

# **JEFFERSON TOWNSHIP ZONING ORDINANCE**

## **Table of Contents**

<b>ARTICLE 1: SHORT TITLE, PURPOSE &amp; SCOPE.....</b>	<b>4</b>
SECTION 100: Short title .....	4
SECTION 101: Community Development Objectives from the Mercer Region Multi-Municipal Comprehensive Plan.....	4
SECTION 102: Purpose and authority .....	5
SECTION 103: Scope.....	5
SECTION 104: Interpretation .....	6
SECTION 105: Application.....	6
SECTION 106: Severance .....	6
SECTION 107: Repeal.....	7
<b>ARTICLE 2: DEFINITIONS.....</b>	<b>8</b>
SECTION 200: General Interpretation.....	8
SECTION 201: Definition of Terms .....	8
<b>ARTICLE 3: ZONING DISTRICTS.....</b>	<b>26</b>
SECTION 300: Purpose and character of zoning districts.....	26
SECTION 301: Boundaries of zoning districts.....	26
<b>ARTICLE 4: LOT, YARD &amp; HEIGHT REQUIREMENTS .....</b>	<b>28</b>
<b>ARTICLE 5: PERMITTED USES .....</b>	<b>30</b>
SECTION 500: Permitted Principal Uses Table.....	30
SECTION 501: Accessory Uses Table .....	32
SECTION 502: Conditional Uses.....	33
SECTION 503: Special Exception Uses.....	33
<b>ARTICLE 6: ADDITIONAL USE CRITERIA .....</b>	<b>34</b>

SECTION 600: Additional criteria for PERMITTED USES .....	34
SECTION 601: Additional criteria for ACCESSORY USES: .....	40
<b>ARTICLE 7: SIGN REGULATIONS .....</b>	<b>44</b>
SECTION 700: Application.....	44
SECTION 701: Purpose.....	44
SECTION 702: Sign terms and concepts .....	44
SECTION 703: Definitions, Signs by Type .....	44
SECTION 704: General provisions and exceptions .....	47
SECTION 705: Design and measurement requirements .....	51
SECTION 706: Lighting .....	52
SECTION 707: Construction .....	52
SECTION 708: Non-conforming signs .....	54
SECTION 709: SIGNS IN THE PUBLIC RIGHT-OF-WAY .....	55
SECTION 710: TERMINATION OF NON-CONFORMING SIGNS .....	56
<b>ARTICLE 8: PARKING AND LOADING REGULATIONS .....</b>	<b>57</b>
SECTION 800: GENERAL PROVISIONS .....	57
SECTION 801: OFF-STREET PARKING SPACES.....	58
SECTION 802: OFF-STREET LOADING SPACES .....	62
SECTION 803: OFF-STREET STACKING SPACES .....	63
SECTION 804: CONSTRUCTION STANDARDS.....	64
<b>ARTICLE 9: NON-CONFORMING USES, STRUCTURES &amp; LOTS .....</b>	<b>67</b>
SECTION 900: Intent and standards .....	67
SECTION 901: Non-conforming lots of record .....	67
SECTION 902: Non-conforming uses of land.....	68
SECTION 903: Non-conforming uses of structures .....	68
SECTION 904: Non-conforming structures .....	69
SECTION 905: Damage or destruction of non-conformities.....	69

SECTION 906: Repairs and maintenance .....	70
SECTION 907: Special exceptions and conditional uses not non-conforming uses .....	70
<b>ARTICLE 10: ADMINISTRATION AND ENFORCEMENT .....</b>	<b>71</b>
SECTION 1000: Office of Zoning Officer.....	71
SECTION 1001: Duties and powers of the Zoning Officer .....	71
SECTION 1002: Application for zoning permit and certificate of use and occupancy.....	72
SECTION 1003: Action on zoning permits and certificates of use and occupancy .....	73
SECTION 1004: Fees .....	74
SECTION 1005: Enforcement notice .....	74
SECTION 1006: Prosecution of violation .....	75
<b>ARTICLE 11: ZONING HEARING BOARD .....</b>	<b>76</b>
SECTION 1100: Creation, membership and organization.....	76
SECTION 1101: Jurisdiction and functions .....	76
1101.01. Special Exception Uses - Zoning Hearing Board decision upon a public hearing .....	76
1101.02. Variances - Zoning Hearing Board decision upon a public hearing .....	77
SECTION 1102: Hearings .....	77
SECTION 1103: Termination and modification of permit.....	77
SECTION 1104: Parties appellant before the board.....	77
<b>ARTICLE 12: AMENDMENTS .....</b>	<b>78</b>
SECTION 1200: Procedure for amendments .....	78
<b>ARTICLE 13: APPEALS.....</b>	<b>79</b>
SECTION 1300: Zoning Appeals.....	79
<b>ARTICLE 14: EFFECTIVE DATE &amp; ADOPTION.....</b>	<b>80</b>
SECTION 1400: Adoption.....	80
<b>ARTICLE 15: CERTIFICATION .....</b>	<b>80</b>

## **ARTICLE 1: SHORT TITLE, PURPOSE & SCOPE**

### **SECTION 100: Short title**

This ordinance shall be known as the Jefferson Township Zoning Ordinance hereinafter referred to as the "Zoning Ordinance".

The official map showing zoning districts and boundaries shall be known as the "Jefferson Township Zoning Map" copies of which shall be retained by the Jefferson Township Zoning Officer and the Jefferson Township Secretary. The map included herein is a reproduction of the official map and for reference only.

### **SECTION 101: Community Development Objectives from the Mercer Region Multi-Municipal Comprehensive Plan**

1. Promote intergovernmental cooperation between all municipalities to support regional activities and sharing of services.
2. Direct future growth to encourage sustainable development of the I-80/Route 19 interchange. Take advantage of the region's access to the interstate highway system and transportation network.
3. Encourage diversified infill development in locations where adequate infrastructure is already in place.
4. Coordinate with County efforts to provide for an efficient and safe transportation network that allows for alternative transportation options and relieves congestion.
5. Foster a regional approach to support economic development activities throughout the Townships and the Borough.
6. Promote the preservation of agricultural land and open space to preserve the rural community character of the region.
7. Develop innovative strategies to meet the infrastructure needs of the region to provide for quality development.
8. Promote the historic assets of the region to provide for preservation activities and as a marketing tool to support tourism.
9. Support the current recreational assets of the communities and provide for additional recreational opportunities as needed.
10. Support revitalization of downtown Mercer with infill residential and commercial development.
11. Develop innovative strategies to capitalize on the existing housing stock and available land for new residential development to meet the changing needs of the region.

## **SECTION 102: Purpose and authority**

**102.01.** This Zoning Ordinance and its regulations are adopted by authority granted to the Municipality under the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended) and are made in accordance with the following purpose:

- A. To promote health, safety, and general welfare and to protect the public from the adverse secondary effects of various land uses and development
- B. To promote coordinated, orderly, harmonious, and practical community development
- C. To discourage the intermixture of incompatible land uses and, where such intermixture may be beneficial or where zoning district boundaries present transitions between incompatible uses, to control impacts of incompatible uses
- D. To lessen congestion and promote public safety and convenience on roads and highways
- E. To secure safety from fire, panic, pollution hazards, and other dangers
- F. To provide adequate light and air
- G. To prevent the overcrowding of land
- H. To avoid undue congestion of population
- I. To facilitate the adequate provision of housing, commercial and industrial development, transportation, water, sewerage, schools, parks and other public requirements
- J. To establish reasonable standards to which buildings and development shall conform
- K. To protect and enhance the value of land

## **SECTION 103: Scope**

Such regulations are also made with reasonable consideration to the character of the districts hereinafter set forth and their suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Municipality.

The Zoning Ordinance regulates and restricts within the boundaries of Jefferson Township, Mercer County, Pennsylvania:

- A. The height, number of stories and size of buildings and other structures
- B. Their construction, alteration, extension, repair and maintenance
- C. All facilities and services in or about such buildings and structures
- D. The percentage of lot that may be occupied
- E. The size of yards, courts and other open spaces
- F. The density of population

- G. The location and use of buildings, structures and land for trade, industry, residence or other purposes
- H. The establishment and maintenance of building lines and building setback lines upon any or all public roads or highways

## **SECTION 104: Interpretation**

**104.01.** In interpreting and applying the provisions of the Zoning Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, morals, comfort, convenience, and general welfare. Where the Zoning Ordinance imposes greater restrictions than those of any statute, other ordinance or regulations, the provisions of the Zoning Ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than the Zoning Ordinance, those provisions shall be controlling.

**104.02.** The Zoning Ordinance is not intended to interfere with, abrogate, or annul any easement, covenant, or other agreement between private parties. However, where the Zoning Ordinance imposes greater restrictions than those imposed by any such easement, covenant or agreement, the provisions of the Zoning Ordinance shall govern. Where any such easement, covenant or other agreement imposes greater restrictions than those imposed by the Zoning Ordinance, those shall govern.

## **SECTION 105: Application**

The provisions of the zoning ordinance shall apply to the use and/or occupancy of all buildings, structures, and/or lots. Except as provided in this ordinance, no building or part thereof or other structure shall be erected, altered, added to or enlarged; nor shall any land, building, structure, or premises be used for any purpose other than for the uses hereinafter listed as permitted in the zone in which such building, land, or premises is located. Any use which is not listed in a specific zoning district shall be interpreted as prohibited in that district.

## **SECTION 106: Severance**

If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, or word in the Zoning Ordinance or the zoning district boundaries as shown on the Zoning Map, shall be for any reason, declared to be illegal, unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect or impair the validity of the Zoning Ordinance as a whole or any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of the Zoning Ordinance.

The Municipality hereby declares that it would have adopted the Zoning Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, and each Zoning District boundary of the Zoning Map irrespective of the fact that any one or more of the sections, subsections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases, words or boundaries may be declared illegal, unconstitutional or invalid.

## **SECTION 107: Repeal**

The enactment of the zoning ordinance contained herein shall hereby repeal in its entirety the Jefferson Township Zoning Ordinance, Ordinance Number \_\_\_\_\_, adopted \_\_\_\_\_. Any other resolution or ordinance conflicting with the provisions, regulations, limitations, and/or restrictions of this zoning ordinance contained herein shall be and the same is hereby repealed to the extent of such conflict.

## **ARTICLE 2: DEFINITIONS**

### **SECTION 200: General Interpretation**

For the purposes of the Zoning Ordinance, certain terms, phrases and words shall have the meaning given herein. Words used in the present tense include the future; the singular includes the plural; the word "used" shall be construed as though followed by the words "or intended or designed to be used"; the words "building", "structure", and "land" or "premises" shall be construed as though followed by the words "or any portion thereof"; and the word "structure" includes the word "building". The word "shall" is always mandatory and not merely directory.

### **SECTION 201: Definition of Terms**

**Abutting.** Having property or district lines in common; e.g., two lots are abutting if they share a common property line.

**Access.** A way of approaching or entering a property.

**Accessory (Building or Use).** A building or use is accessory if it: 1) is subordinate to and serves a principal building or principal use; 2) is subordinate in area, extent, or purpose to the principal building or principal use served; 3) contributes to the comfort, convenience, or necessity of the occupants of the principal building or principal use; and 4) is located on the same zoning lot as the permitted principal use.

**Accessory Apartment.** A separate, complete housekeeping unit which is contained within the structure of a single-family dwelling but can be isolated from it, or which is contained within an existing accessory building.

**Addition.** Any construction which increases the size of a building such as a porch, attached garage or carport, or a new room or wing.

**Adult Business Uses.** As defined in Section 600.09 of this ordinance.

**Agent of owner.** Any person who can show written proof that he/she has the authority to act for the property owner.

**Agribusiness Operation.** An agricultural operation that involves, but is not necessarily limited to, one or more of the following conditions:

**Concentrated Animal Feeding Operation (CAFO)** – An animal feeding operation, which is required to obtain NPDES permits in accordance with the Clean Water Act.

**Concentrated Animal Operation.** An animal feeding operation, which is required to develop a Nutrient Management Plan in accordance with the Pennsylvania Nutrient Management Law.



**Other.** Any agricultural operation, whether involving animal, animal product, or vegetable production, which occurs completely within an enclosed structure exceeding ten thousand (10,000) square feet.

**Agricultural Operation.** An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock, and livestock products and/or in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural, and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products, or commodities produced consistent with practices and procedures that are normally engaged in by farmers or are consistent with technological developments within the agricultural industry.

**Agriculture.** The use of a tract of land for the purpose(s) of active cultivation or animal husbandry.

**Airport.** A place where aircraft land and take off, usually equipped with hangars, facilities for refueling and repair, and various accommodations for passengers.

**Alley.** The space or area between the rear or side lot lines of lots which has a minor right-of-way width of twenty (20) feet or less which is dedicated for the public use of vehicles and pedestrians and which affords secondary access to an abutting lot.

**Alteration.** As applied to a building or structure, is a change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or moving from one location or position to another.

**Alteration, Structural.** A change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as bearing walls, columns, beams and girders.

**Automotive Repair Services and Garages.** Establishments primarily engaged in furnishing automotive repair, rental, leasing, parking services, as well as supplying gasoline, oil, minor accessories and services for automotive vehicles at retail to the general public.

**Automotive and/or Trailer Sales Establishment.** The use of any land area or other premise for the display or sale of new or used automobiles, trailers, trucks, recreational vehicles or farm equipment and including any warranty repair work and any other repair service conducted as an accessory use.

**Automotive Wrecking.** The dismantling or wrecking of used motor vehicles, trucks, trailers, or farm equipment, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

**Awning.** An awning shall include any structure made of cloth or metal with a metal frame attached to a building and projecting over a yard or thoroughfare, when the same is so erected as to permit its being raised to a position flat against the building when not

in use or not permanently attached to and an integral part of a porch, carport, or similar attached accessory structure. (See also Canopy)

**Basement.** The portion of a building that is partly or completely below grade.

**Bed and Breakfast.** An owner-occupied residence offering, for pay, overnight or short-term lodging and breakfast for transient guests.

**Block.** The length of a street between two (2) street intersections; or a piece of land bounded on all sides by streets or other transportation routes such as railroad lines, or by physical barriers such as water bodies or public open space, and not traversed by a through street.

**Boarding House (also Rooming House).** A building or portion thereof arranged or used for sheltering and feeding, for compensation, individuals who are not members of the proprietor's family.

**Boarding Unit.** Living quarters which, unlike a Dwelling Unit, do not contain complete housekeeping facilities and are typically used for sheltering and feeding paying occupants who are not members of the proprietor's family.

**Breezeway.** Any portion of a lot roofed over by a structure joining a principal dwelling building to any other structure.

**Building.** An enclosed structure built, erected, and framed of component structural parts, designed for the housing, shelter, enclosure, and protection of persons, animals, or property of any kind, including mobile homes.

**Building, Accessory.** A detached, subordinate building, the use of which is customarily incidental and subordinate to that of the principal building, and which is located on the same lot as that occupied by the principal building.

**Building, Attached.** Buildings where both side walls of all except the end structures are party walls.

**Building, Detached.** A building that has no party wall.

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

**Building Setback.** The distance on a lot within which no building or structure, principal or accessory, shall be placed, unless otherwise indicated in this Ordinance.

**Building Setback Line.** A line on a lot which marks the building setback.

**Bulk Storage & Distribution Facility.** The storage and distribution of chemicals, petroleum products and other materials in above-ground containers for subsequent resale to distributors or retail dealers or outlets.

**Camp Grounds.** A parcel of land used or intended to be used by campers for seasonal, recreational or other similar temporary living purposes associated with the use of buildings of a movable, temporary or seasonal nature, such as cabins, tents or shelters, but not including a mobile home park.

**Canopy.** A canopy shall include any structure, other than an awning, made of plastic, wood, cloth or metal with a rigid frame attached to a building, projecting over a pedestrian or vehicular thoroughfare, and supported by the building, ground or sidewalk.

## **CARE FACILITIES:**

**Child Care Facility.** Provides out-of-home care for part of a 24-hour day to children 15 years and younger including care provided in public or private profit or nonprofit facilities. Definition does not apply to care provided by a relative, in places of worship during religious services, and in a facility where the parent is present at all times child care is provided. This ordinance identifies three levels of child care facilities consistent with current regulations of the Commonwealth of Pennsylvania:

**Family Day Care Home.** A state-certified family residence with one caregiver providing care for four, five, or six children unrelated to the caregiver.

**Group Day Care Home.** A state-certified facility providing care for no more than 12 children where the child care area is a family residence.

**Day Care Center.** A state-certified facility providing care for 7 or more children where the child care area is not a family residence.

**Carport.** A roofed structure having two or more open sides and extending from the side or rear wall of a principal or accessory building, used primarily as a shelter for automotive vehicles or recreation equipment. The term carport shall also include a roofed structure, either attached to or detached from a principal or accessory building, over multi-vehicle drives, parking, or service areas as used by an automobile service station, convenience store, drive-thru bank, or similar use. The open sides may be screened or enclosed, but at least fifty (50) percent of such wall area must remain open. In addition, the carport shall not extend into any required yard.

**Cartway.** That area of a street within which vehicles are permitted including travel lanes and parking areas but not including shoulders, curbs, sidewalks or swales.

**Car Wash.** Any building or premises or portions thereof available to the public for compensation for washing vehicles.

**Cellar.** Same as "Basement."

**Centerline.** The line located at the middle of the traveled surface of a road, equidistant from both edges of the road surface.

**Certificate of Use and Occupancy.** A statement, based on an inspection and signed by the Zoning Officer, indicating that a building, structure, and/or land use conforms to

the provisions prescribed in the Zoning Ordinance and may lawfully be occupied or used for a specified use or uses.

**Church.** A building for public religious worship.

**Clinic.** Any professional medical building or establishment where people are examined or treated by doctors or dentists, but are not hospitalized overnight.

**Club, Lodges and Membership Organizations.** A building, land area or other premises operated for social, recreational, or educational purposes, and open only to members and their guests, but not the general public.

**Commercial Establishment.** An activity carried out for pecuniary gain.

**Commercial vehicle.** For purposes of this ordinance is one (1) licensed truck-tractor or one (1) licensed trailer or a combination of one (1) licensed truck-tractor and one (1) licensed trailer that: a) has a gross weight of over 26,000 pounds (including combined weight if towed unit weighs over 10,000 pounds); b) is designed to transport 16 or more persons including the driver; or c) is used to transport hazardous materials.

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

**Communications Equipment Building.** An unmanned building or cabinet containing communications equipment required for the operation of communications antennas and covering an area on the ground not greater than 250 square feet.

**Communications Tower.** A structure, other than a building, such as a monopole, self-supporting, or guyed tower, designed and used to support communications antennas.

**Community Facility.** A building or structure owned and operated by a governmental agency to provide a governmental service to the public.

**Concentrated Animal Operation.** An animal feeding operation, which is required to develop a Nutrient Management Plan in accordance with the Pennsylvania Nutrient Management Law.

**Other** – Any agricultural operation, whether involving animal, animal product, or vegetable production, which occurs completely within an enclosed structure exceeding ten thousand (10,000) square feet.

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

**Conversion.** Changing the original purpose of a building to a different use.

**Convenience Store.** Any retail establishment of limited size (less than 4,000 square feet of building) offering for sale commercial fuels, as well as prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads, for off-site consumption. Convenience stores do not include repair services, tire sales or similar activities.

**Court.** A portion of a lot unoccupied above grade but partially or wholly surrounded by building walls.

**Covenant.** A private legal restriction on the use of land contained in the deed to the property or otherwise formally recorded.

**Curb Level.** The elevation of the street grade as established in accordance with the law or, when a curb level has not been established, the grade at the center of the street.

**Curb Line.** The line establishing the width of a cartway in a right-of-way. Where curbs do not exist the edge of pavement shall be the curb line.

**Dedication.** The transfer of property from private to public ownership.

**Deed Restriction.** See Covenant.

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

**Domestic Pet.** Animals integrated into and which may become part of and may be housed as part of the normal household unit for the purpose of pleasure and companionship – traditionally dogs, cats, small birds, etc.

**Doty House.** An accessory dwelling on an Amish farm for the specific purpose of caring for elderly Amish persons.

**Drive-In Business.** A place of business where persons are served in automobiles from a refreshment stand, restaurant, food stores, bank, pharmacy and the like.

**Drive-In Theater.** An open lot with its appurtenant facilities devoted primarily to the showing of motion pictures or theatrical productions on a paid admission basis to patrons seated in passenger vehicles (excluding adult entertainment establishments).

**Driveway.** A private roadway providing vehicular access to a street or highway for a lot and its structures, or providing for interior vehicular movement on the lot or within a development.

**Dwelling, Multiple-Family.** A building having two (2) or more dwelling units and designed to be used or occupied as a residence by two (2) or more families living independently of each other and each with its own exterior entrance door or own entrance door from an interior hallway.

**Dwelling, Single-Family.** A detached, permanent building designed for and used exclusively for occupancy by one family.

**Dwelling Unit.** A building or portion thereof arranged and used for residential occupancy providing complete house keeping facilities for one family. The term shall include all structures designed for and/or used for living purposes, including mobile homes, prefabricated dwellings, and similar portable structures. All dwelling units shall have a minimum of 450/750 square feet of residential floor area (as defined herein) that meet the U.S. Department of Housing and Urban Development's Manufactured Housing Standards.

**Easement.** A right given by the owner of land to another party for specific limited use of that land.

**Eating and Drinking Establishments.** Retail establishments selling food and drink for consumption on the premises, including lunch counters and refreshments stands selling prepared foods and drinks for immediate consumption.

**Educational Facilities.** Any building or part thereof which is designed, constructed or used for educational or instructional activities in any branch of knowledge.

**Enlargement.** An increase in the size of an existing structure or use, including physical size of the building, parking, and other improvements.

**Essential Services.** The erection, construction, alteration or maintenance by public utilities or municipal departments or authorities of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare. Office buildings or maintenance depots, plus communication towers and communication antenna as defined, shall not be considered essential services by this ordinance.

**Family.** One or more persons living together in a single housekeeping unit as a nonprofit household, provided that the dwelling unit's size meets the minimum occupancy area requirements as defined by this ordinance.

**Family Day Care.** A home occupation in which a dwelling's primary resident(s) provides supervision/care to no more than six (6) persons and must comply with State Regulations, the Laws of the Commonwealth of Pennsylvania and the rules of the Pennsylvania Department of Public Welfare.

**Farm.** A lot, parcel or tract of land used for agricultural purposes on which the principal structure(s) shall be the agricultural building(s) and farm house(s).

**Floor Area, Gross.** The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six feet.

**Floor Area, Net.** The total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.

**Floor Area, Residential.** The total area of all floors of a residential building devoted solely to residential use, measured between interior faces of walls, and exclusive of entrance ways, porches, breezeways and roofed terraces, whether enclosed or not, and excluding cellars, basements and garages.

**Frontage.** The frontage, or front of a lot, is the side nearest the street. For the purposes of determining yard and setback requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards and setbacks shall be provided as indicated in this Ordinance.

**Fuel Service Stations.** Any building, land area or other premises, or portion thereof, used or intended to be used for the retail dispensing or sales of vehicular fuels; and including as an accessory use the sale and installation of lubricants, tires, batteries and similar accessories.

**Garage.** An accessory structure used for the parking and storage of vehicles owned or operated by the residents thereof and that is not a separate commercial enterprise available to the general public.

**Golf Course.** A tract of land laid out for at least nine holes for playing the game of golf and improved with tees, greens, fairways, hazards and which may include clubhouses and shelters

**Government Facility.** Any building, land area or other premises or portions thereof used by any department, commission, independent agency or instrumentality of the United States, of a state, county, incorporated or unincorporated municipality, township, authority, district, or other governmental unit.

**Grade.** The mean curb level, or when the curb level has not been established or all the walls of the building are more than fifteen (15) feet from street lot lines, grade means the mean elevation of the ground adjoining the structure on all sides.

**Greenhouse.** A building whose roof and sides 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 for personal enjoyment.

**Health Care Facility.** A profit or nonprofit facility or institution licensed by the Commonwealth of Pennsylvania, 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, special hospital, mental hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, skilled nursing home, nursing home, convalescent home, intermediate care facility, tuberculosis hospital, chronic disease hospital, maternity hospital, outpatient clinic, dispensary, home health care agency, boarding home or other home for sheltered care, and bioanalytical laboratory or central services facility serving one or more such institutions.

**Height of Building.** The vertical distance from the grade to the highest point on a building.

**Height of Wall.** The vertical distance from the foundation wall or other immediate support of such wall to the top of the wall.

**Home-Based Business/Home Occupation.** See No-Impact Home-Based Business.

**Hospital.** A private or public institution where the sick or injured may receive medical, surgical, or psychiatric treatment, nursing, food, lodging, etc. during illness or injury.

**Hospital, Veterinary.** A structure designed or converted for the care of and/or treatment of sick or injured domestic animals.

**Hotel.** A building designed for occupancy as the temporary residence of individuals or transients who are lodged with or without meals, and in which no provision is made for cooking in any individual room or suite.

**Housing Unit.** Same as dwelling unit.

**Industrial Park.** Land that has been planned, developed and operated as an integrated facility for a number of individual industrial uses including research and development, with special attention to circulation, parking, utility needs, aesthetics, and compatibility.

**Industry, Major.** Establishments engaged in mechanical or chemical transformation of materials or substances into new products and including manufacturing, processing, assembling and distribution.

**Industry, Light** - industries characterized as internally contained research & development which are lower in intensity, cleaner, and generally more compatible when located adjacent to commercial uses. Light industrial uses are capable of operation in such a manner as to control the external effects of the manufacturing process, including odors, vibrations, emissions, or other nuisance characteristics through prevention or mitigation devices and conduct of operations within the confines of buildings.

**Junk.** Any worn, cast off, or discarded articles or material which is ready for destruction or which has been collected or stored for sale, resale, salvage or conversion to some other use. Any such article or material which is stored on a farm for exclusive use of the



owner or occupant of the farm or any article or material which, unaltered, not needed to be dissembled or unfastened from, or unchanged and without further reconditioning can be used for its original purpose as readily as when new shall not be considered junk.

**Junk Yard.** The use of more than two hundred (200) square feet of the area on any lot or contiguous lots of same ownership outside a building, or the use of any portion of that half of any lot that joins any street, for the storage, keeping or abandonment of junk. Also, the accumulation of junk to height of greater than six (6) feet above ground level on any portion of any lot shall be considered a junk yard. A "junk yard" shall include an automotive wrecking yard. Three or more unregistered and inoperable vehicles stored on any lot outside of a building shall be considered a junk yard.

**Kennel.** An establishment in which more than six dogs or domesticated animals more than one year old are housed, groomed, bred, boarded, trained or sold.

**Land.** The solid portion of the earth's surface that is capable of being used or occupied.

**Land, Raw.** Available land, not subdivided nor improved (lacks utilities or streets).

**Land, Improved.** "Raw land" which has been provided with basic utilities such as water and sewerage, streets, sidewalks, but not buildings.

**Land, Developed.** "Improved land" with buildings.

**Landscaping.** Changing, rearranging, or adding to the original vegetation or scenery of a piece of land to produce an aesthetic effect appropriate for the use to which the land is put. It may include reshaping the land by moving the earth, as well as preserving the original vegetation or adding vegetation.

**Land Use.** A description of how land is occupied or utilized.

**Loading Space.** An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary stopping of commercial vehicles while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access to a public right-of-way.

**Lodge.** (1) A building or group of buildings under single management, containing both rooms and dwelling units available for temporary rental to transient individuals or families; (2) The place where members of a local chapter of an association hold their meetings; and, the local chapter itself.

**Lot.** Designated parcel, tract or area of land established by a plat or otherwise permitted by law used or intended to be used by one building and its accessory building(s). A "zoning lot" must meet the requirements of the zoning district in which it is located and must front on a public street or an approved private street.

**Lot Area.** The computed area of a lot contained within the lot lines and measured at grade on a horizontal plane in accordance with current law.

**Lot, Corner.** A lot abutting upon two or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135 degrees. The point of intersection of the street lot lines is the "corner".

**Lot Coverage.** The percentage of the lot area occupied or covered by principal and accessory structures.

**Lot Depth.** The mean horizontal distance between the front lot line and the rear lot line, or the distance between the midpoint of the front lot line and the midpoint of the rear lot line.

**Lot, Double Frontage.** A lot that fronts upon two parallel streets or that fronts upon two streets that do not intersect at the boundary of the lot.

**Lot Frontage.** See "Frontage".

**Lot, Interior.** A lot whose side lot lines do not abut a street.

**Lot Lines.** The property lines bounding the lot.

**Lot Line, Front.** The line separating the lot from a street right-of-way.

**Lot Line, Rear.** The lot line opposite and most distant from the front lot line.

**Lot Line, Side.** Any lot lines other than a front or rear lot line; a side lot line separating a lot from a street is called a side street lot line.

**Lot Width.** The mean horizontal distance between the side lot lines of a lot measured at right angles to the depth.

**Manufactured Home.** Prefabricated homes built as dwelling units with a permanent chassis to assure the initial and continued transportability of the home; used for non-transient residential purposes; constructed with the same or similar pitched roofs and conventional roofing and siding materials, electrical, plumbing, and sanitary facilities as immobile housing; and upon arrival at the site where the manufactured home is to be situated for occupancy, it is complete and ready except for minor and incidental unpacking operations, connection to foundation supports and to utilities and the like.

**Marquee.** Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, but not extending the full width of the structure, generally designed and constructed to provide protection from the weather.

**Mobile Home.** A transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more 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 and anchoring operations, utility connections and constructed so that it may be used without a permanent foundation.

**Mobile Home Lot.** A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home.

**Mobile Home Park.** A parcel of land under single ownership that has been specifically designed and improved for the long-term placement of two or more mobile homes for non-transient use in a safe and planned manner.

**Mortuary, Funeral Home, Crematorium.** A building devoted to the care, and holding of services for the dead, including embalming and the display and/or sale of funeral equipment as incidental use.

**Motel.** Any building or group of attached, semi-attached, or detached buildings (not including a trailer) located on a single lot containing individual sleeping or housekeeping units designed for use by transients.

**Motor Freight Terminal.** A lot maintained by a motor freight company which is the original and/or destination point of short and long distance hauling and which is used for the purpose of storing, transferring, loading and unloading of merchandise and for truck parking and storage facilities.

**No-impact home-based business.** A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. The business shall employ no employees other than family members residing in the dwelling.
- C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- D. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- E. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- F. The business activity may not generate any solid waste or sewage discharge in volume or type which is not normally associated with residential use in the neighborhood.
- G. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- H. The business may not involve any illegal activity.

**Nonconforming Lot.** A lot the area or dimension of which was lawful at the effective date of the Zoning Ordinance or by subsequent amendment, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

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

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

**Nursery, also Greenhouse.** Land or greenhouses used to raise flowers, shrubs, or plants for sale.

**Nursing Home.** See "Health Care Facility."

**Open Space.** An area of land unoccupied by a building and/or other structure which is maintained to permit human use, occupancy, recreation, and enjoyment.

**Owner.** The duly authorized agent, attorney, purchaser, devisee, fiduciary or any person having vested or contingent interest in the lot, building, or structure in question.

**Parking Area.** An open space on a lot used as an accessory use for the parking of automotive vehicles.

**Parking Space.** A space, whether outside or inside a structure, to be used exclusively as a parking stall for one (1) motor vehicle.

**Parking Structure.** A multi-level parking structure intended for storage of vehicles of public use or rental.

**Permit, Zoning.** A license issued by the Zoning Officer which permits the applicant to proceed with the work specified in the permit application as approved by the Zoning Officer.

**Person.** An individual, association, co-partner or corporation.

**Personal care home.** A profit or nonprofit facility licensed by the Commonwealth of Pennsylvania providing lodging, food, and some support services to the aged, ill, or disabled.

**Personal storage unit.** A building or group of buildings containing storage units or spaces intended to be rented or leased individually to persons and/or businesses for storage of their belongings and/or vehicles. A commercial/industrial warehouse containing storage space not generally available to the public for rent or lease shall not be considered a personal storage unit.

**Place of Worship.** A building, structure, or group of buildings or structures, designed, intended, and used for the assembly of individuals engaging in religious practices. This definition shall include, but is not limited to, churches, temples, chapels, cathedrals, synagogues, and mosques. This definition does not include educational or day-care facilities, but may include a rectory for one (1) family.

**Planned Development.** An area of minimum contiguous size, as specified by ordinance to be planned, developed, operated and maintained according to plan as a single entity and containing one or more structures with appurtenant common areas meeting the requirements of the land development ordinance.

**Planning Code.** The Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1988, as further amended by Act 209 of 1990, and Act 131 of 1992, and including any further amendments.

**Plat.** A map, plan or chart of a section or subdivision of a municipality indicating the location and boundaries of individual lots, whether preliminary or final.

**Plot.** A parcel of land consisting of one or more lots or portions thereof which is described by reference to a recorded plat or by metes and bounds.

**Porch.** A roofed over structure projecting from the front, side or rear wall of a building. A porch is considered a part of the principal building and is not permitted to extend into any required yards.

**Primary Residence.** A residence that is the home of the occupants more than one-half of the year.

**Private Recreation Facility.** A recreation facility operated by a non-profit organization, and open only to members and guests of such nonprofit organization.

**Projections** (into yards). Parts of buildings such as architectural features which are exempted, to a specified amount, from the yard requirements of the Zoning Ordinance.

**Public grounds.** Includes: (1) parks, playgrounds, trails, paths and other recreational areas and other public areas; (2) sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and (3) publicly owned or operated scenic and historic sites.

**Race Track.** Prepared route traveled by contestants to achieve goals of skill, duration, or speed, including practice for such events, also known as a raceway or race course.

**Recreation, Commercial.** Recreational facilities operated as a business and open to the general public for a fee.

**Recreation, Non-Commercial.** Recreation facilities operated by a non-profit organization and open only to bona-fide members of such organization.

**Recreation, Public.** Recreation facilities operated as a non-profit enterprise by the municipality, or any other governmental entity, or any non-profit organization that is open to the general public.

**Recreational Equipment, Major.** Major recreational equipment, as defined for purposes of these regulations, includes travel trailers, pickup campers or coaches, motor homes, camper/tent trailers, boats and boat trailers, and the like, and cases or boxes used for transporting recreational equipment, whether or not occupied by such equipment. Specific definitions include:

**Travel Trailer.** A vehicular, portable structure built on a chassis designed to be used as a temporary dwelling for travel, recreational, and vacation purposes permanently identified as a travel trailer by the manufacturer of the trailer.

**Pickup Camper or Coach.** A structure designed primarily to be mounted on a pickup truck or truck chassis with sufficient size to render it suitable for use as a temporary dwelling for travel, recreational, or vacation purposes.

**Motor Home.** A portable dwelling designed and constructed as an integral part of a self-propelled vehicle. It can be either a converted truck or bus or a custom-built unit.

**Camping/Tent Trailer.** Usually consists of a fold-out tent mounted completely on a low trailer.

**Recreation Space.** An area of land unoccupied by a building and/or other structure which is maintained to permit human use and recreation.

**Recreational Vehicle.** A vehicular-type unit primarily designed for temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper, and motor home. No Recreational Vehicle shall be used as a permanent dwelling or business.

**Recreational Vehicle Park.** A plot of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

**Retail Sales Establishments.** Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

**Road.** Any street, highway, or other public roadway that is dedicated to public use by governmental authority.

**Screening.** A method of visually shielding or obscuring abutting or nearby structures or uses from another by use of fencing, walls, or densely planted vegetation.

**Setback.** See "Building Setback".

**Sign.** As defined in Article 7 of this ordinance.

**Site.** A plot of land intended or suitable for development.

**Special Exception.** A provision which permits, under specified terms and conditions, particular uses to locate in a zoning district without detriment to the routine and orderly development as provided for that zoning district. The provision is granted by the Zoning Hearing Board.

**Street.** See "Road".

**Structure.** Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

**Structure, Accessory.** An attached, semi-detached or detached structure whose use is customarily incidental and subordinate to that of the principal structure or use and which is located on the same lot as the principal structure or use.

**Structure, Principal.** A structure in which is conducted the principal use of the lot on which it is located.

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

provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

**Swimming Pool.** A swimming pool shall be considered a permanent structure, if the construction or erection thereof results in a permanent location within a given lot. Swimming pools which can be easily relocated or dismantled for winter storage shall not be considered as a permanent structure.

**Terminal.** (1) A place where transfer between modes of transportation takes place; (2) A terminating point where goods are transferred from a truck to a storage area or to other trucks, or picked up by other forms of transportation.

**Trade School (Industrial School).** A school or enterprise for teaching industrial or technical skills in which machinery is employed as a means of instruction or teaching barbering or hairdressing or similar skills.

**Trailer.** Any licensed or unlicensed piece of mobile equipment designed or constructed to be towed or pulled by a motor vehicle.

**Transient.** Any individual residing or stopping in the municipality for less than thirty (30) days at one time.

**Trucking Facility.** Any building, premises or land in which or upon which a business, service or industry involving the maintenance, servicing, storage or repair of commercial vehicles is conducted or rendered including the dispensing of motor fuel or other petroleum products directly into motor vehicles, the sale of accessories or equipment for trucks and similar commercial vehicles.

**Use, Accessory.** A use customarily incidental and subordinate to the principal use of a building, structure and/or land or a use not the principal use which is located on the same zoning lot as the principal building, other structure and/or land, except parking and/or loading facilities as herein provided.

**Use, Conditional.** A use permitted in a particular zoning district only upon showing that such use, in a specified location, will comply with the expressed standards and criteria contained in the Zoning Ordinance and any additional safeguards deemed necessary by the governing body.

**Use, Principal.** The main or primary purpose, for which a building, other structure and/or land is designed, arranged, or intended, or for which it may be used, occupied or maintained under the Zoning Ordinance. All other uses on the same lot and incidental or supplemental thereto and permitted under this Zoning Ordinance, shall be considered accessory uses.

**Utility, Private or Public.** (1) Any agency which, under public franchise or ownership, or under certificate of convenience and necessity, provides the public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection, or other



similar service; (2) A closely regulated private enterprise with an exclusive franchise for providing a public service.

**Variance.** Relief granted by the Zoning Hearing Board, upon application in specific cases, from the terms of the Ordinance as will not be contrary to the public interest where owing to special conditions a literal enforcement of the provisions of the Zoning Regulations will result in unnecessary hardship, and so that the spirit of the Zoning Regulations will be observed and substantial justice done.

**Visual Obstruction.** Any fence, wall, sign, structure, tree, hedge, or shrub, or a combination of them that limits visibility.

**Written Notice.** Shall have been served if delivered in person to the person intended or if delivered or sent by certified mail to the last known address of the person intended.

**Yard.** An unoccupied space, other than a court, on the same lot with a building, unobstructed artificially from the ground to the sky, except as otherwise provided herein.

**Yard, Minimum Dimension.** The minimum permitted horizontal distance between a lot line and the nearest point of a main wall of a principal building or structure exclusive of permissible yard encroachments and occupancy and street projections as provided by this Ordinance. The measurement of the minimum dimension shall be made at grade and perpendicular to the lot line and building or structure.

**Yard, Rear.** A yard across the full width of the lot, extending from any point of a wall of a building or structure to the rear lot line of the lot.

**Yard, Side.** A yard extending from any point of a wall of a building or structure to the adjacent side lot line of the lot, extending from the front yard to the rear yard.

## **ARTICLE 3: ZONING DISTRICTS**

### **SECTION 300: Purpose and character of zoning districts**

- 300.01. A - Agricultural Uses** – Primarily larger properties for farming and related uses.
- 300.02. R - Residential Uses** – including single family and multiple-unit residences.
- 300.03. B - Business Uses** – Businesses which may include offices and small signs or minimal parking as for employees only and generating minimal traffic beyond employee or incidental delivery needs similar to a residential use.
- 300.04. C - Commercial Uses** – Commercial businesses which include significant signage, parking and loading and generate consistent traffic.
- 300.05. I - Industrial Uses** – Larger properties reserved for industrial uses and related accessory uses are intended to provide suitable areas for manufacturing, assembling, fabrication and processing, bulk handling, storage, warehousing and trucking.

### **SECTION 301: Boundaries of zoning districts**

The boundaries of the zoning districts shall be as shown on the official Zoning Map. Where uncertainty exists with respect to the boundaries of the various zoning districts, the following rules shall apply:

- 301.01. Where a zoning district boundary follows a street, alley, railroad, or watercourse** – The centerline of such street, alley, railroad, or watercourse shall be interpreted to be the zoning district boundary.
- 301.02. Where a zoning district boundary approximately parallels a street or alley** – The boundary shall be interpreted as being parallel to it and at such distance from it as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the Zoning Map.
- 301.03. Where a zoning district boundary approximately follows a lot line** – The lot line shall be interpreted to be the zoning district boundary.
- 301.04. Submerged areas** - Where areas within the Municipality are underwater and are bounded by two or more zoning districts, the boundary lines of these districts shall be extended to the center of the body of water.
- 301.05. Annexed lands** - Any land annexed to or made a part of the Municipality subsequent to the adoption of this ordinance shall immediately be classified as R-1 Residential Single Family as of the effective date of annexation.
- 301.06. Vacation of public ways** - Whenever any street or alley is vacated, the zoning district or districts adjoining the side of such street or alley shall be automatically extended to the center of the vacated area.
- 301.07. Where a zoning district boundary does not follow a physical feature or lot line and none of the previous rules apply.** The location of such boundary,

unless the same is indicated by dimensions shown on the Zoning Map, shall be determined by the use of the map scale appearing thereon.

## ARTICLE 4: LOT, YARD & HEIGHT REQUIREMENTS

ZONING DISTRICT	A1	A2	R1	R2	BR1	C2	I-0
MINIMUM LOT AREA #	2 AC	5 AC	1 AC	24,000 SF	1 AC	24,000 SF	NA
MINIMUM LOT WIDTH	120' $\overline{\text{—}}$ 170' $\text{<}$	120' $\overline{\text{—}}$ 170' $\text{<}$	120' $\overline{\text{—}}$ 170' $\text{<}$	120' $\overline{\text{—}}$ 170' $\text{<}$	120' $\overline{\text{—}}$ 170' $\text{<}$	120' $\overline{\text{—}}$ 170' $\text{<}$	120' $\text{—}$
MAXIMUM LOT COVERAGE	35%	20%	35%	35%	50%	70%**	80%**
SETBACK from CENTERLINE+	100' STATE 85' TWP	100' STATE 85' TWP	100' STATE 85' TWP	100' STATE 85' TWP	125'	125'	125'
SIDE YARD	*	*	15'	15'	* or 25'	* or 15'	
REAR YARD	* or 25' accessory 35' principal						
DRIVEWAYS	MINIMUM 10' FROM ANY PROPERTY LINE, 75' FROM ROAD INTERSECTIONS OR MEETING PENNDOT REQUIREMENTS						
	1 driveway per 120' frontage, 2 driveways maximum per property						
STRUCTURES	MAXIMUM HEIGHT OF ALL ENCLOSED STRUCTURES WITHIN THE TOWNSHIP SHALL BE 35'						
	MAXIMUM HEIGHT OF ACCESSORY STRUCTURES (EXCEPT FOR AGRICULTURAL BUILDINGS) SHALL NOT EXCEED THE HEIGHT OF THE PRIMARY STRUCTURE						
FENCE	Maximum Height for Solid Wall or Fence - Four (4) feet or six (6) feet along rear lot line.						
	Maximum Height for Open Fence - Eight (8) feet.						
# Street right-of-way shall not be included in determining minimum lot area.							
+ 125' Setback on State Routes 62 and 58, 100' on all other State Roads							
* EQUAL to HEIGHT of STRUCTURE							
** PROVIDED STORMWATER PROVISIONS ARE MET ON THE LOT.							



## **ARTICLE 5: PERMITTED USES**

### **SECTION 500: Permitted Principal Uses Table**

<b>PERMITTED USES BY ZONING DISTRICT</b>	<b>A1 2ac</b>	<b>A2 5ac</b>	<b>R1</b>	<b>R2</b>	<b>BR1</b>	<b>C2</b>	<b>I-0</b>
<b>SINGLE FAMILY DWELLING</b>	X	X	X	X	X	X	
<b>MULTI-FAMILY UNITS 2+ MORE</b>				X	X	X	
<b>BED &amp; BREAKFAST</b>					X		
<b>ACCESSORY APARTMENT</b>					X	X	
<b>PRD - PLANNED RESIDENTIAL DEVELOPMENT</b>				X*	X		
<b>FARM, FARMLAND</b>	X	X	X			X	X
<b>AG BUSINESS - AG SERVICES, AG PROCESSING, STABLES, NURSERY, GREENHOUSE</b>	X	X	X			X	X
<b>CONCENTRATED ANIMAL OPERATION</b>		X					
<b>MOBILE HOME PARK [MHP]</b>			X	X	X		
<b>RECREATIONAL VEHICLE PARK</b>			X	X	X		
<b>CAMPGROUND [NOT RV OR MHP]</b>				X	X		
<b>LIMITED USE STRUCTURES - CHURCH SCHOOL GRANGE HALL COMMUNITY FACILITY</b>	X	X	X	X	X	X	
<b>HOSPITAL, HEALTH CARE FACILITY</b>					X	X	
<b>VETERINARY, ANIMAL HOSPITAL WITH ACCESSORY KENNEL</b>	X			X	X	X	
<b>LODGING, HOTEL, MOTEL, MOTEL COURT</b>					X	X	
<b>PARKING LOT/STRUCTURE</b>					X	X	X
<b>PROFESSIONAL OFFICES</b>					X	X	X
<b>GOVERNMENT FACILITY COORDINATE W/ESSENTIAL &amp; PUBLIC UTILITY</b>				X	X	X	X
<b>CARE CENTER, GROUP CARE HOME, NURSING HOME - DAILY USE</b>					X	X	
<b>EDUCATION FACILITIES - SCHOOL, COLLEGE, CHURCH</b>				X	X	X	

<b>PERMITTED USES BY ZONING DISTRICT</b>	<b>A1 2ac</b>	<b>A2 5ac</b>	<b>R1</b>	<b>R2</b>	<b>BR1</b>	<b>C2</b>	<b>I-0</b>
<b>GROUP HOME, NURSING HOME - BOARDING</b>				X*	X	X	
<b>RECREATION - PUBLIC, COMMERCIAL, AMUSEMENT, DRIVE-IN THEATER, RACE TRACK</b>				X*	X	X	
<b>GOLF COURSE</b>			X	X	X		
<b>RECREATION - PRIVATE, MEMBERSHIP ORG</b>				X	X	X	
<b>ADULT BUSINESS - SEE DEFINITIONS</b>						X*	X*
<b>RETAIL SALES, COMMERCIAL ESTABLISHMENT</b>						X	X
<b>AUTO REPAIR, SERVICE</b>						X	X
<b>CAR WASH</b>						X	X
<b>FUEL STATION, CONVENIENCE STORE</b>						X	X
<b>KENNEL COMMERCIAL</b>	X	X	X	X	X	X	X
<b>LARGE RETAIL SALES - AUTO, FARM, MARINE, CAMPERS, MANUFACTURED HOUSING</b>						X	X
<b>PERSONAL SERVICES [RETAIL] ESTABLISHMENT</b>						X	X
<b>RESTAURANT, EATING DRINKING ESTABLISHMENT</b>						X	X
<b>BULK STORAGE OR DISTRIBUTION OF INFLAMMABLE MATERIAL</b>							X
<b>LANDFILL, HAZARDOUS WASTE*</b>						X*	X
<b>MAJOR INDUSTRIAL - MANUFACTURING, PROCESSING &amp; DISTRIBUTION</b>							X
<b>LIGHT INDUSTRIAL - INTERNAL CONTAINED RESEARCH &amp; DEVELOPMENT</b>						X	X
<b>WAREHOUSING</b>							X
<b>JUNK YARD, AUTO WRECKING</b>							X
<b>TRUCKING FACILITY, TERMINAL PASSENGER STATION</b>							X
<b>ESSENTIAL SERVICES - SEE DEFINITION</b>	X	X	X	X	X	X	X

<b>PERMITTED USES BY ZONING DISTRICT</b>	<b>A1 2ac</b>	<b>A2 5ac</b>	<b>R1</b>	<b>R2</b>	<b>BR1</b>	<b>C2</b>	<b>I-0</b>
<b>FORESTRY</b>	X	X	X	X	X	X	X
<b>MINING, MINERAL EXTRACTION</b>	X	X	X	X*!	X	*	X
<b>PUBLIC UTILITY FACILITY ESSENTIAL SERVICES</b>	X	X	X	X	X	X	X
<b>TOWERS - COMMUNICATIONS, WINDMILL</b>	X	X	X	X	X	X	X
<b>AIRPORT</b>							X
<b>TRANSPORTATION TERMINAL</b>							X
<b>FUNERAL HOME CREMATORIUM</b>						X	X
<b>BUSINESS RESIDENTIAL MULTI-LEVEL</b>					X		

## SECTION 501: Accessory Uses Table

<b>ACCESSORY USES by ZONING DISTRICT</b>	<b>A1 2ac</b>	<b>A2 5ac</b>	<b>R1</b>	<b>R2</b>	<b>BR1</b>	<b>C2</b>	<b>I-0</b>
Private Garage, not including space for more than three (3) private vehicles	X	X	X	X	X		
Farm Structures & Related Farm Uses	X	X	X				
Stand for Sale of Agricultural or Nursery Products	X	X	X				
Private Incinerator	X	X	X		X		
Home Occupation as defined by MPC	X	X	X	X	X	X	X
Boarding Unit, Lodging Unit, Rooming Unit	X	X	X	X	X		
Private Playhouse, Swimming Pool, Tennis Court, Storage Shed, and Private Greenhouse	X	X	X	X	X	X	
Private Shelter for Domestic Pets, including ponies or horses.	X	X	X	X	X	X	
Wall, Fence, Lamp Post or Similar Accessory Structure, subject to height- limitations	X	X	X	X	X	X	X
Automotive Storage and Repair Facility	X	X			X	X	X
Loading Area*					X	X	X



## **SECTION 502: Conditional Uses**

**502.01. Planning Commission recommendation based upon Zoning**

**502.02. Supervisors at a public meeting shall consider decision**

## **SECTION 503: Special Exception Uses**

**503.01. Zoning Hearing Board decision according to Article 11 of this ordinance.**

## **ARTICLE 6: ADDITIONAL USE CRITERIA**

### **SECTION 600: Additional criteria for PERMITTED USES**

**600.01.** Single family dwellings (See Section 1800 (XVIII) defining dwelling size).

- A. Self contained mobile home units having a floor area of 750 square feet or more may locate on individual lots, provided they conform to all regulations applicable to single family dwellings.
- B. Mobile home units having less than 750 square feet of floor area must locate in Mobile Home Parks.
- C. Mobile home square footage shall be determined by the certificate of title for the mobile home.

**600.02.** Mobile Home Park – Minimum size – 5 acres and Subject to provisions in the Jefferson Township Subdivision Regulations

**600.03.** Recreational Vehicle Park - Minimum size – 2 acres and Subject to provisions in the Jefferson Township Subdivision Regulations

**600.04.** Planned Residential Development Park - Minimum size – 5 acres and Subject to provisions in the Jefferson Township Subdivision Regulations

**600.05.** Telecommunications Facilities – Subject to Ordinance \_\_\_\_\_ as amended (or SALDO)

**600.06.** Governmental or Governmental Authority Facility, Service Structure or Use, provided:

- A. It shall serve as a community facility or be reasonably necessary to the adequate distribution of services.
- B. It shall be authorized by a governmental agency

**600.07.** Public Utility Facility, Service Structure and/or Use, provided:

- A. It shall not include any type of equipment which will in any way interfere with local radio or television or otherwise be detrimental to the surrounding area.
- B. It shall not include a business facility, repair facility, storage of materials, and storage of any repair or trouble crew outside a structure.
- C. It shall be reasonably necessary to adequate distribution of service.
- D. That the structure(s) be compatible with other permitted structures in the district in which it is located.
- E. It shall not be located within 200 feet of any dwelling, church or church use and shall be screened from view ~~as may be required by the Zoning Hearing Board.~~

**600.08.** Parking Lot and/or Parking Structure, provided:

- A. There shall not be any vehicle parked within 10 feet of any residential zoning district.

- B. There shall not be any automotive repair facilities located on the lot or any automotive repairs made on any vehicle located thereon.
- C. There shall not be any storage of material, junk, or any equipment on the lot.
- D. There shall not be any vehicle parked in front of the front or side street setback building line.
- E. All hard surfaced parking lots shall include stormwater management.

**600.09.** Amusement Establishment such as auditorium, bowling alley, club, dance hall, drive-in theater, miniature golf course, pool hall, skating rink, theater, other social sport, or recreation center operated as a business, provided:

- A. Any entrance to such establishment shall not be within 150 feet of any lot line of a lot on which there is located any church, hospital, library or school.
- B. A Drive-in Theater shall be subject to the following:
  - 1. It shall have no entrance or exit on an intersecting public road.
  - 2. It shall maintain adequate automobile facilities for cars waiting for admission between the ticket gates and the road.
  - 3. It shall have the theater screen located not less than 150 feet from any lot line.
  - 4. It shall include and be limited to the showing of movies, a playground, and the maintenance of concessions clearly incidental to the showing of movies located in the operational area, and which promote the comfort and enjoyment of movie patrons and which are not offensive by reason of dust, odor, glare or noise to the immediate neighbors, and which will not be detrimental to the public health, safety or general welfare of the Township.
  - 5. It shall not provide more than 70 percent of the area for use as parking purposes for patrons.
  - 6. The parking area for patrons shall be enclosed by a lattice or solid fence at least 6-feet in height or a compact screen of evergreens not less than 3 feet in height.
  - 7. The movie screen shall not be visible from any road.

**600.10.** Industrial districts are intended to provide suitable areas for manufacturing, assembling, fabrication and processing, bulk handling, storage, warehousing and trucking.

- A. The uses associated with this district are likely to generate levels of truck traffic, noise, vibration, dust, fumes, odors, radiation, fire or explosion hazards, or hazardous materials, or other undesirable conditions.
- B. Conditional uses in this district which may create a safety hazard are subject to various state and/or federal environmental laws to determine their compatibility with adjacent and nearby uses.

**600.11.** Automotive Service Establishment such as: automotive gasoline service station, automotive garage, automotive sales area, automotive sales and/or parts sales building, provided:

- A. It shall not be located within 100 feet of any lot line in any Residential Zoning District.
- B. Means of ingress or egress shall be located no closer than 100 feet from the intersecting right-of-way lines of street intersections.
- C. Access drives shall not exceed two per lot on any single street frontage.

**600.12. Adult entertainment establishment regulations**

A. Purpose and legislative intent

- 1. The locations of adult entertainment establishments is of vital concern to the Jefferson Township Supervisors especially when the location is in or near areas where minors may learn, play, pass by, or would be exposed to the advertising, window displays, or general atmosphere accompanying the operation. Also, the Supervisors acknowledge that adult entertainment establishments have adverse secondary effects including but not limited to unhealthy conditions, the spread of diseases, illegal sexual activities, sexual harassment, obscenity, crime, and neighborhood deterioration.
- 2. The Jefferson Township Supervisors in enacting these regulations exercise the power which has been granted to them and do not attempt or intend to absolutely prohibit adult entertainment establishments in the Township, but rather seek to regulate matters to promote, protect, and facilitate the public health, safety, and general welfare of all of its residents.

B. Definitions – It is the purpose of this subsection, together with its subparagraphs to provide clear and concise definitions of those words, terms and phrases most commonly utilized in the provisions of these regulations in order to assist any interpretations of said provisions and to insure uniformity of application. It is intended that the following words, terms and phrases, whenever used, shall be construed as defined in the following subsections and subparagraphs unless from the context a different meaning is clearly intended. The following definitions are intended to supplement the definitions contained in Article II.

For the purpose of this Article, adult entertainment establishments are defined as follows:

- 1. Adult bookstore – Any establishment having as a substantial or significant portion (25% or greater) of its stock in:
  - a) Books, films, magazines or other periodicals or other forms of audio or visual representation which are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas;

- b) Instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.
- 2. Adult Cabaret – (a) An establishment devoted to adult entertainment, either with or without a liquor license, presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas; (b) a cabaret that features topless dancers, go-go dancers, strippers, male or female impersonators, or similar entertainers for observation by patrons.
- 3. Adult mini motion picture theater – An enclosed or unenclosed building with a capacity of more than five (5) but less than fifty (50) persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
- 4. Adult model studio – Any place where, for any form of compensation or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by persons paying such consideration or gratuity, except that this provision shall not apply to any "figure studio" or "school of art" or similar establishment which meets the requirements established in the Education Code of the Commonwealth of Pennsylvania for the issuance of or conferring of, and is in fact authorized thereunder to issue a diploma.
- 5. Adult motel – A motel or similar establishment offering public accommodations for any consideration, which provides patrons with material distinguished or characterized by an emphasis on depiction or descriptions of specified sexual activities or specified anatomical areas.
- 6. Adult motion picture arcade – An enclosed or unenclosed building with a capacity of fifty (50) or more persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
- 7. Adult motion picture theater – An enclosed or unenclosed building with a capacity of fifty (50) or more persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

8. Adult newsrack – Any coin-operated machine or device which dispenses material substantially devoted to the depiction of specified sexual activities or specified anatomical areas.
9. Adult theater – A theater, concert hall, auditorium or other similar establishment, either indoor or outdoor in nature which regularly features live performances which are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas for observation by patrons.
10. Bath House – An establishment or business which provides the services of baths of all kind, including all forms and methods of hydrotherapy during which specified anatomical areas are displayed or specified sexual activity occurs. This section shall not apply to hydrotherapy treatment practiced by, or under the supervision of a medical practitioner. A medical practitioner for the purpose of this Ordinance shall be a medical doctor, physician, chiropractor or similar professional licensed by the Commonwealth of Pennsylvania.
11. Body painting studio – Any establishment or business which provides the service of applying paint or other substance whether transparent or nontransparent to or on the human body when specified anatomical areas are exposed.
12. Massage Parlor – Any establishment or business which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, unless operated by medical practitioner, chiropractor or professional physical or massage therapist licensed by the Commonwealth. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.
13. Out call service activity – An establishment or business which provides an out call service which consists of individuals leaving the premises upon request or by appointment to visit other premises for a period of time for the purpose of providing any service during which time specified anatomical areas are displayed or specified sexual activity occurs.
14. Sexual encounter center – Any business, agency or person who, for any form of consideration or gratuity, provides a place where two (2) or more persons, not all members of the same family may congregate, assemble, or associate for the purpose of engaging in specified sexual activity or exposing specified anatomical area, excluding psychosexual workshops, operated by a medical practitioner as defined in 2 A (10), licensed by the Commonwealth, to engage in sexual therapy.
15. Any other business or establishment which offers its patrons services or entertainment characterized by an emphasis on matter depicting,

describing or relating to specified sexual activities or specified anatomical areas.

C. Specified anatomical areas as used herein shall mean and include any of the following:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola, or;
2. Human male genitals in a discernibly turgid state even if completely and opaquely covered.

D. Specified sexual activities include the following:

1. Showing of human genitals in a state of sexual stimulation or arousal;
2. Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio, cunnilingus, or any other specified sexual activity prohibited by law;
3. Fondling or erotic touching of human genitals, pubic region, buttock or female breasts.

E. Minimum spacing and proximity requirements – No adult entertainment establishment shall be located within 1,000 feet of the following:

1. Any other adult entertainment establishment.
2. A dwelling.
3. Any parcel of land which contains any one or more of the following specified land uses:
  - a) Amusement park;
  - b) Camp (for minors' activities);
  - c) Child care facility;
  - d) Church;
  - e) Community center;
  - f) Museum;
  - g) Park or playground;
  - h) School and school bus stops;
  - i) Other lands where minors congregate.

F. The distance between any two adult entertainment establishments shall be measured in a straight line, without regard to intervening structures, from the nearest point on the property line of each establishment. The distance between any adult entertainment establishment and any land use specified in subparagraphs 2. and 3. above shall be measured in a straight line, without regard to intervening structures, from the nearest point on the property line of the adult entertainment establishment to the closest point on the property line of said land use.

G. Visibility from the street – No person operating an adult entertainment establishment shall permit, or cause to be permitted, any stock in trade which depicts, describes or relates to specified sexual activities and/or specified

anatomical areas as defined herein, to be viewed from the street, sidewalk or highway.

**H. Sign requirements for adult entertainment establishments**

1. All signs shall be flat wall signs.
2. The gross surface area of a wall sign shall not exceed 5 percent of the area of the wall which such sign is a part of.
3. No signs shall be placed in any window. A one and one half square foot sign may be placed on the door to state hours of operation and admittance to adults only.

**600.13. Light Industrial Uses permitted as a conditional use subject to approval of the Board of Supervisors. The following conditions shall apply:**

- A. Uses shall meet all requirements of the BR-1 District.
- B. Uses shall not involve heavy manufacturing.
- C. Site plans shall be submitted with application for conditional use permit.

**600.14. Inflammable Liquid Storage, provided:**

- A. It shall be approved by the Fire Chief and the appropriate department of the Commonwealth of Pennsylvania.
- B. It shall not be located within 150 feet of any lot line.
- C. The area shall be enclosed on all sides by a fence or wall not less than 6 feet high and maintained in good condition.
- D. Conditional use shall be approved or denied by action of the Board of Supervisors.
- E. Hazardous Waste Facilities as a conditional use are also subject to the conditions specified by PA Department of Environmental Protection [PA DEP] or other appropriate department of the Commonwealth of Pennsylvania.

**SECTION 601: Additional criteria for ACCESSORY USES:**

**601.01. Stand for Sale of Agricultural or Nursery Products, provided:**

- A. At least 50 percent of products for sale are grown or produced on the same lot upon which it is erected. Items must comply with requirements of the appropriate department of the Commonwealth of Pennsylvania.
- B. It shall be set back a minimum of 25 feet from the road right-of-way.
- C. Must be demolished or removed if not in use for at least two (2) months during each calendar year.

**601.02. Private Incinerator, provided:**

- A. It shall be located within the dwelling or in the rear yard only.
- B. It shall be used only for burning of refuse produced on the premises

**601.03. Boarding Unit, Lodging Unit, Rooming Unit, provided:**



- A. It shall be limited to a maximum of 3 such units.
- B. It shall be for non-transients only.
- C. It shall be located in the principal dwelling building.

**601.04. Storage or Parking of a Commercially-licensed Vehicle, provided:**

- A. A trailer shall be used as storage only and shall comply with height and area regulations for accessory structures.
- B. A permit shall be required for all accessory structures over 144 square feet as required in Section 1301.1.
- C. It shall be limited to two such commercially-licensed vehicles, except school busses, and/or vehicles used in conjunction with the principal use.

**601.05. Commercial Dog Kennel, provided:**

- A. It is enclosed within a separate building and/or enclosed open area, said open area to be confined within a wall or fence, having a height of no less than six (6) feet. All fences visually open (see through fences) shall be screened on sides facing an abutting residential property, said screening to be permanent vegetation (such as a hedge) having a height of no less than six (6) feet.
- B. It is so located on the property that no portion of the kennel area is less than one hundred (100) feet from all abutting residential properties or public streets.

**601.06. Institutional Homes permitted as a conditional use under the following conditions and as approved by the Board of Supervisors. Such uses may be of such types as:**

- A. Institutional headquarters for educational, professional, religious, charitable and other profit or non-profit organizations or institutions with an in-house population that promotes the general welfare of society. Ergo, chemical abuse rehabilitation, disadvantaged persons, homeless youths under 18 years of age, mental health care, nursing care, elderly care, hospice and similar uses as may be allowed by petition to the Board of Supervisors.
- B. Structure types:
  - 1. Existing structures may be converted provided the neighborhood character of the structure is not drastically altered.
  - 2. New structures may be erected provided they MEET ALL LAND DEVELOPMENT REQUIREMENTS AS OUTLINED IN JEFFERSON TOWNSHIP SUB'D/LAND DEV'T ORDINANCE(AS AMENDED).

**601.07. Service Facility on a Lot Occupied by an Automotive Service Establishment or Transportation Terminal Establishment for the Service of Gas, Oil, Air or Water or Repair Facility, provided:**

- A. Any such equipment shall not be less than 15 feet from any alley or street nor less than 50 feet of any lot line of any residential zoning district or 100 feet from any lot line of a hospital, church, or school.
- B. Any such equipment shall not be less than 80 feet from the center of any street, or less than 50 feet from any residential District, nor less than 100 feet

from the lot line of any lot occupied by a hospital, church, playground or public building.

**601.08. Storage of Inflammable Liquids on a Lot Occupied by an Automotive Service Establishment or Transportation Terminal Establishment, provided:**

- A. It shall be stored in underground tanks.
- B. It shall be approved by the Commonwealth of Pennsylvania.

**601.09. Processing, Cleaning, Servicing, Testing or Repair, provided :**

- A. Except in an automotive service establishment, it shall be limited to 20 percent of the gross floor area of the principal structure, and
- B. Except in an automotive service establishment, it shall not extend beyond 10 feet from the front of the principal structure.

**601.10. Loading Area, provided:**

- A. There shall not be any storage of material, junk or any equipment on the area.
- B. There shall not be any repair facilities located on the area or any repairs made on any vehicle located thereon.
- C. There shall not be any vehicle loading or unloading within 10 feet from any front or side street setback building line

**601.11. Other Accessory Uses, provided:**

- A. It shall be customarily incident and subordinate to a permitted principal use.
- B. It shall be located on the same lot as the principal use.
- C. It shall be approved by the Zoning Hearing Board.

**601.12. Other Accessory Uses WITHIN THE INDUSTRIAL DISTRICTS - Any principal and/or accessory uses permitted shall be subject to the following use regulations:**

- A. It shall be carried on only in buildings classified as fire-resistant and be carried on in such a manner with such precautions against fire and explosion hazards as to produce no exposure hazards to an adjacent property.
- B. All accessory storage of junk, waste, discarded or salvaged material, machinery or equipment, including automobile, truck or other vehicle parts shall not be permitted except within a completely enclosed structure, or if the lot area devoted to such use is over 200 square feet in area, the owner may have the alternative of enclosing it on all sides except for an exit and entrance not over 25 feet in width by a solid fence or wall at least 6 feet in height and surrounded, except for an exit and entrance not over 25 feet in width, by evergreens at least 6 feet in height and planted not further apart than 6 feet so as to form a solid screen.
- C. It shall not emit any noxious, toxic or corrosive fumes or gases.
- D. It shall not emit any offensive odors.
- E. It shall comply with the Department of Environmental Protection Clean Air Standards.

- F. It shall not discharge any wastes, whether liquid or solid, into the waters of the Commonwealth of Pennsylvania, including any surface and underground waters – both natural and artificial.

## **ARTICLE 7: SIGN REGULATIONS**

### **SECTION 700: Application**

**700.01.** Signs may be erected and maintained only in compliance with all applicable provisions of this ordinance and any regulations of the Municipality relating to the location, size, height, lighting, alteration or maintenance of signs as defined by this Section.

### **SECTION 701: Purpose**

**701.01.** The purpose of these sign regulations are: to encourage the effective use of signs as a means of communication in the Municipality; to maintain and enhance the aesthetic environment in character with the historic values of the community, and the Municipality's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign restrictions.

### **SECTION 702: Sign terms and concepts**

**702.01. Sign – A sign is any structure, device, object or display that uses any color, form, graphic, illumination, symbol or writing, whether painted, attached or standing situated indoors or outdoors, which is used to identify, advertise or attract attention to a person, business, product, service, organization, event, or location by the use of colors, letters, words, symbols or images or to communicate information of any kind to the public.**

**702.02. Master Signage Plan - A plan shall be submitted to the zoning officer for the purpose of determining for the benefit of the public that all signs within the Municipality provide for the health, safety, welfare and standards of the citizens and visitors of the Municipality and meet the requirements of this Ordinance, while allowing for the efficient use of signs for the benefit of the property.**

### **SECTION 703: Definitions, Signs by Type**

**Animated Sign.** Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

**Apartment Sign.** Any sign which identifies and is located on the premises of multiple-family dwellings of at least 3 units under single ownership (whether in single or multiple buildings) and which may also advertise the rental of units on the premises but contain no other commercial message.

**Banner.** Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags or the official flag of any institution or business shall not be considered banners.

**Beacon.** Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

**Billboard.** A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

**Building Marker.** Any sign indicating the name of a building and date and incidental information about its construction which is cut into a masonry surface or made of bronze or other permanent material.

**Building Sign.** Any sign attached to any part of a building, as contrasted to a freestanding sign.

**Canopy Sign.** Any sign that is a part of or attached to an awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window or outdoor service area. A marquee is not a canopy.

**Changeable Copy Sign.** A sign or portion thereof with characters, letters or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this ordinance. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this ordinance.

**Commercial Message.** Any sign wording, logo or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service or other commercial activity.

**Development Sign.** Any sign which identifies and is located on the premises of a planned residential or industrial development containing at least 5 lots to be separately developed in a planned, coordinated manner and which may also advertise the availability of lots for sale or development in the planned development identified by the sign but contain no other commercial message.

**Flag.** Any fabric, banner or bunting containing distinctive colors, patterns or symbols, used as a symbol of a government, political subdivision, or other entity.

**Freestanding Sign.** Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

**Home Occupation/Business Sign.** Any sign located in a district zoned for residential uses which contains no commercial message except advertising for goods and services legally offered on the premises where the sign is located, provided such use conforms to all requirements of the zoning ordinance.

**Identification Sign.** A sign which indicates only the name and address of the building or occupant of the building at which the sign is located.

**Incidental Sign.** A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking", "entrance", "loading only", "telephone", and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.

**Institutional Sign.** Any sign which identifies and is located on the premises of an institutional or other non-residential principal use permitted in any Residential Zoning District.

**Marquee Sign.** Any sign attached to, in any manner, or made a part of a marquee.

**Nonconforming Sign.** Any sign that does not conform to the requirements of this ordinance.

**Pennant.** Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in series, designed to move in the wind.

**Portable Sign.** Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

**Projecting Sign.** Any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall and that the highest point of any part of the sign does not exceed the height of the building or wall to which it is attached.

**Roof Sign.** Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

**Roof Sign, Integral.** Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.

**Sign Setback.** The distance from the property line to the nearest part of the applicable sign, measured perpendicularly to the property line.

**Street Frontage.** The distance for which a lot line of a zone lot adjoins a public street, from one lot line intersecting said street to the furthest distant lot line intersecting the same street.

**Suspended Sign.** A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

**Temporary Sign.** Any sign that is used only temporarily and is not permanently mounted.

**Wall Sign.** Any sign attached parallel to, but within six inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

**Window Sign.** Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window. Window signage –painted or otherwise attached lettering shall not cover greater than 25% of the window area. Any poster, picture, or display attached to the window or within 6" and obstructing clear sight into or from within the building in any way shall be considered part of the 25%.

## **SECTION 704: General provisions and exceptions**

One sign shall be required for the purpose of emergency (911) identification and must include the street number for the building or property. May be located upon the structure or near the street on separate signage provided it is of sufficient size to be seen adequately in an emergency.

### **704.01. Signs allowed in all zoning districts and requiring a permit**

Federal or state historic markers or monuments provided they are 4 square feet or less.

Institutional or bulletin board signs – Signs permitted for schools, churches, or other public or non-profit institutional uses may contain, all or in part, signs of permanent character or structure having changeable words or numbers indicating the services or events to be conducted upon the premises where the sign is located. Typically used by schools or churches, provided the changeable copy area of the sign and included upon a structure may not exceed 24 square feet and the total area of the sign with changeable copy area included may not exceed the area limits set forth elsewhere in this Section.

Off site signs may be permitted provided they are included in the master signage plan for the property on which they are placed and meet the area calculations for the zoning district.

**704.02. Signs allowed in all zoning districts and not requiring a permit and not to be included in the calculation of total sign area for a use or lot**

- A. One sign shall be required for the purpose of emergency (911) identification and may include name, address, and street number for the building or property - maximum size of 2 square feet.
- B. Signs erected by a governmental authority or under the direction of such authority and bearing no commercial message, including traffic control or direction signs, emergency warning signs, and public notices.
- C. On-premise signs regulating or providing directions for on-premise auto or pedestrian traffic or parking, provided such signs shall not exceed 5 square feet in area nor contain any commercial message.
- D. Signs regulating the use of private property, such as "not trespassing", "no hunting", etc., provided such signs shall not exceed 2 square feet in area nor contain any commercial message.
- E. Window signage –painted or otherwise attached lettering shall not cover greater than 25% of the window area. Any poster, picture, or display attached to the window or within 6" and obstructing clear sight into or from within the building in any way shall be considered part of the 25%.

**704.03. Signs allowed in residential zoning districts – Signs acceptable for use by permitted uses within all R, A1, and A2 residential districts:**

- A. Attached Signs – Maximum height of 12 feet or not higher than the 2nd story window sills of the building, having a maximum size of 6 square feet, with a clear height of 10 feet if projecting over a sidewalk or access.
- B. Ground signs – 4 SF per side supported by or erected upon the ground and having a maximum height of 5 feet.
- C. Master Signage Plan – Total area of all signs in combination shall total 8 SF or less.
- D. Institutional signs – In place of the above, schools, churches, or other public or non-profit institutional uses may have one ground sign permanently erected upon the ground and not a pole sign, the area of which may not exceed 24 square feet.

**704.04. Signs in C - Commercial, B - Business and I - Industrial districts – Signs acceptable for use by permitted uses within the specific districts:**

- A. Allowable Signage areas shall be 35 SF per road frontage plus 2 SF for each additional 10 (ten) linear feet of road frontage exceeding 100 feet, excluding pole signs – including address, company identification signs, directional signage.
- B. Projecting or overhanging sign provided:
  - 1. It projects a maximum of 60 inches from the building wall and no closer than 3 feet from the right of way.
  - 2. Maximum height is 14 ft. or not higher than the sill of the 2nd story windows of the building



C. Company identification sign consisting of the name of the business contained within the building, provided:

1. It is attached flush or painted directly to the building or accessory structure
2. It is illuminated by exterior, indirect and concealed lighting
3. It is scaled to the building in that it is placed above the first floor and below the sill of the second floor (or where historically evident previous signs were placed i.e. Old paint, bolt marks, appropriate cornice treatments remain, etc.)

D. Pole signs – One lighted or unlighted sign for each street frontage in only the C-2 or I districts, provided:

1. No sign shall exceed the height of the principal building or twenty feet whichever is less.
2. The base of the pole sign shall be located within the property line, but the sign may project into a public sidewalk provided that no sign shall extend nearer to the perpendicular upward projection of any curb line than three feet.
3. There shall be no less than ten feet of clearance below any portion of such sign(s) that project over a public sidewalk.
4. On corner lots the base of any pole sign must be placed behind a clear sight triangle formed by the right-of-way lines and a straight line adjoining said right-of-way lines at points twenty feet from the point of intersection.
5. It shall be limited to use as a business sign.
6. It shall not exceed 50 square feet.
7. Accessory pole signs – Up to 2 signs not exceeding 8 square feet each may be attached, provided that the 10 foot ground to sign clearance is maintained.
8. Only signs in the C-2 and I district may be internally lit and only if all other height, area, and character requirements are met as proved by the overall master signage plan.

E. Standards for Construction and Operation of Electronic Changeable Copy Signs in C, I, and B Districts

1. Electronic Changeable Copy Signs shall contain a complete message, which shall remain unchanged for a period of not less than 10 seconds. Messages, including photographs, graphics and backgrounds, may not scroll or exhibit the illusion of movement (animation) in any manner during the time between message changes. Time and temperature information may change more frequently, but must do so on a separate portion of the total changeable copy area of the sign but cannot alternate with the main message displayed.
2. The time interval used to change from one complete message or display to the next complete message or display shall be a maximum of one (1) second. There shall be no appearance of a visual dissolve

or fading, in which any part of one electronic message or display appears simultaneously with any part of a second electronic message or display.

3. There shall be no appearance of flashing or sudden bursts of light, and no appearance of animation, movement, or flow of the message display on any portion of the sign structure.
4. Any illumination intensity or contrast of light level shall remain constant and shall not cause glare onto adjacent property or street right of way.

**704.05. Temporary signs permitted in all districts** - Temporary signs are permitted in the Municipality as:

- A. Sandwich Boards – signs of an A-frame type a maximum of 6 SF per side, that may be used during normal hours of the business it is advertising, placement must not impede pedestrians or visibility of traffic (5 ft of access free and clear of obstructions). Typically used to promote special sales or menus.
- B. Real Estate signs – 6 SF, promoting the sale or rental of property and removed within 7 days of closing or rental of the property.
- C. Development signs – 24 SF for developments of 3 or more lots, removed within 7 days of project completion.
- D. Work being performed signs – 6 SF, removed within 7 days after completion of work or expiration or revoking of building permit.
- E. Political signs – 30-day maximum time of display and provided they are removed within 5 days after the election.
- F. Announcement signs or special displays – up to 16 SF, 30-day maximum time of display.
- G. Banners – up to 24 SF, 45-day maximum time of display per banner, one banner per business at any time, \$10 fee per banner, no more than 3 banners per year per business.
- H. Temporary signs 2 square feet or smaller advertising garage sales, *rodeos* or similar events, maximum time of display 10 days, and may not be attached to utility poles or traffic sign supports.
- I. Temporary signs shall be removed after the event or sale of which they are advertising or announcing has ended.

**704.06. Signs prohibited** – the following types of signs shall not be permitted:

- A. Signs which resemble or imitate State or Jefferson Township Traffic Control signs and signs which by whatever reason obstruct or detract from the vision of drivers or obstruct or detract from the visibility or effectiveness of any traffic control or direction signs or devices on public streets or roads.
- B. Portable, freestanding or transportable trailer signs.
- C. Signs with flashing illumination easily viewable from a public way or outdoor neon lighting.
- D. Revolving or rotating signs.
- E. Billboards - a sign having a surface area of 50 square feet or more.

- F. Roof or carport signs – a sign attached to, painted onto, or otherwise marked or affixed onto the roof of any structure or a carport as defined by this ordinance.
- G. No sign may be placed within the street right of way or on utility poles, street markers, or official transportation signs.

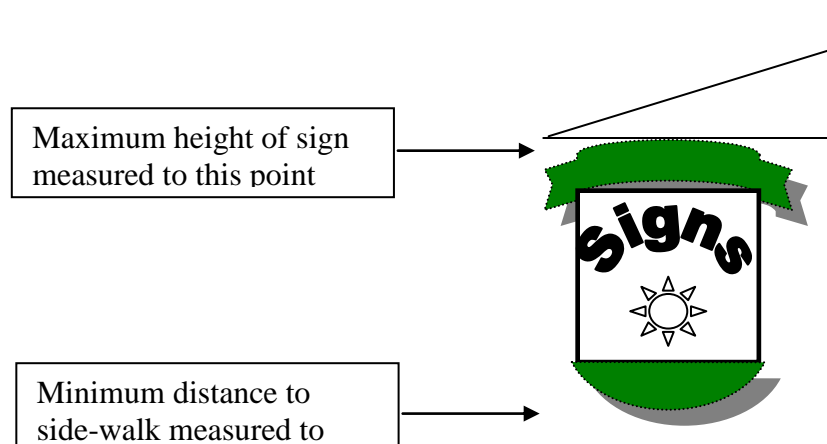
## **SECTION 705: Design and measurement requirements**

- A. Signs shall be set behind the Right of way and may not block visibility nor create a traffic hazard
- B. Overall master signage plan shall be reviewed as part of the zoning permit application required by all permanent signs.

### **705.01. Measurement of sign areas**

- C. The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself
- D. Signs shall contain a minimum of words to convey the purpose of the use of the property upon which the signs are placed. Areas of signs shall meet the requirements of the zoning districts as outlined.
- E. Any ornamental scroll work or decorative bracing used above or below the sign shall NOT be included in the calculation of the sign area provided it contains no additional wording and does not exceed the size of the main sign by 50%.
- F. The entire sign and all attachments will be included for the purpose of meeting all height requirements.

In the example shown the square is used for calculation of the area of the sign.



### **705.02. Computation of Area of Multi-faced Signs**

- A. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 24 inches apart, the sign area shall be computed by the measurement of one of the faces.

### **705.03. Computation of Height**

- B. The entire sign and all attachments will be included for the purpose of meeting all height requirements.
- C. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign.
- D. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, mounding, or excavating solely for the purpose of locating the sign.
- E. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zone lot, whichever is lower.

## **SECTION 706: Lighting**

**706.01.** Lighting shall be exterior, indirect and concealed lighting, except as otherwise permitted in the zoning district.

**706.02.** No sign lighting or illumination shall cause glare onto adjacent property or street right of way.

**706.03.** No direct light or glare from any sign shall be cast onto any lot that is zoned and used for residential purposes.

**706.04.** Bare bulb lighting or neon lighting, unshielded from the passing public shall be prohibited.

**706.05.** See also Section 704.04.E for electronic signage requirements.

## **SECTION 707: Construction**

**707.01.** All signs shall be designed, constructed, and maintained in accordance with the following standards:

- A. Construction of signs shall be by accepted building standards meeting the requirements for the health, safety and welfare of the public.

B. Information regarding the proposed construction, materials, and connections to the property shall be provided in the master signage application as noted in this Section.

1. All signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building or another structure by direct attachment to a rigid wall, frame or structure, except for banners, flags, temporary signs and window signs conforming in all respects with the requirements of this ordinance.
2. All signs shall be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this ordinance, at all times.
3. Any sign which projects or is placed or erected over a public way shall provide a vertical clearance of 10 feet above a sidewalk, private drive or parking lot.
4. A sign shall not be an imitation of or resemble official traffic control signs or devices and any sign within fifty (50) feet of an intersection shall not contain any visible green, yellow or red colored lights or reflective material which might be confused with official traffic control devices.
5. A sign shall not be placed so as to prevent free ingress to or egress from any door or fire escape, to cause danger to traffic on a street by obscuring the view or to otherwise interfere with traffic.

#### **707.02. Permits and fees for signage**

All permanent sign applications of any kind shall be submitted to the Zoning Officer in such form as he or she may prescribe and shall contain at least the following information:

- A. Name, address and telephone number of the applicant.
- B. A map showing the location of the building, structure or zone lot to which the sign is to be attached or erected, and showing the position of the sign in relation to nearby buildings and thoroughfares, and must show dimensions.
- C. A plan showing design of sign, materials used, method of construction, dimensions of the sign, and means of attachment to the building or the ground; such plans must be to scale or show dimensions.
- D. Name of person, firm, corporation or association erecting, altering or moving said sign.
- E. Written consent of the owner of the land on which the sign is to be erected, altered or relocated.

- F. Any other information as the Zoning Officer shall require in order to show full compliance with this and all other applicable laws of the Township.

### **707.03. Master Signage Plan**

If more than one new sign is proposed for a zone lot or if one or more additional new signs are proposed for a lot with an existing sign, a master signage plan shall be submitted to the Zoning Officer along with the application for individual signs. The master signage plan shall indicate the types, dimensions, area and total combined sign area for all proposed and existing individual signs of any type, except for incidental signs. A revised master signage plan shall be submitted to the Zoning Officer if modification is proposed to any individual sign covered by an existing master signage plan.

All signs except those noted previously require application for a zoning permit following the approval of a Master Signage Plan.

- A. Location of the property and the location of every sign to be placed on the property, including proof that such placement is safe, does not obstruct traffic, nor cast glare onto the public right-of-way.
- B. Size - drawing showing the size, wording and style of each sign to be used.
- C. Construction proposed – materials to be used, type of structure or connection to property, and type and placement of lighting.
- D. Application for zoning permit on a form provided by the Zoning Officer, which includes the name, address, phone number and signature of the person responsible for maintenance or removal of the sign(s) if or when necessary.

### **707.04. Fees and Fines**

- A. Master Signage Plan Application and Permit shall be accompanied by a fee in an amount as set annually by Jefferson Township to cover the costs of application review and administration of permits.
- B. Fine to be set by Jefferson Township for placing a sign prior to application approval.
- C. Fine for each 30 days of non-compliance with the permit requirements.
- D. A fine to be set for failure to remove or safely maintain a sign.

### **707.05. Actions on Sign Applications**

The Zoning Officer shall act on all sign applications in accordance with the procedures contained in Article 10: Administration and Enforcement.

## **SECTION 708: Non-conforming signs**

Signs lawfully erected and existing as of the adoption date of this ordinance but which do not conform to the requirements of this ordinance shall be deemed lawful non-conforming signs and shall comply with the following requirements.

**708.01. Alteration or movement** – No non-conforming sign shall be enlarged or dimensionally altered or moved from one location to another. Any dimensionally-altered or moved signs shall conform to the requirements of this ordinance.

**708.02. Maintenance** – All lawful non-conforming signs as of the adoption date of this ordinance shall be permitted to undergo repair, maintenance, material upgrade, or replacement of portions or all of the sign if necessary for cause of deterioration, collision, natural causes such as windstorm or fire, or vandalism, provided signs may not be changed from original character, shape, use, or general information. Non-conforming signs may be removed for purpose of said maintenance for a period not to exceed 30 days.

**708.03. Abandoned signs** – When a use having a non-conforming sign or signs is abandoned by discontinuance for twelve consecutive months, said sign or signs shall be deemed abandoned and shall be removed by the owner of the building, structure, or land upon which said sign or signs are located within ten days following written notification from the Zoning Officer, such notice to be sent by certified mail. Abandoned signs shall lose the right to be maintained. New, altered, or relocated signs shall be erected only in conformance with this ordinance.

## **SECTION 709: SIGNS IN THE PUBLIC RIGHT-OF-WAY**

**709.01. No signs shall be allowed in the public right of way except for the following:**

**A. Permanent Signs including:**

Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information and direct or regulate pedestrian or vehicular traffic;

Bus stop signs erected by a public transit company;

Informational signs of a public utility regarding its poles, lines, pipes or facilities; and

**B. Temporary Signs**

Such signs shall be no more than three (3) square feet in area each.

**C. Emergency Signs**

Emergency warning signs erected by a governmental agency, a public utility company or a contractor doing authorized or permitted work within the public right of way.

**D. Other Signs Forfeited**

Any sign installed or placed on public property, except in conformance with the requirements of this section, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the Township shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

## **SECTION 710: TERMINATION OF NON-CONFORMING SIGNS**

### **710.01. Removal of Non Conforming Signs**

When a non conforming sign is taken down or moved for any reason, the same may not again be erected or reestablished or permitted to remain at any location on the property without the prior issuance of a sign permit, and in such case, no sign permit shall be issued unless the sign is then made to conform with all regulations applicable to new signs.

### **710.02. Damaged or Destroyed Non-Conforming Signs**

A sign damaged or destroyed by any means to an extent of more than fifty percent (50%) of its replacement cost at time of destruction shall not be reconstructed except in conformity with the provisions of this ordinance unless a variance is granted by the Zoning Hearing Board. Replacement cost shall be determined by obtaining cost of construction from one (1) sign contractor mutually agreed to by the owner and the Township.

### **710.03. Signs Erected in Violation**

The Zoning Officer or his authorized agent shall have the authority to order the removal of any sign erected after the effective date of this ordinance in violation of the ordinance.

### **710.04. Obsolete Signs**

Any sign now or hereafter existing which no longer advertises or identifies a current event, or business conducted or a product sold upon the premises, shall be taken down and removed by the owner of the building or structure or land upon which such sign may be found, within ten (10) days after written notification from the Zoning Officer, such notice to be sent by certified mail.



## **ARTICLE 8: PARKING AND LOADING REGULATIONS**

### **SECTION 800: GENERAL PROVISIONS**

**800.01. Applicability** – Off-street parking, stacking and loading spaces shall be provided in accordance with the specifications of this section in all zoning districts whenever:

- A. Any new use of land or structure(s) is established.
- B. An existing use of land or structure(s) is enlarged through addition of dwelling units, gross floor area, lot area, outdoor display area or other means.
- C. An existing use of land or structure is changed to a different use or a new use is added.
- D. Such new, enlarged, or changed use shall fully comply with the specifications of this section prior to being given a certificate of use and occupancy.

**800.02. Location of off-street loading and parking spaces** – Required off-street loading and parking spaces shall be located on the same lot with the principal use they are intended to serve. The Zoning Officer may permit off-street parking spaces to be on a private lot wholly within 300 feet of the lot of said use if it is impractical to provide off-street parking on the same lot as said use. In such cases, the private lot shall be in same ownership as said use or be available in the long-term to the owner of said use via other documented means including deed restriction, lease, or other similar legal interest.

**800.03. Shared use of required loading spaces** - In no case shall a required loading space be part of the area used to satisfy the parking requirements and vice versa. Also, in no case shall the required loading of one use be used to satisfy the loading space requirements of another use.

**800.04. Shared use of required parking spaces** -The Planning Commission may grant a waiver to allow shared use of parking spaces where normal periods of use are staggered and will not result in conflicts.

**800.05. Interconnection of Off-Street Parking Areas** - To reduce traffic congestion and the number of curb cuts along public streets, parking areas shall be connected to adjacent parcels through a rear or side yard access drive constructed parallel to the public street to which the use fronts or is located along. Where a parking area is constructed and is adjacent to an undeveloped lot, the access drive, where feasible, shall be extended to the lot line for future connection to the adjacent parcel.

**800.06. Encroachment or reduction** - A required loading or parking space shall not be encroached upon by a structure, storage, or other use. The Planning Commission may reduce the total number of parking and/or stacking spaces required by the strict application of the provisions of this section when it has been conclusively demonstrated that circumstances, site design or location do not

warrant the number of spaces required and that such reduction will not adversely affect pedestrian or vehicular circulation on the site or on any abutting street.

## **SECTION 801: OFF-STREET PARKING SPACES**

**801.01. Off-street parking** – Every use, except those in the C-1 district, shall provide off-street parking as specified in this section. Each off-street parking space shall not be less than 9 feet wide by 18 feet long exclusive of access drives and aisles (except that single-family dwellings may use driveways for off-street parking spaces) and shall be in usable shape and condition.

**801.02.** Where the required number of parking spaces is not set forth for a particular use in the following sections, and where there is no similar general type of use listed, the planning commission shall determine the basis of the number of spaces to be provided.

**801.03.** Parking areas that accompany development proposals containing parking spaces exceeding the minimum parking requirements by twenty (20) percent or more shall not be approved.

**801.04.** The minimum number of off-street parking spaces for each use is specified below:

NOTE: Area references are to gross floor area (GFA) unless otherwise indicated.

<b>Uses</b>	<b>Parking requirement</b>
Airport, Public or Private	1 space per employee on the largest shift, plus 1 space for each vehicle used in connection with the facility, plus sufficient space to accommodate the largest number of vehicles that may be expected at any one time
Ambulance, Fire Service or Rescue Squad	Adequate space to accommodate all motor vehicles operated in connection with such use and 2 additional parking spaces per each such vehicle
Billiard & Pool Halls	4 space per 1,000 square feet
Bowling Alleys	4 space per lane plus 1 space per employee
Bus Terminals and Train Stations	1 space per 4 seats in the terminal
Business Service and Supply Service Establishment	1 space for 300 square feet of GFA
Campgrounds, Recreation Trailer Camp, Summer Camp	1 space per employee during peak employment shift

<b>Uses</b>	<b>Parking requirement</b>
Car Wash	3 space per bay/stall plus 1 space per employee for self service or full service establishment
Day Care Center	1 space per caregiver/employee plus 1 space for each 10 clients
Church, Place of Worship	1 space per 3 seats in the principal place of worship or one space per 200 square feet GFA designed for a use other than services whichever is greater. Note: The number of spaces thus required may be reduced by up to fifty (50) percent for a place of worship if located within five hundred (500) feet of any public parking lot or any commercial parking lot where sufficient spaces are available by permission of the owners without charge, during the time of service to make up the additional spaces required.
Community or Civic, Social Hall, Club, Lodge and/or Fraternal Facilities	1 space per four (4) fixed seats or per 60 square feet of area of assembly, whichever is greater
Clinics, Medical and Dental	1 space for ea 200 square feet of GFA
College or University	Based on a review by the director of planning of each proposal (Note 4) 1 space per employee during peak employment shift + .5 space per student of driving age
Convenience Store	1 space per 200 square feet GFA at no time less than ten (10)
Correction Facility	1 space per 2 employees on the maximum shift. Note 4
Country Club	1 space per 300 square feet of area within closed buildings plus one space for every 3 people the outdoor facilities are designed to accommodate when used to the maximum capacity
Cultural Center, Museum or Similar Activity	1 space per 300 square feet of GFA
Dormitory, Fraternity or Sorority House, or Other Residence Hall located off Campus	1 space per 2 sleeping accommodations based on the occupancy loads of the bldg. plus 1 space for each employee, manager or resident manager
Dwelling, Multiple-family	1.6 space per unit
Dwelling, Single-family Attached	2 space per unit, however only 1 such space must have convenient access to the dwelling unit

<b>Uses</b>	<b>Parking requirement</b>
Dwelling, Single-family Detached	2 space per unit, provided that only 1 such space must have convenient access to a street
Eating Establishment, Carry out/Fast Food	1 space per 100 square feet GFA
Eating Establishment, Restaurant, Tavern, Night Club	1.5 spaces per 200 square feet GFA
Farms	Exempt
Financial Institution	1 space per 200 square feet GFA of gross floor area for customer service, lobby and teller area
Funeral Home	1 space per 100 square feet of GFA excluding storage and work areas; 25 space minimum
Furniture or Carpet Store	1 space per 500 square feet of GFA
Golf, Miniature	2 spaces for each hole
Golf Course	1 space per 300 square feet of GFA within closed buildings plus 1 space for every 3 persons that the outdoor facilities are designed to accommodate when used to the maximum capacity
Golf Driving Range	1 space per tee plus 1 space per 2 employees on the largest shift
Nursery/Greenhouses, Commercial	1 space per 250 square feet of sales area
Heavy Equipment and Specialized Vehicle Sale, Rental and Services Establishment	1 space per 500 square feet of enclosed sales, rental and office floor area plus 1 space per 2,500 square feet of open sales/rental display lot area plus 2 space per service bay
Hospitals	1.5 space per patient bed
Hotels or Motels	1 space per room or suite for rent plus 1 space per 4 seats of meeting room capacity plus 1 space per 250 square feet of restaurant, lounge or entertainment facility plus 1 space for ea 2 employees on the maximum shift
Indoor Athletic Facility	1 space for every 50 square feet of floor area devoted to aerobics, weightlifting, or similar activities plus 1 space per 500 square feet of indoor tennis or racquetball court or similar recreation facilities

<b>Uses</b>	<b>Parking requirement</b>
Indoor Recreation Facility, Commercial, Roller Rink	1 space per 200 square feet GFA
Industry	1 space per 1,000 square feet GFA plus 1 space per 400 square feet of accessory office area
Kennel	1 space per 500 square feet of GFA including runs
Library	10 space per the first 1,000 square feet of GFA plus 1 space for each 300 square feet in excess of 1,000 square feet
Marinas, Docks and Boating Facilities, Commercial	Not less than 1 space for every 2 boat slips; at least 10% of the spaces must be large enough to accommodate vehicles with trailers
Medical Care Facility	1 space per 2 patient beds plus 1 space per employee on largest shift
Self Storage, Mini Warehousing Establishments	1 space per 350 square feet of GFA of office space associated with the use plus 1 space per employee
Manufactured and Mobile Home Parks	1.5 space per MH (average) plus 1 per 5 units for guest parking
Health Care Facility, Nursing Home	1 space per 3 residents plus 1 space for ea employee on largest shift
Office (unless otherwise provided for in this section)	1 space per 300 square feet GFA
Open Air Market	1 space per 1,000 square feet of sales area
Outdoor Recreation Facility	30 spaces per athletic field or 1 space per 1,500 square feet of usable recreational space
Schools:	
(a) Elementary, Middle, Junior High School	(a) 1.5 space per classroom and administration office
(b) Senior High School	(b) 1 space per classroom and administration office plus 1 space per 5 students
Public Utility	1 space per 2 employees on largest shift plus 1 space per company vehicle normally stored on the premises
Automotive Repair Services and Garages	1 space per 300 square feet of GFA plus 1 per employee on the largest shift

<b>Uses</b>	<b>Parking requirement</b>
Retail Sales Establishment except Furniture or Carpet Store	1 space per 225 square feet of GFA
Scientific Research and Development Establishments	1 space per 400 square feet of GFA
Fuel Service Stations	2 space per service bay plus 1 space per employee, but never less than 5 space
Shopping Center	A. 250,000 square feet of GFA or less -- 1 space per 225 square feet of GFA
	B. 250,000 square feet of GFA or more -- 1 space per 250 square feet of GFA
Theater, Auditorium or Stadium	1 space per 3 seats
Automotive and/or Trailer Sales Establishment Monument Sales	1 space per 500 square feet of enclosed sales/rental floor area, plus 1 space per 2,500 square feet of open sales/rental display lot area, plus 1 space per employee but never less than 5 spaces
Veterinary Hospitals	1 space per 100 square feet of GFA exclusive of that area to house animals
Warehousing, Storage Yard, Lumber and Bldg. Material Yard, Motor Freight Terminal or Junk Yard	1 space per 2 employees on largest shift plus 1 space per 5,000 square feet of area devoted to storage (whether inside or outside)
Farm Stand	1 space per 100 square feet of sales, display area, 3 space minimum
Wholesale Trade Establishment	1 space per 4,000 square feet of GFA for the wholesale operation plus 1 space per 400 square feet of accessory office space

## **SECTION 802: OFF-STREET LOADING SPACES**

**802.01. Off-street loading** – Every commercial and industrial use shall provide off-street loading spaces in sufficient number to adequately serve the number and frequency of vehicle shipping and receiving projected for the use.

**802.02.** Each off-street loading space shall not be less than 10 feet wide by 50 feet long.

**802.03.** Off-street loading space(s) shall also have adequate adjacent area for vehicle maneuvering so that vehicles using the space(s) are not required to back-up onto or back-up from a public street or alley to use the space. If any such space is located adjacent to a street, the street side thereof shall be curbed, and ingress and egress shall be provided only through driveway openings through the curb of such dimension, location and construction as may be approved in accordance with the design standards.

#### **802.04. Off-Street Loading Space Requirements**

Off-street loading births shall be provided in accordance with its size as specified below:

<u><b>Use</b></u>	<u><b>First Berth</b></u>	<u><b>Second Berth</b></u>
Industrial:		
Manufacturing	5,000	50,000
Warehouse	10,000	50,000
Storage	10,000	50,000
Commercial:		
Wholesale	10,000	50,000
Retail	10,000	40,000
Service Establishment	30,000	60,000
Restaurants	40,000	30,000
Office Building	10,000	100,000
Hotel	10,000	100,000
Residential:		
Apartment	50,000	100,000
Institutional:		
Schools	10,000	100,000
Hospitals	50,000	100,000
Nursing Homes	50,000	100,000
Public Buildings:		
Auditoriums	30,000	100,000
Arenas	30,000	100,000

### **SECTION 803: OFF-STREET STACKING SPACES**

#### **803.01. Applicability.**

All drive-in uses established hereafter shall provide accessory off-street stacking spaces in accordance with the following regulations.

#### **803.02. General provisions.**

- A. All required off-street stacking spaces shall be located on the same lot as the use served.
- B. Required off-street stacking spaces may be provided cooperatively for two (2) or more uses, subject to arrangements that will assure the permanent availability of such spaces.

- C. No stacking space shall be located in a required front yard.
- D. All off-street stacking spaces shall be provided with safe and convenient access to a street. If any such space is located contiguous to a street, the street side thereof shall be curbed, and ingress and egress shall be provided only through driveway openings through the curb of such dimension.
- E. All off-street stacking areas, including aisles and driveways, shall be constructed and maintained with a dustless surface.
- F. The required dimensions are less than nine (9) feet wide and eleven (11) feet long.
- G. All lighting fixtures used to illuminate off-street stacking areas shall be designed to minimize glare.
- H. If there is uncertainty with respect to the amount of stacking space required by the provisions of this division as a result of an indefiniteness as to the proposed use of a building or land, the maximum requirement for the general type of use that is involved shall govern.

### **803.03. Minimum required space.**

Minimum off-street stacking spaces accessory to the uses hereinafter designated shall be provided as specified below:

A.	Carwash, Automated Principal Use	Five (5) stacking spaces per bay
	Carwash, Accessory Use	Two (2) stacking spaces per bay
B.	Eating Establishment, Carry-out/Fast food (with drive-in window)	Eight (8) stacking spaces of which three (3) have to be prior to ordering station.
C.	Financial Institution with Drive-In	Five (5) stacking spaces for first window and two (2) stacking spaces for each additional window.

For uses requiring direct vehicle access which results in vehicles waiting in line not listed above a minimum of four (4) stacking spaces of which one has to be prior to ordering station shall be required. Stacking spaces shall not impede traffic circulation.

## **SECTION 804: CONSTRUCTION STANDARDS**

**804.01.** To the greatest extent possible, off-street parking areas shall be designed to reduce the negative visual effect of large paved areas and shall contain landscaped planting islands and defined pedestrian walkways. This Section provides requirements for internal parking area landscaping, as well as landscaping along the perimeter of the parking area.

**804.02.** Parking areas for the storage of five (5) or more automobiles in any Zoning District shall be constructed in compliance with the following minimum standards:



- A. Entrance and/or exit - Curb cut shall be a minimum of 18 feet for two-way traffic and 9 feet for one-way traffic, with concrete approach ramp and concrete curb returns at a minimum 5-foot radius on each side.
- B. Striping and Bumpers - Each parking space shall be designated by 4 inch wide painted strips, nine foot center to center by 18 feet long, angled to best advantage for each of ingress and egress. Bumpers (wheel stops) shall be installed when necessary to prevent vehicle encroachment upon abutting pedestrian walks, public roads, or private property.
- C. Area lighting - Where lots are to be used at night, adequate area lighting shall be provided as approved by the Zoning Officer. Lighting shall be installed in accord with applicable codes and shall not exceed 25' of height.
- D. In parking lots designed to accommodate 120 cars or more, clearly marked pedestrian ways from parking areas to building(s) shall be provided.
- E. Parking areas shall be hard surface asphalt or concrete constructed in accord with acceptable engineering practice. Pavement design shall be directly related to projected traffic type and volumes (i.e., automobile, truck). Parking areas shall be so designed to provide positive drainage to natural watercourses and/or municipal storm water systems.
- F. Screening - There shall be a planting strip of at least five feet between the front lot line and the parking lot. In addition, where parking areas abut residential property on any side, adequate screening of car lights shall be provided by a thick hedge or fence a minimum of 4 feet height, not higher than 6 feet.
- G. SEE DETAIL DRAWINGS FOR PLANTING & SCREENING OF PARKING AREAS IN APPENDIX A.

#### **804.03. PARKING AND STORAGE OF MAJOR RECREATIONAL EQUIPMENT AND NON-AGRICULTURAL COMMERCIAL VEHICLES**

##### **A. Definitions**

- 1. **Major recreational equipment** – For purposes of these regulations includes travel trailers, motor homes, camper/tent trailers, pickup campers or coaches, boats and boat trailers, and the like as well as cases or boxes used for transporting recreational equipment whether occupied by such equipment or not.
- 2. **Commercial vehicle** – For purposes of these regulations is one (1) licensed truck-tractor or one (1) licensed trailer or a combination of one (1) licensed truck-tractor and one (1) licensed trailer that: a) has a gross weight of over 26,000 pounds (including combined weight if towed unit weighs over 10,000 pounds); b) is designed to transport 16 or more persons including the driver; or c) is used to transport hazardous materials.

**B. Parking or storage** – No major recreational equipment or non-agricultural commercial vehicle may be parked or stored on a lot in a residential district except in a garage or car port or behind the nearest portion of a building to a street, provided, however, that:

1. Major recreational equipment may be parked anywhere on a residential lot for not more than twenty-four hours consecutive during loading or unloading.
2. No more than one (1) non-agricultural commercial vehicle may be parked or stored on a lot.

**804.04. Occupancy** – No major recreational equipment or commercial vehicles shall be used for living, sleeping, housekeeping, or human habitation purposes except that travel trailers, motor homes, camper/tent trailers, pickup campers or coaches may be temporarily parked and occupied for sleeping purposes only by visitors and house guests in accordance with the following:

1. The temporary parking or occupancy period shall not exceed seven (7) days.
2. Such vehicles and/or trailers shall have adequate off-street areas to be parked behind the nearest portion of the principal building to a street.

**804.05. Derelicts** – No major recreation equipment or non-agricultural commercial vehicle shall be stored out of doors on residential premises unless it is in condition for safe and effective performance of the function for which it is intended or can be made so at a cost not exceeding the current market value of the equipment. In no case shall any such equipment be so stored for a period of more than six months if not in condition for safe and efficient performance of the function for which it was intended.

## **ARTICLE 9: NON-CONFORMING USES, STRUCTURES & LOTS**

### **SECTION 900: Intent and standards**

**900.01.** Within the districts established by this ordinance or amendments that may later be adopted there exist lots, structures, and uses of land and structures which were lawful before this ordinance was passed or amended, but which would be prohibited under the terms of this ordinance or future amendment.

A. **Intent** – It is the intent of this ordinance to permit these non-conformities to continue until they are removed or abandoned. Such uses are declared by this ordinance to be incompatible with permitted uses in the districts involved.

B. **Standard** – A non-conforming use of a structure, a non-conforming use of land, or a non-conforming structure shall not be extended or enlarged after passage of this ordinance by any means including attachment of additional signs to a building or the placement of additional signs or display devices on the land outside the building, nor shall there be a change to or addition of a use prohibited in the particular zoning district. Non-conformities may be enlarged, expanded, changed, or added to only by variance granted by the Zoning Hearing Board provided any such enlargements or expansions of uses as approved by the Board shall meet any and all conditions and provisions specified for that type of use in this zoning ordinance.

**900.02. Construction in progress** – Nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been diligently carried on. Actual construction is defined to include the placing of construction materials in permanent position and fastened in a permanent manner, and demolition, elimination, and removal of an existing structure in connection with such construction, provided that actual construction work shall be diligently carried on until the completion of the building involved.

### **SECTION 901: Non-conforming lots of record**

**901.01.** In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements and other requirements not

involving area or width, or both, of lot shall be obtained only through action of the Zoning Hearing Board.

**901.02.** If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements for lot width and area in the respective district, the lands involved shall be considered to be an undivided parcel for the purpose of this ordinance, and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this ordinance.

## **SECTION 902: Non-conforming uses of land**

**902.01.** Where, at the effective date of adoption or amendment of this ordinance, lawful use of land exists that is made no longer permissible under the terms of this ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- A. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance, except as specified by Section 1100.2 of this ordinance.
- B. No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this ordinance.
- C. If any such non-conforming use of land is abandoned by discontinuance for any reason for a period of more than twelve (12) consecutive months, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.

## **SECTION 903: Non-conforming uses of structures**

**903.01.** If a lawful use of a structure, or of a structure and premises in combination, exists at the effective date of adoption or amendment of this ordinance, that would be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. An existing structure devoted to a use not permitted by this ordinance in the district in which it is located may not be enlarged, extended, constructed, reconstructed, or structurally altered except as specified by Section 1100.2 of this ordinance.
- B. A non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of

- adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building.
- C. If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use provided that the Zoning Hearing Board, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Zoning Hearing Board may require appropriate conditions and safeguards in accord with the provisions of this ordinance.
  - D. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the non-conforming use may not thereafter be resumed.
  - E. When a non-conforming use of a structure, or structure and premises in combination, is abandoned by discontinuance for twelve (12) consecutive months, the structure and premises in combination shall not thereafter be used except in conformance with the regulations of the district in which it is located.

## **SECTION 904: Non-conforming structures**

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

- A. A structure may be enlarged or altered only in a way that such enlargement or alteration does not result in a new structural non-conformity or increase an existing structural non-conformity. Any other enlargement or alteration must be approved by variance granted by the Zoning Hearing Board.
- B. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after moved.

## **SECTION 905: Damage or destruction of non-conformities**

**905.01.** Any non-conforming building, structure, or use which is damaged or destroyed by fire or any other means beyond the control of the property owner may be reconstructed and used as before, if such reconstruction is commenced within one (1) year of the date of said damage or destruction.

**905.02.** The reconstructed building and use may cover no greater area and contain no greater cubic content than the building and use prior to damage or destruction and must conform to lot, yard, and height requirements of the zoning district and provide required off-street loading and parking spaces for the intended use(s), unless a variance is granted by the Zoning Hearing Board.

## **SECTION 906: Repairs and maintenance**

**906.01.** On any building, devoted in whole or in part to any non-conforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing without the requirement of a variance.

**906.02.** Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

## **SECTION 907: Special exceptions and conditional uses not non-conforming uses**

**907.01.** Any use for which a special exception or conditional use is authorized as provided in this ordinance shall not be deemed a non-conforming use, but shall without further action be deemed a conforming use in such district.

## **ARTICLE 10: ADMINISTRATION AND ENFORCEMENT**

### **SECTION 1000: Office of Zoning Officer**

**1000.01. Creation of office** – The Office of Zoning Officer is hereby created.

**1000.02. Appointment** – The Zoning Officer shall be appointed by the Municipality as prescribed by the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended). The Municipality shall establish qualifications for the position of Zoning Officer which require candidates to demonstrate a working knowledge of municipal zoning to the satisfaction of the Municipality.

**1000.03. Official records** – An official record shall be kept of all business of the Zoning Officer and shall be open to public inspection at all appropriate times.

**1000.04. Compensation of the zoning officer** – The compensation of the Zoning Officer shall be as determined by the Municipality.

### **SECTION 1001: Duties and powers of the Zoning Officer**

The Zoning Officer shall interpret and enforce all provisions of the Zoning Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to the Zoning Ordinance.

**1001.01. Zoning permits and certificates of use and occupancy** – The Zoning Officer shall issue zoning permits and certificates of use and occupancy. Zoning permits and certificates of use and occupancy for construction and uses which are permitted as a conditional use shall be issued only upon approval of the Municipality. Zoning permits and certificates of use and occupancy for construction and uses which are permitted as a special exception or variance shall be issued only upon approval of the Zoning Hearing Board.

**1001.02. Annual report** – The Zoning Officer shall submit monthly plus an annual summary to the Municipality a report of all zoning permits and certificates of use and occupancy, notices issued, and orders.

**1001.03. Inspections** – The Zoning Officer shall have the authority to examine or cause to be examined all structures and/or land for which an active or pending application for a zoning permit and/or certificate of use and occupancy has been filed for purposes of enforcing this zoning ordinance. Visual inspections may be legally made from any public right-of-way, sidewalk, or public place. The Zoning Officer may enter upon property of a private home or business from time to time during construction only during daylight hours between 8:00 a.m. and 8:00 p.m. and only after obtaining permission from a responsible adult upon presentation of proper identification. The right of inspection conferred herein shall be written out on every zoning permit issued and an acknowledgement that it has been read and accepted shall be signed by the applicant before a zoning permit may be issued.

## **SECTION 1002: Application for zoning permit and certificate of use and occupancy**

**1002.01. When zoning permit is required** – A zoning permit shall be required for any of the following (except where otherwise indicated in this ordinance):

- A. Commencing a use, changing the use or intensity of use, or extending or displacing the use of any building, structure, and/or land in the Municipal.
- B. Construction, erection, enlargement, reconstruction, demolition, or structural alteration of any building, structure, and/or sign including placement of a mobile home on a property.
- C. An application for a zoning permit must be submitted in writing to the Zoning Officer. A fine of \$25.00 shall be added to the cost of the zoning permit for failure to obtain a zoning permit before construction.

**1002.02. When a certificate of use and occupancy is required** – It shall be unlawful to use and/or occupy any building, other structure and/or land for which a zoning permit is required until a certificate of use and occupancy for such building, other structure and/or land has been issued by the Zoning Officer.

The purpose of the certificate is to confirm that the work or development described in the zoning permit application has been completed in compliance with this ordinance.

The application for issuance of a certificate of use and occupancy shall be made at the same time an application for a permit is filed with the Zoning Officer and may be on the same form.

One copy of the permit application accompanied by additional information and drawings shall be returned to the applicant indicating by signature the approval or disapproval and the date thereof; one copy of the same shall be retained by the Zoning Officer.

**1002.03. Forms of application** – The application for a zoning permit and a certificate of use and occupancy shall be submitted in such form as the Zoning Officer may prescribe and shall be accompanied by the required fee as prescribed in Section 1204.

**1002.04. Plot diagram** – Applications shall be accompanied by a plot plan diagram in duplicate. The plot plan shall be drawn to a suitable scale and shall clearly and accurately show dimensions of buildings and lots, both existing and proposed, abutting streets, proposed uses of buildings and lots, north arrow and scale, and other information which the Zoning Officer may require to make a decision on the zoning permit.

A. **Additional application requirements for uses specified in Article VII** – An application for a use specified in Article VII shall be accompanied by



additional information and drawings as appropriate to demonstrate how the proposed use and the design of that use will comply with the conditions, criteria, and standards specified for that use in Article VII. If such use is a conditional use or special exception, further information and drawings may be required by the Municipality or Zoning Hearing Board respectively to address compliance with any other conditions imposed.

**1002.05. Amendments to a zoning permit** – Amendments to a zoning permit or other records accompanying it may be filed at anytime before completion of the work or expiration of the permit. The Zoning Officer shall approve all such amendments except for those to zoning permits which have been authorized by action of the Municipality or Zoning Hearing Board in which case the Municipality or Board respectively shall approve any amendments. Amendments shall be deemed part of the original application.

**1002.06. Expiration of zoning permits** – If work described in any zoning permit has not commence within 90 days from the date of issuance, the permit shall expire. A written notice shall be given by the Zoning Officer to the persons affected.

If permitted work has not been substantially completed within one year of the date of issuance, the permit shall expire. A written notice shall be given by the Zoning Officer to the persons affected.

Upon expiration of a zoning permit, work may not continue until either a permit extension or a new permit has been obtained. The Zoning Officer may issue a zoning permit extension when the proposed activities, information, and conditions contained in the original permit application will be continued without change. A new permit must be obtained when the proposed activities have changed from the original permit application. The zoning permit extension shall include limitations on time not to exceed one year allowed for substantial completion of the work. The Zoning Officer may require the provision of a reasonable performance bond to ensure completion with the time limit specified in the permit extension.

## **SECTION 1003: Action on zoning permits and certificates of use and occupancy**

**1003.01. Action on zoning permit application** – The Zoning Officer shall act on all applications for zoning permits and amendments thereto within 10 days after filing except where otherwise indicated. He shall conduct a preliminary inspection of all structures and/or land for which an application has been filed for a zoning permit. The Zoning Officer shall also review the application to ensure that the proposed activities comply with the Jefferson Township Floodplain Management Ordinance as adopted and updated. If the application and preliminary inspection indicate compliance with the Zoning Ordinance and the Floodplain Management Ordinance, a zoning permit shall be issued. Disapproval of a zoning permit shall be in writing to the applicant.

**1003.02. Posting of zoning permit** – The zoning permit issued by the Zoning Officer shall be posted at the work site and be visible from the street until the completion of the permitted work.

**1003.03. Revoking a zoning permit** – The Zoning Officer may revoke an issued zoning permit in case of any false statement in the application for the permit.

**1003.04. Action upon completion** – Upon completion of the permitted work and prior to use and occupancy, the holder of the zoning permit shall notify the Zoning Officer of such completion. The Zoning Officer shall conduct a final inspection of all permitted structures and/or land. All violations of the approved zoning permit and plans shall be recorded and presented in writing to the holder of the permit.

A. If the Zoning Officer is satisfied that the completed work conforms to the issued zoning permit and complies with the Zoning Ordinance, he shall issue a certificate of use and occupancy for the use indicated in the zoning permit.

B. The Zoning Officer shall conduct the final inspection and issue either a written record of violations or an approved certificate of use and occupancy within 10 days after receiving notice of completion of the permitted work.

## **SECTION 1004: Fees**

**1004.01. Payment of fees** – No zoning permit or certificate of use and occupancy shall be issued until the fees prescribed by resolution of the Municipality have been paid.

**1004.02. Exemptions** – Any accessory structure used solely for agricultural purposes or any building less than 100 square feet in floor area shall be exempt from payment of fees.

## **SECTION 1005: Enforcement notice**

**1005.01.** Where the Zoning Officer finds that any provisions of this Ordinance are being violated, he shall initiate enforcement proceedings by sending an enforcement notice to the owner of the parcel on which the violation has occurred, any person who has filed a written request to receive enforcement notices regarding that parcel, and to other appropriate parties in accordance with Article VI of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended) with copies provided to the Jefferson Township Secretary and Jefferson Township Solicitor.

As specified in the Planning Code, the enforcement notice shall state the nature and location of the violation, the actions and deadline dates for achieving compliance, possible enforcement proceedings, and other information.

## **SECTION 1006: Prosecution of violation**

**1006.01.** If the enforcement notice is not complied with, the Zoning Officer shall request the Municipality to authorize the Jefferson Township Solicitor to institute appropriate proceedings to prosecute such violations. Such proceedings are provided for and shall be in accordance with Article VI of the Planning Code (Act 247 of 1968, as amended).

## **ARTICLE 11: ZONING HEARING BOARD**

### **SECTION 1100: Creation, membership and organization**

A Zoning Hearing Board shall be created for the purpose of considering applications for variances or exceptions to the Zoning Ordinance and making decisions on appeals and challenges within the legal jurisdiction granted to zoning hearing boards by the Commonwealth of Pennsylvania. It shall be created and maintained in accordance with the applicable provisions of Article IX of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended) and this Ordinance. Its membership, organization and rules and procedures shall be as prescribed in the Planning Code.

### **SECTION 1101: Jurisdiction and functions**

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render decisions on applications for variances and special exceptions, and certain challenges and appeals in accordance with all applicable requirements of Article IX of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended).

#### **1101.01. Special Exception Uses - Zoning Hearing Board decision upon a public hearing**

- A. Upon application in accordance with the provisions of the Zoning Ordinance and the rules of the Zoning Hearing Board, the Board shall determine the reasonableness and propriety in particular cases of any listed special exceptions to the Zoning District regulations of this Zoning Ordinance.
- B. The proposed use shall also conform with all the provisions for the use in the particular Zoning District in which it is to be located, and all other pertinent provisions of the Zoning Ordinance, except as wherein prescribed in this Zoning Ordinance.
- C. The Board shall consider, explain and record its finding and determination in conformity with the spirit of the Zoning Ordinance and may authorize the issuance of a Permit for the following:
  1. **Other principal uses not explicitly permitted within a zoning district** – A use which is not explicitly listed as a permitted principal use within the regulations of a zoning district may be permitted provided that the use is similar to and not more objectionable to the general welfare than the permitted uses listed in that zoning district.
  2. Such uses shall be permitted as a special exception only upon the judgment and approval of the Zoning Hearing Board which may also require compliance with such conditions as may be necessary to protect and promote the general welfare of the Municipal.

**1101.02. Variances - Zoning Hearing Board decision upon a public hearing**

- A. Zoning Hearing Board decision at a public hearing

**SECTION 1102: Hearings**

In consideration of challenges and appeals and applications for variances and special exceptions, the Zoning Hearing Board shall conduct hearings and make decisions in accordance with all applicable requirements of Article IX of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended).

**SECTION 1103: Termination and modification of permit**

**1103.01.** Where a decision of the Zoning Hearing Board authorizes issuance of a zoning permit, the following shall apply:

- A. Termination of permits – If after a permit has been authorized by the Board, such permit is not applied for within a period of six (6) months from the date of authorization, then such authorization shall be null and void and no permit shall be issued there under.
- B. Modification of a permit – Any permit so issued shall not be modified except by action of the Board.

**SECTION 1104: Parties appellant before the board**

**1104.01.** Appeals and challenges within the jurisdiction of the Zoning Hearing Board as prescribed by the Planning Code may be filed with the Board in writing by the landowner affected, any officer or agency of the Municipality, or any person aggrieved. Applications for variance or special exception may be filed with the Board by any landowner or tenant with the permission of such landowner.

**1104.02. Applications and fees**

Requests for a hearing and action for appeals, challenges, variances, or special exceptions shall be accompanied by an application in such form as shall be required by the Zoning Hearing Board and submitted to the Zoning Officer. Such application shall include payment of a reasonable fee based upon cost to be established by resolution of the Municipality and in accordance with the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended).

## **ARTICLE 12: AMENDMENTS**

### **SECTION 1200: Procedure for amendments**

**1200.01.** The Zoning Ordinance or parts thereof may be amended by the Municipality in accordance with provisions of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended) and with the following procedures:

**1200.02. Initiation** – Any amendment may be initiated by:

- A. The Jefferson Township Planning Commission.
- B. The Municipality.
- C. A notarized petition to the Municipality by the owner of the property involved or by a party having legal interest therein.

**1200.03. Public review and input** – If considering the proposed amendment and before voting on enactment, the Municipality shall provide opportunity for public review and input in accord with the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended). At a minimum, such shall include:

- A. Public notice of the proposed amendment and public hearing published in a newspaper of general circulation and posted on the affected tract of land.
- B. Referral of the proposed amendment to the Jefferson Township Planning Commission and Mercer County Planning Commission for review and comment.
- C. A public hearing on the proposed amendment.

**1200.04. Application form** – An application for amendment shall be submitted in a form prescribed by the Municipality containing the following minimum information:

- A. Name, address, and phone number of the applicant or his agent.
- B. The applicant's legal interest in the affected property.
- C. A map showing the location of the affected property, the present and proposed zoning classification and boundaries, and a perimeter sketch of the affected property showing dimensions and size.

**1200.05. Fee** – Any application for amendment to the Zoning Ordinance shall be accompanied by a reasonable fee in such amount as set by resolution of the Municipality.

## **ARTICLE 13: APPEALS**

### **SECTION 1300: Zoning Appeals**

The review or appeal of any provision of this Ordinance or decision, determination, order or finding of the Municipality or its agencies or officers shall follow the procedures set forth in Article X-A "Appeals to Court" of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended).

## **ARTICLE 14: EFFECTIVE DATE & ADOPTION**

Effective date

The Zoning Ordinance shall take effect thirty (30) days after the date of adoption by \_\_\_\_\_, Mercer County, Pennsylvania.

### **SECTION 1400: Adoption**

We hereby certify that the Zoning Ordinance was adopted by Jefferson Township, Mercer County, Pennsylvania this \_\_\_\_\_ day of \_\_\_\_\_, A.D., \_\_\_\_\_.

Jefferson Township, Mercer County, Pennsylvania

\_\_\_\_\_ (SEAL)

ATTEST:

\_\_\_\_\_  
SECRETARY

\_\_\_\_\_  
CHAIR OF SUPERVISORS

\_\_\_\_\_  
SUPERVISOR

\_\_\_\_\_  
SUPERVISOR

## **ARTICLE 15: CERTIFICATION**

I do hereby certify that the foregoing is a true copy of Ordinance Number \_\_\_\_\_, adopted by the Board of Supervisors, Jefferson Township, Mercer County, Pennsylvania on \_\_\_\_\_, A.D., \_\_\_\_\_.

\_\_\_\_\_  
SECRETARY