placement or utilization of natural or man-made berms or landforms, or any combination thereof. (See also §27-507.)

Screen planting—the use of vegetative plants, such as trees or shrubs, as a barrier to visibility, glare and noise between adjacent properties. Such plantings shall adhere to the requirements of §27-507 of this Chapter and shall be broken only at points of vehicular or pedestrian access or utility easements.

Seasonal dwelling—a permanent building or structure intended for occupancy only occasionally during the year, including buildings intended as camps, cottages, lodges, hunting cabins, vacation homes and similar seasonally used dwellings. For purposes of this Chapter, a recreational vehicle shall not be considered to be a seasonal dwelling, but may be used on a temporary or seasonal basis as per the requirements of §27-425.F of this Chapter.

Seasonal permit—a zoning permit issued seasonally by the Zoning Officer which authorizes the placement of: (A) a temporary roadside stand; (B) a recreational vehicle on an individual lot outside of a designated floodplain for between 30 and 180 days; and (C) a recreational vehicle on a lot within a designated floodplain in the Township for more than 7 consecutive days. (See also §27-1203.11.)

Setback—the horizontal distance between a structure and a street line or property line. (See also “building setback line.”)

Sewage facility—any sewer, sewage system, sewage treatment plant or parts thereof, designed, intended, or constructed for the collection, conveyance, treatment or disposal of liquid wastes, including industrial wastes.

A. *Sewage facility, off-lot*—any approved system or part thereof in which sanitary sewage is collected from buildings and piped by means of a sewerage system to a sanitary sewage treatment plant. Such a system must be designed in accordance with Department of Environmental Protection (DEP) standards and be permitted by the Bureau of Water Quality of the DEP. These systems shall include municipal treatment facilities as well as package treatment plants installed by private developers.

B. *Sewage facility, on-lot*—any approved system or part thereof designed to serve a single dwelling or building in which sewage is collected in a septic tank, holding tank or similar container located on the same lot and is untreated except for bacterial action occurring within such tank and is disposed of either through a

drain field connected to the tank or by hauling to a sewage treatment plant.

C. *Sewage system, community*—a sewage facility, whether publicly or privately owned, for the collection of sewage from two or more equivalent dwelling units and the treatment or disposal, or both, of the sewage on one or more of the lots or at another site. (See also “sewage facility, off-lot.”)

D. *Sewage system, individual*—a sewage facility, whether publicly or privately owned, located on a single lot and serving one equivalent dwelling unit and collecting, treating and disposing of sewage in whole or in part into the soil of the site or into the waters of the Commonwealth or by means of conveyance of retaining tank wastes, to another site for final disposal. (See also “sewage facility, on-lot.”)

Shopping center—for the purposes of this Chapter, a shopping center shall be defined as a group of three or more commercial establishments which have been planned, developed, and managed as a unit, whether contained in one building or in several buildings on the same tract, where each store or establishment maintains its own independent outside access.

Shopping mall—for the purposes of this Chapter, a shopping mall shall be defined as an enclosed group of three or more commercial establishments which have been planned, developed, and managed as a single unit, where the primary patron access for each store is from an interior pedestrian concourse or walkway. Patron access to the interior of the mall may be provided through a limited number of anchor stores or may be provided via a separate exterior entrance.

Sight distance—(A) the length of street, measured along the centerline, which is continuously visible from any point 4 feet above the centerline; (B) that area of unobstructed vision at street intersections formed by lines of sight between points which are a specialized distance from the intersection of the street centerlines; or (C) the amount of distance required to be provided at a street or driveway intersection which is considered adequate for a driver to be able to see in order to proceed in a safe manner. (See also §27-505.4.)

Sign—any device, structure or object for visual communication that is used for the purpose of bringing the subject thereof to the attention of others, but not including any flag, badge or insignia of any public, semi-public or civic, charitable or other religious group. (See §27-702 for definitions of specific types of signs.)

Sign area—the entire face of a single side of a sign, including all advertising surface, but excluding all structural supports and structural margins not exceeding 12 inches in width on each border of the sign.

Sign, height—the vertical distance measured from the average finished grade of the site beneath the sign to the highest point of the sign or sign structure, whichever is greater.

Single-family detached dwelling—a dwelling structure containing one dwelling unit from ground to roof, having independent outside access and open space on all sides, including a mobile home as defined herein. (See also “mobile home.”)

Slope—(A) the face of an embankment or cut section; or (B) the degree of deviation of a surface from the horizontal, usually expressed in percent or degrees; i.e., a ratio determined by dividing the vertical distance between two points (change in elevation)

by the horizontal distance measured between the same two points.

Solid waste—any waste including, but not limited to, municipal, residual or hazardous wastes, including solid, liquid, semi-solid or contained gaseous materials.

Solid waste transfer station—an establishment providing space for the temporary storage of collected solid waste prior to its ultimate disposal at an approved solid waste disposal facility; a facility generally situated at an intermediate location within a solid waste collection service area where individual haulers can transfer: their collected wastes to other vehicles for transportation to the approved disposal site.

Special exception use—a use permitted in a certain zoning district as provided for in the district regulations [Part 3] which must be approved by the Zoning Hearing Board as set forth in §27-1002.D of this Chapter. Special exception approval may not be granted for uses other than those expressly listed in Part 3.

Special permit—a special approval needed for specific types of development being proposed to be located in any portion of a designated floodplain. (See §27-608 for a listing of the activities requiring special permits and details for submission of applications for such activities.)

Stable—a building in which one or more horses are boarded, whether or not for compensation, hire, or sale, not including the boarding of horses for personal use.

Storage—(A) a place or space for storing goods, articles of personal property, materials, etc.; or (B) the accumulation or storing of items or personal property.

Storage facilities, enclosed—see “warehousing facility.”

Storage, outdoor, unenclosed—for the purposes of this Chapter, outdoor, unenclosed storage shall be defined as the accessory storage of materials, vehicles, equipment or other items of personal property on a lot occupied by the owner of the item(s). The unenclosed storage of products or equipment in the performance of agricultural activities may however be permitted on a lot or land not occupied by the owner of the item(s). (See also §27-432.)

Story—that portion of a building included between the surface of any floor and the surface of the floor or ceiling next above it.

Street—any thoroughfare, whether public or private, located in whole or in part within Hemlock Township, excluding alleys. The word “road” may be used interchangeably with the word “street.”

Street line—the dividing line between the street right-of-way and the lot, also known as the right-of-way line.

Structural alterations—any change or adjustment made to a building affecting the overall area occupied by that structure or that will change the supporting members, bearing walls, beams, girders, or interior walls of the structure. Such alterations generally require zoning and building permits.

Structure—any man-made object having an ascertainable stationary location on or in land of water, whether or not affixed to the land, including buildings, sheds, communications antennas and towers, fences and signs, but excluding poles, playground equipment, mailboxes, lawn ornaments and other similar objects. For floodplain management purposes, the term shall also include a gas or liquid storage tank that is principally above ground, as well as a mobile or manufactured home.

A. *Structure, accessory*—a structure detached from a principal structure located on the same lot and customarily incidental and subordinate to the principal building, structure, or use.

B. *Structure, principal*—the main or primary structure on a given lot.

Studio—a place where a musician or artist does his work.

Student—a person who is registered to be enrolled or who is enrolled and matriculating at Bloomsburg University as an undergraduate student or who is on a semester or summer break from studies at a college or university. [Ord. 11-11-2014]

Student housing facility—a building which contains one or more dwelling units occupied by two or more students who are not related to each other by adoption or marriage or are not the great-grandparent, great-grandchild, grandparent, grandchild, parent, child, brother, sister, aunt, uncle, niece, nephew, great aunt, great uncle, great niece or great nephew of each other. [Ord. 11-11-2014]

Subdivision—the division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts or 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; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

Substantial damage—damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement—any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (A) before the improvement or repair or (B) if the structure has been damaged and is being restored, before the damage occurred. The term also includes structures that have incurred substantial damage regardless of the actual work performed. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or (2) any alteration of an historic structure, provided that the alteration will not preclude the structure’s continued designation as an historic structure.

Supervisors or Township Supervisors—the Board of Supervisors of Hemlock Township, Columbia County, Pennsylvania, the elected governing body of the municipality.

Swimming pool—a body of water in an artificial container, whether located in or above the ground, having a depth at any point of more than 2 feet or a surface area of more than 250 square feet, used or intended to be used for swimming by children and/or adults, excluding “kiddie” or wading pools and farm ponds.

Tavern—an establishment used primarily for the serving of liquor or alcohol by the drink to the general public, and where food or packaged liquors may be sold only as

accessory to the principal use. (See also “bar.”)

Temporary zoning permit—a zoning permit authorized by the Zoning Officer for a nonpermanent building, structure or use where such structure or use is deemed to be beneficial to the public health or general welfare or necessary to promote the proper development of the Township, or for temporary uses. (See §§27-433, 27-434 and 27-1203.9.)

Temporary structure—a nonpermanent structure or building which is located on a lot in the Township for a specified duration. Some temporary structures may only be permitted for very short periods of time, while others may be authorized for as much as 6 months or more. (See also §§27-433 and 27-434.)

Temporary use—a short-term use or special activity which occurs in the Township including, but not limited to, carnivals, circuses, open-air cultural, religious, amusement, or sporting events. Although such a use may be held periodically, in order to retain its temporary status, it may not be an on-going operation or use. (See also §§27-433 and 27-434.)

Townhouse—a single dwelling unit from ground to roof with independent outside access and a portion of one or two walls in common with an adjoining dwelling unit(s), i.e., a townhouse unit.

Townhouse structure—a residential dwelling structure which contains a minimum of three townhouse dwelling units. The maximum number of dwelling units per structure shall be as set forth in §27-405 of this Chapter.

Truck stop—any building or premises upon which a business, service or industry involving the maintenance, servicing, storage or repair of commercial vehicles is located or conducted, including the dispensing of motor fuel or other petroleum products, the sale of accessories or equipment for motor vehicles, or the storage of cargo. Such uses may also include overnight accommodations and restaurant facilities intended primarily to serve the needs of long-haul drivers or the motoring public.

Turbine height—the distance measured from the surface of the tower foundation to the highest point of the turbine rotor plane. [Ord. 11-11-2014]

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

A. *Use, accessory*—a use subordinate to the principal use of a building, structure, or land located on the same lot and serving a purpose customarily incidental to the principal use. If no principal use exists on a lot with a lawful accessory use, then such accessory use shall be considered a principal use.

B. *Use, principal*—the primary purpose for which a lot is occupied or utilized.

Utility supply facilities—facilities, buildings and/or structures constructed and maintained by public utility companies, municipal or governmental agencies, or public service corporations, which are necessary for the provision of utility services to the general public. Such facilities shall include, but need not be limited to, electrical substations, water or sewage treatment plants, reservoirs, pump stations, or other similar facilities. For the purposes of this Chapter, however, utility supply facilities shall not include commercial communications antennas or towers. (See also §27-427 and “communications antennas, towers, and/or equipment buildings.”)

Variance—a modification of the provisions of this Chapter which the Zoning Hearing

Board is permitted to grant when strict enforcement would cause undue hardship owing to circumstances unique to the individual property on which the variance is sought. (See §27-1002.C for additional details and criteria to be utilized when a variance is requested.)

Veterinary clinic—see “clinic, veterinary.”

Warehousing facility—a building used primarily for the storage of goods and materials, including facilities handling freight for a specific commercial or industrial operation, and those facilities available to the general public. (See also “personal storage warehouse.”)

Water facility—any water works, water supply works, water distribution system or part thereof designed, intended or constructed to provide or distribute potable water.

A. *Water system, nonpublic*—all water systems which are not public water systems.

B. *Water facility, off-lot*—any approved system in which potable water is supplied to a dwelling or other building from a central water source which is not located on the lot with the dwelling or building.

C. *Water facility, on-lot*—a well or other approved system designed to provide potable water to a dwelling or other building located on the same lot as the source.

D. *Water system, public*—a water system as defined by the Pennsylvania Department of Environmental Protection which has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year.

Wetlands—areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal conditions do support, a prevalence of vegetation typically adapted for life in saturate soil conditions, including swamps, marshes, bogs, and similar areas. The term includes, but is not limited to, the U.S. Forest Service Wetlands Inventory of Pennsylvania, the Pennsylvania Coastal Zone Management Plan, the U.S. Fish and Wildlife National Wetlands Inventory, and a wetland area designated by a river basin commission.

Wind energy facility—an electric generating facility, whose main purpose is to supply electricity, consisting of one or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities. [Ord. 11-11-2014]

Wind turbine—a wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer, if any. [Ord. 11-11-2014]

Wholesale business—an establishment or place of business primarily engaged in selling merchandise to retailers or to industrial, commercial, institutional, or professional business users, or to other wholesalers. (See also “retail business.”)

Yard—an open space which lies on the same lot with a building or structure, unoccupied and unobstructed from the ground upward.

A. *Yard, front*—an open space extending the full width of the lot between the principal building or structure and the street right-of-way line or front lot line,

unoccupied and unobstructed from the ground upward.

B. *Yard, rear*—an open space extending the full width of the lot between the principal building or structure and the rear lot line, unoccupied and unobstructed from the ground upward.

C. *Yard, side*—an open space extending from the front yard to the rear yard between the principal building or structure and the side lot line, unoccupied and unobstructed from the ground upward.

D. *Yard, required*—the minimum area or open space required by this Chapter to be provided between any front, side or rear property line and a principal or accessory building(s) or structure(s) on the lot.

Zoning Hearing Board—the Zoning Hearing Board of Hemlock Township, Columbia County, Pennsylvania.

Zoning Map—the official Zoning Map of Hemlock Township, Columbia County, Pennsylvania, together with all notations, references and amendments which may hereafter be enacted. Said map is made a part of this Chapter as set forth in §27-203.

Zoning Officer—the administrative officer duly appointed by the Township Supervisors and charged with the duty of enforcing the provisions of this Chapter.

Zoning permit—the permit required by this Chapter which states the purpose for which a building, structure, or land is proposed to be used is in conformity with the use regulations, the dimensional requirements, and all other applicable provisions of this Chapter.

(Ord. 8-9-2005, 8/9/2005, §1301; as amended by Ord. 11-11-2014, 11/11/2014)

Part 14**Miscellaneous Provisions and Enactment****§27-1401. Interpretation, Purpose and Conflict.**

In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion of the health, safety, morals and general welfare of the Township. This Chapter is not intended to interfere with or abrogate or annul other rules, regulations or ordinances of the Township provided that where this Chapter imposes a greater restriction upon the use of land or premises or upon the construction of a building or requires larger open spaces than are imposed by such other rules, regulations or ordinance, the provisions of this Chapter shall control, except as may be provided otherwise by such rule, regulation, or ordinance.

(Ord. 8-9-2005, 8/9/2005, §1400)

Part 15**Flex Interchange Complex Commercial****§27-1501. Flexible Redevelopment.**

1. *Purpose.* To encourage the flexible redevelopment of vacant or underutilized lands within the I Industrial and GC General Commercial Districts and IC Interchange Commercial Districts to take advantage of the proximity of Interstate 80, at its intersection with State Route 42 and State Route 44.

2. *Applicability.* The provisions of this Section shall apply only to land located within the I Industrial and GC General Commercial and IC Interchange Commercial Districts that are located within 1 mile of the intersection of Pennsylvania Route 42 and Interstate 80.

3. *Applicable Standards.*

A. Notwithstanding any other provision in this Chapter to the contrary, the standards, requirements and provisions of this Section shall be the only standards, requirements and provisions of this Chapter that apply to flexible redevelopment and shall supersede all requirements, standards and provisions of the Subdivision and Land Development Ordinance [Chapter 22] that are inconsistent with the standards, requirements and provisions set forth in this Section.

B. For purpose of this subsection the determination of whether a provision of the Subdivision and Land Development Ordinance [Chapter 22] is inconsistent with a provision of this Section rests solely and exclusively with the Township. Notwithstanding anything herein to the contrary, the provisions of the Subdivision and Land Development Ordinance [Chapter 22] and other applicable Township ordinances, rules, regulations, and resolutions relative to stormwater management, floodplain management, erosion and sedimentation controls, placement of utilities, improvements guarantees, plan submission and approval, street design and construction shall be applicable to any subdivision and/or land development pursuant to this Section.

4. *Lot Size.* The minimum contiguous development size in this Flex Interchange Complex shall be 20 acres.

5. *Ownership.* The Flex Interchange Complex tract shall be developed according to a single plan with common authority and responsibility as determined by the landowner. If more than one person or entity has an interest in all or a portion of a tract, all persons or entities with interests in any portion of the tract shall join as applicants and shall present an agreement, in a form acceptable to the Board of Supervisors, guaranteeing that the tract as a whole shall be developed in accordance with any approval granted under this Section as a single Flex Interchange Complex with common authority and governing documents.

6. *Mixed Use Complex.* The Flex Interchange Complex shall be designed as a mixed-use facility in which complimentary commercial uses are permitted within close proximity to one another. The development shall be designed with a mix of commercial and/or industrial uses of various sizes to allow diversity and flexibility with regard to land use planning and to meet the commercial and/or industrial needs of the

community.

7. *Permitted Uses.* The following uses shall be permitted subject to the conditional use requirements of this Chapter within the Industrial Zone as part of a Flex Interchange Complex Commercial within the applicable Industrial and Interchange Commercial and General Commercial Zones.

- A. Shopping center and/or shopping mall. (See §27-419.)
- B. Grocery stores or food markets. (See §27-415.)
- C. Gasoline service stations providing for the sale of food and/or automotive supplies. (See §§27-415–27-416.)
- D. Restaurants with or without alcohol sales.
- E. Hotels and motels with or without alcohol sales.
- F. Convention centers and auditoriums.
- G. Business or professional offices.
- H. Automotive sales and service. (See §§27-415–27-416.)
- I. Medical offices, clinics and hospitals.
- J. Veterinary clinics.
- K. Places of worship.
- L. Governmental offices and civic centers.
- M. Banks, credit unions and other financial institutions.

8. *Required Mix of Uses.* To accommodate a diversity of demand, any Flex Interchange Complex use shall contain a mix of at least two of the aforementioned permitted uses.

9. *Multiple Principal Uses.* More than one principal use may be permitted on a lot if those uses are within the same building and no more than two uses total if the use is within a separate building, provided that the other standards of this Section are satisfied.

10. *Minimum Building Setbacks* (see also §27-502). All principal uses shall comply with the following setbacks:

A. *Front Yards.*

(1) Buildings—50 feet from edge of road right-of-way or 75 feet from road centerline, whichever is greater.

(2) Parking areas—20 feet from edge of road right-of-way. (No parking shall be permitted within this required setback area.)

B. *Side Yards.*

(1) Buildings (principal and accessory structures)—10 feet when abutting at lot within the Commercial or Industrial District; 50 feet when abutting a lot in any other zone.

(2) Parking and/or loading areas—10 feet when abutting a lot in the Commercial or Industrial District; 50 feet when abutting a lot in any other zone.

C. *Rear Yards.*

(1) *Buildings.*

(a) Principal structures—25 feet when abutting a lot in the Commercial or Industrial District; 50 feet when abutting a lot in any other zone.

(b) Accessory structures—10 feet when abutting a lot in the Commercial or Industrial District; 50 feet when abutting a lot in any other zone.

(2) Parking and/or loading areas—10 feet when abutting a lot in the Commercial or Industrial District; 50 feet when abutting a lot in any other Zone.

11. *Maximum Building Height.* 50 feet or 4 stories.

12. *Lot Requirements.*

A. Minimum lot area—20,000 square feet.

B. Minimum lot width—100 feet

C. Maximum building coverage—50%

D. Maximum impervious coverage—70%

13. *Off-Street Parking Areas.* Shall comply with the provisions as identified in Part 8. All parking areas shall not be located within any public right-of-way and shall be defined by curbs, walks, wheel stops, landscaped strips and other divides. All parking lots shall be on the same parcel and owned under the same ownership as the principal use within each parcel. A landscaped strip of 10 feet wide minimum and equal to the depth of the parking space shall be provided in parking lots of 40 or more spaces. All spaces designated as delivery truck parking shall be 12 feet x 60 feet, all customer parking stalls shall be a minimum of 10 feet x 20 feet with the exception of ADA parking spaces which shall meet International Building Code standards. Required parking lots and parking spaces shall be located within 100 feet of the principal building or use when located on the same side of a street. The required parking lots and parking spaces shall be located within 300 feet of the principal building or use when linked to a defined and constructed pedestrian walkway or sidewalk when located on the same side of the street.

14. Loading/ unloading areas shall be provided in accordance with this Section.

A. Loading areas shall have a minimum width of 12 feet and a minimum length of 60 feet for tractor trailer deliveries and 12 feet wide by 45 feet in length for uses that only require local deliveries. Each loading/ unloading space shall be of sufficient size to adequately accommodate the use being served. For businesses that don't require loading areas, spaces may be reserved and counted towards the loading/ unloading area.

B. No loading/unloading area is permitted to be located within 30 feet of any right-of-way or on the side facing a residential property or district unless a solid masonry wall, fence or vegetative screen is provided.

C. Loading/unloading areas or berths shall meet the provisions as set forth in §27-802.

D. No refrigerated trucks or trailers nor motor vehicles shall be permitted to operate (engine, compressor or motor running) at any time except when loading or

unloading when situated on lands that are adjacent to residential zoning district or an occupied residential dwelling.

15. *Drive-Through Facilities.* All drive-through service shall provide at least 60 feet of stacking space for motor vehicles. No part of the vehicle stacking lane for a drive-through shall fall within any public right-of-way or impede the movement of vehicles entering or exiting a parking stall.

16. *Buffer Yards and Landscaping.* Landscaping shall be permitted within the required setback areas and shall comply with the provisions as set forth in Part 5, §§27-506–27-507. In addition, the following provisions shall apply:

A. *Landscape Plan.* The applicant shall provide a landscape plan as part of the conditional use application which must be prepared under the approval of a registered landscape architect and which will provide for the following:

- (1) Identification and location of existing vegetation to be retained.
- (2) Type and size of proposed vegetation.
- (3) Location and specifications of lighting proposed for all portions of the open space and roadways.
- (4) Location of proposed street landscaping and the type, size and location of proposed street trees.
- (5) Type, size and location of landscaping for areas to be screened.
- (6) Type, size and location of parking lot landscaping to include both common and scientific names of all proposed plant species.
- (7) All trees shall be located and chosen to avoid damage to streets, sidewalks and curbs as the trees mature.
- (8) Proposed grading of all landscaped areas or hardscape features.
- (9) Planting details and specifications.

B. *Street Trees.* Street trees shall be provided for all proposed public streets and roads within the flex zone. Trees having, at the time of planting, a minimum 2½ inches caliper trunk diameter and a minimum 3 feet above finished grade shall be placed at intervals of 40 linear feet of road frontage. Street trees shall be drought and disease resistant native species. In the selection of street trees, trees with upright branching shall be selected to avoid potential for obstructions over the cartway and walk areas. Trees recognized as weak wooded and trees that may introduce excessive leaf litter shall be avoided. All new street trees shall be limbed up to a height of 4½ feet above the ground level to the lowest branch.

C. *Buffer Yards and Screening.* All mechanical units, loading areas, trash disposal, and exterior storage areas shall be effectively screened in accordance with §§27-506–27-507 of this Chapter. The use of native and non-invasive plant material, specifically hardy, disease resistance species adaptive to urban conditions shall be selected for buffer yard and screening areas. Screening shall consist of a 3-foot minimum high solid visual barrier to provide a visual barrier between parking lots, service and loading areas and interchange access roads and residential properties. No portion of the screening shall fall within any clear sight triangle. Screening may include walls, solid fences, hedges, shrubbery or in combination with earthen berms. A 30 percent reduction of plantings in

combination with an earthen berm will be considered to provide for more naturalized screening and buffering. Buffer yard plantings shall comply with §27-506 and consist of a mix of native trees, shrubs, ornamental grasses, perennials and/or groundcover.

D. *Interior Parking Area Landscaping.* Off street parking areas shall contain landscaped islands, landscaped peninsulas or other landscaped areas having a total minimum of 200 square feet for every 50 spaces or (8 percent) of the area occupied by parking spaces whichever is greater. This area is not in addition to the required open space. Such landscaping areas shall contain one 2½ caliper canopy tree and a mix of shrubs, perennials and/or ornamental grasses to adequately fill the planting area. Perimeter landscaping along the parking lot area may be included as part of the 8 percent area requirement. The utilization and design of these planting areas for rain gardens is strongly encouraged.

16. *Streets, Driveways and Access.*

A. A traffic study shall be required and prepared by an engineer licensed in the Commonwealth of Pennsylvania and submitted for land development approval when the proposed development proposes in excess of 200 vehicular trips per day.

B. No permanent dead end or permanent cul-de-sac streets shall be permitted unless approved by the Township.

C. No direct access to the interchange entrance or exit ramps shall be permitted.

D. All streets and drives shall be designed in accordance with §22-503 of the Hemlock Township Subdivision and Land Development Ordinance [Chapter 22] and the Pennsylvania Department of Transportation (PennDOT) materials, quantities, and methods of construction of streets or roads shall be in compliance with the applicable Township ordinances or the minimum Pennsylvania Department of Transportation standards and specifications, whichever is greater.

E. A minimum of 300 feet from intersection of the exit/entrance ramp and the interchange access road for new right-of-way for vehicular access and a minimum of 800 feet from any other such right-of-way, except when approved by PennDOT on State roads.

F. All projects proposing access from a State or Township road shall be submitted to the municipality and State for review and approval.

G. All new rights-of-ways providing vehicular access to the interchange access road shall be of a type equal to or of a lower order than the highest order road serving the interchange.

H. All new access drives shall be offset a minimum distance as indicated in the Hemlock Township Subdivision and Land Development Ordinance [Chapter 22].

I. All entrance and exit drives shall be a minimum of 18 feet wide for one-way use and a minimum of 28 feet wide for two-way use.

J. Fire lanes may be required where deemed necessary by the Township.

17. *Utilities.* The Flex Interchange Complex shall be served by community water supply and sewage disposal. Internal sewer lines and related infrastructure will be maintained by the development owner unless transferred to the Hemlock Municipal

Sewer Cooperative or its successor or successors in interest with an agreement that the sewer lines and related facilities will be maintained by the Hemlock Municipal Sewer Cooperative. Any uses must comply with applicable regulations established by the Hemlock Municipal Sewer Cooperative. All utilities shall be underground unless constraints such as point of off-site service connection, road and stream crossings or other physical site constraints which limit construction.

18. *Site Design Standards.*

A. Where practical, the main entrance will be so located so as to be directly across from any major outflow of traffic from other uses so as to ensure proper traffic control and alignment. Any proposed secondary access will not necessarily require a stoplight unless otherwise deemed necessary by the Township Supervisors or PennDOT for the safe flow of traffic. The developer, its successor or assigns, shall enter an agreement with the Township whereby the developer, its successor or assigns, shall be responsible for the costs of erection, maintenance and replacement of all traffic control devices located at any access point. This includes, but is not limited to, stoplights, streetlights, traffic signage and road markings.

B. In order to make restaurants, hotels and/or gas service stations more accessible to the traveling public and to reduce traffic within the development, these uses shall be located at or about the entrance and along the perimeter of the property with any major commercial, retail or industrial uses to be located more centrally on the developed parcel and next to adjacent industrial uses.

C. The lot, yard or open space requirements of the industrial districts shall be followed for all development within the Flex Interchange Complex.

D. The Flex Interchange Complex shall be designed with an interconnected network of circulation road systems that facilitate vehicular and pedestrian use to be designed in accordance with the Hemlock Township Subdivision and Land Development Ordinance [Chapter 22]. An interconnected street pattern will create multiple routes within the development to ensure the free flow of traffic. The use of isolated cul-de-sacs shall be avoided and shall meet the approval of the Township.

E. A maximum of two access drives shall be permitted for each use with exception of a shopping center or main anchor type use in which multiple access points shall be permitted to serve the main parking lot facility. Alternating one-way access is recommended at the parking drive aisle entrances to minimize turning movement conflicts along perimeter access.

F. All new lots shall abut a public or private street or right-of-way.

G. Site lighting shall be selected that provide aesthetic interest and energy efficient luminaries. The use of pedestrian scale light standards to light pedestrian areas is strongly encouraged.

H. *Common Open Space.* A minimum of 20 percent of the gross area of the development shall be designated as common open space. Within this open space a portion of said space may include utility easements and storm water management facilities, walkways and plantings which shall be designed to provide aesthetic benefits and pedestrian connectivity. All open space shall be maintained by an established association and maintained in a manner visually pleasing to the community which will be complementary to the design of the development and

structures to be constructed. (See also §27-1501.22.)

I. All corner lots shall have two front yards.

19. *Pedestrian Circulation Standards.* The pedestrian circulation system shall be connected to existing external developments, existing sidewalks, trails, or to existing roadway corridors. The pedestrian circulation system shall include sidewalks, walking paths and bicycle lanes as follows:

A. In connection with review and approval of a land development plan, the Board of Supervisors and/or Planning Commission may require that all streets; whether adjoining public streets or streets proposed to be developed, shall be bordered on both sides by a sidewalk, not less than 5 feet in width and in compliance with the design standards of applicable Township and County ordinances and regulations. Sidewalks may be constructed within the street right-of-way or within the front yard setback.

B. Pathways or trails designed as bicycle paths should be part of the street design at the Townships determination. Such bicycle lanes shall meet all the standards and design criteria for safety as identified by PennDOT and AASHTO.

C. All sidewalks shall be constructed of a durable surface such as concrete, asphalt, or unit pavers and shall be ADA accessible.

D. Crosswalks shall be designed and constructed in accordance with the Pennsylvania Department of Transportation regulations for the placement width at intersections and ADA accessibility. Curb ramps compliant with the U.S. Department of Transportation ADA Accessibility Guidelines (ADAAG) latest edition and International Building Code (IBC).

20. *Architectural Design Standards.*

A. *Building Exteriors.*

(1) *Materials.* Buildings shall have the same materials on front and sides that face public streets. Use of preferred materials is encouraged on the sides of any building that (a) contains the building's main entrance and (b) faces any street that adjoins the lot on which such building is located. Preferred materials include brick, stone, cast stone, precast, stucco, dryvit, split face block, metals, fiber cement siding, wood siding and materials of similar quality; provided, however, it is encouraged that no materials that are white in color be used. Colors such as light brown, brown, taupe, terra cotta, and the like, are encouraged in lieu of white materials.

(2) *Scale.* In order to scale down horizontality, any structure having a gross floor area of 10,000 square feet or exceeds 45 feet in length shall incorporate elements such as pilasters, piers, recesses, projections, bays, offsets, or other architectural details. Such facade treatments shall be spaced irregularly at intervals no less than 20 feet on center and no more than 40 feet on center. Any one-story building shall be a minimum 24 feet in height along the front elevation as measured from the ground to the top of the parapet wall in a flat roof condition or from the ground to the midpoint of the roof in a pitched roof condition. The side and rear elevation of a one-story building shall not exceed 20 feet in height as measured from the ground to the top of the parapet or mid-point of a pitched roof as the case may be.

(3) *Fenestrations.* Structures shall have a minimum 30 percent window coverage for ground floor facades that face a right-of-way. The side that faces a street adjoining the lot on which such building is located should ideally be architecturally by the use of fenestration that visually reduces the building mass. Any windows shall be limited to 60 percent of exterior surface with 15 percent outside visible light reflectivity value.

(4) *Variation.* It is encouraged that the base of all buildings have a color darker and of a different material texture than the body and cap of the building, whenever different materials are used. It is encouraged that the base not be white, but rather earth tones, such as light brown, brown, taupe or terra cotta. For any building occupied by more than one principal use shall include roof line off-sets of a minimum of 4 feet to provide architectural interest and variety to reduce the massing of a building and relieve the effect of a single roof line.

(5) *Roofs.* The use of preferred materials on all pitched roofs. Preferred materials include simulated slate shingles, standing seam metal roofs, architectural grade shingles, and materials of similar quality. Flat roofs should be provided with a 42-inch or taller parapet along the edge facing a street, highway or off-site property to effectively screen rooftop HVAC units, pipes and stacks. All pitched roofs must have eaves, gutters and downspouts. Eaves should extend a minimum of 2 feet beyond the face of the building. This requirement shall not apply to parapets that are pitched. No gutter or downspouts shall discharge onto or over a sidewalk, pedestrian walkway, street or road. Any gutter that drains roof water through a scupper shall not discharge water directly onto a wall of the building so as to discolor the wall.

21. *Signs.* Shall be in accordance with the sign provisions (§27-705) of this Chapter.

22. *Site Lighting.* Street lighting shall be provided along the primary pedestrian accessways and along all public roadways, sidewalks and parking areas in order to provide for pedestrian and vehicular safety, as well as to enhance the character of the Flex Interchange Complex. The following provisions shall apply to lighting located within the Flex Complex:

A. *General Lighting Standards.* Light emanating from any source within an off street area shall in no case exceed 0.5 footcandles nor introduce in excess of 0.2 footcandles as measured on the ground surface onto any adjacent residential property or district. Lighting shall be shielded to provide downward throw and shall be Darksky compliant. Energy efficient light fixtures such as LED are encouraged; however, in no case shall high pressure sodium (HPS) be permitted. Lighting at all building entrance and egress points shall be 5 footcandles, 2 footcandles at all pedestrian walk crossings and in no case shall ground level illumination be less than .2 footcandles in any public parking area.

(1) Except where noted all luminaries used in outdoor lighting installations primarily intended for illumination of horizontal surfaces shall be cutoff luminary types. Such installations shall include, but not limited to, the following:

(a) Pole-mounted luminaries.

- (b) Luminaries mounted on the exterior of buildings and structures.
- (c) Luminaries mounted on or within exterior canopies of buildings or in free standing canopies.
- (d) No high intensity light used to draw attention to a use or activity shall be permitted.

(2) Cutoff luminaries shall not be installed or subsequently placed in a canted or tilted position that permits candlepower distribution above the horizontal plane of the luminaire.

(3) *Light Reduction.* The amount of parking lot lighting in off street parking areas that serve any use that is open 24 hours per day shall be reduced by a minimum of 50 percent from 10 p.m. to 6 a.m. prevailing time. The amount of parking lot lighting in off street parking areas that primarily serve any use that is not open 24 hours per day shall be reduced by a minimum of 75 percent during the hours of 10 p.m. to 6 a.m. prevailing time.

(4) *Maximum Height.* The maximum height of light standards shall be 25 feet for all commercial and industrial uses measured from the average finished grade, 12 feet for pedestrian walks and areas, and 20 feet for all other uses and applications.

B. *Street Lighting Standards.* For all streets and/ or pedestrian areas, it is strongly encouraged that a decorative light standard be selected spaced at intervals not less than 90 feet on center. Such light standard shall define the aesthetic identity of the development and be in harmony with all other lights proposed within the complex. All such standards shall be reviewed and approved by the electric company providing service and the Township.

23. *Common Open Space.* Shall be in accordance with §22-503 of the Hemlock Township Subdivision Ordinance [Chapter 22] and/ or the following provisions:

A. A minimum of 20 percent of the gross acreage of land that is developed, singly or cumulatively, and used pursuant to this Section shall be used and maintained as common open space. This common open space shall be counted towards any total impervious area that is required for land development.

B. Areas of land averaging 25 percent or greater sloped areas, existing stream floodways and buffers, and or wetland setbacks should be preserved and designated as open space to the maximum extent possible to preserve and minimize development impacts to those areas.

C. The required common open space shall be designed and arranged in an effort to meet the following objectives:

- (1) Protection of natural, historic, and cultural resources.
- (2) Preservation of scenic views from inside and outside the development, from public roads and adjacent properties.
- (3) Provisions for establishing new trail system, and for new connection to existing or future trails, greenways, bikeways, linear parks, open space, and wildlife corridors.
- (4) Provide for regionalized stormwater and water quality measures in a more environmentally appropriate location.

(5) Provide a natural buffer between more intense land uses to neighboring neighborhoods, farmland and open space.

(6) Minimize erosion and sedimentation impacts at steep slope areas, streams and wetlands.

D. The required open space may or may not be accessible to the public, however consideration should be given to provide for trails and passive areas within the common open space areas.

E. A portion of the common open space may be utilized for agricultural purpose.

F. As part of the submission of any final or preliminary land development plan for flexible redevelopment pursuant to this Section, or any phase thereof, the developer shall provide to the Township a declaration of covenants, easements and restrictions, which shall set forth the ownership and maintenance responsibilities for the common open space.

G. Stream and wetland buffers any streams and or wetlands within the common open space area shall require a minimum 100-foot buffer both sides for impaired, high quality and exceptional value streams and 50 feet for all others as indicated by the 25 Pa.Code, Chapter 93, "Water Quality Standards." These buffers shall be continuous along their entire length unless where future roads or utilities warrant a crossing.

24. *Master Concept Plan.* Land development plans that are submitted for any flexible redevelopment pursuant to this Section shall include a master concept plan that depicts generally the intended layout of lots and buildings, streets and other improvements of the flexible development for Township review and comment. Such master concept plan may consist of one sheet and shall not be required to contain the details and requirements for preliminary or final land development plans. The master concept plan shall be provided for information and planning purposes only and shall not bind the developer or land owner to the uses, layout or improvements illustrated.

(Ord. 8-9-2005, 8/9/2005; as added by Ord. 11-11-2014, 11/11/2014)

Part 16**Flex Interchange Complex Industrial****§27-1601. Flexible Redevelopment.**

1. *Purpose.* To encourage the flexible redevelopment of vacant or underutilized lands within the I Industrial and GC General Commercial Districts and IC Interchange Commercial Districts to take advantage of the proximity of Interstate 80, at its intersection with State Route 42.

2. *Applicability.* The provisions of this Section shall apply only to land located within the I Industrial and GC General Commercial and IC Interchange Commercial Districts that are located within 1 mile of the intersection of Pennsylvania Route 42 and Interstate 80.

3. *Applicable Standards.*

A. Notwithstanding any other provision in this Chapter to the contrary, the standards, requirements and provisions of this Section shall be the only standards, requirements and provisions of this Chapter that apply to flexible redevelopment and shall supersede all requirements, standards and provisions of the Subdivision and Land Development Ordinance [Chapter 22] that are inconsistent with the standards, requirements and provisions set forth in this Section.

B. For purpose of this subsection, the determination of whether a provision of the Subdivision and Land Development Ordinance [Chapter 22] is inconsistent with a provision of this section rests solely and exclusively with the Township. Notwithstanding anything herein to the contrary the provisions of the Subdivision and Land Development Ordinance [Chapter 22] and other applicable Township ordinances, rules, regulations, and resolutions relative to stormwater management, floodplain management, erosion and sedimentation controls, placement of utilities, improvements guarantees, plan submission and approval, street design and construction shall be applicable to any subdivision and/or land development pursuant to this Section.

4. *Lot Size.* The minimum contiguous development size in this Flex Interchange Complex shall be 20 acres.

5. *Ownership.* The Flex Interchange Complex tract shall be developed according to a single plan with common authority and responsibility as determined by the landowner. If more than one person or entity has an interest in all or a portion of a tract, all persons or entities with interests in any portion of the tract shall join as applicants and shall present an agreement, in a form acceptable to the Board of Supervisors, guaranteeing that the tract as a whole shall be developed in accordance with any approval granted under this Section as a single Flex Interchange Complex with common authority and governing documents.

6. *Mixed Use Complex.* The Flex Interchange Complex shall be designed as a mixed use facility in which complimentary commercial uses are permitted within close proximity to one another. The development shall be designed with a mix of commercial and industrial uses of various sizes to allow diversity and flexibility with regard to land use planning and to meet the commercial and industrial needs of the community.

7. *Permitted Uses.* The following uses shall be permitted subject to the conditional use requirements of this Chapter within the General Commercial and Interchange Commercial zones as part of a Flex Interchange Complex Commercial use.

- A. Enclosed manufacturing storage and/ or sale of the following:
 - (1) Finished textile products.
 - (2) Scientific specialized in technical instruments and equipment.
 - (3) Manufacturing and assembly of prefabricated structures.
 - (4) Packing and bottling operations.
 - (5) Manufacture and assembly of electrical machines, supplies and equipment.
 - (6) Manufacture of jewelry, precision instruments, optical goods and similar products.
 - (7) Manufacture and assembly of microelectronic components.
 - (8) Assembly of products from materials manufactured off the premises.
 - (9) Manufacture of furniture and fixtures.
 - (10) Printing and publishing.
- B. Research and development facilities.
- C. Enclosed warehousing or enclosed storage facilities.
- D. Printing, binding or publishing operations and distribution facilities.
- E. Wholesale establishments.
- F. Personal storage warehouses (See §27-417).
- G. Public utilities service centers (See §27-427).
- H. Utility supply facilities (See §27-427).

8. Required mix of uses to accommodate a diversity of demand. Any Flex Interchange Complex industrial use shall contain a mix of at least two of the aforementioned permitted uses.

9. All other requirements contained in Part 15, “Flex Interchange Complex Commercial,” of this Chapter shall be applicable to the Flex Interchange Complex Industrial District.

(Ord. 8-9-2005, 8/9/2005; as added by Ord. 11-11-2014, 11/11/2014)

Appendix 27-A
Hemlock Township Zoning Ordinance
Table of Uses*

Uses	Districts							
	RR	SR	UR	C	IC	I	A	FF and FW
Residential								
Apartment buildings (multi-family)	-	C	C	-	-	-	-	-
Bed and breakfast establishments	SE	-	-	-	-	-	SE	-
Continuing care retirement communities	-	-	-	-	-	-	C	-
Conversion apartments	-	SE	P	-	-	-	SE	-
Duplexes (two-family dwellings)	-	P	P	-	-	-	-	-
Group homes	SE	SE	SE	-	-	-	-	-
Mobile homes on individual lots	P	P	P	-	-	-	P	-
Mobile home parks	-	-	-	-	-	-	C	-
Residential cluster developments	C	C	C	-	-	-	C	-
Rooming or boarding houses	-	-	SE	-	-	-	-	-
Single-family detached dwellings	P	P	P	-	-	-	P	-
Student housing facilities	SE	SE	SE	-	-	-	-	-
Townhouses (single-family attached)	-	C	SE	-	-	-	-	-
Institutional								
Animal hospitals	-	-	-	SE	-	-	SE	-
Art galleries	-	-	-	P	P	-	-	-

	RR	SR	UR	C	IC	I	A	FF and FW
Cemeteries	SE	SE	SE	-	-	-	SE	-
Churches or places of worship	P	P	P	-	-	-	SE	-
Clubs or fraternal organ. facilities	-	-	-	P	-	-	-	-
Day care centers or group day care homes	SE	SE	SE	-	-	-	SE	-
Fire stations	SE	SE	SE	P	P	-	P	-
Institutional residences	-	-	C	-	-	-	-	-
Libraries or museums	-	-	-	P	-	-	-	-
Medical centers	-	-	-	C	-	-	-	-
Medical or dental offices or clinics	-	-	SE	P	P	-	-	-
Municipal or government buildings.	P	P	P	P	P	-	P	-
Nursery schools	SE	SE	SE	-	-	-	SE	-
Nursing or personal care homes	-	-	SE	-	-	-	SE	-
Public utility service centers	-	-	-	-	-	P	-	-
Schools; public or private	C	C	C	-	-	-	C	-
Utility supply facilities	C	C	C	C	C	P	C	-
Veterinary offices or clinics	-	-	-	P	-	-	SE	-
Commercial								
Adult entertainment establishments	-	-	-	-	-	C	-	-
Agri-businesses	-	-	-	P	P	-	SE	-
Antique shops	-	-	-	P	P	-	-	-
Automotive sales facilities	-	-	-	SE	P	-	-	-
Auto service stations or repair garages	-	-	-	SE	SE	-	-	-
Banks or financial institutions	-	-	-	P	P	-	-	-

	RR	SR	UR	C	IC	I	A	FF and FW
Bars or taverns	-	-	-	SE	SE	-	-	-
Business offices	-	-	-	P	P	-	-	-
Bus stations or terminals	-	-	-	-	SE	-	-	-
Communications antennas, towers, and equipment buildings.	-	-	-	-	-	-	SE	-
Commercial lodging facilities (w/ bar)	-	-	-	-	SE	-	-	-
Commercial lodging facilities (w/out bar)	-	-	-	-	P	-	-	-
Flea markets or auction houses	-	-	-	SE	P	-	-	-
Funeral homes or mortuaries	-	-	-	SE	-	-	-	-
Grocery stores or food markets	-	-	-	SE	P	-	-	-
Kennels	-	-	-	-	-	-	SE	-
Lumber yards	-	-	-	SE	-	P	-	-
Multi-tenant convenience plazas	-	-	-	-	SE	-	-	-
Neighborhood retail activities	-	-	C	-	-	-	-	-
Office buildings or complexes	-	-	-	SE	SE	-	-	-
Personal service businesses	-	-	-	P	P	-	-	-
Personal storage warehouses	-	-	-	P	P	P	-	-
Professional offices	-	-	SE	P	P	-	-	-
Public entertainment establishment, inc. theaters	-	-	-	SE	SE	-	-	-
Restaurants (w/ bar)	-	-	-	SE	SE	-	-	-
Restaurants (w/out bar)	-	-	-	SE	P	-	-	-
Retail business establishments	-	-	-	P	P	-	-	-
Roadside stands or garden shops	SE	-	-	P	-	-	P	-

	RR	SR	UR	C	IC	I	A	FF and FW
Sawmills	-	-	-	-	-	-	SE	-
Shopping centers or shopping malls	-	-	-	C	C	-	-	-
Studios for art, music, dance, etc.	-	-	-	P	P	-	-	-
Industrial								
Assembly and packaging operations	-	-	-	-	-	P	-	-
Contractor's shops and yards	-	-	-	-	-	P	-	-
Freight terminals or depots	-	-	-	-	-	P	-	-
Hazardous or explosive storage	-	-	-	-	-	C	-	-
Incinerators	-	-	-	-	-	C	-	-
Industrial parks	-	-	-	-	-	C	-	-
Junk yards or auto salvage operations	-	-	-	-	-	C	-	-
Manufacturing operations	-	-	-	-	-	P	-	-
Mineral extraction operations	-	-	-	-	-	-	C	-
Multi-tenant truck stops	-	-	-	-	C	P	-	-
Printing, binding or publishing	-	-	-	-	-	P	-	-
Recycling centers	-	-	-	-	-	SE	-	-
Research and development facilities	-	-	-	-	-	P	-	-
Solid waste transfer stations	-	-	-	-	-	SE	-	-
Tire recapping operations	-	-	-	-	-	SE	-	-
Warehousing or enclosed storage	-	-	-	-	-	P	-	-
Wholesale establishments	-	-	-	-	-	P	-	-
Wood products manufacturing	-	-	-	-	-	P	-	-

	RR	SR	UR	C	IC	I	A	FF and FW
Agricultural								
Animal husbandry	-	-	-	-	-	-	P	-
Commercial raising of livestock or poultry	-	-	-	-	-	-	P	-
Concentrated animal feeding operations	-	-	-	-	-	-	C	-
Forestry or forest management	P	-	-	-	-	-	P	-
Horticultural activities	P	-	-	-	-	-	P	P
Land cultivation	P	P	P	P	P	-	P	P
Orchards	P	-	-	-	-	-	P	P
Plant nurseries or greenhouses	P	-	-	P	-	-	P	P
Stables or riding academies	-	-	-	-	-	-	P	-
Recreational								
Campgrounds or RV Parks	-	-	-	-	-	-	SE	-
Conservation areas/game preserves	-	-	-	-	-	-	P	-
Outdoor commercial recreation uses	-	-	-	SE	-	-	SE	-
Outdoor cultural, religious, amusement or sporting events	-	-	-	SE	SE	-	SE	-
Parks or playgrounds	P	P	P	-	-	-	P	P
Seasonal dwellings/hunting camps	-	-	-	-	-	-	P	-
Accessory								
Accessory group day care homes	P	P	-	-	-	-	P	-
Accessory residential uses	-	-	P	P	-	-	-	-
Accessory warehousing or storage	-	-	-	P	P	P	-	-
Administrative offices	-	-	-	-	-	P	-	-

	RR	SR	UR	C	IC	I	A	FF and FW
Building-mounted or co-located antennas	-	-	-	P	P	P	-	-
Family day care homes	P	P	P	-	-	-	P	-
Farm-related businesses	-	-	-	-	-	-	P	-
Home occupations	SE	SE	SE	-	-	-	P	-
Image-changing or digital sign boards	-	-	-	SE	SE	SE	-	-
Incidental uses and structures	P	P	P	P	P	P	P	P
No-impact home-based businesses	P	P	P	-	-	-	-	-
Off-street parking and loading	P	P	P	P	P	P	P	-
Roadside stands (temporary)	P	-	-	P	-	-	P	-
Signs	P	P	P	P	P	P	P	-
Swimming pools	P	P	P	P	P	-	P	-
* NOTE: This Table is intended to illustrate various uses provided by zone; it is not meant to be all inclusive. For a complete listing of uses provided for each zoning district, see Part 3, the District Regulations.								
P–Permitted Use								
SE–Special Exception Use								
C–Conditional Use								

Appendix 27-B

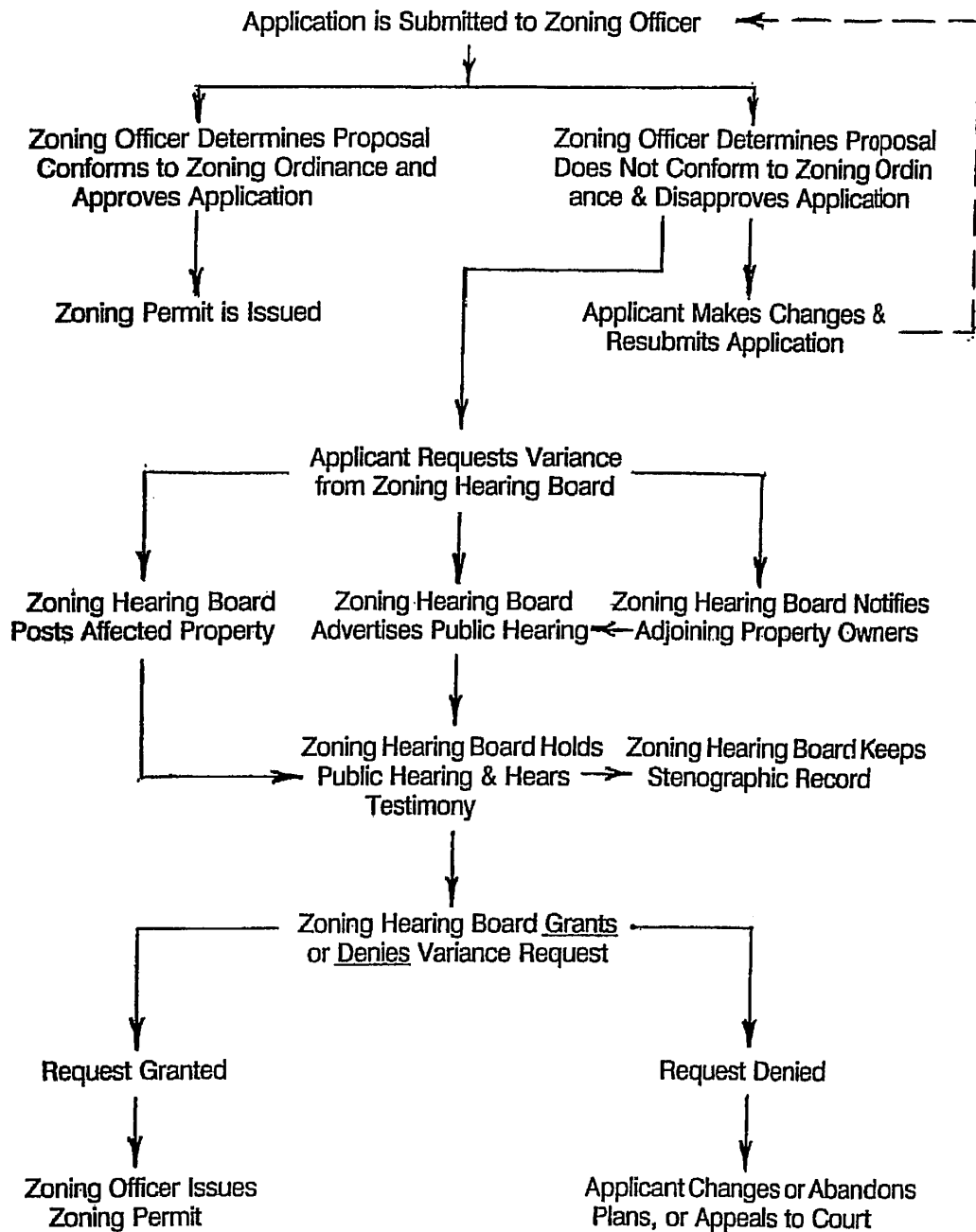
Table of General Dimensional Requirements*

			Minimum Yard Setbacks				
Zone	Minimum Lot Area	Minimum Lot Width ¹	Front ²	Side (each)	Rear ³	Maximum Height ³	Max. Bldg. Coverage
RR	On-Lot S & W—1 acre (43,560 sq. ft.) (SF)	150 ft.	30/55 ft.	25 ft.	35/10 ft.	40/20 ft.	25%
	Public S and/or W—30,000 sq. ft. (SF)	125 ft.	30/55 ft.	20 ft.	35/10 ft.	40/20 ft.	25%
SR [Ord. 07-08-2008]	Public S & On-Lot W—22,000 sq. ft. (SF)	125 ft.	30/55 ft.	20 ft.	35/10 ft.	40/20 ft.	25%
	Public S and/or W—15,000 sq. ft. (SF)	100 ft.	30/55 ft.	15 ft.	35/10 ft.	40/20 ft.	25%
	On-lot S & On-lot W—22,000 sq. ft. (SF)	125 ft.	30/55 ft.	20 ft.	35/10 ft.	40/20 ft.	25%
	On-lot S & Public W—15,000 sq. ft. (SF)	100 ft.	30/55 ft.	15 ft.	35/10 ft.	40/20 ft.	25%
UR	Public S & On-Lot W—22, 000 sq. ft. (SF)	100 ft.	30/55 ft.	15 ft.	20/10 ft.	40/20 ft.	35%
	Public S and/or W—15,000 sq. ft. (SF)	80 ft.	30/55 ft.	10 ft.	10/10 ft.	40/20 ft.	35%
C	20,000 sq. ft.	100 ft.	50/75 ft.	10/50 ft. ⁴	25/50 ft. ⁴ (P) 10/50 ft. ⁴ (A)	50/20 ft.	40%/70% ⁵

			Minimum Yard Setbacks				
Zone	Minimum Lot Area	Minimum Lot Width ¹	Front ²	Side (each)	Rear ³	Maximum Height ³	Max. Bldg. Coverage
IC	20,000 sq. ft.	100 ft.	50/75 ft.	10/50 ft. ⁴	25/50 ft. ⁴ (P) 10/50 ft. ⁴ (A)	50/20 ft.	40%/70% ⁵
I	1 acre (43,560 sq. ft.)	100 ft.	50/75 ft.	20/50 ft. ⁴	30/50 ft. ⁴ (P) 10/50 ft. ⁴ (A)	50/20 ft.	50%/80% ⁵
A	1 acre (43,560 sq. ft.)	150 ft.	30/55 ft.	25 ft.	45/10 ft.	40/20 ft.	25%
FF, FP, and FW	Same as the Underlying District						
* Note: See also lot, yard and open space requirements in Part 3 for each zoning district and the supplementary use regulations in Part 4 for dimensional standards for specific uses.							
¹ Measured at minimum building setback line.							
² Measured from edge of road right-of-way/road centerline.							
³ Prinicpal structures/accessory structures.							
⁴ Abutting Commercial or Industrial District/abutting any other District.							
⁵ Building coverage/impervious surface.							

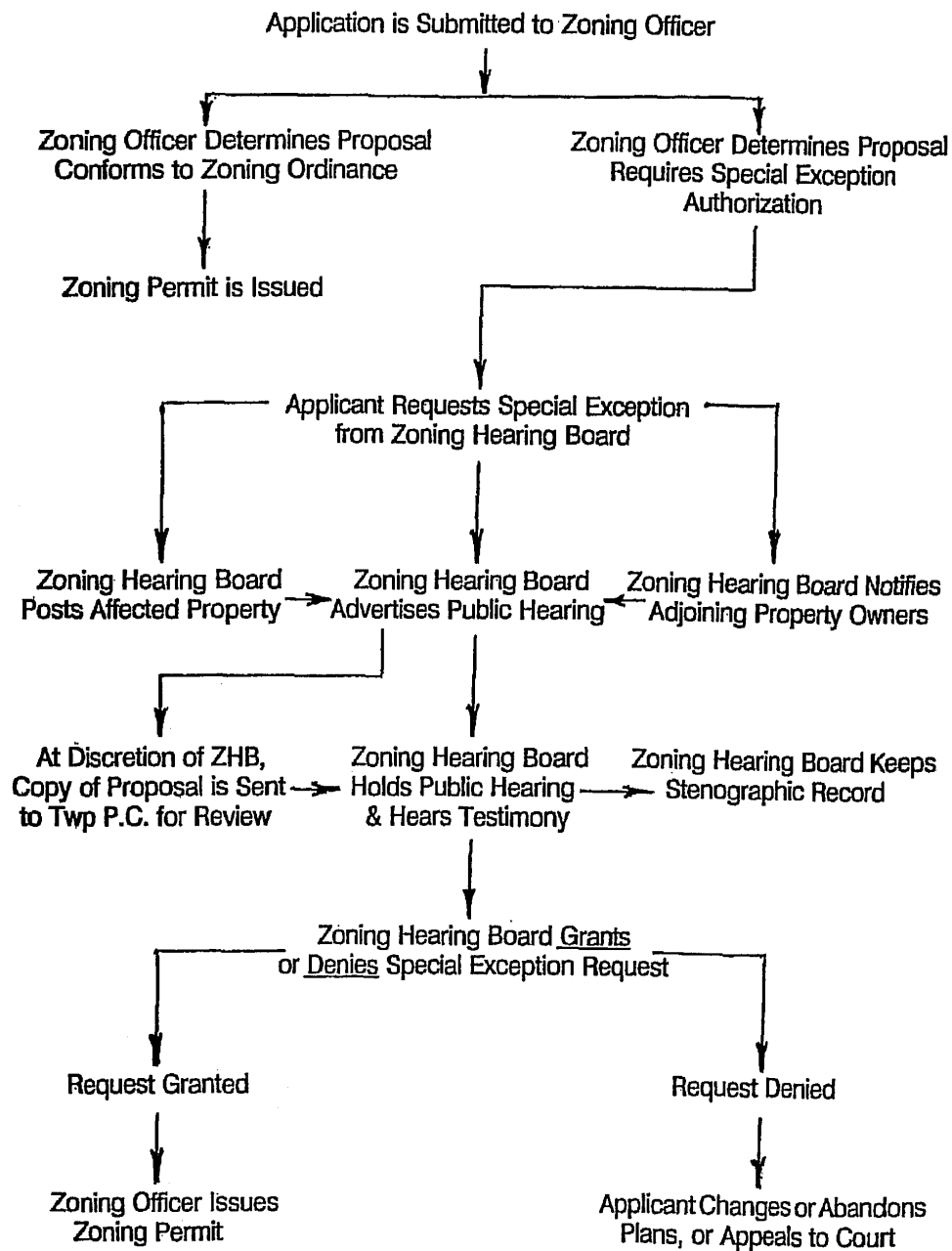
Appendix 27-C

Variance Procedure



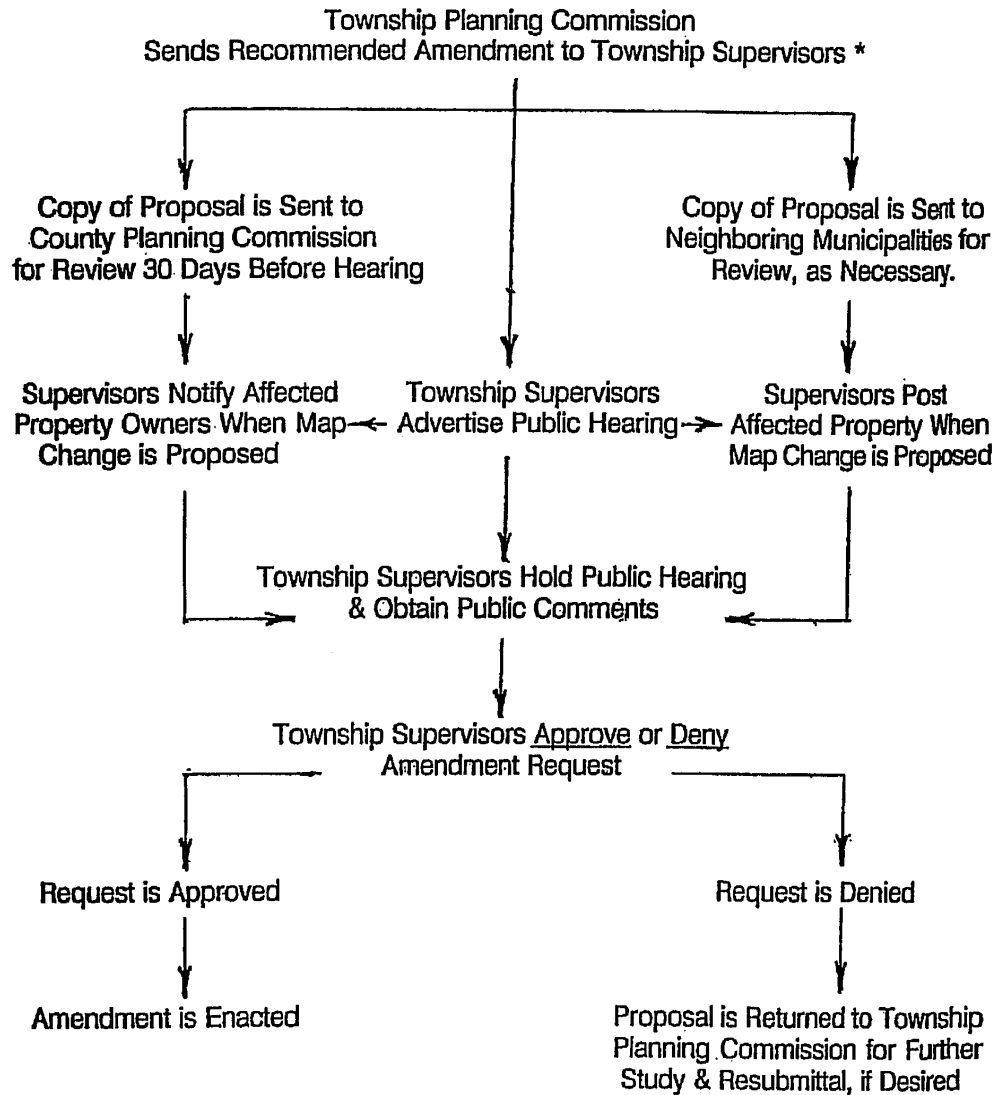
Appendix 27-D

Special Exception Procedure



Appendix 27-E

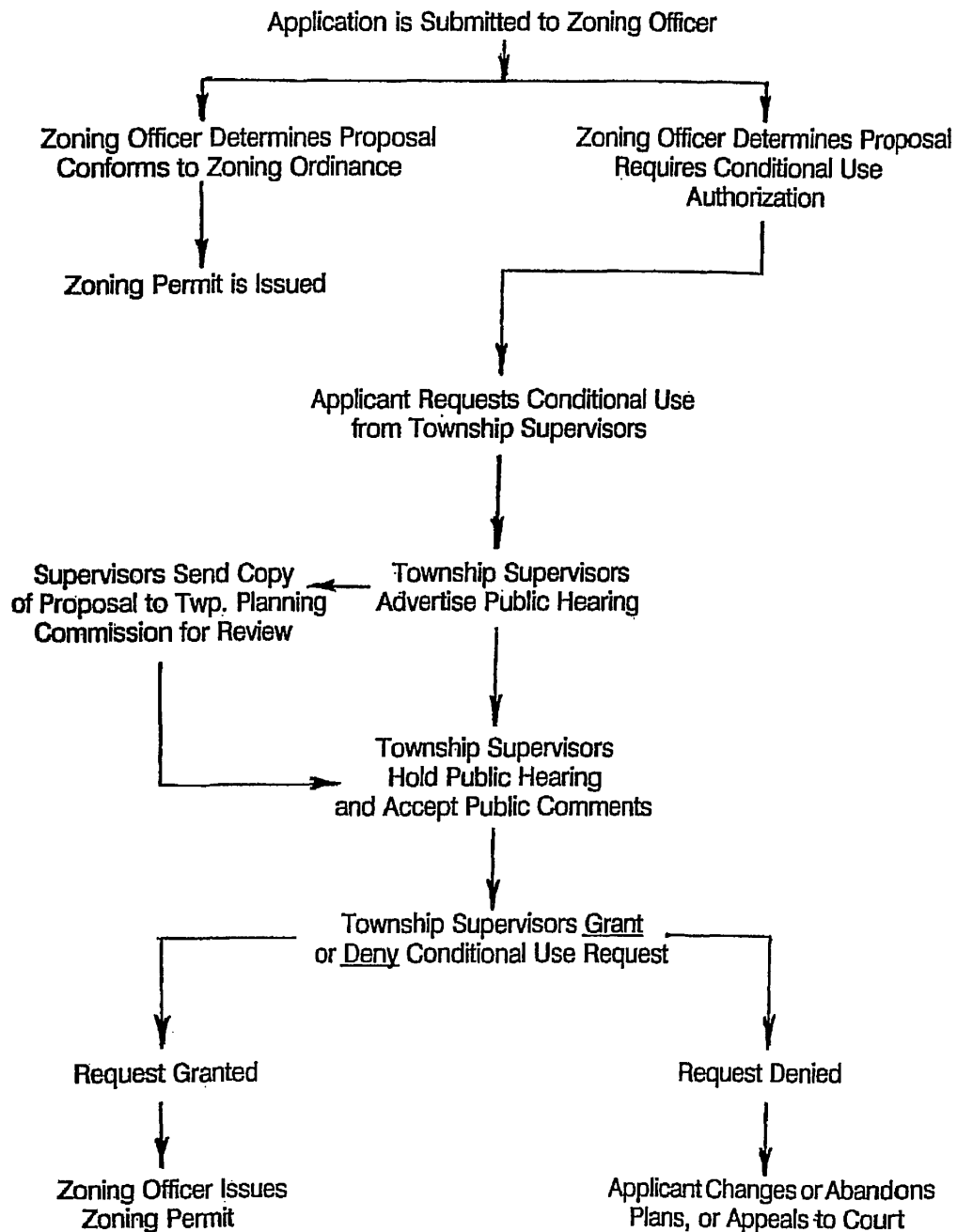
Procedure for Amending the Zoning Ordinance or Map



* If the amendment is prepared by a party other than the Township Planning Commission, then the Township Supervisors must send the proposal to the Planning Commission for their review and recommendations at least 30 days prior to the public hearing.

Appendix 27-F

Conditional Use Procedure



Appendix 27-G

General Procedure for Zoning and Building Permit Applications

